

**VILLAGE OF SOMERS
7511 12th STREET
SOMERS, WI 53171**

**VILLAGE BOARD MEETING
AGENDA
01-28-2020
5:30 P.M.**

1. Call to order
2. Pledge of Allegiance
3. Consent and Approval of Minutes of Regular meeting on 01-14-2020; Vouchers dated 01-16-2020, December 2019 ACH payments
4. Correspondence: NONE
5. Citizen Comments
6. Trustee Comments
7. Motion to approve payment in the amount of \$351,574.10 for 2019 Paving Program to Stark Pavement Corporation
8. Action on proposed Resolution 2020-001, Resolution to Urge State Legislature to Defeat 2019 Assembly Bill 623 and 2019 Senate Bill 560 which limits Municipal TID Authority and Changes Voting Requirements for TID Joint Review Boards
9. Approval of Operator Licenses: Clerk Recommends Approval: NONE.
10. Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the Jan. 28th, 2020 Village Board Meeting Agenda in 1 public place & on the Village website.
Dated this 24th day of Jan., 2020

Tim Kitzman, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken.

Village of Somers
Proceedings from the Regular Board Meeting January 14, 2020

President George Stoner called the meeting to order at 5:30 p.m. with the Pledge of Allegiance.

Present: President George Stoner, Trustees Gregg Sinnen, Joe Smith, Karl Ostby, Jackie Nelson, David Geertsen, Jack Aupperle. Also present: Administrator Jason Peters, Assistant to the Village Administrator Mary Cole, and Village Attorney Jeff Davis.

Consent and Approval of Minutes of Regular Meeting on 12-10-19; Vouchers Dated 12-19-19, 01-02-20 & 01-09-20, October & November 2019 ACH Payments

Trustee Geertsen moved to accept the Minutes from the Board Meeting that took place on December 10, 2019; Vouchers dated 12-19-19, 01-02-20 & 01-09-20. Seconded by Sinnen. Motion carried by voice vote. 7-0.

Correspondence

None.

Citizen Comments

Tom Vogel, 9715 15th Street, expressed concern over the Pritzker Military Archives Project.

James Lichter, 11515 1st Street, expressed concern over drainage issues on his property.

Trustee Comments

Trustee Geertsen mentioned that he attended the website unveiling on January 9, 2020. Trustee Geertsen commented that the new website will make information more accessible to the public.

President Stoner mentioned that a good deal of development occurred in 2019. President Stoner discussed the fiscal sustainability of the Village of Somers. President Stoner commented that it is standard that confidentiality be required during early discussions of potential development projects.

Motion to authorize Village President and Village Clerk to execute Developer's Agreement in the form attached regarding Pritzker Military Archives Project once all exhibits have been approved by staff

Trustees had discussion on the proposed Development Agreement for the Pritzker Military Archives Project prior to taking action.

Trustee Geertsen moved to approve the execution of the Developer's Agreement, as proposed, regarding Pritzker Military Archives Project pending approval of exhibits by Village staff. Seconded by Trustee Nelson. Motion carried by voice vote. 7-0 vote.

Motion to approve final payment in the amount of \$55,948.44 to Musson Brothers Construction for 52nd Avenue & 16th Place Sewer Rehabilitation Project

Trustee Geertsen moved to approve the final payment of \$55,948.44 to Musson Brothers Construction for the 52nd Avenue & 16th Place Sewer Rehabilitation Project. Seconded by Trustee Sinnen. Motion carried by voice vote. 7-0 vote.

Action on proposed Ordinance 20-001 to Repeal and Recreate Section 11.03(G) and the Code of Ordinances to the Village of Somers Relating to Operator (H) of License and Provisional License Fees

Action on proposed Ordinance 20-002 to Repeal and Recreate Section 20-002 to Repeal and Recreate Section 12.10(B) (1) of the Code of Ordinances to the Village of Somers Relating to Amusement Establishments License

Action on proposed Ordinance 20-003 to Repeal and Recreate Section 12.13(D) (1) of the Code of Ordinances to the Village of Somers Relating to Cigarette or Tobacco Product License

Trustee Sinnen moved to waive the First Reading of Ordinances 20-001, 20-002, and 20-003. Seconded by Trustee Geertsen. Motion carried by voice vote. 7-0 vote.

Trustee Sinnen moved to adopt Ordinance 20-001, An Ordinance to Repeal and Recreate Section 11.03(G) and (H) of the Code of Ordinances to the Village of Somers Relating to Operator License and Provisional License Fees. Seconded by Trustee Nelson. Motion carried by voice vote. 7-0 vote.

Trustee Geertsen moved to adopt Ordinance 20-002-An Ordinance to Repeal and Recreate Section 12.10(B)(1.) of the Code of Ordinances to the Village of Somers Relating to Amusement Establishments License. Seconded by Trustee Sinnen. Motion carried by voice vote. 7-0 vote.

Trustee Sinnen moved to adopt Ordinance 20-003-An Ordinance to Repeal and Recreate Section 12.13(D)(1) of the Code of Ordinance to the Village of Somers Relating to Cigarette and Tobacco. Seconded by Trustee Nelson. Motion carried by vote. 7-0 vote.

Approval of Operators Licenses: Clerk Recommends Approval: Keri M. Larsen

Trustee Sinnen moved to grant an Operator License Keri M. L. Larsen. Seconded by Geertsen. Motion carried by voice vote. 7-0 vote.

Adjourn

Trustee Geertsen moved to adjourn at 5:58 PM. Seconded by Trustee Nelson. Motion carried by voice vote. 7-0 vote.

Drafted this 14th day of January 2020 by Mary A. Cole, Deputy Clerk

These minutes are not official until approved by the Village Board

| Check Date | Bank | Check | Vendor | Vendor Name | Amount |
|----------------------------|------|-------|------------|--------------------------------|------------|
| Bank POOL POOLED CASH | | | | | |
| 01/16/2020 | POOL | 56942 | ADVANCED | ADVANCED DISPOSAL | 49,145.04 |
| 01/16/2020 | POOL | 56943 | AIR001 | AIRGAS USA, LLC | 216.45 |
| 01/16/2020 | POOL | 56944 | BTM001 | BOUND TREE MEDICAL LLC | 556.85 |
| 01/16/2020 | POOL | 56945 | CENTRALA | CENTRAL APPLIANCE SERVICE INC | 279.95 |
| 01/16/2020 | POOL | 56946 | CENTURYL | CENTURYLINK | 17.09 |
| 01/16/2020 | POOL | 56947 | CHICOS | CHICO'S LLC | 390.00 |
| 01/16/2020 | POOL | 56948 | CLAWZ | CLAWZ & PAWZ | 275.00 |
| 01/16/2020 | POOL | 56949 | CLEANCORAC | CLEANCO RACINE INC | 426.00 |
| 01/16/2020 | POOL | 56950 | CORE | CORE & MAIN LP | 2,002.00 |
| 01/16/2020 | POOL | 56951 | DAV001 | DAVISON LAW OFFICE, LTD | 17,855.25 |
| 01/16/2020 | POOL | 56952 | DIG002 | DIGGERS HOTLINE INC | 172.05 |
| 01/16/2020 | POOL | 56953 | EHLERS | EHLERS | 3,800.00 |
| 01/16/2020 | POOL | 56954 | STO001 | GEORGE STONER | 53.48 |
| 01/16/2020 | POOL | 56955 | HEARTLAND | HEARTLAND BUSINESS SYSTEMS LLC | 15,283.47 |
| 01/16/2020 | POOL | 56956 | HEATING&CO | HEATING & COOLING SOLUTIONS | 3,400.00 |
| 01/16/2020 | POOL | 56957 | HOL001 | HOLLAND SUPPLY, INC | 114.66 |
| 01/16/2020 | POOL | 56958 | KCSHERIF | KENOSHA CO SHERIFF DEPT | 25,293.00 |
| 01/16/2020 | POOL | 56959 | KEN002 | KENOSHA COUNTY TREASURER | 1,698.82 |
| 01/16/2020 | POOL | 56960 | KTC001 | KENOSHA TROPHY COMPANY | 52.50 |
| 01/16/2020 | POOL | 56961 | MEN001 | MENARDS - RACINE | 103.33 |
| 01/16/2020 | POOL | 56962 | MTP001 | MT PLEASANT SEWER UTILITY | 32,605.00 |
| 01/16/2020 | POOL | 56963 | MUSSON | MUSSON BROTHERS INC | 55,948.44 |
| 01/16/2020 | POOL | 56964 | PTS001 | POMPS TIRE SERVICE INC | 1,563.92 |
| 01/16/2020 | POOL | 56965 | REFUND TAX | R DENNIS & BRENDA KISLIA | 403.65 |
| 01/16/2020 | POOL | 56966 | KCHUMANE | SAFE HARBOR HUMANE SOCIETY | 748.43 |
| 01/16/2020 | POOL | 56967 | SHERRYS | SHERRY'S CUSTOM T'S | 526.00 |
| 01/16/2020 | POOL | 56968 | TWC001 | SPECTRUM | 124.98 |
| 01/16/2020 | POOL | 56969 | URBAN | URBAN RESCUE SOLUTIONS LLC | 244.00 |
| 01/16/2020 | POOL | 56970 | VILLSOM | VILLAGE OF SOMERS | 2,144.34 |
| 01/16/2020 | POOL | 56971 | WEE001 | WE ENERGIES | 10,177.07 |
| 01/16/2020 | POOL | 56972 | WIL002 | WIL-KIL PEST CONTROL | 31.75 |
| 01/16/2020 | POOL | 56973 | WMCCA | WISCONSIN MUNICIPAL | 45.00 |
| POOL TOTALS: | | | | | |
| Total of 32 Checks: | | | | | 225,697.52 |
| Less 0 Void Checks: | | | | | 0.00 |
| Total of 32 Disbursements: | | | | | 225,697.52 |

ACH PAYMENTS AND MISCELLANEOUS BANK CHARGES DURING THE MONTH OF DECEMBER 2019

| DATE | CHECK# | PAYABLE TO | AMOUNT |
|-------------|---------------|----------------------------------|-------------------|
| 12/02/2019 | | DENTAL INSURANCE | 2,910.60 |
| 12/06/2019 | | PAYROLL - NET | 53,572.55 |
| 12/06/2019 | | IRS | 20,287.49 |
| 12/06/2019 | | WI ONLINE RECORD | 35.00 |
| 12/06/2019 | 56770 | SOMERS FIRE FIGHTERS | 270.00 |
| 12/06/2019 | 56771 | WI SCTF | 326.31 |
| 12/10/2019 | | TRI CITY MAINTENANCE FEES | 327.55 |
| 12/13/2019 | | WI DEPT OF REVENUE - WITHHOLDING | 3,884.72 |
| 12/16/2019 | 56832 | SECURIAN FINANCIAL GROUP, INC | 1,412.54 |
| 12/18/2019 | | DEPOSIT ITEM RETURN CHARGE | 5.00 |
| 12/19/2019 | | KWIK TRIP INC | 2,434.67 |
| 12/20/2019 | 56833 | SOMERS FIRE FIGHTERS | 270.00 |
| 12/20/2019 | 56834 | WI SCTF | 326.31 |
| 12/20/2019 | 56835 | METLIFE | 2,898.00 |
| 12/20/2019 | | PAYROLL - NET | 55,403.72 |
| 12/20/2019 | | IRS | 21,236.05 |
| 12/23/2019 | | HEALTH INSURANCE | 43,943.40 |
| 12/24/2019 | | AFLAC INSURANCE | 732.58 |
| 12/26/2019 | | HARTLAND CLARKE CHK ORDERS | 59.46 |
| 12/31/2019 | | WISCONSIN RETIREMENT SYSTEM | 23,486.57 |
| | | TOTAL | 233,822.52 |



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**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: January 28th, 2020

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #7 Motion to approve payment in the amount of \$351,574.10 for 2019 Paving Program to Stark Pavement Corporation

BACKGROUND:

Stark Pavement Corporation has sent an invoice for the 2019 Paving Program. The requested payment is in the amount of \$351,574.10. This payment withholds 5% of the final contract price as retainage due to work that still needs to be completed on 64th Street and 65th Street.

PRIOR ACTION TAKEN:

This item was reviewed at our January 21st Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Staff recommends approval of the requested payment. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

“Motion to approve payment in the amount of \$351,574.10 for 2019 Paving Program to Stark Pavement Corporation”

ATTACHMENTS:

Stark Invoice



| | |
|--------------|--------------|
| Date: | 11/20/2019 |
| Dept: | Public Works |

PURCHASE REQUEST

| | | | | | |
|------------------|----------------------------|--------------|------------|---------------|-------|
| Vender | Stark Pavement Corporation | | | | |
| Company | | | | | |
| Address | 12845 W Burleigh Road | | | | |
| City | Brookfield | State | WI | Zip | 53005 |
| Telephone | (414) 784-6841 | | Fax | (262)784-6841 | |

| | | | |
|-------------------------------------|--------------------|-------------------|--|
| Requested by: Jerry Smith | Date Needed | Account #: | Previous Supplier: Yes <input checked="" type="checkbox"/> No |
|-------------------------------------|--------------------|-------------------|--|

| QUANTITY | ITEM NUMBER | ITEM TO BE PURCHASED | UNIT PRICE | TOTAL |
|----------|-------------|--|----------------------------|----------------------|
| 1 | | 43 rd Avenue Paving | \$111,568.00 | \$ 111,568.00 |
| 1 | | 45 th Avenue Paving | 88,718.00 | 88,718.00 |
| 1 | | 45 th Ave. Item #6, Cross Culvert Not Used | - 3,670.00 | - 3,670.00 |
| 1 | | 16 th Street Paving | 80,635.00 | 80,635.00 |
| 1 | | 16 th Street, Item #9, Cross Culvert Not Used | - 4,395.00 | - 4,395.00 |
| 80 % | | 65 th Street 80% Complete | 70,592.00 | 56,474.00 |
| 80 % | | 64 th Street 80% Complete | 50,935.00 | 40,748.00 |
| | | | Sub Total= | \$ 370,078.00 |
| | | | Less 5 % Retention= | 18,503.90 |
| | | | Current Invoice= | \$ 351,574.10 |
| | | SHIPPING | | |
| | | | TOTAL | \$ 351,574.10 |

| APPROVALS | |
|-------------------------------------|-----------------------------------|
| DATE APPROVED: | DATE APPROVED: |
| DEPARTMENT MANAGER APPROVAL: | PURCHASING AGENT APPROVAL: |

| PURCHASING DEPARTMENT ONLY | |
|----------------------------|---------------------|
| DATE ORDERED: | P.O. NUMBER: |



STARK
 PAVEMENT CORP
 STARK PAVEMENT CORPORATION
 12845 W Burleigh Road
 Brookfield, WI 53005
 Phone: (414) 466-0644
 Fax: (262) 784-6841

INVOICE NUMBER
 62356

SOLD TO VILLAGE OF SOMERS
 PO Box 197
 Somers, WI 53171

SHIP TO Somers 2019 Paving program
 Various Streets
 Somers, WI 53171

| ACCOUNT NO | PO NUMBER | SHIP VIA | DATE SHIPPED | TERMS | INVOICE DATE | PAGE |
|------------|-----------|----------|--------------|--------|--------------|------|
| 2SOMERS | | | | Net 30 | 11/15/2019 | 1 |

Job# 198754

Billing for work completed to 10/31/2019 as listed.

| ITEM NO | QUANTITY | DESCRIPTION | UNIT PRICE | EXTENDED |
|---------|----------|---|------------|------------|
| | 1 | 2019 Paving Program 43rd Ave. as per proposal | 111,568.00 | 111,568.00 |
| | 1 | 2019 Paving Program 45th Ave. as per proposal | 88,718.00 | 88,718.00 |
| 6 | 1 | 2019 Paving Program 45th Ave. Item #6 not used | -3,670.00 | -3,670.00 |
| | 1 | 2019 Paving Program 16th Street as per proposal | 80,635.00 | 80,635.00 |
| 9 | 1 | 2019 Paving Program 16th Street - Item #9 not used | -4,395.00 | -4,395.00 |
| | 0.8 | 2019 Paving Program 65th Street as per proposal - 80% complete | 70,592.50 | 56,474.00 |
| CO# 1 | 0.8 | 2019 Paving Program 64th Street as per proposal - 80% complete | 50,935.00 | 40,748.00 |

ITEM TOTAL 370,078.00

RETENTION 5% -18,503.90

TOTAL AMOUNT \$ 351,574.10



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**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: January 28th, 2020

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #8 Action on proposed Resolution 2020-001, Resolution to Urge State Legislature to Defeat 2019 Assembly Bill 623 and 2019 Senate Bill 560 which limits Municipal TID Authority and Changes Voting Requirements for TID Joint Review Boards

BACKGROUND:

This item has been added the agenda per our discussion at our Work Session, with the caveat from the Board that it may be pulled if the Board does not feel they have had enough time to further study the proposed legislation.

The attached Resolution 2020-001 conveys to our local State representatives, the Village's opposition to 2019 Assembly Bill 623 and 2019 Senate Bill 560. The proposed bills deal with tax increment finance districts. The legislation would limit the total of all allowable cash grants, including financing costs attributable to the grants, to not greater than twenty (20%) percent of the total project costs of a TID. The legislation also requires a unanimous vote by the Joint Review Board to add territory to a project plan or to extend the plan's original termination date.

Bill 623 was introduced to the Assembly by Representatives Ott (R - Mequon), Bowen (D - Milwaukee), Sargent (D - Madison), Wichgers (R - Muskego), Born (R - Beaver Dam), Ramthun (R - Campbellsport), Gundrum (R - Slinger), Brooks (R - Saukville), Brandtjen (R - Menomonee Falls), Kulp (R - Stratford), Steffen (R - Green Bay), Subeck (D - Madison), Considine (D - Baraboo), Petersen (R - Waupaca), Skowronski (R - Franklin) and Hutton (R - Brookfield). Accompanying Bill 650 was introduced to the Senate by Senators Stroebel (R - Saukville), Erpenbach (D - West Point), Craig (R - Big Bend) and Nass (R - Whitewater).

If passed, the proposed Resolution directs the Clerk to send a copy of the Resolution to Governor Evers, State Senator Scott Fitzgerald, State Senator Robert Wirsch, State Senator Van Wanggaard, State Representative Robin Vos, State Representative Tip

McGuire, State Representative Samantha Kerkman, State Representative Tod Ohnstad and to legal counsel for the Wisconsin League of Municipalities. Finally,

I have attached a copy of the proposed letter to the above-mentioned parties.

