

JONESFIELD TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
May 20, 2020

- I. Virtual meeting called to order 7:00 pm
Present: R. Bluemer, M. Kenny, M. Keenan, J. Siler, K. Nock
Absent: None
- II. Pledge of Allegiance
- III. Review & Approval of minutes from January 14, 2020 meeting
Motion to approve with correction on item XIV: J. Siler
Support: K. Nock
Motion passed
- IV. Additions to the agenda - None
- V. Public Comment
T. Morrison asked if a proposal had been discussed yet. Answer no, due to no permit applications have been received yet.
L. Tibbits (Twp. Supervisor) * Sent thanks out to John Siler as this is his last meeting with the Planning Commission due to retiring. Mark Gath will be taking his place.
*There was discussion about Conflict of Interest with Fahey Schultz Burzych Rhodes (Fahey) and DTE at Monday, May 18, 2020 township meeting. Larry contacted Chris Patterson from Fahey. Chris does not believe there is any conflict. There are other attorneys in the office that work with electric companies, including DTE, but with no affiliation to wind energy projects.
- VI. Planning Commission member changes - John Siler leaving in June, Mark Gath to replace. Mike Kenny will remain for another 3 year term.
- VII. Jim Gray - Code Enforcement/Zoning Report
 - a. Previous complaints expected to be resolved soon.
 - b. Nothing new brought to his attention. There were a couple building/structure issues that have been turned over to George Kipfmiller.
- VIII. Review and approval of Engineering Proposals for Wind Energy Project (Mike Kenny asked several questions to each company represented at this meeting. Responses are given for each company.
 - a. CMS&D.
 - i. Tim Bebee is the project manager and owner. He started the company in 2000. There are offices in Mt. Pleasant and Bay City. CMS&D has done survey and layout work for 4 wind projects. He has worked as a consultant on a wind turbine project from electrical to road construction. Zoning Administrator for Chippewa. Has helped a couple townships write an ordinance. Worked for Spicer Group for approx. 12 years many years ago. They can handle most things in-house, other than the mapping with GIS. When asked about roads, utility structures, conflict resolution, etc. He responded that they could handle most anything we need. For some

items it would not make sense to pay an engineering firm for things that DTE would already be handling. Believes it will be difficult to make many regulations through special use permit with current wind ordinance.

b. OHM

- i. Steve Warren (26 yrs municipal engineer)/Troy Feltman are project managers. OHM has been around since 1962. They have offices in Mt. Pleasant, Saginaw and Midland with 500 employees.. They handle quality assurances and quality controls. OHM does mostly contractor oversight. They have troubleshooted farm drainage, verified structures and steel, etc. for 7 wind farm projects. They have not worked on the planning side of special use permits, site planning, etc. Troy has had some site planning experience as a city manager. OHM had a list of exclusions that were not included in their quote. COVID 19 is not stopping their work at this point.

c. Spicer Group

- i. Alan Bean is the Senior Project Planner. They are based in Saginaw, with offices in St. Johns, Dundee and Manistee with 200 employees. They have worked in Huron, Tuscola, Gratiot and Isabella Counties. Their focus is to serve planning commissions in preparation for wind projects. Alan and his associate Jennifer Stewart, are both Certified Planners. They presented a very thorough proposal of steps to prepare for meetings, planning and site reviews, permits and zoning adherences by applicant (DTE). Alan suggests using the special use permit to make applicant adhere to certain standards that ordinance does not cover. He has worked with township dealing with lawsuit issues.

d. Planning Commission responses

- i. M. Kenny would support Spicer or CMS&D. Would like to delay for new ordinance.
- ii. M. Keenan like that OHM talked about tiling issues, but believes we have an insufficient ordinance and our hands will be tied. He could support any of the 3 choices.
- iii. J. Siler thought Spicer group may have been against the turbines due to issues township had with previous consultants with Spicers during wind ordinance preparation.
- iv. D. Bluemer commented on OHM being the largest, but not involved in the planning side. They also had a list of exclusions. CMS&D had good experience, but with small size was concerned they may not be readily available for us. They also would have to hire out the GIS portion. Spicers has most experience with certified planners. They will attend all of our meetings. There is some bad taste from previous experience with Spicer.
- v. K. Nock had mostly all the same feelings as shared by D. Bluemer other than concern from previous Spicer experience.

- vi. Jim Gray commented that OHM and CMS&D are mostly engineering firms. Spicer is pro township and is set up to help with zoning and planning.
- e. Further Discuss
 - i. On Monday, May 18th the township board discussed having a fee per turbine that could cover the cost of the project rather than setting up a fund from DTE. D. Bluemer contacted Gratiot County, Porter Twp and Mt. Haley Twp. Only Gratiot Co had a schedule of fees. They charge \$10/ft. From the ground to the turbine hub. At a hub height of 425', the fee would be \$4250.
 - ii. M. Kenny wondered who will worry about conflict resolution, decommissioning, etc. along with concerns of limitations due to current ordinance.
 - iii. D. Bluemer commented on the letter Matt Wagner from DTE sent outlining their minimum guidelines for wind turbines. These numbers are more in line with the previous ordinance that was turned down.
- f. A motion was made by K. Nock to select Spicer Group as the engineering firm to move forward with for the wind project. Supported by J. Siler. Roll call vote: Siler - Yes, Kenny - Yes, Keenan - Yes, Bluemer - Yes, Nock - Yes. Motion passed

IX. Discussion of Law Firm for wind project

a. Not the planning commissions responsibility to choose. Township currently uses Fahey Schultz Burzych Rhodes. L. Tibbits spoke with Chris and has documentation regarding any conflict of interest with DTE. Copy of letter can be found with township minutes.

X. Wind Timeline Update

a. DTE will have application for special use to the township within the first two weeks of June.

b. No sooner than 30 days after application has been received, a public hearing must be held. The next planning commission meeting is scheduled for July 14, 2020 which will meet that criteria. Currently we are unable to meet publicly until June 30th due to COVID 19.

c. The planning commission has 60 days after the public hearing to decide whether the application will be granted, granted with conditions or denied. A complete list of posting timelines can be found in chapter 6 of the zoning ordinance.

d. M. Kenny wants to make sure that the public hearing can be in person. M. Kenny made a motion to place a 90 day moratorium on receiving the permit application from DTE to review ordinance and to make sure a public meeting can be held face-to-face. M. Keenan supported. D. Bluemer discussed Chapter 6 Section 602 in zoning ordinance. Roll call vote was held: Keenan - Yes, Kenny - Yes, Nock - No, Bluemer - No, Siler - No. Motion fails

XI. New Business - None

XII. Old Business - K. Nock inquired about the completion of the Master Plan with the village. D. Bluemer will schedule a special meeting in June to complete this prior to upcoming wind application permit receipt.

XIV. Extended Public Comment -

R. Siler believes a moratorium can be put on non-essential meetings, which she also believes the public hearing for the special use permit would be. People have raised concerns

about an inadequate ordinance. Some places are not accepting special use permits for non-essential items.

Emily Palacios (DTE Outside Consultant) suggested the township consult with an attorney prior to attempting a moratorium. Several moratoriums have been challenged recently due to COVID.

T. Morrison heard from an engineering firm and zoning administrator that current ordinance is not sufficient. Would permit restrictions would not be strong enough to hold DTE accountable? Could twp board lose control over project? Asked for specific commission members to voice their reasons for not supporting a moratorium because he feels commission is being time pressured. He requested the letter from Matt Wagner be reposted on township website for review.

M. Kenny asked Emily Palciao about moratorium actions.

R. Siler wants a resolution made by commission for a moratorium to put permit on hold.

Unnamed caller commented that it is a state law under the Zoning Inability Act that an ordinance cannot be redone if it meets all regulations. Board cannot refuse to receive an application for a permit when the applicant is ready to turn it in.

XV. Next regular meeting - July 14, 2020 at 7:00 pm. There will be a special meeting in June. Date TBD.

XVI. Adjourn at 9:53

Motion: J. Siler

Support: M. Kenny

Motion passed