

**RESOLUTION OF INTENT  
FOR MANAGEMENT BID  
(GENERAL)**

13R-279

Introduce: 11-25-13

RESOLUTION NO. A-\_\_\_\_\_

1           RESOLUTION of Intention to create a management business improvement district to  
2 be known as the West Haymarket/Downtown Management Business Improvement District  
3 (hereinafter referred to as the “WHM Management BID”) in the area roughly bounded by  
4 Pinnacle Arena Drive on the west and north, North 10th Street on the east, and Q, R and N  
5 Streets on the south,(“WHM Management BID Boundary Area”) as more particularly shown on  
6 the WHM Management BID Boundary Map attached hereto as Attachment A and made a part  
7 hereof by this reference.

8           WHEREAS, the City Council of the City of Lincoln created the West Haymarket/  
9 Downtown Business Improvement Board by Resolution No. A-87459; and

10           WHEREAS, the West Haymarket/Downtown Business Improvement Board  
11 recommended that the City Council create a new management business improvement district to  
12 be known as the WHM Management BID within the WHM Management BID Boundary Area to  
13 be funded by special assessments levied based on actual assessed valuation and based on special  
14 benefits to the property within the WHM Management BID as the same may be fairly and  
15 equitably adjusted by the City Council of the City of Lincoln, Nebraska, sitting as a Board of  
16 Equalization; and

17           WHEREAS, the Lincoln-Lancaster County Planning Commission has reviewed  
18 the West Haymarket/Downtown Business Improvement Board recommendation and has found  
19 the proposed WHM Management BID to be in conformance with the Lincoln City  
20 Comprehensive Plan; and

1           WHEREAS, following the adoption of this Resolution of Intention, the City Council  
2 of the City of Lincoln, Nebraska intends to consider at public hearing on January 13, 2014, an  
3 ordinance to create the recommended WHM Management BID in the WHM Management BID  
4 Boundary Area, as more particularly described below.

5           BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

6           Under the authority of the Business Improvement District Act, *Neb. Rev. Stat. § 19-*  
7 *4015 to 19-4038 (Reissue 2012) (the Act)* and based upon the recommendations received from  
8 the duly appointed West Haymarket/Downtown Business Improvement Board and the Lincoln-  
9 Lancaster County Planning Commission, the City Council of the City of Lincoln, Nebraska  
10 hereby states its intention to create a new management business improvement district to be  
11 known as the WHM Management BID for the purpose of providing work and improvement  
12 programs under the Act for the betterment of the WHM Management BID and employing or  
13 contracting for personnel, including administrators, and providing for any service as may be  
14 necessary or proper to carry out the purposes of the Act as provided in the ordinance creating the  
15 WHM Management BID.

16           BE IT FURTHER RESOLVED that in accordance with the Act the following  
17 information is provided regarding the proposed creation of the WHM Management BID:

18           1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed WHM  
19 Management BID shall generally extend along the exterior lines of the WHM Management BID  
20 Boundary Area and shall include those properties within the WHM Management BID Boundary  
21 Area. Said properties included therein are more particularly described in the list of properties  
22 which is attached hereto marked as Attachment B and made a part hereof by this reference.

1 Commonly owned properties that are intersected by a boundary line establishing the WHM  
2 Management BID shall be considered as entirely within the WHM Management BID unless  
3 otherwise determined by the City Council when sitting as a Board of Equalization.

4 2. TIME AND PLACE OF HEARING ON CREATION OF THE WHM

5 Management BID. The City Council of the City of Lincoln, Nebraska will hold a public hearing  
6 on an ordinance to create the WHM Management BID on January 13, 2014, at the hour of 3:00  
7 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-City  
8 Building, 555 South 10th Street, Lincoln, Nebraska 68508.

9 3. IMPROVEMENTS TO BE PERFORMED IN THE WHM MANAGEMENT

10 BID. The work performed and specific improvements to be made or maintained for the WHM  
11 Management BID shall consist of:

12 a. **Economic Development.**

13 Economic development activities will aim to improve the business climate of  
14 downtown with the goal of attracting and retaining businesses, jobs and investment. While  
15 annual work programs and budgets will be developed in collaboration with stakeholders and  
16 approved by the Downtown Lincoln Association board of directors, programs will be selected  
17 from a variety of options that may include the following:

18 (1) Facilitate efforts with property owners, brokers and businesses to fill  
19 under-utilized downtown properties.

20 (2) Conduct business retention efforts to encourage existing businesses to  
21 grow, including initiatives and support services to encourage local independent retail.

22 (3) Help attract new investment and catalytic projects that are consistent  
23 with the vision and goals of the 2005 Downtown Master Plan (as updated).

1 (4) Design and produce investor marketing packages to assist real estate  
2 brokers, developers and property owners in business recruitment efforts.

3 (5) Maintain a WHM Management BID database with local market and real  
4 estate information.

5 (6) Trouble-shoot and provide liaison services to assist property and  
6 business owners to invest and operate in the WHM Management BID.

7 (7) Enhance research and development of the downtown website.

8 (8) Advertising, including branding and cooperative campaigns and  
9 increased placement and frequency in local media.

10 (9) Promote housing and residential development in downtown.

11 (10) Work with the Lincoln Partnership for Economic Development (LPED)  
12 and the Lincoln Chamber of Commerce to collaboratively position Lincoln for new business and  
13 downtown as a prime business location.

14 **b. Parking and Transportation.**

15 Parking and transportation initiatives aim to make it easier for customers,  
16 employees and visitors to park in and get around the downtown. Approaches include a  
17 combination of improved parking management, promotion, innovative finance and partnerships,  
18 including:

19 (1) Allocation of revenue from a meter increase to the City's parking  
20 enterprise fund that has allowed the City to reinvest parking revenues in WHM Management BID  
21 parking improvements.

22 (2) Construction of parking garages.

23 (3) Creation of a database of parking options.

1 (4) Management of a parking validation program for customers.

2 (5) Marketing and education of parking and transportation options.

3 **c. Communications and Advocacy.**

4 Support ongoing efforts by the Downtown Lincoln Association to champion  
5 downtown interests and involve property owners, businesses and residents in crafting pro-active  
6 solutions to issues that affect WHM Management BID Boundary Area. Ongoing  
7 communications and advocacy initiatives may include:

8 (1) Continue to publish a downtown newsletter.

9 (2) Conduct periodic WHM Management BID ratepayer surveys to  
10 measure overall satisfaction with programs.

11 (3) Manage media relations activities to project a positive image in local,  
12 regional and national media.

13 (4) Increase distribution and enhance the quality of publications, including  
14 the downtown map and directory and activity guides.

15 (5) Maintain and improve the Downtown Lincoln website.

16 (6) Public relations efforts to promote a positive image and overall  
17 experience.

18 (7) Conduct periodic forums and “town hall” meetings to keep ratepayers  
19 informed and involved in downtown development and management issues.

20 **d. Management, Support and Reserve:**

21 Support Downtown Lincoln Association professional staff that delivers programs  
22 and advocates on behalf of the WHM Management BID. Assist WHM Management BID  
23 property owners to project a unified voice and elevate their influence in policies and issues that

1 affect the WHM Management BID business district. Funds are allocated to office and support  
2 services such as bookkeeping, office rent, insurance, office equipment and professional  
3 development and training for the staff and Downtown Lincoln Association board. An operating  
4 reserve is also budgeted as a contingency for any payment delinquencies and/or unforeseen  
5 budget adjustments.

6 4. ANNUAL BUDGET AND LIMITATIONS. The estimated total annual costs and  
7 expenses for the work to be performed within the WHM Management BID are \$38,375 (first year  
8 estimate); provided that the maximum amount of the first year's annual assessment for the WHM  
9 Management BID shall not exceed \$38,500). The specific improvements for the first year are  
10 listed for purposes of estimating the costs and expenses of performing the proposed work and  
11 improvements. The City Council after public hearing shall approve an annual budget for specific  
12 work and improvements in each succeeding year consistent with the ordinance creating the  
13 WHM Management BID. The City Council retains the authority to change, modify and remove  
14 proposed improvements; however, the proposed improvements cannot exceed the scope of  
15 improvements provided by the ordinance creating the WHM Management BID.

16 5. METHOD OF ASSESSMENT. The costs and expenses for the work proposed to  
17 be performed within the WHM Management BID will be raised through special assessments  
18 based upon the special benefits to the property as fairly and equitably assessed by the City  
19 Council. The assessments will be levied annually as a percentage of the actual assessed valuation  
20 of the taxable property within the district. Based on the recommendation of the West  
21 Haymarket/Downtown Business Improvement Board, residential properties, both owner-  
22 occupied and rental, are expected to only receive full benefit from communications and advocacy  
23 services. This adjustment results in residential properties being assessed at 35% of the WHM

1 Management BID assessment rate for the purpose of assessments. Thirty-five percent (35%) is  
2 the communication and advocacy services portion of in the first year budget. For income-  
3 assisted residential properties that provide low-to-moderate income owner-occupied and/or rental  
4 housing, the residential assessment rate will be 50% of the full residential rate, or 17.5% of the  
5 district assessment rate for the purpose of WHM Management BID assessments. The income-  
6 assisted adjustment will apply only to units that are restricted to occupancy by “low-to-moderate  
7 income households.” For mixed use buildings that combine residential and other uses, the  
8 property owner may submit evidence supporting a percentage split of the assessed value between  
9 residential and other uses for the City Council to consider when sitting as a Board of  
10 Equalization.

11 6. CONTRIBUTIONS. Based on the recommendation of the West Haymarket/  
12 Downtown Business Improvement Board, all owners of property exempt from ad valorem taxes  
13 within the WHM Management BID shall be invited annually to contribute annually to the City of  
14 Lincoln to support the business improvement district activities, promotions and improvements.  
15 Any contributions shall be allocated to reduce assessment rates in the district.

16 7. ENFORCEMENT. The special assessments provided herein shall be a lien on the  
17 property assessed superior and prior to all other liens except general taxes and other special  
18 assessments which shall be of equal priority. Liens for special assessments may be foreclosed  
19 and are subject to interest at the statutory rate when payment of the assessment is delinquent as  
20 provided by law. No special assessment made hereunder shall be void for any irregularity,  
21 defect, error, or informality in procedure, in levy or equalization thereof.

1 BE IT FURTHER RESOLVED that the City Clerk is directed to place an ordinance to  
2 create the WHM Management BID on the City Council formal agenda for introduction on  
3 January 6, 2014, with public hearing to be held on January 13, 2014.

4 BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete  
5 copy of this Resolution of Intention one time in a newspaper of general circulation in the City of  
6 Lincoln at least ten (10) days prior to the public hearing to be held on January 13, 2014.

7 BE IT FURTHER RESOLVED that the Director of Urban Development shall mail a  
8 complete copy of this Resolution of Intention, including any attachments hereto, to each owner of  
9 taxable property in the proposed WHM Management BID as shown on the latest tax roles of the  
10 County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to  
11 be held on January 13, 2014.

Introduced by:

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Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

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| Approved this ___ day of _____, 2013:<br><br>_____<br>Mayor |
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