

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 11, 2017**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Carrillo, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert, and Commissioner Chandler. Commissioner Johnston was excused. Also present: Kari Papelbon, Planner; Pete Wagner, Planner/Zoning Administrator; Doug Seymour, Director of Community Development; Andrew Vickers, City Administrator.

Minutes of the March 28, 2017 meeting

Commissioner Siepert moved to approve the minutes of the March 28, 2017 meeting. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

**PUBLIC HEARING
SIGN APPEAL
VALENTINE COFFEE
7981 S. 6TH ST.
TAX KEY NO. 813-9062**

Zoning Administrator/Planner Wagner read the public hearing notice into the record.

Mayor Bukiewicz called for public comment.

Steve Prochaska, Michael Signs Company, 3914 S. Memorial Drive, Racine, WI was present as the sign manufacturing representative. Mr. Prochaska described the requested signage.

Mayor Bukiewicz made a second and third call for public comment. Seeing none, the public hearing was closed.

**PUBLIC HEARING
SIGN APPEAL
POTBELLY SANDWICH SHOP
160 W. TOWN SQUARE WAY, #500
TAX KEY NO. 813-9059**

Zoning Administrator/Planner Wagner read the public hearing notice into the record.

Mayor Bukiewicz made three calls for public comment. Hearing none, the public hearing was closed.

**PUBLIC HEARING
SIGN APPEAL
HSI DREXEL RIDGE, LLC
7798 S. DREXEL RIDGE WAY
TAX KEY NO. 779-9008**

Zoning Administrator/Planner Wagner read the public hearing notice into the record.

Mayor Bukiewicz made a call for public comment.

Ashley Poull, HSI, 18500 W. Corporate Drive, Brookfield, WI, described the requested signage.

Ron Pritzlaff, Utility Engineer, Oak Creek Water and Sewer Utility, 170 W. Drexel Avenue, stated that one of the signs is in a water main easement. The Oak Creek Water and Sewer Utility has a 25-foot water main easement near the entrance to that property. This particular sign was not there, however, the footings happen to already be poured. It is 5 feet away from the water main, and they typically don't allow structures built on top or that close within an easement. He encouraged the Plan Commission to deny one of the requests (the guard shack) at the entrance to the property.

Glen McCoy, 7739 S. Pennsylvania Avenue, asked if four signs are being requested. Zoning Administrator/Planner Wagner responded that they proposed three development signs at the entrance of the development along Drexel Avenue. There will be the Drexel Ridge sign attached to the guard house in the middle of the entryway into the development, also one on both sides of Drexel Ridge Way, as well as proposing a sign on the clubhouse facing the south elevation facing Drexel Avenue. Mr. McCoy stated he just wanted to clarify that nothing was being proposed off of Pennsylvania.

Mayor Bukiewicz called two more times for public comment. Seeing none, the public hearing was closed.

**SIGN APPEAL
VALENTINE COFFEE
7981 S. 6TH ST.
TAX KEY NO. 813-9062**

Commissioner Correll asked what the actual exception being requested is. Zoning Administrator/Planner Wagner responded that the variance that needs to be granted is to install a flag sign on a non-entry façade and a variance for sign A-1 located on the northeast elevation of the building.

Commissioner Siepert stated that flag signs have been on other approved buildings and finds this acceptable. He is not sure he goes along with the other signs on the northeast corner.

Commissioner Chandler asked for more information on why these variances are being requested.

Steve Prochaska, Michael Signs Company, 3914 S. Memorial Drive, Racine, Wi was present as the sign manufacturing representative. Mr. Prochaska responded that as you come out of the other businesses, you see this side of the building and there will be no signage on there without this variance. If they are not allowed this sign, they will have nothing to identify them facing that way.

Commissioner Correll stated that when everything fills in in that area, it will be even more confusing. The signs are pretty minimal, and are necessary for identification.

Commissioner Dickmann asked if the 3'x3' flag sign on the east side is a non-entry façade. Zoning Administrator/Planner Wagner responded that it is a non-entry on the east side facing the square and one 3'x8' primary wall sign on the northeast elevation. These are both non-entry sides of the building.

Mayor Bukiewicz stated that he agrees with Commissioner Correll. It is an odd-shaped building and signage is needed from each side.

