

Vienna Utility Board
210 60th Street
Vienna, WV 26105
Regular Meeting
April 16, 2021

Public Forum: No Sign – Ups

The meeting was called to order at 1:02 PM with the Pledge of Allegiance.

Roll call was taken with the following present:

Randall Rapp, John Barr, Steve Eaton, Joseph Thorpe, Kim Williams, and Attorney Russ Skogstad.

Also, present: Craig Metz Public Works Director, Lorrie Bond Stormwater Coordinator / Program Administrator, Mike Davis, Lise Sibicky, and Craig Richards from Burgess & Niple.

Minutes from the March 19, 2021 Regular VUB Board Meeting were approved as presented and posted.

Unfinished Business:

- A. **Stormwater Management Program** – Per Mike Davis, last update there will be nothing issued until February 2022. Per Chairman Rapp, the deadline was three years ago, and they have extended it again. Either they are not taking the permitting process seriously or they are anticipating major changes, whichever it is you would think they would go ahead and issue the permit, but as Mike Davis stated it has been postponed to February 2022.
- B. **Water Quality Testing** – Per Craig Metz, last results were non – detects so everything is working great.

New Business:

- A. **Burgess & Niple – Status Report #4** – Per Mike Davis, we will start at the top and just go down the line on this status report. Mr. Davis asked Lise Sibicky if she had anything to add regarding the Central Boaz PSD. Lise advised that she needed to discuss a few more things with Mr. Metz on this. Director Metz added that Lise has provided us with drawings, there are still a few minor changes that need to be made but, everything should be good and there should be no reason why we cannot get the bid into the newspaper by next week. Moving onto Stormwater Master Plan, per Mike Davis, Lorrie is passing out some results from the Stormwater Survey. So far, we have had 99 people complete the survey, the handout shows the actual comments. We are keeping the survey open until the end of the month, once the survey is closed hopefully, we will be able to come back to you with more results and go more in depth with this. Next item is the Wastewater Study, per Mike, we have not done anything on this yet, we are still waiting on the water side so we can figure out funding that will be available, so we are holding off waiting to see where we stand on this before we can take it any further than it is right now. Moving onto the Dredging of Pond Run, we will have that report done hopefully early next week, so we should have drafts to present to the board during next month's meeting. Per Lise Sibicky on Water Study Report, we currently are in the process of coordinating scheduling for flow testing on certain hydrants. Lastly, on the Risk & Resilience Assessment, Craig has a Cyber Security Questionnaire being completed at this time. Mr. Metz added that he forwarded the Questionnaire to our IT Department, they did complete their portion of the questionnaire, we are now waiting on Tommy Bunner to return to answer questions about our SCADA system. Chairman Rapp asked if any questions from the board on any items on the status report. There were no questions.

- B. Burgess & Niple – Wastewater Study Results** – Per Mike Davis, this is just a carry over from last month to see if there is anything we need to talk about. We have presented some options, we are not sure if you want to do anything with it yet until you find out what is going to happen with the Rescue Act money, so I think we are just on hold right now with this. Chairman Rapp added, we have a survey now that shows various areas in town that are noted for deficiencies, age or whatever the case may be and we do not know what the ARP guidelines are going to be but there is almost a 100% surety that Stormwater, Water and Sewer are going to be the target zones. They are telling us we are going to get the 1st half of the money by May the 10th. We may need to get together as a group, look at the mapping Burgess & Niple gave us pick out 3 or 4 areas that we should concentrate on, so that, once we have the guidelines and get started, because If we do not get moving on the projects as soon as possible contractors in this area are going to be overwhelmed. I know there is no rush, we do not have to spend the money until 2024 but, I believe whoever is the best prepared is going to get their work done. Obviously the \$2.69 million will go to the City of Vienna, Council will decide where that money is going to be spent on the infrastructure apart from the Streets Dept. will then come up here to the Board. We will then need to make a presentation to show we have X amount of dollars to spend on certain projects and have the projects laid out that need the most attention. Per Mr. Metz, I do feel very strongly about starting this project at the beginning. I am referring to our 12th Street location from the sewer plant up to behind Lowe's at Pond Run, I would very much like to see that pipe upgraded, we know this is a problem area and this should be one of our priorities, if not the priority. Chairman Rapp did agree with Mr. Metz on this suggestion and advised the board to pick out 5 projects we really need to focus on and go from there. There were no questions from the board.
- C. Burgess & Niple – Stormwater Questionnaire** – Per Mike Davis, we provided the results we have so far to you earlier, so next meeting we will go over in more depth the findings from the questionnaire.
- D. Burgess & Niple – General Agreement Approval** – Per Craig Metz, this is our standard general agreement with Burgess & Niple that we need to renew. It is more or less the same agreement we did as the original. We feel this should be upgraded each year that is why we have brought it to the board for approval. Chairman Rapp advised that Attorney Skogstad did review this and asked if he had any comments to add. Attorney Skogstad stated that this is a standard agreement as Mr. Metz stated, it is very similar to the agreement we have had for the last several years. It is understood that this agreement shall remain valid for a period of one (1) year, with an option to renew at the end of each successive year for a total of five (5) years from the date first above written. Each renewal period is for a period of one year and renews automatically at the end of the preceding year unless communicated otherwise in writing by either party. Attorney Skogstad advised that the Utility Board operates under the municipal utilities policies and procedures, under these policies and procedures there is an exception for professional services, engineering and consulting being the professional services that mostly apply here, meaning you do not have to go out to bid the same way you do when you are purchasing equipment or on a construction project. Burgess & Niple has been and continue to qualify as a civil engineering firm so my recommendation is to enter into the agreement, so we are operating under terms and conditions agreed upon. Chairman Rapp entertained the motion for the approval of the General Agreement between the Vienna Utility Board and Burgess & Niple for Engineering Services.

Motion and Vote

Chairman Rapp called for motion to accept approval of the General Agreement between the Vienna Utility Board and Burgess & Niple for Engineering Services. Motioned carried by Steve Eaton was seconded by Kim Williams. Vote carried in support unanimous 5-0.

E. Burgess & Niple – Task Order No. 1 for Miscellaneous Services Approval – Per Craig Richards the standard agreement the Board just approved a few moments ago sets up the process for which the Board authorizes us to provide services and projects. We have had a Miscellaneous Task Order with the Board and the City of Vienna since approximately 2001 or 2002 but since the board redid the General Services Agreement, we must have a new Task Order No. 1 along with the new agreement that was just approved. With this Miscellaneous Engineering Services Agreement, the Utility Board has authorized us to do small projects, tasks that did not necessarily have a defining scope, where we did not know how long it was going to take to get things done or exactly what the costs would be. We would be given authorization to provide a service under the Miscellaneous Task Order No. 1, we would just do it and send the bill for it, this is what Task Order No. 1 is for. Chairman Rapp asked how are we going to determine which Task Order No. 1 is Task Order No. 1? Per Craig Richards we are still providing some services under the old Task Order No. 1 and that will end, I believe the remaining project is the Central Boaz Project. Rapp stated he did not like the numbering system and asked if anything we can do to make it easier to track. Attorney Skogstad suggested we can keep the task order No. 1 and list the year with it for example, Task Order No. 1 – 2021. Mr. Metz agreed that listing the year with the task order would make it easier to find for reference and billing purposes. Craig Richards advised that if that is something the Board wants to do it is not a problem. Rapp added he knows how hard it is to go back years to try and find a certain task order or document, having the year attached would make it easier to locate. So, from this point on the task orders, we need to list the task order number along with the year. Craig Richards liked the idea and said if the Board prefers, from here on out we will list the task orders with order number and year, for instance this one would be Task Order No. 1 – 2021. If the board wants to approve, we will get you a new task order with the correct numbering on it and have you sign. Rapp agreed and entertained the motion for the approval of Task Order No. 1 Miscellaneous Professional Service Agreement with Burgess & Niple.

Motion and Vote

Chairman Rapp called for motion to accept approval of Task Order No. 1 Miscellaneous Professional Services Agreement with Burgess & Niple. Motioned carried by Steve Eaton was seconded by Joe Thorpe. Vote carried in support unanimous 5-0.

F. Discussion on House Bill 2370 – Per Chairman Rapp, I wanted to have a discussion on House Bill 2370 I would like to discuss three (3) bills to give you all an update on the Legislature. On House Bill 2370 it has passed the Legislature making it mandatory that Public Service Districts allow anyone with a swimming pool to be given a credit for sewer. The requirements are that you must contact the Public Service District and give them the dimensions of your pool at that point they will issue you a credit on the sewer charges. Based on the rules, if the water does not go down the sanitary sewer you will not have to pay an additional amount for the sewer plant to treat it. I have had people call me asking why they had to pay higher sewer charges after filling up their swimming pools. In our discussion we advise that the City of Vienna gives you the option to have a 2nd meter installed which is not metered for the sewer, this applies to many people who have irrigation systems for sprinkling their lawns, swimming pools etc. so they do not incur the extra sewer expense. I will be the first to tell you I have a swimming pool and I do not like paying the enormous bill once a year to fill the pool. The way I see it the water is going into my pool, when I empty it is going into my backyard and right into the ground. So, because the legislature mandated that Public Service Districts have this ability, I would like to bring to you all a proposal to exempt people that have swimming pools from paying the sewer charge when it is not going down the sanitary sewer. In my opinion it is an unfair charge. Chairman Rapp asked if Mr. Metz had anything to add, Mr. Metz added that this would be a logistical nightmare for my department. My questions are how many times a year is someone going to fill their pool? Who is going to measure the pool? Who is going to make sure that water went into the pool and not somewhere else? Are we going to hire someone to go out and check all of this, how are we going to make sure that it was just the pool they filled up, get the exact time, the dimensions? Therefore, we offer the irrigation meters to people, it is a small fee to pay for that additional

meter. Parkersburg offers these 2nd meters; I have one at my home to fill my own pool. The residence of Vienna are offered that same option, to have an irrigation meter installed to avoid paying the sewer charges on instances like filling your pool or watering your lawn. So, in my opinion I think we should stick with things the way they are. Rapp stated that he and Mr. Metz have had this discussion before and I disagree with him I don't think it would be that big of a deal, there are not that many swimming pools in the City of Vienna, and the option of installing another meter, my swimming pool is in back of my yard, my meter is completely on the other side of my home so, installing a second meter would be on me to have a water line run all the way around my house to the back to do this. It is not cheap, the 2nd meter costs \$300, and the other fact is the water is not going through the sanitary sewer and by the way the law is written it is on the homeowner to call the Utility Board and give the dimensions of the pool and tell us how many gallons of water it holds. At that point we have the technology to look at the printouts each month to see when you have a high spike in water usage like you may have had a leak. So, since the legislature has stepped in and made and approved this House Bill 2370, I think this is something that the City of Vienna should do. So please review this bill and see if this is something you all would be interesting in passing. Two more bills that I want to bring you up to date on, one I am extremely happy with, House Bill 3089, this bill designates water and sewer employees as same classification as police, fire, and emergency, they are now classified as essential workers. All through this pandemic and just the things we had to endure just to keep the water running, water and sewer employees were not considered essential workers, now they are. It should have been done along time ago because I do not think there is anything more important than water. At any rate they have now recognized this and passed this bill that will allow us to do certain things with this classification. The other bill to bring you up to date on is House Bill 2884, Roger Conley who was a former City Council member with City of Vienna had a hand in this bill. Basically, there were some people who wanted to FOIA water and sewer accounts, which would have people's personal information on the requested FOIA information, but now they have passed this bill which makes utility billing account information is now a non – FOIA available item, this will keep people's information private as it should be. No questions from the Board.

G. City of Vienna Flood Control – Operation, Maintenance Funding Agreement Approval – WV Conservation Agency – Fiscal Year 2022 – Per Mr. Metz, this is our yearly standard agreement with the WV Soil Conservation Agency that has to do with Operation, Maintenance and Funding that has to do with Pond Run and the annual contributions that we as the City of Vienna contribute in the amount of \$7,500 annually and the WV Soil Conservation Agency matches that at \$7,500 annually as well. We mow and maintain Pond Run then turn around and bill the Conservation Agency. This agreement allows us to continue this agreement. Chairman Rapp entertained the motion for the approval of the City of Vienna WV Conservation Agency Flood Control – Operation, Maintenance Funding Agreement for Fiscal year 2022.

Motion and Vote

Chairman Rapp called for motion to accept approval of the City of Vienna WV Conservation Agency Flood Control – Operation, Maintenance Funding Agreement. Motioned carried by Kim Williams was seconded by Steve Eaton. Vote carried in support unanimous 5-0.

Manager's Report: Per Mr. Metz, right now Amy Roberts and I are working on the budgets to present to you at the next meeting. We will get the copies of budget to you before the meeting, hopefully by next week so you can review, and we can then discuss and hopefully approve at next meeting. If you have any questions, please contact me or Amy and we will try to answer any questions as best we can. Rapp added when you look at the budgets you will notice that a lot of the numbers are the same over a period of years that is because it is a rate-based revenue stream. So, when you see the numbers, it is based how many customers we have, how many gallons of water we sell. Therefore, some of the numbers do not appear to move and that is because of the rate-based system, so do not get confused on that part of it.

Board Comments: No board comments

Meeting adjourned at 1:43 PM.

Next regular meeting – Friday May 21, 2021 @ 1:00 PM @ 60th Street VUB location.

Respectfully submitted,

Lorrie Bond