

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE SPECIAL JOINT MEETING OF THE COMMUNITY DEVELOPMENT
AUTHORITY, BOARD OF TRUSTEES, AND PLAN COMMISSION

held on Tuesday, March 10, 2020, at 5:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. Meeting called to order by Village Trustee & CDA Chair Zeyghami.

2. Roll Call of Community Development Authority (CDA) by Secretary Parker.

Roll call indicated 6 CDA members present.

<u>Member</u>	<u>Present</u>
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	NO - Absent
Winkels, Stephen	YES

3. Roll Call of Board of Trustees (BOT) by Secretary Parker.

Roll call indicated 6 BOT present.

<u>Member</u>	<u>Present</u>
Sparks, Wally	YES
Ermeling, Barb	YES
Fiene, Nathan	YES
Maloney, Mark	YES
Xiong, Yee Leng	NO - Excused
Zeyghami, Hooshang	YES
Ziegler, Jon	YES – Via Phone

4. Roll Call of Plan Commission (PC) by Secretary Parker.

Roll call indicated 5 PC members present.

<u>Member</u>	<u>Present</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	NO - Excused
Guerndt, Gary	YES
Jordan, Joe	NO - Excused
Meinel, Steve	YES
White, Loren	YES

Village Staff in attendance: Donner, Higgins, Trautman, Chartrand, Wheaton, Hodell, and Parker.

There were a couple people in the audience.

5. Public Comment

None.

6. Approval of minutes from the December 10, 2019, CDA meeting

Motion by Maloney, second by Winkels: to approve the December 19, 2019, CDA Meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

7. Discussion of CDA/Plan Commission Roles & Responsibilities.

a. Presentation via phone – Community Development Authority Financing Tools (Rebecca Speckhard, Quarles & Brady).

Rebecca Speckhard, of Quarles & Brady, was present via phone and went over her Community Development Authority Financing Tools presentation (attached).

Zeyghami asked Speckhard to explain double tax exemption. Speckhard explained (using street improvements as an example) if the Village issued bonds for street improvements, those bonds, when they are issued to investors, those investors get interest payments from the Village on those bonds, and that interest received is only exempt from Federal income taxes. They still have to pay State income taxes. However, if the CDA were to issue bonds for a public purpose, the investor would receive interest that they would be able to treat as tax exempt on their Federal return and also would not be treated as income to them on their State tax return. So that is a double-tax exemption that investors receive a benefit of from a CDA bond issue, and municipalities are only able to issue a single tax exempt bonds.

b. Presentation – CDA Financing Options (Greg Johnson, Elhers Senior Municipal Advisor)

Greg Johnson, of Elhers, was present and went over his CDA Financing Options presentation (attached).

Johnson explained under Statutes there are two different types of debt that can be issued, general obligation debt (through tax levy) and revenue debt (legally pledging a non-property tax revenue source to repay the debt). He stated the Village has issued revenue debt under the Water Utility, Sewer Utility, and Stormwater Utility. The CDA has also issued CDA revenue bonds to finance projects in both TIF #1 and TIF #2. These forms of revenue debt do not count towards the Village's general obligation debt.

Johnson gave the example of going back to 2002, there was an amendment in TIF #1, and there was a blight finding and a redevelopment plan established. This is one of the areas where CDA can legally operate under is when they are involved in redevelopment or blight remediation activities. By doing the redevelopment plan and making appropriate blight findings, that essentially put the legal mechanism in place for the Village to issue CDA revenue bonds to finance the projects within TIF #1. By doing this that debt could be issued and not count towards the general obligation debt limit. Johnson explained another advantage of CDA bonds is that they can be issued for a term greater than 20 years.

Johnson then described the disadvantages and risks. He stated it is a more costly due to legal expenses, agreements, and financial review. With all revenue debt, there is typically a debt service reserve fund. That is money that is borrowed as part of the issuance of the CDA lease revenue bonds and that money is set aside

as a contingency fund so in the event the revenue stream that is being repledged to repay the lease is insufficient, those reserves can be drawn upon to make the debt service payments. He stated that underwriters want to see that the source you are pledging has a coverage level of 125% or higher. For every \$1 of debt service you are issuing through a CDA, the revenue stream that you are pledging will have \$1.25. He stated this carried a higher interest rate than general obligation debt. Also, if you issue CDA lease revenue bonds, and the revenue stream that you are pledging is insufficient, and you need to appropriate other funds to make that debt service payment, CDA lease revenue bonds are not exempted under levy limits. Johnson explained that while it is not legally general obligation debt, the Village has been rated by Moody's Investor Services, and any CDA lease revenue that has historically been outstanding for both TIF #1 and TIF #2, the rating agencies factor that into the overall debt profile of the Village.

Johnson explained the methods of issuing CDA revenue bonds noted in his presentation along with giving a summary of his presentation.

Donner commented our CDAs do have outstanding debt to be paid. He confirmed we do not have the option to close it until the debt is paid off. Donner explained the concept of determining that something is blight, does not mean that it is condemnable property. Speckhard stated the definition (Statutes 66.1333) is very broad and while it includes things like deteriorating structures, it also includes things like areas that are predominately open due to diversity of ownership, lot layout, etc. Johnson stated when TIF #1 was created, it was an industrial district, and the redevelopment plan and blight plan done in 2002 gave the CDA legal authority to issue CDA bonds. He stated this does not change the type of district that was created, and TIF #1 is still an industrial district, and you can't reclassify the district, once you have identified the type.

Johnson explained when TIF#1 had the project plan amended to update the project costs and life of TIF #1 with the special legislation, the redevelopment plan originally in place was updated.

Donner confirmed the CDA does not have taxing power, but then the Village could issue bonds or notes to aid the authority. He asked how this does not constitute using taxing authority. Johnson explained the Village can issue notes or secure loans on behalf of the CDA, that is essentially done under a general obligation basis; so if the Village wanted to execute some kind of a financing under the general obligation basis and use those proceeds from that borrowing to aid initiatives or projects of the CDA, that is legally permissible under the statutes. Speckard this is not a problem because that borrowing from Village would be subject to all the rules and restrictions Johnson talked about in his presentation, like the 5% limit of the equalized value.

Ermeling confirmed if the Village does the General Obligation, then that is a tax levy possible event if the TIF failed. Ermeling then confirmed if CDA borrows it, and it fails, does it still go back to the Village? Johnson stated if the CDA fails, generally there is an appropriation clause within the bonds, that it is subject to appropriation by the Village Board. Johnson stated it is their recommendation that the Village Board make that appropriation, because if you don't make the payment, you are in default. Ermeling questioned what the advantage is to have the CDA doing the borrowing if the Village can get a better rate. Johnson stated the main advantage is the borrowing limit. With general obligation debt you can't have principal outstanding that exceeds 5% of the Village's equalized value; and when CDA borrows those funds it does not count towards that.

White commented it also benefits the investors, as it makes the bonds more palatable for the investors when they get a double tax exemption.

Sparks brought up the USDA rule on development, and when we were originally looking at the new municipal center, and questioned if there is a benefit there and if people use the CDA to build a municipal center? Johnson stated there have been municipalities through the USDA rural development program that involve their CDA to help secure their projects. The steps that need to be taken to do that, if the CDA is going to be involved, there still needs to be a blight finding to designate that area as being blighted (to give CDA legal

authority). You also need to go through and qualify for USDA loan program. That form of financing through the USDA is typically done on a revenue basis and does not count towards the general obligation, and you can't amortize the project greater than 20 years. He would argue that some portions of a large municipal complex are going to have a useful life of 40 years. If that debt is still outstanding at 30 years, you will likely be replacing portions of that facility, while that original debt is still outstanding. Johnson stated the main practical concern in getting involved with that is the levy limit. He stated if the allowable levy can't cover the debt service on a CDA rural development loan for a municipal complex, the only way you can increase your allowable levy is you would need to secure a taxable loan (before adopting the budget) that is equal to the debt service payments on the CDA revenue bond financing the following year, and issue that taxable financing under a general obligation basis (short-term note). Sparks confirmed being at 50% our debt limit for general obligation, we would be better off sticking with that. Speckhard stated the driving factor, for most municipalities, is they want more than 20 years (and USDA will loan up to 40 years) to pay off the debt.

Hagedorn questioned if the financing would have to be within the TIF boundaries. Johnson confirmed for a municipal site, it would not have to be within the TIF boundaries, but would have to have some kind of a spot blight finding.

Zeyghami confirmed the underwriter has to be in Wisconsin? Johnson stated typically the underwriters are located in Wisconsin, but does not have to be owned in Wisconsin.

Guerndt questioned if the property is bought by the Village and they want to go for CDA funds, if the CDA has to own it. Speckhard stated the CDA would have to end up owning it and the Village could lease it, making lease payments back to the CDA. Initially it could be owned by some other 3rd party, but then in the blight designation, it is usually a property owner that is on board with the designation, and transferring the ownership to the CDA. Usually this is an owner who is on board with the blight designation and transfers ownership.

c. Discussion of the history of the CDA and its original intended purpose and responsibilities.

Donner stated Chartrand put together a history of when the CDA was created, back to 2002. Typical reason to create a CDA or to release revenue bonds is if the general obligation debt limit is being flirted with. The then administrator worked with different consultants and created the authority (attached Municipal Law document). In 2014, the administrator kept the duties and responsibilities consistent with statutes. In 2015, Administrator Guild made a revision after consulting with the Village attorney, and additional duties we given (per attached Ordinance No. 15-012). We want to understand better the duties and responsibilities of CDA that would be different than what the statutes require or what our ordinance says that we could consider changing that. Staff just does not want there to be duplication of putting together meeting packets and conducting meetings where things overlap. Higgins stated over last few years it has gotten muddied as far as who reviews what. She brings the same plans to both and there are a lot of dual meetings. Higgins stated when looking at their role, they absorb the economic development committee, which we can't find a lot of information on. One of the descriptions states administration and development of a revolving loan fund, and we don't presently have a revolving loan fund. It states they provide oversight and development in the Village's Industrial and Business Park, which we just have Business Park North and Business Park South, and does not take into account the rest of the business community. She explained PC is who deals with site plans and everything that comes in. Staff would like to have the Board discuss what they would like to see each committee do going forward. She stated CDA really only met to discuss the lease revenue bonds, and there was not a lot of CDA actual meetings. Higgins questioned if the Board's view of the CDA is to make recommendations to them on giving TIF money, or is that the role of the PC? She stated that we haven't given out any TIF money, mostly just land sales which are approved by the Board, but with PC site plan review. She questioned if the Board wants recommendations from the CDA for giving out money, and if it should be both CDA and PC? She pointed out how the tours that have been given to the CDA, really would benefit the PC more, as the PC is the one in charge of the zoning code.

Donner stated this could be just a brainstorming session to get everyone's thoughts. We have cancelled a lot of CDA meetings, and want to be sure we are using their time wisely.

Sparks feels there has been a lot of duplication. He stated this does cause more work for both the CDA and PC, and now if different views coming out of the two, how do you reconcile that.

Ermeling stated she understands we have CDA because of TIF funds that are out there, is it possible to have a PC / CDA with two different functions.

Johnson stated the legal authority of the CDA is with redevelopment, blight, and housing, which may expand into the area of financing with TIF. He sees other areas where CDA gets involved is in TIF creations or project planned amendments, a public hearing is required and can be held legally by PC or CDA. He stated our CDA has been quite involved in the TIF actions because of that redevelopment plan and trying to preserve the authority of the CDA to be involved in the financings. From what he sees in other communities, the CDA involvement, hedges on whether or not property is under the ownership of the Village or CDA. Outside of that, it is under the discretion of Village Board on what other authority you want the CDA to have in an advisory capacity.

