



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

TO: Personnel Committee
FROM: Eric G. Nycz, Assistant City Attorney
RE: City Attorney's Office Update – February 2023
DATE: January 31, 2023

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 my last update dated December 1st, 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 – Building Inspection records

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.
- Lowe's suits: Ryan Braithwaite of Stafford Rosenbaum handling for City.
- Raze Order issued for 847 North 11th Street
- Completed backlog of processing animal bite incidents from February 2022

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 discussions with Braun Building to facilitate sale to developer.
 - Wisconsin Aluminum Foundry WAF Easement for gas lines on South 16th Street – edits finalized
 - Schaus Roofing & Mechanical new warehouse building over City's 24" sanitary sewer – edits finalized

- Briess Malting – HAP Award to dredge the river and meetings on vault damage on South 7th Street
- Kwik Trip on Menasha Avenue – errors with the Alteration/Demolition Permits submitted by Kwik Trip were fixed finalization with BI & State in an expedited fashion

Insurance/Risk Management

- Reviewed claims filed against the City, reported to and consulted with insurance (CVMIC) and Finance as appropriate
- Coordinated insurance transition and information with MPU for Waste Management
- Seasonal increase of mailbox claims being filed
- ADA Title II work in progress, bimonthly meetings scheduled. City needs to appoint a new ADA coordinator and issue new policies as appropriate
- Assisted MPU with their request for cyber loss info from CVMIC
- Secondlook/National General Insurance Subro Claim re Josh McMullen – near finalization

Labor Matters

- Assist unionized departments with personnel matters, as needed
- Assisted HR with USI health insurance amendment interpretation, misc. legal questions

Office Matters/Additional Information

- vonBriesen Attorneys Steven Sorenson and Kyle Gulya, are on-call, as needed, but were not needed over this period.
 - WEDC Grant (SAG Funds) Contract for River Point District
- Attorney Joe Thuermer’s prosecution contract for traffic and ordinance violations was cancelled effective December 31st, 2022. I am handling all prosecution at this time.
- Legal review of existing Social Media Policy
- Legal review and revisions to City-wide Hold Harmless Agreement waiver form
- Finalized BioSolids Agreement between Town of Manitowoc Rapids and MPU/City
- Settlement of broken statue issue from carpet installation at RWAM
- Review of new State law on binding authority language for all LLCs and partnerships so all City permits and contracts are signed by a person who may bind the entity in a contract; revision of existing permits, license applications, and contracts to comport with this law
- Cell tower lease negotiations at 736 Revere Drive to increase use of the tower and revenue to the City
- Presentations for Manitowoc PD In-Service Training

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and have been handled completely in-house (this is greater than 50% of attorney workload)
- Chase / TIKR Holdings LLC Claim – 1035 South 10th Street – Common Council granted the claim on 12/19/2022. Payment finalized on January 13th, 2023.
- PKS, LLC, d/b/a Bridgeview Bar Notice of Circumstances of Claim - 2 Maritime Drive – negotiations
- 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 June 2023
- Requested Circuit Court Jury Trial scheduled for September 19, 2023