

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Plan Commission
DATE OF MEETING: July 26, 2016 (Tuesday)
PLACE OF MEETING: City Hall – 415 Main Street (Common Council Chambers)
TIME OF MEETING: 7:00 P.M.

PURPOSE OF MEETING

1. Call to Order and roll call.
2. Approval of minutes from the previous meeting.
3. Public Input (limited to 3 minutes per individual)

Consideration and possible action on the following items:

4. Review and Consideration of a Certified Survey Map (CSM) submitted by Charlie Handy on behalf of La Crosse County, 400 4th Street North, La Crosse, WI 54601 (property owner) to combine 5 parcels into two (2) lots, one lot (23-acres) and one outlot (3.36 acres) to be dedicated to the public located in the City of La Crosse and the City of Onalaska including 6500 – 6502 – 6506 – 6510 State Road 16, La Crosse, WI 54601, State Road 16, La Crosse, WI 54601 and Berlin Drive, Onalaska, WI 54650 (Tax Parcels #18-4458-0, 17-10560-60, 17-10560-50, 17-10575-30, and 17-10560-10).
5. Review and Consideration of a Certified Survey Map (CSM) submitted by Duane Schulze, 2009 Charles Avenue, Onalaska, WI 54650 regarding 2009 Charles Avenue, Onalaska, containing 0.68 acres and two (2) lots (Tax Parcel # 18-4197-0)
6. Discussion and consideration regarding the Public Forum on June 16, 2016 and the draft Payment In Lieu of Taxes (PILOT) ordinance.
7. Adjournment

NOTICES MAILED TO:

* Mayor Joe Chilsen, Chair

Ald. Jim Binash

Ald. Jim Olson

Ald. Jim Bialecki

*Ald. Bob Muth

Ald. Barry Blomquist

Ald. Harvey Bertrand

* Jarrod Holter, City Engineer

City Attorney Dept Heads

La Crosse Tribune Charter Com.

Onalaska Holmen Courier Life

WIZM WKTY WLXR WKBH

*Committee Members

*Jan Brock

*Paul Gleason

*Knut Temte

*Craig Breitsprecher

* Andrea Benco - Chair Parks & Rec.

** Victor Hill - Vice Chair Parks & Rec.

Charlie Handy on behalf of La Crosse County

Duane Schulze

Omni Center

Onalaska Public Library

Date Notices Mailed and Posted: 7-21-16

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.



CITY OF ONALASKA

Agenda Item:

4

STAFF REPORT

Plan Commission – July 26, 2016

- Agenda Item:** Consideration of a Certified Survey Map (CSM) containing a total of 27.11 acres reconfiguring five parcels into (2) parcels.
- Applicant:** Charlie Handy on behalf of La Crosse County, 400 4th Street North, La Crosse, WI 54601
- Owners:** La Crosse County, 400 4th Street North, La Crosse, WI 54601 and City of Onalaska, 415 Main Street, Onalaska, WI 54650
- Parcel Numbers:** #18-4458-0, 17-10560-60, 17-10560-50, 17-10575-30, and 17-10560-10.
- Site Location:** La Crosse County Landfill and International Business Park II
- Existing Zoning:** Manufactured and Mobile Home District (R-MMH) owned by the City of Onalaska. Remaining lands located in the City of La Crosse.
- Neighborhood Characteristics:** Properties within 250 feet of the properties in question include a variety of commercial/industrial businesses in the La Crosse Industrial Park, La Crosse County Landfill, and agricultural land.
- Conformance with Land Use Plan:** The Comprehensive Plan identifies this area as *Commercial*. This district is intended to accommodate large and small-scale commercial and office development. A wide range of retail, service, lodging, and office uses are appropriate in this district.
- Background:** The purpose of the Certified Survey Map is to facilitate the project labeled as The International Business Park II. This park will be one large 23-acre lot adjacent to the existing International Business Park and the La Crosse County Landfill and a small portion in the City of Onalaska. The CSM shows a single lot with a Light Industrial use and Outlot 1 mapped for dedication to the public for road and utility purposes. The applicant intends to install the road and utilities in Outlot 1 in late 2016 – early 2017 in order to invite a large business to locate in the La Crosse / Onalaska area for job creation and tax-base generation.
- Action Requested:** The applicant seeking approval of the Certified Survey Map. Staff recommends approval with the conditions following in this packet.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:

July 26, 2016

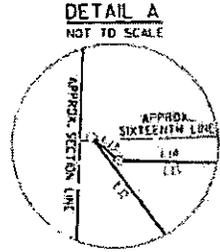
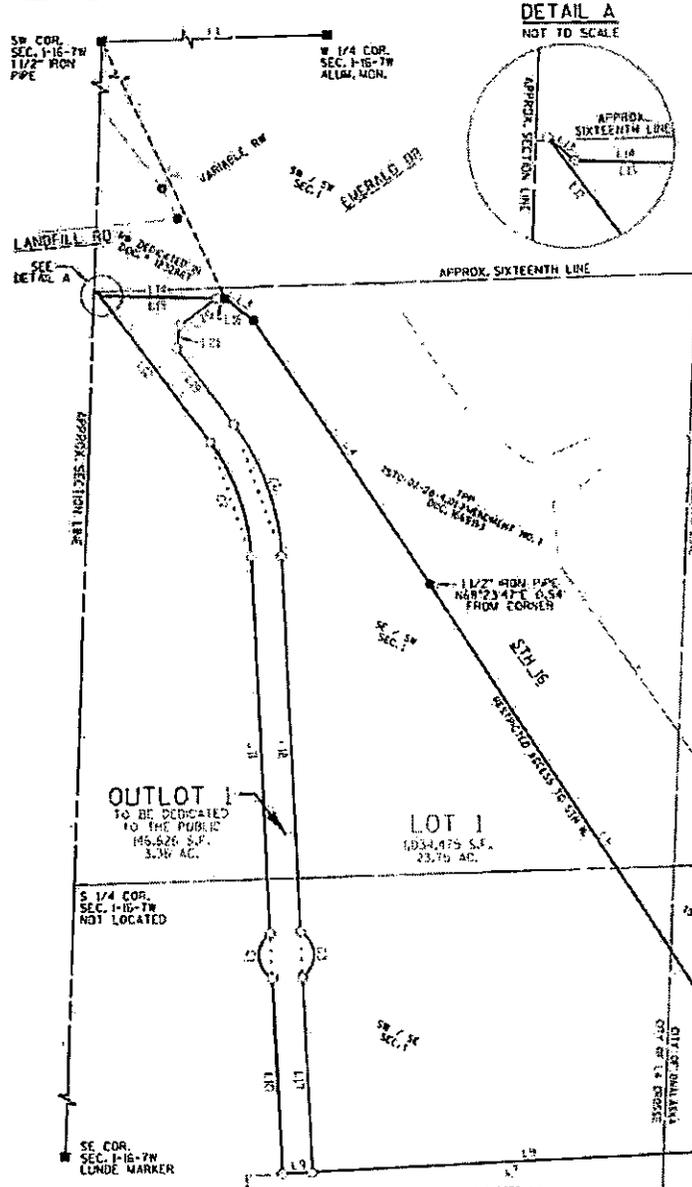
Agenda Item 4:

Review and Consideration of a Certified Survey Map (CSM) submitted by Charlie Handy on behalf of La Crosse County, 400 4th Street North, La Crosse, WI 54601 (property owner) to combine 5 parcels into two (2) lots, one lot (23-acres) and one outlot (3.36 acres) to be dedicated to the public located in the City of La Crosse and the City of Onalaska including 6500 – 6502 – 6506 – 6510 State Road 16, La Crosse, WI 54601, State Road 16, La Crosse, WI 54601 and Berlin Drive, Onalaska, WI 54650 (Tax Parcels #18-4458-0, 17-10560-60, 17-10560-50, 17-10575-30, and 17-10560-10).

1. CSM Fee of \$75.00 + \$10.00 per lot x 2 lots = \$95.00 (PAID).
2. Recorded copy of Final CSM to be submitted to City Engineering Department.
3. New lot pins required. Intermediate lot stakes required for all lots over 150' in depth.
4. CSM shall note all easements.
5. Public utilities and street installed in Outlot 1 to be adequately sized to served City of Onalaska development to east.
6. City of Onalaska to be allowed to connect future City street to street dedicated as part of Outlot 1.
7. Any future improvements to these parcels will be subject to additional City permits (i.e., building permits, zoning approvals).
8. All conditions run with the land and are binding upon the original developer and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.

CERTIFIED SURVEY MAP NO. _____
 VOLUME _____, PAGE _____.

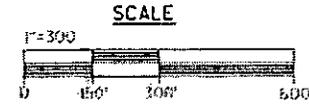
PART OF THE SW 1/4 OF THE SW 1/4, PART OF THE SE 1/4 OF THE SW 1/4, PART OF THE SW 1/4 OF THE SE 1/4, ALL IN SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, ALSO THAT PART OF THE NW 1/4 OF THE SE 1/4, SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF ONALASKA, ALL IN LA CROSSE COUNTY, WISCONSIN.



