1040 Harley-Davidson Way
Sturgis, SD 57785
605-347-4422

City Council Report

Meeting Date: May 17, 2021
Agenda Item: Preliminary Meeting Tracker & Workflow System Module
Prepared By: Christina Steele, Public Information Officer

Background Information:
This report was prepared in response to a requested by Councilor Forrester to enhance the current methods of informing constituents of City meeting dates, topics, and informational reports.

15 various software companies were researched and four have been identified as having stand-alone products that could be integrated into our current website. These companies provide very similar features and include a workflow process as well as integration of our current live-stream video feed.

Cost, Benefit or Risks: Pricing for three of these modules is based on the size of our population. EvoGov would not require an additional purchase as it would be included in our current website subscription. Prices are for a yearly subscription. Some products require add-on features with additional costs.

Top Four products:
Municode - $5,000 + $2,520 for video stamp. 16-week implementation requirement.
BoardDocs Pro (Diligent company) - $9,000 + $1,000 set up fee. Varying implementation time requirement.
iCompass (Diligent company) - $5,000 + $1,000 for video/agenda view. Varying implementation time frame.
EvoGov (current website provider) - No additional charge as it would be included with our current website subscription. However, this module is only in beta stage at the moment and is not expected to be available until late July.

Budget Impact: This item is not currently included in the 2020 budget.

Staff Recommendation: I suggest a committee of two Councilors and 3 staff members review the above products and make a recommendation for the most viable product.

City Manager Approval: Dan Acker

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Meeting Tracker & Workflow System Module

	Workflow Process	Attach files to Staff Reports - Multi File Types	Auto Routing for Review & Authorization w/Notes	Agenda Builder w/Link to Report in packet	Packet Creation	Presentation Screen - Realtime	Voting/Results	Video Integration & Tagging	On the Fly Minutes	Searchable Database	Access from any Device	Other Freatures	Unlimited Users	Unlimited Meetings	Free Training & Support	Implementation	Annual Price	Notes
Municode	X	Word & pdf only	X	Template w/link to reports. Build from template	X	X	X	Extra	X	X	X		X	X	X	16 Weeks	5,000	Extra 2,520 per year for video stamping. Max 32 meetings.
BoardDocs Pro (owned by Diligent)	X	X	Date/Time Stamp with signature approvals	Drag & Drop to build	X	Separate screens for Council, Moderator, and Public	X	X	Minute Gathering Screen	X	Tablets:Apple, iPad, MS Surface, Android Most common desktops	Meeting Action Mgmt. (Notes, motions, follow votes	X	X	X		9,000	+ 1,000 set up fee. Developed for School Board. Limited templates. Countdown Timer Tag agenda items for discussion.
iCompass (owned by Diligent)		X	X	Drag & Drop to build	X	X	X	Extra	X Can time stamp video within minutes	X	Portal Access via internet	Unlimited Customizable Agenda Templates (use for a variety of meetings)	X	X	Online		5,000	Developed for small cities. Extra 1,000 for video/agenda view. Countdown Timer Follow up Action Tracker Electronic Voting Ability
EvoGov (current website provider)	X	X	X	Drag & Drop to build	X	X	X	X	X	X	via internet link	Customizable for our agency	X	X	X	In Beta testing, ready in July	No additional charge	Development is based on top 10 product competitors options.

Other providers:

Pervasent	Would require the use of Sharepoint
Civicplus	Require entire website service
Granicus	Not appropriate for municipal use
Primegov	Municode subsidiary - see above
hyland	Not designed for government use
Civica	UK based custom built applications
Naviant	Not appropriate for our needs
Bluescape	Designed for remote teams only
Asana	Agenda builder only, no tracking or video integration
Eventsquid	Designed for one-time online events

A lot of other municipalities simply use hot links within their agenda to take the user to the related staff report.

CITY OF Sturgis

1040 Harley-Davidson Way
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City Council Report

Meeting Date: May 17, 2021
Agenda Item: Adoption of 2021 Building Codes (IBC & IRC) and the 2018 International Fire Code
Prepared By: Dave Smith

Background Information:

Building Codes Effectiveness Grading Schedule (BCEGS) — is a schedule developed by Insurance Office Services, Inc. (ISO), that categorizes communities according to the adequacy of their building codes and the effectiveness of building code enforcement. Communities are graded from 1 (indicating exemplary commitment to building code enforcement) to 10. In states where all of the communities have been graded and the BCEGS system has been implemented, the BCEGS grade for the community where the property is located is used in developing the insurance premiums for windstorm and hail coverage for buildings constructed during or after the year in which the community was graded. Building code effectiveness grades for communities are published in ISO's *Public Protection Classification Manual.* a community with a better BCEGS classification could have lower insurance rates. In August of 2018 the ISO increased our (BCEGS) grade from a 5 to 7. By adopting the most recent Building Codes and utilizing CITIZEN SERVE we were able to re-claim the rating of 5 keeping local insurance rates down. To stay ahead of the (ISO) grading and work obtain a better (BCEGS) score the City should adopt of the most recent (IBC) Building Codes.

