



City of Elkins

Regular Council Meeting

August 1, 2024
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Invocation and Pledge of Allegiance**
2. **Call to order and roll call**
3. **Public comment**
4. **Minutes**
 - a. Proposed minutes for the meeting of July 11, 2024
5. **Correspondence, Notifications, and Recognitions**
 - a. Building permits, zoning permits, and vacant property registrations
 - b. Kump Center fundraising events
6. **Councilor Reports**
7. **Staff reports**
 - a. Treasurer's report
8. **Approval of vendor invoice payments**
 - a. Vendor invoices presented for approval: July 8-26, 2024

(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)
9. **New business**
 - a. Ordinance 337: Amending the City Charter concerning the date of the Municipal Election (final reading)
 - b. Resolution 1775: Reauthorizing Conditions of Contract between Mitchell Tree Care, LLC and Landscape Consulting, LLC and the City of Elkins , and Authorizing Execution of Contract
 - c. Resolution 1776: Appointing new members to the Elkins Tree Board
 - d. Resolution 1777: Accepting bid for relocation of a sanitary sewer line near Eleventh Street
 - e. Resolution 1778: Accepting a grant on behalf of the Kump Education Center from the West Virginia Archives & History Commission
 - f. Reallocating ARPA funds

- g. Grant opportunity with Augusta Heritage Center/National Endowment for the Arts
- h. Whitmer Water System takeover

10. Mayor's comments

11. Adjournment



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of July 11, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for the council meeting of July 11
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2024_07_11 - minutes_proposed

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
July 11, 2024
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilors N.E. Bross-Fregonara, G.M. Hinchman, B.C. Kerns, D.C. Parker, E. L. Plishka, L.S. Severino, and C.H. Thompson; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager M. Kesecker; City Attorney G. S. Roberts; and City Clerk S.R. Stokes (recording secretary).

Councilors A.C. Carroll, R.C. Chenoweth, and C.C. Lowther were absent.

PUBLIC COMMENT

There was no public comment.

MINUTES

Kerns **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 24, 2024.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

Hinchman **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period June 24-July 5, 2024.

NEW BUSINESS

Severino **MOVED APPROVAL OF ORDINANCE 337: AMENDING THE CITY CHARTER CONCERNING THE DATE OF THE MUNICIPAL ELECTION (FIRST OF TWO READINGS).** The motion carried.

Plishka **MOVED APPROVAL OF RESOLUTION 1768: REAPPOINTING R. LEITNER TO THE ELKINS BUILDING COMMISSION.** The motion carried.

Proposed Minutes

Thompson MOVED APPROVAL OF RESOLUTION 1769: ADDING NEW HOLIDAYS: FOREST FESTIVAL FRIDAY, THANKSGIVING FRIDAY, AND CHRISTMAS AND NEW YEAR’S EVE. The motion carried.

Hinchman MOVED THAT COUNCIL ADOPT RESOLUTION 1770 (BUDGET REVISION SAO 2025-001-01), RECORDING THE FY 2024 CARRYOVER. In accordance with the requirements of the state auditor’s office for inter-departmental budget revisions, the chair ordered a roll-call vote. The clerk called the roll in random order. The motion carried. Council votes were as follows:

Bross-Fregonara	Yes	Kerns	Yes	Severino	Yes
Chenoweth	Absent	Lowther	Absent	Thompson	Yes
Carroll	Absent	Parker	Yes	Mayor J. Marco (in case of tie)	n/a
Hinchman	Yes	Plishka	Yes		

Hinchman MOVED THAT COUNCIL ADOPT RESOLUTION 1771 (BUDGET REVISION SAO 2025-002-01), RECORDING THE COAL SEVERANCE FUND BALANCE AS OF JULY 1. In accordance with the requirements of the state auditor’s office for inter-departmental budget revisions, the chair ordered a roll-call vote. The clerk called the roll in random order. The motion carried. Council votes were as follows:

Bross-Fregonara	Yes	Kerns	Yes	Severino	Yes
Chenoweth	Absent	Lowther	Absent	Thompson	Yes
Carroll	Absent	Parker	Yes	Mayor J. Marco (in case of tie)	n/a
Hinchman	Yes	Plishka	Yes		

Hinchman MOVED APPROVAL OF RESOLUTION 1772: STATEMENT OF SUPPORT FOR THE ASCEND WV PROGRAM. The motion carried.

Thompson MOVED APPROVAL OF RESOLUTION 1773: ADDING SICK LEAVE TO THE LEAVE DONATION PROGRAM. The motion carried.

Bross-Fregonara MOVED APPROVAL OF RESOLUTION 1774: ACCEPTING A 2024 COMMUNITY EQUI-CITY GRANT AWARDED TO ELKINS TREE BOARD. The motion carried.

The meeting was adjourned at 7:31 p.m.

Attest: S.R. Stokes, City Clerk

Jerry A. Marco, Mayor



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Presentation
Agenda Item Name:	Building permits, zoning permits, and vacant property registrations
Recommended By:	Building Officer
Summary:	The attached report shows building permits issued 7/09/2024-7/29/2024. There were 23 projects with a total valuation of \$334,375.00. Zoning permits show 1 new business. To date this year, \$3,400 in vacant property registration fees have been collected and 8 liens (highlighted) have been placed upon properties.
Fiscal Impact:	See summary and attached.
Recommendation:	Review presented information
Attachments:	1. Building Permits - 2024_08_01

The attached report shows building permits issued 7/09/2024-7/29/2024. There were 23 projects with a total valuation of \$334,375.00.

Zoning permits show 1 new business.

To date this year, \$3,400 in vacant property registration fees have been collected and 8 liens (highlighted) have been placed upon properties.

BUILDING PERMITS

7/29/2024 8:03 AM PROJECT MASTER REPORT PAGE: 1
PROJECTS: THRU ZZZZZZZZZZ REPORT SEQUENCE: Project
PROJECT TYPE: Exclude: BPZONING CONTRACTOR CLASS: All - All Contractor Classes
CONTRACTORS: All
APPLIED DATES: 7/09/2024 THRU 7/29/2024 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
STATUS INCLUDED: All ISSUED DATES: 0/00/0000 THRU 99/99/9999
=====

PROJECT: 240200 - RESIDENTIAL ROOFING TYPE: ROOF-RES RESIDENTIAL ROOFING
PROPERTY: 223 SECOND ST
APPLIED DATE: 7/10/2024 ISSUED DATE: 7/10/2024 EXPIRATION DATE: 1/10/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR: NORTHCENTR NORTH CENTRAL BLDING SOLUTIONS ISSUED TO: PEGASUS PROPERTIES LLC
897 Lodgeville Rd.
Bridgeport, WV 26330 20 HIGH STREET
ELKINS, WV 26241
SQUARE FEET: 1,008
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

PROJECT: 240201 - RESIDENTIAL ROOFING TYPE: ROOF-RES RESIDENTIAL ROOFING
PROPERTY: 20 HIGH ST
APPLIED DATE: 7/10/2024 ISSUED DATE: 7/10/2024 EXPIRATION DATE: 1/10/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR: NORTHCENTR NORTH CENTRAL BLDING SOLUTIONS ISSUED TO: MCFADDEN, COLIN
897 Lodgeville Rd.
Bridgeport, WV 26330 20 HIGH STREET
ELKINS, WV 26241
SQUARE FEET: 1,916
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

PROJECT: 240202 - RESIDENTIAL ROOFING TYPE: ROOF-RES RESIDENTIAL ROOFING
PROPERTY: 117 CHESTNUT ST
APPLIED DATE: 7/10/2024 ISSUED DATE: 7/10/2024 EXPIRATION DATE: 1/10/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR: ISSUED TO: WINANS, MARY LYNN
117 CHESTNUT ST
ELKINS, WV 26241

SQUARE FEET:	96		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	27.79
PROJECT: 240203 - RESIDENTIAL ROOFING			
PROPERTY:	211 FOURTH ST	TYPE:	ROOF-RES RESIDENTIAL ROOFING
APPLIED DATE:	7/10/2024	ISSUED DATE:	7/10/2024
CONTRACTOR:	CLIFFORDR CLIFFORD R BILLER GEN CONT	EXPIRATION DATE:	1/10/2025
	336 BLAINE AVE	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	CITIZENS BANK OF WEST VIRGINIA
			PO BOX 1519
SQUARE FEET:	2,400		ELKINS, WV 26241
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240205 - COMMERCIAL ROOFING			
PROPERTY:	BAKER ST	TYPE:	ROOF-COM COMMERCIAL ROOFING
APPLIED DATE:	7/11/2024	ISSUED DATE:	7/11/2024
CONTRACTOR:	DESIGN DESIGN ROOFING & SHEET METAL	EXPIRATION DATE:	1/11/2025
	2224 BEVERLY PIKE	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	POPE, JOSEPH
SQUARE FEET:	11,914		101 WYNDHAM KNOB
DWELLING TYPE:	PRIVATE		PARKERSBURG, WV 26104
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240206 - COMMERCIAL REMODEL			
PROPERTY:	400 DAVIS AVE	TYPE:	BC-REM COMMERCIAL REMODEL
APPLIED DATE:	7/11/2024	ISSUED DATE:	7/11/2024
CONTRACTOR:	S&KCONSTRU S & K CONSTRUCTION& REMODELING	EXPIRATION DATE:	1/11/2025
	143 WEESE ST	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	YMCA
SQUARE FEET:	120		400 DAVIS AVE
DWELLING TYPE:	PUBLIC		ELKINS, WV 26241
STATUS:	OPEN	BALANCE:	56.00
PROJECT: 240207 - RESIDENTIAL ROOFING			
PROPERTY:	1216 S KERENS AVE	TYPE:	ROOF-RES RESIDENTIAL ROOFING
APPLIED DATE:	7/15/2024	ISSUED DATE:	7/15/2024
CONTRACTOR:	DESIGN DESIGN ROOFING & SHEET METAL	EXPIRATION DATE:	1/15/2025
	2224 BEVERLY PIKE	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	HAYES, BRIAN T
SQUARE FEET:	1,800		1216 S KERENS AVE
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	BALANCE:	79.00
PROJECT: 240208 - RESIDENTIAL FENCE			
PROPERTY:	503 CENTER ST	TYPE:	FENCE-RES RESIDENTIAL FENCE
APPLIED DATE:	7/15/2024	ISSUED DATE:	7/15/2024
CONTRACTOR:		EXPIRATION DATE:	1/15/2025
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	SUMMERFIELD ASSET MANAGEMENT
			155 OAK CREST DR
			ELKINS, WV 26241
SQUARE FEET:	1		

DWELLING TYPE: PRIVATE	UNITS: 1		
STATUS: OPEN	BALANCE:	0.00	
PROJECT: 240210 - RESIDENTIAL ELECTRICAL			
PROPERTY: 228 GRACELAND HILLS DR		TYPE: ELEC-RES	RESIDENTIAL ELECTRICAL
APPLIED DATE: 7/17/2024	ISSUED DATE: 7/17/2024	EXPIRATION DATE: 1/17/2025	COMPLETION DATE: 0/00/0000
CONTRACTOR: CRITSELEC CRITES ELECTRIC INC		ISSUED TO: TALBOTT, IRVIN DUKE	
50 S KANAWHA ST		228 GRACELAND HILLS DR	
BUCKHANNON, WV 26201		ELKINS, WV 26241-1886	
SQUARE FEET: 1			
DWELLING TYPE: PRIVATE	UNITS: 0		
STATUS: OPEN	BALANCE:	30.00	
PROJECT: 240211 - RESIDENTIAL DECK			
PROPERTY: 318 MAIN ST		TYPE: DECK-RES	RESIDENTIAL DECK
APPLIED DATE: 7/17/2024	ISSUED DATE: 7/17/2024	EXPIRATION DATE: 1/17/2025	COMPLETION DATE: 0/00/0000
CONTRACTOR: BMB BMB CONSTRUCTION LLC		ISSUED TO: ROSS, PAMELA L	
2771 CRAVENS RUN ROAD		18 CENTRAL ST	
ELKINS, WV 26241		ELKINS, WV 26241	
SQUARE FEET: 120			
DWELLING TYPE: PRIVATE	UNITS: 1		
STATUS: OPEN	BALANCE:	0.00	
PROJECT: 240212 - RESIDENTIAL ELECTRICAL			
PROPERTY: 199 WASHINGTON AVE		TYPE: ELEC-RES	RESIDENTIAL ELECTRICAL
APPLIED DATE: 7/17/2024	ISSUED DATE: 7/17/2024	EXPIRATION DATE: 1/17/2025	COMPLETION DATE: 0/00/0000
CONTRACTOR: PROTECH PROTECH ELECTRICAL SERVICES		ISSUED TO: ROBEY, ANGELA	
2777 OVAPA ROAD		207 1/2 WASHINGTON AVE	
OVAPA, WV 25164		ELKINS, WV 26241	
SQUARE FEET: 217			
DWELLING TYPE: PRIVATE	UNITS: 1		
STATUS: OPEN	BALANCE:	36.51	
PROJECT: 240213 - RESIDENTIAL ROOFING			
PROPERTY: 104 GLENDALE AVE		TYPE: ROOF-RES	RESIDENTIAL ROOFING
APPLIED DATE: 7/18/2024	ISSUED DATE: 7/18/2024	EXPIRATION DATE: 1/18/2025	COMPLETION DATE: 0/00/0000
CONTRACTOR: K & F K & F CONSTRUCTION INC		ISSUED TO: CROSS, LINDA	
PO BOX 2387		326 CENTRAL ST	
MARTINSBURG, WV 25402		ELKINS, WV 26241	
SQUARE FEET: 2,650			
DWELLING TYPE: PRIVATE	UNITS: 1		
STATUS: OPEN	BALANCE:	104.50	
PROJECT: 240214 - RESIDENTIAL ACCESSORY BUILDING			
PROPERTY: 119 BRUCE ST		TYPE: BR-ACC	RESIDENTIAL ACCESSORY BLD
APPLIED DATE: 7/22/2024	ISSUED DATE: 7/22/2024	EXPIRATION DATE: 1/22/2025	COMPLETION DATE: 0/00/0000
CONTRACTOR:		ISSUED TO: STANLEY, JUSTIN & RYAN C	
		119 BRUCE ST	
		ELKINS, WV 26241	
SQUARE FEET: 768			
DWELLING TYPE: PRIVATE	UNITS: 1		

STATUS: OPEN	BALANCE:	0.00		
PROJECT: 240215 - RESIDENTIAL REMODEL			TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	112 EVANS DR			
APPLIED DATE:	7/24/2024	ISSUED DATE:	7/24/2024	EXPIRATION DATE: 1/24/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR:	BASEMENTA BASEMENT AUTHORITY OF WV			ISSUED TO: BOYLES, MICHELLE
	132 ROCKY STEP RD			112 EVANS DR
	SCOTT DEPOT, WV 25560			ELKINS, WV 26241
SQUARE FEET:	897			
DWELLING TYPE:	PRIVATE	UNITS:	1	
STATUS: OPEN	BALANCE:		0.00	
PROJECT: 240216 - RESIDENTIAL ACCESSORY BUILDING			TYPE: BR-ACC	RESIDENTIAL ACCESSORY BLD
PROPERTY:	409 TENTH ST			
APPLIED DATE:	7/24/2024	ISSUED DATE:	7/24/2024	EXPIRATION DATE: 1/24/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR:				ISSUED TO: KIRK, CAMERON G
				409 10TH ST
				ELKINS, WV 26241
SQUARE FEET:	84			
DWELLING TYPE:	PRIVATE	UNITS:	1	
STATUS: OPEN	BALANCE:		0.00	
PROJECT: 240217 - RESIDENTIAL REMODEL			TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	120 SUNSET DR			
APPLIED DATE:	7/24/2024	ISSUED DATE:	7/24/2024	EXPIRATION DATE: 1/24/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR:	BIBEYCONTR BIBEY CONTRACTING			ISSUED TO: CONKLIN, TIM
	30 OLD SCHOOL WAY			120 SUNSET DR
	ELKINS, WV 26241			ELKINS, WV 26241
SQUARE FEET:	900			
DWELLING TYPE:	PRIVATE	UNITS:	1	
STATUS: OPEN	BALANCE:		0.00	
PROJECT: 240218 - RESIDENTIAL REMODEL			TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	401 CENTRAL ST			
APPLIED DATE:	7/25/2024	ISSUED DATE:	7/25/2024	EXPIRATION DATE: 1/25/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR:	BASEMENTA BASEMENT AUTHORITY OF WV			ISSUED TO: AVALOS, VIANEY B
	132 ROCKY STEP RD			401 CENTRAL ST
	SCOTT DEPOT, WV 25560			ELKINS, WV 26241
SQUARE FEET:	850			
DWELLING TYPE:	PRIVATE	UNITS:	1	
STATUS: OPEN	BALANCE:		0.00	
PROJECT: 240219 - RESIDENTIAL REMODEL			TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	120 SECOND ST			
APPLIED DATE:	7/25/2024	ISSUED DATE:	7/25/2024	EXPIRATION DATE: 1/25/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR:	CONSTRUCTI CONSTRUCTION BY RQ LLC			ISSUED TO: SUTHERLAND, CYNTHIA M
	809 MAIN ST			120 SECOND ST
	BEVERLY, WV 26253			ELKINS, WV 26241
SQUARE FEET:	100			
DWELLING TYPE:	PRIVATE	UNITS:	1	
STATUS: OPEN	BALANCE:		28.00	

PROJECT: 240220	- RESIDENTIAL ACCESSORY BUILDING	TYPE: BR-ACC	RESIDENTIAL ACCESSORY BLD
PROPERTY:	1 FIRST ST		
APPLIED DATE:	7/25/2024	ISSUED DATE:	7/25/2024
CONTRACTOR:		EXPIRATION DATE:	1/25/2025
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	CANFIELD, FLOYD
			611 HARTMAN LN
			MONTROSE, WV 26283
SQUARE FEET:	160		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240221	- NEW RESIDENTIAL BUILDING	TYPE: BR-NEW	NEW RESIDENTIAL BUILDING
PROPERTY:	105 GRACELAND HILLS DR		
APPLIED DATE:	7/26/2024	ISSUED DATE:	7/26/2024
CONTRACTOR:	BIBEYCONTR BIBEY CONTRACTING	EXPIRATION DATE:	1/26/2025
	30 OLD SCHOOL WAY	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	HUTTON, JOYCE
			PO BOX 2254
			ELKINS, WV 26241
SQUARE FEET:	900		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240222	- RESIDENTIAL ACCESSORY BUILDING	TYPE: BR-ACC	RESIDENTIAL ACCESSORY BLD
PROPERTY:	205 GRAHAM ST		
APPLIED DATE:	7/26/2024	ISSUED DATE:	7/26/2024
CONTRACTOR:		EXPIRATION DATE:	1/26/2025
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	YOKUM, TIMOTHY
			205 GRAHAM ST
			ELKINS, WV 26241
SQUARE FEET:	264		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240223	- COMMERCIAL SIDEWALK/DRIVEWAY	TYPE: BC-SIDE	COM SIDEWALK/DRIVEWAY
PROPERTY:	900 INDUSTRIAL PARK RD		
APPLIED DATE:	7/26/2024	ISSUED DATE:	7/26/2024
CONTRACTOR:	GARBER GARBER CONCRETE WORK	EXPIRATION DATE:	8/01/2024
	2404 BUFFALO MOUNTAIN RD	COMPLETION DATE:	0/00/0000
	ARBORVALE, WV 24915	ISSUED TO:	WEST, SYDNEY
			70 WESTWOOD DR
			ELKINS, WV 26241
SQUARE FEET:	350		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240224	- RESIDENTIAL REMODEL	TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	1314 S KERENS AVE		
APPLIED DATE:	7/26/2024	ISSUED DATE:	7/26/2024
CONTRACTOR:		EXPIRATION DATE:	1/26/2025
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	WELLS, JEFFREY L
			20 2ND ST
			ELKINS, WV 26241
SQUARE FEET:	1,681		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	75.43

