

**COMMERCE, WALLED LAKE & WIXOM (CW2) TRAILWAY
MANAGEMENT COUNCIL
WIXOM CITY HALL
49045 Pontiac Trail
Wixom, MI 48393**

**AGENDA
Wednesday 10 January 2018
3:00 P.M.**

- 1. Approval of Minutes**
- 2. Public Comment**
- 3. Update on Design/Engineering & TAP grant application**
- 4. Update on Road Crossing Permit Applications**
- 5. Adams Billboard Lease Amendment Update**
- 6. Escrow Account Reconciliation Update**
- 7. Potential Property Acquisition, Crumb Rd. plot**
- 8. Trail Manager Report**
- 9. 2018 Trailway Council Budget discussion**
 - a. Application for Tax ID Number**
- 10. Other matters and next meeting date**
 - a. Next Friends Group meeting Feb. 6; Commerce Library**
 - b. Next Trail Council meeting Feb. 14; Wixom**
- 11. Approve the Warrants**
 - a. Manager of the Air Line Trail**
 - b. Trail Attorney's invoice**
- 12. Public Comment**
- 13. Adjourn**

Commerce, Walled Lake, Wixom Trailway Council Meeting
12-20-2017
3 p.m.
Walled Lake Council Chambers
1499 E. West Maple Rd.
Walled Lake, MI 48390

Council members

David Scott	Commerce	President	Present
L. Dennis Whitt	Walled Lake	Treasurer (Alternate)	Present
Steven Brown	Wixom	Secretary	Present

John Hensler, Manager of the Michigan Air Line Trail
Phil Adkison, Adkison, Need, Allen, & Rentrop, PLLC

Also Present: John Calvert, Bradd Maki, Gabriel Costanzo, Gerry Fertig, Linda Ackley

Meeting was called to order by President David Scott at 3:04 p.m.

Item 1. Approval of 11-8-2017 Minutes. **Motion** by Brown, supported by Whitt, to approve the Minutes of November 8, 2017. **Motion Carried unanimously.**

Item 2. Public Comment. Gerry Fertig noted that the old Adams billboard at the Bridge site is being dismantled. Gabriel Costanzo asked if a pending marijuana facility adjacent to the trail might result in grant application setbacks. It was the opinion of the Council that it would not be an issue.

Item 3. Update on Design/Engineering and TAP Grant Application. Manager explained that Stantec is still getting occasional questions for clarification from Vince Ranger at MDOT, and they are answering them. It was determined that a draft letter of authorization for Stantec to submit permit applications would need to be finalized and approved at the January 10, 2018 Trail Council meeting. Accordingly, all pending permit applications will be delayed until after that date. In an email to Manager before the meeting, Council member Coogan requested that any permit for a crossing at Maple Road in Walled Lake not be included in any future permit discussion. At a recent meeting with the RCOC it was determined that after results of a traffic modeling study are produced, RCOC *might* reconsider their opinion that the Pontiac Trail crossing should be at Maple Rd. Considering that it is the stated desire of the Trail Council, City of Walled Lake and MDOT to have a direct crossing, it is hoped this study will bear fruit. Stantec will prepare a “scope of work” document for the study and that will be reviewed by the RCOC before any work is done to make sure it meets RCOC’s expectations.

The Depot parking lot was discussed; again, in an earlier communication Coogan stated that the paving of the Depot parking lot was of a higher priority than paving the Trail with an asphalt surface. Whitt elaborated on this to explain that Walled Lake does not want the combo of a “Cadillac” trail and a beat-up (or crushed limestone) parking lot. Ideally, both should be asphalt. Manager explained that it is his hope that funds can be used from the grant budget’s contingency to pay for this, as well as some items that may not be needed from the grant budget itself. Manager reminded Council that the grant application request was large for MDOT, and that if reduced, plans would have to be revised to accommodate what the eventual grant amount might be.

At any rate, some public input sessions need to be held on the Depot building and the associated parking lot/trailhead amenities. Manager will consult with Kristen Wiltfang to develop these.

Item 4. Trail Manager Report. The Trail Council is now officially registered with the a new potential donor, and information gathering continues in that regard. At the MAT Friends meeting on the 5th, conversation focused on an event to celebrate the opening of the Bridge in late summer. Manager will also attend the M-5 Bridge kick-off meeting on Dec. 21 in Pontiac at MDOT offices.

Item 5. Adams Billboard Lease Agreement. Mr. Adkison shared a draft redline copy of the new lease agreement with Adams. The new sign will be approximately 20’ x 60’ in size (the current sign is 15’ x 48’). The larger size is to compensate for the additional distance from the roadway, as the new sign will be located near the M-5 trail junction. The amount of the annual lease amount is in further negotiation.

