

PLAN COMMISSION MINUTES - 7/11/2012

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
July 11, 2012
6:30 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Jim Brey at 6:30 P.M.

II. ROLL CALL

Members Present

David Diedrich
Dan Hornung
Jim Muenzenmeyer
Steve Alpert
Jim Brey
Val Mellon
Maureen Stokes

Members Excused

Justin Nickels

Staff Present

David Less
Paul Braun
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular June 13, 2012 Meeting.

Motion by: Mr. Diedrich

Moved that: the minutes be approved as presented.

Seconded by: Ms. Stokes

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC50-2011: City of Manitowoc; Public Hearing Pursuant to Wis. Stat. § 66.1105(4)(h)1. and (4e)(a)3. - Proposed 2012 Tax Incremental Financing (TIF) District Activities:

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1. Text Amendment No. 1 to TIF District No. 10 to amend the project plan to designate said district as a “donor” district for proposed “recipient” TIF districts No. 8, 11 and 12
2. Text Amendment No. 1 to TIF District No. 13 to amend the project plan to designate said district as a “donor” district for proposed “recipient” TIF districts No. 8, 11 and 12
3. Text Amendment No. 2 to TIF District No. 15 to amend the project plan to designate said district as a “donor” district for proposed “recipient” TIF districts No. 8, 11 and 12
4. Text Amendment No. 1 to TIF District No. 17 to amend the project plan to designate said district as a “donor” district for proposed “recipient” TIF districts No. 8, 11 and 12
5. Designation of TIF District No. 8 as “distressed” to allow the extension of said district’s maximum life by up to 10 years beyond the original termination date (until 2030) in order to repay its obligations
6. Designation of TIF District No. 11 as “distressed” to allow the extension of said district’s maximum life by up to 10 years beyond the original termination date (until 2029) in order to repay its obligations
7. Designation of TIF District No. 12 as “distressed” to allow the extension of said district’s maximum life by up to 10 years beyond the original termination date (until 2031) in order to repay its obligations

Mr. Less explained that regarding items 1. - 7. above, tonight’s public hearing before the Plan Commission was duly noticed as required under Wis. Stat. § 66.1105(4)(h)1. and (4e)(a)3. first in regards to amending various Tax Incremental Financing (TIF) district project plans, and second, to amend the project plans to reflect the “distressed” status of certain TIF districts. Mr. Less noted that notice of tonight’s hearing was published on June 28 and July 4th, and that he was in possession of a proof of publication.

Mr. Less then provided a brief history of the TIF law and its evolution towards the establishment of “distressed” and “severely distressed” TIFs, noting that references to the latter were only to clarify that provisions of the statute, and that the City was not advancing a proposal addressing “severely” distressed TIFs.

Mr. Less continued that the original TIF statute was created in 1975, with the principals guiding TIF since its creation that: (i) new private development expanded the tax base, resulting in additional property taxes; and (ii) if affected community must provide public improvements to support development, overlying taxing bodies should share in the cost of those improvements. Mr. Less added that the impact of TIF was to spread the cost of economic development to all taxing jurisdictions that would ultimately benefit. Mr. Less noted that TIF was the most powerful economic development tool available to local governments in WI.

Mr. Less explained that the TIF law underwent multiple changes in 1981, 1995, 2004, noting that the statute was further modified between 2004-2007 to provide such things as an expanded TIF district revenue sharing, and expenditure period extension. Mr. Less continued that the 2008-2011 national recession was the largest since the Depression, with State wide property values depreciated for the first time in nearly 50 years, with developers declaring bankruptcy, and bank regulators making lending more difficult for local banks.

In 2010, Mr. Less noted, the WI DOR changed the methodology for the valuation of property for the first time since 1976 resulting in major drops in valuation for the entire City, including its TIF districts. Mr. Less explained that DOR, under its old system, would use the change for the entire municipality's equalized value for that year and apply that to the TIF, but now the State used the actual parcels in a TIF to determine the valuation. Mr. Less stated that clearly, there was an impact from making this change, in light of no significant changes in many of the City's districts, with TIFs in Manitowoc decreasing in value by 3.20%; statewide, the change was a loss of 3.13%. Mr. Less continued that prior to this change, between 2008-2009, the City's change in equalized valuation was the highest in WI at 5.85%; that between 2009-2011, the City's equalized valuation increased 2.43%, while in the same period, there was a 4.47% decline in the equalized valuation of the City's 11 active TIF districts.

Mr. Less continued that in response to the recession and declining economic conditions, the WI Legislature authorized under 2009 WI Act 310, effective October 1, 2009, the ability to designate a TIF district as "distressed" or "severely distressed". Mr. Less noted that this privilege was originally set to expire September 30, 2011, but effective August 18, 2011, 2011 Wisconsin Act 41 amended this limitation by extending the filing date for this type of district to September 30, 2015. Mr. Less explained that the State recognized that local communities needed more flexible tools to address these new economic realities, and these included "distressed" TIF declaration, debt restructuring, and increment sharing.

Mr. Less then explained that to declare a TIF as “distressed” meant that a community must be able to demonstrate that a TIF could not meet its obligations, and under the current legislative scheme, allowed a “distressed” TIF up to a 10 year extension to its current statutory life, and made a “distressed” district eligible to receive a shared increment from one or more donor TIF districts. Mr. Less then explained that under a “severely distressed” designation, the life of a TIF district could be extended up to an additional 40 years. Mr. Less then explained the additional statutory requirements related to a “distressed” TIF designation that: (i) the district was created before October 1, 2008; (ii) the Common Council had to adopt a resolution finding that the TIF project costs incurred exceeded the revenues that the TIF was expected to generate during its statutory life; and (iii) the project plan for the TIF can’t have been amended after October 1, 2009, other than designation as “distressed”. Mr. Less then identified statutory restrictions when a district was designated as “distressed”, adding that a “distressed” district may not: (i) make expenditures after its original expenditure period ended; (ii) amend its project plan to add more projects; (iii) become part of a TIF with overlapping boundaries; (iv) expend funds outside of its boundaries; (v) add territory; and (vi) become a donor TIF. Mr. Less added that in a TIF sharing relationship, a donor TIF may remain open up to an additional 10 years, or until closure of the “distressed” TIF, whichever occurred first.

Mr. Less continued that Manitowoc was not alone, and advised that in 2010, there were 6 “distressed” and 2 “severely distressed” district approvals by DOR, and that as of July 10th, 2012, DOR reported that they had approved 41 “distressed” and 2 “severely distressed” TIFs, and were in the process of reviewing 3 “distressed” and 5 “severely distressed” requests. Mr. Less noted that these 2012 totals represented 24 cities and 16 villages.

Mr. Less then stated that the express purpose of the City’s current proposal was to establish a cross pollination relationship by designating 4 donor and 3 “distressed” TIF districts, so as to help the “distressed” districts meet their debt service obligations. Mr. Less noted that the proposal, if approved, would allow excess revenue from any or all of the donors, to support 1 or more of the “distressed” districts. Mr. Less emphasized that there was no new cash being requested or borrowed, and no boundary or text amendments to project plans that would add expenditures. Mr. Less stated that it was a cash flow solution to address problems not unique to, or caused by the City of Manitowoc.

Mr. Less then detailed the City’s proposal, and identified the proposed donor districts Nos. 10, 13, 15 and 17. Mr. Less then identified the proposed “distressed” districts as Nos. 8, 11 and 12.

District No. 8 (Distressed). A downtown redevelopment contribution for a project at the NE corner of 8th/Maritime Drive, plus pedestrian amenities, and waterfront enhancements. Tax incremental or certified base value (CBV) of this district when established in 1994 was \$603,400. The equalized value in 2009 and 2011 was \$1.994mm, and \$1.879mm respectively.

