

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

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

**December 7, 2016**

**ATTENDEES**

Peggy Bohac  
Paul Byer  
Linda Byer  
Bruce Fingerhut  
Kathleen Lucas  
Steve Lucas  
Anita McMillin  
Brian McMillin  
Rhonda Milner  
Donna Osborne  
Sharon Smead  
Greg Wittig  
Karen Wittig

**GUEST**

Bob Albert

**Call to Order**

Bruce Fingerhut, President, called to order the meeting of the Prairie Trails Club, Inc. (the "PTC") in the North Judson-Wayne Township Public Library at 6:36 p.m., CST (7:36 p.m., EST) on December 7, 2016.

**Approval of Minutes**

Bruce presented for approval the draft minutes of the November 14, 2016 meeting. Steve Lucas noted a clerical error in the first sentence of the Call to Order. The first name "Bruce" was repeated and the repeated word should be stricken. Brian McMillan moved to approve the minutes with the correction. Rhonda Milner seconded the motion. Upon a voice vote the minutes were approved as corrected.

**Report by Liaison of Discussions at November Meeting of Hoosier Valley Railroad Museum**

Linda Byer, Liaison to the Hoosier Valley Railroad Museum (the "HVRM"), provided a

report on the HVRM's November meeting. She said that the focus of the meeting was on issues of railway usage and efforts by the Town of North Judson to transfer management from the Chesapeake and Indiana Railroad Company to a new entity. In October Company President Powell Felix and the Chesapeake and Indiana Railroad Company filed a lawsuit against the Town which owns about 30 miles of railroad corridor at, north and west of North Judson. Linda added that the HVRM also spoke very briefly about the PTC and the efforts to develop a document to outline the mutual goals of our two organizations.

Bob Albert agreed and said progress was slow regarding transfer of railway management to a new entity. But he believed the lawsuit and ongoing negotiations should not affect discussions between the HVRM and the PTC. He said he was hopeful the HVRM would soon be able to resume full operations from North Judson to LaCrosse. Bob said the HVRM was directing questions concerning the litigation to its local attorney L. Charles Lukmann.

#### Report on Formation of Advisory Group to Make Recommendations to Starke County Park Board Regarding Five-Year Plan

Kathy Lucas reported on the formation of, and her appointment to, a six-member advisory group to make recommendations to the Starke County Park Board (the "SCPB") regarding the development and implementation of a five-year plan. The Troyer Group from Mishawaka will assist with the process. The plan is tentatively slated to consider long-term goals for Bass Lake, Koontz Lake, the Starke County trail system, the Starke County Forest and the Range Road crossing over the Yellow River. A five-year plan is needed to qualify for state grants for parks and recreation. The plan must be sent to the Indiana Department of Natural Resources by January 15, 2017 in order to qualify for the 2017 grants cycle.

Kathy said the first meeting of the advisory group was set for Knox on December 8. Since a meeting has not yet been held, she could not speak in detail about what would be discussed. Her hope was that the advisory group would field ideas about connectivity among park properties within the county and Starke County participation in trails. "I really think it would be helpful if PTC members would let the Starke County Park Board know what you think is important."

Donna Osborne asked about the history of SCPB and what it manages. Kathy said the entity was established recently. Bruce added that the Starke County Park Board has existed for a few years but only recently did the Starke County Board of Commissioners agree to fund a five-year plan to qualify for grants. Parks within Knox and North Judson are managed by the municipalities and not the SCPB. The SCPB already has a relationship with the Bass Lake Beach and the Starke County Forest but could include other properties within its responsibilities. Rhonda said she recently provided the Troyer Group with GPS mapping to assist with developing the five-year plan.

#### Treasurer's Report on PTC Grant Application to the Luminous Fund

Kathy said she was pleased to announce The Luminous Fund just approved the PTC grant application to assist with connectivity between Bass Lake and the North Judson—Erie Trail. The grant approval provides \$1,000 to assist the PTC with implementing Phase 2 of its Connectivity Visioning Plan. She expressed her gratitude to the Luminous Fund and particularly to PTC members and Luminous Fund Secretary, Kathy Carrier, and her husband David Carrier for their support and generosity. Kathy Lucas then read into the

record a letter she received from Kathy Carrier earlier in the day. The substance of the letter is as follows:

Kathleen Lucas, Treasurer  
Prairie Trails Club, Inc.  
6555 S. 100 W  
P.O. Box 72  
North Judson, Indiana 46366

Good morning, Kathy! Our family met over the Thanksgiving weekend and, stuffed with turkey and good spirit, we enjoyed an organized discussion of our Luminous grant requests.

We are thrilled to announce that The Prairie Trails Club has been awarded a \$1,000 grant from The Luminous Fund. This grant will make it possible for your organization to provide some of the signage for Phase 2 of your plan; the spur to Bass Lake. We are biking enthusiasts and to have such a well maintained and visionary bike trail and group by our lake home is a true asset. We applaud your work and we are happy to be part of it. Biking at Bass Lake is one of our top activities!

The Luminous Fund isn't a vague fund that was established by a person, now long dead. My husband David and I (Kathy) established it in 2016 to build a foundation of service within our family. So, this is money we've recently earned and our employees worked hard to earn it. We are proud of our success and what we are able to do to serve others. This year we are giving \$79,000 to 22 charities located in Chicago, Indianapolis, Fort Wayne, Knox, Indiana and Africa!

Hats off to you and your team for a job well done. Certainly the North Judson—Erie Trail is an asset to our community; we are especially proud of the future plans that you are working on! We look forward to 2017 and our annual Thanksgiving consideration of others' needs. Next year's grant requests will be due on October 1, 2017.

Stay in touch, please. We'd like to hear from you with an update or two during the year.

Enthusiastically,

Jessica Odum and Kathy Carrier

#### Updated Consideration of Draft Agreement or Memorandum of Understanding between the HVRM and the PTC following Suggested Changes Received at November 14 PTC Meeting

Steve introduced this item. He thanked Bob Albert for again joining us. During the November 14 meeting Bob offered HVRM suggestions for amendments to a draft document. The suggestions were reflected in the November minutes. He said the purpose of this agenda item was to receive and to implement PTC responses to the HVRM suggestions. Steve said the HVRM's attorney, Todd Wallsmith, suggested the proposed document was not the resolution of a dispute but rather an expression of partnership. Wallsmith urged that in this context the term "memorandum of understanding" was preferable to "agreement". Steve said he agreed that going forward use of the term "memorandum of understanding" (a concept sometimes referred to as an "MOU") was preferable.

Sharon Smead reflected horse usage of the trail might be other than within the phrase "horseback riding" used in the third paragraph of the draft document. A person might wish to have a small cart pulled by a horse. She suggested substitution of the term "equine activity".

Bob Albert noted that in Marshall County the Board of Commissioners found it necessary to establish horseshoe requirements. Damage was being caused to county roadways by the adverse impact to asphalt surfaces from horses with unregulated horse-drawn carriages.

Bruce added that under the terms of Federal funding for the trail, horses can only be used appropriately along the trail corridor off the paved trail. He asked Sharon if she would be satisfied with substitution of the phrase “equine activity off the asphalt” for the phrase “horseback riding”. He said this phrase would help clarify that horses were not authorized on the asphalt portion of the trail and asked if it would also address Bob’s concerns. Sharon and Bob expressed their satisfaction with the phrase “equine activity off the asphalt” as a substitution for “horseback riding”.

Greg Wittig stated that “As this document is presented, I don’t have any problem. I think it’s a very reasonable agreement” including the amendments suggested in November by the HVRM.

Paul Byer said he also agreed the text with HVRM amendments was appropriate. But he did not agree with additional concepts offered by Bjarne Henderson who is an engineer for the South Shore Railroad. The PTC is a group of volunteers who are working to maintain the safety and functionality of the trail. The PTC does not have funding to provide insurance or to indemnify the HVRM for potential injuries by trail users. Kathy and Donna both questioned the legal foundation for the PTC to provide this kind of funding. Steve said he agreed with other PTC members and that his understanding was the circumstances for trail usage along the South Shore Railroad were different. The HVRM received title to lands that have the benefit of railroad banking but also have the burden of rails-to-trails usage. His understanding of the South Shore situation is pedestrian trails were a new burden to unencumbered ownership where the railroad wanted to avoid a new financial risk.

Linda spoke of a grant application that was commenced several years ago but not completed to Arrow Head Country RC&D Area, Inc. for pavement repairs. She, Donna and Bruce outlined problems just west of Range Road, near Aldine at MM 5, and between C.R. 300 E and C.R. 400 E. If the memorandum of understanding were in effect, the PTC could seek a grant to help mitigate these problems.

Bob Albert reminded the membership of the concept that Starke County could undertake management of the trail system. He believed there would be support for the concept from the HVRM Board. Bob added that the Starke County Highway Department has the expertise and the equipment to address pavement problems effectively and efficiently. Donna agreed and added that the county is benefited by a viable trail system. Including the trail system within the jurisdiction of the SCPB seemed to make sense. A large recreational facility could be maintained with assistance from PTC and other volunteers.

Steve reflected that a petition to the Starke County Commissioners to include the trail system within its jurisdiction should be initiated by the HVRM as owner of the corridor. If the HVRM decided to move in this direction, he would recommend active support from the PTC for the petition.

Bruce asked if any of the members had additional concerns or questions concerning approval of the memorandum of understanding with the HVRM amendments of November 14 and with the additional amendment initiated by Sharon. There were none. He then asked for a motion.

Linda moved to approve and return the memorandum of understanding to the HVRM with the amendments referenced by Bruce. Kathy seconded the motion. The motion was approved unanimously. With the amendments the MOU would read as follows:

### Memorandum of Understanding

A memorandum of understanding 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 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 and bicycling and to equine activity off the asphalt. Persons with disabilities may use the paved portion of the corridor with electric wheelchairs 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 said he would forward the document for consideration by the HVRM Board at its next meeting. The next meeting is tentatively scheduled for Saturday, December 10 at 8:00 a.m., CST. Linda asked Bob if he would let Paul and her know if the meeting would take

place as scheduled. Steve said he would make putting the minutes together a priority so Bob could have a “clean copy” of the proposed memorandum of understanding in time for the meeting.

#### Scheduling of Future Meeting

The members agreed to schedule the next meeting for Tuesday, February 7, 2017 at 6:30 p.m., CST (7:30 p.m., EST) in the North Judson-Wayne Township Public Library. Another meeting may be held in the interim if the need arises.

#### Adjournment

The meeting was adjourned at 8:10 p.m., CDT (9:10 p.m., EDT).