

RESOLUTION NO. 9642

A RESOLUTION introduced by Councilmembers Duncan, Valdivia-Acala, and Hoferer sitting as the Transient Guest Tax Committee, re-allocate remaining transient guest tax funding for 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, via Resolution No. 9568, the City re-allocated those remaining funds to the Downtown Topeka Foundation Ice Rink.

WHEREAS, the TGT Committee is desirous of re-allocating the undistributed and

remaining funds to the Downtown Topeka Foundation to complete its plan for Phase One of the Ice Rink; and

WHEREAS, the City's Transient Guest Tax Committee (hereinafter "TGT Committee"), consisting of Council Members Duncan, Valdivia-Alcala 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 up to \$180,188.44 to fund Phase One of the Concrete Slab of the Ice Rink.

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

Section 1. The City shall re-allocate up to \$180,188.44 of the remaining TGT fund to fund Phase One of the 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 in an amount determined by the City's chief financial officer or designee. The commitments will begin in fiscal year 2025 and continue until December 31, 2027 or until the maximum expenditure amount of \$180,188.44 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.

The development agreement will also acknowledge that non-use of the fund will be reimbursed back to the TGT fund.

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

ADOPTED and APPROVED by the Governing Body on March 18, 2025.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk