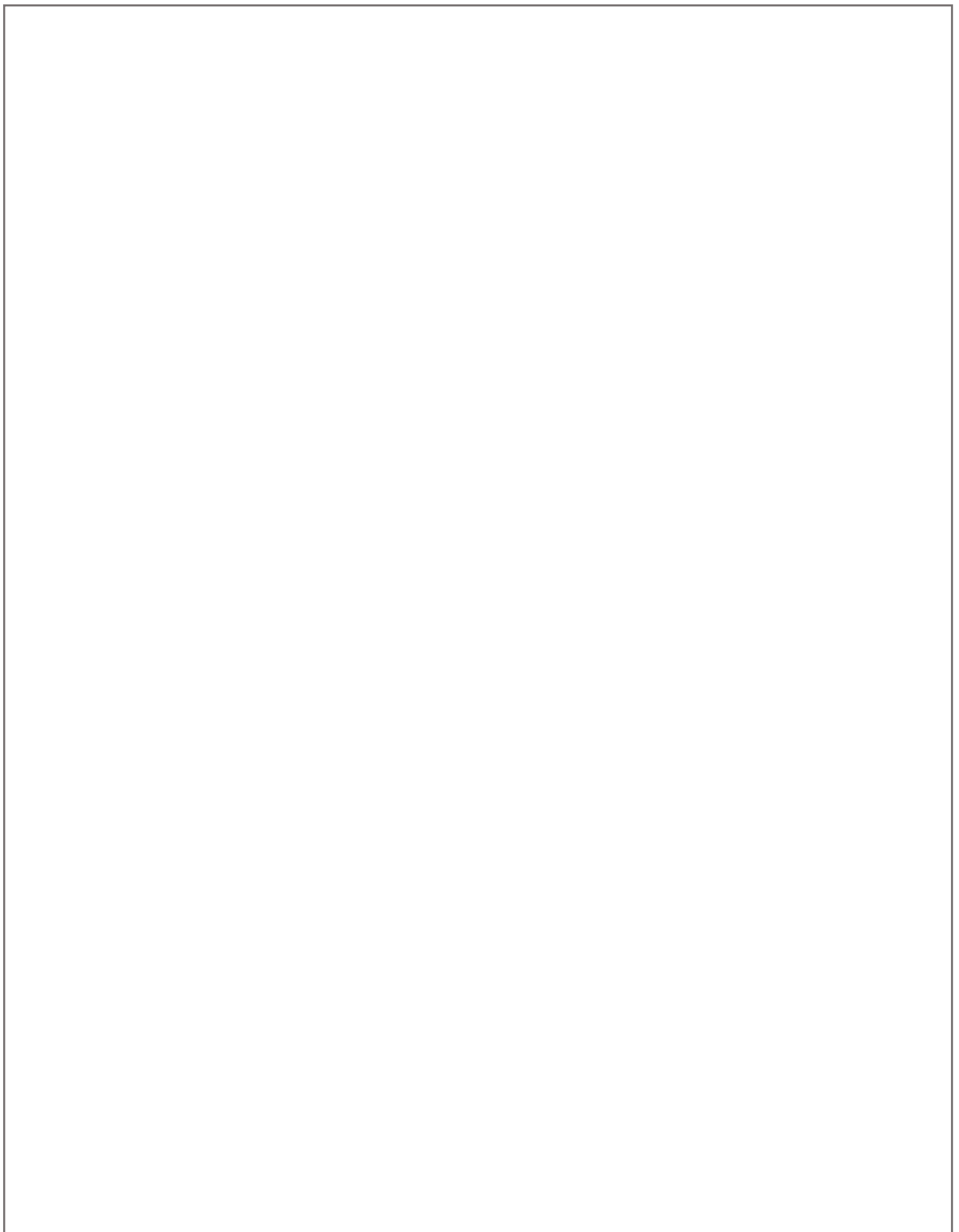


DOWNTOWN  
**WEST BEND**

— BUSINESS IMPROVEMENT DISTRICT —

**2024 OPERATING PLAN**

V. 11.13.2023



# **DOWNTOWN WEST BEND BUSINESS IMPROVEMENT DISTRICT 2024 OPERATING PLAN**

## **I. INTRODUCTION**

### **A. Background**

In 1984, the Wisconsin legislature created §66.608 of the Statutes enabling cities to establish Business Improvement Districts (BIDs) upon the petition of at least one property owner within the proposed district. The purpose of the law is "... to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." A copy of the BID law is included as Appendix A of this plan. Wisconsin Statutes Section 66.608 has been renumbered at 66.1109.

Pursuant to the BID law, the following represents the year 2024 Operating Plan for the Downtown West Bend BID. This operating plan complies with the requirements of Wis. Statutes 66.1109.

### **B. Physical Setting**

The Downtown West Bend Business Improvement District is located near two of West Bend's main thoroughfares, Main Street and Washington Street. The BID's borders are as shown on the attached map, Appendix B. The district offers restaurants, retail stores, professional and financial services, and entertainment. It also includes the cultural district, a portion of the Riverwalk, Tower Heritage Center, Museum of Wisconsin Art, The Bend, and the historic downtown commercial area.