Cost, Benefit or Risks:
Homeowner insurance rates will not increase if we maintain or improve our current rating .

Budget Impact:
No direct impact to the City budget.

Staff Recommendation:
Staff recommends the adoption of the 2021 Building Codes (IBC & IRC) and 2018 International Fire Code.

City Manager Approval: Dave Smith

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CITY OF Sturgis

1040 Harley-Davidson Way
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605-347-4422

City Council Report

Meeting Date: May 17, 2021
Agenda Item: Accepting Low bid for 2021 Airport Taxi-lane project.
Prepared By: Dave Smith

Background Information:

At the February 16, 2021 Council Meeting, the Sturgis City Council voted to approve a professional service contract with Helms & Associates for the construction of a new taxi-lane. 2 Construction bids were received and opened on April 22, 2021 at City Hall.

Cost, Benefit or Risks:

The cost to the City for this project in 2021 will be $16,667.00, however this cost will be reimbursed 100% with funds from the Airport Corona Virus Response Grant Program. The remaining $373,333.00 will be paid using the City's airport entitlement funds. This will require approximately 2 ½ years of funding. The City will pay for this share and be reimbursed. The benefit to the City will be increased ground lease revenue with new hangar construction along this taxi lane. We currently have 4 of the 8 sites spoken for and once those are leased it will generate an additional $2652.00 per year in revenue. It is anticipated that all the ground available for hangar construction along this taxi lane will be spoken for and leased before the end of summer 2021 doubling the new revenue to the City to over $5000.00 each year.

Budget Impact:

No impact to the 2021 Budget as the expenditures will all be reimbursed.

Staff Recommendation:

Staff recommends awarding the base bid and alternate bid 1 to North Star Construction Inc. In the amount of $267,734.63 plus Engineering and project administration for a total project cost of $390,000.00 contingent upon the receipt of an FAA grant Offer. And authorize the City Manager or Airport Director sign all contract documents and paperwork necessary.

City Manager Approval: Dan Acri

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Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N
PO BOX 111
ABERDEEN, SD 57402-0111

PHONE (605) 225-1212
TOLL FREE 1-888-378-4394
FAX (605) 225-3189

April 26, 2021

Dave Smith, Airport Director
City of Sturgis
1040 Harley-Davidson Way
Sturgis, SD 57785

Re: Sturgis Municipal Airport Hangar Taxilane Expansion
Sturgis Municipal Airport
Sturgis, South Dakota
Project # A-8093
AIP # 3-46-0054-18-2021

Dear Mr. Smith,

We would like to take this opportunity to make our "Engineer's Recommendation of Award" for the above referenced project.

The description of work is:

Base Bid: The Project shall consist of the construction of a hangar taxilane expansion. Work shall include grading, geotextile fabric, subbase, aggregate base course, prime coat, seeding and fertilizing, topsoiling and other items of related construction

Alternate Bid 1: This shall consist of the paving of the constructed hangar taxilane. Work shall include asphalt paving, asphalt tack coat, pavement markings, deduct of aggregate base course, and other items of related construction.

We have reviewed the bid proposal documents received and are recommending that the Base Bid and Alternate Bid 1 be tentatively awarded to the lowest bidder, North Star Construction Inc.'s proposal in the amount of $267,734.63 as their bid was complete and reasonable. We have also verified North Star Construction Inc. has not been excluded at www.sam.gov.

The DBE goal was 3.0% for this project. The intended participation listed in North Star Construction Inc.'s bid is 1.4%. The DBE Good Faith Effort was supplied by the contractor and is deemed acceptable.

The motion for award should read "Tentative award for AIP Project #3-46-0054-018-2021 Hangar Taxilane Expansion, Base Bid and Alternate Bid 1 is made to North Star Construction Inc in the amount of $267,734.63 contingent upon receipt of an FAA Grant Offer.

Also, to help meet what we expect to be short time lines in the grant process, the Council should authorize the Airport Director to sign the FAA Grant Offer and all necessary paperwork for the Contract Documents.

