

ORDINANCE #O2019-13

A RESOLUTION OF INTENT TO AMEND BUSINESS IMPROVEMENT DISTRICT NO. 2 WITHIN THE CITY OF MITCHELL BY EXTENDING THE TERM OF THE PER ROOM PER NIGHT TAX ON RENTALS OF MOTEL AND HOTEL ROOMS IN RELATION TO THE SPORTS AND EVENTS AUTHORITY.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1. (Recitals pursuant to SDCL Chapter 9-55)

The Governing Body of the City of Mitchell, SD, incorporates by reference all recitals contained in previously adopted Ordinance #2552, Ordinance #2441, and Ordinance #2521, and supplements said recitals as follows:

1. All recitals made in Ordinance #2441, Ordinance #2521, and Ordinance #2552 are and shall be deemed incorporated herein by reference with the same effect as if set out herein in full, except as modified and/or supplemented as hereafter provided.
2. The Resolution of Intent relating to this ordinance (Resolution #R2019-54) was adopted by the Governing Body on July 29, 2019.
3. The hearing in relation to this matter was on the 3rd day of September, 2019 at 6:00 PM in the chambers of the Mitchell City Council, at City Hall, 612 N Main, Mitchell, SD, following the notice period provided by law. At said hearing, the Governing Body did receive evidence for and against the proposed modification of revenues to be raised and the use and application thereof. No objections to the proposed modifications were made at said hearing or, alternatively, any objections made were less than a majority of the hotels and motels in the BID and were insufficient in number as required by law to terminate the proceedings as referenced herein.
4. The continuation of the Sports and Events Authority (SEA), through the use of BID finds, and the various activities undertaken by the SEA, contributes to the welfare of the youth citizens of the City and State, contributes to an increase in weekend long sporting events in the City, and helps maintain a competitive posture in respect to other cities and states in the region in respect to attracting events to the City which will utilize sporting activities in the City, particularly weekend long events during the non-tourist season.
5. The tax imposed and based on rooms rented by the lodging establishments (hotels and motels) imposed upon transient guests does not exceed \$2.00 per occupied room per night.

6. The Business Improvement District (BID No. 2 as modified) was established pursuant to SDCL Chapter 9-55.

7. The purposes of the district remain as declared in Ordinances #2441, 2521, and 2552. The hotel/motel businesses located within BID No. 2, as previously expanded and modified, will be subject to the business tax of \$1.50 per room per night on occupied rooms rented to transient guests, as the same is defined and provided in SDCL Chapter 9-55. Said tax shall be temporary as hereafter further described.

8. All boundaries remain as provided in Ordinance 2521 and are hereby incorporated by reference to the same legal effect as if set out in full.

Section 2.

Subsection C) of the section Application of Revenue, Effective Term, and Termination of Tax., as it appeared in Ordinance #2441, and as subsequently amended by Ordinance #2521, and 2552, is hereby amended to read as follows:

C) One-half Dollar (\$0.50) of the per room per night occupied room rental shall be applied to the support of the Sports and Events Authority. Pursuant to Ordinance #2552, this portion of the tax is effective through October 31, 2019. This portion of the Tax is hereby renewed for an additional 5 year term and shall automatically terminate on October 31, 2019 unless further renewed by subsequent ordinance.

Section 3.

All portions and provisions of Ordinances 2441, 2521, and 2552 not amended or modified by this ordinance shall continue and remain in effect according to the terms of said Ordinances 2441, 2521, and 2552.

Section 4.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2019.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____