

NEIGHBORHOOD IMPROVEMENT DISTRICT NO. 1: THE BREWERY  
PROPOSED INITIAL OPERATING PLAN

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## I. INTRODUCTION

Under Wisconsin Statutes section 66.1110, municipalities are authorized to create Neighborhood Improvement Districts ("NIDs") upon the petition of at least one property owner within the proposed district. Similar to the statute governing Business Improvement Districts (Wisconsin Statutes section 66.1109), the purpose of the NID statute is to allow owners of real property, at least some of which is used for residential purposes, within the districts ". . . to develop, to manage and promote the districts and to establish an assessment method to fund these activities." 1983 Wis. Act 184, Section 1, legislative declaration. See Appendix A.

The City of Milwaukee (the "City") has received petitions from property owners which request creation of a NID to be known as the Brewery Neighborhood Improvement District (the "District"). See Appendix B. The purpose of the District shall be to promote and sustain the development and operation of the former historic Pabst Brewery as a thriving mixed use development to be known as The Brewery, A Joseph J. Zilber Historic Redevelopment (the "Brewery"). In this regard, the District shall be authorized to manage, maintain and contract for services which supplement those services currently provided by the City to owners and occupants in the District.

Pursuant to the NID statute, this initial Operating Plan (the "Operating Plan") for the District has been prepared to establish the services proposed to be offered by the District, proposed expenditures by the District and the special assessment method applicable to properties within the District. This Plan has been developed by the District proponents with technical assistance from the Department of City Development, the Department of Public Works and Business Improvement District No. 21 ("Milwaukee Downtown").

## II. DISTRICT BOUNDARIES

The District boundaries, as proposed, cover approximately nine (9) blocks and encompass the former Pabst Brewery properties now known as "The Brewery." The proposed District boundaries include Interstate 43 to the west, West Highland Avenue to the south, North 8th Street to the east and West Winnebago Street to the north. Boundaries of the NID are shown in Appendix C of this Operating Plan. A narrative listing of the properties included in the District is set forth in Appendix D.

### III. PROPOSED OPERATING PLAN

#### A. Plan Objectives.

The objectives of the District are to promote and sustain the area of The Brewery as a thriving mixed use development and a clean, safe and friendly environment in which to live, work and play. The District proposes to achieve its objectives by supplementing the maintenance and security services provided by the City in order to increase the safety and cleanliness (and the perceived safety and cleanliness) of The Brewery area. Specifically, the District seeks to replicate, in the area of The Brewery, the successful programs of Milwaukee Downtown, and the District may contract with Milwaukee Downtown or similar entities to achieve such goal. The District also shall provide in the area of The Brewery maintenance and utility cost of the neon Pabst sign over Juneau Avenue, maintenance and utility cost for pocket parks, maintenance of public art, maintenance including snow removal of alleys, maintenance of streetscapes and other landscaping features as well as maintenance of storm-water management improvements including the bio-swales.

#### B. Proposed Activities.

The District will offer The Brewery owners and occupants additional safety services, enhanced sidewalk cleaning, supplemental public space maintenance, pocket park operation and maintenance, streetscape maintenance, storm-water management maintenance and integrated marketing and promotional services to complement a base level of services currently being provided by the City. As a supplement to City services, the District may employ and manage its own safety and maintenance staff and develop and implement its own marketing initiatives or contract with Milwaukee Downtown or other reputable resources to do so. The following are the activities proposed by the District for calendar year 2009. The District may, from time to time and as it deems necessary, adjust the size and scope of the activities and staffing levels described below, but only so long as such adjustments in activities and staff are part of the activities identified in this or a subsequently approved or amended Operating Plan. The District may not undertake new activities except as included in duly approved operating plans for future years.

1. Public Service Ambassadors Program. The District proposes to sponsor a Public Service Ambassadors Program to provide safety and goodwill services to The Brewery, supplemental to existing City police services. The aim of the program will be to increase the

public's comfort and sense of security through a visible, uniformed presence in addition to law enforcement.

The District may hire directly, or engage through a contract with Milwaukee Downtown or other reputable resources, personnel to perform the services described above functioning as Public Service Ambassadors ("PSAs").

Following appropriate training, uniformed but unarmed PSAs will be assigned "beats" to patrol the District on foot. Beat assignments will be based on the amount of foot traffic in the area, hours of business operation, special event schedules, police beat assignments and crime statistics and trends.

PSAs' primary responsibilities will be to assist and direct residents, workers, shoppers and visitors and to observe and report suspicious behavior. PSAs must familiarize themselves with the businesses and residents in their beats and be able to recognize suspicious behavior. PSAs will be supplied with uniforms to create an official but approachable appearance and will be equipped with two-way radios to report any incidents to a PSA supervisor/dispatcher linked directly to the City Police Department.

The District will pursue partnerships with other service providers. These partnerships may include development of a policy for referring panhandlers and the homeless to appropriate resources and/or working with other security resources to share information and develop response strategies.

2. Clean Sweep Ambassadors Program. The District proposes to sponsor a Clean Sweep Ambassador Program to provide additional sidewalk cleaning, public space maintenance, storm-water management maintenance, pocket park operation and maintenance, alley maintenance (including snow and ice removal), streetscape maintenance and, more generally, to introduce an active, positive force in the area of The Brewery.

The District may hire directly, or engage through a contract with Milwaukee Downtown or other reputable resources, personnel to perform the services described above functioning as Clean Sweep Ambassadors ("CSAs"). Following appropriate training, CSAs will be assigned "beats," depending on the public use of the area and the need for services.

The maintenance efforts of CSAs, hired, paid and uniformed or contracted for by the District will complement the efforts of the City Department of Public Works. CSAs will manually sweep sidewalks, pocket parks and other green spaces, pick up litter and remove graffiti. Weather permitting, CSAs will mechanically sweep public curbs and sidewalks in a rotation consistent with the City's street sweeping schedule. From April through October, CSAs will also power wash and steam clean sidewalks and clean, mow, maintain, water, plant, weed and fertilize tree wells, planters and streetscape areas. CSAs also will maintain pocket parks, alleys (including snow and ice removal from November through March) and maintain other green spaces as well as manage and maintain storm-water facilities within the District boundaries.

Besides their maintenance responsibilities, CSAs will maintain a friendly and helpful presence in the area of The Brewery. Working in recognizable uniforms, CSAs will create an aura, not only of cleanliness, but also of safety. CSAs will be trained in crime resistance and to furnish helpful information and directions to residents and visitors.

3. Marketing Initiatives. District staff will coordinate a public relations campaign to promote the safer, cleaner, friendlier Brewery neighborhood and Downtown being created through the efforts of the District and Milwaukee Downtown. Marketing will aim to encourage increased use of The Brewery neighborhood and to convince both constituents of the District and potential users that The Brewery neighborhood is a positive destination with unique qualities and amenities.

C. Proposed Expenditures and Financing Method.

The 2009 proposed annual operating budget for the District is \$29,192.00. See Appendix E. Of this amount, \$2,500.00 will finance the Public Service Ambassadors Program, \$22,450.00 will fund the Clean Sweep Ambassadors Program, and \$4,242.00 will be reserved for administrative expenses and a contingency. The Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

The Board shall approve an annual operating budget for the District each year. After the District Board has approved the annual operating plan and

budget, they will be sent to the City for approval, adoption and inclusion in the City's annual budget for that year.

The 2008 assessed valuation of all property subject to assessment within the proposed District boundaries was \$8,110,900.00. The method of assessing annual operating expenses against properties located within the District is set forth in Article IV of this Operating Plan. Any change in the method of assessing annual operating expenses against properties located within the District must be approved by a 4/5 majority of the entire District Board and a majority of the Common Council of the City. Subsequent revisions to this Operating Plan will specify any additional assessment methodologies and amounts for operating expenses.

D. Organization of the District Board.

Upon creation of the District, the District shall hold annual meetings to elect members to the District Board (the "Board") consistent with the terms of this subsection. The Board shall be responsible for implementation of this Operating Plan. This requires the Board to negotiate with providers of services and materials to carry out the Operating Plan; to enter into various contracts; to monitor the effectiveness of the District's activities, to ensure compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of District assessments.

Wisconsin Statutes section 66.1110(4)(a)(1) requires that the Board be composed of at least five members, all of whom shall own or occupy real property within the District.

The Board shall be structured and operate as follows:

1. Board Size. Five (5) members.
2. Composition.
  - (a) One member shall represent the owner of the largest property(ies) within the District as measured by assessed valuation.
  - (b) One member shall be a representative of a multi-tenant office building in the District.
  - (c) One member shall be the owner or operator of a street-level retail business, hotel or, if those businesses do not exist, a



multitenant office building located within the District (which business may include, without limitation, a restaurant).

- (d) One member shall be a representative of a parking structure or surface parking lot within the District including at least 100 spaces.
- (e) One member shall be a representative of a residential building within the District.

Each year, the Board shall reconfirm the assessed valuations, ownerships and occupancies of all properties located within the District. If the assessed valuation, ownership or occupancy of any particular building or site in any year ceases to satisfy the criteria set forth above, the Board shall rearrange such building or site in the appropriate category and consistent with Wisconsin Statutes section 66.1110(4). Notwithstanding anything herein to the contrary, the number of board members who represent commercial and residential property, respectively, shall be set, as closely as possible, in the same proportion as is the aggregate valuation of commercial property in the District to the total assessed value of all property in the District, and the aggregate valuation of residential property in the District to the total assessed value of all property in the District.

- 3. Term. All members elected to the Board shall serve for a period of three years, except that members may be re-elected.
- 4. Compensation. None.
- 5. Meetings. All meetings of the Board shall be governed by the Wisconsin Open Meetings Law if and as legally required.
- 6. Record Keeping. Files and records of the Board's affairs shall be kept pursuant to public records requirements.
- 7. Staffing and Office. The Board may employ staff and/or contract for staffing services pursuant to this Operating Plan and subsequent modifications thereof. The Board may also maintain an office for the District, which shall be located within the District.
- 8. Meetings. The Board shall meet regularly, at least once every six months. The Board shall adopt rules of order (by-laws) to govern the conduct of its meetings.

9. Method of Electing Members to District Board. An annual meeting at which members of the Board will be elected shall be held on the third Wednesday of September of each year of the District's existence. Prior to the meeting, the City shall publish a Class 2 notice that contains the time and place of the annual meeting. The notice shall specify that all individuals who either own or occupy real property within the District are eligible to serve on the Board and vote at the election.

At the meeting, the individuals who own or occupy real property within the District shall be divided in 2 groups. One group shall consist of those individuals who own or occupy commercial property, and one group shall consist of those individuals who own or occupy residential property. Each group shall elect from among its members the number of Board members set to represent its group pursuant to this or a subsequent operating plan.

10. Executive Committee. The Board shall elect from its members a chair, a secretary, and a treasurer who shall comprise an Executive Committee of the Board. The Executive Committee shall be authorized to oversee the day to day operations of the District, subject to the by-laws adopted by the Board.
- [11. Changes. Any change in the Board size, composition or election methodology must be approved by a 4/5 majority of the entire District Board.]

#### IV. METHOD OF ASSESSMENT

##### A. Annual Assessment Rate and Method.

The annual assessment for District operating expenses will be levied against each property within the District in direct proportion to the current assessed value of each property for real property tax purposes. Thus, the amount of a special assessment against a particular property may change from year to year if that property's assessed value changes relative to other properties within the District.

Appendix D identifies each property included in the District and shows the proposed District assessment for each property for the initial year of operation. Such proposed assessments are based on the assessed value and classification estimated in 2009 pursuant to the foregoing formula.

B. Excluded and Exempt Property.

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

1. In accordance with the interpretation of the City Attorney regarding Wisconsin Statutes section 66.1110(7)(a), property exempt from general real estate taxes has been excluded from the District. Owners of tax exempt property adjoining the District and expected to benefit from District activities will be asked to make a financial contribution to the District on a voluntary basis. Funds collected in this manner in any given year shall be used to reduce the assessment against taxable property in the District for the following year. In addition, those tax exempt properties adjoining the District which are later determined no longer to be exempt from general property taxes shall automatically become included within the District and subject to assessment under any current operating plan without necessity to undertake any other act.
2. In accordance with Wisconsin Statutes section 66.1110(7)(c), real property used exclusively for less than eight (8) residential dwelling units has been excluded from the District.
3. The Board may not own real property unless otherwise provided in a subsequent operating plan and approved consistent with Wisconsin Statutes section 66.1110(2)(e).

V. PROMOTION OF ORDERLY DEVELOPMENT OF THE CITY

A. Enhanced Safety and Cleanliness.

Under Wisconsin Statutes section 66.1110(2)(d), this Operating Plan is required to specify how the creation of the District promotes the orderly development of the City. The District will enhance the safety and cleanliness of The Brewery area and, consequently, encourage positive commercial and residential activity in the City. Increased activity in the City will increase property tax base and sales tax revenues.

B. City Role in District Operation.

The City has committed to assisting owners and occupants in the District to promote its objectives. To this end, the City has played a significant role in

creation of the District and in the implementation of the initial Operating Plan. In furtherance of its commitment, the City shall:

1. Provide technical assistance to the District in the adoption of this and subsequent operating plans and provide such other assistance as may be appropriate.
2. Collect assessments, maintain the same in a segregated account and disburse monies to the Board.
3. Receive annual audits as required per Wisconsin Statutes section 66.1110(4)(c).
4. Provide the Board, through the Office of Assessment, on or before June 1 of each year, with the official City records on the assessed value of each tax key number within the District as of January 1 of each year for purposes of calculating the District assessments.

## VI. PLAN APPROVAL PROCESS

### A. Public Review Process.

The NID statute establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The 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. A public hearing notice, a copy of the proposed Operating Plan and a detail map showing the proposed District boundaries will be sent, by certified mail, 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. At least 30 days before creation of the District, the City Plan Commission will hold a public hearing, will approve or disapprove this Operating Plan and will report its action to the Common Council.
4. The Economic Development Committee of the Common Council will review the proposed Operating Plan at a public meeting and will make a recommendation to the full Common Council.

5. The Common Council will act on the proposed Operating Plan at a meeting which has been preceded by publication of a Class 2 notice of the meeting and mailing a notice of the meeting by certified mail to all owners of real property within the proposed District.
6. If adopted by the Common Council, the proposed Operating Plan is sent to the Mayor for his approval.

B. Petition Against Creation of the District.

The City may not create the District if, within 30 days of the City Plan Commission's public 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 initial Operating Plan.

## VII. FUTURE YEAR OPERATING PLANS

A. Changes.

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

Wisconsin Statutes section 66.1110(4)(b) 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 proposed activities, information on specific assessed values, budget amounts and assessment amounts are based solely upon current conditions. Greater detail about subsequent years' 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 Operating Plan and the NID statute.

In later years, the District 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 and the board composition shall not be materially altered, except with the approval of a 4/5 majority of the entire District Board and consent of the City of Milwaukee.

B. Amendment, Severability and Expansion.

This District has been created under authority of Wisconsin Statutes section 66.1110. Except as set forth in the next sentence, should any court find any portion of this statute invalid or unconstitutional its decision will not invalidate or terminate the District and this Operating Plan shall be amended to conform to the law without need of re-establishment. Should any court find invalid or unconstitutional the organization of the entire District Board, any requirement for a 4/5 majority vote of the District Board, the budgeting process or the automatic termination provision of this or any subsequent Operating Plan, the District shall automatically terminate and this Operating Plan shall be of no further force and effect.

**APPENDIX A**

**Wisconsin Statutes section 66.1110**

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) (e) 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 retraction 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 by 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).

(f) "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 of to whom the real property will be transferred if the neighborhood improvement district is terminated.

(f) 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.

(c) The local legislative body has voted to adopt the proposed initial operating plan for the neighborhood improvement district. The local legislative body shall publish a class 2 notice under ch. 985 regarding the meeting at which the local legislative body will vote on whether to adopt the proposed initial operating plan for the neighborhood improvement district. Before publication, a copy of the notice shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district.

(4) (a) 1. If the local legislative body adopts the proposed initial operating plan under sub. (3) (c), it shall determine the size of board, which shall consist of at least 5 members, all of whom shall own or occupy real property in the neighborhood improvement district.

2. The number of board members who represent commercial and residential property, respectively, shall be set by the local legislative body, as closely as possible, in the same proportion as is the aggregate valuation of commercial property in the neighborhood improvement district to the total assessed value of all property in the district, and the aggregate valuation of residential property in the district to the total assessed value of all property in the district.

3. The local legislative body shall set the time and place for a meeting at which members of the board will be elected, and shall publish a class 2 notice under ch. 985 that contains this information. The notice shall specify that all individuals who either own

or occupy real property within the neighborhood improvement district are eligible to serve on the board and vote at the election.

4. At the meeting, the individuals who own or occupy real property shall be divided into 2 groups. One group shall consist of those individuals who own or occupy commercial property, and one group shall consist of those individuals who own or occupy residential property. Each group shall elect from among its members the number of board members set to represent its group by the local legislative body under subd. 2.

5. Board members elected under subd. 4 shall serve a one year term, and may be reelected. Annually, the number of board members who represent commercial and residential properties, based on the calculation described in subd. 2., may be reallocated by the local legislative body to the greatest extent possible to be consistent with the proportion described under subd. 2.

6. Annually, board members shall be elected under the procedures contained in this paragraph. If a vacancy occurs during the term of a board member, an individual shall be elected to fill the unexpired term of the member under the procedures contained in this paragraph.

(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for the neighborhood 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 neighborhood 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 neighborhood 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 neighborhood 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 of the powers necessary or convenient to implement the operating plan, including the power to contract.

(5) All special assessments received from a neighborhood improvement district and all other appropriations by the municipality or other moneys received for the benefit of the neighborhood 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. (4) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the neighborhood 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 neighborhood improvement district, in the same proportion as the last collected special assessment.

(6) (a) Subject to pars. (b) and (c), a municipality shall terminate a neighborhood improvement district if one of the following occurs:

1. 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, file a petition with the planning commission requesting termination of the neighborhood improvement district.

2. 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 neighborhood improvement district.

3. 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 fail to file a petition with the planning commission to continue the neighborhood improvement district within one year of the date on which the membership of the board changes from a majority which represents commercial properties to a majority that represents residential properties, or vice versa, as described under sub. (4) (a) 3.

(b) 1. A petition may not be filed under this subsection earlier than one year after the date on which the municipality first adopts the operating plan for the neighborhood improvement district.

2. On and after the date on which a petition is filed under par. (a) 1. or 2., or on and after the date on which a petition must be filed under par. (a) 3., 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 the hearing under subd. 3. and unless the neighborhood improvement district is not terminated under par. (c).

3. Within 30 days after the filing of a petition under par. (a) 1. or 2., the planning commission shall hold a public hearing on the proposed termination. Within 30 days after the deadline for filing a petition under par. (a) 3. passes, 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 a detail map showing the boundaries of the neighborhood improvement district, shall be sent by certified mail to all owners of real property within the neighborhood improvement district. The notice shall state the boundaries of the neighborhood improvement district and shall indicate that copies of the operating plan are available from the planning commission on request and are posted in the building in which the municipality's governing body regularly holds its meetings.

4. Within 30 days after the date of the hearing under subd. 3., 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 par. (a) 1. or 2., that the owner retracts the owner's request to terminate the neighborhood improvement district, or, if the owner did not file or sign a petition under par. (a) 1. or 2., that the owner requests termination of the neighborhood improvement district under par. (a) 1. or 2.

5. Within 30 days after the date of the hearing under subd. 3., 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 par. (a) 3., that the owner retracts the owner's request to continue the neighborhood improvement district, or, if the owner did not file or sign a petition under par. (a) 3., that the owner requests continuation of the neighborhood improvement district under subd. 3.

(c) After the expiration of 30 days after the date of the hearing under par. (b) 3., and after adding any additions and subtracting any retractions under par. (b) 4. and 5., the municipality shall terminate the neighborhood improvement district on the date on which the obligation with the latest completion date entered into to implement the operating plan expires if the owners who have signed the petition requesting the termination of the neighborhood improvement district under par. (a) 1. or 2. constitute the required groups specified in par. (a) 1. or 2., or if an insufficient representation of owners, as described under par. (a) 3., petition to continue the neighborhood improvement district under par. (a) 3.

(7) (a) Any parcel of real property used exclusively for less than 8 residential dwelling units 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 neighborhood 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: 2005 a. 186.

#### 66.1111 Historic properties. (1) DEFINITIONS.

(a) "Historic property" has the meaning given under sub. (3).

(b) "Political subdivision" means a city, village or town or county.

(2) ACQUISITION OF PROPERTY. A political subdivision may acquire by gift, purchase or condemnation any property which is historic property, whether the property is real or personal.

(3) OWNERSHIP, USE AND DISPOSITION OF PROPERTY. A political subdivision may preserve or rehabilitate any historic property which it owns, construct buildings on that property, or maintain that property for public purposes or lease or convey the property.

(b) If a political subdivision leases to another person real property, the political subdivision shall include provisions in the lease which protect the historic character and quality of the property. If the political subdivision conveys historic property, the political subdivision shall obtain a conservation easement under s. 700.40 to protect the historic character and quality of the property.

(4) CONSIDERATION OF EFFECTS ON HISTORIC PROPERTIES. In the earliest stage of planning any action related to the property, a political subdivision shall determine if its proposed action will affect any historic property which is a listed property under s. 44.31(4), or which is on the list of locally designated historic places under s. 44.45:

1. Long-range planning for facilities development.
2. Any action under sub. (3).
3. Razing any historic property which it owns.