### **C. BID Board and By-Laws**

BID Board members are appointed by the Mayor of the City of West Bend and confirmed by the Common Council. The BID Board met and adopted the revised by-laws on July 11, 2023; a copy is attached as Appendix F.

## II. OPERATING PLAN

### A. Purpose

The purpose of the Downtown BID is to promote the orderly development of the City of West Bend by providing an organizational and funding vehicle to develop and promote the downtown area for the economic benefit of all businesses and property owners within the district, and make recommendations to the Common Council regarding parking, beautification, and other infrastructure improvements, thereby making the district more physically and economically attractive for use by all citizens and property owners.

### B. Goals

1. To promote the development, redevelopment, maintenance, and operation of the Downtown West Bend BID.
2. To foster, encourage, and advocate downtown development programs and a cooperative spirit between businesses and property owners within the BID.
3. To design, develop, and implement marketing programs and strategies that promote the image of the downtown areas as prosperous and unified, and which specifically work towards minimizing the downtown business vacancy rate, as well as promoting a proper retail mix for this commercial business district.
4. To guide and coordinate the physical development of the downtown area to ensure its commercial viability, both functionally and visually.
5. To coordinate activities of the BID with the City of West Bend, West Bend Tourism Commission, West Bend Area Chamber of Commerce, Downtown West Bend Association, and any other organization that fosters development within the district.

### C. 2024 Projects and Activities of the Business Improvement District

See Appendix D

D. Activity Fund

In fiscal year 2024, the Operating Budget for the Downtown West Bend BID creates an improvement fund whereas \$2.00 per \$1,000.00 district assessed value of property owners in the district shall be utilized for improvement projects. Funds not marked for specific projects in the 2024 Operating Plan will be saved for future improvements that will require more funds than the BID can provide in one year.

E. Budget

Income: 2024 BID Assessment Revenue \$ 112,554.20

Expenses: Projects listed in Appendix D \$ 112,554.20

F. Method of Special Assessment

In accordance with state law, the district will be funded by special assessments on the properties within the district. After consideration of other methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, an assessment on the assessed value of the property was selected as the assessment methodology for this BID.

The projects in the 2024 Operating Plan and the Activity Fund will be funded through a special assessment based on \$2.00 per \$1,000.00 valuation of the property of all properties identified within the district boundaries and attached as Appendix C. Such special assessments will be levied by the City of West Bend. Special assessments will not be levied against residential or tax exempt properties. There are currently two properties located within the district that are used exclusively for manufacturing. Any other properties to be used exclusively for manufacturing shall also be specially assessed because it is assumed they will benefit from development in the district. The BID funds will be maintained and controlled by the BID Board, which has the powers necessary to implement the operating plan. Upon creation of the BID, the Mayor is required to appoint board members.

G. Expenditures

The expenditures in the 2024 Operating Plan include the following:

1. Improvements and support of future projects detailed in Appendix D.

#### H. Description of Method of Financing

BID financing will be done through fund raising, special projects, contributions, and through special assessments administered as detailed above.

All BID revenues will continue to be maintained and accounted for in a dedicated City BID account. Normal administrative procedures, including notification to affected property owners and City Council approval will be followed in levying special assessments. In the event that a surplus of annual BID revenues exist at the end of any fiscal year, the monies may be carried over and re-appropriated in subsequent fiscal years.

#### I. Relationship to City of West Bend Comprehensive Plan and Orderly Development of the City

The City of West Bend has supported the downtown by preserving the character, appearance, and vitality of the downtown area. Yet, the Downtown West Bend Strategic Plan, prepared by Camiros, Ltd. in 1999, identified the need for improved preservation and redevelopment. Creation of the Business Improvement District is a means of formalizing and funding the public-private partnership between the City and property owners in the downtown area. Creation of the Business Improvement District is fully consistent with the City of West Bend Comprehensive Plan and will further preservation and redevelopment efforts.

### III. **CREATION OF THE DOWNTOWN WEST BEND BUSINESS IMPROVEMENT DISTRICT**

The Business Improvement District was created January 1, 2001. The year 2024 Operating Plan is designed to promote and enhance the Downtown West Bend Business Improvement District.

**APPENDIX A**  
**§ 66.1109, WIS. STATUTES**

## 66.1109 Business improvement districts.

(1) In this section:

- (a) "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 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 subs. 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 detail 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 plan 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 percent 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 percent 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.
- (2m) A municipality may annex territory to an existing business improvement district if all of the following are met:
- (a) An owner of real property used for commercial purposes and located in the territory proposed to be annexed has petitioned the municipality for annexation.
  - (b) The planning commission has approved the annexation.
  - (c) At least 30 days before annexation of the territory, the planning commission has held a public hearing on the proposed annexation. 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 a detail map showing the boundaries of the territory proposed to be annexed to the



(d) Within 30 days after the hearing under par. (c), the owners of property in the territory to be annexed that would be assessed under the operating plan having a valuation equal to more than 40 percent of the valuation of all property in the territory to be annexed that would be assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property in the territory to be annexed that would be assessed under the operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property in the territory to be annexed that would be assessed under the operating plan, have not filed a petition with the planning commission protesting the annexation.

(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 one of the following:

1. If the cash balance in the segregated account described under sub. (4) equaled or exceeded \$300,000 at any time during the period covered by the report, the municipality shall obtain an independent certified audit of the implementation of the operating plan.
2. If the cash balance in the segregated account described under sub. (4) was less than \$300,000 at all times during the period covered by the report, the municipality shall obtain a reviewed financial statement for the most recently completed fiscal year. The statement shall be prepared in accordance with generally accepted accounting principles and include a review of the financial statement by an independent certified public accountant.

(cg) For calendar years beginning after December 31, 2018, the dollar amount at which a municipality is required to obtain an independent certified audit under par. (c) 1. and the dollar amount at which a municipality is required to obtain a reviewed financial statement under par. (c) 2. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 2017, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

(cr) The municipality shall obtain an additional independent certified audit of the implementation of the operating plan 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 and 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 other appropriations other than special assessments, to pay the costs of audits and reviewed financial statements 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 last collected special assessment.

(4g) A municipality may convert a business improvement district under this section into a neighborhood improvement district under s. 66.1110 if an owner of real property that is subject to general real estate taxes, that is used exclusively for residential purposes, and that is located in the business improvement district petitions the municipality for the conversion. If the municipality approves the petition, the board shall consider and may make changes to the operating plan under s. 66.1110 (4) (b).

(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 percent of the valuation of all property assessed under the operating plan

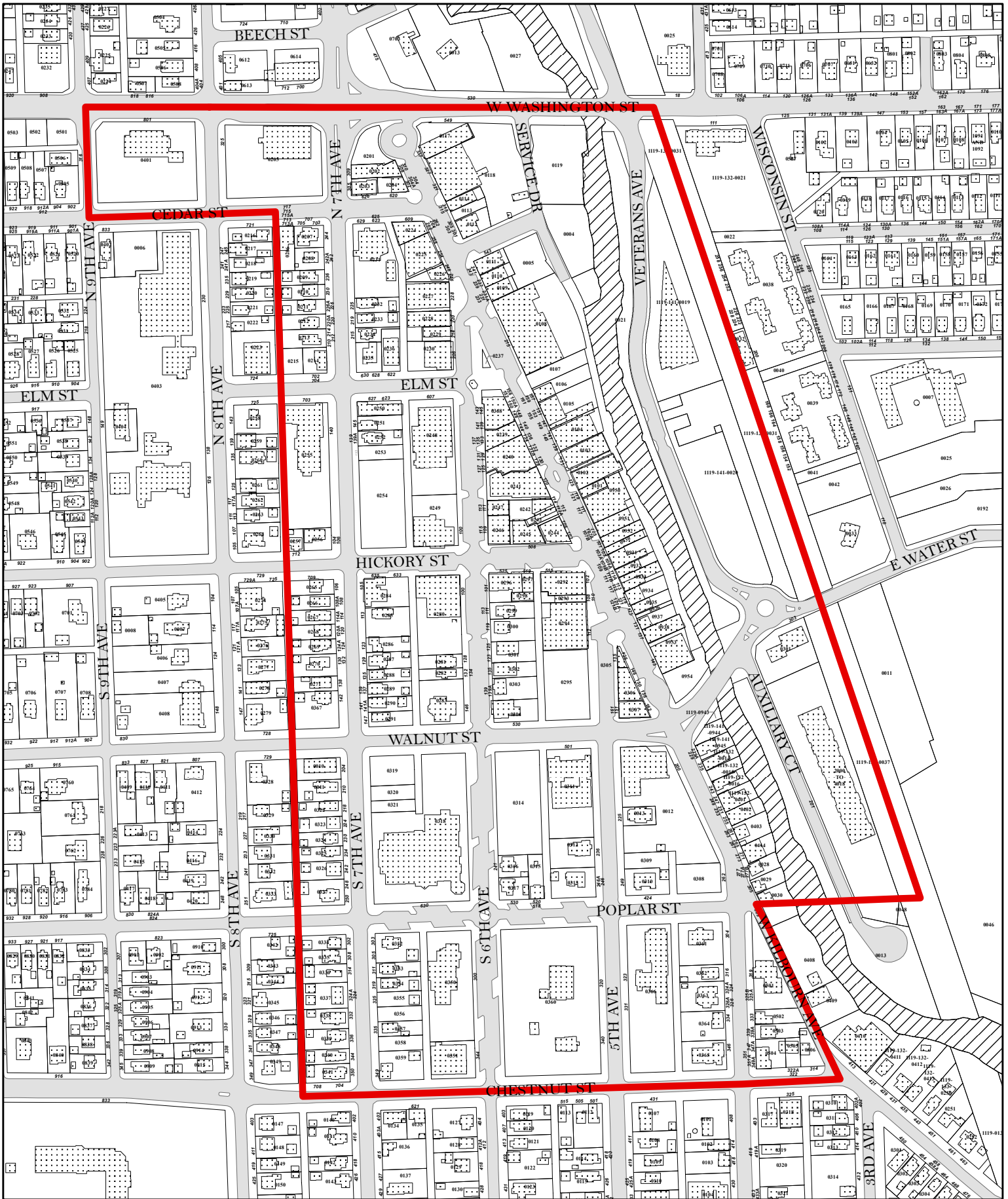
operating plan, file a petition with the planning commission requesting termination of the business improvement district subject to all of the following conditions:

- (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).
  - (c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. 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 operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
  - (d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan must send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
  - (e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50 percent 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 percent of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
- (5)**
- (a) Real property used exclusively for residential purposes and real property that is exempted from general property tax 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.
  - (d) If real property that is specially assessed as authorized under this section is of mixed use such that part of the real property is exempted from general property taxes under s. 70.11 or is residential, or both, and part of the real property is taxable, the municipality may specially assess as authorized under this section only the percentage of the real property that is not tax-exempt or residential. This paragraph applies only to a 1st class city.

