NORTH BARSTOW
BUSINESS IMPROVEMENT DISTRICT

#4

EAU CLAIRE, WI

INITIAL OPERATING PLAN

January 2004
Development of the Downtown Business Improvement District

On April 6, 1984, the State of Wisconsin passed a law (Act 184) which allows for the creation of Business Improvement Districts (BID). The purpose of the law is to authorize cities, villages, and towns to create one or more business improvement districts to allow businesses within those districts to develop, manage, and promote their districts and to establish an assessment method to fund these activities. A Business Improvement District must be a geographic area within a municipality consisting of contiguous parcels, which are subject to real estate taxes.

Wisconsin Act 184 (attached) is a financing tool created by the legislature that allows the municipality to levy a special assessment on businesses to pay for the development, management, operation, maintenance, and promotion of a defined business improvement district. This is a critical tool for business people in downtown Eau Claire in that it allows them to establish a strong organization in order to encourage and promote business development. Just as good schools, good parks, and good roads are essential for a balanced community, a prosperous downtown serves the community as the financial center, service center, and special events center. It is a feature, which all sectors of the community can take pride in and share.

A Business Improvement District is the best source of funds that will allow the business people themselves to coordinate promotion, management, and maintenance programs for the downtown area. An improved central business district will create a positive image for not only those businesses within the district, but for the community as a whole.

Goals

To assure a continuing and successful downtown development and promotional effort, the North Barstow/Medical Business Improvement District has adopted a set of goals, which are designed to create a positive image of downtown Eau Claire. The North Barstow/Medical Business Improvement District’s Board of Directors will direct district activities toward these goals.

1. To encourage and promote the development and vitality of the downtown.

2. To encourage convenient access to downtown via the interstate highway, state highways, urban arterials, and public transit.

3. To promote an efficient system of public and private, on- and off-street parking in the downtown.

4. To ensure that future downtown development achieves a high standard of environmental quality and urban design.

5. To provide and encourage development of entertainment, cultural, and civic activities and facilities in downtown.
6. To enhance and develop the riverfront park and trail system in the downtown.

7. Enhance downtown’s position as an employment center and work to ensure a proper mix of office, retail, financial, health, and professional services.

8. To actively market downtown as an attractive, desirable place to live, work, shop, and be entertained.

9. To make downtown an attractive setting for visitors.

10. To actively recruit businesses that accomplish these goals.

Relationship to the HyettPalma Action Agenda

In 2001, the Eau Claire City Council adopted the HyettPalma Action Agenda as a general guideline for downtown. Within this plan, HyettPalma encourages downtown business organizations to plan for the future of downtown and pursue infrastructure, public space and building improvements. HyettPalma recommends that improvements and maintenance of a quality downtown should result from direct action of both public and private sectors.

The creation of this BID will provide a means, both financially and organizationally, to carry out the improvements necessary to make this area of downtown a destination.

The creation of a BID requires both public and private cooperation. The private businesses will develop an operating plan and pay assessments. The City Council approves the plan and collects assessments. The district will provide a central voice for the North Barstow and Medical area through the district's governing board to comment on issues affecting downtown Eau Claire.

Special Assessment Method and Exemptions

In determining which properties would directly benefit from the North Barstow/Medical Business Improvement District Program, a geographic area was established which contains approximately $43,747,100 of assessed valuation for 2003. This proposed district map is attached as part of the operating plan. Assessments to meet the North Barstow/Medical Business Improvement District’s budget will be levied against each property within the district based on its 2003 assessed valuation. Those properties, which are used for commercial purposes and those, used exclusively for manufacturing will be eligible for assessments. Real property used exclusively for residential purposes will not be assessed as required by Wisconsin Statute 66.608.
Board of Directors

The North Barstow/Medical Business Improvement District will establish a Board of Directors in conformance with Wisconsin Act 184. This board will be responsible for the management of the Business Improvement District. Responsibilities of the board include implementing the operating plan and preparing annual reports on the district. The board will also annually consider and make changes to the operating plan and submit the operating plan to the City Council for approval.

The board will consist of nine to eleven members at least five or six of which shall be property owners within the district. This board shall be appointed by the City Manager and approved by the City Council and shall serve staggered terms as designated by the City Council.
February 16, 2004

Don Norrell
City Manager
Third Floor, City Hall
203 S. Farwell St.
Eau Claire, WI 54701

RE: The North Barstow/Medical Business Improvement District #4

Dear Mr. Norrell:

I have reviewed the provisions of Wis. Stat. §66.1109 Business Improvement Districts. I have also reviewed the North Barstow/Medical Business Improvement District #4 Initial Operating Plan dated January, 2004.

Wis. Stat. §66.1109(f) identifies certain requirements of the "operating plan". In my opinion, the initial operating plan does comply with these requirements.

This letter is intended as a legal opinion as required in Wis. Stat. §66.1109(1)(f)5.

Yours very truly,

Webster A. Hart

cc: Mike Schatz
(b) The department may impose a fee of $1,000 on a political subdivision to determine or reevaluate the environmental remediation tax incremental base of an environmental remediation tax increment district under this subsection or sub. (4).

(15) SUNSET. No district may be created under this section on or after November 29, 2017.


66.1107 Reinvestment neighborhoods. (1) DEFINITIONS. In this section:

(a) An “area in need of rehabilitation” is a neighborhood or area in which buildings, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration have become economic or social liabilities, or both; in which these conditions impair the economic value of the neighborhood or area, infecting it with economic blight, and which is characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; in which the existence of these conditions and the failure to rehabilitate the buildings results in a loss of population from the neighborhood or area and further deterioration, accompanied by added costs for creation of new public facilities and services elsewhere; in which it is difficult and uneconomic for individual owners independently to undertake to remedy the conditions; in which it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the rehabilitation of the buildings; and in which the presence of these buildings and conditions has resulted, among other consequences, in a severe shortage of financial resources available to finance the purchase and rehabilitation of housing and an inability or unwillingness on the part of private lenders to make loans for and an inability or unwillingness on the part of present and prospective owners of housing to invest in the purchase and rehabilitation of housing in the neighborhood or area.

(b) “Local legislative body” means the common council, village board of trustees or town board of supervisors.

(c) “Municipality” means a city, village or town.

(d) “Planning commission” means a plan commission created under s. 62.23 or a plan committee of the local legislative body.

(e) “Reinvestment neighborhood or area” means a geographic area within any municipality not less than one−half of which, by area, meets 3 of the 5 following conditions:

1. It is an area in need of rehabilitation as defined in par. (a).
2. It has a rate of owner−occupancy of residential buildings substantially below the average rate for the municipality as a whole.
3. It is an area within which the market value of residential property, as measured by the rate of change during the preceding 5 years in the average sale price of residential property, has decreased or has increased at a rate substantially less than the rate of increase in average sale price of residential property in the municipality as a whole.
4. It is an area within which the number of persons residing has decreased during the past 5 years, or in which the number of persons residing has increased during that period at a rate substantially less than the rate of population increase in the municipality as a whole.
5. It is an area within which the effect of existing detrimental conditions is to discourage private lenders from making loans for and present or prospective property owners from investing in the purchase and rehabilitation of housing.

(2) DESIGNATION OF REINVESTMENT NEIGHBORHOODS OR AREAS. A municipality may designate reinvestment neighborhoods or areas after complying with the following steps:

(a) Holding of a public hearing by the planning commission or by the local governing body at which interested parties are afforded a reasonable opportunity to express their views on the proposed designation and boundaries of a reinvestment neighborhood or area. Notice of the hearing shall be published as a class 2 notice, under ch. 985. Before publication, a copy of the notice shall be sent by 1st class mail to the Wisconsin Housing and Economic Development Authority, and a copy shall be posted in each school building and in at least 3 other places of public assembly within the reinvestment neighborhood or area proposed to be designated.

(b) Designation by the planning commission of the boundaries of a reinvestment neighborhood or area recommended by it to be designated and submission of the recommendation to the local legislative body.

(c) Adoption by the local legislative body of a resolution which:

1. Describes the boundaries of a reinvestment neighborhood or area with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the neighborhood or area. The boundaries may, but need not, be the same as those recommended by the planning commission.
2. Designates the reinvestment neighborhood or area as of a date provided in the resolution.
3. Contains findings that the area to be designated constitutes a reinvestment neighborhood or area.

History: 1977 c. 418; 1979 c. 361 s. 112; 1985 a. 29 s. 3200 (14); 1999 a. 150 s. 479; Stats. 1999 s. 66.1107; 2001 a. 104.

66.1108 Limitation on weekend work. (1) DEFINITIONS. In this section:

(a) “Construction project” means a project involving the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure that is directly related to onsite work of a residential or commercial real estate development project.

(b) “Political subdivision” means a city, village, town, or county.

(2) CONSTRUCTION PROJECTS; WEEKEND WORK. (a) A political subdivision may not prohibit a private person from working on the job site of a construction project on a Saturday. A political subdivision may not impose conditions that apply to a private person who works on a construction project on a Saturday that are inapplicable to, or more restrictive than the conditions that apply to, such a person who works on a construction project during weekdays.

(b) If a political subdivision has enacted an ordinance or adopted a resolution before April 5, 2018, that is inconsistent with par. (a), that portion of the ordinance or resolution does not apply and may not be enforced.

History: 2017 a. 243.

66.1109 Business improvement districts. (1) In this section:

(a) “Board” means a business improvement district board appointed under sub. (3) (a).

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

(c) “Chief executive officer” means a mayor, city manager, village president or town chairman.

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

(e) “Municipality” means a city, village or town.
(f) “Operating plan” means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:

1. The special assessment method applicable to the business improvement district.

2. The kind, number and location of all proposed expenditures within the business improvement district.

3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

5. A legal opinion that subs. 1. to 4. have been complied with.

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

(2m) A municipality may annex territory to an existing business improvement district and adopt its operating plan if all of the following are met:

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

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

(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

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

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

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

(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include one of the following:

1. If the cash balance in the segregated account described under sub. (4) equaled or exceeded $300,000 at any time during the period covered by the report, the municipality shall obtain an independent certified audit of the implementation of the operating plan.

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

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

(cr) The municipality shall obtain an additional independent certified audit of the implementation of the operating plan upon termination of the business improvement district.

(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this proposed to be annexed to the business improvement district shall be sent by certified mail to all owners of real property within the territory proposed to be annexed. The notice shall state the boundaries of the territory proposed to be annexed.
section, has all powers necessary or convenient to implement the operating plan, including the power to contract.

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

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

(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

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

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

(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.

(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner’s request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any rejections under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

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

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

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

(d) If real property that is specially assessed as authorized under this section is of mixed use such that part of the real property is exempted from general property taxes under s. 70.11 or is residential, or both, and part of the real property is taxable, the municipality may specially assess as authorized under this section only the percentage of the real property that is not tax−exempt or residential. This paragraph applies only to a 1st class city.

66.1110 Neighborhood improvement districts. (1) In this section:

(a) “Board” means a neighborhood improvement district board elected under sub. (4) (a).

(b) “Chief executive officer” means a mayor, city manager, village president, or town chairperson.

(c) “Local legislative body” means a common council, village board of trustees, or town board of supervisors.

(d) “Municipality” means a city, village, or town.

(e) “Neighborhood improvement district” means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board if the local legislative body approved acquisition of the property under sub. (4) (d) as part of its approval of the initial operating plan under sub. (3) (e).

(f) “Operating plan” means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation, and promotion of a neighborhood improvement district.

(g) “Owner” means the owner of real property that is located within the boundaries, or the proposed boundaries, of a neighborhood improvement district.

(h) “Planning commission” means a planning commission under s. 62.23 or, if none exists, a board of public land commissioners or, if none exists, a planning committee of the local legislative body.

(2) An operating plan shall include at least all of the following elements:

(a) The special assessment method applicable to the neighborhood improvement district.

(b) The kind, number, and location of all proposed expenditures within the neighborhood improvement district.

(c) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

(d) A description of how the creation of the neighborhood improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a
## North Barstow Business Improvement District
### Operating Budget

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## North Barstow/Medical Business Improvement District

### 2019 Board of Directors

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Business</th>
<th>Address</th>
<th>Telephone</th>
<th>Email</th>
<th>Beginning Date</th>
<th>Ending Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa</td>
<td>Aspenson</td>
<td>Stella Blues</td>
<td>301 Water St. #3</td>
<td>715-855-7777</td>
<td><a href="mailto:ohmona@sbcglobal.net">ohmona@sbcglobal.net</a></td>
<td>10/10/11</td>
<td>12/31/19</td>
</tr>
<tr>
<td>Elaine</td>
<td>Carlson</td>
<td>Commonweal Development Corporation</td>
<td>3506 Oakwood Mall Dr</td>
<td>715-832-8707</td>
<td><a href="mailto:ecarlson@commonwealdc.com">ecarlson@commonwealdc.com</a></td>
<td>1/27/15</td>
<td>12/31/19</td>
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<tr>
<td>Jason</td>
<td>Craig</td>
<td>Mayo Clinic Health System</td>
<td>1400 Bellinger</td>
<td>715-838-6645</td>
<td><a href="mailto:craig.jason@mayo.edu">craig.jason@mayo.edu</a></td>
<td>9/24/13</td>
<td>12/31/20</td>
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<tr>
<td>Amy</td>
<td>Erickson</td>
<td>Latitude 44 Yoga Studio</td>
<td>313 E. Madison St.</td>
<td>715-450-1062</td>
<td><a href="mailto:amy@latitude44yoga.com">amy@latitude44yoga.com</a></td>
<td>1/1/17</td>
<td>12/31/19</td>
</tr>
<tr>
<td>Vicki</td>
<td>Hoehn</td>
<td>RCU</td>
<td>PO Box 970</td>
<td>715-833-8246</td>
<td><a href="mailto:VickiH@rcu.org">VickiH@rcu.org</a></td>
<td>10/11/05</td>
<td>12/31/20</td>
</tr>
<tr>
<td>Julia</td>
<td>Johnson</td>
<td>Pablo Properties</td>
<td>PO BOX 2035</td>
<td>651-334-8953</td>
<td><a href="mailto:Julia@pablo.com">Julia@pablo.com</a></td>
<td>1/1/14</td>
<td>12/31/19</td>
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<tr>
<td>Jason</td>
<td>Manz</td>
<td>Manz Companies</td>
<td>1608 Spooner Ave, Altoona</td>
<td>715-839-0494</td>
<td><a href="mailto:jason@eauclaiemens.com">jason@eauclaiemens.com</a></td>
<td>10/11/05</td>
<td>12/31/21</td>
</tr>
<tr>
<td>Nick</td>
<td>Meyer</td>
<td>Volume One</td>
<td>205 North Dewey St.</td>
<td>715-552-0457</td>
<td><a href="mailto:nick@volumeone.org">nick@volumeone.org</a></td>
<td>3/25/14</td>
<td>12/31/21</td>
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<tr>
<td>Blayne</td>
<td>Midthun</td>
<td>Ramone’s Ice Cream Shop</td>
<td>505 Galloway St</td>
<td>715-492-0033</td>
<td><a href="mailto:midthunprop@gmail.com">midthunprop@gmail.com</a></td>
<td>2/28/17</td>
<td>12/31/19</td>
</tr>
<tr>
<td>John</td>
<td>Mogensen</td>
<td>Investment Realtors</td>
<td>224 Water Street</td>
<td>715-832-0022</td>
<td><a href="mailto:office@investmentrealtors.com">office@investmentrealtors.com</a></td>
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</tr>
<tr>
<td>Jason</td>
<td>Munz</td>
<td>TrustPoint Inc</td>
<td>7 S. Dewey St.</td>
<td>715-461-7018</td>
<td><a href="mailto:jmunz@trustpointinc.com">jmunz@trustpointinc.com</a></td>
<td>8/30/18</td>
<td>12/31/21</td>
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</tbody>
</table>

856 2966

3 Year Terms

*Chair* Julia Johnson

11 Directors

set up #9 [20 seats + gallery]