For clarity, it is anticipated that this project will need to be a multi-year grant. Typically, amendments to include the following year's Federal Entitlements are received in May of that year. For example, the amendment for the 2022 Entitlements is anticipated to be received in May of 2022. Therefore, a brief summary of anticipated costs is as follows:

2021 FAA Entitlements	$150,000
2021 City/State Share*	$16,667
2022 FAA Entitlements	$150,000
2022 State Share	$5,834
2022 City Share	$10,833
2023 FAA Entitlements	$51,000
2023 State Share	$1,983
2023 City Share	$3,683
Total Project Cost	**$390,000**

* It is anticipated that the Federal funding portion will be covered 100% this year.

I have enclosed the Grant Application Packet. Please have it signed and dated it where tabbed, scan the entire document, and email the document to the following:

alvin.j.mcleod@faa.gov

jon.becker@state.sd.us

brookee@helmsengineering.com

If you have any questions, comments, or need any further information, please feel free to contact our office at your convenience.

Sincerely,
Helms and Associates

Brooke Edgar

Brooke B. Edgar, P.E.

W/Enclosures

Cc: Jeremy McLeod, FAA – Dakota-Minnesota Airports District Office
Jon Becker, SD-DOT – Office of Air, Rail, and Transit

HANGAR TAXILANE EXPANSION
STURGIS MUNICIPAL AIRPORT
STURGIS, SOUTH DAKOTA
AIP #3-46-0054-018-2021
Bid Opening April 22, 2021 at 2:00 p.m.

270,00
267,734.63

	BIDDER #1	BIDDER #2	BIDDER #3
	North Star Construction	Main Line	
Bid Bond (10%) or Certified/Cashiers Check (5%)	(Yes) (No)	(Yes) (No)	(Yes) (No)
Acknowledgement of Addenda	(Yes) (No) (N/A)	(Yes) (No) (N/A)	(Yes) (No) (N/A)
Base Bid	214,437.76	346,254.05	
Alternate Bid 1	53,296.87	61,706.15	

	BIDDER #4	BIDDER #5	BIDDER #6
Bid Bond (10%) or Certified/Cashiers Check (5%)	(Yes) (No)	(Yes) (No)	(Yes) (No)
Acknowledgement of Addenda	(Yes) (No) (N/A)	(Yes) (No) (N/A)	(Yes) (No) (N/A)
Base Bid			

CITY OF Sturgis

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City Council Report

Meeting Date: May 17, 2021
Agenda Item: Consideration to approve first reading of Title 26 – Business Improvement Districts
Prepared By: Daniel Ainslie, City Manager

Background Information:

The Chamber of Commerce formed a Downtown Strategy Task Force in 2013. The Task Force studied numerous issues hampering year-round development of the Downtown and made numerous ordinance, zoning, public improvement and façade recommendations. The Council ultimately implemented all of these recommendations. One of the recommendations included the establishment of the Downtown Business Improvement District (BID). The Downtown BID was formed to direct the use of a newly implemented assessment fee. This fee is charged to downtown property owners. The funding is used to enhance the downtown core, increase marketing efforts and increase the number of events in the downtown area.

The establishment of a $2 per linear foot annual fee for non-residential, non-church, non-non-profit properties in the Downtown area funded the Downtown BID. The current annual fee is capped at $600 per parcel per year. In total it generates approximately $23,000 per year. The Council agreed to establish the BID fee if it was set at a very low introductory rate. This was meant to be an introductory period to see if the BID Board would be able to create a significant impact. The intent was that once the Foundation was established and had a strong track record, the assessment would be revisited.

The Downtown BID is overseen by a Board. The 5 Board members must represent Downtown property owners and are appointed by the City Manager. The BID Board then makes up the Downtown Foundation, with the inclusion of the Chamber Director, the SEDC President and the City Manager.

The Downtown Foundation has made numerous improvements in the Downtown, including the installation of numerous new Christmas decorations, new downtown banners, significant digital advertising for events, funding for the Freedom Statue at Rally Point and funding for the Downtown Art Walk this spring. The current assessment has paid for approximately 1/3 of these initiatives. Additional funding has been made through Downtown bench sales, fundraising events and grants. However, in order for the Downtown Foundation to continue in the manner it has, additional, long term funding will be required. The long-term annual budget the Foundation believes is necessary to continue in its current capacity is $60,000 per year.

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To achieve this funding level, the Foundation is proposing revisiting the assessment level. It is suggesting making the following amendments:

- Remove the existing $600 cap per parcel
- Raise the assessment fee from $2/linear foot to $6/linear foot
- Establish a rebate grant program through SEDC for year-round businesses to refund up to 40% of the assessment

The SEDC Board has reviewed this proposal and has agreed to provide the oversight for a rebate program. The rebate program would allow up to a maximum of 40% of the total assessment if a property has been open for business for 9 months. There would be a simple one page agreement with an avadavat certifying that the parcel was either open for business or used for the operation of a business (neighboring parking lot for an fully operational business) for at least 9 months. The applications would need to be accompanied by a receipt showing that the annual assessment has been fully paid. All documentation would be due by May 31. Once the application and receipt has been received, SEDC would provide a 40% rebate. SEDC would receive the rebated funds through its Professional Services agreement with the City. It is anticipated that the total amount eligible for refunds would be $11,400.

