



Business Improvement District Board

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Agenda

Friday, August 21, 2015

8:00 AM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Business Improvement District Board** of the City of De Pere will be held on **August 21, 2015** at **8:00 AM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call.
2. Approval of the minutes of the July 17, 2015 meeting.
3. Annual Meeting of De Pere BID Board - Discussion and Comments from the Membership.
4. Annual Report from Definitely De Pere on activity within the District.
5. Review and Action on Updated BID Bylaws.*
6. Review and Action on the 2016 De Pere Business Improvement District Operating Plan.*
7. Future Agenda Items.

Adjournment

*** Items with an asterisk require City Council approval.**

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by Noon, Thursday August 20th, 2015 so that arrangements can be made.

AGENDA SENT TO:
BID Board Members
Alderspersons
News Media
BID District Property Owners

City of De Pere, Wisconsin



Request For Business Improvement District Board Action

MEETING DATE: August 21, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: Approval of the minutes of the July 17, 2015 meeting.

ATTACHMENTS:

- BID_Jul2015_Minutes_Draft (PDF)



Business Improvement District Board

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Friday, July 17, 2015

8:00 AM

De Pere City Hall Riverview Room

Call to Order

The meeting was called to order at 8:00 AM by Board Member Tom Gavic

Attendee Name	Title	Status	Arrived
Lawrence M. Delo	City Administrator	Present	
Rich Starry	Board Member	Present	
Tom Gavic	Board Member	Present	
Lance Abts	Board Member	Excused	
Kathy Rupiper	Board Member	Present	
Brent Felchlin	Board Member	Present	
Dan Van Straten	Board Member	Present	

Also present: Alyson Watson with Definitely De Pere, and members of the public.

2. Orientation of Business Improvement District Board Responsibilities.

The meeting began with introductions of board members, city staff, and Allyson Watson, executive director of Definitely De Pere. Mayor Walsh thanked the board members for their participation in this inaugural BID Board.

Ken Pabich provided background on the creation of the BID district. A steering committee was formed to draft the initial operating plan and establish the boundaries of the district; it was then approved by the city's Plan Commission and Common Council. The Council has been very supportive, although they would like to see more performance-based measures. The City will act as liaison with the board, and will bill and collect assessments through Brown County. Funds will be set up in a separate account; the City will conduct an annual audit, and Definitely De Pere will provide audits as well. The BID Board will oversee operations of the district and distribute funds. The Board must meet within a certain number of days after the funds are collected. Each year the plan and budget will be submitted to Council for authorization.

3. Review and Approval of By-Laws.

Sarah Wallace explained that staff is proposing a few minor changes to the by-laws, which are summarized in the agenda packet. The by-laws had been presented in draft form in the initial operating plan created by the steering committee.

Rich Starry motioned, seconded by Dan Van Straten, to approve the by-law amendments. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Starry, Board Member
SECONDER:	Dan Van Straten, Board Member
AYES:	Delo, Starry, Gavic, Rupiper, Felchlin, Straten
EXCUSED:	Lance Abts

4. Election of Officers.

Attachment: BID_Jul2015_Minutes_Draft (3763 : Minutes)

Kathy Rupiper motioned, seconded by Brent Felchlin, to elect Tom Gavic as chair, Dan Van Straten as treasurer, and Larry Delo as secretary. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathy Rupiper, Board Member
SECONDER:	Brent Felchlin, Board Member
AYES:	Delo, Starry, Gavic, Rupiper, Felchlin, Straten
EXCUSED:	Lance Abts

5. Review of City Report on BID Assessments Collected.

The City has received the statement of taxes for 2014, which is included in the agenda packet. The amount matches what was forecasted in the operating plan. Staff reported that in future years, the report will contain more detail.

6. Discussion and Action to Disburse BID Funds to Definitely De Pere.

The operating plan was drafted to follow the City's fiscal year, January - December. Definitely De Pere is on a different fiscal calendar, May - April. Their board of directors are discussing shifting their calendar to match the City's.

The budget for Definitely De Pere, included in the agenda packet, was created last year and presented as part of the operating plan. There are four primary expense categories required by the Main Street Program. The Beautification Committee is also included, although it is a separate entity underneath Definitely De Pere. Beautification does its own fundraising, and does not receive any of the BID district funds. The total projected expenses were \$131,000; Allyson noted that this figure includes the City contribution as well.

The operating plan directs the Bid Board to disburse funds directly to Definitely De Pere. The Board has the option to allocate all funds, or choose to do a certain percentage now, and the rest at its next meeting. The Board could put together multiple disbursements in the next budget.

Larry Delo inquired about the development of performance-based measures. Allyson and Sarah have been working to add metrics which will be included in the 2016 operating plan for the next meeting. Discussion followed regarding partial disbursement today, and the remainder after reviewing the performance measures at the August meeting.

The funds that have already been collected would be used as reimbursement for the past year's activities. The BID assessment money is for this year's Definitely De Pere budget, fiscal year May 1 - current.

Tom Gavic asked for clarification on what exactly is being reimbursed. Allyson will provide the breakout of expenditures prior to May 1st at next month's meeting.

Larry Delo motioned, seconded by Brent Felchlin, to disburse the full assessment to Definitely De Pere for 2015 expenditures. Upon vote, motion carried unanimously.

The City Finance Director will allocate the funds, and they will be tracked by the City and included in next year's audit. Definitely De Pere did not have an audit for its fiscal year closing April 30th because there were no BID funds used, but will have one for May 1 - December 31.

Allyson noted that Definitely De Pere drafts their budget based on projected BID funds; because the assessments are not collected until July, Definitely De Pere operates on reserve funds for the first six months of the year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lawrence M. Delo, City Administrator
SECONDER:	Brent Felchlin, Board Member
AYES:	Delo, Starry, Gavic, Rupiper, Felchlin, Straten
EXCUSED:	Lance Abts

7. Discussion of the 2016 BID Plan Development.

City Planner Sarah Wallace and Allyson Watson have been working on updates to the operating plan, which they will present to the board in August. Sarah requested that Board members submit any questions and suggestions to her in advance of that meeting. Staff is asking the Board to determine if they want the operating plan budget to mirror Definitely De Pere's, and asked if the Board would prefer to specify measurables instead of requiring specific events. The Board should set expectations for Definitely De Pere on its method of reporting utilization of funds.

Allyson explained that the BID assessments only make up a portion of Definitely De Pere's operating funds. They also receive City funds, grants, sponsorships, etc. She feels that the BID funds are a great mechanism for funding operating costs, noting that it is easier to sell events on sponsorship. It would be difficult to specify exact dollar amounts allocated to a certain event.

Tom Gavic stated that he is hesitant to have the board get into the management of Definitely De Pere. The business owners are making this investment, so it should be more about outcomes and measurements to ensure that Definitely De Pere is making a difference in our downtown.

Allyson stated that because the board of Definitely De Pere doesn't represent taxpayers as much, the BID board should have influence.

Brent Felchlin inquired if Definitely De Pere collects metrics to demonstrate how much revenue is generated, how much foot traffic, occupancy rates, etc. This data is important to him as a business owner. The organization does track building permits on downtown properties, property sales and values, employment figures, as well as surveying business owners to determine their wants. Allyson will provide this report at the August meeting.

Larry Delo stated that the City will be looking for confirmation that events are actually happening, as well as data that demonstrates the group is active.

Allyson then provided a legislative update: State Senate Bill 203 is proposing to change the way BID assessments work statewide. If it passes, properties with residential components would be assessed differently. Municipalities would be required to appraise residential separately and that portion would not be assessed, which would significantly impact BID funds. Allyson feels that it would include a significant percentage of downtown properties. Definitely De Pere is currently monitoring the bill's progress and communicating directly with those legislators. Larry reported that the City will be expressing opposition to the bill, and that the League of Municipalities is collecting information before they take a stance. It would be difficult for cities to track this because uses are always changing, and would impact small communities in significant ways.

8. Future Agenda Items.

None.

9. Next Meeting Date.

The next board meeting will be held on Friday, August 21, 2015 at 8:00 AM in Council Chambers at City Hall.

Adjournment

Tom Gavic motioned, seconded by Larry Delo, to adjourn the meeting at 8:53 AM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen

City of De Pere, Wisconsin

**Request For Business Improvement District Board Action**

MEETING DATE: August 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Annual Meeting of De Pere BID Board - Discussion and Comments from the Membership.

This is the annual meeting for the membership of the Business Improvement District. At this time members of the district (all property owners are automatically members) are invited to attend to specifically discuss and ask questions of the BID Board. We have an annual meeting to correspond with the review and approval of the Operating Plan. Members are encouraged to attend all BID Board meetings.

City of De Pere, Wisconsin**Request For Business Improvement District Board Action**

MEETING DATE: August 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Annual Report from Definitely De Pere on activity within the District.

Please see the attached annual report for Definitely De Pere. Director Allyson Watson will be in attendance to discuss any questions you may have.

ATTACHMENTS:

- 2015 ANNUAL REPORT DE PERE Small File (PDF)



2014-2015 Annual Report

Definitely De Pere is a non-profit organization committed to promoting downtown De Pere through marketing, promotional, and business development efforts. Definitely De Pere is a nationally accredited Main Street Program, and De Pere has been a part of the Wisconsin Main Street Program since 1990.

A Changing Face For Our Main Street *A Message From Our Executive Director*

This third year of Definitely De Pere has been one of **great changes**. Since last summer when we issued our last Annual Report, we've seen a huge increase in business interest in our downtown district. **More than 20 new businesses** opened in Downtown De Pere in the last year - including startups and businesses who chose to move downtown.

Downtown De Pere had the privilege of hosting a statewide conference for college towns last fall, and the honor of hosting the Wisconsin Main Street awards for more than 300 guests at St. Norbert College this spring. At that awards ceremony, **five of our own downtown businesses** were recognized, as well as some key figures in our community.

We implemented, for the first time in our 25 year history, a **Business Improvement District**, in 2014, ensuring a long and sustainable future for our downtown development efforts. This new funding mechanism supplements our existing revenue streams and sponsorships.

2015 has been a **year of celebration** for De Pere, with numerous new projects and events to highlight the 125th anniversary of the City. You'll see more highlights in this report, but we've been exceptionally proud to launch a full summer event calendar, hosting **over 30 events** between May and August of this year.

As a state, we will continue the celebration into 2016 as Wisconsin hosts the **National Main Streets Conference** next May, a national distinction and nod to our downtown programming within Wisconsin.

On a bittersweet note, we've readied ourself to make some difficult goodbyes. Downtown champion and Economic Development Director for the City of De Pere, **Ken Pabich**, has taken the large step forward in his career to assume the role of **Door County Administrator**. While we wish him the best, it is always difficult to say goodbye to members of our community who are committed to making a positive impact.

On a personal note, I will be moving on from Downtown De Pere this fall. It has been a *privilege* to be involved in the De Pere Main Street program the last three years, but I am excited to see where the program will grow under new leadership. I thank all of our stakeholders, business owners and community members who have made my past few years in De Pere so transformative. I will always have a place in my heart for downtown De Pere, and I have all of you to thank you for that.

-Allyson Watson, Executive Director

Business Changes 2014-2015

New Businesses in De Pere

416 Cuisine
Adaleen's Bakery
Balance in Bloom Massage
Best Version Media
Brickhouse Craft Burgers & Brews
Company Magazine
Edit. Salon
George Street Connection Cafe
Healthy Bellyz
Hello Lemon Studio
infi.DELI.ty
Julie's Cafe & Restaurant
Kiar Media
Locktender's House
McWilliams Training
Mixer's Lounge
O'Connor Connective
Ogan Restaurant
Re-Find Treasures
Starry Realty
Tadych Investment Partners
The Black Dress

Major Building Improvements

Bank Mutual (East)
Brickhouse Craft Burgers & Brews
Expera Specialty Solutions
Eye & Vision Clinic
O'Connor Connective
Reid Street Crossing
S.A.L.T.
St. Norbert College Campus
Systems Furniture
Van Drisse Chiropractic

Business Moves and Expansions

Gagnon Creative Strategies
hey, daisy!
Ogan Restaurant
The Cupcake Couture
The Herb Shop

**\$9.5 million in private
investment in downtown
De Pere in 2014-2015**



Edit. Salon opened on Wisconsin Street, after a full rehab of the space. **Hey, Daisy!** expanded into the corner space next door to their boutique, more than doubling their square footage. **Hello Lemon Studio**, a craft studio, opened in the former Trulley Irish Gifts space on George Street this year.

125 Years - Yet Another Reason to Celebrate De Pere!



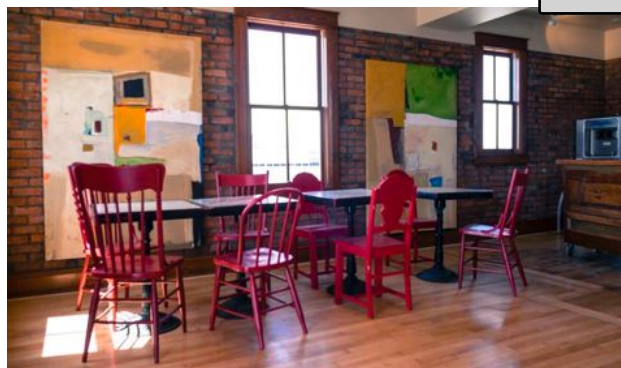
Wisconsin Main Street unveiled their new logo at the state Main Street Awards Gala in De Pere this April. Our community has two new signs at welcome points to our downtown district.



The City of De Pere and **Definitely De Pere** partnered with **Gagnon Creative Strategies** to design new downtown banners for the summer. The City has also invested in beautiful hanging baskets for our downtown lampposts.



De Pere celebrates 25 years of being a part of the Wisconsin Main Street program!



The Locktender's House reopened in 2014 and is in use for the first time since the 1980s. Aptly named for its original use, Locktender's House is a seasonal cafe operated by Kavarna.



EastWest Music Fest brings live music to downtown De Pere all summer! With more than 75 live acts all summer, original arts and music have a presence every weekend of the summer in downtown De Pere!



A **pop-up storefront campaign** helps draw attention to vacant spaces in our downtown, in order to help potential lessors visualize their business as a part of the downtown De Pere business district.

2014-2015 Calendar of Events

July

Thursdays	Yoga in the Park*
10-17	Green Bay Area Restaurant Week
11-13	Pink Flamingo Tournament
18	Downtown Art Walk*
23-26	De Pere Sidewalk Sales

August

Thursdays	Yoga in the Park*
14	Travel Writer visit to De Pere

September

12	Downtown Art Walk*
15	Fall Planter Assembly*
19	SNC Day
29	Thriving College Town Summit - Hosted in De Pere

October

4	Downtown Soup Walk*
21-23	Upper Mississippi River Main Street Conference
25	Downtown Trick or Treat*

November

29	Small Business Saturday
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December

2	Holiday Planter Assembly*
6	Holiday Open House*

February

9	Seroogy's Valentine Run
10	Downtown Cheese & Chocolate Walk*

March

4-6	Wisconsin Main Street Conference - Monroe, WI
10-11	Arts Wisconsin Legislative Conference - Madison
11	"Haunted State" Film Screening
29-2	National Main Streets Conference - Atlanta, GA

April

17	Wisconsin Main Street Awards Dinner, Hosted in De Pere
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May

22-25	Celebrate De Pere
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June

5	EastWest MusicFest Kickoff*
12	Downtown Art Walk*
17	"A Night at the Majestic" Film Screening
18	A Taste of De Pere
19	EastWest MusicFest
26	Downtown Art Walk*

**Over 56,000 attendees enjoyed
downtown De Pere's events in
2014-2015.**



The Downtown Cheese and Chocolate Walk was a brand new event for 2015



The Wisconsin Main Street Awards Gala was hosted at St. Norbert College in De Pere this spring

Awards and Recognition

Best New Business,
Awarded by Wisconsin Economic Development
Corporation (WEDC):

Waseda Farms Market

Young Professional Entrepreneur of the Year Award,
Awarded by Current Young Professionals Network:

Matt Lutsey of Waseda Farms Market

Best Digital Media Campaign,
Awarded by WEDC:

Definitely De Pere & burnham richards

Best New Building,
Awarded by WEDC:

St. Norbert College (Gehl-Mulva Science Center) and Performa, Inc.

Best Interior Renovation Project,
Awarded by WEDC:

Starry Realty

2015 Entrepreneurial Award,
Awarded by Green Bay Area Chamber of Commerce:

O'Connor Connective

2015 Main Street Hall of Fame,
Awarded by WEDC:

Joe Schinkten

President

Scott Hemauer

Secretary

Pat Olejniczak

Treasurer

Julie Fronsee

Members at- Large

Todd Danen

Jessica Diederich

Ryan Jennings

Rachel Johnson

Ray Kopish

Mary Alexis Pfutzenreuter

Tina Quigley

Executive Director

Allyson Watson

St. Norbert College Interns

Britney Heineman



Waseda Farms Market



Starry Realty

Definitely De Pere Staff and Board of Directors



2013-2014 Annual Report

For news updates, business listings and more, go to:

www.DefinitelyDePere.org

Questions? Email us: director@definitelydepere.org



320 Main Avenue, Suite 102
De Pere, WI 54115

City of De Pere, Wisconsin

**Request For Business Improvement District Board Action**

MEETING DATE: August 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Review and Action on Updated BID Bylaws.*

Please see the attached BID Bylaws. Staff is recommending one minor change from the previous bylaws that were discussed and approved at the last BID Meeting.

We are recommending to remove the requirement that amendments to the bylaws be taken to City Plan Commission (Article VII Amendments Section 2. (B) (Page 28)). Our recommendation is to have the BID Board propose bylaw amendments directly to the Common Council.

ATTACHMENTS:

- Final Bylaws update 8_21_15 (DOCX)

**BYLAWS FOR DE PERE
BUSINESS IMPROVEMENT DISTRICT**

**ARTICLE I
MEMBERS**

All owners of property located within the District shall automatically be members of the De Pere Business Improvement District. All members shall have the right to vote on any issue that is placed before the members by the Board of Directors.

**ARTICLE II
MEMBERSHIP MEETINGS**

Section 1. Annual Meeting. An annual meeting of the membership shall be held in each calendar year at such time and place as may be determined by the Board of Directors for the purpose of transacting such business as may be properly brought before the meeting.

Section 2. Special Meeting. Special meetings of the membership shall be held at any time and place as may be designated in the notice of said meeting, upon call of the chairman of the Board of Directors.

Section 3. Notice. Email (or mail) notice of every meeting of the membership (annual or special), stating the place, date, and hour of the meeting, shall be sent to each member not less than seven (7) or more than thirty (30) days before the date of the meeting. Other interested parties shall be given such notice of meetings as the Board of Directors deem appropriate.

Section 4. Proceedings. Roberts Rules of Order shall govern the parliamentary procedures at all meetings when not in conflict with these Bylaws except that there shall be no minimum number of members necessary to attend any meeting by a majority vote of the active members present.

**ARTICLE III
BOARD OF DIRECTORS**

Section 1. Federal Requirement. BID district members can recommend future board members to the BID Board. The BID Board will provide the recommended nominations to the Mayor. The Mayor appoints members from these nominations to the BID Board. The BID Board includes a representative of the Mayor or Council. State law requires that the BID Board be composed of at least 4 members and the majority of the BID Board members be owners or occupants of property within the District. Appointments must be made by the Mayor and confirmed by the City Council.

Section 2. Responsibilities. The BID Board's primary responsibility will be contracting for implementation of the current year's DBI Operating Plan, contracting for preparation of an annual report and audit on the District, annually considering and making changes to this DBI Operating Plan and submitting the DBI Operating Plan for the following year to the Common Council of the City of De Pere for approval, and all other powers granted in this DBI Operating Plan and Bylaws. This will require the BID Board to negotiate with providers of services (primary to Definitely De Pere) and materials to carry out the DBI Operating Plan; to enter into various contracts; to monitor development activity; and to ensure the District's compliance with the provisions of applicable statutes and regulations.

Section 3. BID Board Composition. The BID Board shall consist of seven (7) members. A majority of (at least 4) the members shall be owners or occupants of real property within the District. The Board shall have the following composition:

- a. 2 Owners of property in the District.
- b. 1 representative from Service/Retail, Hospitality and Office

- c. 1 Community representative with no property ownership or business interests within the District. The appointee shall be a resident of the City of De Pere.
- d. 1 representative of the City of De Pere, appointed by the Common Council.

Any BID Board member who because of transfer of ownership of property is no longer eligible to act as a representative shall be replaced.

Section 4. BID Board Term. Appointments to the BID Board shall be for a period of 3 years, except that initially 3 members are appointed for a period of 3 years, 2 members shall be appointed for 2 years, and 2 members shall be appointed for 1 year, each term ending on December 31 of the applicable year. The BID Board may remove, by majority vote, a BID Board member who is absent from more than 3 meetings, without valid excuse. Any BID Board vacancy (except the Mayor's or City Council's Member) shall be filled by nomination of the Mayor.

Section 5. Compensation. The BID Board members shall receive no compensation for serving on the BID Board.

Section 6. Meetings. All meetings of the BID Board shall be governed by the Wisconsin Open Meetings Law. Meetings will be posted on the City of De Pere's website. Minutes will be recorded and submitted to the City and the BID Board. Roberts Rules of Order shall govern the parliamentary procedures at all meetings when not in conflict with these Bylaws.

Section 7. Record Keeping. Files and records of the BID Board's affairs shall be kept pursuant to public records requirements. Records of the BID Board will be kept at the De Pere City Hall.

Section 8. Staffing. The BID Board shall contract for staffing services pursuant to this DBI Operating Plan and subsequent modifications thereof. It is contemplated that such staff and services shall be contracted with Definitely De Pere, unless requested otherwise by the BID Board; the Board of Directors of Definitely De Pere may attend all meetings of the BID Board, but will not have voting authority.

Section 9. Officers. The BID Board shall appoint a Chairman, Treasurer and Secretary, any two of the three of which shall have the power to execute documents on behalf of the full BID Board, for purposes authorized by the full BID Board.

Section 10. Quorum. At all meetings of the BID Board, a majority of the voting members thereof shall constitute a quorum for the transaction of business. If a quorum shall not be present at any meeting of the BID Board, the Directors present may adjourn and reschedule the meeting until a quorum shall be present.

Section 11. Consent. Any action required or permitted to be taken at any meeting of the BID Board of Directors may be taken without a meeting, if all members of the BID Board consent hereto in writing, setting forth the action taken, and the writing or writings are filed with the minutes of the proceedings. Such consent shall have the same force and effect as unanimous vote of the BID Board.

Section 12. BID Board Powers. The BID Board shall have all the powers authorized by law, including but not limited to, the following powers:

- 1. To manage the affairs of the District.
- 2. To undertake on its own accord or to assist in development, underwriting or guaranteeing public improvements within the District.
- 3. To apply for, accept, and use grants and gifts for these purposes.

4. To contract on behalf of the BID with Definitely De Pere, to carry out the DBI Operational Plan under the direction of the BID Board.
5. To develop, advertise and promote the existing and potential benefits of the District.
6. To promote new investment and appreciation in value of existing investments.
7. To elect officers, and contract out work as necessary to carry out these goals.
8. To add to the beautification and/or maintenance of the District.
9. To annually consider and make changes to the DBI Operating Plan which may include termination of the BID.

It is anticipated that the BID Board will utilize the above powers in the capacity of directing and delegating to Definitely De Pere, many of its duties and responsibilities while retaining the overall authority and responsibility for such drafting and implementation of the DBI Operating Plan.

Section 13. BID Board Authority. The BID Board of Directors shall be required to conform to the DBI Operating Plan presented to and approved by the De Pere Common Council each year and shall be subject to the Wisconsin Statutes covering the Business Improvement Districts (BIDs).

ARTICLE IV COMMITTEES

Section 1. There shall be such standing committees as the BID Board may determine. The terms of the committees shall be for 1 year commencing at the time of the annual membership meeting.

ARTICLE V OFFICERS

Section 1. General. The Officers of the District BID shall consist of a Chairman, a Secretary, and a Treasurer and such other officers and assistant officers as may be deemed necessary.

Section 2. Election. Officers shall be BID Board members and staff shall be elected by the Board of Directors annually at the annual meeting. No BID Board member may hold more than one office. Officers may serve more than one term if reelected.

Section 3. Powers and Duties. Except as hereinafter provided, the officers of the BID Board shall each have such powers and duties as generally pertain to their respective office, as well as those that from time to time may be conferred by the membership of the BID Board of Directors.

- A. Chairman. The Chairman shall preside at all business meetings, but may at his or her discretion or at the suggestion of the Directors arrange for another officer to preside at other meetings. The Chairman shall perform such duties as are usually incumbent upon that officer, such duties as may be directed by resolution of the Board of Directors.
- B. Secretary. The Secretary shall record and maintain in good order all minutes of all meetings and all records and correspondence of the District BID, and shall email copies of the minutes of each membership meeting to all members within 60 days from the conclusion of each meeting. The Secretary shall also have such duties as may be assigned by the membership or the Board of Directors.
- C. Treasurer. The Treasurer shall maintain in good order all financial records of the District BID. The Treasurer shall also have such other duties as may be assigned by the membership Board of Directors.

- D. Temporary Officers. In case of absence or disability of any officer and of any person authorized to perform duties in his or her place during such periods of absence or disability, the Chairman may from time to time delegate the powers and duties of such officer to any other officer or any other member.

ARTICLE VI FINANCES

Section 1. Authority. Except as the Board of Directors may generally or in particular cases authorize the execution thereof in some other manner, all checks, drafts, and other instruments for the payment of money and all instruments of transfer of securities, shall be signed in the name and on behalf of the BID by any of the three officers.

Section 2. Financial Institution. All funds of the BID shall be deposited from time to time to the credit of the BID in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 3. Funding Services. The Board of Directors may accept on behalf of the BID any contribution, gift, bequest or device for general purposes or for any special purpose of the BID.

ARTICLE VII AMENDMENTS

Section 1. Authority. The Common Council of the City of De Pere, upon the consent of the Board of Directors, shall have the power to alter, amend, or repeal the Bylaws or adopt new Bylaws.

Section 2. Process. The BID may also annually present amendments to the Bylaws. The following process for approval of the amended Bylaws will be follows.

- A. The BID Board will review the proposed BID Bylaws and make a recommendation to the De Pere ~~Plan Commission~~ Common Council.
- ~~B. The City of De Pere Plan Commission will review the proposed amended BID Bylaws and will make a recommendation to the Common Council.~~
- C. The Common Council will act on the proposed amended BID Bylaws.

Section 3. Generally. It is anticipated that the BID Board will continue to revise and develop the Bylaws annually, in response to changing development needed and opportunities in the District, within the purpose and objectives defined herein and in the DBI Operating Plan.

Adopted by BID Board on: July 17, 2015

Amended by BID Board on: August 21, 2015

Adopted by City of De Pere Common Council on:

City of De Pere, Wisconsin

**Request For Business Improvement District Board Action**

MEETING DATE: August 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Review and Action on the 2016 De Pere Business Improvement District Operating Plan.*

City staff along with Definitely De Pere have provided the update for the 2016 Operating Plan. Please review and be prepared to discuss at our upcoming meeting.

ATTACHMENTS:

- DBI_OperatingPlan_Final_2016 (DOCX)

De Pere Business Improvement District 2016 Operating Plan (Year Two)



Attachment: DBI_OperatingPlan_Final_2016 (3765 : 2016 Operating Plan)

Updated Submittal: August 2015

2016 Plan Approval by City of De Pere Common Council: November XX, 2015

Original Submitted August 2014

Original Approval by the City of De Pere Common Council: November 5, 2014

**Many thanks go out to the original volunteer Committee that prepared the 2015 BID Plan
The following individuals are recognized:**

Scott Hemauer
Kerry Counard
Casey Hawkinson
Curt Beilke
Dave Stellpflug
Jerry Turba
Joe Seroogy
Mary Alexis Pfutzenreuter
McKim Boyd
Rick Remington
Steve Danen
Steve Fisette
Tony Gillis
Tony Hoes
Tom Nick

**The 2016 BID Plan was prepared by the BID Board along with Definitely De Pere and the
City of De Pere**

BID Board Members:

Tom Gavic - Chair
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Larry Delo – Secretary
Brent Felchlin
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Rich Starry

Definitely De Pere:

Allyson Watson – Director

Attachment: DBL_OperatingPlan_Final_2016 (3765 : 2016 Operating Plan)

**DE PERE
BUSINESS IMPROVEMENT DISTRICT
OPERATING PLAN**

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I. Introduction

Wisconsin Act 184 signed into law in 1984, gives Wisconsin municipalities the authority to create Business Improvement Districts (BIDs) within their communities. To do so, at least one property owner within the proposed district must petition the City to create a BID. The State Legislature created Section 66.1109 of the Wisconsin Statutes (the "BID Law") to provide a way for business properties within an established district to voluntarily assess themselves. It would pay for programs aimed at promoting developing, redeveloping, managing and maintaining that district. At the time of creation of this BID, there were 70 BIDs in the State of Wisconsin and according to a 2005 statistic by Charles S. Law, Ph. D., the average BID assessment was \$3.64 per \$1000.00 of assessed valuation.

Business Improvement Districts are quite similar to traditional special assessments where property owners are assessed for improvements or services that benefit them. Unlike traditional assessments, Business Improvement District assessments can be used to finance a wide range of activities, services and improvements. Primarily BIDs have been used to attract merchants and business owners that in turn attract more customer traffic downtown. Some BIDs in Wisconsin have funded physical improvements like lighting or parking; others have funded promotional and marketing materials and events. The Operating Plan for each BID directs the use of funds and identifies projects, priority areas, etc.

A. Purpose and History of the BID

The property owners who were involved in the creation of the BID hoped to accomplish goals and ideas presented in the De Pere Downtown Master Plan, Comprehensive Plan and Historic Preservation Plan. The original De Pere Business Improvement District Operating Plan had been developed by De Pere BID proponents and the City of De Pere. This BID Operating Plan and future plans will be developed by the BID Board, the City of De Pere, and Downtown De Pere, Inc. (also known as Definitely De Pere and listed throughout this document as Definitely De Pere), along with input and discussion from the membership.

The BID Board, through the development of this Operating Plan has coordinated with Definitely De Pere and the membership for the work described in this plan. Definitely De Pere and the BID provide for a system that has shared long-term goals, and results, that will benefit both the BID District, and the City of De Pere.

As used herein, "DBI Operating Plan" shall refer to the De Pere Business Improvement District Operating Plan, and "District" shall refer to the properties located within the physical boundaries of the Business Improvement District, as provided herein in Appendix B.

The De Pere BID was created in order to:

1. Allow for private property owners to work together in conjunction with the City to develop the District.
2. Enhance existing public funding sources to continue to maintain and promote the District. The BID also empowers future investments generated through private resources in addition to existing public dollars.
3. Provide for an equitable and fair mechanism for funding initiatives that will benefit all business and property owners in the District.
4. Ensure the District will be preserved and will improve the social and economic environment of the District. This is a mechanism to bring together funding initiatives that will fulfill District improvement projects identified in the Downtown Master Plan, Comprehensive Plan and the Historic Preservation Plan.

Use of a BID to develop the District was anticipated to work as follows:

1. The BID was created by the Common Council of the City of De Pere.
2. An operating Board (BID Board), comprised mostly of property owners within the District, has all powers necessary to implement the DBI Operating Plan.
3. The City collects BID assessments from District property owners following the approved assessment formula.
4. Assessment collections are turned over to the BID Board for distribution in accordance with the DBI Operating Plan by the 15th day of the month following such collection.

The Original De Pere BID (established in 2014) included 221 parcels with a total BID value over \$68,209,900. The boundaries include parcels in West and East De Pere's Downtown Business District. Out of the 221 parcels, 76 were tax exempt or were used for residential purposes. The BID value of the remaining 145 was assessed at \$1.75 for every \$1,000.00 in total value of the parcel.

II. Development Plans

The objective of the BID is to preserve and improve the social, economic and physical environment in the District, bring together appropriate partnerships of people, organizations and funds, and to evaluate and implement District development projects identified by businesses and building owners in the De Pere Downtown Master Plan, Comprehensive Plan and Historic Preservation Plan. This section of the Plan shall be the De Pere BID Operating Plan for 2016.

The BID plan works towards creating Plan Objectives, Activities, and Benefits that are measurable. As each year of the BID evolves, so must the Objectives, Activities and Benefits of the plan to find ways to measure success.

A. Plan Objectives

Goals for the District Development as identified by local businesses, building owners and residents in the Downtown Master Plan (Adopted by the City of De Pere in June 2010):

1. **Unite the District** through efforts such as continued community-wide events and expanded community-wide marketing and education efforts.
2. **Link District's destinations** through utilizing marketing resources and working more extensively with Greater Green Bay Area Convention and Visitors Bureau.
3. **Use the potential of transportation to create a high-quality economic and physical environment** by promoting and increasing walkability and bike-friendly investments.
4. **Increase business and private investment** through an organized business recruitment effort and continually updated market research.
5. **Capitalize on key business niches** by identifying consumer needs/desires and business investment potential through market research.
6. **Add life to the District** through expanded creative placemaking efforts and continued growth of traffic-generating events.
7. **Create New Neighborhoods in the Downtown** Help to brand distinct neighborhoods in the District in order to further remove the East/West divide and unite the downtown.
8. **In accordance with the Downtown Master Plan** - Plan for future utilization of the Fox Riverfront for economic development, events and businesses.

B. Proposed Activities

The proposed activities for the first full year of operation under the BID will promote continued development of the District by:

1. Continuing to promote the historic quality of the District, by facilitating façade rehabilitation projects and educating property owners on available federal and state historic tax credits, as well as providing State Main Street and De Pere-specific design guidelines.
2. Supporting the City in developing more pedestrian and bicycle friendly roadways, cross walks, and parking options, as well as investing in bicycle parking for the downtown.
3. Working with the City to make business owners aware of City programs, such as the Façade Grant Program and the Revolving Loan Fund Program through continuous education efforts with both new and existing businesses.
4. Supporting the City in the future reconstruction of the Main Ave. Corridor, and continuing to promote pedestrian and bicycle facilities and storm water runoff in these constructions, consistent with ideas presented in the Downtown Master Plan and Comprehensive Plan.
5. Exploring different ways to effectively market District businesses through existing and new events and an enhanced marketing campaign for the district.
6. Working to promote beautification and art related projects to add to the District. Exploring feasibility of and interest in options presented in the Downtown Master Plan for public art and placemaking.
7. Working with the city to pursue major redevelopment projects within the District such as the former George Street bridge approach and Nicolet Square.
8. Helping generate investment interest in the District area and future redevelopment projects as identified in the Downtown Master Plan by creating an enhanced marketing campaign for the downtown district.
9. Working with the City to develop maintenance practices for the District, in which both parties have an understanding of expectations and responsibilities relating to the maintenance of the District, such as sidewalk snow removal, weeding and tending of district plants, as well as garbage removal.
10. Developing and implementing a plan and budget for the coming year and beyond for the District based on the financial expectations from assessments and its priority of needs, and the City's planned improvements during the same period.
11. Implementing enhancements as determined appropriate from the Downtown Master Plan and Comprehensive Plan.
12. Taking all further action needed to carry out the general purposes of this DBI Operating Plan as are allowed by BID law.

C. Benefits of the BID

Money collected by the BID under this DBI Operating Plan will be spent within the District or for the benefit of the District, and used to:

1. Help the District property owners secure and retain tenants by:
 - a. Promotion of coordinated and collaborative partnerships between the District stakeholders, which includes business and property owners.
 - b. Assisting property owners and tenants in the District in dealing and/or partnering with City Government through consultation and formal and informal interaction with City staff and officials.
 - c. Assisting property owners in retaining existing tenants by providing programs and services that help businesses to thrive. Implement in conjunction with the City, projects identified in the Downtown Master Plan and Comprehensive Plan that will improve tenant retention.
 - d. Assisting property owners in recruiting new businesses to the District and reducing new vacancies.
 - e. Assisting property owners in rehabilitating second floor rental units to generate additional cash flow for properties.

- f. Implementing in conjunction with the City, projects identified in the Downtown Master Plan and Comprehensive Plan that will improve tenant retention.
- 2. Help increase the value of property in the District by:
 - a. Continuing to improve the perceived and actual image of the District.
 - b. Investigating and facilitating enhancements to buildings in the District by business and property owners.
 - c. Increasing the demand for space by new businesses that wish to locate in the District.
- 3. Help tenants and existing businesses in the District become stronger by:
 - a. Conducting successful traffic building community events.
 - b. Conducting successful retail and hospitality events.
 - c. Enhancing the relationship between St. Norbert College and the downtown.

III. Measures of Success

The success of the BID is determined by the level of satisfaction of those who create it and who control the BID, as well as the level of customer satisfaction. This information can be attained through various surveys and questionnaires. A thorough review of qualitative and quantitative data concerning the BID shall occur in year 3 (2018), year 5 (2020), and year 7 (2022) of the BID's operation.

In addition to the evidence suggested above, the following measures will be established and evaluated as quantifiable measures of success:

1. The Downtown Master Plan contains steps for both public and private sectors. Many of these actions are identified in this DBI Operating Plan. The accomplishment of these objectives will indicate one measure of success for the BID.
2. Commercial facilitation is a measure that can easily be quantified as the number of businesses, both existing and new, that receive help, either financial or advocacy services by the BID.
3. Another way to measure BID success is by the growth in value of private property in the District. Quantifiable valuation measures are calculated annually to measure success over time.
4. A final way to track success is through occupancy rates and business inventory. The 2010 business inventory and occupancy rates can be used as a baseline to evaluate and make changes for following years.

A. Proposed Expenditures of the BID

See Appendix A for the complete break out of the proposed expenditures for the 2016 BID.

During the process of distributing funds for the 2015 plan and working on the update to the 2016 operating budget, it was determined that Definitely De Pere would modify their Fiscal Year (FY) from May 1 - April 30, to January 1- December 31. This change provides for a process where Definitely De Pere's planning and preparation of the upcoming year's activities will better align with the City of De Pere, the assessment process and overall the De Pere BID. The expenditures in appendix A represent this change.

B. Budget

The 2016 De Pere BID includes 221 parcels with a total BID value of over \$68,995,400. Out of the 221 parcels, 77 are tax exempt or are used for residential purposes. Out of the remaining 144 the BID value is assessed at \$1.75 for every \$1,000 in total value of the parcel, with no combined ownership to have an assessment of more than \$ 1,950 or less than \$275.

A map of the district boundaries is attached as Appendix B, and information for each parcel classification is listed in Appendix C.

Funds collected through BID assessments shall be used to pay for this DBI Operating Plan in order to implement a sustainable Business Improvement District for the City of De Pere.

Estimated 2016 Assessment Income:	\$88,085
2016 Expenses (Contract with Definitely De Pere):	\$88,085

The BID will have no paid staff of its own but will contract with Definitely De Pere for such services. Estimated expenditures of the Budget for Definitely De Pere are shown in Appendix A. Any unused funds remaining at the end of the year shall be deposited into contingency funds or designated for specific uses in the following DBI Operating Plan year. All physical improvements made with these funds shall be made in the District. The location of other expenditures shall be as determined by the BID Board, but shall be for the benefit of the District.

A Capital Reserve Account may be created to set aside a specific amount of the District's assessment or reserve. This account would be for long term capital needs and projects that may require extraordinary funding during a given budget year.

C. Annual Review

The BID law requires that the DBI Operating Plan be presented annually to De Pere's City Council for approval. To comply with the Wis. Stats., Section 66.1109 (3) (b), the following process for the approval of the annual DBI Operating Plan will be as follows:

1. A joint strategy session of representatives from the BID Board and the City will meet annually and will be responsible for developing the objectives of the DBI Operating Plan for the next plan year.
2. The BID Board will review the proposed DBI Operating Plan and make recommendations to the City Council.
3. The City Council will act on the proposed DBI Operating Plan for the following plan year.
4. Appointment of new BID Board members will be made 30 days prior to the expiration of outgoing BID Board members' terms. This appointment is made by the Mayor and approved by the City Council.

It is anticipated that the BID Board will continue to revise and develop the DBI Operating Plan annually in response to changing development needs and opportunities in the District. As a part of this review, the BID Board will analyze the benefits of the BID to the property owners and the community and based on this analysis, determine if it is appropriate to continue the BID.

The method of assessment shall not be altered unless a meeting of all District property owners assessed under the BID has been held to discuss such changes, except with the approval of the City of

De Pere Common Council. This special meeting will be published as a Class 2 Notice, a copy of which will be mailed to each property owner in the District.

D. Relationship to Plans for Orderly Development of the City

According to Wisconsin Statutes Section 66.1109 (1)(f)(4), the DBI Operating Plan is required to specify how the creation of a BID promotes the orderly development of the City. The BID will encourage commerce and increase the business activity in the District. Orderly development is consistent with De Pere's Downtown Master Plan, Comprehensive Plan and Historic Preservation Plan and will promote orderly development of the City in general and the District in particular.

E. Powers

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

1. To manage the affairs of the District.
2. To promote new investment and appreciation in value of existing investments in the District.
3. To contract on behalf of the BID when necessary to implement the DBI Operating Plan.
4. To develop, advertise and promote the existing and potential benefits of the District.
5. To acquire, improve, lease and sell properties in the District and otherwise deal in real estate.
6. To annually consider and make changes to the DBI Operating Plan.
7. To undertake on its own account, public improvements and/or assist in development underwriting or guaranteeing public improvements in the District.
8. To apply for, accept and use grants and gifts for these purposes.
9. To elect officers and contract out work as necessary to achieve its goals.
10. To add to the security of the District.

F. Public Review Process

Section 66.1109 of Wis. Stats. establishes a specific process for reviewing and approving proposed Districts. All of the statutory requirements to create the BID shall be followed. Key components include: petition the City to establish the BID; publish class 2 notice of petition; develop the Operating Plan; mail Operating Plan to all affected property owners; and hold public hearing.

IV. District Boundaries

The District is defined by the current configuration of tax parcels listed in Appendix C-1, and shown in map form in Appendix B. The District is generally bounded by Franklin St. in East De Pere, to N. Ontario St., to Lewis St., across the Claude Allouez Bridge to West De Pere bordered by Main Ave., to Fort Howard Ave., to Grant Street and lastly to Third St. (St. Norbert College Campus). The District includes 145 taxable parcels subject to BID assessment, according to the Assessor's Records as of January 1, 2014. Parcels that are not taxable or are used for residential purposes have been excluded from this number, even as they fall within the boundaries.

V. BID Organization and Operating Board

The Mayor of the City of De Pere is responsible to appoint the BID Board with input from the community and approval of the Common Council. The owners of real estate within the District will, at the specified BID meeting, recommend members for the BID Board. Over half the BID Board members must be a property owner or operating business in the District. Appointments shall be made before the start of the plan year for which the DBI Operating Plan was adopted.

The Board's responsibility will be to implement the current year's DBI Operating Plan and to contract for the carrying out of the DBI Operating Plan. It also must prepare an annual report and audit and submit it to the Common Council of the City of De Pere. This will require the BID Board to negotiate with providers of services and materials to carry out the DBI Operating Plan; to enter into various contracts; to monitor development activity; and to ensure the compliance with the provisions of applicable statutes and regulations.

The BID Board will operate under the provisions of the BID By-Laws adopted by the BID Board on July 17, 2015 and by the City Council on **September 1, 2015**. (See Appendix E for the adopted Bylaws).

VI. Financing Method

The proposed expenditures outlined in the budget will be financed with funds collected from the BID assessment. It is estimated that the 2016 BID will receive over \$88,085 from the BID special assessment. Monies collected from the BID assessment will also be used and contracted through Definitely De Pere in accordance with the DBI Operating Plan.

VII. Method of Assessment

A. Assessed Parcels

All taxable property used for commercial purposes, as well as those taxed by the state as manufacturing, in the District boundary will be assessed. Properties used exclusively for residential purposes will not be taxed according to BID law. Mixed-use properties containing both commercial and residential will be fully assessed. Those that are used for commercial as well as manufacturing will be assessed. Property exempt from paying real estate taxes or owned by government agencies will not be assessed, as required by BID law.

