



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Justin M. Nickels, Mayor
RE: City Attorney's Office Update
DATE: November 3rd, 2022

Since my last update dated September 30th, 2022, the City Attorney's Office continues to monitor the following projects:

- **Assistant City Attorney Eric Nycz started Monday, October 31st**

Environmental Remediation

- Lemberger Landfill: Work continues as planned. Dan Koski has taken an interim lead, along with ACA Eric Nycz
- 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 are being handled by City Clerk/Deputy Treasurer Mackenzie Reed-Kadow.

Litigation, Prosecution, and Neighborhood Improvement

- MAVCB/Hearty Olive suit: Smitha Chintamaneni, along with Attys. Douglas Raines and Amy Ambro now of Husch Blackwell, LLP (formerly of vonBriesen) 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: no update, vonBriesen will be handling for City per CVMIC
- Lowe's suits: Ryan Braithwaite of Stafford Rosenbaum handling for City
- 1412 North 5th Street Raze Order: The property has been restored to an acceptable condition and it now meets the minimum property maintenance standards as required by MMC 16.150. Satisfaction and Withdrawal of Order to Raze and Remove has been drafted and will be recorded soon.
- RWAM Elevator Project in-progress

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

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

Labor Matters

- Attorney Wachewicz assisted HR with legal advice as needed

Office Matters/Additional Information

- Interim City Attorney Attorney Tony Wachewicz from vonBriesen:
 - Manitowoc Lutheran High School vacant land purchase/ DOT restriction – no update
 - 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. Anticipated to continue with his contract until the end of the year. A 30-day notice of cancellation is required with his contract.
- Attorney John Bilka filled in for trials as needed. His services will no longer be needed.

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and forwarded on to our Interim City Attorney as needed
- 2 new litigation matters (Notice of Foreclosure on CDA loan and US District Court – Rhienna Gabriel v. Brandon Reid & PC Nick Reimer) no update
- 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