

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
August 26, 2021
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Bill Brown. The Pledge of Allegiance was led by Mayor Randy Rapp.

CALL TO ORDER:

The Vienna City Council met in Regular Session on August 26, 2021. Mayor Randy Rapp called the meeting to order at 6:02pm.

PUBLIC FORUM:

Brenda Powell (1409 31st St.): Hopes that restrooms will be at Spencer's Landing by next summer. Would like the city to not be in the rental business and thinks the city could use the property at 12th Street. Would like to see the Vienna Utility Board meeting live streamed. Addressed the situation of a young child that is riding a go cart in her neighborhood. She is concerned about the safety of the child.

Councilman Mike Elam asked for an explanation of the separation and difference in City Council and the Utility Board. Attorney Russ Skogstad explained. The General Fund is municipal services (roads, police, fire, payroll, etc.). Revenue comes from fees, sales tax, B&O taxes, and coal severance fund. The Enterprise Fund is for utilities (sewer, water, payroll, etc.). Revenue comes from fees from water and sewer service. Both are bound by the same rules such as competitive bidding. The way it is spent all depends on how it came into the fund. The Utility Board is approved by Council. The Board manages how enterprise funds are spent but has to get Council's approval to raise rates. The City and Utility Board are separate legal entities.

Jerry Thorn (45th Place): Thinks the city may have overlooked things in 1997. Instead of installing regulation water pipes, the developer installed pipes that are for sewers. Since 2004, they have had more than 20 water line breaks. Most of the time breaks happen outside of regular hours so crews are out on overtime. Driveways, roads, and yards get dug up. Jean Fairchild has been there for one year and has seen six breaks. Five years ago, Mayor Rapp told him they would be on the board of jobs to be done. They have had four breaks in the last three weeks. Said the crews are always great, responsive, and apologetic. Since their shutoff is on 3rd Ave., Rivercrest gets their water turned off also every time they get their water repaired in 45th Place.

Mayor Rapp responded. He provided a piece of pipe from their last break. Jerry is right. The wrong pipes were put in (drain waste vent pipe). Water pressure rating on it is 10 pounds pressure. The city has approximately 100 pounds. The reason it breaks is because people aren't using water at night and the pressure builds up. When the development was built, the Public Works Director at the time sent a letter to Council asking not to take the development into the city of Vienna because of the deficiencies. Council voted to take them in though. The water lines were also laid with dead ends and not continuous water flow. Mayor Rapp stated if this Council wants to vote to use ARP funds on this project they can. We do not have enough money in the reserves to pay for it.

Recorder Melissa Elam asked what we are repairing it with. Patches are the thicker, proper water pipe. She asked if there are any other developments that have the same problem of the wrong line being laid. Craig Metz responded no.

Councilman Tom Azinger asked if the good pipe puts more pressure on the bad pipe. The breaks are at the weakest point which is the old line.

Craig Metz stated they have repaired eight water breaks this week not including 200 ft that they had to replace. There are multiple places throughout the city that need new waterlines.

Mayor Randy Rapp stated that we are limited by the Public Service Commission. You can't just save money. In order to get more money, you have to raise rates. You either want cheap water or you want to maintain your waterlines.

Councilwoman Kim Williams asked Craig Metz to confirm how many rate increases he has seen. Answer: 2 in 23 years. She stated we need to get this problem fixed for our residents. It is unfortunate that a previous Council did the wrong thing but we have a responsibility to take care of it.

Recorder Melissa Elam asked if the Vienna Utility Board discusses where the water breaks are happening. Craig Metz said they have a new software program that they are mapping them with. They can talk about progress reports now.

Councilman Mike Elam said if there had been a slight rate increase each year it wouldn't have been a big deal. This Council and Utility Board need to take into consideration what the increase needs to be. The money is not there to fix things right now. He thinks something has to happen to generate funds for repairs and to keep up with infrastructure costs.

Recorder Melissa Elam asked Jerry Thorn if he loves his low rate when they are digging up his yard... Mr. Thorn responded he would rather pay more. She said if she knows that the money she is paying is taking care of stuff she is ok with that. She would rather pay more for good service and does not believe we are providing that right now.

Councilman Tom Azinger asked if the rate increase could be tied to the Consumer Price Index? Mayor Rapp said it can and some municipalities do that. The Utility Board would have to make the request of Council for approval and then it would go to the Public Service Commission for final approval.

Councilwoman Kim Williams said the VUB is looking at a rate study for water and sewer because of the upcoming projects. She was not aware of the problem at 45th Place until Ms. Fairchild contacted her.

Mayor Randy Rapp responded to Brenda Powell. The water line that was not approved for River Road would have supplied water to Spencer's Landing. Water for restrooms is not possible at this time.

ROLL CALL:

Attendance was taken by Recorder Melissa Elam with the following Council members present: Kim Williams, Roger Bibbee, Mike Elam, Jim Leach, Tom Azinger, City Attorney Russell Skogstad, Recorder Melissa Elam, and Mayor Randy Rapp.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 8/12/2021 have been printed, posted, and circulated.

The minutes were approved.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. **RESOLUTION: To Consider Action On The 12th Street Land Sale Lease Agreement**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby authorizes the mayor and the City Attorney to take any and all action, including litigation, to resolve the status of the 12th St. Land Sale Lease Agreement with Ace Educational Foundation, Incorporated.

Councilman Roger Bibbee moved to approve Resolution to Consider Action on the 12th Street Land Sale Lease Agreement. Motion seconded by Councilman Mike Elam.

Councilman Mike Elam stated they are not paying and thinks we should remove them from the building and take the land back.

Attorney Russ Skogstad suggested there be an Executive Session because there may be legal issues.

Councilman Jim Leach moved to go into Executive Session. Motion seconded by Councilman Mike Elam.

Roll call vote taken by Recorder Melissa Elam. Councilman Mike Elam, Councilman Roger Bibbee, Councilman Jim Leach, Councilwoman Kim Williams Councilman Tom Azinger, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Vote: 7-0.

Council dismissed to Executive Session at 6:47pm.

Council returned from Executive Session at 7:15pm. No decisions were made. It was discussion only.

Attorney Russ Skogstad presented an amendment to the original resolution:

"The Common Council of the City of Vienna hereby authorizes the Mayor and City Attorney to utilize whatever avenues, including litigation for any grounds, including breach of contract, available to the City of Vienna to return sole ownership of the 12th St. property as per the terms of the original Lease Sale Agreement and the subsequently executed forbearance agreement."

