

CHARTER TOWNSHIP OF FILER  
2505 FILER CITY ROAD  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
November 5, 2020 HELD ELECTRONICALLY

DRAFT

Present: Shirley Ball, Terry Walker, Dean Kruse, Tom Stege, Dale Kolanowski, Brian Krus

Absent: Tom Chycinski

Also Present: Richard Wilson, Township Attorney

Meeting was called to order by Supervisor Walker at 6:00 p.m.

Motion by Kolanowski, seconded by Stege to approve the presented meeting agenda with the addition of New Business Item "C" Consideration of Approval the RESOLUTION OF THE CHARTER TOWNSHIP OF FILER BOARD OF TRUSTEES ESTABLISHING FREQUENCY OF WATER AND SEWER BILLINGS FOR CUSTOMERS RECEIVING BOTH WATER AND SEWER SERVICES FROM THE TOWNSHIP AND TO RESCIND ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH, also correcting the date on the meeting agenda addendum from October 6, 2020 to November 5, 2020. Roll Call Vote: Kolanowski-yes, Ball-yes, Walker-yes, Stege-yes, Krus-yes, Kruse-yes. 6 Yeas, 0 Nays. M/C

Motion by Kruse, seconded by Krus to approve the consent agenda as presented. Roll Call Vote: Ball-yes, Krus-yes, Walker-yes, Stege-yes, Kolanowski-yes, Krus-yes. 6 Yeas, 0 Nays. M/C

Public Comment:

John Brunner offered short term rental data to the township.

Motion by Kruse, seconded by Ball to approve the Capital Improvement Plan Synopsis as presented. Roll Call Vote: Walker-yes, Kolanowski-yes, Kruse-yes, Ball-yes, Krus-yes, Stege-yes. 6 Yeas, 0 Nays. M/C

Motion by Kolanowski, seconded by Kruse to introduce AN ORDINANCE TO AMEND CHAPTER 23 OF THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 23.06 TO PROVIDE FOR ALTERNATIVE METHODS OF BILLING AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH. Roll call vote: Stege-yes, Krus-yes, Ball-yes, Walker-yes, Kolanowski-yes, Kruse-yes. 6 Yeas, 0 Nays. M/C

Motion by Walker, seconded by Krus to approve the RESOLUTION OF THE CHARTER TOWNSHIP OF FILER BOARD OF TRUSTEES ESTABLISHING FREQUENCY OF WATER AND SEWER BILLINGS FOR CUSTOMERS RECEIVING BOTH WATER AND SEWER SERVICES FROM THE TOWNSHIP AND TO RESCIND ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH. Roll Call Vote: Kolanowski-yes, Ball-yes, Walker-yes, Stege-yes, Krus-yes, Kruse-yes. 6 Yeas, 0 Nays. M/C

Public Comment:

None offered at this time.

Motion by Stege, seconded by Kruse to adjourn the meeting. Roll Call Vote: Ball=yes, Krus=yes, Walker=yes, Stege=yes, Kolanowski=yes, Kruse=yes. 6 Yeas, 0 Nays. M/C

Meeting adjourned at 6:42 p.m.

Submitted,

Shirley Ball  
Charter Township of Filer Clerk

**Filer Township**

**General Fund Reconciliation**

Date: August 31, 2020

**Balance Sheet Accounts:**

General Fund Operating Cash	101-000-001.00	2,002,472.43
Liquor Law Operating Cash	212-000-001.00	47,487.36
Fire Operating Cash	899-000-001.00	159,725.78
Garbage & Refuse Cash	226-000-001.00	646,500.70
Payroll Clearing Cash	701-000-001.00	-
		<u>2,856,186.27</u>

Add: Outstanding Checks		2,812.86
Subtract: Outstanding Deposits		-
		<u>2,858,999.13</u>

Balance per Bank Statement		<u>2,858,999.13</u>
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Difference		<u>-</u>
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Fire Maintenance & Protection Fund	899-000-001.01	<u>28,754.62</u>
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**Investments**

**General Fund CDs:**

Shelby State Bank CD # 200090124		35,945.43
MBank CD # 6000017269		48,121.48
MBank CD # 6000017205		70,453.31
PNC Bank CD #31100375325		107,035.69
Total		<u>261,555.91</u>

**Water Fund CDs:**

Chemical Bank CD # ****4942		67,828.69
Chemical Bank CD # ****4260		67,001.04
Total		<u>134,829.73</u>

**Fire Fund CD:**

MBank CD # 6000017305		<u>35,218.06</u>
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# Check Register Report

Filter: Charter Township

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
38119	58	GREAT LAKES ENERGY	11/10/2020	NAT 01	27.34
38120	207	SALLY STEFANSKI	11/10/2020	NAT 01	209.00
38121	281	RUTH BRAUNECK	11/10/2020	NAT 01	209.00
38122	476	CHARTER COMMUNICATIONS	11/10/2020	NAT 01	927.90
38123	601	REPUBLIC SERVICES	11/10/2020	NAT 01	10113.92
38124	692	ARENE ADAMSKI	11/10/2020	NAT 01	209.00
38125	954	PURE WATER WORKS	11/10/2020	NAT 01	11.00
38126	981	FREEMAN CREEK EQUIPMENT INC	11/10/2020	NAT 01	50.87
38127	1043	GIL ROY'S HARDWARE 67611	11/10/2020	NAT 01	148.70
38128	1048	THOMAS STEGE	11/10/2020	NAT 01	27.60
38129	1081	CONSUMERS ENERGY	11/10/2020	NAT 01	3355.20
38130	1183	RICHARDS & MC DOUGALL P/C	11/10/2020	NAT 01	600.00
38131	1212	JANE KEBROWSKI	11/10/2020	NAT 01	209.00
38132	2010	SHIRLEY BALL	11/10/2020	NAT 01	160.43
38133	6900	FUELMAN	11/10/2020	NAT 01	25.50
38134	10000	REPUBLICATIONS	11/10/2020	NAT 01	187.05
38135	10010	JACKPINE BUSINESS CENTER	11/10/2020	NAT 01	87.47
38136	13550	MICRO SERVICE INC	11/10/2020	NAT 01	180.00
38137	14400	MARY ANN NICKLESON	11/10/2020	NAT 01	240.00
38138	16550	POSTMASTER	11/10/2020	NAT 01	385.00
Grand Total:					1683.78

# Check Register Report

10:57 AM

Filer Charter Township

*FB Bills*

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
38139	72	FIVE ALARM	11/20/2020	NAT 01	830.52
38140	256	DTE ENERGY	11/20/2020	NAT 01	480.71
38141	477	FRONT LINE SERVICES, INC	11/20/2020	NAT 01	51.45
38142	968	WEB MATTERS	11/20/2020	NAT 01	316.20
38143	1109	MITEL	11/20/2020	NAT 01	520.87
38144	1204	APPLIED IMAGING	11/20/2020	NAT 01	77.43
38145	2010	SHIRLEY BALL	11/20/2020	NAT 01	163.34
38146	13201	MICHIGAN ASSOCIATION OF CLEF	11/20/2020	NAT 01	60.00
Grand Total -					2,500.52

# Check Register Report

TB BILLS

10:25 AM

Filer Charter Township.

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
38147	6	JIM ESPVIK	12/01/2020	NAT 01	25.00
38148	757	CDM MOBILE SHREDDING. LLC	12/01/2020	NAT 01	30.00
38149	978	GREAT LAKES ASSESSING	12/01/2020	NAT 01	2,416.66
38150	1155	PAUL OLEN	12/01/2020	NAT 01	210.10
38151	10010	JACKPINE BUSINESS CENTER	12/01/2020	NAT 01	510.47
38152	20300	THOMPSON TREE & STUMP REMC	12/01/2020	NAT 01	250.00
Grand Total -					3,442.23

Check or Advice #	Check Date	Employee Name	Manual Direct Deposit Amount	Direct Deposit Amount	Check Amount	Check Type
38153	12/01/2020	GUTOWSKI, RONALD	0.00	0.00	116.55	Regular
38154	12/01/2020	KOLANOWSKI, DALE	0.00	0.00	327.93	Regular
38155	12/01/2020	KOORYERS, LYNN M	0.00	0.00	677.27	Regular
38156	12/01/2020	KRUS, BRIAN D	0.00	0.00	327.93	Regular
38157	12/01/2020	KRUSE, DEAN H	0.00	0.00	327.92	Regular
38158	12/01/2020	WALKER, KENNETH TERRY	0.00	0.00	1,984.39	Regular
38159	12/01/2020	WHEATSTONE, MARLENE	0.00	0.00	120.26	Regular
38160	12/01/2020	BALL, SHIRLEY A	0.00	0.00	1,669.47	Regular
38161	12/01/2020	GUTOWSKI, KATHY	0.00	0.00	249.89	Regular
38162	12/01/2020	CHYCINSKI, THOMAS	0.00	0.00	342.71	Regular
38163	12/01/2020	SKIERA, RUTH A	0.00	0.00	66.08	Regular
38164	12/01/2020	STEGE, THOMAS	0.00	0.00	1,721.05	Regular
38165	12/01/2020	ALLEN, ELIZABETH	0.00	0.00	267.82	Regular
38166	12/01/2020	DIETMER, ROGER A	0.00	0.00	83.69	Regular
38167	12/01/2020	JOHNSON, CHRISTA M	0.00	0.00	74.89	Regular
38168	12/01/2020	KOLK, KAREN	0.00	0.00	259.02	Regular
38169	12/01/2020	THOMPSON, LARRY R	0.00	0.00	843.90	Regular
38170	12/01/2020	WILLIAMS, JENNIFER	0.00	0.00	290.22	Regular
38171	12/01/2020	RAMON, RUBEN	0.00	0.00	61.68	Regular
38172	12/01/2020	ROBEK, JAMES	0.00	0.00	64.64	Regular
38173	12/01/2020	SKIERA, ROBERT	0.00	0.00	351.51	Regular
38174	12/01/2020	WILLIAMS, THOMAS E	0.00	0.00	69.26	Regular
38175	12/01/2020	OIEN, PAUL	0.00	0.00	1,320.76	Regular
38176	12/01/2020	SCHIMKE, TAMMI	0.00	0.00	1,664.35	Regular
38177	12/01/2020	ESPIVIK, JAMES	0.00	0.00	558.13	Regular
38178	12/01/2020	FALK, CRYSTAL	0.00	0.00	28.76	Regular
38179	12/01/2020	FALK, MATTHEW	0.00	0.00	182.05	Regular
38180	12/01/2020	HANER, JOHN	0.00	0.00	42.35	Regular
38181	12/01/2020	HAWKINS, NICKOLAS	0.00	0.00	114.00	Regular
38182	12/01/2020	MUNSELL, MICHAEL	0.00	0.00	8.81	Regular
38183	12/01/2020	O BRIEN, GERALD	0.00	0.00	207.95	Regular
38184	12/01/2020	PECK, JAMES	0.00	0.00	60.18	Regular
38185	12/01/2020	ROGERS, LINDA	0.00	0.00	74.88	Regular
38186	12/01/2020	SKIERA, LOGAN	0.00	0.00	253.15	Regular
38187	12/01/2020	WARE, JANELLE	0.00	0.00	95.72	Regular
38188	12/01/2020	WARE, KEVIN	0.00	0.00	215.54	Regular
Total						15,124.71

# Check Register Report

Filer Charter Township

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
38194	60	WEST MICHIGAN CREDIT UNION	12/01/2020	NAT 01	90.00
Grand Total -					90.00



# Check Register Report

[Redacted]

*Sewer Bill*

9:53 AM

Filer Charter Township

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
1104	6499	FILER TOWNSHIP TREASURER	11/19/2020	PNC 04	444.04
Grand Total -					444.04

# Check Register Report

12:40 PM

*Water Bills*

Filer Charter Township

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
2789	956	NORTHERN PUMP & WELL	11/10/2020	NAT 02	5,980.00
2790	984	PARADIGM ELECTRIC	11/10/2020	NAT 02	8,087.00
2791	1043	GIL-ROY'S HARDWARE 6761	11/10/2020	NAT 02	54.64
2792	1217	FIRST BANKCARD	11/10/2020	NAT 02	687.00
2793	6600	FORBES SANITATION	11/10/2020	NAT 02	4,100.00
2794	6900	FUELMAN	11/10/2020	NAT 02	83.95
Grand Total -					18,992.59

# Check Register Report

Filer Charter Township

*Water Bills*

11:11 AM

Check Number	Vendor Number	Name	Date	Bank/Acct Number	Amount
2795	256	DTE ENERGY	12/01/2020	NAT 02	78.33
2796	340	MISS DIG SYSTEM INC	12/01/2020	NAT 02	1,208.57
2797	646	TYLER TECHNOLOGIES	12/01/2020	NAT 02	1,413.20
2798	1081	CONSUMERS ENERGY	12/01/2020	NAT 02	1,989.88
2799	1130	MIKE HILLER	12/01/2020	NAT 02	399.99
2800	1187	EGLE CASHIERS OFFICE	12/01/2020	NAT 02	812.53
2801	1218	ERV KOWALSKI	12/01/2020	NAT 02	355.00
2802	16550	POSTMASTER	12/01/2020	NAT 02	140.00
Grand Total -					6,397.50

FILER CHARTER TOWNSHIP

MONTHLY ACH PAYMENTS

<u>DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
11/6/2020	STATE OF MICHIGAN	862.95
11/13/2020	IRS	<u>3,339.22</u>
	TOTAL	4,202.27

Homes that are rented on 1 mile of Fox Farm Rd/ Red Apple ( Lakeland Recreation Association)

1. Steve & Sandra Doody- 4204 University Place. Residence: 21319 Windy Hill Dr. Frankfort, IL. 60423.
2. Jason & Sheralyn Sherrill- 4074 Red Apple Rd. Residence: 7472 Lapraire Lane, Ann Arbor. 48103
3. Rich & Stacy Strabbing - 4616 W Fox Farm Rd. Residence: 1622 Waukazoo Dr, Holland, Mi. 49424
4. Peter & Barbara Thompson 4990 W Fox Farm Rd. Residence 12851 SW 72 Nd, Miami, Florida 33156
5. Paul & Alena Tucci - 4450 W Fox Farm Rd. Residence: 3901 Chestnut Hills Ct, Troy MI. 48085
6. Opel Wong / Jim Anderson- 4281 W Fox Farm Rd ( also rents the house across the Street). Residence:1841 Harrison Rd, East Lansing 48823
7. Claudell & Sheri Cox- 4346 W Fox Farm Rd. Residence: 3115 Manhattan Lane SE, Grand Rapids, MI. 49506
8. Clara Kahle- 4339 W Fox Farm. This is her residence but rents basement as a Short Term Rental.

November 9, 2020

Filer Township Planning Commission

Hello,

We understand the Planning Commission will be discussing the specifics of the proposed Short Term Rental (STR) plan at the meeting this Thursday, November 12th.

We appreciate the ordinance which had been proposed and presented earlier this year but have some concerns about the updated changes which are being considered.

Initial licensing of a Short Term Rental is wise. It keeps Filer Township aware of where the Short Term Rentals are located in the township which can assist if there is an issue needing to be addressed by the owner/manager of the STR. A simple, short update of the licensing on an annual basis would save time and cost for both the township and the owner.

We are questioning the need for a sign on the property. What purpose does this serve? If a neighbor has an issue with a situation happening on the property they should call law enforcement - just as you would if it was a private residence. If it is a continuing problem (excessive trash, excessive traffic, etc.) a call should be placed to the Township office - just as if it was a private residence. The Township would have the information on file from the licensing/annual update as to who to contact.

We also question the necessity of letting the Township officials know who is staying at the home. If someone has a business in their home do they have to let the officials know who will be coming in for an appointment each day? If we are having guests in our home, should we be required to let the Township know who is coming? Guests may stay at any of our homes for a week or longer - do we need to report their names and information? This is a violation of our privacy which serves no purpose.

We are not STR owners. We do own property in Filer Township (4324 Fox Farm Rd.), however, and live next door to a STR. We encourage the Township to adopt an ordinance that is fair to all and reasonable.

Thank you for your time and service to the community,

Dave and Sue Johnson

November 10, 2020

Richard Wilson  
414 Water Street  
Manistee, MI 49660

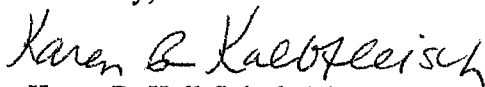
Dear Mr. Wilson,

I am reaching out to express my concern about the three addenda you were tasked with adding to the Short-Term Rental Ordinance at the October Filer Township Planning Commission Meeting. I am concerned that the few disgruntled residents will never be satisfied no matter how many changes are made to the details of the ordinance. AirBnB has 660,000 listings in the United States, more than any other country (<https://www.stratosjets.com/blog/airbnb-statistics/>). Thus, this is not a new rental experience and has clearly been vetted in communities all over the world. Local residents should be afforded the opportunity to share their property if they so choose.

As a property owner who does NOT rent my property, I am comfortable that the Ordinance as written covers and protects my rights. Visitors are expected to abide by the same community standards that residents do. I heard concerns voiced during the meeting that changes to the licensure process will place significant burden on staff members. I believe that an annual license is an onerous process for both property owners and staff. I support a 3-5 year time frame for the license with a summary of the rentals provided by the owner to the Township at the time of reapplication.

I am most concerned with the expectation that owners place private contact information near the road. I have utilized AirBnB.com extensively both in the U.S. and Europe, and this information is never public. I am concerned that it would label these properties and make them targets for theft and vandalism. Moreover, I feel like it would also place my property at risk if individuals are scoping out potentially empty rental properties. If a renter is violating a noise or activity ordinance, it is incumbent on me to call the police, not to go and investigate if it is a rental property and contact the manager. It is through these police reports that we could learn if the complaints were legitimate. I have two neighbors who, as owners, disregard the noise ordinance on at least one weekend each summer, so I believe it is unjust to blame those infractions on visitors alone.

Sincerely,



Karen R. Kalbfleisch, Ph.D.  
2366 Red Apple Road  
Manistee, MI 49660  
540-529-6173

Mailing address: 8135 Vista Forest Drive  
Roanoke, VA 24018

Copies to: Filer Township Planning Commission Members  
Larry Thompson, zoning administrator  
Terry Walker, supervisor

## Filer Charter Township

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**From:** Kristi Kwon <karlsK21@msn.com>  
**Sent:** Thursday, November 5, 2020 3:32 PM  
**To:** twalker@twphall.com; filertownship@twphall.com  
**Subject:** Short-term rentals

To the Filer Township Board:

I understand that one of the subjects the Board will discuss tonight is short-term rentals. I would like to express my objection to allowing this type of business in residential areas in Filer Township. If a property owner does not live on their property and instead rents it out on a regular basis for several weeks or more per year, this is clearly a business and not residential use.

Having different renters coming and going on a weekly basis is not a reasonable activity that full-time residents should be expected to tolerate. Full-time residents generally know who their neighbors are and usually respect each others' rights, and even help keep an eye on things for each other. But short-term renters are strangers, have no accountability, and might not even be aware of any local rules or regulations.

I respectfully request that the Board take whatever action necessary to prevent the business of short-term rentals in residential neighborhoods.

Thank you,  
Kristi Karls  
Red Apple Road

Sent from [Mail](#) for Windows 10



## Filer Charter Township

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**From:** Russell, David <drussell@manistee.org>  
**Sent:** Wednesday, November 18, 2020 11:48 AM  
**To:** filertownship@twphall.com  
**Subject:** Short Term Renters

Filer, (Terry Walker, Dean Kruse, Brian Krus & Tommy Chycinski)

Last nights meeting (Planning committee 11-17-20) was only beginning I feel our Filer Board is going to solve issues with these renters. As you heard last night, some renters only rent for 3 weeks, some for 6 months and some for the whole year. Who is going to monitor this? They want different rates to pay the township for their length of renting. Believe me you will be dealing with a lot of time on this subject.

They also don't want to be inspected yearly and pay a rate for the inspection.

We are no longer neighborhoods. Residents are force to live next to a Red Roof Inn. Truthfully this is not sitting will with the residents.

Other areas in the state are getting rid of Short Term Rentals, When this gets out across the state that Filer accept Short Term Rentals, expect more renters to follow.

There are two houses in the process of selling at Lakeland Assoc. The first question as a buyer to the seller is, "Can We Rent in this area?"

We have 8 renters within a mile of our Lakeland Association.

What is it with Filer Board to want to have Short Term Renters. I don't understand the logic of having it. You definitely will create more work for the Board.

Why not take this to a vote by the residents.

Sincerely  
Dave Russell  
3226 W. Foxfarm Rd.=

To : Terry Walker

Cc: Richard Wilson / Larry Thompson and Planning Commission members

Subject: Oct 20, 2020 Planning Commission Meeting

Oct 22, 2020

Dear Terry,

Turning to you directly today as it relates to the Planning Commission Meeting Oct 20 which we dialed into along with other people interested in the STR topic and we happened to stay throughout the entire call.

Very important suggestions regarding the STR ordinance were put on the table and discussed, a motion requested and put into action without a chance for the public to respond and provide input after the topic was officially on the agenda and officially concluded earlier during the Planning Commission meeting. A lot of the people who dialed in for the official topic had left the call by then and will now be confused about the upcoming minutes.

Here are our comments and suggestions for considerations on the three proposed changes to the STR ordinance provided by Richard Wilson and Larry Thompson during the zoning administration update later in the Planning commission meeting/call.

**1. Annual License and increased license fee:** We want to point out the additional administrative burden on the township zoning administration as well as the property owners an annual application process will cause. It took us a good 6 to 7 weeks to get through our application process including numerous calls to the health department for documents, local contractors who are booked for months as well as follow up coordination calls for inspection with the zoning administration office which has been very helpful, but stretched thin as it is. Imagine this annually. Why do we want to cause more administrative work? What other permits are annual permits that fall under the planning commission? What is the purpose and benefit of an annual permit? Nothing much would change in the septic capacity unless you maybe add another room in the house. For that, you need to get a building permit, which means it is documented with the township already. Instead of an annual permit which feels very much like overregulation, we suggest a more efficient way and **ask you to consider permits with a minimum of 5 years and possibly an annual reporting** where the owner has to complete a review form and sign and send back to the township — no inspections needed, no additional work for the zoning office. On the form the owner would complete possible changes in rooms or septic for instance. This form could be on the township website, could be completed by the owners and it is due the same date the permit was previously issued. This will help limit the stress and burden on the township as well as the owners. We are more than happy to propose a web based form for the annual report which also could include some info about the past year's rentals, so the township can collect real facts and data over time.

**2. Constant reporting of rental activity.** The STR process is a very dynamic, daily changing process during peak vacation times that is mostly web based and real time. I am asking myself how I would report this to the township, and more importantly, what will the township do with this information? Who is it benefiting? What is the actual purpose of this reporting? The only thing that comes to my mind is that we are creating more work in the township offices and hence then have to ask the owners for more money (increased license fee) to work through all sorts of data that has not even been defined what purpose it is for. I urge the commission and the township board to have discussions with taxpayers who have successfully rented on a short-term basis, to learn and understand the process and together define what data is feasible to report and enhance fact based decision making in the township. **We could imagine that the annual report form under bullet #1 could carry some of the rental history of the prior year, but nothing forward looking as it is changing pretty much daily.**

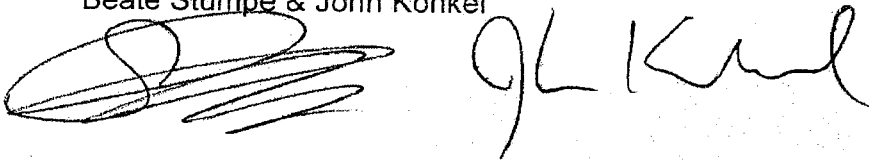
**3. Signs on the road with all the personal info** outlined in the STR ordinance. While many of the owners we have been speaking to have a license by now and also post the requested weather proof sign close to their main entrance/door, we are appealing to you to not further single out the STR ordinance and permit holders by requesting them to place detailed personal information on public roads. No other similar permit holder (ie: home occupation) is required to renew their permit annually nor to put up a sign the level of detailed, private information. This feels discriminatory and makes the property owner and their manager vulnerable. It encourages calls from passersby making requests for rentals which is not how we conduct our communication with potential guests. All communication is web based which allows for intense screening of the applicants rather than a passerby asking to stay at a house. All the information needed to file a complaint (at the township office) or in case of an emergency (Call 911) is already available to the public. Who actually benefits from the sign and for what target audience is its purpose? Our renters, family, and guests receive this information before they arrive, and it is posted inside our vacation home.

Since the planning commission will be drafting, discussing and making changes to the ordinance for the November meeting, **we would strongly recommend the signage requirement on the road be eliminated completely.**

As stated before, we are available for fair, open and transparent dialog and discussions. It pains us to see meetings like the one Oct 20 with suggestions that bare any reality check, cause over-regulating with no clear purpose or benefit. Let us work this through together to build out effective, reasonable processes that create win – win situations. Let common sense prevail.

Sincerely,

Beate Stumpe & John Konkel

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'Beate Stumpe'. The signature on the right is a more legible cursive signature that appears to be 'John Konkel'.



## Clara D Kahle

4339 W Fox Farm Rd Manistee, MI 49660 502.594.9983 [clarakahle@icloud.com](mailto:clarakahle@icloud.com)

October 28, 2020

Filer Township Planning Commission Members  
2505 Filer City Road  
Manistee, MI 49660

**Special Attention:** Larry Thompson, Zoning Administrator  
Richard Wilson, Legal Counsel  
Terry Walker, Filer Township Supervisor

RE: **ORDINANCE NO. 2020-01**

Dear Mr. Thompson, Mr. Wilson, Mr. Walker, and Planning Commission members:

Thank you for the opportunity to address the Planning Commission at its October 20, 2020 virtual meeting, regarding Filer's Short-Term Rental (STR) Ordinance No. 2020-01. I was concerned, however, when the topic was raised again later in the meeting. Numerous people interested in giving public comment had left the meeting, seeing no mention on the agenda that there would be a motion and action for a significant revision to the Ordinance adopted earlier this year. It is unclear to me if this is business as usual for the commission, or if the intent was to discourage any further public comment. Therefore, I respectfully submit my comments below. Richard Wilson, with input from Larry Wilson, presented three revisions that I would like to address.

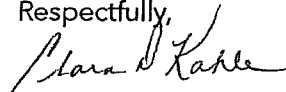
1. **Time limit on permit** - Changing from a one-time permit to an annual permit appears to lead toward three obvious outcomes: #1) Increased workload for township staff, #2) Increase the cost and utilization of township/taxpayer resources, #3) Increase the workload – initially 6-7 weeks – and cost for property owners. Are these the desired outcomes? I believe I heard a commission member state the importance of ongoing communication, which is very reasonable. Consider a much more streamlined process of, perhaps, a 5-year permit with required annual reporting. Reports could be standardized on a single page form developed to specifically gather information important for monitoring activity, such as, number of days rented, changes to the dwelling/parking, upgrades to the septic, etc. In reference to increasing the cost of permits to 'much more than \$150', the commission may find that **a streamlined process would be much less expensive to manage, and thereby be able to maintain the previously determined fee of \$150.**
2. **Signage** – The purpose of posting a sign 'near the entrance' of the dwelling was unclear to me when the Ordinance was first written. I've reviewed many rental contracts and 'house rules' for STRs and in every case this information is provided to guests ahead of their visit. **Every property owner has already advised any renters**

**and guests who they should contact if there is a problem or emergency, the day and process for trash pick up, and all other details required on the signage.** You have now recommended the sign be moved to the street. Who is the sign for? Not the renters, they already have this information before they arrive. Not the neighbors, they already know this information is in their association directory or on file at the township office. Not township staff, they already know this information is on the STR application. If the sign is for passersby, then this raises a high level of concern for property owners, who may not want to advertise this property is a rental in this manner. Most STRs are promoted on secure websites that provide protection for both parties, included non-disclosure of the exact location until the contract is signed. This required signage puts the property owner in a very undesirable situation, as a road-side sign could encourage people to stop and knock on the door – unsolicited, unvetted, and unknown persons asking about the rental. **Please consider omitting this requirement, or at the very least keep it away from the roadside.**

- 3. Continuous Reporting on Rental Activity** – While I do not rent at this time, I have been a landlord of long- and short-term rentals in the past. Short-term rentals in particular consist of day-to-day changes. A family scheduled to arrive July 1st, changes to July 3rd. A car accident causes a couple to delay their anniversary getaway to a later date. The property owner's may decide to vacation themselves on a previously scheduled rental time. Based on my experience, it would be a major undertaking to establish a reporting mechanism for each STR owner to report changes as they occur and for township staff to monitor these changes. To what end? How will township officials monitor and utilize these daily updates? Does it matter who is staying in a particular dwelling and when? Often vacation homes are shared by extended family. If a family is utilizing the vacation home on any given day, how does it differ to the township or neighbors if it is the owner's nephew and family, a college roommate, a cousin from out west, or a renter from downstate? **As a taxpayer, this micro-managed process appears to be a misuse of township resources and I highly recommend reconsideration of this proposal.** On the other hand, year-end reporting on how many and which weeks were rented will help the township collect some meaningful data.

Thank you for your time. Please consider my comments and concerns as you discuss and vote on these revisions at the November 17, 2020 meeting. If you have any questions, please contact me at your earliest convenience at [clarakahle@icloud.com](mailto:clarakahle@icloud.com).

Respectfully,

  
Clara D Kahle

November 5, 2020

During the October Filer Township meeting an attendee asked for "data" on short-term rental businesses in Filer Township. The following are our findings on short term rental businesses as listed on Vacation Rental By Owner (VRBO).

VRBO is multibillion-dollar business that works in concert with owners in the Filer Township area. VRBO charges a 5% commission for each booking; any fees (such as cleaning or pet fees); and any additional payments. A 3% credit card processing fee is charged on the total payment that a business owner receives from their rental customers, including taxes and refundable damage deposits. VRBO also charges a yearly \$499.00 subscription fee. VRBO is designed to expose short-term rental properties to as many customers as possible to enhance revenue for their businesses

VRBO properties were identified by utilizing VRBO maps, satellite maps cross referenced with Zillow and Google Earth as well as physical "drive-bys." The property owners of the nine identified addresses were determined by utilizing the Manistee County property records. An Xcel spreadsheet is available upon request.

The following "data" was collected in October and November 2020:

- 10 VRBO properties were identified in Filer Township
- No Airbnb properties were listed
- Other rentals may exist for example on Craig's List, Home Away, local Newspapers but were not identified and not capable of being identified to match county property records.
- The average number of occupants allowed per property was 9.3
- The least number of occupants allowed per property was 6
- The maximum number of occupants allowed per property was 14
- One property had an occupancy of 10 with only 1 bedroom listed.
- One owner allows their 14 customers to utilize the private property of Harbor Village's pools, hot tub and rec rooms. (screenshot is available)
- 2 of 10 properties appear to be using a shared private road
- 5 of 10 (50%) VRBO short term rental property owners had residences outside of Filer Township. A sixth owner is a Senior VP of a Bank in a Southeast Michigan city and is a registered voter in that city and may not be a resident although property records list his residence as Red Apple Road
- Another owner may live out of state as he is employed in Illinois
- VRBO searches were performed on the 6 potential out of town owners. Of the 6 out of town business owner's residences no short-term businesses were identified in their residential neighborhoods. Two of the owners had identifiable HOA and TOWNSHIP regulations that explicitly prohibit transient rentals.
- Careful scrutiny of short-term rental businesses for illegal claims of homestead exemption should be reviewed as one owner is registered to vote in a Southeast Michigan city and one owner is employed in Illinois.
- 20% of properties have advertisements that violate the Filer Township Short Term Rental ordinance capacity limit of 10 "guests."

The low number of 10 short term rental businesses at present is so low that it at most has a miniscule impact on the local economy. Most of the benefit goes to out of town owners and VRBO. The benefits of properties owned by full time residents makes a far greater positive contribution to the quality of life in Filer Township by supporting year-round local employment, businesses, services and the labor pool. Short-term rental businesses compete with full time residents and drive them out.

Filer Township should protect the voters and residents in R1 and R2 residential zones from these nuisance businesses that turn neighbor against neighbor, disturb their peace, and risk overutilization of the environment. Filer Township must protect single-family use in residential zones. Short term rental businesses belong in general commercial zones.

Suzanne and Jack Brunner

2266 RED Apple RD

## Filer Charter Township

---

**From:** David Rozga <davidrozga@hotmail.com>  
**Sent:** Tuesday, November 10, 2020 9:58 PM  
**To:** filertownship@twphall.com  
**Subject:** Re:

Please present to the board or would you like me to dial in?  
Filer Township Zoning Board:

Last week I was made aware that Filer Township has a short-term rental zoning ordinance. I also learned that there is a proposal to add three amendments. I have a cabin in Filer Township. My brothers built it over twenty years ago on Standel Lane. I have been renting it for about six years. It's rented for about six weeks each year. It helps cover the costs of upkeep on the cabin. I have been retired for over thirteen years and am a resident of Mt. Pleasant but grew up in Manistee. I have four brothers and a sister who live here. Our daughter and her family live in Filer Township as well and are very happy. I also own a house in Manistee and property on Morton Road. I consider myself somewhat of a resident. I have many connections.

Reviewing the ordinance, I find it very thorough and the application complicated. Items such as the site plan; I never had one. Would I need to have one drawn 21 years post building? The well and septic permits are all public health dept. records. Why would I have to get them? There is a question of trash removal. I always take care of the trash removal myself. It would be to my great disadvantage to have inadequate trash receptacles. They are secure enough to keep my property safe and sanitary.

There is a part about maximum occupancy. The design of my cabin would be considered a one bedroom, limiting its occupancy to two people and children under five years old. We can comfortably sleep nine people. The cabin is over 1500 square feet. I have historically rented to families. There is an area for two people to stay downstairs and several upstairs. Several families come back repeatedly. Many of them would not be able to return because of the confines of the ordinance. It takes away the experience of going to the beach, walking in the woods and swimming in our beautiful lake. You've made wonderful improvements to Magoon Creek. It would be great to make laws that make it more available to out-of-town visitors.

You are not only taking the \$6000 in income away from me. You are taking away something that is very rewarding in other ways as well. 35 years ago we could not afford a cabin. Our family rented cabins in northern Michigan. My four children have many memories of those times. We are so grateful to be able to pay that forward by providing that service at a reasonable rate.

I also read that there were three proposals to be added to the ordinance. I reviewed them and they are nothing but a hinderance to owners; Things to make it a stumbling block to rent.

1. Get a license yearly: I worked in retail management all my professional life. I know of no one who had to renew his license on an annual basis.
2. Have regular reporting of renters: This is unprecedented and practically unheard of, not to mention an invasion of privacy.



3. Requirement of a sign in the front yard by the road stating personal information: This too is an invasion of privacy. We travel many weeks during the year. We've never observed anything like is being proposed.

Scenario: What if couple was staying at my place. His parents came to see him. Someone who doesn't like renters drives down the private road I am on and sees the sign with two cars. They assume that there are more than two people staying there because of the two cars. The sign in my yard says only two occupants are allowed. I am called but I am 120 miles away so my daughter who lives in Manistee has to go to evict the couple's parents. Will law enforcement be called as well? How can anything get more unfair and absurd? Will the township board allow these things?

I did drive down the road and see five signs that said residential not commercial and three of them were in front of Upper scale homes. Are those with money promoting proposals to inflict undo punishment on their neighbors?

The only complaint I know of on my cabin is that a neighbor said someone stopped and asked him where my cabin was.

I see so much promotion of Magoon Creek (which I wish there wasn't) . There is no better way of promoting the area than to have out of towners come to stay. They spend money. These are families who want the experience of staying in the woods, not in a hotel. Businesses in Manistee benefit from the influx of visitors. Renting of cabins those few weeks when owners aren't using them is beneficial to not only the owner but the community at large. Visitors bring in dollars and take their experiential stories back to their communities, giving free publicity.

Thank you for taking into consideration that there is much more benefit to all involved than there is any problem.

David Rozga  
4500 S. Winn Rd.  
Mt. Pleasant Mi. 48858  
989 773 9301      989 621 7920

# Fall Quarterly Newsletter 2020



8840 Chippewa Highway  
Bear Lake, MI 49614  
231-889-9666, ext. 3  
[www.manisteed2.org](http://www.manisteed2.org)

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Hi Everyone!

Fall arrived with a glorious display of color this year! Although the pandemic remains with us, we were able to accomplish much at the Manistee Conservation District office this summer! At our Native Herbaceous Plant and Seed Sale this year our sales totaled just under \$3500! We have already begun placing orders for next year's Native Herbaceous Plant sale to be scheduled in June of 2021, as well as for the Native Tree and Shrub Sale to be scheduled in April 2021. Stay tuned for more details as we finalize ordering and pick-up dates and locations!

We finalized our 5-year Strategic Plan (2020-2025), based on input received from a survey of Manistee County landowners and other community members. You can view it on our website at: [www.manisteed2.org](http://www.manisteed2.org), and at the upper left hit the menu bar and click "About" then Strategic Plan, or access it directly at: <https://www.manisteed2.org/uploads/2/8/1/9/28197077/mcdstrategicplan2020through2025-final2020sep23.pdf>. This will help guide our programming and educational efforts through 2025!

The Household Hazardous Waste (HHW) collection event held at the Manistee Road Commission facility in August was a great success this year! We received many positive comments as staff and volunteers worked hard on a very hot day, while following Covid-19 safety precautions, to collect HHW from 259 cars representing 294 households across 19 jurisdictions in Manistee County. The table below tallies the poundage collected in each category:

Collection Items	Manistee County
Household Hazardous Waste	9,866
Controlled Pharmaceuticals	*
Non-controlled pharma & Sharps	208
Pesticides and other chemicals	3,415
Oil / Auto fluids (est. 350 gallons)	4,523
Auto Batteries	2,100
Household Batteries	650
Electronics/Appliances	7,501
Oil Based Paints	6,584
Total Pounds	34,847

\*Less than 3 lbs. of Controlled Pharmaceuticals was also collected but not included in the total.

Although the pounds of HHW collected exceeded projections for this event, enough money was raised through grants, municipal allocations and donations to cover the HHW handling and disposal costs!

In September, MCD Board Director David Roskoski tendered his resignation from the MCD Board of Directors. The Board members accepted his resignation and wished him the best in the future!

The Manistee Conservation District office remains closed in response to recommendations from Public Health officials to prevent the spread of COVID-19. We're still interacting with our community through telephone and e-mails, and our technical staff remain very busy conducting technical assessments in the field,



A Japanese Barberry infestation at Magoon Creek Natural Area in Manistee County. Photo credit: Katie Grzesiak.



An example of how to properly apply herbicide on a stump for cut-stump treatment. Source: Buckthorn-blaster.com.

## Managing Invasive Species in the Fall and Winter: Why the arrival of snow does not necessarily signal the end of treatment season

Emily Cook, ISN Outreach Specialist, NW MI Invasive Species Network

The Northwest Michigan Invasive Species Network (ISN) has a mission of directly managing terrestrial invasive plants. In most cases, this means we have an obvious line between “field season” and the months we spend hunkered down indoors, planning for the next time we can get outside to see green again. Some invasive plants, however, can be successfully treated when there is snow on the ground, extending the window for management well into the winter months.

Woody species like autumn olive, Japanese barberry, buckthorn, and honeysuckle (make sure it is the invasive variety – here is a [good way to tell](https://www.habitatmatters.org/honeysuckle.html) - <https://www.habitatmatters.org/honeysuckle.html>) are all excellent plants to manage later in the season. During this time of year, the roots are working to pull nutrients down for storage. Any herbicide applied to the plant will be pulled down readily as well. The opposite occurs in late winter and spring when nutrients are being pushed out of the roots to encourage growth after dormancy. Before getting started on treatment, there are some details to consider.

Successful invasive species management requires preparation and patience. Take some time to assess your property to determine what plants are growing and which may require treatment. Sometimes it can be quite overwhelming but consider the surrounding ecosystems! Are there any areas that would benefit more from having invasive species cleared? Focus on those spots first.

Next, come up with an integrated management plan. You may have to use multiple techniques for several years before you can determine if your treatment has been successful. Japanese barberry, for example, can require cutting and herbicide treatment the first year and then hand-pulling of young plants the next.

Once you have determined the steps you will take to manage your invasives, specifically the woody species that can be targeted in the winter, you can move forward with direct treatment. Ideally, utilize the cut-stump method which involves cutting the stem close to the ground and immediately treating the stump with herbicide. Visit [ISN's website for instructions on how to utilize this method.](https://www.habitatmatters.org/treatment-information.html) (https://www.habitatmatters.org/treatment-information.html) Interested in a different technique, perhaps without chemical use? That information is available online as well. Remember, when utilizing herbicides, the label is the law. Be careful and follow the guidelines set forth by the herbicide you are using, including personal protective equipment and decontamination.

ISN is always available to help answer questions and guide you in the right direction when it comes to managing invasive species on your own property. Please feel free to contact us at anytime by visiting [www.HabitatMatters.org](http://www.HabitatMatters.org). Not interested in treating your invasive species but want to report them? Let us know what you have at [www.misin.msu.edu](http://www.misin.msu.edu).

following COVID safety protocols. Thank you for your patience and understanding as we do what we can to help mitigate the spread of this dangerous virus! I've shared some additional HHW statistics below!

This is a wonderful time to enjoy the trails and scenic drives our region offers! Enjoy the season and stay safe!

*Renee Mallison, Executive Director*

Townships/ Villages/Cities	Amount Re- quested	Amount Re- ceived	Num- ber of Cars	Number of Households
Arcadia Twp.	\$275	\$275	10	12
Bear Lake Twp.	\$600	\$600	16	17
Brown Township	\$300	\$300	11	12
Cleon Township	\$325	\$325	5	6
Dickson Twp.	\$400	\$400	5	6
Filer Township	\$950	\$950	22	26
Manistee Twp.	\$1,450	\$1,450	23	31
Maple Grove Twp.	\$350	\$350	8	8
Marilla Township	\$175		1	1
Norman Township	\$625	\$625	7	9
Onekama Twp.	\$375	\$375	20	21
Pleasanton Twp.	\$350	\$350	10	11
Springdale Twp.	\$325	\$325	1	1
Stronach Twp.	\$350	\$350	4	4
Village of Bear Lake	\$125	\$125	13	13
Village of Copemish	\$100	\$100	2	3
Village of East Lake	\$225		2	4
Village of Kaleva	\$200	\$200	2	2
Village of Onekama	\$175		35	39
City of Manistee	\$2,500	\$2,500	62	68
Manistee County	\$7,000	\$7,000		
<b>TOTAL</b>	<b>\$17,175</b>	<b>\$16,600</b>	<b>259</b>	<b>294</b>

**Manistee Conservation District Staff**  
**Main Office Phone: 231-889-9666; x3**

**Renee Mallison, Executive Director**

[renee.mallison@macd.org](mailto:renee.mallison@macd.org)

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**Natural Resources Conservation Service**

**Scott Hughey, USDA/NRCS District Conservationist**

[Scott.hughey@usda.gov](mailto:Scott.hughey@usda.gov)

**Manistee Conservation**

**District Board of Directors**

**Dave Wallace, Chair**

**Erik Johnson, Vice Chair**

**Nate Grossnickle, Secretary**

**Rob Carson, Director**

**The MCD Board meets the third Tuesday of each month the via Zoom at 5:30pm, except during the winter months (December-March) when meetings begin at 3:30pm. Be sure to check the MCD website: [www.manisteed2.org](http://www.manisteed2.org) for any schedule or location changes.**

***Public Welcome!\****

***\*Due to the pandemic & social distancing requirements, meetings are held via Zoom. Contact the MCD office to get access information.***

8840 Chippewa Highway  
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Wetland in Mason County. Picture from Mason-Lake Conservation District

## Making Strides in Conservation

By: *Jamie VanDerZanden, MAEAP Technician*

The Michigan Agriculture Environmental Assurance Program (MAEAP) works with farms of all sizes and all commodities prevent or minimize agricultural pollution risks. The program is separated into four systems that each focus on different potential risks. The Farmstead system focuses more on pollution risks associated with fuel, pesticide, fertilizer, and manure storage. Whereas, the cropping system focuses more on risks associated with pesticide and nutrient application, erosion control, and record keeping. The Livestock system focuses on manure storage, transfer and land application, record keeping, feed storage and lot management risks. The fourth system, the Forest, Wetlands, and Habitat (FWH), is geared more towards non-farm landowners that manage and protect their natural resources.

MAEAP Technicians across the state are working with farms and landowners to complete risk assessments and implement risk reduction practices on their farms. In our 2020 fiscal year, the program in Mason County completed 6 new risk assessments, 7 repeat risk assessments, 3 reverifications, and 8 new verifications on many different types of farms and forest property. The program in Lake County completed 2 new risk assessments and 2 new verifications on forest property. The program in Manistee County completed 8 new risk assessments, 3 repeat risk assessments, 1 reverification, and 2 new verifications on many different types of farms and forest property.

The MAEAP program has continued to work with many different farms across the state since 1998, when the program first started. To date, there are currently 5645 (and counting) MAEAP Verifications across Michigan. MAEAP is a great program to learn more about risk reduction practices, be recognized as a Top Steward of the Land, and to help promote conservation. The program is 100% voluntary and 100% confidential, and it is achievable with the help of your local MAEAP Technician and Conservation District. If you are interested in learning more about MAEAP, want to become MAEAP verified, or if you know of someone that would be a good fit for the program, feel free to call us at our office at (231) 757-3707 ext. 5 to learn more.

## District Programs

All programs, plant sales, events, and more to help minimize COMB-10 emissions, along with the MDEHS program.

Various General Education and Outreach Programs

-Newsletter, social media, speaker events, and more  
**Technical Assistance Programs, Annual Farm Safety and Watershed Coalition meetings**

-General Natural Resource Technical Assistance  
-Forestry Assistance Program (FAP)

-Technical assistance and presentations at various meetings  
Tree Planting workshops, etc

-Produce Safety Grant (PSP)  
Includes technical and educational assistance, risk assessments, and assistance

-Conservation planning assistance and financial assistance programs  
NRCs

-Michigan Agriculture Environmental Assurance Program (MAEAP) Risk Assessments

-Northwest Michigan Invasive Species Network

Autumn Olive Workshops, invasive species treatments, other outreach

-Stream Monitoring-9 sites x2 per year (Generally May and October)

-Annual Spring Native Tree Sale (April)

-Annual Native Plant Sale (June)

-Annual Household Hazardous Waste (HHW) Event (Always the 3<sup>rd</sup> Saturday in August)

-Watershed Coalition Partnership Host

-Beachgrass plant sale for dune stabilization/shoreland erosion prevention

**Regional Programs**

-Northwest Michigan Invasive Species Network

-Aquatic Invasive Species Pathways Program

-MAEAP (Michigan Agriculture Environmental Assurance Program)

## We're improving the habitat at our office!

### By Josh Shields, forester and wildlife biologist

When you drive by the Manistee Conservation District office, you may notice some interesting changes to the landscape near our office building. In the coming months and years, you will notice an array of pink flags, yellow flags, standing dead trees, and piles of brush. While this may seem confusing, there is a method behind this madness!

In 2020 we began the process of improving the habitat of the ecosystem surrounding our office building. The pink pin flags mark the locations of native trees and shrubs that we planted this past May. We also planted native trees and shrubs in the open-canopy forest behind our building. The purpose of planting native trees and shrubs is to enhance the structural and species diversity of woody plants for our native wildlife species – a higher diversity of native trees and shrubs of different sizes results in a more diverse array of habitats available to native wildlife such as mammals and birds. The yellow flags mark the corners of an area where we eliminated the turf grass, planted a cover crop (rye, clover, and oats), and will eventually plant native wildflowers and grasses, which will in turn provide habitat for wildlife such as pollinators. In October we also began the process of controlling non-native invasive species such as autumn olive and Scots pine, using a combination of mechanical methods (cutting with a chainsaw and brush saw) and chemical methods (applying herbicide to the cut stumps of autumn olive). We also used a girdle treatment (using a chainsaw to cut rings around the entire circumference of a tree, but without felling the tree) to kill non-native spruce and fir trees, whereby the intent was to thin trees in our windbreak. Currently, conifer trees in our windbreak are spaced too close, thus creating a competitive environment where they will all eventually suffer. Girdling some of the spruce and fir trees will therefore eliminate undesirable competitive trees, allowing for the remaining trees in the windbreak to thrive without heavily competing with the nearest trees. Lower branches from girdled spruce and fir trees were also removed and piled to provide habitat for mammals such as eastern cottontails, and the girdled trees, while standing, will provide habitat for woodpeckers and other cavity nesting birds and mammals. Stay tuned as we continue to improve the habitat at our office!

For more information about habitat management, contact Josh Shields, forester and wildlife biologist with the Manistee and Mason-Lake Conservation Districts, at 231-889-9666 (Office Phone), 989-220-9236 (Mobile Phone), or via email at [joshua.shields@macd.org](mailto:joshua.shields@macd.org).

We are currently scheduling site visits and accepting applications for 2021 conservation programs. If you would like to hear more about what is available to you, do not hesitate to contact our office and set up a free site visit with a conservation professional.

Bear Lake NRCS Office  
231-889-9666 ext 3  
[Scott.hughes@usda.org](mailto:Scott.hughes@usda.org)  
[Tyler.dula@usda.org](mailto:Tyler.dula@usda.org)



Figure 1: Autumn olive (*Elaeagnus umbellata*) is non-native invasive shrub commonly present in Manistee County. It is easily distinguished by the silvery color on the underside of the leaves and often copious amounts of berries. Photo by Tyler Dula



Figure 2: A commonly conducted practice through the NRCS Bear Lake office is treatment of invasive shrubs. This is an example of a "cut-stump" treatment at the Manistee Conservation District. This method involves cutting the shrub at ground level and applying herbicide to the outer edge of the exposed trunk. Photo by Tyler Dula



United States Department of Agriculture

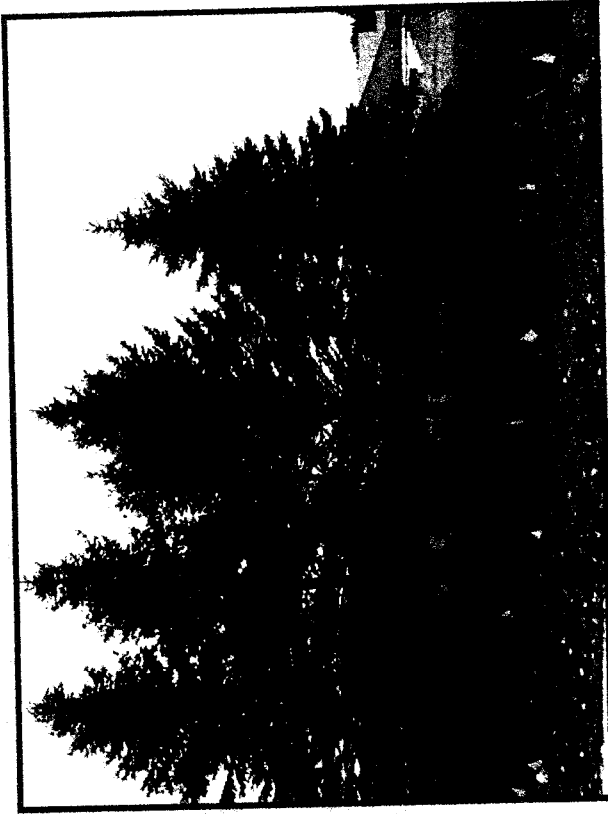
## Natural Resources Conservation Service

Since 1935 the Natural Resources Conservation Service (NRCS) has been "helping people help the land." Supporting America's working lands NRCS has a proud history of supporting America's farmers, ranchers, and forest landowners. As the USDA's primary, private lands conservation agency we use objective, reliable science to assist our partners, and communities to make decisions about their natural resources.

The NRCS staff also administer personal conservation and financial assistance programs to private landowners of Manistee and Benzie Counties. These programs help landowners to offset some of the cost involved in implementing conservation practices. In 2020 the Bear Lake NRCS office funded 25 applications for Farm Bill assistance for landowners. These applications equated to \$384,316.00 of Farm Bill assistance going to landowners serviced by the Bear Lake NRCS office.

The most commonly sought-after assistance of 2020 was for the removal of invasive shrubs and trees. Between Manistee and Benzie County there are 316.8 acres of invasive species scheduled to be removed by 2020 applicants. Some other notable practices from the 2020 signup include: 5 Forest Management Plans, 21.8 acres of native grass and wildflower habitat to be planted, 83.3 acres of tree plantings planned, 15,504 linear feet of fencing to be installed on 109.8 acres receiving payments for developing a rotational grazing system, 4,230 linear feet of windbreaks planned, and much more.

The purpose of NRCS programs is to address natural resource concerns on private land. Whether a landowner is aware of any resource concerns on their property or not, these programs are here to help landowners manage their own land for the future. Many landowners can overlook the early signs of a problem that might impact the future health of their property. Our technical staff can help residents look at their land with its future in mind. In turn, creating a conservation plan to improve the health and prosperity of the private lands of Manistee and Benzie counties for generations to come.



*Planted native trees and shrubs (denoted by pink flags), girdled Colorado blue spruce, and a brush pile created for eastern cottontail habitat. Photo by Sharon Goble, Administrative Specialist with the Manistee Conservation District.*



*Stellar volunteer Craig Goble creating a double spruce to thin our conifer windbreak and provide habitat for cavity nesting birds and mammals!  
Photo by Sharon Goble.*



## Title: Micro irrigation: Conserving Water and Promoting Safe Food

By Michelle Jacobes, Produce Safety Technician

For the full article visit:

**Record Eagle Ag Forum: [https://www.record-eagle.com/news/business/micro-irrigation-conserving-water-promoting-safe-food/article\\_0f40ded8-0804-11eb-a9a2-3f2b4026fc67.html](https://www.record-eagle.com/news/business/micro-irrigation-conserving-water-promoting-safe-food/article_0f40ded8-0804-11eb-a9a2-3f2b4026fc67.html)**

Micro irrigation, that sounds... interesting, and small? It is not literally, what it sounds like. Micro irrigation is the delivery of water to crops in a system that directly deliver water to the plants roots. While this type of irrigation is not suited for all operations, it can be a very efficient and safe way to deliver water to fresh produce. Micro irrigation typically appears as a trickle, drip or soak system. They are designed to efficiently apply water directly to root zone of plants by means of applicators at a low pressure. This system has benefits like reducing irrigation costs, protecting soil from erosion and compaction, and reducing the amount of water lost due to environmental evaporation or structural components.

These systems are great for water and soil conservation, as they only deliver the amount of water needed for the plant and can effectively reduce how irrigation water can create situations that are unfavorable. Compared to traditional irrigation methods, a drip/micro irrigation system can lead to water savings of up to forty percent (NRCS). Not only is this system great for conservation practices; including decreased runoff, soil compaction, evaporation loss, and more; but it can also lessen the risk of potential microbial contamination of the produce. This is because water introduces a risk in produce safety. Agricultural water, and all water, has the potential to become contaminated with microorganisms. In agriculture, many farms use water from multiple sources; like wells, municipal and surface water systems. The system that is utilized varies depending on the farm, or home garden.

In order to deter risks, farms have to go through rigorous water testing or water treatment to ensure that water used in production will not introduce unwanted microbes. They also should perform water system inspections to make sure everything is in sufficient working order.

Many home gardeners utilize rain water as water for irrigation, and this is a great way to conserve water usage. This water is considered 'surface' water, so when applying it at home it is best to use a watering method that directly situates the water at the base of the plants, this is also called indirect irrigation, as it does not directly touch the edible portion of the crop. This is especially important for fruits or veggies that are eaten without undergoing a kill step like cooking. It is also good to monitor the system, and test this water often for generic E.coli if using it on fresh produce.

*Micro irrigation options, Infographic. Created by Michelle Jacobes.*


*Photo credit: Zoi Environmental Network*

*Photo credit: Zoi Environmental Network*


## As Great Lakes pummel Michigan, beach towns rush to set development rules




"We're dealing with them not having done this 50 or 100 years ago," said Brandt Rousseaux, Port Austin Township supervisor and Village of Port Austin planning commissioner, about ongoing efforts to rethink coastal land use policies that allow developers to build homes precariously close to the Lake Huron shoreline. (Bridge photo by Kelly House)

 November 18, 2020

 Kelly House

 Michigan Environment Watch

 Great Lakes

## Watching the Waters - 1020 - Episode Preview



## Catch “Watching the Waters” on TV

Watch a web trailer of the latest episode of Great Lakes Now, or catch the full episode on these PBS stations:

- 7:30 p.m., Wednesday, Nov. 18, WNIT-TV in South Bend, Indiana
- 11:30 a.m., Sunday, Nov. 22, WVIZ-TV in Cleveland, Ohio
- 7:30 p.m., Tuesday, Nov. 24 WTVS-TV in Detroit, and WPBS-TV and WNPI-TV in Watertown, New York
- 8:30 p.m., Wednesday, Nov. 25, WNIT-TV in South Bend, Indiana

GRINDSTONE CITY — Brandt Rousseaux loves the water, having spent two decades in the Coast Guard long before settling in this small community at the tip of Michigan’s thumb. But lately, gazing upon the shoreline from a fishing boat in Lake Huron has become an exercise in frustration.

### WATCH

Michigan Environment Watch examines how public policy, industry, and other factors interact with the state’s trove of natural resources.

- [See full coverage](#)
- [Subscribe](#)
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Rousseaux, the Port Austin Township supervisor and Village of Port Austin planning commissioner, notes with dismay the way record-high Great Lakes water levels have transformed his community's shoreline.

Water has flooded yards, scoured away beaches and threatened homes. Waves are threatening to chew through the points that protect the historic harbor in Grindstone City, at the township's eastern end.

"It's shared misery," he said.

But most troubling for Rousseaux are the seawalls and rock barricades, known as riprap, that now line the shore as residents scramble to protect their property from the encroaching waves.

#### Related stories:

- [Michigan's coast is being armored with seawalls, making erosion worse](#)
- [Michigan coastal towns try sand "renourishment" to restore beaches](#)
- [On Mackinac Island, Lake Huron's waves are destroying an iconic highway](#)
- [As coasts flood, Michigan towns must choose what to save and what can wait](#)

It's a reminder, to Rousseaux, of local government's past shortcomings: In Port Austin and many communities on Michigan's coasts, a longstanding laissez faire approach to coastal land use policy has allowed residents to build homes precariously close to the shoreline, with devastating consequences when Great Lakes water levels inevitably rise.

But the ongoing high water crisis is leading some communities, Port Austin included, to rethink the policies that put them here.



Tony Goddeeris explains how rapidly rising water levels in recent years forced him to take increasingly aggressive steps to stop Lake Huron's waves from crashing into his yard and stripping away the soil. (Bridge photo by Kelly House)

## Few restrictions on shoreline development

State law generally prohibits property owners from building beyond the ordinary high water mark, a jurisdictional line separating private land from the state's public coastline, with additional restrictions for, say, properties along sensitive dunes or areas with the highest erosion risk.

But beyond that, coastal development in Michigan is largely a local concern, with municipal governments deciding where homes and infrastructure can go.

"The ultimate authority over those lands is with local decision makers," said Ronda Wuycheck, who leads the Michigan Coastal Management Program within the Department of Environment, Great Lakes and Energy.

With 387 local jurisdictions touching Michigan's shorelines — many of them small villages or townships without the staff expertise or budget for comprehensive land use planning — policies governing shoreline development can vary from one stretch of beach to the next.

In many coastal communities, said Zach Vega, a planner with the Traverse City-based nonprofit Land Information and Access Association, there is no policy at all.

Unburdened by setbacks to keep construction away from the shore, "people move into a community, and they see a huge swath of sandy beach and think 'This is a great place to build a house,'" Vega said. "They don't recognize that's only temporary, and within a few years it's probably going to be underwater."

When flooding or erosion threatens homes and infrastructure, owners have three options: Block the waves with sand bags, rock walls or other armoring that provide only temporary relief, move the structure if possible, or demolish it before the waves claim it.

## Facebook Live Watch Party: "Watching the Waters"

**When:** Tuesday, Nov. 24 at 7:15 p.m.

**Where:** <https://www.facebook.com/events/3642725792483568>

Join Great Lakes Now Program Director Sandra Svoboda, Bridge Michigan reporter Kelly House and Rob Sisson, a U.S. commissioner on the International Joint Commission, as we watch and discuss the latest episode of Detroit Public TV's monthly television program, Great Lakes Now. The episode will feature Port Austin's quest to retreat from the shoreline and delve into no-win decisions local governments must make as they respond to Michigan's high water emergency.

Each option comes at a cost. Hard armor such as seawalls or riprap (boulders piled along the shore to deflect waves) worsens erosion over time, requires costly maintenance and can hinder public beach walking.

Moving structures is expensive, and some properties are so small that relocating further inland is impossible. Demolition is a last resort.

The Michigan Department of Environment, Great Lakes and Energy granted 2,238 permits to build seawalls, riprap and other shoreline armoring along the Great Lakes in the fiscal year that ended Sept. 30, a threefold increase over the previous year.

## Not for us, for Michigan

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In Grindstone City, the 50-yard-wide beach in front of Tony Goddeeris' home disappeared as Michigan's rainiest five-year period on record sent water pouring into the Great Lakes. Seasonal storms sent waves crashing over the seawall at the edge of his property, prompting him to top the wall with more than 200 tons of boulders in the past two years.

"And we still get five-foot waves that come in and crash over," he said.

Goddeeris counts himself lucky: His home is a comfortable 40 feet from the water. Neighbors who built closer to shore are scrambling to protect their homes.



In Grand Haven, where the shoreline remains largely free of human-made obstructions, local officials have adopted zoning changes that prevent homeowners from armoring their shoreline with seawalls or riprap. (Photo courtesy of Jennifer Howland)

## **'Coastal resiliency' to the rescue?**

The push to rectify policies that allowed people to build close to shore is one component of "coastal resiliency," a term that's getting greater buzz as climate change exacerbates the Great Lakes' natural tendency to batter the shores that surround them.

The idea, said Richard Norton, a professor of urban and regional planning at the University of Michigan's Taubman College of Architecture and Urban Planning who trains local officials in coastal management, "is to better think through the long-term consequences of how these lakes move."

Those conversations have taken on a new importance as scientists have learned more about how climate change could play out in the Great Lakes region. Many now believe Michigan will experience more intense storms that could worsen flooding and erosion and cause water levels to swing more dramatically.

Protecting homes and infrastructure by reinforcing the shoreline to prevent erosion or flooding may be a losing bet, experts say. Instead, local communities should be plotting their retreat from the shore.

"Mother Nature has reminded us where her new flood and erosion line is," said Wuycheck, of the Michigan Coastal Management Program. "If you get flooded out, you know it's going to come back. So let's not build in certain areas."

This article is part of The Great Lakes News Collaborative, which includes [Bridge Michigan](#), [Circle of Blue](#), [Great Lakes Now at Detroit Public Television](#), and [Michigan Radio](#). It unites newsroom resources to report on the most pressing threats to the Great Lakes and drinking water supplies, including pollution, climate change, and aging infrastructure. The independent journalism is supported by the Charles Stewart Mott Foundation.

## **"How much risk do you want to take on?"**

In Port Austin, Rousseaux said coastal residents have inherited the consequences of the area's hands-off approach to shoreline development, which allows landowners to build "as close as they want to that high water mark."

Some landowners demanded lower property taxes because part of their lawn has fallen into the lake.

So last year, Rousseaux and other local officials worked with LIAA to update master plans for Port Austin Township and the Village of Port Austin, with coastal resiliency in mind. Using federal grant money awarded through the Michigan Coastal Management Program, LIAA has helped more than a dozen coastal communities. Interest has spiked during the ongoing high water crisis, Vega said.

The goal isn't to make planning decisions for communities, Vega said, but "to give them the option: How much risk do you want to take on?"

It's a conversation coastal governments are now eager to have, said John LaMacchia, Assistant Director of State & Federal Affairs for the Michigan Municipal League.

The Michigan Department of Environment, Great Lakes and Energy granted 2,238 permits to build seawalls, riprap and other shoreline armoring along the Great Lakes in the fiscal year that ended Sept. 30, a threefold increase over the previous year.

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After watching Great Lakes water levels swing from extremely low to extremely high in just a handful of years, he said, communities “are recognizing that this is going to be an issue they’re going to have to deal with — and not just in the short term.”

“We’re going to have to think about what the long term coping strategy is going to be,” he said.

Using data on Great Lakes water levels, storm events and information about Port Austin’s existing land use policies, the team forecasted property damage under three potential futures: a “lucky future” in which water levels rise less than expected, an “expected future,” and a “perfect storm future” in which the Great Lakes does even more damage than expected.

Rousseaux didn’t like what he saw: If Port Austin Township continues to build out under current zoning and a “perfect storm” hits, the resulting damage from flooding alone could be near \$42 million.

“But all we can do right now is suggest that you don’t do that,” he said.

Rousseaux said the township and village planning commissions will likely recommend establishing a setback requirement to keep new construction away from the shore.

“We want to do it now, before anybody puts another foundation in the ground,” he said.

Resulting changes to the shoreline’s character could take decades to realize. New zoning would protect “maybe a couple dozen” undeveloped lots, Rousseaux said. Existing structures would be grandfathered into the old zoning code, triggering the new restrictions only when a landowner seeks to rebuild.

“We’re dealing with them not having done this 50 or 100 years ago,” Rousseaux said.

While communities like Port Austin are working to pull back from policies that have already transformed their shoreline, other communities with relatively unobstructed shoreline are working to keep it that way.

Across the state on Lake Michigan, Grand Haven revised its master plan in 2016 and then created a zoning district that prevents shoreline armoring.

Much of Grand Haven’s shoreline is state parkland, and sandy beaches extend to private land north of the park. Local officials and residents watched as neighboring towns began to lose their beaches to boulders, said Jennifer Howland, the city’s community development manager, and “we didn’t want that to happen here.”

The new zoning bans shoreline protection other than fencing, though property owners can seek an exception if they can show the policy creates an “unnecessary hardship.”

As of early October, nine property owners had received permission from the city’s zoning board of appeals to install large sand-filled tubes along their shore, under the condition that they remove the tubes when the water subsides. Howland said such flexibility helps create public buy-in for the ordinance. The city’s zoning board of appeals made it clear to the residents that “this is not the first step toward permanent armament of the shoreline.”

Coastal resiliency experts say they are buoyed by action in places like Port Austin, Grand Haven and a handful of other communities. But hundreds of communities still lack policies designed to cope with fluctuating water levels and other hazards.

Wuycheck, of the state coastal management program, said her office is working to change that, including by launching a leadership academy where local officials can learn from peers who have already made such changes.

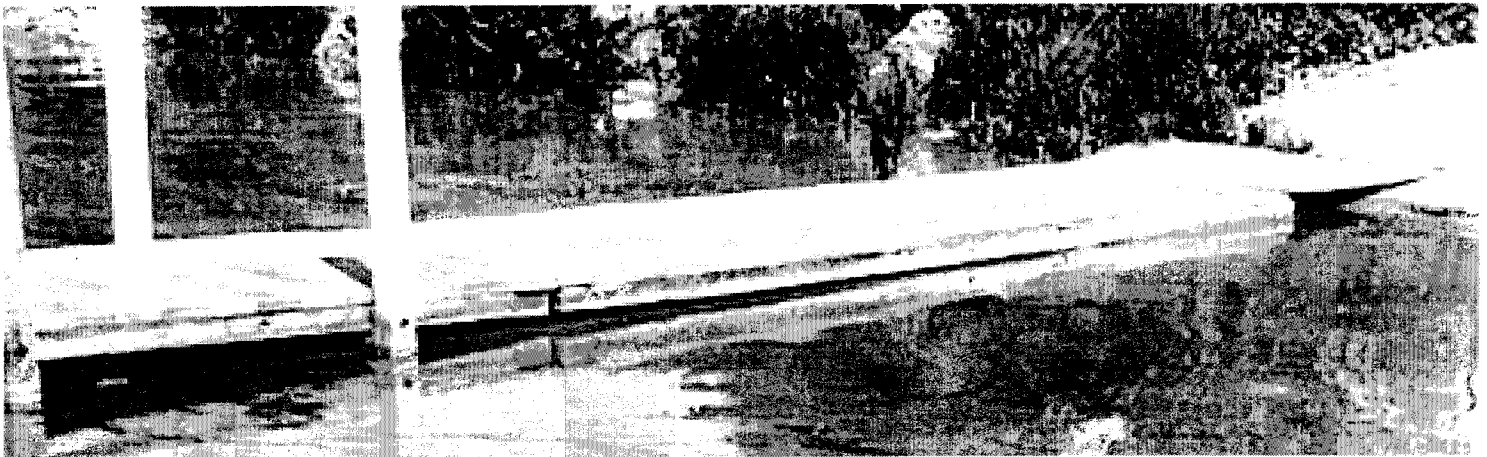
Officials acknowledge, however, that planning and zoning alone can't solve all the challenges coastal communities face, particularly as climate change worsens.

In addition to more state and federal money to help coastal towns recover from the damage and be better prepared next time, the state legislature can also help, said Mark Wyckoff, editor of Planning & Zoning News and former director of the Michigan State University Land Policy Institute.

One example is state law that would require lakeshore property sellers to notify prospective buyers that they're purchasing land along an eroding or flood-prone shoreline. Wyckoff said past attempts to require such warnings failed amid opposition from real estate industry representatives, who believed such a provision would impede sales.

"The buyer beware caveat emptor has to be the first and last thing in every conversation with somebody buying along the Great Lakes," Wyckoff said, "but it's not."

#### Related Articles:



### **Q & A: The Great Lakes are stressed. Climate change is making it worse.**

November 11, 2020 | Kelly House

The lead author of a new report sheds light on how climate change, invasive species, nutrient pollution and other Great Lakes problems are interacting in ways that make the lakes' health even worse...or in some cases, not quite as bad.

### **Michigan's coast is being armored with seawalls, making erosion worse**

July 17, 2020 | Kelly House

Desperate to save homes from encroaching waves, shoreline property owners are hardening shorelines on the Great Lakes at a feverish pace. Experts fear these barriers will do harm in the long term.



November 3, 2020

To: Township of Arcadia  
3422 Lake Street  
PO Box 318  
Arcadia, MI 49613

Bear Lake Township  
7771 Lake Street  
PO Box 187  
Bear Lake, MI 49614  
Cleon Township  
16505 Imoff Dr  
Copenish, MI 49625

Dickson Township  
PO Box 39  
Brethren, MI 49619

Charter Township of  
Filer  
2505 Filer City Road  
Manistee, MI 49660

Manistee Township  
410 Holden St  
Manistee MI 49660

Maple Grove  
Township  
PO Box 48  
9213 Aura St.  
Kaleva, MI 49645

Norman Township  
PO Box 143  
Wellston, MI 49689

Onkama Township  
PO Box 458  
Onkama, MI 49675

Stronach Township  
2471 Main St # RR3  
Manistee, MI 49660

Village of East Lake

City of Manistee  
70 Maple Street  
Manistee, MI 49660

**Re: Notification of Assignment of Mutual Aid Agreement to Mobile Medical Response**

Reference is made to that certain Mutual Aid Agreement, by and between the Townships of Arcadia, Bear Lake, Cleon, Dickson, Filer, Manistee, Maple Grove, Norman, Onkama, Stronach, the Village of East Lake, the City of Manistee and North Flight, Inc. ("North Flight") (the "Agreement").

Pursuant to the terms of a certain Contribution Agreement, dated September 16, 2020, by and among Mobile Medical Response, Inc. ("MMR"), North Flight and Munson Healthcare (the "Contribution Agreement"), North Flight has agreed to assign to MMR, and MMR has agreed assume from North Flight, all of North Flight's rights, duties, and obligations under the Agreement that are to be performed or incurred after the effective time of such assignment, which is expected to occur on or about December 1, 2020 (the "Assignment").

The Agreement is assignable by North Flight to a successor in interest, which MMR will be as of December 1, 2020. North Flight hereby provides notice of its intent to assign the Agreement to MMR as of December 1, 2020. Upon completion of the Assignment, the Agreement shall remain in full force and effect with MMR, subject only to the terms and conditions thereof.

Contact information for MMR is as follows:

Mobile Medical Response  
834 S. Washington Ave.  
Saginaw, MI 48601



(989) 758-2900  
www.mobilemedical.org

If for any reason the Assignment does not occur, we will notify you.

Thank you in advance for your attention to this matter.

Sincerely,

NORTH FLIGHT, INC.

By: Paul Owens

Name: Paul Owens

Title: General Manager

2019006

**ZONING ACTIVITY REPORT**  
November 2020

PERMIT #	DATE	ISSUED BY	PARCEL 51-06-	ADDRESS	DESCRIPTION OF PERMIT	APPROVED OR DENIED	OWNER APPLICANT	FEE / RECEIPT
2020-31	10/20/2020	Z.A.	125-175-05	3428 Grant Hwy	30x40 Accessory Structure	Requires Variance	Newman	\$55.00 /3193
2020-31 2020-	11/11/2020	Z.A.	125-175-05	3428 Grant Hwy	30x40 Accessory Structure	Approved Variance	Newman	\$350 /3193
2020-32	11/9/2020	Z.A.	124-150-06	594 Canfield Rd	Brine Well #19	Approved	Morton Salt	\$750/3192
2020-33	11/9/2020	Z.A.	124-150-06	594 Canfield	Brine Well #20	Approved	Morton Salt	\$750/3192
2020-34	11/10/2020	Z.A.	421-710-07	4511 W Fox Farm Rd.	14x15 accessory structure	Approved	Urban	\$35.00/3194
2020-35	11/4/2020	Z.A.	310-027-00	2246 Udell St. Filer City	30x70 electrical building	Approved	PCA	\$750/ 3198
2020-36	9/15/2020	Z.A.	422-706-07	4074 Red Apple Rd.	32x52 Accessory Structure	Approved SUP	Sherrill	\$275/3197
<b>TOTAL:</b>								<b>\$2,965.00</b>

## Monthly Client Report for Charter Township of Filer October 2020

To provide Filer Township with a summary of our activities for the month, Operations Services has prepared this report for your use. We welcome any suggestions to improve the information contained in these reports. Please contact us if you believe this report contains errors, or if you have any questions about it.

### PRODUCTION AND USE STATISTICS

The Filer Water Supply System (WSS) produced safe drinking water for all users; The following table summarizes the water production and use statistics for the past month.

Performance Indicator	Value	Units
Total Water Pumped	9.840	Million Gallons
Average Daily Water Pumped	.317	Million Gallons
Maximum Daily Pumped	0.418	Million Gallons
Minimum Daily Pumped	.227	Million Gallons
Chlorine Applied	205.50	Gallons
Polyphosphate	84.58	Pounds

### COMPARATIVE WATER PRODUCTION

This table represents the most recent monthly water production figures compared to the same month in previous years.

Month	2017 Million Gallons	2018 Million Gallons	2019 Million Gallons	2020 Million Gallons
January	8.422	8.875	8.669	8.128
February	7.331	7.760	8.050	7.437
March	8.329	8.716	6.642	9.162
April	9.856	8.473	9.241	9.371
May	11.735	12.509	10.539	11.828
June	13.165	14.439	11.805	15.253
July	15.152	17.029	15.940	17.762
August	14.556	16.080	15.681	18.217
September	13.115	13.833	13.045	13.536
October	10.257	10.093	9.292	9.840
November	7.777	8.443	8.096	
December	7.955	8.446	8.794	
Total	127.690	134.696	125.794	120.534

## WATER SYSTEM MONTHLY ACTIVITY SUMMARY

This section highlights some of the most significant events of the past month. Additional details are available upon request.

- Northern Pump and Well pulled well No. 2 for service due to a vibration in the main drive shaft. It was discovered that the bearing in the right-angle drive was bad. Northern Pump and Well then video inspected the ten-inch well casing and discovered holes in the casing. Mike Hiller notified the Township and Scott Conradson of EGLE regarding the situation. It was determined to repair the casing by relining it and installing a six-inch submersible pump that would produce 300-330 GPM and retrofit to the existing pipe configuration in the well house. Mike Hiller worked with Mr. Conradson to expedite the permitting process so the repairs could be made and the well put back in service in a timely manner. The well should be up and running by the second week of November.
- Fire hydrants that do not have a weep hole have been winterized.
- Piping in well house No. 4 was painted.
- Trimmed and cleaned up debris at well house No. 2.
- Dehumidifiers have been installed at all three well houses.
- The heaters were turned "ON" at all three well houses. The heater in well house No. 2 was not working. Anderson Plumbing and Heating was called to make the repairs.
- Backup generator at Well No. 4 was exercised four times.
- Backup motor at Well No. 2 was exercised four times.
- A total of nine miss-dig requests and positive responses were completed.
- Routine housekeeping and disinfection at the well houses, township office, Rec-Center and the maintenance garage.

Respectfully,

Operations Services



Patrick Gallagher  
Project Manager



Michael O. Hiller  
Operations and Maintenance Specialist

# Charter Township of Filer DDA Re-Scheduled Regular Meeting Proposed Minutes

November 5, 2020  
1:00pm

Filer Township Hall  
205 Filer City Road, Manistee, MI 49660  
21-723-3138

<i>Chair 2022</i>	<i>Vice-Chair 2022</i>	<i>Treasurer 2022</i>	<i>Member 2020</i>	<i>Supervisor 11/20/20 2022</i>	<i>Member 2020</i>	<i>Member 2021</i>	<i>Member 2021</i>	<i>Member 2021</i>	<i>Director</i>
<i>Robert Yates Business</i>	<i>Tom Chycinski Resident in district</i>	<i>Kathy Gutowski Citizen at Large</i>	<i>Mathew Johnson Business</i>	<i>Terry Walker Supervisor</i>	<i>Patty Preuss Business</i>	<i>Robert Henry Business</i>	<i>Al Frye Citizen At Large</i>	<i>Todd Newenhouse Business</i>	<i>Tamara Buswinka</i>

## Call to Order/Pledge of Allegiance

The meeting was called to order by Chairperson Yates at 2:00p.m.

## Roll Call

Members Present: Walker, Johnson, Gutowski, Yates, Frye, Preuss, Newenhouse

Members Excused Absence: Chycinski

Members Unexcused Absence: Henry

Others Present: Tamara Buswinka, DDA Director

## Consideration of the Minutes

Frye moved, supported by Johnson, to approve the October 6, 2020 minutes. Motion passed unanimously.

## Treasurer's Report

Gutowski reviewed the Treasurer Report, including the bills to be paid, with the Board.

Walker moved, supported by Preuss, to accept the Treasurer's report and pay the bills as presented. Motion passed unanimously.

Walker moved, supported by Johnson, that the DDA will pay not to exceed \$600.00 for a computer for the Treasurer. Motion passed unanimously.

Frye stated that in an effort to support local businesses, he'd request Gutowski consider purchasing a computer from a local Filer business and in lieu of that from a source in Manistee County. Gutowski stated that she is currently working with Jackpine on pricing a computer as there are no merchants in Filer that sell computers.



## Chairman's Report

Yates welcomed Blake Smith, Loan Officer of the USDA Rural Development, via conference call, to the meeting. Smith reviewed the sewer loan details with the Board and explained the benefits of paying on the principal of the loan which, if the DDA paid \$270,000.00 toward the first loan, would result in an annual saving of \$20,000.00 as well as shortening the total life of the loan.

Yates and Gutowski will put forward a motion at the December DDA meeting regarding the issue of paying principal on the sewer loan.

Buswinka was directed to provide options for DDA legal representation; specifically, that the attorneys considered be vetted for their expertise in working with DDAs.

Frye, supported by Johnson, moved to retain the services of Latitude 44 Consulting, Tamara Buswinka, to continue to provide DDA Director services through 2021. Motion passed unanimously.

Buswinka thanked the Board and expressed appreciation for the work that they do and for the privilege of working with them for the betterment of the DDA district and community.

Gutowski moved, supported by Walker, to approve the 2012 DDA Meeting Schedule as presented. Motion passed unanimously.

## Supervisor's Report

Walker stated that the Township has invested in the Township owned property at the corner of Red Apple and US31 approximately \$40,000.00.

Walker discussed the failing water well and efforts to assess next steps to address the problems.

Yates inquired if future capital expenditure costs are included in current water bills; if rates are set with consideration of, and provisions for, future capital expenditures.

Walker stated that the water rates were set with future capital expenditures considered.

Yates requested that Walker provide data to the DDA about savings by the Township for future water system capital expenditures.

Frye asked if the DDA is required to provide funding for water system capital expenditures and Walker answered that the DDA is not required to pay any of its funds towards water system capital expenditures.

Yates specifically asked that the minutes reflect that the three year contract the DDA signed with the company that is providing Christmas lights provided for a fixed rate for three years, starting this year; in 2023 the DDA will reevaluate the contract.

Walker stated that he has contacted Consumers Energy and requested that all light poles are evaluated for working lights and working electricity prior to the hanging of Christmas lights.

### Director's Report

Buswinka referred the Board to the written Director's Report, stating that the Board will host two informational meetings during the regularly scheduled DDA meetings on Dec. 1, 2020 and Jan. 4, 2021. Buswinka stated that the public will have the opportunity to join the meeting via conference call that Latitude 44 Consulting is providing for the benefit of the Township. The informational meetings will meet DDA Act 57 compliance and be Covid-19 compliant.

Buswinka informed the Board that Mike Corby will be presenting a Proposal for Conceptual Planning services at the December meeting.

Buswinka informed the Board that the Planning Commission has placed the Sign Project into the Township Capital Improvement Plan. Walker confirmed that the Township Board will consider the Capital Improvement Plan at a future meeting.

### Board Member Comments

Newenhouse remarked that while he supports paying off the \$270,000.00 sewer loan, other monies should be used to fund current projects.

Preuss thanked the Board for welcoming her back to the Board. The Board expressed their appreciation for her willingness to serve on the Board and thanked her for her future service to the Township.

Frye asked the Board to consider if it made sense for the DDA to put money aside to help fund the water well project.

Johnson stated that he agrees with Newenhouse that while he supports paying off the \$270,000.00 sewer loan, other monies should be used to fund current projects.

### Adjournment

Gutowski moved, supported by Frye, to adjourn the meeting at 4:00 p.m. Motion passed unanimously.

**Next Board meeting is Tuesday, December 1, 2020 at 4:30 pm.**

A meeting informational packet is available for public inspection at the Filer Township office, 2505 Filer City Road. The Filer Township DDA does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. The DDA Chairperson has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disability Act, and the rights provided thereunder, are available from the DDA.

# DDA Director Report

November 2020

## ADMINISTRATIVE

- Prepared agenda and other materials for the November DDA meeting.

## BUSINESS DEVELOPMENT

- Spoke to Mr. Kassab, owner of Cypress Plaza, to encourage him to create a more flexible business model that would allow for leasing of the units specifically allowing seasonal use of the space.
- Contacted Kmart leasing to explore the idea of using the parking lot for a winter carnival event.

## MATTERS OF THE DDA

- Sign Project:
  - Gave a presentation to the Township Board about the sign project. The Township Board referred the project to the Planning Commission requesting that they review it as they consider updating the Capital Improvement Plan.
  - Inquired from the Planning Commission if the project is included in the Capital Improvement Plan. As to date, I am unaware of whether the project has been placed in the Capital Improvement Plan.
  - I have kept Tom Amor informed of the decision made by the Township regarding the project.
- Township Owned Property
  - Arranged meeting with Mike Corby and others to discuss the project.
  - Had multiple phone conversations with Mike Corby to discuss next steps and clarify expectations.
  - Investigated, and corroborated with Richard Wilson, whether the Township has to issue a RFP/Q when selecting a consultant to do the conceptual planning for the site.
  - Mike Corby has convened a team, which includes developers, to discuss the project and will communicate with the Township when he has determined next steps and has a scope of work and estimate prepared.

## OTHER MATTERS OF THE DDA

- Sent letters to businesses on River Street who will be displaced by the Manistee Gateway project.

- Secured a conference call line for the December and January Informational meetings.

Submitted by:  
Tamara Buswinka, DDA Director

# DDA Director Report

December 2020

## ADMINISTRATIVE

- Prepared agenda and other materials for the December DDA meeting.
- Wrote November DDA meeting minutes.
- Prepared notices and correspondence for the January and February 2021 Informational Meetings.
- Worked with Tammi to manage the vacancies of the DDA Board and Develop Filer Ad Hoc Committee; contacted members whose term expired.

## MATTERS OF THE DDA

- Researched attorney's for DDA representation and prepared materials for the DDA Board to consider..
- Commercial Zoning District Amendment
  - Re-evaluated and reviewed the draft amendments to date in preparation of a collaborative work meeting with Richard Wilson. Meeting was canceled due to Covid restrictions.
- Township Owned Property
  - Met with and spoke numerous times with Mike Corby to review and provide recommendations for the conceptual planning proposal.
  - Gave an update of the project to Laura Heintzeman, Director of the Manistee County Community Foundation. The MCCF community development goal of helping provide housing choices for residents of Manistee County aligns with Filer's goals for the Township owned property.
  - Worked with Terry to determine next steps for the project.

Submitted by:  
Tamara Buswinka, DDA Director

# Charter Township of Filer

Supervisor Terry Walker  
Clerk Shirley Ball  
Treasurer Thomas G. Stege  
Trustee Dale Kolanowski



Trustee Dean Kruse  
Trustee Tom Chycinski  
Trustee Brian Krus  
Zoning Administrator Larry Thompson

FILER TOWNSHIP IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

2505 Filer City Road • Manistee, MI 49660 • 231-723-3138 • Fax 231-723-3191  
e-mail: [filertownship@twphall.com](mailto:filertownship@twphall.com)

## Downtown Development Authority 2021 Meeting Schedule

The D.D.A. of the Charter Township of Filer, Manistee County, Michigan does hereby establish that there will be one (1) regular meeting held monthly by the Charter Township of Filer D.D.A. as follows:

1. All regular meetings will be held at the Charter Township of Filer Hall, 2505 Filer City Road, Manistee, MI 49660.
2. Meetings will be held on the first Tuesday of each month unless otherwise stated below, and will commence promptly at 4:30 p.m.

The meeting dates will be:

Tues. Jan. 5, 2021	4:30 p.m.	Tues. July 6, 2021	4:30 p.m.
Tues. Feb. 2, 2021	3:00 p.m. at 2111 Nelson St.	Tues. Aug. 3, 2021	4:30 p.m.
Tues. March 2, 2021	4:30 p.m.	Tues. Sept. 7, 2021	4:30 p.m.
Tues. April 6, 2021	4:30 p.m.	Tues. Oct. 5, 2021	4:30 p.m.
Tues. May 4, 2021	4:30 p.m.	Tues. Nov. 2, 2021	4:30 p.m.
Tues. June 1, 2021	4:30 p.m.	Tues. Dec. 7, 2021	4:30 p.m.

Special meetings shall be called and held at the discretion of the D.D.A. Board and with proper and due notice of such special meetings.

This notice was posted by Shirley Ball, Clerk of the Charter Township of Filer to comply with Section 4 & 5 of the Michigan Open Meeting Act (P.A. 267 of 1976) at the Charter Township of Filer Hall, 2505 Filer City Road, Manistee, MI 49660.

Under the provisions of the Law and Statute provided, the above mentioned Resolution is hereby adopted by the Charter Township of Filer D.D.A. in this meeting assembled this 5th day of November 2020, at the Filer Charter Township Hall, 2505 Filer City Road, Manistee, Michigan 49660.

Note: The Charter Township of Filer will provide necessary reasonable auxiliary aids and services such as audio tapes of printed materials being considered at the meeting or hearing upon 14 days notice to the Charter Township of Filer. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Filer Hall by writing the Charter Township of Filer Hall, 2505 Filer City Road, Manistee, MI 49660, or by calling 231-723-3138.

Charter Township of Filer  
**PLANNING COMMISSION REGULAR MEETING MINUTES**  
*November 17, 2020 held electronically*

**DRAFT**

Electronically present: Jennifer Williams, Shirley Ball, Linda Rogers, Roger Dittmer, Kathy Gutowski, Karen Kolk, Christa Johnson

Also present: Larry Thompson, Zoning Administrator and Richard Wilson, Township Attorney

Meeting is being held electronically in order to prevent the spread of COVID-19.

Meeting was called to order at 7:00 p.m. by Chairman Williams.

Motion by Johnson, seconded by Kolk to approve meeting agenda as presented. Roll Call Vote: Gutowski-yes, Johnson-yes, Kolk-yes, Rogers-yes, Williams-yes, Ball-yes, Dittmer-yes. 7 Yeas, 0 Nays. M/C

Motion by Ball, seconded by Kolk to approve the October 20, 2020 Public Hearing Minutes correcting under the third bullet the word "stall" to "shall" and adding new bullet item "Heat maybe installed". Roll Call Vote: Ball-yes, Dittmer-yes, Gutowski-yes, Johnson-yes, Kolk-yes, Rogers-yes, Williams-yes. 7 yeas, 0 nays. M/C

Motion by Johnson, seconded by Gutowski to approve the October 20, 2020 Regular Meeting minutes as presented. Roll Call Vote: Ball-yes, Dittmer-yes, Gutowski-yes, Johnson-yes, Kolk-yes, Rogers-yes, Williams-yes. 7 yeas, 0 nays. M/C

Motion by Rogers, seconded by Johnson to grant the special use permit application for Jason Sherrill, 4074 Red Apple Road, Manistee, MI 49660, Filer Township, Manistee County, Michigan for parcel #'s: 51-06-422-706-05 and 51-06-422-706-07 (combined) located in the Medium Density Residential District of Filer Township constructing an oversize accessory structure building 32' x 52' with a 17 ft. ridge board with conditions. Roll Call Vote: Ball-yes, Dittmer-yes, Gutowski-yes, Johnson-yes, Kolk-yes, Williams-yes, Rogers-yes. 7 yeas, 0 nays. M/C

Discussion on Short Term Rentals:

Reviewed written comments. Positive and negative thoughts from responders for final ordinance draft consideration. Concerns regarding violation of ordinance are: enforcement, contact person for each property and documentation of complaints for Township action when needed. Reviewed renewal process: applicants must do a new application each year, must cover the Township cost of inspection, signage in place reveals local agent. All rental licenses come due at the same time in the calendar year (35.05 Item C Renewals).

Motion by Dittmer, seconded by Kolk to recommend presented changes on Short Term Ordinance to Township Board. Roll Call Vote: Ball-yes, Dittmer-yes, Gutowski-yes, Johnson-yes, Kolk-yes, Rogers-yes. 7 yeas, 0 nays. M/C

Public Comments:

- Karen Kalbfleisch, 2366 Red Apple, is concerned about security having personal info on a sign at the street.

