

**Plan Commission
of the City of Onalaska**

Tuesday, March 24, 2015

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, March 24, 2015. It was noted that the meeting had been announced and a notice posted
3 at City Hall.

4

5 Roll call was taken, with the following members present: Ald. Jim Bialecki, City Engineer
6 Jarrod Holter, Jan Brock, Ron Johnson, Skip Temte, Craig Breitsprecher, Andrea Benco

7

8 Also Present: City Clerk Cari Burmaster, Land Use and Development Director Brea Grace,
9 Planner/Zoning Inspector Katie Meyer

10

11 Excused Absence: Mayor Joe Chilsen

12

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

14

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

17

18 On voice vote, motion carried.

19

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

21

22 Ald. Bialecki called for anyone wishing to provide public input.

23

24 **Richard Staff**

25

26 “I’m here as legal counsel for Main Street Center, a development at 1131 Main Street, and
27 Gerrard-Hoeschler, whose office is in that development. My background, which is somewhat
28 relevant, I was a real estate industry lobbyist for 20 years, and part of my job over the years was
29 writing ordinances like the one affecting cell tower construction to try to supersede local
30 regulation of those things. I’m going to offer a little bit different perspective than I think you
31 would otherwise expect. I don’t think an application for a Conditional Use Permit is germane
32 because as you’ll be told, if not already, by legal counsel, the statutes, which specifically are
33 66.0404(2), and more particularly, (2)(i), say that if you had an ordinance in effect prior to the
34 state statute regulating cell towers, the zoning elements of that are no longer effective. They
35 have no standing. There is no purpose in a Conditional Use Permit application if, in fact, your
36 zoning ordinance is not applicable. So the cell industry has kind of shot itself in the foot. If
37 they’re going to make a Conditional Use application, they shouldn’t shoot out from underneath
38 the municipality its zoning code, which is the only process by which this body can consider a
39 Conditional Use applicant. So I will then speak to the general zoning provisions, but it’s my
40 opinion that a Conditional Use application is completely non-germane because your ordinance is
41 not applicable given state statute. If it is applicable, as a property owner immediately bordering
42 on the property and as someone who is considering development of property in the area,

Reviewed 4/1/15

43 including residential, I think the cell tower structure is completely destructive of our property
44 values as a neighbor. And when we look at future residential development, which we have
45 considered in that area, it's off the table. We're simply not going to do it if there is a 120-foot
46 cell tower there. So again, looking at traditional zoning principles and looking at the Conditional
47 Use standards, which I think are struck down by law, it doesn't stand on any of those. It has to
48 be rejected because the use is completely incompatible with current uses, which is the standard in
49 Conditional Use Permits. But again, I think that whole discussion is non-germane and there is
50 really nothing to consider at this point because your ordinance isn't applicable. I would be
51 happy to answer any questions, but otherwise thanks for the opportunity.”

52

53 **Ronald Callender**
54 **812 14th Avenue North**
55 **Onalaska**

56

57 “I own the property at 1118 Monroe Street, which is directly across from the cell phone tower
58 site. I'm asking you to reject this Conditional Use Permit on several grounds. First of all, it's
59 going to be ugly, right? If it is 120 feet, which the variance last week was rejected, if it's 120
60 feet it's going to be red-and-white striped. And if you look at that area there, the City of
61 Onalaska has done a lot to keep the structures down. It's very beautiful in that area, and a red-
62 and-white striped cell tower pole, either 90 feet or 120 feet, is going to be extremely ugly. I'm
63 concerned about property value. If I ever sell that property, it's probably going to degrade that
64 because people aren't going to want to be next door to a cell phone tower. I have tenants in there
65 with a young family, and when they move out and I have to re-rent it there's going to be some
66 potential tenants that probably are going to say, 'No, I'm not going to be next to a cell phone
67 tower.' The other problem is that this structure is going to have a big fence around it. I'm
68 estimating there's going to be 36 parking spots taken out, and there is a severe parking problem
69 right there with St. Pat's Church. Throughout the school year with all the events, everything gets
70 parked up in that entire area because there is not enough parking. So now you're going to take
71 another 36 parking spots away. There are times when my tenant has trouble with mail delivery
72 and garbage pickup because everything is parked up. They've even parked the driveway away.
73 I'm also concerned about the noise of a generator. There's going to be an auxiliary generator as
74 part of this structure. The noise could be prohibitive, especially in the middle of the night. If the
75 power goes off, this generator is going to go on. And I believe the generator goes on on a
76 periodic basis to make sure it keeps working. So I'm asking you to reject this Conditional Use
77 Permit.”

78

79 Ald. Bialecki reminded those in attendance that a public hearing regarding Item 4 will be held
80 following public input. It is at this time that those who wish to speak in favor of the CUP will be
81 allowed to do so first, followed by those who wish to speak in opposition to the CUP. However,
82 Ald. Bialecki added that those who wish to address this item during public input still may do so.

83

84

85 **Jake Speed**
86 **W6779 Kramer Road**
87 **Town of Onalaska**
88

89 “I’m the owner of Amerigraphics at 644 2nd Avenue North in the City of Onalaska. I want to
90 address the sign ordinances that we have here in the city, and I would like this committee to
91 consider bringing those back up under review. One of the examples I would like to give is, right
92 now the fire house is having a 5-kilometer race. Every year – this is the fifth year for it – they’ve
93 been able to put the banners out for 30 days before the event. This year they were told that they
94 can only put them out for 14 days before the event. Their sign-ups are down by 30 from what
95 they were last year, which is down to about where they were in the second and third year. They
96 believe it’s directly accountable to not being able to get their banners out and their signs out in
97 the local businesses in the community to put on this great event that benefits the Children’s
98 Miracle Network. I don’t understand if you’re allowed to have temporary signs for 30 days a
99 year why they’re being limited to only 14 days. This is our own fire department. They’re trying
100 to do something good in the community, and the city is holding them back and is actually hurting
101 their ability to be able to draw in entrants for this event. I think these things need to be
102 reconsidered. It’s not fair. It is not just bad for these things as far as community events go.
103 Putting this 30-day restriction on these signs for any business is really hurting. I can show that in
104 my business personally, just having graphics on my vehicle and where I park it – either close to
105 the building or more out by the street – if I park it closer to the street I have 300 percent more
106 foot traffic in my business. These things really do help. Again, I think this has been discussed in
107 the past and shelved. It needs to be reopened, and more business owners in this community need
108 to come out and let you guys know exactly how much these things really help their businesses.
109 There are a lot of events going on in this community [such as] fish fries for St. Patrick’s, which
110 has been up here for the last week or the last couple weeks. I’m sure if they were able to put
111 those up there for a couple more weeks, some people don’t have enough time for planning.
112 When they see it for 14 days they may have already made other plans. ... Again, I would like
113 you to reconsider opening this up and putting it back on the agenda for discussion. Thank you.”

114
115 **Alli Pratt**
116 **W6779 Kramer Road**
117 **Town of Onalaska**
118

119 “I am here to talk about the same sign ordinance and tell you what the impact is on a local
120 business. I’m known as a teacher here in Onalaska for many years. But my second job is at
121 Curves for Women, which is an exercise facility that caters to women. At one time there were
122 six Curves in the area. The Onalaska location is the only surviving entity at this time through
123 economic times. We have women coming from the other Curves to join us. We have used a
124 sandwich board for years to gather most of our business. We brought that in when we were told.
125 The corporate entity gives us banners and other signage to use, and expect us to use it. We were
126 fined for having the banner on the building. We do not own that building, and it’s very difficult

127 and costly for us to put up permanent signage. This facility has a greater impact than exercise
128 for women. Right now our food drive is going on. For the past many years we have gathered
129 over 4,000 pounds of food via our members and given to the local food basket. Every year we
130 collect winter clothing for the local children in this community. We do a school supply drive,
131 and we give supplies to kids who are in need in this community. So it goes further than exercise
132 for our women. But let me tell you, you're killing our business. And I would ask that you please
133 reconsider this ordinance and help us save a good, local small business. I don't see a lot of
134 signage that is trashy around this community, and we won't abuse it. Thank you."

135

136 **Harriet Schuppel**
137 **515 3rd Avenue North**
138 **Onalaska**

139

140 "I would like to speak in regard to this tower that is going over on Sand Lake Road. Is that tower
141 in line with the east-west runway? Is it also five miles from the [La Crosse Municipal] Airport?
142 A number of years ago, on the west side of the middle school between there and those houses
143 that are on the hill, we did have a plane crash. The pilot that was killed was from Glencoe,
144 Minnesota. When our house was built – and I'm in line with the east-west runway – they
145 stopped because of it being in line with the runway. We told this by the neighbors that lived by
146 us. When the airplanes use the east-west runway and they put on their landing lights, they come
147 right into our bedroom. And in back of us, to the neighbor to the north, there is a large
148 cottonwood tree. And many times Mary, when she was living there, she and I would go out to
149 see if the planes were going to clear that cottonwood tree. We have these air shows that are
150 coming in that La Crosse is sponsoring, and they are over our area here. How is this going to
151 affect them with this tower going there? If a plane would hit that tower, is it going to make it to
152 the lake? Is it going to land on Highway 35? Or is it going to go in one of these neighborhoods?
153 I just think this needs to be looked at, and if it is in line with the east-west runway."

154

155 **Fred Frick**
156 **1629 Pine Ridge Drive**
157 **Onalaska**

158

159 "I apologize because I was not able to make the last meeting. I did want to come and express our
160 objection to Traditional Trades' zoning request. The properties, as they are defined now, are
161 very clear as to what would be residential and what would be rental. The request by Traditional
162 Trades creates a pocket that will have a tremendous precedent into the future there, setting aside
163 single family along with the twindos that we have established now. So I would ask you to reject
164 their request and to leave it as it is presently zoned. Thank you."

