



# Key Largo Wastewater Treatment District Board of Commissioner's Meeting Minutes

4:00 PM Wednesday, August 27, 2003

Key Largo Civic Club, 209 Ocean Bay Drive

Key Largo, Monroe County, Florida

## Board Members Present

Andrew Tobin  
Gary Bauman  
Cris Beaty  
Charles Brooks  
Jerry Wilkinson

## Staff Present

Charles L. Sweat, Director of Operations  
Amy Dukes, Board Attorney (via telephone)  
Jeff Weiler, KLWTD Engineer  
Faith Doyle, KLWTD Board Clerk

## Guests Present

Charles Fishburn

### A. Call to Order

Acting Chair Jerry Wilkinson called the meeting to order at 4:04 p.m.

### B. Pledge of Allegiance

The pledge was recited.

### C. Public Comment

Acting Chair Wilkinson asked if any one present wished to address the Board. There being none the meeting continued.

### D. Minutes – Draft July 9, 2003

**Commissioner Brooks made a motion to approve the July 9, 2003 meeting minutes. Commissioner Beaty seconded the motion. All were in favor.**

### E. Additions, Deletions or Corrections to the Agenda

Commissioner Brooks requested that Item I-11 be added, concerning the project development team meeting held today in reference to the distribution and readiness to proceed on the \$100,000,000 grant to be dist by the South Florida Water Management District.

Commissioner Bauman requested that Item I-12 an engineering report be added.

**Commissioner Beaty motioned to approve the agenda as amended.  
Commissioner Bauman seconded the motion. All were in favor.**

Chairman Tobin joined the meeting in progress at 4:15 p.m. and requested that Mr. Wilkinson continue to act as chair.

#### F. Action Items

1. Ratification of the revised as approved Weiler Engineering Corporation Contract for Consulting/Professional Services

Ms. Amy Dukes noted that section 12.1 had been changed as requested by the Board and that the table of contents was corrected along with the indexing of the entire document.

Discussion ensued concerning the previously requested changes dealing with document ownership, payment requirements, liability insurance, the gag provision and provisions for a credit if WEC would not be engineer of record.

Commissioner Brooks asked for the record if Jeff Weiler was satisfied with the contract. Mr. Weiler answered in the affirmative. Commissioner Brooks asked if the scope of services was clear to Mr. Weiler. Mr. Weiler answered in the affirmative. Commissioner Brooks asked if Mr. Weiler believes the plans would provide a fully functional wastewater treatment system. Mr. Weiler stated that it was his intent to work with other engineers to provide a system that works and the contract meets all requirements of the Florida statutes. Commissioner Brooks asked if there were any stipulations within the contract that would restrict WEC from completing the work specified in the contract. Mr. Weiler stated no. Commissioner Brooks asked if WEC could complete the task for the amount specified in the work authorizations. Mr. Weiler answered in the affirmative and added that once Brown and Caldwell make their decision and once Mr. Fishburn's participation is considered the fee will be scaled back and adjusted down.

It was the consensus of the Board that any modification to the contract would be made by amendment. Legal Counsel informed the Board that this would be an acceptable procedure.

**Acting Chairman Wilkinson asked if there was any further discussion on the item. With there being none Commissioner Bauman made a motion to approve Item F1 Ratification of the revised as approved Weiler Engineering Corporation Contract for Consulting/Professional Services. Commissioner Tobin made a second to the motion. Acting Chairman Wilkinson requested a roll call vote.**

**Commissioner Bauman**

**Yes**

<b>Commissioner Beaty</b>	<b>Yes</b>
<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Commissioner Tobin</b>	<b>Yes</b>
<b>Acting Chair Wilkinson</b>	<b>NO</b>

**The motion carried with a vote of four in favor and one not in favor.**

2. Ratification of the REVISED KLWTD Work Authorization WEC 03-01  
Scope of Services with Weiler Engineering Corporation for engineering services for the KLTV Project

Acting Chair Wilkinson brought Item F2, WEC 03-01 to the floor. Mr. Sweat stated that at the previous meeting the Board had requested that the General Manager revise and modify the scope of service for the KLTV project work authorization. Staff believes that the document presented complies with the request.