- Jan Borenitsch, please remember who the permanent people are that need to live by short term renters.
- Clara Kahle, Fox Farm Rd., fees should be customized to the property. Not one size fits all.
- Cindy Russell, Fox Farm Rd., not a neighborhood anymore. Cannot be responsible if people need to rent to make ends meet.
- Mrs. Brunner, 27 days or less per year ok with her for short term rentals.
- Beate Stumpe, 2312 Red Apple Rd., does not rent 12 weeks a year as had been suggested. Permit and license a burden when permit is annual.
- Dave Russell, short term rentals are a business. How do we know the renters are good people?
- Kristi Karls, 2420 Red Apple Rd., agree with Dave Russell.

Discussion on ATV/ORV ordinance: Township Board request Planning Commission look at this subject again. Compile several sample ordinances of surrounding townships. Use DNR pamphlet/booklets. Several roads are closed to off road vehicles. Invite DNR representative to next meeting and keep on December's agenda.

Reports: Zoning Administrator: Activity report for October 2020 reviewed.

Supervisor: Partial delivery of Oak Hill Park playground equipment. Have received several inquiries for an ordinance change regarding ATV & ORV use in Filer Township.

Board of Appeals: Discussion on setbacks.

Board of Trustees: Special meeting minutes from October 28, 2020 were reviewed. Regular meeting minutes from November 5, 2020 reviewed.

Downtown Development Authority: Regular meeting minutes from November 5, 2020 were reviewed.

Motion by Gutowski, seconded by Johnson, to adjourn the meeting. Roll Call Vote: Ball-yes, Johnson-yes, Kolk-yes, Rogers-yes, Williams-yes, Dittmer-yes, Gutowski-yes. 7 yeas, 0 nays. M/C

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Roger Dittmer, Secretary  
Charter Township of Filer Planning Commission



Charter Township of Filer  
**Zoning Board of Appeals Meeting Minutes**  
Filer Township Hall  
2505 Filer City Rd., Manistee, MI 49660  
**November 11, 2020**

Present: Jennifer Williams, Elizabeth Allen, Ron Gutowski

Absent: None

Also Present: Larry Thompson, Zoning Administrator and Daniel Newman, Applicant.

Meeting called to order by Chairperson, Williams and Pledge of Allegiance at 3:00 p.m.  
Motion by Williams, seconded by Allen to approve the minutes of the meeting held on January 30, 2020 as presented. All in favor. M/C

Case #361-20                      Daniel Newman  
    3428 Grant Hwy.  
    Manistee, MI, 49660  
    Filer Township, Manistee County  
    Parcel #51-06-125-175-05

Zoning Administrator Thompson reviewed the variance request on this parcel to construct a 30' x 40' accessory building on his property located at 3428 Grant Hwy., Manistee, MI 49660. This property is non-conforming in the Agricultural Residential District. The property is 200' x 200' and was issued permit to construct a residence in the 1960s as were many other parcels.

There was discussion concerning setting a precedent, but the Zoning Administrator stated that there were other small lots in the vicinity, and there were no complaints by property owners.

Zoning Administrator Thompson stated he didn't receive any communication on this.

Chairman Williams called for public comment. None was received.

Motion by Allen, seconded by Gutowski to approve the request. Roll call vote: Allen-yes, Williams-yes, Gutowski-yes. 3 yeas, 1 nay. M/C

Approval of the Rules of Procedure and Approval for the 2021 Meeting Schedule were not taken at this time. Chairman Williams stated that she would talk to the Township Attorney on this matter.

Motion by Gutowski, seconded by Allen to adjourn. All in favor. M/C

Meeting adjourned at 3:30 p.m.

Respectfully submitted,

Betty Allen, Secretary  
Zoning Board of Appeals

# Monthly Report

**To:** Filer Township Board of Trustees  
**From:** Chief Jim Espvik  
**Date:** December 1, 2020  
**Re:** Activity Report for November 2020

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	Month of November	YTD Totals
Total Calls for Service -	17	223
Medical -	10	158
Fire	6	47
Vehicle Crashes	0	16
Gas Odor Complaints	0	1
Calls to Horizon Pointe	0	14

The restricted access to our station due to the covid-19 pandemic is still in place. Employees only, others allowed by appointment as needed and approval only.

We are looking at ways to continue using the guidelines from the state and still keep up on everything. We have been working very hard to protect our fire department members from possible exposures. We have all the appropriate safety equipment in place.

We encourage everyone to follow the recommendations from the CDC and the Health Department., wear a mask when you go out, use social distancing, wash your hands.

The burn permit procedure has changed, People wishing to burn need to go to the DNR website to see if burning is allowed in Filer Township for that day.

We will be working with other departments this winter when they close the M55 Bridge as the response from our neighbors may be limited. We have been meeting with North Flight which will soon be MMR as of December 1<sup>st</sup> 2020 and Medical Control developing a plan for responses around the lake do to the construction.

Stay safe.

I would like to take this opportunity to wish all of you a Merry Christmas and a happy new year.

Respectfully Submitted,

Jim Espvik

Filer Township Fire Chief

ORDINANCE NO. \_\_\_\_\_

CHARTER TOWNSHIP OF FILER  
MANISTEE COUNTY, MICHIGAN

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AN ORDINANCE TO AMEND CHAPTER 35 OF THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES (SHORT TERM RENTALS) BY MAKING SHORT TERM RENTAL LICENSES RENEWABLE ANNUALLY, BY MAKING CERTAIN INFORMATION ABOUT LICENSED PROPERTIES MORE READILY VISIBLE TO OTHERS, AND BY REQUIRING ADDITIONAL INFORMATION TO BE SUPPLIED WITH A LICENSE APPLICATION; TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF FILER AND VISITORS TO THE TOWNSHIP, TO PREVENT PUBLIC NUISANCES AND SAFETY HAZARDS AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amend Chapter 35, Section 35.03. The Charter Township of Filer Code of Ordinances (“Code”) is hereby amended by amending Chapter 35, Section 35.03 to read, in its entirety, as follows:

**35.03 Regulations**

A. General Regulations: It shall be unlawful for any person to conduct a short-term rental operation without an annual short-term rental license issued by the Township.

B. Specific Regulations: Persons seeking to operate a short-term rental operation must be registered with and licensed by the Township prior to the commencement of any short term rental activity. All short term rental operations shall comply at all times with the requirements specified in Section 35.05.

Section 2. Amend Chapter 35, Section 35.05. The Code is hereby amended by amending Chapter 35, Section 35.05 to read, in its entirety, as follows:

**35.05 Licensing Procedure and Criteria:**

A. Application:

Applicants for a short term rental license shall file an application to conduct a short-term rental operation with the Township Zoning Administrator on a form provided for that purpose. The application shall include:

1. The name, mailing address, and phone number of the owners of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from owner to applicant if applicant is different than the property owner.
4. The name, mailing address and phone number of the owner's local agent whose name and contact information will be provided on the exterior notices required by this Chapter.
5. A description of the premises proposed to be used for short term rentals, including but not limited to:
  - a. Site plan meeting the requirements of Chapter 31 (Zoning Ordinance) for site plans subject to administrative review, showing all dwellings and other structures, all driveways and parking areas, and the square footage of all principal rooms, including all bedrooms, in each dwelling
  - b. Number of bedrooms
  - c. Number of bathrooms
  - d. Number of off-street, paved parking spaces
  - e. Tax parcel ID number and legal description
  - f. Copy of currently effective well permit and septic permit, describing the size of the septic tank and drain field.
  - g. The period(s) during each calendar year that the premises will be offered for short term rental.

**B. Inspection.**

Upon receipt of a completed application, the Township will schedule an inspection of the premises with the Township Zoning Administrator. The Zoning Administrator will visit the premises and assess its fitness and safety for short term rental operations using the standards contained in this Ordinance. The owner(s) of the premises described in the application shall be the only permitted short term rental licensee, but may designate in writing to the Township a local agent for purposes of receiving notices under this Chapter and shall do so if required by Section 35.06.

**C. Renewals.**

Short term rental licenses are valid for one (1) calendar year and may be renewed annually upon payment of a fee to be set by the Township Board. At the time of renewal, the applicant shall confirm that the information contained in the original short term rental application remains accurate or update the application in writing with current information. Licenses currently under suspension may not be renewed during the pendency of the suspension.

Section 3. Amend Chapter 35, Section 35.06. The Code is hereby amended by amending Chapter 35, Section 35.05 to read, in its entirety, as follows:

### **35.06 Criteria and Requirements:**

A premises used for short term rentals shall meet all of the following requirements in order to be licensed.

**Firepits.** All outdoor fire pits shall be located at least ten (10) feet from any structure and twenty (20) feet from all lot lines of the premises.

**Nature of Rental.** The nature of the proposed rental activity must be consistent with single-family homes in the surrounding residential neighborhood and may not include any commercial activities such as yard sales, festivals, retreats, home occupations or similar uses.

**Parking.** The owner must provide off-street parking on a paved or gravel driveway or parking lot, located on the premises, which is large enough to accommodate all of the occupants' vehicles, including but not limited to motor vehicles, trailers, recreational vehicles, and watercraft, and all such vehicles, trailers and watercraft shall be parked only on such driveway or parking lot. Parking spaces shall be not less than 200 square feet (10' x 20') in size.

**Septic Systems.** The owner must demonstrate that the septic system for the property is appropriately sized and maintained for the number of occupants proposed to be permitted in the license, according to the standards of the District #10 Health Department sanitary code.

**Trash Removal.** The owner must provide secure trash receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short term rentals.

**Nuisances.** The owner shall be responsible for all nuisance activity occurring on the premises licensed for short term rentals and when notified by the Township or a police agency, shall take immediate steps to abate all nuisances and nuisance conditions occurring on or about the premises. Failure of the owner to control nuisance activity by occupants shall be grounds for the termination of the short term rental license.

**Maximum Occupancy.** Maximum occupancy of a premises used for short term rentals shall be not more than two persons, not including pre-school children, per bedroom. In no case shall the number of persons occupying a short term rental dwelling, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms.

**Exterior Notice.** The owner shall post and maintain at all times on the exterior of the premises near the main entrance and in the front yard of the premises (or rear yard in the case of lakefront parcels) so that the information on the notice is legibly visible from the street, weather-proof signs containing all of the following information: (i) the name, address and phone number of the owner or the owner's local agent for purposes of receiving

notice of complaints concerning the condition of the premises or the activities of the occupants, (ii) the maximum occupancy permitted on the premises, and (iii) the day of regular trash collection at the premises. Owners who do not reside permanently in Manistee County or otherwise within 30 miles of the premises shall designate a local person or company to act as the owner's agent for purposes of this Chapter and for receiving notice and such local agent's name and local phone number shall be displayed on the exterior notice.

Section 4. Severability. If any section, clause, or provision of this Chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Chapter. The Township Board hereby declares that it would have passed this Chapter and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 5. Effective Date. This Ordinance shall become effective following its introduction, adoption and publication in a newspaper of general circulation within the Township as required by law.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

ORDINANCE DECLARED PASSED.

\_\_\_\_\_  
Shirley Ball  
Township Clerk

#### CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, Manistee County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the \_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Shirley Ball  
Township Clerk

## ***ENGAGEMENT AGREEMENT***

This agreement is entered into on the \_\_\_\_\_ and is for the term of one year, 12 months, commencing Jan. 1, 2021 and ending Dec. 31, 2021, by and between the Charter Township of Filer Downtown Development Authority, party of the first part; and **Latitude 44 Consulting, L.L.C., Principal and Owner Tamara Buswinka**, of 4140 Lakeshore Road, Manistee, Michigan 49660, party of the second part.

### **WITNESSETH:**

**WHEREAS**, the party of the first part, desires to retain the party of the second part, as an independent contractor, to perform the duties of Director for the benefit of the party of the first part as pursuant to State Act 197 of 1975, as amended;

**WHEREAS**, party of the second part desires to be retained by the party of the first part, for such purposes pursuant to the terms and conditions hereinafter set forth;

**NOW THEREFORE**, the parties agree as follows:

1. The party of the second part is an independent contractor, providing services to the party of the first part, and is not an employee of the party of the first part.
  
2. The party of the first part shall pay to the party of the second part the sum of \$25,000.00 to fulfill the requirements of Director pursuant to State Act 197 of 1975, as amended, and to perform agreed upon work as stated in Attachment A. Payments shall be made by party of the first part to party of the second part on a quarterly basis in equal sums of \$6250.00 beginning at the first of the year: payments will be made January 1, April 1, July 1, October 1. These payments are pre-approved payments by the DDA board and therefore are not required to be distributed through the process of approval through a Treasurer's report but rather payments automatically mailed by the DDA Treasurer to Latitude 44 Consultant on the agreed upon distribution date. Party of the second part

will exert sufficient time and effort to the responsibilities set forth herein in order to provide the services in a skillful, prompt and efficient manner for the DDA and will provide documentation of time spent to fulfill such responsibilities. Such time and effort shall include Latitude 44 Consulting's availability by telephone and other communication devices, and presence at DDA meetings, for an average of not more than 60 hours per month.

3. It is agreed by the parties that any additional services, unless the parties agree otherwise, in writing, that any additional services will be billed at a rate of \$80.00 per hour for the professional services of Latitude 44 Consulting; plus reimbursement, dollar for dollar, for any out-of-pocket costs; and mileage at a rate of \$0.54 per mile. All additional expenses will be submitted in written form, documented, for DDA review and approval.
4. Latitude 44 Consulting, L.L.C. shall provide Proof of Liability insurance to the Township at attachment to this contract.
5. Any work that is provided by Party of the Second Part , that is beyond the scope of the original agreement, shall be billed approximately every 30 days, and payment for said services shall be due within 30 days of said billing.
6. It is expressly understood and agreed that party of the second part is an independent contractor who is expected and entitled to freely and independently exercise its judgment in accordance with the purposes of this Agreement. Nothing contained in this Agreement shall be construed to create a partnership or a joint venture between party of the first part and party of the second part, nor to authorize party of the first part or party of the second part to act as a general or special agent of the other party in any respect, except as specifically set forth in this Agreement. It is further agreed that party of the first part shall have no responsibility for withholding FICA contributions or federal or state income taxes from the payments to be made to party of the second part under any provision of this Agreement. party of the second part shall be solely



responsible for payments to all taxing authorities resulting from their receipt of payments pursuant to this Agreement and shall indemnify and hold harmless party of the first part for all such tax liabilities.

7. This Agreement constitutes the entire understanding between the parties and contains all of the covenants made between them with respect to the subject matter hereof and supersedes any and all prior or contemporaneous agreements between the parties, either oral or in writing.
8. This Agreement may not be amended, changes or modified except by a written amendment executed by both parties. No waiver of any provision of this Agreement shall be valid, unless in writing, and signed by the party to be charged with the waiver.
9. Either party may terminate this Agreement at any time and for any reason. Both parties must provide a 30 day notice to terminate the contract.
10. The party of the second part shall bear no liability as a result of the party of the first party's use of any work product produced by Latitude 44 Consulting,; and the party of the first part, to the extent permitted by law, hereby agrees to indemnify and defend the party of the second part, as to any litigation or liability for work performed by the party of the second part for the benefit of the party of the first part.
11. Consultant shall immediately upon entering into this Agreement, take and subscribe to the constitutional oath and furnish a bond, on behalf of Latitude 44 Consulting, in the amount of \$5,000.00 in the manner as required by Public Act 197 of 1975, as amended.
12. This Agreement is entered into in the State of Michigan, is to be performed within the State of Michigan, and shall be governed by the laws of the State of Michigan as to its interpretation, construction and performance.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands.

Party of the First Part

The Charter Township of Filer \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

Party of the Second Part

Tamara Buswinka, Latitude 44 Consulting \_\_\_\_\_

DATE: \_\_\_\_\_

Tamara Buswinka

## Attachment A:

# Economic Development and DDA Support

*\$25,000.00/year*

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To provide economic development services to the Charter Township of Filer Downtown Development Authority board and to perform the duties of Director of the DDA as stipulated in State Act 179 of the Public Acts of 1975, as amended.

These services are meant to create and support programs and invest in projects that cultivate entrepreneurship, attract new businesses, diversify the local retail mix and stimulate employment. It's the kind of efforts that grow local job opportunities and incomes as well as the tax base.

### 1. Administrative Duties:

- a. Keep DDA compliant with Act 57 reporting.
- b. Work with the consultant to update the Township website as needed.

- c. Initiate budget process ensuring it is executed on time.
  - d. Take minutes.
  - e. Prepare agendas.
  - f. Facilitate meetings.
  - g. Organize and facilitate extra meetings of ad hoc committees (Sign Committee, Develop Filer Committee, others as requested).
  - h. Work with DDA members on their special projects.
  - i. Be the point of contact for the DDA.
  - j. Be the point of contact for development proposals in the district.
2. Organize two events to provide information about the district to the community.
  3. Maintained communications with realtors of vacant properties.
  4. Work to implement the Retail Market Study by making contacts with developers and retail companies to fill vacant properties and share the Study with anyone and everyone who may have potential to develop in the Township.
  5. Interface with the Planning Commission to encourage the updating of the Commercial District zoning ordinance requirements and to streamline the review process.
  6. Make routine contact with the Township Zoning Administrator to gather information about inquiries about the district, provide help in supporting project proposals to the Planning Commission, understand where zoning regulations may interfere with good development proposals, and work with State and Federal agencies as needed to help develop a site.
  7. Facilitate a scholarship opportunity for qualifying business managers.
  8. Represent the Township at appropriate community events.
  9. Assist in the development of the Township owned property at the corner of Merkey Road and US31.
  10. Project manage the Welcome to Filer Sign project.
  11. Work with the DDA to Identify a 2021-22 DDA led project as suggested by the Development Plan; provide project management services.
  12. Provide press releases of accomplishments and/or increase community awareness of Filer DDA successes and work.

**Charter Township of Filer**  
2505 Filer City Road, Manistee, MI 49660  
(231) 723-3138

## **REC CENTER LEASE AGREEMENT**

This agreement made this 1<sup>st</sup> day of December, 2020, between the Charter Township of Filer, hereinafter referred to as "Lessor" and Linda DeVries/Jazzercise. Hereinafter referred to as "Lessee";

**WITNESSETH:** Lessor hereby lets to Lessee and Lessee hereby does lease from Lessor those premises located at 1306 Oak Drive, Manistee, Michigan 49660, hereinafter referred to as the "Premises" on the following terms and conditions:

1. This Lease shall be for a single term of twelve (12) months, starting date January 1, 2021 to December 31, 2021, three (3) times per week. Rent for such term shall be \$\_\_\_\_\_ (prior year was \$160 per month). Lessee shall pay to Lessor a damage deposit of seventy-five (\$75.00) dollars. *(Damage deposit paid on 5-9-11 will be applied to this contract)* If Lessee returns the Premises at the conclusion of the term in its pre-lease condition, Lessor shall refund the deposit within thirty (30) days; otherwise, Lessor shall itemize all damages in writing and return a copy thereof, along with the balance of the deposit, if any, to Lessee within (30) days.
2. Lessee agrees not to occupy or use the Premises nor permit the same to be occupied or used for any purpose whatsoever except for Jazzercise without the prior written consent of Lessor under penalty of forfeiture and damages.
3. Lessee shall under no circumstance exceed the legally allowed capacity of the Premises of 158 people.
4. Lessee shall be solely responsible for the safety and well-being of any and all of its agents, servants, employees, guests, invitees, licensees or contractors in connection with or resulting in any manner for the Lessee's use or occupancy of the Premises.
5. In the event Lessee sells, furnishes, serves, gives or delivers alcoholic beverages, with or without consideration as hereinafter defined:
  - a. Lessee further agrees to indemnify Lessor and hold harmless from and against any and all claims, cations, damages, liability including, but not limited to dram shop liability pursuant to the Michigan Liquor Control Act, as amended, and expense, including actual attorney's fees in connection with the loss of life, personal injury, damage to property or any act, whether known, unknown, foreseen, unforeseen, patent or latent, arising from any occurrence in or about the Premises or from the occupancy or use by Lessee of the Premises or resulting, in whole or in part, from any act or omission of Lessee, its agents, servants, employees, guests, invitees, licensees or contractors.
  - b. If a result of the permitted activities to be conducted on the Premises described in paragraph 2 (two) above, Lessee is required to obtain a liquor license, then, as a condition precedent to this Lease, Lessee shall obtain both (a) a valid liquor license issued by the Michigan Liquor Control Commission; and (b) an insurance policy or liquor bond naming Lessor as an additional insured, insuring against any and all liability that may arise from Lessee's sale or furnishing of alcoholic beverages on the premises. Lessee shall present both its liquor license and insurance policy or liquor bond to the Lessor for its inspection prior to the Lessee taking possession of the Premises pursuant to this Lease.
  - c. Lessee further agrees to not, directly or indirectly, by itself, its agents, servants or employees, at any time, sell, furnish, give or deliver, either for or without consideration, any alcoholic beverage to a minor or to any adult person who is at the time visibly intoxicated. As used

herein, the term "consideration" shall be deemed to include, but not limited to, any fee, cover charge, and storage of alcoholic liquor, the sale of food, ice, mixes or other liquids used with alcoholic liquor drinks or the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.

- d. Lessee further agrees to take all actions necessary to absolutely prevent and prohibit any official, employee, agent or servant of Lessor from doing anything or undertaking any activities on the Premises and, specifically, but without limiting the generality of the foregoing, to take all steps necessary to prevent and absolutely prohibit such person's involvement in the purchase of alcohol, sale or distribution of alcohol, checking of identification on the Premises, or any other activity, directly or indirectly, related to the enforcement of laws or regulations related to the sale and distribution of alcoholic beverages.
6. Lessee agrees not to assign this Lease nor let or underlet or sublet the whole or any part of the Premises or make any alterations or repairs therein without the prior written consent of Lessor under penalty of forfeiture and damages.
7. Lessee agrees to return the leased premises in the same condition as before the rental term and agrees to indemnify the Lessor for any costs of expenses expended by the Lessor to place the property in its pre-lease condition.
8. Lessee acknowledges and agrees that each covenant of this Lease is consideration of the letting of the Premises and that a violation of any covenant or agreement herein shall be grounds for the immediate forfeiture of this Lease, at the Lessor's sole option and discretion, and without prior notice or demand. The waiver by Lessor of a breach of any covenant or agreement herein shall not be considered a waiver of any other provision of this Lease, nor shall it be considered a waiver of any subsequent breach of the same covenant or agreement.

**IN WITNESS WHEREOF**, the parties have hereunto set their hand and seals the day and year first written above.

Lessee: X \_\_\_\_\_

Address: PO Box 762  
Manistee, MI 49660  
Phone: 231-723-0158 home phone – leave messages  
231-510-9289 cell phone  
231-723-7422 work – emergency only

Township Supervisor: X \_\_\_\_\_

**A RESOLUTION ESTABLISHING POVERTY GUIDELINES FOR EXEMPTION  
FROM PROPERTY TAX CONTRIBUTIONS**

**WHEREAS**, the adoption of guidelines for poverty exemptions is within the purview of the township board;  
and

**WHEREAS**, the homestead of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994(MLC211.7u) and

**WHEREAS**, pursuant to PA390, 1994, Charter Township of Filer, Manistee County, adopts the following guidelines for the supervisor and board of review to implement. The guidelines shall include but not be limited to the specific income and assets levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

**PROCESS:**

To file a poverty exemption from property tax contribution in Charter Township of Filer, the following processes shall be used:

1. File a claim with the supervisor or board of review, accompanied by federal and state tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in a current year or an affidavit that states that you are not required to file a tax return as provided by the state tax commission.
2. Produce a valid driver's license or other form of identification if requested.
3. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
4. The application for and exemption shall be filed after January 1, but before the day prior to the last day of board of review.
5. Any tax exemption given to an individual under these guidelines shall be for the one (1) year's taxes and a new application will be required for the next year.
6. Board of Review may grant up to 100%, or deviate from the guidelines if compelling reasons are presented.

**ELIGIBILITY:**

Eligibility for exemption from property tax contributions is set as follows:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
3. The guidelines apply to individuals and not to corporations, partnerships, associations, or trusts. In the event that a partnership, association, or co-owners apply, the guidelines apply to the total assets of all individuals involved. In the event that a trustee, guardian, personal representative or other administrator applies, the guidelines apply to the total assets of the beneficiaries, in or out of

the trust or estate, no matter how held. The purpose of this rule is to have the guidelines apply to the assets of all individuals involved.

4. The guidelines apply to the owner of a life estate. The owner of the life estate must reside upon and use the property as his or her principal residence in accordance with MCL211.7u and 211.7dd.
5. You will not qualify for an exemption if you have purchased your homestead or built a homestead within three (3) years of application.
6. The guidelines shall include an analysis of all gifts given by the applicants within three (3) years of the date of the application. An applicant cannot divest him or herself of assets and then claim poverty. No fixed amount is set as a factor, as each applicant must be handled on a case-by-case basis.
7. The applicant qualifies under the asset or income levels but voluntarily quits a job that would otherwise render the applicant ineligible for a poverty exemption and is not on disability.

#### **ASSET DETERMINATION:**

A number of factors will be weighed in order to determine whether an applicant qualifies for an exemption.

1. Factors analyzed will include the following:
  - a. Income levels
  - b. Total value of liquid assets
  - c. Total non-homestead real property
  - d. Total acreage owned: could include the minimum zoning footprint for the home
  - e. Non-essential personal property
  - f. Total value of all assets
  - g. Gifts made within three (3) years
  - h. Employability
  - i. Retirement account, value I.R.A., 401K, etc. Other factors suggesting an individual's worth, including, but not limited to life insurance, business, lawsuits, judgments due, etc.

In compliance with *Ferrero v Walton Township*, 295 Mich App 475: 813 NW2d 368 (2012), when determining "total applicant obtained from claiming homestead property tax exemption and receiving a property tax credit therefrom. Returns concerning the homestead property tax credit may be used only to ensure compliance with Paragraph 4 of this policy.

"Total household Income" is defined as money, wages, and salaries before deductions; net receipts from non-farm self-employment, business, professional, enterprise, or partnership after, deductions for business expenses; regular payments from social security, retirement, unemployment or worker's compensation, veteran's payments, public assistance; alimony, child support, military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government pensions, annuity or insurance payments; scholarships, grants, fellowships, assistantships, dividends, interest, rental income, royalties, periodic receipts from estates or trusts, and gambling or lottery winnings.

2. Total liquid assets must not exceed the value of \$10,000.00 unless the total liquid and non-liquid assets are underneath the applicable federal poverty guidelines threshold. Assets beneath \$10,000.00 shall be considered together with other factors in order to determine eligibility. Liquid assets to be considered include cash, unrestricted deposits and accounts, securities, bonds, promissory notes, stocks, and other similar type of assets.

3. Total non-homestead and non-qualified agricultural real property shall not exceed the value of \$1,000.00 unless the total liquid and non-liquid assets to be considered are underneath the applicable federal poverty guidelines threshold.
4. The non-essential personal property shall not exceed \$5,000.00. Non-essential personal property includes but is not limited to horses, snowmobiles, boats, motorcycles, jet skis, and all-terrain vehicles. The purpose of this factor is to exclude from poverty consideration those individuals who have purchased recreational, hobby, or sporting property, not related to essential needs.
5. Total assets should not exceed \$10,000.00. Prepaid funeral expenses are not considered an asset.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines that there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and those are communicated in writing to the claimant.

The foregoing resolution offered by Board Member \_\_\_\_\_ and support by Board Member \_\_\_\_\_.

Upon Roll Call Vote motion carried unanimously.

Aye:

Nay:

Absent:

The Supervisor declared the resolution adopted.

\_\_\_\_\_,  
\_\_\_\_\_, Supervisor

#### CERTIFICATION

I, the undersigned and duly qualified and acting clerk of Charter Township of Filer, Manistee County, Michigan, (the "Township") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting held on \_\_\_\_\_ the original of which is on file in my office and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.



STC Bulletin No. 17 of 2020  
**Changes For 2021**  
October 20, 2020

<b>Size of Family Unit</b>	<b>Poverty Guidelines</b>
1	\$ 12,760
2	\$ 17,240
3	\$ 21,720
4	\$ 26,200
5	\$ 30,680
6	\$ 35,160
7	\$ 39,640
8	\$ 44,120
For each additional person	\$ 4,480

CHARTER TOWNSHIP OF FILER  
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 23.06 TO PROVIDE FOR ALTERNATE METHODS OF BILLING AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amendment of Chapter 23, Section 23.06. Chapter 23 of the Charter Township Code of Ordinances ("Code"), Section 23.06, is hereby amended to read in its entirety, as follows (new language underlined; old language ~~stricken~~):

**23.06 Billing and Enforcement**

Charges for water service shall be billed quarterly or on such other regular basis as the Township Board of Trustees by resolution may determine from time to time. . ~~Exceptions to this rule to permit other than quarterly billing may be approved by the Township Supervisor or his or her designee in his/her discretion on application from the water customer.~~

Bills shall be mailed by the fifteenth (15<sup>th</sup>) day of the month following the period quarter ~~or month~~ for which the bills are rendered and shall be due and payable on or before the tenth (10<sup>th</sup>) day of the next month. Customers whose bills are not paid on or before the due date shall have a penalty charge equal to ten (10%) percent of the amount of the bill added thereto. Customers whose bills remain unpaid for six months ~~two quarters~~ shall be notified in writing, which notice shall indicate that the customer's Township water service will be shut off if payment is not made within five (5) days of the date of the notice. If the bill plus the penalty amount is not paid within five (5) days of the date of the notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the entire amount of the water bill plus the penalty amount has been paid together with any charges due pursuant to Section ~~6~~ 23.04 above.

Charges for water shall constitute a lien on the property served. On or before October 1<sup>st</sup> of each year, the Township Treasurer shall deliver to the Township Supervisor a certified statement of all water charges and penalty charges thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. Effective Date. This ordinance shall be effective on the first day following its introduction, adoption and publication as required by law.

THOSE VOTING IN FAVOR: \_\_\_\_\_

THOSE VOTING AGAINST: \_\_\_\_\_

THOSE ABSENT OR ABSTAINING: \_\_\_\_\_

ORDINANCE DECLARED PASSED

\_\_\_\_\_  
Shirley Ball, Clerk

CERTIFICATION

The undersigned Clerk of the Charter Township of Filer, hereby certifies that the foregoing is a true and correct copy of an ordinance adopted by the Township Board at a regular meeting thereof, held on the \_\_\_ day of \_\_\_\_\_, 2020, at which a quorum of the board was present and which was duly called and held in accordance with the Open Meetings Act.

\_\_\_\_\_  
Shirley Ball, Clerk



## Memorandum

**DATE:** 10 November 2020  
**CLIENT:** Filer Township  
**PROJECT:** The Hamlet at Filer Town Center  
**IA PROJECT NO:** 20181020  
**RE:** Conceptual Work Effort

---

The scope of professional services during this initial phase of work will include site feasibility analysis and conceptual design for two adjacent parcels totaling 20 acres along US31, located in Filer Township. Our work effort will include consideration and conceptual design for the development of the project area for various potential housing and commercial uses.

The services and deliverables to be completed during this phase are outlined below and are planned to be performed consistent with the attached work plan date November 10, 2020.

<b>Site Analysis</b>	<b>\$1,800.00</b>
<ul style="list-style-type: none"><li>• Zoning information</li><li>• Site context and influences</li><li>• Site base plan</li></ul>	
<b>Topographical and Boundary Survey</b> (Spicer Engineering)	<b>\$5,450.00</b>
<ul style="list-style-type: none"><li>• Survey of both parcels including topographic data</li></ul>	
<b>Community Engagement</b>	<b>\$5,200.00</b>
<ul style="list-style-type: none"><li>• Initial Community Meeting<ul style="list-style-type: none"><li>Establish design principles and objectives</li><li>Developer perspective</li><li>Small group exercise to generate ideas</li><li>Initial 3d model</li></ul></li><li>• Follow Up Community Meetings (two planned)<ul style="list-style-type: none"><li>Communicate process</li><li>Share design development</li></ul></li></ul>	
<b>Conceptual Design</b>	<b>\$23,000.00</b>
<ul style="list-style-type: none"><li>• Site program</li><li>• Rendered site plan</li><li>• Site circulation and amenities</li><li>• Building massing studies</li><li>• Building character vignettes</li><li>• Block floor plans</li></ul>	
<b>Development Consultant</b> (Cherry Street Capital)	<b>\$10,500.00</b>
<ul style="list-style-type: none"><li>• Participation and insight at Committee and Community meetings</li><li>• Economic development feasibility – deal structure</li><li>• Preliminary proforma</li></ul>	

**Total Fee: \$45,950.00 plus reimbursables**

### Integrated Architecture

4090 Lake Drive Grand Rapids Michigan 49546 tel 616.574.0220 fax 616.574.0953 www.intarch.com

# The Hamlet at Filer Town Center

10-Nov-20

## Conceptual Design Timeline

12/1 12/8 12/15 12/22 12/29 1/5 1/12 1/19 1/26 2/2 2/9 2/16 2/23 3/2 3/9 3/16 3/23 3/30

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0%

### Due Diligence Effort (IA)

- Topographic Survey
- Zoning Information
- Site Context and Influences
- Site base plan / analysis

### Ad Hoc Committee Worksession One

- team introductions
- confirm process
- establish decision tree
- confirm influences

### Work Effort (IA)

- develop preliminary reactions for development
- site context model / site plan
- site investigation (zoning, DDA plan, US31 Corridor Plan, new PUD)

### Ad Hoc Committee Worksession Two

- review preliminary team reactions for development

### Work Effort (IA)

- prepare for charrette
- site model

### Community Meeting A \_Design Charette

- establish design principles
- development objectives (township, community needs)
- developer economic perspective
- planning input exercise - small group
- presentation of ideas
- consolidate input to focus on "best" elements
- develop 3d model

### Work Effort (IA)

- summary of charrette findings
- evaluation of use on site
- develop concepts

### Ad Hoc Committee Worksession Three

- review summary of charrette findings
- review team concepts

### Work Effort (IA)

- refine concepts
- site development
- evaluate construction methods
- develop circulation network focused on walkability
- develop concepts for community amenities
- economic development

### Ad Hoc Committee Worksession Four

- review concepts
- discuss community charrette B

### Work Effort (IA)

- design refinement
- site program refinement
- site / land planning refinement
- development of site amenities and features
- develop site massing model

### Community Meeting B

- communicate process
- share architectural design development

### Work Effort (IA)

### Ad Hoc Committee Worksession Five

- draft proforma
- draft financial model - deal structure
- discuss charrette summary

### Work Effort (IA)

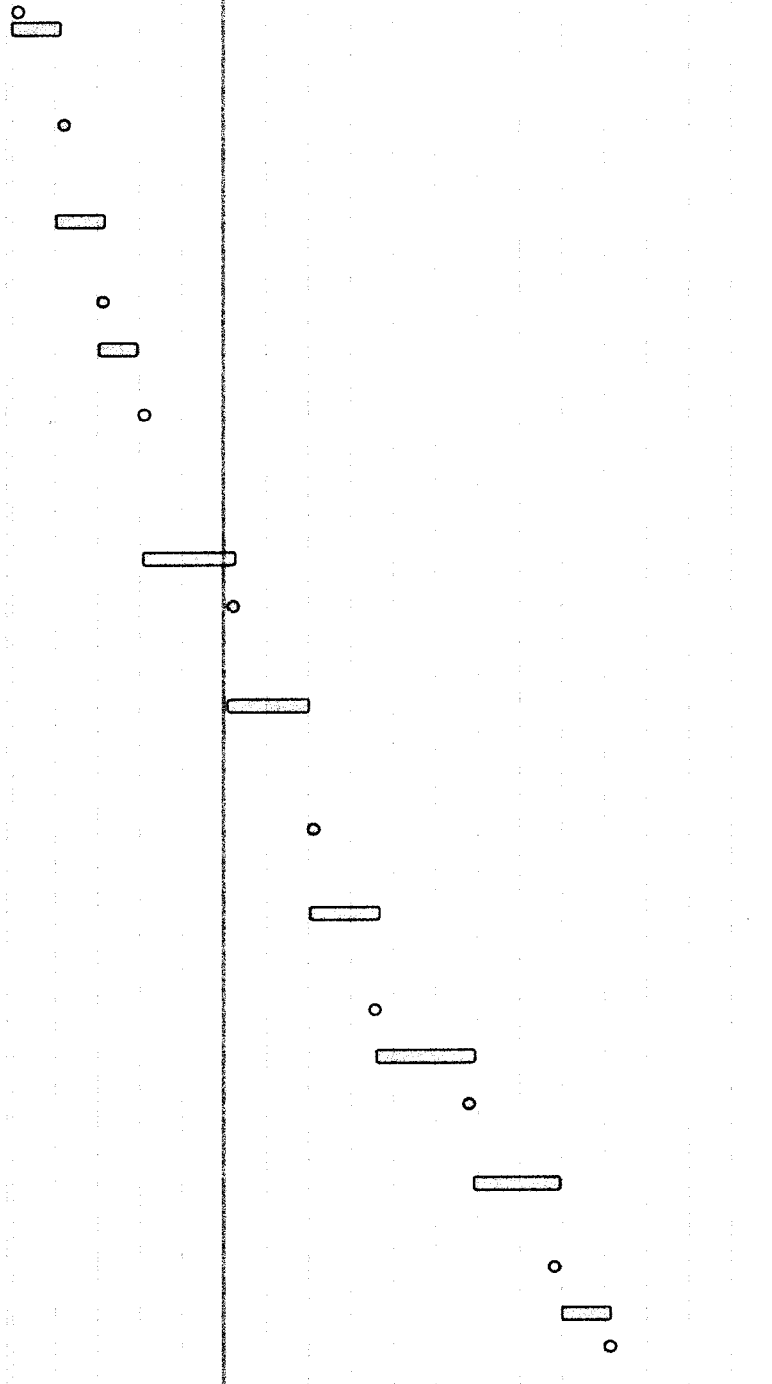
- refine design
- develop proforma
- estimate of probable cost

### Ad Hoc Committee Worksession Six

- discuss final concept package and proforma

### Work Effort (IA)

### Community Meeting C



COUNTY OF  
**manistee**

MICHIGAN



EQUALIZATION DEPARTMENT

Manistee County Courthouse

415 Third Street • Manistee, Michigan 49660-1606 • 231-723-5957

November 19, 2020

Township Supervisors/City Manager

The Manistee County Board of Commissioners unanimously approved naming myself, Heather Vasquez, as the Designated Assessor for Manistee County at the November 17, 2020 meeting.

As you are all aware P.A. 660 of 2018 requires each county to notify the State Tax Commission, by December 31, 2020, of the individual that will serve as the county's Designated Assessor.

The enclosure includes the inter-local agreement approved by the Board of Commissioners.

We are now asking for the local unit of governments to approve of the inter-local agreement. A majority of the local assessing districts (local units of government) need to approve the inter-local agreement in order for it to be submitted to the State Tax Commission. The agreement has been developed to include all the necessary provisions required by the State Tax Commission.

Please review enclosed interlocal agreement naming Heather Vasquez as the individual to serve as Manistee County's Designated Assessor at your earliest convenience and return as soon as possible.

If you have any questions, please do not hesitate to contact me.

Thank you in advance for your consideration.

Heather Vasquez  
Manistee County Equalization Director  
415 Third St  
Manistee, MI 49660  
231-398-3533

Enclosure

**Interlocal Agreement for  
MANISTEE County to Approve the Designated Assessor  
for the period January 1, 2021 through December 31, 2025**

Public Act 660 of 2018 requires a county to have a Designated Assessor on file with the State Tax Commission as of December 31, 2020. Accordingly, the following interlocal agreement (hereinafter "AGREEMENT") has been executed by the Board of Commissioners for MANISTEE County, a majority of the assessing districts in MANISTEE County, and the individual put forth as the proposed Designated Assessor. MANISTEE County and the Assessing Districts are collectively referred to throughout this AGREEMENT as the "Parties."

**RECITALS**

WHEREAS, The Assessing Districts are Municipal Corporations located within the County of MANISTEE, in the State of Michigan;

WHEREAS, The Michigan Constitution of 1963, Article 7, Section 28 permits a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with each other and which each might exercise separately;

WHEREAS, The Urban Cooperation Act of 1967, being MCL 124.505 *et seq*, and the Intergovernmental Transfer of Functions and Responsibilities Act, give effect to the Constitutional provision by providing that public agencies may enter into interlocal agreements to carry out their respective functions, powers and authority;

WHEREAS, P.A. 660 of 2018 requires each County to enter into an AGREEMENT that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County.

WHEREAS, P.A. 660 of 2018 mandates that the Designated Assessor shall be an advanced assessing officer or a master assessing officer.

NOW, THEREFORE, based on the foregoing Recitals, and in consideration of the terms of this Agreement, the Members agree as follows:

**BACKGROUND INFORMATION**

MANISTEE County Board of Commissioners, agrees to allow its Equalization Director, HEATHER VASQUEZ (R-8138) to be the Designated Assessor for the following assessing districts within MANISTEE County: ARCADIA TOWNSHIP, BEAR LAKE TOWNSHIP, BROWN TOWNSHIP, CLEON TOWNSHIP, DICKSON TOWNSHIP, FILER TOWNSHIP, MANISTEE TOWNSHIP, MAPLE GROVE TOWNSHIP, MARILLA TOWNSHIP, NORMAN TOWNSHIP, ONEKAMA TOWNSHIP, PLEASANTON TOWNSHIP, SPRINGDALE TOWNSHIP,

STRONACH TOWNSHIP, and CITY OF MANISTEE. Included as an addendum to this AGREEMENT are the 2020 County SEV totals by class, including special act values, those properties deemed unique or complex by a local assessing district, and a listing of the total number of parcels, by classification, including special act rolls, within each assessing district.

Once the designated assessor process is invoked, the Parties agree that the Designated Assessor will perform the duties associated with being the assessor of record for an assessing district at the following location: MANISTEE COUNTY EQUALIZATION DEPARTMENT, 415 Third St, Manistee, MI 49660 (i.e., administrative offices of the assessing district, designated assessor's office or other mutually agreeable location). The Parties further agree that specific hours will be negotiated as part of the employment contract to be executed in the event an assessing district is subject to the designated assessor process.

### **QUALIFICATIONS OF DESIGNATED ASSESSOR**

Included as an addendum to this AGREEMENT, the MANISTEE County Board of Commissioners has received and reviewed the following documents provided by the Designated Assessor:

1. Resume, curriculum vitae, or other documents providing the Designated Assessor's current employment status as well as additional and specific details regarding the Designated Assessor's current assessing or equalization responsibilities and local unit assessing experience as it relates to being approved as the Designated Assessor for MANISTEE County.
2. Disclosure of any conflicts of the interest involving the proposed Designated Assessor, the County, or any assessing district, if applicable.

It is understood that the individual identified as the Designated Assessor in this AGREEMENT will, during the length of this agreement, maintain their assessor certification in good standing with the State Tax Commission and when required to serve as the Designated Assessor for an assessing district in MANISTEE County shall act as the Assessor of Record for that assessing district. When acting as the Assessor of Record for an assessing district, the Designated Assessor shall meet all the requirements as set forth by the State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.

Any additional requirements that are agreed to by the Designated Assessor, the County and the Assessing Districts may not conflict with the State Tax Commission's *Supervising Preparation of the Rolls*.



## **DUTIES AND RESPONSIBILITIES OF DESIGNATED ASSESSOR**

The Designated Assessor, while serving as the assessor of record for an assessing district within MANISTEE County, shall satisfy all requirements contained State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.

Within 30 days of being appointed as the Designated Assessor for the assessing district, the Designated Assessor shall prepare and transmit to the assessing district's supervisor, manager, or chief executive a detailed proposal, including a schedule for delivery of documents, to correct deficiencies identified by the State Tax Commission's audit.

The Parties agree that the Designated Assessor and/or representative for the DA, while serving as the assessor of record for an assessing district within MANISTEE County, shall:

1. Attend all March, July and December Board of Review meetings.
2. Handle all Small Claims appeals and provide support documentation and testimony as need for Full Michigan Tax Tribunal cases. Any appeal to the Tax Tribunal may result in the Assessing District obtaining competent legal counsel at its expense.
3. The Designated Assessor shall prepare the following reports for review by the supervisor, manager, chief executive, board, or council: All STC required reports and others as requested.

For an assessing district employing assessing staff other than the assessor of record, assessing staff will conduct their duties as under the direction and supervision of the Designated Assessor, subject to the following limitations: any disciplinary actions up to and including terminations will be handled by the local unit board.

## **DUTIES AND RESPONSIBILITIES OF MANISTEE COUNTY AND ASSESSING DISTRICTS WITHIN MANISTEE COUNTY**

The Parties to this AGREEMENT understand and agree that the assessing districts identified in this AGREEMENT required to utilize the services of the Designated Assessor will, during and throughout the term of this AGREEMENT, to the following:

1. Provide the Designated Assessor with reasonable access to records, documents, databases and information in order to allow the Designated Assessor to serve as the assessor of record for the assessing district and satisfy all requirements *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.
2. Furnish the Designated Assessor with any applicable policies and procedures that the Designated Assessor may be subject to during the period of time the Designated Assessor serves as the assessing district's assessor of record.
3. Provide any technology, equipment, and workspace necessary for the Designated Assessor to carry out their requirements under this Agreement.

**DESIGNATED ASSESSOR COST & COMPENSATION**

The Designated Assessor may charge an assessing district that is required to contract with the Designated Assessor and that assessing district shall pay, for the reasonable costs incurred by the Designated Assessor in serving as the assessing district's Assessor of Record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office.

The County Designated Assessor will charge an Assessing District that is required to contract with the County Designated Assessor a reasonable rate of compensation (current periodic contract payment on a per parcel basis, plus 20%) and reimbursement of costs. The Assessing District shall pay reasonable compensation to the Designated Assessor, and be responsible to pay the reasonable costs incurred by the County Designated Assessor in serving as the Assessing District's Assessor of record, including, but not limited to, the cost of overseeing and administering the annual assessment, preparing and defending the assessment roll, costs incurred in appeals to the Michigan Tax Tribunal (i.e., appraisal costs, expert witness fees and attorney fees), and operating the assessing office (including employment of additional staff necessary to bring the Assessing District into compliance).

The County Board of Commissioners is obligated to appropriate not less than 90% of the fees paid by an Assessing District to the Equalization Department over and above its standard appropriation for the overall operation of the department based on present and standard operation. Failure to do so shall be cause for termination of this agreement.

**INDEPENDENT CONTRACTOR**

At all times and for all purposes under this Agreement, the relationship of MANISTEE County to the Assessing District shall be that of an independent contractor. The Designated Assessor shall be and remain an employee of MANISTEE County. The MANISTEE County Equalization Director may direct, supervise, and discipline staff of Equalization Department while employed by MANISTEE County and those employees may be directed to assist Assessing Districts as needed.

This interlocal agreement shall become effective upon the execution hereof by the parties hereto.

COUNTY OF MANISTEE

  
\_\_\_\_\_  
Jeff Dontz, Chairperson

County Board of Commissioners

11/18/2020  
\_\_\_\_\_  
Date

ARCADIA TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

BEAR LAKE TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

BROWN TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

CLEON TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

DICKSON TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

FILER TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

MANISTEE TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

MAPLE GROVE TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

MARILLA TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

NORMAN TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

ONEKAMA TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

PLEASANTON TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

SPRINGDALE TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

STRONACH TOWNSHIP

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

CITY OF MANISTEE

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

DESIGNATED COUNTY ASSESSOR

\_\_\_\_\_

\_\_\_\_\_

Date

[Addendum]

**RESOLUTION NO. 2020-\_\_\_**

**RESOLUTION OF THE CHARTER TOWNSHIP OF FILER BOARD OF TRUSTEES PURSUANT TO RESOLUTION NO. 2001-06A and 1954 P.A. 188, AS AMENDED, REDETERMINING THE TOTAL COSTS OF SERVICES FOR THE YEAR 2021 AND DIRECTING THE SUPERVISOR TO EXTEND SUCH COSTS UPON THE HORIZON POINTE SPECIAL ASSESSMENT ROLL**

**WHEREAS**, the Board of Trustees (“Board”) of the Charter Township of Filer, Manistee County, Michigan (“Township”) by Resolution 2001-06A, adopted, on the 19<sup>th</sup> day of April, 2001, established the Horizon Pointe Special Assessment District within the Township, to provide for the purchasing and housing of fire and rescue equipment and the operation of such equipment (the “Services”); and

**WHEREAS**, Resolution 2001-06A provides for a periodic redetermination of the cost of the Services without a change in the Horizon Pointe Special Assessment District boundaries; and

**WHEREAS**, Resolution 2001-06A provides that such redetermination of costs should be made annually, on or before the 1st day of December; and

**WHEREAS**, the Board approved the Horizon Pointe Special Assessment Roll at a meeting held on May 21, 2001.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Resolution 2001-06A, and Section 7(1) of 1954 P.A. 188, as amended, being MCL 41.727(1); MSA 5.2770(57)(1), the Board hereby finds and determines that the total costs of the Services to be levied, effective as of the 1st day of January, 2021, is \$7,333.95 which amount shall be assessed according to the formula set forth in Resolution 2001-06A.

**BE IT FURTHER RESOLVED**, that the Supervisor extend the costs of the Services for the year 2021 upon the Horizon Point Special Assessment Roll, approved and confirmed by the Board on May 21, 2001.

**THOSE VOTING IN FAVOR:**

**THOSE VOTING AGAINST:**

**THOSE ABSENT OR ABSTAINING:**

**RESOLUTION DECLARED PASSED.**

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Shirley Ball, Clerk

CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, do hereby **CERTIFY** that the foregoing is a true and correct copy of Resolution No. 2020-\_\_\_ adopted by the Board of Trustees of the Charter Township of Filer at a regular meeting thereof duly called and held on the 1st day of December, 2020.

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Shirley Ball, Clerk

**PLEASE DELIVER AND INCLUDE IN THE PREP FOR THE DEC. 1 BOARD MEETING**

To: FILER TOWNSHIP BOARD OF TRUSTEES and Terry Walker, Supervisor

Subject: FACTS RATHER THAN FICTION

November 25, 2020

Dear Trustees and Supervisor Walker:

I understand that the township has been given false information pertaining to the short term rental activity at my house at 2312 Red Apple Rd. Like Paul Harvey, I would like to tell the rest of the story and set the record straight in the hopes that the Board will consider both sides of the story before making decisions on the current STR ordinance. Please keep in mind that these decisions will impact all STR owners in the township in a very punitive way. At a minimum, I am asking to postpone decisions at the December Board meeting about the STR ordinance until all sides of the story are fully understood by truly listening to key stakeholders presenting facts to the township.

Regardless of what you have heard from our neighbors, these are the FACTS:

1. **Our retirement home:** We bought our house (2312 Red Apple Rd) as our family vacation and future retirement home almost 9 years ago, when we worked and lived downstate. We still plan to retire here, and we have been paying our non-homestead taxes since then and not asking anything of the township. We have been beautifying our property over the years to complement the overall neighborhood, always keeping the community character in mind. In 2017 my husband was transferred to Atlanta, which does not allow us to come to Manistee as often as we would like.

*It is my understanding that you have been told that we bought our house solely to rent, to "make big bucks" and to destroy the serene character of the community forever. One might ask, why would I not have rented for the past 8 years if that was my true intention? To the contrary, it was with a heavy heart we decided to rent our house this past summer for the very first time ever in order to defray some of our annual non-homestead tax and upkeep costs until we can begin our retirement.*

2. **Rental weeks:** In 2020 out of 52 weeks we rented for 6 weeks which is barely 12% of the entire year. That's about what we needed to cover our non-homestead taxes, insurance, and basic maintenance.

*It is my understanding that the township has been repeatedly told by members of the Borenitsch and Brunner households, that we rented 12 weeks and earned over \$8,000 / week, which are both inaccurate. They imply that we are just another greedy, corporate renting machine with no tie to the neighborhood - complete and total gross exaggerations! I can prove the number of weeks rented with official contracts including payments from VRBO – real facts, not lies.*

3. **Utmost Care and responsibility:** We gave a heads-up to our neighbors before the first renters arrived. I assure you we screened our guests thoroughly and as a result are a premier partner of VRBO with a 5 star rating, the highest possible rating - after all this is our retirement home!

*We and our renters were met with obsessive hysteria and terrorizing behavior the first day of our rental guest arriving.*

1. *We were **falsely reported** to the COVID police mid-June. The stay at home order had expired when our first guests arrived. **FACT.***

- II. We were **falsely reported** for not having a STR license. The Filer STR ordinance exempts two weeks per year. All license requirements were fulfilled before the two weeks expired. **FACT.**
- III. We were **threatened and stalked** with unsettling text and email messages which I am attaching just a couple of these as an example. **FACT.**
- IV. Jan Borenitsch trespassed through her own "crime tape" strung between our two properties as a sign to keep us and our guests off her property. She came uninvited into our yard to angrily tell our guest and her family that they were staying at our house illegally and would be "removed by the sheriff in 30 minutes", when in fact Jan Borenitsch had a copy of our STR license. She instilled terror and fear in our guests who did nothing wrong, and simply wanted to have a quiet vacation on Lake Michigan. Thankfully, our guest was an attorney and not easily bullied. She called us and we called the Manistee Co Sheriff's Office, asking them to visit Jan to discuss her trespassing on our property and verbally abusing our guests. That is on record with the Sheriff's office **FACT.**

4. **Detailed record keeping.** Our rental contracts clearly state limits to the number of people allowed to stay in our home. Each contract is signed by the responsible party and confirmed by phone after the guests arrive. At no time during our rental season did we have more than 9 people at our place.

*It is my understanding that the township has been told that we had a group of more than a dozen people and cars at our property this summer. This is a **false** statement. We were here ourselves and also saw this big group on the beach, which was actually a multi-generational family of property owners from just south of us. We saw them cheerfully walking along the waterline, then stopping momentarily in front of the Borenitsch house. They appeared to enjoy skipping stones and playing catch for perhaps five minutes. They looked up the bluff to see Jan Borenitsch taking pictures of them from her deck. We can identify this neighborhood family – these people were not our renters! **FACT.***

I truly hope you will pick up the phone to speak with me and my family as we are losing trust in your ability to justly govern the township with consideration for both full and part time residents. Residents who have invested in this community and the township — people who want to be here — people who want to improve the community quietly, with respect and a character of transparency, fairness, and honesty.

We plan to retire here and we have been good residents for almost 9 years. We don't mean any harm to anybody. I need my township leaders to show that they are truly and unbiasedly listening to all key stakeholders, especially if there is reasonable doubt that the information received thus far is either incorrect, misunderstood, or an outright lie.

Sincerely,

Beate Stumpe  
313.515.0767