

**EXCERPT OF MINUTES OF A MEETING  
OF THE CITY COUNCIL OF  
THE CITY OF COLBY, KANSAS  
HELD ON JULY 2, 2024**

The City Council (the “Governing Body”) met in regular session at the usual meeting place in the City at 5:30 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.

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(Other Proceedings)

Councilmember \_\_\_\_\_ presented and moved the adoption of a Resolution entitled:

**A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AND A FUNDING AGREEMENT BETWEEN THE CITY OF COLBY, KANSAS, AND COLBY INVESTMENT GROUP, LLC; AND AUTHORIZING THE TAKING OF CERTAIN OTHER ACTIONS RELATED THERETO.**

Councilmember seconded the motion to adopt the Resolution. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the Governing Body:

Yea: \_\_\_\_\_.

Nay: \_\_\_\_\_.

The Mayor declared the Resolution duly adopted by the Governing Body and the Clerk designated the same Resolution No. 1211.

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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)

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Joni Ketchum, Clerk

**RESOLUTION NO. 1211**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AND A FUNDING AGREEMENT BETWEEN THE CITY OF COLBY, KANSAS, AND COLBY INVESTMENT GROUP, LLC; AND AUTHORIZING THE TAKING OF CERTAIN OTHER ACTIONS RELATED THERETO.**

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**WHEREAS**, Colby Investment Group, LLC (the “Developer”) owns and proposes to develop certain real property (the “Project”) located within and adjacent to the City of Colby, Kansas (the “City”); and

**WHEREAS**, the City and the Developer have negotiated the terms of a Memorandum of Understanding (the “MOU”) related to the development of the Project and the participation of the Project in certain City economic development programs; and

**WHEREAS**, the City and the Developer have negotiated the terms of a Funding Agreement (the “Funding Agreement”) related to the payment of initial expenses related to the Project; and

**WHEREAS**, advancing due diligent related to the development and construction of the Project is in the interest of the public health, safety and welfare, including economic development, of the City and its inhabitants will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens; and

**WHEREAS**, the City Council of the City (the “Governing Body”) hereby finds and determines that it is necessary and desirable that the City enter into the MOU and the Funding Agreement and authorize the execution thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, AS FOLLOWS:**

**Section 1. Public Benefit.** The Governing Body hereby finds and determines that advancing due diligence related to the Project is in the interest of the public health, safety and welfare, including economic development, of the City and its inhabitants will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens.

**Section 2. Project Documents.** The MOU and the Funding Agreement are each hereby approved in substantially the form presented to the Governing Body. The Mayor or Vice Mayor of the City is hereby authorized and directed to execute the MOU, the Funding Agreement, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, with such alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which as may be approved by the City Manager and as are approved as to form by the City Attorney, and the execution or taking of such actions shall be conclusive evidence of such necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the MOU and such other documents,

certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3. Further Authority.** The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the MOU and the Funding Agreement.

**Section 4. Effective Date.** This Resolution shall be effective upon adoption by the Governing Body.

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**ADOPTED** by the City Council of the City of Colby, Kansas on July 2, 2024.

(SEAL)

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Lee Leiker, Mayor

ATTEST:

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Joni Ketchum, Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the foregoing resolution of the City of Colby, Kansas, adopted by the City Council on July 2, 2024, as the same appears of record in my office.

DATED: July 2, 2024.

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Clerk