

Approved 3-1-22

**DELTA COUNTY BOARD OF COMMISSIONERS MEETING
February 15, 2022**

Escanaba, Michigan

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

February 10, 2022

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 February 15, 2022, at 5:15 p.m. in the Boardroom of the Delta County Service Center.

Sincerely yours,
Nancy J. Przewrocki
Delta County Clerk

ROLL CALL

PRESENT: Commissioners Malnar, Johnson, Nelson, Moyle, and Barron.

ABSENT: None.

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

V. APPROVAL OF MINUTES OF PREVIOUS MEETING

Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the minutes of the February 1, 2022 meeting.
MOTION CARRIED.

VI. APPROVAL OF AGENDA

Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the agenda, as amended, moving Item 15. Closed Session to Item 1. under New Business and adding item 1. Conflict of Interest to Unfinished Business moving Item 1. Solar Ordinance to Item 2. under Unfinished Business. MOTION CARRIED.

VII. PRESENTATION OF WRITTEN COMMUNICATIONS

A. Received: No Communications were received.

B. Forwarded: No Communications were forwarded.

VIII. REPORTS OF STANDING AND STATUTORY SPECIAL COMMITTEES AND OTHERS

None.

IX. PUBLIC COMMENT ON AGENDA ITEMS

Dale Schneider, Baldwin Township Clerk, addressed the Board with his concerns regarding the Solar Ordinance.

Bob Van Damme, Baldwin Township, addressed the Board with his concerns regarding the Solar Ordinance.

Barbie Clairmont, Gladstone, addressed the Board with her concerns regarding the Solar Ordinance.

Joelle Roberts, Gladstone, addressed the Board with her concerns regarding the Solar Ordinance.

Warren Bovin, Gladstone, addressed the Board with his concerns regarding the Solar Ordinance.

Rory Mattson, Cornell, addressed the Board with his concerns regarding the Solar Ordinance.

Anne Okonek, Cornell, addressed the Board with her concerns regarding the Solar Ordinance.

Peter DeHaan, Cornell, addressed the Board with his concerns regarding the County Parks.

Cooper Johnson, Inivenergy, addressed the Board with his concerns regarding the Solar Ordinance.

X. COMMITTEE REPORTS:

1. Administrator's Report.

Administrator DeSalvo gave the Board a verbal and written Administrator's report.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to receive the Administrator's Report and place on file. MOTION CARRIED.

2. Finance Committee minutes of 2-14-22.

Moved by Commissioner Nelson and seconded by Commissioner Moyle to table the Finance Committee minutes of 1-24-22 until the next meeting. MOTION CARRIED.

3. Department Updates.

- a. Airport:
- b. Building and Maintenance:
- c. Building and Zoning/Equalization:
- d. Courts/Clerk & Register of Deeds/Prosecutor:
- e. Emergency Management:
- f. Parks and Recreation:
- g. Sheriff's Department:
- h. Treasurer's Office:
- i. Veteran's Service Office:

XI. GENERAL ORDERS OF BUSINESS

A. UNFINISHED BUSINESS

1. Conflict of Interest.

Moved by Commissioner Nelson and seconded by Commissioner Malnar to request an Attorney General opinion.

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	NO
	BARRON	NO
	JOHNSON	YES

MOTION CARRIED.

2. Solar Ordinance.

Moved by Commissioner Nelson and seconded by Commissioner Malnar to table.

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	NO
	BARRON	NO
	JOHNSON	YES

MOTION CARRIED.

B. NEW BUSINESS

1. Payment of Bills.

Moved by Commissioner Moyle and seconded by Commissioner Barron to pay bills in the amount of \$ 1,144,954.37 and Commissioners expenses of \$ 824.19.

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

2. LEPC - FY 21/22 HMEP Grant Application.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve the LEPC Officer/Member Roster and the LEPC FY21/22 Hazardous Material Emergency Preparedness Grant Application, as presented. MOTION CARRIED.

3. Airport Contract and Authorization - ARFF.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve the MDOT Contract for Aircraft Rescue and Firefighting and authorize the Board Chair's signature, as presented. MOTION CARRIED.

4. Medical Examiner and Medical Examiner Investigator Contract.

Moved by Commissioner Malnar and seconded by Commissioner Nelson to table the contracts. MOTION CARRIED.

5. ARP Use of Funds - City of Escanaba Library.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve allocating \$52,256 of American Rescue Plan Funds to the City of Escanaba Library. MOTION CARRIED.

6. ARP Use of Funds - City of Gladstone Library.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to approve allocating \$42,054 of American Rescue Plan Act Funds to the City of Gladstone Library. MOTION CARRIED.

7. ARP Use of Funds - Supplies and DNA Testing.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to use \$279 of American Rescue Plan Act Funds for Supplies and \$925 for DNA Testing to reimburse the County General Fund. MOTION CARRIED.

8. ARP Use of Funds - Merit Broadband Project.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to use \$61,168.24 of American Rescue Plan Act Funds to reimburse the County General Fund for the Merit Broadband Project. MOTION CARRIED.

9. Corrections Budget Increase.

Moved by Commissioner Moyle and seconded by Commissioner Malnar to increase the Corrections Budget by \$15,842 from the General Fund. MOTION CARRIED.

10. Defined Benefit Budget Increase.

Moved by Commissioner Moyle and seconded by Commissioner Nelson to increase the Defined Benefit Budgets by \$261,259 from the General Fund. MOTION CARRIED.

11. Request for Zoning Statutes.

Moved by Commissioner Moyle and seconded by Commissioner Barron to get out of Zoning at the County level.

ROLL CALL	MALNAR	YES
	NELSON	NO
	MOYLE	YES
	BARRON	YES
	JOHNSON	NO

MOTION CARRIED.

12. Zoning Case 1-22-PC.

Case 1-22-PC, Scott and Bridget Larson, Ensign Township. Moved by Commissioner Moyle and seconded by Commissioner Barron to approve the request to rezone from Resource Production to Rural Residential, as recommended by the Planning Commission.

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

13. Delta County Conservation District Contract.

Moved by Commissioner Johnson and seconded by Commissioner Barron to request that the Conservation District Director coordinate with the Board Secretary to schedule a Committee of the Whole Meeting to discuss the Delta County Conservation District Contract. MOTION CARRIED.

14. COVID-19:

The Administrator gave a report from Mike Snyder, Delta Menominee Public Health Director, that they are moving away from

hard numbers, the trend in positive Covid numbers is declining, however, the flu numbers are up.

15. Closed Session. (Moved to Item 1.)

Moved by Commissioner Johnson and seconded by Commissioner Moyle to move into closed session at 6:55 p.m. to discuss with the County's attorney approval of settlement in the pending lawsuit of *Kurtis Kobasic v. Delta County and Lauren Wickman*, Case No. 2:20-cv-113-RJJ-MV, pursuant to MCL 15.268(e) as a discussion on the open record would be detrimental to our position, and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g) and MCL 15.268(h).

ROLL CALL	MALNAR	YES
	NELSON	YES
	MOYLE	YES
	BARRON	YES
	JOHNSON	YES

MOTION CARRIED.

Moved by Commissioner Johnson and seconded by Commissioner Moyle to reconvene into regular session at 7:05 p.m. wherein we discussed with the County's attorney approval of settlement in the pending lawsuit *Kurtis Kobasic v. Delta County and Lauren Wickman*, Case No. 2:20-cv-113-RJJ-MV, pursuant to MCL 15.268(e) as a discussion on the open record would have been detrimental to our position, and also discussed material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g) and MCL 15.268(h).
MOTION CARRIED.

No actions were taken during executive session.

Moved by Commissioner Johnson and seconded by Commissioner Barron to approve the settlement in the case of *Kurtis Kobasic v. Delta County and Lauren Wickman*, Case No. 2:20-cv-113-RJJ-MV. MOTION CARRIED.

XII. PUBLIC COMMENT

Renee Richer, Escanaba Township, addressed the Board with her concerns regarding the conflict of interest regarding the Solar Ordinance.

Steve Wery, Gourley Township, addressed the Board with his concerns regarding zoning - very hard to enforce.

Pete DeHaan, Baldwin Township, addressed the Board with his concerns regarding zoning.

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Dan Menacher, Building and Zoning Director, addressed the Board with his concerns regarding the process to rescind the Zoning Ordinance.

XIII. COMMISSIONERS CONCERNS

Commissioner Malnar: None.

Commissioner Nelson: Julie Moberg will give a presentation on the homeless in Delta County at the next meeting. The State lost the paperwork for the \$160,000 for the emergency addressing signs, paperwork was resubmitted.

Commissioner Moyle: We will still have the Planning Commission.

Commissioner Barron: MAC Conference in Lansing in March, looking at attending. Quarterly meeting with UPCAP - implicit bias DEI.

Commissioner Johnson: None.

XIV. MEETING SCHEDULE

March 1 st	5:15 p.m.	Board meeting at the Service Center & Zoom.
March 15 th	5:15 p.m.	Board meeting at the Service Center & Zoom.

XV. NOTICES

30 day notice of appointments:

XVI. ADJOURNMENT

Moved by Commissioner Moyle and seconded by Commissioner Barron to adjourn at 8:01 p.m.

Respectfully Submitted,

Nancy J. Przewrocki, County Clerk

Patrick Johnson, Board Chair