



STAFF REPORT

DATE: April 4, 2023

CONSENT

AGENDA ITEM: Approve Release of Warranty Security for Public Utilities and Improvements for Lake Elmo Senior Living (Independent Living).

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Marty Powers, Public Works Director
Sophia Jensen, City Planner
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve release of warranty security for public utilities and improvements for Lake Elmo Senior Living (Independent Living)?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed a request to release development security for Lake Elmo Senior Living (Independent Living). The 2-year warranty period for Lake Elmo Senior Living (Independent Living) watermain period expired on February 2, 2023 and the public improvement warranty period expired November 16, 2022. A warranty walk-through has been completed by city staff and all warranty punch list items have since been addressed by the developer.

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Lake Elmo Senior Living:	\$135,989	\$14,645

The remaining proposed security would remain in place for the landscaping warranty period.

FISCAL IMPACT: Release of the warranty security closes out the public utilities and improvements portion of the development. The operation and maintenance of these facilities becomes the responsibility of the City going forward.

RECOMMENDATION: Staff is recommending that the City Council, *as part of the Consent Agenda*, approve the release of warranty security for public watermain and improvements in Lake Elmo Senior Living (Independent Living). The release of security is 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 security release for the Lake Elmo Senior Living (Independent Living) as detailed in the respective 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. Security Reduction Worksheet – Lake Elmo Senior Living (Independent Living).

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	\$124,625 100%	\$62,313	\$31,156				\$31,156	
Watermain	\$115,000	\$143,750 100%	\$71,875	\$35,938				\$35,938	
Storm Sewer (w/pond structures)	\$134,600	\$168,250 100%	\$84,125			\$42,063		\$42,063	
Street and Trail Cut at Entrance	\$10,000	\$12,500 100%	\$6,250			\$3,125		\$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, telep	NA	NA							
Landscaping	\$46,865	\$58,581 75%				\$43,936			
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	NA	NA							
Monuments	\$1,000	\$1,250 100%				\$938		\$313	
Erosion Control	\$20,000	\$25,000 100%				\$18,750		\$6,250	
Record Drawings	\$8,000	\$10,000 100%				\$7,500		\$2,500	

TOTALS

\$640,165

\$800,206

RELEASED AMOUNTS:	\$224,563	\$67,094	\$256,250	\$116,311	\$121,344
CUMMULATIVE AMOUNTS:	\$224,563	\$291,656	\$547,906	\$664,217	\$785,561
SECURITY AMOUNT REMAINING:	\$575,644	\$508,550	\$252,300	\$135,989	\$14,645
DATE:	1/19/2021	2/2/2021	9/7/2021	11/16/2021	4/4/2023