

**BUSINESS IMPROVEMENT DISTRICT NO. 1**

**BISHOP'S WOODS BID**

**PROPOSED 2020 OPERATING PLAN**

**DRAFT**

## TABLE OF CONTENTS

<b>I. INTRODUCTION</b>	<b>1</b>
A. Background	1
B. Physical Setting	1
<b>II. DISTRICT BOUNDARIES</b>	<b>1</b>
<b>III. PROPOSED OPERATING PLAN</b>	<b>1</b>
A. Plan Objectives	1
B. Proposed Activities – Year One	2
C. Proposed Income and Expenditures	2
D. Financing Method	3
<b>IV. METHOD OF ASSESSMENT</b>	<b>3</b>
A. Assessment Rate and Method	3
B. Excluded and Exempt Property	3
<b>V. BID BOARD</b>	<b>4</b>
<b>VI. RELATIONSHIP TO BROOKFIELD COMPHREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY</b>	<b>4</b>
A. City Plans	4
B. City Role in District Operation	5
<b>VII. PLAN APPROVAL PROCESS</b>	<b>5</b>
A. Public Review Process	5
B. Termination of the BID	6
<b>VIII. FUTURE YEAR OPERATING PLANS</b>	<b>7</b>
A. Phased Development	7
B. Amendment, Severability and Expansion	7
<b>APPENDIX A: MAP OF DISTRICT BOUNDARIES</b>	<b>9</b>
<b>APPENDIX B: LIST OF DISTRICT TAX KEYS AND ASSESSMENTS</b>	<b>10</b>
<b>APPENDIX C: CURRENT BOARD ROSTER</b>	<b>12</b>
<b>APPENDIX D: STATE STATUTE ENABLING CREATION OF BIDS</b>	<b>13</b>
<b>APPENDIX E: STATEMENTS REGARDING AUDITED FINANCIAL STATEMENTS</b>	<b>15</b>

## I. INTRODUCTION

### A. Background

In 1984, the Wisconsin legislature created s. 66.1109 of the Statutes enabling cities to establish Business Improvement Districts (BIDS) upon the petition of at least one property owner within the proposed district. The purpose of the law is "...to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities."

The City of Brookfield created Business Improvement District No. 1 ("BID #1") and approved its initial operating plan on (MONTH, DAY, YEAR) via Common Council Resolution Number (XXXXXX) for the purpose of revitalizing and enhancing the Bishop's Woods Office Park business area. Section 66.1109(3) (b), Wisconsin Statutes requires that a BID board "shall annually consider and make changes to the operating plan.....the board shall then submit the operating plan to the local legislative body for approval." The BID proponents submit this operating plan in fulfillment of statutory requirement.

### B. Physical Setting

BID #1 encompasses the Bishop's Woods office park and is approximately bounded by Bluemound Road on the north, Sunny Slope Road on the west, Interstate 94 on the south, and Elm Grove Road on the east.

## II. DISTRICT BOUNDARIES

Boundaries of the district are shown on the map in *Appendix A* of this plan. A listing of the properties in the district is provided in *Appendix B*.

## III. PROPOSED OPERATING PLAN

### A. Plan Objectives

The objectives of the BID shall be to maintain and enhance Bishop's Woods office park as a place to do business by:

- Supporting the viability of businesses in the District by retaining existing businesses, and marketing the District as a place for new businesses to locate and thrive;
- Creating an appealing, attractive environment for employees and customers;
- Ensuring that District business and property owners have an active role in redevelopment and planning activities in the area;
- Identifying and advocating for needed improvements in infrastructure and public spaces.

## B. Proposed Activities - Year One

Year One activities to be undertaken by the district will include:

- Engaging District business and property owners in the planning process to ensure their interests are protected and their needs and perspectives are addressed.
- Providing seed funds for catalytic projects to help spur improvements in the area. Possible projects include, but are not limited to, benches along paths, bike repair stations, bike racks, trash cans, workout stations, signage, outdoor recreation areas, and other district improvements as determined by the board.
- Annual capital project investment for the BID's contribution in creating and maintaining multi-use paths throughout the Nature Preserve and along the district's street network, connecting office properties within the district to each other and to nearby regional trails.
- Administrative activities, including but not limited to, securing an independent certified audit, securing insurance for the activities of the District's Board, and complying with the open meetings law, Subchapter V of Chapter 19 of the Wisconsin Statutes.