**History:** 1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85; 2017 a. 59, 70, 189.

**APPENDIX B  
BID DISTRICT MAP**

# Downtown West Bend Business Improvement District



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**APPENDIX C**  
**PROPERTY ASSESSMENTS**



2024 BID ASSESSMENTS

PROPERTY INFORMATION			PROPERTY OWNER INFORMATION					PROPERTY VALUES & BID ASSESSMENTS			
Tax Key	USE	BID Property Address	Owner Name	Owner Address	Owner City	State	Zip	2022 Total Value	2023 BID Assessment \$3/\$1,000	2023 Total Value	2024 BID Assessment \$2/\$1,000
11191410013	Commercial	225 5th Ave	225 S 5TH AVE LLC	1968 MAPLEDALE RD	WEST BEND	WI	53090	\$ 238,300.00	\$ 714.90	\$ 320,000.00	\$ 640.00
11191410012	Commercial	200 S Main St	WEST BEND SAVINGS AND LOAN ASSOC	200 S MAIN ST	WEST BEND	WI	53095	\$ 2,446,400.00	\$ 7,339.20	\$ 3,518,000.00	\$ 7,036.00
11191410005	Commercial	Service Dr	DOMINIC AMBROSELLI	405 N 92ND ST	MILWAUKEE	WI	53226	\$ 63,900.00	\$ 191.70	\$ 105,600.00	\$ 211.20
11191320504	Commercial	351 S Main St	PAUL S TUTAS AND SANDRA J TUTAS	1440 SHALOM DR	KEWASKUM	WI	53040	\$ 187,800.00	\$ 563.40	\$ 322,000.00	\$ 644.00
11191320501	Commercial	319 S Main St	FLOYD + GRACEE 319 LLC	843 DECORAH RD	WEST BEND	WI	53095	\$ 445,500.00	\$ 1,336.50	\$ 531,000.00	\$ 1,062.00
11191320414	Commercial	271 S Main St	CRG REAL ESTATE LLC	N173W21298 NORTHWEST PASSAGE	JACKSON	WI	53037	\$ 209,400.00	\$ 628.20	\$ 274,300.00	\$ 548.60
11191320402	Commercial	255 S Main St	W + D KAINZ LLC	255 S MAIN ST	WEST BEND	WI	53095	\$ 443,100.00	\$ 1,329.30	\$ 703,800.00	\$ 1,407.60
11191320401	Commercial	247 S Main St	DBL DOWN LLC	135 N 6TH AVE	WEST BEND	WI	53095	\$ 101,600.00	\$ 304.80	\$ 144,000.00	\$ 288.00
11191320029	Commercial	305 W Kilbourn Ave	GREGORY R LORENZ AND LISA LORENZ	5847 HACKER DR	WEST BEND	WI	53095	\$ 119,400.00	\$ 358.20	\$ 137,000.00	\$ 274.00
11191320028	Commercial	277 S Main St	THE BACKPACK LLC	277 S MAIN ST	WEST BEND	WI	53095	\$ 180,300.00	\$ 540.90	\$ 229,700.00	\$ 459.40
11191320016	Commercial	243 S Main St	DBL DOWN LLC	135 N 6TH AVE	WEST BEND	WI	53095	\$ 84,300.00	\$ 252.90	\$ 228,000.00	\$ 456.00
11191320015	Commercial	S Main St	MICHAEL D HERBERT AND DEBORAH J HERBERT	4852 JAMESTOWN PL	WEST BEND	WI	53090	\$ 26,200.00	\$ 78.60	\$ 40,700.00	\$ 81.40
11191320014	Commercial	235 S Main St	MICHAEL D HERBERT AND DEBORAH J HERBERT	4852 JAMESTOWN PL	WEST BEND	WI	53090	\$ 153,000.00	\$ 459.00	\$ 280,900.00	\$ 561.80
11191410930	Commercial	103 S Main St	BIG BROTHERS + BIG SISTERS	103 S MAIN ST	WEST BEND	WI	53095	\$ 69,000.00	\$ -	\$ 87,000.00	\$ 174.00
11191410215	Commercial	Elm St	DECO PROPERTIES LLC	W162 N11819 FOND DU LAC AVE	GERMANTOWN	WI	53022	\$ -	\$ -	\$ 38,000.00	\$ 76.00
11191410122	Exempt	Parking Lot	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410120	Exempt	Parking Lot	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410248	Exempt	607 Elm St	UNITED STATE POST OFFICE	62 STRATFORD DR	BLOOMINGDALE	IL	60117	\$ -	\$ -	\$ -	\$ -
11191320037	Exempt	Veterans Ave	STATE OF WISCONSIN DEPT OF NATURAL RES	101 S WEBSTER	MADISON	WI	53703	\$ -	\$ -	\$ -	\$ -
11191320031	Exempt	Veterans Ave	STATE OF WISCONSIN DEPT OF NATURAL RES	101 S WEBSTER	MADISON	WI	53703	\$ -	\$ -	\$ -	\$ -
11191410360	Exempt	320 5th Ave	TOWER HERITAGE CENTER	320 S 5th Ave	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410319	Exempt	S 7th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410320	Exempt	S 7th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410321	Exempt	S 7th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410318	Exempt	630 Poplar St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410107	Exempt	N Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410836	Exempt	S Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410295	Exempt	5th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410943	Exempt	S Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410944	Exempt	S Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410954	Exempt	151 S Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410253	Exempt	N 7th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410254	Exempt	N 7th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410021	Exempt	Veterans Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410237	Exempt	200 N Main St	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410205	Exempt	325 N 8th Ave	CITY OF WEST BEND	1115 S MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410010	Exempt	204 S 7th Ave	BEREAN BIBLE INSTITUTE INC	PO BOX 735	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191320301	Exempt	303 W Water St	VOLUNTEER CENTER OF WASHINGTON COUN	303 WATER ST B	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410019	Exempt	205 Veterans Ave	MUSEUM OF WISCONSIN ART INC	205 VETERANS AV	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410228	Exempt	220 N 6th Ave	EMMAUS BIBLE CHURCH	220 N 6TH AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410311	Exempt	501 Walnut St	IMMANUEL CONGREGATION OF EVAN + REFO	501 WALNUT ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410312	Exempt	236 5th Ave	IMMANUEL UNITED CHURCH OF CHRIST	501 WALNUT ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410366	Exempt	331 5th Ave	FIFTH AV UNITED METHODIST CHURCH	323 5TH AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410314	Exempt	S 6th Ave	IMMANUEL CONGREGATION OF EVAN + REFO	501 WALNUT ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410102	Exempt	125 N Main St	WEST BEND THEATRE VENTURE LLC	125 N MAIN ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410235	Exempt	630 Elm St Unit A	THE YOUTH AND FAMILY PROJECT INC	630 ELM ST	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410255	Exempt	703 Elm St	TRINITY LUTHERAN CHURCH	140 N 7TH AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410230	Exempt	206 N 6th Ave	SEED OF HOPE CENTER INC	206 N 6TH AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410024	Exempt	Veterans Ave	MUSEUM OF WISCONSIN ART INC	205 VETERANS AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410022	Exempt	Veterans Ave	MUSEUM OF WISCONSIN ART INC	205 VETERANS AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410023	Exempt	Veterans Ave	MUSEUM OF WISCONSIN ART INC	205 VETERANS AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191320051	Exempt	Veterans Ave	MUSEUM OF WISCONSIN ART INC	205 VETERANS AVE	WEST BEND	WI	53095	\$ -	\$ -	\$ -	\$ -
11191410206	100% Residential Use	715 Cedar St Unit A	1629 LLC	12633 N RIVER FOREST CIR	MEQUON	WI	53092	\$ 214,000.00	\$ -	\$ 324,000.00	\$ -
11191320403	100% Residential Use	261 S Main St	XCESS LLC	135 N 6TH AVE	WEST BEND	WI	53095	\$ 81,500.00	\$ -	\$ 171,000.00	\$ -
11191410363	100% Residential Use	324 S Main St	WEST BEND REAL ESTATE LLC	2006 BRIAR DR	WEST BEND	WI	53090	\$ 211,200.00	\$ -	\$ 302,400.00	\$ -
<b>TOTALS:</b>								<b>\$ 34,578,000.00</b>	<b>\$ 103,527.00</b>	<b>\$ 56,277,100.00</b>	<b>\$ 112,554.20</b>

**APPENDIX D  
IMPROVEMENTS AND  
FUNDING OF FUTURE PROJECTS**



# 2024 Projects

## 1. Improvements and Maintenance within the Business Improvement District

The BID Board has identified the following 2024 projects, including but not limited to:

- a. Administrative Costs
- b. Audit Fees
- c. Contingency Fund
- d. Electricity for Building Lights
- e. Landscaping (Planters, Hanging Pots, Watering, Maintenance)
- f. Marketing
- g. Façade Grants (Priority Given to River-facing Façade Projects)
- h. Holiday Décor
- i. Future Projects (Main Street Reconstruction, Riverwalk, Roofline Lights)

All projects will occur within the BID boundaries or directly benefit the district.

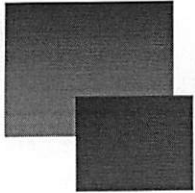
Project	2024 Budget
Administrative Costs	\$700.00
Audit	\$300.00
Contingency Fund	\$568.20
Electricity	\$8,000.00
Landscaping	\$30,000.00
Marketing	\$15,000.00
Façade Grants	\$27,500.00
Holiday Décor	\$25,000.00
Future Projects	\$5,486.00
<b>Total</b>	<b>\$112,554.20</b>

## 2. Funding of Future Projects

Funds not marked for specific projects in the 2024 Operating Plan will be saved for future improvements that will require more funds than the BID can provide in one year.

## 3. 2024 Landscaping

**APPENDIX E**  
**LEGAL OPINION**



# O'Meara Law Firm, LLC

*Washington County's Oldest Law Firm, Established 1870*

TIMOTHY J. ALGIERS  
*Owner*  
*Court Commissioner*  
IAN PRUST  
KAREN M. CHRISTIANSON  
*Of Counsel*

October 3, 2023

Mayor Joel Ongert  
City Hall  
1115 South Main Street  
West Bend, WI 53095

Common Council Members  
City Hall  
1115 South Main Street  
West Bend, WI 53095

Subject: Downtown West Bend Business Improvement District  
Bid Opinion for 2024

Dear Mayor Ongert and Common Council Members,

I have reviewed the Downtown Business Improvement District 2024 Operating Plan that is to be presented to you for your consideration. It is my opinion that the Operating Plan does comply with the statutory requirements of §66.1109(1)(f), Wis. Stats., in that it includes all of the following:

1. The special assessment method applicable to the Business Improvement District, as well as a statement indicating that real property used exclusively for manufacturing purposes will be specially assessed.
2. A description of the kind, number, and location of all proposed expenditures within the Business Improvement District for 2024.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

**Hartford**  
124 E. Sumner Street  
262-673-7700

**West Bend**  
120 N. Main St., Suite 260  
262-334-2331



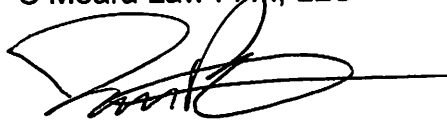
**Web** [www.omearalawfirm.com](http://www.omearalawfirm.com)  
**Fax** 262-673-7087

**Mailing Address**  
P. O. Box 270468  
Hartford, WI 53027-0468

4. A description of how creation of the Business Improvement District promotes the orderly development in the City of West Bend, including the Business Improvement District's relationship to the City of West Bend Comprehensive Plan.

Sincerely,

O'Meara Law Firm, LLC

A handwritten signature in black ink, appearing to read 'Ian Prust', with a long horizontal line extending to the right.

Ian Prust  
City Attorney

IAP/ks

File No. hw122-2023

**APPENDIX F**  
**BY LAWS**

# By-Laws of the Downtown West Bend Business Improvement District

Adopted July 11, 2023

## TABLE OF CONTENTS

### ARTICLE I

PURPOSE .....	1
---------------	---

### ARTICLE II

OFFICES .....	1
---------------	---

### ARTICLE III

MEMBERS .....	1
---------------	---

### ARTICLE IV

BID BOARD .....	1
Section 1. General Powers .....	1
Section 2. Number- Tenure and Qualifications .....	1
Section 3. Vacancies and Removal .....	2
Section 4. Compensation .....	2

### ARTICLE V

OFFICERS .....	2
Section 1. Officers .....	2
Section 2. Election and Term of Office .....	2
Section 3. Removal .....	2
Section 4. Vacancies .....	2
Section 5. President .....	2
Section 6. Vice President .....	3
Section 7. Secretary .....	3
Section 8. Executive Director .....	3

### ARTICLE VI

MEETINGS .....	3
Section 1. Annual Meeting .....	3
Section 2. Special Meetings .....	3
Section 3. Regular Meetings .....	3

Section 4. Notice .....	3
Section 5. Quorum .....	4
Section 6. Manner of Acting .....	4
Section 7. Voting .....	4
Section 8. Procedure .....	4
Section 9. Minutes .....	4

**ARTICLE VII**

<b>CONTRACTS, CHECKS, DEPOSITS AND FUNDS .....</b>	<b>4</b>
Section 1. Contracts .....	4
Section 2. Checks, Drafts, Deposits, etc .....	4
Section 3. Gifts .....	5

**ARTICLE VIII**

<b>BOOKS AND RECORDS .....</b>	<b>5</b>
--------------------------------	----------

**ARTICLE IX**

<b>FISCAL YEAR .....</b>	<b>5</b>
--------------------------	----------

**ARTICLE X**

<b>WAIVER OF NOTICE .....</b>	<b>5</b>
-------------------------------	----------

**ARTICLE XI**

<b>AMENDMENTS TO BY-LAWS .....</b>	<b>5</b>
------------------------------------	----------

**ARTICLE XII**

<b>LIMITED LIABILITY .....</b>	<b>5</b>
--------------------------------	----------

## **ARTICLE I PURPOSE**

The Downtown West Bend Business Improvement District (BID) shall perform all acts authorized by law for a Business Improvement District, including, but not limited to, the development, redevelopment, maintenance, operation, and promotion of the District. The BID shall work within the bounds of the law and carry out the BID Operating Plan.

## **ARTICLE II OFFICES**

The mailing address of the BID shall c/o West Bend City Hall, Department of Development, 1115 S. Main St., West Bend, WI 53095. Its offices shall be determined from time to time by the BID Board.

