

**MEETING MINUTES OF
PRAIRIE TRAILS CLUB, INC.**

**North Judson-Wayne Township Public Library
208 Keller Avenue
North Judson, IN**

November 14, 2016

ATTENDEES

**Peggy Bohac
Paul Byer
Kathleen Lucas
Steve Lucas
Anita McMillin
Bryan McMillin
Donna Osborne
Sharon Smead
Greg Wittig
Karen Wittig**

GUEST

Bob Albert

Call to Order

Bruce Fingerhut, President, and Rhonda Milner, Vice President, of the Prairie Trails Club, Inc. (the "PTC") were not in attendance. Steve Lucas, Secretary, called to order the meeting in the North Judson-Wayne Township Public Library at 6:34 p.m., CST (7:34 p.m., EST) on November 14, 2016.

Tabitha Balzer was very recently appointed to the Board of Directors for the Greenways Foundation. She previously served on the Foundation's Advisory Board. Details of the appointment will be provided later. The PTC congratulated Tabitha.

Approval of Minutes

Steve presented for approval the draft minutes of the October 26, 2016 meeting. Karen Wittig moved to approve the minutes without amendment. Paul Byer seconded the motion. The minutes were approved unanimously.

Consideration of Committing \$400 Filing Fee for Federal 501(c)(3) Charitable Contribution Status, including Possible Action on the Selection of Board of Directors

Kathy Lucas, Treasurer, said that in studying the IRS forms to apply for 501(c)(3) status, she learned a filing fee of \$400 is required. The form also requires a listing of members

of the applicant's board of directors, as do many grant applications. She said we have about \$5,000 in assets. Kathy recommended the PTC authorize payment of the \$400 fee to the Federal government. She also suggested the PTC consider electing a board of directors.

Sharon Smead indicated she supported the concept of pursuing Federal 501(c)(3) status for the PTC. But she reminded the members the Greenways Foundation has had grant money available to assist in preparing the application for 501(c)(3) status. She urged the Treasurer to explore the possibility of receiving application grant money from Indiana's Greenways Foundation.

Steve agreed that exploring the availability of a grant from the Greenways Foundation made sense. But if the members support the concept of seeking Federal approval, we needed to move forward with timing in mind. The absence of 501(c)(3) status has been a handicap for recent initiatives. If a grant to assist with seeking 501(c)(3) status is possible, he asked how long we should defer making an application while we await a funding grant.

Sharon responded that we should have reasonable assurances a grant could be obtained within the next three to six months. She did not have a date certain in mind but understood timing was important.

Paul suggested that the Treasurer be asked to explore the possibility of obtaining Greenways Foundation funding by March 1, 2017. If this deadline seemed unlikely to be achieved, Kathy should be authorized to go forward with the 501(c)(3) status application using existing PTC funds.

Steve read into the record email comments from Chris Balzer and Tabitha Balzer. The couple wrote they supported "committing \$400 toward the filing fee for 501(c)(3) corporation status." Bruce concurred by email in the Balzers' statement of support.

Greg Wittig moved to authorize Kathy to take all appropriate action to seek Federal 501(c)(3) status for the PTC. Appropriate action would include inquiry into the availability of Greenways Foundation funding for all or a portion of costs associated with developing the 501(c)(3) application. Kathy would not be compelled to defer filing with the Federal government if the inquiry revealed Greenways Foundation funding is unavailable or unlikely to become available until after March 1, 2017. Paul seconded the motion. The motion carried on a voice vote.

Steve then called for consideration of the possible selection of a board of directors. He suggested an odd number of members such as three, five or seven would most commonly constitute a board. He asked whether it might make sense to elect the board at the November or December meeting with PTC officers elected at the first meeting of the year, probably in January or February.

Bryan suggested the officers might form the core of the board. These could include the President, Vice President, Secretary, Treasurer and Liaison to the Hoosier Valley Railroad Museum ("HVRM"). Kathy offered that having both Steve and her on the Board might not make practical or legal sense. Anita McMillin was uncertain whether Rhonda would wish to take on another responsibility. Karen and Sharon expressed a willingness to participate. Peggy Bohac recommended that Donna Osborne be elected to the board because she has expertise in the positive impact of the trail on real estate and the local economy, as well as in fund raising.

After further discussion, Greg moved to establish a six-person board of directors to be elected from the members in November or December and to serve for one year. He suggested it was unlikely having an even number of members would result in a stalemate since most actions by the PTC are consensual. Subject to their willingness and qualification to serve, he nominated Bruce, Steve, Linda, Karen, Sharon and Donna as the six members of the initial board. Paul seconded the motion.

Steve asked if there were amendments to the motion or additional nominations to the initial board. There were none. He then called the motion for a vote. The motion carried.