(b) A political subdivision shall notify the state historic preservation officer of any proposed action which it determines under par. (a) would affect any historic property.

(5) GRANTS. A political subdivision may make grants to any public or private entity for the purpose of preserving or rehabilitating historic property.

History: 1987 a. 395; 1989 a. 31; 1999 a. 150 s. 88; Stats. 1999 a. 201.

#### 66.1113 Premier resort areas. (1) DEFINITIONS.

(a) "Infrastructure expenses" means the costs of purchasing, constructing or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; parks, boat ramps, beaches and other recreational facilities; fire fighting equipment; police vehicles; ambulances; and other equipment or materials dedicated to public safety or public health.

(b) "Political subdivision" means a city, village or town or county.

(c) "Premier resort area" means a political subdivision's governing body enacts an ordinance or adopts a resolution under sub. (2) (a).

(d) "Tourism-related retailers" means retailers classified in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget under the following industry numbers:

1. 5331 — Variety stores.
2. 5399 — Miscellaneous general merchandise stores.
3. 5441 — Candy, nut and confectionary stores.
4. 5451 — Dairy product stores.
5. 5461 — Retail bakeries.
6. 5541 — Gasoline service stations.
7. 5812 — Eating places.
8. 5813 — Drinking places.

**APPENDIX B**

**Petitions**

August 13, 2008

City of Milwaukee  
c/o Mses. Vanessa Koster  
and Rhonda Manuel  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

Dear Mses Koster and Manuel:

Re: Creation of Neighborhood  
Improvement District for The Brewery

The undersigned owner of property located at 810 West Juneau Avenue hereby petitions the City of Milwaukee to create a new neighborhood improvement district (the "NID") for the area of The Brewery, A Joseph J. Zilber Historic Redevelopment. The undersigned owner intends to participate in the NID consistent with the enclosed operating plan.

Yours very truly,

BREWERY PROJECT LLC

BY

  
Its Vice President

MW1520792

August 13, 2008

City of Milwaukee  
c/o Mses. Vanessa Koster  
and Rhonda Manuel  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

Dear Mses Koster and Manuel:

Re: Creation of Neighborhood  
Improvement District for The Brewery

The undersigned owner of property located at 1131 North 8<sup>th</sup> Street, 1128 North 10th Street, 1009 West Juneau Avenue, 1003-1011 West Winnebago Avenue and 902-926 West Juneau Avenue hereby petitions the City of Milwaukee to create a new neighborhood improvement district (the "NID") for the area of The Brewery, A. Joseph J. Zilber Historic Redevelopment. The undersigned owner intends to participate in the NID consistent with the enclosed operating plan.

Yours very truly,

BREWERY PROJECT LLC

BY   
Its Vice President

REINHART\2421534

August 13, 2008

City of Milwaukee  
c/o Mses. Vanessa Koster  
and Rhonda Manuel  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

Dear Mses Koster and Manuel:

Re: Creation of Neighborhood  
Improvement District for The Brewery

The undersigned owner of property located at 1217 North 10th Street, 1250 North 11th Street and 1217 North 10th Street hereby petitions the City of Milwaukee to create a new neighborhood improvement district (the "NID") for the area of The Brewery, A Joseph J. Zilber Historic Redevelopment. The undersigned owner intends to participate in the NID consistent with the enclosed operating plan.

Yours very truly,

BP PROPERTY OWNER LLC

BY 

Its Vice President

REINHART\2421527

August 13, 2008

City of Milwaukee  
c/o Mses. Vanessa Koster  
and Rhonda Manuel  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

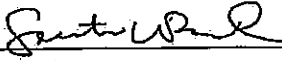
Dear Mses Koster and Manuel:

Re: Creation of Neighborhood  
Improvement District for The Brewery

The undersigned owner of property located at 1037 West McKinley Avenue hereby petitions the City of Milwaukee to create a new neighborhood improvement district (the "NID") for the area of The Brewery, A Joseph J. Zilber Historic Redevelopment. The undersigned owner intends to participate in the NID consistent with the enclosed operating plan.