Discussion ensued concerning the credit provision and when Brown and Caldwell would give a number.

Commissioner Tobin requested that at page 9-paragraph a. "resident project manager" have the last sentence read "with credit to the District for lesser service." Legal Counsel agreed that a hand written change and initials would be proper.

**Acting Chair Wilkinson asked for further discussion. With none Commissioner Beaty motioned to approve Item F2. Commissioner Bauman seconded the motion for discussion. Commissioner Tobin questioned if the contract could be broken down into design and construction phases. Discussion ensued. Commissioner Tobin called the question. Acting Chair Wilkinson called for a roll call vote.**

<b>Commissioner Bauman</b>	<b>Yes</b>
<b>Commissioner Beaty</b>	<b>Yes</b>
<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Commissioner Tobin</b>	<b>Yes</b>
<b>Acting Chair Wilkinson</b>	<b>Yes</b>

**The motion was unanimously approved.**

3. Ratification of the REVISED KLWTD Work Authorization WEC 03-02  
Scope of Services with Weiler Engineering Corporation for engineering services for the KLP Project

Acting Chair Wilkinson brought Item F3 to the floor and asked for discussion. Mr. Sweat stated that at the Board's request the work authorization had been revised and assumes that WEC would be the engineer of record until the negotiations with Brown and Caldwell and Haskell are completed.

**Commissioner Brooks made a motion to approve the work authorization with the same additional language made to it as WEC 03-01. Commissioner Tobin stated that during contract negotiation with Haskell that a cooperation clause was**

inserted. Commissioner Tobin believes one engineer for both projects would be best for the warranty of the project. Mr. Sweat stated that a recommendation would be made to the KLWTD Board on 9/17/03 after reviewing the cost given by Brown and Caldwell to be the engineer of record for both projects. Discussion ensued about the cost of having Brown and Caldwell as engineer of record, the ownership of documents and warranty issues. Mr. Sweat and Mr. Weiler agreed that after Brown and Caldwell provides their cost to be engineer of record and if it was the pleasure of the Board the WEC 03-01 work authorization would be amended to reduce the fee. Commissioner Tobin called his question. Commissioner Beaty seconded the motion. Acting Chair Wilkinson requested a roll call vote.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was unanimously approved.

4. Ratification of the revised advertisement for the KLWTD FY2004 Budget Resolution for adoption at the September 17, 2003 meeting

Acting Chair Wilkinson brought Item F4 to the floor. Mr. Sweat stated that the date of advertisement has changed from 9/12 to 9/5.

Commissioner Brooks motioned to approve Item F4. Commissioner Beaty seconded for discussion. He suggested that the amount of \$98,000.00 for commissioner's fees be itemized. Commissioner Bauman suggested that it be broken down into salary and district expenses. Mr. David Miles would be directed to make the requested change prior to publication. Discussion ensued concerning the newspaper to be used for legal advertising. Ms. Dukes stated that for special districts a paper that is published county wide, five days a week must be used for legal advertisements. The only paper that meets the requirement is the Key West Citizen. Advertising in any other papers is optional. Acting Chair Wilkinson requested a roll call vote.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was unanimously approved.

Discussion ensued concerning additional advertising in a local Key Largo publication. Commissioner Brooks made a motion to advertise in the Key West Citizen and in the Free Press with a cost not to exceed \$500. Commissioner Bauman would obtain pricing from the Free Press.

**It was the consensus of the Board to advertise the budget in the Free Press only and give the legal public notice in the Key West Citizen.**

5. Approval of the revised Monroe County Loan Agreement with KLWTD

Mr. Sweat noted that the original agreement was changed at point one. The correct date is October 15, 2003. Discussion ensued on the history of the changes that have been made to the loan agreement. Commissioner Brooks noted that any future negotiations should involve the County commissioner. Discussion ensued on the amount of \$182,000 that was forwarded to the FCAA.

**Commissioner Brooks made a motion to continue the item until a later meeting. Chairman Tobin seconded the motion. All were in favor.**

At 5:50 p.m. Discussion ensued concerning having legal counsel remain on line. Ms. Dukes was asked for a legal report. Ms. Dukes stated that most of her report was covered during the previous items. Ms. Dukes did request that the General Manager provide current updates on the \$914,000 loan agreement.

Acting Chair Wilkinson recessed the meeting at 5:54 p.m.

Acting Chair Wilkinson reconvened the meeting at 6:05 p.m.

Acting Chair Wilkinson stated that only a brief public notice the minimum to meet legal requirements need be published in the Key West Citizen. The Board gave its consensus.

6. Approval of Pending Payment List for August, 2003

Acting Chair Wilkinson brought Item F6 to the floor. Discussion ensued concerning the legal fees being charged.

Commissioner Brooks stated that a review of the legal bills would be time consuming. Commissioner Bauman asked if the bills were being itemized as requested. Commissioner Brooks stated that they are more defined but not complete enough to analysis how future legal fees could be reduced. Chairman Tobin noted that all contact with legal counsel should be directed by the general manager at a point where documents are close to finalized.

**Commissioner Bauman made a motion to approve the Pending Payment List for August 2003. Commissioner Beaty seconded the motion. Chairman Tobin objects to legal counsel charging for review of the minutes. Commissioner Bauman stated that legal counsel should be given clear direction on their responsibilities. Chairman Tobin requested that the Lewis Longman and Walker invoice be held and authorized the general manager to discuss the invoice with legal counsel. Commissioner Bauman amended his motion to approve the Pending Payment List for August 2003 with the exclusion of the Lewis Longman and Walker bill. Acting Chair Wilkinson requested a roll call vote.**

**Commissioner Bauman                      Yes**

<b>Commissioner Beaty</b>	<b>Yes</b>
<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Chairman Tobin</b>	<b>Yes</b>
<b>Acting Chair Wilkinson</b>	<b>Yes</b>

**The motion was approved unanimously.**

Mr. Sweat stated that a recommendation on the legal counsel invoice would be provided at the next meeting.

**G. General Manager's Report**

**1. Status Report on the Haskell Company's KLTV Preliminary Project Schedule**

Mr. Sweat stated that an update of the project schedule was distributed to the Board prior to the meeting and that after the upcoming meetings of the project team the document would be fine-tuned and a recommendation made to the Board concerning the engineer of record and the process to be used.

Discussion ensued about the number of days required by the contractor to inform the Board of the collection system that would be used. Mr. Sweat proposed that staff bring back a recommendation of either USBF / SBR and either Roovac / Airvac to the September 17, 2003 meeting. Mr. Jeff Weiler stated that time is of the essence and a deadline to make a decision should be set.

Mr. Sweat informed the Board that representatives of FEMA would like to meet with staff concerning the environmental site assessment during the week of 9/15. The KLWTD Chair was requested to attend also.

It was the consensus of the Board to move Item I-9 Discussion of Monroe County Ordinance 028-2003 concerning the Uniform Wastewater Connection Policy forward and include it with the Engineer's Report.

**ENGINEER'S REPORT**

Mr. Weiler stated that there would be daily reports by the inspector, GSG and WEC. These reports would be compiled into a monthly detailed summary and Ed Castle, as project manager would provide up dates.

Mr. Weiler stated that there would be a meeting in Miami on the 8<sup>th</sup> of September to review the 30% design. Discussion ensued on the distribution of engineering records to the staff and Commissioner Wilkinson as the Technical Committee Chairman. It was recommended that Commissioner Wilkinson be copied as soon as information is received by GSG and to have the documents forwarded to Commissioner Wilkinson at his home address and to WEC.

After discussion it was the consensus of the Board to have Commissioner Wilkinson attend the September 8, 2003 meeting in Miami.

Mr. Castle summarized the time line provided by the Haskell Company. The preliminary permit would be issued in November and by January 2004 the collection system permit would be issued. Line construction is anticipated to be complete in November 2004 and the treatment plant construction completed by May of 2005. Discussed ensued concerning other items in the report. Commissioner Wilkinson stated that the engineer must look at site mitigation and who will pay for it. It is his opinion that the Haskell Company should be responsible for it.

