



President  
 Vernon J. Thelen  
 President Pro-Tem  
 Mike Porter  
 Trustees  
 Codi Schrauben  
 Brad Rhynard  
 Dan Schmitt  
 Rick Fink  
 Melissa Humphrey

## FOWLER VILLAGE COUNCIL

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

DATE: SEPTEMBER 13, 2022

The Fowler Village Council met Tuesday, September 13, 2022 at 7:00 PM with President Vernon J. Thelen presiding.

ROLL CALL

Roll was called, and a quorum reported.  
 Present: Dan Schmitt, Brad Rhynard, Rick Fink, John Rademacher, Melissa Humphrey, Codi Schrauben, and Rhonda Feldpausch. Absent: Mike Porter.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

None.

AGENDA

**BOARD ACTION:** Trustee Humphrey moved, supported by Trustee Schmitt, to approve the agenda presented. Motion carried.

MINUTES

**BOARD ACTION:** Trustee Rhynard moved, supported by Trustee Schmitt, to approve the minutes of the August 9, 2022 regular meeting as presented. Motion carried.

BILLS

**BOARD ACTION:** Trustee Rhynard moved, supported by Trustee Fink, to approve payment of \$49,324.53 from the General Fund, \$13,193.00 from the Local Street Fund, \$3,574.72 from the Sanitary Sewer O & M Fund, and \$14,435.99 from the Water O & M Fund. Motion carried.

ZONING PERMITS

None.

CLINTON COUNTY SHERIFF

No one present.

COMMITTEE REPORT

None.

TREASURER REPORT

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

PLANNING COMMISSION

October meeting.

DPW REPORT

Vern Feldpausch reported on the following topics:

- GPS valves and water boxes
- Lagoon valve rework transfer station
- Meter replacements
- Meter reading
- Asphaltting patches
- Finish grading Elm St. project
- Fink field lighting bids
- Lagoon dumping, first event

SITE CONDOMINIUM REGULATIONS ZONING AMENDMENT

**BOARD ACTION:** Trustee Schrauben moved, supported by Trustee Rhynard, to approve the following Zoning Ordinance Amendment regarding Site Condominium Regulations:

THE VILLAGE OF FOWLER ORDAINS:  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF FOWLER REGARDING DEFINITIONS UNDER CHAPTER 2, SECTION 2.5 AND 2.14; SITE CONDOMINIUMS UNDER CHAPTER 3, SECTION 3.28; SPECIAL LAND USES UNDER CHAPTER 5, SECTION 5.3, CHAPTER 6, SECTION 6.3, CHAPTER 7, SECTION 7.3, CHAPTER 8, SECTION 8.3 AND CHAPTER 9, SECTION 9.3, AND SPECIFIC REQUIREMENTS UNDER CHAPTER 12 SECTION 12.6. THE ORDINANCE IS AMENDED AS FOLLOWS:

**Chapter 2**

**DEFINITIONS, “C” AND “L”**

**SECTION 2.5 DEFINITIONS “C”**

**CONDOMINIUM:** A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

1. Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affect the rights and obligations of the co-owner in the condominium.
2. Condominium Lot: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
3. Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.
4. Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. Consolidating Master Deed: The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which the final amended master deed fully describes the condominium project as completed.
6. Contractible Condominium: A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
7. Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
8. General Common Element: A portion of the common elements reserved in the master deed for the use of all of the co-owners.
9. Limited Common Elements: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
10. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium sub-division plan for the project, and all other information required by Section 8 of the Condominium Act.
11. Notice of Proposed Action: The notice required in Section 71 of the Condominium Act, to be filed with the Township and other agencies.
12. Site Condominium: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

**SECTION 2.14 DEFINITIONS “L”**

**LOT:** A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision; having frontage upon an improved public or private street, and having sufficient size to comply with the site development requirements of this Ordinance.

### **Chapter 3**

#### **GENERAL PROVISIONS**

##### **SECTION 3.28 SITE CONDOMINIUMS**

The following replaces this section:

A. District Requirements: All condominium units, including single-family detached units, shall comply with the District Regulations and applicable site development standards for the zoning district in which it is located.

B. Rights-of-way and Utilities: All site condominium rights-of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.

C. Easements: All condominium subdivisions shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services (where available), including conveyance of sewage, potable water and stormwater runoff across, through, and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installation.

D. Special Land Use: In addition to the materials required by Section 12, the special land use permit application for condominium subdivisions shall include a condominium subdivision plan containing, at a minimum, the following information:

1. Project Description: A project description which describes the nature and intent of the proposed subdivision.
2. Survey Plan: A survey plan of the condominium subdivision.
3. Site Plan: A site plan showing the location, size, shape, area, and width of all condominium units.
4. Utility Plan: If applicable, a utility plan showing all sanitary sewer and water lines, and easements granted to the Village for installation, repair and maintenance of all facilities.
5. Flood Plain: Identification of any portions of the condominium subdivisions within or abutting a flood plain.
6. Streets: A street construction, paving and maintenance plan for all private and public streets within the proposed condominium subdivision.
7. Storm Drainage: A storm drainage and stormwater management plan, including all conduits, swales, drains, detention basins and other facilities.
8. Common Elements: A description of the common elements of the condominium subdivision as will be contained in the master deed.
9. Use/Occupancy Restrictions: Proposed use and occupancy restrictions as contained in the master deed.

E. All provisions of the condominium subdivision plan which are approved by the Village Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township board as a major amendment to a Special Use Permit subject to the procedures as outlines in Section 12 Special Land Uses.

F. Monuments: All condominium subdivisions which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the street.

2. All monuments used shall be made of solid iron or steel bars at least one-half (0.5)-inch in diameter and thirty-six (36)-inches long and completely encased in concrete at least four (4)-inches in diameter.

3. Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets with boundaries of the subdivision and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the subdivision and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (0.5)-inches in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8)-inches.
6. All required monuments shall be placed flush with the ground where practical.
7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18)-inches long and one-half (0.5)-inches in diameter or other approved markers.
8. The Village Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in the amount not less than twenty-five dollars (\$25.00) per monument and not less than ten dollars (\$10.00) per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a licensed professional surveyor in the State of Michigan that the monuments and markers have been placed as required within the time specified.
9. All streets, either public or private, within the condominium subdivision, shall be constructed to at least the minimum requirements of the Clinton County Road Commission's construction standards. The minimum width of the public street easement and the location of the street and required sidewalks within this easement shall be as determined by the Clinton County Road Commission. The minimum width of the private street easement shall be forty (40) feet, and the street shall be located within the easement such that a five (5)-foot wide sidewalk can be constructed along at least one (1) side of the street entirely within the easement with a minimum separation of five (5) feet between the street edge (or back of the curb) and the sidewalk edge. The width of the private street easement shall be expanded to meet this minimum street/sidewalk separation requirement as necessary, or to accommodate sidewalks on both sides of the private street, if desired.

**Chapter 5**

**R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**SECTION 5.3 SPECIAL LAND USES**

The following Special Land Use is added to this Section:

- O. Site Condominiums.

**Chapter 6**

**R-2 SINGLE, TWO, AND MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**SECTION 6.3 SPECIAL LAND USES**

The following Special Land Use is added to this Section:

- O. Site Condominiums.

**Chapter 7**

**C-1 CENTRAL BUSINESS DISTRICT**

**SECTION 7.3 SPECIAL LAND USES**

The following Special Land Use is added to this Section:

- L. Non-Residential Site Condominiums.

**Chapter 8**

**C-2 GENERAL COMMERCIAL DISTRICT**

**SECTION 8.3 SPECIAL LAND USES**

The following Special Land Use is added to this Section:

J. Non-Residential Site Condominiums.

**Chapter 9**

**I – INDUSTRIAL DISTRICT**

**SECTION 9.3 SPECIAL LAND USES**

The following Special Land Use is added to this Section:

J. Non-Residential Site Condominiums.

**Chapter 12**

**I – SPECIAL LAND USES**

**SECTION 12.6 SPECIFIC REQUIREMENTS**

The following is added and subsequent subsections are renamed accordingly:

Y. Site Condominiums

a. A traffic impact study shall be required and shall be submitted by a petitioner for a site condominium development which could generate at least one hundred (100) directional trips during the peak hour of the traffic generator, or the peak hour on the adjacent streets, or over one thousand (1,000) trips in an average day.

i. Preparer's Qualifications. A required traffic impact study shall be prepared under the direction of a traffic/transportation engineer registered in Michigan (PE) with a history of completing traffic impact studies and other traffic engineering analyses.

ii. The traffic impact study shall be submitted at the time an application is filed for a condominium subdivision.

Motion carried.

PERSONNEL POLICIES

The Personnel Committee has asked for information regard current wages, insurance costs, past compensations etc. to work towards creating procedures for employee reviews.

CAMERA SYSTEM UPGRADE

A bid was obtained for a camera system upgrade. Another bid will be acquired.

LAGOON DISCHARGE CHAMBER PROJECT  
BID

**BOARD ACTION:** Trustee Porter moved, supported by Trustee Humphrey, to approve expenses to purchase materials not to exceed \$60,000.00. Motion carried.

2022 ELECTION

Candidates were given a Write In Application for the November 8 election. Following are the candidates and their positions:

Vernon Thelen – President

Codi Schrauben – Trustee

Daniel Schmitt – Trustee

Michael – Trustee

COUNTY BROADBAND PROJECT

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Humphrey, to send a letter of support for to Clinton County for the broadband expansion grant efforts. Motion carried.

TREE PLANTING REQUEST

**BOARD ACTION:** Trustee Humphrey moved, supported by Trustee Schmitt, to approve Jake Jandernoa's request to plant an October Glory Red Maple and a Red Sunset Maple in the right of way. Motion carried.

BRUSH PILE USE

**BOARD ACTION:** Trustee Porter moved, supported by Trustee Rhynard, to deny Ryan Simon's request to use the village brush pile to discard of brush from outside village limits. Motion carried.

DAVE POHL – CLINTON COUNTY  
COMMISSIONER

Dave Pohl – Clinton County Commissioner provided the following information:

- County medical examiner services changed to Sparrow
- Clinton County Sherriff Department implementing use of body cameras
- Public Safety facility (jail) replacement
- Soil erosion ordinance amendment adoption

- Motz park sidewalk improvements
- Clinton County Drain Commissioner

CORRESPONDENCE

10 MINUTE OPEN DISCUSSION

- Conner Schrader – Field of Dream repairs
- Day care facility

ADJOURNMENT

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

Meeting adjourned at 7:51 PM.

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Rhonda Feldpausch, Village Clerk