

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO WEMARK LUXURY RENTALS, LLC (2019 AGREEMENT)

WHEREAS, the City Council of the City of Cresco (the "City") intends to consider a proposal in the form of a Purchase, Sale, and Development Agreement (the "Agreement") to convey certain City-owned land to Wemark Luxury Rentals, LLC (the "Developer") for \$1.00 and other consideration described in the Agreement; and

WHEREAS, pursuant to the terms of the Agreement, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement), consisting of the construction of a single-family residential unit, together with all related site improvements, on the property as outlined in the proposed Agreement; and

WHEREAS, pursuant to notice published as required by law, the City Council of the City of Cresco on the 20th day of May, 2019, held a hearing on the proposal to convey an interest in real property and the extent of objections received from residents or property owners as to said proposed transaction has been fully considered; and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRESCO:

Section 1. That the real property described herein shall be conveyed by the City to Wemark Luxury Rentals, LLC for \$1.00 and other good and valuable consideration. Conveyance by the City shall be by special warranty deed.

Section 2. The Mayor and City Clerk are authorized to sign the Agreement and all conveyance documents for the real property described herein.

Section 3. The Mayor, City Clerk, and administrative officers of the City are authorized to take all actions necessary to complete the above-described transaction, including execution of ancillary documents.

Section 4. The real property to be conveyed under the terms of the Agreement is described as follows:

Lot Twelve (12), Block Six (6), Beadle and Strong's Addition to Cresco, Howard County, Iowa

Parcel No. 320030612010000 in Howard County

PASSED AND APPROVED this 20th day of May, 2019.

Mayor

ATTEST:

City Clerk

RESOLUTION NUMBER _____

RESOLUTION ACCEPTING WORK FOR CONSTRUCTION OF
DOWNTOWN ALLEY STORM RECONSTRUCTION

WHEREAS, on November 6, 2017, the City of Cresco, Iowa, entered into contract with Mehmert Tiling, Inc. of Lime Springs, Iowa, for Construction of Downtown Alley Storm Reconstruction, within the City, as therein described; and

WHEREAS, the contractor has fully completed the construction of the improvements, known as the Downtown Alley Storm Reconstruction, in accordance with the terms and conditions of the contract and plans and specifications, as shown by the certificate of the Engineer filed with the Clerk on _____, 2019:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA:

Section 1. That the report of the Engineer be and the same is hereby approved and adopted and the improvements are hereby accepted as having been fully completed in accordance with the plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$381,795.78 plus change order #1 of \$72,117.00.

Section 2. The total project cost including construction, engineering, legal and administrative costs is determined to be \$ _____.

Council Member _____ moved the adoption of the foregoing Resolution Accepting Work for the Contract relating to the project described as Construction of Downtown Alley Storm Sewer Reconstruction. Council Member _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____
Nays: _____
Absent: _____

Thereupon, the Mayor declared said Resolution duly adopted: RESOLUTION ACCEPTING WORK.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

ORDINANCE NO. 475

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING
PROVISIONS PERTAINING TO WATER RATES

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 92, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. First 7,000 gallons used per month @ \$5.03 per 1000 gallons. (Minimum bill is \$7.55 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$4.59 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$4.20 per 1000 gallons.

SECTION 2. Chapter 92, Section 03, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.03 RATES OUTSIDE THE CITY: Water service shall be provided at the following monthly rates, based upon water used and furnished, outside the City limits and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. First 7,000 gallons used per month @ \$10.06 per 1000 gallons. (Minimum Bill is \$15.09 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$9.18 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$8.40 per 1000 gallons.

SECTION 3. Chapter 92, Section 10, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.10 CUSTOMER DEPOSITS. There shall be required a deposit of \$80 from every residential, \$100 from every commercial, and \$200 from every industrial customer. The deposit is intended to guarantee the payment of bills for service. This deposit will be applied to the customer's account or refunded after three years with good credit history. The deposit will be applied to final water billing if services are discontinued.

(Code of Iowa, Section 384.84)

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____

City Clerk Michelle Girolamo

1st Reading 5/6/19

2nd Reading _____

3rd Reading _____

I certify that the foregoing was published as Ordinance No. 475 on the _____ day of _____, 2019.

