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Memo

To: Flathead County Board of Commissioners
From: Flathead County Planning and Zoning
Date: March 30, 2011
Re: CTEP Application for the Lakeside-Blacktail Road Trail

Dear Commissioners,

On July 8, 2010 the project concept for the Lakeside-Blacktail Road Trail was accepted by you and you approved \$300,000.00 of available Flathead County CTEP allocation to be used for developing the trail facility. The Lakeside Community Council (local sponsor) established the Lakeside Trails Committee to work on the project application, and a draft application was submitted to this office in late December for review and editing. After addressing various problematic issues which were recognized in the initial draft, the application has been refined to a point appropriate for your review, and for submittal to the MDT CTEP for their approval and subsequent programming of federal funds to the project.

The following points are key elements of the project which you should be aware of in making your decision to approve the application:

Project Scope

The project entails design and construction of an 8-foot wide asphalt pedestrian/bicycle pathway running south and westward along Blacktail Road for approximately 1.3 miles from the Lakeside town center to its endpoint adjacent to the Youth With a Mission (YWAM) training facility. The project has been described in six segments within the application.

Easement/Right-of-Way

- The original proposal did not include specific detail regarding available easement/right-of-way along Blacktail Road. The Committee's efforts have identified easements from numerous property owners will likely be necessary to be obtained.
- If property owners are not willing to 'donate' easements without \$\$ compensation, necessitating purchase of the easements, it would likely not be feasible to develop the project within the budget you have previously approved.
- Upon inquiring with MDT CTEP about the potential for dedication of easements as 'in-kind' donations where the appraised \$\$ value would be applied toward matching funds, staff learned this would not be a beneficial decision because: 1) the easement \$\$ value toward matching funds would be withdrawn from the County's balance of available CTEP allocation, thereby reducing the available allocation below the amount currently intended for distribution among the three presently prioritized projects, and 2) the administrative costs associated with CTEP's easement appraisal/acquisition requirements are both cost and time prohibitive.

- Staff communicated with the local sponsor group, suggesting prior to submitting the application to MDT CTEP the County would prefer to have a sense of whether landowners along the route are supportive of the project and would at least consider the idea of donating necessary easement(s). The Committee in turn discussed the matter of the trail and potential need for easements with a majority of affected owners along the route, and to date seven Letters of Interest (LOI) have been received. While the LOI's indicate support and the potential for an easement donation, they are non-binding and do not commit a landowner to such a donation.
- Attempting to maintain the budget the Commission has approved to date, the application clearly states while the County will seek to acquire all necessary easements in compliance with CTEP requirements the County does not intend to purchase easements for the project.
- In the event necessary easements are not donated, the project would either terminate or a financial solution would need to be authorized by you to guarantee the acquisition of easements. In the event the project would terminate, MDT CTEP would require 'payback' of any CTEP funds spent to date that did not result in actual construction of the project.

Project Cost

The current cost estimation for design and construction is approximately \$356,500.00, and you have approved \$300,000.00 of CTEP allocation to go toward that cost. The CTEP program requires local matching funds account for 13.42% of allowable project costs.

- In order to maximize the amount of trail able to be built within the authorized budget, the application indicates the \$300,000.00 of CTEP allocation would account for 86.58% of a project with a cost of approximately \$346,500.00. This infers the local match would be approximately \$46,500.00, and that amount is expected to be paid by the Local Sponsor group.
- As the estimated cost is approximately \$356,500.00, there is an estimated overage of approximately \$10,000.00 which is attributed to 'Other Funds' in the application.
- In order to maintain the approved budget the source for the estimated cost overage should be clarified and determined satisfactory prior to your signing of the 'Project Specific Agreement' which will be forthcoming from MDT in approximately 2-3 months.
- In the event project costs would exceed the approved budget for the project, the application requests the 'Project Specific Agreement' contain language allowing the flexibility to adjust the physical scope of the project by not constructing lower priority trail segments 5 and 6.

Preferences of Local Sponsor Group

The Lakeside Trails Committee has dedicated substantial volunteer time and effort with preliminary scoping, public involvement, and application preparation activities. As the local sponsor group for this project, the Lakeside Community Council/Lakeside Trails Committee has committed to providing local matching funds and has indicated a desire for contributing to the long-term stewardship of the trail. Perhaps most important, the Lakeside Trails Committee has created a productive and cooperative open dialogue with property owners along the route, and in doing so the Committee has garnered substantial public support for the project. In consideration of their efforts and commitment to the project, the Committee requests the following be adhered to, where feasible, in regard to the project administration, design, and construction:

- Acknowledging MDT CTEP has a list of pre-qualified engineering firms, that strong consideration be given to APEC Engineering for selection as the Consultant on the project as APEC is on MDT CTEP's list of pre-qualified engineering firms and has provided pro-bono services to the committee in giving engineering advice and preparing preliminary cost estimates.

- Upon completion and approval of trail design, the consultant should highlight route changes which are due to details discovered from the engineering survey.
- Trail design should be considerate of the desires of the affected property owners, particularly on the south side of Blacktail Road where numerous residential driveways will be intersected by the trail.
- The construction contractor selected should have prior experience building trails such as this one.
- The Lakeside Trails Committee and the Lakeside Community Council want to be appraised of project status changes in a timely manner. Changes in design or any unexpected or unanticipated consequences of construction should be brought to the attention of the Committee and the Council. When feasible, decisions for design and/or construction issues involving multiple potential solutions should include the consideration and input of the Lakeside Trails Committee and the Lakeside Community Council.
- Prior to bid-letting reasonable 'up-front' efforts should be made to minimize overall project costs by using a combination of available resources to perform pro-bono non-technical trail preparation work activities such as vegetation removal, clearing/grubbing, and fencing re-locations. Aside from work performed by Flathead County department staff, potential sources for such non-technical preparatory work may possibly include Flathead Valley Community College training programs, supervised labor under the Justice Court Community Services program, and volunteer labor from landowners such as YWAM and the Apostolic Lutheran Church to effect vegetation clearing and fence re-locations upon their properties where they would dedicate public easements for the trail.
- In the event a commitment for identified non-technical work has been satisfactorily established and the work would not conflict or interfere with the selected contractor's construction schedule, the bid documents prepared by the consultant should omit such work from the engineer's estimated costs schedule and the construction contract.

I hope this information has provided necessary context for your consideration of the application, Page 8 of which requires your signatures.

Sincerely,



Alex Hogle, Planner II
Flathead County Planning and Zoning

Attachments:

- MDT Cover Letter
- MDT CTEP Application (needs signatures)
- CTEP Application Attachment
- Letters of Interest (7)
- MDT CTEP Application Instructions