Ivins City Staff Report
City Council Meeting 2/16/2023

Agenda Item: Discuss and consider approval of Ivins City increasing funding for the Old Highway 91 project and consider possible changes to project scope.

Submitted by: Thomas J. Jorgensen, P.E., Assistant Public Works Director

Recommended City Council Action:
Approve increasing funding of up to $499,000 for additional funds for the Old Highway 91 project and approve or reject any of the proposed scope changes.

BACKGROUND:

Ivins City has applied for and received additional funding for the Old Highway 91 project as a federal earmark in the amount of $2M. Staff is recommending that the $2M be used for the current phase (the phase that is currently under construction) and remove funds from the project that were contributed by Ivins City. Staff is also recommending that those funds originally intended for the first phase of improvements be used to fund the second phase of improvements (the second phase including resurfacing and widening Hwy 91 from Kwavasa out to the Shivwits boarder). The major benefit of using those earmark funds for the current project and Ivins City taking those funds out of the project is that using City funds for phase 2 makes the project no longer federalized and managed by UDOT. The hope is that if Ivins City uses its own funds the second phase will be less expensive by not having to use the UDOT process for administering the project and not having to meet federal requirements that often add costs.

Something to note about the current budget for phase 1, is that approximately $500k is being set aside for contingency items. Staff is recommending that the current phase 1 project includes some additional items (see below), but these items would essentially use up the full contingency (leaving no funds for future unknown contingency items). Therefore, staff is recommending that Ivins City approves up to $499k to be added to the phase 1 project to replace those contingency funds. Considering the earmark that has been received, staff is recommending that instead of pulling the full $2M of the Ivins City contribution out of the project, that the City only pulls out $1,501,000 out of the project and leave $499k in the phase one project.

It should be noted that after discussing some of the potential changes listed below to the project, UDOT has said that to meet federal guidelines the city cannot add more than $499k worth of work to the project without having to go through a re-bid of the project.

Below is the list and explanation of each of those items that staff is recommending adding to the project.

1. Irrigation Lines – There are several locations where, according to the current master plan, that irrigation lines will need to be run that are within the current boundaries of the project. It makes sense to put these irrigation lines in, otherwise the city will need disturb new asphalt to install them in the future. There are two locations 600 W roundabout and 400 West roundabout. It would involve installing approximately 950 lineal feet of irrigation pipe. Approximate cost $40,000.
2. 11 Foot Trail – The trail currently being constructed is 10' wide. The current recommendations for trails are closer to 12'. Staff is recommending that we add an additional foot to the trail making it closer to the 12' standard. Approximate cost $80,000.
3. 3 Lanes – The future buildout plan for Hwy 91 includes a center landscaped median, this would be considered a three-lane section (2 lanes traffic and 1 lane landscaped median). As part of this project, each intersection is getting a left-hand turn pocket or a roundabout. The full length of the highway

improvements is approximately 7,600 feet, and because several of the intersections are already 3 lanes, it only takes another 4,100 feet to make the whole length from 200 East to Kwavasa a 3 lane section. Approximate cost $375,000.

4. Curb, Gutter, and Sidewalk – The project will be realigning 200 West so that it intersects with Highway 91 at more of a right angle. The original plan did not call for curb, gutter, and sidewalk along the east side of the street in front of the Appel property. Since the Appels are likely not developing that parcel, it makes sense for the City to come in and install the curb, gutter, and sidewalk and fill the gap between Shadow Canyon and Hwy 91. Approximate cost $40,000
5. Culvert Extension – There's a wash located just east of the JK Frei property that the trail is going to need to cross. The original plan was to extend the culvert that runs under the highway and construct the trail on top of the culvert. The UDOT design process would have made that solution very costly due to their design standards, so the finish design called for the trail to dip down into the wash and back out again the other side. Now that the project is under construction, those UDOT processes no longer apply and extending that culvert can now be done more economically but using a pre-cast concrete structure. Approximate cost $100,000.

The total for all these items is approximately $635,000.

Additionally, there's a location of the trail, between Dry Wash and JK Frei's property, that staff is planning on omitting from the Old Hwy 91 project. The reason for omitting this portion of trail is Kayenta is planning on a roundabout at the intersection of Dry Wash and the old highway. The other reason is there seems to be a little better alignment due to topography in the area and some of the existing trees that both Terry Martin and staff would like to save. Since these portions of the trail are outside the area that was previously cleared for environmental, they can't be part of the Old Hwy 91 project and will need to be done as a separate contract through the City. This amount of trail represents approximately $100,000 that will be pulled from the project.

Lastly, staff was able to obtain right of way along the north side of the highway along the entire length of the project except for four properties. The properties are located between 400 West and Kwavasa. Since staff was not able to obtain right of way from these property owners, the trail was designed to be located within the existing 100' right of way. The rest of the trail was designed and located within the additional 30' that was outside the 100' right of way. Within the past month, Lance Anderson and staff have been able to obtain agreements from two of those property owners, the Roberts (adjacent to 400 West) and the King's (closer to 600 West). These agreements are contingent upon appraised value and City Council approval. Therefore, once the right of way acquisition have been finalized, staff will work with the engineers to move the trail out of the 100' right of way and into the location that coincides with the city's master plan. That leaves two properties that staff has not obtained right of way from. Staff needs direction from the City Council whether the city should explore eminent domain to obtain additional right of way from these two properties. By doing so, the trail will be in the correct location, per the current master plan, all along the north side of the Old Hwy 91. If the City Council wants to pursue eminent domain, this portion of trail in front of the two properties would need to be removed from the project since eminent domain cannot be part of the federal project. It should be noted that staff is not supporting the idea of eminent domain, but staff is aware that Councilman Anderson is. Therefore, staff would like a discussion and direction from Council for how to proceed.

FINDINGS AND ANALYSIS:

The majority of these costs represent just and increase in quantity for the associated bid items. Staff will be working with the contractor and engineer to ensure that pricing is fair.

SUPPORT MATERIALS:

- N.A.

FINANCIAL IMPACT:
$2M added to project through federal earmark.
Ivins City would recover $1.5 back from the project, and increase funding up to $499,000 to maintain contingency for the project and for the items listed above.

Respectfully Submitted:

Thomas J. Jorgensen, P.E., Assistant Public Works Director

Content Review:

Dale Coulam, City Manager