

## Memorandum

To: City of La Crosse Common Council

From: CM Mark Neumann

Date: January 6, 2023

Re: Communications pertaining to Legislative Item #22-1426

After the public hearing before the F&P Committee pertaining to its agenda item #22-1426, Resolution regarding Harry J. Olson Multipurpose Senior Center, Inc., I received a follow-up email from Mr. Terence Collins, who is legal counsel for the Harry J. Olson Senior Center, Inc.

There are perspectives expressed by Mr. Collins in that communication that raise concern for me. His statement that he “hoped the resolution (22-1426) would be decided on its merits and not on what had been said in the negotiations between parties” appears to me to be most salient.

I believe that I as a member of the La Crosse Common Council have a responsibility and a burden to do my best to protect the public interest of all citizens and tax payers of our town. The “negotiations between parties” that Mr. Collins proposes to ignore are important to me because our mayor and his staff work hard every day to serve our public and those negotiations are part of that service. Those negotiations cannot be discounted or excluded simply because one party is unhappy with their starting point or direction. The optimal outcome for any negotiation depends upon the good faith participation of all parties. I am disappointed that the HJO Senior Center, Inc. legal counsel appears to leave uncorrected the false accusation that our mayor, the city staff, the Common Council and our entire City have an obligation to sell property that we are not obligated to sell. Simply stated the Common Council’s decisions recorded in the January 14, 2015, resolution 15-1219 do not obligate any sale of property. I believe that we should stop pretending otherwise.

There may, very well, be good reason for our City to want to transfer ownership of the HJO building to the HJO Senior Center, Inc. I believe that many persons of our public gave testimony in favor of this possibility at our 1/5/22 F&P hearing on that subject. It is my opinion that we need to bring to good conclusion the negotiations that must occur between seller and buyer for this to happen. Our City has made an offer for sale. It is time for the buyer to propose a counter offer for purchase if it is not satisfied with the offer already on the table. The seller (our City) has the burden to protect the public interest and the buyer has its own interests. Let the two parties continue to negotiate in good faith.

I do not agree with trying to manage this issue by resorting to inflammatory public accusations of poor faith and disrespect. This kind of treatment is not fair to our City, its mayor, our city staff and our Common Council that I believe seeks to do what is best for all interested parties.

**For reference, here is a copy of Mr. Collins’ 1/5/22 email to CM Mark Neumann:**

*Mr Neumann,*

*I took note of your remarks after the public hearing was closed and I so wanted to respond but couldn’t. Had I been able to I would have said as follows:*

*It is obvious to me that how the Jan 14, 2016, Resolution is interpreted is important to you. That is contrary to how I hoped the current resolution would be analyzed. I said I hoped the resolution would be decided on its merits and not on what had been said in the negotiations between the parties. If the Jan 14, 2016 Resolution was NOT a promise to sell - the Common Council could still adopt the current resolution. If the Jan 14, 2016, WAS a promise to sell - the Common Council could still adopt the current resolution.*

*You gave me your interpretation of the Jan 14, 2016 Resolution before. I acknowledged the seriousness of your view but only a Court can decide that and I was hoping to avoid that.*

*It was mentioned that the full Common Council will go into a closed session to get the advice of the City Attorney. He has been involved in the negotiations so he is not a disinterested party. If you ask what is his interpretation of the Jan 14, 2016 Resolution I think I can confidently predict he will say it was not a promise to sell. I hope you will also ask him if the Common Council can legally adopt the current resolution no matter what the conclusion is as to the interpretation of the Jan 14, 2016 Resolution.*

*Thank you for considering what I have to say.*