CITY COMMISSION MEETING
June 23, 2021 at 10:00 AM

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS

Agenda

Pre-Luncheon Items

- Presentation of2020 Annual Audit Report.
- Review CIP for the Following Departments: Parks, Golf, Zoo, Engineering, Street, Airport, Shop, PWC, Water, Sewer and Solid Waste.
- Wage Scale Discussion
- Discuss REG ICA Termination.
- Joint Luncheon w/CVAB in the Little Theatre

Post-Luncheon Items

**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

EMPORIA
City of Emporia

TO: City Commissioners

FROM: Janet Harrouff

DATE: June 18, 2021

RE: 2020 Annual Audit report

The City's external auditor Michael Keenan, with Cochran, Head, Vic & Co. P.C. will be in attendance to present a review of the City of Emporia's 2020 Annual Audit report.

The audit process was very smooth, and a clean report will be received.

EMPORIA
City of Emporia

TO: City Commission

FROM: Janet Harrouff

DATE: June 18, 2021

SUBJECT: Capital Improvement Plan

The CIP requests for 16 departments will be discussed at the study session on June 23rd. The department head or supervisors will be available at the meeting.

The items requested for each department are provided with the funding source noted. The departments presenting are:

Park
Golf Course
Zoo
Airport
Public Works
Maintenance Shop
Special Street & Sign & Marking
Underground Utilities Water & Sewer
Water Treatment Plant
Wastewater Treatment Plant
Collections
Transfer Station
Recycling Center
Engineering
Water Mains
Water Service

Department	Year	Description	Amount	Years to Bond	Funding Source
Park	2024	Drag box tractor & box Replace #623-1	$40,000		General Fund
Park	2025	48 inch zero turn mower	$15,000		General Fund
Park	2026	1 ton dump bed pickup (2005)	$65,000		General Fund
Park	2027	Toro Workman HDX 2wd, gas	$30,000		General Fund
Park	2027	3/4 ton dump bed pickup	$62,000		General Fund
Park	2028	11 foot rotary mower	$70,000		General Fund
Park	2021	1 ton dump bed pickup (1994)	$55,000		General Fund
Park	2021	72" zero turn (2000)	$20,000		General Fund
Park	2021	11 Foot Rotary Mower (2012) #617	$70,000		General Fund
Park	2025	Park & Zoo Maintenance Facility	$400,000	10	Mil levy
Park	2021	JAC Slides - renovate or repair	$35,000		Multi-Year
Park	2021	Hammond Park - repaint tennis courts	$13,000		Multi-Year
Park	2022	JAC replace sand in filters	$20,000		Multi-Year
Park	2024	Propagation Greenhouse 24x48x8	$150,000		Multi-Year
Park	2024	Restroom in Fremont Park	$75,000		Multi-Year
Park	2024	Santa Fe Park bathroom renovations	$70,000		Multi-Year
Park	2028	JAC Slides - remove or repair	$55,000		Multi-Year
Park	2028	Hammond Park - repaint tennis courts	$16,000		Multi-Year
Park	2022	Tree Repopulation Project/All Park 25 trees	$12,500		Special Park
Park	2024	Tree Repopulation Project/All Park 25 trees	$12,500		Special Park
Park	2024	Tractor w/front end loader, backhoe, & tiller - John Deere/Kubota (1984)	$65,000		Special Park
Park	2026	Tree Repopulation Project/All Park 25 trees	$12,500		Special Park
Park	2026	11ft Rotary Mower (2005) #653	$70,000		Special Park
Park	2028	Tree Repopulation Project/All Park 25 trees	$12,500		Special Park
Park	2024	Rehab Band Stand at Fremont Park Roof and siding	$75,000		Kahola

Department	Year	Description	Amount	Years to Bond	Funding Source
Golf Course	2024	Aerator	$35,000		General Fund
Golf Course	2024	Tees & Banks Reel Mower (2003) 5400 hours	$37,000		General Fund
Golf Course	2025	Wide Area Mower (2007) 4900 hours	$70,000		General Fund
Golf Course	2027	Utility Vehicle width hydraulic dump bed and HI-FLOW hydraulics (1998) 5100 hours	$28,000		General Fund
Golf Course	2027	Chemical sprayer & Cushman (2001) 2200 hours	$47,000		General Fund
Golf Course	2028	Sand topdresser (1992)	$24,000		General Fund
Golf Course	2028	Greens Mower, with cutting units and Verti cut units (1999) 4400 hours	$39,000		General Fund
Golf Course	2021	1 Fairway Mower (2000) 4500 Hours	$65,000		General Fund
Golf Course	2021	1 fairway mower (2000) 4200 hours	$65,000		General Fund
Golf Course	2021	Wide Area Mower (1996) 4800 hours	$70,000		General Fund
Golf Course	2021	Diesel tractor with turf tires & attachments (1984) Unknown hours	$45,000		General Fund
Golf Course	2024	Move golf course holes for airport expansion	$3,000,000	10	Mil Levy
Golf Course	2026	Maintenance and equipment building Built in early 1970's	$375,000	10	Mil levy
Golf Course	2021	Driving Range artificial turf tee line/zoysia sod	$25,000		Multi-Year
Golf Course	2021	Master plan design of golf course, range, bldg	$12,250		Multi-Year
Golf Course	2025	Tees & Banks Reel Mower (2004) 3300 hours	$37,000		Special Park

Department	Year	Description	Amount	Years to Bond	Funding Source
Zoo	2022	3/4 ton truck with dump bed (1997)	$45,000		General Fund
Zoo	2026	Van (Used Vehicle) (2006)	$20,000		General fund
Zoo	2021	Bus Parking	$20,000		Multi-Year
Zoo	2021	Parking lot at Zoo	$164,000		Multi-Year
Zoo	2021	Hay & Storage building 30x40 concrete floor	$50,000		Multi-Year
Zoo	2022	Hoof stock Sheds	$50,000		Multi-Year
Zoo	2022	Trumpeter Swan Exhibit; sealing pond/stream, repair waterfall	$54,000		Multi-Year
Zoo	2023	Off-exhibit privacy fence & holding area pond repair	$45,000		Multi-Year
Zoo	2024	Fencing in zoo replaced/repaired	$54,900		Multi-Year
Zoo	2024	Zoo Road removal, relocate utility	$138,000		Multi-Year
Zoo	2025	3 phase recycling pump Replaced and new pond aeration pump	$15,000		Multi-Year
Zoo	2026	Butt Rail Replacement (Bison, mule deer, llima)	$49,500		Multi-Year
Zoo	2027	Concrete pond reconstruction/valve replacement (NeNe, EBV, Eagle, Bobcat)	$65,000		Multi-Year
Zoo	2027	Off-exhibit holding - chain-link tops added - 6 pens/B runs caging replacement	$62,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Airport	2021	Replace existing RW 1-19 edge lighting & guidance signs (FAA 90%)	$40,987		General Fund
Airport	2023	Replace dump truck with snow plow with old one from Special Street	$0		General Fund
Airport	2023	Replace 1995 1/2 Ton Pickup truck transfer another department	$0		General Fund
Airport	2024	Replace 2011 4 Door car Transfer a Police vehicle	$0		General Fund
Airport	2025	Replace MITL System (FAA 90%)	$44,000		General Fund
Airport	2021	Replace Aviation Fuel Tanker Truck - 1986	$150,000	5	Mil levy
Airport	2026	Construction of Runway Extension (FAA 60/40 Match)	$1,500,000	15	Mil levy
Airport	2022	Wildlife Site Visit and Study (FAA 90%)	$3,000		Multi-Year
Airport	2022	Runway Extension 51' Design (KDOT 90%)	$8,150		Multi-Year
Airport	2023	Runway Extension 51' Construction (KDOT 90%)	$59,000		Multi-Year
Airport	2024	Remodel old Waddel building	$30,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Public Works	2024	Replace Rollup Doors on East and North of Building	$30,000		Multi-Year
Public Works	2025	Replace Flooring in the offices and entry area	$30,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Shop	2022	OBD 2 Scan Tool	$8,000		General Fund
Shop	2024	Replace 2000 1 Ton Service Truck w/ Auto Crane	$70,000		General Fund
Shop	2024	Shop Vehicle (Used Police Vehicle)	$0		General Fund

Department	Year	Description	Amount	Years to Bond	Funding Source
Special Street	2021	Replace a 2000 JD 310SE Backhoe	$130,000	5	Mil levy
Sign & Marking	2021	Light Duty aerial bucket truck w 30-35 foot reach - replacement	$150,000	4	Mil Levy
Special Street	2021	Street Sweeper Vacuum (2012)	$230,000	4	Mil Levy
Special Street	2021	Dump Truck Single axle 5 yd bed with live hydraulics (1998)	$100,000	4	Mil Levy
Special Street	2025	Street Sweeper Vacuum (2014)	$250,000	5	Mil Levy
Sign & Marking	2021	Camera(Loop Projectors) Traffic System at 6th & Rural	$90,000		Multi-Year
Sign & Marking	2023	Replace School flashing lights - 13 lights 50% match with USD 253	$80,000		Multi-Year
Sign & Marking	2025	12th and Merchant Replace signal heads and upgrade cameras to opticon	$75,000		Multi-Year
Sign & Marking	2026	7th and Merchant Replace poles, signal heads and upgrade cameras to opticon	$120,000		Multi-Year
Special Street	2024	1/2 ton pickup with 4 wheel drive	$70,000		Special Street
Sign & Marking	2024	Replace 2010 1 - ton flat bed with 3/4 ton flat bed	$75,000		Special Street

Department	Year	Description	Amount	Years to Bond	Funding Source
Street	2021	Chip Seal	$200,000		Multi-Year
Street	2022	Chip Seal	$200,000		Multi-Year
Street	2023	Chip Seal	$200,000		Multi-Year
Street	2024	Chip Seal	$200,000		Multi-Year
Street	2025	Chip Seal	$200,000		Multi-Year
Street	2026	Chip Seal	$200,000		Multi-Year
Street	2026	Chip Seal	$200,000		Multi-Year
Street	2026	1 Ton 4x4 Pickup replacement for 1 ton	$50,000		Special Street
Street	2026	Asphalt Patch Box	$30,000		Special Street

Department	Year	Description	Amount	Years to Bond	Funding Source
Sewer Maintenance	2021	Sanitary Sewer along Americus Rd (US 50 to Rd 180, to serve Evergy property)	$475,000	10	Waste Water Fund
Sewer Maintenance	2021	Arundel Sewer main FEMA 85%	$200,000	10	Waste Water Fund
Sewer Maintenance	2021	Rehab Lift Station #2 CDBG $700,000 total cost $1,700,000	$1,000,000	20	Waste Water Fund
Sewer Maintenance	2021	Replace 2011 Sewer Vactor Truck (Split with Water)	$225,000	5	Waste Water Fund
Sewer Maintenance	2021	Replace Lift Station #3	$80,000		Waste Water Fund
Sewer Maintenance	2021	Pickup 1/2 ton (1999) (Split with Water)	$15,000		Waste Water Fund
Sewer Maintenance	2022	Replace 1Ton Water Truck w/ 1.5 Ton Service Truck w/ Auto Crane (split with Water)	$50,000		Waste Water Fund
Sewer Maintenance	2022	Replace a 2002 JD 310SG Backhoe (Split with Water)	$60,000		Waste Water Fund
Sewer Maintenance	2022	Pick up 1/2 ton (2001) (Split with Water)	$15,000		Waste Water Fund
Sewer Maintenance	2022	Repair 24" sewer line in Peter Pan Park	$160,000		Waste Water Fund
Sewer Maintenance	2023	Lift Station #1	$1,700,000	15	Waste Water Fund
Sewer Maintenance	2023	Lift Station #15	$500,000	15	Waste Water Fund
Sewer Maintenance	2024	Lift Station #8 upgrade	$500,000	10	Waste Water Fund
Sewer Maintenance	2024	Repair or replace force main from Lift Station 8	$500,000	10	Waste Water Fund
Sewer Maintenance	2024	Realign sewer main along South Ave	$4,000,000	20	Waste Water Fund
Sewer Maintenance	2024	Sewer Main relining	$175,000		Waste Water Fund
Sewer Maintenance	2024	Replace 1/2 ton pickup Need a F450 (split with Water)	$25,000		Waste Water Fund
Sewer Maintenance	2025	Sewer Main relining	$175,000		Waste Water Fund
Sewer Maintenance	2025	Replace Lift Station #14	$110,000		Waste Water Fund
Sewer Maintenance	2025	Add Fiber to LS #s 3, 4, 5, 6, 7, 8, 9,10, 12, 13, 15 to add SCADA monitoring	$85,000		Waste Water Fund
Sewer Maintenance	2026	15 Yd Dump Truck (Split between Water and Wastewater Fund)	$87,500		Waste Water Fund
Sewer Maintenance	2026	Sewer Main relining	$175,000		Waste Water Fund
Sewer Maintenance	2026	Replace LS #7	$100,000		Waste Water Fund
Water Distribution	2021	Pickup 1/2 ton (1999) (Split with Sewer)	$15,000		Water Fund
Water Distribution	2021	Replace 2011 Sewer Vactor Truck (Split with Water)	$225,000	5	Water Fund - Bond
Water Distribution	2022	Replace 1Ton Water Truck w/ 1.5 Ton Service Truck w/ auto Crane (split with Sewer)	$50,000		Water Fund
Water Distribution	2022	Pick up 1/2 ton (2001) (Split with Sewer)	$15,000		Water Fund
Water Distribution	2022	Replace a 2002 JD 310SG Backhoe (Split with Sewer)	$60,000		Water Fund
Water Distribution	2024	Replace 1/2 ton pickup Need a F450 (split with Sewer)	$25,000		Water Fund
Water Distribution	2026	15 Yd Dump Truck (Split between Water and Wastewater Fund)	$87,500		Water Fund

Department	Year	Description	Amount	Years to Bond	Funding Source
Water Plant	2021	Alum Feeder System	$60,000		Water Fund
Water Plant	2021	Repair stem on elevated tower on 12th Ave	$25,000		Water Fund
Water Plant	2021	Clearwell Emergency Fill Line	$60,000		Water Fund
Water Plant	2021	Actuator Upgrade	$550,000	15	Water Fund - Bond
Water Plant	2021	Turbidimeter Upgrade	$300,000	15	Water Fund - Bond
Water Plant	2021	Raw Water Intake & Low Water Dam (FEMA 85%)	$500,000	15	Water Fund - Bond
Water Plant	2022	4 SCBA units, cylinders and face masks	$30,000		Water Fund
Water Plant	2022	Clarifier Upgrade or Water Plant Evaluation	$400,000		Water Fund
Water Plant	2023	Replace 2002 1/2 Ton Pickup Truck 4x4	$45,000		Water Fund
Water Plant	2023	Replace two heat pumps in filter building	$35,000		Water Fund
Water Plant	2023	Replace one high service pump with a large one, plus valve	$45,000		Water Fund
Water Plant	2023	Historian computer system for plant records	$45,000		Water Fund
Water Plant	2024	Replace 2013 JD ATV	$20,000		Water Fund
Water Plant	2024	Replace 1983 Aqua Ammonia 3,000 Gallon Tank w/Stainless Steel Tank	$140,000		Water Fund
Water Plant	2024	Anthracite Replacement	$15,000		Water Fund
Water Plant	2024	Mixers for Storage tanks	$120,750		Water Fund
Water Plant	2024	Replace 1-30 year old pump and motor w/VFD	$60,000		Water Fund
Water Plant	2025	Replace Gate Operator at Water Plant	$20,000		Water Fund
Water Plant	2025	Gates for Lime Sludge Lagoons	$35,000		Water Fund
Water Plant	2025	VFD at High service pump station	$35,000		Water Fund
Water Plant	2025	Two larger capacity sludge pump for sludge holding basin	$40,000		Water Fund
Water Plant	2025	Replace 2-25 year old pumps	$40,000		Water Fund
Water Plant	2026	Two filter to waste pumps	$25,000		Water Fund
Water Plant	2026	Tractor with loader and mower	$45,000		Water Fund
Water Plant	2026	VFD at River intake	$35,000		Water Fund
Water Plant	2026	Rehab drive system on sludge basin collator drag	$18,000		Water Fund
Water Plant	2026	Fencing around Dillon's tower	$32,000		Water Fund
Water Plant	2024	12th Avenue Water Tower upgrade and rehab	$1,000,000	20	Water Fund -State loan

Department	Year	Description	Amount	Years to Bond	Funding Source
Waste Water Plant	2021	Replace Roof on Effluent pump Bld.	$70,000		Waste Water Fund
Waste Water Plant	2022	Replace John Deere Gator (2013)	$25,000		Waste Water Fund
Waste Water Plant	2022	Replace metal siding/roof on storage building	$50,000		Waste Water Fund
Waste Water Plant	2022	John Deere 725 Mower (2004)	$20,000		Waste Water Fund
Waste Water Plant	2023	Replace Roof on Old shop building	$60,000		Waste Water Fund
Waste Water Plant	2024	Replace 2000 3/4 ton pickup with tommy lift	$60,000		Waste Water Fund
Waste Water Plant	2025	Replace winkle sludge press	$700,000	15	Waste Water Fund
Waste Water Plant	2026	Clear trees and Replace Perimeter Fencing	$100,000		Waste Water Fund

Department	Year	Description	Amount	Years to Bond	Funding Source
Collections	2022	Roll-Off Truck Replacement (2011)	$200,000		Solid Waste
Collections	2022	Grapple Truck with Dump Bed	$165,000		Solid Waste
Collections	2023	Automated Refuse Truck Replacement	$299,000		Solid Waste
Collections	2025	Automated side load truck	$300,000		Solid Waste
Collections	2026	Roll-off truck replacement	$212,000		Solid Waste

Department	Year	Description	Amount	Years to Bond	Funding Source
Transfer Station	2021	Wheel Loader w/Setco Solid tires/wheels	$200,000		Solid Waste
Transfer Station	2021	Complete Equipment Storage Building	$60,000		Solid Waste
Transfer Station	2022	Design & Preliminary Work For Revisions To The Tipping Box Area	$65,000		Solid Waste
Transfer Station	2022	Tandem Axle Dump Truck Replacement (1992)	$150,000		Solid Waste
Transfer Station	2023	Construction of Revisions To The Tipping Box Area	$300,000		Solid Waste
Transfer Station	2024	Backhoe with Setco Tires and Blade	$205,000		Solid Waste
Transfer Station	2025	Rehab Sanitary landfill equipment storage building	$75,000		Solid Waste

Department	Year	Description	Amount	Years to Bond	Funding Source
Recycling Center	2022	Skid Mounted Litter Vacuum	$24,250		Solid Waste
Recycling Center	2022	1 ton pickup, dual wheels, regular cab- Replacement 2012	$44,000		Solid Waste
Recycling Center	2023	Side by Side Truckster	$25,000		Solid Waste
Recycling Center	2025	Automated side load truck	$300,000		Solid Waste
Recycling Center	2026	Fork Lift Replacement	$47,000		Solid Waste

Department	Year	Description	Amount	Years to Bond	Funding Source
Engineering	2021	Replace Engineering Vehicle (2001)	$28,500		General Fund
Engineering	2025	Replace Engineering Vehicle	$30,000		General Fund

Department	Year	Description	Amount	Years to Bond	Funding Source
Storm Water	2022	Miscellaneous Storm Water Projects	$100,000		Multi Year
Storm Water	2023	Miscellaneous Storm Water Projects	$100,000		Multi Year
Storm Water	2024	Miscellaneous Storm Water Projects (funding with Storm Water Utility)	$200,000		Storm Water Fees
Storm Water	2025	Miscellaneous Storm Water Projects (funding from Storm Water Utility)	$250,000		Storm Water Fees
Storm Water	2026	Miscellaneous Storm Water Projects (funding from Storm Water Utility)	$250,000		Storm Water Fees
Storm Water	2022	Becker Addition Drainage Ditch Engineering and construction	$2,750,000	15	Mil levy
Storm Water	2021	Miscellaneous Storm Water Projects	$108,276		Multi-Year
Storm Water	2021	Dorsett Dr East side to Linn St	$48,194		Multi-Year
Storm Water	2021	Lakeridge Rd to Bayfront Dr	$14,810		Multi-Year
Storm Water	2022	E 12th Ave & RR	$50,000		Multi-Year
Storm Water	2022	Miscellaneous Storm Water Projects	$100,000		Multi-Year
Storm Water	2022	Holiday Drive Storm Water	$165,500		Multi-Year
Storm Water	2023	Miscellaneous Storm Water Projects	$100,000		Multi-Year
Storm Water	2024	Miscellaneous Storm Water Projects	$100,000		Multi-Year
Storm Water	2025	Miscellaneous Storm water Projects	$100,000		Multi-Year
Storm Water	2026	Miscellaneous Storm water Projects	$100,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Sidewalk	2021	ADA Sidewalks	$50,000		Multi-Year
Sidewalk	2021	Pedestrian Crossing 15th & Chestnut	$10,000		Multi-Year
Sidewalk	2021	Hazardous Sidewalk Program & CG Program	$103,474		Multi-Year
Sidewalk	2021	North side of 24th Westridge to Industrial - Grant Match	$70,000		Multi-Year
Sidewalk	2022	Sidewalk Improv. (S. side 15th Ave. from Graphic Arts to Hatcher St.)	$55,000		Multi-Year
Sidewalk	2022	Sidewalk Improv. (S. side 15th Ave. from Industrial Rd. to Stanton St.)	$25,000		Multi-Year
Sidewalk	2022	Hazardous Sidewalk Program & CG Program	$100,000		Multi-Year
Sidewalk	2023	Sidewalk Improv. (12th Ave. from Graphic Arts to Industrial Rd.)	$100,000		Multi-Year
Sidewalk	2023	Hazardous Sidewalk Program & CG Program	$100,000		Multi-Year
Sidewalk	2024	Hazardous Sidewalk Program & CG Program	$100,000		Multi-Year
Sidewalk	2024	Sidewalk Improvement (9th Ave from Fairgrounds to Elm)	$100,000		Multi-Year
Sidewalk	2025	Hazardous Sidewalk Program & CG Program	$100,000		Multi-Year
Sidewalk	2026	Hazardous Sidewalk Program & CG Program	$100,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Paving	2022	Flint Hills Crossing Street CID to pay 50%	$2,200,000	15	Mil levy
Paving	2022	Downtown Alley improvements	$500,000	10	Mil Levy
Paving	2022	Highland Street improvements (Project scope not defined yet)	$1,000,000	15	Mil Levy
Paving	2023	24th Avenue (Pavilion Development - Prairie)	$1,250,000	15	Mil Levy
Paving	2024	Overlander Road (W. 6th Ave. to US-Hwy 50)	$1,500,000	15	Mil Levy
Paving	2021	6th & Prarire Intersection Improvements	$75,000		Multi-Year
Paving	2021	Road F Utilities & Easements	$250,000		Multi-Year
Paving	2021	Misc. Street Repairs	$100,000		Multi-Year
Paving	2021	Street Rehabilitation	$900,000		Multi-Year
Paving	2022	Road 180 (W. edge of Evergy to Road F5) Engineering, survey, right of way	$300,000		Multi-Year
Paving	2022	6th & Prairie turn lanes 90/10 KDOT	$60,000		Multi-Year
Paving	2022	Street Rehabilitation	$900,000		Multi-Year
Paving	2022	Misc. Street Repairs	$100,000		Multi-Year
Paving	2023	Misc. Street Repairs	$100,000		Multi-Year
Paving	2023	Street Rehabilitation	$900,000		Multi-Year
Paving	2024	Misc. Street Repairs	$100,000		Multi-Year
Paving	2024	Street Rehabilitation	$900,000		Multi-Year
Paving	2025	Street Rehab	$900,000		Multi-Year
Paving	2025	Misc. Street Repairs	$100,000		Multi-Year
Paving	2026	Street Rehab	$900,000		Multi-Year
Paving	2026	Misc. Street Repairs	$100,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Parking Lot	2021	Mechanic Parking Lots 600-700 Block	$482,500		Multi-Year
Parking	2021	8th & Commercial Street parking for Main Street	$40,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Alley	2021	Alley East of LCSB 800 Block	$60,000		Multi-Year

Department	Year	Description	Amount	Years to Bond	Funding Source
Water Main	2021	Watermain project (6th Ave Woodland to Lincoln)	$650,000	20	Water Fund -State loan
Water Main	2021	Watermain project (Grand to Chestnut) on 12th ave	$915,000	20	Water Fund -State loan
Water Main	2022	Watermain project (Lincoln street under I35 connection)	$315,000	20	Water Fund -State loan
Water Main	2022	Watermain project (SE Transmission Main Ph 1, 7th Ave, Sunnyslope to West & Garfield, 6th to 12th)	$2,700,000	20	Water Fund -State loan
Water Main	2023	Watermain project (24th Ave to Prairie St to 18th Ave)	$2,550,000	20	Water Fund -State loan
Water Main	2023	Watermain project Prairie Street (18th Ave to 12th Ave)	$1,280,000	20	Water Fund -State loan
Water Main	2024	Watermain project Peyton Street (Water Tower to 12th & 6th to South Ave Peyton to Carter)	$1,750,000	20	Water Fund -State loan
Water Main	2025	Watermain project SE Trans - West to Neosho to South	$1,940,000	20	Water Fund -State loan
Water Main	2025	Watermain project Lincoln - 24th to Briarcliff	$575,000	20	Water Fund -State loan
Water Main	2026	Watermain project SE Trans 1st to IP III	$2,703,000	20	Water Fund -State loan

Department	Year	Description	Amount	Years to Bond	Funding Source
Water Service	2022	Replace large meters and meter reading software	$2,000,000	10	Water Fund - Bond
Water Service	2026	2 Water Service pick ups (2016)	$60,000		Water Fund

memo

TO: City Commission
CC: Mark McAnarney, City Manager
FROM: Christina Montgomery, City Attorney
DATE: June 17, 2021
SUBJECT: REG ICA Termination

The City of Emporia and REG have been parties to an Incentive Compliance Agreement since 2007 for the construction of a bio-diesel facility. The current ICA extension agreement is scheduled to expire December 31, 2023. REG no longer has plans to construct a bio-diesel facility at this location. The Acknowledgement of Termination will allow for early termination of the Incentive Compliance Agreement. The land will be transferred to Emporia Enterprises.

Agreement Attached.

ACKNOWLEDGEMENT OF TERMINATION

This Acknowledgment of Termination is entered into as of this _____ day of May 2021 (the "Effective Date"), by and among CITY OF EMPORIA, KANSAS, a municipal corporation organized and existing under the laws of the State of Kansas (the "City"), ESB Financial, Trustee for Emporia Enterprises, Inc. Revocable Trust dated April 1, 1992 (the "Grantee") and REG Emporia, LLC, an Iowa Limited Liability Company (the "Company") (the City, Grantee and the Company are collectively referred to as the "Parties").

Reference is made to that certain Second Amended and Restated Incentive Compliance Agreement (the "Second ICA"), dated December 5, 2018, with regard to a certain parcel described on Exhibit A attached hereto and by this reference incorporated herein ("REG Emporia Tract"). All capitalized terms used herein, unless specifically defined herein, shall have the same meanings and definitions as used in the Second ICA.

The Parties hereby acknowledge and agree as follows:

1. The Second ICA shall be terminated in all respects upon the first to occur of: (a) the date the Company turnovers the tract to the City, or (b) on _____, 2021 (the "Termination Date"), with no provision of the Second ICA surviving the Termination Date.

2. On or before the Termination Date, the Company, at its expense, shall

2.1.1 remove all the equipment, vertical steel, and all concrete to ground level with the exception of the utility building in the northwest part of the REG Emporia Tract, as set forth in Exhibit B;

2.1.2 by Special Warranty Deed, transfer the REG Emporia Tract to Grantee, as directed by City, subject to all easements, restrictions and covenants of record;

2.1.3 pay one-half of the costs and expenses for the work performed relating to certain borrow pit, as set forth in Exhibit C;

2.1.4 pay (or City shall receive credit for) any unpaid real estate taxes and personal property taxes attributable to periods prior to the Termination Date (whether or not then due and payable or a lien as aforesaid). Real estate taxes and personal property taxes on the REG Emporia Tract shall be prorated based upon the period (i.e., calendar or other tax fiscal year) to which are attributable, regardless of whether or not any such taxes are then due and payable or are a lien; and

2.1.5 pay (or City shall receive credit for) the remaining balance of special assessments levied against the REG Emporia Tract for infrastructure improvements.

3. The CITY will contract with S.R. Coffman Construction, Inc. to remove all concrete footings and piers under building area and the out building area. Backfill and compact with dirt on site and remove pile castings 6 (six) feet below ground level and backfill.

4. EXCEPT AS EXPRESSLY SET FORTH IN THIS ACKNOWLEDGEMENT OF TERMINATION AND ANY DOCUMENTS EXECUTED IN CONNECTION THEREWITH, CITY AND GRANTEE ACKNOWLEDGE AND AGREE THAT SUCH PARTIES ARE ACQUIRING THE REG EMPORIA TRACT, AND ALL IMPROVEMENTS AND PERSONAL PROPERTY LOCATED THEREON, AS-IS, WITH ALL FAULTS AND FURTHER ACKNOWLEDGES AND AGREES THAT REG EMPORIA HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO ANY MATTER. CITY AND GRANTEE ACKNOWLEDGE AND AGREE THAT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH IN THIS ACKNOWLEDGEMENT OF TERMINATION ARE AN INTEGRAL PART OF THIS ACKNOWLEDGEMENT OF TERMINATION, AND THAT REG EMPORIA WOULD NOT HAVE AGREED TO TRANSFER THE REG EMPORIA TRACT TO GRANTEE WITHOUT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH IN THIS ACKNOWLEDGEMENT OF TERMINATION. THE TERMS AND CONDITIONS OF THIS SECTION WILL EXPRESSLY SURVIVE THE CLOSING.

5. Effective as of the Effective Date and except for the obligations arising under this Acknowledgement of Termination, the Parties remises, releases and forever discharges the other, their members, administrators, successors-in-interest and assigns, affiliate, parent and subsidiary companies, and officers, agents, members, directors, partners, representatives and employees as well as those of its subsidiaries and related and/or affiliated companies and entities from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, which the other had, now has or may hereinafter have related to the Second ICA, the Project, the Project Site, or the termination of the Second ICA. Such release does not require the Parties to indemnify the other or hold the other harmless from any claim, suit, demand, investigation or proceeding, or associated expenses and liabilities, filed or otherwise brought or initiated by a person other than the Parties or entity expressly released therein.

6. The Parties shall promptly execute and deliver to the other party any and all instruments, agreements or other documents that shall be prepared and reasonably request to be so executed and delivered by such other party, and to take all other action reasonably requested by such other party that is consistent with the termination of the Second ICA and all other express purposes of this Acknowledgement of Termination.

7. This Acknowledgment of Termination may be executed in any number of counterparts, each of which shall be deemed an original, all of which, together, shall constitute one and the same instrument. This Acknowledgment may be executed and delivered by facsimile or electronic mail transmission. Any such transmission shall bind the party so executing and delivering this Acknowledgment.

IN WITNESS WHEREOF, this Acknowledgment has been signed by or on behalf of each of the Parties as of the Effective Date first above written.