## C. Proposed Income and Expenditures

EXPENSES	AMOUNT
Website, Marketing, Outreach	\$5,000.00
Catalytic Projects Fund	\$4,000.00
Capital Project Fund - Multi-use Paths	\$25,000.00
Landscaping, Signs, Park Maintenance	\$4,000.00
Insurance	\$500.00
Audit	\$1,000.00
<b>Total Expenditures</b>	<b>\$39,500.00</b>
<b>Proposed Income from Assessments</b>	<b>\$39,604.80</b>
<b>Existing Reserve</b>	<b>\$0.00</b>
<b>Year End Reserve</b>	<b>\$104.80</b>

## **D. Financing Method**

It is proposed that \$39,604.80 shall be raised through BID assessments in Brookfield (see Appendix B). The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

## **IV. METHOD OF ASSESSMENT**

### **A. Assessment Rate and Method**

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that each lot's total area was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment rate of \$8.00 per 1,000 square feet of total assessed lot area was selected as the basic assessment methodology for this BID.

As of March 22, 2018, the property in the proposed district had a collective total lot area of more than 4,950,000 square feet. This plan proposed to assess the property in the district at a rate of \$8.00 per 1,000 square feet of assessed value.

Appendix B shows the projected BID assessment for each property included in the district.

### **B. Excluded and Exempt Property**

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)(lm): The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.
2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as Business Improvement District - Currently Exempt Properties in Appendix B, as revised each year.
3. The district may contain parcels exempt from general real estate taxes. These parcels will not be subject to a BID assessment.

## V. BID BOARD

The Board's primary responsibility will be implementation of this Operating Plan.

This will require the Board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan and to ensure district compliance with the provisions of applicable statutes and regulations.

The BID Board is structured and operates as follows:

- Board size – The board shall have at least five members and is limited to ten members.
- Composition - A majority of members shall be owners or occupants of property within the District. The Mayor shall appoint board members with input from the Bishop's Woods Property Association. Board members shall be confirmed by the Common Council.
- Officers - The Board shall elect a Chairperson, Secretary, and Treasurer from among its members.
- Term – Board members shall serve staggered terms of four years with half of its starting members serving two years, designated by the Common Council.
- Compensation - None
- Meetings - All meetings of the Board shall be governed by the Wisconsin Open Meetings Law. The Board shall meet regularly, at least twice a year. The Board shall draft and adopt by-laws in Operating Year 1 to govern the conduct of its meetings.
- Record Keeping - Files and records of the Board's affairs shall be kept pursuant to public records requirements.
- Staffing - The Board may employ staff and/or contract for staffing services pursuant to this plan and subsequent modifications thereof.

## VI. RELATIONSHIP TO BROOKFIELD COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

### A. City Plans

In December 2009, the Common Council of the City of Brookfield adopted its *2035 Comprehensive Plan* and reaffirmed the city-wide planning concept of Targeted Investment Areas (TIAs), previously known as Targeted Intervention Areas in the *2020 Comprehensive Plan* (adopted December 1999), for organizing the City's essential future growth, redevelopment, and land use changes into identified neighborhoods (or "nodes") of focus.

Brookfield's Targeted Investment Areas foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The City's *2035 Comprehensive Plan* emphasizes cooperation with local property and business owners within TIAs, including the combined efforts of public and private

investments, to achieve a shared vision for progress and mutual success in the creation of special places with unique experiences.

The district is a means of formalizing and funding the public-private partnership between the City and property owners in the Bishop's Woods node and for furthering preservation and redevelopment in this portion of the City of Brookfield. Therefore, it is fully consistent with the City's *Comprehensive Plan*.

## **B. City Role in District Operation**

The City of Brookfield has committed to helping private property owners in the district promote its development and redevelopment. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

- Provide a legal opinion that all sections 66.1109(f) and the "Operating Plan" have been complied with.
- Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
- Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
- Collect assessments, maintain in a segregated account, and disburse the monies of the district.
- Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.
- Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records, assessed value and lot area of each tax key number within the District, as of January 1st of that Plan year, for purposes of calculating the BID assessment.
- Encourage the State of Wisconsin, Waukesha County and other units of government to support the activities of the district.

## **VII. PLAN APPROVAL PROCESS**

### **A. Public Review Process**

The Wisconsin Business Improvement District law establishes a specific process for reviewing and approving BID operating plans. Pursuant to the statutory requirements, the following process will be followed:

- The Plan Commission will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.
- The Common Council will act on the proposed BID Plan.
- If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.

## **B. Termination of the BID**

A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).

Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under Ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the Plan Commission via the City Clerk's Office and Department of Community Development on request.

Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the Plan Commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

## VII. FUTURE YEAR OPERATING PLANS

### A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon current year activities, and information on specific assessed values, budget amounts and assessment amounts are based on previous year conditions. Greater detail about subsequent years' activities will be provided in the required annual Plan updates.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the approval of the City of Brookfield.

### B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Brookfield as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109(3)(b).

## APPENDICES

APPENDIX A: MAP OF DISTRICT BOUNDARIES

APPENDIX B: LIST OF DISTRICT TAX KEYS AND ASSESSMENTS

APPENDIX C: CURRENT BOARD ROSTER

APPENDIX D: STATE STATUTE ENABLING CREATION OF BIDS

APPENDIX E: STATEMENT REGARDING AUDITED FINANCIAL STATEMENTS

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APPENDIX A: MAP OF DISTRICT BOUNDARIES



Prepared by the Dept. of Community Development, 3/23/2018

APPENDIX B: LIST OF DISTRICT TAX KEYS AND ASSESSMENTS

**BUSINESS IMPROVEMENT DISTRICT – CURRENT ASSESSED PROPERTIES**

TAX KEY	PROPERTY ADDRESS	ACRES	OWNER NAME	OWNER MAILING ADDRESS	OWNER CITY, STATE	OWNER ZIP	LOT AREA (SF)	*BID ASSESSMENT
BR C1107999012	450 N SUNNY SLOPE RD	6.319	CHANCELLORY I LLC	18000 W SARAH LN STE 250	BROOKFIELD, WI	53045	275,256	\$2,202.05
BR C1107999015	350 N SUNNY SLOPE RD	5.864	37 TR LLC MAPLEWOOD EXECUTIVE CENTER LLC	10390 SANTA MONICA BLVD STE 400	LOS ANGELES, CA	90025	255,421	\$2,043.37
BR C1107999013	250 N SUNNY SLOPE RD	6.76		731 N JACKSON STE 400	MILWAUKEE, WI	53202	294,466	\$2,355.73
BR C1150994004	150 N SUNNY SLOPE RD	3.692	150 SUNNY SLOPE LLC	150 N SUNNY SLOPE RD STE 240	BROOKFIELD, WI	53005	160,825	\$1,286.60
BR C1150994007	150 S SUNNY SLOPE RD	3.225	150 SUNNY SLOPE LLC	150 N SUNNY SLOPE RD STE 240	BROOKFIELD, WI	53005	140,481	\$1,123.85
BR C1150994013	13890 BISHOPS DR	8.726	PINNACLE I/BISHOPS OFFICE PARK				380,116	\$3,040.93
BR C1150994018	13935 BISHOPS DR	18.18	PINNACLE PROPERTY HOLDINGS LLC	PO BOX 1690	BROOKFIELD, WI	53008	791,964	\$6,335.71
BR C1150994016	13625 BISHOPS DR	4.579	NATIONAL FUNERAL DIR OF US INC	13625 BISHOPS DR	BROOKFIELD, WI	53005-6607	199,442	\$1,595.54
BR C1107999010	375 BISHOPS WAY	4.101	CORPORATE WOODS, LLC	W217 N5507 TAYLORS WOODS DR	MENOMONEE FALLS, WI	53051	178,640	\$1,429.12
BR C1107999009	333 BISHOPS WAY	3.9	ARBOR TERRACE I LLC ATTN 2012389	333 BISHOPS WAY 141	BROOKFIELD, WI	53005	169,884	\$1,359.07
BR C1107999007	205 BISHOPS WAY	3.025	COMMUNITY CARE INC	205 BISHOPS WAY	BROOKFIELD, WI	53005	131,769	\$1,054.15
BR C1150994003	165 BISHOPS WAY	3.599	M5 INVESTMENTS LLC	W304 S8266 OAKRIDGE DR	MUKWONAGO, WI	53149	156,772	\$1,254.18
BR C1150994006	100 BISHOPS WAY	8.118	NAVISTAR INC 120 BUILDING ASSOCIATION	2701 NAVISTAR DR	LISLE, IL	60532	353,625	\$2,829.00
BR C1150994001	120 BISHOPS WAY	5.946	DAVID H ZANON REVOCABLE TRUST	W240 N1221 PEWAUKEE RD	WAUKESHA, WI	53188	258,992	\$2,071.94
BR C1150994002	160 BISHOPS WAY	2.609	DIERINGER BISHOPS WAY BLDG LLC	3172 WILLOWGATE	COLGATE, WI	53017	113,662	\$909.30
BR C1107999005	180 BISHOPS WAY	2.25	WISCONSIN ROBINSON FAMILY LP	200 BISHOPS WAY	BROOKFIELD, WI	53005	98,010	\$784.08
BR C1107999004	250 BISHOPS WAY	1.829	WISCONSIN ROBINSON FAMILY LP	2725 W HIGHLAND BLVD STE 219	MILWAUKEE, WI	53208	79,671	\$637.37
BR C1107999003	350 BISHOPS WAY	1.888	FLAGG GROUP BROOKFIELD LLC	2725 W HIGHLAND BLVD STE 219	MILWAUKEE, WI	53208	82,241	\$657.93
BR C1107999002	13400 BISHOPS LN	6.168		9041 SHOREHAM DR	LOS ANGELES, CA	90069	268,678	\$2,149.42
BR C1107999011	13600 BISHOPS CT	5.386	TWENTYSEVEN LLC	13600 BISHOPS CT STE 200	BROOKFIELD, WI	53005-6220	234,613	\$1,876.90
BR C1107999008	13555 BISHOPS CT	5.344	DECADE 80-V LP	13555 BISHOPS CT	BROOKFIELD, WI	53005	232,766	\$1,862.13
BR C1107999001	13255 W BLUEMOUND RD	2.142	BISHOPS WOODS EAST LLC	13255 W BLUEMOUND RD	BROOKFIELD, WI	53005	93,306	\$746.45
							<b>TOTAL BID ASSESSMENTS</b>	<b>\$39,604.80</b>

