

August 28, 2017  
**Friends of Banner Mountain (FBM) Board Meeting 5:30 – 6:30 pm**  
Topics – Cascade Trail Gate & BYLT  
*Diana Abrell – Host, 12319 Hillcrest Dr.*

**Attendees:**

**FBM:** Andrew Wilkinson, Chip Wilder, Jeff Peach, and Chuck Staetz

**Historic Canal Committee (HCC):** Susan Sanders, Susan Luhman, Diana Abrell, Ed Sylvester, and Ralph Hitchcock

**Call to Order and Comments (5:30)**

President Chuck Staetz called the meeting to order at 5:30 pm.

**Comments:** Andrew Wilkinson expressed concern about lack of minutes from the last few FBM meetings. As a 501(C)(3), the organization is required to have minutes for each formal meeting.

The current secretary has been unable to attend the last few meetings so Jeff Peach and Chuck have been writing the minutes. Chuck is still working on the July 7<sup>th</sup> meeting at Chip Wilder's house. The meeting held at Susan Luhman's house on July 31<sup>st</sup> was not a formal board meeting; no minutes were necessary. The meeting was to discuss what action should be taken regarding Jon Davis's gates. The discussion resulted in a trail user's questionnaire and a position paper. Susan Luhman agree to be the liaison between FBM and John Bilheimer FBM's legal counsel for this issue).

Susan Luhman volunteered to take minutes for this meeting. Jeff asked if she were willing to take over the role of secretary. She agreed if Sarah were unable to attend meetings, then she would step into that role.

Jeff made a motion to nominate Susan as secretary. Chip seconded it. The ayes were unanimous.

**Financial review:**

Chip sent an email regarding FBM's financial information to all the board and HCC members, prior to the meeting. The organization has roughly \$40,000 in assets. The group discussed how much money FBM would be willing to spend on the Lower Cascade Canal trail court case. The general consensus was FBM was in all the way. Hopefully once the position paper is published, people will contribute to help offset costs. The paper will clearly state any funds received will be used in accordance with FBM's mission statement, not just for litigation costs. This will enable FBM to deposit funds in its account without keeping track of funds generated by donations to the Lower Cascade Canal trail court costs.

**Pre 1972 Trail Users**

Diana Abrell reported to date fourteen questionnaires have been returned. One will be held back for use if necessary.

**Summary of Discussion with John Bilheimer**

On August 24, 2017 Susan Luhman emailed a list of FBM questions. John Bilheimer called to discuss these questions. Conversation summary:

- Mr. Bilheimer encouraged FBM to identify more trail users. Ten was the minimum number. Fifteen or twenty would provide a stronger case;
- Publish the position paper as soon as possible;
- If Mr. Davis removes remove gates, FBM should continue with the complaint; as there would be nothing to prevent him from re-installing them later; and
- Obtaining the court's decision to require Mr. Davis to remove the gates will not grant a prescriptive easement to the entire trail. Easements must be granted by each individual property owner.
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Jeff made a motion to advise Mr. Bilheimer to file the complaint using the 13 pre-1972 trail users' questionnaires. Chip seconded the motion. The motion was unanimously approved.

The FBM board and SOHC members agreed the next step was to finalize the position paper. Andrew offered to add language to the donations section to clearly state the funds are to be used in accordance with FBM's mission statement, not just for litigation costs..

After the additional text is added, all agreed to publish the position paper as is. The position paper is a living, breathing document that will be updated as needed. The board wants to publish the paper as soon as John Bilheimer files the complaint.

### **Bear Yuba Land Trust (BYLT) Discussion**

Funds previously donated by BMHA and SOHC

Susan Luhman contacted Marty Coleman-Hunt (BYLT executive director) regarding the FBM and SOHC funds (\$5475) that were donated to the Nevada County Land Trust (as it was known then) in 2011 for the sole purpose of obtaining land easements on the Lower Cascade Canal trail. Before Susan could speak with Marty, she was out of the office on medical leave. In her absence she instructed Bill Haire (who was then employed as a trail builder) to respond to FBM and HCC's questions regarding the easement funds. According to Mr. Haire since no easements had been purchased, BYLT transferred the funds to the Land Trust's trails fund. After some discussion, Susan Sanders and Susan Luhman agreed to collaborate on a letter to Marty Coleman Hunt. The letter would ask the BYLT to return the unused easement funds.

### **Meeting with BYLT about cooperative projects**

BYLT sent Diana and Chuck an email inviting a representative of FBM to attend their trail committee meeting Thursday, Aug. 31. They will be discussing constructing a walkway along Gracie Rd. from the Gracie/Banner Lava Cap parking lot to the lower parking lot off Gracie Rd. No one could or volunteered to attend. It was the consensus of the board that FBM prefers that BYLT hold off on such construction until our litigation over the gates is completed. Chuck said he would communicate that position to Shaun Clarke and the trail committee.

Action Items:

- Everyone will continue to identify pre 1972 trail users.
- Susan Luhman will instruct John Bilheimer to file the complaint.
- Susan Sanders and Susan Luhman will write a letter to the BYLT executive director.
- Susan Luhman will send Andrew the latest version of the position paper. Andrew will add fund raising language.

**Adjourn**

Chuck adjourned the meeting at 6:30.