Consideration of Presentation to Starke County Commissioners of Proposal for County Road Connectivity and Signage to Bass Lake

Steve said this item was a follow-up to action taken at the September meeting when the PTC endorsed an executive document summary of PTC Goals. The approved vision for Phase 2 anticipated signage from a short distance easterly on C.R. 800 South, and then northerly on C.R. 450 East as a share-the-road concept, to the southwestern shoreline of Bass Lake. This route could also be a good beginning to a connection with Knox. Phase 3 anticipated signage from an extended trail across US 35, not yet existent but to be called the "Bass Lake Erie Trail", northerly to SR 10. The northern extension would be within site of the former Bass Lake State Beach. The executive document summary reflected that authorization would be required from the Starke County Commissioners, and probably from the Indiana Department of Transportation since both routes would cross US 35.

Steve said he was now asking for PTC authorization to take the Phase 2 proposal to the Starke County Commissioners. In addition he wished to take a modified version of the Phase 3 connectivity proposal to the Commissioners. The NJ Erie Trail currently terminates at US 35, but C.R. 800 South can be followed from the trail easterly to its intersection with C.R. 600 East, a modest distance north of where the proposed Bass Lake Erie Trail would intersect C.R. 600 East. As an interim approach, C.R. 800 South would help bring attention to the trail near the Bass Lake State Beach, an area currently being evaluated by the Starke County Park Board. Taking both Phase 2 and Phase 3 (temporary version) to the Starke County Commissioners at the same time would also serve efficiency. As a practical matter, discussions with the Commissioners would probably begin through an informal contact with Rik Ritzler, Superintendent of the Starke County Highway Department.

Steve used a map from the executive document summary to illustrate the proposal to the members. For the record he read email comments from Chris Balzer and Tabitha Balzer. They wrote that they supported "moving forward with the presentation to the Starke County Commissioners regarding County Road connectivity and signage to Bass Lake." Bruce also wrote by email that he agreed with the Balzers' position.

Bryan said he thought the recommendation was good for the trail and great for the residents of Bass Lake. Donna said she thought bringing the concept of the trail near the former Bass Lake State Beach was excellent. Doing so would help demonstrate the interrelationship of these recreational resources.

Bryan moved to authorize presentations to the Starke County Commissioners of PTC proposals for Phase 2 and Phase 3 (using C.R. 800 South on a temporary basis). Paul

seconded the motion. The motion was approved on a voice vote.

Consideration of Archiving or Posting Pre-2015 Meeting Minutes

Steve said this item was a housekeeping measure. Several months ago a process was begun with Stephen Antisdell to post recent minutes on the PTC website. All 2015 and 2016 approved minutes are now online. The most recently approved minutes online are for the September 28, 2016 meeting. With approval this evening of the October 26, 2016 minutes, those will be forwarded for posting.

In addition to posting minutes online, Steve said he assembled in the PTC's binder all minutes located back to March 30, 2011. These were brought in the binder to the meeting "in the probably unlikely event anyone wished to review them."

When discussions started with Steve Antisdell regarding posting, there were significant gaps in the minutes before 2015. With the help of Linda Byer, Corinne Becknell and Martin Lucas, most of the gaps were subsequently filled. In some instances these older minutes were edited for visual and technical continuity, but changes were not made to their substance.

We could now place pre-2015 minutes online, but there would be substantial cost from the webmaster. A lot of data entry would be required because different formats were used for older minutes. Some were incompatible with what was used on the website.

Steve suggested the PTC approve the online minutes from 2015 coming forward as the organization's official minutes. Before 2015 the official record of the minutes would be those in the binder. If additional minutes come to light for 2014 and earlier, they would be added to the binder and become part of the official record.

Paul suggested minutes more than two years old were unlikely to be referenced frequently. Putting them online was not essential. He moved to approve Steve's suggested approach. Sharon seconded the motion. On a voice vote the motion carried.

Update on Draft Agreement (or Memorandum of Understanding) with HVRM

Steve thanked Bob Albert for joining the meeting on behalf of the HVRM. He invited Bob's comments regarding our organizations' effort to reach an accord on trail management. Steve added that the core document for the accord has been called a draft "Agreement", but HVRM's attorney, Todd Wallsmith, suggested "Memorandum of Understanding" might be a better title. The relationship between organizations should not be adversarial. Steve said he agreed with Todd Wallsmith's suggestion.

Bob said he looked forward to growing cooperation between the HVRM and the PTC. He said he was going to offer suggestions for adjustments to the draft agreement (or memorandum of understanding), but these were intended as suggestions and not requirements.

Bob said an idea being floated was asking Starke County to provide overall supervision of the trail. Through its highway department or park board, Starke County could provide expertise, guidance, increased police security and help with addressing HVRM concerns regarding liability. He added that when the HVRM included the trail in its liability policy, there was little or no increase in cost.

Bob then directed the membership to a review of the draft agreement. The draft agreement is set forth below with his suggested deletions shown by *blue italics strikethrough* and additions shown by **bold underline**:

An agreement is now entered between Hoosier Valley Railroad Museum, Inc. (“HVRM”) and the Prairie Trails Club, Inc. (“PTC”) for the area of the former Erie-Lackawanna rail corridor from Mile Post 183 to Mile Post ~~197~~ **199** (“subject corridor”). The HVRM, the PTC and their members are the “parties”.

The parties acknowledge the subject corridor is governed by federal, state and local laws. Among these are the National Trails System Act (16 USC 1247) and Indiana Code 14-19-1-1.5 where the Indiana General Assembly required the Indiana DNR, Division of Outdoor Recreation, to establish guidelines concerning recreational trails and to amend them as later needed. The current version is “Indiana Trail Guidelines 2016” available on the Division of Outdoor Recreation’s website.

Except as otherwise provided in this paragraph, the parties shall cooperate to restrict use of the subject corridor to non-motorized equipment, walking, jogging, bicycling and horseback riding. Persons with disabilities may use the paved portion of the corridor with electric wheelchairs ~~and golf-type carts~~ which are appropriately permitted. The parties and governmental agencies may access the trail for maintenance and for use by emergency vehicles.

The parties may cooperate with other not-for-profit governmental or nongovernmental entities for links to other trails and to support tourism. Examples of these entities are the State of Indiana, Starke County, LaPorte County, Pulaski County, American Discovery Trail and U.S. Bike Route 35.

In the subject corridor the parties may place benches, signs or picnic tables. Except as authorized in this paragraph these shall not be placed on the paved trail or on the designated horse trail. Exceptions are recognized for (1) directional or safety information painted on the paved trail; and (2) maintenance or improvement of existing gates or within highway rights-of-way of Starke or Pulaski County. Within highway rights-of-way the procedures of the county govern. Unless written permission is granted by the HVRM, the PTC shall not place a building in the subject corridor. **Any such structure shall constitute a gift to the HVRM. Any structure so placed shall be well-maintained by the PTC at its expense.**

The parties support reasonable management efforts to control vegetation within the subject corridor. They acknowledge the wisdom of controls to support public safety, such as those designed to maintain reasonable sight clearance at intersections with public highways. They acknowledge the wisdom of controlling invasive species harmful to agriculture or natural resources.

Except as provided in this paragraph the PTC shall not place asphalt, concrete or aggregate within the subject corridor as a surface material unless written permission is granted by the HVRM. Exceptions are recognized when needed to (1) address hazards to public safety; and (2) maintain the existing paved trail or designated horse trail.

The parties shall act in good faith to maintain open communications. In support of this effort the PTC shall designate a liaison to the HVRM and the HVRM shall designate a liaison to the PTC **which may but need not be a single person holding joint membership in both organizations.**

Bob then provided comments by Bjarne Henderson, a member of the HVRM and a South Shore Railroad engineer. These comments included numerous provisions regarding responsibility for liability, maintenance and termination by an organization that by agreement placed a trail on South Shore property.

Steve suggested the relationship between HVRM with respect to the NJ Erie Trail was

different than between the trails group and the South Shore property. For the NJ Erie Trail, the HVRM obtained property on which a trail existed as developed through State and Federal funding. As correctly reflected on its website, HVRM hosts the trail. Part of the Federal law provides for railroad banking, an important interest for the HVRM if railroad extension occurs in the future, but it also provides for an interim trail system. Responsibilities with respect to the trail were taken on when the HVRM acquired the corridor and not from PTC volunteer efforts to help keep the trail functional and safe. He acknowledged he was only vaguely familiar with the South Shore situation, but the railroad seemingly granted an opportunity to place a trail on what was previously unrestricted railroad right-of-way. Placing a trail on the South Shore right-of-way created a new liability for the railroad. The new trail on the South Shore placed, "in lawyer talk, a form of encumbrance" that benefits the trail group. The HVRM acquired the railroad corridor subject to applicable Federal or State laws and encumbrances.

Steve said Bob's suggestion for having Starke County serve as "a kind of umbrella entity" seemed to make sense. Donna reflected that the trail was a valuable asset to county development, to property values, and to general citizen enjoyment. Greg suggested our organizations might work together to seek a greater Starke County role. Kathy added that an initiative to Starke County probably needed to begin with the HVRM as owner of the right-of-way. She understood that to be Todd Wallsmith's perspective but could not speak for him. If PTC members were supportive of an HVRM resolution to the Starke County Commissioners, we could adopt a resolution of support. Greg suggested we continue this discussion at a December meeting.

Preparation for November 19 Work Date

Steve opened the floor for discussion of the PTC's November 19 work date. He reminded the members Bruce would be unavailable.

Greg suggested a strong turnout seemed unlikely near the end of November and the Thanksgiving weekend as people begin preparing for the Holidays. Paul added the weather was predicted to be very chilly and the date was unlikely to be effective for chemical treatments for exotic plant species control. The members agreed to cancel the November 19 work date.

Scheduling of Future Meeting

The members agreed to hold the year's final meeting at the North Judson-Wayne Township Public Library on December 7, 2016 at 6:30 p.m., CST (7:30 p.m., EST).

Adjournment

The meeting was adjourned at 8:21 p.m., CDT (9:21 p.m., EDT).