

MINUTES

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



June 16, 2009
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Norman Higgins, Andrew Tobin, Charles Brooks, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Brooks led the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairwoman Hammaker removed Item H 18, Assessment Appeal Chris Sante/Coral Sands Trailer Park. The General Manager, Charles Fishburn added an item F 8A, Office Trailers. Commissioner Brooks removed Item H 10, Minutes of June 2, 2009 Board meeting from the agenda and took off Item H 11 from the Bulk Items. He also requested that the following Items be added to Bulk Items: F 1, Vacuum Station A Change Order, F 2, Deep Well Change Order, F 3, One Year Notice Basins, F, G, H I, J & K, Item J 21, Line of Credit, Items K 26 & 27, Rule Change Contiguous Tax Parcels, and Stuart Marr Property Exemption. Martin Waits, Chief Financial Officer added Item J 25A, Audit RFP.

Motion: Commissioner Brooks made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

PUBLIC COMMENT

The following persons addressed the Commission: Kay Thacker, Key Largo, FL spoke against Item G-9, Amendment to the Special District Legislation. O'Connor, TIB Bank Key Largo,

asked the Board to consider letting TIB open an appeal after the deadline. Lee Huenniger, Winken, Blinken, and Nod, Key Largo Brian spoke against Item G-9, Amendment to the Special District Legislation. John Hammerstrom, Key Largo spoke to Item G-9, Amendment to the Special District Legislation, look at it carefully. He requested that the Board discuss what was brought up at the Committee of the Whole concerning the Coral Coast development. Commissioner Brooks told Mr. Hammerstrom that there is a recording of the meeting that he can have a copy of.

BULK ITEMS

F 1, Vacuum Station A Change Order, F 2, Deep Well Change Order, F 3, One Year Notice Basins, F, G, H I, J & K, H 12, Assessment Appeal George Scott, H 13, Assessment Appeal FKEC, F 15, Assessment Appeal Rock Harbor Marina Inc. H 16, Assessment Appeal MM 97.5 Key Largo, H 17, Assessment Appeal F 17, Blue Water Marina Inc., H 19, Assessment Appeal Fishermen’s Cove Restaurant & Conference Center, Item J 21, Line of Credit, Items K 26 & 27, Rule Change Contiguous Tax Parcels, and Stuart Marr Property Exemption.

Motion: Commissioner Brooks made a motion to approve the Bulk Item’s as amended (Items, 1 - Vacuum Station A Change Order, 2 – Deep Well Change Order, 3 - One Year Notice Basin F, G, H, I, J & K, 12 - Assessment Appeal George Scot, 13 - Assessment Appeal FKEC, 15 - Assessment Appeal Rock Harbor Marina Inc., 16 - Assessment Appeal MM 97.5 Key Largo, 17 - Assessment Appeal Blue Water Marina Inc., 19 - Assessment Appeal Fishermen’s Cove Restaurant & Conference Center, 21 - Line of Credit, 26- - Rule Change Contiguous Tax Parcels, and 27 – Stuart Marr Property Exemption). Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

GENERAL MANAGER’S REPORT

Basins A-2 and A-3 Change Orders

Ed Castle, Weiler Engineering, explained that Weiler is doing the Red Line Drawings that Globe Tec was supposed to do. The money is being taken from Globe Tec and given to Weiler Engineering to do the work.

District Counsel, Thomas Dillon pointed out that Globe Tec had a performance issue that was not satisfactory completed on this contract and it should be taken into consideration if Globe Tec ever bids on another District contract.

Motion: Commissioner Tobin made a motion to approve Basins A-2 and A-3 Change Orders. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Basin C-3 Change Order

Mr. Fishburn told the Board that Staff recommends the approval of the change order.

Motion: Commissioner Brooks made a motion to approve the Basin C-3 Change Order. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Basin I Vacuum Station

Mr. Fishburn explained that this was the second noticed meeting that the Board was considering the White Rhino property for a vacuum station.

Mr. Dillon reported that the owner of the Key Largo Ocean Resort property has changed the offer of purchase to a lease.

Staff recommended that the District purchase the White Rhino property.

Motion: Commissioner Tobin made a motion to reject any further communication with Key Largo Ocean Resort. Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Basin J & K Vacuum Station Site

Mr. Fishburn reported that the signs are up on the property and that this is the first meeting to discuss the property. He will bring the purchase order to the July 7th meeting for approval.

Vacuum Station Equipment Purchase Orders

Mr. Fishburn explained the long lead time for the equipment for the vacuum stations and the cost will be around \$400,000 each.

Office Trailers

Mr. Fishburn told the Board that there is a need for more office space at the current time at the Regional Treatment Plant site. He would like to purchase two office trailers at the cost of \$10,300.00.

Commissioner Higgins would like to purchase property for office space.

Motion: Commissioner Brooks made a motion to approve the purchase of two trailers to be used as offices at the Regional Plant site. Chairwoman Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins		X	
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 3 to 1

COMMISSIONER'S ITEMS

Amendment to the Special District Legislation

Chairwoman Hammaker presented to the Board that she proposes to amend the KLWTD District's Charter. Please see Exhibit "A".

Commissioner Higgins felt that the Chairwoman was moving too fast and he was against any amendment to the District.

Commissioner Brooks said that it would be taking some of the power from the people of Key Largo. Commissioner Brooks told the Chairwoman that she has not checked with the Board first and that she should not be politicking on this subject as a member of the KLWTD Board; she could as a private citizen. He would not support the amendment in any way.

Commission Tobin commended Chairwoman Hammaker for trying to make the District better. He said that he has thought about an Upper Keys District over the last few years and it makes sense. Commissioner Tobin also said that it would never happen because of the selfish, petty politics that seem to be relevant. He does not think that it would be taking power away from the people. He pointed out that the economy of scale would benefit everyone.

BULK ITEMS

Pending Payment

Motion: Commissioner Brooks made a motion to approve the Pending Payments of June 16, 2009 contingent upon the availability of funds. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Assessment Appeal of TIB Bank

Brian O'Connor, 1st Terrace, will be speaking on behalf of TIB Bank.

Mr. Dillon, District Counsel, explained that this property was assessed in 2006 and the appeal time has expired. Staff is recommending rejecting the untimely appeal.

Mr. O'Conner explained that there will be an irrigation meter installed at the property within 10 days. The original assessment just slipped through the cracks. He is requesting that the assessment be 1 EDU like the other bank properties.

Motion: Commissioner Brooks made a motion to waiver the time limit for an appeal on the TIB Bank Assessment. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Motion: Commissioner Tobin make a motion to hold open the appeal on the TIB Bank Assessment for one year so that TIB Bank can produce data that will allow the Board to make a recommendation for a proper assessment. Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		

Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

ENGINEER’S REPORT

Monthly Status Report

Ed Castle of Weiler Engineering gave a verbal update. He reported that the Blackwater Drive paving has been redone. The Vacuum Station “D” building is up. Wharton Smith is progressing on the Regional Plant. CPH on the South Forcemain is considering upsized to a 20” pipe from an 18” pipe.

FINANCIAL REPORT

Islamorada Proposal

Martin Waits explained the proposal that KLWTD will present to Islamorada.

Motion: Commissioner Tobin made a motion to transmit a number for discussion purposes to Islamorada. Chairman Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Majeska			Absent

Motion passed 3 to 1

FY 2010 Budget Process

Mr. Waits presented the Budget Schedule to the Board.

Direct Purchase Construction Property Insurance

Mr. Waits recommends property insurance for such things as construction material. Our current construction material is valued at approximately \$2 million.

The annual premium would be \$33,590 annually or \$9,800 for the balance of FY2009.

Motion: Commissioner Brooks made a motion to make the Direct Purchase of Construction Property Insurance an action item and approve the purchase for this FY2009. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		

Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska			Absent

Motion passed 4 to 0

Report on SRF Conference

Mr. Waits reported he learned that there is a potential opportunity for a Federal Department of Agriculture grant.

The State feels that the current wording for the Federal SRF Reauthorization funding would give the Federal government complete authority over who would get the money.

Auditor RFP FY2009

Mr. Waits recommends that an RFP be issued to again select a District audit firm for FY2009 and optionally for future years. The Auditor General issued a report that recommends the District institute an Audit Committee to participate in making the selection through the RFP process, and to perform other duties which may be assigned by the Board.

Staff will bring these items back for action.

LEGAL COUNSEL REPORT

N/A

COMMISSIONER'S ROUNDTABLE

N/A

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 6:24 PM.

The KLWTD meeting minutes of June 16, 2009 were approved on August 4, 2009.



Chairwoman Hammaker



Carol Walker, CMC
District Clerk