LINE TABLE

RECORDED AS DATA IS IN ITALICS

LINE	BEARING	DISTANCE
L1	S01°18'02"E	2675.02'
L2	N79°41'59"E	1356.67'
L3	N38°20'02"E	79.86'
	S30°19'47"W	79.95'
L4	N56°22'57"E	706.18'
	S56°22'55"W	706.19'
L5	N57°26'04"E	1350.15'
	S57°26'04"W	
L6	S68°03'42"E	131.24'
	S68°02'46"E	131.83'
L7	S02°33'40"E	1016.54'
	S02°33'40"E	
L8	S02°33'40"E	950.54'
L9	S02°33'40"E	66.00'
L10	S87°26'25"W	432.37'
L11	S87°26'25"W	837.71'
L12	S53°37'44"W	417.89'
L13	N41°31'51"E	15.71'
	S41°44'22"W	
L14	N01°45'14"E	271.96'
	S01°57'44"W	272.00'
L15	N01°45'14"E	251.84'
L16	N01°45'14"E	20.12'
L17	S87°26'25"W	432.33'
L18	S87°26'25"W	837.71'
L19	S53°37'44"W	211.55'
L20	N36°22'16"E	98.40'
L21	N80°58'13"W	50.56'



BEARINGS REFERENCED TO THE WEST LINE OF THE SW 1/4 OF SECTION 1-16-7, LA CROSSE COUNTY COORD. SYSTEM MEASURED AS N01°18'02"W

LEGEND

- GOVERNMENT CORNER (AS NOTED)
- SET 3/4" X 16" IRON REBAR, WEIGHING 1.50 LBS/LIN. FT.
- FND 3/4" REBAR
- FND 1 1/2" IRON PIPE

DATED THIS 7TH DAY OF JULY, 2016

Jason L. Cance
 JASON L. CANCE, P.L.S. 2688



SEN INC.
 10 N. BRIDGE STREET
 CHIPPEWA FALLS, WI 54729

CERTIFIED SURVEY MAP NO. _____
 VOLUME _____, PAGE _____.

PART OF THE SW 1/4 OF THE SW 1/4, PART OF THE SE 1/4 OF THE SW 1/4, PART OF THE SW 1/4 OF THE SE 1/4, ALL IN SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, ALSO THAT PART OF THE NW 1/4 OF THE SE 1/4, SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF ONALASKA, ALL IN LA CROSSE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JASON L. CANCE, WISCONSIN PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED, AND MAPPED PART OF THE SW 1/4 OF THE SW 1/4, PART OF THE SE 1/4 OF THE SW 1/4, PART OF THE SW 1/4 OF THE SE 1/4, PART OF THE NW 1/4 OF THE SE 1/4, ALL IN SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 1; THENCE S01°18'02"E ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 1 A DISTANCE OF 2675.02 FEET TO THE SW CORNER OF SAID SECTION 1; THENCE N19°47'59"E 1356.67 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF STN 16 ALSO BEING THE POINT OF BEGINNING; THENCE N38°20'02"E 79.86 FEET ALONG THE SOUTHERLY RIGHT OF WAY OF STN 16; THENCE N56°22'57"E 706.18 FEET ALONG SAID SOUTHERLY RIGHT OF WAY; THENCE N57°28'04"E 1350.15 FEET ALONG SAID SOUTHERLY RIGHT OF WAY; THENCE S68°03'42"E 131.24 FEET ALONG SAID SOUTHERLY RIGHT OF WAY; THENCE S02°33'40"E 1016.54 FEET; THENCE S87°28'25"W 432.37 FEET; THENCE 118.61 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 60.00 FEET AND A CHORD WHICH BEARS S87°28'25"W 100.22 FEET; THENCE S87°28'25"W 837.71 FEET; THENCE 275.86 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 467.00 FEET AND A CHORD WHICH BEARS S70°33'05"W 271.86 FEET; THENCE S53°37'44"W 417.89 FEET; THENCE N41°31'51"E 15.71 FEET; THENCE N01°45'14"E 271.86 FEET TO THE POINT OF BEGINNING.

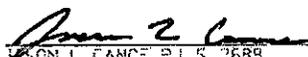
SAID PARCEL CONTAINS 1181.101 SQUARE FEET (27.11 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS BOTH IMPLIED AND RECORDED.

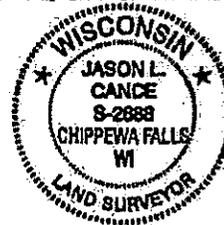
THAT I HAVE MADE SUCH A SURVEY AT THE DIRECTION OF CHARLIE HANDY, COUNTY PLANNER, COUNTY OF LA CROSSE, 400 4TH STREET NORTH, LA CROSSE, WI54601.

THAT THIS MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF LA CROSSE AND THE CITY OF ONALASKA, IN SURVEYING DIVIDING, AND MAPPING THE SAME.

DATED THIS 7TH DAY OF JULY, 2016.


 JASON L. CANCE P.L.S. 2688



CITY OF LA CROSSE APPROVAL CERTIFICATE

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE CITY OF LA CROSSE.

 CITY ASSESSOR

 DATE

 BUILDING & INSPECTIONS

 DATE

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE	TANGENT BACK	TANGENT FORWARD
C1	118.61	60.00 R	113°15'58"	S87°28'25"W	100.22	S30°50'26"W	N35°53'36"E
C2	275.86	467.00 L	33°50'41"	S70°33'05"W	271.86	S87°28'25"W	S53°37'44"W
C3	118.61	60.00 R	113°15'58"	N57°28'25"E	100.22	N30°50'26"E	S35°53'36"E
C4	314.84	531.00 L	53°59'41"	S70°33'05"W	310.29	S87°28'25"W	S53°37'44"W

CERTIFIED SURVEY MAP NO. _____

VOLUME _____, PAGE _____.

PART OF THE SW 1/4 OF THE SW 1/4, PART OF THE SE 1/4 OF THE SW 1/4, PART OF THE SW 1/4 OF THE SE 1/4, ALL IN SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, ALSO THAT PART OF THE NW 1/4 OF THE SE 1/4, SECTION 1, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF ONALASKA, ALL IN LA CROSSE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

THE COUNTY OF LA CROSSE, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

THE COUNTY OF LA CROSSE, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

CITY OF LA CROSSE

IN WITNESS WHEREOF, THE SAID COUNTY OF LA CROSSE HAS CAUSED THESE PRESENTS TO BE SIGNED BY TARA JOHNSON, ITS COUNTY BOARD CHAIR, AND COUNTERSIGNED BY GINNY DANKMEYER, ITS COUNTY CLERK, AT LA CROSSE WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS _____ DAY OF _____, 2016:

IN THE PRESENCE OF:

CORPORATE NAME _____

(CORPORATE SEAL) COUNTY BOARD CHAIR _____

COUNTERSIGNED: _____
COUNTY CLERK



Jason L. Cance
7-7-16

STATE OF WISCONSIN
LA CROSSE COUNTY

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016, TARA JOHNSON, COUNTY BOARD CHAIR, AND GINNY DANKMEYER, COUNTY CLERK OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH BOARD CHAIR AND CLERK OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

(NOTARY SEAL) _____ NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

COMMON COUNCIL APPROVAL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP, LOCATED IN THE CITY OF ONALASKA, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF ONALASKA.

DATE: _____
JOE CHILSEN, MAYOR

HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ONALASKA.

CARIBURMASTER, CITY CLERK



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

SUBDIVISION APPLICATION

The following checklist will ensure the timely processing of your application:

- ➔ Overview/ Cover Letter Describing the following:
 - ▶ Detailed Description of Proposed Subdivision
 - ▶ Plan Set including: Plot Plan, Legal Description, Grading/Drainage, Utilities, Site Layout, Landscaping, etc.
- ➔ Application Fee (Payable to the City of Onalaska) = \$75 + \$10/lot. Other fees may apply. \$95

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

Brief Description of Request for Subdivision.

ONE LARGE LOT WITH ONE OUTLOG TO BE DEDICATED TO THE PUBLIC FOR ROAD + UTILITIES

Easements on Property:

Access: Yes No

Utility: Yes No

Other: _____

Utilities Serving Property:

Water: Yes No

Sanitary Sewer: Yes No

Number of Lots: PORTIONS OF
(Existing) 9

Number of Lots: 2
(Proposed)

Property Address: 6500 STATE RD 16

Parcel Number:
18- 4458 - 0

Zoning District:

Applicant: LA CROSSE COUNTY - CHARLIE HANCOCK

Mailing Address: 400 4th St. Rm 2040

City, State, Zip: LA CROSSE WI 54601

Phone Number: 608 785-5919

Email: chandy@lacrosecounty.org Primary Contact

Business: SAME

Owner/Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

Property Owner: SAME

Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

The undersigned hereby makes an application for the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant:

Date:

6-28-16

Signature of Property Owner:

Date:

OFFICE USE ONLY:

Date Submitted:

Permit Number:

Permit Fee:

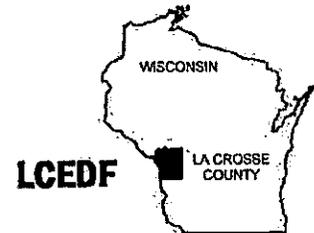
Cash

Check #

Application Received by:

LA CROSSE COUNTY ECONOMIC DEVELOPMENT FUND

A Nonprofit Corporation Created by the County Board To Support
Economic Development in La Crosse County



SUPPORT OFFICES AND CONTACT INFORMATION

OFFICE OF COUNTY ADMINISTRATOR
400 4th Street North
La Crosse Wisconsin 54601
Telephone: 608.785.9700
Email: onalaskastave@co.la-crosse.wi.us
Fax: 608.789.4821

OFFICE OF COUNTY BOARD CHAIR
400 4th Street North
La Crosse Wisconsin 54601
Telephone: 608.785.9583
Email: doyle.stave@co.la-crosse.wi.us
Fax: 608.789.4821

OFFICE OF COUNTY PLANNER
400 4th Street North
La Crosse Wisconsin 54601
Telephone: 608.785.9722
Email: handy.charles@co.la-crosse.wi.us
Fax: 608.785.5922

OFFICE OF COMMUNITY
DEVELOPMENT SPECIALIST
400 4th Street North
La Crosse Wisconsin 54601
Telephone: 608.785.5792
Email: kaudalbrifer@co.la-crosse.wi.us
Fax: 608.785.5922

CORPORATION COUNSEL OFFICE
400 4th Street North, Room 2350
La Crosse Wisconsin 54601
Telephone: 608.785.9677
Email: shepherd.william@co.la-crosse.wi.us
Fax: 608.785.9751

COUNTY FINANCE DEPARTMENT
400 4th Street North, Room 2150
La Crosse Wisconsin 54601
Telephone: 608.785.9580
Email: ingvalson.gary@co.la-crosse.wi.us
Fax: 608.789.7818

MISSISSIPPI RIVER REGIONAL
PLANNING COMMISSION
1707 Main Street, Suite 240
La Crosse Wisconsin 54601
Telephone: 608.785.9396
Email: greg@murpc.com
Fax: 608.785.9394

June 29, 2016
To Whom it May Concern:

The La Crosse County Economic Development Department is writing this letter to describe the project that is being labeled The International Business Park II. This park will be one large, (23) acre lot adjacent to the existing International Business Park and the La Crosse County Landfill. This park is within the existing Tax Increment District 9 of the City of La Crosse, except that small portion which is within the City of Onalaska. The certified survey map that we have submitted with this cover letter shows the single lot with light industrial use, and an outlot mapped for dedication to the public for road and utility purposes. This proposal will be to install road and utilities in the outlot in late 2016, early 2017 to provide public services to this 23 acre parcel in order to invite a large business to locate in the La Crosse/ Onalaska area for job creation and tax base generation.

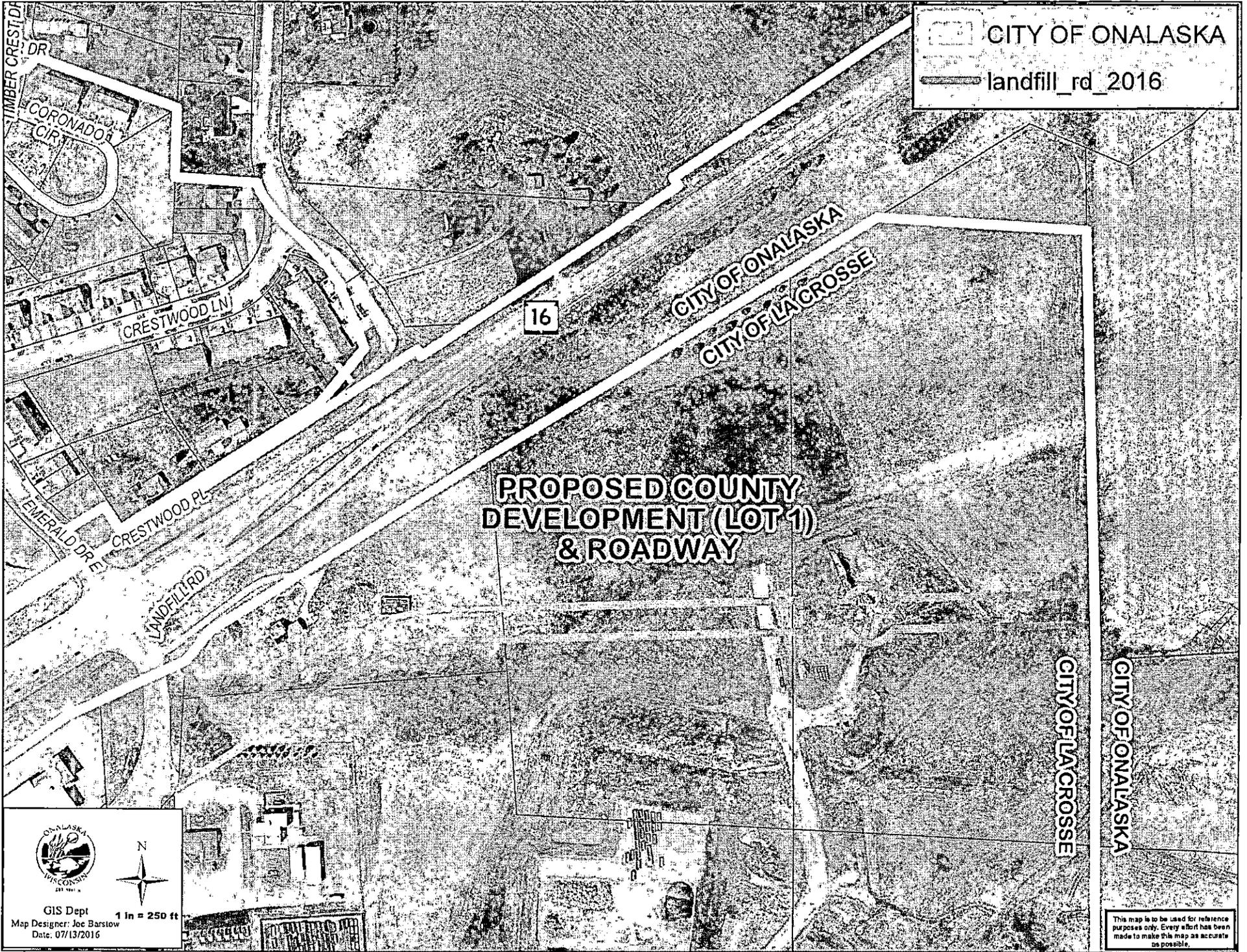
Most of the 23 acre parcel is within the City of La Crosse. The small portion of the parcel that is within the City of Onalaska is the 1.37 acre portion of the parcel to the northeast corner, which requires approval from the City of Onalaska for the sub-division of the land.

This letter is La Crosse County's formal request to the City of Onalaska for approval of this sub-division of land via a certified survey map.

Thank you for your consideration.

Sincerely;

Charles Handy
County Planner
(608) 785-5919



CITY OF ONALASKA
landfill_rd_2016

16

**PROPOSED COUNTY
DEVELOPMENT (LOT 1)
& ROADWAY**

CITY OF ONALASKA
CITY OF LA CROSSE

CITY OF LA CROSSE

CITY OF ONALASKA


GIS Dept
Map Designer: Joe Barstow
Date: 07/13/2016
1 in = 250 ft
N

This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



CITY OF ONALASKA

STAFF REPORT

Plan Commission – July 26, 2016

Agenda Item:

5

Agenda Item: Consideration of a Certified Survey Map (CSM) containing 0.68 acres and 2 lots

Applicant/Owner: Duane Schulze, 2009 Charles Avenue, Onalaska, WI 54650

Parcel Number: 18-4197-0

Existing Zoning: Single Family Residential (R-1) District

Neighborhood Characteristics: The zoning of land within 250 feet of the proposed site includes single family residential, single and/or duplex residential, and Public & Semi-Public. Uses within 500 feet along the same streets of the site include residences (single family, two-unit housing, multi-family and parkland.

Conformance with Comprehensive The Comprehensive Plan's Future Land Use Plan designates this area as *Mixed Density Residential*. This district is intended for residential units.

Background: The applicant is requesting approval to divide a parcel into two (2) lots and to construct a single family residence on the current vacant portion of the parcel. An existing single family residence is located on Lot 1 of the proposed CSM and an existing garage spans both Lots 1 & 2. The garage will be removed by the applicant prior to finalization of the CSM.

Action Requested: The applicant seeking approval of the Certified Survey Map. Staff recommends approval with the conditions following in this packet.

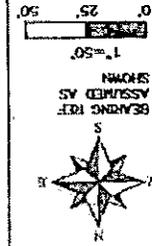
**REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY
PLAN COMMISSION:**

July 26, 2016

Agenda Item 5:

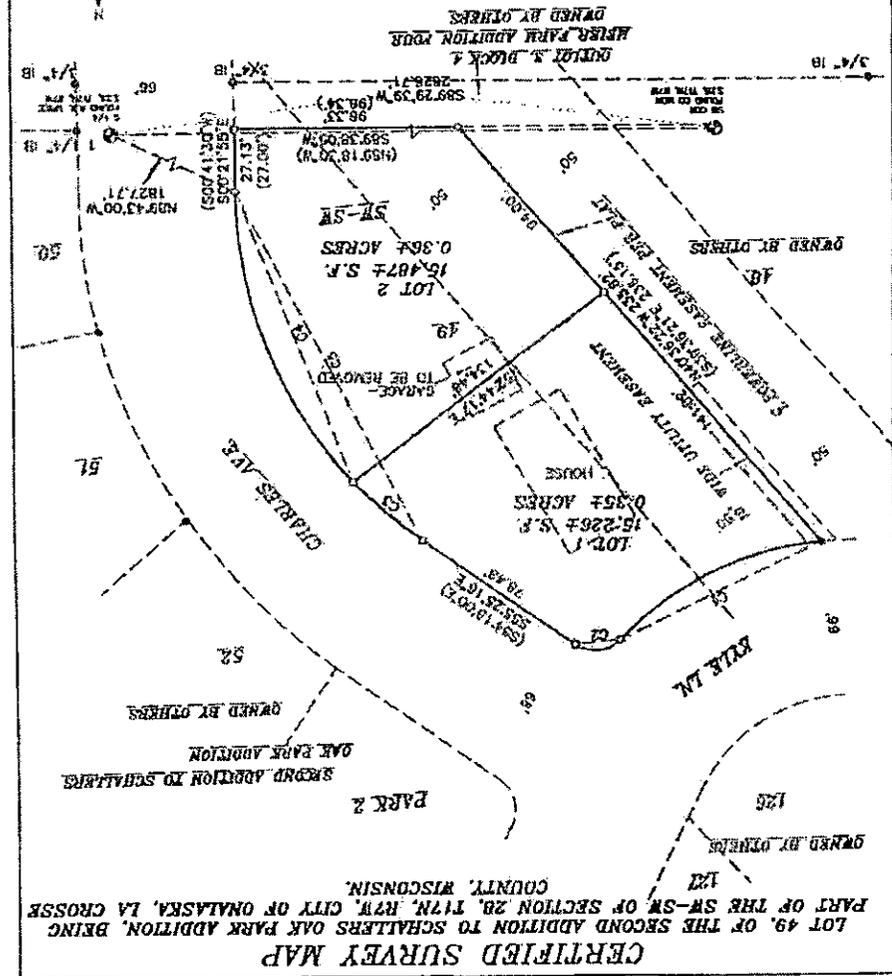
Consideration of a Certified Survey Map (CSM) submitted by Duane Schulze, 2009 Charles Avenue, Onalaska, WI 54650 regarding 2009 Charles Avenue, Onalaska, containing 0.68 acres and two (2) lots (Tax Parcel # 18-4197-0).