Sparks confirmed our CDA has not owned property. Higgins stated it has never been used that way here. Sparks questioned what CDA loans we have now? Trautman stated currently we have the 2017 that was recently issued to refund all the TIF #1 old CDA revenue bonds, which goes out to 2031. We have two CDA revenue bonds in TIF #2 that we are looking to pay both of those off this year.

Sparks confirmed the CDA is limited to or primarily focused on the financial aspects of CDA loans, blight, and redevelopment. Johnson added housing is another area. Sparks asked if the Board has any desire for the Village to own and operate any housing? Sparks stated he does not. Fiene stated he has an interest in this, because there is a severe housing shortage in northcentral Wisconsin. He stated Marathon County is growing and in order to make Weston a desirable place to live, we should have some short-term interest with the CDA potentially holding and leasing/renting out housing properties. He feels this is not a permanent solution and in time the market will come to bear and more developers will come in. In the short term this is a need in central Wisconsin and we should bring in more younger individuals whose only draw back is where are they going to live. Sparks stated there is a difference between us owning and trying to manage and taking care of all of the leasing and he is not in favor of this. He feels we can adequately address the housing needs through the Plan Commission. Higgins stated the CDA can also do programs with current apartments, like those community block grant funds. This can be done in those reinvestment areas. This would be done by CDA through the housing component. Maloney is not in support of that and he feels there are a lot of private people coming in to play right now. Ziegler agrees with Maloney.

Meinel stated there is federal money that comes through different communities and sets up different types of financing. Meinel stated this gave people the ability to stay in their homes until they move or pass away, and the family sells the house it gets repaid. You need to have someone on top of it. Knopf agrees. Maloney stated we have several private things coming in.

Zeyghami feels we do not have the staff to do this, and pointed out White's comment on hiring a management company, however, Zeyghami feels we should not get involved. Ermeling stated she would not want to get involved in that either. She stated the private industry is there for this.

d. Discussion and possible action by Board of Trustees as to CDA Future Roles and Responsibilities.

Zeyghami questioned if we need a CDA or not, although we have a loan out there, so the CDA has to exist.

Maloney questioned in 2015, who's direction was it to give CDA more duties? Higgins stated some of it had to do with the Camp Phillips Corridor. Some of the ways the CDA can be used is if we are going to implement the plans, either the CDA can purchase property or the Village can purchase property. She stated some of the lots there are blighted where you can't do anything with for development unless you acquire several of them. She stated once those lots go up for sale, the Village or CDA (whichever has the capacity) could buy those lots and those lots could then be assembled and sold for development. Higgins pointed out that both of the TIF districts have become part of the Comprehensive Plan. She said it gets muddy when talking about the economic development part. She said PC tends to deal with the businesses and the overall village plan. She stated that she had questioned if all the plans really need to go before CDA, when it says they oversee the Business Parks. She commented on a meeting with a developer who is looking to do something within TIF #1, but outside the Business Parks, where does she take this, as PC would review the development, but CDA would review TIF financing. Though it was stated that TIF financing does not have to go to CDA.

Sparks feels CDA is just dealing with blighted areas, redevelopment, and financing issues. The other things should go to Plan Commission. Higgins brought up development agreements. Maloney feels it should go to Planning.

Trautman explained our future borrowing for the new municipal center, projections show we will be going up to 40% of our general borrowing, and this is where CDA would come in.

Hagedorn stated in 2015, they were using TIF for CDA money to hire someone to recruit some of these big boxes. He feels these were purely the only reason that was put in there, being a way to pay for outside parties to recruit.

White stated the Economic Development Committee had not met for years. The plan was when looking at reorganizing some of the committees to find a good fit for that, which it was determined the CDA was the best fit at the time. He discussed the payments made and how we were able to pay the loan off without any development in the TIF. He discussed how TIF debt can be used to pay for projects within the TIF.

Donner stated in reviewing the condition of both TIF's before meeting, and within a few years we can reconstruct Weston Avenue with no additional debt. Donner stated we may be looking project amendment in TIF #2. We will need to decide whether to close TIF #2 or take on some redevelopment projects, buying property, demolish old buildings, and sell land. He stated we will need to decide what to do with our current municipal site here and could involve CDA in this.

Hagedorn stated the CDA should be used as a vehicle for G.O. financing. He does not feel CDA is in the mode to economic develop. Sparks stated those would go to Finance before CDA. Sparks stated from the Board, we should narrow the scope of what CDA is. He feels CDA should meet as needed to take care of CDA loan financing, blight, and redevelopment, everything else should go to Plan Commission. He stated anything looking for CDA financing would go to Finance and then CDA.

Donner stated from what he understands here, we would be eliminating the other duties that have been assigned to CDA in the ordinance and go back to the State Statutes.

Hooshang asked Higgins to write down the responsibilities of CDA and PC. Higgins stated she will do this for the Board meeting on Monday. She can work with Weinkauf to set up the ordinance. Maloney stated this should basically revert back to 2015. Higgins stated there was also some changes to meet State Statutes back in 2015.

Motion by Maloney, second by Ermeling: to adopt roles as discussed.

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting:1

Result: PASS

<u>Member</u>	<u>Voting</u>
Sparks, Wally	YES
Ermeling, Barb	YES
Fiene, Nathan	YES
Maloney, Mark	YES
Xiong, Yee Leng	---
Zeyghami, Hooshang	YES
Ziegler, Jon	YES

8. Camp Phillips Centre Project Update.

Donner stated at last Monday's Board meeting, a presentation by FDG was given. Their conclusion is to suspend all work on the retail portion of any development on that property. This is due to wetland impacts and impasse we had with the Army Corps. and the DNR to obtain a permit. Donner stated that FDG has indicated they are looking at other development possibilities in the Village. Donner stated we met with another developer who is looking at residential projects. He stated we are going forward with the Weston Avenue Corridor Plan to get projects done within TIF #1. Referred to the table in the packet listing the current cost status from the Camp Phillips Centre project. He explained our contract with ATC allows us to recover the deposit. He stated it is up to Board on when to request that refund. This will be on Monday's Board agenda.

