

RESOLUTION NO. 20-_____

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:

Remote Facilities Improvements (5-C-002-20)

Replacement of all the electrical feed equipment at all the water tower sites, lighting and security upgrades and lightning protection upgrades for the well fields and replacement of the aging generator at Collector Well #2. Also, 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. Improvements are at Black Bob Pump Station, Renner Pump Station, Hedge Lane Pump Station, and Collector Well Generator.

Ridgeview Rd Watermain Improvements, College and Ridgeview (5-C-048-20)

Installation of over 2,000 LF of watermain to complete the necessary watermain loop from Corporate Ridge to College Boulevard. Installation of a secondary feed along the City boundary to feed Corporate Ridge.

WTP2: Electrical/Backup Power (5-C-028-20)

Construction of a centralized power center for a single power feed from Evergy, a new generator to provide automated backup power to all plant processes, upgrades to the SCADA system and electrical duct banks and cables for re-distribution of power at Water Treatment Plant 2. Generators will also be installed at Collector Wells 3 and 4 to provide backup power.

WTP2: Chemical Feed Modifications (5-C-026-20)

Replacement of the existing buried chemical feed lines in a new concrete duct bank to allow future replacement and maintenance without excavation. 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 forcemain, and a new fluoride feed system.

Lone Elm Booster Pump Station and Main (5-B-007-20)

Installation of approximately 4 miles of distribution water main along Lone Elm to 159th Street, then along 159th Street to Old 56 Hwy and then north to 151st St connection. The improvements include the installation of a water booster pump station needed to meet the minimum fire flow requirements of 2,500 gallons per minute in the southwest portion of the City and allow for new growth along 159th Street.

(collectively, the “Projects”) at an estimated cost of \$35,050,423.

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 \$38,905,000 (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 March 17, 2020.

(Seal)

Mayor

ATTEST:

Clerk

(Published in *The Gardner News* on March ___, 2020)

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:

Remote Facilities Improvements (5-C-002-20)

Replacement of all the electrical feed equipment at all the water tower sites, lighting and security upgrades and lightning protection upgrades for the well fields and replacement of the aging generator at Collector Well #2. Also, 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. Improvements are at Black Bob Pump Station, Renner Pump Station, Hedge Lane Pump Station, and Collector Well Generator.

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(collectively, the “Projects”) at an estimated cost of \$35,050,423.

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 \$38,905,000 (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: March 17, 2020.

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. 20-____, on March 17, 2020, 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 \$35,050,423, and to issue water and sewer system revenue bonds as more specifically described in said Resolution, in an amount not to exceed \$38,905,000 (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 March __, 2020, as required by the Act. More than fifteen (15) days has elapsed from March __, 2020. 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 _____, 2020.

(Seal)

Emily Vincent, City Clerk