

BURLINGTON CITY COUNCIL REGULAR SESSION MAY 7, 2014

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, May 7, 2014. Mayor Gene L. Merry called the meeting to order.

ROLL CALL: Mayor Gene L. Merry

Council Members present:

William C. Scott (President of Council)

Jane M. Griffith

Lewis Lenard

R. Standley Luke (Stan)

Forrest T. Rhodes

Jerilyn Curtiss

Superintendents Present:

Kevin Boyce (Parks)

Alan Schneider (Electric)

Doug Jones (Chief of Police)

Doug Mast (Street)

Danny Hawkins (Water/Wastewater)

Also Present: Regina Kewley (City Clerk)

Jimmy Hugunin (Zoning & Grants Clerk)

Thomas F. Robrahn (City Attorney)

Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Dennis Roth, Jay Hale

AGENDA: *Council Member Luke, "I move to approve the agenda as amended." Council Member Lenard "I second the motion." Motion unanimously carried.*

MINUTES: *April 16, 2014: Council Member Scott, "I move to accept the Draft Minutes of Council's regular session of April 16, 2014 as presented." Council Member Curtiss, "Second." Motion unanimously carried.*

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported Electric personnel have been doing normal daily duties, work orders, line locates, line maintenance, and read electric meters. They are still changing down guys and anchors that have failed due to electrolysis; and are addressing those issues as they come upon them. They have also changed a couple power poles since the last meeting of Council.

Power Outages: The Electric Department worked two outages. They repaired the outside lights at the Water Department parking lot.

Kelley Park Stadium Guttering Project: Electric personnel did some work on the north side of the Kelley Park Stadium moving some conduit so it will not be in the way when the guttering is put on.

Protective Equipment Testing: Superintendent Schneider reported, "Protective Equipment Testing was here from Great Bend to perform the annual di-electric and truck testing. During the stress test on the little bucket truck, they found a defective bushing on the lower boom; so we pulled the truck out of service until the repairs are made. The parts were in stock in Park City and will be shipped today. Someone will be here in the morning to fix that. The rest of the testing went well."

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Power Plant personnel have been performing normal power plant duties and doing required reports. They did generator maintenance, as well.

Generators #2: Personnel did a maintenance run on Generator #2 last week. It had been several months since that unit had been started, so they did some lubrication and made sure it would operate when needed.

Cooling Tank: Personnel replaced inlet pipes to the cooling tank and in the old plant.

Training: Superintendent Schneider will attend the annual KMU Conference in Wichita on Thursday and Friday.

Generator Control Panel: Mayor Merry inquired if the controllers were done about two years ago, and asked about the warranty. Superintendent Schneider replied, "The controls were done almost two years ago. Per the contract, there was for a one-year warranty. A few months back we did have one of the monitors crash on us. The company warrantied that. We got real lucky - they're taking good care of us."

ELECTRIC DEPARTMENT: Employee Resignation

Superintendent Schneider presented Jim Cole's resignation. *Council Member Luke, "I move to accept James Cole's resignation, effective May 7, 2014. Council Member Lenard, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.*

WATER DEPARTMENT: Update

General: Personnel did normal duties, work orders, and line locates, and fixed a couple water leaks.

Waterline Replacement Project: Superintendent Hawkins stated, "We've been out in the field installing a few water services. We did get the Yuba Street waterline officially tied-in on 9th Street for the Waterline Replacement Project. COF wanted fire protection on three of their buildings, so we went in and did a normal 2" valve installations and they now have fire protection."

SCADA System Problems: Superintendent Hawkins reported, "After the last council meeting, I visited with the Water Committee concerning some issues we had with our SCADA System with our pump station (LS#7). The Sewer Pump Station Replacement Project is completed; but we still do not have our SCADA System functional. [SCADA System is the Supervisory Control and Data Acquisition System.] Bartlett & West is working on it and I've been in many conversations in email and on the telephone with them. They have promised they are still going to give us that feature. But it has taken so long for them to get that to us that we felt we needed to hold

[2] CONTINUATION: May 7, 2014 Burlington City Council Meeting

back some funding, so we still owe Bartlett & West \$24,058.20; and we choose to hold it until we see some services rendered that are needed to get this resolved. We don't want to give them the money and have a product that is not functional."

Superintendent Hawkins explained, "We still drive around to check and maintain pump stations every Monday and Thursday. We've had some issues. We've had Tim Nuessen, with Davin Electric, coming in at 7 o'clock tomorrow morning to install a transducer in Pump Station #5. We've had some issues we are dealing with, but the SCADA system is just not functioning. I can't get a straight answer from Bartlett & West. I will continue to keep communication open with them; but in the meantime, we'll not finish paying them until we get a product that works."

Mayor Merry inquired, "Do you need any prompting from legal counsel?" Superintendent Hawkins replied, "I'm hoping not. I was told I will be in another conversation shortly and I am hoping to get some answers; but if it doesn't continue from there, then I think we need to write a letter that states we're paying for a product that needs to work properly. I will keep all of you abreast of the situation."

Training: Superintendent Hawkins and Foreman Foster will be attending a district school in Emporia on Thursday and Friday. It will complete all the hours they need for the year.

WATER/WASTEWATER DEPARTMENT: Water Plant Update

Water Treatment Plant Maintenance: Superintendent Hawkins informed Council, "We accumulated some overtime last Monday when we worked from 7 o'clock in the morning until midnight doing general maintenance in the Water Plant. We completely cleaned it from top to bottom."

Plant running well: Superintendent Hawkins stated, "The plant has been running really well. In fact, we've been surprised in the last few days because this third particular product that we used is doing better than anything we imagined would. It has been very cost effective. The best part of it is, we've shut off three chemicals we had been using and we are still maintaining the water quality. In addition to that, we are cutting back on use of our mixers; so our electric bills are starting to decrease. We are no longer feeding soda ash, CO₂, or polymer; and we are not using distribution water to run the pumps we no longer need to run. So, hopefully another benefit will be that we won't have to raise water rates for a while. We are pushing forward to try to keep costs down as much as we can. The product is working extremely well. We're going to work out the imperfections in it through the season. So far, so good. We should see a great benefit this year with the chemical side."

Mid-Co Diving Service - Clearwell & River Intake Cleaning - No Zebra Mussels found: Superintendent Hawkins informed Council, "Mid-Co Diving Service did get the river intake cleaned out. They climbed inside the river intake structure and found a mess because it had not been cleaned out since 1978. Shells were a foot and a half deep and silt was six foot on the walls. When the diver rolled in, we were able to see with his eyes (camera), and he had silt clear up to his nose. They completely cleaned it out, and we've seen that it helped tremendously with our pumps so they don't need to work as hard. We are going to strive to have that particular maintenance done routinely every five years. This is the first time we have ever had scuba divers come in. They did a good job, and I was really impressed with all they did for us."

Mayor Merry inquired about Zebra Mussels. Superintendent Hawkins stated, "I wanted them to check to see if there were any Zebra Mussels on the intake coming in, or in the pipe; and right now, there are no Zebra Mussels. There were several pickup truck loads of regular river mussels, but no Zebra Mussels."

VFD Anomaly on LS#7 - Status: Council Member Luke asked about the status of the Variable Frequency Drives on pump station #7, which was discussed at the May 16th meeting. Superintendent Hawkins explained, "Jerry, with US Automation, came and pulled that VFD out, took it back to his company, and sent it to the company they purchased it from. They did not find any anomaly. The morning we had the occurrence Tim Nuessen with Davin Electric was there and saw the anomaly. Jerry and his helper came the next day. They worked on it all day and couldn't get it to fail until right at the end of the day. They took it out, put another drive, and it ran fine. They took the old one back with them, checked it out, brought it back and put it in, and it works. They can't explain the anomaly. They don't know and I don't have a clue. I know there was a lot of discussion back and forth with/about Open Delta Systems. I don't know what happened to cause the anomaly."

Council Member Griffith asked, "Danny, what is the SCADA?" He explained, "The SCADA System allows us to physically see at the Water Treatment Plant on the computer screens. There is a warning system at the Water Plant that alerts the Plant Operator when a problem is occurring with a pump station, and it will identify what the problem is. The SCADA System will also call my smart cellular phone and give an email." Council Member Luke said, "It is basically a communications link between the lift stations and the Plant." Superintendent Hawkins said, "One of the biggest issues they are having problems, I am being told (by Bartlett & West), is when Alan put in a pole for antennae, the radio can't read back to the Water Plant, which does not make sense to me." Council Member Griffith, "So they are going to fix that?" Superintendent Hawkins, "We paid for it. They'd better fix it and give us a product that works." Superintendent Schneider stated, "It seems to me when it was

[3] CONTINUATION: May 7, 2014 Burlington City Council Meeting

done, they checked frequencies between the pump stations and the Plant." Superintendent Hawkins, "Yes they did. They had a truck come in with a tower boom and antenna and they checked it. It was in the fall of the year, so the foliage on trees could play a difference in that." He summarized, "The way technology is today, we should have a product that works. We paid for it and that shouldn't be our problem to figure out why it doesn't work. I feel we should continue to hold that money back for leverage to get it done right."

STREET DEPARTMENT: Update

General: Superintendent Mast reported personnel have been doing normal duties, as well as quite a few equipment repairs. They've been seeding areas that were disturbed while working, and sweeping curb and gutter.

Asphalt Project - prep work: They are filling cracks in the streets to be prepared for asphalt and chip-seal program for this year, and will be doing that for the next three or four weeks.

STREET DEPARTMENT: Street Improvements - 2014 Asphalt Project Bids

| | SE-KAN Asphalt Services | | KILLOUGH CONSTRUCTION | | APAC-KANSAS | |
|--------------------|-------------------------|---------------------|-------------------------|---------------------|---------------------------------|---------------------|
| | Asphalt Est. Tons: 7194 | | Asphalt Est. Tons: 7203 | | Asphalt Est. Tons: 7215 | |
| BID | Bid | Bid Total | Bid | Bid Total | Bid | Bid Total |
| Hot Mix | \$64.49 per ton | \$463,941.06 | \$61.45 | \$442,624.35 | \$63.38 per ton | \$457,350.08 |
| Martindale Milling | \$2.25 sq yd | 20,216.25 | 2.30 sq yd | 20,644.80 | \$2.81 sq yd | 25,222.56 |
| | TOTAL BID | \$484,157.31 | TOTAL BID | \$463,269.15 | TOTAL BID | \$482,572.64 |
| START DATE | August 2014 | | June 1, 2014 | | May 12, 2014 | |
| COMPLETION | September 2014 | | July 1, 2014 | | 20 working days from start date | |

Superintendent Mast reported on the three bids received for the 2014 Asphalt Project, and recommended the bids be accepted as bona fide. **Council Member Curtiss stated, "I move to accept the bids for the 2014 Asphalt Project as bona fide." Council Member Rhodes, "I second it." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion was unanimously accepted.**

Superintendent Mast stated, "I recommend we accept the low bid from Killough Construction of \$61.45 per ton for asphalt and \$2.30 per square yard for milling, for a total of \$463,269.15 for the 2014 Asphalt Project." **Council Member Curtiss stated, "I move to accept the bid of \$463,269.15 from Killough Construction for the 2014 Asphalt Project." Council Member Luke, "Second." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion was unanimously accepted.**

POLICE DEPARTMENT: Update

Cases: Chief Jones reported a contractor got a little too exuberant that he was done with the outage, had a noisy party, fired a couple of shots from his pistol, and was arrested. However, he was apologetic when he posted bond. No one was injured.

Municipal Court for May 8: Chief Jones said tomorrow evening's docket for Municipal Court is fairly small.

Training: Chief Jones intends to attend the Association of Police Chief's Convention in Topeka next week. He will drive up and back each day for the 16 to 18 hours of training. About eighty vendors will be there one day.

