

FOWLER VILLAGE COUNCIL



President
Vernon J. Thelen
President Pro-Tem
David Klein
Trustees
Roy Smith
John Childers
Mike Porter
Rick Fink
Greg Halfmann

Treasurer
John C. Rademacher
Clerk
Rhonda Feldpausch
DPW Employees
Vern Feldpausch
Brad Smith

DATE: APRIL 14, 2014

The Fowler Village Council met Monday, April 14, 2014 at 7:00 PM with President Thelen presiding.

PLEDGE OF ALLEGIANCE AND ROLL CALL

The pledge of allegiance was given to the flag. Roll was called and a quorum reported. Present were: Rick Fink, David Klein, Roy Smith, Mike Porter, Greg Halfmann, John Rademacher, John Childers, and Rhonda Feldpausch. Absent: None.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

Arden Pierson, Ken and Kathy Farley. And Sean McHugh – Granger Container.

AGENDA

BOARD ACTION: Trustee Klein moved, supported by Trustee Fink, to approve the agenda as presented. Motion carried.

MINUTES

BOARD ACTION: Trustee Fink moved, supported by Trustee Porter, to approve the minutes of the March 10, 2014 meeting as presented. Motion carried.

BILLS

BOARD ACTION: Trustee Fink moved, supported by Trustee Klein, to approve payment of \$49,527.32 from the General Fund, \$1,785.20 from the Water O & M Fund, \$1,785.20 from the Sanitary O & M Fund and \$361.00 from the Major Street Fund. Motion carried.

ZONING PERMITS

BOARD ACTION: Trustee Fink moved, supported by Trustee Childers, to approve Zoning Permit #RD 2014-01 presented by Dennis and Kathy Feldpausch. Motion carried.

CLINTON COUNTY SHERIFF

Sergeant Kyle Knight was not present.

TREASURER REPORT

BOARD ACTION: Trustee Fink moved, supported by Trustee Childers, to accept the Treasurer's report as presented. Motion carried.

PLANNING COMMISSION

BOARD ACTION: Trustee Fink moved, supported by Trustee Childers, to accept the minutes of the February 10, 2014 meeting. Motion carried.

DPW REPORT

Vern Feldpausch reported on the following issues:

- Clean and store winter equipment
- Spring clean parks
- Meter replacements
- Cell #2 sampling and discharge
- Water reliability study completed
- DEQ inspections
- Tree removal
- Sewer manhole inspections
- Finish grade from last fall
- Crack sealing water sampling – 2014 requirements

DOWNTOWN REVITALIZATION PROJECT

Work in progress.

INSURANCE CLAIM

Tom French – Farm Bureau Insurance and First Merit Bank submitted bills regarding a sanitary sewer back up occurrence. The recommendation from Michigan Municipal Liability and Property Pool is to deny the claim because there was no indication of equipment failure.

BOARD ACTION: Trustee Klein moved, supported by Trustee Childers, to deny the insurance claim presented by Farm Bureau Insurance and First Merit Bank. Motion carried.

STREET RESOLUTION

Action on the proposed street resolutions will take place after the Land Division and Subdivision Ordinance Amendments have been approved.

SUBDIVISION AND LAND DIVISION ORDINANCE AMENDMENTS

BOARD ACTION: Trustee Fink moved, supported by Trustee Klein, to hold a Special Meeting and Public Hearing in early May to address the proposed Subdivision and Land Division Ordinance Amendments and to bill Community Developers, Inc. for the meeting. Motion carried.

GRANGER CONTAINER CONTRACT

BOARD ACTION: Trustee Fink moved, supported by Trustee Smith, to approve the Granger Container Contract which increases service costs to \$27.00/quarter for Curby Service and \$21.00/quarter for bag service and is effective through September 2019. Motion carried.

CUB SCOUT PROJECTS

Russ Tiedt has asked for suggestions for Cub Scouts service projects. The two options discussed were Rails-to-Trails clean up and Victor Street Park improvements. Rhonda Feldpausch will contact Russ with the ideas.

CLINTON AREA AMBULANCE AUTHORITY BUDGET

BOARD ACTION: Trustee Smith moved, supported by Trustee Halfmann, to accept the revised Clinton Area Ambulance Authority budget of \$57,078 Income and \$93,783.40 Expense. Motion carried.

FLOODING PROBLEM

BOARD ACTION: Trustee Smith moved, supported by Trustee Klein to approve the following petition and resolution:

PETITION FOR CLEANING OUT, RELOCATING, WIDENING, DEEPENING, STRAIGHTENING, TILING, EXTENDING, ADDING BRANCHES, AND CONSTRUCTING DETENTION BASINS FOR A COUNTY DRAIN

To the County Drain Commissioner of the County of Clinton:

Petitioner hereby petitions for cleaning out, relocating, widening, deepening, straightening, tiling, extending, adding branches, and constructing detention basins of the drain known and designated as the Waltz and Sturgis Drain, located and established in the Township of Dallas, and the Village of Fowler, in the County of Clinton, State of Michigan.

The petitioner is a city, village or township and this petition has been authorized by its governing body, as evidenced by the attached resolution. The petitioner is a municipality which will be liable to assessments at-large for at least a percentage of the total amount to be assessed for the cost of the proposed drain.

Your petitioners further show that the said drain needs cleaning out, relocating, widening, deepening, straightening, tiling, extending, branches added, and construction of detention basins for the reason that structures within the Village have nearly flooded and have flooded with some regularity during intense precipitation and snowmelt events.

The said cleaning out, relocating, widening, deepening, straightening, tiling, extending, adding branches, and construction of detention basins of such drain is necessary and conducive to the public health, convenience, or welfare of the Village of Fowler.

VILLAGE OF FOWLER
Resolution #2014-01
RESOLUTION TO FILE COUNTY DRAIN PETITION
WALTZ & STURGIS DRAIN

At a regular meeting of the Board of Trustees for the Village of Fowler, County of Clinton, State of Michigan, held in said Village on the 14th day of April, 2014, at

7:00 P.M.

Present: R. Smith, J. Childers, G. Halfmann, M. Porter, V. Thelen, R. Fink, D. Klein

Absent: None

The following resolution was offered by R. Smith and seconded by D. Klein. Whereas, lands within the Village of Fowler have experience flooding along the Waltz & Sturgis Drain, and the Village recognizes that it is necessary for the public health, convenience, and welfare to maintain and improve the Waltz & Sturgis Drain, pursuant to Chapter 8 of Public Act 40 of 195, as amended; and WHEREAS, The Clinton County Drain Commissioner has directed an engineer to evaluate existing conditions and provide conceptual recommendations to alleviate the flooding; and

WHEREAS, the engineer has recommended that detention in the upper portion of the watershed will be necessary to reduce or eliminate flooding; and WHEREAS, pursuant to Chapter 8 of Public Act 40 of 195, as amended, the Village may make a petition in writing to the Drain Commissioner setting forth the necessity of the proposed work; and

WHEREAS, lands to be benefited by the improvement of the drain are within the Village of Fowler; and

WHEREAS, the Village recognizes that it will be subject to assessment to pay for a percentage of the costs of the drain at-large.

NOW, THEREFORE BE IT RESOLVED THAT, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, a Petition For *Locating, Establishing and Constructing a Drain or Drains* is authorized to be executed by the Village of Fowler, and that the President and Clerk are authorized to sign all documents necessary to effectuate the intent of this application.

BE IT FURTHER RESOLVED THAT, the Clerk shall forward to the Clinton County Drain Commissioner a copy of this Resolution and file the Petition to *Locate, Establish, and Construct a Drain*, as permitted under Public Act 40 of 1956, as amended.

ADOPTED: YEAS: 7

Nays: 0

The Resolution was declared and adopted.

Motion carried.

BOARD ACTION: Trustee Fink moved, supported by Trustee Childers, to approve the following petition and resolution:

PETITION FOR CLEANING OUT, RELOCATING, WIDENING, DEEPENING, STRAIGHTENING, TILING, EXTENDING, AND ADDING BRANCHES FOR A COUNTY DRAIN

To the County Drain Commissioner of the County of Clinton:

Petitioner hereby petitions for cleaning out, relocating, widening, deepening, straightening, tiling, extending, and adding one or more branches of the drain known and designated as the Fowler Extension No. 2 Drain, located and established in the Townships of Lebanon and Dallas, and the Village of Fowler, in the County of Clinton, State of Michigan.

The petitioner is a city, village or township and this petition has been authorized by its governing body, as evidenced by the attached resolution. The petitioner is a municipality which will be liable to assessments at-large for at least a percentage of the total amount to be assessed for the cost of the proposed drain.

Your petitioners further show that the said drain needs cleaning out, relocating, tiling, and adding one or more branches for the reason that the existing tile is in poor condition, undersized, and is constructed underneath buildings, and that an existing private ditch running along the south side of the abandoned railroad should be maintained as a county drain as it serves as an outlet for storm water from M-21 and other lands within the Village.

The said cleaning out, relocating, tiling, and adding one or more branches of such drain is necessary and conducive to the public health, convenience, or welfare of the Village of Fowler.

VILLAGE OF FOWLER
Resolution #2014-02

RESOLUTION TO FILE COUNTY DRAIN PETITION
FOWLER EXTENSION NO. 2 DRAIN

At a regular meeting of the Board of Trustees for the Village of Fowler, County of Clinton, State of Michigan, held in said Village on the 14th day of April, 2014, at 7:00 P.M.

Present: R. Smith, J. Childers, G. Halfmann, M. Porter, V. Thelen, R. Fink, D. Klein

Absent: None

The following resolution was offered by R. Fink and seconded by J. Childers. Whereas, lands within the Village of Fowler have experience flooding near the Fowler Extension No. 2 Drain, and the Village recognizes that it is necessary for the public health, convenience, and welfare to maintain and improve the Fowler Extension No. 2 Drain, pursuant to Chapter 8 of Public Act 40 of 195, as amended; and

WHEREAS, The Clinton County Drain Commissioner has directed an engineer to evaluate existing conditions and provide conceptual recommendations to alleviate the flooding; and

WHEREAS, the engineer has recommended that the existing drainage tile between the abandoned railroad and Second Street should be relocated and enlarged; and

WHEREAS, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, the Village may make a petition in writing to the Drain Commissioner setting forth the necessity of the proposed work; and

WHEREAS, lands to be benefited by the improvement of the drain are within the Village of Fowler; and

WHEREAS, the Village recognizes that it will be subject to assessment to pay for a percentage of the costs of the drain at-large.

NOW, THEREFORE BE IT RESOLVED THAT, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, a Petition For *Cleaning Out, Relocating, Widening, Deepening, Straightening, Tiling, Extending, or Adding Branches For A County Drain* is authorized to be executed by the Village of Fowler, and that the President and Clerk are authorized to sign all documents necessary to effectuate the intent of this application.

BE IT FURTHER RESOLVED THAT, the Clerk shall forward to the Clinton County Drain Commissioner a copy of this Resolution and file the Petition to *Clean Out, Relocate, Widen, Deepen, Straighten, Tile, Extend, or Add Branches* as permitted under Public Act 40 of 1956, as amended.

ADOPTED: YEAS: 7

Nays: 0

The Resolution was declared and adopted.

Motion carried.

CORRESPONDENCE

Mikayla Piggott
Goose Creek Farms
Scrappin for Survivors

10 MINUTE OPEN DISCUSSION

None.

ADJOURNMENT

BOARD ACTION: Trustee Klein moved, supported by Trustee Childers, to adjourn the meeting. Motion carried

Meeting adjourned at 8:45 PM.

Rhonda Feldpausch, Village Clerk