1. CSM Fee of \$75.00 + \$10.00 per lot x 2 lots = \$95.00 due before final approval of CSM by the City. (NOT PAID)
2. Property owner to remove detached accessory structure prior to recording CSM with the La Crosse County Register of Deeds.
3. Park Fee of \$922.21 per residential unit. Park fee to be paid prior to issuance of a building permit.
4. Recorded copy of Final CSM to be submitted to City Engineering Department.
5. New lot pins required. Intermediate lot stakes required for all lots over 150' in depth.
6. CSM shall note all easements (i.e., power line easement).
7. Future lateral to be installed for Lot 2 at the cost of the property owner.
8. Any future improvements to these parcels will be subject to additional City permits (i.e., site plan approvals, building permits, zoning approvals) and additional City fees (i.e., parks fees, green fee).
9. All conditions run with the land and are binding upon the original developer and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
10. Any omissions of any conditions not listed shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.



LEGEND
 ○ SET 3/4" X 18" IRON BAR 1.5 LB/FT
 * FOUND 1" IRON PIPE, UNLESS NOTED
 () RECORDED AS

NOTE:
 THE SECTION LINE SHOWN IS A STRAIGHT LINE BETWEEN SECTION CORNERS, DUE TO MONUMENTATION, THE ACTUAL SECTION LINE HAS A BEND AT THE 40 CORNER, NO PART OF THIS CSM IS INTENDED TO BE IN SECTION 32.



CERTIFIED SURVEY MAP
 LOT 49, OF THE SECOND ADDITION TO SCHALLERS OAK PARK ADDITION, BEING
 PART OF THE SW-SW OF SECTION 28, T17N, R27W, CITY OF ONALASKA, LA CROSSE
 COUNTY, WISCONSIN.

CERTIFIED SURVEY MAP

**LOT 49, OF THE SECOND ADDITION TO SCHALLERS OAK PARK ADDITION, BEING
PART OF THE SW-SW OF SECTION 28, T17N, R7W, CITY OF ONALASKA, LA CROSSE
COUNTY, WISCONSIN.**

LEGAL DESCRIPTION:

LOT 49, OF THE SECOND ADDITION TO SCHALLERS OAK PARK
ADDITION, BEING PART OF THE SW-SW OF SECTION 28, T17N, R7W,
CITY OF ONALASKA, LA CROSSE COUNTY, WISCONSIN,
SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, COVENANTS,
RESTRICTIONS, OR RIGHTS OF WAY OF RECORD;
CONTAINS 30,713± S.F. OR 0.71± ACRES.

I, CHRISTIAN J. RUNNING, PROFESSIONAL LAND
SURVEYOR, HEREBY CERTIFY THAT IN FULL
COMPLIANCE WITH THE PROVISIONS OF CHAPTER
236.34 OF THE WISCONSIN STATUTES, AND WITH
THE SUBDIVISION ORDINANCES OF LA CROSSE
COUNTY, AND THE CITY OF ONALASKA, AND
UNDER THE DIRECTION OF DUANE SCHULZE,
OWNER OF SAID LAND, THAT I HAVE SURVEYED;
DESIGNED AND MAPPED THE ABOVE CERTIFIED
SURVEY MAP. THAT SUCH MAP CORRECTLY
REPRESENTS ALL EXTERIOR BOUNDARIES AND
THE SUBDIVISION OF THE LAND SURVEYED.

CHRISTIAN J. RUNNING
PLS 2558
DATE 7/08/16

CURVE	PAULS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	138.00'	97.53'	95.61'	S64°18'49"W	80°12'11"
C2	15.00'	21.08'	19.39'	N84°18'44"E	80°32'00"
C3	184.00'	38.60'	38.53'	S49°24'39"E	12°01'15"
C4	184.00'	138.00'	134.79'	N21°54'54"W	42°58'15"
C5	184.00'	176.60'	169.90'	N27°55'51"W	54°59'30"
C1 TAN BRGS.		N84°34'54"E	N44°02'44"E		
C2 TAN BRGS.		N44°02'44"E	S55°25'16"E		
C3 TAN BRGS.		S55°25'16"E	S43°24'01"E		
C4 TAN BRGS.		S43°24'01"E	S90°21'55"E		
C5 TAN BRGS.		S55°25'16"E	S00°21'55"E		

THIS CERTIFIED SURVEY MAP IS HEREBY
APPROVED BY THE CITY OF ONALASKA.

SIGNATURE _____ TITLE _____

FOR:
DUANE SCHULZE
2009 CHARLES AVE.
ONALASKA, WI 54650
BY:
RUNNING LAND SURVEYING
700 DAUPHIN ST.
LA CROSSE, WI
54603
608-779-5322



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

SUBDIVISION APPLICATION

The following checklist will ensure the timely processing of your application:

➔ Overview/ Cover Letter Describing the following:

- ▶ Detailed Description of Proposed Subdivision
- ▶ Plan Set including: Plot Plan, Legal Description, Grading/Draingage, Utilities, Site Layout, Landscaping, etc.

➔ Application Fee (Payable to the City of Onalaska) = \$75 + \$10/lot. Other fees may apply.

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

Brief Description of Request for Subdivision.

DEVIDE 1 LOT INTO TWO LOTS

Easements on Property:

Access: Yes No

Utility: Yes No

Other: _____

Utilities Serving Property:

Water: Yes No

Sanitary Sewer: Yes No

Number of Lots: 1
(Existing)

Number of Lots: 2
(Proposed)

Property Address: 2009 CHARLES AV

Parcel Number:
18- 4147-0

Zoning District:
R-1

Applicant: DUANE J SCHULZE

Mailing Address: 1226 S 25TH ST

City, State, Zip: LACROSSE WI 54601

Phone Number: 608 519 6698

Email: DUANE@MAALINBUILT.COM Primary Contact

Business:

Owner/Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

Property Owner:

Contact: DUANE J SCHULZE

Mailing Address: 1226 S 25TH ST

City, State, Zip: LACROSSE WI 54601

Phone Number: 608 519 6698

Email: DUANE@MAALINBUILT.COM Primary Contact

The undersigned hereby makes an application for the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant:
Duane J Schulze

Date: 7-11-16

Signature of Property Owner:
Duane J Schulze

Date: 7-11-16

OFFICE USE ONLY: Date Submitted: Cash Check #

Permit Number: _____ Application Received by: VX



CITY OF ONALASKA

STAFF REPORT

Plan Commission – July 26, 2016

Agenda Item:

6

Agenda Item: Discussion and consideration regarding the Public Forum on June 16, 2016 and the draft Payment In Lieu of Taxes (PILOT) ordinance.

Background:

On May 27, 2016 the City of Onalaska sent out letters to all tax-exempt property owners with a copy of the draft Payment in Lieu of Taxes (PILOT) ordinance and invited the agencies/businesses to attend a Public Forum hosted by the Plan Commission on June 16, 2016. The City did not send letters to federal, state, local governments (County and City), school districts, and utilities/railroads as they are already taxing jurisdictions or are exempt from local property taxes and instead pay special state taxes.

The purpose of a PILOT agreement is to assist in the City's burden of providing City services which benefit tax-exempt organizations such as street lighting, street cleaning and maintenance, police and fire protection, and snow removal.

Attached is the most updated version of the City's PILOT Fact Sheet and the existing draft PILOT Program Ordinance.

Items for Discussion as brought forward by PILOT Public Forum Participants:

- Modifying the instances where PILOTs may be initiated: Currently -
 - Rezoning;
 - Variance;
 - Conditional Use Permit;
 - Development Agreement;
 - Purchase of taxable land to convert to tax-exempt property;
 - New building or building expansion/addition that requires Site Plan Review.
- Modifying the area the PILOT would apply to. Currently, it would apply to an entire property. Another option would be only the portion of the property that triggered then need for a PILOT.
- Modifying the multiplier amount. Currently, the City's mill rate would be multiplied by the assessed value of the property. Another option would be utilizing the Police, Fire, & Streets (Essential Services) portion of the General Fund.
- Modify the requirement for a PILOT and routinely ask for tax-exempt properties to volunteer to make payments.

Also, for reference purposes only – below is a link to a document found on the City of Onalaska's website under "News and Announcements" that discusses different types of PILOTs put in place throughout the United States. While this paper does not necessarily cover Wisconsin, it does provide additional information and background pertaining to PILOTs.

[http://www.cityofonalaska.com/vertical/sites/%7BE2D95124-B506-4063-A7E4-C086F6654A75%7D/uploads/Payments_in_Lieu_of_Taxes_by_Nonprofits - Which Nonprofits Make PILOTs and Which Localities Receive Them.pdf](http://www.cityofonalaska.com/vertical/sites/%7BE2D95124-B506-4063-A7E4-C086F6654A75%7D/uploads/Payments_in_Lieu_of_Taxes_by_Nonprofits_-_Which_Nonprofits_Make_PILOTs_and_Which_Localities_Receive_Them.pdf)

Action Requested: Discussion and consideration regarding information provided by public forum participants and the draft PILOT Program Ordinance.



CITY OF ONALASKA

PLANNING/ZONING DEPARTMENT

PH: (608) 781-9590

FAX (608) 781-9506

415 MAIN STREET

ONALASKA, WI 54650-2953

<http://www.cityofonalaska.com>

July 14, 2016

City of Onalaska – Payment in Lieu of Taxes (PILOT) Program Fact Sheet

On May 27, 2016 the City of Onalaska sent out letters to all tax-exempt property owners with a copy of the draft Payment in Lieu of Taxes (PILOT) Ordinance and invited agencies to attend a Public Forum hosted by the Plan Commission on June 16, 2016. The City did not send letters to federal, state, local governments (County & City), school districts, and utilities/railroads as they are already taxing jurisdictions or are exempt from local property taxes and instead pay special taxes.

The purpose of a PILOT agreement between the City and a tax-exempt agency is to assist in the City's burden of providing City services which benefit tax-exempt agencies such as street lighting, street cleaning/maintenance, police and fire protection, and snow removal.

The City has, and will continue to have, the ability to enter into PILOT agreements with tax-exempt agencies. The proposed draft PILOT Ordinance provides a policy describing the process for entering into a PILOT agreement with the City, in what circumstances a PILOT agreement would be initiated, and how the PILOT amount would be determined. *If the draft PILOT Ordinance is not passed, it will not remove the City's ability to enter into PILOT agreements with tax-exempt agencies.*

Below are a series of questions asked by PILOT Public Forum Participants with answers provided by City Staff & Legal Counsel:

1. Authority for municipalities to establish PILOTs?

Payments in lieu of taxes are designed to allow local municipalities to be paid for services conferred to properties which have been granted a tax exemption by the State government. There are certain situations where the Wisconsin Statutes explicitly mandate a payment in lieu of taxes. Examples properties owned by housing authorities, certain property owned by the Department of Natural Resources, certain County run properties, public parking facilities, certain theaters and the Kickapoo Valle Reserve are subject to statutory PILOT payments. Wisconsin statutes general allow municipalities to enter into contracts and to collect fees regarding services. PILOT agreements have been interpreted to arise from those general powers granted to municipalities.

2. What is the purpose of the draft PILOT Ordinance?

The purpose of the ordinance is to create a clear and transparent process that tax-exempt agencies would move through with the City of Onalaska to set up a PILOT Agreement. The ordinance specifies how the PILOT Agreement would be drafted and how the amount of the PILOT Agreement would be calculated. The ordinance would ensure that all tax-exempt agencies would be treated uniformly and fairly regardless of the applicant.

3. Why is the City proposing a PILOT Ordinance now?

The City of Onalaska, along with many governments, is attempting to create transparency and accountability to all residents, businesses/agencies, and property owners within the community. PILOT Agreements historically in Onalaska were determined on a case-by-case basis, some utilizing the Mill Rate Formula, others Police & Fire Protection and Streets "Essential Services" payments, others based on square footage of use, and the conversion of taxable land to tax-exempt status. This ordinance would standardize the process and have all PILOT Agreements follow the same formula. Again, the City of Onalaska has, and will continue to have, the ability to enter into PILOT Agreements with tax-exempt agencies. If the draft PILOT Ordinance is not passed, it will not remove the City's ability to enter into PILOT agreements with tax-exempt agencies.

4. How long has the City of Onalaska been entering into PILOT agreements?

City of Onalaska records indicate the oldest PILOT agreement is 35 years old. It is possible that a PILOT may have been collected prior to 1981, but the City does not have more detailed records due to changes in accounting standards.

5. How many PILOT Agreements does the City of Onalaska currently have?

15 PILOT Agreements with tax-exempt agencies.

6. How many of the 15 PILOT Agreements are required by state/federal laws?

4 of the 15 PILOT Agreements are required by state/federal laws.

7. What is the City of Onalaska Mill Rate?

.00649909

8. When did the City of Onalaska begin utilizing the Mill Rate for determining PILOT Agreement amounts?

2002.

9. When did the City of Onalaska begin entering into PILOT Agreements with tax-exempt agencies outside of housing-related PILOTs?

2002.

10. What percentage of the City's general revenue fund is devoted to Police & Fire Protection, and Streets budget items "Essential Services"?

Thirty-four percent (34%) of the general revenue fund is devoted to "Essential Services". If debt service to fund capital improvements for "Essential Services" was included, the percentage would be a total of fifty-nine (59%) percent.

11. How much revenue overall would the City of Onalaska receive if all tax-exempt property owners entered into PILOT Agreements with the City (using the Mill Rate formula noted in the draft ordinance)?

Annually, the City of Onalaska receives tax-exempt property reports which request approximate values of land and structures/improvements to be provided to the City. These forms are submitted by tax-exempt property owners and are estimates. The estimated overall value of tax-exempt properties in the City of Onalaska is \$42,500,000.00 dollars. This

amount multiplied by the City's Mill Rate amounts to \$276,211.33 dollars. In order to provide a more accurate value, the City Assessor would need to complete on-site inspections and actual cost approach analysis.

12. How much revenue overall would the City of Onalaska receive if all tax-exempt property owners entered into PILOT Agreements with the City (using the percentage of the general fund devoted to Police & Fire Protection and Streets budget items "Essential Services")?

As stated previously, the estimated overall value of tax-exempt properties in the City of Onalaska is \$42,500,000.00 dollars. This amount multiplied by the "Essential Services" percentage of the general fund amounts to \$93,398.10 dollars. If the debt service percentage to fund capital improvement projects for "Essential Services" was included, the amount would increase to \$164,142.23 dollars. In order to provide a more accurate value, the City Assessor would need to complete on-site inspections and actual cost approach analysis.

13. Why can't the City of Onalaska raise taxes to cover the amounts noted in Questions 10 & 11 and what services have been reduced or cut over the past 10+ years?

Under Wisconsin State Statutes that govern towns/cities/villages, the levy limit worksheet only allows governments to increase revenues from one year to another based on growth and additional debt taken on by the City. The City of Onalaska has continually had to reduce services to stay under the state-mandated levy limit and cannot raise taxes to satisfy the amounts listed in Questions 10 & 11 for this reason.

Examples of such services reduced, removed, or now require a fee for services, include but are not limited to the following:

- La Crosse Municipal Transit (MTU): Reduction in transit hours running along the fixed route in Onalaska.
- Animal Control: Reduced hours of service and added new fees to pay for services.
- Delays in Funding or Not Funding Fixed Assets: ex) Vehicles (police, fire, municipal), upgrades to IT Technology needs, facility repairs, park equipment replacement, etc.)
- Yard Waste Program: was once a free service, City now charges a fee for service.
- Large Item Pick-up Program: was once a free service, no longer offered.
- Overall fee increases for Park & Recreation Programs and less programs offered.
- Reduction in Flower Baskets on City light poles, flower beds – now volunteer-based.
- Police Department unable to provide "extra attention" activities (vacation house checks, having increased presence on "fast" streets, providing "standbys" for domestic situations). No longer provide finger-printing services.
- Police Department reduction in ability to perform "self-initiated activity", additional traffic enforcement, and bicycle patrol due to increased calls and less staff time.
- Fire Department CPR/First Aid – Fire Extinguisher Training: was once a free service, City now charges a fee for training.
- The City has routinely had to reduce personnel staff and not re-hire positions due to levy limits. This has an indirect impact of services that the City can provide to the community as less available staff mean that projects can be delayed or may be addressed on a slower basis.

14. How does the Religious Land Use & Institutionalized Persons Act (RLUIPA) affect the application of the proposed PILOT Ordinance to religious institutions?

A simplified answer, is that “core religious functions” are exempt from PILOT Agreements while other uses require an analysis to determine whether the proposed use is a religious exercise and, if not, are subject to a PILOT Agreement. The one exception is that if a PILOT Agreement is entered into voluntarily in which the case RLUIPA would not apply.

The crux of the Religious Land Use & Institutionalized Persons Act (RLUIPA) is that the government *cannot impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution*, unless the government demonstrates that the imposition of the burden on that person, assembly or institution is (a) in furtherance of a compelling governmental interest and (b) is the least restrictive means of furthering that compelling governmental interest. The “compelling purpose” of a PILOT is the recognition by not-for-profit institutions that they are utilizing public services and should pay a fair share towards those services. When a property is tax-exempt, they do not pay towards the services they receive from the City, such as a fire protection, police protection, streets and parks even though they and the people who they serve utilize and enjoy those services. Regular taxpayers and for-profit institutions are subsidizing the not-for-profits institutions by paying for services being enjoyed by not-for-profits. It is difficult to say that all taxpayers support each not-for-profit institution. Therefore, the real RLUIPA analysis occurs at the time that the religious institution makes its request for a variance or other exception from a land use regulation to the City – which is prior to PILOT analysis. A RLUIPA analysis is then made to determine if the use is religious and, if so, then whether the land use regulation subject to (a) and (b) above. Where it is determined that the use is religious or that RLUIPA applies, a PILOT Agreement should not be required.

