

MINUTES

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



August 18, 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, Robert Majeska, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, Syndi Lankford as acting District Clerk, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Higgins requested that a Seminar in Homestead be added under Commissioners Items. He also requested that an item on the Bay Harbor residents be added.

Commissioner Brooks moved the Nelson Appeal out of Bulk.

Commissioner Majeska put on the Code of Conduct Rule under Round Table.

Martin Waits added an update from Gary Bauman on Grants.

Motion: Commissioner Majeska 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	X		

Motion passed 5 to 0

PUBLIC COMMENT: The following persons addressed the Board: Darling Nelson, Key Largo requested relief from the sewer assessment.

Gary Bauman reported that the three census blocks in North Key Largo (CR 905) all are above the income level for a grant but it may be possible for a loan. He would like to know if the Commission would like for him to go after a loan.

Commissioner Tobin suggested that the numbers be looked at again. He would like Mr. Bauman to follow up on the census information.

Chairwoman Hammaker pointed out that the District should go after the people on the low side of the medium income. She said that Mr. Bauman may be able to use the Good People Foundation income information.

Commissioner Majeska stated that he does not believe that there are very many residents that would meet the under \$31,784.00 requirement.

The Board directed Mr. Bauman to spend a few more hours looking further into the Census Data.

Ron Sievers, Ocean Cay, said that there is a public utility easement that exists and they have the right to be served the same as any other single family residence.

Motion: Commissioner Tobin made a motion to suspend the Board meeting and reconvene as the KLWTD Audit Committee. 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	X		

Motion passed 5 to 0

The meeting was suspended at 4:25 PM.

Motion: Commissioner Higgins made a motion to reconvene the KLWTD Board meeting. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

KLWTD Board of Commissioners Meeting reconvened at 4:50 PM

GENERAL MANAGER'S REPORT

Arcadis Change Order

Mr. Fishburn explained that the wording is still being worked on and the agreement will be brought back to the first September meeting.

Work Authorization for Construction Administrative Services

Mr. Fishburn explained that Weiler is now doing much more work with the transition of construction administrative at the new WWTP to Weiler from Arcadis.

Motion: Commissioner Tobin made a motion to approve the Work Authorization for Construction Administrative Services for Weiler Engineering. 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	X		

Motion passed 5 to 0

Work Authorization Lake Surprise Condo & Ocean Cay

CPH would be designing a lift station for transmission to the buffer tank at the gate for \$21,353.60

Commissioner Tobin stated that \$21,353.60 seems high.

Commissioner Higgins wanted to know if the community has been notified.

Commissioner Tobin said that the District has crossed the line and said that there is a difference between a private mobile home park and a semi public street that service many different people that maybe owned privately for some reason.

Commissioner Majeska pointed out that the District would only be connecting current collection systems not putting in collection systems.

Mr. Dillon pointed out that if the District constructs improvements in the condominium developments, it would be a change from current District practice. Up until now the Board has never agreed to build improvements on private property, as opposed to gated or un-gated subdivisions, which have dedicated easements for roads and utilities. He explained that caution is warranted because it could open the door to other condos.

Commissioner Tobin would prefer looking at subdivisions before addressing condos. He explained that there is a significant difference between condominium developments and other communities in that condominium developments are governed by condominium associations with the ability to levy assessments and construct their own improvements, whereas other communities generally do not.

Commissioner Majeska and Commissioner Higgins said that the condos should be contacted.

Mr. Fishburn said that Ocean Cay has 25 homes and the design would cost \$26,111.20.

Commissioner Tobin said that the cost is too high and there should be some bids.

Commissioner Tobin said that a cost analysis should be prepared before the District moves forward and different cost options should be brought to the Board so that they can make an informed decision.

Work Authorization for Seven Acres

Mr. Fishburn explained that there are 21 lots and 19 homes and the design cost would be \$15,750.

The Board directed Ed Castle, Weiler Engineering to come back with a cost analysis for Ocean Cay, Seven Acres and Coral Coast to the next meeting.

ACOE Stimulus Funding Status

Fred Hicks reported Islamorada and Key West have not spent any stimulus money. If the money is not spent by January or February there will not be any reallocation. Mr. Fishburn said that there will be a conference call with the ACOE and Key West, Marathon, Islamorada, and KLWTD to discuss information on submitting a joint letter to allow the four entities to max out the funding.