POLICE DEPARTMENT: Police Department Building - Bids

| | |
|-------------------------------|--------------|
| Decker Construction | \$433,550.00 |
| Kitselman Construction | \$381,650.00 |
| Lloyd Builders | \$286,450.00 |
| Abendroth Builders | \$250,901.00 |

Chief Jones reported that on Friday, May 2nd at 10:00 a.m. the above bids were opened. He recommended they be accepted as bona fide. **Council Member Scott stated, "I move to accept the bids for the Police Department Building Construction as bona fide." Council Member Lenard, "I second the motion." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried.**

Chief Jones stated, "We went through the bids. The low bid from Abendroth Builders (Michael Abendroth) is basically for a wood frame building with asphalt shingles for \$249,938.00, with Alternate #1 for Basement Plumbing for \$963.00. Alternate #1 is to rough-in an area in the basement set up with plumbing and drain to put a miniature sewer lift pump in, which we thought was a worthwhile addition for the cost and that during construction is the best time to do it. The total bid is \$250,901.00. Abendroth Builders is a local vendor; and their bid is \$36,000 lower than the next closest bid. My recommendation is to accept Abendroth Builder' low bid in the amount of \$250,901.00."

Council Member Scott stated, "I move to accept the bid of \$250,901.00 from Abendroth Builders for the Police Department Building Construction as being in the best interest of the City of Burlington." Council Member Lenard, "I second the motion." Mayor Merry called for discussion. (Continued)

[4] CONTINUATION: May 7, 2014 Burlington City Council Meeting

Council Member Luke inquired, "Has the contract been written between him and us - or anybody - to do it?" Chief Jones replied, "A contract at this point, no." Council Member Luke asked, "Is there anticipation of putting anything in the contract in respect to construction inspections?" Chief Jones, "Yes, a certified inspector. We already have one on tap." Council Member Luke, "What about non-conformance in the contract?" Chief Jones, "In the specifications, we have provisions requirements for a Performance Bond and liability insurance." Council Member Luke, "What happens if he doesn't get done in his 115 days? Is there a penalty for late delivery of product?" Chief Jones, "No. Our timeframe was to have the building completed, turned over to the City, and open for business by the 1st of November; and he is actually projecting completion by the end of August." Council Member Luke, "I would still consider putting something in the contract." Council Member Lenard, "We can go back and establish progress payments or something." Council Member Luke, "Something to cover it, because there are things that he doesn't have any control over - weather and other things; but there are also other things he does have control over; and if the inspector does his job, he may need to delay the project to have it taken care of. That's possible with anybody."

Mayor Merry asked if there was any other discussion, and then stated, "I assume you are going to do a contract then, or are you just going to do an agreement. You've pretty much got the specs you're going by." Chief Jones replied, "We've got the specs and the addendum; and we've got his written bid, which is pretty specific." Council Member Lenard stated, "You could amend that with the payment schedule if you want to liquidate damages or hold up the payment schedule at the end - it would accomplish the same thing." Chief Jones stated, "I would need to have legal advice on what you just said, Lewis." Council Member Lenard, "Well, Tom's nodding his head, so I think that's what should be done." Attorney Robrahn stated, "I'll help you do that. We'll get together." Council Member Scott commented, "Construction is supposed to start a week from today, so whatever we're going to get done needs to be done quickly. I don't have any problem with it, so let's get on it."

Hearing no additional discussion, Mayor Merry called for a vote on the motion which was: Council Member Scott stated, "I move to accept the bid of \$250,901.00 from Abendroth Builders for the Police Department Building Construction as being in the best interest of the City of Burlington." Council Member Lenard, "I second the motion." Motion unanimously carried.

PARKS DEPARTMENT: Update

Council Member Curtiss provided Superintendent Boyce's report.

General: Parks personnel have been doing normal duties, including cleaning public restrooms and buildings, and mowing and spraying weeds.

3rd Street Municipal Parking Lot – Fence: The Parks Department is working with the contractor (Abendroth Builders) on placing rock on the fence project behind City Hall.

Oak Park Fitness Equipment: Superintendent Boyce installed two of the three outdoor fitness units along the Oak Park Walking Trail. The third unit is a surface mount unit, which the company failed to tell him that when the unit was ordered. The surface mount is not a stock item and has to be made. As of May 2nd, all they would tell him was that it is in the process of being built.

Spring Demolition Derby and Carnival: Parks personnel did some cleanup after the spring demolition derby and carnival.

Arbor Day: Superintendent Boyce attended Burlington Tree Board's Arbor Day Celebration and the tree planting at Conrad Park.

Flower Planting: Superintendent Boyce extended appreciation to the Jerilyn Curtiss and the Burlington Jaynes for helping him with the flower planting. The gardens at 6th and Neosho (County Courthouse Park), Kelley Park, and Veterans Park will be shrubs and shrub-like plants. There will be no flowers. Strawders & Daughters are very busy right now, so he is waiting on them.

FINANCE: Claims Ordinance & Payroll Ordinance

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|----|-------------------|---------|---------------------|
| a. | Claims Ordinance | 2014-08 | <u>\$145,131.91</u> |
| b. | Claims Ordinance | 2014-09 | <u>\$ 76,074.09</u> |
| c. | Payroll Ordinance | 2014-10 | <u>\$ 71,892.11</u> |
| | TOTAL | | \$293,098.11 |

CLAIMS 2014-08: Council Member Luke, "I move City of Burlington pay Claims Ordinance 2014-08 in the amount of \$145,131.91 for payment of city bills." Council Member Lenard, "Second." Mayor Merry called for discussion. City Clerk Kewley explained, "We have a pretty good-size item tonight of \$38,240 to Cunningham Sandblasting & Painting for repairing the East Water Tower. We did get an insurance check back on that, so we will end up paying about \$10,000 of that bill because we did extend a pipe. Also, HD Supplies is \$29,487.21 for the Waterline Replacement Project. That's not too bad for three weeks between council meetings. **Hearing no further discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Claims Ordinance 2014-08 unanimously approved.**

[5] CONTINUATION: May 7, 2014 Burlington City Council Meeting

PAYROLL 2014-09: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-09 in the amount of \$76,074.09." Council Member Luke, "Second." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. Motion unanimously carried. Mayor Merry declared Payroll Ordinance 2014-09 unanimously approved.

PAYROLL 2014-10: Council Member Luke stated, "I move City of Burlington pay Payroll Ordinance 2014-10 in the amount of \$71,892.11." Council Member Scott, "Second." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. Motion unanimously carried. Mayor Merry declared Payroll Ordinance 2014-09 unanimously approved.

PLANNING & ZONING: Update

Arbor Day: Zoning Clerk Hugunin attended the Arbor Day Celebration on April 25th. There was a good turn-out of about fifty people, and thirty-five trees were given away.

City Hall Computer Upgrades: Zoning Clerk Hugunin reported he has been busy installing the new computers and getting all the various equipment and software to work together.

General: Zoning Clerk Hugunin has been continuing to update the webpage and Facebook. He has been busy with permits; and has been talking with Kelli Higgins quite a bit who is new at the County Mapping Office.

Zoning Permits: Zoning Clerk Hugunin has been busy with permits for various projects around town. There is a lot going on.

OTHER COUNCIL BUSINESS: Mayor's Annual Appointments for 2014

Mayor Merry, referring to the agenda attachments for the Mayors Annual Appointments for 2014, commented that there were only a few changes: Kerri West will be appointed Municipal Court Clerk, Carol Mast will be moved to Assistant Court Clerk, Jerilyn will be Chairman of the Utilities Committee, and three of the Burlington Planning Commission Members have agreed to serve another three-year term. Mayor Merry said the Superintendents did a fabulous job, so he didn't have to talk to the Superintendents. Mayor Merry requested ratification of the Mayors Annual Appointments for 2014.

Council Member Lenard stated, "I move to ratify the Mayor's Annual Appointments for 2014." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.

PERMITS: Zoning permits issued by Zoning Clerk Hugunin

2014-013, Michael Abendroth 1024 Merrimac - Single Family Dwelling

2014-014, Andy Servaes 1337 S.10th Street - Fence

2014-015, David Taylor 1324 Mohawk - Fence

LEGAL DEPARTMENT: Update

Madison Telephone-Contract Ordinance: City Attorney Robrahn referred Council to the draft of a franchise ordinance, which is a contract agreement between Madison Telephone, LLC and the City of Burlington. He said the Mayor and himself have looked it over and made some corrections, and asked the Council Members to review the draft ordinance. Before the ordinance is presented to Council on May 21st for action, Attorney Robrahn wants to cross reference all the referenced Kansas Statutes to ensure they are current. City Clerk Kewley mentioned that Mr. McDonald, manager of Madison Telephone LLC, will be attending the May 21st meeting of Council to address any questions and concerns.

Rural Water #2 Contract revision: Attorney Robrahn told Council that Attorney Roth would like to make a presentation about the RWD #2 contract revision. Attorney Roth stated, "It is still in their oven - since November 1st. I called him two weeks ago." He will keep the Governing Body informed when and what he hears from RWD#2. Mayor Merry stated, "We've been going for quite a while - about two to two and a half years - without a contract. I think we've got all the bugs worked out. You've helped out with a lot of technicalities."

CITY CLERK'S OFFICE: Update

General: City Hall Staff have been busy handling calls and inquiries, handling work orders, preparing meeting minutes, reports, vouchers for paying bills, payroll, and with customers paying utility bills.

Auditors: City Hall Staff have been busy providing information to the auditors who were here on Monday and Tuesday.

Bid Openings: City Clerk Kewley participated in the bid openings for the 2014 Asphalt Project on April 30th and the Police Department Building on the 2nd of May.

LEPC Meeting: City Clerk Kewley attended the Local Emergency Planning Committee meeting on April 30.

KPP - Luncheon & Tour (St. Marys): City Clerk Kewley, Superintendent Schneider, and Council Members Scott, Luke and Curtiss went to St. Marys on April 17th for a luncheon and a tour of the Jeffrey Energy Center.

PUBLIC COMMENTS none

(continued)

[6] CONTINUATION: May 7, 2014 Burlington City Council Meeting

FUTURE AGENDA ITEMS:

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|--|---|
| GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program | GAAP – Infrastructure Capitalization Actuaries – GASB-45 Street Assessments Electric Rate Study |
| ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA | Automatic Meter Infrastructure for Electric & Water (AMI) |
| PARKS DEPARTMENT: Fair Board’s new Building Hazard Tree Removal Scout Jamboree in September 2014 UHCA Event in Kelley Park - October 2014 (Jim Ochs) 3 rd Street Municipal Parking Lot – Decorative Fence on east side | City Dam West Wall Project (sidewalk/steps, etc.) Bridge construction for Walking Trail project Oak Park Fitness Equipment Project Stadium - Guttering Stadium Steel Structure – Painting |
| LEGAL DEPARTMENT: RWD #2 Contract (New) Madison Telephone Ordinance/Contract | Municipal Court – Diversion Policy |
| PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update Industrial Park Lots | Work w/Chief on Nuisance Structure regulations Zoning Inquiries |
| POLICE DEPARTMENT Nuisance Updates | Personnel – Training Updates New PD Building- Update |
| STREET DEPARTMENT: 2014 Asphalt Project Sidewalk Replacement Repairs on City Rights-of-Way Street Department Storm Sewer Project & Rebuild of S. 10 th St. | Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System Heather Street – Concrete Panels |
| WATER & WASTEWATER DEPARTMENT: Sewer Improvement Project--Lift Station Replacements Neosho Riverbank Stabilization Water Plant Improvements--Efficiency 10 th & Housatonic Water Improvements- | Southwest Sewer Project Waterline Replacement Project John Redmond Reservoir – Dredging Water Pressure Study SCADA System |

Mayor Merry declared the meeting adjourned.

Approved by the Governing Body and signed by Regina R. Kewley, City Clerk