

BUSINESS IMPROVEMENT DISTRICT NO. 35
Kinnickinnic River Business Improvement District

PROPOSED OPERATING PLAN

Final
August 19, 2004

TABLE OF CONTENTS

I.	INTRODUCTION	PAGE 3
II.	DISTRICT BOUNDARIES	PAGE 4
III.	PROPOSED OPERATING PLAN	PAGE 5 - 7
IV.	METHOD OF ASSESSMENT	PAGE 8 – 9
V.	RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY	PAGE 10 - 11
VI.	PLAN APPROVAL PROCESS	PAGE 12 – 13
VII.	FUTURE YEAR OPERATING PLANS	PAGE 14
VIII.	ATTACHMENTS	PAGE 15 -

I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created S. 66.1109 of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). 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." (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Milwaukee has received a petition from property owners which requests creation of a Business Improvement District for the purpose of revitalizing and improving the business area on the Kinnickinnic River bordering the 12th and the 14th Aldermanic District's on Milwaukee's Southside. (see Appendix B). The BID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed Kinnickinnic River Business Improvement District. The BID proponents prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

B. Physical Setting

The BID area lies just North of Becher Street, the gateway to the Bay View business district. The area to the immediate south is experiencing a renaissance with substantial investment in small businesses and housing in the last decade. New restaurants and businesses are moving to the area on a regular basis and homebuyers are seeking opportunities to live in the neighborhood. The BID area lies just south of the recently renovated BS Wisniewski warehouse that has been successfully converted to condominiums and is directly East of I94 and West of Kinnickinnic Avenue.

The proposed BID includes sixteen (16) properties, many of which have river frontage along the Kinnickinnic River and are home to marine related businesses. Boat storage, marine repair, an antique boat restorer, and a marine construction business share the three block area with a thriving fire restoration business, and other small commercial firms.

The river banks have deteriorated, the navigable waterway has declined and sediment has filled it in to its current shallow condition of 0-10 feet below the Lake Michigan chart datum water level. Over the years the KK River has been the receiver of various point discharges, run off and spills which have resulted in unacceptable levels of PCBs and other pollutants in this area.

II. DISTRICT BOUNDARIES

The Bid District is made up of properties that stretch along the Kinnickinnic River banks, bounded by the Becher Street Bridge on the south and the Kinnickinnic Avenue Bridge on the East.

Boundaries of the proposed district are shown on the map in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix D.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The Objective of the Kinnickinnic River BID is to maintain and promote the KK-Becher commercial district for the benefit of the members.

B. Proposed Activities – Year One

Principle activities to be engaged in by the district during its first year of operation will include:

- a. Assist businesses and property owners with improvements to their riverfronts.
- b. Provide oversight and technical assistance on the KK River project.
- c. Promote and market the Business Improvement District.
- d. Maintain the fiscal integrity of the BID.
- e. Act as an ombudsman for the BID members seeking assistance, change of service from the City, County, State, and Federal agencies.
- f. Initiate positive media coverage regarding the BID district's activities.

C. Proposed Expenditures – Year One

Proposed Budget:

The proposed expenditures will be financed from funds collected through the BID assessment process, voluntary private contributions and public grants. The estimated assessed value of BID properties is \$ 4,263,400.00

The budget for the BID is as follows:

Revenue

1. BID annual assessment
2. Interest income
3. Miscellaneous (contributions, grants, gifts)

Expenses

1. Administration	
Payroll	\$ 2,000.00
Taxes	400.00
2. Office materials	300.00
3. Postage	200.00
4. Professional Fees	
Consulting	10,000.00
Legal	2,500.00
Accounting	2,000.00
Auditing	1,495.97
5. Insurance	1,000.00
6. Overhead	1,000.00
7. Miscellaneous	1,000.00
	<u>1,000.00</u>
Total Expenses	\$21,495.97

Financing Method

It is proposed to raise **\$21,495.97** through BID assessments (Appendix D). The BID will also apply for grants working with the Wisconsin Department of Natural Resources, the US Environmental Protection Agency, The US Army Corp of Engineers, the Port of Milwaukee, and the Milwaukee Metropolitan Sewer District. 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.

D. Organization of BID Board

Upon creation of the BID, the Mayor will appoint members to the district board ("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; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board Size – Ten (10)
2. Composition - At least three 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 Milwaukee. The board shall elect its Chairperson from among its members.
3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation – None
5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.
7. Staffing - The BID Board shall have no employees in calendar year 2005. To carry out the activities described in the Plan of Operation, the Board will contract for services as needed.

8. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order ("by laws") to govern the conduct of its meetings.

E. Relationship to the KK River Business Association.

The BID shall be a separate entity from the KK River Business Association, notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. The Association may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

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 lineal foot of riverfront of each property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment per lineal foot of river frontage of the property was selected as the basic assessment methodology for this BID.

As of January 1, 2004, the property in the proposed district had a total assessed value of \$ 4,263,400.00. This plan proposed to assess the property in the district at a rate of \$6.35 per lineal foot of riverfront of each property.

Appendix D 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)Im: 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 BID Exempt Properties in Appendix D, as revised each year.
3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109(1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

In February 1978, the Common Council of the City of Milwaukee adopted a Preservation Policy as the policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decisions. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File Number 881978, adopted January 24, 1989.

The Preservation Policy emphasizes maintaining Milwaukee's present housing, jobs, neighborhoods, services, and tax base rather than passively accepting loss of jobs and population, or emphasizing massive new development. In its January 1989 reaffirmation of the policy, the Common Council gave new emphasis to forging new public and private partnerships as a means to accomplish preservation.

The district is a means of formalizing and funding the public-private partnership between the City and property owners in the ~~Kinnickinnic River-Becher~~ business area and for furthering preservation and redevelopment in this portion of the City of Milwaukee. Therefore, it is fully consistent with the City's Comprehensive Plan and Preservation Policy.

B. City Role in District Operation

The City of Milwaukee has committed to helping private property owners in the district promote its development. 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:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records on the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Milwaukee County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.
4. The Economic Development Committee of the Common Council will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed BID Plan.
6. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

B. Petition against Creation of the BID

The City may not create the Business Improvement district if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% 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

Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

IX. 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 Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

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 consent of the City of Milwaukee.

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 Milwaukee 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

- A. STATUTE
- B. PETITION
- C. PROPOSED DISTRICT BOUNDARIES
- D. YEAR ONE PROJECTED ASSESSMENTS
- E. CITY ATTORNEY'S OPINION

“Exhibit A”

WEST'S WISCONSIN STATUTES ANNOTATED
MUNICIPALITIES
SUBCHAPTER XI. DEVELOPMENT

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Current through 2003 Act 28, published 6/2/03

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.

1m. 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% 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% 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% 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% 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% 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% 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.

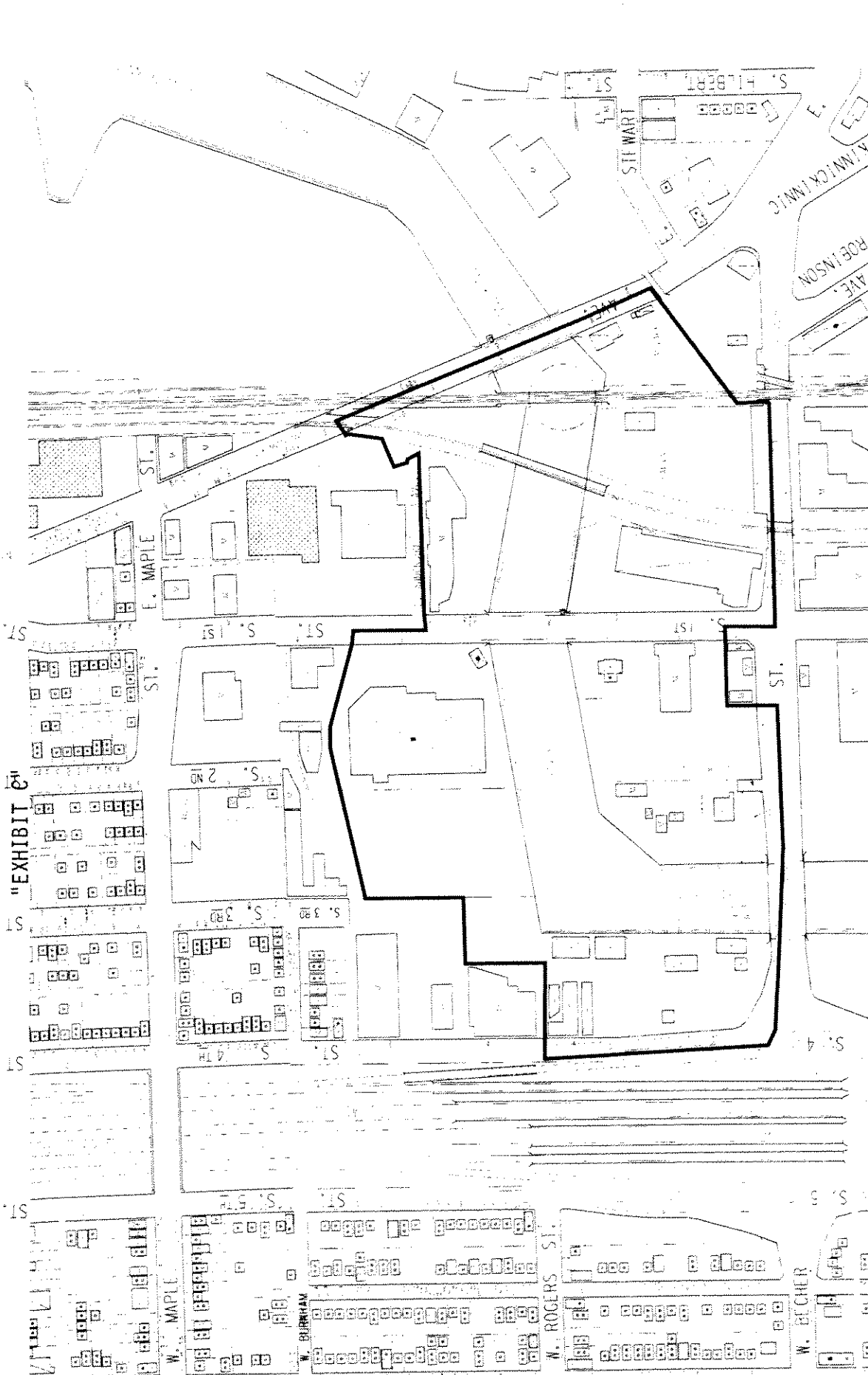
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

"EXHIBIT B"

Petition for the Creation of a Business Improvement District

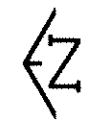
We, the undersigned owners of real property used for industrial and commercial purposes and located in the proposed business improvement district in Appendix A, hereby petition the City of Milwaukee, pursuant to the provisions of Sec. 66.608 (2)(a), Stats. For the creation of a business improvement district for the area described in Appendix A.

<u>Name of Property Owner</u>	<u>Property Address</u>	<u>Signature</u>
1. Chris Svoboda Matthew J. Pelkafer Becher Street LLC	2019 S. 4th St. Milw 53204	
2.	2000 So. 4th St. Milw. 53204	
3. Steve Stepien	1952 So 1st St 53204	
4. Gary Jackson	218 W. Becher St. Milw WI 53207	
5.	JOHN W. CLEMENT PR SK ENTERPRISES LLC 1933 S 1ST STREET MILWAUKEE, WI 53204	
6.	2003 S. KK 53207	
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		



PROPOSED BID 35

KK & Becher



Proposed Bid 35

Exhibit D

TAXKEY	HOUSE S	STREET	ST	C_A_LAND	C_A_IMPRV	C_A_TOTAL	LINEAL FT	specials
4661155000	2005 S	KINNICKINNIC	AV	44300	178100	222400	162.85	1034.09
4670001110	2011 S	1ST	ST	36500	123500	16000	152.16	966.21
4670005000	218 W	BECHER	ST	66400	318300	384700	345.65	2194.87
4670006100	222 W	BECHER	ST	15400	500	15900		
4670103100	138 E	BECHER	ST	88000	41000	129000	173	1098.55
4670104110	2018 S	1ST	ST	28000	0	28000	92	584.2
4679982100	2078 S	4TH	ST	88300	100600	188900	374	2374.9
4679983100	2018 S	4TH	ST	28300	16400	44700		
4679981100	2000 S	4TH	ST	103600	495200	598800	343.66	2182.24
4670008111	2029 S	1ST	ST	122800	268200	391000	222.64	1413.76
4679990110	1958 S	1ST	ST	111300	153500	264800	560.68	3560.31
4670101100	2018 S	1ST	ST	96000	1448000	1544000	281.37	1786.69
4679992220	1933 S	1ST	ST	122200	0	122200	677.19	4300.15
4679992230	1933 S	1ST	ST	149600	163400	313000		
Exempt parcels								21495.97
4661156000	2003 S	KINNICKINNIC	AV	0	0	0		
4661157100	1941 S	KINNICKINNIC	AV	0	0	0		
4670006200	230 W	BECHER	ST	0	0	0		
4670105000	138 E	BECHER	ST	0	0	0		
4671508110	1923 S	KINNICKINNIC	AV	0	0	0		
4678001000	2000 S	1ST	ST	0	0	0		
4679989113	1958 S	1ST	ST	0	0	0		

CITY OF MILWAUKEE

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Assistant City Attorneys

August 24, 2004

Ms. Martha L. Brown
Acting Commissioner
Department of City Development
809 Building

Attention: Ms. Rhonda Manuel

Re: Initial Operating Plan for Proposed Business Improvement District
No. 35 (Kinnickinnic River)

Dear Ms. Brown:

Pursuant to your August 23, 2004 request, we have reviewed the Initial Operating Plan for the above-captioned Business Improvement District. Pursuant to the provisions of sec. 66.1109(1)(f)5, Stats., we are of the opinion that the plan complies with the requirements of sec. 66.1109(1)(f)1-4, Stats.

However, we offer the following as a suggested technical change to the initial plan document. In Section IV.B.2 of the document, we would suggest that in the second sentence after the phrase "residential purposes" that the following be added: "and property exempted from general property taxes under the State Statute 70.11." This change may also require a modification to Exhibit D.

We would also suggest that Section IV.B.3 be deleted in its entirety.