District No. 10 (Donor). I-43 Industrial Park. Infrastructure improvements related to the Northern Labs (NL) expansion, and placement of an MPU water tower to service the southwest quadrant of the City. CBV of the district in 1997 was \$239,900, which was re-determined in 2010 at \$2.694mm. Equalized value of the district in 2009 and 2011 was \$4.440mm, and \$7.103mm respectively. NL is the only source of increment in TIF#10.

District No. 11 (Distressed). Downtown redevelopment, south of the Manitowoc River for site acquisition and clearance for the new library, and in support of a Lakeside Foods expansion. CBV of this district when established in 1997 was \$4.334mm, which was re-determined in 2000 at \$7.211mm. Equalized value of this district in 2009 and 2011 was \$13.719mm and \$11.955mm respectively.

District No. 12 (Distressed). I-43 Industrial Park. Utility and the construction of So. 59th Street as part of the Jagemann Stamping corporate office project. CBV of this district in 1999 was \$225,400. The equalized value of the district in 2009 and 2011 was \$6.765mm, and \$6.621mm respectively. Jagemann Stamping was the only source of tax increment in this district. The City received notice in 2012 that the 2011 property valuation for this property was further reduced by DOR from \$6.147mm to \$5.119mm, with the City having to now issue a refund check to the company for just over \$22,000 plus interest. Additionally, the City transferred \$901,158 from its industrial RLF account back into this TIF in 2012.

District No. 13 (Donor). Manitowoc Company corporate office project, and related improvements and payments. The CBV of this district in 2000 was \$4.719mm. The equalized value of the district in 2009 and 2011 was \$15.549mm and \$12.547mm respectively.

District No. 15 (Donor). Harbor Town and Festival Foods. The original Harbor Town area in 2002, at the time of project inception, had an assessed valuation of \$363,500. In 2011, Harbor Town had an estimated FMV of \$43.928mm, generated \$962,552 in real estate taxes, and contained 422,645sf of building improvements. District boundaries were amended in 2008 to add in the lands housing the current Festival Foods area (80-acres). Despite continued growth

and new construction, this district's valuation declined in 2010 to \$88.240mm from \$95.675mm in 2009. The City was also in the process of repaying a developers promissory note with a face value of \$2.11mm related to the reconstruction of the Dewey Street and "CR" interchange. The CBV of this district when established in 2002 was \$14.254mm, and was re-determined in 2008 at \$19.468mm. The equalized value of the district in 2009 and 2011 was \$95.675mm, and \$87.440mm respectively. In 2012, land sales totaling \$950,000 in Harbor Town have been closed, for the sale of 8.7-acres of vacant land.

District No. 17 (Donor). I-43 Industrial Park. Utility and street improvements for the western end of the park, west of Silver Creek. Americollect and the former County Health Care Center were the only sources of increment in this TIF. CBV of this district when established in 2007 was \$192,200. The equalized value of the district in 2009 and 2011 was \$7.923mm and \$7.270mm respectively.

Mr. Less explained that all of these districts had been conservatively crafted, with knowledge of pending private, taxable development to anchor each district, and all had lost valuation between 2009 and 2011. Mr. Less continued that they had not been speculative, but were victims to the national recession and a revision to the DOR valuation methodology, resulting in the depreciation of property values and ergo, the collection of tax revenues.

Mr. Less then noted that he had provided to each of the overlying taxing jurisdictions and to the TIF Joint Review Board (JRB), copies of the proposed amendments and the financial projections required under Wis. Stat. § 66.1105(4)(i) to put this strategy into place. Mr. Less noted that the bottom line was that based upon a "no growth" in revenue projection going forward, all 7 of the TIF districts would be terminated either at the end of their current statutory life, or between 3-7 years ahead of their scheduled dates for termination, if the donor and "distressed" strategy was approved. Mr. Less then explained the projected years of closing for each of the 7 TIFs that were part of this strategy, noting that the closures, based on the current conservative assumptions, could be up to 7 years earlier than a district's statutory life.

Mr. Less continued that while the City had been the sole provider of public funds to install infrastructure and to provide a stimulus for economic and tax base growth in these districts, if this proposal was not approved, the anticipated budget shortfalls at the end of the statutory life of the proposed "distressed" districts would be absorbed solely by City taxpayers, which was estimated to be in the area of \$2.6mm. Mr. Less added that the impact upon the City to continue its investment approach to development would

be suspect going forward. Mr. Less continued that additionally, the downgrading of the City's credit rating (which began in 2010 with a Aa3 rating), had declined to a A1 rating with a negative outlook as recent as May 15, 2012.

Mr. Less noted that the City's effort to restructure cash flows and to restore balance to its finances and general fund began in 2011, when it issued taxable GO Bonds in the amount of \$6.690mm, and \$5.1mm in GO refunding bonds, realizing a debt service savings just over \$300,000. Mr. Less added that the impact of Moody's downgrading on the City's credit rating for its November, 2011 borrowing was probably equivalent to 30-40 basis points in interest expense added to the cost of capital. Mr. Less noted that Moody's had already warned the City (and the County as well) that credit ratings could decline further if the City didn't address negative fund balances with a plan, and begin correcting structural imbalances.

In closing, Mr. Less stated that the essential question in the end was whether the City, historically the engine of economic growth and tax base in Manitowoc County, should continue to promote growth by implementing a statutorily authorized approach to adjusting TIF district cash flows. Mr. Less noted that if the answer was "yes", then the Commission, Council, and a majority of the JRB must support this proposal, but if the answer was "no", the City's ability to recruit and invest in future development projects would likely decline, and the ability to use TIF for eliminating blight and encouraging new tax base growth in this City would likely be severely limited going forward.

Mr. Less then identified the next steps in the process, including a Council public hearing on July 16th, and the second and final meeting of the JRB on July 31st, 10am, to review the public record and to take a final vote on this proposal.

Mr. Hornung asked if the current expansion of Americollect would be an addition to tax base in TIF No. 17?

Mr. Less stated "yes", but was not sure of the value of that project, other than it would contribute tax base and increment to that TIF district.

Mr. Hornung asked how the Americollect expansion project would effect that district?

Mr. Less stated that it would accelerate the ultimate retirement of that district's debt obligations.

Mr. Hornung asked how Manitowoc County would be impacted?

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Mr. Less stated that he hoped the County would cooperate on the JRB, and added that the City was the sole capital investor in the various TIF projects, and that the understanding from the beginning was that the overlying taxing bodies would contribute a portion of their tax base (above the CBV of a district) to the City to ultimately pay for the cost of TIF expenditures that facilitated growth.

Mr. Diedrich stated that by retiring early, the overlying districts would benefit sooner from new tax base growth.

Mr. Hornung asked what would happen if the “distressed” proposal was not approved?

Mr. Less explained that the overlying taxing districts would benefit from new tax base from the performing districts and their early retirement, while City taxpayers alone would be responsible for dealing with the deficits related to the proposed “distressed” districts.

Mr. Brey commented that the \$4mm that the City used in 2011 to pay for deficits in the TIF accounts was not gone, but it all had to be reserved to support those deficits.

Mr. Corbeille explained his financial projection which was his best attempt to determine if the donor and “distressed” arrangement should go into effect, and how to accelerate the early retirement of these districts. Mr. Corbeille then explained the early termination potential of the districts included in the current proposal. Mr. Corbeille noted that his projection used an anticipated 2012 increment, but going forward, the revenue growth assumption was flat. Mr. Corbeille then explained the cash sharing arrangement between the various districts, and then commented on current debt service requirements (general obligation debt and developer promissory note) for the impacted TIF districts. Mr. Corbeille noted the following regarding certain districts:(i) for TIF No. 13, this district could close out quicker than planned, but it would be helpful to support the “distress” districts with a 4-5 year extension; (ii) for TIF No. 15 which was the generator of the lion share of value and increment, its life would only be extended 1 year beyond its current projected year of termination if the “distressed” program was implemented; and (iii) for TIF No. 17, implementing the “distressed” program would add one more year to its life before it could be terminated.

Mr. Hornung asked what would happen if TIF No. 13 retired early?

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Mr. Corbeille commented that after the district first met its remaining financial obligations, it could be terminated, with the new tax base becoming available and prorated to the overlying taxing bodies.

Ms. Mellon commented that establishing the “distressed” arrangement as proposed would go a long way to help with the City’s budget problems.

Mr. Corbeille noted that while the City could continue to bond for public improvements, he felt that the cost of bonding would likely be more expensive with the downgrading of the City’s credit rating, if the “distressed” program was not approved.

Mr. Less commented that this was an opportunity to address Moody’s concerns, and to turn around the City’s “negative outlook” bond rating going forward.

Mr. Hornung commented that in general, the City took the risk with all of these districts, and was now asking the other taxing entities to share in the solution.

Mr. Less explained that at the time these districts were created, approval of the districts reflected an understanding that investments were made by the City, and the sharing of the increment over time would benefit all overlying districts. Mr. Less added that the factors negatively impacting these districts were not in the City’s control. Mr. Less continued that the purpose of citing DOR statistics on “distressed” districts was to demonstrate that the impacts of the national recession and changes to the valuation methodology were ubiquitous around the state. Mr. Less reminded Commission members that this was a strategy authorized under statute, and if all of the districts could be adjusted so that all of them ended up healthy, this was in the best interest of all City taxpayers. Mr. Less cited an earlier program to support TIF No. 2, whereby a donor relationship was established with several performing districts to support TIF No. 2, after there were changes to State tax policies that were not anticipated when the district’s project plan was first created and approved in the early 1980’s.

Mr. Brey asked for public input.

Bob Ziegelbauer, Manitowoc County Executive, provided a copy of a letter to the Commission members, and then explained the highlights of his letter. Mr. Ziegelbauer noted that the proposal amounted to a direct increase in taxes by nearly \$3mm (\$2.6mm as per the amendment documents), with City taxpayers paying the lion share. Mr. Ziegelbauer continued that he was concerned that the proposal would allow the City to raise taxes outside of the State’s levy limits, and added that he felt this was unnecessary and a bailout. Mr. Ziegelbauer stated that the proposal had no other purpose than to

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capture \$3mm from City taxpayers, and that the City's proposal was an inappropriate bailout of the TIF districts. Mr. Ziegelbauer noted that in his opinion, the City should accept responsibility for "bad deals", and over the next 7-10 years, tighten its belt and absorb the costs within the levy limits. Mr. Ziegelbauer went on to say that the City should be responsible for the performance of its TIFs, and that absorbing the projected deficits should be spread out, the same way that the collection of tax increments was spread over time, and added that while still payable by City taxpayers, it would occur within the levy limits. Mr. Ziegelbauer then stated that Mr. Corbeille and Mr. Less had been open and helpful in answering County questions regarding TIF. Mr. Ziegelbauer continued that the tax increase was an easy way out of this situation, and advocated that the City close out its successful and performing TIFs, and allow the other overlying jurisdictions to benefit from the valuation in those districts. Mr. Ziegelbauer noted that districts with positive balances would close out sooner if the "distressed" proposal was not approved, which would benefit the other overlying districts who would then have access to the increased tax base in the performing districts. Mr. Ziegelbauer then commented on the impact of not approving this strategy on Moody's, and felt that the TIF issue was being inferred and exaggerated, and would not be the deciding factor in determining the City's bond rating going forward. Mr. Ziegelbauer closed by stating that it came down to whether the City would raise property taxes opportunistically and outside the levy limits by \$3mm, and felt it was inappropriate to say "oops" to the taxpayer. Mr. Ziegelbauer did thank the Commission for this forum to debate these ideas, and urged the City to not do this, as he felt it was not necessary, and emphasized that he cared greatly for the City.

