

BUSINESS IMPROVEMENT DISTRICT NO. 35
Kinnickinnic River Business Improvement District

PROPOSED OPERATING PLAN
- 2006 -

Final
September 20, 2005

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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 requested 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 second year Operating Plan for the Kinnickinnic River Business Improvement District. The BID Board prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

B. Physical Setting

The BID area lays 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 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 riverbanks 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 Two

Principle activities to be engaged in by the district during its second 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.
- g. Assist the Department of City Development in connection with the development of the Southeast Side Area Comprehensive Plan.

C. Proposed Expenditures – Year Two

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 \$ 5,915,400.

The budget for the BID is as follows:

Revenue	
1. BID annual assessment	\$18,889.42
2. Interest income	- 0 -
3. Miscellaneous (contributions, grants, gifts)	<u>-0-</u>
Total Revenue:	\$18,889.42
Expenses	
1. Administration	
Payroll	\$ 2,000.00
Taxes	400.00
2. Office materials	300.00
3. Postage	200.00
4. Professional Fees	
Consulting	5,000.00
Legal	2,500.00
Accounting	2,000.00
Auditing	2,500.00
5. Insurance	2,000.00
6. Overhead	1,000.00
7. Miscellaneous	<u>989.42</u>
Total Expenses	\$18,889.42

Financing Method

It is proposed to raise **\$18,889.42** 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.

C. 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.

The BID board be structured and operate as follows:

1. Board Size – Nine (9)
2. Composition - A majority of Board 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.
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 2006. 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.

D. Relationship to the KK River Revitalization Association, Inc.

The BID shall be a separate entity from the KK River Revitalization Association, Inc., 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.

The total KK River frontage of properties in the BID is 3,385.2 feet. This plan proposes to assess the property in the district at a rate of \$5.58 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 and property exempted from the general property taxes under the State Statute 70.11 will not be assessed; such properties will be identified as BID Exempt Properties in Appendix D, as revised each year.

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 and 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 BID statute establishes a specific process for reviewing and approving operating plans. Pursuant to the statutory requirements, the following process will be followed:

1. The BID shall submit its proposed Operating Plan to the Department of City Development.
2. The Zoning, Neighborhoods and 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.
3. The Common Council will act on the proposed Operating Plan.
4. If adopted by the Common Council, the proposed Operating Plan is sent to the Mayor for his approval.
5. If approved by the Mayor, this 2006 Operating Plan for the BID is approved and the Mayor will appoint new members to the Board to replace Board members approved whose terms have expired or who have resigned.

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.

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 TWO PROJECTED ASSESSMENTS
- E. CITY ATTORNEY'S OPINION

"EXHIBIT D"

BID NO. 35 - 2006 ASSESSMENTS

TAX KEY	PROPERTY	Frontage LF	Rate per LF \$	5.58
4661155000-6	2005 S KK	162.85	\$	908.70
4670001110-0	2011 S 1ST	152.16	\$	849.05
4670005000-9	218 W BECHER	345.65	\$	1,928.73
4670006100-0	222 W BECHER	0	\$	-
4670103100-8	138 E BECHER	173	\$	965.34
4670104110-0	2018R S 1ST	92	\$	513.36
4679982100-1	2078 S 1ST	374	\$	2,086.92
4679983100-7	2018 S 4TH	0	\$	-
4679981100-6	2000 S 4TH	343.66	\$	1,917.62
4670008111-7	2029 S 1ST	222.64	\$	1,242.33
4679990110-2	1958 S 1ST	560.68	\$	3,128.59
4670101100-7	2018 S 1ST	281.37	\$	1,570.04
4679992220-7	1933 S 1ST	677.19	\$	3,778.72
4679992230-4	1933 S 1ST	0	\$	-
		<u>3385.2</u>	<u>\$</u>	<u>18,889.42</u>