Commissioner Dickmann moved that the Plan Commission grant a variance allowing for the installation of one 3'x3' flag sign on the east elevation, which is non-entry elevation, and one

3'.1'x8.8' primary wall sign on the northeast elevation, which is also a non-entry section of the building for the building located at 7981 S. 6th Street. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**SIGN APPEAL
POTBELLY SANDWICH SHOP
160 W. TOWN SQUARE WAY, #500
TAX KEY NO. 813-9059**

Brad Hubbard, Innovative Signs, 711 Quinlin Drive, Pewaukee, WI, described the sign appeals. What they are requesting is the new logo for Potbelly Sandwich Shops and all of the locations have this logo somewhere in a window somewhere on the building.

Commissioner Correll stated that it is a nice looking sign, but does not think it is needed.

Commissioner Dickmann stated that he does not see much need for the sign.

Mayor Bukiewicz stated that the logo sign is unobtrusive and doesn't have any problem with this sign.

Mayor Bukiewicz asked if it would be acceptable to hang it on the south side. Mr. Hubbard responded that they have a big illuminated sign on the south side. There is one on the north and one on the south. They have their monument sign parallel to Drexel so they do have their name going east to west the other way. If that is their only choice, they would have to, but he doesn't know if they would do that. This is the only side of the building where they don't have anything, so that is why they choose to put it here.

Commissioner Siefert asked if they did put it on the south side if they would need a variance. Zoning Administrator/Planner Wagner responded no, they would not. The sign does not exceed the 10% blocking of the glazing, so they could put that sign there.

Andrew Goodman, GMX Real Estate Group, stated they work on a lot of Potbelly developments. Typically, they come in with a full exterior sign and three signs on each of the exterior walls of the building. This is a very toned down version of what they typically request. Typically the sign is on the exterior wall. Here it is within the window.

Commissioner Dickmann moved that the Plan Commission grants a variance to allow for the installation of one internally-illuminated eye-level sign that is 2'x1 3/8" tall and 3' wide on the east elevation for the tenant space located at 160 W. Town Square Way. Alderman Guzikowski seconded. On roll call: Commissioner Dickmann, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siefert voted aye. Commissioner Correll and Commissioner Chandler voted no. Motion carried.

**SIGN APPEAL
HSI DREXEL RIDGE, LLC
7798 S. DREXEL RIDGE WAY
TAX KEY NO. 779-9008**

Alderman Guzikowski asked where the easement was in relation to the guard shack. Zoning Administrator/Planner Wagner stated that this variance is for the number of signs, and not necessarily the location. However, the location of the guard house may not be acceptable. The location has to be approved through site plan review which is a separate matter than the sign appeal. The concern is the number of signs being requested at this time. The guard house is considered to be an accessory structure, and that was not approved at site plan review. At that

time, they were proposing a 48 SF monument sign, which met the rules for residential development signs. They will have to come back to get any approval to see if this guard structure is acceptable. At that time, they will have to come back to get any approval to see if this structure is good. The issue of setbacks will be handled during site plan review.

Commissioner Siefert stated he is not in agreement with the four signs as it is a little "overkill."

Zoning Administrator/Planner Wagner stated the clubhouse sign is proposed to be an illuminated sign, which is not allowed in residential districts. Also, this sign is going to be 150' from the entrance. It is up to the Plan Commission to determine whether or not the clubhouse is an entrance to the development or is it a location within the development. So there is a question as to whether or not the "Drexel Ridge" on the clubhouse should be considered a development sign or not. The other three signs are located at the entrance off of Drexel. This one would be located 150' off the road.

Commissioner Dickmann asked if there is a sign at the entrance off of Pennsylvania Avenue. Zoning Administrator/Planner Wagner stated there is no sign being proposed from Pennsylvania Avenue at all.

Commissioner Dickmann asked if they are able to put the word "clubhouse" on the clubhouse. Zoning Administrator/Planner Wagner responded they would not be able to affix a large wall sign to the building.

Commissioner Correll stated this is a better look with the three signs. He would not be in favor of the clubhouse sign the way it stands. His vision would be to have a small monument sign at the front that says "clubhouse" because that would be more of a directional sign. It doesn't do any good to see it from the road. He does not have any problem with the Drexel Ridge signs on the side.

Commissioner Correll asked what the square footage was of the original monument sign. Zoning Administrator/Planner Wagner stated it was going to be a 48' square foot sign and was going to be taller than 6'. Commissioner Correll stated that as it was originally proposed, it would be much smaller. Zoning Administrator/Planner Wagner stated that it would be spread out over three locations, but it would be much less total signage in square footage.

Ashley Poull, HSI, 18500 W. Corporate Drive, Brookfield, WI, stated that is correct, because the monument sign is a double-sided sign currently since it is perpendicular to Drexel Avenue itself. That sign had been approved, and they had actually bumped back the guardhouse from the point of that sign.

