



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Memorandum of Agreement 617 W. State - Art History Brewing		
Presenter & Title:	Bob VanGyseghem, Superintendent of Water and Wastewater.		
Date:	April 20, 2020		
Please Check Appropriate Box:			
	Committee of the Whole Meeting		Special Committee of the Whole Meeting
X	City Council Meeting		Special City Council Meeting
	Public Hearing		Other -
Associated Strategic Plan Goal/Objective: ES-III			
Estimated Cost: \$61,861.53	Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Executive Summary:			
<p>The property at 649 W. State Street, formally “The Great Frame Up” is under re-development to be occupied by “Art History Brewing”. A fire suppression system is required to be installed which necessitates a larger water supply to the address. The nearest water main is located 300 feet south of the address on State Street. Title 9 Chapter 3-2D of the Geneva Municipal Code allows for the city to participate in the cost of installation of the major water main required to serve the property. Staff proposes a public private cost sharing agreement where a ten (10) inch diameter water main be installed connecting water mains in West State Street to Peyton Street. The fire service would be connected from the new 10-inch water main and eliminate the water quality concerns. The City would benefit in overall system improvements and may help incentivize new development at Richards and State Street. The city cost for the water main installation is \$61,861.53. Project will utilize remaining funds available within the Water & Wastewater Capital Outlay.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Resolution • Memorandum of Agreement • Attachments A, B, C, D 			
Voting Requirements:			
<p><i>This motion requires <u> 7 </u> affirmative votes for passage.</i></p> <p><i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie votes; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i></p>			
Recommendation / Suggested Action: <i>(how item should be listed on agenda)</i>			
<p>Recommend approval of Resolution authorizing the City Administrator to execute a Memorandum of Agreement with 617 State, LLC in an amount not to exceed \$61,861.53.</p>			

RESOLUTION NO. 2020-33
RESOLUTION AUTHORIZING EXECUTION OF
A Memorandum of Agreement between the City of Geneva and 617 State, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That the City Administrator is hereby authorized to execute, on behalf of the City of Geneva, a Memorandum of Agreement with 617 State, LLC, relating to the installation of a water main.

SECTION 2: This Resolution shall become effective from and after its passage as in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ____ day of _____, 2020

AYES: __ NAYS: __ ABSENT: __ ABSTAINING: __ HOLDING OFFICE: __

Approved by me this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

MEMORANDUM OF AGREEMENT
between
THE CITY OF GENEVA AND 617 STATE, LLC

This MEMORANDUM OF AGREEMENT (MOA), dated January 1, 2020 between the City of Geneva (City), an Illinois municipal corporation, and 617 State, LLC (617 State), collectively referred to as “Parties” and describes the intentions, agreements and future obligations among the Parties for a water distribution system improvement within the Seventh Street right of way lying west of the real property commonly known as 649 W. State Street in the City of Geneva, Kane County, Illinois. 617 State represents that it is the fee title owner of the real property commonly known as 649 W. State Street, Geneva, Illinois.

I. INTENTIONS

The Parties desire to complete certain water distribution system improvements (hereafter sometimes referred to as “7th Street Water Main Extension”) associated with the construction and renovations of the premises commonly known as 649 W. State Street, Geneva, Illinois (hereafter referred to as the “Project”). Two (2) written proposals from private utility contractors have been considered for this Project. The first proposal (Proposal #1) requires the property owner, 617 State, to install and pay for Three Hundred (300) feet of six (6) inch water main for a private fire service from the. State Street right of way to the building located at 649 W. State. Due to the City’s concern for water quality under Proposal #1, the City will agree to a public-private cost sharing arrangement where a ten (10) inch diameter water main would be installed connecting water mains in West State Street to Peyton Street. The fire service would be connected from the new 10-inch water main and eliminate the water quality concerns. The City would benefit in overall system improvements and may help incentivize new development at Richards and State Street. The Parties determined that a public-private cost sharing arrangement would be mutually beneficial to allocate the costs.

II. MUTUAL AGREEMENT

The City and 617 State, LLC agree upon the design features depicted on the water distribution system improvements as shown in Exhibit A [Titled Final Engineering Improvement Plans, 7th Street Water Main Extension, Geneva, Illinois, prepared by Taurus Engineering, L.L.C. The design features include improvements that provide cost benefits to the 649 W. State Street Project as well as infrastructure improvements to the City water system (Cost Benefit Improvements).

A. The City shall pay the stated share of the following Cost Benefit Improvements:

Bid documents prepared by Veruna LLC of Elgin, Illinois for Havlicek Builders, Inc dated December 10, 2019, beginning on page #4:

1. 50% of the net cost "\$46,641.00" listed as Attachment (A), "649 State Street Watermain Geneva, IL" in the amount of \$23,320.50. The City will pay Veruna \$23,320.50 upon completion of the work.
2. 50% of the net cost "21,766.20" listed as Attachment (B), "Parts & Materials Watermain – 7th Street, State Street to Peyton Street Phase I" in the amount of \$10,883.10
3. Incidental costs for City staff to excavate for 10-inch pressure tap at State Street.
4. Incidental costs for City staff to install traffic control for 10-inch pressure tap at State Street.
5. Incidental costs for City staff to install valve vault for 10-inch pressure tap at State Street.
6. Incidental costs for City staff to install 10-inch water main to just outside of the State Street ROW.
7. Incidental restoration costs for valve vault including backfill, asphalt, & concrete curb and sidewalk.
8. All costs listed as Attachment (C) "\$27,657.93" associated with the installation of 10-inch water main as shown as "Phase II" Attachment (D) Titled Watermain – 7th Street, State Street to Peyton Street, Geneva, Illinois, prepared by Taurus Engineering, L.L.C.

Total Project Cost to City of Geneva is \$61,861.53 plus incidental costs referred to in A 3 through 7 above.

B. 617 State, LLC shall pay the stated share of the following Cost Benefit Improvements:

All costs for engineering and design plans Titled Watermain – 7th Street, State Street to Peyton Street, Geneva, Illinois, prepared by Taurus Engineering, L.L.C.

1. 50% of the net cost "\$46,641.00" listed as Attachment (A), "649 State Street Watermain Geneva, IL" in the amount of \$23,320.50.
2. 50% of the net cost "21,766.20" listed as Attachment (B), "Parts & Materials 649 W. State Street Water Main" in the amount of \$10,883.10
3. 617 State, LLC shall be responsible for all costs to design and construct fire service to 649 State Street, Geneva, IL as detailed on design plan Titled Watermain – 7th Street, State Street to Peyton Street, Geneva, Illinois, prepared by Taurus Engineering, L.L.C.
4. All costs for interior plumbing improvements to 649 W. State.
5. All costs for permits and inspections for the improvements to 649 W. State.

Total Project Cost to 617 State, LLC is \$34,203.60 plus engineering and design plan fees & permit fees.

III. RESPONSIBILITIES AND OBLIGATIONS OF PARTIES:

A. The Parties agree to the following responsibilities and obligations:

- (i) All work shall comply with all applicable Federal, State, County and Local regulations.
- (ii) 617 State, LLC will enter into contract with Veruna LLC of Elgin, IL for the construction of Phase I and maintain certified payrolls and final lien waivers. The City shall make payment of its share of the costs under IIA above to 617 State, LLC upon proof of payment to and applicable lien waivers from Veruna, LLC.
- (iii) The City will order and pay for the initial costs for all "Parts & Materials Watermain – 7th Street, State Street to Peyton Street Phase I". 617 State, LLC will reimburse the City for 50% of costs upon presentation of an invoice therefor.

