City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Gerald L. Clausen, City Manager GLC

FROM: Jack Wardell, Director of Parks & Recreation JW

DATE: May 19, 2016

SUBJECT: Memo to City Council – Golf Car GPS Agreement – 2016

This agreement would be the third GPS agreement with To the Green. The original agreement was passed by the City Council in 2005. Many of the golfers enjoy and look forward to having the GPS units in the City owned golf cars. Upon notice to To the Green the new devices will be installed in the new golf cars.

The changes being presented to the City for consideration are as follows

1. The one time install per cart was $10.00, now increased to $18.00.
2. With this agreement, the City would be responsible for any damages to the GPS units.
3. Per year cost would be $1,800.00 per year compared to $1,100.00 in the last agreement.

RECOMMENDATION: For the City Council and Mayor Consideration and approval of the lease agreement with GPS Technologies of the lease per year amount of $1,800.00 per year.

RESOLUTION NO._____

A RESOLUTION APPROVING AN AGREEMENT WITH GPS TECHNOLOGIES, INC D/B/A "TO THE GREEN" COMPANY

WHEREAS, Chapter 17, of the Code of Ordinances of the City of Carroll, Iowa, provides that all contracts made by the City be reduced to writing and approved by the City Council by resolution; and

WHEREAS, the GPS Technologies, Inc. d/b/a "To the Green" Company Agreement is attached hereto as Exhibit "A'; and

WHEREAS, it is determined that the approval of the attached Agreement is in the best interest of the City of Carroll, Iowa;

NOW, THEREFORE, BE IT RESOLVED that the GPS Technologies, Inc., d/b/a "To the Green" Company Agreement, attached as Exhibit "A", be authorized and approved, and that the Mayor and City Clerk are authorized to execute the contract on behalf of the City of Carroll.

PASSED AND APPROVED by the City Council of the City of Carroll, Iowa, this 23rd day of May, 2016

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

AGREEMENT

IT IS AGREED between the City of Carroll ("City") and GPS Technologies, Inc., doing business as "To the Green" Company, as follows:

1. To the Green will install digital yardage locators on the golf carts owned by the City of Carroll at a cost of $18.00 per cart, one time only.
2. To the Green will be responsible for any damages to the golf carts during installation or maintenance of its locators.
3. To the Green will maintain, repair or replace any locators upon notice from the City at no cost.
4. City shall be responsible for any damages to the locators, and To the Green will indemnify and hold the City harmless for any damages, whether through negligent or intentional acts including but not limited to vandalism or theft of said locators. Indemnification shall include any and all expenses incurred by City as the result of any claims, actions or suits based on claimed defects in the digital yardage locators.
5. Any advertising that To the Green proposes to sell on the locators will be first reviewed and approved by the City Parks and Recreation Director, who shall have the right to refuse or reject any proposed ads.
6. The term of this Agreement will be three (3) years beginning July 1, Either party has the right to terminate the Agreement for cause if notice is given to the other party in writing by certified mail not less than forty five days in advance of the termination date.
7. Consideration: Upon signature by To the Green, and approval by the Carroll City Council the following payment schedule will begin:

July 1, 2016	$1,800.00
July 1, 2017	$1,800.00
July 1, 2018	$1,800.00

8. Robert Pudenz, President of GPS Technologies, Inc. dba To the Green, represents that the Corporate Articles and By-Laws, grant him the full and complete authority to bind said corporation to this Agreement.

9. Notices to the parties shall be mailed as follows:

City of Carroll	GPS Technologies, Inc.
City Hall	C/O Robert Pudenz, President
112 E. 5th Street	4251 S. 94th St
Carroll, IA 51401	Omaha, NE 68124

Signed this _____ day of May, 2016.

GPS Technologies, Inc. d/b/a To the Green Company

By_____
Robert Pudenz, President

CITY OF CARROLL, IOWA

BY: _____
Eric P. Jensen, Mayor

Attest:

BY: _____
Laura A. Schaefer, City Clerk