

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF COLBY, KANSAS
HELD ON DECEMBER 18, 2018**

The governing body met in regular session at the usual meeting place in the City, at 7:30 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

An Ordinance was presented entitled:

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF COLBY,
KANSAS, AUTHORIZING THE LEVY OF A THREE-QUARTERS PERCENT
(0.75%) CITY-WIDE RETAILERS' SALES TAX AND RELATED MATTERS.**

Councilmember _____ moved that the Ordinance be passed. The motion was seconded by Councilmember _____. The Ordinance was duly read and considered, and upon being put, the motion for passage was carried by the vote of the governing body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, a majority of the Councilmembers having voted in favor of the Ordinance, it was declared duly passed and the Ordinance was then duly numbered Ordinance No. _____, was signed and approved by the Mayor and attested by the Clerk and the Ordinance was directed to be published one time in the official newspaper of the City. The Clerk was further directed to forward a certified copy of the Ordinance to the State Director of Taxation.

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Colby, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

(Published in the *Colby Free Press* on December 21, 2018)

ORDINANCE NO. 1606

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, AUTHORIZING THE LEVY OF A THREE-QUARTERS PERCENT (0.75%) CITY-WIDE RETAILERS' SALES TAX AND RELATED MATTERS.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended (the “Sales Tax Act”), authorizes the governing body (the “Governing Body”) of City of Colby, Kansas (the “City”) to submit to the electors of the City the question of imposing Citywide retailers' sales taxes, which in the aggregate may be in amounts not to exceed two percent (2%) for general purposes and not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire ten (10) years from the initial date of collection thereof; and

WHEREAS, pursuant to the Sales Tax Act, the electors of the City have heretofore approved a proposition to authorize the levy of a three-quarters percent special purpose retailers’ sales tax commencing on April 1, 2010 and ending on March 31, 2020 (the “2010 Special Sales Tax”); and

WHEREAS, pursuant to the Sales Tax Act, the Governing Body of the City adopted Resolution No. 1122 on September 4, 2018, which authorized and provided for the calling of a special question election in the City on November 6, 2018 (the “Election”), for the purpose of submitting to the qualified electors of the City the following question:

Shall the following be adopted?

Shall the City of Colby, Kansas be authorized to: (1) construct, furnish and equip a new community events center and improvements related thereto (the “Project”) at an estimated cost of \$15,667,967, and to issue the City’s general obligation bonds pursuant to K.S.A. 12-1736 *et seq.*, in an amount not to exceed \$12,000,000 (the “Bonds”) to provide for payment of a portion of the costs of the Project, with the balance of such costs to be paid from available City funds; and (2) impose a three-quarters percent (0.75%) city-wide retailers' sales tax pursuant to K.S.A. 12-187 *et seq.* (the “Sales Tax”), the proceeds of which shall be used to: (a) finance all or a portion of the costs of the Project, including payment of debt service on the Bonds, and the operating and maintenance costs thereof; (b) finance all or a portion of the costs of improvements to City street and public parks, including related financing costs, if any; (c) finance the operation and maintenance of the City’s existing aquatic center; and (d) pay such other governmental purposes as may be in the best interests of the City; the collection of such Sales Tax to commence upon the expiration of the existing three-quarters percent (0.75%) city-wide retailers’ sales tax on April 1, 2020, or as soon thereafter as permitted by law and shall terminate on March 31, 2035?

WHEREAS, the question of issuing general obligation bonds in an amount not to exceed \$12,000,000 (the “Bonds”) and imposing a three-quarters percent (0.75%) city-wide retailers' sales tax (0.75%) (the “Sales Tax”) was approved by a majority of the qualified electors of the City voting on that proposition at the Election; and

WHEREAS, pursuant to the provisions of the Sales Tax Act and the Election, the Governing Body deems it necessary and advisable to authorize the imposition of the Sales Tax for the purposes described above, which constitutes a sales tax imposed for general purposes, upon the expiration of the existing 2010 Special Sales Tax on April 1, 2020, or as soon thereafter as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS:

SECTION 1. Levy of the Sales Tax. The levy of the Sales Tax and the application of the revenue received therefrom is hereby authorized. In accordance with K.S.A. 12-191, the collection of the Sales Tax shall commence upon the expiration of the 2010 Special Sales Tax on April 1, 2020, or as soon thereafter as permitted by law, and terminate on March 31, 2035.

SECTION 2. Bond Financing; Reimbursement. The Election provide for the costs of the Project to be paid by the issuance of the Bonds. The Bonds may be used 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 3. Certification to Director of Taxation. The Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to the Sales Tax Act and request the implementation of the Sales Tax in accordance with the provisions hereof.

SECTION 4. Effective Date. This Ordinance shall take effect and be of force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

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PASSED by the Governing Body of the City of Colby, Kansas, on December 18, 2018 and **APPROVED AND SIGNED** by the Mayor.

(Seal)

Mayor

ATTEST:

Clerk

APPROVED AS TO FORM ONLY.

City Attorney

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that the Ordinance was passed on December 18, 2018; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance was published in the *Colby Free Press* on December 21, 2018.

DATED: December 21, 2018.

Clerk

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