An assessment of this proposal established that approximately $64,000/year would be raised. The assessment is similar to Mitchell ($5 per linear foot), while several other communities in the state base assessments on assessed valuations.

A sampling of the effect on various property owners is as follows:

Parcel	Frontage	2021 Fee	2022 Proposed Fee	40% Rebate	2022 Net Charge
Y-R Business	25.24	$ 50.48	$ 151.44	$ 60.58	$ 90.86
Rally Business	391.83	$600.00	$2,351.00	$ 0.00	$2,351.00
Y-R Business	114.90	$229.81	$ 689.42	$275.76	$ 413.65

If the Council approves the revised ordinance, the 2022 Professional Agreement with SEDC will need to be revised to include the proposed grant agreement, with the additional funding of $11,400 to pay for the grant refunds would come from the Downtown BID Assessments.

During the initial Council discussion of the Downtown BID Board's recommendation on May 3, the City Council asked the City staff to send letters explaining the proposed change to property owners. The letter was mailed the next day. To date, staff has been asked to provide additional information to one property owner. The property owner was initially concerned, however after understanding the net increase to their property there was no longer a strong concern.

The attached ordinance revisions also include minor edits to the Hotel BID Board. Since the adoption of the Hotel BID Ordinance, two new hotels have opened. The revisions make note of these new additions and include their weighted voting average on the Hotel BID Board.

Budget Impact:

There would be an increase to the cost of the City for City owned property. It is estimated that the City's increased cost would be approximately $3,500. This is paid through the BBB Fund and

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would need to be included in the 2022 budget. The increased investment by the Downtown Foundation as well as other City, Chamber and SEDC initiatives as well as the innumerable private investments have greatly enhanced the Downtown core over the past 5 years. The increased amount of business activity has helped increase the overall sales tax collection of the community.

Recommendation:

The Downtown BID Board unanimously recommended making the proposed changes to Title 26 of the Downtown Improvement District. The Board recommends having a first reading of the proposed changes on May 17, 2021.

City Manager Approval: _____

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(Title 26 replaced entirely with Ordinance 2017-03, effective 05-31-2017)

TITLE 26
ESTABLISHMENT OF BUSINESS IMPROVEMENT DISTRICTS

CHAPTERS:
26.01 General Provisions
26.02 Downtown Improvement District
26.03 Hotel and Motel Improvement District

Chapter 26.01
GENERAL PROVISIONS

SECTIONS:
26.01.01 Purpose and Authority
26.01.02 Penalties
26.01.03 Severability

26.01.01 PURPOSE AND AUTHORITY:

The Sturgis City Council, as allowed by SDCL Chapter 9-55, is authorized to by resolution create one or more Business Improvement Districts within the City. The purpose of the authorizing resolution shall be to create a collective funding method to provide a portion or all of the funding needed for proposed future public events, public activities, beautification efforts, economic development efforts and activities, and all other uses for such funding as permitted by SDCL 9-55-3. Each such resolution leading to the establishment of a district shall state the purpose and funding mechanism, if any, and other required elements to fully establish the district.

26.01.02 PENALTIES:

Any person in violation of this Title shall be subject to the general penalty provision of SDCL 22-6-2, for a violation of a class two misdemeanor. In addition, the city may seek to enjoin the actions of any person or operation which violate the provisions of this Ordinance. Each day for which a person is in violation of any provision of this Ordinance may constitute a separate offense. The City may also impose and enforce any penalty for a violation of this Ordinance under the provision of Title 36, of Sturgis City Ordinances.

26.01.03 SEVERABILITY:

Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

Chapter 26.02
DOWNTOWN IMPROVEMENT DISTRICT

SECTIONS:
26.02.01 Establishment of the Downtown Business Improvement District
26.02.02 Downtown Business Improvement District Board
26.02.03 Duties of the Board
26.02.04 Boundaries of the Downtown Business Improvement District
26.02.05 Special Assessments
26.02.06 Exemptions

26.02.01 ESTABLISHMENT OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT:

The Downtown Business Improvement District is created for the purpose of a collective contribution funding for a portion or all of the future proposed public events, public activities, beautification efforts and promotion of the District as allowed by SDCL Ch. 9-55 which encourages economic development within the District.

