

**RESOLUTION NO. 943**

**A RESOLUTION OF THE OSAWATOMIE, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF A SANITARY SEWER IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 12-631a, as amended (the “Act”), provides, in part, that whenever, in the opinion of the governing body of any city in the state of Kansas it shall become necessary to alter, repair or reconstruct any existing sewer which serves two or more sewer districts, where sewer districts may have been created, or which serves a substantial portion of the city, the governing body of such city may provide for the alteration, repair or reconstruction of any such sewer; or if any such sewer, after having been constructed for twenty years or more, is found to be inadequate, and in the opinion of the governing body the inadequacy of such sewer can be corrected at a lesser cost by the construction of another sewer in the same watershed, the governing body of such city may provide for the construction of a supplemental sewer; and

**WHEREAS**, in order to pay for the construction of sewers pursuant to the Act, the governing body of such city may, if in the opinion of the governing body the cost of such alteration, repair, construction or reconstruction should be borne by the city at large, pay the cost thereof out of the general fund of the city, and if the general fund is insufficient to pay such cost, or if the governing body deems it necessary, such governing body may issue general improvement bonds in the manner provided by law to pay such cost; and

**WHEREAS**, the governing body (the “Governing Body”) of the Osawatome, Kansas (the “City”) has previously caused to be made certain sanitary sewer improvements consisting of the design and construction of improvements to increase the size of the incoming flow channel, including new screening equipment and grit removal equipment of adequate size and capacity, and all improvements related thereto (the “Project”); and

**WHEREAS**, the Governing Body passed an Ordinance authorizing the execution of a loan agreement with the Kansas Department of Health and Environment (“KDHE”) to provide initial financing for the Project (the “KDHE Loan”) as described below:

<u>Loan Description</u>	<u>Effective Date</u>	<u>Principal Amount</u>	<u>Outstanding Principal Amount</u>
Sanitary Sewer Improvements (KWPCRF Project No. C20 1961 01)	11/20/2013	\$1,273,000.00	\$984,707.60

**WHEREAS**, the Project reconstructed a sewer that was originally constructed 20 or more years ago that serves a substantial portion of the City and is inadequate at the present time; and

**WHEREAS**, the Governing Body desires to prepay the KDHE Loan and permanently finance the Project and there is not sufficient monies in the general fund of the City to pay the costs of the Project and the Governing Body deems it necessary and advisable to issue general obligation bonds of the City pursuant to the Act in order to pay the costs of the Project, including retiring the KDHE Loan.

**WHEREAS**, the Governing Body hereby finds and determines that it is necessary and advisable under the Act to provide for the issuance of general obligation bonds of the City to pay the costs of the Project, including the prepayment the KDHE Loan.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS:**

**Section 1. Authorization of Project.** The governing body of the City hereby ratifies the construction of the Project.

**Section 2. Bond Authorization.** The Governing Body hereby authorizes the issuance of general obligation bonds (the “Bonds”) to: (a) finance the costs of the Project, including prepaying the outstanding portion of the KDHE Loan; and (b) pay costs of issuance associated therewith.

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 4. Effective Date.** This Resolution shall be in force and take effect from and after its adoption.

**ADOPTED AND APPROVED** by the governing body of the City of Osawatomie, Kansas, on December 9, 2021.

(Seal)

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Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 943 of the City of Osawatomie, Kansas adopted by the governing body on December 9, 2021 as the same appears of record in my office.

DATED: December 9, 2021.

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Clerk