

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

November 21, 2023

Meeting was called to order by Supervisor Amy Ferris at 7:00 p.m.

Pledge of Allegiance was recited.

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

Guests: Greg Wright, Larry Robotham Jr., Al Popp, Commissioner Karen Cunningham, Fire Chief Michael Cederholm, Deputy Clerk Sondra Halliday, Brian Halliday

Adoption of Agenda:

Ferris moved to accept the agenda as amended including the underlining of “cybersecurity/domain name” under IT, removal of “Nuisance Ordinance” under Unfinished Business (duplicate), and the addition of the appointment of the Board representative to the local Road Committee. VanMeter supported. All ayes. Agenda accepted as amended.

Conflicts of Interest: VanMeter recused herself from Airport conversation due to a possible conflict.

Minutes: October 17, 2023, Regular Board Meeting

Ferris moved to accept the minutes of the October 17, 2023, Regular Board Meeting as amended, after review of audio by the Clerk: Page 6, third paragraph, remove “Ferris noted ordinance review would be put on hold during attorney search.” Page 6, fourth paragraph, verify “Nielsen favored Crystalaire as first priority while Ferris requested the Nuisance Ordinance be first priority.” VanMeter seconded. All ayes. Minutes accepted as amended.

Correspondence:

- Bryan Graham of Young, Graham & Welding, P.C.—the firm’s resignation as CLT attorneys
- Andrew Johnson of Frankfort Insurance Agency regarding RV Resort CNA Surety Bond

County Commissioner Report:

- Commissioner Karen Cunningham shared her monthly report, covering items that happened since her printed report was published.
- NMC will host four, townhall-type, listening sessions for input as to their role within the Benzie County area.
 - 7:00 p.m., December 7, Frankfort City Hall

- 10:00 a.m., December 5, Mills Community House, Benzonia
 - 3:00 p.m., December 7, The Gathering Place, Honor
 - 10:00 a.m., December 9, United Methodist Community Center, Lake Ann
- Megan Garza is now the Director of The Maples; she was previously Interim Director.
 - Nielsen asked if the listening sessions for NMC would potentially lead to a millage. Cunningham said yes, and Nielsen felt NMC should be more upfront on the issue.
 - Airport Manager Dick Bayer shared 23 improvements made at the airport since 2017. Ferris asked how to get copies of the economic impact studies. Cunningham received those directly from the FCCAA.
 - Cunningham shared Dick Bayer was retiring as Airport Manager, effective December 31, 2023. He has agreed to stay on beyond that date on a month-to-month basis until a replacement is found. Ferris asked where the position had been posted. Popp said the position was posted at organizational websites which pilots frequent such as Climbto350 and Michigan Association of Airport Executives. Ferris wondered why it had been posted on obscure websites instead of locally.

Fire and Rescue Report:

- Fire Chief Cederholm shared the Frankfort Fire and Rescue Department report for October/November 2023.
- Membership roster included 25, with two cadets and one application in progress.
- November 3, 2023, officer's meeting—discussed and established outline for future meetings.
- A roof rescue training was performed using the ladder truck, 15 in attendance.
- Fire advisory board will form a preliminary budget once copies of township L-4029 forms are received. Will get budget information to townships sometime in January.
- October run report had 545 EMS and 166 fire runs for a total of 711, 37 runs above last year. November runs for Crystal Lake Township were 9 EMS and 0 fire. Average response time for EMS was 98.5%; since May has been 100% response.
- Community risk reduction flyers were sent regarding kitchen, heating, and holiday safety. Cooking fires are the top reason for fires, and Thanksgiving was the number one day of the year. Space heaters should be kept three feet away from anything flammable, and wood fireplaces should have their chimneys inspected and cleaned. Make sure you have working carbon monoxide detectors and be sure to put out candles completely. Remember to water your trees.
- County 911 dispatch was switching to a two-tone, 911 alarm that will be starting December 4. The repeater in Frankfort has been repaired, and all pagers needed reprogramming.
- Waiting on parts to fix 4Medical damaged by two deer incidents.
- Continuing community events and school fire drills.
- Ferris asked about Fire Run (Charges) Cost Recovery Ordinance that was in the Board packet. Chief Cederholm shared this was an item on insurance policies that would allow the Fire Department to possibly recover their costs. He also said that everyone should check their policies to make sure this was updated. Nielsen shared the CLT contract with the Fire Department automatically includes the coverage. The Ordinance was received after an inquiry from Clerk VanMeter to MTA on a different matter.

- Nielsen asked if the Fire Department educated the public on Thanksgiving safety beyond informational flyers. Cederholm posted the information on the Department website as well as other social media. Also shared with schools and all of the townships.

Public Comment:

- Cunningham shared City of Frankfort was considering broadcasting its meetings using the OWL system. She felt CLT demonstrated transparency and clarity by using the system and thanked the Board for setting a good example.

Financial Reports:

- Popp included a 2023 Property Tax Settlement report with the regular financial reports for each fund (Cash Activity, Statement of Cash Flows, Zoning Monthly Income, Cemetery Sales). The report showed 96% of summer property taxes were paid. The winter property tax bills will be sent on the first of December.
- Ferris inquired about Michigan Class, where funds are placed to earn interest. She inquired if it was low risk and insured. Popp stated the FDIC is not applicable to this type of investment, but it is insured under different parameters. Popp will give Ferris the contact information for the person who can answer the question best.
- Popp presented the October post-audit payroll expenditure reports. Ferris asked why the payroll information could not be on warrant report. Popp noted a separate report was the best way to present the figures because the warrant report was strictly for accounts payables, and the payroll report was run in a different manner. Ferris shared that financial reports from other areas included a check number and asked why our reports do not. Popp explained our cash activity report is that report but, because we have several direct deposit payments versus actual checks, the dollar figure won't be seen. Ferris wondered if reports from BS&A would show the necessary figures rather than using QuickBooks' reports. Popp said they would not.

Popp moved that it be resolved the Crystal Lake Township Board approve payment of salaries and wages, per the attached Crystal Lake Township Payroll Summary Report, for October of 2023, in the amount of \$13,861.29. Nielsen support. Roll was called. All ayes. Motion approved.

Warrant Report:

VanMeter presented the warrant report, noting four additional invoices to the General Fund.

Motion was made by Popp to approve the Warrant Report as amended to include invoices from Quill; West Shore Plumbing and Heating; Young, Graham, and Wendling, PC; and Colligio GIS in the total amount of \$2,717.52, adjusting the General Fund total to \$7,223.80. The Cemetery Fund invoice total was \$3,389.60. VanMeter supported. Roll was called. All ayes. Motion approved.

Budget Amendments

- Popp shared amendments needed to be made to the budget, but there was no resolution ready. Ferris moved to amend expense items Information Technology and Public Safety. Popp noted General Government line items, Supplies and Other Services and Charges, should be amended. Ferris said the total of those funds was within the total General Government area. Short discussion with no comments from VanMeter or Nielsen.

Ferris moved the Crystal Lake Township Board authorize to amend fiscal year 2023-2024, budget item 228.000, Information Technology, by \$2,500 for a total of \$12,500 and expense item 300.000, Public Safety, to \$105,756.34, which reflected the ARPA funds used for broadband expansion. Popp supported. Roll was called. All ayes. Motion approved.

Committee Reports

Airport:

- Popp presented the FCCAA reports. Ferris asked if CLT was the only entity that paid the required \$15,000 in financial support. Popp shared the City of Frankfort paid \$12,000 but not the \$3,000. The County was responsible for doing the FCCAA bookkeeping in lieu of the \$3,000 payment.
- Ferris asked if anyone else was upset, surprised, or embarrassed that CLT found out information regarding the FCCAA's request from the County for a loan and the court case with The Pines Assisted Living in the newspaper. There seemed to be a communications issue. Popp felt Ferris and Kucera were given information from FCCAA Attorney Karrie Zeits when they met. Discussion. Popp referred Ferris to Coury Carland who was FCCAA contact person for legal issues.
- Nielsen asked Commissioner Cunningham when Coury Carland asked the Commissioners for a loan to the FCCAA. She noted it was a couple of meetings prior, and Dick Bayer assisted Carland with the presentation. Nielsen requested Cunningham keep the Board informed on the FCCAA. Cunningham stated she was not always present for discussions on legal issues.
- Questions have surfaced as to whether CLT could be financially liable along with the City and County regarding the \$3 million dollar settlement with The Pines since CLT was not part of the Airport Memorandum of Understanding. Ferris shared City Superintendent Josh Mills told her that CLT had no ownership of the Airport. CLT does have two representatives on the FCCAA and was involved in decisions made. Popp noted the settlement amount put a strain on the FCCAA budget. The FCCAA was investigating obtaining a bond but, if that wasn't a possible option, a payment plan would be put in place. Discussion. Popp shared there was a state statute which outlined possible financial responsibilities. She noted if CLT pulled out of the FCCAA, it would be financially liable, and Nielsen concurred. Discussion. Popp believed there would not be any more closed sessions involving The Pines since a consent judgement was made. Ferris requested more communication from CLT representatives to the FCCAA and to report information before it's published in the newspaper. Nielsen felt Carland should attend a CLT Board meeting, so questions may be answered.

- Ferris asked VanMeter her thoughts. VanMeter restated she had a conflict of interest and would not be participating in the Airport discussion. Ferris felt there was no conflict because she would just be giving an opinion as to whether the CLT Board was receiving FCCAA information in a timely manner.
- Ferris asked Popp for the October FCCAA minutes. Popp advised Ferris they were on the County website.

Budget

- Ferris shared the previously passed budget timeline was not what the MTA recommended, so more time will be taken, even though the current timeline suggests a budget should be presented by November. She noted some issues with QuickBooks regarding updates. Popp recommended she not update QuickBooks. Ferris wanted to look at more specific figures versus just a percentage as past indicated. Ferris noted election expenses will be the wildcard regarding the budget. There also may be more money needed for Building and Grounds to update the HVAC system. Ferris asked Nielsen and VanMeter for information they may have regarding roads and elections. She will also get with Northway when he returns regarding Planning and Zoning.

Elections

- VanMeter shared the November 7, 2023, election went very well. It was very slow, and only 68 electors voted in person. CLT had 33% total voter participation, which was good considering the one issue on the ballot.
- VanMeter shared there will be three major elections in 2024 beginning with the Presidential Primary on February 27, 2024. With the passage of Prop 2022-2, we are required to hold at least nine days of in-person early voting which, for the Presidential Primary, would begin on February 17, 2024. After checking with County Clerk Tammy Bowers and the Bureau of Elections regarding the layout of the Township Hall, the offices will be closed the week of February 18, 2024, to ensure voter confidentiality. We have already started the preparation timeline for the Presidential Primary. In-depth, mandatory training will be required for early voting as it is a completely new process.
- August 6, 2024 is the State Primary, and early voting will start July 27, 2024, with township offices closed the week of July 28.
- The General Election is scheduled for November 5, 2024, and early voting begins October 26, 2024. Township will be closed the week of October 27.
- Ferris asked how VanMeter could be present and in charge of the elections when she was on the ballot. VanMeter consulted with the Bureau of Elections and was told she could be in the basement or in a room with a door. If there was an election issue, she was allowed to come out and address it.

- Nielsen asked if any absentee ballots were rejected during the November 7, 2023 election. Halliday said none were rejected, but one was a blank ballot. VanMeter shared not all absentee ballots were returned, and two came in late.
- Halliday shared that some of the Board meetings may interfere with the early voting schedule and closure of the offices.
- VanMeter received security grant information from County Clerk Bowers and will apply for expense reimbursement for the new election closet doors.
- VanMeter indicated the State passed legislation for the safety of election workers. In four states, clerks received letters in the mail that contained fentanyl powder. More attention will be made when opening/receiving mail.
- Halliday and VanMeter attended a demonstration of the new voter assist terminal and tabulator. We will be receiving a new voter assist terminal and printer for the ballot-on-demand process. Some ballots will be printed as needed rather than trying to determine how many to order, avoiding waste.
- New tabulators and, possibly, laptops will be available for pickup at the next Clerk's meeting in December. Separate laptops are needed for the Early Voting process.
- Ferris shared total voter registrations were up in Benzie County by 74 people. Crystal Lake, Benzonia, Blaine, and City of Frankfort had no additional registrants. Overall, the County had a 25% turnout for the election with Lake Township the highest at 38% and Colfax the lowest with 7%. Three townships had other issues on the November 7, 2023 ballot besides the Road Commission millage, and their turnouts were 30%, 36%, and 26%. The Road Commission millage passed with a 3 to 1 margin. VanMeter expects an increase in registrations for all elections next year, especially the Presidential Primary.
- With the passing of Prop 2022-2 and need for increased election security of equipment and supplies, VanMeter suggested the purchase of a secure case for our ImageCast X Classic Voter Assist Terminal and accompanying printer.

VanMeter moved the Crystal Lake Township Board approve the purchase of an ImageCast X Classic Voter Assist Terminal case from Election Source, cost not to exceed \$700.00. Popp supported. Roll was called. All ayes. Motion approved.

- VanMeter shared, with unexpected election expenses, an employee of the Township had to use their personal credit card to purchase postage stamps for the election. To eliminate future election expense issues, she offered a change to the current CLT credit card policy.

VanMeter moved the Crystal Lake Township Board affirm the changes to the credit card policy to include the credit card limit increase to \$5,000.00, and Board pre-approval for purchases over \$500.00, except for emergencies or election-related expenses (must be ratified by the Board as soon after as possible). Popp supported. Roll was called. All ayes. Motion approved.

Information Technology:

- Ferris shared the resolution regarding the switch to a .gov domain name. The process was being rewritten and will be available in January. Formerly there was a \$400 fee, but now there is no charge.

Ferris moved that Crystal Lake Township shall commence immediately to transition from Gmail to a new .gov site and email address. VanMeter supported. Roll was called. All ayes. Motion approved.

Planning and Zoning:

- Ferris shared there was recent legislation regarding solar energy and zoning. If we have further questions, we should wait until Kucera is available. Kucera also shared an email today regarding his budget and \$600 expenditure for a contour map.
- Ferris suggested we wait to discuss the RV park surety bond until Kucera was present. Kucera needed to deal with items not included, so it was not an actionable item and was tabled until December.

Roads:

- Nielsen shared estimates for paving the approach aprons on Marquette Court and Birchwood Terrace in 2024. Troy Hinds, the new Benzie County Road Commission Manager, shared cost estimates. They may bid the project out as a package, or complete it with their own staff. Nielsen shared the County gives each township money to go toward road projects, around \$5,000. We have accumulated around \$25,000 to use for this rather than monies from the CLT Road Fund. Ferris was unaware of the accumulated funds.
- Ferris shared the estimate for Birchwood Terrace would have to be covered by CLT 100% because it was a seasonal road. Marquette Court was a county road, and the Road Commission will pay 50% of the estimated cost.

Nielsen moved the Crystal Lake Township Board approve the estimates of \$5,425.00 and \$2,712.50 (total of \$8,137.50) for paved approach aprons on Birchwood Terrace and Marquette Court, making the Road Commission aware of the approval. Popp supported. Roll was called. All ayes. Motion approved.

- A motion was made to appoint Nielsen to the local road commission, and he asked that the Clerk forward this to the Road Commission, so they are aware of the appointment.

Popp moved to appoint Nielsen to the local Road Committee, representing Crystal Lake Township. Ferris supported. All ayes. Motion approved.

Unfinished Business:

- **Security Code to Door:** At the July 28, 2023 special meeting, it was approved not to give the new, entrance door security code to delivery persons. It has been an unexpected

inconvenience, so VanMeter asked for Board permission to allow UPS to have the code. Consent was given by the Board. Nielsen asked how often the code was changed, and Ferris clarified there was no schedule in place for code updates.

- **Attorney Search:** Discussion regarding loss of CLT law firm. Nielsen felt he was authorized by the Board to seek information on a number of firms. After some research, he decided the use of the MTA community forum and an RFP was the way to proceed. Ferris asked Nielsen if he made the decision, and he stated he was authorized by the Board to search. Ferris indicated Popp posted the RFP on the MTA forum, and the attorney saw it, leading to the resignation. Nielsen stated he asked Popp for assistance and noted several law firms had responded to the RFP. Ferris noted concern the RFP was not shared and approved by the Board. Nielsen said the RFP was from MTA. Popp stated Kucera and Ferris did not have approved criteria for an RFP and referenced the minutes of the November 2018 Board meeting. Ferris said the township did not authorize the criteria, but the decision was approved by the Board. Nielsen said the Board will make the decision on the law firm submissions as a result of the RFP.

Nielsen moved that he be affirmed by the Crystal Lake Township Board to continue to proceed with his efforts to find legal representation for the Township. Popp supported. All ayes. Motion carried.

Lengthy discussion concerning expansion of law firm search committee. Ferris wanted to expand the committee of Nielsen and Northway to include Popp and David Spragens, who was a retired attorney. Nielsen felt he should contact the law firms, confirming their expertise on the RFP criteria, and bring recommendations to the Board for approval. Nielsen and Popp said Northway was not on the committee, but VanMeter concurred with Ferris that he was a member.

Ferris moved the Crystal Lake Township Board approve the addition of David Spragens to the Attorney Search Committee of Nielsen and Northway. VanMeter supported. Roll was called: Popp, no; Nielsen, no; Ferris, yes; VanMeter, yes. Motion failed.

Ferris wanted to be on record stating it was a horrible offense to our attorneys to discover we were considering hiring a new law firm via the MTA forum. During a phone conversation with Ferris, the attorney stated the CLT Board was so dysfunctional the firm didn't want to deal with it anymore. Ferris asked if we should write a letter of apology. VanMeter agreed. Nielsen felt we should not write an apology. Popp agreed an apology letter could be sent but wanted to review it before it was sent. Nielsen said the Board should schedule a special meeting to discuss the submitted proposals from the law firms.

- **Hazardous Spills Ordinance:** Ferris shared an error was made titling it a resolution instead of an ordinance at the October 2023 Board meeting, which needed to be corrected.

Ferris moved the Crystal Lake Township Hazardous Spills Expense Recovery Ordinance, being Ordinance #1-2000 was hereby repealed. This ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township. Popp supported. Roll was called. All ayes. Motion approved.

- **Lakeview Drive Ordinance:** Because passage of this ordinance was one of the Board priorities, it was revised and was being reviewed and strengthened by Kucera. Discussion will wait until the December Board meeting when Kucera may be in attendance. Ferris asked if the attorney's review of the ordinance was on the recent invoice. Popp said the attorney was not going to charge the Township unless an ordinance was approved. VanMeter shared the charge was included on the invoice.
- **Nuisance and Dangerous Structures Ordinances:** Ferris noted some Board members as well as Kucera said there were no enforcement capabilities of the Township for these ordinances. Ferris contacted County Building Inspector Bert Gale and asked what the township should do about hazardous structures. He stated blight violations will not be enforced by the County. Ferris tried to confirm this information with County Administrator Katie Zeits. Ferris was informed the township could hire Bert Gale and pay him a stipend, or hire one of his licensed staff to accompany a Township representative during structure inspection. Nielsen noted there still was no avenue for enforcement even if the structure was determined to be hazardous.
- **Policy and Procedures, Chapter 6:** Ferris wanted the Board to move forward with completion of Chapter 6. She asked VanMeter if she was still committed to the January timeline. VanMeter will double check election deadlines to confirm. Ferris also asked VanMeter if she reviewed the various contracts. VanMeter stated she reviewed them and was ready for discussion.
- **Job Descriptions:** Ferris shared that according to the state audit in 2019, one of the recommendations was CLT have job descriptions. We have implemented most of the recommendations but not all of the job descriptions. Popp stated we have also not implemented a cemetery sales and collections process. Ferris wanted to know if the Board was still planning to move forward with audit recommendations.

New Business:

- **2024 Board Meeting Calendar:** Ferris presented the 2024 calendar. VanMeter wanted further review of possible conflicts with the Early Voting schedule. It will be revisited at the December meeting.
- **Ironman 2024:** Ferris shared that almost immediately after the last Ironman Triathlon, the City of Frankfort signed on for another year. She will ask Northway to be liaison again. Nielsen felt this was a good way to promote the local area and hoped we would support it. Ferris will put this on the agenda again for December.
- **L-4029 Form:** Ferris will get with Clerk regarding this form. Nielsen would like to know when and at what meeting the Board will direct Clerk and Supervisor to sign the L-4029 as approved. VanMeter shared the deadline is September 30, and he felt August would be a good time to make a decision.

- **Headlee Reset:** At the October 30, 2023 special meeting of the County Commissioners, the townships were asked to approve resolutions in support of a Headlee reset.

Ferris moved the Crystal Lake Township Board of Trustees support Benzie County’s statutory procedure to consider altering the existing Benzie County fixed mill separate tax limitations of the county and the townships and intermediate school districts in the county AND, in conjunction with all townships within the boundaries of Benzie County, agree to appoint one Supervisor Representative to serve on the County Advisory Tax Limitation Committee. VanMeter Supported. Roll was called. All ayes. Motion approved.

Public Comments: There were no public comments.

Board Comment: There were no Board comments.

Meeting adjourned at 8:54 p.m.

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

Amy Ferris, Supervisor

Date

Judy VanMeter, Clerk

Date