



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, Interim Attorney
RE: City Attorney's Office Update – August 2023
DATE: July 24, 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 June 2, 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. There is some pushback regarding routing and there are new requests to hook into the main.
- 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 and zoning records.

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 Hearing has been set for August 23, 2023 regarding the City's motion to Stay Enforcement of the Court's Order and the plaintiffs' motion on Remedies (these are two separate issues that have been fully briefed). It is expected that Judge Rohrer will issue an oral ruling on August 23, 2023 and I plan to attend.
- Lewandowski suit: Mr. Lewandowski remains unrepresented. A Court trial set for November 1, 2023.
- Behnke (ShopKo) suit: an oral ruling on the motion for declaratory judgment is expected on August 30, 2023. The City joined this case to show support for further development in the former Shopko lot.
- Working on filing a Civil Suit against EconoLodge for failure to pay room tax.

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 and relocation with Braun Building to facilitate sale to developer; Braun has submitted a TIF Proposal and the City has countered the Proposal.
 - Briess Malting – HAP Award to dredge the river and meetings on vault damage on South 7th Street. Briess is holding up the agreement due to some issues with the state's language.
 - Negotiations with Attorney Tim Burkart regarding Briess Vault issue; nearing an end, we hope.

- 4221 Calumet Avenue: closing was on July 31, 2023.
- Work on Blight-related issues have increased.

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.
- Approved claim for lost cellphone following detention by MTPD.
- Recommendations on Lugiai & Neidl claims. They are in final stages.

Labor Matters

- Assist unionized departments with personnel matters, as needed. Current negotiations for contract with Transit and MPSD.

Office Matters/Additional Information

- vonBriesen Attorney Steven Sorenson, is on-call, as needed, but was once again not needed over this period.
 - WEDC Grant (SAG Funds) Contract for River Point District
- 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.
- Our summer intern successfully completed his internship.

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and have been handled completely in-house – this is the majority of Attorney's workload.
- Long-term projects are requiring more daily attention.
- Traffic / ordinance prosecution continues to be pre-trialed and scheduled for trial, if requested.
- Minimal requests to reopen this month.
- Trials scheduled into December 2023.
- Jury trials scheduled into October 2023.