[SIGNATURE PAGE FOLLOWS]

CITY OF EMPORIA, KANSAS

By: _____
Name:
Title:

ESB Financial, Trustee for Emporia Enterprises, Inc. Revocable Trust dated April 1, 1992

By: _____
Name:
Title:

REG Emporia, LLC

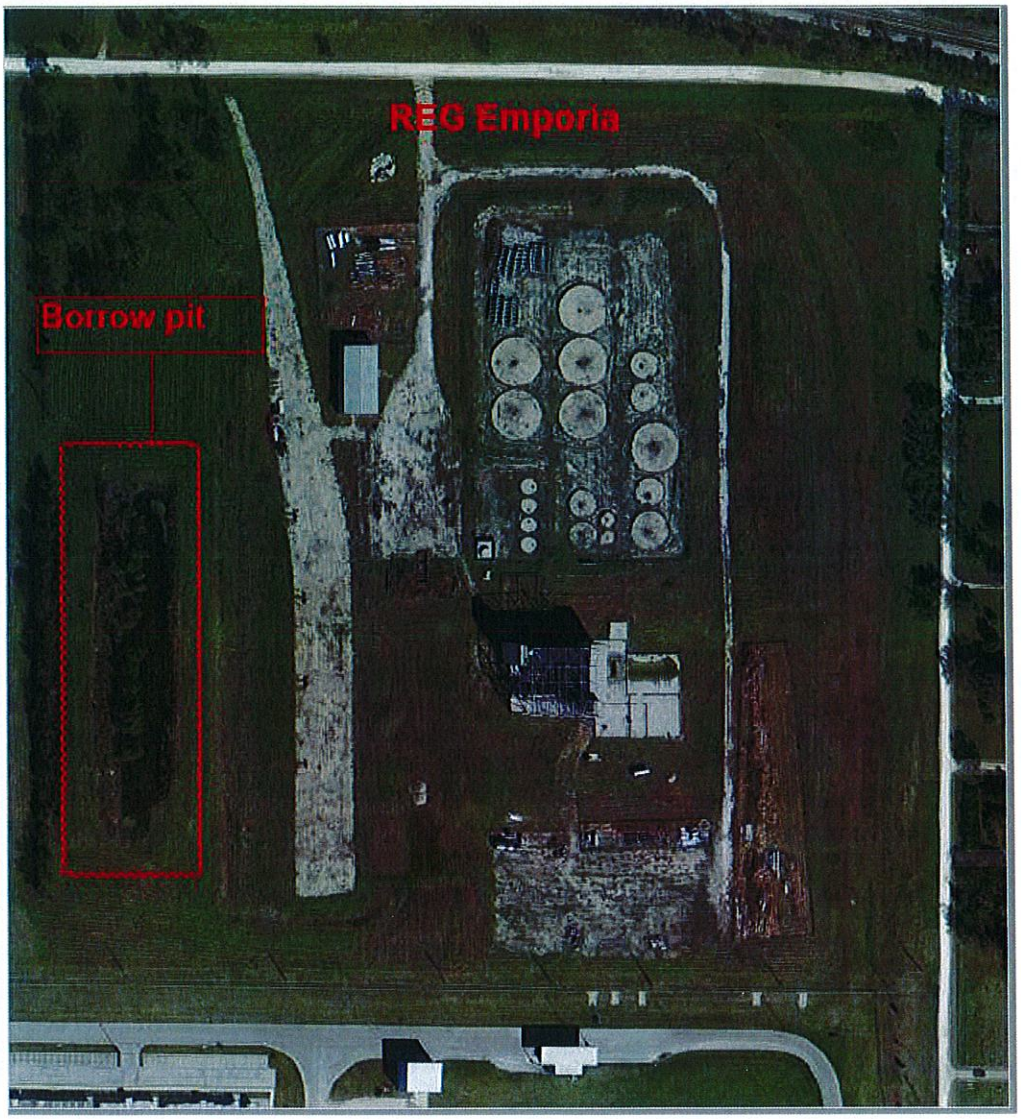
By: _____
Name:
Title:

Exhibit A
REG Emporia Tract

East Park III, Lot 3, Block B and Lot 4, Block A in the City of Emporia, Lyon County, Kansas

Exhibit B

- Remove all above grade concrete and steel building construction REG started. The completed storage building remains. The gates located on the south side of East South Avenue remain.
- Remove all REG tanks and equipment in the process structure, equipment laydown areas, and in the storage building and load them onto trucks.
- Lay concrete precast walls down, break and load precast walls after they are on the ground and haul to an approved site.
- Remove slab and stem wall tops to one foot (1') below grade on main building slabs, and haul to an approved site.
- Remove Existing electrical conduit from the transformer pad to the electrical room and on out to the tank farm and loadout areas.
- Remove metal tank rings and AB-3 rock pads.

Exhibit C

Remove water, mud, vegetation from borrow pit. Pile mud on site to dry, pile and burn trees and haul off remains. Backfill and compact dirt in borrow pit using dirt piled along east and west sides.