

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,  
AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT  
WITH BERRY TRACTOR AND EQUIPMENT FOR THE PURCHASE OF A 2018 KOMATSU  
EXCAVATOR AND A 2016 KOMATSU DOZER AND FURTHER AUTHORIZING THE  
CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO OBTAIN  
FINANCING ON SAID EQUIPMENT FROM BANK OF MISSOURI**

*WHEREAS*, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

*WHEREAS*, based upon increased development in the City, the City has leased a 2018 Komatsu Excavator and a 2016 Komatsu Dozer (herein called “Equipment”) from Berry Tractor and Equipment Co.; and

*WHEREAS*, as development in the City has continued, and a need still exists for the Equipment, the City has negotiated with Berry Tractor and Equipment Co. to purchase the leased Equipment and receive a partial credit for fees paid by the City for the lease of the Equipment; and

*WHEREAS*, the City has obtained financing terms from financial institutions for the financing of this Equipment, with the lowest financing terms being obtained from The Bank of Missouri; and

*WHEREAS*, the Council finds the purchase of this Equipment and the accompanying financing is in the best interest of the City for the continued growth and development of the City.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:***

- Section 1. The City Administrator or designee, on behalf of the City, is authorized to enter into an agreement with Berry Tractor and Equipment Co. for the purchase of a 2018 Komatsu PC240LC-11 Excavator at a price not to exceed \$135,835.00 and a 2016 Komatsu D39PXi24 Dozer at a price not to exceed \$76,230.00.
- Section 2. The City Administrator or designee, on behalf of the City, is authorized to enter into a financing agreement for the Equipment with The Bank of Missouri substantially similar to the March 10, 2021 Term Sheet attached hereto and incorporated as “Attachment 1.”
- Section 3. The City Administrator or designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 4. The whereas clauses are hereby specifically incorporated herein by reference.
- Section 5. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 6. This Ordinance shall be in full force and effect from and after the date of passage as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Matt Russell, Mayor

Attest:

\_\_\_\_\_  
Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison  
Date: 2021.03.17 14:38:52  
-05'00' \_\_\_\_\_, Scott Ison, City Attorney

Final Passage and Vote: \_\_\_\_\_