



President
Vernon J. Thelen
President Pro-Tem
David Klein
Trustees
Codi Schrauben
Brad Rhynard
Mike Porter
Rick Fink
Greg Halfmann

FOWLER VILLAGE COUNCIL

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

DATE: DECEMBER 10, 2018

The Fowler Village Council met Monday, December 10, 2018 at 7:00 PM with President Vernon J. 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: David Klein, Greg Halfmann, Brad Rhynard, Codi Schrauben, Rick Fink, Mike Porter, John Rademacher, and Rhonda Feldpausch. Absent: None.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

Daryl Hyland and Dave Pohl – Clinton County Commissioner.

AGENDA

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

MINUTES

BOARD ACTION: Trustee Fink moved, supported by Trustee Porter, to approve the minutes of the November 12, 2018 regular meeting as presented. Motion carried.

BILLS

BOARD ACTION: Trustee Porter moved, supported by Trustee Schrauben to approve payment of \$46,514.18 from the General Fund, \$4,970.67 from the Sanitary Sewer O & M Fund, \$25,000.00 from Major Street Fund and \$2,181.90 from the Water O & M Fund. Motion carried.

ZONING PERMITS

None.

CLINTON COUNTY SHERIFF

No one from Clinton County Sheriff Department was present.

COMMITTEE REPORT

None.

TREASURER REPORT

BOARD ACTION: Trustee Fink moved, supported by Trustee Rhynard, to approve the Treasurer's report. Motion carried.

PLANNING COMMISSION

Next meeting will be January 14, 2019.

DPW REPORT

Vern Feldpausch reported on the following issues:

- Summer equipment PM
- Meter replacements
- Cross connections inspections
- 2019 budget work
- Vac truck pump maintenance
- Inventory & restock
- Read meters

- Update computer files re: Consumers Confidence, Cross Connection, Bio Solids, Well Head Protection

FRAUD RISK MANAGEMENT POLICY

Work in progress.

TRAIL MAGAZINE ADVERTISEMENT

BOARD ACTION: Trustee Porter moved, supported by Trustee Klein, to decline the request from Michigan Trails Magazine regarding advertising. Motion carried.

MARIJUANA LEGISLATION

BOARD ACTION: Trustee Klein moved, supported by Trustee Rhynard, to adopt Resolution #2018-03; a resolution to adopt an amendment to the Village of Fowler Zoning Ordinance which reads as follows:

**RESOLUTION TO ADOPT AN AMENDMENT TO THE VILLAGE OF FOWLER
ZONING
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
UNDER INITIATED LAW 1 OF 2018, THE MICHIGAN REGULATION AND
TAXATION OF MARIHUANA ACT**

WHEREAS, Public Act 3 of 1895, MCL 61.1 *et seq.*, as amended, authorizes the Village to adopt ordinances that regulate the public health, safety and general welfare of persons and property and to codify such ordinances; and

WHEREAS, on November 6, 2018, Michigan voters approved Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana Act (“2018 Marihuana Act”); and

WHEREAS, among other things, the 2018 Marihuana Act makes marihuana legal under state and local law for adults 21 years of age or older, makes industrial hemp legal under state and local law, and controls the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved; and

WHEREAS, Section 6 of the 2018 Marihuana Act authorizes a municipality to completely prohibit or limit the number of marihuana establishments within its boundaries. A “marihuana establishment” under the 2018 Marihuana Act means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs; and

WHEREAS, the Village has considered the potential benefits, challenges, and costs of permitting marihuana establishments within its

boundaries and has determined that prohibiting marihuana establishments is in the best interest of the public health, safety, and welfare; and

WHEREAS, the Village wishes to adopt an ordinance prohibiting marihuana establishments within its boundaries.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to the authority granted to the Village by Public Act 3 of 1895, MCL 61.1 *et seq.*, as amended, and the Michigan Regulation and Taxation of Marihuana Act, and any other applicable statutory authority, the Council hereby adopts an amendment to the Village of Fowler Zoning Ordinance Prohibiting Marihuana Establishments Under Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act.

2. The Village Clerk is directed to prepare a supplement to the Village of Fowler Code of Ordinances that includes the Ordinance, attached as Exhibit A.

3. The Village Clerk, in accordance with MCL 66.4, shall publish either a true copy or a synopsis of the Ordinance once in a newspaper of general circulation in the Village within 15 days after adoption.

4. Any and all resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

A roll call vote on the foregoing resolution was taken and was as follows:
AYES: Schrauben, Rhynard, Halfmann, Porter, V. Thelen, Fink and Klein.
NAYS: None.
Motion carried.

ICE RINK

Weather permitting, the ice rink located at Victor Street Park will be filled.

CLINTON AREA AMBULANCE SERVICE
AUTHORITY ARTICLES OF INCORPORATION
AMENDMENTS

BOARD ACTION: Trustee Fink moved, supported by Trustee Rhynard, to approve the Clinton Area Ambulance Service Authority of Incorporation amendments which add Village of Elsie and Township of Duplain to the Authority and simplify the Authority's borrowing process. Motion carried.

DAVE POHL – CLINTON COUNTY
COMMISSIONER

Dave Pohl – Clinton County Commissioner reported on the following issues:

- Clinton County Waste Management to move to courthouse location vacated by City of St. Johns
- Continuity plan regard disastrous event
- Courthouse clock repair
- Spring clean up at Clinton County Road Commission on 4-27-2019

BUDGET MEETING DATE

Budget meeting date is December 27, 2018 at 11:00 AM.

CORRESPONDENCE

None

10 MINUTE OPEN DISCUSSION

- Budget report presented.
- Auditors, SK&T, merger with Maner Costerisan

ADJOURNMENT

BOARD ACTION: Trustee Rhynard moved, supported by Trustee Porter, to adjourn the meeting. Motion carried

Meeting adjourned at 8:05 PM.

Rhonda Feldpausch, Village Clerk