

**CITY OF VIENNA
SPECIAL COUNCIL SESSION
Council Chambers - 609 29th Street, Vienna, WV
August 17, 2023
6:00 p.m.**

INVOCATION & PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

PUBLIC FORUM

REPORT OF THE MINUTES

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

1. Resolution awarding the bid for the Jackson Park Pool Project
2. Reimbursement Resolution for possible financing of the Jackson Park Pool Project with the proceeds of tax-exempt bonds.
3. Resolution appointing three new members to the Vienna Municipal Building Commission.

COUNCIL COMMENTS:

ANNOUNCEMENTS:

- The next Regular Council Session is scheduled for August 24, 2023, at 6:00 p.m.

Resolution Approving Jackson Park Pool Contract

Resolution

WHEREAS, the City of Vienna (the "City") is empowered and authorized by Chapter 8, Article 16 of the West Virginia Code of 1931, as amended, to construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, own, equip, repair, maintain and operate any municipal public works, together with all appurtenances necessary, appropriate, useful, convenient, or incidental for or to the maintenance and operation of such works;

WHEREAS, the City has, through the work of its design professional, Omni Associates – Architects, Inc. (the "Architect"), prepared plans and bid specifications, and solicited competitive bids from construction companies, for the acquisition, construction and equipping of additions, betterments, and improvements to the Jackson Park Pool Complex (the "Project") for the benefit, health, and welfare of the citizens of the City;

WHEREAS, the City has received proposals from qualified bidders as reflected on the bid tabulation sheet attached hereto as Exhibit A;

WHEREAS, the City desires, under and pursuant to the Act and based on the recommendation of the Architect, to award the acquisition, construction and equipping of the Project to United Construction Company, Inc. as the lowest responsible bidder;

WHEREAS, the cost of the design, acquisition, construction and equipping of the Project shall be paid from available funds of the City, proceeds of lease revenue bonds issued by the City of Vienna Building Commission (the "Building Commission") or a combination of both; and

WHEREAS, the City may pay a portion of the cost of the design, acquisition, construction and equipping of the Project from available funds and reimburse the City for such payments from the proceeds of such lease revenue bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIENNA, AS FOLLOWS:

1. It is hereby found and determined that United Construction Company was the lowest responsible bidder and properly submitted all bid documents to the City.
2. The Architect has recommended that the contract for the acquisition, construction and equipping of the Project be awarded to United Construction Company, Inc.
3. The City hereby desires to award the contract for the acquisition, construction and equipping of the Project to United Construction Company, Inc. at the price reflected on Exhibit A attached hereto.

4. The Mayor, City Clerk, City Attorney and all employees and agents of the City are hereby authorized to take such actions required to effectuate the actions approved herein.

5. The cost of the design, acquisition, construction and equipping of the Project shall be paid from available funds of the City, proceeds of lease revenue bonds issued by the Building Commission or a combination of both.

6. The City may pay a portion of the cost of the design, acquisition, construction and equipping of the Project from available funds and reimburse the City such payments from the proceeds of lease revenue bonds issued by the Building Commission.

7. This Resolution shall become effective immediately upon adoption.

[Signature Page Follows]

Adopted this August 17th, 2023.

CITY OF VIENNA

By: _____
Its Mayor

S-1

CERTIFICATION

The undersigned, being the duly qualified, elected and acting City Clerk of the City of Vienna, West Virginia, does hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Vienna, at a special meeting duly held, pursuant to proper notice thereof, on August 17, 2023, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this August 17, 2023.

By: _____
Its City Clerk

EXHIBIT A

Jackson Park Pool Renovation

Bid Tabulation Sheet 2023-08-02

(See Attached)

S-3

Memo

To: Mayor & Council

From: Amy Roberts

Date: 08/07/2023

Re: Bid Recommendation

The bids for the Jackson Park Pool Renovation were opened on August 2, 2023, at 11:00am with the following results below:

United Construction Company, Inc.	\$6,844,802
Grae-Con Construction, Inc.	\$7,474,000

After review by Omni Associates It is recommended that the city proceed with the low bid submitted by:

United Construction Company, Inc.	\$6,844,802
-----------------------------------	-------------

This approval is pending financing and a budget revision. This will be budgeted in account # 01-542-65-58.

CITY OF VIENNA

REIMBURSEMENT RESOLUTION

RESOLUTION STATING THE REASONABLE EXPECTATION OF THE CITY COUNCIL OF THE CITY OF VIENNA TO REIMBURSE THE CITY OF VIENNA, OR BOTH FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF ADDITIONS, BETTERMENTS, AND IMPROVEMENTS TO THE CITY OF VIENNA JACKSON POOL COMPLEX MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS OR OTHER OBLIGATIONS.

WHEREAS, the City of Vienna (the "City") has determined to design, acquire, construct and equip additions, betterments and improvements to the City of Vienna Jackson Pool Complex (collectively, the "Project"), in aggregate amount not to exceed \$7,500,000;

WHEREAS, the City will finance all or a portion of the costs of design, acquisition, construction and equipping of the Project through the issuance of tax-exempt lease revenue bonds or other obligations in one or more series, in an aggregate amount estimated not to exceed \$7,500,000 (the "Bonds"), by the City of Vienna Building Commission (the "Building Commission");

WHEREAS, the Building Commission will lease the Project to the City and the payments made by the City pursuant to such lease shall be not less than the debt service on the Bonds;

WHEREAS, the City expects to make certain capital expenditures relating to the Project prior to issuance of the Bonds by the Building Commission;

WHEREAS, such costs will be paid from the City's General Fund or Capital Account;
and

WHEREAS, the City reasonably expects to be reimbursed for a portion of the cost of the Project in an amount not to exceed \$4,000,000, for costs incurred prior to issuance of the Bonds, from the proceeds of sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIENNA, AS FOLLOWS:

Section 1. The City reasonably expects that the Building Commission will reimburse the City for certain capital expenditures made not more than 60 days prior to the date of adoption

of this resolution (and after the date of such adoption, but prior to the issuance of the Bonds) in connection with the Project, such capital expenditures to be undertaken or incurred prior to the execution and delivery of the Bonds, from the proceeds of such Bonds, which Bonds are reasonably expected to be executed and delivered within 18 months from the later of (i) the expenditure for payment of said costs or (ii) the placing of the Project in service.

Section 2. This Resolution is intended to constitute a "declaration of official intent" pursuant to Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended (the "Reimbursement Regulations").

Section 3. The source of payment for such capital expenditures will be the City's General Fund or Capital Account, and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied by the Building Commission for the reimbursement of the General Fund or Capital Account, such allocation not to exceed \$4,000,000.

Section 4. The maximum principal amount of Bonds expected to be issued for the Project is \$4,000,000.

Section 5. The City shall provide the Building Commission with written evidence of all reimbursement allocations.

[Remainder of Page Intentionally Blank]

Section 6. This Resolution shall become effective on the date of its adoption.

Adopted: August 17, 2023

CITY OF VIENNA

By: _____
Its Mayor

17468980

CERTIFICATION

I, _____, City Clerk of the City of Vienna do hereby certify that the foregoing is a true and accurate copy of a Reimbursement Resolution adopted by the City Council of the City of Vienna Building Commission at a regular meeting held on August 17, 2023, pursuant to proper notice, at which meeting a quorum was present and acting throughout.

Dated this 17th day of August 2023.

[SEAL]

By: _____
City Clerk

17468980

RESOLUTION APPOINTING THREE NEW MEMBERS TO THE VIENNA MUNICIPAL BUILDING COMMISSION

Be it resolved by the Common Council of the City of Vienna that it hereby appoints the following three individuals to serve as members of the Vienna Municipal Building Commission:

Karmyn Conley, 903 51st St., Vienna, WV to a one-year term.

Chuck Noffsinger, 1302 55th St., Vienna, WV to a two-year term.

Rod Smith, 308 53rd St., Vienna, WV to a three-year term.

As per the requirements of Vienna Municipal Code Article 145.03, none of the three persons named are employed by any political party; none are employed by any federal, state, county, or municipal government, or any political subdivision thereof; none hold any elected or public office. Further, not more than 2/3rds of the individual's named are members of the same political party. All are residents of the City of Vienna.

This is an appointment to be served without compensation.