Doug Seymour, Director of Community Development, stated that the criteria that the Plan Commission is charged with includes: there shall be no public harm, there should be a public benefit, the variance considerations shall include enhancements to the overall character of the neighborhood, taking into consideration unusual site conditions, the sign will not result in undue concentration of signage, which renders it difficult or confusing to read existing signs, and the effect of the proposed sign may have on depreciating property values. Director Seymour continued that he has heard several Commissioners feel this is an aesthetic enhancement to the neighborhood.

Commissioner Correll moved that the Plan Commission approves a variance to allow two non-illuminated bronze development signs on the decorative entry columns that are 1½' x 2' and one 3½'x4½' sign at the entrance of the development located at 7798 S. Drexel Ridge Way. Alderman Guzikowski seconded. On roll call: Commissioner Dickmann, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert voted aye.

Commissioner Chandler voted no. Motion carried.

PUBLIC HEARING TID NO. 13 PROJECT PLAN & BOUNDARIES

Planner Papelbon read the public hearing notice into the record.

Jolena Presti, Vandewalle & Associates, 247 W. Freshwater Way, Milwaukee, gave a presentation on how a TID district is created.

Ms. Presti stated that TID No. 13 is being created because the TID No. 6 spending period is nearly closing. Now is the time to recoup some of the tremendous costs within the lakefront area. TID No. 6 can be created as a donor and make TID No. 13 as a new TID as the recipient.

TID No. 13 has 36 parcels; total non-wetland areas 505.11; base value \$4,487,200; percentage blighted properties 69.7%; projected total value increment \$172.74 million; total tax increment (27 years) \$65.28 million.

Bridget Souffrant, Finance Director, stated that looking over the life of the district through 2043, there is a potential to see a tax increment of \$65 million. Additional increment from the development is not anticipated until 2022. Ms. Souffrant stated that there are three potential debt issues in 2023, 2029 and 2034. The district should break even in 2037, and have an estimated positive cash flow of \$33 million at the end of the district.

Mayor Bukiewicz made a call for comment.

Mark Verhalen, 1200 E. Ryan, stated:

"My main concern is extending the boundaries of the TIF into Bender Park. If you look on the proposed sewer extension, it goes right through Bender Park. It is a half mile of deep sewer, probably 25 feet or in excess, as you see up on the screen, the cost of that is going to be a \$1.5 million or more. What does the City get for putting that deep sewer in? Absolutely, nothing because there is no development that can happen in Bender Park. I think that the boundary of the TIF should be modified. I talked with our City Administrator this afternoon and my statement was to him one of them was, we can always expand the TIF, but we can never make it smaller. If we back off on some of the boundaries here, get some due diligence done, maybe we can run that sewer line on the west side of the west side of the railroad tracks instead of through Bender Park.

The second thing I would like to address is expenditures in Bender Park if it is included in the TIF district. Some of that is the City is going to be putting in infrastructure on the property that we don't have any control over. And it really concerns me that we are setting a bad precedent with spending City dollars on County parkland where we already pay taxes for them to maintain their facilities. We are basically hitting the taxpayers of Oak Creek; we're doubling the costs for some local residents. Once you start that, you kind of open the door for a type of backdoor funding with TIF money to pay the costs of future infrastructure, building and also maintenance of infrastructure that you put in whether it be roads or playgrounds or whatever, parking lots. So I have some strong reservations about putting that area of Bender Park in the TIF.

There is one other thing. I would like to know if we would be responsible for any environmental cleanup in Bender Park as it's included in the TIF district because there is quite a larger area that was an apple orchard years ago. There's probably a really good chance there's a lot of arsenic contamination. It's about a 20-acre parcel within Bender Park. There's a good chance that if we undertake building infrastructure or putting things in there at our costs, we may end up with a

cleanup costs down there. I think it would be more prudent to back off on the boundaries of the TIF to include just the area of Ryan Road north and then do a feasibility study and see if we can include some of the other areas west of the railroad tracks in the TIF to get the sewer run down to the south and keep that sewer line out of Bender Park and save everybody a lot of money."

Ms. Presti stated that the City is allowed to spend TIF project costs within a half mile radius. You don't actually have to be within a TIF district to expend the infrastructure costs within the boundary.

Arden Degner, 8540 S. Pennsylvania Avenue:

"I certainly appreciate all the work that's been done to remediate this lakefront. Work that has been done. Work that has to be paid for. Work, it's only a start. We have to continue. Do we? Did you all get my handout? Back in 1989, I've presented the Oak Creek Pictorial, to the taxpayers, excessive tax, and at that time, Alderman Borchardt foresited a moratorium of multi-family apartments. I don't know how long that was in effect. But this is what I object to strenuously is the proposal to put rural houses along our lakefront. I like it the way it is now. You can drive down. You can see the lake. Not with this proposal. Not with anything that is proposed here. We will not be able to see the lake at all, except on this new 100-foot stretch that if you drive up there. Is this what we need in the City? No. We don't need any more developments of this type. We already have hundreds, five hundred as you heard previously, Apartment parking spaces on Drexel and Pennsylvania. We have more on Drexel Town Square. We have more on others that have been presented. We add if you'll just consider the times, even these presented the City of Milwaukee apartment complexes have all been downsized. We are asking for difficulties. We are asking for changes that we cannot afford. Especially pictures of these homes on page 35. The City of South Milwaukee 20% of their housing would be blighted. Is this the only type of structure that will be allowed in Oak Creek? Is anything over 50 years old including mine will have to be eliminated? Is this the only type of structure that will be allowed in Oak Creek? This whole proposal should be held until some other time, maybe 20 years from now when we can afford it. Thank you."

Mayor Bukiewicz made a second call for comment.

Rosemarie Annonson:

"Although Wisconsin has a very broad definition of blight and I'm going to read it to you. It means any area, meaning a slum area, in which a majority of the structures are residential. There's more, but that's all I want to use. Of the land that's involved in this TIF district proposal, only 2.30 acres are private residential. If we add occupied private residential at 2.3, if we add the two other parcels that do not have housing, it comes to 5.56. There are 11 residential owners, 9 own property, 4 are historic, that leaves 5 up for grabs. This lady told the Krysiaks their house was blighted. We have no information in here on how it was ranked and how it was determined. In contrast, the City owns 156.49 acres. Milwaukee County owns .22. The developers own 204. It is the City's failure to install sewer in the southeast section of the district that has stymied development in district 4. At the board of review meeting, they would not give us any guarantee that the City would not use eminent domain to take our properties.

I also have a problem with the boundaries. You may not use parkland as TIF land because it is non-taxable. TIF properties have to be continuous. They have to be joined. If you remove Bender Park, parcels on the end are not included. I would like to see a list of the property values for the City. It is not required under law for a City, only under towns. I'm also concerned with the costs. Right now, the City of Oak Creek, according to the Moody report of December of 2016, we were 96.6 in debt. The Moody's report also said that we have above average debt and a large amount subject to refinancing. That is three of our TIFs that we are going to have to refinance into long-

term bonds. That means approximately \$6 million more dollars, maybe more.

This report itself says that on page 25 the loss of tax exempt status of municipal bonds are broadening the purpose of future tax exempt bonds will affect market conditions. We know that the interest rates have risen since this report was prepared. I don't think that we can safely finance that district. I think that the lakefront will sell itself. Let development come naturally, but we do need that sewer."

Kelly (Krysiak) McDonnell, 4033 E. Lakeside Avenue:

"I just wanted to make sure for the record that I, it was noted that I have concern about property values decreasing due to the blighted label. And then, as Mr. Verhalen was saying, we can make it smaller and expand out if need be. I do recognize that one residential property is carved out of the district. I do understand that that property, the year that it was built, excludes it from being able to be included. Since we are creating this district, what, as stated previously, the residential properties were not considered blighted. It is mostly due to the land, then why can we not carve out the residential properties at this time and address it again down the road?"

Mayor Bukiewicz made a third and final call for public comment.

Al Vanoff, 3964 E. Dexter:

"What does this mean to me when you are blighting all the stuff around us? Because we don't know what we're doing now. You're taking land all around us. How do we know that you aren't going to blight our side?"

Seeing no other comments, the public hearing was closed.

TID NO. 13 PROJECT PLAN & BOUNDARIES

Andrew Vickers, City Administrator, stated that TID No. 13 is a "poster child" TIF. TIFs were established in the late 1970's. They were for blight elimination, blight renewal, urban renewal. This could not be more in line with the TIF statute in its origin. This is a very valid use of tax increment financing.

Mr. Vickers stated this is not a precise implementation plan. This is a general concept plan. This is a transparent project plan for what we thought we might encounter in this district for the life of this district, as well as having something we can market to the private investment community.

Mr. Vickers stated that establishing a blight district and including a property in blight elimination district does not mean that a project is then blighted because it is in the district boundary. The properties are blighted now. That is just the determination made. There is a statutory threshold of 50% in order to create this type of tax increment district. This doesn't create a blight situation for a property that happens to be in the boundary.

The properties historically had more negative potential effects on surrounding properties than what has been there in the remediation efforts of the City for a number of years.

Mr. Vickers noted that regarding the inclusion of Bender Park in this TID, it is not unique to include assets of overlapping taxing jurisdictions or properties of overlapping taxing jurisdictions. There are also project costs within those other tax increment districts in the City as well as others in the State that provide for projects costs to improve those assets of other taxing jurisdictions.

Mr. Vickers stated that a state-of-the-art park is being built in Lake Vista, a state-of-the-art

development on the lakefront, and Bender Park does need some improvements. County dollars should be supporting Bender Park; however, there are hundreds of County park assets that need to be maintained. Bender Park may not take the priority in the timeframe that Oak Creek wants.

Mr. Vickers stated that the Bender Park costs that are being asked to be included in the project total about \$796,000. That is 2.1% of the overall project costs.

Mr. Vickers stated that including the Bender Park property does not hurt or harm the TID. It does not have any taxable assessed value as a governmental entity in its ownership. It does not obligate the City to do these projects. This will all be through the proper channels later on at the time of implementation. There is no obligation to clean up Bender Park and/or any environmental contamination.

Mayor Bukiewicz stated that the City needs to continue the momentum down there to continue to improve it. He stated that the definition of "blight" really is the definition used to get the TID going. It doesn't necessarily pertain to any individual property. Ms. Presti stated that the blight statute information shared by Rose Marie Annonson is from Wis. Stat. 66.1331 which pertains to development districts. There is a redevelopment district already in this area. The statute on the screen (Wis. Stat. 66.1333(2m)(bm)) is the one you would use for TIF districts. It is slightly different. Regarding the phrase she read that a slum area needs to be residential, that is different in a TIF district.

Ms. Souffrant stated if the City decides to close TIF No. 6 early, then half of that base would go back into the general tax base and the money would then be redirected back to the taxing jurisdiction. Proposed TID No. 13 is another unique situation because there isn't a specific development that is already planned. That is why the City is looking to TID No. 6 (because it was over-performing) to help create TID No. 13 to move along so we can bring the developers in. Mr. Vickers stated that if we were to close TID No. 6 and return those dollars to the general fund, we would be making a large contribution because there is \$1.8 million in the fund balance right now in TID No. 6. That would be large checks to the overlapping taxing jurisdictions and then we would be foregoing the \$400,000 each year to TID No. 13. Putting that money into TID No. 13 makes a much vaster impact to the City to jumpstart TID No. 13 for the reinvestment at the lakefront.

Commissioner Siefert stated that a TIF should stand on its own. It should not need support to get a TIF.

Commissioner Dickmann stated his concurrence with Commissioner Siefert. He stated that each TIF stands by itself. As a taxpayer, he would be looking forward to TIF No. 6 being paid off so that money can go into all the taxing entities, not just the City, but the schools and County.

Commissioner Dickmann asked what alternatives there are if this doesn't go through? Mr. Seymour stated that the lakefront consistently over the course of multiple decades has been identified as a priority by all of the residents of this community. Mr. Seymour stated that this development will not be blocking access to the lakefront. This district is opening up the lakefront in a manner that the City was never able to do for the past 100 years through new parks, new parkways, new recreational opportunities. Mr. Seymour does agree that TIF's should stand on their own, however, this is clearly advancing a strategic community vision identified by its residents. This is not an ordinary TIF district. That is evidenced by the City's ability to reinvest those funds and leverage those funds that we are getting from TID No. 6 to really make a difference in a project that the community has noted that they want to see happen.

Mayor Bukiewicz stated that this is a long-term commitment to the lake and we have come a long way. We have some of the most valuable land in the State of Wisconsin on the lake with an

opportunity to increase its value and everything around it. The market will come to this once it is prepared and ready to go.

Mr. Seymour stated that the project costs in the project plan are not costs that have to be spent. The estimated costs are necessary to achieve the goals of the district. Every single expenditure in this project plan would need to come before the Common Council and in some cases, the Plan Commission if there is a site plan involved, for their review and approval. This is just an estimation of what those projects costs could be. It also doesn't go into how some of those costs can be recovered through minimum assessed value guarantees or other financing mechanisms. There are a number of different avenues for financing improvements and recouping those investments whether that is through assessments through the development agreement process. This is not a case of approving this TIF and now the City can spend the millions of dollars.

Larry Haskin, former City Attorney, stated that generally TIF's standing on their own is a sound concept. This is a wholly unique situation. Back in 2008, DuPont was ready to put a fence around the property and close it up and prevent access to the lakefront. It was at that time that the City worked with DuPont and intervened to prevent that from happening and to allow what is going to proceed right now, which is the construction of the park and to create the environment where the lakefront property is going to get remediated and be open to the public. This situation is unique in that the City has had to invest in order to make this happen, prior to the creation of the district, \$1.8 million in due diligence costs (environmental work) was invested by the City to allow the City to come into title of 150 acres. This is unheard of. Most of that where we didn't spend any money for the property, DuPont and Epic transferred those properties to us without any cost. Over the last 8 or 9 years, the City has invested its own funds and now needs to recoup those funds. This is a perfect situation where the donor/donee TIF situation makes sense for a community. This is the City's opportunity to take advantage of the State law to continue the work that has already begun to develop this property.

Commissioner Chandler asked if the revenues from TID No. 6 are only helping with infrastructure updates or is it for everything. Ms. Souffrant responded that it could go toward anything that is listed in the project plan. By statute, it can only occur for five years, so they would be looking for an initial transfusion from TID No. 6 to that \$1.8 million. Currently TID No. 6 is bringing in roughly \$400,000 per year in tax increment. The \$1.8 million is the current fund balance for TID No. 6 and therefore, will be the initial transfer. The transfer amounts after that would be what TIF No. 13 needs or the difference of revenue less the expenditure of TIF No. 6.

Alderman Guzikowski stated that the City really has an opportunity with the lakefront that he's afraid if we let pass us up, that's where we are going to miss the boat. He thinks this is a really good idea.

A resident asked if her property could be carved out of this district. Mr. Seymour responded that being in the district would allow the possibility (should there be a developer that may be interested in their properties) of consolidating to work with the City on financial incentives. The property is not designated as blight. None of the residential within the proposed boundaries of the district are designated as blight. However, if these properties were not in the district, they could not potentially be able to reap the benefits of some of the projects that could potentially help the property owners in the future.

Ms. Annonson:

"It is my understanding that the boundaries can move at any time with a vote of 2/3 by the Council. Is that true?"

Mr. Seymour stated that is not true.

Ms. Annonson:

"Oh it's not true?"

Mr. Seymour restated that it is not true.

Ms. Annonson:

"You're lying."

Mr. Seymour stated that a boundary amendment can be done up to four times during the life of the district. Each boundary amendment would require a public hearing, going through the Plan Commission, Common Council and Joint Review Board.

Ms. Annonson:

"Of the 104 or 14 acres of the Dupont property, it is my understanding that only 18 acres are going to be parkland. So Mr. Arden will be correct in that this is blocking us from the lake. And the third question is, question is, why are we going blight? Why aren't we going environmental? Environmental is more in tune. And the fourth question is, can donor TIFs exist between two regular TIFs? Or does it have to be a blighted TIF to create a donor."

Ms. Presti responded that the recipient or donee has to be blighted.

Mayor Bukiewicz stated the City has already opened up that parkland. Mr. Seymour stated that someone would have to explain how opening up a brand new 30-acre park with a new lakefront parkway is blocking off access to the lakefront.

Mr. Verhalen:

"Before I mention the boundaries of Bender Park, we've been kicking around stuff around with blight and everything and that should be on questions no. 6. We wasted a lot of time on that. But anyway, going back to my boundary question. With redrawing the boundaries, before we make a definitive decision, I suggested before that we look at on the west side of the railroad tracks between highway 32 and Bender Park for that perspective sign. Now if we're looking at a district no. 2 return increment, there's six other properties there besides the O'Malley property that we could get return on the increment from. Then you don't have to run the sewer, the initial proposal is to run that sewer down the longer trail road tracks of Bender Park. So if and when we go to the question with the County refunding their tax money back to TIF district. If you take Bender Park all the way out of it. You can expand the TIF District at any time. So if we take Bender Park, the entirety, because we still don't have all of Bender Park in the TIF district. There's part of it left along Oakwood Road and down to the south yet. So if we take Bender Park out of the initial plan, revise the boundary to the west side of the railroad tracks. You take up five more properties right there. There's another property that goes with the southern property on the east side of the railroad tracks. So you have a potential to get increment off of probably six more properties. You can still run that sewer line down to address those properties on the south on the east side of the railroad tracks. And you can come back and expand the TIF when you decide to include what part of Bender Park you want to put facilities on. And then you can still retrieve the tax money out of Bender Park."

Mayor Bukiewicz stated that this is a conceptual plan that has been agreed upon. Vandewalle stated they have laid it out this way for ease for the future and for all parties concerned.

