

Memorandum

To: City of La Crosse Common Council

From: CM Mark Neumann

Date: January 6, 2023

Re: Communications pertaining to a public hearing before the F&P Committee on January 5, 2023

After a 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.

Mr. Collins offered testimony at the public hearing, and I questioned him to provide clarity with regard to an accusation that our City is not holding up to its obligation for the sale of certain property. He offered a response to my question that I felt was off topic. It appeared to me that his response was a pivot and not a direct answer to the concern that I had raised.

I have responded to Mr. Collins' email out of respect for his effort to communicate with me. He copied several Common Council Members and others besides myself on his email. It is important for me that these communications become part of the public record as they pertain to an important subject that remains before the full Council.

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.

CM Mark Neumann's 1/6/22 email response to Mr. Collins:

Hello Mr. Collins,

My concern is pretty simple but far reaching.

The amended resolution 15-1219 includes the following in its recital, "WHEREAS, the City's Board of Public Works has recommended ... that the facilities be offered for sale upon expiration of said leases for \$1.00 each to the respective lessee's..."

However, the amended resolution 15-1219 includes under the enumeration of "BE IT RESOLVED" no recording of Common Council (CC) action that would commit the City for the sale of the HJO building. The Board of Public Works (BPW) does not have the authority to commit the City to the sale of property without CC approval. Even if the BPW had authority to make that commitment, there is no written documentation of that action contained in the record of minutes for BPW meetings and actions. The statements included under the recital are not actions of the CC. I can understand that it would be easy for ordinary folks to be confused by that point, but I wish you as legal counsel would have clarified that confusion for the sake of your client.

The far reaching nature of this confusion (left uncorrected) has led people to express feelings of having been mistreated and disrespected. There have been serial accusations of dishonesty and bad faith thrown at the CC and the mayor of our town. These accusations have come to me by direct communications with constituents, by articles appearing in our public media and by testimony offered at our public hearing before the F&P Committee last evening.

These accusations of bad faith are not good for our public belief and confidence in our ability to be a self-governing people.

I wish that you would clarify for your client that the contents of recitals in CC resolutions are not a record of CC decisions and actions. Only the contents of the "BE IT RESOLVED" section of CC resolutions are recordings of CC legislative actions that our City and our Mayor are obligated to execute.

Sincerely,

*Mark Neumann
La Crosse Common Council Member
District 13
608-345-7572*