

**Plan Commission
of the City of Onalaska**

Tuesday, February 23, 2016

1

1 The Meeting of the Plan Commission of the City of Onalaska was called to order at 7:00 p.m. on
2 Tuesday, February 23, 2016. It was noted that the meeting had been announced and a notice
3 posted at City Hall.

4
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Jim Bialecki,
6 City Engineer Jarrod Holter, Jan Brock, Paul Gleason, Craig Breitsprecher, Andrea Benco

7
8 Also Present: City Clerk Cari Burmaster, Financial Services Director/Treasurer Fred Buehler,
9 Interim Land Use and Development Director Katie Aspenson, Attorney Amanda Jackson of
10 O’Flaherty Heim Egan & Birnbaum Ltd.

11
12 Excused Absence: Skip Temte

13
14 **Item 2 – Approval of minutes from previous meeting**

15
16 Motion by Ald. Bialecki, second by Craig, to approve the minutes from the previous meeting as
17 printed and on file in the City Clerk’s Office.

18
19 On voice vote, motion carried.

20
21 **Item 3 – Public Input (Limited to 3 minutes per individual)**

22
23 Mayor Chilsen called for anyone wishing to provide public input.

24
25 **Jim Binash, First District Alderperson**
26 **700 Westwood Drive**
27 **Onalaska**

28
29 “I’m asking the [Plan] Commission to revisit an issue that was brought up several months ago,
30 and that had to do with Clearwater Farms. Clearwater Farms wants to use their livestock in an
31 area next to their farm, and I think it would benefit both the city and Clearwater Farms because
32 that land really is not useful for anything else. The issue that I think is a sticking point right now
33 has to do with the buffer zone that the Plan Commission had brought up. It was a 10-foot buffer
34 zone. If possible, I was hopeful that you might be able to revisit that issue and think about
35 possibly moving it down to 3 feet or less. That area is not very big, and when you move it out
36 and make it a 10-foot [buffer zone], that reduces the area that the livestock can roam. These
37 livestock do eat the invasive species and everything else that is there, and it’s a difficult area to
38 mow. So if possible, if you would revisit that or at least think about it I know they would
39 appreciate it. Thank you.”

40
41 **Ann Kathan**
42 **N5924 County Road OT**

Reviewed 2/25/16 by Katie Aspenson

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43 **Onalaska**

44

45 “I’m here to thank the [Plan] Commission for your thoughtful efforts in revising the
46 Comprehensive Plan and listening to the concerns that we brought before you in December. This
47 truly is democracy at work. I also wanted to mention that, by the way, last week there was a
48 hearing before the La Crosse City Zoning Board of Appeals that addressed the very issues that
49 the Comprehensive Plan is seeking to address – specifically, utilities and height of transmission
50 poles. I’m available to answer questions regarding that event last week. But again, thank you so
51 much for your thoughtfulness. We appreciate all of your efforts.”

52

53 **Carol Overland, Attorney and Representative of No CapX2020**

54 **1110 West Avenue**

55 **Red Wing, Minnesota**

56

57 “I had a hearing [Monday] night in Bemidji, but I thought it was really important to get down
58 here and say thank you. You’ve done a really good job of looking at these issues. I appreciate
59 the Plan Commission’s efforts to send it back for consideration, and I really appreciate the staff
60 and the subcommittee’s work in addressing these transmission issues because it’s not something
61 that’s easy to do. I’m also particularly appreciative of the staff and the City Attorney’s framing
62 and how they looked at these issues of utility corridors and the importance of not declaring it and
63 leaving that open so that then that could be addressed when things do come up with a protective
64 posture for the city. Again, thank you. I’m very appreciative of what you’ve done.”

65

66 **Debbie Clarkin**

67 **1450 Cliffview Avenue**

68 **Onalaska**

69

70 “I’m the Chair of the Long Range Planning Committee, and again we bring before you a revised
71 plan. There was a lot of time and effort that was put into the additions as were brought to your
72 attention this last meeting. I hope you’ll take it under consideration and move the plan along.
73 Thank you.”