Item 6. Escrow Account Reconciliation. Mr. Adkison distributed the agreed upon Final and Full Release of All Claims agreement with Michigan Air-Line Railway. The final agreement agreed to by the railroad's attorney is for the Trail Council to reimburse MAL the sum of \$10,656.73. Whitt moved, Brown supported a motion to execute the payment. **Motion Carried unanimously.**

Item 7. 2018 Trailway Council Budget Discussion. Once the MAL Escrow account is settled, Mr. Adkison would like to review the extensive forensic accounting performed by Judith Leppek of his firm, and suggested a Trail Council member meet with Ms. Leppek to review the accounting and a proposed redistribution of funds that were paid by various Trail Council municipalities over the last several years, and then direct the Trail Council to reimburse those municipalities accordingly. It was suggested that Ms. Coogan would be the most appropriate Council member to review the data at a meeting. Prior to that meeting, Mr. Adkison will circulate an Excel spreadsheet with all supporting information to Council members.

Once the accounting is reset, necessary adjustments, if any, will be made to the 2018 Trailway Council budget and submitted for approval.

Manager also pointed out that per the Interlocal Agreement, the Trail Council should have an annual audit performed, and that should start after fiscal 2018 is complete.

Tax ID Letter. Manager reported that a Governmental Information Letter from the IRS – for charitable organizations who wish to donate to the Trail – is in process.

Trail Manager Contract. With the inclusion of one change suggested by Coogan, Scott moved, Brown supported a motion to approve the Trail Manager Contract for 2018. **Motion Carried unanimously.**

Item 8. Other Matters and Next Meeting Date.

- Next regular MAT Trail Council meeting is Wednesday, January 10 at 3pm, at the **Wixom City Offices.**
- Next MAT Friends Group meeting is January 2, at 6:30 pm, at the **Commerce Township Library.**

Item 9. Approve the Warrants. Scott moved, Whitt supported approval of the following for payment. **Motion Carried unanimously.**

- A. Invoice for the Manager of the Michigan Air Line Trail,
- B. Invoice for the firm of Adkison, Need, Allen, & Rentrop, PLLC

Item 10. Public Comment. John Calvert reported that Mike Levine was speaking to Lieutenant Governor Calley about his support for the Trail, and that another segment of the Great Lake to Lake Trail, in Ingham County, was recently supported by that jurisdiction's board.

Item 11. Adjourn. **Motion** by Scott, supported by Whitt to adjourn. **Motion Carried Meeting Adjourned at 4:09 PM**



Michigan Air Line Trailway Council

2009 Township Drive
Commerce Township, MI 48390

www.miairlinetrail.com

January 10, 2017

SUBJECT: Michigan Air Line Trail Improvements and Enhancements NOTICE OF AUTHORIZATION

Dear Reviewer:

Please be advised that I hereby authorize Stantec Consulting Michigan, Inc. located at 3754 Ranchero Drive, Ann Arbor, MI 48108 to act as our agent in making permit applications and necessary submittals for the above referenced project including but not limited to:

- MDEQ/USACE Joint Permit Application: floodplain & wetland permits
- State Historic Preservation Office: project review
- USFWS/MDNR: threatened and endangered species review
- Road Commission for Oakland County: work within the Right of Way
- Oakland County Water Resources Commission: stormwater
- Local Communities including Wixom, Walled Lake, and Commerce Township
- MDOT: work within the Right of Way
- All necessary notifications, coordination, and review by utilities, including but not limited to: DTE, CenturyLink Fiber Optic, DWSD, Level 3 Fiber Optic, ITC, Miss Dig

The representative for Stantec is Mark Pascoe, PE: phone number, (734) 214-1865.

You may contact me with any questions.

Sincerely,

John Hensler, Trail Manager
Michigan Air Line Trail
248.506.0942
manager@miairlinetrail.com

Subject:

Fwd: Excess Property at Crumb Road

From:

David Campbell <dcampbell@commercetwp.com>

Date:

1/5/18, 4:25 PM

To:

David E Scott <dscott@commercetwp.com>, John Hensler <manager@miairlinetrail.com>, Phillip Adkison <PAdkison@anafirm.com>

Dave, John, and Phil,

Please see the email from MDOT's Kyle Kopper regarding the excess right-of-way MDOT owns along the west side of M-5 at the dead-end of Crumb. Sounds like they're willing to sell it to the Twp so long as we give them a drainage plan proving we won't mess up the drainage. A couple thoughts:

He never mentions a price, but I'll ask. I'm hoping it will be \$1.

Would the proper owner be the Township, or the Trailway Council?

Who covers closing costs?

Who prepares the drainage plan? Giffels? The engineer doing the trail design?

----- Forwarded message -----

From: Kopper, Kyle (MDOT) <KopperK1@michigan.gov>

Date: Fri, Jan 5, 2018 at 9:18 AM

Subject: RE: Excess Property at Crumb Road

To: David Campbell <dcampbell@commercetwp.com>

Cc: "Minton, Steve (MDOT)" <MintonS@michigan.gov>, "Montes, Sandra (MDOT)" <MontesS@michigan.gov>, "Jay, Tom (MDOT)" <JayT@michigan.gov>, "Pozolo, Thomas (MDOT)" <PozoloT@michigan.gov>

Dave,

MDOT has discussed the Township's request to acquire the parcel at Crumb Road and west of M-5, and we are willing to sell the parcel to the Township provided that one requirement is met.

The elevation of the ground on the parcel is low relative to the surrounding ground, and placing a parking area and an access path to the trail could affect the existing drainage path on the west side of the trail right-of-way. It is also possible that there is a wetland on the parcel. MDOT's final approval of the conveyance of the parcel to the Township will be contingent on the Township providing a drainage plan that shows that any improvements made on the parcel will not adversely affect the drainage of the surrounding parcels.

If you have any questions please feel free to give me a call.

Thank you,

Kyle

From: David Campbell [mailto:dcampbell@commercetwp.com]
Sent: Thursday, November 16, 2017 4:12 PM
To: Kopper, Kyle (MDOT) <KopperK1@michigan.gov>
Cc: Minton, Steve (MDOT) <MintonS@michigan.gov>; Montes, Sandra (MDOT) <MontesS@michigan.gov>
Subject: Re: Excess Property at Crumb Road

See attached. We want to use that land for a trailhead. Maybe 8-10 parking spaces. Our records say MDOT owns it.

On Thu, Nov 16, 2017 at 4:08 PM, David Campbell <dcampbell@commercetwp.com> wrote:

Hi Kyle,

We're looking at PIN 17-25-303-014, the 1.4-acre triangle just on the south side of the bulb of the Crumb Rd cul-de-sac. Our records (that we get through Oakland County) show the owner as "Michigan Dept of Transportation, Real Estate Division" acquired in 2001 (see attached). Based on the year, we figured it was acquired by the State as part of the M-5 extension, and is now just excess right-of-way that you could donate to the Trailway Council.

On Thu, Nov 16, 2017 at 3:37 PM, Kopper, Kyle (MDOT) <KopperK1@michigan.gov> wrote:

Dave,

Do you have a record that shows MDOT owning the property at the west terminus of Crumb Road that we have been talking about possibly using for parking for the Michigan Air Line Trail? Based on the survey that was completed for the pedestrian bridge project and based on the MDOT right-of-way map that is attached, MDOT does not own any property on the "north" side of the trail right-of-way. The Oakland County GIS appears to indicate the same thing (the map is also

attached).

Assuming that the County's statutory 66' wide right-of-way still extends all of the way up to the trail right-of-way you may need to have a conversation with the Road Commission.

If you have a document that shows MDOT owns the property could you please send it to me and I will ask more questions about it.

Thank you,

Kyle

Kyle C. Kopper, P.E.

Michigan Department of Transportation

Bridge Design Unit Leader

KopperK1@michigan.gov

Ph: (517) 373-0736

C: (517) 749-6744

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David Campbell, AICP
Planning Director
Charter Township of Commerce

2009 Township Drive

Commerce Township, MI 48390

Ph (248)960-7050

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Michigan Airline Trails

Revenue & Expenditure Report

Period Ending 12/31/17

ACCOUNTS	BUDGET	ACTUAL	DIFFERENCE
REVENUES			
Member Contributions			
Commerce	30,000.00	0.00	30,000.00
Walled lake	30,000.00	0.00	30,000.00
Wixom	30,000.00	0.00	30,000.00
Received from MI Airlines Rail		0.00	
Received From Communities			
Donations Received		150.00	
Total Revenues	90,000.00	150.00	90,000.00
Appropriations			
Operations			
Trail Manager	36,000.00	14,176.25	21,823.75
Insurance	3,000.00	2,506.00	494.00
Audit	1,050.00	0.00	1,050.00
Bank Service Charges	0.00	73.50	(73.50)
Office Supplies	0.00	0.00	0.00
Signage	900.00	3,378.25	(2,478.25)
Legal	12,000.00	7,366.97	4,633.03
Michigan Air-Line Railway Co.	0.00	10,656.73	10,656.73
Total Operations	52,950.00	38,157.70	14,792.30
Capital Improvement			
Engineering	135,000.00	1,700.00	133,300.00
Phragmities Removal	0.00	4,928.00	(4,928.00)
Total Capital Improvement	135,000.00	6,628.00	128,372.00

Chirco Title	0.00	125,320.51	(125,320.51)
City of Walled Lake	0.00	156,375.00	(156,375.00)
Charter Township of Commerce	0.00	312,750.00	(312,750.00)

TOTAL APPROPRIATIONS	187,950.00	44,785.70	
Net Revenues/Appropriations	(97,950.00)	(44,635.70)	
Beginning Fund Balance	93,050.00	93,050.00	
Ending Fund Balance	(4,900.00)	48,414.30	

Adkison, Need, Allen, & Rentrop, PLLC
39572 Woodward
Suite 222
Bloomfield Hills, MI 48304
248-540-7400, Fax 248-540-7401
Tax ID Number: 38-3224154

Michigan Air Line Trail
2009 Township Drive
Commerce Township MI 48390

Page: 1
December 31, 2017
Account No: 3051M

Attn: John Hensler

Balance

\$1,379.25

Please note that the firm accepts Visa, Mastercard, American Express and Discover.

Adkison, Need, Allen, & Rentrop, PLLC
 39572 Woodward
 Suite 222
 Bloomfield Hills, MI 48304
 248-540-7400, Fax 248-540-7401
 Tax ID Number: 38-3224154

Michigan Air Line Trail
 2009 Township Drive
 Commerce Township MI 48390

Page: 1
 December 31, 2017
 Account No: 3051-0000M
 Statement No: 111693

Attn: John Hensler

Previous Balance \$965.25

Fees

		Rate	Hours	
12/08/2017	Prepare and send attorney Bob Alderson a proposed Settlement and Release of Claims document for approval.	120.00	0.75	90.00
12/11/2017	Telephone call from attorney Bob Alderson regarding form of Release of Claims. Revise and send final version for execution by his client. Copy to John Hensler.	120.00	0.20	24.00
	Receive and review correspondence from John Hensler requesting 2018 Manager Contract. Redraft 2017 version and send to Mr. Hensler.	120.00	0.50	60.00
12/12/2017	Receive and review correspondence from Robert Alderson regarding acceptance of terms of Full Release and Settlement. Telephone call to David Scott regarding current state of funds held by Trailway Council. Telephone call to John Hensler regarding need to resolve accounting between Trailway and member communities.	120.00	0.50	60.00
12/20/2017	Attended regular meeting of Commerce, Walled Lake, and Wixom Trailway Management Council.	120.00	1.00	120.00
12/21/2017	Draft correspondence to Robert Alderson, attorney for Michigan Air-Line Railway Co. regarding settlement. Draft transmittal letter for settlement funds to be used by John Hensler. Telephone call from John Hensler.	120.00	<u>0.50</u>	<u>60.00</u>

	Rate	Hours	
For Current Services Rendered		3.45	414.00
Total Current Work			414.00
Subtotal			<u>\$1,379.25</u>
Your account is 30 days past due.			
Total Due for this Matter			<u>\$1,379.25</u>

Please note that the firm accepts Visa, Mastercard, American Express and Discover.

TO: David Scott/Janet Bushey
2009 Championship Drive
Commerce Township, MI 48390

INVOICE: CW2 Air Line Trail Manager, December 13, 2017—January 9, 2018

INVOICE DATE: January 9, 2018

DESCRIPTION: Support for the following work from December 13-January 9:

Marketing:

Monthly maintenance/build-out, posting to social media accounts (Facebook, Instagram, Twitter): 5 hrs

Presentation development, animation for Fundraising sources, etc: 8 hrs

Further refinements & development of 2nd gen website, 4 hrs

17 hours

Research & study of trail materials and surface types, including engineer/constructor consultation of other trails and their surfaces (ongoing)

2 hours

TAP Grant Application including consultation, meetings, review of documents:

Meetings/Events: 7 hours

Management, writing, consultation, media follow-up: 5 hours

12 hours

Meetings/Events:

12.20 Trailway Council

Hours:

2.5

12.14 Pontiac Trail Crossing meeting/RCOC

2.0

12.21 M-5 Bridge Construction Meeting, MDOT

2.0

1.2.18 MAT Friends' Group meeting

2.5

9 hours

Misc administrative tasks: email, Maintenance for MailChimp service (edits/adds to email list, emails to Friends group), general phone meetings/consultation, coordination, etc.

15 hours

TOTAL @ \$24/hour

\$1,320.00

Continued next page...

TOTAL this invoice

\$1,320.00

Remit to: John Hensler
5045 Mansfield Ave.
Suite 305
Royal Oak, MI 48073
248.506.0942
SS# 381-76-1596
Terms: 15 days

Thank You!

invoice sam:JWHT0118