

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

February 13, 2024

Meeting was called to order by Supervisor Amy Ferris at 7:04 p.m.

Pledge of Allegiance was recited.

Roll Call: Ferris, Nielsen, Northway, Popp, and VanMeter were present, constituting a quorum.

Guests: Al Popp, Leroy Reed, Jessica Carland, County Commissioner Karen Cunningham, Cathy Wilkinson, Greg Wright, Paul May, and Fred McGill.

Agenda:

Ferris moved to accept the agenda as amended with the changes listed below. Popp supported. All ayes. Motion approved.

- Ferris amended under “Minutes, should read 1.16.24.”
- Ferris noted an explanation will be given regarding “Herban Property packet” because it was not in the meeting materials.
- Under “Correspondence” add Tokio Marine insurance claim letter and Grant Sowa letter.
- Popp amended to include Grand Traverse Community Foundation letter under “Correspondence.”
- Ferris amended “Fire and Rescue” to include the contracts.
- Ferris amended “Budget,” remove FOIA.
- Popp amended to remove \$25 tax collection under “Financials.” This will be discussed with the auditor during the 2023-2024 audit.
- Ferris amended “Old Business” to add Reconciliation Request and new attorney discussion.

FEMA Hazard Mitigation correspondence will be discussed next month.

Conflicts of Interest:

Popp stated: Today is February 2024, from a year ago in February 2023, my interests have not changed. I am still a resident of this township. I am still the treasurer. I am still a member of the airport board. I still want what I believe is best for my community.

In February 2023, I believed in the goals and direction of the airport board. I still do. I believe there is a consonant balance between the FAA and our residents. I believe the airport could be an autonomous being without the financial handouts from the three entities. My beliefs have not changed.

When determining if I should make a public declaration of conflict of interest, I consulted numerous, various sources—MCL, MTA, Michigan Municipal League, attorneys, friends, and family. Many believe that my declaration was premature, but I thought it was prudent to declare a conflict because I

believed that there were people who would be quick to cry impropriety. It's also no secret that I have been the target of notable dissatisfaction in the past and that will not change. It is due to the people that seek to find anything, the tiniest appearances, even the most innocent of things, to cry outrage that I made that declaration; to appease them.

In my heart of hearts, I don't believe that I possess a conflict of interest that would not benefit this township. Whether or not I am on any board, or employed by anyone will not change that I always will remain a resident here, and I will continue to work towards what I believe is best for my community.

Ferris asked if Popp would like to summarize because Popp's last conflict of interest statement indicated that she may not be able to make an independent or objective decision. Popp said she will do what is in the best interest of the Township.

Minutes: January 16, 2024, Regular Board Meeting

Ferris moved to accept the minutes of the January 16, 2024, Regular Board Meeting as amended, after review of audio by Clerk: Page 4, "Under Cemetery Fund," add Brooke said, 'no one should get the job as Cemetery Administrator;' Page 5, 'Someone suggested that there should be no salary increases;' Page 6, 'Ferris will include the priority list when she signs the Foster Swift engagement letter.' VanMeter seconded. All ayes. Motion approved.

Correspondence:

- Olsen and Howard are withdrawing interest in the attorney position. Ferris noted they were representing the RV Park Group.
- Jill Marble's letter in support of Supervisor Ferris as Cemetery Administrator with compensation and additional clerk election duty compensation. Northway felt the Cemetery Administrator was a wonderful service for our residents, and Ferris should be compensated for her time and effort.
- Invasive Species Network asking for a letter of support for survey and possible chemical treatment. VanMeter asked if we should address this. Ferris will get more information.
- Grant Sowa correspondence stating the season has been slow. Dollar General has been rectified.
- Claims Attorney Molly Leslie of Tokio Marine HCC letter concerning coverage of claim filed in regard to McCall complaint.
- Letters from concerned citizens have been given the response that no proposal has arrived for an RV park on the former Herban property.
- Grand Traverse Community Foundation will be issuing the township a check for \$3,200.

Guest: Jessica Carland of Benzie Bus

- Jessica Carland of Benzie Bus shared the annual report. Over 100,000 trips for 2023. Had some vehicle issues particularly with supply train. Costs have increased substantially. Two new busses have been received; current fleet is at 67% of their useful life. Fleet averages about 190,000 miles per vehicle. A service expansion plan has been developed for the next three to five years. Passengers want later service during the week and extended Saturday service. Looking into possible Sunday service. Exploring new partnership activities with NMC and other employers to

get people to school and work. Nielsen asked if she was accumulating monies for new busses. Carland explained that funding for busses was through the state. Nielsen also asked about electric vehicles and Carland said their electric vehicle grant obligation was for at least two electric buses. They are ready to be ordered, and they may have found a way to switch them to gas and propane busses. Carland said electric vehicle charger availability is limited and parts to fix electric busses were difficult to find.

County Commissioner Karen Cunningham's Report:

- Chief Cederholm will not be able to make the meeting as he had a conflict.
- Michelle Thompson is retiring as county treasurer; Kelly Long will fill the position until the election. Michelle will become executive director of Michigan Land Bank Association effective March 2024. There will be an open house for her on March 1, 1:00 p.m. to 4:00 p.m. in the County Commissioners' room.
- Tim Maylone, Cherry Capital Communications, shared that construction along M-115 between US-31 and the City of Frankfort was on schedule. He also said the hub was done at Crystal Lake Township. He reminded everyone to leave Miss Dig flags where they were. Data is being reviewed with the goal of producing a map. Nielsen asked when the CLT Hall was going to get internet access through the new broadband network, and Cunningham didn't know and stated CCC was looking for cybersecurity persons.

Fire and First Responders Report:

- Ferris shared the report that was sent by Fire Chief Cederholm. There were no questions.

Ferris moved to accept the Contract for Fire Department Services between the City of Frankfort and Crystal Lake Township as presented. Popp supported. Roll was called. All ayes. Motion was approved.

Popp moved to approve the contract for Medical First Response Services between the City of Frankfort and Crystal Lake Township as presented. Nielsen supported. Roll was called. All ayes. Motion was approved.

Public Comment:

- Leroy Reed asked if the invasive species letter was sent to the Township because of Township-owned properties. Nielsen lacked trust regarding the state invasive species control citing how autumn olive had spread. Wright said the committee had taken out a lot of issues. May stated that we should contact an attorney before spraying toxic chemicals. Ferris will contact Rebecca Hubers and get further information.

Financials:

- Popp presented the financial reports. There was no discussion.

Popp moved to accept the Post-audit Payroll Expenditures for January 2024 in the amount of \$15,390.84. Nielsen Supported. Roll was called. All ayes. Motion was approved.

Warrant Report:

VanMeter presented the warrant report for approval as amended to include a Spectrum Printers invoice for \$68.49 to the General Fund for a total of \$4,946.82; Cemetery fund \$12,507.88. Popp supported. Roll was called. All ayes. Motion was approved.

Committee Reports

Airport:

Popp shared the airport documents. Supervisor Ferris asked for clarification on the following points:

- Ferris asked about the sponsor contract in the November 16, 2023 minutes. Popp said the sponsor is the airport, and it was a contract with MDOT for grant funding.
- Ferris asked about consent judgement and whether it authorized the chairman to execute the selected consent judgement and second stipulated order amending avigation easements, etc. Popp confirmed Chairman Corey Carland was authorized.
- Ferris asked about the job posting and if Popp helped decide the job requirements. Popp said she did not.
- Ferris asked about the January 4 meeting and if it was legal for someone to participate via phone. She asked if OMA applied to the airport authority. Popp clarified that it was the attorney on the phone and not a voting member.
- FCCAA Attorney Zeits was waiting to hear from John Stroo to determine if bond funds were reimbursable by MDOT. Popp stated it was determined they were reimbursable.
- Ferris wanted to make sure that Attorney Zeits determined it was legal to pay off The Pines judgment with grant funds, and Popp said yes.
- Ferris asked Popp about operations funding if all grant money was used to pay The Pines settlement. Popp replied grant money was not used for operations; grant funds can only be used within certain parameters, such as capital improvements. Ferris asked if there were any unused grant monies from other airports that could be obtained. Popp said it was discretionary money and has yet to be determined by MDOT.
- Ferris asked Popp what the fiscal year was for the airport authority, and Popp shared it was June 1 through May 31.
- Ferris questioned what the Graves Family, LLC line item was. Popp responded it was to pay for the Graves Road tower.

- Ferris asked about the attorney fees for The Pines settlement. Popp said it was all part of the consent judgement.
- Ferris asked who Sondee, Racine and Doren, P.L.C. was. Popp said it was the engineering firm, and VanMeter corrected her stating it was the law firm. Prein & Newhoff was the engineering firm.
- Ferris asked about hangars and open space. Al Popp explained that the open space can be used for additional hangars.
- Ferris shared that someone had asked about a FOIA payroll request and was told by Dick Bayer there are no hours recorded. She asked if this was true? Popp noted Dick Bayer does not turn in a timesheet. Ferris shared she had spoken with the person responsible for payroll at the county and was shocked to discover there were three Popp family members and a Noffsinger on the payroll at an hourly rate. Popp confirmed. Ferris stated that Treasurer Popp had never declared she worked at the airport as well as her husband and brother-in-law. Popp disagreed and shared she had been doing filing, and Al Popp and John Popp were snowplowing and mowing.
- Ferris felt there was a conflict of interest with Popp holding the position of Township Treasurer, being appointed by the Township to the airport authority board, and working as an airport staff member. Popp indicated the airport authority board did not see any issue with this.
- Airport administration report from January said the south entrance to the airport had been blocked off by a neighboring landowner. Ferris asked for clarification. Popp believed Leroy Reed had blocked the entrance and shared that Dick Bayer was going to look into the issue.
- Ferris questioned Dick Bayer's report noting that takeoffs and landings were almost always unattended and were an approximation. She asked why the cameras could not be used to count takeoffs and landings. Al Popp commented that it might be possible, but there were also many "touch and goes" done by the flight schools.
- Ferris inquired about the type of license the airport currently held. Popp said there was a provisional general license. It won't be a true general license until the trees have been cut and The Pines follows through with the consent judgment and settlement. The Pines has a deadline of 2026 to remove the trees.
- Ferris asked about the Knox box purchase, and Popp said they did not yet have funds but noted it's on the project list.
- Ferris asked who the treasurer was for the airport authority. Popp said it was Michelle Thompson and Kelly Long will probably fill the position.

- Ferris asked about the consent judgment statement—"full faith and credit pledge of authority to pay principal and interest for the bonds to be received annually from the FAA. In case of insufficiencies, it will come from General Funds of the authority." Popp confirmed.
- Ferris inquired about the sale of bonds to be a negotiated sale instead of a competitive sale for the region. Popp said a new bond agreement was recently signed. This will help pay off The Pines' settlement in addition to the grant monies. Bonds will be used to pay the settlement with a lower interest rate that enables early payment without penalty.
- Ferris asked about the Bond Council and how attorneys were selected. Popp said Corey Carland handled that, and he was appointed by the airport authority board to do so.
- Ferris questioned whether the Popp had approached people who owned neighboring properties to the airport, specifically Rommel family. Popp said no.
- VanMeter questioned the statement in the resolution authorizing the issuance and sale of judgment bonds that read, "The City of Frankfort, the Township of Crystal Lake, and the County of Benzie incorporated the Frankfort City County Airport Authority..." VanMeter stated the incorporation occurred before the Township became a member of the authority.
- Ferris noted that Popp said she would provide a list of required funding that might impact the township. Popp didn't recall the request, but said the airport only asked for \$12,000 toward the airport manager's salary, propane, lights, etc. (items not covered by grant funds) from the three entities and nothing toward actual operations.
- Ferris shared Popp's previous statement that the Township may not be released from the airport authority and its obligations, since date of membership, until everything had been paid or payment provisions had been made. Popp said that statement may have been incorrect, and the attorney should be contacted. Ferris will compile a list of questions submitted by the Board members and submit them to the attorney.
- Ferris asked who handled the airport authority FOIA requests. Popp shared that Dick Bayer handled submitted requests.
- Ferris asked for a copy of Popp's application for the airport manager job. Popp stated she submitted a letter of interest but not an application. Ferris wanted a copy because of a possible conflict of interest. Ferris asked if Popp had formed an LLC and included that in her letter of interest. Popp said it was not relevant. Ferris felt it was an issue of transparency.
- Ferris asked if Popp took the managerial course for airport managers, and Popp said yes. Ferris suggested Popp had the advantage knowing about the position months before it was posted. Popp negated the statement

- Nielsen asked if the airport authority had a DEI (diversity, equity, inclusion) coordinator. Popp stated when a sponsor signs an agreement, there are certain assurances that have to be upheld.
- Ferris shared a copy of airport payroll that showed Dick Bayer's salary was \$42,000; when the three entities each paid \$12,000 (total \$36,000). She wanted to know who was paying the extra \$6,000. Popp said the money came under airport operations, noting he was given cost of living increases.
- Ferris shared a copy of a letter from a MTA lawyer who said it was not appropriate for an elected township official to sit on the airport authority and also be a paid employee. Popp stated she also received a letter from MTA stating the opposite. Ferris asked for a copy of Popp's letter and shared a copy of the one she received.