74

75 **Dennis Aspenson**

76 **1735 Pine Ridge Drive**

77 **Onalaska**

78

79 “I’m here for a couple of reasons tonight. First of all, I’m here in support of the adoption of the
80 2015 Comprehensive Plan, and I would like to thank everyone that worked on it for doing an
81 outstanding job and devoting their time. I’ve reviewed it a number of times, and it’s a very good
82 document. The other reason I’m here is that now we’re on the verge of adopting this document,
83 the Comprehensive Plan, and the [Great River Landing] Project is moving forward and has some
84 direction from this committee and the [Common] Council, I would highly suggest that the city

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85 and its committees start moving forward with the commitment of the Sand
86 Lake/Menards/Elmwood Development Master Plan. We need to start reviewing this area as this
87 is Onalaska’s last development frontier, and we need to be proactive in developing it to its
88 highest potential character, architectural standards, and with a financial benefit to the city. I
89 would suggest starting out by taking the following steps, starting March 2016, to ensure our
90 readiness to address any developments coming forward in this area. I would recommend
91 extending the reach of the Master Plan out to ensure high-quality entrances into the new town
92 centerpiece; extend north to [County Highway] OT; extend south to Redwood [Street]; [extend]
93 east to Clover Street; and [extend] to the west to Cliffview Street. I would also recommend after
94 that adopting the Menards/Elmwood Plan to cover the new, extended boundaries. [I would
95 recommend developing] a description for the land use guidelines and architectural standards for
96 the new Medical District being approved in the Comprehensive Plan tonight as part of the
97 Menards/Elmwood Plan. After adopting these changes, start reviewing completely the
98 documents for other suggestions and changes to create and implement the plan for the area. I
99 thank the committee, but I feel strongly that we start addressing this area right away and take a
100 proactive approach to it so we do not get caught behind the 8-ball if development comes forward
101 shortly. Thank you.”

102
103 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
104 portion of the meeting.

105
106 **Consideration and possible action on the following items:**

107
108 **Item 4 – Review and consideration of Resolution No. 1-2016 recommending that the**
109 **Common Council adopt the Comprehensive Plan prepared by the Plan Commission and**
110 **Long Range Planning Committee, and adopt the Comprehensive Plan as “City of Onalaska**
111 **2015 Comprehensive Plan”**

112
113 Motion by Ald. Bialecki, second by Craig, to approve Resolution No. 1-2016 recommending that
114 the Common Council adopt the Comprehensive Plan prepared by the Plan Commission and Long
115 Range Planning Committee, and adopt the Comprehensive Plan as “City of Onalaska 2015
116 Comprehensive Plan.”

117
118 Ald. Bialecki complimented the Long Range Planning Committee for its work on the
119 Comprehensive Plan, which began in 2014. Ald. Bialecki also expressed his appreciation over
120 the Long Range Planning Committee reconvening on February 4 to reevaluate Chapter 5:
121 Utilities and Community Facilities – specifically, transmission lines and power lines. Ald.
122 Bialecki also told those who had addressed the Plan Commission during the public input portion
123 that the Plan Commission is cognizant of some of the thoughts expressed this evening.

124
125 Craig thanked Debbie and the rest of the Long Range Planning Committee members for their
126 work on the Comprehensive Plan, calling it “a tremendous piece of work.” Craig thanked Katie

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127 and said, "This is the best document I've seen." Craig also thanked Jarrod for assisting with the
128 document.

129

130 Jarrod said he believes Short Elliott Hendrickson should be recognized for its work on the
131 Comprehensive Plan.

132

133 On voice vote, motion carried.

134

135 **Item 5 – Review and consideration of a request by Steve Bluske of Shopko to host a tent**
136 **sale event in 2016 that will last until August 31, 2016 at 9366 State Road 16, Onalaska, WI**
137 **(Tax Parcel #18-3589-9)**

138

139 1. Outdoor display and sales must be shown on the site plan for the property and are subject
140 to the approval of the City.

141

142 2. Outdoor display and sales are limited to thirty (30) days per calendar year unless
143 approved by the City Plan Commission.

144

145 3. Outdoor display and sales shall be limited to the goods sold at the principal use present
146 on the site except for temporary sales events authorized by the City Plan Commission.

147

148 4. Outdoor display and sales areas shall not include portable toilets and more than two (2)
149 temporary signs advertising the sale.

150

151 Katie said the city had received a request from Shopko on January 20 to allow the operation of
152 its seasonal garden center from April 1 until approximately August 31. Shopko has filed an
153 application to have three separate tents that will collectively sell hard goods such as assorted
154 flowers and vegetables. Katie said the two smaller tents eventually will be condensed and closed
155 by Independence Day. Katie said staff is recommending approval conditioned upon Shopko
156 obtaining its three temporary tent permits from the City of Onalaska Inspection Department
157 through August 31.

158

159 Motion by Ald. Bialecki, second by Paul, to approve with the four listed conditions a request by
160 Steve Bluske of Shopko to host a tent sale event in 2016 that will last until August 31, 2016 at
161 9366 State Road 16, Onalaska, WI.

162

163 On voice vote, motion carried.

164

165 **Item 6 – Review and consideration of a request by Tracy Sacia of Home Depot to host a**
166 **tent sale event in 2016 that will last until July 15, 2016 at 2927 Market Place, Onalaska, WI**
167 **(Tax Parcel #18-3635-4)**

168

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5

- 169 1. Outdoor display and sales must be shown on the site plan for the property and are subject
170 to the approval of the City.
171
- 172 2. Outdoor display and sales are limited to thirty (30) days per calendar year unless
173 approved by the City Plan Commission.
174
- 175 3. Outdoor display and sales shall be limited to the goods sold at the principal use present
176 on the site except for temporary sales events authorized by the City Plan Commission.
177
- 178 4. Outdoor display and sales areas shall not include portable toilets and more than two (2)
179 temporary signs advertising the sale.
180

181 Katie said Home Depot wishes to have a seasonal garden center from March 16 until July 15.
182 Home Depot is in the process of applying for a temporary tent permit. Katie said staff
183 recommends approval of Home Depot holding the tent sale until July 15. This is conditioned
184 upon obtaining a tent permit from the City of Onalaska Inspection Department.
185

186 Motion by Ald. Bialecki, second by Andrea, to approve with the four listed conditions a request
187 by Tracy Sacia of Home Depot to host a tent sale event in 2016 that will last until July 15, 2016
188 at 2927 Market Place, Onalaska, WI.
189

190 On voice vote, motion carried.
191

192 **Item 7 – Discussion and consideration regarding churches and daycares in the City of**
193 **Onalaska**
194

195 Katie referred to a memo written by Amanda regarding Item 7 and noted there are several
196 daycares in the city that are run by churches. Not all of them have Conditional Use Permits, and
197 Katie said staff has become aware of their non-compliance primarily due to the action that has
198 taken place with churches and daycares over the last couple of months. Katie said the uses were
199 not necessarily grandfathered in and that staff does not know when the requirement for daycares
200 to possess CUPs occurred. Katie said, “We are asking what the Plan Commission would like to
201 do with these churches and their daycares that they are currently running.” Katie noted the
202 memo from Amanda lists the following options:
203

- 204 • Allow the illegal non-conforming use
205 • Require that the properties be brought into compliance
206 • Change the Zoning Code to allow daycares without Conditional Use Permits
207

208 Ald. Bialecki said he would first like to review Item 9 and then return to Item 7. Ald. Bialecki
209 said, “On the one hand, there might be some infractions here with these types of entities, and I’m
210 sure there may be others, too. On the one hand, the city has a CUP process in place to keep

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211 uniformity as well as that we're consistent in our developments. In fact, it is on the books that in
212 certain areas we have to have a Conditional Use if they're zoned for it, and therefore I would like
213 to see that. There are a lot of things that have come up over the years with Conditional Use
214 Permits that could get controversial. For example, there are occasions people have come in and
215 want to have a home occupation that deals with their work for a software company and they
216 would like to do that there. Normally the city would make their neighbors aware of that just to
217 reassure that there is not going to be traffic problems or people problems morning, noon and
218 night. That is probably one example. Another [example] occurred in the last 18 months where I
219 believe one party had a landscaping business that operated out of their home, and there were a
220 number of vehicles and a number of employees. They requested a Conditional Use, and we
221 granted that. But we reassured the neighbors in this case about their hours of operation, chemical
222 storage, that their vehicles would be parked off-street, and to ensure that whomever is there, be it
223 employees or other potential clients of that company, are not blocking or impeding traffic of
224 others or anywhere in the school district. Generally speaking, our CUP process should stay in
225 place."

226

227 Item 8 was addressed next.

228

229 **Item 8 – Discussion and consideration regarding fence setbacks in non-residential zoned**
230 **properties in the City of Onalaska**

231

232 Katie noted that the city has a setback in Ordinance 13-6-10 that provides for a 3-foot setback in
233 residential districts. Katie said city policy has been to require that 3-foot setback for all the
234 reasons brought forward at past Plan Commission meetings in terms of safety, allowing proper
235 use and full use of city right-of-way. Katie said this has been enforced on a number of daycares
236 and numerous other sites throughout the city. However, Katie added, "This inconsistency that
237 has been found contradicts what the ordinance states. We're looking for the Plan Commission to
238 discuss, with respect to this, if we should have a setback determined for all other districts,
239 because right now there isn't one. Then we can move forward and clean up our ordinance and
240 make it more clear and concise for people doing development in the city. In the meantime, all of
241 the fences that are not zoned Residential that are up to property lines are considered conforming
242 and legal."

243

244 Jan asked how long the city has been enforcing the 3-foot setback in all residential districts
245 compared to what is stated in the city's code.

246

247 Katie said it has been in the code to be in the residential district for a couple decades. Katie said
248 that in terms of doing it in non-residential districts, she is only able to speak to the last three
249 years.

250

251 Paul said, "I'm still of the opinion that we should have some type of fence setback from
252 sidewalk. Typically sidewalks are right on the property line, so that also means from the

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253 property line in those cases. But I think to me, it's a matter of safety. I didn't realize a couple of
254 months ago when we had this discussion that it didn't apply to non-residential properties. But I
255 guess I would be in favor of considering a 3-foot setback from sidewalk for all properties and all
256 zoning categories regardless."

257
258 Craig said he agrees with Paul, adding he too was unaware that there was a distinction between
259 classifications of properties and setbacks for fences. Craig said, "I think given the nature –
260 especially in a residential area and the type of use those sidewalks receive, whether it's side-by-
261 side strollers, running down the sidewalks or kids on their bikes with training wheels or whatever
262 – I think we need to keep obstacles away from areas that are in close proximity to those public
263 use areas, meaning sidewalks. I think we need to maintain some type of a setback in those
264 areas."

265
266 Ald. Bialecki said he agrees and asked if existing businesses will be the exception to the rule and
267 new businesses will have to comply with setback rules if the city proceeds.

268
269 Ald. Bialecki was told yes.

270
271 Jarrod noted the City of Onalaska's standard is that the sidewalk is installed at the right-of-way
272 line, but he added there are instances where the sidewalk is moved if there are obstacles or
273 topographical features present. Jarrod said, "I think we want to clarify that it be the right-of-way
274 line." Jarrod also noted there is a part of the Zoning Code where buildings may be constructed
275 up to the lot line in a Commercial District. Jarrod said he also agrees that a fence should be set
276 back, and that the setback in a Commercial District should be between 1 and 3 feet.

277
278 Paul said the Plan Commission could accept the areas where buildings are allowed closer than 3
279 feet.

280
281 Katie said the city allows either zero or 6 feet in the B-1 and B-2 Districts if a setback is
282 required. A 10-foot setback is required in the Light Industrial District. There is no setback in the
283 P-1 District, where a majority of the city's parks are located. Katie said, "If we did choose to do
284 it that way where we matched it to the ordinance, we would be calling out what the setback
285 would be. I'm assuming per zoning district."

286
287 Craig said, "I think you almost have to in order to enforce those allowances where they make
288 sense. And I understand your point, Jarrod. Hence, the districts and doing that by zoning
289 district. But I think the biggest concern I have is keeping sidewalks free from obstruction so
290 people can fully use the full width of that sidewalk."

291
292 Andrea asked, "The ones that are in are legally conforming fences, any time those would have to
293 be repaired they would have to be brought into compliance. Is that correct?"

294

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295 Katie said basic maintenance may be performed. However, a fence would have to be brought
296 into compliance if it needed to be fully redone.

297

298 Andrea asked how the fence located on Onalaska School District property at East Avenue and
299 Riders Club Road would be affected. Andrea noted that this is both a line of sight and a “on the
300 sidewalk, safety hazard issue,” and she said she assumes the fence would be exempt because it is
301 zoned differently.

302

303 Katie said the fence is zoned Public Institutional and noted that the fence has been present since
304 the mid-1990s.

305

306 Jarrod noted that there is no building setback in the P-1 District and said it would be necessary to
307 identify a setback for the P-1 District. Jarrod said the Onalaska School District would have to
308 bring the fence into compliance with the Zoning Code if it was removed and reinstalled.

309

310 Paul said, “If you worded the restriction such that the fence setback had to be the greater of 3 feet
311 or the minimum building setback for that zoning category, wouldn’t that cover it?”

312

313 Katie said the setback would be a minimum of at least 3 feet, unless a fence is located within the
314 two districts where there would be a zero setback.

315

316 Paul said, “It is the greater of 3 feet or the minimum building setback for that zone. So in the
317 zones where it’s zero it would be zero.”

318

319 Jarrod said that it would be the maximum of 3 feet or the minimum setback.

320

321 Andrea said this would not address the Onalaska School District’s fence.

322

323 Paul said the fence could be rebuilt at that location because the minimum setback is zero in a P-1
324 District.

325

326 Jarrod said the new fence that is part of Onalaska Cemetery Main Street Project will be set back
327 1 foot behind the sidewalk. Jarrod noted that the fence is there because there are headstones in
328 close proximity, and he also noted that there is more width with the 5-foot sidewalk because
329 there is extra paving on the boulevard.

330

331 Motion by Ald. Bialecki, second by Craig, to direct Planning staff and the city’s legal counsel to
332 reevaluate the City of Onalaska’s policies regarding fence setbacks in non-residential zoned
333 properties and bring them back for adoption by the Plan Commission and the Common Council.

334

335 On voice vote, motion carried.

336

337 Item 9 was addressed next.

338

339 **Item 9 – Discussion and consideration regarding Conditional Use Permits in the City of**
340 **Onalaska**

341

342 Paul said he agrees with Ald. Bialecki in that the city needs a CUP process. However, Paul also
343 noted that a recommendation was made to perhaps make some revisions and bring clarity to the
344 process, and also include an appeal process. Paul said he believes the Plan Commission should
345 ask staff to do this.

346

347 Ald. Bialecki said he agrees with Paul and referred back to the comments he had made under
348 Item 7.

349

350 Craig said he does not think the city should eliminate the CUP process, stating, “It’s absolutely
351 necessary to provide due process to everyone in the community.”

352

353 Katie said the portion of the CUP ordinance section that is being brought forward is to ensure
354 that the city has a formal amendment process to the CUPs. Katie said, “We want to keep CUPs
355 and all the regulations we currently have. We just want to make it more clear when people want
356 to amend [their CUP]. We’ve done a couple of amendments in the last few years, so we just
357 wanted to make that process more clear, and then also do a review of the types of conditions that
358 we typically add to these CUPs. We were looking for feedback. If that is something you would
359 like us to do, we can bring that forward as soon as we can to have an amendment to address that
360 portion of the CUP process.”

361

362 Motion by Ald. Bialecki, second by Paul, to direct Planning staff and the city’s legal counsel to
363 evaluate the City of Onalaska’s existing Conditional Use Permits process and bring forward an
364 amendment process.

365

366 On voice vote, motion carried.

367

368 The Plan Commission returned to Item 7.

369

370 **Item 7 – Discussion and consideration regarding churches and daycares in the City of**
371 **Onalaska**

372

373 Ald. Bialecki referred to Amanda’s memo and said it appears that several daycare operators are
374 not in compliance. Ald. Bialecki said, “I feel we need to let them know that you need to come
375 into compliance. With some of these people, I don’t think that there are any evil intentions. ...
376 Over the years I’ve seen cases, both here and in a few other places, [where] someone moves to
377 your town and buys a new house, and one year later they’re told, ‘You’re getting a sidewalk.
378 You live on a corner and you’re going to pay for two sides.’ They [become upset because]

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379 nobody wants a sidewalk, especially if they have to pay for it. Here's the catch: What new
380 person buying this new home thinks when they deal with the realtor to go to City Hall and ask
381 about the Capital Improvement plan? Again, nobody thinks of that, but this is how it is. In this
382 case, [the people who] have these daycare operations [have had] no evil intentions here, but I
383 don't think they knew they had to. We've gone through a few of these recently. I assume some
384 of these are in proprietary buildings and not just churches, correct? Generally speaking, I would
385 think we should do that."

386

387 Amanda said legal counsel initially started examining churches, and that as of yet there is not a
388 complete list of all the daycares in the city.