PRIOR ACTION TAKEN:

This item was reviewed at our January 21st Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

In the event that the Village Board wishes to act in favor of Resolution 2020-001, a suggested motion to approve would be as follows:

“Motion to approve Resolution 2020-001, a Resolution to Urge State Legislature to Defeat 2019 Assembly Bill 623 and 2019 Senate Bill 560 which limits Municipal TID Authority and Changes Voting Requirements for TID Joint Review Boards”

ATTACHMENTS:

Proposed Assembly Bill 623

Proposed Senate Bill 650

Proposed Resolution 2020-001

Proposed Letter to Local Representatives



2019 ASSEMBLY BILL 623

November 21, 2019 - Introduced by Representatives OTT, BOWEN, SARGENT, WICHGERS, BORN, RAMTHUN, GUNDRUM, BROOKS, BRANDTJEN, KULP, STEFFEN, SUBECK, CONSIDINE, PETERSEN, SKOWRONSKI and HUTTON, cosponsored by Senators STROEBEL, ERPENBACH, CRAIG and NASS. Referred to Committee on Ways and Means.

1 **AN ACT to amend** 66.1105 (2) (f) 2. d., 66.1105 (4) (f), 66.1105 (4) (h) 2. and 66.1105
2 (4m) (b) 2.; and **to create** 66.1105 (4m) (b) 2e. of the statutes; **relating to:**
3 changes to a tax incremental district joint review board's voting requirements,
4 requiring that a tax incremental district's project plan include alternative
5 economic projections, and limiting the amount of cash grants a city or village
6 may provide to a developer.

Analysis by the Legislative Reference Bureau

This bill changes the voting requirements for a tax incremental district's joint review board (JRB), generally limits the amount of cash grants that a city or village may make to a person for a tax incremental financing district's project costs, and requires an additional item to be included in a tax incremental district's project plan.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the

ASSEMBLY BILL 623

overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Currently, a project plan must include a number of elements, such as information regarding the kind, number, and location of all proposed public works or improvements within the district, an economic feasibility study, a detailed list of estimated project costs, and a description of financing methods for the project costs. Generally, project costs are defined to include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. Certain items are specifically prohibited from being considered project costs, such as the cost of constructing or expanding certain municipal buildings and cash grants to developers, although exceptions are allowed. For example, current law authorizes a city or village to make cash grants to owners, lessees, or developers of land in a TID if the grant recipient has entered into a development agreement with the city or village.

Under this bill, the total of all such allowable cash grants may not exceed 20 percent of the total project costs of a TID, including financing costs attributable to the grants, unless the grant recipient's development agreement with the city or village specifies that the developer agrees to finance the cost of all public infrastructure improvements within the proposed TID, and further agrees to receive reimbursement for these costs solely from the payment of cash grants.

This bill requires the project plan to also include alternative economic projections of the TID's finances and feasibility under different economic situations, including a slower pace of development and lower rate of property value growth than expected in the TID.

Generally, under current law, a JRB consists of five members, three members who represent the TID's overlying taxation districts (school board, county, and technical college districts), one member from the city or village that created the TID, and one public member. To take certain actions, such as approving the creation of a TID, amending a TID's project plan, or having a TID's tax incremental base redetermined, a majority vote is required.

Under this bill, on October 1, 2020, a majority vote will generally require three affirmative votes. However, the bill requires unanimous JRB approval for a vote to amend a TID's project plan that would either add territory to the TID or extend its original termination date. After October 1, 2020, the bill also removes the limit of four amendments to a TID's project plan to modify the TID's boundaries.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.1105 (2) (f) 2. d. of the statutes is amended to read:

ASSEMBLY BILL 623

1 66.1105 (2) (f) 2. d. Cash grants made by the city to owners, lessees, or
2 developers of land that is located within the tax incremental district unless the grant
3 recipient has signed a development agreement with the city, a copy of which shall be
4 sent to the appropriate joint review board or, if that joint review board has been
5 dissolved, retained by the city in the official records for that tax incremental district.
6 The total of all cash grants that are made under this subd. 2. d. may not exceed 20
7 percent of the total project costs of the tax incremental district, including financing
8 costs attributable to the grants, except that this limitation does not apply if, in the
9 signed development agreement, the private developer or another private entity,
10 agrees to create improvements in the proposed district and agrees to finance the cost
11 of all public infrastructure improvements associated with that district in return for
12 the city's agreement to repay the developer or other entity for those infrastructure
13 costs solely through the payment of cash grants as described in this subd. 2. d.

14 **SECTION 2.** 66.1105 (4) (f) of the statutes is amended to read:

15 66.1105 (4) (f) Adoption by the planning commission of a project plan for each
16 tax incremental district and submission of the plan to the local legislative body. The
17 plan shall include a statement listing the kind, number and location of all proposed
18 public works or improvements within the district or, to the extent provided in sub.
19 (2) (f) 1. k. and 1. n., outside the district, an economic feasibility study, a detailed list
20 of estimated project costs, and a description of the methods of financing all estimated
21 project costs and the time when the related costs or monetary obligations are to be
22 incurred. The project plan shall also contain alternative projections of the district's
23 finances and economic feasibility under different economic scenarios, including the
24 scenario in which work on a public work or improvement specified in the project plan
25 begins 3 years later than expected and the scenario in which the rate of property

ASSEMBLY BILL 623**SECTION 2**

1 value growth in the district is at least 10 percent lower than expected. The plan shall
2 also include a map showing existing uses and conditions of real property in the
3 district; a map showing proposed improvements and uses in the district; proposed
4 changes of zoning ordinances, master plan, if any, map, building codes and city
5 ordinances; a list of estimated nonproject costs; and a statement of the proposed
6 method for the relocation of any persons to be displaced. The plan shall indicate how
7 creation of the tax incremental district promotes the orderly development of the city.
8 The city shall include in the plan an opinion of the city attorney or of an attorney
9 retained by the city advising whether the plan is complete and complies with this
10 section.

