



# CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee  
FROM: Justin M. Nickels, Mayor  
RE: City Attorney's Office Update  
DATE: July 20<sup>th</sup>, 2022

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Since my last update dated May 31, 2022, (the July Personnel Committee meeting was cancelled) 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.

## **Open Records Requests**

- EPA re the City's Brownfield Program (Adam Tegen is handling)
- Wisconsin Public Defender's Office Subpoena for PD – Completed.
- Routine open record requests are being handled by City Clerk Mackenzie Reed-Kadow.

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

- MAVCB/Hearty Olive suit: Smitha Chintamaneni of vonBriesen handling for City, in concert with Attorney Wachewicz
- 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: update provided separately to Council, Ryan Braithwaite of Stafford Rosenbaum handling for City
- 1412 North 5<sup>th</sup> Street Raze Order / potential buyers for property – Atty. Wachewicz will advise as needed. No update.

### **Economic Development**

- CD Department's upcoming projects
  - Metal Ware – waiting on developer
  - Old Heresite property – ongoing
  - AMMO Option to Purchase

### **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 open records request, employee exit form and Carlson Dettmann market analysis contract

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

- Interim City Attorney Attorney Tony Wachewicz from vonBriesen:
  - Pelion Restatement Resolution & forms for June 20<sup>th</sup> Council
  - June 20<sup>th</sup> Common Council meeting was cancelled
  - June 22<sup>nd</sup> Board of Review agenda and procedure – appeared via Zoom
  - Manitowoc Lutheran High School land / 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 settled an OWI trial that was scheduled for June 1<sup>st</sup>

### **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 October