Mr. Diedrich commented that he was trying to understand where the \$3mm tax increase was coming from?

Mr. Ziegelbauer explained that the deficit numbers were at a point in time in the future, and would accumulate gradually if not addressed. Mr. Ziegelbauer continued that the impact of approval would be that an additional \$3mm in tax increments would be captured to offset the deficits, which would be paid by all City taxpayers. Mr. Ziegelbauer added that this was not a cash flow issue, but rather an issue about raising taxes.

Mr. Brey stated that this was suppose to be a public hearing, and not a debate.

Mr. Ziegelbauer thanked the Commission, and left the meeting.

There was no other public comment.

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Mr. Diedrich re-stated that he was trying to understand where Mr. Ziegelbauer was coming from.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission: (i) adopt all 7 Resolutions approving and adopting the designation of various TIF districts as “distressed” (TIF No. 8, 11 and 12), and donors (TIF Districts No. 10, 13, 15 and 17), and approve the associated amendments to the project plans; and (ii) authorize the acting chairman and secretary to sign the Resolutions and forward them to Council. Mr. Less also recommended that the Commission recommend to Council the “distressed” designations and amendments for adoption by Council.

Motion by: Mr. Diedrich

Seconded by: Ms. Stokes

Moved that: the Commission approve the Planner’s recommendation above.

Mr. Hornung stated that he needed a better understanding of the tax increase concept, and motioned to table the action on this matter. There was no second, and this motion died.

Mr. Corbeille commented that there was a philosophical divide between the City and County Executive regarding TIF, and then proceeded to explain that this was not a tax increase. Mr. Corbeille explained to the Commission how the County had determined the TIF “mark up”, and explained when the calculation was done correctly, there was no change and no “mark up”. Mr. Corbeille continued that the County’s “mark up” calculations did not use the correct methodology, and that this was not a tax increase, as the County’s calculation used full assessed valuation, when it should have used equalized valuation without a TIF district increase. Mr. Corbeille continued that the County had incorrectly included new valuation added from the TIF in calculating their implied TIF “mark up”. Mr. Corbeille added that if the City did not implement the “distressed” plan, all the good, performing district valuations would come on line, and the bad or underperforming district deficits would be paid only by City taxpayers. Mr. Corbeille noted that TIF was all about risk sharing, as the Legislature saw the value of all overlying districts sharing in risk, and questioned rhetorically why otherwise, would a City take on the risk by itself?

Mr. Less commented that a different topic that was never discussed at the JRB meeting was in regard to the hold harmless effect of TIF on school districts. Mr. Less explained that many school districts were not adversely impacted by TIFs, since these

districts were often compensated for the loss in local tax revenues through increases in the State's supplemental aid program that went into effect in the early 1990's, and which effectively held these districts harmless in regard to TIF.

Mr. Hornung stated that if the City did not implement this program and followed the County's recommendation, the County would benefit in the long run and would derive more financial benefit in the future from denial of the proposal.

Mr. Less concurred with Mr. Hornung's assessment, and reminded everyone that none of the City's TIFs were being classified as "severely distressed", nor was this an issue of malfeasance or mishandling of investments or entering into "bad" projects, but rather was a consequence of factors that the City could not control. Mr. Less continued that the "distressed" proposal was a statutorily recognized protocol, and was an affirmative response to the statute that made sense and allowed all districts to prosper. Mr. Less added that Manitowoc County also had a negative outlook from Moody's and had an issue with revenue generation, and he recognized where Mr. Ziegelbauer was coming from. Mr. Less closed that it was his job to bring a valid and legal proposal forward that was in the best interest of the City and City taxpayers, when City taxpayers paid for 100% of the upfront investment. Mr. Less added that anyone that felt the City's TIF projects would have occurred without TIF would be mistaken.

Mr. Hornung commented that he was concerned when someone would come to the Commission arguing that this was a \$3mm tax increase, and that there needed to be an appropriate and accurate response on Monday night. Mr. Hornung suggested that the presentation for Monday's Council meeting be tightened up, so as to adequately dispel this notion of a tax increase.

Mr. Brey responded that he was philosophically opposed to Mr. Ziegelbauer on this matter, and stated that this proposal was not a tax increase, and that the tax rate was not negatively impacted because the life of a TIF district was extended.

Mr. Hornung added that he did not think a property owner's tax bill would increase due to the proposed TIF plan in the future, and rhetorically asked how someone could argue this to be a tax increase?

Mr. Corbeille commented that over time, the City would have to further cut services if the proposal was not approved to pay for the cost of covering deficits, and hoped that all of the overlying taxing bodies would be here to continue their support of the City.

Mr. Brey again stated that the “distressed” proposal was not a tax increase.

Ms. Mellon commented that businesses would not be attracted to an industrial park without a road and utility system, and she did not foresee a need for additional TIF spending to rebuild infrastructure, as what was previously funded through TIF should last another 35 years. Ms. Mellon emphasized that the TIFs would not have to be used to reinvest in new infrastructure, as it was in place and ready to grow.

Mr. Hornung asked Mr. Less what his economic funding mechanism would be if the City closed a TIF and then a company would be identified that needed financial support from TIF?

Mr. Less replied that even with a donor or “distressed” designation, the City could still authorize expenditures under the current statutory limits, as long as the expenditures were previously identified in the TIF project plan and did not have to further amend the district. Mr. Less continued that if the cost:benefit of an economic development project worked to the City’s advantage, the Council may opt to make a public investment, but it would have to be within the authorized expenditure period (5 years prior to the statutory termination date for a district). Mr. Less added that if the TIF district was closed, then a new TIF plan would have to be prepared and approved.

Mr. Diedrich asked Mr. Corbeille to confirm that his projections were based on a “no growth” assumption?

Mr. Corbeille confirmed this statement.

Upon Vote: the original motion as first made and seconded above was approved unanimously.

V. REFERRALS FROM COMMON COUNCIL

A. PC27-2012: Manitowoc County; Various Tax Deeded Properties

Mr. Less detailed the 13 properties located in the City which were identified in a County communication, noting that these were properties moving through a tax foreclosure proceeding. Mr. Less stated that he did not think there were any properties that the City would be interested in acquiring, if they became available.

Mr. Hornung commented that he felt there was one property of interest,

that being a corner parcel at 1104 N. 8th Street (NW corner of N. 8th and Waldo Boulevard). Mr. Hornung stated that he was not interested in any of the other properties included in the listing.

Ms. Mellon concurred with Mr. Hornung.

Mr. Less commented that for this parcel, there was an Official Map land reservation of approximately 18' of width along N. 8th, and 3' along Waldo Boulevard. Commission members agreed with Mr. Hornung on this matter. Mr. Less then noted that the statutory redemption period for these parcels ended July 27th, meaning that the mortgagor (property owner) had the benefit of a redemption period in which to pay the balance, costs and attorney fees due under the debt obligation.

Mr. Brey commented that the County would like to recover some monies related to these properties, and in some cases, had sold properties for outstanding property taxes, and added that there was an opportunity for negotiation in this matter.

Mr. Less then recommended that the Commission recommend to Council that: (i) regarding the N. 8th Street parcel (Tax # 585-006-211), the Council instruct the City Attorney to monitor the status of this property, and if it was ultimately titled in the name of Manitowoc County, that the Attorney be authorized (by virtue of Council's adoption of this report) to negotiate the transfer of the property to the City, upon terms and conditions to be negotiated; and (ii) regarding the remaining parcels included in the listing, that the Council take no further action.

Motion by: Mr. Hornung
Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Ms. Mellon
Upon Vote: the motion was approved unanimously.

VI. OLD BUSINESS

- A. PC17-2012/PC44-2011: City of Manitowoc; Proposed Ordinance Changes to Chapters 3, 14, 15 and 21, Manitowoc Municipal Code

Mr. Less advised that he had not made any progress on this matter.

No action was taken.

VII. NEW BUSINESS

- A. PC25-2012: Kummer, Lambert, Fox/Tower Tavern Real Estate, LLC.; Request for Fixed Animated Sign at 602 N. Water Pursuant to Section 15.450(18) of Manitowoc Municipal Code

Mr. Less explained that the sign proposal would be revised to reflect an animated wall sign instead of a projecting, animated sign, and would remain on the agenda for August.

No action was taken.

- B. PC26-2012: Sign Me Up/Auto-Dynamics of Manitowoc, Inc; Request for Fixed Non-Animated Billboard at 1227 Washington Pursuant to Section 15.450(14)(h)3. of Manitowoc Municipal Code

Mr. Less explained the request for issuance of a Special Permit to authorize the construction of a fixed, non-animated billboard on the east wall of the building at 1227 Washington Street. Mr. Less noted that the project involved the placement of a wall mounted, single faced, non-animated billboard, and that the billboard would be a westbound read. Mr. Less added that the subject parcel was zoned "C-1" which allowed for placement of an off-premise sign, and noted that he did not have any problem with the proposal, subject to the conditions outlined in his recommendation.

Mr. Less recommended approval of the request by the Commission to issue a Special Permit for a fixed, non animated billboard pursuant to Section 15.450(14)(h)3. of the Code, subject to: (i) the billboard being located and designed as depicted in the application; (ii) delivery to the City Planner of a copy of the un-redacted billboard lease; (iii) compliance with all relevant sections of 15.450; and (iv) construction and installation of the sign must be completed by January 7, 2013, or the Special Permit authorization would expire effective January 8th.

Motion by: Ms. Stokes
Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Mr. Muenzenmeyer
Upon Vote: the motion was approved unanimously.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. Mr. Brey commented that the County had received a proposal for the siting of a wind tower north of Mishicot, and explained that the Public Service Commission (PSC) siting rules prevailed. Mr. Brey advised that the County wind tower ordinance was too strict and would ultimately need revision. Mr. Brey commented that he was in favor of the wind tower project.

Mr. Less advised that like the County, the City would need to revise its wind tower ordinance to comply with State PSC siting regulations, but he was having problems getting to that work item.

No action was taken.

B. Certified Survey Maps (CSM):

1. Dewane: Proposed CSM in the SE¹/₄, NE¹/₄, Section 9, T.19N., R.23E., Town of Manitowoc Rapids

Mr. Braun explained the proposed CSM for a parcel located north of Arrow Road and on the west side of Stone Road. Mr. Braun noted that the owner wanted to construct a garage on the property, which would require the combining of 2 existing, 1.3-acre tracts into a single lot measuring 2.6-acres in area. Mr. Braun added that he wanted to have the Official Map for Stone Road identified on the CSM, as well as any easements of record. Mr. Braun recommended approval of the CSM.

Motion by: Mr. Hornung
Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Diedrich
Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 6/8/2012 - 7/47/2012:

1. SP8-2012: MTM Real Estate, LLC, 4330 Expo Drive

PLAN COMMISSION MINUTES - 7/11/2012

- Building Addition (approved).

IX. ADJOURNMENT

The meeting was adjourned at 7:50 P.M.

Respectfully Submitted,

David Less
City Planner