Yours very truly,

BC PABST HOLDINGS, LLC

BY   
Its MANAGER  
SANTINO L. BAUDO

REINHART\2421522

August 13, 2008

City of Milwaukee  
c/o Mses. Vanessa Koster  
and Rhonda Manuel  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

Dear Mses Koster and Manuel:

Re: Creation of Neighborhood  
Improvement District for The Brewery

The undersigned owner of property located at 1220 North 11th Street hereby petitions the City of Milwaukee to create a new neighborhood improvement district (the "NID") for the area of The Brewery, A Joseph J. Zilber Historic Redevelopment. The undersigned owner intends to participate in the NID consistent with the enclosed operating plan.

Yours very truly,

BREWERY SILO LLC

BY




Its Vice President

REINHART2421529

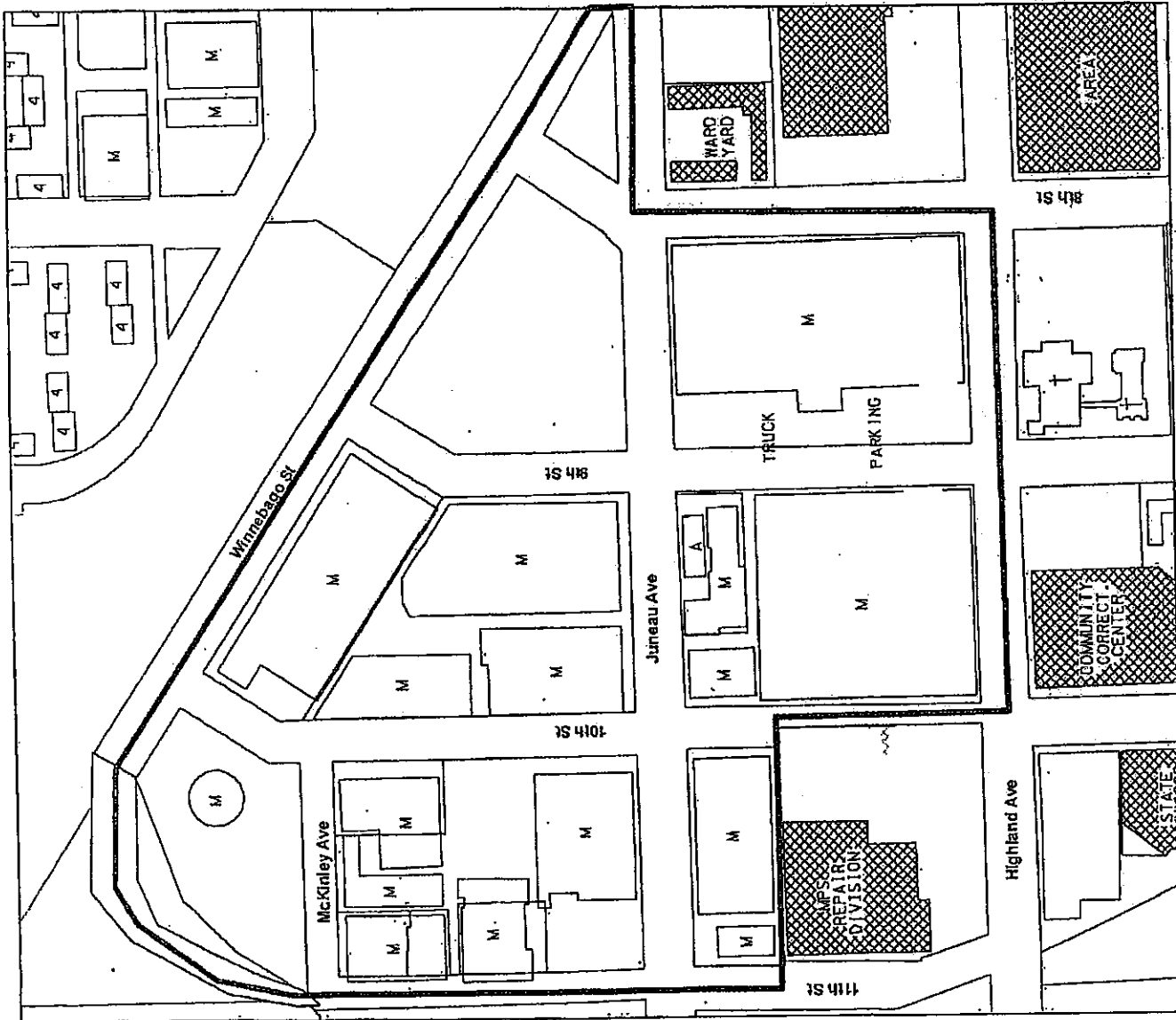
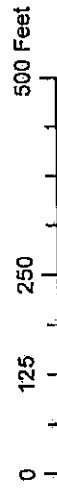


**APPENDIX C**  
**Proposed District Boundaries**

# The Brewery Neighborhood Improvement Boundary (NID)

 Potential NID Boundary

Produced by:  
Department of City Development Information Center, RTW  
Project File:  
W3Map Requests 2008the brewery nldthe brewery nld.mxd  
Map File:  
W3Map Requests 2008the brewery nldthe brewery nld.pdf  
Generated: 07-August-2008, Scale = 1:2,500



**APPENDIX D**

**Listing of Properties Included in the District  
and proposed District assessments**

The Brewery 2008 Tax Assessment

TAXKEY	Address Range	Street	Owner	Address	County	Parcel ID	Land	Improvements	Total	2008 NID ASSESSMENT
352-0431-000	810	W JUNEAU	BREWERY PROJECT LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 531,200.00	\$ 100.00	\$ 531,200.00	\$ 3,351.85
352-0441-000	845	W WINNEBAGO	ST BLUE RIBBON LOFT APTS LLC	200 N MAIN ST	MILWAUKEE	53474	\$ 493,000.00	\$ 274,000.00	\$ 767,000.00	\$ 2,760.82
352-0442-000	923	W JUNEAU	BREWERY PROJECT LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 530,800.00	\$ 250,000.00	\$ 1,180,800.00	\$ 4,248.11
352-0451-000	1001	W JUNEAU	AV PBH REDEVELOPMENT LLC	757 N WATER ST, #200	MILWAUKEE	53202	\$ 132,500.00	\$ 67,500.00	\$ 195,000.00	\$ 701.83
352-0451-000	1217	N 10TH	BP PROPERTY OWNER LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 650,200.00	\$ 106,300.00	\$ 856,500.00	\$ 3,442.55
352-0451-000	1037	W MCKINLEY	BC PABST HOLDINGS LLC	135 W WELLS ST	MILWAUKEE	53203	-	-	-	-
352-0452-000	1250	N 11TH	BP PROPERTY OWNER LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	-	-	-	-
352-0453-000	1217	N 11TH	BP PROPERTY OWNER LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 103,100.00	\$ 100.00	\$ 103,100.00	\$ 371.07
352-0454-000	1220	N 11TH	BREWERY SILO LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 486,700.00	\$ 100.00	\$ 486,700.00	\$ 1,751.69
352-0454-000	1003	W WINNEBAGO	BREWERY PROJECT LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 324,500.00	\$ 59,500.00	\$ 377,000.00	\$ 1,358.86
351-0841-000	1009	W JUNEAU	AV BREWERY PROJECT LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 914,300.00	\$ 250,000.00	\$ 1,164,200.00	\$ 4,190.00
351-0842-000	1128	N 10TH	BREWERY PROJECT LLC	710 N PLANKINTON AV STE 1200	MILWAUKEE	53203	\$ 1,017,300.00	\$ 430,000.00	\$ 1,447,200.00	\$ 5,298.89
351-0842-000	1131	N 8TH	BREWERY PROJECT LLC	2022 N 117TH ST, SITE #423	MILWAUKEE	53203	\$ 154,500.00	\$ 347,700.00	\$ 502,200.00	\$ 1,807.47
351-0751-000	815	W JUNEAU	BREW CITY REDEVELOPMENT		WAUKESHA	51226				
<p>2008 NID BUDGET \$ 26,182</p>										

APPENDIX E  
Proposed 2009 Budget

# The Brewery

## NID 1 Operating Budget

### 2009

<b>Expense Item</b>	<b>2009</b>
Pocket Park Electric	2,400
Pocket Park Water	1,200
Pocket Park Landscape Maint.	3,300
Pocket Park Insurance	1,200
Snow Removal-Alleys	3,000
Pabst Sign Repair	1,000
Pabst Sign Electric	600
Storm Water Retention Maint.	500
Bio-Swale Landscape Maint.	0
Bio-Swale Cleaning	1,500
Streetscape Maint.	0
Public Art Maint.	250
Public Service Ambassadors	2,500
Clean Sweep Ambassadors	7,500
Administration	4,242
Marketing	0
<b>Total</b>	<b>29,192</b>

APPENDIX F  
City Attorney's Opinion