

**RESOLUTION NO. 22-23-39**

**RESOLUTION APPROVING AND AUTHORIZING  
EXECUTION OF A GOLF COURSE GRANT AGREEMENT  
BY AND BETWEEN THE CITY OF FOREST CITY, IOWA  
AND BEAR CREEK RUN GOLF CLUB, INC., AND THE  
LEASE OF CERTAIN REAL PROPERTY LOCALLY  
KNOWN AS 145 COUNTRY CLUB ROAD**

WHEREAS, the City Council of the City of Forest City (the "City") has received a proposal in the form of a proposed Golf Course Management Agreement (the "Agreement") with Bear Creek Run Golf Club, Inc. (the "Manager"), which Agreement proposes the lease of certain City-owned real property to the Manager, and the Manager would continue to operate its business on property located at 145 Country Club Road, Forest City, Iowa, and continue to employ employees therein; and

WHEREAS, the real property proposed to be leased to the Manager under the Agreement is legally described as follows:

*See Addendum A*

(the "Golf Course Property"); and

WHEREAS, the Agreement further proposes that the City will make up to ten (10) consecutive annual payments of Operational Grants to Manager each in the amount of up to \$50,000, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, Developer's business is a public golf course that provides recreational opportunities within the community, and attracts and retains employers and employees within the City; and

WHEREAS, Iowa Code Chapter 15A authorizes cities to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapter 15A of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.

- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, at this meeting, the City Council has held a hearing on the proposal to convey certain City interests in the Golf Course 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 FOREST CITY IN THE STATE OF IOWA:

Section 1. That the Property described herein shall be leased by the City to Bear Creek Run Golf Club, Inc., pursuant to the terms and conditions of the Agreement.

Section 2. That the performance by the City of its obligations under the Agreement, including but not limited to making of grants to the Manager in connection with the development of the Golf Course Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapter 15A of the Iowa Code, taking into account the factors set forth therein.

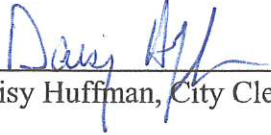
Section 3. That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed, including the execution of the necessary conveyance documents.

PASSED AND APPROVED this 1<sup>st</sup> day of May, 2023.



\_\_\_\_\_  
Ronald Holland, Mayor

ATTEST:



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Daisy Huffman, City Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WINNEBAGO )

I, the undersigned City Clerk of the City of Forest City, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this 1<sup>st</sup> day of May, 2023.

  
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City Clerk, City of Forest City, State of Iowa