



DATE: January 18, 2022

CONSENT

AGENDA ITEM: Approve Utility Oversize Cost Reimbursement for Hidden Meadows 2nd Addition.

SUBMITTED BY: Jack Griffin, City Engineer

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

ISSUE BEFORE COUNCIL: Should the City Council approve the utility oversize cost reimbursement for Hidden Meadows 2nd Addition?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed a request to process the utility oversize cost reimbursement for Hidden Meadows 2nd Addition. This request has been reviewed and is being recommended for approval in accordance with the approved Development Agreements, and contingent on the developer being current with all other payments and obligations in accordance with the Development Agreements, including a positive escrow balance as required by the City:

Upon acceptance of the sanitary sewer and watermain utilities, utility oversize cost reimbursement is due in the amount of \$58,064 for trunk watermain oversize costs in Hidden Meadows 2nd Addition.

FISCAL IMPACT: Utility oversize costs are estimated and identified in the City's capital improvement and utility pro forma plans for trunk watermain and trunk sanitary sewer infrastructure. Trunk watermain and sanitary sewer oversize costs are funded through the respective utility enterprise funds.

RECOMMENDATION: Staff is recommending that the City Council, *as part of the Consent Agenda*, approve the utility oversize cost reimbursement for Hidden Meadows 2nd Addition, 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 approve the utility oversize cost reimbursement as presented on the attached Payment Voucher for Hidden Meadows 2nd Addition, 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. Payment Voucher for Utility Oversize Cost Reimbursement – Hidden Meadows 2nd Addition.

City of Lake Elmo Payment Voucher

Vendor No: _____ (Finance use only)

Vendor: Rachel Development, Inc. Attn: Steve Wolbeck

Payment Total:	\$ 58,064.00
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(calculates from below)

Invoice: _____

Invoice Date: 01/05/22

Address: 4125 Napier Ct NE

St. Michael, MN 55376

Fund	Function	Dept	Account	Description	Amount
601	494	9400	45300	Trunk Watermain Oversize - Hidden Meadows 2nd Addition	\$ 58,064.00
Total:					\$ 58,064.00

Notes

Payment per Section 28 - City Payments: Hidden Meadows 2nd Addition Development Agreement (12/20/2017).

Department Director

J Griffin

City Administrator or Finance Director

(required if not budgeted or over \$100,000)

- C. The Developers shall hold the City and its officials, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from the City's approval of the plat and the development of the Subdivision. The Developers shall indemnify the City and its officials, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.
- D. The Developers shall reimburse the City for costs incurred in the enforcement of this Agreement, including reasonable engineering and attorneys' fees.
- E. The Developers shall pay, or cause to be paid when due, and in any event before any penalty is attached, all special assessments referred to in this Agreement. This is a personal obligation of the Developers and shall continue in full force and effect even if the Developers sell one or more lots, the entire Property, or any portion of it.
- F. The Developers shall pay in full all bills submitted to them by the City for obligations incurred under this Agreement within 30 days after receipt. Bills not paid within 30 days shall be assessed a late fee per the City adopted fee schedule. Upon request, the City will provide copies of detailed invoices of the work performed by the City and its consultants.

28. CITY PAYMENTS. The City shall reimburse the Developers in the amount of \$58,064.00 for oversizing costs associated with the installation of 16 inch water main as identified on the Plans. City payments shall be made within 30 days of the City's final acceptance of the Improvements, but only if the Developers are not in default of this Agreement. This payment by the City shall be the City's only responsibility with regard to construction of the Improvements and in no case shall act as a waiver of any other right of the City under this Agreement or under applicable laws, ordinances, or rules.

29. SPECIAL PROVISIONS. The following special provisions shall apply to the