

ARTICLE IX. - ECONOMIC DEVELOPMENT

Sec. 2-402. - Findings of fact, statement of purpose.

- (a) *Findings of fact.* ~~The City of La Crosse is essentially landlocked and the future economic prosperity of the City is primarily dependent on redevelopment of existing land uses. Redevelopment of sites, buildings and land typically has a higher up-front cost than "greenfield" suburban development as a result of potential environmental contamination, existing buildings that need to be removed or renovated, and smaller parcels that need to be assembled to create development sites. The Legislature has recognized this and has allowed cities to conduct economic development programs primarily through Tax Incremental Finance Districts (TID), the use of loans, grants, Industrial Revenue Bonds, land write downs, and provision of public infrastructure.~~ A comprehensive program of economic development, including the prudent use of incentives, protects the public health, safety, convenience, general welfare and tax base of the City.
- (b) *Purpose and intent.* This article is intended to ~~regulate~~ guide economic development programs and incentives to:
- (1)   —Protect life, health, property and general welfare of the City;
  - (2)   —Minimize expenditures of public funds for development and redevelopment projects;
  - (3)   —Minimize business interruptions and other economic disruptions;
  - (4)       —Implement a ~~high-profile~~high-profile proactive approach to local economic development through public/private partnerships;
  - (5)   —Provide a range of development incentives, as needed, to retain local employers and to stimulate their expansion;
  - (6)   —Facilitate the redevelopment and revitalization of the downtown and ~~older~~other commercial areas;
  - (7)   —Attract a variety of manufacturing and regional office employers in business sectors with projected growth;
  - (8)   —Provide both existing and new ~~employers~~businesses and developers with a consistent set of standards for the City's approach to incentive programs for projects located on private and/or publicly owned sites;
  - (9)   —To facilitate the use of Federal and State development incentive programs and grants for local development projects.
  - (10)   —Maximize the effectiveness of the City's limited resources in stimulating job ~~creation and~~ingor retention development projects;
  - (11)   —Compete on an equal basis with other communities for an increased share of new development and redevelopment projects;
  - (12)   —Assist the City in implementing its overall economic development goals;
  - (13)   —Enable the City to compete globally by actively creating and retaining a skilled and ~~a~~ educated work force;
  - (14)   —Mitigate climate change and adapt to our changing environment by meeting the Natural Step's four systems conditions:
    - a. Reduce dependence upon fossil fuels, extracted underground metals and minerals.
    - b. Reduce dependence on chemicals and other manufactured substances that can accumulate in nature.
    - c. Reduce dependence on activities that harm life sustaining ecosystems.
    - d. Meet the hierarchy of present and future human needs fairly and efficiently.

(Code 1980, § 2.23(A); [Ord. No. 5161, § I, 11-12-2020](#).)

Sec. 2-403. ~~—~~ Economic and Community Development Commission.

- (a) ~~—~~ *Purpose*. The purpose of the Economic and Community Development Commission is to act as an advisory body to the Common Council by implementing the Comprehensive Plan ~~—~~(primarily the Economic Development Element), ~~the Economic Development Strategic Plan~~, Tax Increment District Project Plans, ~~and the City Vision 2020/Imagine 2040 Downtown Master Plan, the CDBG Action Plan, and the Consolidated Plan~~. The Commission shall also oversee ~~advise and approve~~ the City's Community Development Block Grant Housing and Urban Development (HUD) allocations, ~~the La Crosse Housing Rehabilitation programs~~, the administration of the City's business assistance programs and address issues common to the City's economic vitality and viability.
- (b) ~~—~~ *Appointment and term of office*. There shall be an Economic and Community Development Commission consisting of seven members, each for a term of two years and shall include the Mayor, four citizens representatives, the Chair of the Finance and Personnel Committee and the Council President. Officers will be elected at the first meeting and then every two years following. The citizen members shall be appointed by the Mayor subject to confirmation by the Common Council. No salary or compensation shall be paid to any member of said Commission for the member's services as Commissioner. The citizen members shall serve staggered terms. All members shall be residents of the City ~~with the exception of the Local business person or own a business within the City, who may not be a city resident, but must own a business within the city~~, and consist of:
- (1) The Mayor.
  - (2) The Council President.
  - (3) The Chair of the Finance and Personnel Committee.
  - (4) Four City of La Crosse residents ~~or business owners; with representatives recommended from these following areas of expertise: with reputable knowledge and experience. In appointing members consideration will be given to inclusion of persons of low and moderate income. These qualifications may include, but are not limited to people in the following areas of expertise:~~
    - a. Banker/Loan Officer.
    - b. Certified Public Accountant.
    - c. Local business owner~~person~~.
    - d. Manufacturing representative.
    - e. Realtor.
    - f. Low and moderate income status individual.
- (c) *Powers and duties*. The Economic and Community Development Commission shall:
- (1) Be responsible for ~~overseeing~~ advising the ~~the~~ implementation of ~~ing~~ this economic development article and ~~provide the lead role~~ City staff's work in facilitating development projects and coordinating efforts with the private sector. As development projects arise, the Commission shall have the authority to negotiate the types and level of development incentives needed in accordance with the provisions of this article. The City ~~Administration~~ officers, the Commission and the City Council shall maintain the confidentiality of all such negotiations. The City Council shall have the final authority to review and approve all negotiated agreements in accordance with Wisconsin State Statutes.
  - (2) ~~Advise—Oversee~~ the management of the City's economic development assistance programs as outlined ~~herein~~ in their respective policies and guidelines, including ~~the~~ Ssmall Business Development Loan/grant Programs, Commercial Rehabilitation Loan/grant Programs, Upper Floor Renovation Revolving Loan Program, Facade Improvement Programs, Tax Incremental District Financing (TIF) loans/grants, Industrial Revenue Bonds, LIPCO projects and

loans, Industrial Park development and redevelopment, the Architectural and Engineering Analysis Program, and all other forms of economic development assistance using City funds.

- (2) Review and approve requests for economic development assistance as is outlined in each program's respective policy and guidelines. ~~Final decisions regarding on the City's Upper Floor Renovation Revolving Loan Program TIF assistance and the corresponding development agreement will be made at the Economic and Community Development Commission Council level; this Commission will provide initial review and approval with a recommendation made to Council.~~
- (3) ~~Oversee the coordination of~~ Review the preparation, implementation, annual monitoring and management of the City's Tax Incremental ~~Financing~~ Districts, including negotiating, monitoring, management, and implementation of Development Agreements including any amendments, ~~economic assistance such as loans/grants, carrying out the standards for financial assistance and TIF assistance contained in this article.~~
- (4) ~~Analyze economic development trends, r~~ Review, develop and recommend, and approve economic development policies, ordinances and programs and facilitate activities to improve the economic climate of the City of La Crosse while reducing carbon emissions and increasing renewable energy use.
- (5) ~~Oversee~~ Provide advisement regarding the City's annual federal HOME and Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development. The Commission is responsible for allocating these funds to local public service agencies, public facilities, and housing and economic development programs in order to benefit low- and moderate-income households within the City of La Crosse.
- (6) ~~Oversee and be responsible for~~ Review and advise duties regarding the La Crosse Housing Rehabilitation program and La Crosse Replacement Housing Program Community Development Housing programs, including Housing Rehabilitation, Replacement Housing and the Affordable Housing Fund which includes reviewing applications for loans and grants.
- (7) ~~Facilitate~~ Review and support programs and policies which assist in revitalizing the City's neighborhoods, address income inequality, and improve the quality of housing in the City.

(Code 1980, § 2.23(B)—(D); Ord. No. [4996](#), § I, 5-11-2017; [Ord. No. 5161, § II, 11-12-2020](#))

Sec. 2-404. - Standards for economic development assistance.

- (a) ~~The standards outlined herein are intended to provide clear direction and understanding high-level goals and guidance~~ to applicants, City staff, the Commission and Common Council for projects and developments needing City assistance, including those within ~~†Tax †Incremental financing (TIF) †Districts (TIDs) and projects outside of adjacent to the City's TIF districts TIDs.~~ These standards ~~and requirements~~ have been promulgated to protect the public's trust and resources and to ensure that City government treats all applicants fairly and equitably. Notwithstanding compliance with any or all of the standards herein and the corresponding policies, the provision of assistance is a policy choice to be evaluated on a case-by-case basis ~~by the Commission and the Common Council~~. The burden of establishing the public value of assistance shall be placed upon the applicant and the application must substantially meet the criteria ~~contained herein required by the City's policy regarding the respective assistance requested.~~ The Commission reserves the right to bring any ~~incentive assistance~~ proposal forward for Council consideration, including assistance programs that allow for approval at the Commission level. Meeting statutory requirements, standards or other criteria ~~listed herein~~ does not guarantee the provision of ~~TIF~~ financial assistance nor does the approval or denial of one project set precedent for approval or denial of another project.
- (b) ~~If the applicant is looking for funding from the City's established economic development loan programs: such as Small Business Development Loan Program/Commercial Rehabilitation Loan Program, Upper Floor Renovation Revolving Loan Program, Facade Improvement Programs, or the~~

Architectural and Engineering Analysis Program, or TIF loans/grants, the applicant should follow the specific ~~loan~~ application process and corresponding guidelines, ~~and should expect a 60-day turnaround from the City. If, however, the applicant is looking for assistance through Tax Incremental District loans/grants or other forms of assistance, the applicant should expect a four to six-month turnaround from the City, depending on the scope of the project and type of assistance requested.~~ The City will endeavor to process applications on a timely basis.

~~(c) —The City will consider using financial assistance to assist private development in those circumstances where the proposed private project shows a demonstrated financial gap and that the financial assistance request is the minimum necessary to make the project feasible. It is the Commission's discretion whether to require the developer to have exhausted every other financial alternative(s) prior to requesting the use of financial assistance, including equity participation, other Federal and State funds, bonds, tax credits, loans, etc. It is the intent of the City to provide the minimum amount of assistance to make the project viable and not solely to increase a developer's profit margin on the project. As part of a formal request for assistance through a completed application, the City will undertake, at the requestor's cost, an independent analysis of the project to ensure the request for assistance is necessary and valid.~~

~~(cd) —Each project is unique and therefore every application/proposal shall be evaluated on its individual merit, including its potential impact on City service levels, its overall contribution to the economy and its consistency with the Comprehensive Plan or other planning documents. —Each project must demonstrate probability of financial success.—The developer applicant must should demonstrate that there will be a substantial and significant public benefit to the community by achieving as many of the following public benefits as possible:~~

- (1) Stimulate revitalization of the City, its older neighborhoods, industrial areas, commercial districts and Historic Downtown La Crosse by:
  - a. Improving infrastructure;
  - b. Meeting job creation requirements as referenced in the City's Living Wage Resolution as amended or superseded;
  - c. Retaining existing jobs;
  - d. Creating a variety of mixed-use commercial/housing opportunities to increase the number of downtown residents;
  - e. Attracting desirable businesses and retaining existing businesses;
  - f. Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of the downtown area by adding interest and activity on the first floor of mixed-use buildings;
  - g. Promoting use of mass transit by actively promoting and participating in the MTU Works pass program for employees.

~~(2) —Promote efficient usage of land through elimination of blight and redevelopment of underutilized properties.~~

~~(3) —Support an educated workforce and Sstrengthen the economic and employment base of the City overall and support Economic Development.~~

~~(4) —Stabilize and upgrade targeted neighborhoods.~~

~~(5) —Increase property values, tax base and tax revenues.~~

~~(6) —Leveraging the maximum amount of non-City funds into a development and as a result flow back into the community.~~

~~(7) —Supporting an educated workforce.~~

~~(8) —Contribute to other unique projects or programs not listed that provide public benefits.~~

~~(7)(89)~~ \_\_\_\_\_—Align with the City's carbon neutrality efforts.

~~(89)~~ \_\_\_\_\_Further strengthen the City's role as the hub and economic center for the larger region.

~~(9)~~ Foster diversity both among business type/industry and demographic make-up of the business owners, employers, and employees.

~~(10)~~ Stimulate and/or support place-making initiatives.

~~(11)~~ Address economic equity within the City.

~~(12)~~ Improve economic resiliency within the City.

~~(13)~~ Contribute to other unique projects or programs not listed that provide public benefits.