All expenditures of the Downtown Business Improvement District funds shall be for events, public activities, beautification efforts, unique Economic Development activities and promotions of the District that occur within the Downtown Business Improvement District. The Downtown Business Improvement District funds shall be collected by the City, deposited into a separate fund and distributed to a qualified 501 (c) 3 which will complete the activities described in the annual adopted City budget to carry out the purposes described within this Title. Funds collected from this assessment may not be used to host, promote or staff the annual Motorcycle Rally, nor may they be used for the benefit of an individual business.

26.02.02 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT BOARD:

There is hereby established a Downtown Business Improvement District Board.

A. Composition. The board shall consist of five owners of property within the Business Improvement District. All appointments shall be made by the City Manager. For purposes of this section, a property owner includes the following:
    1. An officer or director of a corporate property owner;
    2. A manager or member of a limited liability company that owns property;
    3. A partner of a partnership that owns property;
    4. A representative appointed by a property owner.
B. Terms. Upon initial appointment, 3 of the members shall be appointed for 2-year terms, and 2 members shall be appointed for 1-year terms. Thereafter, all members of the board shall be appointed to serve a 2-year term. A member of the board may serve more than 1 term.
C. Vacancies. The City Manager shall appoint a qualified individual to fill any vacancy for the remainder of the term vacated.
D. Officers. The Board shall annually select from its members a chair and secretary.
E. Compensation. All members of the board shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

26.02.03 DUTIES OF THE BOARD:

The Downtown Business Improvement Board shall review the activities funded through the assessment and make annual recommendations to the City Council for use of the funds. The Board's recommendation shall be made no later than May 15 of each year. The Board shall meet at least twice per

year after January to discuss previous years' expenditures and to recommend a budget for the following year. Should a property owner wish to call for a special meeting, the property owner must submit a written request to the City Finance Officer at least 7 days in advance of the proposed date of the special meeting. Thereafter the City Finance Officer shall give notice to other Board members of the date, time and location of the meeting.

26.02.04 BOUNDARIES OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT:

The Downtown Business Improvement District shall include all business property within the area located north of Sherman Street and south of Dudley Street to and including properties fronting Lazelle Street, all business properties located west of Middle Street and east of Fourth Street, and all business properties fronting on Middle Street or on Fourth Street.~~.~~

26.02.05 SPECIAL ASSESSMENTS:

A. The real property in the district shall be subject to an annual special assessment based upon the special benefit to the property within the district as authorized by SDCL § 9-55-2.

B. The special assessment shall be fair and equitable as required by SDCL § 9-55-7. The rate of each special assessment shall be determined pursuant to SDCL § 9-55-13 based upon the following formula:
   1. For property located within the Business Improvement District, the property shall be assessed a total of $6~~2~~ per linear foot of the property's street frontage (it shall not include frontage along alleyways).
   ~~2. The maximum assessment on each property within the Business Improvement District shall be capped at $600.~~
   ~~3.~~2. The assessments shall be subject to adjustment by the City Common Council by resolution as provided in SDCL Ch. 9-55.

26.02.06 EXEMPTIONS:

The following real property is exempt from taxation or assessment under this chapter:

A. All real property which is exempt from taxation under SDCL Ch. 10-4, except those properties identified under 26.03.02 (G)~~.~~
B. Owner occupied residential property~~.~~
C. Property used solely for residential uses~~.~~
D. Property used as a place of worship~~.~~
E. Property used by a school district and Meade County
F. Hospital property
G. City property located within the District boundaries shall not be exempt. The City shall pay an assessment consistent with the linear calculation of each property located within the Businesses Improvement District.

Chapter 26.03
HOTEL AND MOTEL IMPROVEMENT DISTRICT

SECTIONS:

26.03.01 Establishment of the Hotel and Motel Business Improvement District
26.03.02 Boundaries of the Hotel and Motel Business Improvement District
26.03.03 Hotel and Motel Business Improvement District Board
26.03.04 Duties of the Board
26.03.05 Vote Allocation
26.03.06 Hotel and Motel Business Improvement District Occupancy Tax
26.03.07 Occupancy Tax Assessment
26.03.08 Licenses and Account Charge
26.03.09 Enforcement and Remedies
26.03.10 Reporting Occupancy Tax

26.03.01 ESTABLISHMENT OF THE HOTEL AND MOTEL BUSINESS IMPROVEMENT DISTRICT:

The Hotel and Motel Business Improvement District is established for the purpose of providing funding for a portion or all of the cost of future proposed public events, public activities, promotion of the District or other permitted uses as allowed by SDCL Chapter 9-55. Any expenditures of the Hotel and Motel Business Improvement District funds shall be for events, public activities, beautification efforts, promotion of the District, economic development and other uses approved by SDCL 9-55-3. Funds collected from this assessment may not be used to directly promote or staff the annual Motorcycle Rally, nor may they be used solely for the benefit of an individual business within the City.

