



STAFF REPORT

DATE: April 20, 2021

CONSENT

AGENDA ITEM: Accept Improvements and Approve Security Reductions for Boulder Ponds 3rd Addition.

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Ken Roberts, Planning Director
Marty Powers, Public Works Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council accept the improvements and approve security reductions for Boulder Ponds 3rd Addition?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed a request to accept the improvements and to reduce the development security for Boulder Ponds 3rd Addition. This request has been reviewed and the following reduction is being recommended for approval, contingent on the developer being current with all other payments and obligations in accordance with the Development Agreement, including a positive escrow balance as required by the City:

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Boulder Ponds 3 rd Addition	\$ 878,146	\$ 371,025

The Boulder Ponds 3rd Addition street and drainage improvements are now in the 1-year warranty period per the attached Certificate of Completion. Twenty-five percent (25%) of the original security amount will be retained until the warranty period has expired on April 20, 2022 for street and drainage improvements.

FISCAL IMPACT: It is the City's goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default.

RECOMMENDATION: Staff is recommending that the City Council, *as part of the Consent Agenda*, accept the improvements and approve the security reductions for the Boulder Ponds 3rd Addition as detailed in the respective worksheet, contingent on the developer being current with all other payments and obligations in accordance with the Development Agreement, including a positive escrow balance as required by the City. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to accept the improvements and approve the security reduction for the Boulder Ponds 3rd Addition as detailed in the attached Security Reduction Worksheet,, contingent on the developer being current with all other payments and obligations in accordance with the Development Agreement, including a positive escrow balance as required by the City”.

ATTACHMENTS:

1. Certificate of Completion – Boulder Ponds 3rd Addition.
2. Security Reduction Worksheet – Boulder Ponds 3rd Addition.

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: APRIL 20, 2021

OWNER: CITY OF LAKE ELMO, MN
DEVELOPER: OP4 BOULDER POUNDS, LLC
SUBDIVISION
NAME: BOULDER PONDS 3RD ADDITION
PROJECT NO.: 2018.120

- ☐ This Certification of Completion applies to all work under the Development Agreement
☒ This Certification of Completion applies to the following specified parts of the Development Agreement

Section 34.A – Public sewer and watermain

Section 34.B – Public improvements including street construction, concrete curb and gutter, sidewalks and trails, materials and equipment.

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Development Agreement dated September 25, 2018. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: April 20, 2021

Chad Isakson Reg. No. 49028



FOCUS Engineering, inc.

Section 34.A Warranty Period Begins March 5, 2019 and ends March 5, 2021

Section 34.B Warranty Period Begins April 20, 2021 and ends April 20, 2022

BOULDER PONDS 3RD ADDITION

Time of Performance: October 31, 2019

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS					
			#1	#2	#3	#4	#5	#6
Grading	\$66,470	\$83,088	\$83,088					
Sanitary Sewer	\$101,852	\$127,315	\$95,486					
Watermain	\$130,412	\$163,015	\$122,261					
Storm Sewer (w/pond structures)	\$55,845	\$69,806		\$52,355				
Streets and Sidewalks	\$147,956	\$184,945		\$138,709				
Trails	\$18,275	\$22,844		\$17,133				
Surface Water Facilities	\$55,849	\$69,811		\$52,358				
Street Lighting	\$24,000	\$30,000		\$22,500				
Street Signs and Traffic Control Signs	\$738	\$923		\$692				
Private Utilities (electricity, natural gas, telephone, and cable)								
Landscaping	\$103,522	\$129,403						
Tree Preservation and Restoration	NA	NA						
Wetland Mitigation and Buffers	NA	NA						
Monuments	\$3,300	\$4,125		\$3,094				
Erosion Control	\$12,450	\$15,563		\$11,672				
Hudson Blvd. Turn Lanes	\$217,516	\$271,895		\$203,921				
Record Drawings	\$5,000	\$6,250		\$4,688				
TOTALS	\$943,185	\$1,178,981	RELEASED AMOUNTS:	\$300,835	\$507,121	\$0	\$0	\$0
			CUMMULATIVE AMOUNTS:	\$300,835	\$807,956			
			SECURITY AMOUNT REMAINING:	\$878,146	\$371,025			
			DATE:	3/5/2019	4/20/2021			