

A quorum of the Administration Committee, Board of Public Works, Park Board, and/or Common Council may attend this meeting; (Although it is not expected that any official action of any of those bodies will be taken).

**CITY OF MENASHA
JOINT REVIEW BOARD – WINNEBAGO COUNTY
Conference Room, 1st Floor, City Hall
140 Main Street, Menasha**

September 6, 2012

2:00 PM

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the August 7, 2012 Joint Review Board Meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA
- E. DISCUSSION
 - 1. Status Update on Proposed Tax Incremental District #13.
- F. ACTION ITEMS
 - 1. [Review of the Public Record, Planning Documents, Resolutions, and Financial Data](#)
 - 2. [Consideration of the City of Menasha, Joint Review Board – Winnebago County Resolution 1-12 Approving Project Plan Amendment #2 to Tax Incremental District #1](#)
- G. ADJOURNMENT

CITY OF MENASHA
Winnebago County Joint Review Board
1st Floor Conference Room, City Hall – 140 Main Street
August 7, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 2:05 PM by Acting Chairman Wally Bergstrom.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: Faith Scheidermayer, D. Wally Bergstrom, Mark VanDerZee and Mayor Merkes

MEMBERS EXCUSED: Joe Hotynski

MEMBERS ABSENT: None

OTHERS PRESENT: CDD Keil, PP Homan, CT Stoffel and Mike King of *The Post-Crescent* (2:35 PM)

C. MINUTES TO APPROVE

1. **Minutes of the August 26, 2008 Joint Review Board Meeting**

Motion by Mayor Merkes, seconded by Faith Scheidermayer to approve the August 26, 2008 Joint Review Board meeting minutes as presented.

The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. No one spoke.

E. DISCUSSION

1. **Review Tax Increment District #13 Project Plan and Boundary**

PP Homan summarized the proposed TID #13 Project Plan and Boundary. The primary purpose of the plan is to facilitate the expansion of Alliance industries, which will create new jobs and expand the tax base. The plan proposes developer-financed financial incentives for Alliance Industries, improvements to Appleton Street to improve logistics, landscaping and other enhancements to the Fourth Street and Racine Street and DePere Street corridors, possible electric distribution system upgrades of industries in the Fourth Street corridor, and the creation of a housing improvement program to facilitate the rehabilitation of housing stock within one-half mile of the proposed TID #13 district boundary.

Board members discussed:

- The need for jobs and work force stability.
- The positive impacts of maintain/rehabilitating housing stock and on neighborhoods.
- Project timetable.

2. **Review Amendment #2 to Tax Increment District #1 Project Plan**

PP Homan described the Common Council action to declare TID #1 a Distressed Tax Incremental District. This declaration was made based on the finding that the revenues to be generated by TID #1 within its un-extended statutory life were insufficient to cover project expenditures. If the amendment to the project plan is approved, the life of TID #1 would be extended up to 10 years to enable the recovery of project costs. Based upon projections of TID # 1 revenues, all the unrecovered projects costs will be captured within three years, at which time TID #1 will be closed.

Board members discussed:

- The basis of the initial financial projections for the district, and the changes that had taken place that have adversely affected revenues generated within the district.
- The prevalence of distressed TIF districts in other communities due to changes in real estate values and related conditions.

3. **Schedule Next Joint Review Board Meeting**

The next meeting of the Joint Review Board will be Thursday, September 6, 2012 at 2:00 PM.

ACTION ITEMS

1. **None**

G. ADJOURNMENT

Motion by Mark VanDerZee, seconded by Mayor Merkes to adjourn at 2:44 p.m.

The motion carried.

Minutes respectfully submitted by CDD Greg Keil.

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday August 6, 2012
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Englebert, Benner, Klein, Taylor, Sevenich, Krueger, Zelinski

EXCUSED: Alderman Langdon

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, C/T Stoffel, PRD Tungate, LD Lenz, PP Homan, Eng Supv. Montour, Clerk Galeazzi and the Press.

DEPT HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. [Proposed Resolution Relating to the Designation of Tax Incremental District #1 as a Distressed Tax Incremental District](#)

PP Homan gave a brief history and current status of TID #1.

No one spoke.

2. [Proposed Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property \(Midway Road\)](#)

Eng. Supv Montour explained where the sidewalks will be installed along Midway Road. Its expected construction to begin in September.

Cal Watters, 1303 Midway Road, Menasha. Sidewalks not necessary on both sides of Midway Rd.

George Reddin, 1233 Midway Road, Menasha. Installing sidewalks only on north side of Midway Rd.

Mark Veley, 1381 Midway Road, Menasha. Opposed to sidewalks on south side of Midway Rd.

Dan Betters, 895 Midway Road, Menasha. Only install sidewalks on north side of Midway Rd.

Tom Walsh, Fox Cities Greenways. Support sidewalks on both sides of Midway Rd.

Letter from formerly Alderman Sue Wisneski supporting sidewalks.

Eng. Supv Montour addressed questions asked during public hearing.

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Tom Walsh, Fox Cities Greenways. Supports Council adopting Open Space and Recreational Facility Plan.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Winnebago County Emergency Management Director Linda Kollmann – Presentation of Disaster Relief Check](#)

Linda Kollmann, Winnebago County Emergency Management presented a check to the City in the amount of \$59,323.62 from the Wisconsin Disaster Fund for expenses incurred during a severe storm in April 2011.

2. FC Auxier – Presentation of Executive Fire Officer Program Certificate to Victor Voss

FC Auxier presented Captain Victor Voss with a certificate from the National Fire Academy for completing the Senior Fire Officer Executive Program.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS, cont'd.

3. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. [Administration Committee, 7/16/12](#)
- b. [Board of Public Works, 7/16/12](#)
- c. [Committee on Aging, 6/14/12](#)
- d. [Landmarks Commission, 7/11/12](#)
- e. [Library Board, 7/19/12](#)
- f. [NM Fire Rescue, Joint Finance & Personnel Committee, 7/24/12](#)
- g. [NM Sewerage Commission, 6/26/12](#)
- h. NM Sewerage Commission, [7/6/12](#), [7/16/12](#); Special Meeting
- i. [Personnel Committee, 7/16/12](#)

Communications:

- j. [CA/HRD Captain, 7/31/12; Health Insurance Workshop](#)
- k. [Comp. Stoffel, 8/2/12; Information request regarding TIF 1](#)
- l. [Notice of Public Hearing, July 31, 2012 re: Proposed Incorporation of Portions of the Towns of Harrison and Buchanan, Calumet and Outagamie Counties, WI, as a Village. Calumet County Circuit Court Case #12-CV-28](#)
- m. [PC Styka, 8/1/12; Vehicle Purchases](#)
- n. [PP Homan, 8/2/12; Response from FP One, LLC to the City's Counter Offer for NMFR Station 36](#)
- o. [Resident and Former Alderman Sue Wisneski, 7/31/12; Midway Road sidewalks](#)

Moved by Ald. Sevenich, seconded by Ald. Benner to receive Minutes and Communications A-O.

Discussion: Ald. Krueger, Comm. M. (PC Styka memo on vehicle purchase). General discussion ensued on the Police Dept. budget

Motion carried on voice vote.

G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

Minutes to approve:

1. [Common Council, 7/16/12](#)
2. [Special Joint Common Council and Town of Harrison, 7/30/12](#)

Administration Committee, 7/16/12; recommends approval of:

3. [Advanced Tooling Specialists Loan Extension](#)

Board of Public Works, 7/16/12; recommends approval of:

4. [Street Use Application – Twisted Pistons Cruise In; Thursday, August 16, 2012; 1:00 PM – 10:00 PM; \(Menasha Action Council\)](#)
5. [Authorization to Execute Agreement with Menasha Utilities for Use of Communications Equipment on Existing Tower at the Public Works Facility Property](#)

Personnel Committee, 7/16/12; recommends approval of:

6. [Position changes and employee pay rate schedule for positions that were formerly covered by collective bargaining agreement, including Bridge Tenders and Park Casual and incorporate into the Personnel Policy Handbook including paragraphs 17 and 21 on Attachment 1](#)

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda items 1-6.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 7/19/12 to 8/2/12 in the amount of \\$987,581.09](#)

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.

Discussion on expenditures.

Motion carried on roll call 7-0.

I. ACTION ITEMS, cont'd.

2. [Alcohol Beverage License Application, Class A Beer, Dolgencorp, LLC, d/b/a Dollar General Store, 1135 Appleton Road, Menasha, Ted Druckrey, agent, for the 2012-2013 licensing year](#)

Moved by Ald. Klein, seconded by Ald. Englebert to approve Class "A" Beer license for Dolgencorp LLC.
Motion carried on roll call 7-0.

J. ORDINANCES AND RESOLUTIONS

1. [R-30-12 Resolution for the adoption of the Open Space and Recreation Facilities Plan\(Held 7/16/12\)](#)

Moved by Ald. Sevenich, seconded by Ald. Englebert to adopt R-30-12.

Discussion: PRD Tungate explained the plan is direction for staff for future projects and budgets.

Moved by Ald. Benner, seconded by Ald. Englebert to amend the plan to include population trends and projections for Calumet County.

Motion on amendment carried on voice vote.

Motion as amended carried on roll call 7-0.

2. [R-31-12 A Resolution Relating to the Designation of City of Menasha Tax Incremental District #1 as a Distressed Tax Incremental District](#)

Moved by Moved by Ald. Sevenich, seconded by Ald. Englebert to adopt R-31-12.

Discussion ensued on TID procedures.

Motion carried on roll call 7-0.

3. [R-32-12 A Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property \(Midway Road sidewalks\)](#)

Moved by Ald. Taylor, seconded by Ald. Sevenich to adopt R-32-12.

Motion carried on roll call 7-0.

K. APPOINTMENTS

1. Mayor's appointment to the AD-HOC Sustainability Board

- a. [Danielle Handler, 2 Sherman Place, Appleton, WI 54911-UW Fox Valley, Students for Sustainability](#)

Moved by Ald. Sevenich, seconded by Ald. Benner to approve appointment of Danielle Handler.

Motion carried on voice vote.

L. HELD OVER BUSINESS

1. [Alliance Industries expansion project \(Held 7/16/12\):](#)

- a. Business Loan Agreement

- b. Redevelopment Agreement

Moved by Ald. Taylor, seconded by Ald. Krueger to table.

Motion carried on roll call 7-0.

2. [City of Menasha Open Space and Recreation Facilities Plan 2012-2016 \(Held 7/16/12\)](#)

No action required.

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

No one spoke.

O. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Benner, seconded by Ald. Englebert to recess at 7:25 p.m. to Administration Committee and Board of Public Works

Motion carried on voice vote.

Reconvened at 7:45 p.m.

- P. Moved by Ald. Benner, seconded by Ald. Zelinski to Adjourn at 7:45 p.m. into Closed Session pursuant To Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Petition for the Proposed Incorporation for the Village of Harrison, 12-CV-28; and Notice of injury and circumstances of claim - Town of Harrison, Celine Romenesko, Rick Kindschi and PCB Litigation)
Motion carried on roll call 7-0.

Q ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Klein to adjourn at 8:45 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
August 7, 2012
MINUTES

3:30 PM Informal Public Hearing – Proposed City of Menasha Year 2030 Comprehensive Plan Future Land Use Map Amendment

Mayor Merkes opened the informal public hearing at 3:35 PM.

PP Homan explained that the comprehensive plan amendment was being pursued to ensure the Future Land Use Map was consistent with the City's proposed Tax Incremental District #13 Project Plan, as required by state statutes. She indicated that the entire Alliance industries site, as well as most of the surrounding parcels, was already zoned for Industrial, but the future land use map currently designates this area for Community Commercial. The proposed future land use map change would update the map to show a proposal for future Industrial.

Doug & Jill Werch, owners of 600 Third Street, provided the following comments related to the proposed Comprehensive Plan Amendment:

- How does the future land use designation differ than the zoning of the current property.
- Inquired about what residential homes along Third Street are designated for future commercial & which ones are currently zoned for commercial.

PP Homan provided an explanation of the purpose of the Future Land Use Map, and how that differs from a zoning designation. She also discussed current zoning along third street, and future land use designations.

Mayor Merkes closed the public hearing at 3:45 PM.

3:30 PM Public Hearing – TID #13 Project Plan and Boundary

Mayor Merkes opened the public hearing at 3:45 PM.

PP Homan provided an overview of the TID #13 boundary, the proposed Alliance expansion, and highlighted some of the TID projects contained within the plan.

Doug & Jill Werch, owners of 600 Third Street, provided the following comments related to the proposed TID #13 Project Plan:

- Wanted to know whether Alliance Industries was a 3-shift or 2-shift company.
- Expressed concerns about how the proposed expansion may affect property values of neighboring residences.
- Expressed concerns regarding how close a new addition could be constructed to their lot line.
- Given the powder coating that Alliance does, had worries about environmental issues such as VOC's, water and waste.
- Had questions about how the company will address loading issues that currently exist on the site.

PP Homan explained that the City has provisions in its code that would require a transitional area, consisting of dense vegetation or other screening of 20 feet between new industrial construction and residential districts. The proposed addition would provide for a series of loading docks, which would help alleviate the on-street parking of semi's. She also indicated that WDNR monitors emissions and waste streams for the company, but that the City Sanitarian may have more information on how these sites are monitored.

Mayor Merkes closed the public hearing at 4:04 PM.

3:30 PM *Public Hearing – Amendment #2 of TID #1 for the Purpose of Designating TID #1 as a Distressed Tax Increment District*

Mayor Merkes opened the public hearing at 4:04 PM.

No one spoke.

Mayor Merkes closed the public hearing at 4:05 PM.

A. CALL TO ORDER

The meeting was called to order at 4:05 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Commissioner Sturm and Schmidt, DPW Radtke and Ald. Benner.

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Cruickshank

PLAN COMMISSION MEMBERS ABSENT: None

OTHERS PRESENT: PP Homan, Doug & Jill Werch (600 Third Street), Steve DeJong (Meridian Surveying), Tom Kispert (McMahon), Michael King (Post Crescent), Dave Allen (1920 E. Apple Creek, Appleton).

C. MINUTES TO APPROVE

1. **Minutes of the July 3, 2012 Plan Commission Meeting**

Motion by Comm. Sturm, seconded by Ald. Benner to approve the July 3, 2012 Plan Commission meeting minutes as presented.

The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. No one spoke.

E. DISCUSSION

1. None

ACTION ITEMS

1. **Certified Survey Map – Arroyo – Abbey Avenue**

PP Homan described that the Arroyo's had acquired the property next door and had removed the home that had existed there. They desired to combine the property to consolidate tax bills and stormwater utility charges.

Steve DeJohn, Meridian Surveying, noted that the Arroyo's also desired to construct a new garage that would cross the lot line that currently exists between the two properties.

General discussion on whether a new garage could be constructed given that a garage already exists. PP Homan explained that the code has limitations on the number of garages and accessory structures that can be on a property and this would all be reviewed prior to any building permit being issued for a new garage.

Motion by Ald. Benner, seconded by DPW Radtke to recommend approval of the Arroyo CSM on Abbey Avenue as presented.

The motion carried.

2. **Site Plan Review – Neenah-Menasha Sewage Treatment Facility – 101 Garfield Avenue**

PP Homan provided an overview the proposed site plan, and indicated that there was no official

site plan on file for the Neenah-Menasha Sewage Treatment Facility, hence the need for this Site Plan approval. She noted that additional landscaping would need to be added to buffer the parking lot along Mathewson Street, given they will be completely repaving it; a lighting plan will need to be submitted as well. Lastly, she advised that this site is located in the I-2 district, where “public utility structures” are a permitted use requiring “conditional site plan approval,” which allows the Plan Commission to place conditions on the approval beyond what the city’s site plan regulations may require as a minimum. She advised that any additional condition should have a rational nexus between it and the negative externality it would address.

Tom Kispert, McMahon, provided Commissioners with a sample of the brick that will be utilized for the new building on the site. It was picked to match the brick used throughout the campus. He also noted that much of the site will be re-paved after construction is completed, as it is at the end of its life span. Lighting will be upgraded throughout the site as well. He noted that they are working with Public Works to review and approve all stormwater and erosion control provisions for the site.

Motion by DPW Radtke, seconded by Ald. Benner to approve the Neenah-Menasha Sewage Treatment Facility Site Plan at 101 Garfield Avenue, with the following conditions:

- Submittal of lighting plan to Community Development Staff for review and approval.
- Submittal to Community Development Staff of amended landscaping plan to include provisions for parking lot buffer along Mathewson Street for review and approval.

Motion by Comm. Sturm, seconded by Ald. Benner, to amend the motion to add the following condition:

- Request that the fence surrounding the parking lot along Mathewson Street be removed, if not necessary for site security or other safety reasons.

The motion, as amended, carried.

3. **Recommendation of Acquisition of Parcel #7-00011-08 – Manitowoc Road**

PP Homan stated that staff has been working with Emanona, LLC to contemplate a landswap that would trade this property for one owned by the city, just north of Stone Toad. She directed the Plan Commission to only consider whether acquisition of this property would be advantageous to the city, as terms and conditions of any real estate transaction would be debated by the Administration Committee and Common Council.

PP Homan indicated that this parcel would help facilitate development of two adjacent city-owned parcels that would be difficult to develop if not consolidated with this one. The Markway property would be the final property that would complete the property assembly if acquired in the future.

A general discussion occurred regarding the status of the Markway Building.

Motion by Ald. Benner, Seconded by Comm. Schmidt to recommend acquisition of Parcel #7-00011-08 with the following findings:

- Acquisition will be advantageous to the City.
- Acquisition will better implement the Comprehensive Plan’s future land use element.
- Acquisition will provide the City with an ability to control the use and development of the area when combined with the existing city-owned parcels.

The motion carried.

4. **Plan Commission Resolution 1-2012 Recommending Approval of an Amendment to the City of Menasha Year 2030 Comprehensive Plan Future Land Use Map**

PP Homan re-caped the overview of the Comprehensive Plan Amendment that was provided during the Public Hearing. The proposed change would change the future land use designation from Community Commercial to Industrial to facilitate the creation of TID #13. She indicated that all local and state regulations pertaining to notification and publication requirements have been followed in initiating this Comprehensive Plan Amendment.

Motion by Comm. Schmidt, seconded by Comm. Sturm, to approve Plan Commission Resolution 1-2012, recommending to Common Council the approval of the proposed Comprehensive Plan Amendment.

The motion carried.

5. **Plan Commission Resolution 2-2012 Recommending Approval of the Project Plan and Boundary of Tax Increment District #13**

PP Homan provided additional detail regarding the proposed TID #13 project plan. In particular, she highlighted the following projects within the plan:

- Infrastructure improvements, including closure of Appleton Street and electrical upgrades for Alliance Industries and Intertape Polymer Group.
- Streetscaping/landscaping upgrades along Racine St, Fourth Street, De Pere Street and Plank Road.
- Provisions for developer incentive to encourage the expansion of Alliance Industries.
- Capitalization of a Housing Rehabilitation Revolving Loan fund to service targeted neighborhoods within a ½ mile radius of TID #13.

Doug & Jill Werch, owners of 600 Third Street, commented on the closure of Appleton Street, and the pros and cons of doing so. They also expressed concerns for street trees on the West side of their property, which were damaged during the reconstruction of Third Street. One was blown over in 2011 during a severe storm, and the other is declining.

Mayor Merkes indicated that he would discuss this matter with City Forester Maas.

Motion by DPW Radtke, seconded by Comm. Sturm to approve Plan Commission Resolution 2-2012, conditioned on the adoption by the Common Council of the Year 2030 Comprehensive Plan Future Land Use Map amendment, as recommended in Plan Commission Resolution 1-2012.

The motion carried.

6. **Plan Commission Resolution 3-2012 Recommending Amendment #2 of TID #1 for the Purpose of Designating TID #1 as a Distressed Tax Increment District**

PP Homan indicated that the proposed amendment to TID #1 is to designate the TID as “distressed.” State statutes provide cities the ability to “distress” TIDs that have project costs that will not be recovered by TID revenues prior to the expiration date for the district. TID #1, which was created to revitalize the downtown district, will close at the end of 2012 if not extended via distressed designation.

By distressing the TID, the city is allowed to extend the TID up to 10 additional years to recoup project costs via TID increment. The city anticipated TID #1 expenditures will be paid within 3 years, at which point it would be retired. No additional projects or boundary changes can occur once a TID is distressed.

Motion by Comm. Schmidt, seconded by Ald. Benner to approve Plan Commission Resolution 3-2012.

The motion Carried.

G. ADJOURNMENT

Motion by Comm. Schmidt, seconded by DPW Radtke to adjourn at 5:35 p.m.

The motion carried.

Minutes respectfully submitted by PP Homan.



MEMORANDUM

TO: City of Menasha Joint Review Board – Winnebago County
Wisconsin Department of Revenue, TIF Division

FROM: Debbie Galeazzi, City Clerk *dg*

DATE: August 28, 2012

RE: Tax Incremental District (TID) #1 Certified Resolutions & Financial Information

Pursuant to Section 66.1105(4e)2. Wis. Stats., you are being forwarded a copy of the following:

- A certified copy of Resolution R-31-12, which contains the required findings necessary to determine “Distressed” status for TID #1, pursuant to Section 66.1104(4e)1.
- Financial Information that was presented to the Menasha Common Council for its consideration in designating TID #1 as distressed Tax Incremental District including:
 - A memo from Community Development Director Keil, referring to TID #1’s financial status based on the 2010 Audit.
 - Financial Information provided by Comptroller/Treasurer Stoffel, referring to TID #1’s financial status through 2011.

I’ve also included a certified copy of Resolution R-33-12 for your information, which approves TID #1 Amendment #2, designating TID #1 as distressed.



Memorandum

To: Administration Committee
From: Greg Keil, CDD *GK*
Date: July 11, 2012
RE: Designation of Tax Incremental District #1 as a Distressed Tax Incremental District

It is proposed to declare TID #1 a "Distressed Tax Incremental District", thereby extending its life for a period of time to enable the recovery of unreimbursed project costs from TIF increment. The adoption of a resolution designating the district as "Distressed" is the first step in this process.

TID #1 has a statutory termination date of December 31, 2012. Per the city's audited financial statement dated December 31, 2010, TID # 1 had a balance of \$462,043 of net unreimbursed project costs. In 2011, \$169,560 in accrued tax increment was applied against this balance, and in 2012, the remaining TID #1 fund balance plus accrued increment, estimated to be \$150,000, will be applied against the balance. This leaves \$142,483 in expenses over revenues at the end of the district's life.

Resolution R-31- 12, if adopted and approved, will have the effect of extending the life of TID #1 a maximum of ten years. It is projected that all of TID 1 unreimbursed project costs will be met in 2014, at which point the district will be terminated.

If the life of TID #1 is not extended via declaring it a distressed district, the unreimbursed project costs will need to be placed on the general property tax levy.

Please note that the public hearing, referred to in the resolution, will take place before the Common Council at its August 6, 2012 meeting.

CITY OF MENASHA, WISCONSIN
Notes to Basic Financial Statements
December 31, 2010

NOTE D - OTHER INFORMATION (Continued)

Since creation of the above Districts, the City has provided various financing sources to each TID and has also recorded eligible TID project costs in other funds of the City. The foregoing amounts are not recorded as liabilities in the TID special revenue and capital projects funds but can be recovered by the City from future excess tax increment revenues. Detail of the amounts recoverable (surplus) by the City as of December 31, 2010 from future excess tax increment revenues follows:

Net Unreimbursed Project Costs		
Tax Incremental District No. 1	\$	462,043
Tax Incremental District No. 2		(80,266)
Tax Incremental District No. 3		(16,798)
Tax Incremental District No. 4		963,853
Tax Incremental District No. 5		2,875,856
Tax Incremental District No. 6		3,136,677
Tax Incremental District No. 7		1,937,745
Tax Incremental District No. 8		984,341
Tax Incremental District No. 9		4,643,547
Tax Incremental District No. 10		259,530
Tax Incremental District No. 11		56,949
		\$15,223,477

The intent of the City is to recover the above amounts from future TID surplus funds, if any, prior to termination of the respective Districts. The City has amended the project plan of District No. 3 to include transfers to Districts No. 1 and 2.

7. Major Customer
During 2010, the electric utility billed SCA Tissue \$17,561,548. This represents 41% of electric utility operating revenue. No other utility customer accounted for more than 20% of operating revenue.
8. Property Tax Levy Limit
Wisconsin Act 25, imposed a limit on the property tax levies for all Wisconsin cities, villages, towns and counties for a two-year period effective July 27, 2005. Subsequent legislation extended the levy limit through 2010. The current law limits the increase in the maximum allowable tax levy to the greater of the percentage change in the City's January 1 equalized value as a result of net new construction or 3.0% in both the 2009 and 2010 budget years. The actual limit for the City for the 2010 budget was 3.0%. Debt service for debt authorized after July 1, 2005 is exempt from the levy limit. In addition, the Act allows the limit to be adjusted for the increase in debt service authorized prior to July 1, 2005 and in certain other situations.
9. Contingencies
 - a. The City contracts with Neenah-Menasha Sewerage Commission (the "Commission") for sewage treatment services and is contingently liable for costs incurred by the Commission. The following item has been identified by the Commission and the City as a potential liability not recorded on the financial statements:

The U.S. Fish & Wildlife Service and the Wisconsin Department of Natural Resources ("WDNR") acting on behalf of the Natural Resource Trustees have prepared Natural Resource Damage Assessments to determine the level of such damages to the Lower Fox River and Green Bay resulting from PCB contamination. The U.S. Environmental Protection Agency ("EPA") and the WDNR have conducted a Feasibility Study and issued two Records of Decision ("RODs") (which have been subsequently modified) selecting dredging and capping of PCB contaminated sediments in the Fox River together with long-term monitoring in the Fox River and Green Bay as remedies to

Financial Information-T.I.F. DISTRICT # 1

Update: 08/01/2012

Compiled by: City Comptroller/Treasurer

	T.I.F. #1 FULL VALUE	T.I.F. #1 VALUE INCREMENT	T.I.F. #1 TAX INCREMENT	EQUALIZED TAX RATE
1986/1987	\$5,329,100			
1987/1988	5,915,400	\$586,300	\$17,499	\$29.846
1988/1989	9,394,200	4,065,100	127,937	31.472
1989/1990	9,762,100	4,433,000	145,815	32.893
1990/1991	10,450,300	5,121,200	166,461	32.504
1991/1992	11,026,100	5,697,000	190,201	33.386
1992/1993	11,027,000	5,697,900	197,465	34.656
1993/1994	11,224,600	5,895,500	200,965	34.088
1994/1995	11,061,900	5,732,800	186,963	32.613
1995/1996	11,370,700	6,041,600	184,849	30.596
1996/1997	12,723,600	7,394,500	205,099	27.737
1997/1998	15,512,900	10,183,800	275,155	27.019
1998/1999	14,658,600	9,329,500	252,797	27.097
1999/2000	12,754,200	7,425,100	197,127	26.549
2000/2001	13,051,700	7,722,600	208,359	26.980
2001/2002	13,209,800	7,880,700	216,178	27.431
2002/2003	13,480,700	8,151,600	218,111	26.757
2003/2004	12,099,600	6,770,500	176,674	26.095
2004/2005	12,174,400	6,845,300	176,252	25.748
2005/2006	12,015,400	6,686,300	168,839	25.251
2006/2007	11,861,300	6,532,200	165,757	25.375
2007/2008	12,042,300	6,713,200	163,716	24.387
2008/2009	12,162,100	6,833,000	169,884	24.862
2009/2010	12,160,100	6,831,000	177,134	25.931
2010/2011	9,216,800	3,887,700	103,801	26.700
2011/2012	9,359,200	4,030,100	109,610	27.198

TOTAL 1986-2012

\$4,402,648
=====

CITY OF MENASHA - DOWNTOWN REDEVELOPMENT

T.I.D. # 1

December 31, 2011

DESCRIPTION	CUMULATIVE ACTUAL @ DEC. 31, 2010	Y--T--D THROUGH DEC. 31, 2011 (UNAUDITED)	CUMULATIVE ACTUAL THRU 12/31/11 (UNAUDITED)
REVENUES:			
PROPERTY TAX INCREMENT	\$4,189,237	\$103,801	\$4,293,038
PAYMENTS IN LIEU	46,161	-	46,161
OTHER GRANTS & AIDS	536,452	630	537,082
DONATIONS	376,525	-	376,525
INTEREST INCOME/MISC	385,070	-	385,070
CAPITAL BORROWING	9,332,000	-	9,332,000
TOTAL REVENUES	\$14,865,445	\$104,431	\$14,969,876
EXPENDITURES:			
INFRASTRUCTURE	\$1,146,001	\$0	\$1,146,001
DIRECT DEVELOPMENT	2,128,836	-	2,128,836
DEBT SERVICE - PRINCIPAL	9,332,000	-	9,332,000
DEBT SERVICE - INTEREST	2,533,491	-	2,533,491
MISCELLANEOUS/SUNDRY	200,060	-	200,060
TOTAL EXPENDITURES	\$15,340,388	\$0	\$15,340,388
REVENUES Over EXPENDITURES	(\$474,943)	\$104,431	(\$370,512)

LONG TERM DEBT OUTSTANDING FOR THIS DISTRICT

ISSUE	ORIGINAL ISSUE	PD PRIOR 12/31/11
1986 CORP. PURPOSE BONDS	\$2,851,000	\$2,851,000
1989 PROMISSORY NOTES	3,111,000	3,111,000
1994 REFUNDING BONDS	3,370,000	3,370,000
TOTAL	\$9,332,000	\$9,332,000

CERTIFICATION OF CLERK

I, Deborah A. Galeazzi, duly appointed City Clerk of the City of Menasha, Winnebago and Calumet Counties, Wisconsin, **DO HEREBY CERTIFY** that the attached Resolution R-31-12 A Resolution Relating to the Designation of City of Menasha Tax Incremental District #1 as a Distressed Tax Incremental District, is a true and compared copy of the Resolution adopted by the Mayor and Common Council of the City of Menasha, Winnebago and Calumet Counties, at a regular meeting held August 6, 2012

Dated at Menasha, Wisconsin this 28th day of August, 2012.

Deborah A. Galeazzi
Deborah A. Galeazzi
City Clerk

(City Seal)

Resolution R-31-12

A RESOLUTION RELATING TO THE DESIGNATION OF
CITY OF MENASHA TAX INCREMENTAL DISTRICT #1 AS A DISTRESSED TAX
INCREMENTAL DISTRICT

Introduced by Mayor Merkes.

WHEREAS: the City of Menasha created Tax Incremental District #1 (TID #1) via Resolution R-41-85 in December of 1985, with an effective date of January 1, 1986; and,

WHEREAS: there have been no amendments to TID #1's project plan after October 1, 2009; and,

WHEREAS: the statutory termination date for TID #1 is December 31, 2012; and,

WHEREAS: City of Menasha December 31, 2011 financial statements note net unreimbursed project costs for TID #1 in the amount of \$370,512 of which \$110,698 will be paid off with TID revenues on or before December 31, 2012; and,

WHEREAS: on December 31, 2012, a balance of \$259,814 of net unreimbursed project costs will be remaining; and,

WHEREAS: Section 66.1105(4e) of the Wisconsin Statutes provides the authority and procedure for designating a tax incremental district created before October 1, 2008 as a distressed or severely distressed district, subject to certain criteria, allowing an extension of the termination date; and,

WHEREAS: a public hearing has been held, after notices required by law, all pursuant to Wisconsin Statutes Section 66.1105(4e)(b)(1),

NOW THEREFORE, BE IT RESOLVED, The Common Council of the City of Menasha, Wisconsin:

- 1) Finds and determines that the project costs incurred, with regard to Tax Incremental District #1, exceed the amount of revenues from all sources that the city expects the district to generate to pay off such project costs during the life of the district.
- 2) Designates Tax Incremental District #1 as a Distressed Tax Incremental District.

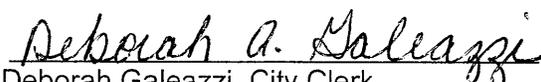
BE IT FURTHER RESOLVED:

- 1) That the City Clerk forward a certified copy of this Resolution and the financial information utilized by the Common Council in making its determination to the City of Menasha-Winnebago County Joint Review Board and the Wisconsin Department of Revenue.

Passed and approved this 6th day of August, 2012


Donald Merkes, Mayor

ATTEST:


Deborah Galeazzi, City Clerk

CERTIFICATION OF CLERK

I, Deborah A. Galeazzi, duly appointed City Clerk of the City of Menasha, Winnebago and Calumet Counties, Wisconsin, **DO HEREBY CERTIFY** that the attached Resolution R-33-12 A Resolution Adopting Amendment #2 to the Project Plan for City of Menasha Tax Incremental District #1 for the Purpose of Designating TID #1 as a Distressed Tax Incremental District, is a true and compared copy of the Resolution adopted by the Mayor and Common Council of the City of Menasha, Winnebago and Calumet Counties, at a regular meeting held August 20, 2012

Dated at Menasha, Wisconsin this 28th day of August, 2012.

Deborah A. Galeazzi

Deborah A. Galeazzi
City Clerk

(City Seal)

Resolution R-33-12

A RESOLUTION ADOPTING AMENDMENT #2 TO THE PROJECT PLAN FOR
CITY OF MENASHA TAX INCREMENTAL DISTRICT #1 FOR THE PURPOSE OF
DESIGNATING TID #1 AS A DISTRESSED TAX INCREMENTAL DISTRICT

Introduced by Mayor Merkes.

WHEREAS, the City of Menasha is proposing to amend the project plan for Tax Incremental District #1 (TID #1), created in 1986, for the purpose of designating TID #1 as a distressed Tax Incremental District; and,

WHEREAS, there have been no amendments to TID #1's project plan after October 1, 2009; and,

WHEREAS, the statutory termination date for TID #1 is December 31, 2012; and,

WHEREAS, Section 66.1105(4e) of the Wisconsin Statutes provides the authority and procedure for designating a tax incremental district created before October 1, 2008 as a distressed or severely distressed district, subject to certain criteria, allowing an extension of the termination date; and,

WHEREAS, Section 66.1105(4)(h) of the Wisconsin Statutes provides the authority and procedure for amending a project plan for a Tax Incremental District; and,

WHEREAS, the Common Council adopted Resolution R-31-2012, designating TID #1 as a Distressed Tax Incremental District and finding that the project costs incurred for TID #1 exceed the amount of revenues from all sources the City expects the district to generate during the life of the district; and

WHEREAS, the required public hearings have been held, after notices required by law, all pursuant to Wisconsin Statutes Section 66.1105(4)(h), and Section 66.1105(4e)(b)(1); and,

WHEREAS, the City of Menasha Plan Commission has approved Plan Commission Resolution 3-2012, recommending that the Common Council approve Amendment #2 to the Project Plan for TID #1 and designate TID #1 as a Distressed Tax Incremental District and,

NOW THEREFORE, BE IT RESOLVED, The Common Council of the City of Menasha, Wisconsin:

- 1) Accepts and adopts Amendment #2 to the Project Plan for TID #1, designating Tax Incremental District #1 as a Distressed Tax Incremental District.

BE IT FURTHER RESOLVED:

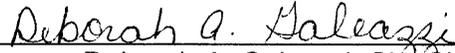
- 1) That Amendment #2 to the TID #1 project plan is feasible and in conformity with the master plan.
- 2) That January 1, 2012, be and is the date of amendment of TID #1 Project Plan Amendment #2.

- 3) That the City Clerk forward a certified copy of this Resolution and a copy of TID #1 Project Plan Amendment #2 to the City of Menasha-Winnebago County Joint Review Board and the Wisconsin Department of Revenue.

Passed and approved this 20th day of August, 2012

A handwritten signature in black ink, appearing to read 'DM', written over a horizontal line.

Donald Merkes, Mayor

A handwritten signature in black ink, appearing to read 'Deborah A. Galeazzi', written over a horizontal line.