## **ARTICLE III MEMBERS**

Owners and tenants of commercial real estate in the BID, upon whom assessments are levied by the City of West Bend for the purpose of funding the BID's operating and program costs, shall be identified as members of the BID, although they are not members of the BID Board. Membership terminates when a member ceases to have an interest in real estate in the district, whether as an owner or tenant. Members shall have no rights other than to receive information and to advise the appointed BID Board.

## **ARTICLE IV BID BOARD**

**Section 1. General Powers.** The affairs of the BID shall be managed by the BID Board.

**Section 2. Number, Tenure and Qualifications.** The Business Improvement District Board shall consist of up to nine (9) and a minimum of five (5) members appointed by the Mayor, subject to confirmation by the Common Council, for staggered 3-year terms expiring in April of each year, unless sooner terminated. One (1) member of the board shall be an Alderperson of the City of West Bend. A majority of the board members shall own or occupy real property within the BID. The membership of the Board should geographically represent the entire BID to the greatest extent possible.

The exact size and composition of the BID Board shall, subject to state law requirements, be determined by the mayor of the City of West Bend from time to time.



**Section 3. Vacancies and Removal.** Any BID Board member shall resign by submitting written notice of resignation to the secretary. Any BID Board member may be removed by an affirmative vote of two-thirds of the total BID Board, whenever in its judgment the best interests of the BID would be served thereby, including, but not limited to, upon the third unexcused absence from a regularly scheduled BID Board meeting within a single calendar year. Upon a vacancy being created on the BID Board, the BID Board shall petition the mayor of the City of West Bend to appoint a replacement.

**Section 4. Compensation.** BID Board members shall not receive any compensation for their services.

## **ARTICLE V OFFICERS**

**Section 1. Officers.** The officers of the BID Board shall be a President, Vice President, and a Secretary, and such other officers as may be deemed necessary. The officers shall be BID Board members. An Executive Director will serve the Board.

**Section 2. Election and Term of Office.** The officers of the BID Board shall be elected annually by the BID Board at the first meeting of the BID Board each year or as soon thereafter as convenient. Term of office shall be one (1) year, but each officer shall hold office until his or her successor shall have been duly elected.

**Section 3. Removal.** Any officer elected or appointed by the BID Board may be removed by a majority vote of the BID Board whenever in its judgment the best interest of the BID would be served thereby.

**Section 4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the BID Board for the unexpired portion of the term.

**Section 5. President.** The President shall be the principal executive officer of the BID and shall in general supervise and control all of the business and affairs of the BID Board. He or she shall preside at all meetings of the BID Board and of the members. The President may sign, with the Secretary or any other proper officer of the BID Board authorized by the BID Board, any deeds, mortgages, bonds, contracts, or other instruments which the BID Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the BID Board or by these By-Laws or by statute to some other officer or agent of the BID; and in general the President shall perform all duties incident to the office of President and such other duties as may be prescribed by the BID Board from time to time.

**Section 6. Vice President.** In absence of the President or in the event of his or her inability or refusal to act, the Vice President shall perform the duties of the

President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall perform such other duties as from time to time may be assigned to him or her by the President or by the BID Board.

**Section 7. Secretary.** The Secretary shall ensure the minutes of the meetings of the BID Board are kept; see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; be custodian of the BID Board records' and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or by the BID Board.

**Section 8. Executive Director.** The Executive Director of the BID shall not be a member of the BID Board and holds no voting power on the board. The Executive Director shall be appointed by the BID Board. The Executive Director shall serve the BID Board and manage day to day operations, expenses and obligations. Other duties may be assigned as needed by the President or BID Board.

## **ARTICLE VI MEETINGS**

**Section 1. Annual Meeting.** Unless otherwise determined by the BID Board, the annual meeting of the Board shall be held the month of September for the purpose of approving the operating plan, at a time and place determined by the BID Board. The plan shall be submitted to the common council for approval. If the common council disapproves the operating plan, the board shall make changes to the operating plan and may continue to resubmit the operating plan until common council approval is obtained.

**Section 2. Special Meetings.** Special meetings of the members may be called by not less than three (3) BID Board members. The person or persons authorized to call special meetings of the BID Board may select any place in the City of West Bend, Washington County, as the place for holding any special meeting called by them.

**Section 3. Regular Meetings.** Unless otherwise determined by the BID Board, regular meetings of the Board shall be held at least three (3) times per year at a time and place designated by the Executive Director and/or President. The BID Board may hold such additional meetings as the BID Board deems necessary. All BID Board meetings are public meetings and their records are public records, subject to Wisconsin's open meetings and public records laws.

**Section 4. Notice.** Notice of any meeting of the BID Board shall be given at least one (1) day previously thereto by notice delivered to each BID Board member. Meeting notice will be attempted to be delivered a minimum of five (5) days notice unless special circumstances inhibit five days notice. Meeting notice will be delivered to all BID Board members as well as posted in three (3) public locations and in accordance with Wisconsin State Statutes. Meeting notice will be delivered by electronic mail or any

other method the BID Board deems necessary. Any BID Board member may waive notice of any meeting. The attendance of a BID Board member at any meeting shall constitute a waiver of notice of such meeting, except where a BID Board member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by those By-Laws.

**Section 5. Quorum.** A simple majority of the BID Board shall constitute a quorum for the transaction of business at any meeting of the BID Board; but if less than a simple majority of the BID Board are present at said meeting, a majority of the BID Board present may adjourn the meeting from time to time without further notice.

**Section 6. Manner of Acting.** The act of a simple majority of the BID Board members present at a meeting at which a quorum is present shall be the act of the BID Board, unless the act of a greater number is required by law or by these By-Laws.

**Section 7. Voting.** At all meetings, each BID Board member shall have one vote. Proxy votes shall be permitted only to the extent permitted by law.

**Section 8. Procedure.** All meetings of the Board shall be governed by these By-Laws or Robert's Rules of Order in all matters not covered herein.

**Section 9. Minutes.** The Executive Director and/or Secretary shall keep an accurate and complete record of all meetings which shall be made available to the public in accordance with public records requirements.

## **ARTICLE VII CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

**Section 1. Contracts.** The BID Board may authorize any officer or officers, agent, or agents of the BID Board, in addition to the officers so authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the BID, and such authority may be general or confined to specific instances. The Executive Director may approve purchases of less than \$500.00 if it is in accordance with the BID operating plan.

**Section 2. Checks, Drafts, Deposits, etc.** The City of West Bend's Finance Department shall act as the financial agent of the BID, as long as the offices of the BID are located at West Bend City Hall.

**Section 3. Gifts.** The BID Board may accept on behalf of the BID any contribution, gift bequest or devise for the general purposes or for any special purpose of the BID.

**ARTICLE VIII  
BOOKS AND RECORDS**

The BID shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the BID Board, and shall keep a record giving the names and addresses of the BID Board members.

**ARTICLE IX  
FISCAL YEAR**

The fiscal year of the BID shall begin on the first day of January and end on the last day of December in each year.

**ARTICLE X  
WAIVER OF NOTICE**

Whenever any notice is required to be given under the By-Laws of the BID, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**ARTICLE XI  
AMENDMENTS TO BY-LAWS**

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a majority of the BID Board present at any regular meeting or at any special meeting, if at least thirty (30) days' written notice is given of intention to alter, amend, or repeal or to adopt new By-Laws at such meeting, provided, however, that the By-Laws may not be amended in conflict with state BID law or the BID operating plan.




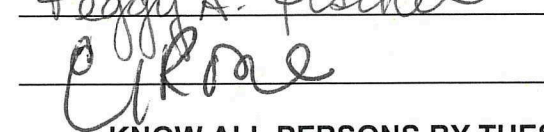
**ARTICLE XII  
LIMITED LIABILITY**


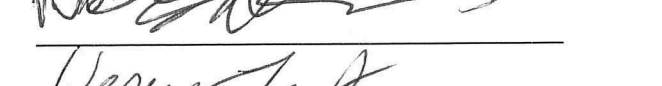
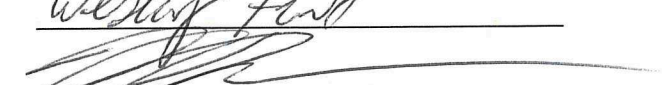
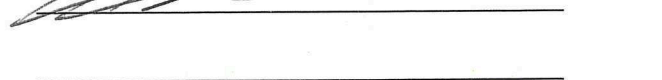
The members of the Board, officers, and Executive Director shall not be liable to owners or occupants of property within the District arising out of or related to the creation or existence of the District or the Board or for any mistake of judgment, failure to adhere to the provisions of any operating plan or these By-Laws, negligence or otherwise, except for their own individual willful misconduct or bad faith. The District

shall indemnify, defend and hold harmless each member and Executive Director of the Board against all contractual liability (including, without limitation, reasonable attorney's fees and court costs) to others arising out of contracts made by the Board on behalf of the District unless any such contract shall have been made in bad faith. It is intended that the members of the Board shall have no personal liability with respect to any contract made by them on behalf of the District. Anything herein to the contrary notwithstanding, the liability of the owners and occupants or property located within the District arising out of any contract made by the Board or out of the indemnity in favor of the members of the Board shall be shared by all owners and occupants of property subject to assessments by the District in proportion to the assessed valuation of their property relative to the total assessed valuation of property within the District, and the liability of any single owner or occupant shall be limited to such proportionate share of the total liability.

**KNOW ALL PERSONS BY THESE PRESENTS:** That we, the undersigned, being all members of the BID Board, hereby assent to the foregoing By-Laws and adopt them as the By-Laws of said BID.

**IN WITNESS WHEREOF,** we have hereunto subscribed our names this 11th day of July, 2023.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Peggy A. Fischer  
\_\_\_\_\_  
  
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\_\_\_\_\_

**KNOW ALL PERSONS BY THESE PRESENTS:** That the undersigned Secretary of the BID Board does hereby certify that the above and foregoing By-Laws were duly adopted by the BID Board members as the By-Laws of the BID, on the 11th day of July 2023, and that they do constitute the By-Laws of said BID.

Attest:

  
\_\_\_\_\_

\_\_\_\_\_, Secretary