~~(ed)~~—The) The following eligibility standards shall will be used be met in order for the applicant requesting public funding to demonstrate their financial need requests for large-scale public assistance:

~~(1)~~ \_—"But for" standard (i.e., demonstration of need for the public assistance). The fundamental principle and that which the City must determine through information provided by the developer is that the project would not occur "but for" the assistance provided through City financial assistance. The burden is on the developer to make its case to the City. City financial assistance will be provided solely to fill an identified financial "gap" and the City's assistance will be restricted to the minimum amount necessary to make a project financially feasible. It is at the Commission's discretion to define the amount and form of financial assistance.

~~(2)~~ \_—Every other financial alternative is expected to be explored prior to the request for City assistance, ~~including obtaining primary financing through conventional lenders, seeking additional investment and/or partners, and seeking other Federal and State funds, bonds, tax credits, loans, etc. The developer shall provide copies of correspondence from lenders, business partners/investors and copies of applications (Prospect Data Sheet) for State assistance through the Wisconsin Economic Development Corporation or other State or Federal agencies.~~

~~(3)~~ \_—Demonstration of need can be provided in the form of, but not limited to, ~~personal financial statements, income tax returns, commitment letters, cash flow statements, project pro forma's, feasibility studies, industry data, and market demand studies, etc. Upon request, the City may permit these documents to be provided directly to the City's financial advisor or developer's financial advisor to protect proprietary or confidential information.~~

~~(43)~~ \_—To meet the public purpose doctrine, job creation and retention will may be a requirement for economic assistance, ~~(with the exception of Upper Floor Loans or facade loans or other forms of financial assistance that are not expected to create jobs) and the City may require necessitating~~ job records and retention of jobs for a period of time. If the promised jobs are not created and retained for the agreed to period of time, then the City's financial assistance may become due and payable immediately. ~~The City will not provide financial incentives for job creation on a per job basis and will work with the applicant to obtain State of Wisconsin and other job creation tax credits for which these programs are intended.~~

~~(415)~~ \_\_\_\_\_—Eligible projects. In order for the project to receive financial assistance, the project shall consist of the following types of development projects:

a. Business development (attraction, retention, expansion), ~~\_ for basic industries (businesses that export products),~~ assistance will be evaluated on its impact on existing local markets.

b. \_\_\_\_\_—Mixed-use developments that creatively integrate commercial and retail projects into a residential development.

c. Revitalization of historically designated, significant or deteriorated buildings.

d. Projects that promote downtown office and retail development.

e. Projects that promote neighborhood stabilization or revitalization.

f. Projects that promote industrial development ~~for export-based industries.~~

- g. Projects consistent with approved TIF Project Plans.
- h. Projects that involve environmental clean-up, removal of slum and blighting conditions.
- i. ~~\_\_\_~~—Projects that contribute to the implementation of other public policies, as adopted by the City in its strategic plans such as affordable housing/workforce housing, mass transit, promotion of ~~high-quality~~high-quality architectural design, energy conservation (i.e. infrastructure, etc).
- j. ~~\_\_\_~~—Projects that provide retail, housing and mixed uses in existing commercial nodes (e.g., Caledonia Street, I-90/Exit 3).
- k. Whole-building energy modeling (BEM) for new construction and building retrofits.
- l. ~~\_\_\_~~—Renewable energy, including solar photovoltaics, geothermal, and wind energy.
- m. ~~\_\_\_~~—Microgrid technology that can support renewable energy and energy reliability.
- n. Green roofs that include gardens that can capture and retain stormwater.
- o. Blue roofs that capture and store stormwater to mitigate runoff effects.
- p. Under-parking water retention systems that capture and store stormwater to mitigate runoff effects.
- q. Stormwater management best practices that are above the State mandate.
- r. Purple pipe reclaimed water piping systems.
- s. Site-specific public art projects.

~~t. Projects that foster diversity both among business type/industry and demographic make-up of the business owners, employers, and employees.~~

~~u. Projects that stimulate and/or support place-making initiatives.~~

~~v. Projects that address economic equity within the City.~~

(526) ~~\_\_\_~~—Ineligible projects. The following types of development projects are ineligible for City assistance ~~for large-scale development projects, including TIF:~~

~~a. a. Speculative office and retail development (projects that have no secured tenants), defined as projects that have not secured anchor tenants for at least the same percentage of pre-leased space as required by the developer's construction lender by a date set forth by the Common Council.~~

~~b. b. Any development where a market study shows a demand for the project/product and/or such that there exists a long-term "bankable" lease of ten or more years.~~

~~c. Relocation (pirating) of tenants from another site within the City or region (offices, retail and/or other commercial uses) for the purpose other than retaining or substantially expanding said business.~~

~~d. Office or retail development outside of Downtown unless within a redevelopment project that is targeting mixed-use commercial/office and residential such as Caledonia Street and the I-90/Exit 3 commercial nodes.~~

~~de. Standalone big box commercial.~~

~~f. Standalone residential development projects unless limited by site and environmental conditions beyond which make the project financially infeasible, including luxury housing or 100 percent market rate housing.~~

~~g. Standalone student housing.~~



~~eh.~~ Projects not consistent with the Comprehensive Plan, and other City plans, such as the Imagine 2040 plan and Climate Action Plan.

~~i.~~ Energy efficiency improvements (including high-efficiency windows or shadings, energy efficient appliances, LED lighting, enhanced insulation, et cetera) within a building. These are expected in all TIF projects, but they are not TIF-eligible costs.

~~j.~~ Projects that increase the city's carbon emissions.

~~(fe)~~ Structure for financing assistance. The following parameters are established for providing financial assistance.

~~(1)~~ Financial assistance may be provided by the City in a form and method acceptable to the City. Requests for up-front financing may be considered on a case-by-case basis if increment generation is sufficient to meet initial financing and debt service costs and are not the first dollars spent on a project.

~~(2)~~ For "pay-go" and reverse cash grant structured projects, the project owner shall agree to pay all other outstanding City of La Crosse property tax bills and special assessments prior to disbursement of any payments by the City.

~~(13)~~ No mortgage guarantees. The City will not provide mortgage guarantees.

~~(4)~~ Personal guarantees. The City will require personal guarantees from the investor, borrower and members for receiving financial assistance. Amount and form shall be acceptable to the City.

~~(5)~~ The City will retain an administrative fee of not less than 15 percent of any tax increment received from the project to reimburse for administrative costs.

~~(6)~~ When the project is intended as a for-sale development (i.e., office, mixed use retail/residential), the developer must retain ownership of the overall project until final completion; provided, however, that individual condominium units may be sold as they are completed. For all other projects, the developer must retain ownership of the project at least long enough to complete it, to stabilize its occupancy, to establish the project management and to initiate payment of taxes based on the increased project value. Transfer of ownership or the addition of owners/members or changes to ownership/member percentages shall first be approved as an amendment to the developer's agreement.

~~(7)~~ Projects receiving assistance will be subject to a "look back" provision. The look back mandates a developer to provide the City or its financial advisor with evidence of its annualized cumulative internal rate of return on the investment (IRR) at specified periods of time after project completion. The IRR shall be calculated with equity, revenues, and expenses in accordance with generally accepted accounting principles.

~~a.~~ When the developer owns the subject property and rents space to tenants, supporting documentation shall include certified records of project costs and revenues, including lease agreements and sales on a per square foot basis at no cost to the City. If the records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally proposed to the City at the time of the development agreement, the developer and the City shall split, on a 50/50 basis, the increase above the originally projected rates of return.

~~b.~~ When the subject property is a for-sale development and the IRR cannot be completed, the developer is to provide financial data after the project is completed at no cost to the City. This shall include a calculation of profit on total development costs minus the financial assistance. If the financial records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally contemplated at the time of development agreement approval, the developer and the City shall split, on a 50/50 basis, any increase at or above original projected rates of return.

~~(28)~~ Loans using Federal or City funds, including State Trust Funds, shall generally follow the same underwriting standards and procedures as grants or other financing ~~mechanisms contained~~

~~herein overseen by this Commission. The City shall use its standard loan documents used for the Small Business Development Loan/Commercial Rehabilitation Loans for all development loans.~~

~~(g) All of the following financial criteria must be met in order to be considered for economic assistance.~~

~~(1) *Equity requirement.* Developers must provide a minimum 15 percent equity of total project costs. Projects that exceed the 15 percent equity requirement will be looked upon favorably by the City. Equity is defined as cash or un-leveraged value in land or prepaid costs attributable to the project. City assistance shall not exceed the amount of equity provided by the developer. Donated developer or construction management fees shall not be considered as equity investment.~~

~~(2) *Payback period.* 20-year maximum payback period. Preference will be given to projects with payback periods of 12 years or less.~~

~~(3) *TIF cap.* The total amount of TIF assistance should not exceed ten percent of the increase in taxable valuation. This limitation may be modified by special consideration as outlined in (i).~~

~~(4) *Land assembly cap.* Assistance for land/property assembly costs will not be provided in an amount exceeding ten percent of the fair market value of the land. The fair market value will be determined by an independent appraiser contracted by the City with the cost of appraisal paid for by developer.~~

~~(5) *Sale of City-owned land.* For development projects involving the sale of City-owned land, the procedures in section 2-404(m) must be followed.~~

~~(6) *Internal rate of return.* The amount of assistance provided to a developer will be limited to the amount necessary to provide the developer a reasonable rate of return on investment in the project and the subject site. A developer's return on equity, return on cost or internal rate of return will be based on current market conditions as determined by the City or City's financial advisor. In no case shall the internal rate of return exceed 30 percent.~~

~~(7) *Taxable increase.* The project should result in an increase in taxable valuation of at least 20 percent upon project completion.~~

~~(8) *Living wage requirements.* The City has adopted, by resolution, a policy that developments that are provided City assistance must pay their employees a "living wage." Any agreement for financial assistance shall include provisions that ensure the publicly assisted projects pay a living wage to their employees.~~

~~(9) *PILOT payment.* In the event that some or all of the property, developments, improvements, personal property, or real estate becomes exempt from general property taxes the developer shall make a payment to the City in lieu of taxes (the "PILOT").~~

~~(h) Eligible costs. The following are typical eligible costs:~~

~~(1) Capital costs, including actual costs of:~~

~~a. Construction of public works or improvements;~~

~~b. Construction new buildings, structures, and fixtures;~~

~~c. Deconstruction, alteration, rehabilitation, repair or reconstruction of existing buildings, structures and fixtures, other than historic buildings and structures;~~

~~d. Acquisition of equipment to service the district;~~

~~e. Restoration of soil or groundwater affected by, environmental pollution; and~~

~~f. Clearing and grading of land.~~

~~(2) Real property assembly costs.~~

~~(3) Professional service costs (planning, architectural, engineering, and legal).~~

~~(4) Relocation costs.~~

~~(5) Environmental remediation.~~

~~(6) Organizational costs (environmental and other studies, publication and notification costs).~~



- ~~(i) Special consideration. Special or additional consideration, and/or better terms may be considered for projects that exceed certain standards such as:
  - ~~(1) Use of higher quality building materials;~~
  - ~~(2) Demonstration of a higher standard of urban design (e.g., mixed use, add vitality to commercial districts by adding interest and activity on the first floor of mixed use buildings, etc.);~~
  - ~~(3) Promotion of sustainable practices in their construction and operation such as meeting LEED, Net Zero Energy Building, Living Building, Energy Star, or Green Globes certification requirements;~~
  - ~~(4) Providing environmental sensitivity or protection of natural resources;~~
  - ~~(5) Any additional performance standards which enhances the overall quality of life;~~
  - ~~(6) Demonstrable efforts to increase the percentage of newly hired and retained employees who reside within the City limits of the City of La Crosse;~~
  - ~~(7) Support an educated workforce;~~
  - ~~(8) Projects that have a payback in fewer than ten years;~~
  - ~~(9) Environmental abatement or clean-up;~~
  - ~~(10) Historic rehabilitation;~~
  - ~~(11) Redevelopment of existing structures;~~
  - ~~(12) Assembly and clearance of land upon which existing structures are located;~~
  - ~~(13) Manufacturing projects;~~
  - ~~(14) At least 40 percent of project work will be completed by city residents.~~~~
- ~~(j) Pay its way. Each for-profit project demonstrating a need for TIF assistance must generate sufficient tax increment to cover or repay both the TIF contribution to the project, administrative and professional costs and a portion of the planned public infrastructure costs within the tax incremental district.
  - ~~(1) The City will expend an appropriate amount for public infrastructure and improvements that will be paid back through the TIF. These improvements include, but are not limited to, streetscaping, pedestrian enhancements, etc.~~
  - ~~(2) No increment from other private development projects within the district may be used to supplement another project's inability to generate sufficient tax increment to cover project costs.~~~~
- ~~(k) Payback. If the developer does not meet the minimum standards or requirements contained within the developer's agreement, then the City's financial assistance will become immediately due and payable.~~
- ~~(l) Application and review procedure.
  - ~~(1) The following information is required of all applicants for any type of incentive. Application for financial assistance shall include a cover letter and shall be made on the forms provided by the City and include all of the information requested on the form. An initial nonrefundable fee of \$10,000.00, shall accompany any financial assistance request. This fee shall be used to partially cover the City's legal, professional, administrative, and planning costs. Costs exceeding \$2,000.00 to hire outside consultants by the City to analyze funding requests including, without limitation, evaluating the gap and/or determination of financial need and the project's return on investment (ROI) shall be paid for by the applicant and will not be considered part of the fee. If an additional amount of money is required to reimburse the City of its reasonable costs, the applicant shall be responsible for those costs. If the application is made and the project does not move forward, the application fee, minus documented City expenditures for the project, will be refunded to the applicant. The applicant shall, at a minimum, provide the following information:~~~~

- a. ~~A detailed project plan, timetable including plans and/or drawings for the project, architectural analysis, phase I environmental assessment, appraisals, and evidence of site control.~~
  - b. ~~A business plan created in conjunction with the UW-La Crosse Small Business Development Center or reviewed by an entity determined by the City. If the business is not following traditional business planning models, initial planning document acceptable to the City will be submitted. A business plan will be submitted to the City within one year of business start-up.~~
  - c. ~~Background information on the developer, complete listing (name and address) of all investors in the project and specify each individual's ownership interest.~~
  - d. ~~The articles of incorporation for the business, borrowing resolutions, operating agreements, and other applicable documents verifying that the entity is in good standing.~~
  - e. ~~A current balance sheet.~~
  - f. ~~The operating (profit/loss) statements for the last three years.~~
  - g. ~~The five-year projected cash flow statement for expansion of existing businesses. If the business is a start-up, two-year projected cash flow statements will be required.~~
  - h. ~~The previous year's personal and the business federal income tax return.~~
  - i. ~~The developer shall submit audited financial statements for the last three years. If the audited statements are comparative, only two years are needed. If audited statements are not available, the developer shall provide three years of annual financial statements and summary schedules for other projects completed or started within the three-year timeframe covered by the financial statement for the current year. Upon request, the City may permit these documents to be provided directly to the City's financial advisor or developer's financial advisor to protect proprietary or confidential information.~~
  - j. ~~Personal financial statements of the officers (to be provided only to Director of Finance/Treasurer or financial consultant for review).~~
  - k. ~~A preliminary financial commitment from a financial institution.~~
  - l. ~~A list of current employees, their job titles and benefits and a list of titles and descriptions, with benefit package of projected jobs.~~
  - m. ~~A detailed pro forma showing income and expenses for the project including a feasibility analysis justifying why assistance is necessary.~~
  - n. ~~Market studies, signed letters of intent from prospective tenants, any market or feasibility analysis, appraisals, and all information provided to private lenders for the project as well as any other information or data which the City, or its financial consultants may require in order to review the need for financing assistance.~~
  - o. ~~Transportation demand management plan for operations over 100 employees and residents. Examples of TDM practices include paid parking or parking cash-out options, transit-oriented development, employer/landlord sponsored bus passes, accommodations for ridesharing, and site design prioritizing pedestrians and bicyclists.~~
  - p. ~~Sustainability Plan for operations over 100 employees and residents.~~
- (2) ~~Once an application is deemed complete and the City staff conducts its due diligence, the applicant shall meet with the Economic Development Commission or its staff to develop the appropriate term sheet and/or development agreement.~~
  - (3) ~~The Economic Development Commission shall issue a report and recommendation to the Common Council, including a draft term sheet or development agreement for action.~~
  - (4) ~~Criteria for funding. Project applications will be scored based on criteria found in this article and the results of the scoring will be presented to the Commission and used as part of the deliberation and due diligence process. The Commission shall develop a point system for the evaluation of~~

~~development projects to include section 2-402(b), purpose and intent, and this section, standards for economic development assistance.~~

~~(5) The City reserves the right to accept or reject any application for economic assistance as determined in its sole discretion. Sec. 2-405. -~~

~~(m)~~—Sale of City-owned land

~~(a)~~—The following is the formal established policy and procedure for the sale of City-owned property which is intended to provide a common standard for sales and will assist the City in stimulating interested purchasers/developers.

- (1) Each City Department shall maintain a listing of property under its jurisdiction and shall annually present a list of its properties to the Board or Committee that oversees the respective department, to determine if any property can be deemed "surplus". The Board of Public Works shall annually request the surplus property listing from each Department to ensure annual compliance.
- (2) ~~—~~Property may only be offered for sale if it is first determined to be "surplus" by the Board or Committee that oversees such land and by Common Council resolution. Once a property is deemed surplus ~~is~~ shall be advertised with a display ad in ~~at least three prominent metropolitan newspapers with the La Crosse Tribune being one of the three;~~ or by request for qualification/proposal that is widely distributed; or by sealed bid (this requirement shall only apply to commercially zoned land, parcels zoned for multiple dwelling, or parcels suitable for platting). A "For Sale" sign with contact information is required to be located on the property for minimum of (10) consecutive days.
- (3) ~~—~~It shall be the responsibility of each department to advertise surplus property under its jurisdiction.
- (4) ~~—~~Future land use must be compatible with the City's Comprehensive Plan and other adopted plans.
- (5) ~~—~~The City may add conditions or contingencies to any land sale, ~~and sales shall not be approved for speculative development.~~<sup>[E1][AT2]</sup>
- (6) ~~—~~The City may add a reverter clause to any purchase agreement to buy back land at the original sale price if the land is not developed or if the land is deemed tax exempt.
- (7) The ~~ideal anticipated~~ sales price of ~~the~~ property shall be determined by the City Assessor or by a ~~third party~~<sup>third-party</sup> appraisal unless the property sale is part of an application for City assistance through the Economic and Community Development Commission; ~~then the sales price shall be determined by the residual land value method. The Board of Public Works will approve the finalized sale price.~~
- (8) The mentioned conditions for sale found in Sec 2-405 ~~(m)~~ do not apply to the following:
  - a. Lands that are deemed of local interest, such as a parcel smaller than 7,200 square feet or a remnant parcel created as a result of a highway construction project or remnant or surplus parcels that would only have an interest by the abutting property owner, shall only be required to be advertised via a legal ad in the La Crosse Tribune. Per the discretion of the Board or Committee overseeing the sale, adjacent land owners in need of land for business expansion may be given priority in the land sale.
  - b. Land sold to non-profit entities or corporations for municipal public purpose.
  - c. Land sold in the City's industrial/business parks, land sold for industrial purposes, or land sold by the Redevelopment Authority where Wisconsin Law otherwise authorizes sale of industrial or Redevelopment Authority lands. However, such land sales shall be advertised on the City website as well as with signage on the property.
  - ~~d. Land or projects under the authority of the Housing Rehabilitation Review Board.~~<sup>[AT3]</sup>
  - ed. Whereas otherwise provided by law or otherwise directed by Common Council Resolution.

~~\_(9) The above policies and procedures for land sale in section 2-204(e)(5), shall not apply to the following:~~

- ~~a. Land sold to non-profit entities or corporations for municipal public purpose.~~
- ~~b. Land sold in the City's industrial/business parks, land sold for industrial purposes, or land sold by the Redevelopment Authority where Wisconsin Law otherwise authorizes sale of industrial or Redevelopment Authority lands. However, such land sales shall be advertised on the City website as well as with signage on the property.~~
- ~~c. Land or projects under the authority of the Housing Rehabilitation Review Board.~~
- ~~d. Whereas otherwise provided by law or otherwise directed by Common Council Resolution.~~

(Code 1980, § 2.23(E); Ord. No. [4838](#), §§ I, II, 9-11-2014; Ord. No. [4850](#), § I, 11-13-2014; Ord. No. [4991](#), §§ I—V, 5-11-2017; [Ord. No. 5161, §§ III—IX, 11-12-2020](#))

Secs. 2-4065—2-421. - Reserved.