



Legislation Text

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121370
SUBSTITUTE 1
121009
ALD. MURPHY

Substitute resolution amending the 2013-2014 state legislative package relating to the procedures for creation of neighborhood improvement districts.

The Wisconsin Statutes currently provide that creation of a neighborhood improvement district may be initiated by any owner of taxable property in the proposed district petitioning the municipality for creation of the district. Also, the Statutes provide that notice of the planning commission public hearing on creation of a neighborhood improvement district, as well as notice of the local legislative body meeting at which the body will vote on whether to adopt the district's proposed initial operating plan, is to be sent by certified mail to all owners of real property within the proposed district. However, the Statutes do not currently specify which party - the petitioner(s) or the municipality - is responsible for the costs of mailing these notices.

This resolution amends the "2013-2013 State Legislative Package Proposals" as attached to Common Council File Number 121009 by adding an item seeking the following 2 amendments to s. 66.1110, Wis. Stats. (the neighborhood improvement district statute):

1. A neighborhood improvement district may be created only if owners of real property having an assessed valuation equal to more than 50 percent of the assessed valuation of all property to be assessed under the proposed initial operating plan petition the municipality for creation of the district.
 2. The statute shall clearly specify that the person(s) petitioning for creation of the neighborhood improvement district shall be responsible for all costs associated with the certified mailing of notices, to all owners of real property within the proposed district, of both the planning commission public hearing on the proposed district and its initial operating plan and the local legislative body meeting at which the body will vote on whether to adopt the proposed initial operating plan for the district.
- Whereas, Section 66.1110 of the Wisconsin Statutes establishes the procedure for creation of neighborhood improvement districts, or "NIDs"; and

Whereas, Under s. 66.1110, creation of a NID may be initiated by any owner of taxable property in the proposed NID petitioning the municipality for creation of the NID; and

Whereas, Section 66.110 further provides that a proposed NID shall not be created if, within 30 days of the planning commission public hearing on the proposed NID, owners of property having a valuation or assessed valuation equal to more than 40% of the valuation or assessed valuation of all property to be assessed under the proposed initial NID operating plan have filed a petition with the planning commission protesting the proposed NID or its proposed initial operating plan; and

Whereas, The Common Council finds that this procedure - namely, allowing a single property owner

to initiate creation of a NID, but not taking into consideration what could be overwhelming opposition to the NID until after the City Plan Commission public hearing - creates the potential for inefficient use of City planning staff and Plan Commission time; and

Whereas, The Common Council further finds that the NID-creation procedure would be far more fair and efficient if the Statutes required that the initial petition for creation of the NID demonstrated that a majority of the property owners within the boundaries of the proposed NID supported its creation; and

Whereas, The NID statute further provides that notice of the planning commission public hearing, together with a copy of the proposed initial operating plan and a copy of a boundary map of the proposed NID, shall be sent by certified mail to all owners of real property within the proposed NID; and

Whereas, The NID statute also states that notice of the local legislative body meeting at which the body will vote on whether to adopt the proposed initial operating plan for the NID shall be sent by certified mail to all owners of real property within the proposed NID; and

Whereas, The statute does not specify which party - the petitioner(s) or the municipality - is responsible for the costs of mailing the public hearing notices and meeting notices, and without further clarification, it is entirely possible that property taxpayers of the municipality will be left footing the bill for an expense that benefits only a few; and

Whereas, Depending on the size of a proposed NID, the mailing costs for the public hearing notices and meeting notices could be quite substantial, not inconceivably in the tens of thousands of dollars; and

Whereas, The Common Council finds that it is inappropriate - and fundamentally unfair to property tax payers of the municipality at large -- for the municipality, rather the petitioner(s), to be responsible for the costs of mailing notices of the planning commission public hearing and the local legislative body meeting regarding creation of a NID and adoption of its initial operating plan; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that File Number 121009 is amended by adding the following item in the document attached to the file and identified as the "2013-2014 State Legislative Package Proposals":

Common Council	Neighborhoods and Housing	Amend s. 66.1110, Wis. Stats., relating to Neighborhood Improvement Districts to increase the threshold for the petition requirement and to require petitioners to pay all costs associated with mailing of the notices.
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Jeff Osterman
04/09/2013