

1999 DRAFTING REQUEST

Bill

Received: **06/07/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Richard Grobschmidt (608) 266-7505**

By/Representing: **John Sumi**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - tax incrmntal financing**

Extra Copies:

Pre Topic:

No spccific pre topic given

Topic:

Tax incremental financing, Oak Creek

Instructions:

See attached. Adopt changes to TIF to allow Oak Creek to "tif" an area near Bender Park.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	shoveme 09/24/1999	csicilia 10/11/1999	jfrantze 10/12/1999	_____	lrb_docadmin 10/12/1999		Local
/1	shoveme 02/04/2000	csicilia 02/07/2000	martykr 02/07/2000	_____	lrb_docadmin 02/07/2000	lrb_docadminLocal 02/21/2000	

FE Sent For: **02/21/2000.**

<END>

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/1	shoveme 02/04/2000	csicilia 02/07/2000	martykr 02/07/2000	_____	lrb_docadmin 02/07/2000		Local

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/P1	shoveme 09/24/1999	csicilia 10/11/1999	jfrantze 10/12/1999	_____	lrb_docadmin 10/12/1999		Local

11 MES
FE Sent For:

2/4/00

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<END>

1 gs 2/7
00

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1?	shoveme	1/1 9/29/99 1/1 CSS 9/28/99	J BID/12	J/Me 10/12	Submit		
1/1 NES 9/24/99 99							

FE Sent For:

<END>

**Oak Creek**OFFICE OF THE
CITY ATTORNEYLawrence J. Haskin,
City AttorneyBarry J. Book,
Assistant City Attorney

March 19, 1999

TRANSMITTED VIA FAX AND U.S. MAIL

Senator Rick Grobschmidt
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Rick:

I write as a follow up to my telephone conversation with your legislative assistant, John Sumi of Friday, March 19, 1999. Bob Kufirin shared with me your letter of March 1, 1999 and the bill being proposed by representative Anthony Staskunas on behalf of the City of West Allis to expand the definition of "blighted area" to expressly include areas contaminated by environmental pollution. The City of Oak Creek certainly supports this legislation.

However, as it relates to Bender Park, that legislation only addresses the issues regarding contaminated property. The City is seeking a legislative change to allow a TIF District to be created in order for the City to finance installation of public improvements such as sewer and water to facilitate private residential and commercial development adjoining the proposed golf course at Bender Park. The City of Oak Creek views the Bender Park Development as a key component for overall economic development for both the City of Oak Creek and southeastern Wisconsin. If a championship golf course is developed at the site, the residential and commercial development surrounding Bender Park will have a significant positive impact on our community.

I enclose a proposed legislative change to 66.46(4)(gm)1. which would enable the City of Oak Creek to finance public improvements in the area surrounding Bender Park by way of a TIF District.

There is precedent for legislative changes to the tax increment law. There are three examples that I can cite:

1. Section 66.46(2)(f)2.a was amended to allow the City of Oakfield to construct or expand their municipal buildings as a result of the tornado.

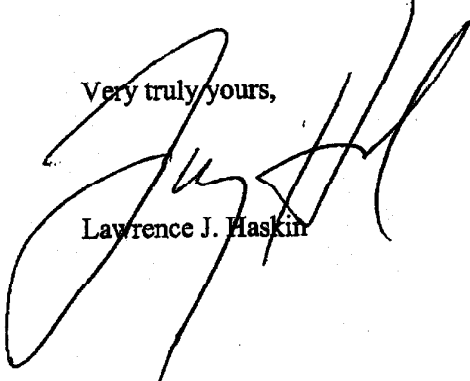
7300 S. 15th St., Suite 104
Oak Creek, WI 53154
Tel: (414)762-5105
Fax: (414)762-6340

Senator Rick Grobschmidt
March 19, 1999
Page Two

2. Section 66.46(4)(gm)1. was revised to allow development of the abandoned Park East and Park West Freeway Corridor in Milwaukee County.
3. Section 66.46(6)(d)3. was revised to allow development of the Kenosha Marina.

All of these legislative enactments were designed to enhance economic development in specific locations. We encourage you to have this proposed legislation reviewed by the Legislative Reference Bureau. Please contact the Mayor, Bob Kufrin, Paul Thompson, who is the financial advisor to the City or me to discuss the prospects for this legislation. Thank you.

Very truly yours,



Lawrence J. Haskin

LJH:ish

cc: Mayor Dale J. Richards
Robert L. Kufrin, City Administrator
Paul Thompson, Hutchinson, Shockey, Erley & Co.

66.46(4)(gm)1. Of the statutes is amended to read:

(gm) Adoption by the local legislative body of a resolution which:

1. Describes the boundaries, which may, but need not, be the same as those recommended by the planning commission, of a tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included therein. The boundaries shall include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25% of the area in the tax incremental district, unless the tax incremental district is suitable for industrial sites under subd. 4, a. and the local legislative body implements an approved project plan to promote industrial development within the meaning of S. 66.52. In this subdivision "vacant property" includes property where the fair market value or replacement cost value of structural improvements on the parcel is less than the fair market value of the land. In this subdivision "vacant property" does not include property acquired by the local legislative body under Chapter 32 or property included within the abandoned Park East freeway corridor or the abandoned Park West freeway corridor in Milwaukee County. This subsection and sub. (4)(gm) 4.a. do not apply to a city with a population of at least 20,000 that was incorporated in 1955 and that is in a county with a population of more than 500,000 which is adjacent to one of the great lakes. This exception does not apply after January 1, 2003.

1999

We will be known by the tracks we leave behind.

-- Dakota Proverb

MAY 1999						
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AUGUST 1999						
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22	23	24	25	26	27	28
29	30	31				

Mark,

The City Attorney for Oak Creek sent me this additional note relating to the TIF bill you're drafting for Sen. Grobschmidt. I'll call you when you're back.

John Szur
6-7505

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INCORPORATED
AN OFFSET PRINTHOUSE

608 251 1989 • 608 251 3589 Fax • email: copyriteinc@mailbag.com
On the Square • 5 North Pinckney Street • Madison, Wisconsin 53703



OakCreek

OFFICE OF THE
CITY ATTORNEY

Lawrence J. Haskin,
City Attorney

Barry J. Book,
Assistant City Attorney

(VIA FACSIMILE 1-608-266-7483)

August 18, 1999

Mr. John Sumi
Senator Rick Grobschmidt
State Capitol
Post Office Box 7882
Madison, WI 53707-7882

Dear Mr. Sumi:

After further review, I note that the additional legislative change that Oak Creek would need to be able to create a TIF District for a residential development adjoining the proposed golf course for Bender Park, would be to add Section 66.46(4)(gm) 4.d. to read as follows:

"The provisions of this subsection do not apply to a city with a population of at least 20,000 that was incorporated in 1955 and that is in a county with a population of more than 500,000 which is adjacent to one of the great lakes. This exception does not apply after January 1, 2002."

Please keep me advised of legislative developments.

Very truly yours,


Lawrence J. Haskin

LJH:pcm

cc: Mr. Paul M. Thompson, Hutchinson, Shockey, Erley & Co.
Ms. Julie Ebert

7300 S. 13th St., Suite 104
Oak Creek, WI 53154
Tel: (414)762-5105
Fax: (414)762-6340



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3187/P 1
MES.....

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

CJS
+
JLG

D-note

1 gen cat
AN ACT ...; relating to ^{and approves} ~~the~~ ^{authorizing the creation of a tax} ~~the~~ ^{incremental district to foster ^{certain} residential} ~~development~~ ^{development in the city of Oak Creek!}

Analysis by the Legislative Reference Bureau

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development, if at least 50% of the area to be included in the TID is blighted, in need of rehabilitation or suitable for industrial sites. 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, 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 and creation by the city or village of a joint review board to review the proposal. The joint review board, which is made up of representatives of the overlying taxing jurisdictions of the proposed TID, must approve the project plan or the TID may not be created. If an existing TID project plan is amended by a planning commission, these steps are also required.~~

Also under current law, once a TID has been created, the department of revenue (DOR) calculates the "tax increment base value" of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment". The tax increment is placed into a special fund that may only be used to pay back the costs of the TID. The "project costs" of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets and lighting systems, ~~financing costs, site preparation costs, and professional service costs. DOR authorizes the~~

allocation of the tax increments until the TID terminates or 23 years, or 27 years in certain cases, after the TID is created, whichever is sooner. TIDs are required to terminate, under current law and with one exception, once these costs are paid back, 16 years, or 20 years in certain cases, after the last expenditure identified in the project plan is made or when the creating city or village dissolves the TID, whichever occurs first.

Current law also prohibits the project costs of a TID ^{from including} ~~to include~~ any expenditures or obligations ^{that are} ~~to be~~ made or incurred for newly platted residential development for any TID that is approved after September 30, 1995.

Under this bill, for a TID that is created on or before January 1, 2002, by the city of Oak Creek, project costs may be incurred in an area that is not necessarily at least 50% blighted, in need of rehabilitation or suitable for industrial sites. Such costs may also be incurred to facilitate residential development.

For further information see the *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. 66.46 (2) (f) 4. of the statutes is created to read:

2 66.46 (2) (f) 4. Notwithstanding subd. 3., project costs may include any
 3 expenditures made or estimated to be made or monetary obligations incurred or
 4 estimated to be incurred by the city of Oak Creek for a project that facilitates
 5 residential development near a golf course at Bender Park. This subdivision does not
 6 apply to any tax incremental district that is created after January 1, 2002.

7 SECTION 2. 66.46 (4) (gm) 4. a. of the statutes is amended to read:

8 66.46 (4) (gm) 4. a. Not less than 50%, by area, of the real property within such
 9 district is at least one of the following: a blighted area; in need of rehabilitation or
 10 conservation work, as defined in s. 66.435 (2m) (b); or suitable for industrial sites
 11 within the meaning of s. 66.52 and has been zoned for industrial use ~~xxxxxxxxxxxxxxxx~~

WPO-
~~delete~~
 delete this colon

. This subd. 4. a. ✓

1 ~~1999/2000/2001/2002/2003~~ does not apply to a district that is created before January 2,

2 2002 by the city of Oak Creek for a project that is described in sub. (2) (f) 4. ✓ and

Who make this plain text

History: 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252.

3

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRB-3187/dn
MES.....

ej
cs
+
jlg

Please review this draft carefully to ensure that it ^{not} meets your intent. I did not amend s. 66.46 (4) (gm) 1. as suggested by the city attorney because his language seems to be too broad. For example, stating that that subdivision does not apply to the TID envisioned by Oak Creek would remove the requirement that the common council's resolution creating the TID describe the boundaries of the TID. If there is a particular aspect of sub. (4) (gm) 1. that the city would ~~not~~ like to apply, such as the requirement that vacant property may not constitute more than 25% of the area of the TID, the subdivision should be amended to address only that concern.

I'm also not sure about the dates that you would like to appear in the bill. The letter sent to Sen. Grobschmidt on 3/19/99 states that the exception to the TIF law does not apply after January 1, 2003, but the 8/18/99 letter states that the exception does not apply after January 1, 2002.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3187/P1dn
MES:cjs&jlg:jf

October 12, 1999

Please review this draft carefully to ensure that it meets your intent. I did not amend s. 66.46 (4) (gm) 1. as suggested by the city attorney because his language seems to be too broad. For example, stating that that subdivision does not apply to the TID envisioned by Oak Creek would remove the requirement that the common council's resolution creating the TID describe the boundaries of the TID. If there is a particular aspect of sub. (4) (gm) 1. that the city would like not to apply, such as the requirement that vacant property may not constitute more than 25% of the area of the TID, the subdivision should be amended to address only that concern.

I'm also not sure about the dates that you would like to appear in the bill. The letter sent to Sen. Grobschmidt on 3/19/99 states that the exception to the TIF law does not apply after January 1, 2003, but the 8/18/99 letter states that the exception does not apply after January 1, 2002.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



OakCreek

OFFICE OF THE
CITY ATTORNEY

Lawrence J. Haskin,
City Attorney

Barry J. Book,
Assistant City Attorney

October 26, 1999

State of Wisconsin
Legislative Reference Bureau
100 North Hamilton Street
P.O. Box 2037
Madison, WI 53701-2037

Attention Marc E. Shovers, Senior Legislative Attorney

Re: Proposed legislation

Dear Mr. Shovers:

Thank you for the draft of the proposed legislation regarding the TIF District for the Bender Park project. I appreciate your comments and response to our proposed amendment of Section 66.46(4)(gm)(1). In order for the City to establish this District, the requirement that vacant property not constitute more than 25% of the area of the TID must not apply. I will defer to your suggestion as to how best to insert such a provision in Section 66.46(4)(gm)(1).

I will be clarifying with our staff and the county staff the sunset date for this proposed legislation. Thank you.

Very truly yours,


Lawrence J. Haskin

LJH:lsH

cc: Mayor Dale J. Richards
Robert L. Kufin, City Administrator
Leanne Launstein, County Supervisor
Paul Milewski, Director of Community Development

7300 S. 13th St., Suite 104
Oak Creek, WI 53154
Tel: (414)762-5105
Fax: (414)762-6340



Oak Creek

OFFICE OF THE
CITY ATTORNEY

Lawrence J. Haskin,
City Attorney

Barry J. Book,
Assistant City Attorney

November 3, 1999

State of Wisconsin
Legislative Reference Bureau
100 North Hamilton Street
P.O. Box 2037
Madison, WI 53701-2037

Attention Marc E. Shovers, Senior Legislative Attorney

Re: Proposed legislation

Dear Mr. Shovers:

Enclosed please find a copy of the proposed rewording of Section 66.46(2)(f)4 from Paul Milewski, our Director of Community Development. If you have questions or need further input, please let me know.

Very truly yours,


Lawrence J. Haskin

LJH:lsh

cc: Paul Milewski, Director of Community Development

7300 S. 13th St., Suite 104
Oak Creek, WI 53154
Tel: (414)762-5105
Fax: (414)762-6340



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3187/P1

MES:cjs&jlg:jf

pmr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SOON

Legis

- 1 **AN ACT to amend 66.46 (4) (gm) 4. a.; and to create 66.46 (2) (f) 4. of the statutes;**
- 2 **relating to: authorizing the creation of a tax incremental district to foster**
- 3 **and commercial certain residential development in the city of Oak Creek.**

Analysis by the Legislative Reference Bureau

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development, if at least 50% of the area to be included in the TID is blighted, in need of rehabilitation or suitable for industrial sites. Before a city or village may create a TID, several steps, plans and approvals are required.

Also under current law, once a TID has been created, the department of revenue (DOR) calculates the "tax increment base value" of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment". The tax increment is placed into a special fund that may only be used to pay back the costs of the TID. The "project costs" of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets and lighting systems, financing costs, site preparation costs and professional service costs.

Current law also prohibits the project costs of a TID from including any expenditures or obligations that are made or incurred for newly platted residential development for any TID that is approved after September 30, 1995.

Under this bill, for a TID that is created on or before January 1, 2002, by the city of Oak Creek, project costs may be incurred in an area that is not necessarily at

**SUGGESTED REWORDING OF SECTION 66.46(2)(f)4
OF THE WISCONSIN STATUTES**

66.46(2)(f)4. Notwithstanding subd. 3., project costs may include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the City of Oak Creek for a an economic development project that facilitates both commercial and residential development adjacent to and near a golf course being developed within the Milwaukee County-owned at Bender Park lying along Lake Michigan. This subdivision does not apply to any tax incremental district that is created after January 1, 2002.

FINS
ANL

and commercial

least 50% blighted, in need of rehabilitation or suitable for industrial sites. Such costs may also be incurred to facilitate residential development.

For further information see the *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:

SECTION 1. 66.46 (2) (f) 4. of the statutes is created to read:

66.46 (2) (f) 4. Notwithstanding subd. 3., project costs may include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city of Oak Creek for a project that facilitates residential ^{and commercial} development near a golf course ^{within} at Bender Park. This subdivision does not apply to any tax incremental district that is created after January 1, 2002. ^{that is being developed}

SECTION 2. 66.46 (4) (gm) 4. a. of the statutes is amended to read:

66.46 (4) (gm) 4. a. Not less than 50%, by area, of the real property within such district is at least one of the following: a blighted area; in need of rehabilitation or conservation work, as defined in s. 66.435 (2m) (b); or suitable for industrial sites within the meaning of s. 66.52 and has been zoned for industrial use. This subd. 4. a. does not apply to a district that is created before January 2, 2002, by the city of Oak Creek for a project that is described in sub. (2) (f) 4.; and

(END)

FINS
2-6

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3187/lins
MES:cjs&jlg:jf

INS.-ANL

Currently, unless the TID is suitable for certain industrial sites, property standing vacant for an entire ^{Seven-year} ~~year~~ period immediately preceding the adoption of the resolution that creates the TID may not make up more than 25% of the area in the TID. ^{Under the bill,} This provision does not apply to a TID that is created on or before January 1, 2002, by the city of Oak Creek.

INS. 2-6

SECTION 1. 66.46 (4) (gm) 1. of the statutes is amended to read:

66.46 (4) (gm) 1. Describes the boundaries, which may, but need not, be the same as those recommended by the planning commission, of a tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included therein. The boundaries shall include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25% of the area in the tax incremental district, unless the tax incremental district is suitable for industrial sites under subd. 4. a. and the local legislative body implements an approved project plan to promote industrial development within the meaning of s. 66.52, or unless the property is part of a project described in sub. (2) (f) 4. In this subdivision, "vacant property" includes property where the fair market value or replacement cost value of structural improvements on the parcel is less than the fair market value of the land. In this subdivision, "vacant property" does not include property acquired by the local legislative body under ch. 32 or property included

within the abandoned Park East freeway corridor or the abandoned Park West freeway corridor in Milwaukee County.

History: 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252; 1999 a. 9.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/07/2000

To: Senator Grobschmidt

Relating to LRB drafting number: LRB-3187

Topic

Tax incremental financing, Oak Creek

Subject(s)

Munis - tax incrmntal financing

1. **JACKET** the draft for introduction

Richard Grobschmidt

in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

Richard Grobschmidt

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129