B. Any Change Orders for the Project will be approved by the City Council prior to the work being completed.

C. The Project is prosecuted pursuant to the City's current Prevailing Wage scales and 617 State, LLC shall comply with the Illinois Prevailing Wage Act, including but not limited to maintaining certified payrolls that must be submitted with Payment Requests of the City.

D. A Letter of Credit in an amount of \$39,335 provided by 617 State, LLC. will be held for the benefit of, and tendered to the City in lieu of a Performance Bond. The form of the Letter of Credit and the issuing financial institution must be approved by the City prior to issuance thereof and the commencement of any work.

E. 617 State, LLC shall post a Certificate of Insurance, in a form acceptable to the City, with the City listing the City of Geneva and its agents as Additional Insured.

F. The Parties shall work together to reduce costs associated with the Project including but not limited to the City of Geneva Public Works Department restoring the road pavement for the _____, technical expertise and personnel support as resources allow. All costs associated with personnel/material support will be deducted from City Net Cost on a time and material (T&M) basis.

G. No connections fees will be assessed to 621, 625, 629, 637, 641, 645 W. State in the event 617 State, LLC chooses to connect existing water service to the "7th Street Water Main Extension", except for any cost to upsize the water meter or if property is redeveloped.

H. The Parties shall abide by the terms of this MOA, including but not limited to timely payment of eligible costs to the contractor who prosecutes the work for the Project.

IV. Miscellaneous Provisions.

A. **Applicable Law.** This MOA shall be governed by and interpreted under Illinois law.

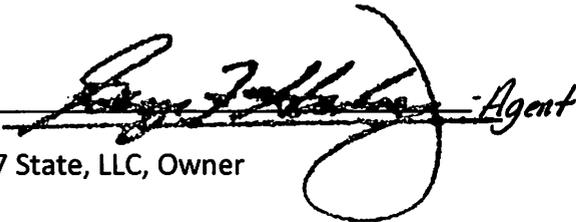
B. **Severability.** If any provision of this MOA is held to be invalid or unenforceable, that provision shall be severable, and the remaining provisions of this MOA will be fully enforceable.

C. **Nonwaiver.** The failure of either party at any time to require the performance by the other party of any provision of this MOA shall in no way affect that party's right to subsequently enforce that provision.

D. **Entire Agreement.** This MOA embodies the entire agreement between the parties with respect to its subject matter, and it supersedes all prior agreements, whether written or oral. No amendment of this MOA shall be effective unless in writing and signed by both parties.

E. The signatories to this MOA have fully authority to bind the Parties hereto.

V. SIGNATURES

-Agent

617 State, LLC, Owner

Geneva, IL 60134

Stephanie K. Dawkins, City Administrator
City of Geneva
102 S. First Street
Geneva, IL 60134

EXHIBIT A

● VERUNA LLC

Havlicek Builders, Inc.
321 Stevens St. Ste. J
Geneva, IL 60134

12/10/2019

Optional Connection

Attn: Tad Hemming

Re: 649 State St. Watermain
Geneva, IL

Gentlemen:

Enclosed is our unit price bid for the underground utilities on the above referenced project per plans dated 10/15/19

TOTAL PRICE \$46,641.00

THIS BID IS FIRM FOR THIRTY DAYS FROM THE DATE OF THIS PROPOSAL

Please note the following:

1. Our bid is based on solid earth excavation. If undercutting of unsuitable soil is required, it will be done at a rate to be negotiated.
2. Our bid is based on substantial completion before May 31, 2020. Our pricing is based on materials being ordered within 30 days of this proposal.
3. This proposal is based on the assumption that we will be able to complete the project with a single mobilization.
4. Payments to be made within 30 days of receipt of our billing.
5. We do not include any erosion control or erosion control maintenance.
6. All structures will be adjusted to final grade as indicated on the Engineer's stakes while we are working on the project. Veruna, LLC. will make every effort to make any minor changes to rim grades while we are on the project at no additional cost. Any rim adjustments that are necessary once we leave the site will be done on a Time & Material basis.
7. We do not include handling of special or hazardous waste materials. Should any questionable materials be encountered work will cease in that area until a determination is made by qualified personnel and any necessary remediation is completed. Time lost due to encountering questionable materials will be invoiced on a time and material basis.
8. We include minimal trench dewatering including the use of one 2", portable, gasoline powered pump. Excessive dewatering which requires wells, well points, special pumps, or portable power units will be priced as needed.
9. The City Of Geneva will supply all the material for the 10" main as well as install the pressure connection in Rt 38. The city will also supply the 10" gate valve and vault & the fire hydrant.

