



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, Assistant City Attorney
RE: City Attorney's Office Update
DATE: December 1st, 2022

In addition to drafting legislation and reviewing contracts as requested by City departments, the City Attorney's Office has worked on the following projects and initiatives since the Mayor's last update dated November 3rd, 2022:

Environmental Remediation

- Lemberger Landfill: Work continues as planned. I have taken the lead going forward.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- EPA re the City's Brownfield Program (Adam Tegen is handling).
- Routine open record requests will once again be handled by the City Attorney's Office. They have been handled in the interim by City Clerk/Deputy Treasurer Mackenzie Reed-Kadow.
- Reviewed a request made to MPD where redaction was questioned; MPD handled appropriately.

Litigation, Prosecution, and Neighborhood Improvement

- MAVCB/Hearty Olive suit: Smitha Chintamaneni, along with Attys. Douglas Raines and Amy Ambro of Husch Blackwell, LLP handling for City.
- Howell suit: no update, Brian Beisenstein of Menn handling for City.
- Lewandowski suit: no update, Rich Bolton of Boardman Clark handling for City.
- Rhienna Gabriel suit: **Dismissed with prejudice.**
- Lowe's suits: Ryan Braithwaite of Stafford Rosenbaum handling for City.

Economic Development

- CD Department's upcoming projects
 - Metal Ware – waiting on developer
 - Old Heresite property – ongoing
 - AMMO Option to Purchase
 - OTP for River Point Land Purchase / Development: Ongoing amendments

- River Point Lease termination discussion with Braun Building to facilitate sale to developer.
- Wisconsin Aluminum Foundry WAF Easement for gas lines on South 16th Street – finalized
- Schaus Roofing & Mechanical new warehouse building over City's 24" sanitary sewer – finalized
- raSmith Proposal for street and utility design for Viebahn/Hecker Road Industrial Park - finalized

Insurance/Risk Management

- Reviewed claims filed against the City, reported to and consulted with insurance (CVMIC) and Finance as appropriate
- ADA Title II work in progress, bimonthly meetings scheduled. City will need to appoint a new ADA coordinator and issue new policies as appropriate
- Municipal Property Insurance Company 2023 Policy – renewal quote finalized
- Secondlook/National General Insurance Subro Claim re Josh McMullen - finalized

Labor Matters

- Assist unionized departments with personnel matters, as needed
- Assist HR with policy interpretation, legal questions and discipline, as necessary

Office Matters/Additional Information

- Interim City Attorney Attorney Tony Wachewicz from vonBriesen has left the firm and taken a new position with the City of De Pere. The firm has transferred open matters to attorneys Steven Sorenson and Kyle Gulya, when needed, in concert with myself.
 - Manitowoc Lutheran High School vacant land purchase/ DOT restriction – this has been finalized with Attorney Trent Nelson, on behalf of the The Manitowoc Lutheran High School Federation, Inc. Quit Claim Deed drafted, approved and be forwarded to the Common Council for understanding.
 - WEDC Grant (SAG Funds) Contract for River Point District
- Attorney Joe Thuermer is conducting telephonic pre-trial conferences and trials for traffic and ordinance violations. A 30-day notice of cancellation has been delivered to him, effective December 31st, 2022.

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and have been handled in-house
- Chase / TIKR Holdings LLC Claim – 1035 South 10th Street
- PKS, LLC, d/b/a Bridgeview Bar Notice of Circumstances of Claim - 2 Maritime Drive
- Traffic / ordinance prosecution continues to be pre-trialed and scheduled for trial, if requested
- Increase in defendant requests to reopen defaulted/closed citations
- Trials scheduled into December 2022