26.03.02 BOUNDARIES OF THE HOTEL AND MOTEL BUSINESS IMPROVEMENT DISTRICT:

The Boundaries of the District shall consist of the following Zoning Districts, as shown on the official Zoning map of the City on file in the City Finance Office:

A. GC-1, General Commercial District
B. GC-2, Retail Commercial District
C. GC-3, Single Family Residential / Office Commercial District
D. HS-1, Highway Service

Any bed and breakfast or similar use as described in subsection 26.03.06 below shall be exempt from any Occupancy Tax established by this Ordinance. Included within the District at the date of enactment are:

1) Best Western	2431 South Junction Avenue
2) Holiday Inn Express	2721 Lazelle Street
3) Days Inn	2630 Lazelle Street
4) Super 8	2600 Whitewood Service Road
5) Junction Inn	1802 Junction Avenue
6) South Pine Motel	1051 Park Street

Any hotel, motel or lodging establishment which are built, constructed or established within the defined boundaries of the District after the date of passage of this Ordinance shall automatically become subject to the Occupancy tax established herein.

26.03.03 HOTEL AND MOTEL BUSINESS IMPROVEMENT DISTRICT BOARD:

There is hereby created a Hotel and Motel Business Improvement District Board. The Board shall consist of all qualified owners or managers of Hotel or Motel property within the boundaries of the Hotel and Motel Business Improvement District. The bylaws of the Board shall be provided by the City and maintained on file at the City Finance Office. To qualify as a Hotel or Motel property, the subject property must meet the definition of SDCL10-45D-1(1) as a lodging establishment, shall be located within the Boundaries of the District, or if outside the District a property operated in compliance with all City Ordinances as a legal non-conforming pre-existing use.

A. For the purposes of chapter 26.03, the term "qualified owner" shall be defined as the following:

1. An officer or director of a corporate property owner, as designated by a written corporate resolution;
2. A manager or member of a limited liability company that owns property, as allowed by the bylaws or management agreement of that company;
3. A partner of a partnership that owns property, as designated by written action of the partnership;
4. A representative appointed by a written grant of Agency by a qualified property owner.

B. Officers. The Board shall annually select from its members a chair and secretary.

C. Compensation. All members of the board shall serve as such without compensation, except for actual expenses. Any reimbursement may only be as allowed by Board Bylaws and requires approval of the City Council.

26.03.04 DUTIES OF THE BOARD:

The Hotel and Motel Business Improvement Board shall meet at least once per calendar quarter, and more frequently as necessary to fulfill its duties. The Board shall review any past activities, events or improvements which have received municipal funding and make an annual recommendation to the City Council for use of funds through an appropriation in the upcoming annual City budget. The Board shall meet at least twice between January 1 and May 31 of each calendar year to develop and prepare, in a format acceptable to the City Finance Office, its budget recommendation for the following year. The Board's recommendation shall be made no later than July 15 of each year. Any recommendations received after that time will be considered for the next following annual City budget.

Should a qualified Hotel or Motel property owner within the District boundaries wish to call for a special meeting of the Board, the property owner must submit a written request to the City Finance Officer at least 7 days in advance of the proposed date of the special meeting. Thereafter the City Finance Office shall give notice to other Board members of the date, time and locations of the meeting.

26.03.05 VOTE ALLOCATION:

The proportionate vote of a Board member shall be established at one vote for the first twenty-five lease rooms available to the public, and an additional vote for each portion of twenty five additional available lease rooms at the qualified property. The vote allocation of the Board members shall be as follows:

Best Western	55 (3 votes)
Days Inn	53 (3 votes)

~~Holiday Inn Express~~Baymont Inn	~~———~~	84 (4 votes)
Super 8	58 (3 votes)	
~~Starlite Motel~~Sturgis Motel		29~~4~~ (1 vote)
Hotel Sturgis	22 rooms (1 vote)	
South Pine Motel	9 (1 vote)	
TOTAL:	~~283~~ 310~~05~~(~~15~~ 16 votes)	

The proportionate vote of each Board member shall be revised as properties change the number of their rooms or new properties enter the District.

