



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, City Attorney
RE: City Attorney's Office Update –April 2024
DATE: March 25, 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 March 4, 2024:

Environmental Remediation

- Lemberger Landfill: Work continues as planned. PFAS 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 Police Dept.

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 May 20, 2024 at 3:30 p.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 March 6, 2024. We may recommend a new license requirement for hotels subject to the room tax; this will require an ordinance revision.
- 770 Albert Drive - 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 ready for Finance Committee 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.
- Two new claims for the month of March.

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