11 **SECTION 3.** 66.1105 (4) (h) 2. of the statutes is amended to read:

12 66.1105 (4) (h) 2. Except as provided in subds. 4., 5., 7., 8., 9., 10., and 11., the
13 planning commission may adopt an amendment to a project plan under subd. 1. to
14 modify the district's boundaries, not more than 4 times during the district's
15 existence, by subtracting territory from the district in a way that does not remove
16 contiguity from the district or by adding territory to the district that is contiguous
17 to the district and that is served by public works or improvements that were created
18 as part of the district's project plan. A single amendment to a project plan that both
19 adds and subtracts territory shall be counted under this subdivision as one
20 amendment of a project plan. The limitations on the number of allowable
21 amendments to a project plan specified in this subdivision do not apply after October
22 1, 2020.

23 **SECTION 4.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

24 66.1105 (4m) (b) 2. No tax incremental district may be created and no project
25 plan may be amended unless the board approves the resolution adopted under sub.

ASSEMBLY BILL 623

1 (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5)
2 (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a
3 majority vote within 45 days after receiving the resolution. Except as provided under
4 subd. 2e., for actions described under this subdivision, a majority vote is required,
5 and, except for a multijurisdictional tax incremental district, 3 affirmative votes are
6 required to constitute a majority. With regard to a multijurisdictional tax
7 incremental district created under this section, each public member of a
8 participating city must be part of the majority that votes for approval of the
9 resolution or the district may not be created. The board may not approve the
10 resolution under this subdivision unless the board's approval contains a positive
11 assertion that, in its judgment, the development described in the documents the
12 board has reviewed under subd. 1. would not occur without the creation of a tax
13 incremental district. The board may not approve the resolution under this
14 subdivision unless the board finds that, with regard to a tax incremental district that
15 is proposed to be created by a city under sub. (17) (a), such a district would be the only
16 existing district created under that subsection by that city.

17 **SECTION 5.** 66.1105 (4m) (b) 2e. of the statutes is created to read:

18 66.1105 (4m) (b) 2e. A unanimous vote of the board is required for any of the
19 following actions:

20 a. An amendment of a project plan under sub. (4) (h) 1. if the amendment adds
21 any territory to a district.

22 b. An amendment of a project plan if the amendment would extend the original
23 termination date of the district.

24 **SECTION 6. Initial applicability.**



2019 SENATE BILL 560

November 15, 2019 - Introduced by Senators STROEBEL, ERPENBACH, CRAIG and NASS, cosponsored by Representatives OTT, BOWEN, SARGENT, WICHGERS, BORN, RAMTHUN, GUNDRUM, BROOKS, BRANDTJEN, KULP, STEFFEN, SUBECK, CONSIDINE, HUTTON, PETERSEN and SKOWRONSKI. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to amend** 66.1105 (2) (f) 2. d., 66.1105 (4) (f), 66.1105 (4) (h) 2. and 66.1105
2 (4m) (b) 2.; and **to create** 66.1105 (4m) (b) 2e. of the statutes; **relating to:**
3 changes to a tax incremental district joint review board's voting requirements,
4 requiring that a tax incremental district's project plan include alternative
5 economic projections, and limiting the amount of cash grants a city or village
6 may provide to a developer.

Analysis by the Legislative Reference Bureau

This bill changes the voting requirements for a tax incremental district's joint review board (JRB), generally limits the amount of cash grants that a city or village may make to a person for a tax incremental financing district's project costs, and requires an additional item to be included in a tax incremental district's project plan.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the

SENATE BILL 560

overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Currently, a project plan must include a number of elements, such as information regarding the kind, number, and location of all proposed public works or improvements within the district, an economic feasibility study, a detailed list of estimated project costs, and a description of financing methods for the project costs. Generally, project costs are defined to include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. Certain items are specifically prohibited from being considered project costs, such as the cost of constructing or expanding certain municipal buildings and cash grants to developers, although exceptions are allowed. For example, current law authorizes a city or village to make cash grants to owners, lessees, or developers of land in a TID if the grant recipient has entered into a development agreement with the city or village.

Under this bill, the total of all such allowable cash grants may not exceed 20 percent of the total project costs of a TID, including financing costs attributable to the grants, unless the grant recipient's development agreement with the city or village specifies that the developer agrees to finance the cost of all public infrastructure improvements within the proposed TID, and further agrees to receive reimbursement for these costs solely from the payment of cash grants.

This bill requires the project plan to also include alternative economic projections of the TID's finances and feasibility under different economic situations, including a slower pace of development and lower rate of property value growth than expected in the TID.

Generally, under current law, a JRB consists of five members, three members who represent the TID's overlying taxation districts (school board, county, and technical college districts), one member from the city or village that created the TID, and one public member. To take certain actions, such as approving the creation of a TID, amending a TID's project plan, or having a TID's tax incremental base redetermined, a majority vote is required.

Under this bill, on October 1, 2020, a majority vote will generally require three affirmative votes. However, the bill requires unanimous JRB approval for a vote to amend a TID's project plan that would either add territory to the TID or extend its original termination date. After October 1, 2020, the bill also removes the limit of four amendments to a TID's project plan to modify the TID's boundaries.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.1105 (2) (f) 2. d. of the statutes is amended to read:

SENATE BILL 560

1 66.1105 (2) (f) 2. d. Cash grants made by the city to owners, lessees, or
2 developers of land that is located within the tax incremental district unless the grant
3 recipient has signed a development agreement with the city, a copy of which shall be
4 sent to the appropriate joint review board or, if that joint review board has been
5 dissolved, retained by the city in the official records for that tax incremental district.
6 The total of all cash grants that are made under this subd. 2. d. may not exceed 20
7 percent of the total project costs of the tax incremental district, including financing
8 costs attributable to the grants, except that this limitation does not apply if, in the
9 signed development agreement, the private developer or another private entity,
10 agrees to create improvements in the proposed district and agrees to finance the cost
11 of all public infrastructure improvements associated with that district in return for
12 the city's agreement to repay the developer or other entity for those infrastructure
13 costs solely through the payment of cash grants as described in this subd. 2. d.

14 **SECTION 2.** 66.1105 (4) (f) of the statutes is amended to read:

15 66.1105 (4) (f) Adoption by the planning commission of a project plan for each
16 tax incremental district and submission of the plan to the local legislative body. The
17 plan shall include a statement listing the kind, number and location of all proposed
18 public works or improvements within the district or, to the extent provided in sub.
19 (2) (f) 1. k. and 1. n., outside the district, an economic feasibility study, a detailed list
20 of estimated project costs, and a description of the methods of financing all estimated
21 project costs and the time when the related costs or monetary obligations are to be
22 incurred. The project plan shall also contain alternative projections of the district's
23 finances and economic feasibility under different economic scenarios, including the
24 scenario in which work on a public work or improvement specified in the project plan
25 begins 3 years later than expected and the scenario in which the rate of property

SENATE BILL 560**SECTION 2**

1 value growth in the district is at least 10 percent lower than expected. The plan shall
2 also include a map showing existing uses and conditions of real property in the
3 district; a map showing proposed improvements and uses in the district; proposed
4 changes of zoning ordinances, master plan, if any, map, building codes and city
5 ordinances; a list of estimated nonproject costs; and a statement of the proposed
6 method for the relocation of any persons to be displaced. The plan shall indicate how
7 creation of the tax incremental district promotes the orderly development of the city.
8 The city shall include in the plan an opinion of the city attorney or of an attorney
9 retained by the city advising whether the plan is complete and complies with this
10 section.

11 **SECTION 3.** 66.1105 (4) (h) 2. of the statutes is amended to read:

12 66.1105 (4) (h) 2. Except as provided in subds. 4., 5., 7., 8., 9., 10., and 11., the
13 planning commission may adopt an amendment to a project plan under subd. 1. to
14 modify the district's boundaries, not more than 4 times during the district's
15 existence, by subtracting territory from the district in a way that does not remove
16 contiguity from the district or by adding territory to the district that is contiguous
17 to the district and that is served by public works or improvements that were created
18 as part of the district's project plan. A single amendment to a project plan that both
19 adds and subtracts territory shall be counted under this subdivision as one
20 amendment of a project plan. The limitations on the number of allowable
21 amendments to a project plan specified in this subdivision do not apply after October
22 1, 2020.

23 **SECTION 4.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

24 66.1105 (4m) (b) 2. No tax incremental district may be created and no project
25 plan may be amended unless the board approves the resolution adopted under sub.

