



**Uptown
Business Improvement District**

Operating Plan

2009

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Approved by the City of Racine Common Council: _____

Uptown Business Improvement District Operating Plan - 2009

Table of Contents

I.	Preface	Page 3
II.	Development Plan	Page 4-8
	a. Plan Objectives	
	b. Plan of Action	
	c. Benefits	
	d. Budget	
	e. Powers	
	f. Relationship of Plan for the Orderly Development in the City	
	g. Public Review Process	
III.	District Boundaries	Page 8
IV.	Organization	Page 8-11
	a. Operating Board	
	b. Amendments	
V.	Financing Method	Page 11
VI.	Method of Assessment	Page 11-13
	a. Parcels Assessed	
	b. Levy of Assessment	
	c. Schedule of Assessments	
	d. Assessment Collection	
VII.	City Role	Page 13
VIII.	Required Statements	Page 14
IX.	Board Members	Page 15
X.	Severability and Expansion	Page 15
XI.	Appendices	
	a. B.I.D. boundaries	
	b. List of assessment and tax key numbers	

I. PREFACE

In 2007, the City of Racine received a petition from property owners in Uptown that requested the creation of a business improvement district for the purposes of redeveloping West Racine. On August 21, 2007, by Resolution 07-0315, the Common Council approved the creation of the business improvement district and adopted its first-year operating plan (“Plan”) as developed by Racine County Economic Development Corporation in conjunction with the BID proponents. This Plan for 2009 has been prepared by the BID Board in compliance with stat statute that requires, “The board shall annually consider and make changes to the operating plan...The board shall then submit the operating plan to the local legislative body for its approval.”

As used herein, “BID” shall refer to the business improvement district’s operating and governance mechanism, and “District” shall refer to the property located within the physical boundaries of the business improvement district, as provided herein.

Development of the District through continuation of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the District.
2. Existing public funding sources used to help maintain and provide the District are not sufficient. Continuing unified development efforts have to be financed with new and private resources as well as existing public dollars.
3. The District is dynamic, including properties of varying types and sizes. Some form of cost sharing is necessary because it is not feasible for a small group alone to support the District development efforts. The BID

plan provides a fair and equitable mechanism for cost sharing which will benefit all businesses and properties within the District.

4. Use of the BID mechanism will help ensure that the entire District will be promoted and developed as expeditiously as possible.

The property owners who previously petitioned for the establishment of the BID viewed it as a method to improve Uptown, as outlined in the adopted “Uptown Improvement Plan” and including the Create Uptown Racine initiative. These property owners and the BID Board have pledged to work to be fiscally responsible in its management of the BID and to further drive investment in Uptown for the overall benefit of all BID participants.

Use of a BID to develop the District works as follows:

Step 1: The BID is created by the City of Racine Common Council.

Step 2: An operating Board composed primarily of property owners within the District is established. The Board has all powers necessary or convenient to implement the operating plan.

Step 3: The City collects the assessments from property owners following the approved assessment formula.

II. DEVELOPMENT PLAN

The following will be the BID Operating Plan for the Uptown Business Improvement District for 2009.

A. Plan Objectives

The objective of the BID is to preserve and improve the economic conditions in the BID by assembling appropriate people, organizations and funds to evaluate, facilitate and implement development projects in Uptown.

B. Plan of Action

The BID shall carry out its objectives for 2009 by initiating the following activities:

1. Implementing an Uptown marketing plan to promote new development and increase the value of existing properties by:
 - a. Producing publicity and media coverage of the BID activities;
 - b. Implementing an Uptown marketing plan;
 - c. Enhance the viability of District marketing, promotional and special events and activities.
2. Initiating and maintaining District capital improvements in coordination with the City of Racine Public Works Department.
 - a. Gateway signage;
 - b. Landscaping;
 - c. Lighting;
 - d. Wayfinding and directional signage program.
3. Partnering with the City of Racine to stimulate public sector financing needed for District improvements.
4. Create fund to support commercial building development and redevelopment.
5. Comply with BID reporting, audit and notice requirements.
6. Identify and implement any other opportunities to carry out the purposes of the BID plan.

C. Benefits

Funds collected by the BID under this plan will be used to benefit the District in the following manner:

- Assist property owners in attracting and retaining tenants by providing an attractive environment in which customers and clients are drawn for a pleasant experience during their shopping, business services, etc. activities.

- The BID will play an active role in marketing Uptown, the District and the Create Uptown Racine initiative to future businesses, residents and customer groups.
- Maintain and enhance the image of the District resulting in greater interest in the District from a patronage perspective as well as tenants.
- Increase the value of Uptown property by encouraging building improvements and linking property owners to low interest financial programs to develop and improve commercial properties. A vibrant Uptown will also attract interested buyers further driving up demand and property values.

D. 2009 Proposed Bid Budget

Revenue (Special Assessments) \$38,093.49

Expenses

Marketing/Promotions & Special Events \$ 9,000.00

- Newsletters
- Mailings
- Special Neighborhood Events

Streetscape \$18,300.00

- Landscaping
- Decorative Pedestrian Lighting
- Signage
- Façade/Maintenance Fund
- Safety and Security

Administrative \$ 1,500.00

Insurance, annual audit, permits, etc.

Staff \$ 7,300.00

Miscellaneous \$ 1,993.49

Total

\$38,093.49

All expenditures will be incurred during the current plan year. Any funds remaining in any budget line item above may be moved to another budget line item, as determined by the BID Board. Any unused funds remaining at the end of the year shall be deposited into contingency funds for the following plan year. If any additional funds are received by the BID, whether from gifts, grants, government programs or other sources, they shall be expended for the purposes identified herein and in a manner required by the source of such funds, or if the funds have no restriction, in the manner determined by the BID Board.

E. Powers

It is intended that the BID Board shall have all powers authorized by law and by this Plan including, but not limited to the following:

- 1) Manage the affairs of the District;
- 2) Promote new investment and appreciation in value of existing investments;
- 3) Contract on behalf of the BID for services;
- 4) Develop, advertise and promote the existing and potential benefits of the District;
- 5) Acquire, improve, lease and sell properties within the District;
- 6) Undertake on its own account, in coordination with the City of Racine, public improvements, assist in development and underwrite or guarantee public improvements within the District;
- 7) Apply for, accept and use grants and gifts for District purposes;
- 8) Elect officers and engage consultant services to carry out the goals of the BID and the District.

F. Relationship to Plans for Orderly Development in the City

The creation of the BID is to facilitate development and redevelopment within the Uptown area which is consistent with the Uptown Improvement Plan as approved by the Racine Common Council on May 17, 2005. The BID would also promote the orderly development of the City in general and the Uptown area in particular.

III. DISTRICT BOUNDARIES

The District boundaries begin at the intersection of Hilker Place and Tenth Street; run thence westerly on Tenth Street to Pearl Street; run thence southerly to Eleventh Street; run thence westerly on Eleventh Street to the railroad right of way; run thence southerly along the railroad right of way to Twelfth Street; run thence westerly on Twelfth Street to Lockwood Avenue; run thence southerly to Thirteenth Street; run thence westerly to South Memorial Drive; run thence southerly to Maiden Lane; run thence westerly to Valley Drive; run thence southerly to Phillips Avenue; run then easterly along the southern property lines of 1511 Phillips Avenue and 1711 Washington Avenue; then northerly along the alley way to the southern property line of 1709 Washington Avenue; run then easterly along the southern property lines of 1510 Packard Avenue, 1719 Washington Avenue and 1627 Washington Avenue to South Memorial Drive; run then southerly to Sixteenth Street; run thence easterly to Racine Street; run then northerly to Eleventh Street; run then easterly to Hilker Place; run then northerly to the beginning of this description, shown on the map attached as Appendix a.

The area includes over 130 taxable parcels subject to BID assessment.

Notwithstanding the above, parcels of property which are not subject to general real estate taxes and real properties used exclusively for residential purposes shall be excluded from the District by definition, even though they lie within the boundaries shown on Appendix a.

IV. ORGANIZATION

A. Operating Board

The Mayor appoints members to the BID Board (“Board”) with confirmation of the Common Council. Wisconsin law requires that the Board be composed of at least five (5) members with the majority of Board members owning or occupying real property in the District.

The Board’s primary responsibility shall be to implement the current year’s Operating Plan, to contract for the carrying out of the Operating Plan, to contract for preparation of an annual report and audit for the District, to annually consider and make changes to the Operating Plan and to submit the Operating Plan for the following year to the Common Council of the City of Racine for approval. These responsibilities may require the Board to negotiate with providers of service and materials to carry out the Plan; to enter into various contracts; to monitor development activity; and to ensure District compliance with provisions of applicable statutes and regulations.

The BID Board shall be structured as follows:

- 1) Board size – 9 members.
- 2) Composition – At least 4 members shall be owners of property within the District. 3 members shall be an owner of a business within the District. Twin Disc, Inc. shall have a permanent representative on the Board to be recommended by the Company. One of the Alderpersons representing the District shall be an ex-officio voting member of the Board.
- 3) Terms – Appointment to the Board shall be for terms of three years, except for the District Alderman and except that initially 3 members shall be appointed for three-year terms, 2 members shall be appointed for a two year term and 2 members shall be appointed for a one year term, each term ending on December 31st. The representative of Twin Disc, Inc. will have a permanent seat on the Board. The District Alderman shall be appointed annually following the municipal election in April. The Board may remove by majority vote, any BID Board member who is absent from more than 3 consecutive meetings, without valid cause, and may

recommend a replacement appointee to the Mayor, who will present a nominee for Common Council confirmation within 30 days.

- 4) Compensation – None.
- 5) Meetings – All meetings of the Board shall be governed by the Wisconsin Open Meetings law. Minutes will be recorded and submitted to the City and the Board. The Board shall adopt rules of order to govern the conduct of its meetings and meet regularly, at least annually.
- 6) Recordkeeping – Files and records of the Board’s affairs shall be kept pursuant to public record requirements.
- 7) Staffing – The Board may contract for staffing services pursuant to this plan and subsequent modifications thereof.
- 8) Officers – The Board shall appoint as officers a chairman, treasurer and secretary, and any two of the three officers shall have the power to execute documents on behalf of the full Board, for the purposes authorized by the full Board.

B. Amendments and Annual Review

Wis. Stat. sec. 66.1109(3)(b) requires the Board to review the Operating Plan annually and to make changes, if appropriate, then submit the plan to the City for approval.

The following process for approval of the amended plan will be followed:

1. Communication submitted to the Mayor and Common Council.
2. The Finance and Personnel 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 BID’s proposed annual Operating Plan.
4. The Mayor of the City of Racine will appoint new members to the BID Board at least 30 days prior to the expiration of outgoing Board members’ terms.

The BID will continue to review, revise (if necessary) and develop the Operating Plan annually, in response to changing development needs and opportunities in the District, within the purpose and objectives defined herein.

The BID Operating Plan will continue to apply the assessment to raise funds to meet the next annual budget. However, the method of assessment shall not be materially altered, except with the consent of the City of Racine Common Council.

V. FINANCING METHOD

The proposed expenditures contained in Section II D above, will be financed from funds collected from the BID special assessment. It is estimated that \$38,093.49 will be raised through special assessments. Any other funds, which may be made available to the BID for the purposes contained herein, shall be collected and expended as identified in Section II D.

VI. METHOD OF ASSESSMENT

A. Parcels Assessed

All tax parcels within the District required to pay real estate taxes, including those taxed by the State as manufacturing and all parcels used exclusively for manufacturing will be assessed. Real property used exclusively for residential purposes may not be assessed, as prescribed by the BID law. Property exempt from paying real estate taxes or owned by government agencies will not be assessed.

B. Allocation of Assessments

Special assessments under this 2009 Operating Plan are hereby levied against each tax parcel property within the District that has a separate Parcel Identification Number, in the amount shown on the assessment schedule that is

attached as Appendix b. The assessment is based on the assessed value of the parcels (land and improvements) as shown in the record of the City Assessor's office on January 1, 2008 except as otherwise identified. The 2008 BID assessments shown on Appendix b are allocated to each parcel based on its share of the District's total BID eligible property value. For example, a property with an assessed value of \$225,000 is 1.2699% of the total value in the District and would have an assessment of \$483.75 (1.2699% of \$38,093.49). The allocation is based on a total assessed value for commercial property within the District of \$17,717,900.00 in 2008.

C. Schedule of Assessments

The final form of this 2009 Operating Plan has attached, as Appendix b, a schedule of all the Parcel Identification Numbers within the BID which are being assessed and their assessment using this formula.

D. Assessment Collection

The City of Racine shall include the special assessment levied herein as a separate line on the real estate tax bill for each parcel. The City shall collect such assessment with the taxes as a special charge, and in the same manner as such taxes, and shall turn over all moneys so collected to the BID Board for distribution in accordance with the BID Operating Plan by the 15th day of the month following such collection. All BID assessments shall be shown on the tax bill as due and owing with the first installment of taxes. The City shall hold all funds collected by the City of Racine for the BID assessments in a segregated account. 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 Wis. Stat. sec. 66.1109(3)(c), or on order of the Board for the purpose of implementing the Operating Plan.

Any BID assessment collected by the City before or after the Operating Plan year for which the assessments were made shall be delivered to the BID Board by the

15th of the month following the month during which such sums were collected and are to be used by the BID Board in the same manner as if received during the applicable Operating Plan year. This provision is intended to govern BID assessments prepaid in December prior to the applicable Operating Plan year, as well as delinquent and late payment made after the Operating Plan year.

The BID Board shall prepare and make available to the public and the City's Council annual reports describing the current status of the BID, including expenditures and revenues, at the time it submits its amended Operating Plan to the City for the following Operating Plan year. This report shall include an independent certified audit of the implementation of the Operating Plan, which shall be obtained by the City and which shall be paid for out of the BID budget.

The presentation of this proposed Operating Plan to the City shall be deemed a standing order of the Board under Wis. Stat. sec. 66.1109(4) to disburse the BID assessments in the manner provided herein.

This section shall be sufficient instruction to the City to disburse the BID assessment, without necessity of an additional disbursement agreement, disbursement method or accounting method. Disbursements made under this Plan shall be shown in the City's budget as a line item. Other than as specified herein, the disbursement procedures shall follow standard City disbursement policy.

VII. CITY ROLE

The City of Racine is committed to helping private property owners in the District promote its development. To this end, the City intends to play a significant role in the creation of the Business Improvement District and in implementation of the Operating Plan. In particular, the City will:

- A. Encourage the County and State governments to support the activities of the District.
- B. Monitor and, when appropriate, apply for outside funds that could be used in support of the District.
- C. Collect assessments, maintain the funds in a segregated account, and disburse the funds of the District to the BID along with an identification of those BID assessments included in the disbursement.
- D. Obtain and review annual audits as required per Wis. Stat. sec. 66.1109(3)(c).
- E. Provide the BID Board through the Assessor's Office on or before September 1 of each Operating Plan year with the official City records on assessed value for each Parcel Identification Number within the District, as of that date in each plan year, for purposes of calculating the BID assessments.
- F. Adopt this Operating Plan in the manner required by Wis. Stat. sec. 66.1109.

XIII. REQUIRED STATEMENTS

The Business Improvement District law requires the Operating Plan to include several specific statements:

Wis. Stat. sec. 66.1109(1)(f)1m: The District will contain property used exclusively for manufacturing purpose, as well as properties used in part for manufacturing. These properties will be assessed according to the formula contained herein because it is assumed that they will benefit from development in the District.

Wis. Stat. sec. 66.1109(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. Such properties will be identified as BID exempt properties on Appendix b, as revised each year.

IX. BOARD MEMBERS

On or before October 31 of each year, the BID Board shall submit to the Mayor recommendations for appointments to the BID Board for the following year.

X. SEVERABILITY AND EXPANSION

This BID has been created under authority of Wis. Stat. sec. 66.1109.

Should any court find any portion of the BID law or this Operating Plan invalid or unconstitutional, said decision will not invalidate or terminate the BID and this BID Operating Plan should be amended to conform to the law without the need to reestablish the Operating Plan.

Should the State amend the statute to narrow or broaden the purposes of a Business Improvement District so as to, among other things, exclude or include as assessable properties of a certain class or classes of properties, then this BID Operating Plan may be amended by the Common Council of the City of Racine as and when it conducts its annual budget approval without necessity to undertake any other act.

All of the above is specifically authorized by Wis. Stat. sec. 66.1109(3)(b).

If it is determined by a court or administrative body that a parcel of property not subject to general real estate taxes may not be included within the District, then such parcels shall be excluded from the definition of the District.