



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, City Attorney
RE: City Attorney's Office Update – December 2023
DATE: November 28, 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 October 25, 2023:

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

- Numerous 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. A Status Conference is scheduled January 3, 2024. Mediation is scheduled for December 13, 2023 at City Hall.
- Behnke (ShopKo) suit: Oral Ruling is scheduled for November 30, 2023. The City joined this case to show support for further development in the former Shopko lot. It looks unlikely that the development will succeed.
- Work continues with the civil suit against Ecolodge for failure to pay room tax. An updated letter was sent out via Certified Mail on November 20, 2023. We may recommend a new license requirement for hotels subject to the room tax; this would require an ordinance revision.
- 770 Albert Drive - Working with Chief Blaser and Fire & Rescue/Inspection. A nuisance suit is forthcoming.
- 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 – the City has noticed they must be out by January 2024; the developer is ready when the City has the property ready.
- Briess Malting – HAP Award to dredge the river and meetings on vault damage on South 7th Street. Counsel has mutually agreed on the contract language; pending review by Mr. Briess.

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 —received 1 of 2 final proof of payments by subrogation carrier.
- No new claims for the month of November.

Labor Matters

- Assist unionized departments with personnel matters, as needed. Current negotiations for contract with police union.

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.
- Considerable effort/time spent on WWTF to MPU code updates.
- An Alcohol License Policy has been drafted and will be on the Finance Committee Agenda in January.

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.
- Minimal requests to reopen this month.
- Trials scheduled into January 2024.
- Jury trials scheduled into February 2024.