WE DO NOT INCLUDE:

- A) Permits, bonds or connection fees.
- B) Engineering layout (i.e. line and grade stakes)
- C) Landscape restoration.
- D) Any cleaning of the sewers prior to acceptance by the city / village i.e.. Manholes / catchbasins
- E) Frost Ripping, Tree protection - removal or replacement, Pole Bracing, Rip Rap
- F) Vacuum Testing Manhole Structures

Thank you for the opportunity to bid on this project.

Respectfully,
Benny D'Andrea

Attachment B

Parts & Materials				
Watermain - 7th Street, State Street to Peyton Street Phase I				
Item	Qty	Unit	Unit Price	Extended Price
10" DIP	320	Foot	\$29.20	\$9,344.00
Poly Wrap	440	Foot	\$0.33	\$145.20
10x10 S. Steel Tapping Sleeve W Valve	1	EACH	\$3,000.00	\$3,000.00
10x10 Pressure Tap - Mid-West Chlorination	1	EACH	\$500.00	\$500.00
WB67 Hydrant	1	EACH	\$2,400.00	\$2,400.00
6" RW Valve for Hydrant	1	EACH	\$650.00	\$650.00
Valve Box for Hydrant	1	EACH	\$165.00	\$165.00
10x6 MJ Tee	1	EACH	\$550.00	\$550.00
72" Valve Vault for 10x10 tap	1	EACH	\$1,435.00	\$1,435.00
72" Floor	1	EACH	\$512.00	\$512.00
72" TG Flat Top	1	EACH	\$860.00	\$860.00
48" Vault - Inline valve	1	EACH	\$498.00	\$498.00
48" Straight Cone	1	EACH	\$232.00	\$232.00
10" WR Valve and S Steel Bolts	1	EACH	\$1,475.00	\$1,475.00
			TOTAL	\$21,766.20

Items in RED are from Welch Brothers

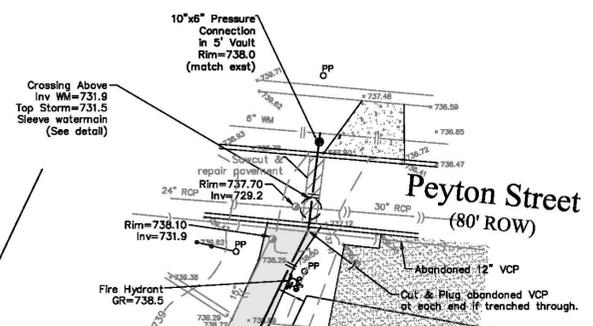
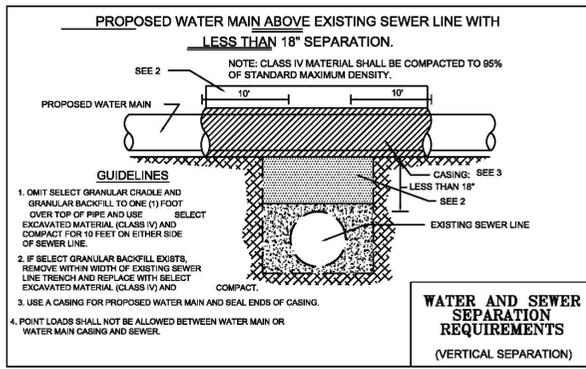
Parts & Materials				
Watermain - 7th Street, State Street to Peyton Street Phase I				
PARTS				
Item	Qty	Unit	Unit Price	Extended Price
10" DIP	475	Foot	\$29.20	\$13,870.00
Poly Wrap	440	Foot	\$0.33	\$145.20
6" x 6" MJ Tee	1	EACH	\$336.82	\$336.82
6" x 10" Reducer	1	EACH	\$235.91	\$235.91
WB67 Hydrant	1	EACH	\$2,400.00	\$2,400.00
6" RW Valve for Hydrant	1	EACH	\$650.00	\$650.00
Valve Box for Hydrant	1	EACH	\$165.00	\$165.00
10x6 MJ Tee	1	EACH	\$550.00	\$550.00
48" Vault - Inline valve	1	EACH	\$498.00	\$498.00
48" Straight Cone	1	EACH	\$232.00	\$232.00
10" WR Valve and S Steel Bolts	1	EACH	\$1,475.00	\$1,475.00
			TOTAL PARTS	\$20,557.93
EQUIPMENT RENTAL				
John Deere 160 Excavator	2	Week	\$2,300.00	\$4,600.00
Excavator Delivery and Return	2	EACH	\$500.00	\$1,000.00
Stone Mizer	2	Week	\$400.00	\$800.00
Shoring Box 6' x 16'	2	Week	\$350.00	\$700.00
			TOTAL EQUIPMENT	\$7,100.00
			TOTAL PHASE 2 COST	\$27,657.93