SENATE BILL 560

1 (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5)
2 (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a
3 majority vote within 45 days after receiving the resolution. Except as provided under
4 subd. 2e., for actions described under this subdivision, a majority vote is required,
5 and, except for a multijurisdictional tax incremental district, 3 affirmative votes are
6 required to constitute a majority. With regard to a multijurisdictional tax
7 incremental district created under this section, each public member of a
8 participating city must be part of the majority that votes for approval of the
9 resolution or the district may not be created. The board may not approve the
10 resolution under this subdivision unless the board's approval contains a positive
11 assertion that, in its judgment, the development described in the documents the
12 board has reviewed under subd. 1. would not occur without the creation of a tax
13 incremental district. The board may not approve the resolution under this
14 subdivision unless the board finds that, with regard to a tax incremental district that
15 is proposed to be created by a city under sub. (17) (a), such a district would be the only
16 existing district created under that subsection by that city.

17 **SECTION 5.** 66.1105 (4m) (b) 2e. of the statutes is created to read:

18 66.1105 (4m) (b) 2e. A unanimous vote of the board is required for any of the
19 following actions:

20 a. An amendment of a project plan under sub. (4) (h) 1. if the amendment adds
21 any territory to a district.

22 b. An amendment of a project plan if the amendment would extend the original
23 termination date of the district.

24 **SECTION 6. Initial applicability.**

RESOLUTION NO. 2020-001

**RESOLUTION TO URGE STATE LEGISLATURE TO DEFEAT
2019 ASSEMBLY BILL 623 AND 2019 SENATE BILL 560 WHICH
LIMITS MUNICIPAL TID AUTHORITY AND CHANGES VOTING
REQUIREMENTS FOR TID JOINT REVIEW BOARDS**

The Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby resolves as follows:

WHEREAS, under the current tax incremental financing law, a Village may create a Tax Incremental District (“TID”) within its jurisdictional limits to encourage development; and

WHEREAS, 2019 Assembly Bill 623 and 2019 Senate Bill 560 (hereinafter the “Proposed Legislation”) propose to change the voting requirements for a TID’s joint review board (“JRB”) and to limit the amount of cash grants that a Village may make for TID project costs; and

WHEREAS, the Proposed Legislation requiring unanimous JRB approval for a vote to amend a TID’s project plan that would either add geographical territory to the TID or which would extend its original termination date as opposed to the current law, which requires only a majority vote; and

WHEREAS, the result of the proposed bills, if passed, would limit the total of all allowable cash grants, including financing costs attributable to the grants, to not greater than twenty (20%) percent of the total project costs of a TID; and

WHEREAS, the Village has and continues very successfully to use the tax incremental financing laws of the State of Wisconsin to encourage development in the rapidly growing area of the Village of Somers; and

WHEREAS, the Proposed Legislation would negatively impact Village authority to create and manage locally TIDs created by limited the Village’s authority to provide cash grants and altering the voting requirements; and

WHEREAS, the Proposed Legislation impedes local control of significant local concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Somers, Kenosha County, Wisconsin hereby urges the State Assembly and the State Senate to protect local authority of local government to create and manage locally created TIDs by defeating the 2019 Assembly Bill 623 and 2019 Senate Bill 560; further, that in the event that such legislation is not defeated, the Village Board of the Village of Somers, hereby urges the Governor Evers to refuse to sign such legislation.

BE IT FURTHER RESOLVED that the Village Clerk/Treasurer is directed to send a copy of this Resolution to State Senator Scott Fitzgerald, State Senator Robert Wirth, State Senator Van Wanggaard, State Representative Robin Vos, State Representative Tip McGuire, State Representative Samantha Kerkman, State Representative Tod Ohnstad and to legal counsel for the Wisconsin League of Municipalities.

Dated this ____ day of _____, 2020.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Timothy Kitzman, Clerk/Treasurer



January 29th, 2020

Governor Tony Evers
Office of the Governor
State Capitol, Room 115 East
PO Box 7863
Madison, WI 53707 - 7863

Senator Scott Fitzgerald
State Capitol, Room 211 South
P.O. Box 7882
Madison, WI 53707-7882

Representative Robin Vos
State Capitol, Room 217 West
PO Box 8953
Madison, WI 530708-8953

Representative Samantha Kerkman
State Capitol, Room 315 West
PO Box 8952
Madison, WI 53708-8952

Representative Tip McGuire
State Capitol, Room 15 West
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Representative Tod Ohnstad
State Capitol, Room 128 North
PO Box 8953
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Senator Robert W. Wirth
State Capitol, Room 127 South
PO Box 7882
Madison, WI 53707-7882

Senator Van H. Wanggaard
State Capitol, Room 313 South
PO Box 7882
Madison, WI 53707-7882

RE: 2019 Assembly Bill 623 and 2019 Senate Bill 560

To the Honorable Governor Evers, Representatives, and Senators:

Enclosed, please find recently adopted Resolution 2020-001 from the Village of Somers Board of Trustees. As you will note, the enclosed Resolution “urges” you to oppose 2019 Assembly Bill 623 and 2019 Senate Bill 560.

Very truly yours,

Timothy Kitzman
Village of Somers Clerk Treasurer

Enclosure

CC: Claire Silverman, Legal Counsel for the League of Wisconsin Municipalities