

1st Reading:  
2nd Reading:

**SPONSOR: HEARD**

**ORDINANCE NO. \_\_\_\_\_**

**BILL NO. 22-03**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO EXTEND THE TERM FOR THE AGREEMENT WITH SUMNERONE, INC. FOR COPY MACHINES.**

**WHEREAS**, in February 2017, via ordinance No. 3672, the City approved a contract for the purchase/lease of copy machines for City Hall, Public Works, Community Development, and RiverChase with Datamax, Inc., now SumnerOne, Inc., for a five (5) year term (the “Lease Agreement”); and

**WHEREAS**, via Ordinance No. 3959, the City entered into a First Amendment to the Lease Agreement to switch out certain copy machines to ensure the machines met the City’s needs; and

**WHEREAS**, the Board of Aldermen now desires to and finds it in the best interest of the City to again amend the Lease Agreement to extend the term for an additional six (6) months so that the City may continue to utilize the copy machines.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:**

**Section 1.** The Board of Aldermen hereby authorizes the Mayor to execute on behalf of the City a Second Amendment to the Lease Agreement between the City and SumnerOne, Inc. for copy machines, substantially in the form of Exhibit 1 incorporated herein by reference (the “Second Amendment”).

**Section 2.** This ordinance shall be in full force and effect after the date of its passage and approval.

**ORD. NO. \_\_\_\_\_**

**ORD. NO. \_\_\_\_\_**

PASSED this 27<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
BOB BRASSES, MAYOR

APPROVED this 27<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
BOB BRASSES, MAYOR

ATTEST:

\_\_\_\_\_  
Jane Hungler, City Clerk

Roll Call Vote:

Ayes:

Nays:

Absent:

**ORD. NO. \_\_\_\_\_**

**EXHIBIT 1**

**SECOND AMENDMENT TO THE LEASE AGREEMENT  
BETWEEN THE CITY OF FENTON AND SUMNERONE**

This Second Amendment to the Lease Agreement between the City of Fenton and SumnerOne, Inc. ("Second Amendment") being entered into this \_\_\_\_\_ day of January, 2022, by and between the **City of Fenton**, a municipal corporation authorized to do business in the State of Missouri and **SumnerOne, Inc.**, a corporation organized and existing under the laws of the State of Missouri having a principal office at 6691 Manchester Ave., St. Louis, MO 63139.

**WHEREAS**, on March 23, 2017, after completing its competitive bidding procedures, the City of Fenton approved Ordinance No. 3672 entering into a five-year Lease Agreement with Datamax, Inc., now SumnerOne, Inc., for copy machines (the "Lease Agreement"); and

**WHEREAS**, via Ordinance No. 3959, the City entered into a First Amendment to the Lease Agreement to switch out certain copy machines to ensure the machines met the City's needs; and

**WHEREAS**, the parties now desire to extend the term for an additional six (6) months so that the City may continue to utilize the copy machines.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements herein set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Lease Agreement shall be amended as stated in Addendum E, attached hereto and incorporated herein by reference.

2. The parties hereby reaffirm that all other provisions of the Lease Agreement not specifically amended herein shall remain in full force and effect and shall be deemed incorporated herein and binding on the parties.

3. The Lease Agreement together with this First and Second Amendment represents the entire agreement among the parties, and SumnerOne, Inc. agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Second Amendment.

**IN WITNESS WHEREOF**, the parties hereto execute this Second Amendment the day and year first above written.

**CITY OF FENTON**

By: \_\_\_\_\_  
BOB BRASSES, MAYOR

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jane Hungler, City Clerk

**SUMNERONE, INC.**

Signature: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



LEASING DIVISION

**ADDENDUM "E"**

**Lease Agreement #3-06863 between City of Fenton City Hall (Lessee) and SumnerOne Inc (Lessor) has hereby been amended to reflect the following:**

*The above referenced Lease original term date of 4/14/2022 will be extended for an additional 6 months. The monthly payment of \$904.82 will remain the same for this extended time period, which includes 30,333 B/W copies per month and 4,000 color copies per month. The maintenance overages will continue to bill monthly at the rate of .0048 per B/W page and .04 per color page. New term date will now be 10/14/2022.*

*Equipment covered:  
Kyocera TA-4052CI SN:W2M6600048 TAG:VH788-COMMUNITY DEVELOPMENT  
Kyocera TA-5052CI SN:W2H6X01501 TAG:VH772-RIVER CHASE  
Kyocera TA-6052CI SN:W2D8704214 TAG:SJ977-CITY HALL  
Kyocera TA3511I SN:V966Z00657 TAG:VH789-PUBLIC WORKS*

*All other terms and conditions of the Lease Agreement will remain the same.*

**ACCEPTED BY:**

BY \_\_\_\_\_ DATE \_\_\_\_\_  
City of Fenton City Hall (Lessee)

TITLE \_\_\_\_\_

**ACCEPTED BY:**

BY \_\_\_\_\_ DATE \_\_\_\_\_  
SumnerOne Inc (Lessor)

TITLE \_\_\_\_\_