Budget:

- Ferris addressed the issue of compensation for the Cemetery Administrator job. Popp said she requested information from Ferris in January and did not have enough information to render a decision on the matter.
- Popp stated cemetery administration is predicated by the number of foundations sold, interments performed, and burial rights sold. She felt it was prudent for the Board to consider paying an administrator piece meal for those items. Popp wanted to know the average amount of time spent on each of the three functions. Ferris said it was difficult to determine. Popp asked for an average for each. Ferris said at least an hour for each of the functions. Popp suggested \$20 an hour and asked how Ferris arrived at the \$16,000 figure. Popp felt it should be discussed further at the next Board meeting.
- Ferris shared a long list of everything she does with regard to the cemeteries, and noted if she no longer fulfilled the duties, it traditionally fell under the Clerk's responsibility. Popp felt it would be a good idea to outsource the cemetery administrator position for consistency and not have the extra responsibility put on Board members since they come and go. Ferris reiterated she had been acting as cemetery administrator at no charge for 11 years.
- Nielsen agreed to the idea of outsourcing the cemetery administrator position and supporting the Cemetery Fund expense with money from the General Fund but only if the Township no longer allowed burial of nonresidents.
- Popp suggested forming a committee with the City of Frankfort since many of its residents are buried in the Township cemeteries. Possibly the City could help pay for cemetery care and maintenance. Discussion continued.
- Popp asked if the Cemetery Operations Funding resolution should be discussed. Ferris said she wanted more information on the percentages of income that went into the Cemetery perpetual investment fund versus the Cemetery general fund. Popp stated the Cemetery Fund was self-sustaining by sales, and the perpetual fund principal and interest had not been touched.

Elections:

- VanMeter shared there will be a Frankfort-Elberta Area Schools millage renewal election on May 7, 2024. As it is a local election, the nine days of early voting are not required.
- Ferris was concerned that with three, state or federal elections this year including the nine-day early voting requirement, the Township Hall will be closed too much.
- VanMeter shared early voting for the February 27, 2024 Presidential Primary election will begin on Saturday, February 17, and run until February 25. Polls will be open from 11:00 a.m. to 7:00 p.m. each day.

VanMeter moved the Crystal Lake Township Board affirm the approval of the Election Commission election inspector appointments for the Presidential Primary election. Popp supported. Roll was called. All ayes. Motion was approved.

- Nielsen commented a central, community site should be used for early voting like Manistee County. VanMeter explained the County Clerk looked into Benzie County having a central site, but there wasn't an available, suitable location.

Planning and Zoning:

- Ferris shared that Tom Kucera had forgotten about the date change of Board Meeting date, so there wasn't a report prepared.
- Wright explained the Planning Commission was continuing to work on an ordinance regarding short-term rentals and hoped to have that ready by spring. Wright asked if the Board was in support. Consensus of the Board was for the PC to continue its work on the short-term rental ordinance.
- Wright also shared the PC received great input from the very organized citizens group regarding the possibility of a new RV Park on the former Herban property.
- Popp asked Wright if there were any updates on the Master Plan. She explained Kucera had talked to MDOT regarding the adoption of an airport zoning plan, also noting the airport attorney was surprised there wasn't airport zoning included in the Township master plan.

Unfinished Business:

- **Attorneys:**
Popp inquired if anyone has been in contact with the new law firm. Ferris said that she and Kucera had, but it was during the interview process, with Board approval. The Assessor was also working with the attorney. Nielsen felt all zoning and assessing-related communications with attorney should be shared with Supervisor Ferris who would then report back to the Board. Popp felt all communication with attorney needed to be done via email and not phone conversations, so information could be shared with other Board members. Nielsen asked to have a Lakeview Drive

report included on the monthly agendas. Moving forward, Ferris will have a “legal” section added to the agenda.

New Business:

- Ferris shared the passing of Don Saffron. He was an amazing member of the community who took photographs of every grave stone in three counties. Ferris will write a note to the family.

Public Comments:

- Leroy Reed addressed the blockage of a private drive near the airport. He shared a letter from his partner, Mike Fahey, was sent to Dick Bayer and the FCCAA letting them know it wasn’t a public access road. A proper fence will be installed with a gate, so emergency vehicles have access.
- Fred McGill of Casey Road shared there was a citizens’ group that was very concerned about what may happen on the Herban property. He can see the property from his residence and shared he has noticed surveyors working there.

Board Comment:

- Popp shared correspondence that was not included earlier in the meeting. Benzie County, Sheriff Deputy Joshua Rubin, Crystal Lake Township, and Supervisor Ferris were served with a complaint filed in US District Court by Johnny McCall.

Meeting adjourned at 8:50 p.m.

Judy VanMeter, Clerk, and Sondra Halliday, Deputy Clerk, reporting.

Amy Ferris, Supervisor

Date

Judy VanMeter, Clerk

Date