

RESOLUTION NO. 21-1001

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Hydrant Replacement (5-C-030-21 and 5-C-030-22): The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the City.

Indian Creek I&I Point Repair Pilot Project (1-C-016-21): Repair of fifteen (15) individual sanitary sewer defects identified from CCTV inspections as moderate to severe infiltration sources which increase sanitary sewer flows, reducing system capacity and increasing treatment costs paid by the City to Johnson County Wastewater (JCW). These repairs will also reduce the risk of backups and overflows by removing extraneous flows from the sanitary sewer system. Repairs will consist of open excavation to replace the defective sections of main and include pre- and post-construction flow monitoring to quantify the flows reduced by these repairs.

Neighborhood Sanitary Sewer Improvements (1-R-100-21 and 1-R-100-22): 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-026-21 and 1-C-026-22): 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-000-21 and 1-R-000-22): 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.

Water Meter Replacement (5-C-015-21 and 5-C-015-22): The water meter replacement program would replace all 1,466 water meters that are reported as being past their useful life and in need of replacement.

Waterline Rehabilitation (5-R-000-21 and 5-R-000-22): 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.

(collectively, the “Projects”) at an estimated cost of \$7,178,200.

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 \$6,449,430 (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 January 5, 2021.

(Seal)

Mayor

ATTEST:

Clerk

(Published in *The Gardner News* on January 13, 2021)

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-030-21 and 5-C-030-22): The Fire Hydrant Replacement Project prioritizes the replacement of outdated, obsolete or failed fire hydrants throughout the City.

Indian Creek I&I Point Repair Pilot Project (1-C-016-21): Repair of fifteen (15) individual sanitary sewer defects identified from CCTV inspections as moderate to severe infiltration sources which increase sanitary sewer flows, reducing system capacity and increasing treatment costs paid by the City to Johnson County Wastewater (JCW). These repairs will also reduce the risk of backups and overflows by removing extraneous flows from the sanitary sewer system. Repairs will consist of open excavation to replace the defective sections of main and include pre- and post-construction flow monitoring to quantify the flows reduced by these repairs.

Neighborhood Sanitary Sewer Improvements (1-R-100-21 and 1-R-100-22): 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-026-21 and 1-C-026-22): 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.

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Water Meter Replacement (5-C-015-21 and 5-C-015-22): The water meter replacement program would replace all 1,466 water meters that are reported as being past their useful life and in need of replacement.

Waterline Rehabilitation (5-R-000-21 and 5-R-000-22): 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.

(collectively, the “Projects”) at an estimated cost of \$7,178,200.

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 \$6,449,430 (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 13, 2021.

ATTEST:

/s/ John Bacon, Mayor

/s/ Brenda Long, 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. 21-____, on January 5, 2021, 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 \$7,178,200, and to issue water and sewer system revenue bonds as more specifically described in said Resolution, in an amount not to exceed \$6,449,430 (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 January 13, 2021, as required by the Act. More than fifteen (15) days has elapsed from January 13, 2021. 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 _____, 2021.

(Seal)

Brenda Long, City Clerk