



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

TO: Personnel Committee
FROM: Eric G. Nycz, City Attorney
RE: City Attorney's Office Update –June 2024
DATE: May 28, 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 1, 2024:

Environmental Remediation

- Lemberger Landfill: Work continues as planned.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues. Additional testing is required by the DNR.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- No Open Record Requests for the month of May.

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 will be entered following the May 21, 2024 oral ruling. The parties will have 45 days after the order is entered to file an appeal.
- 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 was scheduled for May 20, 2024 at 3:30 p.m. This matter has essentially been settled.
- The Econo Lodge is in the redemption period for foreclosure and owes over \$1.8 million on an original loan of \$1.6 million. It is unlikely that the City will recoup any of its lost room tax revenue.
- 770 Albert Drive - A nuisance suit has been filed. A Scheduling Conference is scheduled for June 7, 2024 at 11:15 a.m.
- Mall Properties: This has been completed and the City now owns the Mall properties. All remaining related lawsuits have been dismissed.

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 noted they can be out by January 2025. Lease amendment was approved by Council in April 2024.

CITY ATTORNEY ERIC G. NYCZ

CITY HALL ■ 900 QUAY STREET ■ MANITOWOC, WI 54220
PHONE: (920) 686-6990 ■ EMAIL: CITYATTORNEY@MANITOWOC.ORG

- 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.
- One new claim for the month of May.

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 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.
- Few requests to reopen this month.
- Trials scheduled into November 2024.
- Jury trials scheduled into June, 2024.