

**A RESOLUTION AUTHORIZING A FIRST AMENDMENT TO INCENTIVE
AGREEMENT WITH ARDENT MILLS, LLC**

NO. 2026- 096

WHEREAS, the City Council of the City of Commerce City (“City Council”), by Resolution No. 2014-56, adopted the prior Commerce City Economic Development Incentives Program (“Incentive Program”), effective January 1, 2015;

WHEREAS, Ardent Mills LLC, whose principal business address is 1875 Lawrence St., Suite 1400, Denver, Colorado 80202 (“Business”), submitted a Business Incentive Application under the Incentive Program in connection with proposed new development and business expansion operations in the City of Commerce City (“City”);

WHEREAS, City Council previously authorized an incentive agreement for the Business pursuant to Resolution 2024-080 and the City entered into an Incentive Agreement with the Business on August 22, 2024 (“Incentive Agreement”); and

WHEREAS, the City and the Business would like to amend the Incentive Agreement to extend the project completion date.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Approval of First Amendment to Incentive Agreement. The First Amendment to the Incentive Agreement (“First Amendment”) is hereby approved, subject to successful finalization of an appropriate contract amendment on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right or interest in the award of a contract to Business. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written contract.

SECTION 2. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of the First Amendment, including payment terms, and any amendment thereto.

SECTION 3. Execution and Attestation. Upon successful finalization of the First Amendment and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the First Amendment or any additional amendments to the Incentive Agreement to on behalf of the City.

RESOLVED AND PASSED THIS 6TH DAY OF JULY 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk