



# CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee  
FROM: Eric G. Nycz, City Attorney  
RE: City Attorney's Office Update –May 2024  
DATE: May 1, 2024

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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 March 25, 2024:

## **Environmental Remediation**

- Lemberger Landfill: Work continues as planned. PFAS a developing issue.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues. Newell has countered the City's offer for 2022 costs and negotiations continue. Additional testing is required by the DNR.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

## **Open Records Requests**

- Increase in routine open record requests –Police Dept, Transit, Finance, Legal.

## **Litigation, Prosecution, and Neighborhood Improvement**

- MAVCB/Hearty Olive suit: Smitha Chintamaneni, Douglas Raines and Amy Ambro of Husch Blackwell, LLP and Chris Smith of von Briesen handling for City. We are now briefing the issue of remedies and the Court will issue a final opinion in this matter on May 21, 2024.
- Behnke (ShopKo) suit: the plaintiff is now pursuing another legal strategy as they work towards development of one of the out lots adjacent to Calumet Ave. A Status Conference is scheduled for May 20, 2024 at 3:30 p.m.
- Work continues with the civil suit against Econo Lodge for failure to pay room tax. An updated letter was sent out via Certified Mail on April 17, 2024. The hotel is in the redemption period for foreclosure and owes over \$1.8 million on an original loan of \$1.6 million.
- 770 Albert Drive - A nuisance suit has been filed.
- Mall Properties: Closing should be completed by May 3, 2024. A purchase and sale agreement was executed by all parties on May 1, 2024.

## **Economic Development**

- CD Department's upcoming projects
  - Old Heresite property: 8 acres still available, the City has moved debris piles from the Gravel Pit to this site to accommodate the solar farm
  - AMMO Option to Purchase: Approximately 2 years on this option.
  - OTP for River Point Land Purchase / Development: closing has been pushed to March 12, 2025

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- River Point - Lease termination discussions and relocation with Braun Building to facilitate sale to developer; Braun noted they can be out by January 2025 – a draft of a new lease to accomplish this is ready for Finance Committee review.
- Briess Malting – HAP Award to dredge the river. Counsel has mutually agreed on the contract language; waiting on the State to finalize. A new HAP grant was awarded this year so work will begin on that shortly.

### **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 needs to appoint a new ADA coordinator and issue new policies as appropriate.
- Two new claims for the month of April.

### **Labor Matters**

- Assist unionized departments with personnel matters, as needed. Labor issues arising with the Fire Department.

### **Office Matters/Additional Information**

- Review of state law on binding authority language for all LLCs and partnerships to ensure all City permits and contracts are signed by a person who may bind the entity to a contract; revision of existing permits, license applications, and contracts to comport with this law – on hold pending Mayor direction or approval.
- A draft of the WWTF to MPU code updates has been returned by MPU and this Office is spending time considering those requests.

### **Monthly Reporting on Workload**

- Numerous Requests for Legal Services received – this is the majority of Attorney's workload.
- Traffic/ordinance prosecution continues to be pre-trialed and scheduled for trial, if requested.
- Few requests to reopen this month.
- Trials scheduled into November 2024.
- Jury trials scheduled into May, 2024.