165

166

167

168

169 **Dennis Aspenson**
170 **643 L Hauser Road**
171 **Onalaska**

172
173 “I’m here representing Traditional Trades, and I’m also going to make a request of the Plan
174 Commission that Paul Gleason from Elmwood Partners and myself be able to address the
175 committee when you reach Item 7 on the agenda. So both Mr. Gleason of Elmwood Partners and
176 myself have some statements to make, and we want it to be fresh in your mind when we reach
177 Item 7. I am requesting of the committee that you allow us to address the committee when you
178 reach Item 7. Thank you.”

179
180 **Jennifer Black**
181 **No address given**

182
183 “I spoke at the last [Plan Commission] meeting [on February 24] in regards to Traditional Trades
184 with the zoning of those three lots. My sister and I own a twindo with my mother at 1642 Pine
185 Ridge Drive. At that time we expressed concern with the rezoning, but said we were OK as long
186 as there was the condition that they remain owner-occupied. I am very much in objection to that
187 one piece being removed. If it is removed, any support that I had the last time, I would suggest
188 that those go back to being rezoned single-family lots.”

189
190 Ald. Bialecki called three times for anyone else wishing to provide public input and closed that
191 portion of the meeting.

192
193 **Consideration and possible action on the following items:**

194
195 **Item 4 – Public Hearing: Approximately 7:00 P.M. (or immediately following Public**
196 **Input) – Consideration of an application for a Conditional Use Permit (CUP) filed by R.**
197 **Shane Begley, 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud**
198 **(Sand Lake Development, LLC); Brian Meier (Central States Tower); and Verizon**
199 **Wireless to allow the construction of a multitenant communication facility and a tower**
200 **with an overall height of 125’ at 111 Sand Lake Road, Onalaska, WI 54650**

- 201
202 1. Conditional Use Permit Fee of \$150.00 (PAID).
203
204 2. Applicant to provide a more detailed collation analysis with an explanation as to why
205 collocation is “technically infeasible,” why the proposed location was selected, including
206 details on coverage and capacity in the applicant’s search ring.
207
208 3. As the location of the proposed telecommunications tower and facilities are on leased
209 land, the lease agreement shall not preclude the lessee from entering into leases on the
210 site with other provider(s) and there shall not be any other lease provision operating as a

- 211 bar to collocation of other providers.
212
213 4. The facility shall be designed to promote site sharing for collocation, with space
214 reasonably available to collocators and such that telecommunication towers and
215 necessary appurtenances, including but not limited to parking areas, access road, and
216 utilities are shared by site users whenever possible.
217
218 5. Applicant shall supply the total number of collocation positions designated and proposed
219 positions to be occupied.
220
221 6. Applicant to obtain Federal Communications Commission (FCC) license numbers and
222 registration numbers, if applicable, and provide to the Land Use & Development
223 Director.
224
225 7. Applicant to obtain a Findings of No Significant Impacts (FONSI) statement from the
226 FCC or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
227 Applicant has provided the City with a National Environmental Policy Act (NEPA)
228 Screening Report.
229
230 8. Applicant to obtain a determination of “no hazard” from the Federal Aviation
231 Administration (FAA) including any aeronautical study determination or other findings,
232 if applicable.
233
234 9. Applicant to obtain a report prepared by an engineer licensed by the State of Wisconsin
235 certifying the structural design of the tower and its ability to accommodate additional
236 antennas.
237
238 10. Applicant to provide the City with proof of liability coverage, a minimum of \$2,000,000.
239
240 11. Removal. It shall be the owner of the telecommunication tower’s responsibility to
241 remove the telecommunications tower and facilities once it is no longer in use and is not
242 a functional part of providing telecommunications service. Site shall be restored to its
243 original condition or a condition approved by the Land Use and Development Director.
244 Restoration shall include removal of any subsurface structure(s) or foundation(s),
245 including concrete used to support the telecommunications tower down to 5 feet below
246 the surface. After a telecommunications tower is no longer in operation, the provider
247 shall have 180 days to effect removal and restoration unless weather prohibits such
248 efforts and an extension is granted by the Land Use and Development Director.
249 Applicant shall record a document with the La Crosse County Register of Deeds showing
250 the existence of any subsurface structure remaining below grade. Such recording shall
251 accurately set forth the location and describe the remaining structure.
252

253 12. Performance Bond. The owner of the telecommunication tower shall provide to the City
254 of Onalaska, prior to the issuance of the Conditional Use Permit, a performance bond in
255 an amount based on a written estimate of a qualified remover of said types of structures
256 or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the
257 telecommunications tower will be removed when no longer in operation. The City of
258 Onalaska will be named as an obligee in the bond and must approve the bonding
259 company. The City may require an increase in the bond amount after five (5) year
260 intervals to reflect increases in the Consumer Price Index. The owner of the
261 telecommunication tower shall supply any increased bond within a reasonable time, not
262 exceeding sixty (60) days from the City's request. A letter of credit may be substituted in
263 the amount set forth above.

264
265 13. Abandonment. Any antenna, mobile service facility or mobile services support structure
266 that is not operated for a continuous period of twelve (12) months shall be considered
267 abandoned. Upon request by the owner of the antenna, mobile services facility or mobile
268 services support structure, the Land Use and Development Director may authorize one
269 extension to the time limit to abandon for an additional six (6) month period. Such
270 extension shall be based on City finding that the owner or permit holder is actively
271 seeking tenants for the site. After the expiration of the time periods established above,
272 the following shall apply:

273
274 a. The owner of such antenna, mobile service facility or mobile services support
275 structure shall remove said antenna, mobile service facility or mobile services support
276 structure, including all supporting equipment, building(s) and foundation(s) to the
277 depth as otherwise herein required within ninety (90) days of receipt of notice from
278 the Land Use and Development Director notifying the owner of such abandonment.
279 If removal to the satisfaction of the Land Use and Development Director does not
280 occur within said ninety (90) days, the Land Use and Development Director may
281 order removal utilizing the established bond as provided above and salvage said
282 antenna, mobile service facility or mobile services support structure, including all
283 supporting equipment, building(s), and foundation(s). If there are two or more users
284 of a single mobile services support structure, this provision shall not become effective
285 until all operations of the mobile services support structure cease. If a bond has not
286 been previously established or is not current, the City may perform the work and bill
287 or assess the owner or permit holder of the mobile services support structure for the
288 work performed in addition to an administrative fee.

289
290 b. The owner of the telecommunication tower or current owner or operator shall notify
291 the Land Use and Development Director within 45 days of the date when the mobile
292 services facility is no longer in operation.
293
294

- 295 14. Site Plan Permit Approval needed prior to issuance of building permit and any
296 construction activities.
297
- 298 15. Building Permit(s) and Electrical Permit(s) required prior to any construction activities.
299
- 300 16. Mobile services facilities, support structures and antennas shall be designed and
301 constructed in accordance with the State of Wisconsin Uniform Building Code, National
302 Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire
303 Code, City of Onalaska Building Code, Electronic Industries Association (EIA),
304 American National Steel Institute Standards (ANSI), and American National Standards
305 Institute (ANSI) in effect at their time of manufacture. Mobile service facilities and
306 support structures shall not interfere with or obstruct existing or proposed public safety,
307 fire protection or Supervisory Controlled Automatic Data Acquisition (SCADA)
308 operation telecommunication facilities. Any actual interference and/or obstruction shall
309 be corrected by the applicant at no cost to the City.
310
- 311 17. Fire Prevention. All mobile services facilities shall be designed and operated in
312 accordance with all applicable codes regarding fire protection.
313
- 314 18. Compliance with Airport Overlay Zoning height limitation of 800' AMSL, or compliance
315 with variance if issued by the City of La Crosse Board of Zoning Appeals to exceed this
316 height.
317
- 318 19. Support structure shall comply with the required setbacks as established by the B-2
319 Community Business District of 6' street and side yard setbacks, and 10' rear yard
320 setback, or with an engineering certification showing that a mobile service support
321 structure, or an existing structure is designed to collapse within a smaller area than the
322 setback or fall zone area as required in the B-2 District including snow and ice fall areas.
323
- 324 20. Telecommunication tower and facilities shall be designed to reduce negative impacts on
325 the surrounding environment by implementing the following measures:
326
- 327 a. Mobile services support structures shall be constructed of metal or other
328 nonflammable material, unless specifically permitted by the City to be otherwise.
329
 - 330 b. Satellite dish and parabolic antennas shall be situated as close to the ground as
331 possible to reduce visual impact without compromising their functions.
332
 - 333 c. Equipment compounds shall be constructed of non-reflective materials (visible
334 exterior surfaces only). Equipment compounds shall be designed to blend with
335 existing architecture in the area or shall be screened from sight by mature
336 landscaping, and shall be located or designed to minimize their visibility. "Mature

337 landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height
338 of five (5) feet that will provide the appropriate level of visual screening immediately
339 upon installation. Any plant material which does not live shall be replaced within six
340 (6) months. Plant names and locations to be indicated on a landscaping plan to be
341 submitted to the Plan Commission or Land Use & Development Director for review
342 and approval. Upon project completion, the owner(s)/operator(s) of the facility shall
343 be responsible for maintenance and replacement of all required landscaping as long as
344 a telecommunication facility is operational on the site.
345

346 21. Applicant to provide photo simulations of proposed tower. Tower is encouraged to be
347 designed as a stealth tower (e.g., flag pole).
348

349 22. Chain link fence and slats shall be maintained in good repair to screen all equipment.
350 Chain link fence shall not be permitted to have barbed wire per City Ordinance, Section
351 13-6-10(e).
352

353 23. Telecommunication structure & facility shall be constructed and operated in such a
354 manner as to minimize the amount of disruption (i.e., noise, traffic) caused to nearby
355 properties.
356

357 a. Noise-producing construction activities shall take place only on weekdays (Monday
358 through Saturday, non-holidays) between the hours of 7:00 a.m. and 7:00 p.m. except
359 in times of emergency repair.
360

361 b. Generator shall comply with Ordinance 11-2-9 and the maximum permissible sound
362 levels. Backup generators shall be operated only during power outages and for
363 testing and maintenance purposes.
364

365 24. Outdoor lighting installations shall not be permitted closer than three (3) feet to an
366 abutting property line. All lighting shall be adequately downcast, shielded and hooded so
367 that no excessive glare or illumination is cast upon the adjoining properties.
368

369 25. All drives/parking areas to be paved with asphalt or concrete.
370

371 26. As applicant is proposing the removal of existing parking spaces, applicant to work with
372 City and property owner to verify parking requirements for the existing commercial
373 businesses is maintained.
374

375 27. Exterior storage of materials is prohibited.
376

377 28. Telecommunications tower owners shall provide the Land Use and Development Director
378 a Telecommunications Facility Information Report within 45 days of Plan Commission

379 approval, which provides the City with accurate and current information concerning the
380 telecommunications facility owners and providers. The Report shall include the tower
381 owner name(s), address(es), phone number(s), contact person(s).
382

383 29. All conditions run with the land and are binding upon the original developer and all heirs,
384 successors and assigns. The sale or transfer of all or any portion of the property does not
385 relieve the original developer from payment of any fees imposed or from meeting any
386 other conditions.
387

388 30. Any omissions of any conditions not listed in minutes shall not release the property
389 owner/developer from abiding by the City's Unified Development Code requirements.
390

391 Brea noted that commission members had been given a copy of a document from Shane Begley
392 of Begley Wireless Consulting Services, LLC, the firm that has been tasked with siting a cellular
393 telephone tower. Brea said the proposed tower would be owned by Central States Tower.
394 Verizon Wireless is first carrier that is considering installing service at this tower. Brea said, "It
395 seems that...this area around Sand Lake Road needs more data service, and it needs more
396 capacity for calls. The applicants together were looking at about a 1,000-foot search area. And
397 within that search area, the location that is proposed is behind Center 90 off of Monroe Street.
398 This is the site that meets their criteria for siting this cell tower." Brea said the proposed tower
399 would have an overall height of 120 feet, with approximately 5 feet where the antenna would be
400 above the towers. The applicants have a lease with the current property owner (Sand Lake
401 Development, LLC), and the lease area is 80 feet by 60 feet. The fenced-in area would be
402 approximately 70 feet by 55 feet. Within the fenced-in area there would be an equipment
403 structure measuring approximately 12 feet by 24 feet, and also measuring approximately 10 feet
404 tall. The cell tower itself would be located just north of the building. There would be a patio
405 surface with a generator located to the west of the building. There would be a gate placed on the
406 northern side within the fenced-in area. Both ingress and egress would be into the parking lot,
407 and access still would be off Monroe Street. Brea said a galvanized monopole structure would
408 be utilized. The fencing is proposed to be 7 feet in height – 6 feet of fencing and 1 foot of barbed
409 wire on top. Slats are proposed within the fence. There would be privacy and screening both to
410 the building and the tower.

411
412 Brea said, "The applicants have submitted a Conditional Use Permit application. Our zoning
413 code currently requires Conditional Use Permits for telecommunication towers, and we also have
414 currently a number of setbacks from residential areas. In the state's biennial budget of 2013,
415 there were some statutory changes about cell phone towers, and those statutory changes really
416 limit local control. The statutes that were referenced earlier, 66.0404, [is] where the statutes are
417 more restrictive, that trumps current ordinances. For example, the city ordinances currently have
418 a 1,000-foot setback from many cell phone towers to residential districts. That no longer applies
419 because the statutes are more restrictive. Staff has been working closely with the City Attorney's
420 office with the application, and we believe that a Conditional Use Permit is still the right process

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Tuesday, March 24, 2015
11

421 to go through for approvals on the tower. But in reviewing the proposal, we need to use the
422 statutory standards in reviewing the proposal.”

423
424 Brea noted that the height of the tower was proposed at an overall height of 125 feet and referred
425 to a map that shows the La Crosse Municipal Airport and the runway approaches. Brea pointed
426 out a red dot on the map that represents the tower’s location. Brea noted the height limitation set
427 by the Airport Overlay Zoning in a specific quadrant is 800 feet above mean sea level. The
428 proposed 125-foot tower is above the 800 feet. Brea said the City of La Crosse Board of Zoning
429 Appeals oversees any variance requests from the height maximum and noted that the board had
430 heard, and ultimately denied, the variance request to exceed the 800-foot above mean sea level
431 on March 18. This means that the maximum height based on the surface elevation of this site is
432 89.7 feet above mean sea level.

433
434 Brea said, “In reviewing the application, staff is recommending approval of the Conditional Use
435 Permit with the conditions that are laid out in the packet. We would still be going through a site
436 plan review process, trying to add some landscaping to the site, especially some boulevard trees
437 or really do what we can to make some improvements to the area. As far as the aesthetics, if the
438 Airport Overlay Zoning maximum was exceeded FAA approval is needed on this application.
439 Being within close proximity to the airport, the FAA’s approval did mandate a light on top of the
440 tower, and it requires [horizontal] red-and-white striping of the pole. ... Now that the variance
441 has not passed, I’m hoping the applicant can speak to what the pole would look like if they’re not
442 exceeding the Airport Overlay maximum.” Brea noted that an engineer has identified that the
443 existing site plan and area would allow for an appropriate fall zone if the tower were to fail.
444 Brea said the city is requiring liability insurance, as well as a performance bond.

445
446 Ald. Bialecki noted that approximately one month ago Brea had brought to the attention of both
447 the Plan Commission and the Common Council the State of Wisconsin Statute that removed
448 much of the authority on these issues from local governments. Ald. Bialecki said, “For
449 clarification purposes, we cannot necessarily deny because of that state statute, but we can set
450 conditions, correct?”

451
452 Brea told Ald. Bialecki he is correct. Brea noted that previously the City of Onalaska had
453 worked diligently to have stealth cellular telephone towers and to control the aesthetics of these
454 towers. Brea pointed out that a tower cannot be denied based on the aesthetics of it and said that
455 while aesthetics may be recommended, an application may not be denied based on this. Brea
456 noted that one of the conditions is compliance with the Airport Overlay Zoning or compliance
457 with a variance if issued by the City of La Crosse Board of Zoning Appeals. Brea also noted
458 there is a condition regarding obtaining FAA approval.

459
460 In response to a question by Ald. Bialecki, Brea said she has a record of the approvals from the
461 FAA.

462

**Plan Commission
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Tuesday, March 24, 2015
12

463 Andrea asked Brea if there are any collocation exploratory aspects of the State of Wisconsin
464 Statutes.

465
466 Brea said the statutes require that collocation is looked at as a first option in lieu of constructing
467 a new tower and suggested asking this question to the applicant.

468
469 Ald. Bialecki opened the public hearing and called for anyone wishing to speak in favor of the
470 Conditional Use Permit.

471
472 **Shane Begley**
473 **14114 South Country Circle**
474 **Gordon, WI**

475
476 “I’m here on behalf of Central States Tower and Verizon Wireless, as well as the landowners, for
477 the application of a Conditional Use Permit to construct an overall height of 125-foot monopole.
478 Brea has gone over everything in pretty well detail. Basically, last week we went before the
479 Zoning Appeals Board with the City of La Crosse, and they denied based on whatever they
480 decided that it didn’t meet the criteria. That is in review by Verizon legal at this point whether or
481 not that was a factor that they were able to do or not do. That being beside the point, on this
482 application here we do have [clearance from the] FAA that does allow us to construct at this
483 height. There are several things that I had submitted in this letter that wasn’t included in your
484 original packet, as well as wasn’t included last week, and as well wasn’t included at the variance.
485 I don’t know if you want me to read through it or if you had a chance read through it, but it does
486 kind of outline the application and it outlines the fact of what you can do and can’t do with
487 66.0404 with the state statute. It would probably take me more than three minutes, so I’ll let you
488 decide if you want me to read through that or not. There are a couple of things that were
489 discussed with the individuals that came up here previously. One of them concerned the parking
490 spots that were going to be taken away. There won’t be 36 parking spots removed; there will be
491 14. The parking spots on the east side of the compound will remain intact, so those parking spots
492 will stay there. But there will be 14 spots removed. We’ll address the 125-foot overall height.
493 At this time we still plan on doing overall construction for a 125-foot tower. At this time what
494 we would do is be able to build it to 89 feet, but it would be expandable to an overall height of
495 125 feet and go from there. We’ll see if 89 feet would work for Verizon. Their engineers say it
496 won’t, but they would be amenable to building it to that height and extending it at a later date
497 once they find out if they can in fact do that under the variance. As far as the generator running,
498 that’s kind of a necessity. One of the things I talked to Brea about is putting that inside of an
499 indoor shelter so that it’s not outside. That will reduce some of the noise. These are fairly quiet
500 generators as far as a generator can be. They are used for emergency backup, so in case there is
501 a power outage it does allow the tower to operate, which [facilitates] 9-1-1 services, whereas
502 your land lines are going to be out because they run off of power. This is definitely an
503 emergency-type situation for the generator, so it is a needed use. One lady was asking about the
504 east-west runway. It is in the middle of the two runways, so it is not there. A couple of other

505 things going through the requirements of the Conditional Use Permit, we're willing to work with
506 you on most of this, even the aesthetic things that we can. There are going to be some things that
507 we can't, like if the FAA comes back even on this shorter tower and says it has red and white,
508 that's something beyond our control. Typically we build these galvanized; they kind of blend
509 into the sky that way. That's our preferred [method]. There is a possibility that they could not
510 be red and white and that they could be able to use a dual lighting system. That's being explored
511 right now, although the FAA did come back and request it red and white. They are looking into
512 possibly putting a dual lighting system on, which would mean a white light during the day and a
513 red light during the night."

514

515 Shane referred to a photograph of a cellular telephone tower recently constructed in the City of
516 Eau Claire and said the 120-foot tower will be identical what will be constructed in the City of
517 Onalaska. Shane noted there is a lightning rod on the top of the tower, bringing the total height
518 to 125 feet. This tower was constructed behind a shopping mall, and it has the same fall zone
519 scenario and setbacks. Shane also noted that there are multifamily homes, a residential area and
520 a road that runs north and south near the tower. Shane said there will be antennas on top of the
521 tower in the City of Onalaska. This tower will be designed as a four-tenant tower, and there will
522 be four different levels available. Shane noted the ceiling height for this area is 89 feet and said
523 most carriers are requesting 100 feet.

524

525 Ald. Bialecki called three times for anyone else wishing to speak in favor of the Conditional Use
526 Permit and closed that portion of the public hearing.

527

528 Ald. Bialecki called for anyone wishing to speak in opposition to the Conditional Use Permit.

529

530 **Ronald Callender**
531 **812 14th Avenue North**
532 **Onalaska**

533

534 Ronald reiterated he owns the property at 1118 Monroe Street and asked Brea to show those in
535 attendance a picture of the back of Center 90. Ronald pointed out where his property is located
536 as well as a pine tree that is estimated to be 40 feet tall. Ronald also noted that there is nothing
537 taller than this pine tree until the bluffs located on the other end. Ronald said, "Now picture a
538 120-foot red and white tower. It's going to be three times the height, and it's going to have the
539 structures on top of it that [Shane] pointed out. I'm sure not only are you going to see it in the
540 area, but when you get down to your waterfront that you're trying to beautify and you look back
541 toward City Hall from the Waterfront, you're going to see this red and white striped pole sitting
542 up there. I just wanted to point that out. Thank you."

543

544

545

546

547 **Amy Kuester**
548 **539 11th Avenue North**
549 **Onalaska**

550
551 “I live about a couple of blocks away from this proposed tower. I’ve been a resident here for
552 about 10 years. I bought my home about five years ago, and the reason I bought my home in the
553 City of Onalaska is because I believe that this city cares about its quality of life. Many of my
554 neighbors have been there since they built their homes, and I think that this tower would really
555 interfere with the quality of our neighborhood. We all care about our neighborhoods and our
556 homes.”

557
558 **Mary Hallstead**
559 **842 6th Avenue North**
560 **Onalaska**

561
562 Mary noted she owns the property located at 204 11th Avenue North and asked to see the picture
563 of the tower in Eau Claire. Mary said, “I echo everything that Ron said in regard to noise.”
564 Mary referred to another picture where she said it appears to her there is “a lot of land behind it.”
565 Mary said, “The homes that we own are much closer than that – the homes, the driveways where
566 the kids are playing. It just seems like it isn’t the best place for something like that. Thank you.”

567
568 **Harriet Schuppel**
569 **515 3rd Avenue North**
570 **Onalaska**

571
572 Harriet asked to see a photograph and asked if the runway in question was the north-south
573 runway at the La Crosse Municipal Airport instead of the east-west runway.

574
575 Brea noted that all the runways are included in the photograph and pointed out the more due
576 north-south runway. Brea referred to the overlay zoning and said it is not exactly within the
577 approach area.

578
579 Harriet asked if the east-west runway runs in a more southerly direction toward Main Street.

580
581 Brea said no.

582
583 Harriet said her home is directly in line with the east-west runway.

584
585
586
587
588

589 **Martha Furlano**
590 **122 11th Avenue North**
591 **Onalaska**

592
593 “My husband and I moved in about two years ago, and we bought the house largely because of
594 the aesthetic area. We didn’t think we’d ever be living next to a cell tower. But besides the
595 aesthetic look, my question as a homeowner – and many people have already brought this up – is
596 the amount of noise generated and the property value. Will that go down? Will it go up? I don’t
597 think so, but that’s because I don’t know too much about it being a new homeowner. Hearing
598 about the appropriate fall zone is kind of scary, thinking that something like that could just come
599 down. Obviously it sounds like it’s not too close to hit anybody in our houses, but just the risk of
600 that kind of seems scary to me. I don’t know a lot about cell towers, and I’ll admit that because
601 I’ve never lived next to one before. But the amount of radiation emitted, I always question that
602 being so close to a school, so close to the church and so close to residential area. How close is
603 too close in our community to have a cell tower right there? Then I know you had mentioned
604 they looked at a 1,000-foot area. Is there another location that’s not so close to the residential
605 area? Overall, I’m concerned not only about the look because obviously it’s a cell tower and it’s
606 not going to look pretty, but also about radiation, property values and taxes. When I do
607 hopefully not want to move out of my home that we like, what will happen to the property value
608 when we do eventually want to sell? Thank you for your time.”

609
610 **Matt Deshler**
611 **523 14th Avenue North**
612 **Onalaska**

613
614 “I understand you’re between a rock and a hard place. It doesn’t sound like you can turn it down
615 anyway. But in general, I thought I would tell you that I’m against it. Put as many conditions on
616 as you can and make it as unpalatable as possible. It’s not that I don’t like the guy, but I don’t
617 want a 120-foot cell phone tower out my windows just because they’re ugly. I know we can’t
618 turn them down on aesthetics and we can’t turn them down on [Martha’s] concerns over
619 radiation. We haven’t been able to do that for quite some time. But it seems to me that without
620 making a general comment about politics that we’re sort of stuck here. So if you can make it as
621 palatable for the city as you possibly can I would appreciate it. Everybody wants more data and
622 everything else, but we also want things to look nice, too. I have a question. I don’t understand
623 the new law very well. Someone comes in and they can put one anywhere now if they want?
624 Pretty much, right? So the one that was on the bluff that we finally got rid of the stupid light and
625 the tower on that, they could just come back and put that up there, couldn’t they?”

626
627 Ald. Bialecki said that is a possibility.

628
629 Matt said, “It’s probably probable, I would think. As a general comment, if you don’t like that,
630 then my suggestion would be you’d better start writing some letters and making some phone

**Plan Commission
of the City of Onalaska**

Tuesday, March 24, 2015

16

631 calls to your state representatives because this area is going to look like the back of a porcupine
632 pretty soon because everyone is going to want more and more data. There's nothing actually
633 wrong with that; I actually just signed up for Verizon. Luckily, I work on a wireless network at
634 home, but everybody wants more data and will continue to want more data and more usage. And
635 if you don't want the area to look like a bunch of blinking lights and Christmas all year long
636 because there are cell phone towers everywhere, then you'd better write to your state
637 representatives and change that law. It's one thing to be pro-business. It's another to be pro-
638 aesthetic, which apparently we can no longer be. Thank you."

639

640 **Richard Staff**

641

642 "I think there are things a municipality can do to object. For example, you have the right to have
643 an adequate engineering report. You can object if it's inadequate. Who prepared the
644 engineering report? The tower manufacturer. You do not have an independent in an engineering
645 report. Look at the letterhead. Sabre [Industries] is the engineer, and that's the manufacturer.
646 You have the right to an independent opinion. Our employees park on Monroe Street. I don't
647 want a tower falling on top of them. The Sabre manufacturing engineer says 40 feet. That's
648 pretty close to the road. He's off by 10, 15 feet and it's on my car because I park there
649 occasionally. I disagree with Brea. She says the statute supersedes your standards. That's not
650 what it says. The statute declares your ordinance unenforceable if there's a conflict. Again, you
651 have no role in approving a Conditional Use Permit. Onalaska can issue a building permit.
652 That's not limited by the state statute. Your building ordinance reflects that it works in
653 collaboration with the zoning ordinance. There is a back door. I don't think municipalities have
654 to lie down because the cell industry managed to pass a statute intended to strip you of your
655 powers. Demand a fair engineering report. Demand that if in fact they've taken your powers
656 away that a request to enforce your ordinance is not germane and then deal with it as a building
657 ordinance matter and turn it down for that reason because it's damaging for all the reasons the
658 people have spoken to. Your attorney [Sean O'Flaherty] is somebody I tangle with because he
659 does real estate all the time. He's more than capable of saying 'no' and giving it a legal
660 argument. I don't think you have no powers, but the feeling is, 'We have to say yes.' I think
661 that's completely wrong. Demand proper engineering. Demand an appropriate building permit
662 application. And if in fact your ordinance has no power as the statute indicates, you have no
663 right to issue a Conditional Use Permit because you have no authority. So I challenge you to say
664 'no.' Thank you."

665

666 Ald. Bialecki called three times for anyone else wishing to speak in opposition to the Conditional
667 Use Permit and closed the public hearing.

668

669 Ald. Bialecki referred to Shane's comments to the Plan Commission and asked him if he had
670 stated he takes issues with the conditions of approval.

