



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Justin M. Nickels, Mayor
RE: City Attorney's Office Update
DATE: September 1st, 2022

Since my last update dated July 20, 2022, the City Attorney's Office continues to monitor the following projects:

Environmental Remediation

- Lemberger Landfill: Work continues as planned. Dan Koski has taken an interim lead.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues. Amended and Restated Inter-Governmental Agreement with the Town of Newton and Town of Manitowoc completed.
- Mirro Plant No. 9: Godfrey Kahn is now legal counsel for cost recovery efforts
- WPS Superfund Site: No update.
- ARPA Subrecipient Agreement with Manitowoc County for Newton Gravel Pit Watermains

Open Records Requests

- EPA re the City's Brownfield Program (Adam Tegen is handling)
- Routine open record requests are being handled by City Clerk 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: new lawsuit filed 8/18/2022 for 2022 tax assessment, Ryan Braithwaite of Stafford Rosenbaum handling for City
- 1412 North 5th Street Raze Order / potential buyers for property – Atty. Wachewicz will advise as needed. No update.
- RWAM Elevator Project delay

Economic Development

- CD Department's upcoming projects
 - Metal Ware – waiting on developer
 - Old Heresite property – ongoing
 - AMMO Option to Purchase
 - Diederichs OTP for River Point Land Purchase / Development
 - MTM Amendment – Offer to Purchase I-43 Industrial Park

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
 - 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.
- Attorney John Bilka fills in as required

Monthly Reporting on Workload

- Numerous Requests for Legal Services received
- 2 new litigation matters (Notice of Foreclosure on CDA loan and US District Court – Rhienna Gabriel v. Brandon Reid & PC Nick Reimer)
- Traffic / ordinance prosecution continues to be pre-trialed and scheduled for trial, if requested
- Trials scheduled into December 2022