Guerndt stated there is a rumor of a residential developer asking for TIF funds. Donner stated that all developers are asking for TIF money. Guerndt stated when a developer has to put in sidewalks, trees, storm sewer, curb & gutter, etc., and with housing costs there is more risk than reward. He feels municipalities are putting more requirements on developers as they don't have the funds to put those in, and how developers would be willing to develop if money is kicked in towards those required improvements. Guerndt asked if FDG will be creating residential development and asking for TIF money to put in sewer and water. Zeyghami stated they can ask, but we may not agree. Maloney stated at the last Board meeting FDG plans to come back in, in a month or so to discuss possible projects.

White stated our TIF is an industrial TIF, and there are restrictions on how you use it. He believes it can be used for industrial, commercial, and housing, but not only on housing. Johnson stated in an industrial TIF, there has to be 50% area zoned for industrial development. Maloney stated there are 4 or 5 potential housing developments, and none of those have TIF. Maloney feels if another development comes in and requests TIF, we would not offer it. Sparks stated FDG can come back, but Camp Phillips Centre is done. He stated FDG would have to go back through all steps and financial analysis as any others.

Donner stated the answer we need to give people is "what is being asked that can't be done but for providing you TIF assistance?". Donner stated we are putting policies together, and technically TIF assistance is not supposed to be given unless the project can't be done without it. Henschu from FDG stated that Ehlers had more or less said the project plan that FDG put forward in 2015 fit that financial test. They new our TIF had financial capacity, but that did not mean that the Village was going to throw it all at that project. Zeyghami stated that things are not the same now as they were in 2015, but we should give them the opportunity to come before us.

9. Reports:

a. 2019 Building Permits

Higgins stated this is just a link to the yearend building permits for 2019.

b. January through February 2020 Building Permits

Motion by Maloney, second by Jelmeland: to acknowledge Item B.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

c. December 2019 through February 2020 New Business Occupancy Permit Issuance.

Motion by Maloney, second by Knopf: to acknowledge Item C.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

d. Vouchers from 02/10/2020 to 02/23/2020

Motion by Maloney, second by Jelmeland: to acknowledge Item d.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

e. ED Coordinator Monthly Report.

Chartrand stated he has been meeting with Weston businesses. He stated that most want more communication. He stated some have expressed to him that in past there was no explanations given and customer service was not good. He stated he is working towards mending bridges with the business community. Maloney feels the more contact the better.

Zeyghami stated we need to find a way to communicate better. Chartrand stated he will draft a list of recommendations he received, rank them, and then will see where we can tweak in favor of businesses. Higgins stated some of the things brought up in the audit is to put together a business task force. She stated Chartrand will be highlighting businesses in our newsletter. Chartrand stated he has received support on the business task force.

FUTURE ITEMS

10. Next meeting date of CDA: Tuesday, April 7, 2020 @ 5:00 p.m. – Regular Meeting.

Higgins stated this will be as needed.

11. Next meeting of the BOT: Monday, April 6, 2020 @ 6:00 p.m. – Regular Meeting.

Higgins clarified the next BOT meeting is on March 16th.

12. Next meeting of the PC: Monday, April 13, 2020 @ 6:00 p.m. – Regular Meeting.

13. Remarks from Staff and Board/Authority/Commission Members.

Fiene stated his next open-door meeting is Saturday, March 21st, at Vino Latte, from 11am – 1pm.

ADJOURNMENT

14. Adjournment of Plan Commission

Motion by White, Second by Maloney: to adjourn at 6:52 p.m.

15. Adjournment of Board of Trustees

Motion by Fiene, Second by Zeyghami: to adjourn at 6:52 p.m.

16. Adjournment of Community Development Authority

Motion by Hagedorn, Second by Winkels: to adjourn at 6:52 p.m.

Hooshang Zeyghami, CDA Chair and Trustee
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

Community Development Authority Financing Tools

March 10, 2020

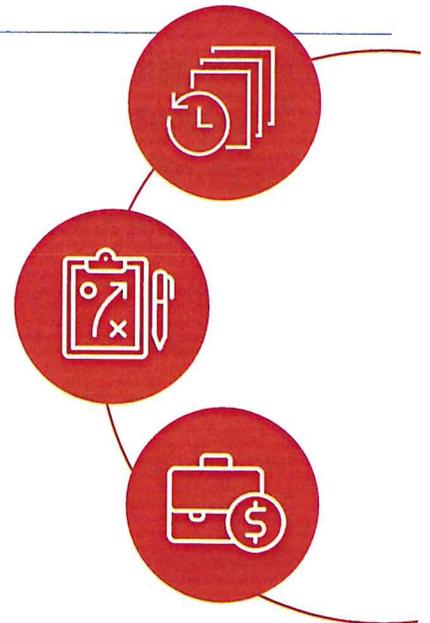


Rebecca
Speckhard

Quarles & Brady LLP

Goal of Presentation

- Summarize the legal options for a Community Development Authority to finance redevelopment and housing projects.
- While we will summarize the available legal options, there are financial and practical limitations on a Community Development Authority's ability to utilize such legal options.



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Statutory Authority

- Community Development Authorities derive their power to act from Wisconsin Statutes s. 66.1335
 - Under s. 66.1335, the Community Development Authority is a separate body politic created for the purpose of carrying out blight elimination projects and housing projects.
 - For redevelopment projects, it has all the powers, duties and functions set out in s. 66.1333 for redevelopment authorities.
 - For housing projects, it has all the powers, duties and functions set out in s. 66.1201 for housing authorities.



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Redevelopment Projects

- Wisconsin Statutes s. 66.1333(5) permits Community Development Authorities to exercise all powers necessary or incidental to carry out and effectuate blight elimination, slum clearance, and urban renewal programs.
- Such powers can be exercised in approved blighted areas (pursuant to an approved Redevelopment Plan), or with respect to approved blighted property ("spot blight")
- Included in such powers is the ability to finance such projects through issuance of bonds; however, Community Development Authorities do not possess taxing power.