\*Current Assessment = \$8 per 1,000sf of Lot Area

APPENDIX B: LIST OF DISTRICT TAX KEYS AND ASSESSMENTS

**BUSINESS IMPROVEMENT DISTRICT – CURRENT EXEMPT PROPERTIES (EXCLUSIVELY RESIDENTIAL PROPERTIES)**

TAX KEY	PROPERTY ADDRESS	ACRES	OWNER NAME	OWNER MAILING ADDRESS	OWNER CITY, STATE	OWNER ZIP	LOT AREA (SF)
BR C1107999016	405 BISHOPS WAY	4.549	BROOKFIELD VENTURE PRTRNS LLC	3438 PEACHTREE RD	ATLANTA, GA	30326	198,176
BR C1107015	235 N ELM GROVE RD UNIT A	0.272	RDJF TRANSITION TRUST	235 N ELM GROVE RD A	BROOKFIELD, WI	53005	11,865
BR C1107016	235 N ELM GROVE RD UNIT B	0.272	BARRY SZYMANSKI MARITAL PRP REV TRST	235 N ELM GROVE RD B	BROOKFIELD, WI	53005-6230	11,865
BR C1107017	235 N ELM GROVE RD UNIT C	0.272	JANICE RYAN MILLER TRUST	235 N ELM GROVE RD C	BROOKFIELD, WI	53005	11,865
BR C1107018	235 N ELM GROVE RD UNIT D	0.272	MARK S. GOULD	235 N ELM GROVE RD D	BROOKFIELD, WI	53005	11,865
BR C1107019	235 N ELM GROVE RD UNIT E	0.272	JAMES M GOODNETTER TRUST	235 N ELM GROVE RD E	BROOKFIELD, WI	53005	11,865
BR C1107020	235 N ELM GROVE RD UNIT F	0.272	JOHN L BECKER LIVING TRUST	235 N ELM GROVE RD F	BROOKFIELD, WI	53005	11,865
BR C1107021	295 N ELM GROVE RD UNIT A	0.272	MARJORIE ANN STARK	295 N ELM GROVE RD A	BROOKFIELD, WI	53005	11,865
BR C1107022	295 N ELM GROVE RD UNIT B	0.272	ROBERT F LINDELL REVOCABLE TRUST	295 N ELM GROVE RD B	BROOKFIELD, WI	53005	11,865
BR C1107023	295 N ELM GROVE RD UNIT C	0.272	ARLENE K. TUUK	295 N ELM GROVE RD C	BROOKFIELD, WI	53005	11,865
BR C1107024	295 N ELM GROVE RD UNIT D	0.272	GREGORY J HARRINGTON TRUST	295 N ELM GROVE RD D	BROOKFIELD, WI	53005	11,865
BR C1107025	345 N ELM GROVE RD UNIT A	0.272	DEAN F. PENNEBECKER	345 N ELM GROVE RD A	BROOKFIELD, WI	53005	11,865
BR C1107026	345 N ELM GROVE RD UNIT B	0.272	GREGORY D. TIDMARSH	345 N ELM GROVE RD B	BROOKFIELD, WI	53005	11,865
BR C1107027	345 N ELM GROVE RD UNIT C	0.272	JOHN S SCHAFF JOINT REVOCABLE TRUST	345 N ELM GROVE RD C	BROOKFIELD, WI	53005	11,865
BR C1107028	345 N ELM GROVE RD UNIT D	0.272	JOSEPH M. DRINKA	345 N ELM GROVE RD D	BROOKFIELD, WI	53005	11,865
BR C1107029	345 N ELM GROVE RD UNIT E	0.272	ROBERT C DITTUS REVOCABLE TRUST	345 N ELM GROVE RD E	BROOKFIELD, WI	53005	11,865
BR C1107030	345 N ELM GROVE RD UNIT F	0.272	JANET L. HARTWIG	345 N ELM GROVE RD F	BROOKFIELD, WI	53005	11,865
BR C1107001	115 N ELM GROVE RD UNIT A	0.336	MARLA J EICHMANN REVOCABLE TRUST	115 N ELM GROVE RD A	BROOKFIELD, WI	53005	14,625
BR C1107002	115 N ELM GROVE RD UNIT B	0.336	MICHAEL T. STORY	115 N ELM GROVE RD B	BROOKFIELD, WI	53005	14,625
BR C1107003	115 N ELM GROVE RD UNIT C	0.336	SALVATORE A SPICUZZA LIVING TRUST	11776 N 123 WAY	SCOTTSDALE, AZ	85259	14,625
BR C1107004	115 N ELM GROVE RD UNIT D	0.336	BEATRICE A BENIDT REVOCABLE LIVING TRUST	PO BOX 86	ELM GROVE, WI	53122	14,625
BR C1107005	175 N ELM GROVE RD UNIT A	0.336	ROBERT F. KOLB	175 N ELM GROVE RD A	BROOKFIELD, WI	53005	14,625
BR C1107006	175 N ELM GROVE RD UNIT B	0.336	RICHARD T JOHNSON SURVIVORS TRUST	175 N ELM GROVE RD B	BROOKFIELD, WI	53005	14,625
BR C1107007	175 N ELM GROVE RD UNIT C	0.336	MARK J. CICCANTELLI	175 N ELM GROVE RD C	BROOKFIELD, WI	53005	14,625
BR C1107008	175 N ELM GROVE RD UNIT D	0.336	JOSEPH A COLLA REVOCABLE TRUST	175 N ELM GROVE RD D	BROOKFIELD, WI	53005	14,625
BR C1107009	175 N ELM GROVE RD UNIT E	0.336	JOHN BARIAN	175 N ELM GROVE RD E	BROOKFIELD, WI	53005	14,625
BR C1107010	175 N ELM GROVE RD UNIT F	0.336	JANET J. RICKHEIM	175 N ELM GROVE RD F	BROOKFIELD, WI	53005	14,625
BR C1107011	105 N ELM GROVE RD UNIT A	0.207	MARY F PELNER REVOCABLE TRUST	105 N ELM GROVE RD A	BROOKFIELD, WI	53005	9,015
BR C1107012	105 N ELM GROVE RD UNIT B	0.207	HANS G. STUTE	PO BOX 61	ELM GROVE, WI	53122-006	9,015
BR C1107013	105 N ELM GROVE RD UNIT C	0.207	THOMAS O. MASER	105 N ELM GROVE RD C	BROOKFIELD, WI	53005	9,015
BR C1107014	105 N ELM GROVE RD UNIT D	0.207	SUSAN A. KIRSCH	105 N ELM GROVE RD D	BROOKFIELD, WI	53005	9,015

## APPENDIX C: CURRENT BOARD ROSTER

**Board Organization:** Seven, a majority of members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Brookfield. The board shall elect its Chairperson from among its members.

<u>Board Member</u>	<u>Title</u>	<u>Start Date</u>	<u>End Date</u>
Jay Hendrichs	Member	xx/xx/2019	xx/xx/2023
Gary Zirwlein	Chairperson	xx/xx/2019	xx/xx/2023
Steven V. Ponto	Member	xx/xx/2019	xx/xx/2021
John Doe Property Owner	Member	xx/xx/2019	xx/xx/2023
Jane Doe Property Owner	Treasurer	xx/xx/2019	xx/xx/2023
John Doe Property Owner	Secretary	xx/xx/2019	xx/xx/2021
Jane Doe Property Owner	Member	xx/xx/2019	xx/xx/2021

## APPENDIX D: STATE STATUTE ENABLING CREATION OF BIDS

Updated 2013- 14 Wis. Stats. Published and certified under s. 35.18. August 1, 2016.

157 Updated 13- 14 Wis. Stats.

MUNICIPAL LAW 66.1109

reasonable certainty the territory included in the neighborhood or area. The boundaries may, but need not, be the same as those recommended by the planning commission.

2. Designates the reinvestment neighborhood or area as of a date provided in the resolution.

3. Contains findings that the area to be designated constitutes a reinvestment neighborhood or area.

History: 1977 c. 418; 1979 c. 361 s. 112; 1985 a. 29 s. 3200 (14); 1999 a. 150 s. 479; Stats. 1999 s. 66.1107; 2001 a. 104.

**66.1109 Business improvement districts. (1)** In this section:

(a) "Board" means a business improvement district board appointed under sub. (3) (a).

(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.

(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.

(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.

(e) "Municipality" means a city, village or town.

(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:

1. The special assessment method applicable to the business improvement district.

Im. Whether real property used exclusively for manufacturing purposes will be specially assessed.

2. The kind, number and location of all proposed expenditures within the business improvement district.

3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

5. A legal opinion that subs. 1. to 4. have been complied with.

(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.

(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:

(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.

(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed

business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40 percent of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.

(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.

(3) (a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.

(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.

(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.

(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.

(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub.

(3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.

(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).

(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.

(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

(5) (a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

History: 1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.

**66.1110 Neighborhood improvement districts.** (1) In this section:

(a) "Board" means a neighborhood improvement district board elected under sub. (4)(a).

(b) "Chief executive officer" means a mayor, city manager, village president or town chairperson.

(c) "Local legislative body" means a common council, village board of trustees, or town board of supervisors.

(d) "Municipality" means a city, village, or town.

(e) "Neighborhood improvement district" means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board if the local legislative body approved acquisition of the property under sub. (4) (d) as part of its approval of the initial operating plan under sub. (3) (e).

(l) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation, and promotion of a neighborhood improvement district.

(g) "Owner" means the owner of real property that is located within the boundaries, or the proposed boundaries, of a neighborhood improvement district.

(h) "Planning commission" means a plan commission under s. 62.23 or, if none exists, a board of public land commissioners or, if none exists, a planning committee of the local legislative body.

(2) An operating plan shall include at least all of the following elements:

(a) The special assessment method applicable to the neighborhood improvement district.

(b) The kind, number, and location of all proposed expenditures within the neighborhood improvement district.

(c) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

(d) A description of how the creation of the neighborhood improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a statement or to whom the real property will be transferred if the neighborhood improvement district is terminated.

(l) A legal opinion that pars. (a) to (e) have been complied with.

(3) A municipality may create a neighborhood improvement district and adopt its operating plan if all of the following conditions are met:

(a) An owner of real property subject to general real estate taxes and located in the proposed neighborhood improvement district designated under par. (b) has petitioned the municipality for creation of a neighborhood improvement district.

(b) The planning commission has designated a proposed neighborhood improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the neighborhood improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed neighborhood improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice, together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed neighborhood improvement district, shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district. The notice shall state the boundaries of the proposed neighborhood improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

(d) Within 30 days after the hearing under par. (c), one of the following has not filed a petition with the planning commission protesting the proposed neighborhood improvement district or its proposed initial operating plan:

1. The owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40 percent of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan.

2. The owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property to be assessed under the proposed initial operating plan.

APPENDIX E: STATEMENT REGARDING AUDITED FINANCIAL STATEMENTS

BID #1 had no revenues for the 2019 calendar year; consequently, audited financial statements are not required for the year.

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