Mr. Castle stated that along with GSG, FDEP and Boyle Engineering he is attempting to gather all the engineering records to be kept in one place.

Mr. Weiler stated that concerning the Uniform Connection Policy for Monroe County they had been involved in the drafting of the document presented. He stated that the KLWTD could not over ride the County ordinance code. Commissioner Bauman asked if Mr. Weiler agreed with the ordinance and if anything could be done to change it. Mr. Weiler stated that he agreed with all but section 3.1. Discussion ensued and Mr. Weiler was requested to provide copies of the ordinance for the Board.

Chairman Tobin stated concern that the County Ordinance was passed without the consultation of other impacted entities. The Board requested that Mr. Sweat review the ordinance and give a recommendation at a future meeting. Discussion ensued on specific problems with the ordinance. The Board requested that an ordinance be drafted by staff for the KLWTD to adopt connection standards as soon as possible. WEC would provide the standards to the KLWTD.

#### H. Legal Counsel's Report

There was no legal counsel report.

#### I. Commissioner's Items

1. Discussion for possible action concerning contracting with local legal counsel – Commissioner Wilkinson

Acting Chair Wilkinson stated that he has contacted several lawyers with one response from Dirk Smits. Acting Chair Wilkinson wants to have legal counsel represented at the meeting and believes that all the KLWTD Commissioners should be able to contact legal counsel when necessary. Acting Chair Wilkinson entertained a motion to interview Mr. Smits as soon as possible. Commissioner Wilkinson would like to retain Lewis Longman and Walker on a special retainer. Discussion ensued. Chairman Tobin doesn't want to pursue this issue until he has a discussion with Lewis Longman and Walker, but at some point in time the Board should have local legal representation. Discussion ensued and the Board concurred that local legal representation at a reasonable rate is desired and should be pursued. Discussion ensued concerning the other staff members that are not local and the need to have all meetings concerning the KLWTD held in Key Largo.

**Commissioner Brooks motioned to begin the process of procuring local legal representation and that each Board member is to contact a local attorney and that**

notice is given that the KLWTD is looking for general counsel with a preference that the attorney be based in the upper keys. Acting Chair Wilkinson seconded the motion for discussion, requesting that staff draft a letter of solicitation for response and a process for evaluation to be presented at the 9/3/03 meeting. A roll call vote was requested.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Chairman Tobin	No
Acting Chair Wilkinson	Yes

The motion carried with a vote of four in favor and one not in favor.

2. Discussion of Commissioner Wilkinson's email of Monday, August 18, 2003
3. Discussion of web site services – Commissioner Bauman
4. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin
5. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin
6. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman
7. Discussion on KLWTD physical public records location – Commissioner Brooks

It was the consensus of the Items 1 2-7 be tabled until a future meeting.

8. Discussion of a procedure for the adoption of contracts – Chairman Tobin

Chairman Tobin stated that the list presented was a suggested procedure. Commissioners Bauman and Beaty agree with the process. Commissioners Brooks and Wilkinson believe the procedure should be made part of an administrative procedure that should be drafted with the assistance of legal counsel.

Chairman Tobin motioned that a draft procedure be done by staff and brought back for consideration at the 9/3/03 meeting. The motion failed due to lack of a second.

Commissioner Bauman motioned that staff review the preliminary procedures suggested by Wilkinson and Tobin for discussion at the next meeting. Chairman Tobin seconded the motion. A roll call vote was requested.

Commissioner Bauman	Yes
Commissioner Beaty	Yes

<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Chairman Tobin</b>	<b>Yes</b>
<b>Acting Chair Wilkinson</b>	<b>Yes</b>

**The motion was unanimously approved.**

9. Discussion of Monroe County Ordinance 028-2003 concerning the Uniform Wastewater Connection Policy – Commissioner Bauman

See above under the engineer's report.

10. Discussion of the \$100,000 loan/grant – Commissioner Wilkinson

L. Meeting Adjournment

**Commissioner Beaty made a motion to adjourn. Commissioner Brooks seconded the motion. All were in favor and Acting Chair Wilkinson adjourned the meeting at 8:55 P.M.**