



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, City Attorney
RE: City Attorney's Office Update – March 2024
DATE: March 4, 2024

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 January 25, 2024:

Environmental Remediation

- Lemberger Landfill: Work continues as planned. PFAS now 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.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- Routine open record requests – Building Inspection and Finance.

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 March 7, 2024 at 11:00 a.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 February 26, 2024. We may recommend a new license requirement for hotels subject to the room tax; this will require an ordinance revision.
- 770 Albert Drive - Working with Chief Blaser and Fire & Rescue/Inspection. A nuisance suit has been drafted.
- Mall Properties: A request for Writ of Certiorari has been filed regarding the CDA and CC's decision to blight the former mall properties. Alan Marcuvitz of von Briesen has been retained to run point for the City's defense and acquisition of the mall properties.

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 almost ready for Common Council 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.
- Secondlook/National General Insurance Subro Claim re Josh McMullen –settlement-approved by the Common Council in January 2024. This claim has concluded.
- No new claims for the month of February.

Labor Matters

- Assist unionized departments with personnel matters, as needed, although no action here this month.

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.
- Several requests to reopen this month.
- Trials scheduled into June 2024.
- Jury trials scheduled into March 2024.