Items in RED are from Welch Brothers

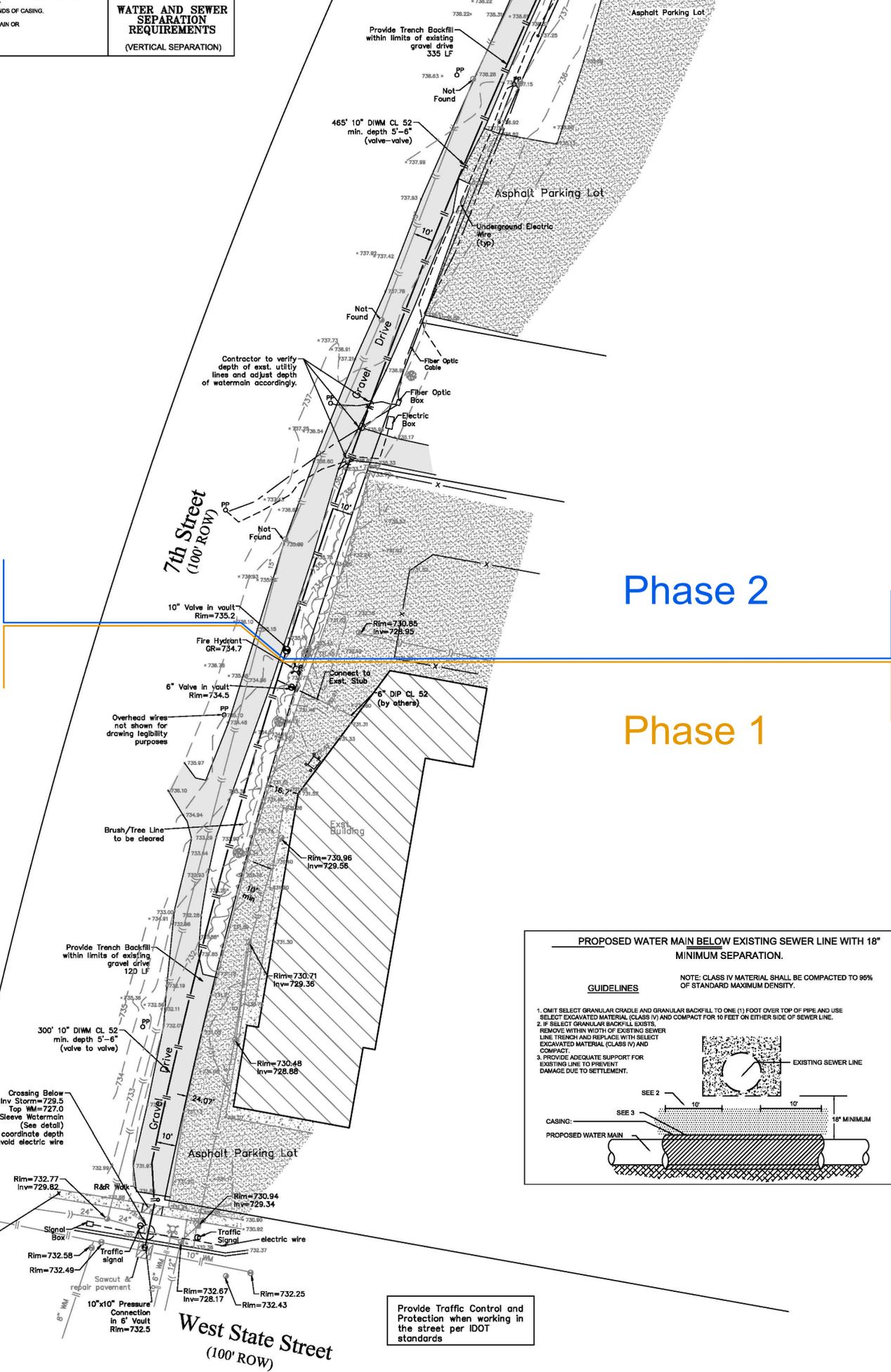
Watermain - 7th Street

State Street to Peyton Street

Geneva, IL



- Legend**
- TF = Top of Foundation
 - GF = Garage Floor
 - BW = Back of Walk
 - FG = Finished Grade
 - BC = Back of Curb
 - P.U.E. = Public Utility Easement
 - D.E. = Drainage Easement
 - CL = Center Line
 - DIWM = Ductile Iron Watermain
 - x (100.00) = Proposed Elevation
 - x 100.00 = Exst Elevation
 - - - = Exst Contour
 - - - = Proposed Contour
 - - - = B-box
 - - - = Inlet Manhole
 - - - = Storm Manhole
 - - - = Catch Basin
 - - - = Drainage Flow
 - - - = Overland Flow Route
 - - - = Street Light
 - - - = Fire Hydrant
 - - - = Storm Inlet
 - - - = Tree



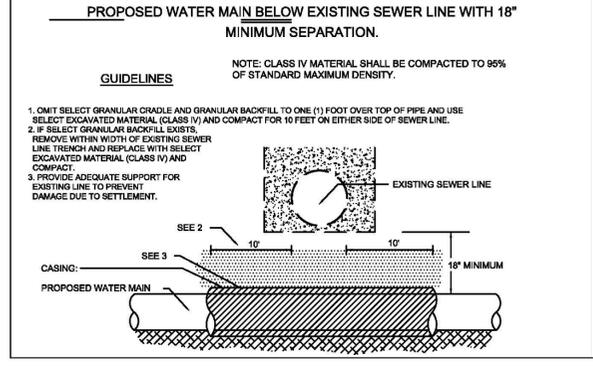
Phase 2

Phase 1

Plan Notes

15" storm sewer shown based on utility atlas information. Structures noted as not found.

Overhead Electric Wires not shown for drawing legibility purposes.



Provide Traffic Control and Protection when working in the street per IDOT standards

Taurus Engineering, L.L.C.

SN5557 Route 59 Bartlett, IL 60103 630-549-5506 tauruseng@abeglobal.net	Prepared For:	Property Address:	Original Plan Date	Scale: 1"=30'		
	Geneva Public Works Dept 1809 South Street Geneva, IL 60134 630-232-1501	7th Street State St. to Peyton St. Geneva, IL	Revision: Per City Input Date: 1-25-20	Revision:	Date:	Revision: