

RESOLUTION NO. 19-1013

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”) 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:

Fire Hydrant Replacement (5-C-030-19): The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the City;

Neighborhood Sanitary Sewer Improvements (1-R-100-19 and 1-R-100-20): Replacement of sanitary sewers determined by inspection and/or maintenance history to be in poor or failing condition, resulting in increased operations and maintenance costs, an increase of extraneous flows, backups, overflows, and potentially reduced system capacity;

Sanitary Sewer Manhole Lining (1-C-026-18): The spray lining of more than 360 sanitary sewer manholes located throughout the City identified through manhole asset inspection as being subject to excessive corrosion;

Sanitary Sewer Rehabilitation (I&I) (1-R-000-19 and 1-R-000-20): Groundwater infiltration and storm water inflow (I&I) program will systematically rehabilitate and replace sanitary sewer lines and manholes which have been identified and prioritized from asset maintenance inspections with the goal to reduce the amount of I&I flow into the sanitary sewer systems;

Vertical Well Field Improvements (5-C-031-18): Replacement of the City’s eight remaining vertical wells that were installed from 1976 to 1992 to maximize the capacity of the City’s aging vertical well field and to fully utilize the City’s water rights;

Waterline Rehabilitation (5-R-000-19 and 5-R-000-20): Repair, replacement, and rehabilitation of 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;

Lift Station Replacements (1-C-020-15): The rehabilitation and replacement of equipment for 11 sanitary sewer 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. Projects include:

- 2018: Cedar Lake design
- 2019: Cedar Lake construction
- 2020: 95th Street and 111th Street
- 2021: Providence Village and Hedge Lane
- 2022: North Parker and North Woodland

Water Treatment Plant 2 Alternative Disinfection (5-C-004-16): Addition of a disinfection system to protect public health and safety and meet regulatory requirements. This will allow the water plant clearwells to return to the intended purpose of finished water storage. Includes installation of a new building to house the disinfection equipment; and

Water Treatment Plant 2 Basin Modification (5-C-025-16): Paint the interior of the above ground clearwell, the equipment in all four treatment basins and replace equipment in three existing basins. Includes hydraulic improvements to existing basins to improve treatment;

(collectively, the “Projects”) at an estimated cost of \$32,000,000.

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 \$32,000,000 (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.

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ADOPTED BY TWO-THIRDS VOTE of the members of the governing body of the City of Olathe, Kansas, on February 5, 2019.

(Seal)

Mayor

ATTEST:

Clerk

(Published in *The Gardner News* on February __, 2019)

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”) intends to repair, alter, extend, reconstruct, enlarge or improve the water and sewer system (the “System”) owned and operated by the Issuer, as follows:

Fire Hydrant Replacement (5-C-030-19): The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the City;

Neighborhood Sanitary Sewer Improvements (1-R-100-19 and 1-R-100-20): Replacement of sanitary sewers determined by inspection and/or maintenance history to be in poor or failing condition, resulting in increased operations and maintenance costs, an increase of extraneous flows, backups, overflows, and potentially reduced system capacity;

Sanitary Sewer Manhole Lining (1-C-026-18): The spray lining of more than 360 sanitary sewer manholes located throughout the City identified through manhole asset inspection as being subject to excessive corrosion;

Sanitary Sewer Rehabilitation (I&I) (1-R-000-19 and 1-R-000-20): Groundwater infiltration and storm water inflow (I&I) program will systematically rehabilitate and replace sanitary sewer lines and manholes which have been identified and prioritized from asset maintenance inspections with the goal to reduce the amount of I&I flow into the sanitary sewer systems;

Vertical Well Field Improvements (5-C-031-18): Replacement of the City’s eight remaining vertical wells that were installed from 1976 to 1992 to maximize the capacity of the City’s aging vertical well field and to fully utilize the City’s water rights;

Waterline Rehabilitation (5-R-000-19 and 5-R-000-20): Repair, replacement, and rehabilitation of 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;

Lift Station Replacements (1-C-020-15): The rehabilitation and replacement of equipment for 11 sanitary sewer 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. Projects include:

- 2018: Cedar Lake design
- 2019: Cedar Lake construction
- 2020: 95th Street and 111th Street
- 2021: Providence Village and Hedge Lane
- 2022: North Parker and North Woodland

Water Treatment Plant 2 Alternative Disinfection (5-C-004-16): Addition of a disinfection system to protect public health and safety and meet regulatory requirements. This will allow the water plant clearwells to return to the intended purpose of finished water storage. Includes installation of a new building to house the disinfection equipment; and

Water Treatment Plant 2 Basin Modification (5-C-025-16): Paint the interior of the above ground clearwell, the equipment in all four treatment basins and replace equipment

in three existing basins. Includes hydraulic improvements to existing basins to improve treatment;

(collectively, the “Projects”) at an estimated cost of \$32,000,000.

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 \$32,000,000 (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: February __, 2019.

ATTEST:

/s/ Michael E. Copeland, Mayor

/s/ Emily Vincent, City Clerk

CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

The undersigned, Clerk of the City of Olathe, Kansas (the “Issuer”), does hereby certify that the governing body of the Issuer duly adopted Resolution No. 19-____, on February 5, 2019, 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 \$32,000,000, and to issue water and sewer system revenue bonds as more specifically described in said Resolution, in an amount not to exceed \$32,000,000 (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 Gardner News*, the official newspaper of the Issuer on February __, 2019, as required by the Act. More than fifteen (15) days has elapsed from February __, 2019. 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 _____, 2019.

(Seal)

Emily Vincent, City Clerk