

1st Reading:  
2nd Reading:

**SPONSOR: HUELS**

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

**BILL NO. 23-45**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH GAMETIME TOURNAMENTS TO AMEND THE EFFECTIVE DATE.**

**WHEREAS**, on May 25, 2023, the Board of Aldermen approved an agreement with GameTime Tournaments to operate the City’s concession stand at Fenton Sports Complex beginning on June 1, 2023; and

**WHEREAS**, as the parties began the process to have GameTime Tournaments take over the operation of the City’s concession stand, both parties determined more time was needed and a July 1, 2023 effective date would better serve the parties; and

**WHEREAS**, after discussion by the Board of Aldermen, the Board desires to and finds it in the best interest of the City to authorize a first amendment to the agreement with GameTime Tournaments to change the effective date to July 1, 2023.

**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 First Amendment to the Agreement with GameTime Tournaments in substantially in the form of Exhibit 1, attached hereto and incorporated herein by reference.

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

PASSED this 1<sup>st</sup> day of June, 2023.

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JOE MAURATH, MAYOR

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

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

APPROVED 1<sup>st</sup> day of June, 2023.

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JOE MAURATH, MAYOR

ATTEST:

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Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Abstain:

Nays:

Absent:

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

**EXHIBIT 1**

**FIRST AMENDMENT TO  
FACILITY OPERATING AND COOPERATIVE AGREEMENT  
BETWEEN CITY OF FENTON AND GAMETIME TOURNAMENTS**

**THIS FIRST AMENDMENT** by and between the City of Fenton, Missouri (the “City”), a fourth-class City of the State of Missouri, and GameTime Tournaments (“GameTime”), a Missouri corporation with address at 16 Hampton Woods Ln, O’Fallon, MO 63368.

**WHEREAS**, on May 25, 2023, the City approved an agreement with Gametime to operate the City’s concession stand at Fenton Sports Complex beginning on June 1, 2023; and

**WHEREAS**, as the parties began the process to have GameTime take over the operation of the City’s concession stand, both parties determined more time was needed and a July 1, 2023 effective date would better serve the parties; and

**WITNESSETH:** That the parties hereto, for the considerations hereinafter set forth, agree as follows:

1. That Section A, Term, of Article 4, Term; Renewal, is hereby repealed in its entirety and a new Section A is hereby enacted in its place to read as follows:

**A. Term.** This Agreement shall take effect on July 1, 2023 (the “Effective Date”). GameTime shall operate the Facility from July 1, 2023 through the tournament season, which is mid-July 2023 (the “Initial Term”). As part of the Initial Term, GameTime may request and the Public Works Director may authorize GameTime to operate the Facility under the terms and conditions of this Agreement after mid-July if GameTime has tournament play before March 15, 2024 but after mid-July 2023.

2. The parties hereby reaffirm that all provisions of the 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 Agreement together with this First Amendment represents the entire agreement among the parties and GameTime agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in the Agreement or this First Amendment.

IN WITNESS WHEREOF, the parties have signed this First Amendment in duplicate, each of which is to be deemed an original, on the day and year below stated.

**GAMETIME TOURNAMENTS**

**CITY OF FENTON, MISSOURI**

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

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

Mayor, Joe Maurath

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

DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

ATTEST: \_\_\_\_\_