

**CITY OF WEST ALLIS
RESOLUTION R-2021-0845**

RESOLUTION TO AUTHORIZE REIMBURSEMENT TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH A RULING BY THE FEDERAL HIGHWAY ADMINISTRATION FOR THE CITY'S CANCELED BIKE TRAIL AND BIKE BRIDGE PROJECTS IN THE AMOUNT OF \$357,001.76 AND APPROVING A 2021 ENGINEERING DEPARTMENT FUND TRANSFER AND AMENDING THE 2021 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the Common Council voted to cancel the bike bridge project as outlined in Communication 2018-0227 to Council on March 20, 2018 due to the significantly higher bids received by WisDOT and the additional costs of de-energizing the American Transmission Services (ATC) high power lines and the additional costs due to the We Energies Gas high pressure gas main and the additional cost caused by large traffic volumes on WisDOT's Hwy 100 and the additional costs with WisDOT fiber optic line directly under the pier of the proposed bridge as well as the additional cost of the very large City owned Storm Box Culvert directly under the pier of the bridge; and

WHEREAS, the total cost to the City of the bike bridge would have totaled \$1,191,889.40 not including all the additional utility costs outlined above; and

WHEREAS, the Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration (FHWA) recently completed a thorough review of the entire bike trail project and ruled that federal fund forgiveness is not possible; and

WHEREAS, the City has been invoiced for all the expenditures associated with this project, including preliminary engineering expenditures for the three trail segments, as well as the bridge design and construction oversight charges which totaled \$357,001.76; and

WHEREAS, FHWA Order 5020.1A which is known as the 10-year rule, and is derived from Title 23, United States Code Section 102 (b), outlines requirements pertaining to repayment of federal preliminary engineering funding if on-site construction of, or acquisition of right-of-way for, a project is not commenced within 10 years; and

WHEREAS, On November 17, 2020 the Common Council approved the 2021 Capital Improvement Program and approved the funding in R-2020-0727, and

WHEREAS, WHEREAS, The City Engineer has identified other projects in the 2021 Capital Improvement Program budget with excess funds that can be used to fund these additions. The projects proposed to be used to transfer their excess funding are:

1. 86th Street = \$21,000
2. Dakota Street = \$21,000

WHEREAS, staff is recommending approval to utilize available Capital Project Fund Balances in account number 350-6008-531.31-01 (Streets) to pay for the amounts that need to be paid from the budgeted amount for 2021 Capital Projects.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the proper City officers are hereby authorized and directed to make settlement with the Wisconsin Department of Transportation in accordance with the terms of the State Municipal Agreement for the bike trail and bike bridge projects.

BE IT FURTHER RESOLVED by the Common Council of the City of West Allis that the fund transfers be and hereby are approved.

BE IT FURTHER RESOLVED that the 2021 Capital Improvement Program be and hereby is approved as amended.

BE IT FURTHER RESOLVED that the Finance Director is authorized and directed to complete such transfers.

SECTION 1: **ADOPTION** “R-2021-0845” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0845(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis