



City of Fond du Lac

First on the Lake

Website: www.fdl.wi.gov

City-County Government Center
160 S. Macy Street~P.O. Box 150~Fond du Lac, WI 54936-0150

March 5, 2021

Christine Brennan
cewerdt@gmail.com

VIA EMAIL

Re: City of Fond du Lac Public Records Request – Lakeside Park (Summary and Social Media Posts/Text Messages Requests)

Dear Ms. Brennan:

You were previously notified that the City of Fond du Lac had received numerous public records requests from you in 2020 and 2021. This letter summarizes the records that have been provided to you regarding Lakeside Park, in addition to responding to your outstanding/new public records requests.

On or around September 21, 2020, you requested the following public records from the City:

Request #1: I would like to make an open records request for any and all electronic communications for the following: Arletta Allen: April 2020 - September 21, 2020; Dan Degner - September 1, 2019 - September 21, 2020; Ben Giles: September 1, 2019 - September 21, 2020; Joseph Moore: September 1, 2019 - September 21, 2020. Records should include the following: Text messages from personal and/or business phones as well as any and all social media accounts (including but not limited to Facebook, Twitter, LinkedIn, Instagram) as they pertain to city council related matters involving Lakeside Park Project and/or Envision Greater FDL, including any and all references to the Envision Initiative; Calendar information, including teleconferences, web based meetings, and in-person meetings as pertaining to Council related matters specifically in regards to meetings. Records should include all scheduled meetings with Donors of the Lakeside Park Project collectively as a whole or with individual members of Envision Greater FDL collectively as a whole or with individual members; All written communication, contracts, emails, texts, documents, and memos regarding sent to or from the above named individuals

regarding Lakeside Park and Envision Greater Fond du Lac and from the donors as well as to other members of council and/or city staff

Request #2: All electronic communication, text messages, social media accounts, teleconferences, web based meetings, and in person meetings involving the Lakeside Park Project, Envision Greater Fond du Lac, or Envision Initiative, which were sent to/from the following people during the following time periods: Arletta Allen (4/1/2020 - 9/21/2020); Dan Degner (9/1/2020 - 9/21/2020); Ben Giles (9/1/19 - 9/21/2020); Joseph Moore (9/1/2019 - 9/21/2020); Donna Richards (9/1/2019 -9/21/2020). All records of scheduled meetings with the Donors of the Lakeside Park Project collectively as a whole or with individual members of Envision Greater FDL collectively as a whole or with individual members between September 1, 2019 - September 22, 2020. All written communication, contracts, emails, texts, documents, and memos that were sent to or received by Arletta Allen, Dan Degner, Ben Giles, or Joseph Moore regarding Lakeside Park. Envision Greater Fond du Lac and from the Donors of the Lakeside Park Project, as well as to other members of council and/or city staff. All emails received and sent by Arletta Allen, Donna Richards, Ben Giles, Dan Degner, and Joe Moore to Terry Davis or Craig Molitor between September 1, 2019 - September 21, 2020.

The records associated with your September 21, 2020 public records request were provided to you via email on December 2, 2020. See December 2, 2020 letter for additional information.

In December 2020, you submitted multiple additional public records requests to the City via email. On December 14, 2020, I sent you a summary letter via email responding to your additional requests that asked for prepayment in the amount of \$861.85 for complying with your new requests. See attached December 14, 2020 letter for additional information.

On December 22, 2020, I met with you in person in the City Attorney's Offices regarding your additional public records requests. During our meeting, you signed off on the below language for your new requests and paid the City \$1,000.00 as prepayment for complying with your requests. See December 22, 2020 Brennan Final Language document with Brennan initials. During our December 22, 2020 meeting, I asked you if the below language encompassed the entirety of your public records requests to the City. You answered yes, confirming that you requests were now as outlined below:

Request #1: All communications regarding the developer's contract that was submitted by Councilwoman Arletta Allen on 9/23/2020. Timeframe for emails is between 2/12/2020 – 12/22/2020. Communications must include emails from City accounts, personal accounts, and work accounts. Communications should also include any and all text messages regarding the developer's contract.

Request #2: All emails sent/received by Arletta Allen, Dan Degner, Ben Giles, Alicia Hans, and/or Donna Richards and the following people:

Eric Stone
Tony Ahern
Sadie Parafiniuk
Mike Krolczyk
Jim Cleveland
Paul Reetz
Bob Oberbeck
Terry Davis
Craig Molitor
Tricia Mullenbach
Lisa Lefeber
Josh Musack
Andrew J Rossmeissl
Amber Killawe

Timeframe for emails is between 2/12/2020 – 12/22/2020. Emails must include all emails from Councilmembers' City accounts, personal accounts, and work accounts.

Request #3: All emails sent to/from, Ben Giles between 1/1/2019 – 12/1/2020. Emails must include all emails from Councilmember Giles' City account, personal account, and work accounts.

Request #4: All emails sent to/from Dan Degner, Alicia Hans, Arletta Allen, Donna Richards, Brian Kolstad, and or Kay Miller from 9/1/2019 – 10/15/2020. Emails can be Councilmembers' City accounts only.

Request #5: All meeting minutes sent to Joe Moore and Jordan Skiff by Tom Schermerhorn from 8/1/2020 – 10/31/2020.

Request #6: All emails regarding the Robo call/survey that was presented to the City of Fond du Lac residents by the business groups through Envision Greater Fond du Lac in July 2020. Communications must include emails from City accounts, personal accounts, and work accounts.

Request #7: In lieu of my multitude of requests, it occurred to me today that I forgot to make one specific request: I would like to request, under open records, copies of any open records that were made in reference to me, Christine Brennan.

Request #8: I would like copies of all police contact with Dan Degner. Please include email, phone, and in person forms of contact.

The records associated with your December 22, 2020 public records requests were provided to you on the following dates via email or in person:

- Request #1 (City emails) – January 29, 2021
- Request #1 – Request #6 (Work/personal emails from Councilmembers Alicia Hans, Donna Richards, Brian Kolstad, and Kay Miller) – January 29, 2021
- Request # 2 (City emails) – February 9, 2021
- Part of Request #3 (City emails for 1/1/2019 – 10/15/2019) – February 22, 2021
- Part of CM Giles’ work/personal emails for Requests #1 – Request #6 – March 2, 2021

See January 29, 2021; February 9, 2021; February 22, 2021; and March 2, 2021 letters for additional information.

You were further informed in my February 22, 2021 letter that the \$1,000.00 you remitted to the City for prepayment on December 22, 2020 has been exhausted. The City requested additional prepayment from you in the amount of \$6,887.79 for complying with the remainder of your December 22, 2020 public records requests.

To date, the City has not received prepayment for these requests, nor has the City received any information from you regarding narrowing the scope of your requests, which would reduce our prepayment estimate.

On March 2, 2021, you contacted the City Attorney’s Office and Fond du Lac District Attorney Eric Toney via email regarding your outstanding public records requests. Specifically, you inquired about Councilmember Giles’ social media posts and text messages involving “the Lakeside Park Project, and/or Envision Greater FdL, including any and all references to the Envision Initiative.” This appears to be a reference to you previous September 2020 public records requests to the City.

On March 3, 2021, I responded to you via email regarding my understanding of your December 22, 2020 public records requests and your waiver on that day of any prior requests.

On March 3, 2021, you made a new public records request to the City via email, whereby you requested the following:

All social media posts and text messages from Councilmember Arletta Allen, Councilmember Dan Degner, Councilmember Ben Giles, and City Manager Joe Moore regarding the Lakeside Park Project, Envision Greater Fond du Lac, and/or the Envision Initiative.

Social media posts should include posts from Facebook, Twitter, LinkedIn, and Instagram.

Text messages should include any responsive text messages from parties’ personal and/or work phones.

Timeframe of request for each party:

- Councilmember Arletta Allen (April 1, 2020 – September 21, 2020)
- Councilmember Dan Degner (September 1, 2019 – September 21, 2020)

- Councilmember Ben Giles (September 1, 2019 – September 21, 2020)
- City Manager Joe Moore (September 1, 2019 – September 21, 2020)

If this is not your understanding of the records you requested on March 3, 2021, please contact me immediately to clarify the scope and/or subject matter of your request.

While the City believes that we provided you with the bulk of the records responsive to your September 21, 2020 requests on December 2, 2020 and that you waived any previous requests made during my December 22, 2020 meeting with you, we will again attempt to locate and provide any additional responsive records that may exist. The City will comply with our statutory obligations and provide our response to your request with any and all records subject to disclosure under the law as soon as practicable. Should it become necessary, I will inform you of any fees that may be incurred to comply with your request and whether the City will require pre-payment before fulfilling the request.

Please do not hesitate to contact me should you have any questions regarding this summary letter or your outstanding/new public records requests.

Very truly yours,



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Cc: DA Eric Toney