



AGENDA AND NOTICE OF MEETING

Kiwanis Regional Trail Authority

of the Cities of Adrian and Tecumseh, and Charter
Townships of Adrian and Raisin

9:00 AM - Tuesday, March 11, 2025

City of Tecumseh

City Hall Council Chambers

309 E. Chicago Boulevard

Tecumseh, MI

Page

1. CALL TO ORDER
Join Zoom Meeting
<https://us06web.zoom.us/j/87202318272?pwd=MWqmlT2uzbmX9RvapU4GkQDni01kPz.1>
Meeting ID: 872 0231 8272
Passcode: 388110
2. ROLL CALL / ESTABLISHMENT OF A QUORUM
3. APPROVAL OF AGENDA
 - 3.1. Approval of the March 11, 2025 agenda
4. APPROVAL OF MEETING MINUTES
 - 4.1. Approval of the February 11, 2025 meeting minutes 3 - 5
[KRTA - 11 Feb 2025 - Minutes - Pdf](#)
5. PUBLIC COMMENT RE: ITEMS ON THE AGENDA
6. TREASURERS REPORT
 - 6.1. Treasurer's Report 6 - 7
[Balance Sheet - 2-28-25](#)
[Revenues and Expenditures - 2-28-25](#)
7. NEW BUSINESS:
 - 7.1. Mileage Voting Option Attorney Opinion 8 - 15
[Mileage Voting Option](#)
 - 7.2. Maintenance - Existing Trail
8. KRTA MEMBER COMMENTS
 - 8.1. KRTA Priority Projects
 - A. Promedica Campus Connection
 - B. Heritage Park Connection
 - C. Village of Clinton Connection
 - 8.2. Police Tricycle Grant Update
9. PUBLIC COMMENT RE: ITEMS NOT ON THE AGENDA

10. NEXT MEETING: TUESDAY, APRIL 8, 2025
11. ADJOURNMENT



Meeting Minutes

Kiwanis Regional Trail Authority

of the Cities of Adrian and Tecumseh, and Charter Townships of Adrian and Raisin

9:00 AM - Tuesday, February 11, 2025

Adrian City Chambers

The Kiwanis Regional Trail Authority met on Tuesday, February 11, 2025 at 9:00 AM in the Adrian City Chambers.

1 CALL TO ORDER

Chair Steele called the meeting to order at 9:00AM.

2 ROLL CALL / ESTABLISHMENT OF A QUORUM

3 APPROVAL OF AGENDA

3.1. Approval of the February 11, 2025 meeting agenda

- Chair Steele requested an amendment to the agenda to include a New Business Item:
 - 7.2 County Commissioner Communication

Moved by Dan Swallow

Seconded by Dale Witt

Motion to approve the February 11, 2025 meeting agenda with amendments

Yes: Dusty Steele, Dale Witt, Dan Swallow, and Vincent Emrick

Abstained: Jim Koehn

MOTION CARRIED 4-0 on a recorded vote

4 APPROVAL OF MEETING MINUTES

4.1. Approval of the January 14, 2025 meeting minutes

Moved by Dan Swallow

Seconded by Vincent Emrick

Motion to approve the January 14, 2025 meeting minutes

Yes: Dusty Steele, Dan Swallow, and Vincent Emrick
Abstained: Dale Witt and Jim Koehn

MOTION CARRIED 3-0 on a recorded vote

5 PUBLIC COMMENT RE: ITEMS ON THE AGENDA

None

6 TREASURERS REPORT

6.1. Treasurer's Report

Revenue & Expenditures for the Period Ending 1/31/2025

Moved by Dan Swallow

Seconded by Dale Witt

Motion to accept and place on file the Financial Report period ending 1/31/2025

Yes: Dusty Steele, Dale Witt, Dan Swallow, and Vincent Emrick

Abstained: Jim Koehn

MOTION CARRIED 4-0 on a recorded vote

7 NEW BUSINESS:

7.1. Maintenance - Existing Trail

- Jason Lawrence discussed current trail maintenance including routine pruning, trimming and snow removal.
- City of Adrian Parks and Recreation Director, Jeremiah Davies, will prepare a draft policy for winter weather maintenance on the trail for the KRTA to review.

7.2. County Commissioner Communication

- Chair Steele met with Lenawee County Commissioners Jim Van Doren, Dustin Krasny, and Kevon Martis regarding working towards a reasonable settlement with the outstanding reimbursement towards Lenawee County.
- Discussion took place on alternative options for settlement and County involvement within the Authority.
- KRTA members will attend the April 8, 2025, Personnel/Ways and Means committee meeting.

