

1 RESOLUTION NO. _____
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3 A RESOLUTION introduced by Councilmembers Kell, Miller, and Hoferer sitting as
4 the Transient Guest Tax Committee, to reallocate remaining
5 transient guest tax funding from the Evel Knievel Museum to the
6 Downtown Topeka Foundation Ice Rink.
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8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who
9 occupy hotel and motel rooms for short durations; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A project design document.

(5) The anticipated economic impact of the project.

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

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

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

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

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

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 _____

77 CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk