



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 – April 2023
DATE: March 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 March 1st, 2023:

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. Meetings with environmental expert Dave Henderson to discuss projects and budget requests for the year.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- Numerous routine open record requests – Building Inspection records; settlement 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. Attended oral ruling on Motions for Summary Judgment on March 9, 2023.
- Howell suit: no update, Brian Beisenstein of Menn handling for City.
- Lewandowski suit: no update, Rich Bolton of Boardman Clark handling for City. Dispositive motions are due April 3, 2023, while the discovery deadline is today. Mr. Lewandowski remains unrepresented.
- Lowe's suits: Ryan Braithwaite of Stafford Rosenbaum handling for City.
Lowe's v. Delavan: On February 16, 2023, the Wisconsin Supreme Court ruled in favor of Delavan in an overall excellent decision for municipalities. Lowe's may initiate settlement discussions at any time.
- Raze Orders issued for 2218 Michigan Avenue and 2222 Michigan Avenue.

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.
 - Schaus Roofing & Mechanical new warehouse building over City's 24" sanitary sewer – new revisions.

- Briess Malting – HAP Award to dredge the river and meetings on vault damage on South 7th Street.
- Negotiations with Attorney Tim Burkart regarding Briess Vault issue.
- Stecker petition to detach from the City was denied by the Common Council on March 20th, 2023.
- 4221 Calumet Avenue – sale proceeding towards a closing date after work on title objections, condition removal by the D.O.T., and several addendums.

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.
- Secondlook/National General Insurance Subro Claim re Josh McMullen – near finalization.
- Approved and processed new invoices from MPIC and CVMIC 2023 polices due to WWTF / MPU / lift station matters.

Labor Matters

- Assist unionized departments with personnel matters, as needed.

Office Matters/Additional Information

- vonBriesen Attorneys Steven Sorenson and Kyle Gulya, are on-call, as needed, but were once again not needed over this period.
 - WEDC Grant (SAG Funds) Contract for River Point District
- Review of new 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.
- Cell tower lease negotiations at 736 Revere Drive to increase use of the tower and revenue to the City – letter of intent signed; review and negotiation of contracts underway.
- Presentations for Manitowoc PD In-Service Training completed.
- Assisted Finance with delinquent room tax fee issues.
- Working on revisions to the Room Tax Ordinance.
- Attempting to acquire a strip of land from CVS to complete bike/trail path along Johnston Drive - ongoing.
- Resolution regarding EpiPens – work continues on drafting and discussions with attorneys in other municipalities.
- Revised Bicycle Ordinance.

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and have been handled completely in-house – this is the vast majority of Attorney’s workload.
- 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 continue.
- Trials scheduled into June 2023.
- Jury trials scheduled into October.