26.03.06 HOTEL AND MOTEL BUSINESS IMPROVEMENT DISTRICT OCCUPANCY TAX:

An occupational tax in the amount of Two Dollars ($2.00) per night shall be imposed upon transient guests based upon rooms rented or providing any revenue or consideration to any of the above hotels, motels or lodging establishments. This occupation tax shall be fair, equitable and uniform as to class. This tax rate shall be subject to establishment and adjustment by the Sturgis City Council during its annual approval and passage of the Budget Ordinance, upon consideration of the recommendation by the Hotel and Motel Business Improvement District Board. The tax shall not apply to bed and breakfast facilities serving 9 or fewer guest, state licensed campgrounds, other legal campgrounds within the City, or private residences leased for guest sleeping accommodations for 15 or fewer days annually.

26.03.07 OCCUPANCY TAX ASSESSMENT:

The Sturgis City Finance Officer is authorized and directed to determine and compute the tax in accordance with this ordinance. The occupancy tax assessed pursuant to the terms of this ordinance shall be remitted by the 20th day of each month to the Sturgis City Finance Office for the Occupancy Tax assessed and owning from the previous calendar month. Each hotel, motel or lodging establishment subject to this Ordinance shall keep accurate records of amounts collected from transient guests for review by the City Finance Office or its designee, pursuant to this ordinance. The City Finance Office or its designee shall be authorized and entitled to audit the books, ledgers, daily sales and/or occupancy reports, or franchise reports of any hotel, motel or lodging establishment subject to the terms of this ordinance so as to ensure that the occupancy tax to be collected by said hotels, motels and lodging establishments are properly remitted to the City of Sturgis. In addition to all penalties described herein for a violation of this ordinance, the City shall be entitled to seek injunctive relief and/or any legal remedy available to it against any hotel, motel or lodging establishment which does not remit the properly remit all tax monies when due, pursuant to this ordinance and the laws of the State of South Dakota.

26.03.08 LICENSES AND ACCOUNT CHARGE:

All remittances of the occupancy tax collected pursuant to this ordinance shall be paid to the City Finance Office on or before the 20th day of the month following the month for which the occupancy tax was to be collected. All amounts that are not received on or before the 20th day of the month will be charged a late fee in the amount of one percent (1%) of the total amount due with a minimum fee of $10.00. Failure to pay such tax shall also constitute a violation of this ordinance for each day for which it is unpaid, which may be punishable by a fine not to exceed Five Hundred Dollars ($500.00). In the event of any civil or criminal action being filed seeking collection of any delinquent assessments, the offending hotel, motel or lodging establishment shall be responsible for and shall pay all attorney's fees and costs incurred by the City of Sturgis in seeking enforcement under the terms of this ordinance. Any unpaid balance under this ordinance shall constitute a lien upon the property upon which the hotel, motel or lodging establishment is operated, and shall become a lien against and shall run with the property and may be enforced and

collected in the same manner as other unpaid real property taxes and assessments. The City of Sturgis Finance Office shall certify all unpaid amounts or balances to the county treasurer for collection in the same manner as general property taxes are collected. In addition, the City of Sturgis may deny the issuance of any permit or license applicable to that property, or any renewals thereof, to any such establishment or operator that fails to comply with the provisions of this ordinance, including but not limited to building permits, malt beverage licenses, and/or liquor licenses.

26.03.09 ENFORCEMENT AND REMEDIES:

Nothing within this chapter of this ordinance shall be construed as limiting of any other rights which the City of Sturgis has, or may pursue in seeking collection of monies received but not paid under the terms of this ordinance. All potential penalties as set forth in subsection 26.01.02 above shall be applicable to any violation of Title 26 herein. In the event that this tax becomes subject to supervision by the State of South Dakota through the State's Department of Revenue, any right of enforcement on behalf of the City shall be deemed cumulative to any powers which inure to the benefit of the State.

26.02.10 REPORTING OCCUPANCY TAX:

Any business governed by this ordinance shall include in its monthly report, in a format approved by the City Finance Office, a signed and sworn statement to verify the accuracy and truthfulness of the calculation and remittance of all tax imposed by this ordinance on or before the 20th day of each month. Said statement shall include the following:

> I declare, under penalty of perjury, that I have knowledge of the business income, revenue and accounting of this property, subject to the Sturgis Hotel Motel Occupancy Tax, that the above accounting of rooms leased or rented is accurate and complete and the tax payment made herein is accurate and complete according to the business records of the Hotel or Motel providing this Tax Report..
>
> Signed _____ Date _____
>
> Title _____

(Title 26 replaced entirely with Ordinance 2017-03, effective 05-31-2017)

CITY OF Sturgis

1040 Harley-Davidson Way
Sturgis, SD 57785
605-347-4422

City Council Report

Meeting Date: May 17. 2021
Agenda Item: 7th St Bear Butte Creek Crossing Update
Prepared By: Liz Wunderlich, P.E., City Engineer

Background/History

During the Memorial Day weekend of 2019, major flooding caused damage to the 7th Street crossing of Bear Butte Creek. As a result, the crossing was temporarily closed. Eventually, the crossing was opened for one lane of traffic. On July 4th, another significant flooding event occurred, which further undermined the culverts and road. This flooding event resulted in permanent closures of the crossing. In addition to the damage at the crossing, the intersection of 7th and Woodland Drive and approximately 400' of bike path also received significant damage.

These events were Presidentially Declared disasters, as such the City has been working with FEMA to seek partial reimbursement for the damages and to make necessary repairs.

During the post flood engineering analysis, it was discovered that when the crossings were constructed, they were not approved by the Army Corps or FEMA and were not included in the required hydrological study of Bear Butte Creek. The City therefore is not legally able to reconstruct the crossing without gaining approval from these entities. In order to receive approval, the City must complete a hydrological study that demonstrates that the crossing would not increase the amount of property upstream that is included in the flood plain or increase the elevation of the 100 year water surface on existing homes in the floodplain.

The first step in the reconstruction process was to rebuild the intersection of 7th Street and Woodland Drive and to grade and armor the Bear Butte Creek embankment. The city accepted a bid from Johner & Sons, Inc. to complete this work. This project was completed on October 19, 2020. The City is now seeking to receive partial reimbursement for these repairs from FEMA. With the completion of this portion of the repairs, the City was able to complete the topographical survey. This survey was necessary to complete the hydrological study which is what is ultimately necessary to request FEMA and the Army Corps to authorize any 7th Street crossing replacement.

In order to gain approval from the federal agencies, the crossing will need to be a low water crossing that would be flooded during major events. The crossing will need to have a larger culvert system than the previous crossing and it will need to be properly engineered and FEMA approved. The only other option would be the construction of a bridge. It would be required to be slightly larger than the recently completed 9th Street Bridge which had a total cost of $1.2 million.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal."(Not all prohibited bases apply to all programs.)

Interstate Engineering was hired Nov 22, 2019 to start working on the hydraulics and 7th street crossing design. Interstate has completed multiple surveys (before and after construction) as well as completing various hydraulic studies. Interstate has designed a box culvert option that does not increase the surface elevation of the 100-year floodway upstream from the crossing. This option involves 3 large box culverts. The road section is proposed to have two 12-foot lanes plus a bike lane on the east side. The typical street section includes curb and gutter and a 5-foot-wide sidewalk on both sides of the road. Since there is bike path on both the north and south sides of the crossing, the City Engineer is proposing an 8-foot-wide bike path on the east side only, this would remove the sidewalk from both sides of the crossing.

Discussion

The project has been fully designed. The proposed hydraulics have been analyzed and are acceptable to FEMA. The new project scope was submitted to FEMA for funding by March 5, 2021. FEMA has not responded as of yet if the project will be funded.

Budget Impact

The total project cost was estimated to be $876,512.66 as of February 2, 2021. However, construction costs are increasing rapidly, so the price may be higher.

The city is currently pursuing a hazard mitigation grant from FEMA to pay 75% of the costs of the construction of a new crossing. This could mean FEMA may pay $659,635 and the City may pay $219,878.

If FEMA does not approve the grant, then the City Council will need to determine if it would be willing to pay the entire cost of the low-water crossing. These costs have not been included in the 2021 budget. The funding for any project will need to come from the City's General Fund reserves.

Recommendation

The Engineer recommends waiting to see if FEMA Hazard funding will pay for the crossing. Any funds spent before FEMA authorizes the grant will be ineligible for reimbursement.

City Manager Approval: _____

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CITY OF Sturgis

MAY

Citizen Request to be on City Council Agenda

City of Sturgis
1040 Harley Davidson Way, Sturgis, SD 57785
Phone: (605) 347-4422
Email: tammye@sturgisgov.com

City Council Meetings are the First & Third Monday of Each Month
(Exception: When Monday is a holiday, then the meeting will be on Tuesday)
Agenda Requests must be presented to the City Manager's Office 15 days prior to the Council meeting.

Meeting Date: May 17 2021 or June 7 th			
Agenda Item: 7 St. Bridge			
Name: Dwight Griffer			
Address: 1507 Jackson St.	City: Sturgis	State: SD	Zip: 57785
Phone: 206-1136			

Purpose: Find out what is going to happen about it and express peoples views from this side of creek
Background Information: Have been battleing this bridge being out for several years.

Other Comments:

Please submit this form via e-mail to:
Tammy Even, tammye@sturgisgov.com
Daniel Ainslie, City Manager: dainslie@sturgisgov.com
OR may be delivered to City Hall at the above address.