389

390 Mayor Chilsen asked, "I think the issue is that it's a daycare run by a church, correct?"

391

392 Amanda said, "The issue is more that to have a daycare, regardless of whether it's in a church or
393 not, in almost every zone it's a conditional use. So when we started looking at whether the
394 daycares in churches had conditional uses we started to find that, of the I think six we looked at,
395 only one did. It could very well be a daycare issue across the board. We haven't really gone
396 through every daycare in the city yet."

397

398 Ald. Bialecki noted that Rivers Harvest Church representatives had appeared before the Plan
399 Commission at its January 26 meeting and said that one of the conditions included having
400 adequate parking, which the church does. Ald. Bialecki pointed out there likely are home-based
401 occupations in the city that are providing a service and said this is acceptable under the CUP
402 process, provided that all standards are met. Ald. Bialecki said these home-based occupations
403 must inform the neighbors and find out if they have concerns such as parking, snow removal,
404 hours of operation, maintenance and refuse.

405

406 Paul said, "I think if we're going to address it we need to look at all the daycares, and if we're
407 going to try to bring some into compliance [we need to] try to bring all [of them] into
408 compliance."

409

410 Ald. Bialecki said, "You can't have two sets of rules."

411

412 Paul said, "Once we know that there's an issue we have to address it. I don't think we can
413 choose Option 'A,' which just [says], 'Forget about it.' "

414

415 Ald. Bialecki asked Amanda to ensure that "we're talking about a daycare operation and not a
416 preschool."

417

418 Amanda noted that preschools and nurseries are addressed in a different section.

419

420 Craig asked, "Does the same thing apply with them? Or is that covered?"

Reviewed 2/25/16 by Katie Aspenson

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421

422 Amanda said it depends on which zoning district they are located. Amanda said daycares are a
423 conditional use in essentially all districts.

424

425 Andrea said it seems to her that a daycare is a business and there is no reason to exempt one
426 daycare over another. Andrea said she believes that a daycare would fit well under a CUP and “I
427 would see no reason for us to eliminate that. I think it’s important to bring them into compliance
428 for the protection of the city as well as protection of the residents. It’s only a matter of paying a
429 fee and applying and doing the paperwork.”

430

431 Jarrod said he believes it is important to know the definition of a daycare, stating he believes it
432 constitutes a certain number of children at a location.

433

434 Katie noted that the Common Council had recently adopted the PILOT (Payment in Lieu of
435 Taxes) Policy, which goes into effect whenever a tax-exempt property such as a church obtains a
436 CUP or is rezoned. Katie said the PILOT agreement must be discussed if the city approaches
437 churches that have daycares.

438

439 Ald. Bialecki asked Amanda, “In some of these cases for daycares, generally speaking, where
440 they’re doing that right now, even though there have been no evil intentions because they
441 weren’t aware they had to get [a CUP], this could have ramifications to them if there was a major
442 disaster within that home area because they’re not conforming with the city, I think, with the
443 insurance coverages?”

444

445 Amanda said, “Possibly, yes.”

446

447 Paul asked if a consistent PILOT policy should be developed across the various non-profit uses.

448

449 Katie and Amanda both said this had been done.

450

451 Paul asked if this policy had been applied with Rivers Harvest Church in January.

452

453 Katie said the policy had been adopted at the February 9 Common Council meeting and stated,
454 “This is for all tax-exempt properties moving forward if they rezone their property, if they get a
455 Conditional Use Permit, those are the instances in which a PILOT would be triggered. We have
456 a process lined out in that policy.”

457

458 Paul asked if it would apply to any non-profit entity such as a new church.

459

460 Katie said yes.

461

462 Paul asked if it would apply to a building permit.

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463
464 Katie said, "Not necessarily."
465
466 Paul asked if it would apply if a new church was being built on vacant land that already has been
467 zoned.
468
469 Katie said that a church would require a CUP.
470
471 Ald. Bialecki asked if the last couple of daycare requests separate of the church were proprietary.
472
473 Katie said Rivers Harvest Church is going to run its daycare itself, while Lakeview Community
474 Church planned to bring in a third party to run a daycare within the church.
475
476 Ald. Bialecki asked Katie if she is suggesting that the PILOT would apply, but only to the
477 daycare portion.
478
479 Andrea asked why the PILOT would only apply to the daycare portion.
480
481 Paul said he would like to see PILOT programs applied to the entire property.
482
483 Craig said, "I don't think we make that distinction."
484
485 Paul said, "I'm not in favor of tax-exempt property, so I would like to see it applied as broadly as
486 possible. But I don't know what the policy says."
487
488 Ald. Bialecki said it seems to him that in the case of Rivers Harvest Church, church officials had
489 presented the argument that 36 percent of its space would be utilized as a daycare. Ald. Bialecki
490 asked, "Will we adopt it this way too, or just tax [everything]?"
491
492 Fred said the policy was designed for the last two daycares and the area that will be utilized
493 strictly for daycare. Fred noted that the assessor established an assessed value based on the area
494 being utilized.
495
496 Amanda said, "You could request it. That's up to you."
497
498 Paul said the city must determine how broadly it wants to see it applied in the long term. Paul
499 said, "It seems it's daycares that brought the discussion up. It's kind of a greater policy question
500 that probably takes a lot of discussion beyond tonight as far as, do you want it applied broadly?"
501
502 Craig said this is something he would want to think about beyond tonight and stated, "My gut
503 feeling is that when we're using tax-exempt properties for income-producing purposes, in one
504 respect it changes the whole nature of that property. By the same token, maybe the fairest way to

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505 do it is by square footage. But I'm not sure. I don't think I'm ready to go one way or the other
506 on that tonight, but it's worthy of discussion."

507

508 Mayor Chilsen said he is under the impression that the Plan Commission would like this item
509 referred and asked to whom its members want to refer it.

510

511 Katie said the number of public and private daycares operating in the city must be tabulated.
512 From there, the city must determine which ones currently have CUPs and then begin working
513 with the entities that do not have CUPs and letting them know that a CUP is necessary to remain
514 in operation. Katie said a number of CUP requests will begin appearing on future Plan
515 Commission agendas.

516

517 Paul asked if the city wishes to have a greater discussion regarding PILOT programs, when they
518 need to be applied, and on what does the city base them. Paul said he believes in some
519 communities they are based on the assessed value of the property regardless of the use. Paul said
520 he is under the impression the PILOT program the city enacted applied only to daycare uses in
521 churches.

522

523 Amanda said the PILOT program the city enacted applies to any tax-exempt property that would
524 require a rezoning or a CUP.

525

526 Andrea noted that Item 7 does not mention a PILOT program and said that technically it is not on
527 the agenda.

528

529 Mayor Chilsen said churches are included in Item 7 and therefore PILOT programs may be
530 discussed.

531

532 Paul noted that PILOT programs are mentioned in the second line of Amanda's memo.

533

534 Craig said he believes there are two separate issues – the CUP process as it relates to daycares
535 and PILOT programs. Craig said he thinks the PILOT program is a different consideration and
536 also likely a broader consideration. Craig asked if this is a matter that should be discussed by the
537 Plan Commission or staff.

538

539 Mayor Chilsen said he believes it is the Plan Commission's duty to make a recommendation to
540 the Common Council, with the Common Council making the ultimate decision. Mayor Chilsen
541 said the Plan Commission could make a recommendation on CUPs this evening.

542

543 Ald. Bialecki asked to whom the PILOT programs should be referred. Ald. Bialecki said he
544 would like staff to obtain instances in the State of Wisconsin as well as sample policies.

545

546 Mayor Chilsen said staff will address this topic first, and it ultimately will come before the

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547 Finance and Personnel Committee.

548

549 Andrea asked if all the applications for a PILOT are addressed if it is included with the CUP
550 process, or should the commission also look at other places where the discussion might be
551 brought forward.

552

553 Katie said the PILOT policy currently in effect is only if a tax-exempt property comes forward
554 and asks the city to do something different with their property such as an addition that would
555 need a CUP or a rezoning. Katie said she can bring a copy of the policy to the March 22 Plan
556 Commission meeting.

557

558 Mayor Chilsen asked if staff should bring forward something to the Plan Commission before it
559 goes before the Finance and Personnel Committee and then the Common Council.

560

561 Ald. Bialecki said he agrees with Mayor Chilsen in that staff should first bring forward
562 something to the Plan Commission before it goes before the Finance and Personnel Committee
563 and the Common Council.

564

565 **Adjournment**

566

567 Motion by Andrea, second by Paul, to adjourn at 7:53 p.m.

568

569 On voice vote, motion carried.

570

571

572 Recorded by:

573

574 Kirk Bey