

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



February 15, 2006
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on February 15, 2006 at 5:06 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Claude Bullock, and Charles Brooks. Commissioner Andrew Tobin arrived at 5:21 PM. Also present were General Manager Charles F. Fishburn, District Counsel Thomas Dillon, and Board Clerk Carol Walker, and all appropriate staff.

The Pledge of allegiance was led by Chairman Patton.

Approval of Agenda

Commissioner Bauman asked why his item about employee health insurance was not on the agenda. Mr. Fishburn told him it would be on the next agenda.

Motion: Commissioner Brooks made a motion to approve the agenda and Commissioner Bullock seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin			Absent
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 4 to 0

Public Comment: the following persons addressed the Commission: None

Commissioner's Items

Army Corp. Status

Commissioner Bullock explained that the process is not any farther along than it was a year ago. The Army Corps would like to see the information on the entire project. The next meeting is planned for March 2006.

Chairman Patton reported that he had called Representative Ileana Ros-Lehtinen's office about the monies promised the District and he also emailed Senator Nelson's office.

Bulk Items

Minutes of February 1, 2006

Motion: Commissioner Brooks made a motion to approve the minutes of February 1, 2006 and Commissioner Bauman seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

General Manager's Employment Contract

Commissioner Brooks stated that he was voting no on the issue because of the amount of the salary increase on the Manager's contract, which is an increase of what the Board approved on the original contract, the accountability of the Manager to the Board, and the goal-setting that the Board should establish for the Manager has not been resolved. Commissioner Brooks would like the Board to set a date to set the goals for the Manager.

Chairman Patton suggested that the Manager's job description be part of a performance review.

Motion: Commissioner Tobin made a motion to approve the General Manager's Employment Contract and Commissioner Bauman seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks		X	
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 4 to 1

Commissioner Bullock requested that the voting block be added to the Manager's contract.

RESOLUTION NO. 08-02-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF VIRGINIA/ILLINOIS, LTD. FOR DESIGNATION OF A TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

District Counsel Tom Dillon explained the parcel owned by Virginia/Illinois Ltd. Is part of the original FDOT property abutting US #1; that it is not a separately platted lot; that it has no development rights; and that no construction could be permitted on the property other than driveway access to the adjoining platted lot.

Motion: Commissioner Brooks made a motion to approve Resolution No. 08-02-06 and Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

RESOLUTION NO. 09-02-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF JAVIER AND IDANIA VALE FOR DESIGNATION OF A TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

District Counsel Tom Dillon explained the documentation that Javier and Idania Vale have submitted consists of a Lot Aggregation Restrictive Covenant with Monroe County and the covenant shows that the tax parcel shall have its density reduced from two dwelling units to one dwelling unit.

Motion: Commissioner Tobin made a motion to approve Resolution No. 09-02-06 and Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

Financial Officer's Report

Pending Payments List of February 15, 2006

Motion: Commissioner Brooks made a motion to approve the February 15, 2006 Pending Payments list contingent upon the availability of funds. Commissioner Bauman seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

Property and Causality Insurance

Martin Waits, Finance Officer, explained that the information he was waiting on for the property insurance has not come in yet. He will bring back the Property and Causality Insurance issue to the Board at the next meeting.

Commissioner Bauman requested that the information be sent to him as soon as it comes in.

Budget vs. Actual

Mr. Waits reviewed the report presented to the Board in the agenda packages. The Board directed Mr. Waits to present a Budget vs. Actual report to the Board once every two months.

Legal Counsel Report

RESOLUTION NO. 05-02-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ESTABLISHING INITIAL MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

Discussion ensued. In conclusion Mr. Dillon stated that he would bring back an amendment to the resolution to change 4.01

Motion: Commissioner Tobin made a motion to approve Resolution No. 05-02-06 and Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

Proposed House Bill 749

Mr. Dillon explained that Section 5 is the critical part of the bill because it would overrule Chapter 99-395 which is the one that allows local governments within Florida Keys Area of Critical State Concern to require package plants, even though they comply with wastewater standards, to connect to the central sewer and it also allows a 30 day notice instead of a year's notice to hook up to the sewer.

Commissioner Tobin wanted to know if other areas in the State of Florida had the same advantages of the Florida Keys Area of Critical State Concern.

Commissioner Brooks stated that Captain Jax's knows about the rest of the State not having to hook up. He suggested that the District let the proper people in the Legislature know what affect the House Bill 749 would have on the Florida Keys. Commissioner Brooks also suggested that the District might want to use a Tallahassee Lobbyist to help defeat the bill.

Commissioner Bauman feels that the House Bill 749 will pass if not this year it will in the future because of the campgrounds, hotels, and condo associations that are backing it. The District and the governments in the Keys should put up a united front and should be trying to get an exception for the Keys.

Commissioner Bullock said that if the District has County Commissioner action stating that we have a tourist driven industry and then site the reasons why Monroe County should be exempt this would give the District ammunition to use when trying to get an exclusion from House Bill 749.

Elizabeth Wood, Monroe County Engineer agrees with the District Counsel, Tom Dillon and that the bill would allow the package plants to not connect to the central sewer.

Motion: Commissioner Brooks made a motion the have the Board authorize District Counsel Tom Dillon to work with Representative Sorenson in his legislation to de-designate with due regard to the concery Key Largo Wastewater Treatment District wastewater issues. Commissioner Bullock seconded the motion

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin		X	
Commissioner Bauman		X	
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 3 to 2

Engineer's Report

North Component Project Status Report

Mr. Castle asked the Board for approval to go out to Bid on February 23, 2006 for the North Component Transmission Line Phase I.

The Board expressed concern over the wastewater pipe going over the Adam's Cut bridge.

Mr. Castle explained that if in a rare case the pipe gets broken there would not be a large amount of waste spilled into the bay water before it is cut off.

Mr. Tobin would like to see a short letter stating that the pipe over the bridge is environmentally safe.

Commissioner Bauman asked that included in the ad there be a notice that the Phase I project is a part of a larger project.

Motion: Commissioner Brooks made a motion to approve the request to advertise and receive bids for the North Component Transmission Line Phase I. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

Monthly Status Report

Mr. Castle reported that the Key Largo Trailer Village Collection System is done and they are making preparations for the final testing. The Treatment Plant is close to completion. The Key Largo Park Collection System has all of the pipes in and they are now working on putting in the pits.

The engineering for the force main and collection systems is being worked on by CPH.

Lateral Connections to the Sewer

Margaret Blank, Staff Engineer, reported that there are 120 camera inspections completed.

Facilities Plan Update RFQ

Mr. Castle explained that the Request for Qualifications is intended to establish a library of engineers that would be qualified to design collections systems and transmission lines. It would be a more focused library than the current one, and smaller firms might be able to qualify. Further, Mr. Castle explained that his firm, Weiler Engineering, does not intend to submit qualifications for this work because it hopes to work as the District's engineer to review RFQ responses and, ultimately, designs.

Commissioner Brooks asked if the RFQ would be sent out to everyone. Mr. Castle stated that they RFQ would be sent out blank to anyone who wants to respond to it and it will be sent out to firms that the District knows to be interested.

Motion: Commissioner Brooks made a motion to approve the request to go out for a Request for Qualifications to set up an Engineering Library to design collection systems and transmission lines. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Chairman Patton	X		

Motion passed 5 to 0

Commissioner Brooks stated that on page two the word “firm” selected should read “firms” selected.

General Manager’s Report

Key Largo Park Change Order

Mr. Fishburn reported that Staff advised the Board on January 4, 2006 that KLP project costs, as currently being constructed, would exceed funding commitments by \$1,088,000. Staff has obtained authorization to incur cost against a \$1,088,000 construction loan from SRF. Staff is recommending converting the unit price contract with the contractor to a lump sum which includes the extras required to complete the Key Largo Park Project.

Mr. Fishburn stated that the request will be brought back to the March 1, 2006 meeting.

Utility Start Up Status

The General Manager reported that the clean water testing has been completed at the Treatment Plant Site; the KLTV Collection System will begin clean water testing the week of February 13, 2006. One Hundred homes in KLTV are ready to make final connections. Mr. Fishburn requested an approval of the proposal from U.S. Water for plant operation support.

The Board directed Staff to go forward with contract negotiations with US Water and bring it back to the March 1, 2006 meeting. The Board would also like to have US Water make a presentation at the meeting.

The Board directed Staff to bring back the “new employee hiring” and the “vehicle purchase” to the Board.

Mr. Fishburn asked the Board if they would like a ceremony in May for the opening of the Plant. The Board stated they would like a ceremony.

Mitigation Update

Mr. Fishburn reported that District staff and two commissioners met with US Fish and Wildlife again. Staff considers mitigation of the 2.6 acre site to be off the table for the District. Apparently, there are endangered Wood Rats in the mitigation area and a two-year study would be required before any mitigation could occur.

State and Federal Lobbying

General Manager Charles F. Fishburn explained that both the County and FCAA have lobbyists in Tallahassee and Washington D.C.; the District should consider lobbyists to represent the District in Tallahassee and Washington D.C.

Commissioner Tobin suggested that Representative Ileana Ros-Lehtinen, Governor Bush, and Representative Nelson be invited down to tour the Plant.

Presentation to the BOCC

Chairman Patton reported that the BOCC agenda items 1, not charging the District for permits and 2, forgiving the \$100,000 loan were passed by the BOCC. He felt that the District's message was delivered to not only the BOCC but to all of the people watching the meeting on television.

Commissioner's Items

Commissioner Tobin stated that he plans on contacting the Coral Shores High School and work with them on developing a training program for students as treatment plant operators.

Commissioner Brooks stated that there is still no way to do a word search on the "Minutes" on the website. He also wants the FCAA Utility bill to have a KLWTD identity on the bills for the District.

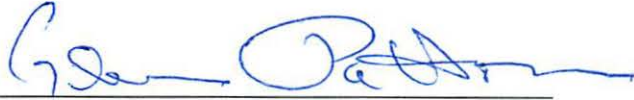
Chairman Patton said that there would be a letter put up on the web site with details on how to search the Minutes.

Chairman Patton suggested that a separate mailing be sent out to the KLWTD customers informing them about the bills and District contact information.

Adjournment

The Key Largo Wastewater Treatment District Board adjourned the meeting at 8:47 PM.

The KLWTD meeting minutes of February 15, 2006 were approved on March 1, 2006.

A handwritten signature in blue ink, appearing to read "Glenn Patton", written over a horizontal line.

Chairman Glenn Patton

A handwritten signature in blue ink, appearing to read "Carol Walker", written over a horizontal line.

Carol Walker, CMC
Board Clerk