

## RESOLUTION NO. 24-1002

### **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:

**151<sup>st</sup> and Black Bob Waterline Replacement (5-C-029-XX):** This project would replace and realign the existing 12” waterline that is in the intersection of 151<sup>st</sup> Street and Black Bob Road.

**Black Bob #2 Recoating (5-C-025-23):** 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.

**Bulk Water Fill Stations (5-C-013-XX):** This project updates the pay system at the Curtis Street Fill Station and adds three additional fill stations at locations throughout the City.

**Fire Hydrant Replacement (5-C-030-XX):** The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the System.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

**Water Meter Replacement (5-C-015-XX):** 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 are 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.

**Waterline Rehabilitation (5-R-000-XX):** 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.

**Watermain Connectivity Project (5-C-010-XX):** This project includes the looping of dead-end watermain throughout the southeast portion of the distribution system. Over 3,700 linear feet of watermain will be installed to connect existing long dead-end watermain.

**West Cedar Creek Sewer Interceptor (1-C-011-XX):** This project will include over 2.5 miles of gravity sewer mains, over 4 miles of forcemain and one regional lift station near Lake Olathe. These sanitary sewer improvements will be constructed from 159<sup>th</sup> Street to the Cedar Creek Wastewater Treatment Plant.

**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):**

This 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.

**Water Treatment Plant 2 Membrane Module Replacement (5-C-034-XX):** This project includes replacement of the Pall membrane filtration modules that were installed in 2015. These modules produce up to 12 million gallons per day of finished water and have a design life of approximately 10 years. This project will also include valve replacement and minor electrical updates.

**Water Treatment Plant 2 Residuals Handling Expansion (5-C-050-XX):** This project will construct new residual lime disposal basin. Currently, the water treatment process produces a lime residual that requires either land disposal or hauling to the landfill.

and any necessary and related improvements to the System (collectively, the “Projects”) at an estimated cost in the City’s 2024-2028 Capital Improvement Plan of \$129,126,700.

**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 \$48,516,890 (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.

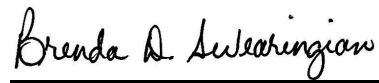
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**ADOPTED BY TWO-THIRDS VOTE** of the Governing Body of the City of Olathe,  
this 9<sup>th</sup> day of January 2024.

**SIGNED** by the Mayor this 9<sup>th</sup> day of January 2024.

  
John W Bacon (Jan 10, 2024 10:11 CST)  
\_\_\_\_\_  
Mayor


**ATTEST:**

  
\_\_\_\_\_  
City Clerk



(SEAL)

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ron Shaver (Jan 10, 2024 11:01 CST)  
\_\_\_\_\_  
City Attorney

# The Legal Record

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

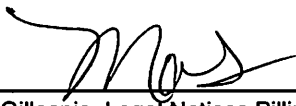
ATTN: CITY CLERK  
CITY OF OLATHE  
100 E SANTA FE ST  
OLATHE KS 66061-3409

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## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk 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:

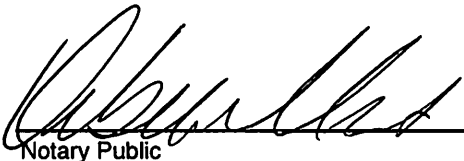
NOTICE TO REPAIR, ALTER, EXTEND,  
RECONSTRUCT, ENLARGE OR IMPROVE THE  
WATER & SEWER SYSTEM AT 151ST & BLACK  
BOB WATERLINE REPLACEMENT (5-C-029-XX),  
ETC.  
1/16/24



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

January 16, 2024



Notary Public

DEBRA VALENTI

Notary Public-State of Kansas  
My Appt. Expires Aug. 21, 2027

L16450  
Publication Fees: \$93.25

**NOTICE**

**TO: THE RESIDENTS OF THE CITY OF OLATHE, KANSAS**

You are hereby notified that the governing body of the City of Olathe, Kansas (the "Issuer" or "City") intends to repair, alter, extend, reconstruct, enlarge or improve the water and sewer system (the "System") owned and operated by the Issuer, as follows:

**151st and Black Bob Waterline Replacement (5-C-029-XX):** This project would replace and realign the existing 12" waterline that is in the intersection of 151st Street and Black Bob Road.

**Black Bob #2 Recoating (5-C-025-23):** 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.

**Bulk Water Fill Stations (5-C-013-XX):** This project updates the pay system at the Curtis Street Fill Station and adds three additional fill stations at locations throughout the City.

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**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.

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**West Cedar Creek Sewer Interceptor - Phase I (1-C-011-XX):** This project will include over 2.5 miles of gravity sewer mains, over 4 miles of forcemain and one regional lift station near Lake Olathe. These sanitary sewer improvements will be constructed from 159th Street to the Cedar Creek Wastewater Treatment Plant.

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and any necessary and related improvements to the System (collectively, the "Projects") at an estimated cost of \$129,126,700)

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 \$48,516,890 (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 9, 2024.

ATTEST: /s/ John Bacon, Mayor

/s/ Brenda Swearingian, City Clerk

1/16

(Published in *The Legal Record* on xx, 2024)

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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 \$48,516,890 (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 9, 2024.

ATTEST: /s/ John Bacon, Mayor

/s/ Brenda Swearingian, City Clerk

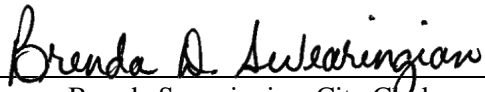
## CERTIFICATE OF NO PROTEST

STATE OF KANSAS                     )  
  ) ss:  
COUNTY OF JOHNSON             )

The undersigned, City Clerk of the City of Olathe, Kansas (the “Issuer”), does hereby certify that the governing body of the Issuer duly adopted Resolution No. 24-1002, on January 9, 2024, declaring it necessary to repair, alter, extend, reconstruct, enlarge or improve the water and sewer system (the “System”) owned and operated by the Issuer (the “Projects”) at an estimated cost of \$128,017,950, and to issue water and sewer system revenue bonds as more specifically described in said Resolution, in an amount not to exceed \$42,188,600 (the “Bonds”), under the authority of K.S.A. 10-1201 *et seq.* (the “Act”) in order to pay the costs of the Projects and related bond reserves and financing costs. A Notice of said intention was duly published one time in *The Legal Record*, the official newspaper of the Issuer, on January 16, 2024, as required by the Act. More than fifteen (15) days has elapsed from January 16, 2024. There has been no sufficient written protest filed in my office against the Projects or against the issuance of the Bonds, as provided by the Act.

WITNESS my hand and official seal on February 5, 2024.



  
\_\_\_\_\_  
Brenda Swearingian, City Clerk