

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



January 4, 2006
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on January 4, 2006 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

Approval of the Agenda

The agenda was approved with the following changes, For discussion, a complaint letter from Mr. Perez was added, by Commissioner Brooks, a discussion on the newspaper articles about lateral hook ups and the connection letter to KLTN was added by Commissioner Brooks and Chairman Patton, and Resolution No. 01-01-06 was removed from the agenda by Charles F. Fishburn, General Manager.

MOTION: Commissioner Brooks made a motion to approve the agenda as amended. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 4 to 0

Public Comment

The following persons addressed the Commission: John Singleton, 19 Lakshore Drive expressed his concern over the way the public will be charged for their sewer usage. He felt that it was unfair.

Introduction

Martin Waits introduced the new Administrative Assistant, Synthia Trakul.

Commissioner Items

A discussion on the newspaper articles about lateral hook ups and the connection letter to KLTV

Commissioner Brooks stated that the "Reporter" article said the letter has been sent out and it had not been sent out. Commissioner Brooks stated that when he received a copy of the letter to be sent to KLTV residents he wanted to soften it but Mr. Fishburn left in the phase (potential \$100.00 a day daily penalty) which he had requested be removed. He would like to see the letter at this point in time be an encouragement not a threat. Mr. Fishburn stated that the thirty-day notice has not been sent out yet. Commissioner Brooks asked Mr. Fishburn what he felt the \$100.00 a day penalty is going to solicit. Mr. Fishburn explained that he would put the fine on the hard core customers that will not connect without a potential penalty. Commissioner Brooks stated that he does not feel the penalty is necessary yet.

Commissioner Brooks would like to see the second to last paragraph removed from the letter.

Commissioner Bullock would like to see the word "may" be placed in front of "ask Monroe County" in the second to the last paragraph.

Commissioner Bauman said that the letter lets people know their options and they need to know about the \$100.00 a day fine. It is a serious situation. Commissioner Bauman agrees with softening the letter a little bit.

Chairman Patton stated that the entire project in the Key Largo Trailer Village was approximately 12 million dollars. He does not feel that the \$12 million was spent not to have people hook up and mitigate the pollution that is in the near shore waters in Tarpon Basin. The District is not threatening any one the District is trying to clean up the near shore waters and to do it as soon as possible with the help of the State, Federal, and County governments.

Commissioner Bauman stated that he is against softening the letter and would like to see a vote on the matter.

MOTION: Commissioner Brooks made a motion to modify the Update Letter to the Key Largo Trailer Village and put in "the District may ask Monroe County" and the "(potential \$100.00 a day penalty)" is to be left in. The motion was seconded by Commissioner Bauman.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman		X	
Chairman Patton	X		

Motion passed 3 to 1

Commissioner Bullock wanted it clarified that if the letter goes out and there is no response then the General Manager may comeback and ask for a stronger letter to go out.

Letter from Mr. Perez

Mr. Perez sent in a request for the streets in Sunset Waterway be paved and the trash on a lot in the Waterways be removed.

Ed Castle, District Engineer, stated that the Contractor had prepared the streets for paving by saw cutting them but then there were some problems found that had to be corrected before the paving could be completed. Staff has a tentative date of January 16 for paving the Waterways area.

Staff stated that the contractor can haul out the debris that is on the side of the road.

Commissioner Bullock stated that he would like to see in future contracts phrasing that would not let trash accumulate on the side of the roads.

The Board directed staff to have the debris removed from the side of the road and bring back a status report to the January 18 meeting on the debris issue and the paving issue.

Staff was also directed to inform the Board of all meetings.

Site Mitigation; History, Status & Plan

Commissioner Brooks would like periodical reports sent to the Board on the mitigation.

Commissioner Brooks stated that he is concerned with the scenario that the District was told they could not setup getting the additional acres until the current project is finished. Commissioner Brooks is also concerned with the timeline. He does not want to see the Project held up.

Martin Waits, Finance Director, explained that the District has submitted requests for reimbursements that will use up all the FEMA funds; that will end the FEMA involvement with restrictions on the District.

Commissioner Bullock asked why the District could not go to Fish and Wildlife now. Tom Dillon, District Counsel, explained that the District has a Supplemental Finding of No Significant Impact that is conditioned on the District using no more than 2.6 acres.

Chairman Patton requested that at the next meeting the Board be advised of all of the documentation to and from the County that has been sent regarding the mitigation, a letter and response concerning formal notice of the mitigation, and a draft Letter of Intent to Fish and Wildlife is to be brought to the Board.

Commissioner Brooks stated that his understanding was that FEMA's requirements were based on Fish and Wildlife and FEMA said they did not care. Mr. Dillon explained that Fish and Wildlife said that if this mitigation is done there will not be any negative impact and on that FEMA issued the Finding of Negative Impact. Commissioner Brooks then said that he understands that once FEMA is out of the picture then Fish and Wildlife will no longer be in the issue even for the additional property.

Mr. Dillon explained that he is not sure that Fish and Wildlife will be out of it because they have the statutory responsibility with regard to habitat for endangered species. There are two species which, to the best of Mr. Dillon's knowledge, have never been sighted on the MM 100.5 property but there is habitat suitable for them on it. Under the Endangered Species Act Fish and Wildlife would be involved and the District is required under the DEP SRF Loan Agreement to comply with the Endangered Species Act. Mr. Dillon advised the Board to address the concerns that the Fish and Wildlife may have. Mr. Dillon would like to see the District beginning the mitigation for the 2.6 acres before Fish and Wildlife is contacted about the additional acreage.

Bulk Items

RESOLUTION NO. 01-01-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS REDUCING THE SYSTEM DEVELOPMENT CHARGE AND 2005 NON-AD VALOREM ASSESSMENT FOR CRITTERS OF THE KEYS, INC., D/B/A KEYS CRITTERS; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

This item was removed from the Agenda.

RESOLUTION NO. 02-01-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REQUESTING FORGIVENESS OF AN ADMINISTRATIVE LOAN FROM MONROE COUNTY.

RESOLUTION NO. 03-01-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS REDUCING THE SYSTEM DEVELOPMENT CHARGE AND 2005 NON-AD VALOREM ASSESSMENT FOR VASILKI KASIMIS; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

MOTION: Commissioner Brooks made a motion to approve the Bulk Items. The motion was seconded by Commissioner Bauman.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin			Absent
Commissioner Brooks	X		

Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 4 to 0

Financial Officer's Report

Pending Payments List

Martin Waits presented the Pending Payments List for January 4, 2006.

MOTION: Commissioner Bauman made a motion to approve the pending payment list of January 4, 2006 contingent upon the availability of funds. The motion was seconded by Commissioner Brooks.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 4 to 0

KLP Project Sources and Uses of Funds

Martin Waits, Financial Officer reported that the KLP Project is \$588,191.00 short if the Army Corp monies come in and if it does not come in the short fall would be \$1,088,191.00

Staff would like to amend the \$20 million agreement with Monroe County and use \$1,088,191.00 for the KLP Project.

Commissioner Brooks does not think that the District should change the \$20 million agreement with Monroe County.

Commissioner Bullock asked what other alternatives have been looked at. Staff had not looked at any other alternatives.

Ed Castle suggested looking at a bridge funding loan from the Florida Rural Water Association.

Staff was directed to bring back a draft resolution asking the County to allow the use of the \$20 million on just sewer projects. Staff is to reread the Inter-local Agreement and draft language to give it more versatility. Staff is to bring back multiple solutions with the background on alternatives as to funding for the KLP Project. Commissioner Bauman suggested looking to TIB Bank.

Commissioner Bullock asked if there had been contingences in the contracts for the KLP Projects. Mr. Fishburn answered there had not been any contingences built in.

KLWTD Liability Insurance Status

Mr. Waits reported that he will be meeting with two companies in the coming week and will report back to the Board at the next meeting.

Legal Counsel Report

A Resolution on Establishing Initial Monthly Rates and Charges for Wastewater Collection, Transmission, Treatment, and Disposal.

Mr. Dillon explained that it is the same resolution that the Board reviewed at the last meeting. He is working on putting definitions in addressing live-aboards and employee housing.

Commissioner Bullock requested a cap of 7000 gal on residential monthly bills and asked where the 12000 gal came from. Mr. Dillon explained that the 12000 gal a day came from the Rate Study. There was no support from the Board on lowering the maximum consumption for which a charge would be made.

Staff was directed to bring back the resolution to the next meeting for discussion and then bring it back to the Feb. 1 meeting for a public hearing.

Engineer's Report

Monthly Report

Ed Castle reviewed the monthly report that he submitted in the agenda package.

Mr. Castle reported that the District is using the old style pits instead of the new ones because of testing failures. Commissioner Brooks expressed concern over the new style pits currently in the ground.

Mr. Fishburn stated that Airvac will extend the warranty on the installed new pits. Mr. Castle does not see the new installed pits having a problem with service. It is more of a problem with testing criteria. The defect is in the gravity side of the pit. There is no change in the engineering between the old and new pit styles.

Staff was directed to get any extension of warrantee in writing.

Manager's Report

Options to Increase Lateral Connection Rate

Mr. Fishburn presented three options to expedite the permitting process for residents.

Option 1: Expedite permit process. It is now clear to staff that all residents would be best served by obtaining their Health Department Abandonment Permit themselves. Staff will help residents complete this form in the office.

Option 2: One Stop Shopping. In this option the homeowner or contractor would come into the District Office and complete the paper work for both the Health Department Abandonment Permit and the County Lateral Installation Permit.

Option 3: The District would contract to connect 100 laterals in KLV. This option requires the District to act as the Licensed Plumber for the 100 installations.

Tom Dillon, District Counsel, does not recommend the third option.

Commissioner Bauman stated that he definitely does not want to go with option three. He feels that option two is good but that option one is the best one to go with.

Commissioner Brooks likes option one. He would like staff to check the time frame that inspections are required for to keep a permit active.

Commissioner Bullock stated that option one is working now but more information on option two would be good to have.

Commissioner's Items

Chairman Patton would like to encourage Commissioner Bullock to meet with the Manager and discuss ways to be proactive with the Project Development Team and to present a united front to Shelley Trulock of the Army Corp with what they feel needs to be discussed.

Commissioner Bauman suggested that Chairman Patton contact U.S. Representative Ileana Ros-Lehtinen about where the money is, and why is it taking so long.

Commissioner Bauman would like to see this item brought back to the January 18 meeting.

Commissioner Brooks reported that the Mayor of Marathon has already tried to bring together the Project Development Team and it did not work.

Adjournment

The KLWTD Board adjourned the meeting at 7:45 PM.

The KLWTD meeting minutes of January 4, 2006 were approved on January 18, 2006.

A handwritten signature in blue ink that reads "Glenn Patton". The signature is written in a cursive style and is positioned above a horizontal line.

Chairman Glenn Patton

A handwritten signature in blue ink that reads "Carol Walker". The signature is written in a cursive style and is positioned above a horizontal line.

Carol Walker, CMC
Board Clerk