Joint Project Agreement with FDOT

Mr. Fishburn reported that the South Transmission Line will be impacted by FDOT Construction. The FDOT will consider a JPA to have their contractor have the vacuum lines included in their bids. Ms. Blank is looking into having the District's drawings make electronic for FDOT 's proposed plans. The deal would need to be completed by Sept. 21, 2009.

COMMISSIONER'S ITEMS

Islamorada Letter

Chairwoman said that there is no news on a response to the letter yet.

Homestead Conference

Commissioner Higgins said that there is a Robert's Rules of Order conference in Homestead at the cost of \$10 on August 25, 2009.

Bay Harbor

Commissioner Higgins would like concessions for Bay Harbor, landscaping etc.

Mr. Dillon explained that the Bay Harbor representatives requested much more than landscaping in their recent meeting with District staff, including construction of improvements on private property, restrictions on the use of the property, and waiver of assessments on Bay Harbor parcels.

Commissioner Tobin believes the Board would support landscaping and other issues to make it more visually pleasing as long as it is not too costly.

Commissioner Majeska requested to be informed of any concessions.

BULK ITEMS

Minutes of August 4, 2009

Pending Payments of Aug. 18, 2009

Motion: Commissioner Tobin made a motion to approve Bulk Items with pending payments contingent upon 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	X		

Motion passed 5 to 0

CDBG

Liz Wood reported that the Florida Housing Community Trust could be another possible funding source for grants.

Ms. Wood is handling Community Development Block Grants but they would only pay for the lateral connections. Ms. Wood will be discussing with County Manager Gastesi to obtain permission to begin the process.

Assessment Appeal Nelson

Commissioner Tobin said since there is no disability relief in the resolution there would be no choice but to assess but there can be some discretion on the 30 Day Notice.

Commissioner Higgins wants some relief available and he wants the District to administer the grants.

Chairwoman Hammaker told the Board that the Good Water Group is active again and funding may be possible.

Mr. Dillon said that there is a possibility of the District adopting a policy to assist low-income residents.

Commissioner Tobin stated that the District needs a financial analysis to see if the District can afford to reduce rates.

Motion: Commissioner Higgins made a motion table the Nelson appeal until the last meeting in October. 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	X		

Motion passed 5 to 0

ENGINEER’S REPORT

Monthly Status Report

Ed Castle of Weiler Engineering reported that there will be a centrifuge demonstration next week. There was a pre-bid meeting on the South Transmission Line today and the bids are due on Sept. 1, 2009.

Mr. Castle reviewed the Wharton Smith activity plan.

Commissioner Brooks asked how the video of the pipe line was coming. Mr. Castle explained that because of the good condition of the pipe it was not necessary to video other than the small area that the District has done already.

FINANCIAL REPORT

Preliminary Capital Budget / 4 Year Plan

Mr. Waits presented the Preliminary Capital Budget. He projects that by the end of the year the District will have spent \$57.5 million.

Mr. Waits projects the loan amount will be \$78 million and there will be \$82 million is assessment revenue. He will present the Budget Proposal for the next meeting.

Professional Auditing Services

Motion: Commissioner Tobin made a motion to approve the contract with Grau & Associates to conduct the District’s FY 2009 audit with the possibility of renewal for four additional years. 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	X		

Motion passed 5 to 0

LEGAL REPORT

N/A

COMMISSIONER'S ROUNDTABLE

Commissioner Majeska was concerned that the Board should be held to the conduct rule that they have adopted. He would like the Chair of the Board to rule the gavel stronger.

Chairwoman Hammaker asked if the Board would like to have a rule that would limit Commissioner's discussion to five minutes.

Commissioner Majeska feels that it would be unnecessary.

Commissioner Higgins would like to have the phone numbers of the KLWTD Engineering firms so that he can speak with the Engineering firms.

Mr. Fishburn does not feel that the Board Members should be calling \$205/hr engineers to get laterals moved for residents or turn the phone number over to residents.

Commissioner Tobin thinks that the information should be given out because the more information a Board Member has the better they can operate.

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:30 PM.

The KLWTD meeting minutes of August 18, 2009 were approved on Sept. 8, 2009.



Chairwoman Hammaker



Carol Walker, CMC
District Clerk

