MINUTES
Key Largo Wastewater Treatment District (KLWTD) Board of Commisisoners Meeting

February 2, 2005
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on February 2, 2005 at 5:05 PM. Present were Chairman Charles Brooks, Commissioners, Andrew Tobin, Claude Bullock, Gary Bauman, and Glenn Patton. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda: A Haskell invoice for $127,000 was placed under Financial Officers Report, the Commissioner item Federal Funding Update was made an action item, and the Minutes of January 19, 2005 were removed from the agenda.

Motion: **Commissioner Bauman made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

PUBLIC COMMENT: The following persons addressed the Commission: Steve Cacciatore, 105 Kay Drive, Robert Burt, 210 Allen Avenue, Ireane Gajdos 22 Avenue B, Mr. Cacciatore and Mr. Burt expressed concern over the dust that is being generated by excavation of coral rock and stirred up by passing traffic. They are concerned with the possible contamination and damage that the dust may be causing. Mr. Burt also was concerned with the condition of the empty lot that is used for storage of the gravel and equipment.

The contractors and staff assured the public that the problems would be taken care off. The streets will be cold patched once every 30 days to control the dust.

COMMISSIONER'S ITEMS

System Development Funding Charge

Commissioner Patton presented the index to the Key Largo Wastewater Treatment District General Rules and Regulations Draft #1 along with his views of the advantages of a non-ad valorem Assessment Process.

Commissioner Tobin stated that he thought that the District should rely on experts for advice on the mechanics of the process to collect the recovery costs.

Commissioner Bauman wanted to make sure that it was clear to everyone that the District is trying to find the best way to collect the system development fees from the Key Largo Trailer Village and the Key Largo Park residents. He also wants back up evidence that justifies that the method the District finally decides to use will be the best for the citizens.

Chairman Brooks stated that he would like the Staff and the Board to educate themselves on the different methods of collecting the system development fees.

The Board decided to move this item to the February 16, 2005 meeting as an action item.

Federal Funding Update

Chairman Brooks requested that the Board accept the $500,000 in grant monies that have been allocated to the District by the Project Development Team.

Motion: **Commissioner Patton made a motion to accept the $500,000 that is allocated in grant money. The motion was seconded by Commissioner Bullock.**

Chairman Brooks reported that at a meeting on January 31, 2005 with Representative Ileana Ros-Lehtinen there was a discussion on Federal funding for wastewater. Representative Ros-Lehtinen stated that when it comes to the issue of Federal funding for wastewater it was an issue of false hope, the outlook for any more Federal funding is bleak.

Commissioner Tobin requested information on why the amount had been reduced to $500,000. Commissioner Bullock explained that at the meeting a representative from Layton had stated that they had all of their projects is place but they had a short fall of $800,000. If they did not get the $800,000 all of their projects would go down the tubes.

Chairman Brooks stated that there is a draft agreement with the Army Corp of Engineers to start taking any of the $100,000,000 money of which only $5,000,000 has been appropriated over a two year period. The agreement is to start drawing on what ever funds come down the pike. Right now the District has $500,000 of the grant money to do whatever projects they want. That is what he has been fighting to get for seven years. People are now stepping in at the tail end of the five year process saying the money is here and this is were it should go after the entire

community from Key West to Key Largo has discussed it for years. Chairman Brooks stated that he has been trying to bring the money to Key Largo for years and there will not be any big money.
Commissioner Bauman explained that if the Board says yes to the money then next year the Board says yes to $500,000 and the next year and then the Board will have $1,500,000 sitting in the bank collecting 3% interest because nothing can be done with it. It does not make sense.

Chairman Brooks asked the General Manager if the District does not get any of the $500,000 will that put the District in a shortfall for the Park. General Manager Charles Fishburn answered that he had been planning on getting at least $330,000.

Commissioner Bauman asked the General Manager what he would do operationally with $500,000 over the next three years. The Commissioner suggested that Representative Ileana Ros-Lehtinen be contacted to talk to her about the money she brought us and how she thinks the money should be allocated.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman		X	
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin		X	
Chairman Charles Brooks	X		

Motion passed 3 to 2

Newspaper Article
Commissioner Tobin stated that he was not going to respond to any newspaper reporter about anything unless he sees it himself. He apologized to Chairman Brooks for the misunderstanding in the news article because things were taken out of context.

Commissioner Patton explained that he has been misquoted, to his determent, by Mr. Gibbs previously.

