

## RESOLUTION NO. 25-1004

### **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:

**Cedar Creek WWTP Expansion Phase II (BNR) (1-C-013-XX):** This project will increase the capacity at the Cedar Creek Wastewater Treatment Plant from 7.75 MGD to 11.25 MGD. This expansion will include one biological nutrient removal train, one clarifier and all necessary modifications to the current plant to accommodate the additional treatment train.

**Cedar Creek WWTP Solids Handling Rehabilitation (1-C-025-XX):** This project will include the replacement of aging 1985 equipment and the addition of new solids handling equipment that is necessary to meet future capacity needs.

**Indian Creek Trunk Main Rehabilitation (1-C-004-XX):** This project will include the rehabilitation of over 27,000 linear feet of sanitary sewer trunk-mains ranging in size from 18-inches to 54-inches. These improvements will include pipe grouting, joint grouting, cured in place piping (CIPP) and manhole end seals.

**Super Critical Water Oxidization Pilot (1-C-019-XX):** This project will include the piloting of a Super Critical Water Oxidation (SCWO) unit that will destroy PFAS in the biosolids.

**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.

**West Cedar Creek Sewer Interceptor (1-C-011-24):** This project will include over 2.5 miles of gravity sewer mains, 3 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):** This 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, 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 membrane filtration modules that were installed in 2015. These modules produce up to 13 million gallons per day of finished water and have a design life of approximately 10 years. This project will review and pilot test alternative membrane technologies that may be retrofit into the existing system. This project will also include valve replacement and minor electrical updates.

and any necessary and related improvements to the System (collectively, the “Projects”) at an estimated cost of \$193,905,150.

**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 \$64,255,624 (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.

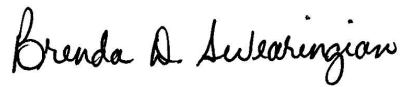
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**ADOPTED BY TWO-THIRDS VOTE** of the Governing Body of the City of Olathe,  
this 21<sup>st</sup> day of January 2025.

**SIGNED** by the Mayor this 21<sup>st</sup> day of January 2025.

  
John W Bacon (Jan 22, 2025 10:43 CST)  
Mayor


**ATTEST:**

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



(SEAL)

**APPROVED AS TO FORM:**

  
Ron Shaver (Jan 22, 2025 08:51 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:

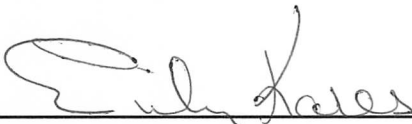
NOTICE - WATER & SEWER SYSTEM  
IMPROVEMENTS - \$193,905,150  
1/28/25



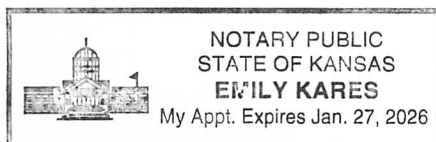
Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

January 28, 2025



Notary Public



L22178  
Publication Fees: \$81.82

## 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:

**Cedar Creek WWTP Expansion Phase II (BNR) (1-C-013-XX):** This project will increase the capacity at the Cedar Creek Wastewater Treatment Plant from 7.75 MGD to 11.25 MGD. This expansion will include one biological nutrient removal train, one clarifier and all necessary modifications to the current plant to accommodate the additional treatment train.

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and any necessary and related improvements to the System (collectively, the "Projects") at an estimated cost of \$193,905,150)

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 \$64,255,624 (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 21<sup>st</sup>, 2025.

ATTEST: /s/ John Bacon, Mayor

/s/ Brenda Swearingian, City Clerk

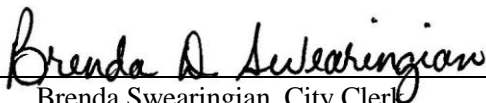
## CERTIFICATE OF NO PROTEST

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. 25-1004, on January 21, 2025, 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 \$193,905,150, and to issue water and sewer system revenue bonds as more specifically described in said Resolution, in an amount not to exceed \$64,255,624 (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 28, 2025, as required by the Act. More than fifteen (15) days has elapsed from January 28, 2025. 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 14, 2025.



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