

CITY OF VIENNA
Regular Council Session
Council Chambers
609 29th Street, Vienna, WV

AGENDA
January 14, 2021

Invocation and Pledge of Allegiance

Public Forum

Call to Order

Roll Call

Report of the Minutes

Report of the Treasurer

Unfinished Business

1. ORDINANCE – **2nd Reading** – REQUIRING A PUBLIC UTILITY TO POST BOND TO PAY FOR DAMAGES TO PUBLIC PROPERTY AND REQUIRING THEM TO NOTIFY THE CITY WHEN THEY ARE PRESENT TO WORK, WHERE THEY ARE WORKING, AND WHAT WORK THEY ARE PERFORMING

New Business

1. RESOLUTION – APPROVING JIM LEACH AS VIENNA CITY COUNCIL APPOINTEE AND REPRESENTATIVE TO THE VIENNA UTILITY BOARD
2. RESOLUTION – APPROVING THE USE OF GOVDEALS.COM AS AN ONLINE AUCTION PLATFORM
3. RESOLUTION – AUTHORIZING FOR SALE BY INTERNET AUCTION OF PERSONAL PROPERTY (NOT REAL ESTATE), INCLUDING VEHICLES, POLICE CRUISERS, AND OTHER PROPERTY ITEMS
4. GENERAL FUND BUDGET REVISION #2
5. STREET DEPARTMENT: APPROVAL TO BID STREET SWEEPER
6. IT: DISCUSSION ON PURCHASE OF SECURITY CAMERAS
7. FIRE DEPARTMENT CAPITAL EXPENDITURE: APPROVAL TO ORDER FROM STATE BIDS

Council Comments

Announcements

AN ORDINANCE REQUIRING A PUBLIC UTILITY TO POST BOND TO PAY FOR DAMAGES TO PUBLIC PROPERTY AND REQUIRING THEM TO NOTIFY THE CITY WHEN THEY ARE PRESENT TO WORK, WHERE THEY ARE WORKING, AND WHAT WORK THEY ARE PERFORMING

With authority granted to it by **WV Code 8-12-5(46)**, the City states as follows:

The City finds it benefits the citizens of the City of Vienna for the City to not interfere with a public utility's desire and ability to repair, replace, install, and maintain electric, water, sewerage, natural gas, cable television and/or telephone distribution systems;

When repair, replacement, installation, and maintenance of the said distribution systems takes place, it is sometimes necessary for the City to reroute pedestrian or vehicle traffic. It is occasionally necessary for the City to use street cleaning equipment or road maintenance and repair equipment to clean or repair a city street, sidewalk or another pathway, after the public utility has completed its work; and

Occasionally public utilities undertake repair, replacement, installation, and/or maintenance projects within the City without notifying the City.

On occasion, public utilities leave City streets and/or sidewalks in an unclean or unsanitary condition that inconveniences the public or poses a danger to the public health, safety, and welfare.

From time to time, equipment necessary to the public utility blocks traffic, both pedestrian and vehicle, inconveniencing citizens and potentially delaying emergency services from effectively responding to calls for service.

If the public utility makes contact with the City, the City can work with the public utility to minimize their impact upon the public and the City's ability to provide health, sanitation, and emergency services;

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT:

- (a) Every public utility provider as defined herein shall execute a continuing bond in a form prescribed and accepted by the City Finance Director, with satisfactory corporate surety, in the penalty of \$10,000.00, payable to the City of Vienna.
- (b) This bond is conditioned such that the public utility, as defined herein, shall pay damages to any entity, including the City, due to any act or action done, performed or taken by such public utility in or about the conduct of its business.
- (c) This bond is also conditioned such that the public utility shall notify the City not less than five business days before beginning any repair, replacement, installation, and/or maintenance project within the corporate limits of the City of Vienna. Notice shall include notifying the City of:

1. the nature of the work,
2. the location of the work,
3. and the date and time the work is scheduled,
 - i. provided that, in the event of an emergency repair, the public utility shall notify the Office of the Mayor, the manager of the Vienna Utility Board, the Public Works Director or the Vienna Police Department, as soon as is reasonably possible, but no later than 24 hours after the commencement of any work, unless such work begins on a weekend or a holiday, and then the next immediate business day during regular business hours.

(d) Cable television, satellite television, telephone, and Internet Service Providers are hereby excepted from the notice requirement of this ordinance for the installation and/or repair of service equipment or lines, i.e. the installation, repair, or replacement of cable boxes, modems, routers, satellite dishes or receivers, and/or phones, internet or cable lines or wires, connected to a residence or business for purposes of providing service to a customer.

(e) For purposes of this section, "public utility" includes any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in any business, whether herein enumerated or not, which is, or shall hereafter be held to be, a public service including, but not limited to, electric, gas, water, sewerage, telephone (wireless or plain old telephone service), and cable television service providers, their contractors, sub-contractors or assigns.

(f) Failure to post bond may result in a \$100 fine per day for any public utility as defined above operating within the City without said bond. In addition to the fine, the City of Vienna Code Enforcement Office may issue a stop work order to any non-compliant entity and, should the entity fail to comply with the stop work order, may petition the Wood County Circuit Court to enjoin the entity from performing work or continuing work without said bond.

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

First Reading: _____

Second Reading: _____

**RESOLUTION APPROVING JIM LEACH AS VIENNA CITY COUNCIL APPOINTEE AND
REPRESENTATIVE TO THE VIENNA UTILITY BOARD**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that Vienna Council Member, Jim Leach, is hereby appointed to serve as the Vienna Council Representative to the Vienna Utility Board for one full term, said term to begin upon approval of council and ending December 31, 2024.

Dated this _____ day of _____, 2021

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

RESOLUTION APPROVING THE USE OF GOVDEALS.COM AS AN ONLINE AUCTION PLATFORM

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby approves govdeals.com as the City's online auction platform service for purposes of the selling, disposing, or conveying of City property and authorizes the Mayor and Finance Director to administer the same.

Further, the mayor, finance directory, their agents or assigns, are authorized to publish, as is required by WV Code 8-12-18(b), a class II legal notice, notifying the public of the location of the online auction sale and the list of items to be auctioned/sold.

Dated this _____ day of _____, 2021

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

Resolution Authorizing for sale by Internet Auction of personal property (not real estate), including vehicles, police cruisers, and other property items

As per West Virginia Code 8-12-18(b) and Vienna Municipal Code 107.05(c), the City of Vienna hereby offers for sale the following items:

1. LIST AND DESCRIPTION OF ITEMS

Further, for all police cruisers/vehicles, if sold to a duly authorized state, county, district, municipality, or federal agency employing one or more persons whose responsibility is the enforcement of the laws of any state, county, or municipality or their equivalent, may be sold with lights, sirens, radios, cages, or any other law enforcement related equipment attached to or installed in the vehicle; should any police cruiser/vehicle be sold to an individual or entity that is not a law enforcement agency as set out above, then said vehicle shall be sold **WITHOUT** any of the law enforcement related equipment as set out above. Any solicitation of a police cruiser/vehicle shall reflect the same. Any law enforcement agency may, at the request of the City, be required to provide proof that they are a law enforcement agency.

Further, the mayor, finance director, their agents or assigns, are authorized to publish, as is required by WV Code 8-12-18(b), a class II legal notice, notifying the public of the location of the sale and the items to be auctioned/sold.

Dated this ____ day of _____, 2021

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

RECONCILIATION OF FUNDS

CITY OF VIENNA

January 11, 2021

FUND	BEGINNING BALANCE AS OF 12/07/2020	NET CHANGES	ENDING BALANCE AS OF 01/11/2021	UNITED BANK			UNITED BANK		COMMERCIAL B & T
				NON- INTEREST BEARING	LIQUID ASSET FUND	US GOVT. FEDERAL AGENCY SECURITIES	FEDERATED FUNDS	FEDERAL AGENCY SECURITIES	U.S. GOV'T. SECURITY
YIELD:				-0-			VARIES		
GOVERNMENTAL: GENERAL	5,148,111.96	-314,108.16	4,834,003.80	55,000.00	4,779,003.80				
SPECIAL REVENUE:									
COAL SEVERENCE	55,374.05	-3,247.39	52,126.66		52,126.66				
EXCESS LEVY	0.00	0.00	0.00		0.00				
CAPITAL RESERVE	5,729,685.98	0.00	5,729,685.98		5,729,685.98				
DONATION FOR P&R (ROUNDING)	4,340.12	105.64	4,445.76		4,445.76				
					0.00				
PROPRIETARY:									
ENTERPRISE:									
WATER-UNRESTRICTED	410,982.30	37,206.56	448,188.86	0.00	448,188.86				
WATER - RESERVE	158,087.00	0.00	158,087.00						
SEWER*****	380,209.17	37,699.59	417,908.76	0.00	417,908.76				
SEWER - RESERVE	230,335.00	0.00	230,335.00						
STORM WATER	244,668.01	4,282.06	248,950.07		248,950.07				
FIDUCIARY:									
TRUST:									
EMPLOYEE'S RETIREMENT	3,150,135.93	0.00	3,150,135.93				3,150,135.93		
POLICEMEN'S RETIREMENT	11,168,046.11	297,475.99	11,465,522.10			11,465,522.10			
MCDONOUGH	179.95	0.00	179.95		179.95				
TOTALS	26,680,155.58	59,414.29	26,739,569.87	55,000.00	11,680,489.84	11,465,522.10	3,150,135.93	0.00	0.00

City Auction Recommendation

- **At the December 10, 2020 council meeting the issue of how to auction our out of service city items was forwarded to Finance to develop a recommendation.**
- **The city attorney researched state code and it was determined that WV Code allows the city to use an online auction platform (without an Auctioneer) to prepare and exhibit the items to sell.**
- **By doing this the city can conduct the sale themselves without paying a fee to an auctioneer. The city will pay no costs as the costs are paid by the people that purchase the items.**
- **Several sites were examined. GovDeals.com, Municibid, and Hibid.**
- **GovDeals and Municibids operate basically the same with the cost being passed on to the buyer. Hibid charges several fees one being a per item fee, so I eliminated them from consideration.**
- **Upon examination Municibid is used mainly by cities in New Jersey, New York, Pennsylvania, and Connecticut. There were no WV cities or government entities using their site.**
- **Currently on the GovDeals.com website there are 10 different WV cities using the site to sell their auction items. We are also aware of other agencies such as the WV State Police that use this platform.**
- **Because of the above information it is my recommendation that the City of Vienna use the GovDeals.com platform to advertise and conduct our auction. The auction will be done in house. The list of items to be auctioned will be presented to council for approval and once approved will be advertised in a class II advertisement in the Parkersburg News and Sentinel. The auction information and items will also be advertised on the City of Vienna website. The Finance Department, Department Heads and the IT Department will work together to coordinate the sale.**