



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, City Attorney
RE: City Attorney's Office Update –August 2024
DATE: July 29, 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 May 28, 2024:

Environmental Remediation

- Lemberger Landfill: Work continues as planned.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues. Working on cost recovery for 2022 and a plan moving forward.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- Many Open Record Requests for the months of June and July for Building Inspection, Finance and Clerk's Office.

Litigation, Prosecution, and Neighborhood Improvement

- MAVCB/Hearty Olive suit: Smitha Chintamaneni and Douglas Raines of Husch Blackwell, LLP handling for City. A final order in this matter was entered and the parties' deadline to file an appeal is August 8, 2024.
- Behnke (ShopKo) suit: This matter settled and was dismissed on June 14, 2024. Construction has begun for a new Pizza Hut.
- The Econo Lodge has now failed to redeem and will be sold at auction. It is unlikely that the City will recoup any of its lost room tax revenue.
- 770 Albert Drive - A nuisance suit has been filed. The owners are working on cleaning up the park. City staff will review their progress the second week of August and if they have not met their burden, we will resume litigation. A status conference is scheduled for Sept. 13th, 2024 at 9:45 a.m.

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
 - River Point - Lease termination discussions and relocation with Braun Building to facilitate sale to developer; Braun has affirmed they will be out by January 2025 and demolition of 2/4 buildings has already occurred.

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Insurance/Risk Management

- Reviewed several claims filed against the City, reported to and consulted with insurance (CVMIC) and Finance as appropriate.
- City needs to appoint a new ADA coordinator and issue new policies as appropriate.
- Three new claims in June and three new claims in July.
- Completed CVMIC insurance renewal – this is a time-consuming task. Will work on Worker's Compensation renewal in August.

Labor Matters

- Assist unionized departments with personnel matters, as needed. Labor issues 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. A meeting with MPU on August 2 should resolve current issues between the entities.

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 December 2024.
- Jury trials scheduled into August, 2024.