

Minutes of  
BURT LAKE TRAIL COMMITTEE  
June 13, 2011

A meeting of the Burt Lake Trail Committee was held at the Burt Township Hall, 7029 Birchwood Rd. Cheboygan, Michigan on June 13, 2011 at 7 p.m.

Committee Members present: Steve Vorenkamp (Chair), Gary Street, Jay Jontz, Virginia Chenevere, Art Pillen, Ann Baughman, Bert Ebbers, Mac Richardson, John Roberts, Kim Kihnke . Also attending: Tim MacArthur, Bill Hofman, Jim Weidman, Mary Street, Leo Chenevere, Dennis Reimann, Harold Koviak, Jon Jontz, Kelley Jontz, Larry Fox, Jim Larsons, Joyce Hutto-Nolan (Recording Secretary).

**Minutes**

Moved by Virginia Chenevere and seconded by Ann Baughman to accept the minutes of May 23, 2011 as written.

**Motion unanimously carried.**

**Guest Speakers: Bill Hofmann and Tim MacArthur (Burt Township Attorney): Trail Easements and the Law.**

Bill Hofmann said the main concern in granting easements is liability. The Michigan Statute will protect the property owner as long as he is not negligent. The liability issue should be covered by statute. The easements that are to be granted are easements in gross. These easements will be used by the public. The grantor of the easements needs to know the size, location, and the purpose of the easement. The purpose of this easement is for a non-motorized trail. The duration of the easement is perpetual. It can be terminated if it is no longer used for the purpose intended.

Tim MacArthur read the Michigan Statute (MCL 324.73301 Section 2) concerning liability. A draft easement has been written and deals with the specific size of the easement. It will be limited to non-motorized recreation. It is for recreational purposes only. Burt Township will have the right to enter property to maintain the trail.

**Questions:**

Jim Larson asked if a person is not on the trail and is on an owner's property, is there liability. Bill Hofmann said they are trespassing and those laws apply. Larson asked about payments for easements. Gary Street said that in his opinion payments should not be made for easements and that other alternatives should be considered. Larson asked about the procedure for voiding the easement if it is used for purposes other than recreational purposes. Tim MacArthur said you would have to go to court and prove the trail is not being used for its specific purpose.

### **Natural History Bicycle Ride update**

Kim Kihnke reported the fliers for the ride on July 30, 2011 have been distributed, and would like to know where the committee members have placed them. The Indian River Bike Shop is offering a 10% discount for bike rentals on that day for riders participating. Notices have been placed in the BLPA newsletter along with other area newsletters. Area newspapers will be publishing articles about the trail ride. Volunteers are needed on that day to help with the shuttle service and other various jobs. Contact Kim or Joyce Hutto-Nolan if you would like to help or if you would like to help distribute fliers. There is no fee for the ride but trail contributions will be accepted.

### **Summer Hot Dog and Corn Roast Event**

Virginia Chenevere reported the Burt Township Board has granted approval for the Hot Dog and Corn Roast. It has been postponed until the well is fixed. This matter will be on the agenda for a future trail committee meeting.

### **Larry Fox, C2AE**

Larry Fox, manager of the C2AE office in Gaylord, Michigan has been working on the engineering contract for the first segment of the trail. Fox outlined the services C2AE will provide: (1) Estimate engineering and construction costs. (2) Surveying. (3) Assist with the design and location of the trail. (4) Prepare bid specifications. (5) Mail requests for bids to contractors and assist with advertising for bids. (6) Answer questions regarding bids. (7) Assist with signing contract documents. (8) Assist in complying with DNR Trust Fund rules and requirements. There is a timeline and the process of getting easements should be worked on now. The design work needs to be completed by the fall of 2011.

### **Pledge Appeal and Collection Update**

Ann Baughman reported the pledges are coming in and reminders will be sent out to let people know they can send them in now.

### **Proposed Trail Name**

Steve Vorenkamp said Barbara Nelson-Jameson had suggested that the trail name be changed to reflect the connection between the North Central and the Mackinaw to Petoskey Trails. Ann Baugman suggested adding to the name when needed to explain it is a connector trail. This matter will be on the agenda for a future trail meeting.

### **Public Comment**

Jim Weidman, Burt Lake Springs Association, representing himself as a citizen, not on behalf of the Burt Lake Springs Association, commended the committee for all of the work that has been done on the trail and fully supports the trail. His reason for coming tonight is the safety issue. He is concerned about the proposed route along the curve on West Burt Lake Road near Elmhurst Road. He has experienced a number of issues where vehicles have gone off the road on that curve. Weidman suggested either extra protection on the curve or to consider more strongly using Mundt Road as part of the trail. He stressed it is a bad curve with a blind corner.

If easements are not granted on the proposed route, it could be more dangerous as the trail would be in the road right of way which would then be narrower. Safety is Weidman's concern.

Jon Jontz agreed that the corner is extremely dangerous, because many cars speed around the curve. Jontz said he strongly supports the trail.

Kelley Jontz suggested (1) now is the time for the committee to make changes for safety issues and to consider signage. (2) In-kind donations from suppliers would have an impact in the bidding process and (3) get kids involved and their presence will make a positive impact on fundraising.

Steve Vorenkamp asked Larry Fox to consider the safety issue on the curve of West Burt Lake Road. Steve feels people will continue to walk on the curve and not use a trail on Mundt Road. Steve feels the safest way is a separated trail on West Burt Lake Road. Fox said they will be working with the Cheboygan County Road Commission and will make them aware of the concerns.

Mary Street suggested guard rails being used alongside the trail as an additional safety issue on the West Burt Lake curve.

Moved by Art Pillen and seconded by Jay Jontz to adjourn.  
Meeting adjourned at 8 p.m.

Next meeting on Monday, July 25, 2011 7 p.m. at the Topinabee Rest Area.

Respectfully submitted,

Joyce Hutto-Nolan, Recording Secretary