B. Levy of Assessment

Special assessments under this DBI Operating Plan will be levied, through adoption of this DBI Operating Plan by the City of De Pere against each taxable property within the District, in the amount shown on the assessment schedule, which is attached in Appendix C.

The 2016 rates as shown in Appendix C were calculated at a rate of \$1.75 per \$1,000.00 of assessed value. Parcels are assessed by legal entity (i.e., multiple parcels owned by one legal entity are used as a total). No legal entity is assessed more than \$1,950.00, and no less than \$275.00. Property values used to calculate the BID assessment represent the assessed value of real property, as certified by the City of De Pere Assessor, as of January 1, 2015. Assessments are based per parcel and legal ownership.

The logic behind the assessment methodology is that each non-exempt parcel owner should pay for district developments in proportion to benefits derived. It is assumed that a minimum and maximum benefit can be achieved for each parcel, thus the minimum and maximum BID assessments have been established.

C. Schedule of Assessments

Appendix C provides a schedule of assessments for 2015 for all non-exempt parcels in the District based on the formula described above. For convenience, a schedule of all nontaxable parcels exempt from BID assessments are also identified as part of Appendix C.

D. Assessment Collection and Disbursal

The City of De Pere will bill all non-exempt parcel owners the assessed amount in the same manner as other special assessments. The City shall then turn over all collected funds to the BID Board for distribution in accordance with the DBI Operating Plan by February 20th of each

The City of De Pere shall hold funds collected for BID assessments in a separate account.

The BID Board will prepare and make available to the public and City Council annual reports describing the current status of the BID, including expenditures and revenues, when it submits its annual DBI Operating Plan to the City for the following year. Disbursement of BID funds will be made in accordance with the approved DBI Operating Plan and budget. At the end of the fiscal year, an independent certified audit shall be obtained by the BID Board.

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

E. Annual Report

An annual report prepared by the BID Board is required by section 66.1109 (3) (c) of the Wisconsin Statutes. The report shall include the required audit. The BID shall be responsible for the payment of any funds specified for the BID audit and related to BID activities for said BID audit. The BID Board will continue to review, revise and develop the DBI Operating Plan annually in response to changing development needs within the District.

VIII. City Role in District Operations

The City of De Pere is committed to helping owners and occupants in the District promote the objectives outlined in this DBI Operating Plan, while maintaining autonomy in the preparation of its annual budget. The City has made significant annual investments in the District for maintenance, upkeep and infrastructure. The City will continue providing services, capital improvements, and funds for maintenance, the Facade Grant Program, Revolving Loan Fund Program and promoting economic development. The City of De Pere will also commit to the following:

1. Encourage County, State and Federal Governments to support activities of the District.
2. Monitor, and when appropriate apply for, outside funds which could be used in support of the District.
3. Collect assessments and maintain a segregated account.
4. Provide disbursement of BID funds to service providers in accordance with the DBI Operating Plan and budget.
5. Obtain and review annual audits as required per Section 66.1109 (3) (c).
6. Provide financial statement to the BID Board.
7. Review annual audits as required by Section 66.1109 (3) (e) of the BID Law.
8. Provide to the BID Board no later than September 1st each plan year, the official City records on assessed value for each tax parcel within the District as of that date in each DBI Operating Plan year, for the purpose of calculating the BID assessment.
9. Adopt this DBI Operating Plan in the manner required by the BID Law.
10. Appoint and confirm new BID Board members as required by BID Law.
11. Provide Staff for the operation, facilitation and support of the BID Board.

IX. Required Statements

The BID Law requires that the DBI Operating Plan include specific statements:

66.1109(1)(f)(1) The special assessment method applicable to the business improvement district. The special assessment method is set forth in Section VI.

66.1109(1)(f)(1m) Whether real property used exclusively for manufacturing purposes will be specially assessed. The District will contain property used exclusively for manufacturing purposes; it will contain properties used in part for manufacturing. These properties will be assessed according to the formula contained herein because it is assumed they will benefit from development in the District.

66.1109(1)(f)(2) The kind, number and location of all proposed expenditures within the business improvement district. The number and location of proposed expenditures is set forth in Section II.G.

66.1109(1)(f)(3) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred. The method of financing the estimated expenditures is set forth in Section V.

66.1109 (1) (f) (4) A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan. Please refer to Section II. B, C and E.

66.1109 (1) (f) (5): A legal opinion that subds. 1. to 4. have been complied with. A legal opinion from Attorney Julie Fronsee, indicating that the Operating Plan complies with all applicable provisions of Section 66.1109 (1) (f) (1-4) is attached as Appendix F.

X. Severability and Expansion

The Business Improvement District has been created under the authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of the BID Law or this DBI Operating Plan unconstitutional, it will not invalidate or terminate the BID. The DBI Operating Plan will be amended to conform to the law without need of re-establishment. Should any legislature amend the statute to narrow or broaden the purposes of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this DBI Operating Plan may be amended by the Common Council of the City of De Pere when it conducts its annual budget approval, without any necessity to undertake any other act. If it is determined by a court or administrative body that a parcel of property is not subject to general real estate taxes and may not be included in the District, then such parcels shall be excluded from the definition of the District.

All of the above is specifically authorized under Section 66.1109 (3) (b) of the BID Law.

APPENDIX A: Draft 2015-16 Definitely De Pere Budget

For 2016, the BID Board will contract with Definitely De Pere to implement the BDI Operating Plan. The budget below represents the approximate budget for Definitely De Pere.

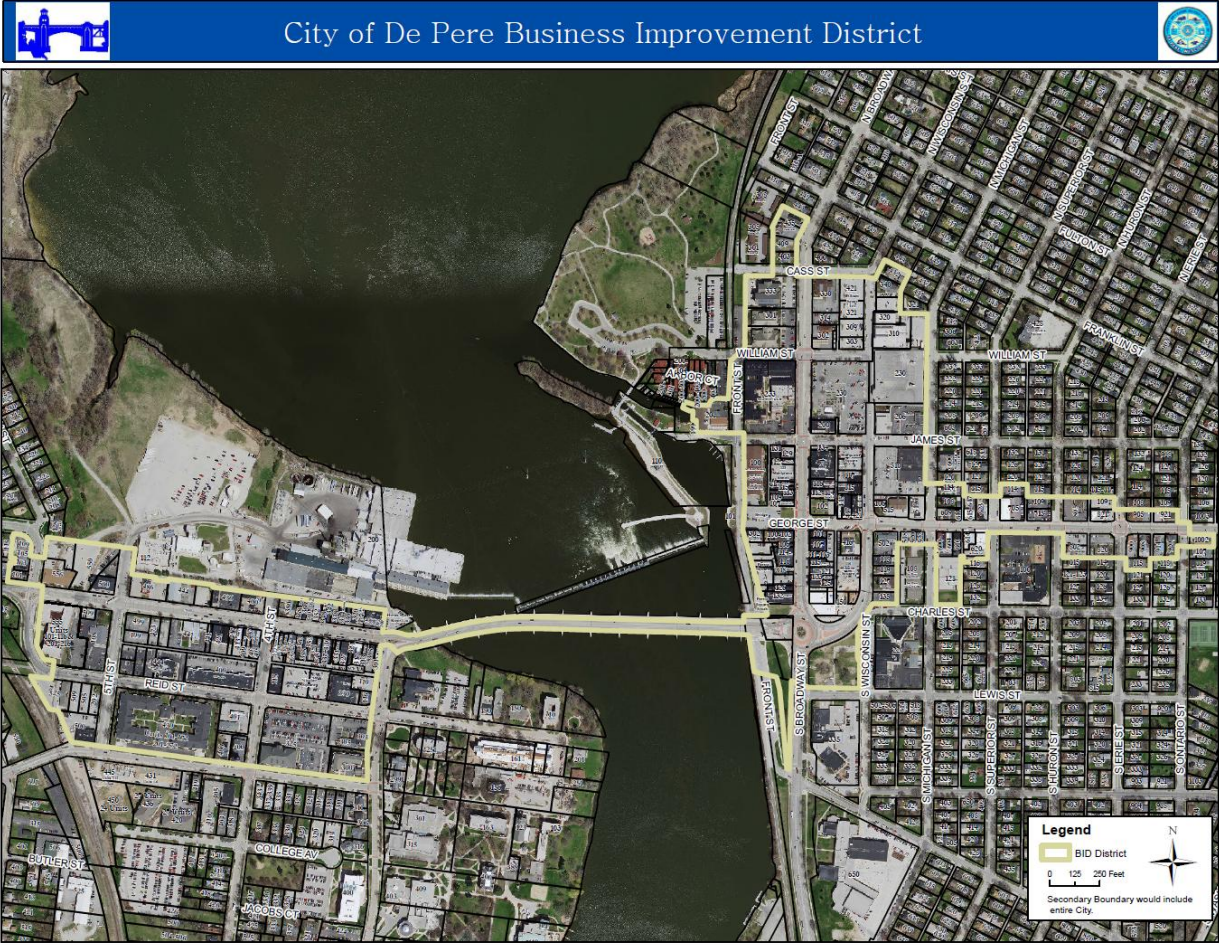
REVENUE		May 1 2015- Dec 31 2015	Jan 1 2016 - Dec 31 2016
BID Assessments		\$86,157.00	\$88,085.00
City Contribution		\$20,000.00	\$20,000.00
Committee Income			
	Organization	\$1,000.00	\$1,000.00
	Design	\$10,000.00	\$10,000.00
	Beautification	\$15,700.00	\$15,700.00
	Economic Enhancement	\$0.00	\$0.00
	Promotions	\$28,950.00	\$28,950.00
Carry over from previous year		\$60,280.00	\$114,477.00
Total Revenue		\$161,807.00	\$163,735.00
EXPENSES			
Operating Expenses			
	Personnel (Director/Staff)	\$53,636.67	\$80,455.00
	Rent	\$4,320.00	\$6,480.00
	Office Operations	\$5,000.00	\$10,661.00
	Main Street Professional Development	\$4,200.00	\$6,300.00
	Total Operating Expenses	\$67,156.67	\$103,896.00
Promotions			
	Seroogy's Run	\$0.00	\$250.00
	Downtown Cheese & Chocolate Walk	\$0.00	\$1,000.00
	Downtown Art Walk	\$5,000.00	\$5,000.00
	Yoga in the Park	\$500.00	\$500.00
	St. Norbert Freshmen Orientation	\$800.00	\$800.00
	Downtown Soup Walk	\$750.00	\$750.00
	Total Promotions Expenses	\$7,050.00	\$8,300.00
Design			

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	Winter Decorations	\$5,000.00	\$5,000.00
	Downtown Enhancements	\$10,000.00	\$10,000.00
	Total Design Expenses	\$15,000.00	\$15,000.00
Economic Enhancement			
	Downtown Living Initiative	\$1,500.00	\$1,500.00
	Building Owner Meetings	\$400.00	\$400.00
	Building Owner Educational Materials	\$500.00	\$500.00
	Total Economic Enhancement Expenses	\$2,400.00	\$2,400.00
Organization			
	Annual Meeting and Dinner	\$0.00	\$2,500.00
	Website Hosting	\$303.33	\$520.00
	Total Organizational Expenses	\$303.33	\$3,020.00
Beautification			
	Annual Pledge Drive	\$2,500.00	\$2,500.00
	Adopt a Pot	\$2,800.00	\$2,800.00
	Garden Beds	\$5,000.00	\$5,000.00
	Other Beautification Projects	\$300.00	\$300.00
	Fall Decorations	\$1,350.00	\$1,350.00
	Volunteer Events	\$350.00	\$350.00
	Garden of Merit Sign	\$300.00	\$300.00
	Holiday Decorations	\$2,500.00	\$2,500.00
	Postage	\$100.00	\$100.00
	Office Supplies	\$500.00	\$500.00
	Total Beautification Expenses	\$15,700.00	\$15,700.00
Total Expenses		\$107,610.00	\$168,316.00
Net Balance		\$54,197.00	-\$4,581.00
Total Assets with Reserves		\$114,477.00	\$109,896.00

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APPENDIX B: BID District Boundary



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**APPENDIX C: Properties in the District including Assessed and Exempt Properties
(names current as of July 2015)**

PARCELID	LOCATION	OWNERLST	2015 TOTVAL	Final Adjusted Assessment
ED-1006	109 N HURON ST	LTF INVESTMENTS LLC	\$76,500	\$133.88
ED-1007	715 GEORGE ST	LTF INVESTMENTS LLC	\$54,200	\$94.85
ED-1008	705 GEORGE ST	FISSETTE	\$279,700	\$489.48
ED-1010	114 N SUPERIOR ST	FISSETTE	\$20,200	\$35.35
ED-1048	820 GEORGE ST	WOODWARD INVESTMENTS LLC	\$306,200	\$535.85
ED-1058	802 GEORGE ST	BELLA REALTY LLC	\$397,700	\$695.98
ED-1058-1	S HURON ST	BELLA REALTY LLC	\$32,400	\$56.70
ED-1065	109 N ERIE ST	HIMAL LLC	\$47,400	\$82.95
ED-1066	821 GEORGE ST	HIMAL LLC	\$393,400	\$688.45
ED-1067	805 GEORGE ST	ALI BRI PROPERTIES LLC	\$247,800	\$433.65
ED-1088	921 GEORGE ST	SUMMERLEIGH ASSOCIATES INC	\$274,000	\$479.50
ED-1089	905 GEORGE ST	BEACHWALKER EXPRESS LLC	\$220,600	\$386.05
ED-1094	920 GEORGE ST	ROBERT VAN DEURZEN	EXEMPT	\$0.00
ED-1095	914 GEORGE ST	LIGHTHOUSE LUBE REAL ESTATE LLC	\$313,600	\$548.80
ED-1103	115 S ERIE ST	LEDGE HEAVEN LLC	\$240,400	\$420.70
ED-1104	908 GEORGE ST	NELSON	\$181,200	\$317.10
ED-1105	900 GEORGE ST	TETZLAFF	\$188,100	\$329.18
ED-18-65	201 JAMES ST	CHATEAU DEPERE LLC	\$1,700,000	\$1,950.00
ED-287	230 S BROADWAY	DE PERE CITY OF WELLS PARK	EXEMPT	\$0.00
ED-376	435 N BROADWAY	JCA INVESTMENTS LLC	\$300,900	\$526.58
ED-377	N BROADWAY	JCA INVESTMENTS LLC	\$20,300	\$35.53
ED-432	432 N WISCONSIN ST	FOX VIEW PROPERTIES LLC	\$257,000	\$449.75
ED-432-1	340 N WISCONSIN ST	VOYAGEUR OFFICE & SUITES LLC	\$500,100	\$875.18
ED-660	1002 GEORGE ST	VANDEURZEN	\$158,200	\$276.85
ED-719	FRONT ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-737	FRONT ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-751	409 N BROADWAY	DE PERE HISTORICAL SOCIETY INC	EXEMPT	\$0.00
ED-752	403 N BROADWAY	DE PERE HISTORICAL SOCIETY INC	EXEMPT	\$0.00
ED-756	333 N BROADWAY	BROWN COUNTY LIBRARY	EXEMPT	\$0.00
ED-758	301 N BROADWAY	NICOLET REAL ESTATE & INVESTMENT CORP	\$1,144,400	\$976.41
ED-758-1	300 BLOCK N BROADWAY	NICOLET REAL ESTATE & INVESTMENT CORP	\$1,141,100	\$973.59
ED-766	233 N BROADWAY	HEARTLAND AFFORDABLE HOUSING DE PERE LLC	EXEMPT	\$0.00
ED-767	129 N BROADWAY	BROOKS TL HOLDINGS LLC	\$82,200	\$275.00
ED-767-1	131 N BROADWAY	BOYD	\$102,000	\$275.00
ED-768	127 N BROADWAY	CONSTINE REAL ESTATE VENTURE LLC	\$273,200	\$478.10

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ED-769	123 N BROADWAY	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-771	117 N BROADWAY	BELLE HOLDINGS LLC	\$239,900	\$419.83
ED-772	115 N BROADWAY	GREAT DANE LLC	\$205,500	\$359.63
ED-773	113 N BROADWAY	BILOTTI	\$240,900	\$421.58
ED-774	109 N BROADWAY	BILOTTI	\$155,200	\$271.60
ED-775	107 N BROADWAY	BRUMMEL	\$226,300	\$396.03
ED-778	100 FRONT ST	LEFEBVRE INVESTMENT CO LLC	EXEMPT	\$0.00
ED-783	100-102 S BROADWAY	J & J ENTERPRISES OF DE PERE LLP	\$600,000	\$1,050.00
ED-784	106 S BROADWAY	J & J ENTERPRISES OF DE PERE LLP	\$210,100	\$367.68
ED-785	114-116 S BROADWAY	MACCO	\$648,200	\$1,134.35
ED-788	118 S BROADWAY	HILLCREST PARTNERSHIP #1 LLP THE	\$154,300	\$275.00
ED-788-1	S BROADWAY	DE PERE CITY OF	EXEMPT	\$0.00
ED-789	126 S BROADWAY	126 SOUTH BROADWAY LLC	\$199,000	\$348.25
ED-790	132 S BROADWAY	KARL	\$527,400	\$922.95
ED-793	FRONT ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-794	FRONT ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-796	FRONT ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-798	302 GEORGE ST	OUR HERITAGE FAMILY LTD PARTNERSHIP	EXEMPT	\$0.00
ED-799	CHARLES ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-801	S BROADWAY	DE PERE CITY OF WELLS PARK	EXEMPT	\$0.00
ED-80-3	S BROADWAY	WISCONSIN DEPT OF NATURAL RESOURCES	EXEMPT	\$0.00
ED-812	221 S BROADWAY	MEDICAL ARTS COMPLEX DENTAL CENTER SC ETAL	\$219,500	\$384.13
ED-816	416 GEORGE ST	GILLESPIE PROPERTIES LLC	\$400,600	\$701.05
ED-818	114 S WISCONSIN ST	DE PERE CITY OF MISSION SQUARE PARKING LOT	EXEMPT	\$0.00
ED-823	135 S BROADWAY	MIDLAND WISCONSINBROADWAY ASSOCIATE	\$2,399,400	\$1,950.00
ED-824	125 S BROADWAY	BEILKE LLC	\$354,400	\$620.20
ED-826	121 S BROADWAY	PUMPKIN HEADS LLC	\$192,100	\$336.18
ED-827	123 S BROADWAY	SAKS HOLDINGS LLC	\$183,300	\$320.78
ED-828	111-113 S BROADWAY	HZ PROPERTIES LLC	\$169,900	\$297.33
ED-829	115 S BROADWAY	ZOELLER	\$292,700	\$512.23
ED-831	107 S BROADWAY	KRYSHAK	\$280,000	\$490.00
ED-833	101 S BROADWAY	KORDES	\$218,900	\$383.08
ED-833-1	GEORGE ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-834	JAMES ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-835	127 N WISCONSIN ST	DE PERE CITY OF	EXEMPT	\$0.00
ED-836	117 N WISCONSIN ST	NEW LIFE CHRISTIAN FELLOWSHIP	EXEMPT	\$0.00
ED-837	115 N WISCONSIN ST	NEW LIFE CHRISTIAN FELLOWSHIP	EXEMPT	\$0.00

ED-840	421 GEORGE ST	LEE BUILDING CORPORATION THE	\$471,200	\$451.76
ED-841	417 GEORGE ST	GET REEL ENTERTAINMENT LLC	\$227,100	\$397.43
ED-842	415 GEORGE ST	CONARD	\$244,700	\$428.23
ED-844	102 N BROADWAY	DE PERE CITY OF	EXEMPT	\$0.00
ED-847	112-114 N BROADWAY	STARRY	\$320,100	\$560.18
ED-848	116 N BROADWAY	KRYSHAK	\$354,200	\$619.85
ED-850	124 N BROADWAY	LEE BUILDING CORPORATION THE	\$1,562,700	\$1,498.24
ED-851	134 N BROADWAY	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-857	200 N BROADWAY	UNION HOTEL CORP	\$379,400	\$663.95
ED-861	230 N BROADWAY	SPIRIT SPE PORTFOLIO 2006-1 LLC	\$446,500	\$263.84
ED-862	421 CASS ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-864	321 N WISCONSIN ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-865-1	309 N WISCONSIN ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-867	303 N WISCONSIN ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-869	302 N BROADWAY	NEXTGEN ENTERPRISES LLC	\$476,400	\$833.70
ED-869-1	WILLIAM ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-870	314 N BROADWAY	DEPERE FEDERAL S & L	\$61,000	\$106.75
ED-871	330 N BROADWAY	DEPERE FEDERAL S & L	\$905,800	\$1,585.15
ED-875	230 N WISCONSIN ST	SPIRIT SPE PORTFOLIO 2006-1 LLC	\$2,853,500	\$1,686.16
ED-878	310 N WISCONSIN ST	APARTMENT DEVELOPERS INC	\$1,159,700	\$1,950.00
ED-880	320 N WISCONSIN ST	ALGREM	\$488,400	\$854.70
ED-881	N WISCONSIN ST	DE PERE REDEVELOPMENT AUTHORITY	EXEMPT	\$0.00
ED-886	206 N WISCONSIN ST	ASSOCIATED DEPERE BANK	\$1,222,200	\$1,950.00
ED-893	510 JAMES ST	SEROOGY BROTHERS LLP	\$1,065,300	\$1,577.32
ED-897	519 GEORGE ST	LTF INVESTMENTS LLC	\$398,000	\$696.50
ED-900	515 GEORGE ST	DEPERE LAW BUILDING LLC	\$542,000	\$948.50
ED-901	106 N WISCONSIN ST	BALISON	\$112,700	\$275.00
ED-907	522 GEORGE ST	BELLA NOVA LLC	\$299,500	\$524.13
ED-914	135 S WISCONSIN ST	SAINT FRANCIS XAVIER	EXEMPT	\$0.00
ED-915	127 S WISCONSIN ST	STECKART	EXEMPT	\$0.00
ED-916	119 S WISCONSIN ST	PALS RENTALS LLC	\$126,700	\$275.00
ED-917	115 S WISCONSIN ST	SEROOGY BROTHERS LLP	\$251,700	\$372.68
ED-918	502 GEORGE ST	JDA ENTERPRISES OF WISCONSIN LLC	\$363,700	\$636.48
ED-949	620 GEORGE ST	ROYLE PROPERTIES LLC	\$392,100	\$686.18
ED-949-1	614 GEORGE ST	KMT ENTERPRISES LLC	\$346,200	\$605.85
ED-952-1	S SUPERIOR ST	KMT ENTERPRISES LLC	\$8,600	\$15.05
ED-960	610 GEORGE ST	NIP IT LLC	\$135,900	\$275.00
ED-961	600-604 GEORGE ST	CORNELL	\$361,200	\$632.10

ED-966	623 GEORGE ST	DECLEENE ZELLNER INC	\$378,000	\$661.50
ED-967	615-617 GEORGE ST	DANEN PROPERTIES LLC	\$160,100	\$280.18
ED-968-1	611 GEORGE ST	DANEN PROPERTIES LLC	\$105,800	\$185.15
ED-968-2	609 REAR GEORGE ST	MARSHA VANEGEREN	\$400	\$275.00
ED-968-3	609 GEORGE ST	DANEN PROPERTIES LLC	\$246,500	\$431.38
ED-969	108 N MICHIGAN	HANNON	EXEMPT	\$0.00
ED-970	114 N MICHIGAN ST	WILDROOT LLC	\$135,300	\$275.00
WD-1646	555-101 MAIN AV	FINLAY	EXEMPT	\$0.00
WD-1647	555-102 MAIN AV	GOTTOWSKI	EXEMPT	\$0.00
WD-1648	555-103 MAIN AV	SULLIVAN	EXEMPT	\$0.00
WD-1649	555-104 MAIN AV	HARE	EXEMPT	\$0.00
WD-1650	555-105 MAIN AV	NEW DEVELOPERS LLC	EXEMPT	\$0.00
WD-1651	555-106 MAIN AV	1ST RATE MORTGAGE CORP	EXEMPT	\$0.00
WD-1652	555-107 MAIN AV	STEENO	EXEMPT	\$0.00
WD-1653	555-108 MAIN AV	WATERMOLEN	EXEMPT	\$0.00
WD-1654	555-109 MAIN AV	WARD	EXEMPT	\$0.00
WD-1655	555-110 MAIN AV	MCKEEFRY	EXEMPT	\$0.00
WD-1656	555-111 MAIN AV	1ST RATE MORTGAGE CORP	EXEMPT	\$0.00
WD-1657	555-112 MAIN AV	MINTEN	EXEMPT	\$0.00
WD-1658	555-113 MAIN AV	GUO	EXEMPT	\$0.00
WD-1659	555-114 MAIN AV	FLYNN	EXEMPT	\$0.00
WD-1660	555-115 MAIN AV	GANNON THOMAS E & JEAN M REVOCABLE TRUST	EXEMPT	\$0.00
WD-1661	555-116 MAIN AV	PEARSON	EXEMPT	\$0.00
WD-1662	555-201 MAIN AV	LADOWSKI	EXEMPT	\$0.00
WD-1663	555-107 MAIN AV	STEELE	EXEMPT	\$0.00
WD-1664	555-203 MAIN AV	HAGANES	EXEMPT	\$0.00
WD-1665	555-204 MAIN AV	RYAN	EXEMPT	\$0.00
WD-1666	555-205 MAIN AV	LIN	EXEMPT	\$0.00
WD-1667	555-206 MAIN AV	BOUBENIDER	EXEMPT	\$0.00
WD-1668	555-208 MAIN AV	PRATEL	EXEMPT	\$0.00
WD-1669	555-209 MAIN AV	FILLE	EXEMPT	\$0.00
WD-1670	555-210 MAIN AV	SMET	EXEMPT	\$0.00
WD-1671	555-211 MAIN AV	MILLER	EXEMPT	\$0.00
WD-1672	555-212 MAIN AV	ROYER	EXEMPT	\$0.00
WD-1673	555-213 MAIN AV	LADOWSKI SR	EXEMPT	\$0.00
WD-1674	555-214 MAIN AV	BERGH CHARLES R & DONNA S TRUST	EXEMPT	\$0.00
WD-1675	555-215 MAIN AV	GHORI	EXEMPT	\$0.00
WD-1676	555-216 MAIN AV	MILLER	EXEMPT	\$0.00
WD-216	300 GRANT ST	SAINT NORBERT COLLEGE INC	\$3,819,600	\$1,950.00
WD-279	509 MAIN AV	PIONEER CREDIT UNION (FC)	\$127,500	\$275.00
WD-281	108 S FIFTH ST	PIONEER CREDIT UNION	\$804,200	\$1,407.35

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WD-283	499 MAIN AV	DEPERE WEST DEVELOPMENT LLC	\$60,400	\$40.10
WD-284	109 S FIFTH ST	DEPERE WEST DEVELOPMENT LLC	\$47,700	\$31.67
WD-286	473 MAIN AV	DEPERE WEST DEVELOPMENT LLC	\$47,600	\$31.60
WD-287	400 BLOCK MAIN AV	DEPERE WEST DEVELOPMENT LLC	\$47,600	\$31.60
WD-288	441 MAIN AV	PEOPLES MARINE BANK OF GREEN BAY	\$1,020,500	\$1,785.88
WD-295	444 REID ST	MARQUETTE CENTRE LLC	\$2,280,700	\$1,950.00
WD-306	525 REID ST	N E W DEVELOPERS LLC	\$432,000	\$756.00
WD-310	430 GRANT ST	NICOLET HIGHLANDS LLC	EXEMPT	\$0.00
WD-367	300 MAIN AV	HAWK HOLDINGS LLC	\$323,400	\$565.95
WD-369	320 MAIN AV	GAROT	\$657,700	\$1,150.98
WD-371	330 MAIN AV	STAGECOACH ENTERPRISES LLC	\$181,400	\$317.45
WD-372	334 MAIN AV	A&K LONGBRANCH LLC	\$247,000	\$432.25
WD-373	338 MAIN AV	HERYMAN	\$142,300	\$275.00
WD-374	342-344 MAIN AV	WILLEMS	\$97,800	\$275.00
WD-375	348 MAIN AV	RENIER	\$131,300	\$275.00
WD-376	352 MAIN AV	GAROT	\$9,000	\$15.75
WD-377	360-362 MAIN AV	MANDERS JAMES A & DORIS C REVOCABLE TRUST	\$43,100	\$275.00
WD-378	366 MAIN AV	MATYAS	\$196,300	\$343.53
WD-379	368 MAIN AV	KEWEENAW ENTERPRISES LLC	\$232,200	\$406.35
WD-380	380 MAIN AV	OLD NELL PROPERTIES LLC	\$404,800	\$708.40
WD-381	400 MAIN AV	SECOR JEROME J REVOCABLE TRUST	\$283,800	\$496.65
WD-386	436 MAIN AV	ISC PROPERTY LLC	\$337,100	\$589.93
WD-387	444 MAIN AV	F & J PROPERTIES LLC	\$325,700	\$569.98
WD-387-1	MAIN AV	KROPP	\$70,600	\$123.55
WD-388	486 MAIN AV	SMOOTH MONEY OF IOWA LLC	\$390,200	\$682.85
WD-389-2	500 MAIN AV	DUTCH BOYZ DE PERE LLC	\$1,835,900	\$1,950.00
WD-389-3	550 MAIN AV	CHRIST THE ROCK CHURCH INC	EXEMPT	\$0.00
WD-389-4	556 MAIN AV	CHRIST THE ROCK CHURCH INC	EXEMPT	\$0.00
WD-389-5	N SIXTH ST	BURKARD PHILLIP J & NANCY R REVOCABLE TRUST	\$42,200	\$275.00
WD-403	109 N SIXTH ST	SANDERS	\$346,700	\$606.73
WD-404	101 FORT HOWARD AV	DECLEENE ZELLNER LLC	\$299,700	\$524.48
WD-404-2	MAIN AV	WISCONSIN DEPT OF TRANSPORTATION	EXEMPT	\$0.00
WD-623	500 GRANT ST	INVESTORS COMMUNITY BANK	\$600,300	\$1,050.53
WD-634	GRANT ST	SAINT NORBERT COLLEGE INC	EXEMPT	\$0.00
WD-634-2	400 GRANT ST	SAINT NORBERT COLLEGE INC	EXEMPT	\$0.00
WD-884	401 MAIN AV	SCHLEIS PROPERTIES LLC	\$472,000	\$826.00
WD-885	407 MAIN AV	DETRY	\$141,300	\$247.28
WD-886	409 MAIN AV	DETRY	\$138,500	\$242.38
WD-887	413 MAIN AV	RHODES ETAL	\$217,800	\$381.15

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WD-888	417 MAIN AV	MARTIN	\$138,500	\$275.00
WD-889	421 MAIN AV	KROPP	\$387,600	\$678.30
WD-890-1	441 MAIN AV	PEOPLES MARINE BANK OF GREEN BAY	\$200	\$0.35
WD-893	400 REID ST	DEPERE WEST DEVELOPMENT LLC	\$2,733,900	\$1,815.03
WD-906	301 MAIN AV	PHE WI LLC	\$415,100	\$726.43
WD-907	305 MAIN AV	B S ENTERPRISES OF DE PERE LLC	\$195,000	\$341.25
WD-908	313 MAIN AV	313 MAIN IN DE PERE LLC	\$284,500	\$497.88
WD-909	317 MAIN AV	LOCH	\$305,000	\$533.75
WD-910	321 MAIN AV	KEY PROPERTY MANAGEMENT LLC	\$158,500	\$277.38
WD-911	327 MAIN AV	TILKENS FAMILY LTD PARTNERSHIP	\$394,300	\$690.03
WD-912	331 MAIN AV	NICK BROTHERS PARTNERSHIP	\$311,600	\$545.30
WD-913	337-339 MAIN AV	MIRHASHEMI INC	\$259,200	\$453.60
WD-915	345 MAIN AV	MANNING ETAL	\$169,800	\$297.15
WD-917	353 MAIN AV	BALISON REAL ESTATE LLC	\$321,500	\$562.63
WD-917-1	MAIN AV	DE PERE CITY OF	EXEMPT	\$0.00
WD-917-2	MAIN AV	DE PERE CITY OF	EXEMPT	\$0.00
WD-918	355 MAIN AV	D&J ENTERPRISE OF GREENLEAF LLC	\$171,700	\$300.48
WD-919	363 MAIN AV	CHANMINA LLC	\$183,800	\$321.65
WD-920	365 MAIN AV	SAKS HOLDINGS LLC	\$407,300	\$712.78
WD-921	371 MAIN AV	ABTS INVESTMENTS LLC	\$141,200	\$275.00
WD-922	375 MAIN AV	LARSON	\$216,600	\$379.05
WD-923	377 MAIN AV	RAW LEGACY LLC	\$287,400	\$502.95
WD-925	115 FOURTH ST	MISHLER LONNIE L & CAROL	\$425,200	\$744.10
WD-926	340 BLOCK REID ST	DE PERE CITY OF NICOLET SQUARE PARKING LOT	EXEMPT	\$0.00
WD-928	340 REID ST	DE PERE CITY OF NICOLET SQUARE PARKING LOT	EXEMPT	\$0.00
WD-930	330 REID ST	LUTSEY	\$822,900	\$1,440.08
WD-931	116 THIRD ST	AJANGO PROPERTIES LLC	\$219,000	\$383.25
WD-933	THIRD ST	DE PERE CITY OF	EXEMPT	\$0.00
WD-955	303 REID ST	REID STREET RETAIL LLC	\$1,284,400	\$1,950.00
WD-961	325 REID ST	MASTERS PROPERTIES OF DE PERE LLC	\$7,486,300	\$1,950.00
WD-965	401 REID ST	CKROLL PROPERTIES LLC	\$746,000	\$1,305.50
Total Value within BID	\$68,995,400.00			
Total Revenue of BID Assessments				\$88,085.35

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APPENDIX D: Wisconsin Statutes Section 66.1109

Wisconsin BID Law: 66.1109 Business improvement districts.

(1) In this section:

(a) "BID Board" means a business improvement district board appointed under sub. (3) (a).

(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.

(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.

(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.

(e) "Municipality" means a city, village or town.

(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:

1. The special assessment method applicable to the business improvement district.
- 1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.

(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.

(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:

(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.

(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a

class 2 notice under Ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detailed map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.

(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.

(3) (a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.

(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.

(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.

(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.

(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.

(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property

assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).

(5) (a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. [70.11](#) may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

Unofficial text from Wis Stats. database. See printed Statutes and Wis. Acts for official text under s. 35.18(2) stats. Report errors to the Revisor of Statutes at (608) 266-2011, FAX 264-6978.

APPENDIX E: Adopted Bylaws

BUSINESS IMPROVEMENT DISTRICT

ARTICLE I **MEMBERS**

All owners of property located within the District shall automatically be members of the De Pere Business Improvement District. All members shall have the right to vote on any issue that is placed before the members by the Board of Directors.

ARTICLE II **MEMBERSHIP MEETINGS**

Section 1. Annual Meeting. An annual meeting of the membership shall be held in each calendar year at such time and place as may be determined by the Board of Directors for the purpose of transacting such business as may be properly brought before the meeting.

Section 2. Special Meeting. Special meetings of the membership shall be held at any time and place as may be designated in the notice of said meeting, upon call of the chairman of the Board of Directors.

Section 3. Notice. Email (or mail) notice of every meeting of the membership (annual or special), stating the place, date, and hour of the meeting, shall be sent to each member not less than seven (7) or more than thirty (30) days before the date of the meeting. Other interested parties shall be given such notice of meetings as the Board of Directors deem appropriate.

Section 4. Proceedings. Roberts Rules of Order shall govern the parliamentary procedures at all meetings when not in conflict with these Bylaws except that there shall be no minimum number of members necessary to attend any meeting by a majority vote of the active members present.

ARTICLE III **BOARD OF DIRECTORS**

Section 1. Federal Requirement. BID district members can recommend future board members to the BID Board. The BID Board will provide the recommended nominations to the Mayor. The Mayor appoints members from these nominations to the BID Board. The BID Board includes a representative of the Mayor or Council. State law requires that the BID Board be composed of at least 4 members and the majority of the BID Board members be owners or occupants of property within the District. Appointments must be made by the Mayor and confirmed by the City Council.

Section 2. Responsibilities. The BID Board's primary responsibility will be contracting for implementation of the current year's DBI Operating Plan, contracting for preparation of an annual report and audit of the District, annually considering and making changes to this DBI Operating Plan and submitting the DBI Operating Plan for the following year to the Common Council of the City of De Pere for approval, and all other powers granted in this DBI Operating Plan and Bylaws. This will require the BID Board to negotiate with providers of services (primarily to Definitely De Pere) and materials to carry out the DBI Operating Plan; to enter into various contracts; to monitor development activity; and to ensure the District's compliance with the provisions of applicable statutes and regulations.

Section 3. BID Board Composition. The BID Board shall consist of seven (7) members. A majority (at least 4) of the members shall be owners or occupants of real property within the District. The Board shall have the following composition:

- a. 2 Owners of property in the District.
- b. 1 representative from Service/Retail, Hospitality and Office.
- c. 1 Community representative with no property ownership or business interests within the District. The appointee shall be a resident of the City of De Pere.
- d. 1 representative of the City of De Pere, appointed by the Common Council.

Any BID Board member who because of transfer of ownership of property is no longer eligible to act as a representative shall be replaced.

Section 4. BID Board Term. Appointments to the BID Board shall be for a period of 3 years, except that initially 3 members are appointed for a period of 3 years, 2 members shall be appointed for 2 years, and 2 members shall be appointed for 1 year, each term ending on December 31 of the applicable year. The BID Board may remove, by majority vote, a BID Board member who is absent from more than 3 meetings, without valid excuse. Any BID Board vacancy (except the Mayor's or City Council's Member) shall be filled by nomination of the Mayor.

Section 5. Compensation. The BID Board members shall receive no compensation for serving on the BID Board.

Section 6. Meetings. All meetings of the BID Board shall be governed by the Wisconsin Open Meetings Law. Meetings will be posted on the City of De Pere's website. Minutes will be recorded and submitted to the City and the BID Board. Roberts Rules of Order shall govern the parliamentary procedures at all meetings when not in conflict with these Bylaws.

Section 7. Record Keeping. Files and records of the BID Board's affairs shall be kept pursuant to public records requirements. Records of the BID Board will be kept at the De Pere City Hall.

Section 8. Staffing. The BID Board shall contract for staffing services pursuant to this DBI Operating Plan and subsequent modifications thereof. It is contemplated that such staff and services shall be contracted with Definitely De Pere, unless requested otherwise by the BID Board; the Board of Directors of Definitely De Pere may attend all meetings of the BID Board, but will not have voting authority.

Section 9. Officers. The BID Board shall appoint a Chairman, Treasurer and Secretary, any two of the three of which shall have the power to execute documents on behalf of the full BID Board, for purposes authorized by the full BID Board.

Section 10. Quorum. At all meetings of the BID Board, a majority of the voting members thereof shall constitute a quorum for the transaction of business. If a quorum shall not be present at any meeting of the BID Board, the Directors present may adjourn and reschedule the meeting until a quorum shall be present.

Section 11. Consent. Any action required or permitted to be taken at any meeting of the BID Board of Directors may be taken without a meeting, if all members of the BID Board consent hereto in writing, setting forth the action taken, and the writing or writings are filed with the minutes of the proceedings. Such consent shall have the same force and effect as unanimous vote of the BID Board.

Section 12. BID Board Powers. The BID Board shall have all the powers authorized by law, including but not limited to, the following powers:

1. To manage the affairs of the District.
2. To undertake on its own accord or to assist in development, underwriting or guaranteeing public improvements within the District.
3. To apply for, accept, and use grants and gifts for these purposes.
4. To contract on behalf of the BID with Definitely De Pere, to carry out the DBI Operating Plan under the direction of the BID Board.
5. To develop, advertise and promote the existing and potential benefits of the District.
6. To promote new investment and appreciation in value of existing investments.
7. To elect officers, and contract out work as necessary to carry out these goals.
8. To add to the beautification and/or maintenance of the District.
9. To annually consider and make changes to the DBI Operating Plan which may include termination of the BID.

It is anticipated that the BID Board will utilize the above powers in the capacity of directing and delegating to Definitely De Pere, many of its duties and responsibilities while retaining the overall authority and responsibility for such drafting and implementation of the DBI Operating Plan.

Section 13. BID Board Authority. The BID Board of Directors shall be required to conform to the DBI Operating Plan presented to and approved by the De Pere Common Council each year and shall be subject to the Wisconsin Statutes covering the Business Improvement Districts (BIDs).

ARTICLE IV COMMITTEES

Section 1. There shall be such standing committees as the BID Board may determine. The terms of the committees shall be for 1 year commencing at the time of the annual membership meeting.

ARTICLE V OFFICERS

Section 1. General. The Officers of the District BID shall consist of a Chairman, a Secretary, and a Treasurer and such other officers and assistant officers as may be deemed necessary.

Section 2. Election. Officers shall be BID Board members and staff shall be elected by the Board of Directors annually at the annual meeting. No BID Board member may hold more than one office. Officers may serve more than one term if reelected.

Section 3. Powers and Duties. Except as hereinafter provided, the officers of the BID Board shall each have such powers and duties as generally pertain to their respective office, as well as those that from time to time may be conferred by the membership of the BID Board of Directors.

- A. Chairman. The Chairman shall preside at all business meetings, but may at his or her discretion or at the suggestion of the Directors arrange for another officer to preside at other meetings. The Chairman shall perform such duties as are usually incumbent upon that officer, such duties as may be directed by resolution of the Board of Directors.
- B. Secretary. The Secretary shall record and maintain in good order all minutes of all meetings and all records and correspondence of the District BID, and shall email copies of the minutes of each membership meeting to all members within 60 days of the conclusion of each meeting. The Secretary shall also have such duties as may be assigned by the membership or the Board of Directors.

- C. Treasurer. The Treasurer shall maintain in good order all financial records of the District BID. The Treasurer shall also have such other duties as may be assigned by the membership Board of Directors.
- D. Temporary Officers. In case of absence or disability of any officer and of any person authorized to perform duties in his or her place during such periods of absence or disability, the Chairman may from time to time delegate the powers and duties of such officer to any other officer or any other member.

ARTICLE VI FINANCES

Section 1. Authority. Except as the Board of Directors may generally or in particular cases authorize the execution thereof in some other manner, all checks, drafts, and other instruments for the payment of money and all instruments of transfer of securities, shall be signed in the name and on behalf of the BID by any of the three officers.

Section 2. Financial Institution. All funds of the BID shall be deposited from time to time to the credit of the BID in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 3. Funding Services. The Board of Directors may accept on behalf of the BID any contribution, gift, bequest or device for general purposes or for any special purpose of the BID.

ARTICLE VII AMENDMENTS

Section 1. Authority. The Common Council of the City of De Pere, upon the consent of the Board of Directors, shall have the power to alter, amend, or repeal the Bylaws or adopt new Bylaws.

Section 2. Process. The BID may also annually present amendments to the Bylaws. The following process for approval of the amended Bylaws will be as follows:

- A. The BID Board will review the proposed BID Bylaws and make a recommendation to the De Pere ~~Plan Commission~~ Common Council.
- ~~B. The City of De Pere Plan Commission will review the proposed amended BID Bylaws and will make a recommendation to the Common Council.~~
- C. The Common Council will act on the proposed amended BID Bylaws.

Section 3. Generally. It is anticipated that the BID Board will continue to revise and develop the Bylaws annually, in response to changing development needs and opportunities in the District, within the purpose and objectives defined herein and in the DBI Operating Plan.

Adopted by BID Board on: July 17, 2015

Amended by BID Board on: August 21, 2015

Adopted by City of De Pere Common Council on:

City of De Pere, Wisconsin



Request For Business Improvement District Board Action

MEETING DATE: August 21, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: Future Agenda Items.
