

RESOLUTION NO. 23-1004

A RESOLUTION AUTHORIZING VARIOUS IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY OF OLATHE, KANSAS AND SETTING FORTH THE INTENT TO ISSUE WATER AND SEWER SYSTEM REVENUE BONDS FOR THE PURPOSE OF PAYING THE COSTS OF SUCH IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION.

WHEREAS, the City of Olathe, Kansas (the “Issuer” or “City”) is authorized under the laws of the State of Kansas to issue utility revenue bonds to repair, alter, extend, reconstruct, enlarge or improve the water and sewer system (the “System”) owned and operated by the Issuer; and

WHEREAS, the governing body of the Issuer hereby finds and determines it to be necessary to improve the System, and that the costs thereof should be financed by the issuance of utility revenue bonds of the Issuer, under authority of K.S.A. 10-1201 et seq., as amended and supplemented (the “Act”).

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION 1. It is hereby deemed and declared to be necessary to repair, alter, extend, reconstruct, enlarge or improve the System as follows:

Biosolids Compost Improvements (1-C-012-XX): This project would expand the existing biosolids compost facility for increased future capacity to accept solids for Cedar Creek WWTP and will enclose the operations within a new building with odor control.

Black Bob #2 Recoating (5-C-025-XX): Each of the City's water storage facilities require regularly scheduled recoating to prevent deterioration of either the tank or the quality of water supply. This project would recoat all surfaces of the interior of Black Bob #2 tower to extend the useful life of this asset.

Fire Hydrant Replacement (5-C-030-XX): The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the System.

Lift Station Replacements (1-C-020-15): The City currently has 22 sanitary sewer lift stations. This project includes rehabilitation and replacement of equipment for 14 of these lift stations to improve overall operations and efficiency. The scope of work for this project is based on the results of a Lift Station Study that was completed in 2013 and updated conditions assessments performed on a quarterly basis.

Neighborhood Sanitary Sewer Improvements (1-R-100-XX): This project will replace sanitary sewers determined by inspection and/or maintenance history to be in poor or failing structural condition, resulting in increased operations and

maintenance costs. These sanitary sewers have an increased potential of extraneous flows, backups, overflows, and potentially reduced system capacity.

Remote Facilities Improvements (5-C-002-20): This project consists of the replacement of all the electrical feed equipment at all of the water tower sites, lighting and security upgrades and lightning protection. The project also includes the rehabilitation or replacement of the existing pumps as determined by the asset management system. All remote facility piping, associated with each site, will be recoated to extend the useful life of these assets.

Sanitary Sewer Manhole Lining and Rehabilitation Project (1-C-026-XX): This project will provide for the cementitious lining of approximately 1,217 brick sewer manholes identified through manhole asset inspection as being subject to excessive infiltration, lining approximately 250 manholes per year.

Sanitary Sewer Rehabilitation (I&I) (1-R-000-XX): Groundwater infiltration and stormwater inflow (I&I) are the main drivers with the Sanitary I&I Program. This project will systematically rehabilitate and replace sanitary sewer lines and manholes which have been identified and prioritized from asset maintenance inspections. The goal of the I&I program is to reduce the amount of I&I flow into the sanitary sewer system.

Vertical Well Field Improvements (5-C-031-18): The City currently has eight remaining vertical wells that were installed from 1976 to 1992. This project will replace such wells with new vertical wells in order to maximize the capacity of the City's aging vertical well field and to fully utilize the City's water rights.

Water Meter Replacement (5-C-015-23): The City uses water meters in residences, commercial, and industrial properties to measure the volume of water delivered. Due to recent inspection and data analysis, it was discovered that many meters throughout the City are past their useful life. Up-to-date water meter devices is extremely important for the City to correctly bill customers and understand usage patterns, as well as detecting water leaks. This project will provide for replacement of water meters throughout the City.

Water Treatment Plant 1 Demolition (5-C-032-21): WTP1 was officially decommissioned in 2010; since that time, WTP2 has been the sole source of water supply and treatment. The on-site reservoirs and pump station have remained in use as part of the water distribution system. This project will demolish the abandoned structures which include the old filter building, site clarifiers, the backwash basin, and the raw water pump station at Water Works Park.

Waterline Rehabilitation (5-R-000-23): This on-going rehabilitation project will repair, replace or rehabilitate waterlines as identified through the asset management condition assessment evaluation process. This process incorporates criticality of location, age, material, corrosive soils, number of breaks per mile, capacity and history of leaks. The City currently has over 592.86 miles of both transmission and distribution mains that must be maintained to provide the level of service our rate payers have become accustomed to receiving.

Water Treatment Plant 2 Chemical Feed Modifications (5-C-026-20): The project will consist of the replacement of the existing buried chemical feed lines in a new concrete duct bank to allow future replacement and maintenance without excavation. A spare line will be installed for each system and pipe sizes will be

selected to allow for future expansion. The project also includes addition of standby chemical pumps to prevent plant downtime, the addition of chemical containment areas, installation of a new sanitary sewer lift station and force main to abandon the on-site septic system, and a new fluoride feed system.

Water Treatment Plant 2 Electrical Modification Improvements (5-C-028-20):

The WTP2: Electrical/Backup Power project will install a secondary utility feed, construct a centralized power loop for distribution of power through the plant site and include new localized step-down transfer switches.

and any necessary and related improvements to the System (collectively, the “Projects”) at an estimated cost in the City’s 2023-2027 Capital Improvement Plan of \$93,686,834.

SECTION 2. The Projects will not cause duplication of any existing water and sewer utility service furnished by a private utility in the boundaries of the City.

SECTION 3. It is necessary to issue water and sewer system revenue bonds of the City, in an amount not to exceed \$20,181,063 (the “Bonds”), under authority of the Act, to pay the costs of the Projects and related bond reserves and financing costs. Said Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.


SECTION 4. Before issuing the Bonds, there shall be published one (1) time in the official newspaper of the Issuer, a notice of the intention of the governing body to undertake the Projects and to issue the Bonds in substantially the form attached hereto and made a part hereof by reference as though fully set out herein; and if within fifteen (15) days after the publication of such notice, there shall be filed with the Clerk, a written protest against the Projects or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the governing body shall thereupon submit such proposed Projects and the proposed Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the Clerk within the period of time hereinbefore stated, then the governing body of the Issuer shall proceed to authorize the Projects and to issue the Bonds.

SECTION 5. This Resolution shall be in full force and effect from and after its adoption.

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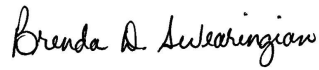
ADOPTED BY TWO-THIRDS VOTE of the Governing Body of the City of Olathe,
this 17th day of January 2023.

SIGNED by the Mayor this 17th day of January 2023.


John W. Bacon (Jan 18, 2023 10:25 CST)

Mayor

ATTEST:




City Clerk



(SEAL)

APPROVED AS TO FORM:


Ron Shaver (Jan 18, 2023 14:41 CST)

City Attorney

(Published in *The Legal Record* on January 24, 2023)

NOTICE

TO: THE RESIDENTS OF THE CITY OF OLATHE, KANSAS

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In order to finance the Projects and related bond reserves and financing costs, the governing body of the Issuer further intends to issue water and sewer system revenue bonds, in an amount not to exceed \$20,181,063 (the "Bonds") in one or more series under the authority of K.S.A. 10-1201 *et seq.* (the "Act"). The Bonds will **not** be general

obligations of the Issuer payable from taxation but shall be payable only from net revenues of the System. The proceeds of the Bonds will be used to pay the costs of the Projects and related bond reserves and financing costs.

This Notice shall be published one time in the official newspaper of the Issuer, and if within fifteen (15) days after the date of said publication there shall be filed with the Clerk, a written protest against the Projects or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, then the governing body shall submit such proposed Projects and the proposed Bonds to the electors of the Issuer at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed within said period of time, the governing body shall proceed with the Projects and the issuance of the Bonds.

DATED: January 24, 2023.

ATTEST: /s/ John Bacon, Mayor

/s/ Brenda Swearingian, City Clerk

The Legal Record


1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Emily Kares, of lawful age, being first duly sworn,
deposes and says that she is Editorial Manager for
The Legal Record which is a newspaper printed in
the State of Kansas, published in and of general
paid circulation on a weekly, monthly or yearly
basis in Johnson County, Kansas, is not a trade,
religious or fraternal publication, is published at
least weekly fifty (50) times a year, has been so
published continuously and uninterrupted in said
County and State for a period of more than one
year prior to the first publication of the notice
attached, and has been entered at the post office
as Periodicals Class mail matter. That a notice
was published in all editions of the regular and
entire issue for the following subject matter (also
identified by the following case number, if any)
for 1 consecutive week(s), as follows:

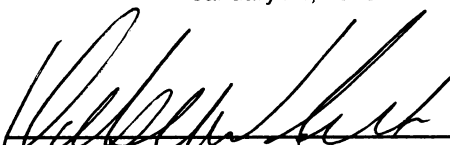
NOTICE TO RESIDENTS - SEWER SYSTEM
IMPROVEMENTS
1/24/23



Emily Kares, Editorial Manager

Subscribed and sworn to before me on this date:

January 24, 2023



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L10851
Publication Fees: \$84.08

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DATED: January 24, 2023.

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