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Housing Projects

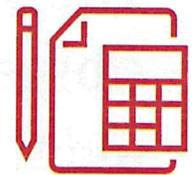
- Wisconsin Statutes s. 66.1201 permits Community Development Authorities to exercise all powers for the construction, reconstruction, improvement, acquisition, lease, etc. of any housing project for persons of low income.
- Housing projects must generally be approved by the Village Board.
- Included in such powers is the ability to finance such projects through issuance of bonds; however, Community Development Authorities do not possess taxing power.



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Financing Tools

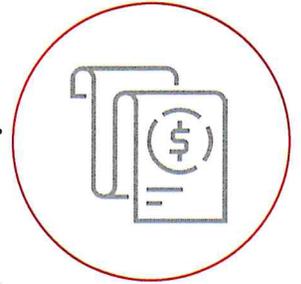
- Borrow money and issue bonds
- Mortgage and encumber property
- Execute notes, debentures, and other forms of indebtedness
- Accept advances, loans, grants, contributions, etc., from the Village, the federal government, the State, County, or from any source, public or private
 - In connection with the above, a Community Development Authority may give such security as may be required and enter into contracts/agreements in connection with the security.
 - Any contract with the federal government may include conditions imposed pursuant to federal laws.



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Bonds

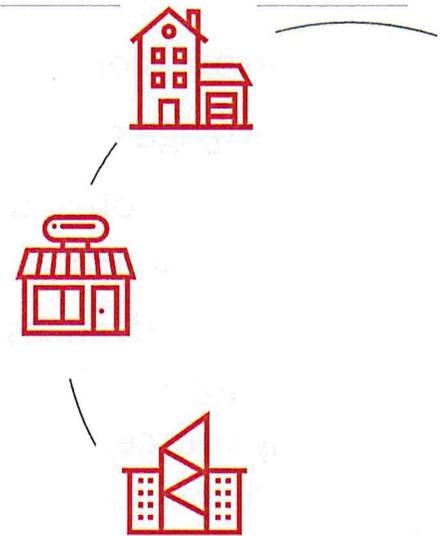
- Any Bond issued by the Community Development Authority is not an obligation of the Village or any governmental authority other than the Authority itself.
- Bonds issued by Community Development Authorities may be secured from the income, proceeds, revenues, and funds of the Authority and may be further secured by a pledge of a loan, grant, or mortgage.
 - Example – A Lease Revenue Bond would be secured by lease payments received by the Authority in connection with the lease of property it owns.
- Potential for double tax-exemption: Bonds issued by an Authority are exempt from State taxes.



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Bonds issued by the Village

- The Village may issue general obligation bonds or notes to aid the Authority.
- The Village may also enter into State Trust Fund Loans or bank loans for that purpose.



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In conclusion

- Please keep in mind that there are practical and financial limitations on a Community Development Authority's ability to utilize the legally provided financing mechanisms.



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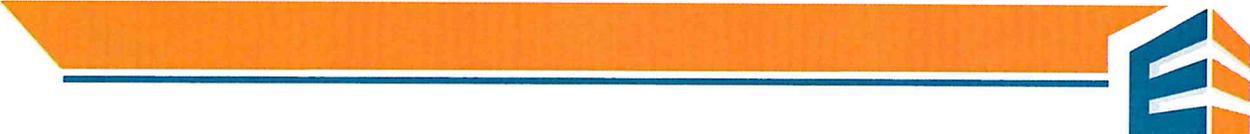
Questions?

Quarles & Brady LLP



CDA Financing Options

Greg Johnson, Ehlers Senior Municipal Advisor



Advantages of CDA Financings

Bonds issued are a form of revenue debt and do not count towards General obligation debt limit

- G.O. Debt limit means G.O. principal outstanding cannot exceed 5% of total TID IN equalized value
- Village of Weston currently is at 15% of its G.O. debt limit; \$54 million of capacity remains

Bonds can be issued for a term greater than 20 years (G.O. debt maximum term)

- Investor appetite for longer term bonds determined by market conditions
-



Disadvantages and risks

Not as secure as a General Obligation pledge

- More risk means a higher interest rate

Market not as broad as General Obligation debt (fewer investors)

Debt service is not exempted from levy limits – presents challenge if levy is needed to make debt service payments

3



Disadvantages and risks continued

More costly to issue CDA Revenue Bonds

- Debt service reserve fund often required
- More extensive legal and financial review

Need for established revenue stream from non-levy revenue sources

- While not a formal bond covenant, underwriters prefer to see non-levy revenue sources at least 125% higher than the annual debt service payment

Although not legally G.O. debt, generally treated as G.O. by rating agencies when evaluating debt burden if tax increment is the repayment source

4



Methods of issuing CDA Revenue Bonds

Bonds sold to an underwriter often accomplished through a negotiated sale vs. a competitive sale

Direct placement with local bank if they are comfortable with legal structure and security pledge (shorter term likely preferable)

USDA Rural Development

- Loan programs in place to fund variety of projects and certain community facilities
- Extensive loan application process and eligibility determination
- Requires interim financing

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Summary

Longer term for debt and preserving G.O. debt capacity
primary reasons this form of debt is pursued

Higher interest rates, no exemption from levy limits, stricter underwriting standards, and more limited market are primary challenges and risks

An option to be considered if financial and legal thresholds can be addressed effectively

Most CDA Revenue Bonds are issued in conjunction with a TIF District

6

Strasser & Yde, S.C.
(E-mail & Facsimile letterhead)

June 9, 2015

VIA EMAIL ONLY (dguild@westonwi.gov)
Daniel Guild, Administrator
Village of Weston

Re: Review of Community Development Authority Ordinance

Dear Daniel:

Recently, the Economic Development Committee was merged with the Community Development Authority and Village Ordinance 2.214 (6) was amended. You asked me whether it is appropriate to have the Community Development Authority perform the functions of the previous Economic Development Committee. It is my opinion that the CDA can do both if the Village grants it authority to do so. Next, you asked me to review (6) and either amend or redraft it if it is inconsistent with current Wisconsin law. I have redrafted (6) below because it is inconsistent with current Wisconsin law.

Wis. Stat. 66.1335 authorizes the Village to create a housing and community development authority which shall be known as the “Community Development Authority” of the Village. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. However, the Village may authorize the CDA to act as an agent of the Village in planning and carrying out community development programs under the Federal Housing and Community Development Act of 1974 and “as agent to perform all acts, except the development of the general plan of the [Village], which may be otherwise performed by the planning commission under s. 66.1105 [Tax Increment Law], 66.1301 to 66.1329 [Urban Redevelopment Law], 66.1331 [Blighted Area Law] or 66.1337 [Urban Renewal Act].”

Wis. Stat. 66.1335 (6) states:

(6) CONTROLLING STATUTE. The powers conferred under this section are in addition and supplemental to the powers conferred by any other law. To the extent that this section is inconsistent with any other law, this section controls.

Moreover, Wis. Stat. 66.1335 (7) provides:

(7) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration of the specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in the general grant.

Based on the above language from Wis. Stat. 66.1335, it is my opinion that the Community Development Authority is both a separate body politic and may also be authorized by the Village to act as the agent of the Village with respect to other functions. My interpretation is consistent with a League of Wisconsin Municipalities opinion letter which discusses the powers, duties and function of community development authorities (Summary/Commissions #181). In this opinion letter, the league attorney was asked whether the community development authority would fall within the definition of an insured under the municipality's insurance policy. The league attorney determined that a CDA meets the definition of "insured" in some instances, but for the most part appears to be an entity separate and independent from the municipality that created it and, therefore, falls outside the definition of "insured" when performing its primary statutory functions. In other words, when the CDA is performing its primary functions of blight elimination, slum clearance, urban renewal programs and housing projects, it probably does not come within the definition of "insured". However, when a CDA is acting as an agent of the municipality in planning and carrying out community development programs, it likely falls within the definition of an "insured".

Not only does Wis. Stat. 66.1335 specifically state that the Village may authorize the authority to act as an agent of the Village, the statute also states that the powers conferred by this statute are "in addition and supplemental to the powers conferred by any other law" and that the "enumeration of the specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude any powers comprehended in the general grant". The only prohibition specified in the statute is the Village shall not authorize the authority to develop the general plan of the Village. Since the functions of the previous Economic Development Committee did not involve the development of the general plan of the Village, I see no reason why the Village cannot authorize the CDA to carry out the functions of the Economic Development Committee in addition to the CDA's primary statutory functions.

The Village's current ordinance is not entirely consistent with current Wisconsin law. As a result, I propose amending the ordinance as follows:

(6) Community Development Authority

- a. *Need.* The Village declares that a need for blight elimination, slum clearance, urban renewal programs and community development projects and housing projects exists in the Village of Weston.
- b. *Creation.* Pursuant to Wis. Stat. 66.1335 the Village hereby creates a housing and community development authority which shall be known as the "Community Development Authority" of the Village of Weston. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.
- c. *Powers and Duties.* The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. 66.1201. As to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs the Community Development Authority shall proceed under Wis. Stats. 66.1105, 66.1301 to 66.1329,

Daniel Guild
June 9, 2015
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66.1331, or 66.1337 as determined appropriate by the Village Board on a project by project basis. As to all Community Development Programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. The Community Development Authority shall act as agent of the Village to perform all acts, except the development of the general plan of the Village, which may be otherwise performed by the planning commission under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

d. *Other Functions.* In addition to the above duties, the Community Development Authority, as an agent of the Village, shall carry out the following additional functions:

1. Provide oversight and development of the Village's business and industrial parks which include business recruitment, land sales, grant development, and park design;
2. Provide technical support and counsel in the administration of revolving loans fund for business development; and
3. Recommend policy to the Village Board on the enhancement of Village infrastructure and zoning policy to spur economic growth.

e. *Appointment of Members.* The Village President shall, with the confirmation of the Board, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as Commissioners of the Community Development Authority. Two (2) of the Commissioners shall be members of the Board and shall serve during their term of office as Board trustees. The terms of non-Board members shall be four (4) years.

Please let me know if you have any questions, comments, or concerns.

Very truly,

Matthew E. Yde
Strasser & Yde, S.C.

MEY:lky

Enclosure

(11) **MODIFICATION OF REDEVELOPMENT PLAN.** (a) An approved project area redevelopment plan may be modified at any time after the lease or sale of all or part of the area if the modification is consented to by the lessee or purchaser, and the proposed modification is adopted by the authority and submitted to, and approved by, the local legislative body. Before approval, the authority shall hold a public hearing on the proposed modification, and notice of the time and place of hearing shall be sent by mail at least 10 days before the hearing to the owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may refer back to the authority any project area redevelopment plan, project area boundaries or modifications submitted to it, together with recommendations for changes in the plan, boundaries or modification, and if the recommended changes are adopted by the authority and approved by the local legislative body, the plan, boundaries or modifications as changed become the approved plan, boundaries or modification.

(b) Whenever the authority determines that a redevelopment plan with respect to a project area that has been approved and recorded in the register of deed's office is to be modified to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority's intention to modify the redevelopment plan, and it shall hold a public hearing on the modification. Notice shall be given to the purchasers of the property by personal service at least 20 days before the holding of the public hearing, or if the purchasers cannot be found notice shall be given by registered mail to the purchasers at their last-known address. Notice of the public hearing shall also be given by publication as a class 2 notice, under ch. 985. The notice shall specify the project area and recite the proposed modification and its purposes. The public hearing is advisory to the authority. If the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of the plan and that it will not produce conditions leading to a reoccurrence of blight within the project area, the authority may by resolution act to modify the plan to permit additional land uses in the project area, subject to approval by the legislative body by a two-thirds vote of the members-elect. If the local legislative body approves the modification to the redevelopment plan, an amendment to the plan containing the modification shall be recorded with the register of deeds of the county in which the project area is located and shall supplement the redevelopment plan previously recorded. Following the action with respect to modification of the redevelopment plan, the plan is amended and no legal rights accrue to any person or to any owner of property in the project area by reason of the modification of the redevelopment plan.

(c) The provisions of this subsection shall be construed liberally to effectuate its purposes and substantial compliance is adequate. Technical omissions do not invalidate the procedure in this subsection with respect to acquisition of real property necessary or incidental to a redevelopment project.

(12) **LIMITATION UPON TAX EXEMPTION.** The real and personal property of the authority is declared to be public property used for essential public and governmental purposes, and the property and an authority are exempt from all taxes of the state or any state public body. The city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of taxes by the authority for the services, improvements or facilities furnished to the project by the city if the authority is financially able to do so, but the sum may not exceed the amount which would be levied as the annual tax of the city upon the project. No real property acquired under this section by a private company, corporation, individual, limited liability company or partnership, either by lease or purchase, is exempt from taxation because of the acquisition.

(13) **COOPERATION BY PUBLIC BODIES AND USE OF CITY FUNDS.** To assist any redevelopment or urban renewal project located in the area in which the authority is authorized to act, a public body

may, upon terms that it determines: furnish services or facilities, provide property, lend or contribute funds, perform any other action of a character which it may perform for other general purposes, and enter into cooperation agreements and related contracts in furtherance of the purposes enumerated. A city and a public body may levy taxes and assessments and appropriate funds and make expenditures that may be necessary to carry out the purposes of this subsection, but taxes and assessments may not be levied under this subsection by a public body which may not levy taxes and assessments for any other purpose.

(14) **OBLIGATIONS.** For the purpose of financially aiding an authority to carry out blight elimination, slum clearance and urban renewal programs and projects, the city in which the authority functions may issue and sell general obligation bonds under ch. 67, except that no referendum is required, and may levy taxes without limitation for the payment of the bonds, as provided in s. 67.035. The bonds authorized under this subsection are fully negotiable and except as provided in this subsection are not subject to any other law or charter pertaining to the issuance or sale of bonds.

(15) **BUDGET.** The local legislative body shall approve the budget for each fiscal year of the authority, and may alter or modify any item of the budget relating to salaries, office operation or facilities.

(16) **LEGAL SERVICES TO AUTHORITY.** The legal department of a city in which the authority functions can provide legal services to the authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority, be its counsel. The authority may retain specialists to render legal services as required by it.

(17) **CONSTRUCTION.** This section shall be construed liberally to effectuate its purposes and the enumeration in this section of specific powers does not restrict the meaning of any general grant of power contained in this section or exclude other powers comprehended in the general grant.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; 2007 a. 96; 2009 a. 28, 95; 2011 a. 32; 2015 a. 196.

The general rule of strict construction of eminent domain statutes does not apply due to the requirement of liberal construction of this section under sub. (17). Whether an area is "blighted" under this section may be determined by focusing on the general overall character of the area in the context of its surrounding neighbors. *Grunwald v. City of West Allis*, 202 Wis. 2d 471, 551 N.W.2d 36 (Ct. App. 1996), 95–2920.

When a property owner refuses access to property and an authority seeks to obtain a court order under sub. (5) (a) 3. authorizing entry for inspecting and testing, the opportunity must be provided to consider the necessity of the entry, the scope of the entry, and the time, place, and manner of the entry. *Redevelopment Authority of the City of Milwaukee v. Uptown Arts and Education, Inc.* 229 Wis. 2d 458, 599 N.W.2d 655 (Ct. App. 1999), 98–2389.

A city may reimburse a commissioner of the city redevelopment authority for his legal expenses incurred when charges are filed against him in his official capacity seeking his removal from office for cause and the charges are found by the common council to be unsupported. Such reimbursement is discretionary. The city redevelopment authority lacks statutory authority to authorize reimbursement for such legal expenses. 63 Atty. Gen. 421.

A redevelopment authority may condemn any property within the project area even though some portions of the urban renewal area are not in fact blighted. 65 Atty. Gen. 116.

Certain local governments and public agencies may issue obligations to provide mortgage loans on owner-occupied residences. However, compliance with the federal Mortgage Subsidy Bond Tax Act of 1980 is necessary to allow exemption of interest from federal taxation. 71 Atty. Gen. 74.

66.1335 Housing and community development authorities. (1) **AUTHORIZATION.** A city may, by a two-thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the "Community Development Authority" of the city. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize the authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and

common council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337. A certified copy of the ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also do all of the following:

(a) Provide that any redevelopment authority created under s. 66.1333 operating in the city and any housing authority created under s. 66.1201 operating in the city, shall terminate its operation as provided in sub. (5).

(b) Declare in substance that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the city.

(2) **APPOINTMENT OF MEMBERS.** Upon receipt of a certified copy of the ordinance or resolution, the mayor shall, with the confirmation of the council, appoint 7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

(a) Two of the commissioners shall be members of the council and shall serve during their term of office as council members.

(b) The first appointments of the 5 noncouncil members shall be for the following terms: 2 for one year and one each for terms of 2, 3 and 4 years. Thereafter the terms of noncouncil members shall be 4 years and until their successors are appointed and qualified.

(c) Vacancies shall be filled for the unexpired term as provided in this subsection.

(d) Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties, and may, in the discretion of the city council, receive other compensation.

(3) **EVIDENCE OF AUTHORITY.** The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk is prima facie evidence of the community development authority's right to transact business and the ordinance or resolution is not subject to challenge because of any technicality. In a suit, action or proceeding commenced against the community development authority, a certified copy of the ordinance or resolution is conclusive evidence that the community development authority is established and authorized to transact business and exercise its powers under this section.

(4) **POWERS AND DUTIES.** The community development authority has all powers, duties and functions set out in ss. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the community development authority it shall proceed under s. 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under ss. 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333 or 66.1337 as determined appropriate by the common council on a project by project basis. As to all community development programs and activities undertaken by the city under the federal housing and community development act of 1974, the community development authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. In addition, if provided in the resolution or ordinance, the community development authority may act as agent of the city to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under ss. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

(5) **TERMINATION OF HOUSING AND REDEVELOPMENT AUTHORITIES.** Upon the adoption of an ordinance or resolution creating a community development authority, all housing and redevelopment authorities previously created in the city under ss. 66.1201 and 66.1333 terminate.

(a) Any programs and projects which have been begun by housing and redevelopment authorities shall, upon adoption of the

ordinance or resolution, be transferred to and completed by the community development authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under s. 66.1333 on pending projects are deemed to have been taken or initiated by the community development authority as if the community development authority had originally undertaken the procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or redevelopment authority shall, upon the adoption of the ordinance or resolution, be assumed by the community development authority except as indicated in par. (e).

(c) Upon the adoption of the ordinance or resolution, all contracts entered into between the federal government and a housing or redevelopment authority, or between these authorities and other parties shall be assumed and discharged by the community development authority except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project are deemed contracts of the community development authority without the requirement of amendments to the contracts. Contracts entered into between the federal government and the redevelopment authority or the housing authority bind the community development authority in the same manner as if originally entered into by the community development authority.

(d) A community development authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(e) A housing authority which has outstanding bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest or both may continue in existence solely for that purpose. The ordinance or resolution creating the community development authority shall delineate the duties and responsibilities which shall devolve upon the housing authority with respect to that purpose.

(f) The termination of housing and redevelopment authorities pursuant to this section is not subject to s. 66.1201 (26).

(5m) **TAX EXEMPTION.** Community development authority bonds issued on or after January 28, 1987, are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest on the bonds and income from the bonds, are exempt from taxes.

(6) **CONTROLLING STATUTE.** The powers conferred under this section are in addition and supplemental to the powers conferred by any other law. To the extent that this section is inconsistent with any other law, this section controls.

(7) **CONSTRUCTION.** This section shall be construed liberally to effectuate its purposes and the enumeration of specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in the general grant.

History: 1975 c. 311; 1979 c. 110; 1987 a. 27; 1999 a. 150 s. 448; Stats. 1999 s. 66.1335.

66.1337 Urban renewal. (1) SHORT TITLE. This section shall be known and may be cited as the "Urban Renewal Act".

(2) **FINDINGS.** It is found and declared that there exists in municipalities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations made in s. 66.1331 are affirmed and restated. Certain slum, blighted or deteriorated areas may require acquisition and clearance, as provided in s. 66.1331, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation in a manner that eliminates, remedies or prevents the conditions and evils of these areas. To the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through vol-



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-012

AN ORDINANCE AMENDING SECTION 2.214(d)(6) ENTITLED *COMMUNITY DEVELOPMENT AUTHORITY*

WHEREAS, Wis. Stat. 66.1335 authorizes the Village to create a housing and community development authority which shall be known as the “Community Development Authority” (CDA) of the Village; and

WHEREAS, the CDA is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; and

WHEREAS, the Village may authorize the CDA to act as an agent of the Village in planning and carrying out community development programs under the Federal Housing and Community Development Act of 1974 and “as agent to perform all acts, except the development of the general plan of the [Village], which may be otherwise performed by the planning commission under s. 66.1105 [Tax Increment Law], 66.1301 to 66.1329 [Urban Redevelopment Law], 66.1331 [Blighted Area Law] or 66.1337 [Urban Renewal Act].”; and

WHEREAS, the Village previously amended this ordinance in 2014 to merge the Economic Development Committee with the CDA; and

WHEREAS, the Village wishes to authorize the CDA to carry out the functions of the Economic Development Committee in addition to the CDA’s primary statutory functions; and

WHEREAS, the Village Attorney has reviewed the current ordinance and found the ordinance to be inconsistent with current Wisconsin law; and

WHEREAS, the Village Attorney has proposed amending the ordinance as described below.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 2.214(d)(6) of the Village Of Weston Ordinances entitled *Community Development Authority* is hereby amended to provide as follows:

Section 2.214. Standing committees.

(d) *Established.* The following standing committees are established:

- a. Need. The Village declares that a need for blight elimination, slum clearance, urban renewal programs and community development projects and housing projects exists in the Village of Weston.

- b. Creation. Pursuant to Wis. Stat. 66.1335 the Village hereby creates a housing and community development authority which shall be known as the “Community Development Authority” of the Village of Weston. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.
- c. Powers and Duties. The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. 66.1201. As to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs the Community Development Authority shall proceed under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337 as determined appropriate by the Village Board on a project by project basis. As to all Community Development Programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. The Community Development Authority shall act as agent of the Village to perform all acts, except the development of the general plan of the Village, which may be otherwise performed by the plan commission under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.
- d. Other Functions. In addition to the above duties, the Community Development Authority, as an agent of the Village, shall carry out the following additional functions:
 - 1. Provide oversight and development of the Village’s business and industrial parks which include business recruitment, land sales, grant development, and park design;
 - 2. Provide technical support and counsel in the administration of revolving loans fund for business development; and
 - 3. Recommend policy to the Village Board on the enhancement of Village infrastructure and zoning policy to spur economic growth.
- e. Appointment of Members. The Village President shall, with the confirmation of the Board, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as Commissioners of the Community Development Authority. Two (2) of the Commissioners shall be members of the Board and shall serve during their term of office as Board trustees. The terms of non-Board members shall be four (4) years.
- f. Consider any other matter the Board may refer.

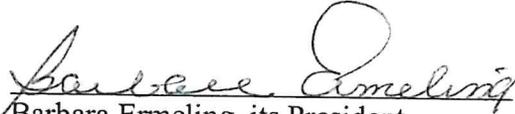
SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 15th day of June, 2015

WESTON VILLAGE BOARD

By:


Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 6/15/15

PUBLISHED: 6/17/15