

RESOLUTION NO. 9568

A RESOLUTION introduced by Councilmembers Kell, Miller, and Hoferer sitting as the Transient Guest Tax Committee, to reallocate remaining transient guest tax funding from the Evel Knievel Museum to the Downtown Topeka Foundation Ice Rink.

WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy hotel and motel rooms for short durations; and

WHEREAS, the funds generated by such taxes may be used for convention and tourism activities and to promote the general welfare of the city, including the attraction of industry; and

WHEREAS, the City currently imposes a 7% TGT; and

WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253, allocated 1% of the TGT for a period of 13 years to the development of the Great Overland Station, including Riverfront Park, and the historic preservation fund and extended by the governing body on October 20, 2015 by a period of Twelve (12) years via Resolution No.8732; and

WHEREAS, via Resolution No. 8732, the City allocated \$300,000.00 over a period of Twelve (12) years to provide funding for the Evel Knievel Museum subject to the terms and conditions contained in the Resolution and Development Agreement; and

WHEREAS, the Evel Knievel Museum ceased operations in the summer of 2021 within the City of Topeka prior to the end and disbursement of the allocated funds and payments of TGT funds terminated; and

WHEREAS, the TGT Committee is desirous of re-allocating the un distributed and remaining funds to the Downtown Topeka Foundation to develop plans and construct an ice rink in the area of Evergy Plaza; and

28 WHEREAS, the City's Transient Guest Tax Committee (hereinafter "TGT
29 Committee"), consisting of Council Members Kell, Miller and Hoferer, reviewed the
30 request to re-allocate the funds to the Grantee; and

31 WHEREAS, on May 23, 2024, the TGT Committee adopted Grantee's request for
32 the Project to re-allocate approximately \$167,000.00 through the end of the original
33 twelve (12) year period through the end of 2027.

34 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
35 CITY OF TOPEKA, KANSAS, that:

36 Section 1. The City shall re-allocate \$167,000.00 over a period of 3 years to
37 provide funding for an Ice Rink as planned and developed by the Downtown Topeka
38 Foundation subject to the terms and conditions contained in this Resolution and a
39 subsequently executed Development Agreement.

40 Such funds will be allocated annually in an amount determined by the City's chief
41 financial officer or designee. The commitments will begin in fiscal year 2024 and
42 continue until December 31, 2027, or until the maximum expenditure amount of
43 \$167,000.00 is met, whichever event is earlier.

44 Section 2. The City's funding commitment will be conditioned upon the
45 occurrence of the following:

46 (a) Continuation of a charter ordinance with the current 1% TGT which
47 expires on December 31, 2027.

48 (b) Approval of a development agreement between the governing body and
49 the appropriate legal entity responsible for the project. Such agreement will contain
50 provisions addressing the use of TGT funds, including but not necessarily limited to:

51 (1) A project development budget identifying all funding sources and
52 the manner in which TGT funds will be spent.

53 (2) An operating plan for the project identifying various performance
54 metrics.

55 (3) A project timeline identifying established deadlines for various
56 milestones.

57 (4) A project design document.

58 (5) The anticipated economic impact of the project.

59 (6) An outline of the various responsibilities related to reporting,
60 inspections, audits, indemnification, insurance, and fund repayment in certain
61 specified circumstances.

62 The development agreement will also acknowledge that grant funding may be
63 reduced to correspond to lower than expected TGT revenues.

64 (c) The development agreement will be submitted to the governing body for
65 its consideration and approval within 180 days from the date of this Resolution; unless
66 an extension is granted by the governing body.

67 (d) If the entity contracting on behalf of Ice Rink is a not-for-profit entity, it will
68 comply with the requirements of K.S.A. 45-240 and amendments thereto regarding
69 recordkeeping requirements for not-for-profit entities that receive public funds.

70 (e) The entity contracting on behalf of Ice Rink shall not owe any debt due to
71 the City, including, but not limited to property taxes and special assessments and shall
72 be in good standing with the Kansas Secretary of State.

73 Section 3. All financial commitments referenced in this Resolution shall be

74 subject to the Budget and Cash Basis laws and any other applicable ordinances or
75 statutes.

76 ADOPTED and APPROVED by the Governing Body on July 30, 2024.

77 CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

83 ATTEST:

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Brenda Younger, City Clerk