

**CITY OF CLIO**  
**Regular Commission Meeting**  
**Tuesday, September 6, 2016**  
**6:00 p.m.**

**1. CALL TO ORDER/ROLL CALL**

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

**ROLL CALL:**

**Commission Members Present:**

Commissioner Duane Mosher  
Commissioner D.J. Williams  
Commissioner Doug Vance  
Commissioner Reuben Garcia  
Mayor Pro Tem Bonnie Bare (entered at 6:03 pm)  
Mayor Robert Smith

**Staff Present:**

City Administrator, Eric Wiederhold  
City Clerk, Linda Kingston  
DPS Superintendent, Shaun Slocum  
City Attorney, Otis Stout  
Police Chief, Rick Witham  
City Engineer, Scott Dickerson

**ABSENT:** Vacancy, City Treasurer, Don Dowell

**2. A. Public Comment**

1) **Kimberly Jones - 608 Beech Street** requested consideration to pay Utility bill minimum. Ms. Jones claimed she did not receive a shut-off notice in the mail.

2) **Diana Owens – 412 New Street**-complained about driveway issues and receiving a code enforcement letter. City Administrator, Eric Wiederhold recommended that the owner submit a driveway drawing to planning commission for consideration.

**3. Approval of Agenda**

**Motion by Commissioner Mosher, second by Commissioner Garcia** to approve the agenda adding O), placing A) as UB payment arrangements for 608 Beech Street and moving all items down a letter in New Business

**Voice Vote**

**Voting Yes: Bare, Mosher, Williams, Garcia, Vance, Smith**

**Voting No: None**

**Absent: None**

**Motion Carried**

**4. Approval of Minutes**

**Motion by Mayor Pro Tem Bare, second by Commissioner Garcia** to approve the August 15, 2016 regular Commission meeting minutes

**Voice Vote**

**Voting Yes: Mosher, Williams, Garcia, Vance, Bare, Smith**

**Voting No: None**

**Absent: None**

**Motion Carried**

**5. Approval of Bills**

**Motion by Commissioner Mosher, second by Commissioner Garcia** to approve the bills in the amount of \$250,691.43

1 **Roll Call**

2 **Voting Yes: Mosher, Williams, Garcia, Vance, Bare, Smith**

3 **Voting No: None**

4 **Absent: None**

5 **Motion Carried**

6  
7 **6. Unfinished Business**

8 **A. Comcast franchise renewal**

9 **Motion by Commissioner Mosher, second by Mayor Pro Tem Bare** to approve 5% Comcast  
10 fees and 2% school PEG fees that was previously approved and completed August 15, 2016

11 **Voting Yes: Mosher, Williams, Garcia, Vance, Bare, Smith**

12 **Voting No: None**

13 **Absent: None**

14 **Motion Carried**

15  
16 **B. Commission vacancy**

17 **Motion by Mayor Smith, second by Mayor Pro Tem Bare** to approve the appointment of David  
18 Fejedelem to the City Commission vacancy term expiring November 5, 2017

19 **Roll Call**

20 **Voting Yes: Mosher, Garcia, Vance, Bare, Smith**

21 **Voting No: Williams**

22 **Absent: None**

23 **Motion Carried**

24  
25 *David Fejedelem was sworn in and took his seat on the Commission*

26  
27 **7. New Business**

28 **A. Utility Bill payment arrangements for 608 Beech Street**

29 **Motion by Mayor Pro Tem Bare, second by Commissioner Williams** to approve the owner of  
30 608 Beech Street to pay the minimum pay to avoid shutoff of \$177.13 plus an administrative/non-  
31 payment fee of \$35.00 for a total of \$212.13 by noon, September 7, 2016 and the remaining  
32 current balance by due date of September 25, 2016.

33 **Voting Yes: Mosher, Williams, Garcia, Vance, Fejedelem, Bare, Smith**

34 **Voting No: None**

35 **Absent: None**

36 **Motion Carried**

37  
38 **B. 131 Griffes Street discussion**

39 Discussed 131 Griffes Street, owner Jan Barlow claims that the disconnection of a sanitary sewer  
40 service occurred during the City's reconstruction of the north downtown alley. Even though it is  
41 speculative, Barlow claims that the City's contractor, Dean Holmes Excavating, disconnected the  
42 sanitary service line to install a new water main associated with the reconstruction of the north  
43 downtown alley. Barlow believes that after installing the water main, they failed to reconnect the  
44 service line before backfilling and completing their work. City Administrator, Eric Wiederhold  
45 submitted a claim to our insurance carrier for further review and is awaiting their response. The  
46 Commission discussed Rowe's responsibility for inspections conducted on behalf of the city and  
47 confirmed that they are paid to be on-site engineer.

48  
49 *Commissioner D.J. Williams left at 7:10 p.m.*

1 **C. Assessor contract**

2 **Motion by Commissioner Mosher, second by Mayor Pro Tem Bare** to approve the  
3 appointment of Landmark Appraisal Company as Assessor for a 1-year contract of \$12,000.00

4 **Roll Call**

5 **Voting Yes: Mosher, Garcia, Vance, Bare, Smith**

6 **Voting No: None**

7 **Abstain: Fejedelem**

8 **Absent: Williams**

9 **Motion Carried**

10  
11 **D. Special Event application – High School Homecoming Parade – October 7, 2016**

12 **Motion by Commissioner Vance, second by Commissioner Garcia** to approve the Special  
13 Event application for the Clio High School Homecoming Parade, October 7, 2016 at 5:00 pm

14 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

15 **Voting No: None**

16 **Absent: Williams**

17 **Motion Carried**

18  
19 **E. Special Event application – United Way of Genesee County - fundraising sign request in**  
20 **Clock Park**

21 **Motion by Commissioner Mosher, second by Mayor Pro Tem Bare** to table the Special Event  
22 application for the United Way of Genesee County - fundraising sign request in Clock Park until  
23 the September 19, 2016 meeting

24 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

25 **Voting No: None**

26 **Absent: Williams**

27 **Motion Carried**

28  
29 **F. Resolution 16-34 reappointment to Amphitheater Board – Judith Campbell**

30 **Motion by Commissioner Vance, second by Commissioner Mosher** to approve Resolution 16-  
31 34, reappointment to Amphitheater Board – Judith Campbell

32 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

33 **Voting No: None**

34 **Absent: Williams**

35 **Motion Carried**

36  
37 **G. Resolution 16-35 reappointment to Amphitheater Board – Mayor Robert Smith**

38 **Motion by Commissioner Vance, second by Commissioner Mosher** to approve Resolution 16-  
39 35, reappointment to Amphitheater Board – Mayor Robert Smith

40 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

41 **Voting No: None**

42 **Absent: Williams**

43 **Motion Carried**

44  
45 **H. Resolution 16-36 reappointment to Planning Commission – Edward Leininger**

46 **Motion by Commissioner Mosher, second by Mayor Pro Tem Bare** to approve Resolution 16-  
47 36, reappointment to Planning Commission – Edward Leininger

48 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

49 **Voting No: None**

50 **Absent: Williams**

1 **Motion Carried**

2  
3 **I. Resolution 16-37 reappointment to Planning Commission – Brenda Lee Taylor**

4 **Motion by Mayor Pro Tem Bare, second by Commissioner Mosher** to approve Resolution 16-  
5 37, reappointment to Planning Commission – Brenda Lee Taylor

6 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

7 **Voting No: None**

8 **Absent: Williams**

9 **Motion Carried**

10  
11 **J. Resolution 16-38 reappointment to Zoning Board of Appeals – Terry Marshall**

12 **Motion by Mayor Pro Tem Bare, second by Commissioner Mosher** to approve Resolution 16-  
13 38, reappointment to Zoning Board of Appeals – Terry Marshall

14 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

15 **Voting No: None**

16 **Absent: Williams**

17 **Motion Carried**

18  
19 **K. Resolution 16-39 reappointment to Downtown Development Authority - Cathy**  
20 **Hammond**

21 **Motion by Mayor Pro Tem Bare, second by Commissioner Vance** to approve Resolution 16-  
22 39, reappointment to Downtown Development Authority - Cathy Hammond

23 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

24 **Voting No: None**

25 **Absent: Williams**

26 **Motion Carried**

27  
28 **L. 2015 International Property Maintenance Code discussion**

29 The City Commission reviewed a copy of the 2015 International Property Maintenance Code with  
30 revisions and amendments to consider for a first reading at the next regular meeting of Monday,  
31 September 19, 2016.

32 **M. Vienna Street construction**

33 City Administrator, Eric Wiederhold reviewed the noise Ordinance with Commissioners. Keith  
34 Brown with the Michigan Department of Transportation asked if the City regulates or restricts  
35 construction at night and, if so, does the City provide for exception. Mr. Brown asked because it  
36 is MDOT's intent to contract for most of its work with improving Vienna Street to be done at  
37 night to maintain traffic through the day. It is the recommendation of the board to hold a public  
38 hearing to hear comments from adjoining neighbors.

39  
40 **N. Closed Session pursuant to the Open Meetings Act, Act 267 of 1976, 15.268, Section 8 (e) –**  
41 **to consult with its attorney regarding trial or settlement strategy in connection with specific**  
42 **pending litigation – Easements**

43 **a. Motion by Mayor Pro Tem Bare, second by Commissioner Garcia** to enter into Closed  
44 Session pursuant to the Open Meetings Act, Act 267 of 1976, 15.268, Section 8 (e) – to consult  
45 with its attorney regarding trial or settlement strategy in connection with specific pending  
46 litigation – Easements at 7:32 p.m.

47 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

48 **Voting No: None**

49 **Absent: Williams**

50 **Motion Carried**

1 **b. Motion by Mayor Pro Tem Bare, second by Commissioner Vance** to come out of Closed  
2 Session and return to Regular Session at 7:46 p.m.

3 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

4 **Voting No: None**

5 **Absent: Williams**

6 **Motion Carried**

7  
8 **O. Closed Session pursuant to the Open Meetings Act, Act 267 of 1976, 15.268, Section 8 (e)**  
9 **– to consult with its attorney regarding trial or settlement strategy in connection with**  
10 **specific pending litigation – 205 W. Johnson Street**

11 **a. Motion by Mayor Pro Tem Bare, second by Commissioner Garcia** to enter into Closed  
12 Session pursuant to the Open Meetings Act, Act 267 of 1976, 15.268, Section 8 (e) – to consult  
13 with its attorney regarding trial or settlement strategy in connection with specific pending  
14 litigation – 205 W. Johnson Street at 7:49 p.m.

15 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

16 **Voting No: None**

17 **Absent: Williams**

18 **Motion Carried**

19  
20 **b. Motion by Mayor Pro Tem Bare, second by Commissioner Garcia** to come out of Closed  
21 Session and return to Regular Session at 7:59 p.m.

22 **Voting Yes: Mosher, Garcia, Vance, Fejedelem, Bare, Smith**

23 **Voting No: None**

24 **Absent: Williams**

25 **Motion Carried**

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27 **8. Staff Reports**

28 **City Administrator** – Wiederhold reported that Chippewa Asphalt will seal and mark the City’s  
29 south downtown parking lot pursuant to the parking plan submitted, this Sunday. This plan had  
30 been circulated to the City Commission, Downtown Development Authority, and downtown  
31 property owners adjoining the City’s south downtown parking lot. He will give notice to those  
32 who park in the lot on Sundays. Certified Abatement Services will provide a bid for all of the  
33 city’s properties with asbestos. They have completed environmental surveys of 109 East Johnson  
34 Street, 712 New Street, and 306 South Mill Street. Eric is following up on the code enforcement  
35 issues with 408 New Street (former property owner, John Dahle) and Joseph Janiski of 531 West  
36 Vienna Street. Eric has given Mr. Janiski several opportunities to comply with Notice of  
37 Violations; however it is time to make a mandatory timeline.

38 **City Attorney** – Stout reported he has obtained easements from Merchant and Desantis. Otis will  
39 file for default on the others that have not responded.

40 **Chief of Police** – Witham reported that the new police cruiser has arrived. Additionally, Chief  
41 will be attending the pre-exam for the break-in at the Foster Closet. First day of school went well  
42 with little traffic back-up. Chief Witham will be meeting with Fire Chief Paulson to coordinate  
43 the new cadet program. School Resource Officer Michael Schmidt participated in a successful  
44 Kindergarten safety day.

45 **Treasurer** – absent

46 **City Engineer**- none

47 **Clerk** –Kingston reported on the straight party questions and ruling associated with the  
48 November 8, General Election day ballot. Additionally, Kingston announced that Genesee  
49 County Central Dispatch Authority 9-1-1 Service launches in Genesee County - Call when you  
50 can; Text when you can't. – The County now supports emergency text messages from wireless

1 devices to 9-1-1. Beginning Wednesday September 7th individuals anywhere in Genesee County  
2 can send a text message to 9-1-1 in an emergency. Clerk Linda Kingston welcomed  
3 Commissioner Fejedelem and requested that he come in the office for payroll paperwork,  
4 Ordinance book, Budget, and Annual Financial Reporting books.

5 **DPS Superintendent-** none

6  
7 **9. Commissioner comments/Committee reports**

8 **Commissioner Mosher** – would like to name the Metro Alliance and Genesee County Water &  
9 Waste representative and alternate at the next Commission meeting.

10 **Commissioner Vance** – reported the Planning Commission will be disseminating the newly  
11 revised Master Plan. Additionally, the Clio Chamber will be hosting a Casino fundraiser event on  
12 September 9, 2016 and the cost is \$35.00.

13 **Commissioner Garcia** – none

14 **Commissioner Williams** – none

15 **Commissioner Fejedelem-** Thanked everyone for all the kind words and the appointment.  
16 Fejedelem is excited to hold the City Commission position.

17 **Mayor Pro Tem Bare-** The cost of registering the first page of a document went up to \$30.00.

18 **Mayor Bob Smith**— none

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20 **10. Excuse Absent Members – none**

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22 **11. Mayor Smith adjourned the meeting at 8:01 p.m.**

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Robert Smith, Mayor Date

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Linda Kingston, City Clerk Date