

CITY OF CLIO
Regular Commission Meeting
Monday, December 4, 2017
6:00 p.m.

1. CALL TO ORDER/ROLL CALL

The Clio City Commission meeting was called to order by Mayor Bare at 6:00 p.m.

ROLL CALL:

Commission Members Present:

Commissioner Duane Mosher
Commissioner Robert Smith
Commissioner D. J. Williams
Commissioner Reuben Garcia
Commissioner David Fejedelem
Mayor Pro Tem Doug Vance
Mayor Bonnie Bare

Staff Present:

City Administrator, Eric Wiederhold
City Clerk, Linda Kingston
Police Chief, Rick Witham
City Treasurer, Donald Dowell
DPS Superintendent, Arnold Brown
Rowe Engineer Dean Oparka
City Attorney, Otis Stout

ABSENT: none

2. Public Comment –

1) Debbie Taylor, 202 S. Mill Street, Clio, MI 48420 – Willow Cottage

Ms. Taylor spoke on her dissatisfaction regarding the City's Insurance response. Taylor requested that the city take responsibility for the damage and cost associated with the backup. Taylor requested a special meeting be scheduled within two weeks. Attorney Stout made a recommendation to the Commissioners that a special meeting is not necessary and that the city should stand behind and support the MML Insurance claim (#100GL1701370).

The Michigan Municipal League Liability and Property Pool responded that a governmental agency's liability for personal injury or property damage resulting from a sewer back up is limited. Pursuant to MCL 691.1417, you must demonstrate the following elements to recover from a governmental agency.

- a. The government agency was an appropriate governmental agency;*
- b. The sewage disposal system had a defect;*
- c. The government agency knew, or in the exercise of reasonable diligence should have known, about the defect;*
- d. The government agency, having legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect; and,*
- e. The defect was a substantial proximate cause of the event and the property damage. MCL 691.1417(3).*

The City of Clio did not have a defect to the sanitary sewer system and thus your claim does not meet all the requirements of MCL 691.1417 (3)(a)-(e). Therefore, we respectfully deny your claim. Please contact your homeowner's insurance carrier to determine if you have coverage for this under that policy.

- 1 **3. Approval of Agenda**
2 **Motion by Mayor Pro Tem Vance, second by Commissioner Smith** to approve the agenda as
3 presented
4 **Voice Vote**
5 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Vance, Smith, Bare**
6 **Voting No: None**
7 **Absent: None**
8 **Motion Carried**
9
- 10 **4. Approval of Minutes**
11 **Motion by Commissioner Smith, second by Commissioner Mosher** to approve the
12 November 20, 2017 regular Commission meeting minutes
13 **Voice Vote**
14 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Vance, Smith, Bare**
15 **Voting No: None**
16 **Absent: None**
17 **Motion Carried**
18
- 19 **5. Approval of Bills**
20 **Motion by Commissioner Mosher, second by Mayor Pro Tem Vance** to approve the bills in the
21 amount of \$80,914.53
22 **Roll Call**
23 **Voting Yes: Mosher, Williams, Fejedelem, Vance, Garcia, Smith, Bare**
24 **Voting No: None**
25 **Absent: None**
26 **Motion Carried**
27
- 28 **6. Unfinished Business - none**
29
- 30 **7. New Business**
31 **A. Resolution 17-45 appointment to the DDA – Ernie Meek**
32 **Motion by Commissioner Mosher, second by Commissioner Garcia** to approve Resolution 17-
33 45 appointment to the DDA – Ernie Meek
34 **Voice Vote**
35 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Vance, Smith, Bare**
36 **Voting No: None**
37 **Absent: None**
38 **Motion Carried**
39
- 40 **B. Downtown lots discussion**
41 Commissioner Smith wanted this item on the agenda to check to see if the city can sell these lots.
42 Mayor Bare will bring this item up for discussion to the DDA when they meet in January 2018.
43 They will explore options, but the Commissioners like the fact of these lots providing extra
44 parking downtown. The DDA - The Downtown Blueprint Program identified these lots be
45 designated as such in the final 2008 report.
46
- 47 **C. 509 W. Vienna**
48 Commissioner Smith requested this item on the agenda to see if the city can repair or remodel 509
49 W. Vienna and rent out the building. Wiederhold explained that while the city can seek out a cost
50 estimate for the remodel, the building is in compliance and has no code enforcement issues. Eric

1 Wiederhold also pointed out that the DPS is in need of a garage and would likely take priority to a
2 building remodel. Meanwhile, 509 W. Vienna could be utilized for cold storage.

3 4 **D. Water hookups**

5 Commissioner Smith asked for this item to be placed on the agenda to identify any and all existing
6 non-water service lines in the city. Dowell reported that there are 2 or 3 homes not hooked up to
7 the city's water system; however, these homeowners are paying for sewer service. Smith would
8 like to include these parcels in future ordinance language; where they will be forced to hook up to
9 the city's water line. Wiederhold has been doing some investigating as to how to force a
10 homeowner to hook up to city water and cap their wells. This may need legal council and/or a civil
11 suit for court litigation.

12 13 **8. Staff Reports**

14 **City Administrator** – Wiederhold reported that he has not received an email bill from Master's
15 Excavating for \$9600.00, even though the owner claims he has emailed it a several times.

16 **City Attorney** – 127 W. Vienna owner, Patrick Dolan would like to complete the property
17 donation to the city before the end of the year.

18 **Chief of Police** –reported that CandleLite Nite went well.

19 **Treasurer** – none

20 **City Engineer**- reported that the Watermain project is out for bid. January 3rd will be the bid
21 deadline.

22 **DPS Superintendent**- reported that the street light poles electric receptacles are not working and
23 need to be repaired. Christmas decorations are aging and need to be replaced. Additionally, the
24 city is now online with the new KWA (Karegnondi Water Authority) water service. The Genesee
25 County Water & Waste, Drain Commission, KWA is requesting two monthly samples from the
26 city.

27 **Clerk** – Kingston reported that the post-election audit is scheduled for tomorrow morning at 9:00
28 a.m. Remember to mark your calendars for December 20th Christmas Holiday luncheon at noon.
29 Plante Moran auditors will be present at our next meeting December 18, 2017.

30 31 **9. Commissioner comments/Committee reports**

32 **Commissioner Fejedelem**- CandleLite Nite was fun, nice job.

33 **Commissioner Mosher** – Stacy attended CandleLite Nite and thought it was a nice event.

34 **Commissioner Smith** –great CandleLite Nite. Amphitheater meets next week.

35 **Maypr Pro Tem Vance** – CandleLite Nite, Friday, December 1, 2017 went very well. Thanks to
36 all the people who helped support the event. Amphitheater and Fire Authority next week.

37 **Commissioner Garcia** – lot of things got done, great CandleLite Nite

38 **Commissioner Williams** – Williams reminded everyone about the upcoming Fire Department's
39 Pancake Breakfast and Old News Boys - December 9, 2017 from 9:00 am to 2:00 pm.

40 **Mayor Bare**- enjoyed CandleLite Nite, downtown looked great and the Santa was wonderful.
41 Additionally, a certificate of recognition was presented to Past Mayor Bob Smith.

42
43 *WHEREAS, It is my pleasure to join the City Commission in honoring Bob Smith for his*
44 *dedication to the Clio Community in serving as Mayor for the City of Clio; and*

45
46 *WHEREAS, Bob was appointed as Mayor on February 19, 2007; appointed as City*
47 *Commissioner on April 15, 1991 and elected to four-year terms on 6 elections currently*
48 *servng his 24th year; and*
49

