

**Village of Holmen
Board Proceedings
October 14, 2021**

President Barlow called the Holmen Village Board meeting to order at 7:00 pm on October 14, 2021, at the Holmen Village Hall.

Board members present: Patrick Barlow, Rich Anderson, Rod Stanek, Brandon Cain, Doug Jorstad, Dawn Kulcinski and Micah Wyss. Also present were Patrick Wilson, Jeremy Cook, District Attorney Tim Gruenke, Mary Boggs, Canace Brown, Dona Goede, Joshua Goede, Amantha Fields, Kathy Mertes, Megan Miller, Nicole Prieb, Amanda Becker, Brittany Amundson, Allison Rickert, Jessica Nolte, Justin Snyder, Brandon Amundson, Jeff Amundson, Breinn Kramer, Haylee Pagenkopt, Pam Viner, Attorney Weber, Administrator Heinig, Clerk/Treasurer Hornberg, Public Works Director Mezera, Chief Collins, Engineer Dahl and Park & Recreation Director Brogan. Present through Zoom for the Fire Board report was Fire Chief Gilliam.

Special Presentation

Patrick Wilson from the Bluffland Coalition gave a presentation on the groups' mission to preserve bluffland and create multi-use trails; the goal is to make the area a regional destination to enhance health, ecosystems and economics in the area. Wilson stated that the ultimate goal for the group would be a multi-use trail traveling from Goose Island to the north bike trail off Hwy. 53. He answered questions and encouraged the Village of Holmen's participation with this group to continue to move forward to reach their goals.

Public Comment

Justin Snyder addressed the room regarding an incident at a local daycare which he feels was not handled appropriately. He feels the system has failed the victim and that evidence was lost due to ineffective handling of the claim which was reported days after the incident. He shared a letter regarding his findings of the incident; these are available as an addendum to the minutes.

Chief Collins reviewed the timeline for the incident, as well as all efforts by the Holmen Police Department to gather evidence to report to the La Crosse County District Attorney's office. He reported that the evidence presented to the police by Mr. Snyder was reviewed frame-by-frame and found to be identical to evidence gathered by the Holmen Investigator. All of the same evidence was turned over to the La Crosse County District Attorney, Child Protective Services, as well as State daycare licensing personnel.

Village Attorney Weber commented that District Attorney Gruenke was in attendance this evening. Weber reviewed that in a situation such as this, it is the Police Department's job to gather information with which the District Attorney's office will use to review and decide on how to proceed.

District Attorney Gruenke spoke regarding the unfortunate situation which resulted in a child hurt and a family unsatisfied with findings from the investigation. He complimented the Holmen Investigator whom is one of the finest child abuse investigators in the area; he stated that the investigation was routine, in fact it probably went further than most investigations would. He indicated that all agencies in charge of reviewing the evidence found there to be no intentional criminal act during this situation.

Village Board President Barlow inquired as to what power the Village Board might have in a situation such as this. The District Attorney affirmed that all decisions on how to proceed in a situation like this solely rests with the District Attorney's office. Attorney Weber cautioned the Village Board on directing the Police Department on how to conduct an investigation since this would be above their level of expertise.

District Attorney Gruenke offered to speak with the family privately to discuss other options; options such as having a judge review the District Attorney's decision, appealing to the licensing agencies and pursuing a civil claim.

Minutes

Rich Anderson/Doug Jorstad motioned to approve the minutes of the September 9, 2021 Board meeting and the October 4, 2021 Special Board Meeting as presented. The motion carried unanimously.

Planning Commission

No meeting was held.

Park, Recreation and Library Committee

No meeting was held.

Public Works Committee

Rich Anderson/Brandon Cain motioned to approve purchase of spare pump for Hale Drive lift station from Lackore Electric Motor Repair, Inc. in the amount of \$11,548.75. The motion carried unanimously.

Finance and Personnel Committee

Doug Jorstad/Micah Wyss motioned to approve payment of the claims as presented for a total amount of \$1,776,253.22. The motion carried unanimously.

Rich Anderson/Rod Stanek motioned to approve Resolution 8-2021, Fire District Levy Increase for 2022. Heinig reviewed the Resolution and the intelligence of utilizing this rare opportunity for a levy increase for the Joint Fire Department to assist with operational costs. However, the Towns are preparing to exceed the proposed percentage which would make us ineligible for this increase. Heinig asked that the adoption be approved to have it recorded as a potential option. The motion carried unanimously.

Doug Jorstad/Dawn Kulcinski motioned to approve Resolution 10-2021, Creation and Adoption of Election Wards Map. Heinig explained this was the final step to accept the recent redistricting and needs to be submitted to the County prior to the end of October. The motion carried unanimously.

Fire Board Report

La Crosse Fire Chief Gilliam advised the Board by Zoom on some changes and budget requests for 2022. He indicated that the new Quint truck which was purchased by the Holmen Area Fire Board in 2018 was a good idea, but an ill-timed purchase. He explained the reasoning for this is that there is not sufficient qualified staff to operate the apparatus. He suggested that the Quint be sold and replaced with a new front-line emergency vehicle and an additional tender; as it stands, there would be a 10-month waiting period to receive this type of equipment. He stated that the Holmen Area Fire Department would be best served to have dependable front-line vehicles. The Quint aerial truck would be something that would not typically arrive first to a fire emergency and if needed, there are seven aerial trucks located right outside of Village boundaries that could assist through mutual aid agreements.

Trustee Wyss inquired as to the Chief's plan to increase qualified staff and how long it might be before we did indeed have sufficient staff to utilize the Quint.

Chief Gilliam suggested a minimum of four additional firefighters and two years before the Quint would be a useful piece of equipment for the Department. He also indicated that there was much more immediate need for the Department to upgrade other equipment such as air packs and radios.

Trustee Stanek inquired as to if we were 10 months out on a front-line engine and we sell the Quint prior to that, what would we do for the next seven months.

Chief Gilliam indicated that we would continue to utilize the current front-line vehicles and tenders; he commented that we currently don't have sufficient staff to even fill those.

Trustee Wyss asked about the timing for hiring new firefighters on January 1st instead of waiting on results of the proposed Fire Safety Referendum.

Chief Gilliam explained the benefit to hiring additional full-time staff instead of staffing with part time to get sufficient coverage.

Administrator Heinig advised the Board that the Village has sufficient funds to cover a slightly higher than budgeted figure for the 2022 budget but cautioned against using street, or other department funds to pay for additional fire safety costs as this is not a viable option to continue into the future. He also explained that by law, capital funds given to the Fire Department for this purpose are required to be used for capital purchases rather than operations. He cautioned that this would be in violation of this HAFD agreement to continue this practice into the future and advised that if this was the decision that it be made clear to be a one-time option. Heinig commented that he values the idea of a regional approach and he complimented the Chief for his good, well-thought-out strategy. However, he cautioned against approving a 20% budgetary increase without knowing the results from the referendum. He questioned why in prior years the Towns were not willing to match the Village of Holmen's proposed increases but now want to exceed them beyond responsible action. Heinig advised that he felt it was fair to agree to a 10% budgetary increase, which results in a 12% increase for the Village of Holmen, with the promise to utilize capital funds for one year only with the sale of the Quint truck to support that idea.

Brandon Cain/Rich Anderson motioned to direct Fire Board representatives to support a 10% increase to the 2022 Holmen Area Fire Department budget, proceed with the sale of the Quint truck, and support a one-time option to utilize capital funds and 2% dues for any operational needs in 2022. The motion carried unanimously.

Shared Ride Committee

Trustee Wyss reported that ridership increased by 276 (from 656 to 932 from August 2020 to August 2021).

Municipal Court Update

No meeting was held.

County Supervisor's Report

County Supervisor Pam Viner commented that the County is working on the 2022 budget; she stated that the proposed use of ARPA funds is still not established.

President's Report

Informational items only.

Other Items before the Board

Administrator Heinig thanked Attorney Weber and Police Chief Collins for their extra efforts this evening.

Trustee Cain complimented the Holmen Area Fire Department on a recent call that he witnessed.

Closed Session

At 9:04 pm, Brandon Cain/Micah Wyss motioned to convene into closed session per Wisconsin State Statute

Authority: §19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Purpose: Personnel Update

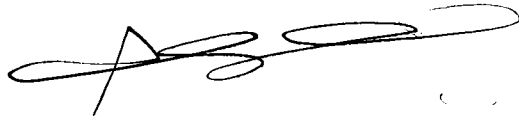
The motion carried unanimously.

At 9:44 pm, Doug Jorstad/Brandon Cain motioned to reconvene into open session per Wisconsin State Statute 19.85(2). The motion carried unanimously.

No motion was needed after closed session.

Brandon Cain/Doug Jorstad motioned to adjourn the meeting at 9:45 pm. The motion carried unanimously.

Angela A. Hornberg, Village Clerk/Treasurer

A handwritten signature in black ink, appearing to read 'Angela A. Hornberg', with a stylized, cursive script.



Attention: La Crosse County DA, Holmen Police, Holmen Police Chief, and the Amundson family:

Concerning:

Children's Tree House of Holmen and the current/past investigation involving Ashley Amundson

The Audio Video Pros, Inc received a call from Daisha of CTH Holmen on 7-19-21 to review and pull footage from the surveillance system we previously installed. At the time of the call, we were given the impression that there was an incident with an employee or an internal issue. No further information was provided to us. Had we been made aware of a current (or upcoming) investigation regarding a child abuse claim or been provided with additional information, we would have evaluated how to best approach the situation from our end.

Eric Wackershauser was the technician who arrived onsite to pull the video footage. He met with the Daycare Manager and was given a specific date, and a set of time stamps for two different cameras. One of the cameras was in the classroom and the other was in the office. The daycare manager specified a block of time to pull for the classroom, Eric complied and put the footage on a drive. When Eric approached the office monitor, the preferred starting point was already on the screen. We were then asked to grab the specific footage from that time; Eric complied and put the footage on a drive. This footage showed the child in the office but nothing prior to the child's arrival or any footage showing the child being brought to the office.

Fast Forward:

On 8-10-21 (nearly one month after the initial request), Daisha Rand, owner of Children's Treehouse, called AVP to ask if we could retrieve any additional footage. The footage pulled previously was not sufficient. At this point, we were still unaware of the situation and of the current investigation.

Eric went to site promptly on the morning 8-11-21 to see if we would be able to recover the requested footage. Eric met with Daisha and, unfortunately, was unable to pull the footage pulled previously because the NVR had already started writing over data. At that point, we had no way of recovering any additional footage. The window was missed by only 2 days. The footage was still available on 8-9-21 but we did not receive a phone call from Daisha Rand until 8-10-21. Because of this, the only potential opportunity to retrieve more footage would require removing the hard drive and sending it in to a hard drive retrieval company.

Eric explained this to Daisha and she indicated that she already knew. She then asked us for the original footage which Eric pulled up on his laptop. Daisha viewed the footage and deleted the footage herself, which Eric witnessed. This action did not raise any alarms to Eric at the time; we understand the importance of privacy (especially when it comes to children) with footage on an NVR that belongs to an individual. And again, we were still unaware of the severity of the situation.

My Concern:

My name is Justin Snyder and I own The Audio Video Pros, Inc in Onalaska. My business has assisted with numerous investigations over the years due to the nature of what we do. This investigation was not like any of the others and I feel strongly that this situation is worthy of reevaluation.

From my perspective, there were multiple things that went wrong or were not handled properly.

1. We were contacted by Daisha Rand and asked to pull a specific set of videos off an NVR that did not show the entire storyline of the day's events. In past investigations, we either met directly with the police department or investigators on site OR they contacted us directly and gave us a list of cameras, specific times and requested footage.
2. Daisha Rand called AVP on 8-10-21 and was fully aware that the footage was already unavailable.
3. The investigator spoke with Daisha Rand and requested additional footage on 8-2-21. The investigator did not attempt to meet us or pull the footage.
4. A claim was initially made that important footage from 7-19-21 was not available from specific areas within the facility. That claim is invalid. All the hallways (excluding one) and all entries are covered.
5. The investigator had explained that she reviewed the footage from CTH, but then had made a comment that sounded like Daisha had shown her the footage she wanted to show her as she would have known about the hallway, vestibule and lobby cameras had she been in the driver seat of both NVRs on site. Live view shows all available cameras in the building.
6. The investigator made no attempt to interview or request a statement from the involved parents. In fact, the parents received an email stating that the investigation was closed. However, following that email, I was verbally told that the case was, in fact, still open. Perhaps it was re-opened due to the social media post to bring awareness to how this investigation was handled?
7. It absolutely raises red flags that the accused (Daisha Rand) was given the opportunity to submit her own evidence in an attempt to prove her innocence.

This investigation of this case cannot possibly be considered proper protocol.

The parents were never consulted with or interviewed by the investigator. Even prior to the incident on 7-14-21, the parents were never contacted regarding any behavioral issues related to the child from Children's Treehouse. The business owner was allowed to provide her own evidence with little to no question being raised regarding how an innocent child was injured/abused at a daycare facility. There is absolutely no doubt that the injuries to this 4-year-old child could not possibly appear on their own.

The investigator also made a statement to me that a social media post does not show both sides to the story. I agreed but commented that there is absolutely no excuse for any type of child abuse. The situation and circumstances are irrelevant; child abuse should never be tolerated.

I am asking that this investigation be re-opened immediately. We need to hold each other accountable and be able to have faith in the system. This child and family are now suffering not only from the events of 7-14-21, but from the heartache and trauma of knowing that their investigation was poorly handled. They, and all of us, deserve better.

Thank You,
Justin Snyder
The Audio Video Pros, Inc.