Deborah A. Galeazzi, City Clerk

CITY OF MENASHA
TAX INCREMENTAL DISTRICT #1
PROJECT PLAN AMENDMENT #2

August, 2012

INTRODUCTION & PURPOSE

The City of Menasha is amending the project plan of Tax Incremental District #1 (TID #1) to designate TID #1 as “Distressed” pursuant to Section 66.1105(4e) of the Wisconsin Statutes. The current boundaries of TID #1 are illustrated in Map #1. The purpose of designating a TID as distressed is to provide a mechanism to cities that allows the community to recoup TID costs that would otherwise be unrecovered prior to the end of the life of the TID. This can be accomplished through the extension of the end date of the TID, and/or through utilizing excess tax increment revenues from a donor TID.

TID #1 was created in 1986 as a tool to facilitate the redevelopment of Downtown Menasha, including the redevelopment and construction of the Harbor Place Commercial Office site. Without distressed status, TID #1 is set to dissolve as of December 31, 2012.

“DISTRESSED” DESIGNATION

TID #1 easily meets the criteria necessary to received the “distressed” designation, which is met when “project costs incurred, with regard to the tax incremental district, exceed the amount of revenues from all sources that the city expects the district to generate to pay off such project costs during the life of the district,” as stated in Section 66.1105(4e)(a)(1). Table 1 illustrates that, as of December 31, 2011, \$370,512 in project costs remained that had not been recovered through TID increment. Given past trends for increment generated by the district, the City projects that by December 31, 2012 (the initial end date for TID #1), \$259,814 in unrecovered costs will remain.

Given the facts stated above, TID #1 shall be designated as a Distressed Tax Incremental District.

PROJECT COSTS & EXPENDITURES

This amendment includes no new project costs or expenditures. Section 66.1105(4e)(e) prevents any future amendments to the TID #1 project plan that would add any new projects or project costs.

ECONOMIC FEASIBILITY & RETIREMENT DATE

Section 66.1105(4e)(d)(2), Wisconsin Statutes, allow for “Distressed” TIDs to be extended up to 10 years. As illustrated in Table 2, it is projected that all remaining project costs will be recovered within 3 years, well within the maximum 10 year limit. TID #1 will be retired after all project costs are recovered. This is expected to happen in 2015.

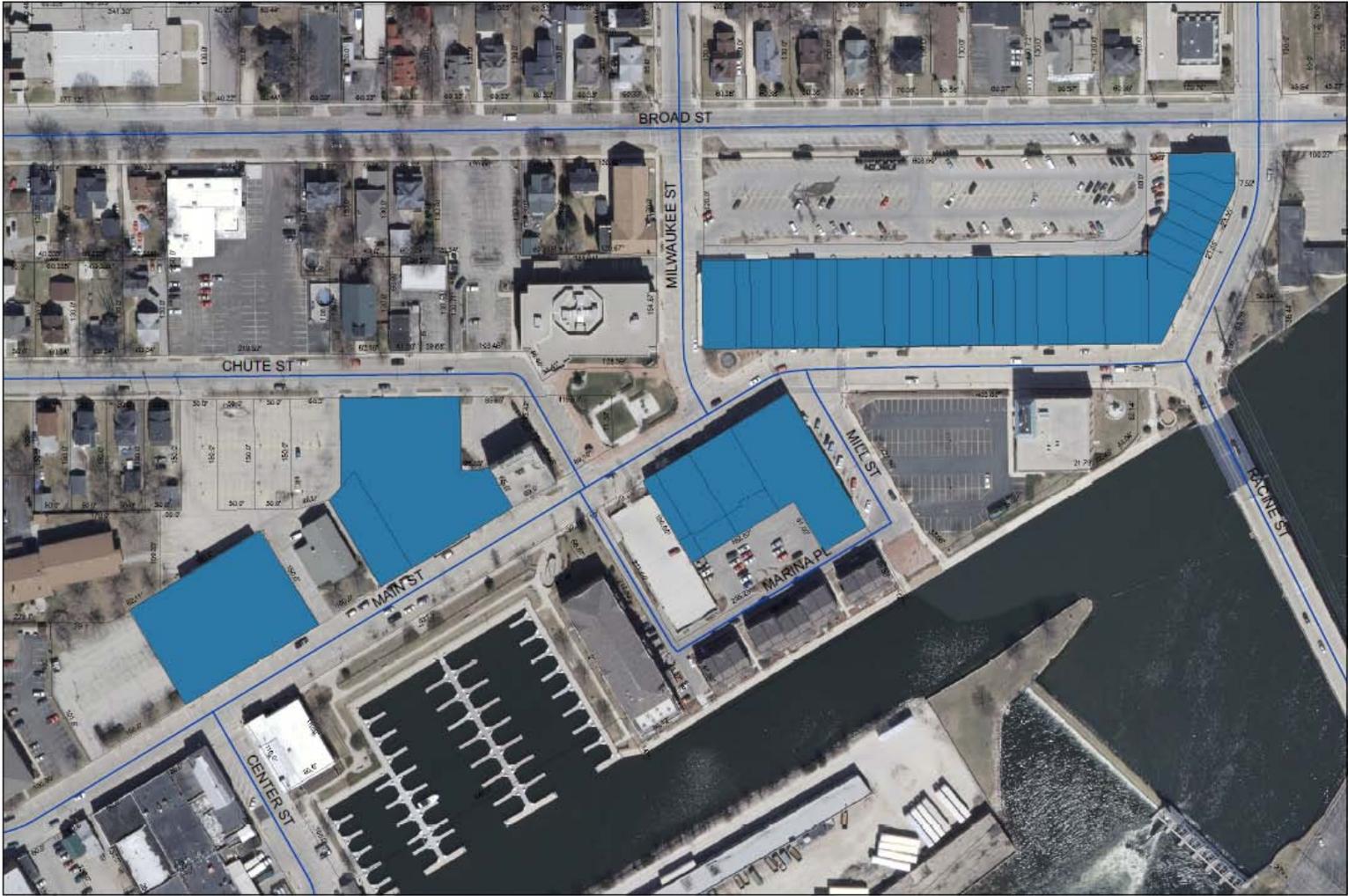
It is not anticipated that TID #1 will need to receive excess tax increments from a donor TID, although Wisconsin Statutes would allow for it if the City were to find it necessary. In that event, the donor TID could be extended to provide such increments.

PRIOR PLAN AMENDMENTS

Prior to this amendment, TID #1's Project Plan was amended once before in 1986. This date is prior to the October 1, 2009 cutoff as stipulated in 66.1105(4e)(5) of Wisconsin Statutes for eligibility as a "distressed" TID district.

CONFORMITY WITH THE MASTER PLAN

This TID Plan Amendment is in conformance with the City of Menasha's Year 2030 Comprehensive Plan. As this amendment does not add any project or project costs, no changes to the City's growth and development patterns will result from this TID amendment.



Map #1: Tax Increment District #1

 TID #1

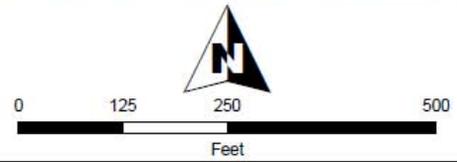


Table 1: Historic Financials for TID #1

Financial Information-T.I.F. DISTRICT # 1

Update: 08/01/2012

Compiled by: City Comptroller/Treasurer

	T.I.F. #1 FULL VALUE	T.I.F. #1 VALUE INCREMENT	T.I.F. #1 TAX INCREMENT	EQUALIZED TAX RATE
1986/1987	\$5,329,100			
1987/1988	5,915,400	\$586,300	\$17,499	\$29.846
1988/1989	9,394,200	4,065,100	127,937	31.472
1989/1990	9,762,100	4,433,000	145,815	32.893
1990/1991	10,450,300	5,121,200	166,461	32.504
1991/1992	11,026,100	5,697,000	190,201	33.386
1992/1993	11,027,000	5,697,900	197,465	34.656
1993/1994	11,224,600	5,895,500	200,965	34.088
1994/1995	11,061,900	5,732,800	186,963	32.613
1995/1996	11,370,700	6,041,600	184,849	30.596
1996/1997	12,723,600	7,394,500	205,099	27.737
1997/1998	15,512,900	10,183,800	275,155	27.019
1998/1999	14,658,600	9,329,500	252,797	27.097
1999/2000	12,754,200	7,425,100	197,127	26.549
2000/2001	13,051,700	7,722,600	208,359	26.980
2001/2002	13,209,800	7,880,700	216,178	27.431
2002/2003	13,480,700	8,151,600	218,111	26.757
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2008/2009	12,162,100	6,833,000	169,884	24.862
2009/2010	12,160,100	6,831,000	177,134	25.931
2010/2011	9,216,800	3,887,700	103,801	26.700
2011/2012	9,359,200	4,030,100	109,610	27.198
TOTAL 1986-2012			<u>\$4,402,648</u>	

CITY OF MENASHA - DOWNTOWN REDEVELOPMENT
T.I.D. # 1
December 31, 2011

DESCRIPTION	CUMULATIVE ACTUAL @ DEC. 31, 2010	Y--T--D THROUGH DEC. 31, 2011 (UNAUDITED)	CUMULATIVE ACTUAL THRU 12/31/11 (UNAUDITED)
REVENUES:			
PROPERTY TAX INCREMENT	\$4,189,237	\$103,801	\$4,293,038
PAYMENTS IN LIEU	46,161	-	46,161
OTHER GRANTS & AIDS	536,452	630	537,082
DONATIONS	376,525	-	376,525
INTEREST INCOME/MISC	385,070	-	385,070
CAPITAL BORROWING	9,332,000	-	9,332,000
TOTAL REVENUES	\$14,865,445	\$104,431	\$14,969,876
EXPENDITURES:			
INFRASTRUCTURE	\$1,146,001	\$0	\$1,146,001
DIRECT DEVELOPMENT	2,128,836	-	2,128,836
DEBT SERVICE - PRINCIPAL	9,332,000	-	9,332,000
DEBT SERVICE - INTEREST	2,533,491	-	2,533,491
MISCELLANEOUS/SUNDRY	200,060	-	200,060
TOTAL EXPENDITURES	\$15,340,388	\$0	\$15,340,388
REVENUES Over EXPENDITURES	(\$474,943)	\$104,431	(\$370,512)

LONG TERM DEBT OUTSTANDING FOR THIS DISTRICT

ISSUE	ORIGINAL ISSUE	PD PRIOR 12/31/11
1986 CORP. PURPOSE BONDS	\$2,851,000	\$2,851,000
1989 PROMISSORY NOTES	3,111,000	3,111,000
1994 REFUNDING BONDS	3,370,000	3,370,000
TOTAL	\$9,332,000	\$9,332,000

Table 2: Projected Financials for TID #1 (2013-2022)

T.I.F # 1-HISTORY

Date: 08/03/2012

Prepared by: City Comptroller/Treasurer

<u>01/01 YEAR</u>	<u>01/01 TAX INC</u>	<u>OTHER REVENUES</u>	<u>PROJECT COSTS</u>	<u>CUMULATIVE BALANCE</u>
1985	\$0	\$0	\$0	\$0
1986	0	419,957	1,930,648	(1,510,691)
1987	0	73,904	865,706	(2,302,493)
1988	17,499	204,036	731,547	(2,812,505)
1989	127,937	38,740	318,724	(2,964,552)
1990	145,815	24,799	287,964	(3,081,902)
1991	166,460	13,279	211,067	(3,113,230)
1992	190,201	11,789	207,440	(3,118,680)
1993	197,465	9,701	206,533	(3,118,047)
1994	200,965	12,093	423,359	(3,328,348)
1995	186,963	11,228	122,730	(3,252,887)
1996	184,849	3,991	115,705	(3,179,752)
1997	205,100	6,097	107,806	(3,076,361)
1998	275,155	0	99,057	(2,900,263)
1999	252,797	0	89,552	(2,737,018)
2000	197,127	112,089	80,453	(2,508,255)
2001	208,359	128,111	67,995	(2,239,780)
2002	216,178	91,782	55,923	(1,987,743)
2003	218,111	46,613	42,871	(1,765,890)
2004	176,674	3,405	28,964	(1,614,775)
2005	176,252	119,798	14,344	(1,333,069)
2006	168,839	2,740	0	(1,161,490)
2007	165,757	2,774	0	(992,959)
2008	163,716	3,448	0	(825,795)
2009	169,884	2,740	0	(653,171)
2010	177,134	1,094	0	(474,943)
2011	103,801	630	0	(370,512)
2012	109,610	1,088	0	(259,814)
2013	109,610 E	1,088 E	0	(149,116)
2014	109,610 E	1,088 E	0	(38,418)
2015	109,610 E	1,088 E	0	72,280
2016	0	0	0	72,280
2017	0	0	0	72,280
2018	0	0	0	72,280
2019	0	0	0	72,280
2020	0	0	0	72,280
2021	0	0	0	72,280
2022	0	0	0	72,280
	\$4,731,478	\$1,349,190	\$6,008,388	

APPENDIX A: Common Council Resolution R-31-12

Resolution R-31-12

**A RESOLUTION RELATING TO THE DESIGNATION OF
CITY OF MENASHA TAX INCREMENTAL DISTRICT #1 AS A DISTRESSED TAX
INCREMENTAL DISTRICT**

Introduced by Mayor Merkes.

WHEREAS: the City of Menasha created Tax Incremental District #1 (TID #1) via Resolution R-41-85 in December of 1985, with an effective date of January 1, 1986; and,

WHEREAS: there have been no amendments to TID #1's project plan after October 1, 2009; and,

WHEREAS: the statutory termination date for TID #1 is December 31, 2012; and,

WHEREAS: City of Menasha December 31, 2011 financial statements note net unreimbursed project costs for TID #1 in the amount of \$370,512 of which \$110,698 will be paid off with TID revenues on or before December 31, 2012; and,

WHEREAS: on December 31, 2012, a balance of \$259,814 of net unreimbursed project costs will be remaining; and,

WHEREAS: Section 66.1105(4e) of the Wisconsin Statutes provides the authority and procedure for designating a tax incremental district created before October 1, 2008 as a distressed or severely distressed district, subject to certain criteria, allowing an extension of the termination date; and,

WHEREAS: a public hearing has been held, after notices required by law, all pursuant to Wisconsin Statutes Section 66.1105(4e)(b)(1),

NOW THEREFORE, BE IT RESOLVED, The Common Council of the City of Menasha, Wisconsin:

- 1) Finds and determines that the project costs incurred, with regard to Tax Incremental District #1, exceed the amount of revenues from all sources that the city expects the district to generate to pay off such project costs during the life of the district.
- 2) Designates Tax Incremental District #1 as a Distressed Tax Incremental District.