ZONING PERMITS

7/29/2024 8:07 AM

PROJECT MASTER REPORT

PAGE: 1

PROJECTS: THRU ZZZZZZZZZZ

REPORT SEQUENCE: Project

PROJECT TYPE: Include: BPZONING

CONTRACTOR CLASS: All

- All Contractor Classes

CONTRACTORS: All

APPLIED DATES: 7/09/2024 THRU 7/29/2024

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS INCLUDED: All

ISSUED DATES: 0/00/0000 THRU 99/99/9999

PROJECT: 240225 - ZONING PERMIT

TYPE: BPZONING ZONING

PROPERTY: 1200 HARRISON AVE

APPLIED DATE: 7/26/2024

ISSUED DATE: 7/26/2024

EXPIRATION DATE: 7/26/2025

COMPLETION DATE: 0/00/0000

CONTRACTOR:

ISSUED TO: HERE COMES THE SUN TANNING

108 WHISPERWOOD DR

ELKINS, WV 26241

SQUARE FEET: 780

DWELLING TYPE: PRIVATE

UNITS: 1

STATUS: OPEN

BALANCE: 10.00

VACANT STRUCTURE BILLING

7/29/2024 8:09 AM
 LICENSES: THRU ZZZZZZZZZZ
 LIC CODES: Include: CE-VAC
 LIC STATUS: Pending, Active
 FEE CODES: All

F E E C O D E R E P O R T

PAGE: 1
 ORIGINATION DATE: 3/01/2024 THRU 7/29/2024
 EFFECTIVE DATE: 0/00/0000 THRU 99/99/9999
 EXPIRATION DATE: 0/00/0000 THRU 99/99/9999
 PRINT DATE: 0/00/0000 THRU 99/99/9999

FEE CODE: VACANT - VACANT PROPERTY FEE

LICENSE	PERIOD	LIC CODE	STATUS	REPORT	ISSUED TO	# of Years	CHARGES		
24285	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY LINDA	1.0000	200.00		
24286	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY LINDA	1.0000	200.00		
24287	3/04/24 - 3/05/24	CE-VAC	Active	CODE	HIGGINS MARIE	1.0000	200.00		
24289	3/04/24 - 3/05/24	CE-VAC	Active	CODE	METHENY MICHE	1.0000	200.00		
24290	3/04/24 - 3/05/24	CE-VAC	Active	CODE	MILLER LINDA	1.0000	200.00		
24294	3/12/24 - 3/13/24	CE-VAC	Active	CODE	CHUA DOMIN	1.0000	200.00		
24295	3/12/24 - 3/13/24	CE-VAC	Pending	CODE	ARBOGAST GARY	1.0000	200.00		
24302	3/19/24 - 3/20/24	CE-VAC	Active	CODE	AUVIL BENJA	1.0000	200.00		
24303	3/19/24 - 3/20/24	CE-VAC	Active	CODE	PROUDFOOT LINDA	1.0000	200.00		
24305	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	HALLE SHANE	1.0000	200.00		
24306	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT WILLI	1.0000	200.00		
24307	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT WILLI	1.0000	200.00		
24309	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE JAMES	1.0000	200.00		
24310	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GRAHAM ANNA	1.0000	200.00		
24311	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ANGER MIKE	1.0000	200.00		
24312	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	SHIFFLETT DAVID	2.0000	200.00		
24314	3/19/24 - 3/20/24	CE-VAC	Active	CODE	BEVERLY PIKE LAND LLC	2.0000	200.00		
24315	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE JAMES	2.0000	200.00		
24324	4/04/24 - 4/05/24	CE-VAC	Active	CODE	BOGGS ANGEL	2.0000	200.00		
24325	4/04/24 - 4/05/24	CE-VAC	Active	CODE	SHOMO LINDA	2.0000	200.00		
24326	4/04/24 - 4/05/24	CE-VAC	Active	CODE	STEVENSON JULIA	2.0000	200.00		
24327	4/04/24 - 4/05/24	CE-VAC	Active	CODE	YEAGER MARVI	2.0000	200.00		
24328	4/04/24 - 4/05/24	CE-VAC	Active	CODE	KIRKPATRICK KRIST	2.0000	200.00		
24333	4/16/24 - 4/17/24	CE-VAC	Active	CODE	VARNEY CHARL	2.0000	200.00		
24334	4/16/24 - 4/17/24	CE-VAC	Active	CODE	MESSINGER DAVID	2.0000	200.00		
24335	6/24/24 - 6/25/24	CE-VAC	Active	CODE	WHITE DELAI	2.0000	200.00		
24336	4/16/24 - 4/17/24	CE-VAC	Active	CODE	KNUTTI FREDE	2.0000	200.00		
24337	6/04/24 - 6/05/24	CE-VAC	Active	CODE	LOTHES WILFR	2.0000	200.00		
24343	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KHAN FARUK	2.0000	200.00		
24344	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	HATFIELD WANDA	2.0000	200.00		
24345	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY KATHE	2.0000	200.00		
24346	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY KATHE	2.0000	200.00		
24347	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KIRKPATRICK REBEC	2.0000	200.00		
REPORT TOTALS:							33	51.0000	6,600.00

From: pacificwinds@verizon.net
To: [Sutton Stokes](#)
Cc: [Laura Santmyer](#); [Jerry Marco](#); [Heather Biola](#)
Subject: Kump Education Center Fundraising Events
Date: Sunday, July 28, 2024 5:51:35 PM

You don't often get email from pacificwinds@verizon.net. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments or reply unless you recognize the sender and know the content is safe. Contact Help Desk for assistance.

Hello Sutton,

As required in the MOU with the city we are informing you that the Kump Education Center is planning a Yard Sale Fundraiser at the Kump House on September 7th 2024 from 8am - 2 pm.

We are also planning a Halloween event at the house on October 31, 2024 from 4pm - 8 pm to celebrate the holiday and Governor Kump's birthday which occurs on Halloween.

Should you need any further information, feel free to contact me or Laura Santmyer

sincerely,

Debra Barsy & Laura Santmyer
Kump Education Center Event Committee



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's report
Recommended By:	City Treasurer
Summary:	Please review the annual reports of the police and fire pension funds (attached). Please review water and sewer bond balances (attached).
Fiscal Impact:	n/a
Recommendation:	Review presented information
Attachments:	1. Fire 2024 Annual Report 2. Police 2024 Annual Report 3. Water & Sewer Bond Balances



CITY OF ELKINS

Municipal Pensions Oversight Board
301 Eagle Mountain Road, Suite 251
Charleston, West Virginia 25311

Under penalty for false swearing (West Virginia Code §61-5-3), I hereby certify the foregoing information in this annual report of the Firemen's Pension and Protection Fund for fiscal year **2024** to be true and accurate in all respects. I further certify (per §8-22-19(d)(1) and §8-22-19(d)(1)(B)) the Board of Trustees of the pension and relief fund has made a report to the governing body of the municipality and to the oversight board on the condition of its fund with respect to the fiscal year. This Annual Report has been presented to the Elkins city council on August 1, 2024.

Date: July 18, 2024

Name: Tracy R. Judy

Signed: *Tracy R. Judy*

Title: Municipal Treasurer and Custodian of the Firemen's Pension and Relief Fund

Municipality: City of Elkins

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund	<u>Firemen's Pension & Relief Fund</u>
Treasurer	<u>Tracy Judy</u>
Municipality	<u>City of Elkins</u>
Fiscal Year (July 1 - June 30)	<u>2024</u>
Actuarial Funding Method	☐ Standard Funding Method ☒ Optional Funding Method ☐ Alternative Funding Method (107%) ☐ % Necessary to Maintain Plan Solvency for 15 Years

PART I - Asset Reconciliation from Beginning of Fiscal Year to End of Fiscal Year			
Item			Amount
Beginning Fair Value of Pension Plan	July 1 (cash value)		\$ 2,462,219.14
a. Prior year net receivable/payable			\$ -
Beginning Fair Value of Pension Plan	July 1 (accrued value)		\$ 2,462,219.14
I. Revenue During Fiscal Year			
1. Employee Contributions			
a. For Employees hired prior to Jan. 1, 2010	Percent of Gross Salary	7.00%	\$ 13,799.41
b. For Employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%	\$ -
c. Total Employee Contributions			\$ 13,799.41
2. Government Contributions			
a. From Parent Local Government	Required employer contributions from your municipality		\$ 42,207.00
b. Overpayment Authorized by City Council Pursuant to §WV Code 8-22-27A(d)			\$ -
c. Additional Employer Contributions From Your Municipality			\$ -
d. From State Government	Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)		\$ -
e. Total Government Contributions			\$ 42,207.00
3. Receivable Contributions			
a. Employee Contributions			\$ -
b. Local Government Contributions			\$ -
c. State Government Contributions			\$ -
d. Other Contributions			\$ -
e. Total Receivable Contributions			\$ -
4. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			\$ 312,563.32
b. Net Realized Gain/(Loss) on Sale/Exchange			\$ -
c. Interest and Dividends			\$ 45,558.49
d. Other Income			\$ -
e. Investment Expenses (enter as negative)			\$ (9,546.41)
f. Receivable Investment Income			\$ -
g. Payable Investment Expenses (enter as negative)			\$ -
h. Total Earnings on Investments			\$ 348,575.40
5. All Other Revenues			
Please Specify			\$ -
Total Revenues	The sum of items I.1. through I.7.		\$ 404,581.81

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item		Amount
II Expenditures During Fiscal Year Does not include Investment Expenses, see I.3.c. and I.4.g. on first page.		
1. Benefits Paid		
Retirement, disability, survivor and any other benefits.		\$ 33,351.11
2. Withdrawals		
Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment.		\$ -
3. Administration Expenses		
Administrative expenses and other costs or payments not representing benefit payments or withdrawals.		
a. Municipal Administration Municipal administration fees.	\$ -	
b. Other Administration Example: Pension Secretary expenses, Rent, etc.	\$ -	
c. Total Administration Expenses		\$ -
4. Payables		
Monies payable after the end of the fiscal year.		
a. Benefit Payments	\$ -	
b. Withdrawals	\$ -	
c. Administration Expenses	\$ -	
d. Total Payables		\$ -
Total Expenditures The sum of items II.1. through II.4		\$ 33,351.11
Net Income/(Loss)		\$ 371,230.70
Ending Fair Value of Pension Plan June 30 (cash value)		\$ 2,833,449.84
a. Net receivable/payable		\$ -
Ending Fair Value of Pension Plan June 30 (accrued value)		\$ 2,833,449.84

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

PART II - Asset Allocation at End of Fiscal Year

1. Cash and Cash Equivalents - Short Term		Percent of Total Assets	0.99%
Financial Institution or Money Manager	Type of Account	Fair Value	
a.	Checking	\$	-
b.	Treasury Bills	\$	-
Citizens Bank of West Virginia	Savings or Money Market Account	\$	28,154.62
d.	Short Term Investment Funds	\$	-
e.	Re-Purchase Agreements	\$	-
f.	Commercial Paper	\$	-
g.	CDs and Bankers' Acceptances	\$	-
		Fair Value	
Total Cash and Cash Equivalents		\$ 28,154.62	
		The sum of items 1.a. through 1.g.	
2. Fixed Income - Long Term		Percent of Total Assets	44.42%
Financial Institution or Money Manager	Type of Account	Fair Value	
Citizens Bank of West Virginia	US Govt Agencies & Instruments	\$	336,033.65
b.	Foreign Govt, Subdivisions, Agencies or Enterprise	\$	-
c.	International agencies or supranational entities	\$	-
d.	Mortgage-related or others asset back securities	\$	-
e.	Corporate Debt Securities	\$	-
f.	Corporate Inflation-index bonds	\$	-
Citizens Bank of West Virginia	Bank CD's, fixed time deposits, Bankers Acceptance	\$	922,564.45
h.	State & Local Govt Debt Securities	\$	-
i.	Mutual Funds (Bonds)	\$	-
j.	International Mutual Funds - Bonds	\$	-
k.	Exchange Traded Funds (ETF) - Bonds	\$	-
l.	International Exchange Traded Funds (ETF) - Bonds	\$	-
		Fair Value	
Total Fixed Income (at fair value)		\$ 1,258,598.10	
		The sum of items 2.a. through 2.l.	
3. Equity Investments		Percent of Total Assets	54.59%
Financial Institution or Money Manager	Type of Account	Fair Value	
a.	Individual Stocks Held	\$	-
b.	Mutual Fund Shares (Equities)	\$	-
Citizens Bank of West Virginia	Exchange Traded Funds (ETF)	\$	1,546,697.12
d.	International Stocks Held	\$	-
e.	International Mutual Funds - Equities	\$	-
f.	International Exchange Traded Funds (ETF)	\$	-
		Fair Value	
Total Equity Investments (at fair value)		\$ 1,546,697.12	
		The sum of items 3.a. through 3.f.	
4. Alternative Investments		Percent of Total Assets	0.00%
Financial Institution or Money Manager	Type of Account	Fair Value	
a.	Real Estate Investment Trust	\$	-
b.	Private Equity Fund	\$	-
c.	Hedge Funds	\$	-
d.	Other Alternative Investments	\$	-
		Fair Value	
Total Alternative Investments (at fair value)		\$ -	
		The sum of items 4.a. through 4.d.	
5. Receivables and Payables		Percent of Total Assets	0.00%
	Type	Fair Value	
a.	Receivable Contributions	\$	-
b.	Receivable Investment Income	\$	-
c.	Payable Investment Expense	\$	-
d.	Payable Benefits, Withdrawals, and Admin Expenses	\$	-
		Fair Value	
Net Receivable/(Payable)		\$ -	
		The sum of items 5.a. through 5.d.	
Total Assets		Sum of 1. through 5.	\$ 2,833,449.84
6. Total return on investments for the period of July 1 thru June 30		(Obtain from financial institution or money manager)	14.16%

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

PART III - Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

Item		Avg. Monthly #
I. Members of your Pension Fund		
1. Active Members	Exclude Beneficiaries Current number of employees contributing to the pension fund	2.00
2. Inactive Members	Non-active vested members and employees on extended leave without pay	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year		
1. Retirees		
2. Disability Retirees	Includes the new applications approved during reporting period	
a. Number of Disability Applications received during the fiscal year		
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details		
(1.) Disability Applications Approved during Fiscal Year		
(2.) Disability Applications Denied during Fiscal Year		
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund		0.00%
4. Survivors (of Deceased Members) Drawing Benefits		2.00

PART IV - Legal Thresholds for Investments

	(1)	(2)	(3)
	%	Maximum % and \$	(Over) Under
Equity Investments	55%	75%	20%
International Securities	0%	30%	30%
Alternative Investments	0%	25%	25%
Cash/Cash Equivalents and Fixed Income (Low 25%; High 75%)	45%	25% 75%	-20% 30%
Short Term Investment - (90 days of expenses)	\$	8,337.78	\$ (19,816.84)



CITY OF ELKINS

Municipal Pensions Oversight Board
301 Eagle Mountain Road, Suite 251
Charleston, West Virginia 25311

Under penalty for false swearing (West Virginia Code §61-5-3), I hereby certify the foregoing information in this annual report of the Policemen's Pension and Protection Fund for fiscal year **2024** to be true and accurate in all respects. I further certify (per §8-22-19(d)(1) and §8-22-19(d)(1)(B)) the Board of Trustees of the pension and relief fund has made a report to the governing body of the municipality and to the oversight board on the condition of its fund with respect to the fiscal year. This Annual Report has been presented to the Elkins city council on August 1, 2024.

Date: July 18, 2024

Name: Tracy R. Judy

Signed: 

Title: Municipal Treasurer and Custodian of the Policemen's Pension and Relief Fund

Municipality City of Elkins

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund	<u>Policemen's Pension & Relief Fund</u>								
Treasurer	<u>Tracy Judy</u>								
Municipality	<u>City of Elkins</u>								
Fiscal Year (July 1 - June 30)	<u>2024</u>								
Actuarial Funding Method	<table border="1"> <tr> <td>☐</td> <td>Standard Funding Method</td> </tr> <tr> <td>☒</td> <td>Optional Funding Method</td> </tr> <tr> <td>☐</td> <td>Alternative Funding Method (107%)</td> </tr> <tr> <td>☐</td> <td>% Necessary to Maintain Plan Solvency for 15 Years</td> </tr> </table>	☐	Standard Funding Method	☒	Optional Funding Method	☐	Alternative Funding Method (107%)	☐	% Necessary to Maintain Plan Solvency for 15 Years
☐	Standard Funding Method								
☒	Optional Funding Method								
☐	Alternative Funding Method (107%)								
☐	% Necessary to Maintain Plan Solvency for 15 Years								

PART I - Asset Reconciliation from Beginning of Fiscal Year to End of Fiscal Year			
Item			Amount
Beginning Fair Value of Pension Plan	July 1 (cash value)		\$ 4,227,946.73
a. Prior year net receivable/payable			\$ -
Beginning Fair Value of Pension Plan	July 1 (accrued value)		\$ 4,227,946.73
I. Revenue During Fiscal Year			
1. Employee Contributions			
a. For Employees hired prior to Jan. 1, 2010	Percent of Gross Salary <u>7.00%</u>	\$ 5,286.62	
b. For Employees hired on or after Jan. 1, 2010	Percent of Gross Salary <u>9.50%</u>	\$ 11,475.80	
c. Total Employee Contributions			\$ 16,762.42
2. Government Contributions			
a. From Parent Local Government	Required employer contributions from your municipality	\$ 27,721.63	
b. Overpayment Authorized by City Council Pursuant to §WV Code 8-22-27A(d)		\$ -	
c. Additional Employer Contributions From Your Municipality		\$ -	
d. From State Government	Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)	\$ 143,539.88	
e. Total Government Contributions			\$ 171,261.51
3. Receivable Contributions			
a. Employee Contributions			
b. Local Government Contributions		\$ -	
c. State Government Contributions		\$ -	
d. Other Contributions		\$ -	
e. Total Receivable Contributions			\$ -
4. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments		\$ 424,040.03	
b. Net Realized Gain/(Loss) on Sale/Exchange		\$ 215,366.44	
c. Interest and Dividends		\$ 62,393.38	
d. Other Income		\$ -	
e. Investment Expenses (enter as negative)		\$ (15,045.40)	
f. Receivable Investment Income		\$ -	
g. Payable Investment Expenses (enter as negative)		\$ -	
h. Total Earnings on Investments			\$ 686,754.45
5. All Other Revenues			
Please Specify			\$ -
Total Revenues	The sum of items I.1. through I.7.		\$ 874,778.38

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item		Amount
II Expenditures During Fiscal Year Does not include Investment Expenses, see I.4.e. and I.4.g. on first page.		
1. Benefits Paid	Retirement, disability, survivor and any other benefits.	\$ 392,550.12
2. Withdrawals	Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment	\$ 31,021.87
3. Administration Expenses	Administrative expenses and other costs or payments not representing benefit payments or withdrawals	
a. Municipal Administration	Municipal administration fees	\$ -
b. Other Administration	Example: Pension Secretary expenses; Rent; etc.	\$ -
c. Total Administration Expenses		\$ -
4. Payables	Monies payable after the end of the fiscal year	
a. Benefit Payments		\$ -
b. Withdrawals		\$ -
c. Administration Expenses		\$ -
d. Total Payables		\$ -
Total Expenditures	The sum of Items II.1. through II.4	\$ 423,571.99
Net Income/(Loss)		\$ 451,206.39
Ending Fair Value of Pension Plan	June 30 (cash value)	\$ 4,679,153.12
a. Net receivable/payable		\$ -
Ending Fair Value of Pension Plan	June 30 (accrued value)	\$ 4,679,153.12

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

PART II - Asset Allocation at End of Fiscal Year

1. Cash and Cash Equivalents - Short Term		Percent of Total Assets	1.46%
Financial Institution or Money Manager	Type of Account	Fair Value	
a. Checking		\$ -	
b. Treasury Bills		\$ -	
Citizens Bank of West Virginia	Savings or Money Market Account	\$ 68,316.54	
d. Short Term Investment Funds		\$ -	
e. Re-Purchase Agreements		\$ -	
f. Commercial Paper		\$ -	
g. CDs and Bankers' Acceptances		\$ -	
Total Cash and Cash Equivalents		Fair Value \$ 68,316.54	
The sum of items 1.a. through 1.g.			
2. Fixed Income - Long Term		Percent of Total Assets	37.62%
Financial Institution or Money Manager	Type of Account	Fair Value	
Citizens Bank of West Virginia	US Govt Agencies & Instruments	\$ 676,697.80	
b. Foreign Govt, Subdivisions, Agencies or Enterprise		\$ -	
c. International agencies or supranational entities		\$ -	
d. Mortgage-related or others asset back securities		\$ -	
e. Corporate Debt Securities		\$ -	
f. Corporate Inflation-index bonds		\$ -	
Citizens Bank of West Virginia	Bank CD's, fixed time deposits, Bankers Acceptance	\$ 1,083,619.95	
h. State & Local Govt Debt Securities		\$ -	
i. Mutual Funds (Bonds)		\$ -	
j. International Mutual Funds - Bonds		\$ -	
k. Exchange Traded Funds (ETF) - Bonds		\$ -	
l. International Exchange Traded Funds (ETF) - Bonds		\$ -	
Total Fixed Income (at fair value)		Fair Value \$ 1,760,317.75	
The sum of items 2.a. through 2.l.			
3. Equity Investments		Percent of Total Assets	60.92%
Financial Institution or Money Manager	Type of Account	Fair Value	
a. Individual Stocks Held		\$ -	
b. Mutual Fund Shares (Equities)		\$ -	
Citizens Bank of West Virginia	Exchange Traded Funds (ETF)	\$ 2,850,518.83	
d. International Stocks Held		\$ -	
e. International Mutual Funds - Equities		\$ -	
f. International Exchange Traded Funds (ETF)		\$ -	
Total Equity Investments (at fair value)		Fair Value \$ 2,850,518.83	
The sum of items 3.a. through 3.f.			
4. Alternative Investments		Percent of Total Assets	0.00%
Financial Institution or Money Manager	Type of Account	Fair Value	
a. Real Estate Investment Trust		\$ -	
b. Private Equity Fund		\$ -	
c. Hedge Funds		\$ -	
d. Other Alternative Investments		\$ -	
Total Alternative Investments (at fair value)		Fair Value \$ -	
The sum of items 4.a. through 4.d.			
5. Receivables and Payables		Percent of Total Assets	0.00%
	Type	Fair Value	
a. Receivable Contributions		\$ -	
b. Receivable Investment Income		\$ -	
c. Payable Investment Expense		\$ -	
d. Payable Benefits, Withdrawals, and Admin Expenses		\$ -	
Net Receivable/(Payable)		Fair Value \$ -	
The sum of items 5.a. through 5.d.			
Total Assets		Sum of 1. through 5.	\$ 4,679,153.12
6. Total return on investments for the period of July 1 thru June 30		(Obtain from financial institution or money manager)	16.25%

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

PART III - Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

Item	Avg. Monthly #
I. Members of your Pension Fund	
1. Active Members Exclude Beneficiaries	12.50
2. Inactive Members Non-active vested members and employees on extended leave without pay	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year	
1. Retirees	8.00
2. Disability Retirees Includes the new applications approved during reporting period	
a. Number of Disability Applications received during the fiscal year	
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details	
(1.) Disability Applications Approved during Fiscal Year	
(2.) Disability Applications Denied during Fiscal Year	
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund	0.00%
4. Survivors (of Deceased Members) Drawing Benefits	3.00

PART IV - Legal Thresholds for Investments

	(1)	(2)	(3)
	%	Maximum % and \$	(Over) Under
Equity Investments	61%	75%	14%
International Securities	0%	30%	30%
Alternative Investments	0%	25%	25%
Cash/Cash Equivalents and Fixed Income (Low 25%; High 75%)	39%	25% 75%	-14% 36%
Short Term Investment - (90 days of expenses)		\$ 105,893.00	\$ 37,576.46

[illegible]

Water Fund										
Schedule of Monthly Indebtedness										
<u>Lender</u>	<u>Loan Number</u>	<u>Account Charged</u>	<u>Description</u>	<u>Note Date</u>	<u>Maturity Date</u>	<u>Loan Term</u>	<u>Payment</u>	<u>Type</u>	<u>Balance 6-30-24</u>	
Municipal Bond Commission	ELK-W-1-15-C-RN-12	400-521-457-0000	Elkins 15-C Water Revenue	3/1/2018	12/1/2055	118	41,055.37	EFT	13,271,662.00	
Municipal Bond Commission	ELK-W-2-15-C-RN-12	400-521-457-0001	Elkins 15-C Water Reserve	12/1/2017	12/1/2027	120	4,097.35	EFT	139,691.00	
Municipal Bond Commission	ELK-W-2-15-A-RN-12	400-521-457-0002	Elkins 15-A1 Water Reserve	1/1/2018	1/1/2028	120	2,776.00	EFT	97,806.00	
Municipal Bond Commission	ELK-W-2-15-2-RN-12	400-521-457-0003	Elkins 15-A2 Water Reserve	1/1/2018	1/1/2028	120	2,602.50	EFT	91,693.00	
Municipal Bond Commission	ELK-W-2-15-B-RN-12	400-521-457-0004	Elkins 15-B Water Reserve	1/1/2018	1/1/2028	120	2,107.40	EFT	74,250.00	
TOTAL ANNUAL PAYMENTS ARE \$631,663.44										



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: July 8-26, 2024 <i>(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)</i>
Recommended By:	City Treasurer
Summary:	Accounts payable transactions in all funds July 8-26
Fiscal Impact:	Report details \$1,336,521.14 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_08_01

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00283 I-Whit 070124	Frontier Whitmer 3042279917	R	7/09/2024	198.16		000004		198.16
00310 I-014965	Griffith & Associates, PLLC Whitmer work	R	7/09/2024	978.00		000005		978.00
00471 I-110166085487-0724	Mon Power Whitmer electric	R	7/17/2024	551.27		000006		551.27
00560 I-672	Public Service Commission WV intrastate revenue assessment	R	7/17/2024	162.42		000007		162.42
00838 I-1161	Groundhog Directional Drilling Whitmer -Road Bore WhitemanLn	R	7/17/2024	4,500.00		000008		4,500.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	5	6,389.85	0.00	6,389.85
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: GCBANTOTALS:	5	6,389.85	0.00	6,389.85
BANK: GCBAN TOTALS:	5	6,389.85	0.00	6,389.85

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02605	Commercial Builders Inc							
I-Appl #2	contracted services	R	7/11/2024	77,850.00		000003		77,850.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	77,850.00	0.00	77,850.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: OVBSATOTALS:	1	77,850.00	0.00	77,850.00
BANK: OVBSA TOTALS:	1	77,850.00	0.00	77,850.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00283	Frontier							
C-Correct entry	Correct Whitmer entry	N	7/17/2024	198.16CR		000000		
I-Whitmer 070124	Whitmer 3042279917	N	7/17/2024	198.16		000000		
00310	Griffith & Associates, PLLC							
C-Correct entry	Whitmer correct entry	N	7/17/2024	978.00CR		000000		
I-14965	Whitmer Services 05/2024	N	7/17/2024	978.00		000000		
02194	St Brendan Catholic Church							
C-CKREQ VOID	CK Req voided-using pavilion	N	7/23/2024	100.00CR		000000		
I-CK REQ 072224	Refund Lg Pav Cancellation	N	7/23/2024	100.00		000000		
00741	Great-West Trust Company LLC							
I-VF 202407091658	Voya	D	7/09/2024	585.00		006103		
I-VF2202407091658	Voya AT	D	7/09/2024	100.00		006103		685.00
02667	Health Equity							
I-HSA202407091658	Health Savings	D	7/17/2024	911.54		006104		911.54
02417	US Bank Corporate Payment Syst							
I-VisaFleet 063024	Visa Fleet Stmt Pmt 063024	D	7/18/2024	16,420.23		006115		16,420.23
02417	US Bank Corporate Payment Syst							
I-VisaNonFleet 06/24	Visa NonFleet Pmt 063024	D	7/22/2024	93,221.35		006197		93,221.35
00741	Great-West Trust Company LLC							
I-VF 202407231666	Voya	D	7/23/2024	585.00		006198		
I-VF2202407231666	Voya AT	D	7/23/2024	100.00		006198		685.00
00792	WV Consolidated Retirement Boa							
I-RTD202407091658	Retirement	D	7/23/2024	7,140.43		006199		
I-RTD202407231666	Retirement	D	7/23/2024	7,222.92		006199		
I-RTD202407231667	Retirement	D	7/23/2024	125.94		006199		14,489.29
00952	WV Consolidated Retirement Boa							
I-RTF202407091658	Retirement	D	7/23/2024	2,800.62		006200		
I-RTF202407231666	Retirement	D	7/23/2024	2,621.68		006200		
I-RTN202407091658	Retirement	D	7/23/2024	4,611.96		006200		
I-RTN202407231666	Retirement	D	7/23/2024	4,571.44		006200		14,605.70
00993	WV Consolidated Retirement Boa							
I-RT6202407091658	Retirement 6%	D	7/23/2024	9,565.06		006201		
I-RT6202407231666	Retirement 6%	D	7/23/2024	9,142.15		006201		18,707.21

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02667	I-HSA202407231666	Health Equity Health Savings	D	7/23/2024	911.54		006202	911.54
02666	I-ExpRpt070824	LaDonna Bell travel expenses PSC training	R	7/08/2024	288.16		015580	288.16
00075	I-36802003	Encova Insurance WCN6010582	R	7/09/2024	11,939.00		015581	11,939.00
00126	I-202407010014	City of Clarksburg Compost Ticket 1634	R	7/09/2024	116.00		015582	116.00
00132	I-M91720	Clarksburg Water Board Samples	R	7/09/2024	23.00		015583	23.00
00154	I-202407026082	COE Sanitation Hauling Fee	R	7/09/2024	299.48		015584	299.48
00241	I-FY24-25 Cont	Elkins Main Street FY 24-25 Contribution	R	7/09/2024	5,000.00		015585	5,000.00
00283	I-062024	Frontier Phone charges 062024	R	7/09/2024	1,415.23		015586	1,415.23
00484	I-062824 500 ScottFd	Mountaineer Gas Company 500 Scott Ford 051524-061424	R	7/09/2024	40.01		015587	
	I-062824 Bearhunter	Bearhunter Est 051624-061724	R	7/09/2024	38.00		015587	78.01
00500	I-010P19642	Newlons International Sales, L DEF/Coolant	R	7/09/2024	50.04		015588	50.04
00540	I-06/2024 Pstg Alloc	Pitney Bowes Bank Inc Postage Allocation June 2024	R	7/09/2024	998.46		015589	998.46
00578	I-Permit Fees 070124	Randolph Elkins Health Departm Permit Fees-food handlers	R	7/09/2024	50.00		015590	50.00
00582	I-24.9	Region VII Plan. & Development Assessment Dues FY2025	R	7/09/2024	7,974.00		015591	7,974.00
00711	I-00025066	Tygart Valley Transfer, Inc. Comm	R	7/09/2024	217.85		015592	
	I-00025069	Res	R	7/09/2024	155.75		015592	
	I-00025071	Comm	R	7/09/2024	165.30		015592	
	I-00025082	Res	R	7/09/2024	753.89		015592	
	I-00025085	Res	R	7/09/2024	298.12		015592	
	I-00025086	Comm	R	7/09/2024	858.99		015592	
	I-00025087	Res	R	7/09/2024	1,031.94		015592	

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00025111	Comm	R	7/09/2024	304.80		015592		
I-00025130	Res	R	7/09/2024	584.77		015592		
I-00025131	Res	R	7/09/2024	610.56		015592		
I-00025132	Comm	R	7/09/2024	380.29		015592		
I-00025152	Res	R	7/09/2024	137.59		015592		
I-00025155	Comm	R	7/09/2024	478.71		015592		
I-00025170	Res	R	7/09/2024	534.12		015592		
I-00025171	Res	R	7/09/2024	564.70		015592		
I-00025173	Comm	R	7/09/2024	606.74		015592		
I-00025187	Comm	R	7/09/2024	304.80		015592		
I-00025196	Comm	R	7/09/2024	382.20		015592		
I-00025207	Res	R	7/09/2024	735.74		015592		
I-00025210	Res	R	7/09/2024	738.60		015592		
I-00025211	Comm	R	7/09/2024	625.85		015592		
I-00025248	Res	R	7/09/2024	726.18		015592		
I-00025249	Res	R	7/09/2024	469.15		015592		
I-00025251	Comm	R	7/09/2024	736.69		015592		
I-00025278	Comm	R	7/09/2024	219.77		015592		
I-00025290	Res	R	7/09/2024	109.88		015592		
I-00025293	Comm	R	7/09/2024	157.66		015592		
I-00025298	Comm	R	7/09/2024	318.18		015592		
I-00025306	Res	R	7/09/2024	801.66		015592		
I-00025308	Res	R	7/09/2024	952.63		015592		
I-00025309	Comm	R	7/09/2024	792.11		015592		
I-00025356	Comm	R	7/09/2024	469.15		015592		
I-00025358	Res	R	7/09/2024	591.45		015592		
I-00025359	Res	R	7/09/2024	486.35		015592		
I-00025384	Comm	R	7/09/2024	474.88		015592		
I-00025392	Comm D&E	R	7/09/2024	148.10		015592		
I-00025400	Comm	R	7/09/2024	97.46		015592		
I-00025408	Res	R	7/09/2024	612.48		015592		
I-00025409	Comm	R	7/09/2024	605.79		015592		
I-00025436	Comm	R	7/09/2024	594.32		015592		
I-00025442	Comm	R	7/09/2024	335.38		015592		
I-00025445	Comm	R	7/09/2024	128.04		015592		
I-00025454	Res	R	7/09/2024	650.70		015592		
I-00025463	Res	R	7/09/2024	616.30		015592		
I-00025470	Res	R	7/09/2024	667.89		015592		
I-00025474	Comm	R	7/09/2024	122.30		015592		
I-00025475	Comm	R	7/09/2024	167.21		015592		
I-00025477	Comm	R	7/09/2024	883.84		015592		
I-00025480	Comm	R	7/09/2024	126.13		015592		
I-00025485	Comm	R	7/09/2024	177.72		015592		
I-0002549	Comm	R	7/09/2024	605.79		015592		
I-00025492	Res	R	7/09/2024	1,081.63		015592		
I-00025495	Comm	R	7/09/2024	255.12		015592		
I-00025505	Res	R	7/09/2024	792.11		015592		
I-00025507	Comm	R	7/09/2024	661.21		015592		

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00025532	Comm	R	7/09/2024	178.68		015592		
I-00025538	Res	R	7/09/2024	106.06		015592		
I-00025547	Comm	R	7/09/2024	150.97		015592		
I-00025560	Res	R	7/09/2024	563.75		015592		
I-00025561	Comm	R	7/09/2024	498.77		015592		
I-00025563	Res	R	7/09/2024	757.71		015592		
I-00025584	Comm	R	7/09/2024	432.84		015592		
I-00025593	Comm	R	7/09/2024	267.54		015592		
I-00025599	Res	R	7/09/2024	493.04		015592		
I-00025606	Res	R	7/09/2024	590.50		015592		
I-00025610	Comm	R	7/09/2024	501.64		015592		
I-00025635	Comm	R	7/09/2024	170.08		015592		
I-00025668	Comm	R	7/09/2024	518.84		015592		
I-00025674	Res	R	7/09/2024	659.30		015592		
I-00025679	Res	R	7/09/2024	606.74		015592		
I-00025696	Comm	R	7/09/2024	279.01		015592		
I-00025710	Res	R	7/09/2024	109.88		015592		
I-00025714	Res	R	7/09/2024	455.77		015592		
I-00025720	Res	R	7/09/2024	635.41		015592		
I-00025721	Comm	R	7/09/2024	618.21		015592		
I-00025741	Comm	R	7/09/2024	149.06		015592		
I-00025760	Res	R	7/09/2024	1,025.25		015592		
I-00025762	Res	R	7/09/2024	793.07		015592		
I-00025763	Comm	R	7/09/2024	970.79		015592		
I-00025780	Res	R	7/09/2024	273.27		015592		
I-00025782	Comm	R	7/09/2024	92.68		015592		
I-00025792	Res	R	7/09/2024	580.94		015592		
I-00025793	Res	R	7/09/2024	642.10		015592		
I-00025794	Comm	R	7/09/2024	401.31		015592		
I-00025817	Comm	R	7/09/2024	305.76		015592		
I-00025821	Comm	R	7/09/2024	473.93		015592		
I-00025833	Res	R	7/09/2024	598.14		015592		
I-00025835	Res	R	7/09/2024	470.11		015592		
I-00025839	Comm	R	7/09/2024	554.19		015592		
I-00025858	Res	R	7/09/2024	131.86		015592		
I-00025869	Res	R	7/09/2024	661.21		015592		
I-00025874	Comm	R	7/09/2024	652.61		015592		
I-00025876	Res	R	7/09/2024	897.21		015592		
I-00025894	Comm	R	7/09/2024	252.25		015592		
I-00025897	Res	R	7/09/2024	166.26		015592		
I-00025918	Comm	R	7/09/2024	648.78		015592		
I-00025920	Res	R	7/09/2024	638.27		015592		
I-00025924	Res	R	7/09/2024	490.17		015592		
I-000285412	Res	R	7/09/2024	531.26		015592		48,101.79

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00726 I-INV00409337	USA Bluebook Repl Salt Bridge Sensors	R	7/09/2024	519.53		015593		519.53
00808 I-24-25 Dues	WV Municipal League FY 2024-2025 Dues	R	7/09/2024	2,496.24		015594		2,496.24
01092 I-FY 25	Civil War Trails Membership Fee FY 25	R	7/09/2024	200.00		015595		200.00
01244 I-16719	A Plus Equipment Rental LLC Skidster Track Ldr/concrete mx	R	7/09/2024	783.20		015596		783.20
01447 I-11915	Heritage Fire Equipment Pump Shift Repair	R	7/09/2024	1,030.89		015597		1,030.89
01727 I-578571-070324	Enterprise FM Trust Fleet Lease 070324	R	7/09/2024	19,102.98		015598		19,102.98
01790 I-436 I-439	Crim Law Office PLLC Attorney Services 06/2024 Water Board 06/2024	R R	7/09/2024 7/09/2024	9,247.00 1,830.00		015599 015599		11,077.00
01989 I-1929	Mitchell Tree Care LLC Installed 8 Trees	R	7/09/2024	6,200.00		015600		6,200.00
02012 I-223259	Appalachian Aggregates Stone	R	7/09/2024	1,169.46		015601		1,169.46
02047 I-13268	Cybertech Automation USA Inc Whitmer -repair programming	R	7/09/2024	359.52		015602		359.52
02104 I-0137699	Northern Eagle Inc Nestle Water	R	7/09/2024	401.40		015603		401.40
02217 I-133 I-134	Steve Hannan Construction New Door Install Garage Door repairs	R R	7/09/2024 7/09/2024	5,116.00 1,128.00		015604 015604		6,244.00
02277 I-1015	Vigilant Communications LLC Motorola APX8000 portable	R	7/09/2024	8,000.00		015605		8,000.00
02322 I-80163418	Badger Meter Beacon MBL Hosting June 2024	R	7/09/2024	257.34		015606		257.34

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02347	LEAF							
I-16731368	Tosh E478S 071824	R	7/09/2024	96.74		015607		
I-16731369	Tosh E478S 07/18/24	R	7/09/2024	96.74		015607		193.48
02368	Lost Trail Studio							
I-1078	Spring/Summer 24 Website Cont	R	7/09/2024	500.00		015608		500.00
02490	WVcorp							
I-109956	WV-CI-079-25	R	7/09/2024	49,910.00		015609		49,910.00
02491	120 Water Inc							
I-4940	Outbound mailer	R	7/09/2024	6,339.20		015610		
I-5211	Lead & Copper Plan	R	7/09/2024	4,164.74		015610		10,503.94
00116	Child Support Enforcement							
I-CDS202407091658	Child Support	R	7/09/2024	690.10		015611		690.10
00121	Citizens Bank of WVFP							
I-FP 202407091658	Fire Pension	R	7/09/2024	353.52		015612		353.52
00122	Citizens Bank of WVFP							
I-PP 202407091658	Police Pension	R	7/09/2024	180.81		015613		
I-PPN202407091658	Police Pension-2010 Forward	R	7/09/2024	248.78		015613		429.59
00147	COE Misc							
I-MIS202407091658	Misc Reimbursements	R	7/09/2024	279.00		015614		279.00
00150	COE Payroll							
I-T1 202407091658	Federal Withholding	R	7/09/2024	13,149.00		015615		13,149.00
00151	COE Payroll							
I-T3 202407091658	FICA	R	7/09/2024	20,828.12		015616		
I-T4 202407091658	Medicare	R	7/09/2024	5,159.80		015616		25,987.92
00152	COE Payroll							
I-T2 202407091658	State Withholding	R	7/09/2024	5,964.00		015617		5,964.00
00203	Davis Trust Company							
I-CC 202407091658	Employee Christmas Club	R	7/09/2024	2,550.00		015618		2,550.00
00747	Washington National Insurance							
I-WN 202407091658	Washington National Insurance	R	7/09/2024	604.60		015619		604.60

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00837	COE Payroll Reimbursement							
I-001202407091658	Payroll Reimbursement	R	7/09/2024	54,845.83		015620		
I-006202407091658	Payroll Reimbursement	R	7/09/2024	9,863.65		015620		
I-036202407091658	Payroll Reimbursement	R	7/09/2024	15,604.47		015620		
I-400202407091658	Payroll Reimbursement	R	7/09/2024	23,524.64		015620		
I-401202407091658	Payroll Reimbursement	R	7/09/2024	12,646.42		015620		
I-404202407091658	Payroll Reimbursement	R	7/09/2024	12,457.37		015620		128,942.38
01885	Colonial Life							
I-CL 202407091658	Colionial Life-AT	R	7/09/2024	112.10		015621		
I-CLP202407091658	Colonial Life-PT	R	7/09/2024	52.52		015621		164.62
02668	Chelsey McGuire							
I-Refund	refund for payment error	R	7/10/2024	104.93		015622		104.93
00151	COE Payroll							
I-T3 2024071111659	FICA	R	7/11/2024	63.62		015623		
I-T4 2024071111659	Medicare	R	7/11/2024	14.88		015623		78.50
00152	COE Payroll							
I-T2 2024071111659	State Withholding	R	7/11/2024	13.00		015624		13.00
00837	COE Payroll Reimbursement							
I-4002024071111659	Payroll Reimbursement	R	7/11/2024	460.81		015625		460.81
00839	Motorola Solutions, Inc.							
I-1187125697	vigilant equipmnt,video system	R	7/11/2024	118,737.32		015626		
I-432854	counting units, shipping chgs	R	7/11/2024	13,112.50		015626		
I-432883	counting units, shipping chgs	R	7/11/2024	13,112.50		015626		
I-432884	counting units, shipping chgs	R	7/11/2024	13,112.50		015626		158,074.82
02669	K9 Working Dogs International,							
I-K9 Training	K9 Training	R	7/11/2024	10,346.00		015627		10,346.00
02498	Better Built Handyman Company							
I-723	fencing for storage	R	7/17/2024	12,000.00		015628		12,000.00
00032	Absolute Assurance Drug Test L							
I-4644	Pre-Emp testing	R	7/17/2024	84.00		015629		84.00
00047	Truist Governmental Finance							
I-00005 072424	9948000234-05 072424	R	7/17/2024	2,596.05		015630		
I-00006 072724	9948000234-06 072724	R	7/17/2024	2,643.26		015630		
I-00007 071924	9948000234-07 071924	R	7/17/2024	4,984.55		015630		10,223.86

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00132	I-M91846	Clarksburg Water Board Compliance Sample	R	7/17/2024	230.00		015631	230.00
00143	I-07/2024 Indirects	COE General Fund 2 Indirects July 2024	R	7/17/2024	16,751.44		015632	16,751.44
00156	I-06/24 Swr Depr	COE Sewer Depreciation Account Sewer Depr Deposit 06/2024	R	7/17/2024	6,241.12		015633	6,241.12
00158	I-06/24 Water Depr	COE Water Depreciation Account Water Depr Deposit 06/2024	R	7/17/2024	8,959.65		015634	8,959.65
00202	I-12755 072224	Davis Trust Company 3113776-12755 072224	R	7/17/2024	4,256.84		015635	4,256.84
00211	I-H/M May 2024	Elkins Depot Welcome Center Hotel/Motel Collection 05/2024	R	7/17/2024	10,813.61		015636	10,813.61
00457	I-13454	Metalworks, Inc. Mnf Angel Brackets	R	7/17/2024	242.00		015637	242.00
00468	I-WV24-2679	Miss Utility of West Virginia, Message Fees 06/2024	R	7/17/2024	202.35		015638	202.35
00471	I-90009633510	Mon Power Consumption/lighting 061924	R	7/17/2024	48,984.85		015639	
	I-CityPk 071124	Elkins City Pk 060824-070924	R	7/17/2024	8.62		015639	
	I-Park 071124	Park St 095 060824-070924	R	7/17/2024	8.53		015639	
	I-Park 465 071124	Park St 060824-070924	R	7/17/2024	8.47		015639	
	I-ParkSt 996 071124	Park St 060824-070924	R	7/17/2024	8.09		015639	49,018.56
00483	I-1202553-21 072824	Mountain Valley Bank 1202553-21 072824	R	7/17/2024	2,369.18		015640	2,369.18
00483	I-1202553-24 071524	Mountain Valley Bank 1202553-24 071524	R	7/17/2024	6,518.78		015641	6,518.78
00500	I-01P20025	Newlons International Sales, L Filters	R	7/17/2024	1,551.99		015642	1,551.99
00550	I-0139924-IN	Precision Pump & Valve Service Service Pump for Lift St 1	R	7/17/2024	8,408.00		015643	8,408.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00560	Public Service Commission WV							
I-212	Intrastate Rev Assessment	R	7/17/2024	6,557.88		015644		
I-213	Intrastate Rev Assessment	R	7/17/2024	11,660.76		015644		18,218.64
00569	Randolph County Clerk							
I-Lien Filing	Lien Filing Halle/Armttrt/Grahm	R	7/17/2024	72.00		015645		72.00
00606	Steven C. Rodeheaver							
I-12257	Brooms/brushes/shovel	R	7/17/2024	159.00		015646		159.00
00651	Southern WV Asphalt Inc							
I-70064	Black Top for Patching	R	7/17/2024	744.51		015647		744.51
00726	USA Bluebook							
I-INV00417938	Tubing Kit	R	7/17/2024	601.39		015648		601.39
00779	Woodford Oil Company							
I-4612525	CHV Multifak EPl	R	7/17/2024	725.00		015649		725.00
00812	WV Regional Jail and Correctio							
I-6124B49F	5 Days Inmate Hsng 06/2024	R	7/17/2024	272.40		015650		272.40
00838	Groundhog Directional Drilling							
I-1160	Road Bore at Apartment	R	7/17/2024	3,000.00		015651		3,000.00
00927	Interstate Battery System of S							
I-51013015	Battery for Air Compressor	R	7/17/2024	56.95		015652		56.95
00941	Robert Elbon, Jr. Sheriff & Tr							
I-CKREQ 071524	Full Year Taxes Shank Property	R	7/17/2024	257.36		015653		257.36
00968	WV DEP							
I-0830013220240	Cert to Operate WT Plant	R	7/17/2024	200.00		015654		200.00
00968	WV DEP							
I-0830013420240	2024 Cert to Op Generator	R	7/17/2024	200.00		015655		200.00
00968	WV DEP							
I-0830014020240	Cert to Operate Raw Water Intk	R	7/17/2024	200.00		015656		200.00
01212	Penn Valley Pump Co., Inc.							
I-18991	Disc-Neoprene/Trunnions/Valve	R	7/17/2024	2,409.00		015657		2,409.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01220 I-1176	The Delmonte Market City Flowers	R	7/17/2024	6,028.50		015658		6,028.50
01220 I-845	The Delmonte Market Tuxedo for Mayor	R	7/17/2024	202.00		015659		202.00
01246 I-CKREQ 071624	Derrick Helzer Food for Ascend Event	R	7/17/2024	525.00		015660		525.00
01292 I-06/24 Sewer O&M	COE Sewer O & M Account Sewer O&M Deposit 06/24	R	7/17/2024	13,153.88		015661		13,153.88
01313 I-06/24 Water OM	COE Water O & M Account Water O&M Dep 06/2024	R	7/17/2024	12,902.14		015662		12,902.14
01427 I-7022	K&K Collision & Towing Repairs 21 FD B46682	R	7/17/2024	1,720.93		015663		1,720.93
01594 I-2430533530 I-2430534182 I-2430535162	Pace Analytical Services LLC Compliance Samples Compliance Samples 06/2024 Contract Lab Analysis	R R R	7/17/2024 7/17/2024 7/17/2024	177.00 421.00 3,234.10		015664 015664 015664		3,832.10
01681 I-06302024	HdL Companies BL Revenue June 2024	R	7/17/2024	24,144.33		015665		24,144.33
01731 I-4394	Bradish Glass Inc Cullet PU 06-19-24	R	7/17/2024	250.00		015666		250.00
01751 I-202407126124	COE WWTP Backwash June 2024	R	7/17/2024	972.66		015667		972.66
01790 I-437 I-438	Crim Law Office PLLC Municipal Ct Services 06/2024 Sanitary Bd 06/2024	R R	7/17/2024 7/17/2024	2,380.00 1,160.00		015668 015668		3,540.00
01942 I-1214756-11 071524	Elkins Municipal Building Comm 1214756-11 071524 #35	R	7/17/2024	4,833.20		015669		4,833.20
01957 I-INV14496519	Zoro Tools, Inc. Line Marking Paint	R	7/17/2024	581.06		015670		581.06
02150 I-211606	ERAD Group Inc Recovery Enterprise Sol Lev 1	R	7/17/2024	1,500.00		015671		1,500.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02238 I-104517-1	Appalachian Equipment Solution Excavator Brush Cutter	R	7/17/2024	4,900.00		015672		4,900.00
02324 I-ESO-142899	ESO Solutions Inc Reporting Software	R	7/17/2024	3,423.75		015673		3,423.75
02347 I-16772061 I-16772062 I-16772063 I-16772064 I-16831841	LEAF Tosh/Lex 07/24/24 Tosh 072524 Tosh E4515AC Tosh E3025AC 072524 Tosh 5525AC 080824	R R R R R	7/17/2024 7/17/2024 7/17/2024 7/17/2024 7/17/2024	570.83 113.97 180.03 461.30 292.45		015674 015674 015674 015674 015674		1,618.58
02451 I-18983	Waypoint Resource Group LLC Collections June 2024	R	7/17/2024	101.00		015675		101.00
1 I-000202407151661	MONGOLD MANAGEMENT L US REFUND	R	7/17/2024	17.59		015676		17.59
1 I-000202407151662	MONGOLD MANAGEMENT L US REFUND	R	7/17/2024	34.13		015677		34.13
1 I-000202407151660	MACH, GREGORY US REFUND	R	7/17/2024	20.01		015678		20.01
1 I-000202407171663	FINE, ARTHUR P US REFUND	R	7/17/2024	137.61		015679		137.61
00189 I-1010757	Cunningham Collision, LLC 2020 Ford F250 repairs	R	7/18/2024	12,540.86		015680		12,540.86
00116 I-CDS202407231666	Child Support Enforcement Child Support	R	7/23/2024	690.10		015681		690.10
00121 I-FP 202407231666	Citizens Bank of WVFP Fire Pension	R	7/23/2024	318.45		015682		318.45
00122 I-PP 202407231666 I-PPN202407231666	Citizens Bank of WVFP Police Pension Police Pension-2010 Forward	R R	7/23/2024 7/23/2024	180.08 253.29		015683 015683		433.37
00147 I-MIS202407231666	COE Misc Misc Reimbursements	R	7/23/2024	279.00		015684		279.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00150	COE Payroll							
I-T1 202407231666	Federal Withholding	R	7/23/2024	12,626.96		015685		12,626.96
00151	COE Payroll							
I-T3 202407231666	FICA	R	7/23/2024	20,819.74		015686		
I-T4 202407231666	Medicare	R	7/23/2024	5,144.56		015686		25,964.30
00152	COE Payroll							
I-T2 202407231666	State Withholding	R	7/23/2024	5,833.00		015687		5,833.00
00203	Davis Trust Company							
I-CC 202407231666	Employee Christmas Club	R	7/23/2024	2,550.00		015688		2,550.00
00747	Washington National Insurance							
I-WN 202407231666	Washington National Insurance	R	7/23/2024	604.60		015689		604.60
00837	COE Payroll Reimbursement							
I-001202407231666	Payroll Reimbursement	R	7/23/2024	59,614.90		015690		
I-006202407231666	Payroll Reimbursement	R	7/23/2024	9,822.97		015690		
I-036202407231666	Payroll Reimbursement	R	7/23/2024	13,051.60		015690		
I-400202407231666	Payroll Reimbursement	R	7/23/2024	21,051.61		015690		
I-401202407231666	Payroll Reimbursement	R	7/23/2024	13,775.33		015690		
I-404202407231666	Payroll Reimbursement	R	7/23/2024	12,011.72		015690		129,328.13
01885	Colonial Life							
I-CL 202407231666	Colionial Life-AT	R	7/23/2024	112.10		015691		
I-CLP202407231666	Colonial Life-PT	R	7/23/2024	52.52		015691		164.62
00150	COE Payroll							
I-T1 202407231667	Federal Withholding	R	7/23/2024	26.40		015692		26.40
00151	COE Payroll							
I-T3 202407231667	FICA	R	7/23/2024	115.68		015693		
I-T4 202407231667	Medicare	R	7/23/2024	27.06		015693		142.74
00152	COE Payroll							
I-T2 202407231667	State Withholding	R	7/23/2024	25.00		015694		25.00
00837	COE Payroll Reimbursement							
I-400202407231667	Payroll Reimbursement	R	7/23/2024	768.16		015695		768.16
00006	AFLAC							
I-AF 202407091658	Aflac-After Tax Ins	R	7/23/2024	558.01		015696		
I-AF 202407231666	Aflac-After Tax Ins	R	7/23/2024	558.01		015696		
I-AFL202407091658	Aflac Insurance	R	7/23/2024	338.80		015696		
I-AFL202407231666	Aflac Insurance	R	7/23/2024	338.80		015696		1,793.62

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00126	City of Clarksburg							
I-202407220856	Yard Waste Ticket 1656	R	7/23/2024	95.00		015697		95.00
00242	Elkins Professional Firefighte							
I-EPF202407091658	Elkins Professional FF	R	7/23/2024	135.00		015698		
I-EPF202407231666	Elkins Professional FF	R	7/23/2024	135.00		015698		270.00
00288	Garrett Industrial Supply Inc							
I-3442384	Quikrete Concrete Mix	R	7/23/2024	600.94		015699		
I-3442547	Gloves	R	7/23/2024	120.45		015699		721.39
00551	Preiser Scientific, Inc.							
I-569613-1	TOTAL CHL/FREE CHL REAG	R	7/23/2024	425.71		015700		
I-569613-2	CHL REAG SET 100/PK	R	7/23/2024	411.60		015700		837.31
00591	Retiree Health Benefit Trust F							
I-07/24 RHBT	Retirees 07/2024	R	7/23/2024	1,845.43		015701		
I-R Chen 07/2024	R Chenoweth 07/2024	R	7/23/2024	34.00		015701		
I-RHB202407231666	Retiree Health Benefit Trust	R	7/23/2024	2,482.00		015701		
I-RHBT 07/2024	Inc in RHBT 07/2024	R	7/23/2024	126.50		015701		4,487.93
00597	Stephen Richards							
I-Travel 080524	Travel Per Diem -Morgantown	R	7/23/2024	147.50		015702		147.50
00688	Terra Flora Landscaping							
I-1098	PGCC/City Hall plants/labor	R	7/23/2024	544.90		015703		544.90
00726	USA Bluebook							
I-INV00423765	chemicals for plant	R	7/23/2024	331.31		015704		331.31
00805	WV FBMC							
I-MFB202407091658	Mt. Flex Benefit	R	7/23/2024	1,835.54		015705		
I-MFB202407231666	Mt. Flex Benefit	R	7/23/2024	1,873.07		015705		
I-RChen 07/2024	R Chenoweth 07/2024	R	7/23/2024	102.84		015705		3,811.45
00810	WV Public Employee Insurance A							
I-Admn Fees 07/24	Admn Fees 07/2024	R	7/23/2024	4,750.00		015706		
I-BL 202407231666	Basic Life Benefit	R	7/23/2024	184.14		015706		
I-BL1202407231666	Basic Life Benefit +	R	7/23/2024	1.98		015706		
I-CEC202407091658	Plan C E/C	R	7/23/2024	1,268.00		015706		
I-CEC202407231666	Plan C E/C	R	7/23/2024	1,268.00		015706		
I-CF 202407091658	Plan C Family	R	7/23/2024	18,690.00		015706		
I-CF 202407231666	Plan C Family	R	7/23/2024	18,690.00		015706		
I-CS 202407091658	Plan C Single	R	7/23/2024	5,562.00		015706		
I-CS 202407231666	Plan C Single	R	7/23/2024	5,562.00		015706		
I-DL 202407091658	Dependent Life	R	7/23/2024	94.52		015706		
I-DL 202407231666	Dependent Life	R	7/23/2024	94.52		015706		
I-IFA202407091658	Ins - Family - Plan A	R	7/23/2024	747.00		015706		

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
	I-IFA202407231666	Ins - Family - Plan A	R	7/23/2024	747.00		015706	
	I-OL 202407091658	Optional Life	R	7/23/2024	372.10		015706	
	I-OL 202407231666	Optional Life	R	7/23/2024	379.00		015706	
	I-R Chen 07/2024	R Chenoweth Health/Life 0724	R	7/23/2024	891.98		015706	
	I-TOF202407091658	Tobacco Surcharge Family	R	7/23/2024	350.00		015706	
	I-TOF202407231666	Tobacco Surcharge Family	R	7/23/2024	375.00		015706	
	I-TOS202407091658	Tobacco Surcharge Single	R	7/23/2024	125.00		015706	
	I-TOS202407231666	Tobacco Surcharge Single	R	7/23/2024	125.00		015706	60,277.24
00884		Colonial Court Service Station						
	I-590144	15 F150 repairs	R	7/23/2024	946.29		015707	946.29
01244		A Plus Equipment Rental LLC						
	I-29171 Remainder	Remainder on 29171 billing	R	7/23/2024	226.60		015708	226.60
01833		P3 Cost Analysts						
	I-24742	Visa VUIRF 07/2024	R	7/23/2024	530.92		015709	530.92
02065		AlignHR LLC						
	I-8939	Applicant Tracking System	R	7/23/2024	1,260.00		015710	1,260.00
02157		Jerry A Marco						
	I-CKREQ 072224	Reimb for food/drinks Task Frc	R	7/23/2024	95.65		015711	95.65
02215		Tucker County Solid Waste Auth						
	I-00144270	4.17 ton Grit	R	7/23/2024	222.26		015712	222.26
02216		CivicPlus						
	I-300757	ArchiveSocial Standard	R	7/23/2024	7,691.16		015713	7,691.16
02431		Ferguson Waterworks #527						
	I-0901189	Valves/Pipe/Meter Vault	R	7/23/2024	4,364.67		015714	4,364.67
02490		WVcorp						
	I-111002	Business Auto	R	7/23/2024	1,000.00		015715	
	I-111869	Business Auto	R	7/23/2024	2,001.00		015715	3,001.00
02670		MechTech Solutions						
	I-ELKINS06032024	Flow Meter Cal/raingauge upgd	R	7/23/2024	7,990.00		015716	7,990.00
1		SWISHER, SANDY M						
	I-000202407221664	US REFUND	R	7/23/2024	0.79		015717	0.79

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1	I-000202407221665	BENDER, KENDRA US REFUND	R	7/23/2024	36.79		015718	36.79
00517	I-6300002950 080124	Ohio Valley Bank 6300002950 08/01/24	R	7/23/2024	214.39		015719	214.39
02212	I-M. Scott Error	Consolidated Public Retirement Mark Scott service correction	R	7/23/2024	3,191.45		015720	3,191.45
00150	I-T1 202407251668	COE Payroll Federal Withholding	R	7/25/2024	32.25		015721	32.25
00151	I-T3 202407251668 I-T4 202407251668	COE Payroll FICA Medicare	R R	7/25/2024 7/25/2024	116.62 27.28		015722 015722	 143.90
00152	I-T2 202407251668	COE Payroll State Withholding	R	7/25/2024	26.00		015723	26.00
00837	I-400202407251668	COE Payroll Reimbursement Payroll Reimbursement	R	7/25/2024	753.80		015724	753.80
00140	I-CKREQ 07252024	City of Elkins Whitmer Utility Pmts to Elkins	R	7/25/2024	2,402.13		015725	2,402.13

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	146	1,091,644.43	0.00	1,091,644.43
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	9	160,636.86	0.00	160,636.86
EFT:	0	0.00	0.00	0.00
NON CHECKS:	3	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	

TOTAL ERRORS: 0

VENDOR SET: 01	BANK: Pool	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
			158	1,252,281.29	0.00	1,252,281.29
BANK: Pool	TOTALS:		158	1,252,281.29	0.00	1,252,281.29
REPORT TOTALS:			164	1,336,521.14	0.00	1,336,521.14

SELECTION CRITERIA

VENDOR SET: 01-Elkins
VENDOR: ALL
BANK CODES: Exclude: PCARD
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 7/08/2024 THRU 7/26/2024
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 337: Amending the City Charter concerning the date of the Municipal Election (final reading)
Recommended By:	City Clerk
Summary:	The Elkins City Charter gives conflicting dates for city elections, as follows: SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS. (d) Election. Council elections shall be conducted every odd-numbered year on the first Tuesday of June. One member of the council for each ward shall be elected. SECTION 6.01. CITY ELECTIONS. (a) Regular Elections. The regular City election shall be held on the second Tuesday in June in each odd-numbered year beginning in the year 2023. The attached ordinance fixes this inconsistency by eliminating any statement about election dates except in Section 6.01 (i.e., confirming that city elections are on the second Tuesday in June of odd-numbered years). See attached memo for markup showing specific changes.
Fiscal Impact:	None
Recommendation:	Consider for approval
Attachments:	1. Memo - Election Date Conflict in City Charter 2. O-337 - Amending Article II Section 2.02 concerning election date

Election Date Conflict in City Charter

The Elkins City Charter gives conflicting dates for city elections (current wording):

SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(d) Election. Council elections shall be conducted every odd-numbered year **on the first Tuesday of June.** One member of the council for each ward shall be elected.

SECTION 6.01. CITY ELECTIONS.

(a) Regular Elections. The regular City election shall be held **on the second Tuesday in June** in each odd-numbered year beginning in the year 2023.

Changing Section 2.02 as follows will correct this issue:

SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(a) Composition. There shall be a City Council of ten members. Two Councilors shall reside in and **be elected to** represent each of the five wards of the City. ~~Councilors shall be elected by the qualified voters of the wards they reside in and represent.~~ **[MOVED TO (d)]**

(b) Eligibility. Only resident voters of the City, as defined by this Charter, shall be eligible to hold the office of Councilor. Councilors shall reside in the Ward to be represented at the time of nomination and throughout the term of office. There shall be no other eligibility requirements. Council shall be the final arbiter of the eligibility of any prospective candidate and the continued eligibility of an elected Councilor.

(c) Nomination. Any person who is eligible to hold office as a Councilor may file for election in compliance with West Virginia and City law.

(d) Election. ~~Council elections shall be conducted every odd-numbered year on the first Tuesday of June.~~ **Councilors shall be elected by the qualified voters of the wards they reside in and represent.** One member of the council for each ward shall be elected **at each City election.**

(e) Term. Councilmembers shall serve a term of four (4) years, beginning on the first day of July immediately following the election of that member, and until the successor in office is elected and qualified.

(f) Special Elections. Special elections for any purpose must be authorized by a two-thirds majority public vote of a quorum of the Council and called by the Mayor. Notices of all special elections must be given by publication in a newspaper of general circulation, published in the City of Elkins.

(g) Canvas. The Council shall sit as the Board of Election Canvassers in compliance with State and City law. In the case of a tie vote for any office, Council shall by majority vote determine the winning candidate.

(h) Vacancy. The office of a Councilmember shall become vacant upon death, resignation, or forfeiture or removal from office in any manner authorized by law or by this Charter. A vacancy shall also exist whenever a Councilmember shall remove from the ward from which the nomination to serve was made. The vacancy shall be filled by appointment of a qualified person by Council. The office shall be placed on the next election for service of the remainder of the vacated term or for a new term, whichever is appropriate.

ORDINANCE 337

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING CITY CODE, ARTICLE II: LEGISLATIVE BRANCH, §2.02 COMPOSITION, ELEGIBILTIY, ELECTION AND TERMS

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted Ordinance 274, which revised, amended, restated, codified and compiled certain existing general ordinances and in so doing adopted Article II: Legislative Branch,, §2.02 Composition, Eligibility, Election and Terms; and

WHEREAS, subsequent to the passages of Ordinance 274, it has become apparent these certain provisions of the City Code need to be changed and amended for clarity purposes; and

WHEREAS the Common Council has determined that by making this change and amendment to said section of the City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms is in the best interests of the City and its residents.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms be amended as follows:

SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(a) Composition. There shall be a City Council of ten members. Two Councilors shall reside in and represent each of the five wards of the City.

(b) Eligibility. Only resident voters of the City, as defined by this Charter, shall be eligible to hold the office of Councilor. Councilors shall reside in the Ward to be represented at the time of nomination and throughout the term of office. There shall be no other eligibility requirements. Council shall be the final arbiter of the

eligibility of any prospective candidate and the continued eligibility of an elected Councilor.

(c) Nomination. Any person who is eligible to hold office as a Councilor may file for election in compliance with West Virginia and City law.

(d) Election. Councilors shall be elected by the qualified voters of the wards they reside in and represent. One member of the council for each ward shall be elected at each City election.

(e) Term. Councilmembers shall serve a term of four (4) years, beginning on the first day of July immediately following the election of that member, and until the successor in office is elected and qualified.

(f) Special Elections. Special elections for any purpose must be authorized by a two-thirds majority public vote of a quorum of the Council and called by the Mayor. Notices of all special elections must be given by publication in a newspaper of general circulation, published in the City of Elkins.

(g) Canvas. The Council shall sit as the Board of Election Canvassers in compliance with State and City law. In the case of a tie vote for any office, Council shall by majority vote determine the winning candidate.

(h) Vacancy. The office of a Councilmember shall become vacant upon death, resignation, or forfeiture or removal from office in any manner authorized by law or by this Charter. A vacancy shall also exist whenever a Councilmember shall remove from the ward from which the nomination to serve was made. The vacancy shall be filled by appointment of a qualified person by Council. The office shall be placed on the next election for service of the remainder of the vacated term or for a new term, whichever is appropriate.

The changes to City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms are only to the section referred to herein specifically and all other sections of said Article shall remain unchanged and in full force and effect.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING: _____, 2024.

PASSED AND APPROVED ON FINAL READING: _____, 2024.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1775: Reauthorizing Conditions of Contract between Mitchell Tree Care, LLC and Landscape Consulting, LLC and the City of Elkins , and Authorizing Execution of Contract
Recommended By:	Tree Board
Summary:	Renews annual contract with Mitchell Tree Care for arborist services and consultation
Fiscal Impact:	Contract is for \$1,500
Recommendation:	Consider for approval
Attachments:	1. R-1775 - reauthorizing Contract between Mitchell Trees and COE 2. ARBORIST SERVICE CONTRACT 2024(Mitchell Tree Care)

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1775)
August 1, 2024

Reauthorizing Conditions of Contract between Mitchell Tree Care and Landscape Consulting and the City of Elkins, and Authorizing Execution of Contract

WHEREAS, the City of Elkins, West Virginia (“City”) has previously contracted with Mitchell Tree Care, LLC and Landscape Consulting, LLC for arborist services and consultation; and,

WHEREAS, the City has now received a proposed renewal of contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC (copy attached and included with record) to continue such services for Fiscal Year 2025; and,

WHEREAS, it appears that contracting for these goods and services is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the terms of and reauthorizes execution of this Contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC, by the Mayor on behalf of the City of Elkins.

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk

ARBORIST SERVICE CONTRACT

This Contract is made this 1st day of July 2024, by and between CITY OF ELKINS, WEST VIRGINIA (hereinafter “City”), and MITCHELL'S TREE CARE & LANDSCAPE CONSULTING, LLC". (hereinafter “Contractor”).

Recitals

A. Contractor is engaged in the tree care business and maintains an office in Maidsville, in the County of Monongalia, State of West Virginia.

B. Contractor is willing to provide a service to City and City is willing to accept this service, on the terms, covenants, and conditions set forth in this Contract.

In consideration of the mutual covenants and promises of the parties, City and Contractor covenant and agree as follows:

Section I.

Nature of and Place of Work

Contractor shall provide tree care service for the City and Contractor does accept this obligation as set forth below:

1. Contractor shall provide consultation services on the proper care and maintenance of trees within the City. Contractor shall also respond, on a case-by-case basis, determined by the City or the Elkins Tree Board, to concerns involving trees located on private property or in the public rights-of-way within City limits. Depending on the situation, City or the Contractor may utilize digital images to communicate with City or the Elkins Tree Board rather than an on-site analysis. Contractor would then decide if an on-site inspection is necessary to determine a tree’s structural stability or make other determinations about the tree(s) in question. Based on Contractor’s judgment of a tree’s structural stability and/or risk of failure, the Contractor may make recommendations to said party for proper care or removal. All recommended work would be contracted for separately with a contractor of choice.

2. Contractor shall maintain and document with a certificate of insurance the required levels of insurance coverage at all times during the term of this Contract. Contractor is required to carry a \$1,000,000 general liability policy with the City being listed as additional insured on all policies. Contractor shall also provide proof of Workers Compensation insurance as required by law.
3. Contractor shall be a certified arborist or employ a certified arborist.
4. Contractor shall observe all policies, procedures, rules and regulations of the City.
5. At all times while performing services under this Contract, Contractor's employees shall wear appropriate clothing. Contractor's employees shall utilize all appropriate safety equipment and conform to the Occupation Safety and Health Administration (OSHA) standards for the products being used.
6. Contractor will be required to provide all necessary labor, supervision and equipment including fuel, to complete the necessary work described herein.
7. All work shall comply with all applicable state and federal safety and health requirements. When conflicts between applicable regulations occur, the most stringent regulation shall apply.

Section II.

Manner of Performance of Contractor's Duties

Contractor agrees that Contractor will at all times faithfully, industriously, and to the best of its ability, perform all of the duties that may be required of and from it pursuant to the express and implicit terms of this Contract to the reasonable satisfaction of City. The duties shall be rendered in the City of Elkins, West Virginia. Contractor shall indemnify, defend, and hold harmless City from and against all claims, causes of action, damages, or injuries of any sort arising out of or in connection with Contractor's performance of services hereunder.

Section III.
Duration of Contract

The term of this Contract shall be for a period of one year, commencing on the date of this Contract. The Contract may also be terminated upon mutual agreement of parties. At all times hereunder, Contractor shall be considered an independent contractor and not an employee of the City.

Section IV.
Payment and Reimbursement

City shall pay Contractor and Contractor agrees to accept from City, in full payment for Contractor's services under this Contract as a consultant, compensation at the rate of \$1,500.00 per year, which includes all machinery and crew for the year term . The Contractor shall submit an invoice, per quarter, for the portion of the yearly compensation for the consulting services under the Contract.

Section V.
Contract Terms to be Exclusive

This written Contract contains the sole and entire agreement between the parties and shall supersede any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this Contract or any representation inducing the execution and delivery of this instrument except such representations as are specifically set forth and each of the parties acknowledges that they have relied on their own judgement in entering the same. The parties further acknowledge that any statements or representations that may have been made by either of them to the other are void and of no effect and that neither of them has relied on them in connection with their dealing with the other.

Section VI.
Waiver or Modification Ineffective
Unless in Writing

No waiver or modification of this Contract or of any covenant, condition, or limitation contained in this Contract shall be valid unless in writing and executed by the party to be charged with it, and that no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this Contract,

or the rights or obligations of any party, unless such waiver or modification is in writing, duly executed as stated above, and the parties further agree that the provisions of this paragraph may not be waived except as set forth in this Contract.

Section VII.
Contract Governed by Law of
State of West Virginia

The parties agree that it is their intention that this Contract and its performance, and all suits and special proceedings pursuant to this Contract be construed in accordance with the laws of the State of West Virginia.

Mitchell's Tree Care & Landscape Consulting, LLC.

By: _____
Member

Date: _____

City of Elkins

By: _____
Mayor

Date: _____



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1776: Appointing new members to the Elkins Tree Board
Recommended By:	Tree Board
Summary:	Appoints two new members to the Elkins Tree Board
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Resolution 1776 - Appointing new members to the Elkins Tree Board

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1)
August 1, 2024

***Authorizing the Appointment of M. Van Gundy
and A. Brandon to the Elkins Tree Board***

WHEREAS, upon the recommendation of the Elkins Tree Board, Melissa Van Gundy and Andrea Brandon are nominated as new members of the Elkins Tree Board.

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby makes the following appointments to the Elkins Tree Board:

- Melissa Van Gundy, to a term expiring December 31, 2026
- Andrea Brandon, to a term expiring December 31, 2026

Jerry A. Marco, Mayor

Attest:

Sutton R. Stokes, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1777: Accepting bid for relocation of a sanitary sewer line near Eleventh Street
Recommended By:	Elkins Sanitary Board
Summary:	The Sanitary Board recommends accepting the lowest qualified bid for the relocation of a sewer line under the city's old Street Department garage, near Eleventh Street. The purpose of this project is to simplify selling this property in the future.
Fiscal Impact:	The low bid from Hull's Contracting is for \$134,800.
Recommendation:	Consider for approval
Attachments:	1. R-1777 - acceptance of bid for sewer line relocation 2. 240710 Elkins 11th Street Sanitary Sewer Relocation Bid Tabulation (342-544)

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1777)
August 1, 2024

***Authorizing Acceptance of Bid from Hull's Contracting
for Relocation of a Sewer Line Near Eleventh Street***

WHEREAS, the Common Council ("Council") of the City of Elkins, West Virginia ("City") is the owner of the Elkins Public Wastewater System, which is administered by the Elkins Sanitary Board; and,

WHEREAS, the Elkins Sanitary Board has advertised and received bids for the relocation of a Sanitary Sewer Line under the former location of the Elkins Street Department's garage, near Eleventh Street ("Project"); and,

WHEREAS, four qualifying bids were received July 10, 2024, as shown on the attached Bid Tabulation; and,

WHEREAS, the Elkins Sanitary Board recommends accepting the low bid, from Hull's Contracting, in the amount of \$134,800;

WHEREAS, Council finds that it is in the best interest of the City to accept this bid and for the Project to proceed;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the bid from Hull's Contracting, in the amount of \$134,800, and authorizes the Elkins Sanitary Board and its designees to take any further actions necessary for the Project to proceed.

Jerry A. Marco, Mayor

Attest:

Sutton R. Stokes, City Clerk

BID TABULATION

CITY OF ELKINS
RANDOLPH COUNTY, WEST VIRGINIA

11TH STREET SANITARY SEWER RELOCATION

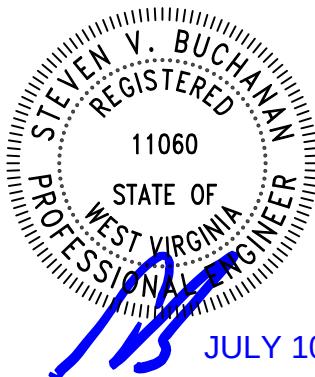
CEC PROJECT 342-544

2:00 PM, WEDNESDAY, JULY 10, 2024



Civil & Environmental Consultants, Inc.

BIDDER	TOTAL BID
Hull's Contracting Inc.	\$134,800.00
Green River Group, LLC	\$138,435.00
Doss Enterprises LC	\$170,000.00
Polino Contracting, Inc.	\$189,603.00



JULY 10, 2024



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1778: Accepting a grant on behalf of the Kump Education Center from the West Virginia Archives & History Commission
Recommended By:	Kump Center
Summary:	Authorizes acceptance of a Historic Preservation grant for repairs to the Kump House roof and execution of a contract and a covenant
Fiscal Impact:	Grant award is \$8,000. An additional \$12,500 is being provided by the Kump Education Center.
Recommendation:	Consider for approval
Attachments:	1. R-1778 - Kump Education Center Historic Preservation grant acceptance 2. Kump Center 2024 HP Grant - memo and notice 3. Kump Center 2024 HP Grant - contract 4. Kump Center 2024 HP Grant - covenant

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1778)
August 1, 2024

***Authorizing Acceptance of a West Virginia Archives & History Commission Grant
On Behalf Of The Kump Education Center***

WHEREAS, the Common Council (“Council”) of the City of Elkins (“City”) is the owner of the real property and structures known as the historic Kump House; and,

WHEREAS, the Kump Education Center (“KEC”), a non-profit educational organization, has been granted authority by the City to manage the Kump House facilities and programming; and,

WHEREAS, the KEC has applied for and received a grant in the amount of \$8,000 from the West Virginia Archives & History Commission to defray the cost of repairs to the roof of the Kump House (see attached documents); and,

WHEREAS, having reviewed and considered the intent, the Common Council believes that it would be in the best interest of the citizens of Elkins to accept this grant on behalf of the Kump House and the Kump Education Center;

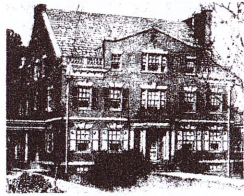
NOW THEREFORE BE IT RESOLVED, THAT:

The Elkins Common Council hereby authorizes acceptance of the above described grant and, further, authorizes the mayor’s signature on all related documents.

Jerry A. Marco, Mayor

Attest:

Sutton R. Stokes, City Clerk



**Kump Education Center
Post Office Box 1106
401 S. Randolph Ave.
Elkins, WV 26241**

July, 18, 2024

Mayor Jerry Marco &
Elkins City Council
City Hall Davis Avenue
Elkins, WV 26241

Dear Mayor Marco and Council Members:

The West Virginia Archives & History Commission has awarded the City of Elkins a grant of \$8,000 for the Kump House Roof Project to be managed by Kump Education Center. Kump House Endowment Trust and Kump Education Center will match this grant with \$8,000, and there will be no cost to the City of Elkins.

This grant project will provide much needed repairs to the roof on the east side of the historic Kump house held in trust by City of Elkins. Kump Education Center respectfully requests that the City of Elkins approves acceptance of this grant and renew the historic preservation covenant for Kump House at 401 Randolph Avenue.

Councilwoman Nanci Bross-Fregonara and KEC Director Heather Biola participated in the mandatory subgrant orientation meeting July 11, 2024, and they will ensure that the grant is properly managed according to the rules of the West Virginia Historic Preservation Office.

Thank you for your cooperation on the preservation of this highly visible City property. If you have any questions please call 304-637-7820.

Sincerely,

Heather R. Biola, Volunteer Director of Kump Education Center



West Virginia Department of
**ARTS, CULTURE
AND HISTORY**

The Culture Center

Randall Reid-Smith, Cabinet Secretary
Phone: 304.568.0220 • www.wvculture.org
Toll-free 800.247.7474 • TDD 304.568.0220

July 1, 2024

City of Elkins
Heather Biola
401 Davis Avenue
Elkins, WV 26241

Dear Ms. Biola,

I am pleased to announce that the West Virginia Archives and History Commission has approved a State Development grant of \$8,000. The grant award is to be used for the Kump House as described below:

Grant Amount:	\$8,000
Required Matching Funds:	\$8,000
Beginning Date:	July 1, 2024
Ending Date:	June 30, 2025

Project Description: Install new downspout on front corner & re-route downspout, repair roof, and insulate & ventilate crawlspace above enclosed porch.

If you wish to accept the grant, please return a signed copy of this letter, including the Project Coordinator information, to the State Historic Preservation Office (SHPO) by **July 11, 2024**.

We will provide your grants manual, which will include your contract and covenant. Please review these prior to the **mandatory virtual subgrant orientation meeting**. The person(s) participating in this orientation must be the individual(s) responsible for the administration of the grant. At this orientation, the SHPO Staff will discuss subgrantee financial and reporting requirements, as well as the federal guidelines for these grants. These funds are provided by the West Virginia Legislature and subject to SHPO grant requirements.

The mandatory virtual subgrant meeting will be held on Thursday, **July 11, 2024, at 10:00 a.m.** You will receive meeting log-in information via email by Monday July 8, 2024.

**West Virginia
Division of Finance and Administration
For and on behalf of
The Department of Arts, Culture and History**

CONTRACT

For Historic Preservation State Grant

This AGREEMENT is made, this the _____ day of _____, 20____ by and between

City of Elkins

hereinafter referred to as the grantee, and the STATE OF WEST VIRGINIA, DEPARTMENT OF FINANCE AND ADMINISTRATION on behalf of the West Virginia Department of Arts, Culture and History.

WITNESSETH, THAT WHEREAS, the Department of Arts, Culture and History of the State of West Virginia is expressly authorized by Article 1, Chapter 29 of the Code of West Virginia, one Thousand Nine Hundred Thirty-One, as amended, to enter into agreements with responsible private historical, archaeological, architectural, or cultural associations, foundations, or similar organizations for the purpose of carrying out its purposes, and

WHEREAS, the West Virginia Legislature has appropriated money to be granted by the State Historic Preservation Office to organizations or individuals participating in historic preservation projects, and

WHEREAS, the grantee desires to sponsor a project to be known as Kump House, as described in Attachment I, and

WHEREAS, the Archives and History Commission on June 13, 2024, approved a grant of \$8,000 to the grantee for the project described above,

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The Department of Arts, Culture and History hereby agrees to GRANT to the grantee the sum of \$8,000 toward the total estimated cost of \$20,500 for said project.

(a) To be eligible for payments, the grantee must maintain and submit documentation, as required in the Subgrant Management Manual, to the State Historic Preservation Office showing the amounts of payment requested and describing the portion of the project for which the funds are requested.

(b) The Department of Arts, Culture and History only agrees to transfer funds to the grantee for expenditures which are in compliance with the terms and conditions of this agreement and the National Register Programs Guideline, NPS-49, of the Department of the Interior, National Park Service.

2. The grantee certifies that it has matching capability and agrees:

(a) The requirements of the Historic Preservation Office Subgrant Management Manual shall apply to this award;

(b) That it will substantially comply with State competitive bidding and use acceptable purchasing procedures as defined in the Subgrant Management Manual for construction or renovation projects over \$2,000;

(c) That it will furnish its share of the total cost of the project;

(d) That it will execute the project in compliance with the established policies, procedures, and regulations of the Department of the Interior, National Park Service, including the National Register Programs Guidelines, NPS-49;

(e) That it will disburse such funds only for authorized purposes in connection with said project;

(f) That it will maintain accurate records in accordance with generally accepted accounting principles and procedures, in connections with the project;

(g) That it will not be reimbursed for any expenditure which does not conform to the terms and conditions of this agreement or the Final Products do not meet Secretary of the Interior's Standards;

(h) The grantee must receive prior approval from the State Historic Preservation Office for all amendments to the scope of work, products, budget, or reporting requirements;

(i) That it will comply with either the Single Audit Act of 1984 OMB Circular A-133 for state or local governments or the audit requirements of OMB Circular A-110 for universities and nonprofit organizations;

(j) If funded, publications or audio-visual material must receive prior approval from the State Historic Preservation Office. Five copies of any publications that is a result of the grant must be submitted to the State Historic Preservation Office. Grantee agrees to credit the West Virginia Department of Arts, Culture and History and the Federal Preservation Grant Program by using the following wording:

"The activity that is the subject of this (type of publication) has been financed (in part/entirely) with Federal funds from the National Park Service, Department of the Interior, and administered by the West Virginia Department of Arts, Culture and History."

The publication or audio visual should also contain the Equal Opportunity statement as follows:
"The program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination departmental Federally Assisted Programs on the basis of race, color, national origin, age or handicap. Any person who believes he or she as been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Office of Equal Opportunity, U.S. Department of the Interior, National Park Service, 1849 C Street, N.W., Washington, D.C. 20240.

(k) The grantee must submit progress reports and financial reports as required in the subgrant management manual;

(l) The grantee shall submit a final project report containing all information as required in the Subgrant Management Manual.

(m) That (1) it will conform to labor standards established by the West Virginia Department of Labor on projects which are financed in whole or in part by grant without subsequent deduction or rebate on any account, and (2) that it will conform to provision of 18 USC 1913 regarding the use of Federal funds of lobbying activities;

(n) That it will comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act;

(o) That it will conform with Title VI of the Civil Rights Act of 1964, that strictly prohibits unlawful discrimination in federally-assisted programs on the basis of race, color, and/or national origin;

(p) That it will provide to the Department evidence of compliance with Federal Procurement Standards as enumerated in 43 CFR 12, Subpart C, Uniform Administrative Requirements for grants to state and local governments, effective October 1, 1988;

(q) That it will complete the project in accordance with Attachment I of the contract;

(r) That the project will be performed and products produced in compliance with the Secretary of the Interior's Standards for Rehabilitation ;

(s) In addition to the terms detailed in this agreement, all Federal requirements governing grants (Office of Management and Budget Circulars A-87 or A-122, 43 CFR 12, Subpart C or A-110, and A-128 or A-133) are applicable.

(t) All contracts and subgrants for construction or repair shall include a provision of compliance with the Copeland "Anti-Kickback" Act (18 USC 874) as supplemented in Department of labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the National Park Service;

ATTACHMENT I

PROJECT NAME: Kump House

SUBGRANTEE: CITY OF ELKINS
401 DAVIS AVE
ELKINS, WV 26241-3848

BEGINNING DATE: July 1, 2024

ENDING DATE: June 30, 2025

DETAILED SCOPE OF WORK: Install new downspout on front corner & re-route downspout, repair roof, and insulate & ventilate crawlspace above enclosed porch.

All work must adhere to the Secretary of the Interior's Standards for Rehabilitation. All work must be approved by the WV SHPO prior to initiation of construction activity. Any work conducted without prior approval may risk cancellation of funding. All purchasing requirements must be followed.

NON-FEDERAL MATCHING SHARE

DONOR: Kump Education Center

SOURCE:

KIND: Cash

AMOUNT: \$12,500

TOTAL GRANT AMOUNT: \$8,000

TOTAL GRANT PROJECT ESTIMATE: \$20,500

(u) A project identification sign must be displayed in a prominent location at each project site while project work is in progress. The sign must identify the project and the Department of Arts, Culture and History and the Department of the Interior, National Park Service grant support.

3. It is the understanding of all parties to this contract, that the Department of Arts, Culture and History by joining in this contract, does not pledge or promise to pledge the assets of the State of West Virginia, does not promise to pay any part of the contract sum provided for in this agreement from monies of the Treasury of the State of West Virginia except such monies as shall be appropriated by the West Virginia Legislature.
4. This contract may be terminated with the consent of both parties or by either party because of non-performance by the other.

This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training including apprenticeship. The grantee shall insert a similar provision in all subcontracts for activities covered by this contract. Programs funded by the Department of Arts, Culture and History strictly prohibit unlawful discrimination in state-assisted programs on the basis of race, color and/or national origin.

IN WITNESS WHEREOF, City of Elkins and the Department of Arts, Culture and History, have caused this instrument to be executed by their duly authorized representatives.

GRANTEE: City of Elkins

BY: _____

STATE OF WEST VIRGINIA

COUNTY OF _____: TO-WIT

I, _____, a Notary Public in and for said County and State hereto annexed, bearing date the _____ day of _____, 20____, has this day acknowledged the name before me in my said County, to be his act and deed.

Given under my hand this _____ day of _____ 20_____.

My Commission expires

Notary Public

The Department of Arts, Culture and History

BY: _____
Historic Preservation Office

DEPARTMENT OF ADMINISTRATION
STATE OF WEST VIRGINIA ACTING BY
AND THROUGH IT'S PURCHASING DIVISION

BY: _____ BY: _____
Commissioner Purchasing Director

Approved as to form the _____ day of _____, 20_____.

BY: _____
Assistant Attorney General

COVENANT

The covenant is made the 1ST day of August, 2024, by

City of Elkins (hereafter referred to as the "Owner") and in favor of the State of West Virginia through the Historic Preservation Office of the Department of Arts, Culture and History (hereafter referred to as the "Grantee") for the purpose of the Rehabilitation of a certain property known as Kump House, located at Elkins, Randolph County, West Virginia, which is owned in fee simple by the Owner and is listed in the National Register of Historic Places. The Property is comprised essentially of grounds, collateral, appurtenances, and improvements and is known as the Kump House. A photographic record of the Property will be completed in cooperation by the Grantee and Owner prior to the end of the grant activity. This record will be kept on file at the Grantee's office for the duration of the covenant and with the Owner. This will include a keyed location sketch map of the photographs. Photos may be submitted electronically as high-resolution images. Architectural drawings will be included in the record as available. The Owner and Grantee will agree that the condition of the Property is accurately documented. In consideration of the sum of \$8,000 received in grant-in-aid assistance through the State of West Virginia from the West Virginia Legislature, the owner hereby agrees to the following for a period of 5 years:

- 1) The Owner and any successor in interest shall assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places. Nothing in this Covenant shall prohibit the Owner from seeking financial assistance from any source available to him.

- 2) The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission of the State Historic Preservation Officer.
- 3) The Owner agrees that the State Historic Preservation Officer, his agents, and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of the agreement are being observed.
- 4) City of Elkins agrees to comply with Title VI of the Civil Rights Act of 1964 [42 USC 2000 (d)] and Section 504 of Rehabilitation Act of 1973 [29 USC Section 794]. These laws prohibit discrimination based on race, religion, national origin, or handicap. In implementing public access, reasonable accommodation to qualified handicapped persons shall be made in consultation with the State Historic Preservation Office Staff Architect.

This covenant shall encumber the title to the Property and be enforceable in specific performance by a court of competent jurisdiction.

In the event of the nonperformance or violation of any duties of the property owners, successors, heir or assigns, under this covenant, including public access, the State of West Virginia is expected to sue for money damages or to enjoin such violation or to require the owner to restore the site, building structure or improvements thereon to the existing at the time of project completion. The property owner will not be liable for money greater than the amount of the State Development grant funds.

If a historic preservation grant funded property is damaged or destroyed by accidental, natural, or deliberate causes, the grantee will inform the Keeper of the National Register of Historic Places in writing of the damage to this property stating: 1. The nature of the damage; 2. The possibility of restoration or reconstruction; and 3. Whether the loss was caused by negligence on the part of the owner. The State of West Virginia will recommend to the national Park Service whether or

not legal action should be taken to recover funds. The National Park Service will then inform the State of West Virginia in writing if legal action should be instituted by the State. Action shall be limited to the restoration of the property, or the total amount of the Federal assistance given to the owner for use on the property.

If the property has been destroyed to the degree that restoration or reconstruction is economically infeasible and the National Park Service has given the State of West Virginia notice that no legal action is necessary, the grantee will notify the Keeper of the National Register of Historic Places in writing of the extent of damage to the property and the loss of the architectural, historical, or cultural significance that has resulted from the damage. The Keeper may decide to remove the property from the listing in the National Register of Historic Places. If the decision is made to remove the property from the National Register, then the conditions of this covenant may be considered void from the date the property is removed from the National Register.

Property Owner

Date

STATE OF WEST VIRGINIA

COUNTY OF _____: TO-WIT

I, _____, a Notary Public in and for said County and State, do
certify that _____, whose name is signed to the writing
hereto annexed, bearing the _____ day of _____, 20____, has this day
acknowledged the same before me in my said County, to be his act and deed.

Given under my hand this _____ day of _____, 20____.

My commission expires _____.

NOTARY PUBLIC

STATE OF WEST VIRGINIA

COUNTY OF: _____ TO-WIT:

I, _____, the County Clerk in and for said County and State,
do certify that this Covenant has been recorded.

This _____ day of _____, 20____.

My term of office expires _____.

COUNTY CLERK

Susan M. Pierce

DEPUTY STATE HISTORIC PRESERVATION OFFICER

7-10-24

DATE

STATE OF WEST VIRGINIA

COUNTY OF Kanawha: TO-WIT

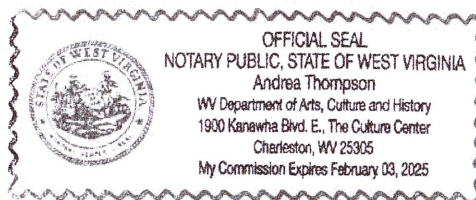
I, Andrea Thompson, a Notary Public in and for said County and State,
do certify that Susan M. Pierce, whose name is signed to the writing
hereto annexed, bearing date the 10th day of July, 2024, has this day
acknowledged the same before me in my said County, to be his act and deed.

Given under my hand this 10th day of July, 2024.

My Commission expires February 3, 2025.

Andrea Thompson

NOTARY PUBLIC





CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Reallocating ARPA funds
Recommended By:	Council's ad hoc ARPA Advisory Committee
Summary:	The Committee recommends reallocating certain remaining ARPA funds, as follows: • Reallocating the previously allocated amounts for Sewer Collection (\$721.26) and the North Randolph Sewer Study (\$15,100) to the Wastewater Treatment Plant • Reallocating the previously allocated amounts for the City Clerk (\$6,409.76) and Fire department (\$19.76), as well as accumulated interest (\$3,177.37), to City Hall • Reallocating the previously allocated amount for the Water Distribution Department (\$6,198.22) to the Water Treatment Plant
Fiscal Impact:	Shifts already awarded ARPA funds
Recommendation:	Consider for approval
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Grant opportunity with Augusta Heritage Center/National Endowment for the Arts
Recommended By:	Mayor
Summary:	Information will be provided about a grant opportunity involving City of Elkins, the Augusta Heritage Center, and the Old Brick Playhouse
Fiscal Impact:	TBD
Recommendation:	Review presented information and consider taking action as needed
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	August 1, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Whitmer Water System takeover
Recommended By:	Mayor
Summary:	Opportunity for attorney-client consultation concerning the PSC ordered takeover by Elkins of the Whitmer Water Utility
Fiscal Impact:	TBD
Recommendation:	Consider entering executive session under the attorney-client consultation
Attachments:	1. Whitmer briefing



401 Davis Avenue
Elkins, West Virginia 26241
Telephone: 304-636-1414
www.cityofelkinswv.com

Summary of Events Involving Whitmer

(Summary Regarding the Current Operational Status of Whitmer)

Operationally we have gotten Whitmer to a place where we can safely and reliably produce and provide water to its 94 customers. We have already adopted many of the operation and maintenance practices used within our own system. This year we have installed 12 new water services, with 8 of those being for a new campground. If this campground succeeds it will add a total of 40 new services. Hence increasing Whitmer's customer base by over 40%. We are starting to sort through the regulatory issues that Whitmer incurred over the past few years. The Health Department has been very gracious in aiding us with this process. The Meter system is over 12 years old and is showing signs of weakness within the radio program. We are hoping to replace them soon with grant funding. We are also planning to expand the water plants' capacity to serve them as a back up water supply for the Harman and Dry Fork area.

- ❖ November 14, 2022 – The Randolph County Commission filed a petition to the WV Public Service Commission to consider Whitmer Water Association a Distressed and failing utility.
- ❖ May 25, 2023 - The WV Public Service Commission found that Whitmer is a distressed utility and Elkins is the most suitable capable proximate utility. The PSC then directed Elkins to acquire Whitmer.
- ❖ July 13, 2023 – Elkins and Whitmer filed a joint application for an Interim Operating Agreement between Elkins and Whitmer. Since Whitmer Water Association was no longer a corporation in good standing and had no Board, it had to be brought up to the standards of a legal entity to even be able to enter into this Agreement.
- ❖ Sept 13, 2023 - the WV Public Service Commission approved interim rates for Whitmer and an Interim Operating agreement between Elkins and Whitmer.
- ❖ December 15, 2023 - Elkins sent out the first round of billing processed by Elkins. As an example of the dire financial straits of Whitmer, we received a shut-off notice from First Energy for an electric bill of over \$9,000 which had been unpaid for several months.
- ❖ January 1, 2024 - Elkins assumed full operations of the Whitmer Water System doing so under the Interim Operating Agreement.
- ❖ Feb 1, 2024 - the WV Public Service Commission approved the interim water rates as the final rates and required both parties to close on the purchase agreement.
- ❖ On April 30, 2024 - Elkins filed a petition to Reopen the Whitmer and Elkins cases. Elkins determined that unknown and unexpected issues with Whitmer continue to prevent the parties from closing on the purchase agreement. Issues include:

Summary of Events involving Whitmer

- Whitmer monthly revenue is not sufficient to sustain the operations. Whitmer is only bringing in approximately \$4400 per month and the operating expenses are approximately \$11,000 per month. As a result, Elkins has incurred about \$197,668 to date.
- Unpaid federal and state income taxes from June 30, 2019, to December 31, 2023, Along with legal and account fees are expected to be approximately \$200,000.
- Capital Costs – Replace Water Meters, Plant and System Upgrades are projected at \$695,739.27
- WDTRF Outstanding Water Fund Bond - remaining balance is \$200,917.
- ❖ On May 10, 2024 - The WV Public Service Commission Ruled that
 - the petition filed on April 30th be reopened
 - That the WV IJDC and the WDA approve the request to fund the request of \$1,294,325 to the extent that the request qualifies for their funding
- ❖ On May 24 representatives from Elkins met with the IJDC and WDA to discuss the possibilities of the request on the PSC Order from May 10th.
 - The two entities both agreed that due to various limitations involving grant funding the only item they could help with is the Capital Costs of \$695,739.27.
 - These entities recommended that we approach the County Commission to help with the remaining expenses.
- ❖ Until these expenses are resolved we are essentially at a standstill with the purchase/acquisition agreement.
- ❖ Elkins cannot continue to assume these costs that are detrimental to its own customers and system, especially with no path of getting aid or reimbursement.
- ❖ We respectfully request that you consider helping the residents of Whitmer by assisting in the funding of some of these expenses incurred from Whitmer to make it a viable and stable water utility for the Whitmer residents.

**CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.**

**CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.**

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000001



1500 Chase Tower • 707 Virginia Street East • Charleston, WV 25301

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E-Mail: rrodecker@kaycasto.com

Direct: 304/391-8838

April 30, 2024

Ms. Karen Buckley
Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

RE: CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

Dear Ms. Buckley:

Enclosed herein please find a Petition To Reopen Requesting A
Commission Recommendation In Support Of A Distressed Utilities Fund Grant.

As evidenced by the Certificate of Service attached thereto, a copy of the
filing has today been served upon all parties of record.

Should you have any questions regarding this matter, please do not hesitate
to contact me.

Sincerely,

Robert R. Rodecker
WV State Bar No. 3145

CHARLESTON • MORGANTOWN • MARTINSBURG

 MERITAS LAW FIRMS WORLDWIDE

000002

**CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.**

**CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.**

SEPARATION PAGE

**PETITION TO REOPEN REQUESTING
A COMMISSION RECOMMENDATION
IN SUPPORT OF A DISTRESSED UTILITIES FUND GRANT**

000003

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 22-0993-W-DU

WHITMER WATER ASSOCIATION, INC.

Petition for determination that Whitmer Water Association is a failing utility under the Distressed and Failing Utilities Improvement Act.

CASE NO. 23-0590-W-19A-PC-W-PC

CITY OF ELKINS and

WHITMER WATER ASSOCIATION, INC.

Joint Application For Consent and Approval of an Asset Purchase Agreement, approval of an Interim Operating Agreement; and Emergency Rate Relief for Whitmer Water Association, Inc.

**PETITION TO REOPEN REQUESTING
A COMMISSION RECOMMENDATION
IN SUPPORT OF A DISTRESSED UTILITIES FUND GRANT**

The City of Elkins, ("Elkins"), respectfully submits this Petition to Reopen and requests that the Commission issue an expedited Order containing a recommendation to support a request for a grant from the Distressed Utilities Fund pursuant to *W. Va. Code* §§ 24-2H-9(e) and 31-15A-9(i). Receipt of the Commission's recommendation and thereafter approval of the grant by the West Virginia Infrastructure and Jobs Development Council ("WVIJDC") are necessary to permit Elkins to close on the acquisition of the assets of the Whitmer Water Association, Inc. ("Whitmer") as provided in the Asset Purchase Agreement

000004

between Elkins and Whitmer. Expedited consideration is requested so that Whitmer and Elkins can apply for Distressed Utilities Funds by May 31, 2024 with the goal of receiving grant funds prior to June 30, 2024, and close on the Asset Purchase Agreement as soon as possible. Elkins understands that the Distressed Utilities Funding for the fiscal years ending June 30, 2025 and June 30, 2026 are committed to other projects. Thus, without expedited treatment of this Request, Elkins cannot acquire Whitmer without some other, as yet unidentified, funding source.

In support of the Request, Elkins states as follows:

1. In its Final Order entered on May 25, 2023, in Whitmer Water Assoc., Inc., Case No. 22-0993-W-DU ("Whitmer Case"), the Commission found that Whitmer is a distressed utility and directed Whitmer to be acquired by Elkins through a mutual agreement. Whitmer Case, Rec. Dec. at 10, 13-14 (May 5, 2023, final May 25, 2023).

2. On July 13, 2023, Elkins and Whitmer filed a Joint Application requesting Commission consent and approval of an Interim Operating Agreement and Asset Purchase Agreement. Elkins was willing to acquire the assets of the Whitmer potable water treatment, storage, and distribution system (the "Whitmer System") and provide service to Whitmer customers conditioned upon receipt of appropriate funds for the acquisition, repair and upgrade of the Whitmer System. As consideration, Elkins agreed to assume the unpaid balance of water revenue

bonds of Whitmer held by the West Virginia Water Development Authority on behalf of the Drinking Water Treatment Revolving Fund (the "Bonds") as of Closing and make post-closing investments necessary to carry out its responsibility as the new owner and operator of the Whitmer System. City of Elkins & Whitmer Water Assoc., Inc. ("Joint Case"), Case No. 23-0590-W-19A-PC.

3. On September 13, 2023, the Commission approved interim rates for Whitmer and approved a modified Interim Operating Agreement and the Asset Purchase Agreement. Joint Case, Case No. 23-0590-W-19A-PC, Comm'n Order at 8 (Sept. 13, 2023).

4. On January 9, 2024, Elkins and Whitmer filed a copy of the signed Interim Operating Agreement.

5. On February 1, 2024, the Commission approved the interim rates as final rates for Whitmer and required Elkins and Whitmer to close on the Asset Purchase Agreement ("APA") within thirty (30) days. Joint Case, Case No. 23-0590-W-19A-PC, Commission Order at 2 (Feb. 1, 2024).

6. Elkins is located more than 25 miles from Whitmer by way of mountainous roadways, making service significantly more costly than the revenues generated from customers of Whitmer. In addition to the cost of travel for its employees in order to serve Whitmer, since the commencement of operations of Whitmer, Elkins has faced previously unknown and unexpected issues related to the Whitmer System which continue to prevent closing.

7. Because of delays in obtaining accurate billing records, accounting records and customer information from Whitmer, Elkins was delayed in accessing the bank accounts of Whitmer and establishing a separate bank account for payments received from the customers of the Whitmer System. These factors, along with many others, have prevented Elkins from integrating the Whitmer customers into the Elkins water system.. Since Elkins began billing the Whitmer customers at the Commission approved rates, less than \$4,000 of revenue per month is being realized through water sales to Whitmer customers. Contributing to this situation is the fact that some customers have not paid their bills on a timely basis and some customers have alternative well water for use and are cutting back on purchased water.

8. While revenues are substantially lower than expected, expenses have been higher than expected and significantly exceed revenues. In addition to higher operation and maintenance expenses, a major part of the monthly cost of operating the Whitmer System is a principal payment of \$1,028.00 on Whitmer's current bond debt. Table 1 below shows the average monthly cost for Elkins to serve Whitmer based upon operations between January 1, 2024 and March 31, 2024.

Table 1

Expense	Average monthly cost
Sampling	\$1,131.67
Supplies and Materials	400.95
Chemicals	84.17
Dues and subscriptions	295.67
Contracted services	238.50

Postage	9.95
Travel	1,000.00
Wages for Elkins employees	5,000.00
Utilities -- phone and internet	373.77
Utilities -- power	911.55
Bond Payment	1,028.00
Total monthly average	\$10,474.23

9. In addition to the ongoing impact of the current operations on the Elkins' finances where the cost of operation the Whitmer System exceeds revenues by more than \$6,000 per month, Elkins has incurred costs associated with this proceeding which are not covered by the rates being charged. In addition, since Elkins took over operations of Whitmer, it has had to address many issues which were caused by the failure of Whitmer to address its cost responsibilities prior to Elkins' take over. Many of these issues have already impacted Elkins and Elkins believes others exist which require financial assistance in order for Elkins to complete the acquisition. Table 2 below reflects some of the costs incurred to date:

A. Elkins has incurred expenses for legal and accounting services provided in the preparation of documents to assist Whitmer to be in a position to reinstate its corporate status and to transfer the real and personal property comprising the Whitmer System.

B. Elkins' O&M costs related to operations of the Whitmer System incurred to date have exceeded \$160,000.

C. When Elkins began operation of the Whitmer System, it discovered that electric service was scheduled for termination for non-payment. To keep the Whitmer System operating, Elkins had no choice but to pay Monongahela Power Company \$9,363.15, because Whitmer had no funds to pay the arrearage. In addition, to reinstate service necessary to operate the telemetry for the Whitmer System, Elkins had to pay more than \$500 for overdue bills for telephone and internet service.

D. Recently, Elkins learned that the State Tax Department has placed a lien on property titled in Whitmer's name for unpaid withholding taxes of \$7,835.83 for the period from June 30, 2019 to December 31, 2023. (See Exhibit 1 attached hereto.) As long as that debt is unpaid, the amount owed will continue to incur additional penalties and interest. Further, **no closing can take place until the lien is released.** Whitmer's records do not reflect what other obligations may be outstanding and Elkins is concerned that Federal withholding taxes may also be owed. Elkins has no records of Federal or State tax filings by Whitmer which, if no Federal returns have been filed, can result in a Federal claim for unpaid taxes, penalties and interest for a period of up to ten (10) years. If Federal taxes were not paid as required, Elkins believes that the cost in unpaid taxes, penalties and interest, along with legal and accounting services to resolve the Whitmer Federal and state tax issues, may exceed \$125,000. Elkins has no alternative but to

determine whether unpaid Federal taxes exist; otherwise Elkins may risk assuming responsibility for such tax liability.

E. Currently there is no property insurance coverage for the Whitmer System. As long as the real and personal property remain in the name of Whitmer, Elkins does not have an insurable interest and thus is unable to add such facilities to its insurance coverage. Elkins is informed and believes it to be true that the premium for insurance for the Whitmer facilities will cost an additional \$1,500.00 per month.

Table 2

Incurred Costs to Date	
\$26,363.82	Legal and accounting fees related to Elkins' acquisition of the Whitmer System, July 2023 to April 25, 2024
\$161,377.06	O&M Costs, September 19, 2023 to April 25, 2024
\$9,363.15	Monongahela Power
\$564.71	Phone/internet
\$197,668.74	Total Incurred Costs to date

10. In addition to the current costs and the amounts already spent by Elkins, the Consulting Engineer for Elkins has determined that there are approximately \$700,000 in projected capital costs to repair, maintain and replace the Whitmer System. Those costs are summarized in Table 3 below.

Table 3

Projected Capital Costs	
	Immediately necessary costs
\$309,239.27	a. 35 gate valves. March 5, 2024 Ferguson Waterworks quote.
\$170,000.00	b. New meters. CEC Opinion of Probable Construction Cost.
\$50,000.00	c. Septic tank and disposal field for sanitary sewer service at Whitmer water treatment plant. CEC Opinion of Probable Construction Cost.
	Engineering fees related to immediate capital expenditures
\$18,000.00	a. Gate valves. CEC Estimate of Fee.
\$30,000.00	b. New meters. CEC Estimate of Fee.
\$15,000.00	c. Septic tank and surveying fees. CEC Estimate of Fee.
\$65,000.00	More fuel efficient vehicle. CEC Opinion of Probable Cost.
\$35,000.00	Preliminary Engineering Report for future improvements. CEC Estimate of Fee.
\$3,500.00	Back-up well pump for water treatment plant. CEC Opinion of Probable Cost.
\$695,739.27	Total Projected Capital Costs

11. *W. Va. Code* § 24-2H-8(e) provides that a nonprofit acquiring utility may seek grant funding from the Distressed Utilities Account established pursuant *W. Va. Code* § 31-15A-9(i) to repair, improve, and replace the distressed water utility facilities as needed.

12. *W. Va. Code* § 31-15A-9(i) provides as follows:

The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by nonprofit public utilities from grants approved by the [West Virginia Infrastructure and Jobs Development] council and supported by recommendations from the Public Service Commission in accordance with the plan developed under § 24-2H-1 *et seq.* of this code. The restricted account shall be known as the Distressed Utilities Account. Annually, the council may request the Water Development Authority to transfer from the uncommitted loan balances for each year a total amount not to exceed \$5 million to the restricted account to fund the grants approved by the council during that fiscal year. Notwithstanding the provisions of § 31-15A-10(b) of this code, the council may approve grants from this account for up to 100 percent of the cost of failing utility repairs, replacements and improvements and such grant along with other grants awarded by the council may exceed 50 percent of the total project cost; *Provided, That at no time may the balance of the restricted account exceed \$5 million. (Emphasis added)*

13. Elkins' acquisition of the Whitmer System was approved by the Commission as state law requires. In order for Elkins to repair, replace and improve the Whitmer System, Elkins must be able to acquire the Whitmer System. That cannot happen unless the outstanding tax lien and other obligations of Whitmer can be met by funds from the Distressed Utilities Account. It is Elkins' position that the operational and acquisition costs are integral to the ability of Elkins to carry out the Commission's order to acquire Whitmer as a distressed utility. It is Elkins' further position that it should not be required to spend its resources to pay for the failure of Whitmer to meet its obligations to State and Federal tax authorities and it should be reimbursed for costs expended to reinstate Whitmer's

corporate status to permit the transfer of the Whitmer System to Elkins. Finally, Elkins believes that funds should be provided to retire Whitmer's outstanding indebtedness which currently, after deducting the funds presently on deposit in the debt service reserve account for the Bonds, stands at approximately \$200,917 (as of December 31, 2023). The amount set forth in Table 4 below is intended to cover the known and estimated costs of acquisition of Whitmer.

Table 4

Costs of Acquisition of Whitmer	
\$197,668.74	Incurring Costs to Date from Table 2
\$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and close on acquisition
\$695,739.27	Projected Capital Costs from Table 3
\$200,917.00	Outstanding DWTRF Bond
\$1,294,325.01	Total Acquisition Costs

14. Elkins intends to file a request with WVIJDC for a grant from the Distressed Utilities Account in the amount of \$1,294,325.01 for the amounts set forth in Table 4 herein related to Elkins' acquisition of and repairs, maintenance, and replacements to the Whitmer System, and the retirement of the outstanding debt owed by Whitmer. Costs for several of these items, such as Elkins' personnel expenses and legal and accounting services, are ongoing and will continue to be incurred until the transaction is complete. The planned capital improvements will reduce operational costs as Elkins continues to serve Whitmer, though Elkins will continue to subsidize the Whitmer System.

15. Elkins has been informed that Distressed Utilities Funding has to date not been used for any project in the State and a process for accessing such funding is being established. One requirement for receipt of such funds is that the request to the WVIJDC must be supported by a recommendation from the Commission. *W. Va. Code § 31-15A-9(i).*

16. Elkins requests the Commission to issue an Order containing a recommendation to the WVIJDC in support of the Petitioners' request for \$1,239,408.01 from the Distressed Utilities Fund as itemized above, and that such recommendation be entered not later than May 31, 2024 so that an application for such funds can be submitted to the WVIJDC for award prior to the end of the current fiscal year.

17. Elkins requests expedited treatment of this request in order to be in a position to close on the acquisition of Whitmer by Elkins as soon as possible.

Respectfully submitted,

CITY OF ELKINS
By Counsel



Robert R. Rodecker (WVSB#3145)
John R. McGhee (WVSB#5205)
Cynthia L. Wilson (WVSB#5239)
Kay Casto & Chaney PLLC
P.O. Box 2031
Charleston, WV 25327
(304) 345-8900

April 30, 2024

rrodecker@kaycasto.com
jmcghee@kaycasto.com
cwilson@kaycasto.com

EXHIBIT 1

**APRIL 5, 2024 STATE OF WEST VIRGINIA TAX
DEPARTMENT STATEMENT OF ACCOUNT**

000016



STATE OF WEST VIRGINIA
State Tax Department, Compliance Division
153 West Main St. Suite E
Clarksburg, WV 26301-2908



000-4440201 (0000)



Matthew R. Irby, State Tax Commissioner

WHITMER WATER ASSOCIATION INC
PO BOX 23
WHITMER WV 26296-0023

Letter Id: L1496585376
Issued: 04/05/2024
Account #: 2262-3742
Account: Withholding

STATEMENT OF ACCOUNT

The State of West Virginia hereby notifies you or her, enclosed taxes, interest and penalties, due as stated on this notice. This is not a Notice of Assessment of Tax. Please refer to the reverse side of this notice for a further explanation of this liability. Payment must be made on or before the Pay By Date or additional penalties will continue to accrue. If you have any questions regarding this notice, please contact the Compliance Division at (800) 627-2115.

Period Ending	Notes	Return Due Date	Tax	Penalty & Additions	Interest	Balance
12/31/2023	Statement of Account	1/17/2024	\$154.06	\$2.71	\$4.30	\$160.97
09/30/2023	Statement of Account	10/31/2023	\$175.64	\$3.76	\$12.25	\$191.65
06/30/2023	Statement of Account	7/31/2023	\$147.94	\$3.44	\$12.76	\$164.14
03/31/2023	Statement of Account	5/1/2023	\$150.05	\$46.30	\$17.32	\$213.67
12/31/2022	Lien & Distress Warrant	1/31/2023	\$128.70	\$41.77	\$28.52	\$198.99
09/30/2022	Lien & Distress Warrant	10/31/2022	\$111.14	\$49.07	\$23.81	\$184.02
06/30/2022	Lien & Distress Warrant	7/31/2022	\$108.07	\$20.75	\$15.14	\$143.96
03/31/2022	Lien & Distress Warrant	5/2/2022	\$411.87	\$151.44	\$88.15	\$651.46
12/31/2021	Lien & Distress Warrant	1/31/2022	\$299.10	\$114.28	\$66.62	\$480.00
09/30/2021	Lien & Distress Warrant	11/1/2021	\$195.07	\$138.40	\$96.17	\$429.64
06/30/2021	Lien & Distress Warrant	8/3/2021	\$149.15	\$169.32	\$107.00	\$425.47
03/31/2021	Lien & Distress Warrant	4/30/2021	\$115.14	\$144.65	\$84.64	\$344.43
12/31/2020	Lien & Distress Warrant	2/1/2021	\$125.16	\$111.47	\$71.17	\$307.80
09/30/2020	Lien & Distress Warrant	11/2/2020	\$347.44	\$113.92	\$80.03	\$541.39
06/30/2020	Lien & Distress Warrant	7/31/2020	\$151.36	\$50.30	\$82.23	\$283.89
03/31/2020	Lien & Distress Warrant	4/3/2020	\$314.94	\$52.11	\$92.16	\$459.21
12/31/2019	Lien & Distress Warrant	1/31/2020	\$165.72	\$78.46	\$106.37	\$350.55
09/30/2019	Lien & Distress Warrant	10/31/2019	\$294.92	\$126.62	\$125.23	\$546.77
06/30/2019	Lien & Distress Warrant	7/31/2019	\$102.64	\$46.87	\$85.68	\$235.19
Amount Due:						\$7,835.83

Please cut off and return with payment

Withholding Tax
Account ID: 2262-3742

WHITMER WATER ASSOCIATION INC
PO BOX 23
WHITMER WV 26296-0023

Amount Due: \$7,835.83

Pay By: 5/1/2024

Amount Enclosed:

Mail Payment To: Revenue Division - P.O. Box 2745 - Charleston, WV 25330-2745
For electronic payment options, please visit our website at www.tax.wv.gov.



COLPYM 01170 00003686278087

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The State Tax Department hereby notifies you of tax, estimated taxes, interest and penalties due as stated on the reverse side of this notice. Your failure to respond to this notice by the due date indicated on this notice will result in a Notice of Proposed Tax Lien or Notice of Assessment being issued in accordance with W. Va. Code § 11-10 as amended.

In compliance with the provisions of W. Va. Code § 11-10-12, as amended, notice and certification are hereby given that the taxpayer(s) named on the reverse side is indebted to the West Virginia State Tax Department for secured taxes, interest, additions to tax, and penalties as hereinafter set forth. The taxes, interest, additions to tax and penalties shown on the reverse side of this notice are unpaid debt to the State and constitute a lien upon all property of the taxpayer.

TO ANY OFFICER AUTHORIZED TO LEVY: You are commanded in the name of the State of West Virginia under authority of W. Va. Code § 11-10-13, to forthwith levy upon and distrain so much of the property, real or personal, tangible or intangible, of the above named taxpayer as shall be sufficient to satisfy the taxes, interest, and additions to tax due, owed, and unpaid to the State Tax Department as set forth on the reverse side of this notice.

1. Interest: Pursuant to W. Va. Code § 11-10-17a, the Tax Commissioner is required to establish an interest rate for tax underpayments and overpayments based on the adjusted prime rate. This shall not be less than eight percent. The adjusted rate is to be determined every six months. **INTEREST IS STATUTORY AND CANNOT BE WAIVED.**

A. Additions to tax: The purpose of imposing penalties (additions to tax) is to encourage voluntary compliance with this State's tax laws. These additions are determined with regard to any extension of time for filing and may be waived only if it is proven that failure to file was pay a due to reasonable cause and not willful neglect (W. Va. § 11-10-15a)

Name: _____

Street: _____

City: _____ State: _____ Zip: _____

Phone: _____ Signature: _____

Page 99 of 113



Letter Id: L1496585376

Return this page with any correspondence back to the Tax Department.

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This page is inserted intentionally. Return this page with any correspondence mailed to the Tax Department. By including this page with your correspondence, the Tax Department will be able to process your request faster and more efficiently.

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**CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.**

**CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.**

SEPARATION PAGE

CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I, Robert R. Rodecker, counsel for the City of Elkins do hereby certify that the foregoing Petition To Reopen has been served upon the following parties of record in the manner so indicated on this 30th day of April, 2024:

VIA EMAIL AND 1st CLASS MAIL, POSTAGE PREPAID:

Chris Howard, Esquire
Public Service Commission
of West Virginia
Post Office Boxv812
Charleston, WV 25323
choward@psc.state.wv.us

Paula J. Teter
Whitmer Water Association, Inc.
Post Office Box 104
Whitmer, WV 26296-0104
Gandy73@hotmail.com

Christopher D. Siler
Randolph County Commission
4 Randolph Avenue, suite 102
Elkins, WV 26241
csiler@randolphctywv.org

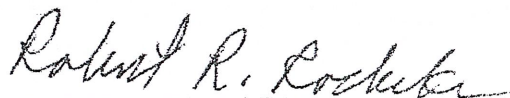
Ronald Vance, Manager
Midland Public Service District
Post Office Box 544
Elkins, WV 26241
midlandpsd@cebridge.net

Christopher D. Negley, Esq.
Counsel, Huttonsville PSD
Shuman, McCuskey & Slicer PLLC
Post Office Box 3953
Charleston, WV 25339
cnegley@shumanlaw.com

Robert F. Williams, Director
Consumer Advocate Division
Director
300 Capitol Street, Ste. 810
Charleston, WV 25301
rwilliams@cad.state.wv.us

VIA FIRST CLASS U.S. MAIL:

Christopher See, President
Randolph County Commission
4 Randolph Avenue—Suite 102
Elkins, WV 26241


Robert R. Rodecker

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**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 10th day of May 2024.

CASE NO. 22-0993-W-DU

WHITMER WATER ASSOCIATION, INC.

Petition for determination that Whitmer Water
Association is a failing utility under the Distressed and
Failing Utilities Improvement Act.

and

CASE NO. 23-0590-W-19A-PC

CITY OF ELKINS, dba ELKINS MUNICIPAL WATER
DEPARTMENT and WHITMER WATER ASSOCIATION, INC.

Joint Application for consent and approval of an Asset
Purchase Agreement, approval of an Interim Operating
Agreement, and emergency rate relief for Whitmer
Water Association, Inc.

COMMISSION ORDER

The Commission grants the Petition to Reopen and recommends the West
Virginia Infrastructure and Jobs Development Council (WVIJDC) approve the City
of Elkins (Elkins) request for funding from the Distressed Utilities Account.

BACKGROUND¹

On November 14, 2022, in Whitmer Water Association, Inc., Case
No. 22-0993-W-DU, the Randolph County Commission requested that the
Commission review Whitmer Water Association, Inc. (Whitmer) under the
Distressed and Failing Utilities Improvement Act, W. Va. Code § 24-2H-1 et seq.²

¹ For a complete procedural history, access the prior filings and orders in the above captioned cases on the
Commission web docket at www.psc.state.wv.us.

² Whitmer, Letter of the Randolph County Commission.

By Final Order issued May 25, 2023, the Commission found that Whitmer is a distressed utility and that Elkins is the most suitable capable proximate utility. The Commission directed Elkins to acquire Whitmer through a mutual agreement as provided by W. Va. Code § 24-2H-7(b)(5) and to file the acquisition agreement once completed, consistent with W. Va. Code §§ 24-2-12 and 24-2H-8.³

On July 13, 2023, Elkins and Whitmer initiated Elkins Municipal Water Department, Case No. 23-0590-W-19A-PC, by filing a Joint Application⁴ seeking Commission consent and approval of an Interim Operating Agreement and an Asset Purchase Agreement (Purchase Agreement), and requesting emergency rate relief. Elkins agreed to acquire Whitmer's water treatment, storage, and distribution system (Whitmer System) "conditioned upon receipt of appropriate funds for the acquisition and post-acquisition improvement of the Whitmer" System. As consideration, Elkins will assume the unpaid balance of Whitmer's water revenue bonds at closing and make the necessary post-acquisition investment in the Whitmer System.⁵

On September 13, 2023, the Commission approved interim rates for Whitmer, a modified Interim Operating Agreement and the Purchase Agreement.⁶ A copy of the signed Interim Operating Agreement was filed on January 9, 2024.

On February 1, 2024, the Commission approved the interim rates as final rates and required the parties to close on the Purchase Agreement within thirty days.⁷

On April 30, 2024, Elkins filed a Petition to Reopen in the Whitmer and Elkins cases and requested expedited treatment. According to Elkins, unknown and unexpected issues with the Whitmer System continue to prevent the parties from closing on the Purchase Agreement. Since commencing operation of the Whitmer System, revenues have been substantially lower than expected, Operation and Maintenance (O&M) expenses have been higher than expected and on average exceed revenues by more than \$6,000 each month, and Elkins has incurred \$197,669 in costs to date. Elkins recently learned of a state lien against Whitmer

³ Whitmer, at 10, 12-14 (Rec. Dec., May 5, 2023; Final Order, May 25, 2023).

⁴ Despite the Joint Application naming "City of Elkins" as a party to Case No. 23-0590-W-19A-PC, it was docketed as "Elkins Municipal Water Department and Whitmer Water Association, Inc." Elkins, Joint Application at Bates 4; see generally, docket of the case.

⁵ Id. at Bates 6-9, Exhibits A and B.

⁶ Elkins, Comm'n Order at 8.

⁷ Elkins, Comm'n Order at 2.

property for unpaid withholding taxes from June 30, 2019 to December 31, 2023 and believes federal taxes are likely unpaid as well. Also, Whitmer does not have property insurance, which is expected to cost an additional \$1,500 monthly. Furthermore, the consulting engineer for Elkins has projected \$695,739 in capital costs to repair, maintain and replace the Whitmer System.⁸

Based on the aforementioned known and estimated costs, Elkins proposed a total acquisition purchase price of \$1,294,325 as shown in the table below.⁹

Costs of Acquisition of Whitmer System	
\$197,668.74	Costs Incurred to Date
\$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and Close on Acquisition
\$695,739.27	Projected Capital Costs
\$200,917.00	Outstanding Drinking Water Treatment Revolving Fund Bond
\$1,294,325.01	Total Acquisition Costs

The acquisition of the Whitmer System is predicated on Elkins securing the necessary funds. Thus, Elkins requested that the Commission issue an expedited order pursuant to W. Va. Code § 31-15A-9(i) to provide a recommendation in support of Elkins to the WVIJDC for \$1,294,325 from the Distressed Utilities Account, in order for Elkins to secure the necessary funding and close on the acquisition of the Whitmer System as soon as possible.¹⁰

DISCUSSION

West Virginia Code § 24-2H-8(e) provides, in part, that “[a] nonprofit acquiring public utility may seek grant funding from the Distressed Utilities Account established pursuant to § 31-15A-9(i) of this code to repair, maintain, and replace the distressed water and wastewater utilities as needed.” Pursuant to W. Va. Code § 31-15A-9(i):

The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by

⁸ Whitmer, Petition to Reopen at Bates 7-11, Ex. 1; Elkins, Petition to Reopen at Bates 7-11, Ex. 1.

⁹ Id. at Bates 10, 13.

¹⁰ Id. at Bates 11.

nonprofit public utilities from grants approved by the council and supported by recommendations from the Public Service Commission in accordance with the plan developed under §24-2H-1 *et seq.* of this code. The restricted account shall be known as the Distressed Utilities Account.

The Commission has previously determined that Whitmer is a distressed utility as defined by W. Va. Code § 24-2H-3 because it is unable to provide adequate, efficient, safe and reasonable utility service, based in part on Whitmer's declining financial position, mechanical problems and inoperative equipment at its treatment plant. Elkins projects that it needs \$695,739 in capital costs to repair, maintain and replace the distressed facilities. Elkins is currently operating and maintaining the Whitmer System and is in the process of acquiring Whitmer's assets, but in order to close on the acquisition the balance of Whitmer's bonds, unpaid taxes and state tax lien must be satisfied.

For the reasons discussed herein, the Commission recommends that the WVIJDC approve Elkins' request for grant funding from the Distressed Utilities Account to the extent that the request qualifies under the statute. The Commission encourages Elkins to continue its efforts to identify and secure other sources of funding, in addition to the Distressed Utilities Account grant funds, so that it can acquire and make improvements to the Whitmer System without further delay. Elkins should file an update with the Commission regarding the status of the proposed grant funding thirty days after the issuance of this Order.

The Commission will correct the style of Case No. 23-0590-W-19A-PC to change "Elkins Municipal Water Department" to "City of Elkins, dba Elkins Municipal Water Department," because the Joint Application, Interim Operating Agreement and Purchase Agreement clearly identify "City of Elkins" as a party and do not refer to Elkins Municipal Water Department.

FINDINGS OF FACT

1. Unexpected issues have prevented the parties from closing on the Purchase Agreement.
2. Elkins proposed a total acquisition purchase price of \$1,294,325 for the Whitmer System and intends to secure that amount in grant funding from the Distressed Utilities Account.
3. Since commencing operation of the Whitmer System, Elkins has incurred substantial costs and learned of outstanding financial obligations and indebtedness owned by Whitmer.

4. Under the terms of the Purchase Agreement, Elkins' acquisition of the Whitmer System is conditioned upon securing funds to cover the acquisition costs and the capital investment to repair, maintain and replace the distressed facilities.

CONCLUSIONS OF LAW

1. Because Elkins is a nonprofit public utility seeking to acquire a distressed utility, it may seek grant funding from the Distressed Utilities Account to repair, maintain, and replace the distressed Whitmer System as needed.¹¹

2. The Commission should recommend that the WVJDC approve Elkins' request for \$1,294,325 from the Distressed Utilities Account.¹²

ORDER

IT IS THEREFORE ORDERED that the Petition to Reopen filed by the City of Elkins, dba Elkins Municipal Water Department on April 30, 2024, is granted.

IT IS FURTHER ORDERED that the Commission recommends the West Virginia Infrastructure and Jobs Development Council approve the City of Elkins' request for \$1,294,325 from the Distressed Utilities Account to the extent that the request qualifies under W. Va. Code § 31-15A-9(i).

IT IS FURTHER ORDERED that the parties prepare all closing documents immediately and close on the acquisition within thirty days after the City of Elkins receives funding for the acquisition of and investments to Whitmer Water Association, Inc.'s distressed utility assets.

IT IS FURTHER ORDERED that, within thirty days of the date of this Order, the City of Elkins make a closed case filing that provides an update regarding the status of the grant funding discussed herein and an update on the status of the acquisition.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission revise the style of Case No. 23-0590-W-19A-PC to reflect "City of Elkins, dba Elkins Municipal Water Department" as a party to the case.

IT IS FURTHER ORDERED that upon entry of this Order the cases shall be removed from the Commission docket of active cases.

¹¹ W. Va. Code § 24-2H-8(e).

¹² W. Va. Code § 31-15A-9(i).

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, and by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Commission Staff by hand delivery.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Karen Buckley".

Karen Buckley, Executive Secretary

NNT/pkb
220993ca



1500 Chase Tower • 707 Virginia Street East • Charleston, WV 25301

Mailing Address: P.O. Box 2031 • Charleston, WV 25327

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www.kaycasto.com

E-Mail: tradeckr@kaycasto.com

Direct: 304/391-8938

May 10, 2024

Via Electronic Delivery:

Ms. Karen Buckley
Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

RE: CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.
(Closed Entry)

Dear Ms. Buckley:

On April 30, 2024, the City filed its Petition to Reopen Requesting a Commission Recommendation in Support of a Distressed Utilities Fund Grant ("Petition to Reopen") to permit the City to comply with the May 25, 2023, Final Order in Whitmer Water Association Inc. Case No. 22-0993-W-DU where the Commission found that Whitmer is a distressed utility and directed Whitmer to be acquired by Elkins.

In an Order entered May 10, 2024, the Commission granted the City's Petition to Reopen and ordered as follows:

IT IS FURTHER ORDERED that the Commission recommends the West Virginia Infrastructure and Jobs Development Council approve the City of Elkins' request for \$1,294,325 from the Distressed Utilities Account to the extent that the request qualifies under W. Va. Code § 31-1 5A-9(i).

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 MERITAS LAW FIRMS WORLDWIDE

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Said Order further required that “within thirty days of the date of this Order, the City of Elkins make a closed case filing that provides an update regarding the status of the grant funding discussed herein and an update on the status of the acquisition.”

This letter is submitted on behalf of the City of Elkins (“City”), by counsel, as its closed case filing in the above-referenced matters as required by the Commission’s May 10, 2024, Order (“May 10 Order”).

Following the entry of the May 10 Order, representatives of the City met with representatives of the West Virginia Infrastructure and Jobs Development Council (“WVIJDC”) and the West Virginia Water Development Authority (“WDA”) on May 24, 2024, to discuss the City’s eligibility for funding as set forth in the City’s Petition and the Commission’s May 10 Order.

The City set forth on Table 4 of its Petition to Reopen, the costs for which it was seeking funding assistance under the Distressed Utilities Act as follows:

Costs of Acquisition of Whitmer	
\$197,668.74	Incurred Costs to Date from Table 2
\$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and close on acquisition
\$695,739.27	Projected Capital Costs from Table 3
\$200,917.00	Outstanding DWTRF Bond
\$1,294,325.01	Total Acquisition Costs

During the discussions with the representatives of the IJDC and the WDA, the City was informed that all of the money under the Distressed Utilities Act for fiscal years 2024 and 2025 are currently committed. Further, the only amounts that would be potentially eligible for grant funding under the Distressed Utilities Act, and other sources of State funds would be amounts for Capital costs.

As a result of the May 24 discussions, the only amounts set forth above that would potentially be available for funding from State sources of funding would be:

\$695,739.27	Projected Capital Costs from Table 3
--------------	--------------------------------------

The City is in the process of developing funding applications for the projected Capital costs through an application with the IJDC and it is preparing to meet with the Randolph County Commission to solicit a funding commitment for

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the remaining amount of \$598,585.74 in projected costs in order to permit the City to move forward with the acquisition of the Whitmer water system.

As evidenced by the Certificate of Service attached hereto, a copy of the filing has today been served upon all parties of record.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Robert R. Rodecker / gkg
Robert R. Rodecker
WV State Bar No. 3145

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**CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.**

**CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.**

SEPARATION PAGE

CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I, Robert R. Rodecker, counsel for the City of Elkins do hereby certify that the foregoing Update Letter has been served upon the following parties of record in the manner so indicated on this 10th day of June, 2024:

VIA EMAIL AND 1st CLASS MAIL, POSTAGE PREPAID:

Chris Howard, Esquire
Public Service Commission
of West Virginia
Post Office Box 812
Charleston, WV 25323
choward@psc.state.wv.us

Paula J. Teter
Whitmer Water Association, Inc.
Post Office Box 104
Whitmer, WV 26296-0104
gandy73@hotmail.com

Christopher D. Siler
Randolph County Commission
4 Randolph Avenue, suite 102
Elkins, WV 26241
csiler@randolphctywv.org

Ronald Vance, Manager
Midland Public Service District
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Christopher D. Negley, Esq.
Counsel, Huttonsville PSD
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cnegley@shumanlaw.com

Robert F. Williams, Director
Consumer Advocate Division
Director
300 Capitol Street, Ste. 810
Charleston, WV 25301
rwilliams@cad.state.wv.us

VIA FIRST CLASS U.S. MAIL:

Christopher See, President
Randolph County Commission
4 Randolph Avenue—Suite 102
Elkins, WV 26241


Robert R. Rodecker

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