



DATE: November 16, 2021
CONSENT

AGENDA ITEM: Accept Improvements and Approve Security Reductions for Lake Elmo Senior Living (Independent Living).

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Molly Just, Planning Director
Marty Powers, Public Works Director
Sam Magureanu, Finance Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council accept the improvements and approve security reductions for the Lake Elmo Senior Living (Independent Living)?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed a request to accept the improvements and reduce the security for the Lake Elmo Senior Living. This request has been reviewed and is being recommended for approval in accordance with the approved Site Improvement Agreement. The Site Improvement Security amount is recommended to be reduced as follows:

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Lake Elmo Senior Living	\$ 252,300	\$ 135,989

The Lake Elmo Senior Living (Independent Living) is in the warranty period as identified on the attached Certificate of Completion. Twenty-five percent (25%) of the original security amount will be retained until the warranty period has expired on February 2, 2023 for public sewer and water and November 16, 2022 for street construction. Landscaping security has also been reduced to twenty-five percent (25%) of the original security amount per direction from the Planning Director.

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 as detailed in the attached worksheet for the Lake Elmo Senior Living (Independent Living), contingent on the developer being current with all other payments and obligations in accordance with the Site Improvement 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 reductions as detailed in the attached worksheet for the Lake Elmo Senior Living (Independent Living), contingent on the developer being current with all other payments and obligations in accordance with the Site Improvement Agreement, including a positive escrow balance as required by the City”.

ATTACHMENTS:

1. Certificate of Completion – Lake Elmo Senior Living (Independent Living).
2. Security Reduction Worksheet – Lake Elmo Senior Living (Independent Living).

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: NOVEMBER 16, 2021

OWNER: CITY OF LAKE ELMO, MN
DEVELOPER: LAKE ELMO INDEPENDENT LIVING, LLC
SUBDIVISION
NAME: LAKE ELMO INDEPENDENT LIVING, LLC (39TH STREET)
PROJECT NO.: 2019.117

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

Section 29.A – Public sewer and water

Section 29.B – Street construction, including the repairs to 39th Street and concrete curb and gutter

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Site Improvement Agreement dated April 9, 2020. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: November 16, 2021

Chad Isakson Reg. No. 49028

Chad Isakson

FOCUS Engineering, inc.

Section 29.A Warranty Period Begins	February 2, 2021	and ends	February 2, 2023
Section 29.B Warranty Period Begins	November 16, 2021	and ends	November 16, 2022

LAKE ELMO SENIOR LIVING

Time of Performance: October 31, 2021

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS					
			#1	#2	#3	#4	#5	#6
Grading	\$205,000	\$256,250 100%			\$256,250			
Sanitary Sewer	\$99,700	\$124,625 75%	\$62,313	\$31,156				
Watermain	\$115,000	\$143,750 75%	\$71,875	\$35,938				
Storm Sewer (w/pond structures)	\$134,600	\$168,250 75%	\$84,125			\$42,063		
Street and Trail Cut at Entrance	\$10,000	\$12,500 75%	\$6,250			\$3,125		
Bituminous Trails	NA	NA						
Surface Water Facilities	NA	NA						
Street Lighting	NA	NA						
Street Signs and Traffic Control Signs	NA	NA						
Private Utilities (electricity, natural gas, tele	NA	NA						
Landscaping	\$46,865	\$58,581				\$43,936		
Tree Preservation and Restoration	NA	NA						
Wetland Mitigation and Buffers	NA	NA						
Monuments	\$1,000	\$1,250 75%				\$938		
Erosion Control	\$20,000	\$25,000 75%				\$18,750		
Record Drawings	\$8,000	\$10,000 75%				\$7,500		

TOTALS

\$640,165

\$800,206

RELEASED AMOUNTS:

\$224,563

\$67,094

\$256,250

\$116,311

CUMMULATIVE AMOUNTS:

\$224,563

\$291,656

\$547,906

\$664,217

SECURITY AMOUNT REMAINING:

\$575,644

\$508,550

\$252,300

\$135,989

DATE:

1/19/2021

2/2/2021

9/7/2021

11/16/2021