Religious exercise has been broadly interpreted to including operations of homeless shelters, soup kitchens, and similar social services, accessory uses such as fellowship halls, parish halls, and similar meeting rooms, religious education, operation of a religious retreat center, religious gatherings in homes, construction or expansion of schools, even where the facilities would be used for both secular and religious activities. If a religious institution were to construct a building addition to serve the noted uses above, a PILOT Agreement would not be required.

However, religious exercise is not all encompassing and it is becoming more common for religious institutions to expand into non-religious uses. In 2006, the 10th Circuit Court of Appeals determined that a Wyoming jury property found that daycare was not a sincere exercise of the church’s religion, thereby upholding the City of Cheyenne’s denial of a variance from an ordinance prohibiting commercial operations of a daycare in a residential district. The Court further held that the zoning ordinance was neutral and generally applicable and did not substantially burden the exercise of religion. The same rationale can be applied for a PILOT Agreement for *a use which is not considered an exercise of religious freedom*. Once the use has been determined to not be a religious exercise, then the use should be reviewed under the proposed PILOT Ordinance and the request should be treated in the same manner that any other similar zoning request within the City would be. For example, if all non-profit commercial daycares are required to enter into a PILOT Agreement

CITY OF ONALASKA - PLANNING / ZONING DEPARTMENT

(at the time of a zoning request or otherwise) and if a daycare operated by the church is not a religious exercise, the church should be asked to enter into a PILOT Agreement as other similar non-religious uses.

Payment in Lieu of Taxes

3-5-1 Payment in Lieu of Taxes

Sec. 3-5-1 Payment in Lieu of Property Taxes (“PILOT”).

- (a) **Purpose.** There is created a fair share payment in lieu of taxes program in which the City seeks payments from owners of tax-exempt properties in recognition of the services those properties receive from the City. Payments received through this program are intended to diversify the City’s revenue sources, compensate the City for lost revenues resulting from the large portion of the City’s land area that is tax-exempt and reduce the subsidy of service provision to tax-exempt properties by owners of taxable properties. By creating this ordinance, the City seeks to generate additional revenues needed to maintain the high level of services it provides to residents, businesses and visitors, even during times of limited financial resources and challenging city budgets.
- (b) **Definitions.**
 - (1) "Assessor" is the City of Onalaska Assessor
 - (2) "Owner" means a tax-exempt organization or institution that owns or intends to acquire real property in the City of Onalaska.
 - (3) "PILOT" means Payment in Lieu of Taxes.
- (b) **Administrative Authority.**

The City Finance Department is authorized and directed to carry out the program established in this section, with assistance to be provided by other City departments as noted.
- (c) **Procedure.**
 - (1) **Initiation.** The procedures described in this subsection shall be initiated by the Finance Department whenever the City Planning Department or Assessor receives a new application for property tax exemption or whenever the Planning Department notifies the Assessor and Finance Director that an Owner has demonstrated its intent to expand, improve, replace or acquire a facility, as evidenced by an application for a site plan, development agreement, zoning change, conditional use or variance.
 - (2) **PILOT Project Profile.** The Planning Department shall contact the Owner regarding the possibility of an agreement to make payments in lieu of taxes to the City. As part of this communication, the Planning Department shall provide the Owner with a new PILOT Project Profile form on which the Owner is asked to provide the information about the tax-exempt institution and its existing and proposed facilities that is necessary for development of a PILOT. The Planning Department shall ask the Owner to submit for a new PILOT Project Profile form and the master plan for the project.
 - (3) **Communication.** Once the Owner submits the new PILOT Project Profile form and master plan showing existing and proposed facilities, the Assessor shall calculate the anticipated amount of the PILOT and the Finance Director, Attorney and a representative from the Planning Department shall discuss the formulation of the PILOT agreement and the amount of the annual payment with the owner.

DRAFT

- (4) **Guidelines for Establishing PILOT Amount.** The PILOT amount shall be calculated by multiplying the value of the owner's property by the City's mill rate each year in which the property is determined to be tax exempt. The Assessor shall estimate the value of the tax-exempt property, including both existing facilities and new construction, using standard appraisal methodologies that the Assessor deems most appropriate.
- (5) **PILOT Agreement.** The Attorney's office in conjunction with the Finance Department shall draft the PILOT agreement between the City and Owner. If the Owner's tax exempt property contains multiple buildings or facilities and the Owner anticipates multiple alterations to the buildings or facilities, the agreement may take the form of a comprehensive agreement that applies to all buildings and facilities on the property. The provisions of a PILOT agreement may include but shall not be limited to the following:
- a. The parties agree that the City will provide the Owner's property with public services typically funded by the property tax, such as fire and police protection, street maintenance and street lighting.
 - b. The Owner of the tax exempt property understands that it may still be subject to special assessments, special charges, special taxes or fees charged by the City pursuant to the City's statutory authority.
 - c. The Owner agrees to pay an annual PILOT for the tax-exempt property. The method of calculating the PILOT shall be specified, as shall the technique for annually adjusting the PILOT for inflation.
 - d. The Owner shall pay the entire PILOT on or before January 31 of the year following the tax year for which the PILOT was calculated. Alternatively the Owner may pay ½ of the PILOT on or before January 31st with the other ½ being paid on or before July 31st.
 - e. The City may use the PILOT revenues for purposes it deems appropriate. The Finance Director shall treat all PILOT payments as general fund revenues and account for them specifically in the General Property Taxes category.
 - f. The City reserves the right to grant or deny the Owner's application for tax-exempt status, pursuant to § 70.11, Wis. Stats. If the City grants tax-exempt status, the City may review, reconsider and, if necessary, alter that tax-exempt status each January. If part or all of the property does not qualify for tax-exempt status, the impact on the PILOT shall be specified.
 - g. The agreement shall be considered void from the date of its execution if the Owner does not become the holder of legal title to the property by December 31 of the tax year or if the Assessor determines that the property is no longer tax exempt.
- (d) **Execution.** The PILOT shall be executed when the Owner of the tax-exempt property, the Mayor, the Clerk and the City Attorney have signed the Agreement.
- (e) **Awareness.** The Planning Department along with the Assessor shall develop, implement and continuously maintain a campaign to create awareness of the fair share payment in lieu of taxes program among property owners requesting exemption and current owners of tax exempt properties.
- (f) **Impact.** Whether or not an Owner has entered into a PILOT shall not have an effect on the property's tax exempt status.
- (g) **When Required.** A PILOT agreement shall be a voluntary agreement except in all instances in which the City can legally require a PILOT, for example a conditional use permit, development agreement or other similar agreement or condition.

Plan Commission Meeting: July 26, 2016

Public Comment Sign-in Sheet

Number	Speaker Name (PLEASE PRINT):	Speaker Address:
1	DAVE TRAPP	Fishersville
2	Lee Fehr	Harner Ct
3	Amy Urbanek	765 Domke St, Onalaska
4	Gerry & Marilyn Lee	W6753 Cloverdale Road, Ona.
5	Dan Eumurian	1634 Barlow St, La Crosse, WI / 5460
6	JOHN BRANDT	2103 SUNSET LN LA CROSSE WI 54601
7	Shannon McKinney	1518 S. 10th St. La Crosse, WI
8	JACOB WALLACE	1330 Ridgeway Ave, Onalaska
9	Kelly Riedesel	707 Shelly Lane Onalaska
10	John T. Zulu	1001 Quincy St Onalaska
11	TRAVIS BECKWELL	420 2nd Ave S. Onalaska
12	Jerry Hatlevig	3340 So. Kinney Coulee ONA
13	PARK HUNTER	212 4TH AVE N, ONALASKA
14	Connie Bader	W6474 WENDLAND RD, ONALASKA
15	Larry Schreiner	2505 Springskill Way, Onalaska
16	Richard R. Schmor	632-11 1st Ave Ona
17	John T. Zulu	1001 Quincy St Ona
18	Jason Stanton	142 Fairway Ct Ona

SIGN-UP SHEET

Plan Commission
July 26, 2016
7pm

MEETING NAME
DATE OF MEETING
TIME OF MEETING

NAME	ADDRESS
Deen CioKiewicz	951 6th Aven North DWA/ASKA
Greg Paerkes	1803 Bairdardser LaCrosse
Jacob Brown	239 Shelly Lane LaCrosse
Joe DeKamp	178091 County W Holms WI.
Cheryl Jostad	117 Hillview Blvd LaCrosse
LARRY SCHNEIDER	LAX 54601
Kevin Holcomb	306 rose st. lax,

Aspenson, Katie

From: Amy Urbanek <amy.feebe@gmail.com>
Sent: Monday, July 18, 2016 5:10 PM
To: Aspenson, Katie
Subject: Pilot Program

Hi! My name is Amy Urbanek. I live at 765 Domke St. in Onalaska. I have lived in Onalaska for most of my life. I am against the Pilot Program. What is the difference between a fee and a tax? Sounds the same to me. Non-profit, property owning organizations are usually filled with people who are trying to make the city a better place to be. If you charge this fee some of them may have to close. This could greatly effect our community. I ask you to reconsider what you are doing.

A concerned citizen,
Amy

Aspenson, Katie

From: Gerry & Marilyn Lee <germarlee@gmail.com>
Sent: Monday, July 25, 2016 9:20 PM
To: Aspenson, Katie; Chilsen, Joe
Subject: PILOT Agreements for Tax-Exempt Organizations

Follow Up Flag: FollowUp
Flag Status: Flagged

As a resident of the Onalaska community, and member of River's Harvest Church, we are very concerned about the implementation of the PILOT Agreement to include tax-exempt organizations.

Payment of the "tax" is not really voluntary, as the proposal would make it required for any improvements the organization wishes to make in order to get the required permit.

These tax-exempt organizations fill a very important role in the community. Our church provides free counseling, and support for those recovering from addiction. We also give monetary aid for people who can't pay their utility bills or car repairs. We have programs for children and teen-agers as well as numerous other ministries. We regularly send monetary support to other ministries in the Onalaska area. These services/ programs are all supported through donations.

To require a tax of places such as River's Harvest Church, puts a burden on the members that would require limitation of these services. If the churches must cut these services, can the city guarantee that they will use this money to provide the same services for the community?

Our members are all tax-paying citizens of this area. It doesn't make sense to ask them to donate more so it can be used to pay a tax to the city they already pay taxes to.

The same can be said for the YMCA-North, of which I am an employee. Their programs are only partially funded by fees. A large portion of their budget comes from donations. If they are forced to pay a tax, which programs do you suggest they cut? People are not so willing to donate when they know it will be used to pay a tax to the city they already pay taxes to.

In considering the above information, we believe implementation of the PILOT program to include tax-exempt organizations is **harmful** to the Onalaska community and Highly recommend that you **do not** pass it.

Sincerely,
Gerry and Marilyn Lee
W6753 Cloverdale Rd
Onalaska, WI

Aspenson, Katie

From: Dan Eumurian <hope4you@centurytel.net>
Sent: Tuesday, July 26, 2016 4:28 PM
To: Aspenson, Katie
Subject: P.I.L.O.T.

Address to Onalaska City Council

My name is Dan Eumurian [pronounced "e MYUR-e-an"]. I reside at 1634 Barlow St., La Crosse, Wisconsin 54601, tel. (608) 788-8637. I am a Wisconsin DPI certified music teacher, and a piano technician, songwriter and musician. I have been a substitute teacher in the School District of Onalaska beginning in 1991. From 1996 to 1999 I was the school board reporter for the Onalaska-Holmen Record and La Crosse Tribune, and when I left the position I was given commendations by both school districts. I'm a member of the Community Church of the Nazarene in La Crosse, but speak only on my own authority.

Back around the 1990s I wrote to former Mayor Ed Koch of New York City with a question about the issue you are now considering. He wrote back to say that if the government were to tax religious non-profits, it would be counter-productive, since those non-profits delivered services to low income residents more effectively and efficiently than did the public sector. Senator Gary Hart said the same thing about foreign aid.

When I contracted polio in 1952 at the age of ten months, my parents' Christian faith prompted them to disregard the doctor's prediction that if I lived I would be a "vegetable," I would never be able to use a wheelchair, I would be a burden to my family, and I should be put in an institution. I've taught thousands of children, performed for thousands of people, and tuned thousands of pianos. Even in my small church, I could give you the names of several people who have been delivered from alcohol abuse and have become productive citizens.

From my limited study of music therapy, I have learned that music can have an effect even on very young children, and music has been a part of the church since its inception. I remember seeing a book in a local third grade public school classroom entitled *The Bloody Claw*. The teacher told me she used reading materials that captured the children's attention. I remember substitute teaching in an elementary public school classroom in La Crosse that had over 70 references to Halloween. I believe parents have the right to instill a different message in the minds of its children without interference from the state. When I was a music education student at Kent State University, I was asked to play a pentatonic song. This is a song that could be played on just the black keys of a piano. I played "Jesus Loves Me, this I know, for the Bible tells me so. Little ones to him belong; they are weak but he is strong." My instructor had never heard the song, even though it is about a historical person attested to by much manuscript evidence. Perhaps those who wish to tax nonprofits would like to join us and see how their lives might be changed for the better. Until then, I suggest that the city continue to abide by the free exercise clause of the First Amendment.

Dan Eumurian
Registered Piano Technician, The Piano Technicians Guild, Inc.
dba Eumurian Piano Sales & Service and
Come Thru Music Co., BMI
1634 Barlow St.
La Crosse, WI 54601
(608) 788-8637
c790-8863
hope4you@centurytel.net

"There is grandeur in this view of life with its several powers having been originally breathed by the Creator...[F]rom so simple a beginning endless forms most wonderful and most beautiful have been, and are being evolved." --Charles Darwin, The Origin of Species.



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July 20, 2016

Dear members of the Onalaska Planning Commission,

We are writing to you in regard to the proposed PILOT Program. We are greatly concerned about the negative impact of PILOT on non-profits in general and churches in particular. We, at St. Paul's Ev. Lutheran Church, 1201 Main St. Onalaska dearly love our community and serve it in a variety of ways. Below is a list of community minded events we do:

Monthly Support the Onalaska Food Pantry

Host A Community Days Rummage Give Away

Have 2 support Groups – Recovery from Addiction and Grief Counseling

Routinely counsel people in a variety of situations Including marriage/family counseling

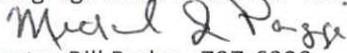
Offer \$1000s of annually to people in need

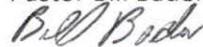
Generally promote good citizenship through our church and school.

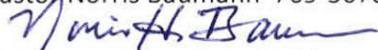
Much of the above would be negatively impacted through the PILOT program. Thank you for giving us the opportunity for input.

Sincerely,

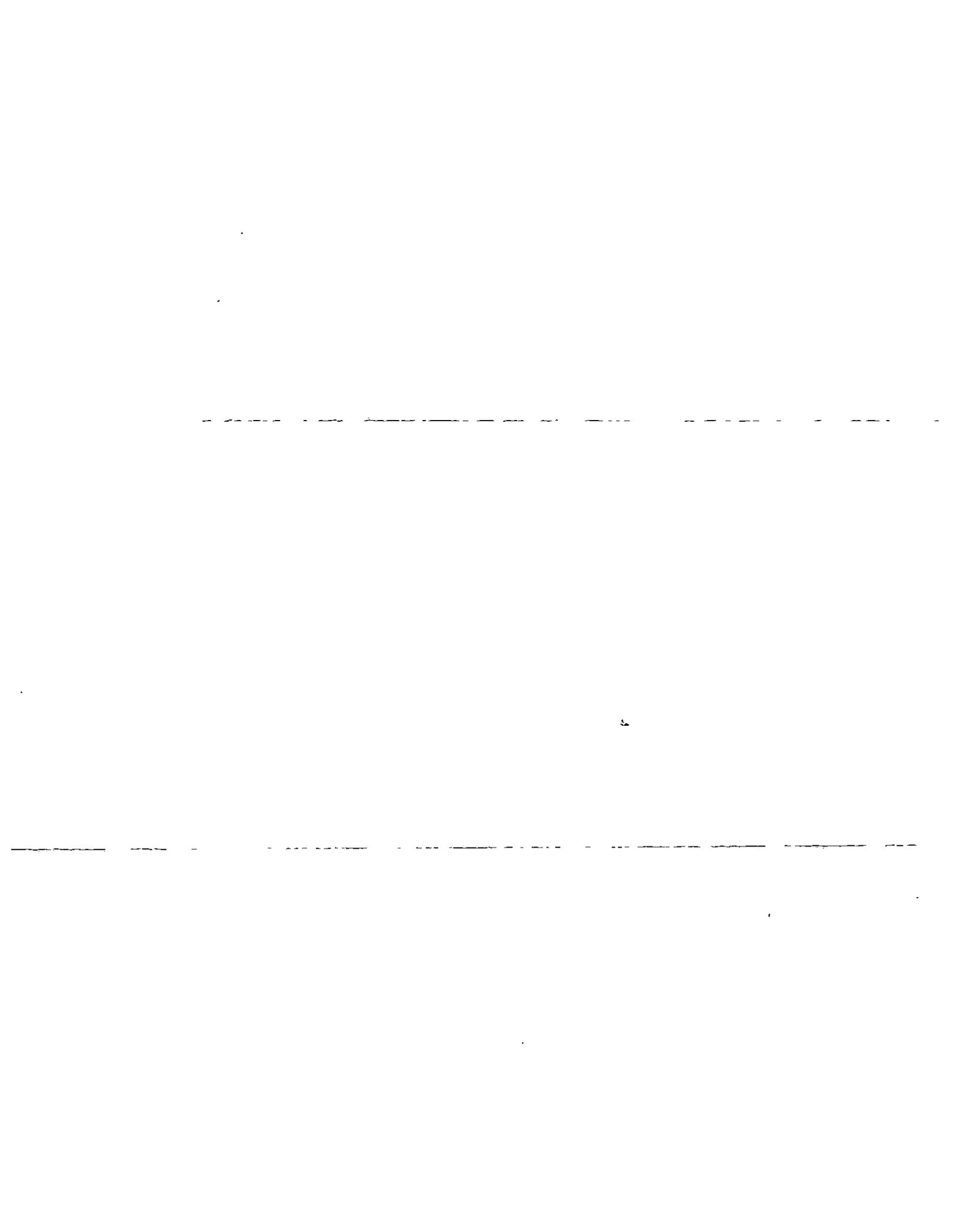
Congregational Chairman 498-0711


Pastor Bill Bader 797-6329


Pastor Norris Baumann 769-5678


Pastor Dan Olson 797-5793







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EDWIN MEESE, III, ESQ.
Former Attorney General
Advisory Board Chairman

KEVIN T. SNIDER, ESQ.
Chief Counsel

VIA FAX AND E-MAIL TO AVOID DELAY

July 25, 2016

Plan Commission
c/o Katie Aspenson
City of Onalaska, Wisconsin
Fax: (608) 781-9534
E-mail: kaspenson@cityofonalaska.com

RE: Proposed PILOT Ordinance

Dear Honorable Members of the Plan Commission:

We have been contacted by church leaders in Onalaska with concerns about a proposed ordinance aimed at tax-exempt non-profit organizations, and especially churches. We have reviewed the text and rationales for the Payment in Lieu of Taxes (PILOT) ordinance and find it legally problematic in several respects, as outlined below.

By way of introduction, the Pacific Justice Institute is a non-profit legal organization dedicated to the preservation of constitutional and religious freedoms. We represent many religious institutions who encounter onerous land-use restrictions. A leading case in this area is *International Church of the Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 251, where the city eventually agreed to pay a sizable settlement to our clients after we prevailed on appeal. One of the rationales put forward by the city in that case—and rejected—was that loss of tax revenue could influence zoning and land-use decisions relative to a church. We are well acquainted with these types of debates.

The proposed PILOT ordinance presents a likely violation of 42 U.S.C. Section 2000cc et seq., the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). Additionally, the First Amendment and state preemption are implicated.

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RLUIPA

RLUIPA is best known for its application to churches and houses of worship, see, e.g., *Int'l Church of the Foursquare Gospel, supra*. It also encompasses a wide array of religious ministry and outreach. See, e.g., *Westchester Day School v. Vill. of Mamaroneck*, 504 F.3d 338 (2d Cir. 2007) (religious school); *World Outreach Conf. Ctr. V. City of Chi.*, 591 F.3d 531 (7th Cir. 2009) (low-income housing); *Sisters of St. Francis Health Services, Inc. v. Morgan County, Ind.*, 397 F. Supp. 2d 1032 (S.D. Ind. 2005) (religious hospital).

In the land use context, RLUIPA has three main provisions—substantial burden, equal terms, and non-discrimination. The June 23 “Fact Sheet” prepared by City staff indicates awareness of the substantial burden provision, so it will not be set forth in full here. The Fact Sheet omits, though, any discussion of RLUIPA’s other provisions, and even as to substantial burden there appears to be a failure to understand the significant conflicts between the proposed ordinance and federal law. Most pertinently, the City may not realize that courts interpreting RLUIPA have specifically condemned the type of PILOT approach now under discussion.

The City’s approach here resembles actions deemed to be illegal and unconstitutional in *Fortress Bible Church v. Feiner*, 694 F.3d 208 (2d Cir 2012). There, it was suggested to a church that, in order for its project to be approved, it should donate a fire truck or agree to make payments in lieu of taxes. The Second Circuit did not mince words in its rebuke of the city’s approach; the court described the PILOT demand as an “attempt[] to extort.” *Id.* at 219. It had little trouble concluding that this approach violated RLUIPA. *Id.* at 220. The Second Circuit relied on RLUIPA authority from this jurisdiction, *Sts. Constantine and Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir. 2005), which is controlling.

The City’s reliance on a decision from the Tenth Circuit, *Grace United Methodist Church v. City of Cheyenne*, 451 F.3d 643 (10th Cir. 2006) is misplaced. While the church in that case was seeking to open a daycare, the similarities end there. As the court observed, Grace UMC sought special treatment, not equal treatment, because they were located in a zone where no daycare was allowed. The daycare would have been permitted in 28 other zoning districts within the city. *Id.* at 657. Here, by contrast, there is nowhere churches could go within the City to escape the PILOT ordinance. And unlike the City of Onalaska’s shrunken concept of religious exercise, the Tenth Circuit actually held that the lower court had erred by instructing the jury that it should consider whether the church’s operation of the daycare would be “fundamental” to its religious exercise. The Tenth Circuit held this mischaracterization of the substantial burden standard was harmless, though, because the church had not proved as a factual matter, by any standard, that it was being substantially burdened. *Id.* at 663-65. Most damaging to the church was a letter from its own superintending bishop disagreeing with the church’s position, characterizing the project as more of a commercial venture and calling into question its need for the daycare. Of course, no such issues are implicated here. To the extent church-operated daycare has recently been approved by the City, it has been on a far smaller scale, would incorporate religious education, and has been wholeheartedly supported by church leaders as an extension of their religious mission.

The Tenth Circuit’s decision—the only real RLUIPA authority relied upon in the Fact Sheet—does not come close to offsetting the Second Circuit’s devastating critique of PILOT approaches.

In short, the City's PILOT proposal has already failed to survive a court challenge, and we believe it is highly susceptible in this instance as well.

First Amendment

RLUIPA is not the only hurdle for the proposed ordinance. In *Fortress Bible Church*, the Second Circuit further held that the city's PILOT demand violated the Free Exercise Clause, *id.* at 221, and Equal Protection as well, *id.* at 221-24.

Even prior to the enactment of RLUIPA, or in its absence, several courts have held that governmental attempts to restrict the free exercise rights of religious institutions in land use contexts violate the First Amendment to the United States Constitution. Moreover, free exercise, free speech and non-establishment of religion all come to bear on a law that attempts to disingenuously tax churches and purports to vest the city with authority to declare what does and does not constitute "core religious functions."

In *St. John's Evangelical Lutheran Church v. City of Hoboken*, 195 N.J. Super. 414 (1983), the court held that the Free Exercise Clause of the First Amendment protected the right of St. John's to operate a homeless shelter. The court noted that "sheltering the homeless and caring for the poor has consistently been a church function, carried out for centuries by religious persons. It is among one of the basic mandates on the Judeo-Christian heritage." *Id.* at 418. See also, *Fifth Avenue Presbyterian Church v. City of New York*, 293 F.3d 570 (2d Cir. 2002); *City of Woodinville v. Northshore United Church of Christ*, 211 P.3d 406 (Wash. 2009) (same result under state constitution). In like manner, welcoming and caring for children has been part of church ministry—and religious exercise—for two millennia. The same is no less true of religious education and welcoming young children, which have likewise been core aspects of the Judeo-Christian tradition from time immemorial.

As to free speech, the Supreme Court has steadfastly resisted attempts to tax church functions and outreaches. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the Court warned against using taxes or fees to stifle religious practice. The fact that churches often charge fees to support some of their programs is incidental to their main purpose of spreading their faith; it does not thereby provide an opportunity for taxation. *Id.* at 112. "It is plain that a religious organization needs funds to remain a going concern.... Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way." *Id.* at 111.

Lastly as to the First Amendment, the City's approach creates excessive entanglement in violation of the Establishment Clause. The Fact Sheet claims that "core religious functions" will be exempted, but that the City will need to conduct an analysis of church programs such as daycare to determine whether they qualify as such. The City is inviting legal challenge by taking upon itself such an endeavor.

Indeed, property tax exemptions ensure fiscal separation consistent with the First Amendment. *Walz v. Tax Commission of City of New York*, 397 U.S. 664, 672-75 (1970). Without this separation, entanglement is likely to result.

State Preemption

Following an age-old tradition, Wisconsin has exempted church property from taxation since at least 1849. *See, e.g., In re Foreclosure of Tax Liens Pursuant to Section 75.521*, 157 Wis.2d 539, 546 (Wis. Ct. App. 1990). The original exemption statutes were renumbered as 70.11(4) in 1921. *Id.* at 547.

The State has occupied the field and precludes local efforts to undermine its carefully-balanced property tax scheme. “[W]here ‘the state has entered the field of regulation, municipalities may not make regulation inconsistent therewith’ ” because “a municipality cannot lawfully forbid what the legislature has expressly licensed, authorized or required, or authorize what the legislature has expressly forbidden.” *DeRosso Landfill Co. Inc. v. City of Oak Creek*, 200 Wis.2d 642, 651 (1996).

In matters of statewide interest, the principle of preemption has specifically been invoked to strike down a local tax measure at cross-purposes with legislative intent. *U.S. Oil, Inc. v. City of Fond Du Lac*, 199 Wis.2d 333 (1996). Here, as there, property tax exemptions are a matter of statewide concern. *Id.* at 339. In fact, as RLUIPA makes clear, religious land use is a matter of not only statewide but national concern. The PILOT ordinance logically conflicts with the state tax exemption, defeats its purpose, and goes against the spirit of the legislation. *Id.* at 345. *See also, Anchor Savings & Loan Ass’n v. Equil opportunity commission*, 120 Wis.2d 391 (1984).

The state’s decision—like that of countless jurisdictions before and after it—to extend property tax exemptions to religious land use cannot be second-guessed by the City. The PILOT ordinance is clearly at odds with state policy and must therefore fail.

Conclusion

In light of the foregoing analysis, we urge you to reject the alluring but unwise and illegal attempt to extract funds from religious non-profits. We are aware that the City has already signed PILOT agreements with several such entities in Onalaska. These entities have not waived and do not hereby waive their rights to contest such PILOT agreements, which have been imposed by the City as unconstitutional conditions, in addition to challenging the proposed ordinance, if necessary. We hope that the City will abandon this ill-advised course of action and instead recognize the tremendous benefits that religious and other non-profits provide to the community.

Sincerely,



Matthew B. McReynolds
Senior Staff Attorney
PACIFIC JUSTICE INSTITUTE
mmcreynolds@pji.org

Daryl Waters
Waters Legal Services, LLC
Licensed in California, Wisconsin and the Western District of Michigan