671

672 Shane said there are a few conditions that do not apply to the state statute and stated, "In going

Reviewed 4/1/15

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
17

673 through them, most of them we can work with. What I have to do on record is say not all of
674 them comply to the state statute, but we're willing to work with you on most of them and to
675 making it as aesthetically pleasing as we can."

676
677 Ald. Bialecki asked, "Hypothetically, if this got approved, is this going to come back [before the
678 Plan Commission] because there's a disagreement with any one or all of the conditions?"

679
680 Craig said, "That's part of a motion I would make. If there's any discrepancy here it comes back
681 to us for review – absolutely, without a question."

682
683 Shane said, "That's beyond me to say. That's something for the attorneys that have to say it. I
684 didn't write the state statute."

685
686 Andrea said, "I think I heard you say that if you can only build it to 89 feet it would not be
687 adequate for anybody. But you would build it anyway and then wait for the day that you could
688 raise it. Is that right?"

689
690 Shane said, "What I said was that at this point Verizon is doing a study right now to see if they
691 can live with the 89 feet. They think they can, but I don't know if anybody else could go on it at
692 that 89 feet, or if that would mean more towers being built in the proximity of the area. That I
693 don't know, and that's something they're looking into at this point."

694
695 Andrea asked, "According to the collocation study that must have been done, because it says this
696 is complete, why were none of the other towers available for collocation?"

697
698 Shane said, "There were no towers within the search area that allow for collocatable. Everything
699 was well outside of the search area. That map was submitted with my application."

700
701 Andrea asked, "But you wouldn't build a tower until you knew you could use it, right?"

702
703 Shane said yes and stated, "The first thing that I do when I go into an area to locate a tower or to
704 do anything is look for collocatable structures because for Verizon or AT&T or any of the
705 carriers, it's first to market and it's revenue-driven. So by me just going and building a tower is
706 an injustice to them because now they're losing revenue by not being able to get on the air fast
707 enough. So anything that I do to drag that process down, that's money out of their pocket. So
708 the first thing I always do is try to collocate on something."

709
710 Andrea said, "I just want to state that I am not necessarily against cell towers. I did fight the one
711 on the bluff from those chairs, and I think that the City of Onalaska and the citizens of Onalaska
712 who helped write our Comprehensive Plan were very clear in their desire that we protect our
713 viewsheds and our neighborhoods and that we find ways to limit them. And so in the past the
714 Planning Department and the Plan Commission and the citizens have all worked really hard to

**Plan Commission
of the City of Onalaska**

Tuesday, March 24, 2015

18

715 keep things smaller so that when we look from the bluffs we see the river, and when we look
716 from the river we see the bluffs. We don't have the tall, blinking towers that the other cities have
717 around us. We're one of the only communities that doesn't have a gargantuan tower in the
718 middle of it. When I read this application, it was just very disappointing. I would hope that the
719 businesses that we have worked with would respect our planning that we have used for years as
720 guidelines. And I would hope that they wouldn't challenge this just because the state provided
721 them with an opportunity to do this. So while I don't necessarily feel like we have a clear way to
722 say 'no' to this, I do hope that you would agree to work with us as much as possible to make this
723 as minimal as possible since we may or may not have the right to turn it down."

724

725 Shane said, "That's the feeling of Verizon and Central States Tower as well. In talking with
726 them on this whole project, they have to go off what their engineer says that they need in a given
727 area. That's just what they do on every site. By not doing that, it creates more and more towers
728 in a given area. In driving around and looking at this particular search ring, there's a multiple of
729 stealth flagpoles. And if you realize those stealth flagpoles basically serve one carrier because
730 the technology that it's gone to now, the equipment that is required for the data service, the LTE,
731 you've got basically nine to 12 antennas per carrier. You've got radioheads. The fiber optic
732 runs up to the radiohead and branches off of there. Each of the radioheads are pretty good sized,
733 so you have to hide those inside the tower as well. So a typical flagpole design has basically
734 three sectors at the top, and that's pretty much room for one carrier. Most of these towers that
735 went in and said they were collocatable really aren't collocatable because they're filled up with
736 the one tenant's equipment."

737

738 Andrea said, "But you also don't have to take a tower and plop it down 20 feet from somebody's
739 front door. You could put a tower maybe on top of something like a building like City Hall
740 where at least it wouldn't be right in somebody's front yard. I just feel like this is a tiny little
741 neighborhood and the opportunity was there because somebody was going to lease you the land.
742 But I would never have in a million years thought that that was an appropriate place to put a 120-
743 foot cell tower."

744

745 Shane said, "I can't argue that point as far as what every individual would like to see. But as far
746 as what the engineers from the carriers are, this is where they're needing it because there's a gap
747 in coverage. I would say that if they could do it somewhere else they probably would have. I
748 know that they're surrounding that whole area, so for them to come out and say, 'I'm going to
749 spend this amount of dollars here to build this tower,' it's not just for fun. It's because they need
750 it."

751

752 Ald. Bialecki asked Shane if he wants to proceed tonight with the conditions of approval and
753 noted that if the CUP is approved it will be approved with the conditions of approval before the
754 Plan Commission. Ald. Bialecki said, "If there is some disagreement, is that going to come back
755 here again and have to go through the same process? I would much rather you guys have a sit-
756 down and be very clear as to what those conditions are going to be."

Reviewed 4/1/15

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
19

757
758 Craig said, "My concern is that it sounds like you don't really know today whether 89 feet works
759 or 100 feet works or 125 feet works. They really haven't given you a definitive answer on that.
760 And that kind of lack of preparation concerns me a little bit."

761
762 Shane noted he had been told a 100-foot tower would be sufficient and said "it may be a
763 marginal deal" if the tower can be 89 feet. Shane said this will not be known until the tower is
764 up and running."

765
766 Ald. Bialecki said he is inclined to refer this item for 30 days and stated, "Again, keep in mind it
767 may come to it by virtue of state authority we may have to approve this. But, as was indicated
768 here too, we should do everything we can in the best interest of our residents. That's what I hope
769 we're doing here tonight."

770
771 Brea noted that following the March 17 Plan Commission Sub-Committee meeting both she and
772 Shane had met and discussed the conditions of approval. Brea also noted that the conditions had
773 been modified in the week between the Plan Commission Sub-Committee meeting and tonight's
774 meeting. Brea said she had taken the conditions to the City Attorney's office prior to the Plan
775 Commission Sub-Committee meeting, prior to her discussion with Shane, and prior to their
776 insertion in the Plan Commission packet. Brea said the City Attorney's office found the
777 conditions in the packet to be acceptable.

778
779 Ald. Bialecki said that while Sean might find the conditions to be acceptable, he does not believe
780 Shane finds them to be this way.

781
782 Shane said he had received the current conditions on Monday afternoon and admitted he had not
783 thoroughly reviewed them.

784
785 Andrea asked if this is a Class 1 or Class 2, and if there is a 45- or 90-day window in which to
786 render a decision.

787
788 Brea said there is a 90-day window.

789
790 Motion by Ald. Bialecki, second by Craig, to refer to the April 28 Plan Commission meeting
791 consideration of an application for a Conditional Use Permit (CUP) filed by R. Shane Begley,
792 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud (Sand Lake
793 Development, LLC); Brian Meier (Central States Tower); and Verizon Wireless to allow the
794 construction of a multitenant communication facility and a tower with an overall height of 125'
795 at 111 Sand Lake Road, Onalaska, WI 54650.

796
797 Skip noted that the 2013 State of Wisconsin biennial budget bill, which is known as 2013
798 Wisconsin Act 20, included very significant changes to the state statute that "did very limiting

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
20

799 things” to the city. Skip pointed out that municipalities cannot limit cell towers to certain zoning
800 districts. Skip also pointed out that the city cannot require minimum setbacks from residential
801 areas and said, “Complaints about being too close to residential areas, there’s nothing we can do
802 about that. We cannot limit it to less than 200 feet. They’re only asking for 125 feet. They can
803 go up another 175 feet and we still cannot complain about that. You say 125 feet is too high.
804 Heck, maybe if we delay this they’ll come back and say, ‘We need 175 feet instead.’ You ask,
805 ‘Is 125 feet going to work?’ Maybe they’ll look at it and say, ‘Maybe it won’t. Maybe we need
806 to go higher.’ Another thing is municipalities are prohibited from the placement of emergency
807 power systems. And the thing about the radio waves – we cannot deny it because of any radio
808 wave frequency-type things. As far as the airport goes, that’s beyond us. The FAA is the one
809 that approves or disapproves that. They’re taking care of that, so that’s not anything we
810 consider. In fact, what they have given us here says that they have received an FAA no-hazard
811 issue on January 20, and it says that they have to meet the FAA requirements set forth in this
812 statute and that statute. I’d just like to clarify that and let the people out there know that we’re
813 not ignoring them. These things are things that we cannot do anything about. Every complaint
814 I’ve heard, we cannot do anything about.”

815
816 Ald. Bialecki noted that the FAA had proposed red and white striping on the tower and inquired
817 about the type of lighting that would be placed on top of the tower.

818
819 Shane said the light would be a red strobe in the evening. The light would be upward shining for
820 aviation purposes.

821
822 Ron inquired about the status of the cell phone tower by Onalaska Luther High School.

823
824 Brea said this tower no longer is in service and that it is her understanding all the antennas were
825 removed from the tower in late 2014. Brea said the tower owner is looking to sell the tower and
826 is seeking new tenants. Brea noted the tower initially was constructed in a fashion that exceeded
827 the airport overlay height limitations. An after-the-fact variance had been requested, but it was
828 denied and forced the change of the tower’s height to bring it into compliance. Brea said the
829 construction had occurred between 2010 and 2012.

830
831 Shane said he had examined the conditions and finds them to be satisfactory.

832
833 Ald. Bialecki said he still wants to refer this item for 30 days to allow time to provide answers to
834 all the questions that have been asked this evening. Ald. Bialecki said he also wants Sean to
835 approve the conditions one more time.

836
837 Andrea asked what will happen if the Plan Commission denies the CUP this evening.

838
839 Brea said she had asked Sean if there is a way the Plan Commission can deny the CUP.
840 However, Brea said grounds for denial or Plan Commission objection have not been identified.

841
842 Andrea said, “So we could vote ‘no,’ and that would probably just mean that we would lose the
843 ability to have any influence on what it looks like because the state would eventually take us to
844 court and shoot us down.”

845
846 Brea said there likely would be litigation if the Plan Commission denies the CUP.

847
848 On voice vote, motion carried, 6-1 (Skip Temte).

849
850 **Item 5 – Consideration and review of a request by Steve Bluske of Shopko to host a tent**
851 **sale in 2015 that will last until August 31, 2015 at 9366 State Road 16, Onalaska, WI (Tax**
852 **Parcel #18-3589-9)**

- 853
854 1. Outdoor display and sales must be shown on the site plan for the property and are subject
855 to the approval of the City.
856
857 2. Outdoor display and sales are limited to thirty (30) days per calendar year unless
858 approved by the City Plan Commission.
859
860 3. Outdoor display and sales shall be limited to the goods sold at the principal use present
861 on the site except for temporary sales events authorized by the City Plan Commission.
862
863 4. Outdoor display and sales areas shall not include portable toilets and more than two (2)
864 temporary signs advertising the sale.

865
866 Katie said Steve Bluske of Shopko is requesting to hold a tent sale event in 2015 that will last
867 from April 1 to August 31. This is conditioned upon obtaining a tent permit for the tent
868 structures from the City of Onalaska Inspection Department. Katie noted that Shopko has
869 completed this task and said the store is seeking to set up three temporary tent structures that will
870 collectively sell hard goods, assorted flowers, vegetables and additional flowers.

871
872 Motion by Ald. Bialecki, second by Andrea, to approve with the four listed conditions a request
873 by Steve Bluske of Shopko to host a tent sale in 2015 that will last until August 31, 2015 at 9366
874 State Road 16, Onalaska, WI.

875
876 On voice vote, motion carried.

877
878 **Item 6 – Consideration and review of a request by Tracy Sacia of Home Depot to host a**
879 **tent sale in 2015 that will last until August 15, 2015 at 2927 Market Place, Onalaska, WI**
880 **(Tax Parcel #18-3635-4)**

- 881
882 1. Outdoor display and sales must be shown on the site plan for the property and are subject

883 to the approval of the City.

884

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

887

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

890

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

893

894 Katie said Tracy Sacia of Home Depot has made this request and noted the operation of Home
895 Depot's season garden center would last until July 15 and not August 15. Katie also noted that
896 Home Depot has received its tent permit from the Inspection Department.

897

898 Motion by Ald. Bialecki, second by Andrea, to approve with the four listed conditions a request
899 by Tracy Sacia of Home Depot to host a tent sale in 2015 that will last until July 15, 2015 at
900 2927 Market Place, Onalaska, WI.

901

902 On voice vote, motion carried.

903

904 **Item 7 – Consideration of a rezoning request filed by Traditional Trades, 1853 Sand Lake**
905 **Road, Onalaska, WI 54650, to rezone the properties at 1735 Pine Ridge Drive, 1150 Oak**
906 **Timber Drive, and 1140 Oak Timber Drive, Onalaska, WI 54650 from Single Family**
907 **Residential (R-1) District to Single Family and/or Duplex Residential (R-2) (Tax Parcels**
908 **#18-6282-0, 18-6273-0, 18-6272-0)**

909

910 1. Rezoning Fee of \$150.00 (PAID).

911

912 2. Obtain a Certified Survey Map to amend boundaries of Tax Parcels 18-6273-0 and 18-
913 6272-0 to reflect rezoning request.

914

915 3. Park Fee of \$922.21 per residential unit prior to issuance of building permit.

916

917 4. All associated setbacks for a twindo dwelling to be followed according to Section 13-2-6
918 of the Zoning Ordinance.

919

920 5. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
921 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
922 and improvements installed per approved plans prior to issuance of occupancy permits.

923

924 6. All conditions run with the land and are binding upon the original developer and all heirs,

925 successors and assigns. The sale or transfer of all or any portion of the property does not
926 relieve the original developer from payment of any fees imposed or from meeting any
927 other condition.

928
929 7. Any omissions of any conditions not listed in minutes shall not release the property
930 owner/developer from abiding by the City's Unified Development Code requirements.

931
932 8. Upon sale of the units, units to remain owner-occupied. Proof of deed restriction to be
933 provided to the City prior to the issuance of Building Permits.

934
935 Brea noted a public hearing regarding the rezoning request had been held at the February 24 Plan
936 Commission meeting. The Plan Commission recommended approval, with conditions, of the
937 rezoning from Single Family Residential to Single Family and/or Duplex Residential. Brea
938 noted one of the conditions was to add Condition No. 8, which states that the units must remain
939 owner-occupied upon their sale. Brea noted staff reviewed this additional condition with legal
940 counsel following the February 24 Plan Commission meeting and said staff and legal counsel
941 recommended that the condition should be amended to read as follows: *"Upon sale of the units,*
942 *units to remain owner-occupied. Proof of deed restriction to be provided to the City prior to the*
943 *issuance of Building Permits."* Brea said this had been forwarded to the Common Council for its
944 March 10 meeting and noted staff subsequently had received a request from the developer and
945 property owner, Elmwood Partners, asking that the Council remove Condition No. 8 and approve
946 the rezoning. Another option that was presented was for the Council to refer the matter back to
947 the Plan Commission for review and discussion. Elmwood Partners also presented a third option
948 where it would be allowed to withdraw its rezoning request and keep the property Single Family
949 Residential. The application came in through Traditional Trades, which has an agreement to
950 purchase the properties and perform the residential construction. Brea noted that Elmwood
951 Partners remains the developer of the Meier Farm Subdivision.

952
953 Brea apologized for not being able to attend the February 24 Plan Commission meeting and said
954 that after examining the meeting minutes she had not thought about the owner-occupied
955 condition previous to the meeting. Brea said, "Thinking about it after the Plan Commission
956 made the recommendation to the Common Council, the questions I had in my mind is looking at
957 it from an administrative standpoint. This condition is being recommended on a rezoning, and
958 when the city has placed an owner-occupied condition in the past it's been on a subdivision as a
959 whole. I guess to me I'd rather take a larger approach than putting an owner-occupied condition
960 on rather than just two properties within a subdivision – why these two and not others – and look
961 at the overall mix of owner-occupied versus rental. The rental ratio that was brought up at last
962 month's Plan Commission meeting was just the ratio of what Traditional Trades has, [which is] a
963 ratio of their properties that they developed or that is currently in their ownership."

964
965 Brea referred to a map showing the phases of the subdivision, which includes Meier Farm
966 Addition No. 6, Meier Farm Addition No. 4, and Meier Farm Addition No. 2. Brea noted that

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
24

967 the shaded items are Traditional Trades properties. The parcels colored in yellow represent
968 owner-occupied, and the areas shaded in blue represent rental-occupied pieces. Brea said, “To
969 me, it seemed like the condition on owner-occupied was partially based on that ratio, which I
970 think is a bit skewed. I think we need to look bigger picture at the subdivision and what the ratio
971 is for the subdivision. I went back and looked at what approvals the city had done on these
972 phases. When Meier Farm Addition [No.] 6 was approved, that was approved without any
973 conditions on owner-occupied versus rental. At the Plan Commission meeting [former Land Use
974 and Development Director] Jason Gilman noted that the zoning is all single family. That was
975 kind of the thought going into the final plat. When Meier Farm Addition [No.] 5 was approved
976 there were no conditions on the plat about owner-occupied versus rental. There is a traditional
977 neighborhood development that was approved by the city, but it’s on the east side of Pine Ridge
978 Drive. The intent of that traditional neighborhood development was a mix of housing. It calls
979 out duplexes and single family and multifamily [and] cottage homes. It did call for that as being
980 truly a mix, but it also didn’t address owner-occupied versus rental.”

981
982 Brea noted she had been asked at the March 17 Plan Commission Sub-Committee meeting to
983 check and see if there would be any conflicts with anything the city has done in the last two
984 years if Condition No. 8 was removed. Brea said that after conferring with legal counsel and
985 reviewing the conditions of approval in these areas there is nothing that would be inconsistent
986 with this and other actions the city has taken. Brea said, “I ask the Plan Commission to consider
987 what the applicants are requesting tonight, but then to also help out staff please consider the
988 long-term implications of adding a condition like this on a rezoning versus looking at adding this
989 to a subdivision plat or a Planned Unit Development for an entire piece. I know that through our
990 concerns with rentals I think the City of Onalaska has been really proactive about property
991 maintenance and enforcing our property maintenance codes and enforcing our building standards
992 and making sure that buildings are kept up. So I feel like we have appropriate ordinances to deal
993 with those types of conditions in neighborhoods. There are other ways that we can regulate
994 rentals. The city could put in place a rental licensing program. That’s the extreme other end, but
995 I don’t think we need to go that far. I don’t think we should go that far at this point. But I think
996 we should take a bigger look at it, at least from a subdivision perspective or a Planned Unit
997 Neighborhood perspective as to when we place these types of conditions and exactly what are we
998 trying to accomplish with that.”

999
1000 Motion by Ald. Bialecki to approve with Condition Nos. 1 through 7 a rezoning request filed by
1001 Traditional Trades, 1853 Sand Lake Road, Onalaska, WI 54650, to rezone the properties at 1735
1002 Pine Ridge Drive, 1150 Oak Timber Drive, and 1140 Oak Timber Drive, Onalaska, WI 54650
1003 from Single Family Residential (R-1) District to Single Family and/or Duplex Residential (R-2).

1004
1005 Brea noted that commission members’ packets contain a list of conditions for consideration by
1006 the Common Council at its March 10 meeting. Brea said the list of conditions is what staff
1007 recommended coming out of the February 24 Plan Commission meeting. Brea said if Condition
1008 No. 8 is placed, staff is asking that it be modified to include a deed restriction. Brea noted the

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
25

1009 Plan Commission Sub-Committee had voted to approve this item at its March 17 meeting with
1010 Condition Nos. 1 through 7.

1011
1012 Motion dies for lack of a second.

1013
1014 Andrea noted that a representative from Traditional Trades had attended the February 24 Plan
1015 Commission meeting, and also noted that the request was to rezone the two red dots from Single
1016 Family to Multifamily. Andrea noted the representative from Traditional Trades had been
1017 agreeable to this and asked if what is now before the Plan Commission is a different entity and
1018 Traditional Trades no longer is involved.

1019
1020 Brea said Traditional Trades still is part of the discussion and suggested that perhaps its
1021 representative could clarify its relationship on the land ownership.

1022
1023 Craig noted there is no public hearing this evening and asked the representatives from
1024 Traditional Trades to help the Plan Commission understand the situation, and also to address
1025 some of the concerns expressed tonight by individuals in attendance.

1026
1027 **Dennis Aspenson**
1028 **643 L Hauser Road**
1029 **Onalaska**

1030
1031 “Traditional Trades, at the public hearing [at the February 24 Plan Commission meeting], and at
1032 the last ... agreed to the restriction. After reviewing the restriction of owner-occupied and
1033 having a long, extensive conversation with Elmwood Partners, we decided that it would be better
1034 for the development community, the builders and the city in general to review this and bring it
1035 back to [the Plan Commission]. That’s how Traditional Trades got back into the process here.
1036 Elmwood Partners and Traditional Trades had reviewed the restrictions put on with owner-
1037 occupied. Correct me if I’m wrong, Brea. If we pulled the owner-occupied restriction off of the
1038 restrictions, those two red dots would turn into the same color as the green ones.”

1039
1040 Brea referred to the zoning map and said the rezoning is to make 16 feet of the eastern lot R-2,
1041 and two more parcels R-2.

1042
1043 Dennis referred to a slide and said the two red dots would turn green, which represents all the
1044 southern part of Pine Ridge Drive. Dennis asked that Paul Gleason be allowed to address the
1045 Plan Commission so he may provide a better view from the developer’s perspective. Dennis
1046 said, “It will have a big impact on the city and what this board does in the future with the spot
1047 zoning. The two red dots that Traditional Trades and Elmwood Partners are requesting the same
1048 zoning as all of those green ones that you see. That is the whole southern end of the Pine Ridge
1049 development. Those two dots would have the same rights as all the other people in the green.”

1050
Reviewed 4/1/15

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
26

1051 Andrea said, “I don’t think that’s quite correct because the green dots say ‘owner-occupied.’ Is
1052 that a zoning, or is that just a tally label?”

1053

1054 Brea asked Dennis to clarify Traditional Trades’ intent.

1055

1056 Dennis said, “Our intentions with those two areas dotted to get the rezoning is to build the same
1057 units that are on the southern part of Pine Ridge that look like from the exterior the same quality,
1058 and our intent is to sell them. It’s the same thing – nothing out of the ordinary here than what is
1059 going on in Pine Ridge. To be perfectly honest, Traditional Trades was a little shocked when
1060 this committee put that owner-occupied restriction on it because that would be the only owner-
1061 occupied restriction, I believe, in the City of Onalaska.”

1062

1063 Andrea said she does not believe that is a correct statement.

1064

1065 Dennis said, “As a single-family home, you don’t even have that restriction on as a single-family
1066 home. You have created a new zoning. But if the board would allow me to have Paul Gleason
1067 come up, he’ll just give you a brief description of what it’s going to do for the development side
1068 for Onalaska, and [regarding] the builder and the developer, what this puts us up against. Once
1069 again, Traditional Trades is going to put up the same unit as the southern half of Pine Ridge. It
1070 will look the same. It will be built the same and sold to the same people. Our intent is to sell,
1071 but we just don’t want that restriction on properties not allowing the owner of that property, after
1072 I sell it, to have the option of leasing it if they need to. Skip brought up the military, and that’s a
1073 perfect example. And another example is in 2008 when we went into this recession there were a
1074 lot of single-family homes out there or people who had to lease their home just to survive. If you
1075 put a zoning on like that, that will affect the whole city and you’ve taken the rights away from
1076 those two dots. But if I can have Paul Gleason come up here and address you in the same
1077 manner I would appreciate it.”

1078

1079 **Paul Gleason**

1080 **2008 Clearwater Drive**

1081 **Onalaska**

1082

1083 “I represent Elmwood Partners. We are the owner of those two lots at this time. We have an
1084 arrangement with Traditional Trades that if they are rezoned we will sell them to Traditional
1085 Trades and they will build the buildings he’s talked about. That’s the relationship. I would like
1086 to reference you to the map that I prepared just to, I think, clear up some misconceptions that
1087 there may be out there. I’ve color-coded that with current zoning. Blue is the Traditional
1088 Neighborhood Zone; yellow is the two with the red dots; and red is R-2 duplex zoning. All of
1089 those in red are R-2 duplex zoning, and are occupied by a duplex unit. There seems to be some
1090 misconception that because something is owner-occupied now it will forever be owner-occupied.
1091 In point of fact, there are no restrictions on rental for anything in the blue, anything in the red,
1092 and anything in the green. Every one of those can be rented by the owner at any point in time. A

Reviewed 4/1/15

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
27

1093 rental restriction is, in my experience, a very unusual animal. The Elmwood Hills addition has
1094 no rental restrictions. The [La Crosse] Country Club area that we have developed has no rental
1095 restrictions. All of those homes can be rented if the owner chooses to do so. What I want to
1096 clarify is that what we're asking for in this rezoning is the exact same bundle of rights and
1097 restrictions that every one of those red lots has in terms of what they can do. They're all subject
1098 to the R-2 zoning code. They all have the same restrictions by the city. They all have the same
1099 rights; specifically, the right to rent if they choose to. I don't know, if you go back to the last
1100 slide, if all of those that you've labeled as owner-occupied are in fact owner-occupied. I don't
1101 know if you have verified that in some way. But I can't dispute it because I don't know. But
1102 none of them are restricted to owner-occupied. We feel that this proposal is a very reasonable
1103 approach that has insignificant impact on any other properties involved. Once again, they're
1104 intended to be the same as all the other duplexes. I feel very strongly as a developer that to put a
1105 rental restriction on a piece of property – and especially when it's surrounded by other similar
1106 properties that have no such restriction – that it in effect devalues that property because you have
1107 given up a significant right that everyone else has around you. And I think a lot of buyers
1108 looking at two similar properties, even if they don't intend to rent it, if they know that one they
1109 never can and the other one they can if circumstances dictate, conservatism is going to tell you to
1110 buy the one that has that right. I feel strongly that what we've proposed is in keeping with the
1111 neighborhood. We are asking for the same restrictions as all of the other R-2 duplex lots that are
1112 shown on the map that I have given you. I feel strongly enough that I would ask you to either
1113 approve it or deny it without a rental restriction. Thank you.”

1114
1115 Motion by Skip, second by Ald. Bialecki, to approve with Condition Nos. 1 through 7 a rezoning
1116 request filed by Traditional Trades, 1853 Sand Lake Road, Onalaska, WI 54650, to rezone the
1117 properties at 1735 Pine Ridge Drive, 1150 Oak Timber Drive, and 1140 Oak Timber Drive,
1118 Onalaska, WI 54650 from Single Family Residential (R-1) District to Single Family and/or
1119 Duplex Residential (R-2).

1120
1121 Craig asked Paul, “What you're essentially asking for is that these properties be considered the
1122 same with the same rights as the properties that everybody else here has with their properties. In
1123 other words, all the owner-occupied properties out there right now, should circumstances
1124 warrant, can certainly lease their properties or rent those out for a period of time if they choose to
1125 do so. And we're not taking that away from anybody else.”

1126
1127 Paul told Craig he is correct.

1128
1129 Craig said, “And that's all you're asking for – the same rights and privileges, correct?”

1130
1131 Paul said this is correct.

1132
1133 Jan said it seems to her that, judging by the map, Pine Ridge Drive is “a great delineation line.”
1134 Jan referred to one of the dots and noted it is located among R-1 zoning. Jan said she would like

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
28

1135 to know if the lots colored in red and zoned R-2 are all owner-occupied. Jan said if that is the
1136 case, then the neighborhood is “putting its own self covenant on this.”

1137
1138 Paul said that they are not enforceable, pointing out that an individual who cannot sell his home
1139 due to the market and needs the money could find someone to rent the home. Paul referred to
1140 Oak Timber Drive between Rolling Oaks Drive and Pine Ridge Drive and noted that the
1141 remaining lots that would remain R-1 all still are owned by Elmwood Partners, as are the lots
1142 along the south side of Fraser Way that are on the same block as the more northerly of the two
1143 proposed lots for rezoning. Paul said, “That was one of the reasons that I was willing to go along
1144 with this along with Traditional Trades. I was not affecting any single-family homeowners by
1145 doing this.”

1146
1147 Jan asked Paul if the intention is to build single-family homes.

1148
1149 Paul assured Jan that single-family homes will be constructed and said, “People will know in
1150 advance what they have. I would also like to point out that the other duplex lots that are not
1151 along Pine Ridge Drive were planned that way intentionally to scatter them among the
1152 neighborhood. In my opinion, they blend in very well. They’re generally corner lots. If you
1153 drive through and glance at them casually, some people might not even notice they’re duplexes.
1154 But it was the intent to mix them. I have not heard any complaints about that. Everything that
1155 comes up for sale sells there, and to some extent this is a little bit of an extension of that.”

1156
1157 Craig said, “Paul makes a very convincing case here. The thing that I have trouble getting past is
1158 I think we can encourage single-family development. I think that’s something we want to try
1159 and focus on more in the community because we see ourselves getting a little rental heavy
1160 because that’s part of our overall long-range plan. But I think our developers are cognizant of
1161 that, and the last thing I’d want to do is to tell a property owner that they can’t rent out their
1162 single-family property if the circumstances warrant that, or a duplex-type property where they
1163 could each own half of a ... Then all of a sudden we’re telling condo owners, which I happen to
1164 be a new condo owner, that that can never be rented out under any circumstance. That’s
1165 certainly not my intention, and probably not theirs. But I don’t think we should go there.”

1166
1167 Andrea said, “Some of this came out at the last meeting because we had a fairly strong public
1168 turnout. There was a lot of good discussion, including with the person who was representing the
1169 developer at the time, and I think we were under the impression – and maybe mistakenly so –
1170 that there were some owner-occupied restrictions on those units for whatever reason. I don’t
1171 know where that understanding came from because if it’s not in the covenants and it’s not
1172 anywhere in the plat ... We were just under the impression that those were owner-occupied. We
1173 were trying to blend them because one of the frustrations that we’re having is we have these
1174 plans that get submitted to us and we have people who buy into those neighborhoods. Then in
1175 the middle of that it changes, and we’re struggling with this in Nathan Hills right now. Instead
1176 of being one thing somebody finds out their neighbor is going to be a different kind of thing. So

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
29

1177 because the person who was here was perfectly amenable to working with it, we opted to go
1178 ahead and change the zoning with that restriction, which then appeased the homeowners. I guess
1179 looking at it in hindsight now, maybe we should not have changed that zoning in order to
1180 maintain the concept of trying to preplan a development, sort of, although I also understand that
1181 things significantly change every time.”

1182
1183 Paul noted that Adam Aspenson had attended the February 24 Plan Commission meeting and
1184 said he does not believe Adam fully comprehended the consequences of what he was agreeing to.
1185 Paul said he believes Adam agrees with both Dennis and himself and stated, “I do think if you
1186 look at all of the blue area that is in two, three and four-unit buildings and the duplex lots, this is
1187 a pretty insignificant expansion of that, in my view. I’m not sure where that misconception came
1188 from. Maybe [it was] simply an assumption that because people bought theirs to live in that they
1189 assumed there was a restriction on renting the units. But in fact, there is not.”

1190
1191 Craig said, “I think there are a lot of people who buy properties that are of the belief, whether
1192 represented or not, that it can only be owner-occupied and they have no other right with their
1193 property. It makes a lot more sense to me that, how could we ever place a restriction like that on
1194 a property. That doesn’t seem to be very responsible. That would normally be addressed in
1195 covenants for a development, and it’s up to the association themselves to enforce those – not the
1196 city.”

1197
1198 Jan noted that the Plan Commission had heard from the homeowners at its February 24 meeting,
1199 and this evening the commission is hearing from Traditional Trades and Elmwood Partners. Jan
1200 said, “It’s just a difficult juxtaposition to have that. I’m still not sure this will affect Traditional
1201 Trades that much in that the condition was on the subsequent buyer of the property that you’re
1202 going to develop and build on.”

1203
1204 Paul said, “I think the issue is that an astute buyer looking at it will be very concerned about that
1205 restriction even though they plan to live in it themselves.”

1206
1207 Jan said there still is a lot of information she does not know and stated she would like to see if
1208 there are any covenants. Jan noted that the homeowners had been under the impression these
1209 units were to be owner-occupied.

1210
1211 Craig said that it is not the city’s prerogative to become involved in such a situation.

1212
1213 Andrea said the Plan Commission could deny the rezoning request. Then the expectations are
1214 based on “something that hasn’t changed mid-lifespan.”

1215
1216 Jan noted R-2 zoning applies in one instance and not the other.

1217
1218 Skip told Jan she is basing the denial of the rezoning on something that does not matter in that

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
30

1219 instance. Skip pointed out that if the Plan Commission denies the rezoning to be R-2 and it is
1220 made to be R-1, a property still can be rented. Skip said, “What I’m saying is you’re turning it
1221 down because you want it to be owner-occupied.”

1222
1223 Andrea told Skip he is incorrect and said, “I’m saying we turn it down because we just don’t
1224 want to change the way the plat was laid out. Then the homeowners at least understand that’s
1225 the way it is. That’s what I’m saying.”

1226
1227 On voice vote, motion carried, 5-2 (Andrea Benco, Jan Brock).

1228
1229 In response to a question by an unidentified audience member, Ald. Bialecki said the motion was
1230 to approve the request with Condition Nos. 1 through 7.

1231
1232 An unidentified audience member noted she had purchased her home in 2013 and said Dennis
1233 had told her son-in-law there would be no more renters.

1234
1235 Craig asked the unidentified audience member why the City of Onalaska is responsible for
1236 something a developer represents to her. Craig told the unidentified audience member she needs
1237 to speak with the developer.

1238
1239 Andrea told the audience member to speak with her alderpersons because this item will next go
1240 before the Common Council on April 14.

1241
1242 **Item 8 – Update on the Coulee Region Transportation Study**

1243
1244 Brea said the Wisconsin Department of Transportation is beginning a new planning process.
1245 Previously, the planning process wound up with the north-south corridor, a project that stalled.
1246 Brea said WisDOT is “stepping back” and examining the transportation issues south of Interstate
1247 90, and also north of U.S. Highways 14 and 61. Brea said WisDOT is examining issues of
1248 safety, congestion and attempting to find a way to resolve those issues. Brea said that although
1249 the study area is defined as being south of the City of Onalaska, it is possible the solution to
1250 these issues lies within the city. Brea said she believes it is crucial that the city take part in the
1251 process and encourage citizens to be part of the planning process.

1252
1253 Andrea noted she had attended the last public input meeting and said the problem statement
1254 defines the area as the Interstate 90 corridor and points south. Andrea said there was a verbal
1255 clarification stating this is not a limitation and noted the entire region is being scrutinized.

1256
1257 Brea noted that many individuals commute daily to the City of Onalaska and said she believes
1258 the city’s employment base is approximately 20,000. Brea also noted that there is a WisDOT
1259 planning website (<http://www.dot.wisconsin.gov/projects/swregion/couleeregion/index.htm>).
1260 Brea also pointed out that there is a newsletter and noted there is a link to the Coulee Region

1261 Transportation Study under “News and Announcements” at cityofonalaska.com.

1262

1263 **Item 9 – Review and discussion of 2015 Comprehensive Plan Update, Chapter 6:**
1264 **Agricultural, Natural & Cultural Resources and Chapter 7: Economic Development**

1265

1266 Katie noted that commission members’ packets include a list of all the chapters that the Plan
1267 Commission has had an opportunity to review. Katie said she welcomes feedback that she can
1268 take back to Short Elliott Hendrickson for the editing process.

1269

1270 Skip said he wanted to address something that is troubling him regarding Item 4, noting that
1271 there is a 90-day period present and asking when that 90-day period began.

1272

1273 Brea said she is estimating that the 90-day period began on Monday, February 16. This means
1274 the 90-day period would expire on Saturday, May 16.

1275

1276 Skip said it appears to him that the 90-day period will expire on Friday, May 1. Skip also said
1277 that if the Plan Commission delays action on Item 4 until its April 28 meeting the Common
1278 Council cannot take action on it prior to May 1.

1279

1280 Brea noted that the check for the CUP had been received on February 16 and said considering
1281 this as the conservative starting date of a complete application the 90-day period will end on May
1282 16. This item would go before the Common Council at its May 12 meeting.

1283

1284 Ald. Bialecki said the city’s citizens “have a right to be heard” and stated it is unfortunate that
1285 the state is essentially forcing the construction of the cell tower.

1286

1287 Andrea said the height of the tower is unknown and suggested that perhaps the city would have
1288 some recourse with its state legislators.

1289

1290 Ald. Bialecki noted that the Wisconsin League of Municipalities has a lobbying group that meets
1291 monthly with state legislators. Ald. Bialecki said he hopes this is an issue that will be discussed
1292 and promised to speak with Mayor Chilsen.

1293

1294 Jan asked if it would be possible to go through a building permitting process.

1295

1296 Brea promised to speak to legal counsel about it on Wednesday.

1297

1298 Ald. Bialecki referred to Item 7 and asked that the Council members read the Plan Commission
1299 meeting minutes prior to the April 14 Common Council meeting.

1300

1301

1302

**Plan Commission
of the City of Onalaska**
Tuesday, March 24, 2015
32

1303 **Adjournment**

1304

1305 Motion by Andrea, second by Ron, to adjourn at 8:50 p.m.

1306

1307 On voice vote, motion carried.

1308

1309

1310 Recorded By:

1311

1312 Kirk Bey