8 KRTA MEMBER COMMENTS

8.1. KRTA Priority Projects

- A. Promedica Campus Connection
 - B. Heritage Park Connection
 - C. Village of Clinton Connection
- 8.2. Police Tricycle Grant Update
- No update

9 PUBLIC COMMENT RE: ITEMS NOT ON THE AGENDA
None

10 NEXT MEETING: TUESDAY, MARCH 11, 2025

11 ADJOURNMENT
11.1.

Moved by Dan Swallow
Seconded by Vincent Emrick

Motion to adjourn. The meeting adjourned at 9:42AM.

Yes: Dusty Steele, Dale Witt, Dan Swallow, and Vincent Emrick

Abstained: Jim Koehn

MOTION CARRIED 4-0 on a recorded vote

**KIWANIS REGIONAL TRAIL AUTHORITY
BALANCE SHEET AS OF 02/28/25**

ASSETS:

Cash	\$	146,661.53
Accounts Receivable	\$	-
		<hr/>
Total Assets	\$	<u>146,661.53</u>

LIABILITIES:

Total Liabilities	\$	<hr/> -
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FUND BALANCES:

Unassigned	\$	<u>146,661.53</u>
Total Fund Balance	\$	<u>146,661.53</u>
Total Liabilities and Fund Balances	\$	<u>146,661.53</u>

FOR THE PERIOD 02/28/2025

Notes:

ROBERT CHARLES DAVIS

ATTORNEY CLIENT COMMUNICATION

TO: Trail Authority
FROM: Robert Charles Davis
RE: The Recreational Authorities Act – Tax Levy
DATE: March 6, 2025

I. INTRODUCTION

The purpose of this memorandum is to analyze the Recreational Authorities Act, MCL 123.1131 et. seq (“Recreational Authorities Act”) with regard to an authorities ability to levy a tax.

II. LEGAL ANALYSIS

The Recreational Authorities Act, at MCL 123. 1141(1), states that an authority may levy a tax of not more than 1 mill for a period of not more than 20 years on all of the taxable property within the “territory of the authority” for certain defined purposes.

“(1) An authority may levy a tax of not more than 1 mill for a period of not more than 20 years on all of the taxable property within the territory of the authority for the purposes of acquiring, constructing, operating, maintaining, and improving a public swimming pool, public recreation center, public auditorium or conference center, or public park. . . .” (Exhibit 1 -- MCL 123.1141) (Emphasis Added)

MCL 123.1141(1) further states that the authority may levy the tax only upon the approval of a majority of the electors “in each” of the “participating municipalities” of the authority.

“. . . The authority may levy the tax only upon the approval of a majority of the electors in each of the participating municipalities of the authority voting on the tax on November 6, 2001 or, thereafter, at a statewide general or primary election. The proposal for a tax shall be submitted to a vote of the electors of the authority by resolution of the board.” (Exhibit 1 -- MCL 123.1141) (Emphasis Added)

MCL 123.1141 (3) states that if a majority of the electors “in each” of the participating municipalities of the authority voting on the question of a tax approve the proposal as provided the tax levy is authorized.

“(3) If a majority of the electors in each of the participating municipalities of the authority voting on the question of a tax approve the proposal as provided under subsection (1), the tax levy is authorized. Not more than 2 elections may be held in a calendar year on a proposal for a tax authorized under this act.” (Exhibit 1 – MCL 123.1141) (Emphasis Added)

Thus, the Recreational Authorities Act is clear that the tax may only be levied upon the approval of a majority of the electors in “each of the participating municipalities”. Fortunately, the Recreational Authorities Act defines the term “Participating municipality”. The Recreational Authorities Act defines a “Participating municipality” as a municipality or district that is named in the articles of incorporation or proposed articles of incorporation as joining in the original establishment of an authority or a municipality or district that joins an already existing authority and is added to the articles of incorporation.

“(i) “Participating municipality” means a municipality or district that is named in articles of incorporation or proposed articles of incorporation as joining in the original establishment of an authority, or a municipality or district that joins an existing authority and is added to the articles of incorporation, and that has not withdrawn from the authority.” (Exhibit 2 -- MCL 123.1133) (Emphasis Added)

III. CONCLUSIONS

Thus, it is clear that under the Recreational Authorities Act, a tax may only be levied upon the approval of a majority of the electors in each of the participating municipalities.

/s/ Robert Charles Davis
Robert Charles Davis

EXHIBIT NO. 1

[MCLS § 123.1141](#)

This document is current through Act 2 of the 2025 Regular Legislative Session

Michigan Compiled Laws Service > Chapter 123 Local Government (§§ 123.1 — 123.1431) > Act 321 of 2000 (§§ 123.1131 — 123.1157)

§ 123.1141. Tax levy; ballot proposal; vote; authorization; number of elections; proceeds.

Sec. 11.

(1) An authority may levy a tax of not more than 1 mill for a period of not more than 20 years on all of the taxable property within the territory of the authority for the purposes of acquiring, constructing, operating, maintaining, and improving a public swimming pool, public recreation center, public auditorium or conference center, or public park. The authority may levy the tax only upon the approval of a majority of the electors in each of the participating municipalities of the authority voting on the tax on November 6, 2001 or, thereafter, at a statewide general or primary election. The proposal for a tax shall be submitted to a vote of the electors of the authority by resolution of the board.

(2) A ballot proposal for a tax shall state the amount and duration of the millage and the purposes for which the millage may be used. A proposal for a tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the county clerk of each county in which all or part of the territory of the authority is located for inclusion on the ballot. The proposal shall be certified for inclusion on the ballot at the next eligible election, as specified by the board's resolution.

(3) If a majority of the electors in each of the participating municipalities of the authority voting on the question of a tax approve the proposal as provided under subsection (1), the tax levy is authorized. Not more than 2 elections may be held in a calendar year on a proposal for a tax authorized under this act.

(4) The proceeds of a tax levied under this section shall only be used by the authority for those purposes described in this section and shall not be used by the authority for either of the following:

(a) Except as otherwise provided in subsection (5), any general fund purposes by any participating municipality.

(b) Any school operating purposes, as that term is defined in section 20 of the state school aid act of 1979, 1979 PA 94, [MCL 388.1620](#), by any participating municipality that is a school district.

(5) The proceeds of a tax levied under this section may be used for general fund purposes by a participating municipality if the proceeds used are directly related to

MCLS § 123.1141

managing the operation of the business of the authority pursuant to a contract between the authority and that participating municipality.

History

[Pub Acts 2000, No. 321](#), § 11, imd eff October 25, 2000, by enacting § 1 eff December 1, 2000; amended by [Pub Acts 2003, No. 135](#), imd eff August 1, 2003; [Pub Acts 2016, No. 173](#), effective September 12, 2016.

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EXHIBIT NO. 2

[MCLS § 123.1133](#)

This document is current through Act 2 of the 2025 Regular Legislative Session

Michigan Compiled Laws Service > Chapter 123 Local Government (§§ 123.1 — 123.1431) > Act 321 of 2000 (§§ 123.1131 — 123.1157)

§ 123.1133. Definitions.

Sec. 3.

As used in this act:

- (a) "Articles" means the articles of incorporation of an authority.
- (b) "Authority" means a recreational authority established under section 5.
- (c) "Board" means the board of directors of the authority.
- (d) "District" means a portion of a municipality having boundaries coterminous with those of a precinct used for general elections.
- (e) "Electors of the authority" means the qualified and registered electors of the participating municipalities who reside within the territory of the authority.
- (f) "Largest county" means, of those counties in which a participating municipality is located, the county having the greatest population.
- (g) "Municipality" means a city, county, village, township, or school district.
- (h) "Park" means an area of land or water, or both, dedicated to 1 or more of the following uses:
 - (i) Recreational purposes, including, but not limited to, landscaped tracts; picnic grounds; playgrounds; athletic fields; camps; campgrounds; zoological and botanical gardens; living historical farms; boating, hunting, fishing, and birding areas; swimming areas; and foot, bicycle, and bridle paths.
 - (ii) Open or scenic space.
 - (iii) Environmental, conservation, nature, or wildlife areas.
- (i) "Participating municipality" means a municipality or district that is named in articles of incorporation or proposed articles of incorporation as joining in the original establishment of an authority, or a municipality or district that joins an existing authority and is added to the articles of incorporation, and that has not withdrawn from the authority.
- (j) "Public historic farm" means a parcel of public land and its buildings that are accessible to the public, and provides, but is not limited to, agricultural and historical programs, farming activities and animal husbandry, community recreation activities

MCLS § 123.1133

and events, programs held in common areas, meeting rooms, and community gardens, and access to surrounding parkland.

(k) "Swimming pool" includes equipment, structures, areas, and enclosures intended for the use of individuals using or operating a swimming pool, such as equipment, dressing, locker, shower, and toilet rooms.

(l) "Territory of the authority" means the combined territory of the participating municipalities that is served by an authority.

History

[Pub Acts 2000, No. 321](#), § 3, imd eff October 25, 2000, by enacting § 1 eff December 1, 2000; amended by [Pub Acts 2003, No. 135](#), imd August 1, 2003; [Pub Acts 2016, No. 174](#), effective September 12, 2016.

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