Commissioner Correll moved that the Plan Commission adopts Resolution No. 2017-03 approving the project plan and boundaries for Tax Incremental Financing District No. 13. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

PUBLIC HEARING TID NO. 6 PROJECT PLAN

Planner Papelbon read the public notice hearing into the record.

Jolena Presti, Vandewalle & Associates, 247 W. Freshwater Way, Milwaukee, stated that because this is an amendment, all that is necessary is to prepare and update the parts of the original project plan. There is one amendment already. This is Amendment No. 2, which is an allocation amendment to TID No. 6. Ms. Presti gave a presentation on what is required for this to be a donor TIF and the boundaries.

TID No. 6 Amendment No. 2 is a transfer of the TID No. 6 fund balance of approximately \$1.8 million to TID No. 13 on December 31, 2017. There will be a transfer of approximately \$400,000 annually to TID No. 13 for the duration of 5 years.

Mayor Bukiewicz made a first call for public comment.

Rosemarie Annonson:

“Chapter 66.1105 2 and 2A. None of the following may be included in project costs for any TIF after 7/31/81.

A. The costs of construction of community and recreational buildings. When you’re going to transfer money from donor TIF No. 6 to 13, this action from August of 2016 specifically says you’re going to use that money for recreational buildings. Are you allowed to do this kind of a transfer?

I think that’s the end of my question.”

Mayor Bukiewicz made a second, third and final call for public comment. Seeing none, the public hearing was closed.

TID NO. 6 PROJECT PLAN

In answer to Ms. Annonson’s inquiry, Mr. Seymour stated that the project cost for TID No. 13 does not include money for recreational buildings. Those are not eligible project costs. Ms. Souffrant stated that the \$1.8 million transfer is reimbursing the City for money that was put into that district in preparation into TID No. 13.

Rosemarie Annonson:

“If you look at item 13 and item 14 from the August, 2016 Council meeting when Peterson promised \$1.8 million. And once that money is dropped in there, they have the ability to use the money to use the money for anything. Those project costs include the building of the pavilion.”

Mr. Seymour stated that project costs do not include the use of recreational buildings. Ms. Souffrant stated that was correct. Mayor Bukiewicz stated that the \$1.8 million is going to any listed project that was in the Project Plan. Pavilions were not listed.

Commissioner Dickmann moved that the Plan Commission adopts Resolution No. 2017-04

amending the project plan for Tax Increment Financing TID No. 6. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PUBLIC HEARING
TID NO. 11 PROJECT PLAN**

Planner Papelbon read the public notice hearing into the record.

Planner Papelbon described the proposed amendments to the Project Plan:

1. Update to the Introduction.
2. Update Section IV, Detailed List of Estimated Project Costs.
 - a. Reflect the increased project costs and developer incentives/loans for Phase II of Emerald Row.
 - b. Add project costs and developer incentives related to the proposed manufacturing facility and associated parking for the property at 8142 S. 6th St.
 - c. Reflect additional project costs for a portion of a proposed parking facility at the former location of Phase III of Emerald Row (7951 S. 6th St.).
3. Update Section V, Economic Feasibility.
4. Update Summary of Sources & Uses table.
5. Update Maps 3 (Conceptual Land Uses) & 4 (Proposed Improvements).

Mayor Bukiewicz made a first call for public comment.

Rosemarie Annonson, 3920 E. Ryan Road:

"I have concerns as to our debt. And again, we've got \$99.6 million out there right now in TIF debt. This would add \$10 million to it. The City Water Utility is in debt \$20 million. Our schools are in debt \$96 million with all of the apartments that are being built, we may need four more elementary. So that'll add to that \$96 million on our school debt. We have over \$50 million that we owe in future employee medical costs. We also, our Police Department is now paid for? I don't know about our Fire Department, our new Fire Department over here. And I'm not sure, is Streets paid for yet? But I don't have those figures. If we take the \$181 million that we are currently, which would be 171 excluding this \$10 million that you want to approve tonight for developer incentives, what is our debt limit? Moody said years back that it was \$175 million, but if I add this all together, I'm coming up with \$246 million and I assume that because we've added with the TIF to our base value, that our limit for debt has increased. Moody also said, again, we are above average debt. We have a large amount. Three of our TIF districts need long-term financing, so we're going to have additional costs on that interest. And in this project, the last TIF one, the loss of tax exempt status of municipal bonds or broadening of the purpose of future tax exempt bonds would affect market conditions. Our interest rates are going up. If we lose any of our power plant revenues at \$7 million we get a year, to .5 being mitigation, we are in serious trouble. You will cause flight out of this community of anyone that can afford to get out because the taxes are high now and they would go up rapidly. We would be faced with the same problem that Dale Richards had when we saw our taxes go up back then."

Mayor Bukiewicz made a second call for public comment.

Arden Degner, 8540 S. Pennsylvania Avenue:

"I suspect this increased manufacturing facilities, that's moving from Franklin, as I've heard about, however, I've also heard about a senior citizen complex with a courtyard and everything. So is this must only be a temporary one. Next month you're going to come up with another TIF add right? What about this senior, proposed senior plaza that is supposed to be just to the right of Market Place and down further. Hmmm? Where does that show up in TIF 11?"

Mayor Bukiewicz made a third and final call for public call. Seeing none, the public hearing was closed.

TID NO. 11 PROJECT PLAN

In answer to Ms. Annonson's inquiry, Ms. Souffrant stated that on the City's official website, the most recent official statement, which is the document that the City goes through every time we issue debt. We go through this document with our financial adviser as well as with Moody's, so that it looks at all of the City's debt, revenues, expenditures and audit. It also talks about the statute debt limitation. The City has a legal debt capacity of 5% of the equalized value. That is what the State sets. The City has 36% left, so we are not at the cap or nearing it, which is \$57 million in debt. This also adjusts as the equalized value will grow. There is no worry in terms of that.

Rosemarie Annonson:

"As the debt increases, then our bonding expense and interest rates increase when we get higher on that."

In answer to Mr. Degner's inquiry about the senior living center, Planner Papelbon stated the proposed development for The Waters, which is the senior independent living and 16 units of memory care, that proposal did not actually request any TIF financing or developer incentive for the entire project.

Commissioner Dickmann asked where the "share parking" that is mentioned under project costs is going to be located. Mr. Vickers responded that the City is looking at some global solutions for the parking in Drexel Town Square. We have a future parking problem in that we will be limited because of the volume of people we want to attract here in terms of large events. We'd be capped right now at the events we want to have, the 1,000 - 2,000 people here. That is what we are planning for. There have been some discussions with the remaining property to be developed and parlaying some of their parking lot space for shared off-beat public use. That specific remedy is part and parcel of the Zund development, which is to the south of the Civic Center building. There is also some capacity for the City for special events in the Froedtert parking ramp and then this shared parking concept in your detailed list of estimated project costs really details what was the former phase III of the Emerald Row development, which is right behind Froedtert. Froedtert encroached a little bit upon that property with its development plan, and it left a remnant property that is not best suited for more housing development. The City is working with the developer of Emerald Row to work on some kind of shared parking structure/surface lot and maybe some unique parklike features as well. We are hoping to get an additional 75 or so publicly-reserved spots on that space.

Commissioner Siepert asked what the original cost was for TIF No. 11 and what the time element on that was. Ms. Souffrant responded that the City did anticipate going through the full life of that district, or shy of one year early, so that would be 2032 / 2031 for that district. In terms of the financial analysis, it is specific to the three pieces that are being referred to in this project plan

discussion. They are the increment and the taxes on here as well as the expenditures, which are very specific only to phase II and III of Emerald Row, as well as the potential development at 8142.

Planner Papelbon stated that from the original project plan, the total estimated project costs in TID No. 11 was \$19,992,000.

Commissioner Siefert asked if there would be additional amendments to TIF No. 11 for finishing up Drexel Town Square. Mr. Vickers stated that it would be on an as-needed basis.

Commissioner Correll moved that the Plan Commission adopts Resolution No. 2017-05 amending the project plan for Tax Increment Financing District TID No. 11. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
VALENTINE COFFEE, INC.
7981 S. 6TH ST.
TAX KEY NO. 813-9059**

Commissioner Correll moved that the Plan Commission approves the sign plan submitted by Robb Kashevarof, Valentine Café, for the building at 7981 S. 6th St. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

**REZONING AND CONDITIONAL USE
THE RIDGE COMMUNITY CHURCH
6912 & 6912R S. 27TH St.
TAX KEY NO. 737-9029 AND 737-9028**

Planner Papelbon provided an overview of the proposal to rezone the properties currently used for the Marcus Value Cinema to I-1, Institutional with a Conditional Use for a religious institution (see staff report for details).

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the properties at 6912 & 6912R S. 27th St. be rezoned from B-2, Community Business; Rd-1, Two-Family Residential; and Rs-4, Single-Family Residential to I-1, Institutional (no change to the RRO, Regional Retail Overlay District) with a Conditional Use Permit for a religious institution, after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (April 25, 2017). Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. The meeting was adjourned at 8:59 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

4/25/2017

Date