BE IT FURTHER RESOLVED:

- 1) That the City Clerk forward a certified copy of this Resolution and the financial information utilized by the Common Council in making its determination to the City of Menasha-Winnebago County Joint Review Board and the Wisconsin Department of Revenue.

Passed and approved this 6th day of August, 2012

ATTEST:


Donald Merkes, Mayor


Deborah Galeazzi, City Clerk

APPENDIX B: Plan Commission Resolution

Plan Commission Resolution 3-2012

A RESOLUTION RELATING TO AMENDMENT #2 TO THE PROJECT PLAN FOR CITY OF MENASHA TAX INCREMENTAL DISTRICT #1 FOR THE PURPOSE OF DESIGNATING TID #1 AS A DISTRESSED TAX INCREMENTAL DISTRICT

WHEREAS, the City of Menasha is proposing to amend Tax Incremental District #1 (TID #1) for the purpose of designating TID #1 as a distressed Tax incremental District; and,

WHEREAS, there have been no amendments to TID #1's project plan after October 1, 2009; and,

WHEREAS, the statutory termination date for TID #1 is December 31, 2012; and,

WHEREAS, City of Menasha December 31, 2011 financial statements note net unreimbursed project costs for TID #1 in the amount of \$370,512 of which \$110,698 will be paid off with TID revenues on or before December 31, 2012; and,

WHEREAS, on December 31, 2012, a balance of \$259,814 of net unreimbursed project costs will be remaining; and,

WHEREAS, Section 66.1105(4e) of the Wisconsin Statutes provides the authority and procedure for designating a tax incremental district created before October 1, 2008 as a distressed or severely distressed district, subject to certain criteria, allowing an extension of the termination date; and,

WHEREAS, a public hearing has been held, after notices required by law, all pursuant to Wisconsin Statutes Section 66.1105(h),

NOW THEREFORE, BE IT RESOLVED, The City of Menasha Plan Commission:

- 1) Finds and determines that the project costs incurred, with regard to Tax Incremental District #1, exceed the amount of revenues from all sources that the city expects the district to generate to pay off such project costs during the life of the district.
- 2) Recommends that the Common Council designate Tax Incremental District #1 as a Distressed Tax Incremental District.
- 3) Recommends that the Common Council approve Amendment #2 to the Project Plan for TID #1.

BE IT FURTHER RESOLVED:

- 1) That amendment to the TID #1 project plan is feasible and in conformity with the master plan.

Adopted: August 7, 2012



Don Merkes, Mayor

Attest: Deborah A. Galeazzi
Deborah A. Galeazzi, City Clerk

APPENDIX C: Common Council Resolution R-33-2012

Resolution R-33-12

A RESOLUTION ADOPTING AMENDMENT #2 TO THE PROJECT PLAN FOR CITY OF MENASHA TAX INCREMENTAL DISTRICT #1 FOR THE PURPOSE OF DESIGNATING TID #1 AS A DISTRESSED TAX INCREMENTAL DISTRICT

Introduced by Mayor Merkes.

WHEREAS, the City of Menasha is proposing to amend the project plan for Tax Incremental District #1 (TID #1), created in 1986, for the purpose of designating TID #1 as a distressed Tax Incremental District; and,

WHEREAS, there have been no amendments to TID #1's project plan after October 1, 2009; and,

WHEREAS, the statutory termination date for TID #1 is December 31, 2012; and,

WHEREAS, Section 66.1105(4e) of the Wisconsin Statutes provides the authority and procedure for designating a tax incremental district created before October 1, 2008 as a distressed or severely distressed district, subject to certain criteria, allowing an extension of the termination date; and,

WHEREAS, Section 66.1105(4)(h) of the Wisconsin Statutes provides the authority and procedure for amending a project plan for a Tax Incremental District; and,

WHEREAS, the Common Council adopted Resolution R-31-2012, designating TID #1 as a Distressed Tax Incremental District and finding that the project costs incurred for TID #1 exceed the amount of revenues from all sources the City expects the district to generate during the life of the district; and

WHEREAS, the required public hearings have been held, after notices required by law, all pursuant to Wisconsin Statutes Section 66.1105(4)(h), and Section 66.1105(4e)(b)(1); and,

WHEREAS, the City of Menasha Plan Commission has approved Plan Commission Resolution 3-2012, recommending that the Common Council approve Amendment #2 to the Project Plan for TID #1 and designate TID #1 as a Distressed Tax Incremental District and,

NOW THEREFORE, BE IT RESOLVED, The Common Council of the City of Menasha, Wisconsin:

- 1) Accepts and adopts Amendment #2 to the Project Plan for TID #1, designating Tax Incremental District #1 as a Distressed Tax Incremental District.

BE IT FURTHER RESOLVED:

- 1) That Amendment #2 to the TID #1 project plan is feasible and in conformity with the master plan.
- 2) That January 1, 2012, be and is the date of amendment of TID #1 Project Plan Amendment #2.

- 3) That the City Clerk forward a certified copy of this Resolution and a copy of TID #1 Project Plan Amendment #2 to the City of Menasha-Winnebago County Joint Review Board and the Wisconsin Department of Revenue.

Passed and approved this 20th day of August, 2012



Donald Merkes, Mayor



Deborah A. Galeazzi, City Clerk



APPENDIX D: Attorney's Opinion

I have reviewed the Tax Incremental District #1 Project Plan Amendment #2 and the supporting documentation for compliance with Sec. 66.1105 Wis. Stats. The project plan amendment is complete and complies with statutory requirements, including those required to designate TID #1 as "Distressed" (Sec. 66.1105(4e)). I know of no valid legal objection to the procedures nor to the Common Council's consideration of the Tax Incremental District #1 Project Plan Amendment #2.

Pamela Captain
City Attorney

SBN 11023192

CITY OF MENASHA
JOINT REVIEW BOARD – WINNEBAGO COUNTY
RESOLUTION 1-12
APPROVING PROJECT PLAN AMENDMENT #2 TO TAX INCREMENTAL DISTRICT #1

WHEREAS, on August 20, 2012 the City of Menasha Common Council adopted Resolution R-33-12 Amending the Project Plan for Tax Incremental District #1 pursuant to Wisconsin Statute 66.1105(4)(h)(1); and,

WHEREAS, on August 6, 2012 the City of Menasha Common Council adopted Resolution R-31-12 designating TID #1 as a Distressed Tax Incremental District pursuant to Wisconsin Statute 66.1105(4e)(1); and,

WHEREAS, a certified copy of Resolution R-31-12 designating TID #1 as a Distressed Tax Incremental District, and a copy of the financial data that the legislative body used in the adoption process has been reviewed by the Joint Review Board.

NOW THEREFORE, BE IT RESOLVED, the City of Menasha Joint Review Board-Winnebago County:

1. Determines that the designation of TID #1 as a distressed district is likely to enhance the ability of the city to pay its project costs within the time the time specified in Wisconsin Statute 66.1105(4e)(5)(d).
2. Approves Resolution R-31-12, Designation of City of Menasha Tax Incremental District #1 as a Distressed Tax Incremental District.
3. Approves Resolution R-33-12, Adopting Amendment #2 to the Project Plan for the City of Menasha Tax Incremental District #1 for the purpose of designating TID # 1 as a Distressed Tax Incremental District.

Adopted this ____ day of September 2012.

Secretary
Joint Review Board