

Approved, as corrected, 11-3-15

**DELTA COUNTY BOARD OF COMMISSIONERS MEETING  
October 20, 2015**

Escanaba, Michigan

A Regular meeting of the Delta County Board of Commissioners was held this date, pursuant to the following call:

October 15, 2015

The Honorable Members of the Delta  
County Board of Commissioners

Dear Commissioners:

A Regular Meeting of the Delta County Board of Commissioners is scheduled for Tuesday October 20, 2015, at 5:15 p.m. in the Boardroom of the Delta County Service Center.

Sincerely yours,  
Nancy J. Kolich  
Delta County Clerk

ROLL CALL

PRESENT: Commissioners Harrington, Johnson, Malnar, Moyle, and Rivard.

EXCUSED: None.

The meeting was called to order at 5:15 p.m. in the Boardroom of the Delta County Service Center of the Delta County Courthouse by Delta County Clerk, Nancy Kolich.

V. APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by Commissioner Rivard and seconded by Commissioner Moyle to approve the minutes of the October 13, 2015 meeting. MOTION CARRIED.

VI. APPROVAL OF AGENDA

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve the agenda as presented. MOTION CARRIED.

VII. PRESENTATION OF WRITTEN COMMUNICATIONS

- A. Received: No communications were received.
- B. Forwarded: No communications were forwarded.

Approved, as corrected, 11-3-15

VIII. PUBLIC COMMENT ON AGENDA ITEMS

Cristi Currie, Garden Township, addressed the Board with her concerns regarding the Garden Wind Turbines.

James Dalgord, Fairbanks Township, addressed the Board with his concerns regarding the Garden Wind Turbines.

Sue Rochefort, Garden Township, addressed the Board with her concerns regarding the Garden Wind Turbines.

Jill Meloni, Garden Township, addressed the Board with her concerns regarding the Garden Wind Turbines.

Jason Fues, Garden Township, addressed the Board with his concerns regarding the Garden Wind Turbines.

Rick Wilson, Traverse City, Heritage Wind Farms, addressed the Board with his concerns regarding the Garden Wind Turbines.

Marty LaGina, President of Heritage Wind Farms, addressed the Board with his concerns regarding the Garden Wind Turbines.

Lori Gembel, Fayette, addressed the Board with her concerns regarding the Garden Wind Turbines.

Marlene Winter Johnson, Garden Township, addressed the Board with her concerns regarding the Garden Wind Turbines.

X. COMMITTEE REPORTS:

1. Administrator's Report.

Updates: Preliminary expectations for FY15 ended with more than a \$200,000 surplus.

Supervisor training on Wednesday October 28 at 1:00 p.m.

Have had two negotiations with Teamsters. District Court negotiations begin on October 29<sup>th</sup>. Road Patrol negotiations will be starting soon also.

Dark Store forum October 27 at 7:00 p.m. at Bay College.

Phil Strom, Prosecuting Attorney - update on early Parole releases, many being released in Escanaba. 11 prisons, farms have been closed since 2005. Opportunist landlords in the Escanaba area with minimally maintained properties have contracted with the Department of Corrections to house these parolees. Resolution language for the City of Escanaba and for the Board of Commissioners.

Moved by Commissioner Rivard and seconded by Commissioner Moyle to adopt the Resolution Opposing HB 4138 as presented by Prosecutor Strom, to be sent to the Governor, Senate, House and the other U.P. counties. MOTION CARRIED.

2. Building and Grounds minutes of 10-14-15.

Moved by Commissioner Rivard and seconded by Commissioner Moyle to receive the Building and Grounds minutes of 10-14-15 and place on file. MOTION CARRIED.

X. GENERAL ORDERS OF BUSINESS

A. UNFINISHED BUSINESS

1. Jail.

Tabled.

2. Wind Turbine.

Moved by Commissioner Rivard and seconded by Commissioner Harrington to change the amendment to the Zoning Ordinance, 76-2 regarding wind turbine setbacks from State and Federal Land to 1.5 times the height of the turbine.

ROLL CALL	MALNAR	YES
	JOHNSON	YES
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

Moved by Commissioner Rivard and seconded by Commissioner Malnar to change the amendment to the Zoning Ordinance, 76-2 regarding wind turbine setbacks from State Parks to 1.5 times the height of the turbine.

ROLL CALL	MALNAR	YES
	JOHNSON	YES
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

Moved by Commissioner Malnar and seconded by Commissioner Harrington to change the amendment to the Zoning Ordinance, 76-2 regarding wind turbine setbacks from Commercial and Industrial properties and Roadways and Rightaways to 1.5 times the height of the turbine.

ROLL CALL	MALNAR	YES
	JOHNSON	NO
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

Moved by Commissioner Johnson and seconded by Commissioner Harrington to change the amendment to the Zoning

Approved, as corrected, 11-3-15

Ordinance, 76-2 regarding wind turbine setbacks from Participating Property dwellings from 1000 feet to 1.1 times the height of the turbine.

ROLL CALL	MALNAR	NO
	JOHNSON	YES
	MOYLE	NO
	RIVARD	NO
	HARRINGTON	NO

MOTION FAILED.

Moved by Commissioner Harrington and seconded by Commissioner Moyle to set the amendment to the Zoning Ordinance, 76-2 regarding wind turbine Participating Property dwellings setbacks to 1000 feet or 1.1 times the height of the turbine, whichever is greater.

ROLL CALL	MALNAR	YES
	JOHNSON	YES
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

Moved by Commissioner Rivard and seconded by Commissioner Harrington to change the amendment to the Zoning Ordinance, 76-2 regarding wind turbine Residential setbacks to 1,640 feet from the property line for adjacent non-participating property.

ROLL CALL	MALNAR	YES
	JOHNSON	NO
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	NO

MOTION CARRIED.

Moved by Commissioner Rivard and seconded by Commissioner Malnar to change the amendment to the Zoning Ordinance, 76-2 regarding wind turbines, to require a Performance Bond as part of the decommissioning of the turbines.

ROLL CALL	MALNAR	YES
	JOHNSON	YES
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

Approved, as corrected, 11-3-15

Moved by Commissioner Harrington and seconded by Commissioner Moyle to send the amendment of the Zoning Ordinance, 76-2 regarding wind turbines, ~~back to the Planning Commission with the changes the Board has made~~ to the Administrator and Zoning Director to put the changes in writing for the Board to approve at the next meeting.

ROLL CALL	MALNAR	YES
	JOHNSON	YES
	MOYLE	YES
	RIVARD	YES
	HARRINGTON	YES

MOTION CARRIED.

#### B. NEW BUSINESS

##### 1. Payment of Bills.

Moved by Commissioner Malnar and seconded by Commissioner Moyle to approve payment of the bills in the amount of \$170,605.19 and Commissioners expenses of \$1,222.98. MOTION CARRIED.

##### 2. Discussion with Judge Parks.

Tabled.

##### 3. Veterans Service Agreement.

Moved by Commissioner Rivard and seconded by Commissioner Johnson to approve the Veterans Service Partnership Agreement with UPWARD Talent Council, as presented. MOTION CARRIED.

##### 4. Airport Operation Specialist Position.

Moved by Commissioner Johnson and seconded by Commissioner Rivard to authorize to fill the vacant position. MOTION CARRIED.

##### 5. Appointment to DATA Board (2 openings).

Tabled.

##### 6. Appointment to Soldiers & Sailors Relief Commission.

Moved by Commissioner Rivard and seconded by Commissioner Malnar to ratify the re-appointment of William LaMarch to the Soldiers and Sailors Relief Commission. MOTION CARRIED.

Approved, as corrected, 11-3-15

7. Appointment to Building Authority (5 openings).

Moved by Commissioner Rivard and seconded by Commissioner Malnar to reappoint Dennis Wiltzius, Tom Pairolero, John Winneroski, William Charon and Tom Trudgeon to the Building Authority Board. MOTION CARRIED.

8. Appointment to Board of Canvassers (2 openings).

Moved by Commissioner Rivard and seconded by Commissioner Malnar to reappoint Margaret Carignan and Sharyn Caszatt to the Board of Election Canvassers. MOTION CARRIED.

9. Appointment to Airport Board (2 openings).

Moved by Commissioner Moyle and seconded by Commissioner Malnar to reappoint Vicki Schwab and Will Carne, Jr. to the Airport Board. MOTION CARRIED.

10. Appointment to Construction and Zoning Board of Appeals (3 openings).

Moved by Commissioner Moyle and seconded by Commissioner Malnar to reappoint Harold Schermer, Mike Parrett and Russell Nelson to the Construction and Zoning Board of Appeals. MOTION CARRIED.

11. Appointment to Planning Commission (2 openings).

Tabled.

12. Community Corrections Work Release Contract.

Moved by Commissioner Rivard and seconded by Commissioner Moyle to approve the Community Corrections Work Release Contract with UPCAP, as presented. MOTION CARRIED.

XII. PUBLIC COMMENT

Tyler Lucas, Garden Township, addressed the Board with his disappointment regarding the Wind Turbine Ordinance.

James Dalgord, Fairbanks Township, addressed the Board with his disappointment regarding the Wind Turbine Ordinance.

Dave Gembel, Fayette, addressed the Board with his disappointment regarding the Wind Turbine Ordinance.

Benny Herioux, Chairman Planning Commission, addressed the Board with his concerns regarding the Wind Turbine Ordinance.

Laura Lucas, Garden, addressed the Board with her disappointment regarding the Wind Turbine Ordinance.

Approved, as corrected, 11-3-15

Lori Gembel, Fayette, addressed the Board with her disappointment regarding the Wind Turbine Ordinance.

Sue Rochefort, Garden Township, addressed the Board with her concerns regarding the Wind Turbine Ordinance.

Rory Mattson, Delta County Conservation District, addressed the Board with his concerns regarding the Wind Turbine Ordinance.

Scott Lucas, Garden Township, addressed the Board with his disappointment regarding the Wind Turbine Ordinance.

#### XIII. COMMISSIONERS CONCERNS

Commissioner Johnson: It's a process.

Commissioner Malnar: None.

Commissioner Moyle: Has listened to everyone, can call him at 906-235-8427.

Commissioner Rivard: None.

Commissioner Harrington: It's been a difficult process.

#### XIV. MEETING SCHEDULE

November 3 <sup>rd</sup>	5:15 p.m.	Board meeting.
November 17 <sup>th</sup>	5:15 p.m.	Board meeting.
December 1 <sup>st</sup>	5:15 p.m.	Board meeting.
December 15 <sup>th</sup>	5:15 p.m.	Board meeting.

#### XV. NOTICES

30 day Notice of Appointments.

#### XVI. ADJOURNMENT

Moved by Commissioner Johnson and seconded by Commissioner Moyle to adjourn at 8:29 p.m.

Respectfully Submitted,

---

Nancy J. Kolich, County Clerk

---

Mary K. Harrington, Chair