Commissioner Bauman stated that his comments were taken out of context also. He had not commented on Chairman Brooks quotes. He also apologized to Chairman Brooks.

FINANCIAL OFFICER'S REPORT
Haskell Invoice
General Manager Charles Fishburn requested approval of the Haskell invoice for December, 2004.

Motion: **Commissioner Bauman made a motion to approve the Haskell Invoice for December 2004 up to $127,000 after review by Ed Castle, Charles Fishburn and Martin Waits subject to the availability of funds. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

LEGAL COUNSEL REPORT

Florida Keys National Marine Sanctuary Advisory Council, Alternate Citizen at Large

By consensus the KLWTD Board approved District Counsel Thomas Dillon request for support to serve in the position of Alternate, Citizen at Large (Upper Keys) of the Florida Keys National Marine Sanctuary Advisory Council if chosen.

RESOLUTION

RESOLUTION NO. 02-02-05

RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REQUESTING OF MONROE COUNTY REIMBURSEMENT FOR THE COST OF SERVICES BY WEILER ENGINEERING TO PROVIDE A REQUEST FOR QUALIFICATIONS FOR DESIGN OF A WASTEWATER TREATMENT SYSTEM TO SERVE LAKE SURPRISE AND SURROUNDING COMMUNITIES: AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: **Commissioner Tobin made a motion to approve Resolution with the addition of the number of EDU's and the District's boundary locations. The motion was seconded by Commissioner Patton.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		

Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

ENGINEERS REPORT

Monthly Status Report

Ed Castle, District Engineer reviewed the monthly status report. (See Exhibit "A")

Lake Surprise/Sexton Cove SOQ

Ed Castle reported that the SOQ for Lake Surprise/Sexton Cove has been sent out and are do back February 9, 2005.

GENERAL MANAGER'S REPORT

Phone Service for new building

General Manager Charles Fishburn reported that Chris Sante has offer a phone system installed for the new location for $2,000. He also reported that the phone service for the new building will run about $300 a month and a three year contract will have to be signed. The total for the three years will run around $10,800.

Key Largo Park Update

Commissioner Bauman stated that District Counsel Thomas Dillon wrote a great letter to the D.N. Higgins Inc.

General Manager Charles Fishburn explained that there will be a meeting with Mr. Higgins and his Counsel and they will discuss the issue of doing Key Largo Park.

Mr. Fishburn reported that the One Year Notice's for the Key Largo Park will be mailed out on Feb. 3, 2005.

Rate Study

Mr. Fishburn reported that he has received a draft report from PRMG.

Mileage

General Manager Charles Fishburn requested that the Board Clerk's and the Inspector's contracts be amended to reflect payment for mileage on the Island of Key Largo.

Commissioner Tobin was against the amendment because it may become policy.

Commissioner Bullock brought up the issue of a lump sum payment as an option.

Commission discussion ensued.

Motion: **Commissioner Patton made a motion to amend the contract of the Board Clerk and the District Inspector on include payment for mileage on the Island of Key Largo at the State rate. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X Inspector's Contract	X Clerk's Contract	
Chairman Charles Brooks	X		

Motion passed 5 to 0 for Inspector's Contract amendment.
Motion passed 4 to 1 for Clerk's Contract amendment.

Airvac Service Agreement
The Airvac Service Agreement is in the $348,000 Airvac Purchase Order. General Manager Charles Fishburn stated that he believes that anything under the $8 million contract with Haskell that the District decides to purchase to save the sales tax that he is free to sign the purchase order. His intention is to sign the purchase order he now has and the next purchase order that he will sign will be for the vacuum station.

Chairman Brooks stated that he has not seen what the District is getting in the Airvac Service Agreement he has had only verbal communication with the Manager of what the District will be getting.

Commissioner Bullock stated that the Board needs to retain the right to approve all contracts in excess of the General Manager's delegated authority. Mr. Fishburn stated that the Airvac Purchase Order was unusual because it was approved for $191,000 plus or minus. Mr. Fishburn stated that he will bring the Haskell change order back to the Board if it goes over $211,000.

Commissioner Bullock asked that on the monthly report under Accounting Narrative that a subtotal be given and a percentage of the work completed be supplied.

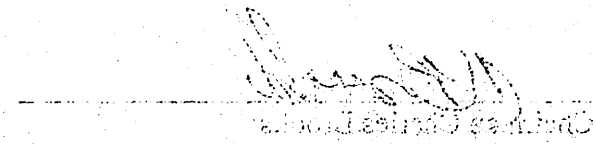
ADJOURNMENT
After a motion to adjourn by Commissioner Bauman and a second by Commissioner Tobin the Board adjourned the meeting at 8:57 PM.

The KLWTD meeting minutes of February 2, 2005 were approved on February 16, 2005.

Chairman Charles Brooks

Carol Simpkins, CMC
Board Clerk

The KI Workshop minutes of February 2, 2005 were approved on February 10, 2005.



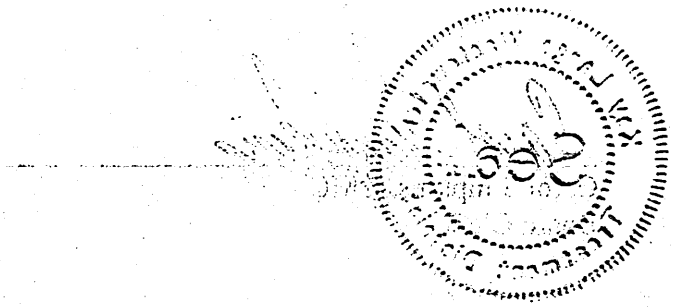


Exhibit "A:

THE WEILER ENGINEERING CORPORATION

"Excellence in Engineering"

20020 Veterans Boulevard., Suite 7
Port Charlotte, FL 33954
(941) 764-6447 ph
(941) 764-8915 fax

Key Largo Wastewater Treatment District
Engineering Status Report
Period Ending 01/27/05

Client Issues

Key Largo Park

The Board directed the General Manager to send a letter to DN Higgins indicating that they are in default on the Key Largo Park contract. The letter was sent, but no response has yet been received from Higgins.

Staff was also directed to request sealed bids for unit pricing for the Key Largo Park project from two or more qualified contractors. Ed Castle modified the bid response form to more closely match the requirements of the project and drafted a memo advising the prospective bidders of changes in the bid form and pay items. After review by Staff, the memo and bid forms were sent out to two contractors with a letter inviting contractors to submit sealed pricing. The pricing is to be good for 90 days.

Key Largo Village

AirVac is working cooperatively with The Haskell Company in the change from a Roediger design of the vacuum collection system to an AirVac design. The designs are similar, but the profiles are somewhat different. AirVac has expedited production of design drawings in order to allow construction of the collection system to continue virtually uninterrupted. Additional revised drawings are being produced.

The design of the vacuum tank and pumping system must also be revised to reflect the AirVac equipment and layout. Work on this is continuing.

The Haskell Company attempted to dewater the excavation for the vacuum tank vault, but the percolation ponds were unable to handle all of the flow. At the January 5th progress meeting, construction of a temporary disposal well was discussed. The well was drilled on January 24th. It has not yet been determined if the well will accept the flow from the dewatering operation.

KLV Treatment Plant

Mel Reinhart of the FDEP informed Ed Castle that after a review of the additional information supplied by Ted Hortenstine of Brown & Caldwell, he was satisfied that Class I reliability was being met by the Fluidyne wastewater treatment plants. He intends to process the permit.

Ted Hortenstine indicated that the final design drawings for the wastewater treatment plant site were nearly complete. These drawings are to be submitted to the District Staff for review. After review, a final design review meeting will be held to resolve any issues that may need discussion.

Lake Surprise Project

The Board directed the General Manager to request updated qualifications from the eight engineering firms that have current contracts with the District. The qualifications are to be updated with the specific scope of work for design of the Lake Surprise project in mind. The qualifications will be reviewed by Ed Castle. Mr. Castle will summarize the qualifications in a memo to the General Manager. Based on these comments and his own review of the qualifications, the General Manager will rank the firms and make a recommendation to the Board to engage in negotiations with the top ranked firm.

Haskell Pay Applications

As of the time of this report, The Haskell Company had not submitted a pay application for work performed in December.

Regulatory Compliance Issues

Approval was received from the FDEP to continue dewatering at the WWTP site. Levels of petroleum contaminants in the groundwater were found to be below the levels of concern. Additional monitoring during the dewatering process was requested.

Project Team Meetings and Actions

Ed Castle attended the regularly scheduled Board meetings on January 5th and 19th. He also met with KLWTD staff on the 5th and 19th prior to the Board meetings. He attended the Army Corp funding meeting with Chuck Fishburn, Charlie Brooks and Claude Bullock on January 14th.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/5, 1/19 & 1/26.