City Clerk Michelle Girolamo

ORDINANCE NO. 476

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 99, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATES FOR SERVICE. Each customer shall pay a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed. Sewer service shall be furnished at the following monthly rates: (Code of Iowa, Section 384.84)

- 1. Effective July 1, 2019:
 - A. \$8.58 per 1,000 gallons within City limits. (Minimum bill is \$12.87 based on 1,500 gallons.)
 - B. \$17.16 per 1,000 gallons outside City limits. (Minimum bill is \$25.74 based on 1,500 gallons.)
 - C. \$3.50 per month for Capital Improvement fund for the extension and maintenance of the sewer, storm sewer and water lines.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED THIS ____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading 5/6/19 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 476 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

RESOLUTION NUMBER _____

**RESOLUTION ESTABLISHING A FUND WITHIN THE CITY'S ACCOUNTS
FUND 186 – PARK TREE FUND**

WHEREAS, the City of Cresco will be treating, trimming and replacing trees within the City of Cresco Parks; and

WHEREAS, the City of Cresco may be receiving donations or grants specifically for the maintenance of the trees in the parks; and

WHEREAS, the City of Cresco, Iowa now needs to establish a fund to better track expenses and revenue for the tree maintenance program.

BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the following fund be established:

FUND 186 Park Tree Fund

BE IT FURTHER RESOLVED, by the City Council of the City of Cresco, Iowa, that the City Clerk be directed by the Mayor and the City Council to establish said fund and correct the books accordingly.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THEATRE TRUST
FUND TO REPAY LOCAL OPTION SALES TAX FUND FOR MARQUEE**

WHEREAS, the City of Cresco authorizes the transfer between funds in the Budget based on estimated revenues and expenses; and

WHEREAS, in 2015 the City of Cresco financed a portion of the Theatre Marquee with Local Option Sales Tax revenues until donations could be raised for \$27,246.76; and

WHEREAS, the Cresco Theatre Commission has received donations and held various fundraising events to pay back a portion of the amount from 2015 through 2018; and

WHEREAS, a Murder Mystery Dinner Theatre was a fundraiser organized and performed by the Cresco Theatre Commission and the Cresco Community Theatre in March 2019; and

WHEREAS, the donations and profits received will payoff the amount remaining on the Theatre Marquee project from 2015; and

WHEREAS, a transfer from #092 Theatre Trust Fund should be made for \$11,036.76 to #022 Local Option Sales Tax Project Fund for the final repayment of the Marquee Project.

BE IT THEREFORE RESOLVED, that the City of Cresco is allowing the transfer of funds indicated above for FYE June 30, 2019.

BE IT ALSO RESOLVED, that the City Clerk be directed by the Mayor and the City Council to make the above referenced changes and correct the books accordingly.

PASSED AND APPROVED THIS 20TH DAY OF MAY, 2019

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Girolamo

ORDINANCE NO. 479

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING
PROVISIONS PERTAINING TO FIREWORKS

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 41, Section 13, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

41.13 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

1. **Definition.** Consumer Fireworks shall have the same meanings as defined in Iowa Code section 727.2.

2. **Unlawful Discharge.** It is a misdemeanor for any person to discharge or explode firecrackers, rockets, torpedoes, Roman candles, or other fireworks designed and intended for pyrotechnic display within the city limits.

3. **Exception.** The city may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury.....\$250,000 per person
- B. Property Damage.....\$50,000
- C. Total Exposure.....\$1,000,000

4. **Other Exceptions.** This section does not prohibit the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

5. **Sales.** No person shall sell or offer for sale consumer grade fireworks without first securing a Retail Fireworks License through the State Fire Marshal's Office for the State of Iowa.

- A. **City Permit.** An application must be filed with City Hall that includes:
 - 1. The location and dates for the sale of fireworks. Sales of consumer fireworks are allowed only within districts zoned as Commercial C-1 or C-2 and Industrial M-1.
 - 2. Proof of Licensing from the Office of the State Fire Marshal.
 - 3. Proof of Liability Insurance covering all aspects of consumer fireworks sales for a minimum amount per occurrence of \$1,000,000 and a minimum aggregate amount of \$2,000,000.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

THIS ____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____

City Clerk Michelle Girolamo

1st Reading _____ 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 479 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

727.2 Fireworks.**1. Definitions.** For purposes of this section:

a. "Consumer fireworks" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. "Consumer fireworks" does not include novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association's standard 87-1.

b. "Display fireworks" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. "Display fireworks" does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1.

c. "Novelties" includes all novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. Display fireworks.

a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

b. (1) A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer fireworks and novelties.

a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.

b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. (1) A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. Limitations.

a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

5. *Applicability.*

a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

c. Unless specifically provided otherwise, this section does not apply to novelties.

[C39, §13245.08 - 13245.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §732.17 - 732.19; C79, 81, §727.2]

92 Acts, ch 1163, §120; 99 Acts, ch 153, §22; 2008 Acts, ch 1032, §106; 2017 Acts, ch 115, §10, 12

Referred to in §100.1, 101A.1, 331.301, 331.304, 364.2, 461A.42

Requests for Proposal
Sale and Development of Real Estate Offered by the City of Cresco, IA
Located at 400 3rd Street SW, Cresco, IA

Issue Date: May _____, 2019, Noon
Submission Deadline: July _____, 2019 *(date to be set for approx. 45 days after issue)*

Introduction and Background:

The City of Cresco, Iowa (the "City") has acquired 2.89 acres of property within the City's limits, most of which was previously a mobile home park. A map of the property is attached as Exhibit 1. The City is in the process of clearing the property for redevelopment. It is anticipated that by June 1, 2019, all structures will be cleared from the property and the property will be ready for redevelopment.

The property is in the process of being rezoned to R-3 Medium Density Residential, which will permit both single-family and multi-residential housing to be built on the property. The rezoning will be complete by _____, 2019. A copy of the City's R-3 zoning regulations is attached as Exhibit 2.

Proposal Guidelines and Requirements:

The City proposes to sell the property to a private developer, in exchange for the developer's commitment to construct new residential units on the property within five years. Detailed terms for the sale and development of the property will be included in a purchase, sale, and development agreement to be prepared by the City's legal counsel.

Guidelines: The City is requesting proposals for this residential redevelopment project that meet the following guidelines:

- A. The developer shall pay \$1.00 to the City as the purchase price for the property. The Closing date for transfer of the property is anticipated to be on or around September 1, 2019.
- B. The developer shall be required to acknowledge and agree that the developer, property owner, and homebuyers/tenants will not be eligible for any property tax abatement programs (i.e., urban revitalization) for the project.
- C. The developer will be responsible for extending all utilities to the various lots on the property, including water, sanitary sewer, storm sewer, electric (Alliant Energy), and natural gas (Black Hills Energy).
 1. Utilities: Water, Sanitary Sewer, and Storm Sewer. The map attached as Exhibit 1 shows the location of the existing water, sanitary sewer, and storm sewer infrastructure. The developer will be responsible for connecting all lots to the City's water and sanitary sewer mains. The utilities/infrastructure construction will be required to meet City specifications.

- i. Additionally, the developer will be required to extend sanitary sewer service to the house located at 329 4th Ave SW, which currently shares a service line with the property, by installing infrastructure that connects the house to the sanitary sewer main.
 2. Alliant Energy: Electric. The developer will be required to work with Alliant Energy to extend electric service to all lots on the property. The developer will be required to be in underground service. Electric infrastructure is currently available along the east side of the property.
 3. Black Hills Energy: Natural Gas. The developer will be required to work with Black Hills Energy to extend natural gas service to all lots on the property. Natural gas infrastructure is currently available on all sides of the property.
 - D. The developer shall have no outstanding or overdue taxes, fines, liens, or other obligations due to the City.
 - E. All involved entities and individuals (including developer and any separate individuals or entities to be involved as owner of record or in operation of the rental of housing units) shall have no current, pending, or threatened litigation against them related to their business or real estate; or if there is current, pending, or threatened litigation, it shall be disclosed in the letter and statement described in Requirement #1 below.

Required Contents of Proposal: All submitted proposals must include the following information, at a minimum:

1. A letter of intent, signed by an individual duly authorized to sign such letter on behalf of the developer entity, that contains a statement confirming that the developer and related involved entities are in conformance with and would complete the project in conformance with the above Guidelines A-E.
2. Contact information for the principal developer, and for the individual or entity that will become owner of record of the property, and the individual or entity that will have primary responsibility for implementing the development proposal and construction work, if different than the principal developer.
 - a. A description of each involved entity's business structure (provide copies of any articles of operation or other business formation documents); and
 - b. A description of the experience/training of the individuals involved (either as individuals or as principals within an entity).
3. A description and general history of the principal developer's past completed projects, if any.
4. At least two (2) letters of reference regarding the principal developer's past completed projects, or if the developer has not previously completed a project, then the letters may be in reference for the developer generally.
5. A written description of and a proposed site plan/schematic (or other architectural rendering) of the developer's proposal for the project, including a description of any energy efficiency/green initiatives included in the proposal.
 - a. Developers may submit variations on their proposal, provided that each variation has a separate written description and site plan/schematic.

6. A detailed construction schedule providing for all construction to be completed within 5 years of the Closing date (approximately September 1, 2019), and including estimated dates for the following benchmarks:
 - a. Commencement of construction on private lots,
 - b. Commencement of utilities/infrastructure improvements construction,
 - c. Completion of utilities/infrastructure improvements,
 - d. Completion date for each building/lot included in proposal, and
 - e. Any other dates related to significant steps of developer's proposal.
7. The developer's plans for marketing the housing units for sale and/or rent, including:
 - a. Target demographic for homebuyers/tenants;
 - b. Intended sale/rental price points (may provide as an estimated range);
 - c. Identification of which housing units would be intended for sale to homebuyers (if not all for rent) and which would be intended for rental to tenants (if not all for sale);
 - d. If any of the housing units are intended for rental, identification of the entity that would be responsible for managing and operating the rental units.

Proposal Submission and Selection Process:

Proposals must be submitted to and received by the City Clerk by no later than **Noon on July ____, 2019**. Proposals may be submitted in person (M-F, 8:00 am to 4:30 pm) or sent by postal mail to City Hall at the following address:

Cresco City Hall
130 N. Park Place
Cresco, IA 52136

It shall be the sole responsibility of developer firm to make certain that all proposals are in proper form and submitted before the deadline specified above.

All proposals will be reviewed and evaluated by a selection committee established by the City Council, made up of City staff, Councilmembers, and/or City legal counsel. Proposals will be reviewed and evaluated based upon the information contained in the respective submission packages. The selection committee shall identify and notify finalist developers/proposals within 5 business days of July ____, 2019 (*the submission deadline*).

The selection committee shall present an overview of the finalist proposals to the City Council at the City Council meeting on or around August _____, 2019. (*Council meeting date after submission deadline*) The finalist developers shall be notified of the exact City Council meeting date and invited to present supplemental comments regarding their proposals at such City Council meeting. Following the presentation of the proposals, the City Council intends to select the proposal that in its sole discretion provides the greatest benefit to the City and the City's residents, subject to modification and negotiation of the terms of the proposal. The final award of the project shall not be approved until a purchase, sale, and development agreement between the

City and the selected developer has been negotiated, agreed upon, and executed by the City, subject to all City legislative processes related to approving the sale of the property and the execution of the agreement, including public hearing requirements.

The City reserves the right to reject any or all proposals.

Questions:

Any questions may be submitted to Public Works Director, Rod Freidhof:

City Hall
130 N. Park Place,
Cresco, IA 52136

Phone: 563-547-3101
Fax: 563-547-4525
E-mail: cityhall@cityofcresco.com

City Hall office hours are Monday to Friday, 8:00 am to 4:30 pm.

Miscellaneous:

1. **Warranty:** By submitting a proposal, the developer represents and warrants that it is the owner of or otherwise has the right to use, distribute, and license or sublicense all materials used in connection with its proposal submission. The developer further represents and warrants that the work proposed to be performed will be completed using sound, professional practices and in compliance with all local, state, and federal ordinances, regulations, and laws.
2. **Assignment:** No contract or any of its provisions may be assigned, sublet, or transferred by the developer without the written consent of the city. Subject to the foregoing, any contract will be binding upon and will inure to the benefit of the parties and their respective successors and assignees.
3. **Governing Law and Forum:** The terms and conditions of this RFP and any resulting contracts or activities based upon this RFP shall be construed in accordance with the laws of the State of Iowa. Any litigation arising between the parties related to this RFP or any resulting contract shall be initiated and maintained only in the appropriate federal or state court for Howard County, Iowa.
4. **Return of Proposals:** All proposals become the property of the City and will not be returned to the developer. Once received and opened, the contents of the proposals will be placed in the public domain and be open for inspection by interested parties. Trade secrets or proprietary information that are recognized as such and are protected by law may be withheld upon the written request of developer.
5. **Non-Discrimination Statement:** In accordance with applicable federal and/or state law, it is the policy of the City of Cresco, Iowa not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, age, or religion in

its programs, activities, or employment practices. If the developer has questions or grievances related to compliance with this policy by the City, the developer may contact the City or the appropriate federal or state agency.

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