

# Legal Memorandum

**To:** Common Council

**From:** Stephen F. Matty – City Attorney 

**Date:** January 3, 2023

**Re:** Legistar No.: 22-1426 - Resolution regarding Harry J. Olson Multipurpose Senior Center, Inc.

---

Resolution 22-1426 is misleading and factually inaccurate. The Legal Department attempted to fix the inaccuracies with the sponsor prior to introduction of the legislation. Notwithstanding, the sponsor insisted on submitting the legislation in its original form. Regardless of the ultimate disposition of the resolution, the factual inaccuracies need to be corrected.

Attached to this memorandum is a copy of the original legislation as submitted from the sponsor. Also attached is the proposed changes to the legislation as updated by the Legal Department. Specifically, changes to the legislation need to be made because the original legislation misleads the public to believe that the City Council previously enacted legislation to sell the property for one dollar. This assertion is false. The City Council never authorized the sale of the property for one dollar. Rather, it was the recommendation from the Board of Public Works to sell the property from one dollar. A copy of Resolution 15-1219 is also attached for further clarification.

Attachments

\* \* \*

**WHEREAS, the Common Council, on January 14, 2016, passed a resolution regarding approval of a lease with Harry J Olson Multipurpose Senior Center, Inc., for City owned property located at 1607 North Street,; and,**

**WHEREAS, the Resolution called for the sale of the property at 1607 North Street to Harry J Olson Multipurpose Senior Center, Inc. after the end of the lease for \$1.00; and,**

**WHEREAS, the Resolution also provided that if t The Harry J Olson Multipurpose Senior Center, Inc. did not wish to purchase the property it should be declared surplus property and sold to a third party under such terms and conditions as The City required; and,**

**WHEREAS, The Harry J Olson Multipurpose Senior Center, Inc. desires to purchase the property and has so notified the City; and,**

**WHEREAS, the City asserts it will not transfer the property without it being subject to certain restrictions and covenants which the Harry J Olson Multipurpose Senior Center, Inc. will not accept and the parties are at an impasse; and,**

**WHEREAS, the City has threatened eviction of The Harry J Olson Multipurpose Senior Center, Inc. from the subject premises;**

**NOW THEREFORE, to resolve the impasse that exists the Common Council of the City of La Crosse resolves as follows:**

- 1. The City shall transfer with all deliberate speed the subject property to The Harry J Olson Multipurpose Senior Center, Inc. for \$1.00 and subject to the following terms and conditions.
  - A. The subject property shall only be used as a Senior Center in substantially the same way and manner as it has been used heretofore.**
  - B. If for any reasons the property is not nor cannot be used as a Senior Center as contemplated herein the City shall have the option to repurchase for \$1.00.**
  - C. The property shall remain a polling place for the City of La Crosse in the same manner that it has been used heretofore.****
- 2. The City shall not commence a legal action to evict the Harry J Olson Multipurpose Senior Center, Inc. from the subject premises**
- 3. The City and its various subdivisions and Departments are authorized to take any and all steps necessary to effectuate this Resolution.**

Resolution regarding Harry J. Olson Multipurpose Senior Center, Inc.

RESOLUTION

WHEREAS, ~~the Common Council~~, on January 14, 2016 the Common Council passed ~~a resolution~~ Resolution #15-1219 regarding approval of a lease with Harry J. Olson Multipurpose Senior Center, Inc., for City-owned property located at 1607 North Street; and

WHEREAS, ~~the resolution called for~~ Resolution's recitals identify that the Board of Public Works recommended the sale of the property at 1607 North Street to Harry J. Olson Multipurpose Senior Center, Inc. after the end of the lease for \$1.00; and

WHEREAS, the Resolution's recitals also provided that if ~~the~~ Harry J. Olson Multipurpose Senior Center, Inc. did not wish to purchase the property it should be declared surplus property and sold to a third party under such terms and conditions as the City required; and

WHEREAS, the Harry J. Olson Multipurpose Senior Center, Inc. desires to purchase the property and has so notified the City; and

WHEREAS, the City asserts it will not transfer the property without it being subject to certain restrictions and covenants which the Harry J. Olson Multipurpose Senior Center, Inc. will not accept and the parties are at an impasse; and

WHEREAS, the City has threatened eviction of the Harry J. Olson Multipurpose Senior Center, Inc. from the subject premises.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse that to resolve the impasse that exists, the Common Council of the City of La Crosse-resolves as follows:

1. The City shall transfer with all deliberate speed the subject property to the Harry J. Olson Multipurpose Senior Center, Inc. for \$1.00 and subject to the following terms and conditions:
  - A. The subject property shall only be used as a senior center in substantially the same way and manner as it has been used heretofore.
  - B. If for any reason the property is not or cannot be used as a senior center as contemplated herein, the City shall have the option to repurchase for \$1.00.
  - C. The property shall remain a polling place for the City of La Crosse in the same manner that it has been used heretofore.
2. The City shall not commence a legal action to evict Harry J. Olson Multipurpose Senior Center, Inc. from the subject premises.
3. The City and its various subdivisions and departments are authorized to take any and all steps necessary to effectuate this resolution.

Resolution approving final lease renewal for the Harry J. Olson Senior Citizen Center, Inc. and the La Crosse Senior Citizens Multiple Services Center, Inc.

AMENDED RESOLUTION

WHEREAS, the leases between the City and both the Harry J. Olson Senior Citizen Center, Inc. and the La Crosse Senior Citizens Multiple Services Center, Inc. will both expire on December 15, 2015, and

WHEREAS, the City has had architectural and engineering analyses prepared for both facilities which identify many needed repairs and upgrades to the facilities, and the estimated costs thereof, and

WHEREAS, the City's Board of Public Works has recommended that the City enter into final five-year lease renewal agreements for the period 2015-2020, and that the facilities be offered for sale upon expiration of said leases for \$1.00 each to the respective lessee's, and

WHEREAS, should either of the respective lessee's decline to purchase their respective facilities upon expiration of said leases, the City shall declare such facilities to be surplus property and shall offer such facilities for sale to any interested parties at a negotiated price.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse, that it hereby approves the attached leases with the Harry J. Olson Senior Citizen Center, Inc. and the La Crosse Senior Citizens Multiple Services Center, Inc.

BE IT FURTHER RESOLVED that proof of liability insurance is required prior to execution of said leases.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the same.

BE IT FURTHER RESOLVED that ~~no~~ future extensions of these leases shall be allowed ~~without the review and approval~~ by the Common Council.

BE IT FURTHER RESOLVED that a sub-committee is formed to research necessary needs and capital improvements needed to sustain the buildings used by the senior centers in the future. The sub-committee will consist of three council members and four city residents for a total of seven (7) members appointed by the Mayor.

BE IT FURTHER RESOLVED that the Director of Public Works and the Director of Planning and Development will serve as staff for the sub-committee.

BE IT FURTHER RESOLVED that the Board of Public Works and appropriate Department Heads are hereby authorized to take any and all steps necessary to effectuate this resolution.

---

*I, Teri Lehrke, certify that this resolution was duly and officially adopted by the Common Council of the City of La Crosse on January 14, 2016.*



Teri Lehrke, City Clerk  
City of La Crosse, Wisconsin