



# Key Largo Wastewater Treatment District Board of Commissioner's Meeting Minutes

5:00 PM Wednesday, April 7, 2004  
Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, Monroe County, Florida

## Board Members Present

Gary Bauman, Chairman  
Cris Beaty, Member (joined the meeting in progress at 5:35 p.m.)  
Charles Brooks, Member  
Andrew Tobin, Member  
Jerry Wilkinson, Member

## Staff Members Present

Robert Sheets, General Manager, Government Services Group, Inc.  
Charles L. Sweat, Director of Operations, Government Services Group, Inc.  
David Miles, Chief Financial Officer, Government Services Group,  
Thomas Dillon, Esq., Board Attorney  
Ed Castle, P.E., Board Engineer, Weiler Engineering Corporation  
Mike Hatfield, P.E., Weiler Engineering Corporation  
Faith Doyle, Board Clerk

## Guests Present

Will English, Haskell Company, Project Manager  
Pete Kinsley, Haskell Company  
Walt Messer, DN Higgins  
Bill & Robin Willis, Key Largo residents  
Robert E. Burt, President, Key Largo Trailer Village Homeowners Association

### A. Call to Order

Chairman Bauman called the meeting to order at 5:05 p.m.

### B. Pledge of Allegiance

The Pledge of Allegiance was recited.

### C. Additions, Deletions or Corrections to the Regular Meeting Agenda

There were no additions, deletions or corrections to the agenda.

### D. Minutes – Draft March 17, 2004

**COMMISSIONER BROOKS MOVED TO APPROVE THE MARCH 17, 2004 MEETING MINUTES. COMMISSIONER WILKINSON SECONDED THE MOTION. THOSE PRESENT VOTED IN FAVOR AND THE MOTION WAS APPROVED.**

## E. Public Comment

Mr. Robert Burt addressed the Board. He and other KLTV residents have concerns with the 60% drawings that were presented at their meeting on March 27, 2004. Mr. Burt and the residents requested that they be able to meet with the contractors and staff to discuss the connection points and the dimensions and designs of manhole covers. Discussion ensued on the elevation of the manholes and the locations of the connection points. Mr. Sweat stated for the record that he had attended the March 27 KLTV homeowners meeting and assured the residents that the manholes were traffic bearing and would not be a trip hazard and would be level and flush with the ground.

Discussion ensued on the scheduling of a community meeting that would include staff and representatives of Haskell and Brown and Caldwell.

Bill Willett addressed the Board he is concerned because the plans show a pit directly in the middle of where his gate opens. Walt Messer of Higgins stated that this could be adjusted. Mr. Willett was also concerned about the height of the manholes as shown on the drawings. Staff stated that the manholes would not be trip hazards.

Robert Sheets stated that concerned neighbors could work with the GSG staff to work through these issues.

Mr. Burt stated that the KLTV board meets on April 15, 2004. Staff would not be able to attend the meeting but would provide a letter addressing the issues and offering future meeting dates.

*Commissioner Cris Beaty joined the meeting in progress at 5:35 p.m.*

## F. Legal Counsel's Report

### 1. Update on the Haskell Notice of Delay

Mr. Dillon met with Peter Kinsley of Haskell concerning their notice of delay. Mr. Dillon has requested additional information from Haskell before offering a final recommendation.

Mr. Dillon stated that the District is obligated by contract law to act in good faith and to deal fairly with Haskell. Discussion ensued on liquidated damages. Mr. Dillon stated that he would provide a progress report at the April 21, 2004 meeting. Commissioner Tobin asked if this could be discussed in executive session because it may result in litigation. Mr. Dillon stated that he does not believe an executive session could be opened because it has not reached the level of a claim. Discussion ensued on what would be considered circumstances beyond Haskell's control. Mr. Peter Kinsley stated that Haskell had no intent on filing a claim and that their costs have increased due to the increased costs of petroleum and steel. They requested more time to avoid acceleration of construction.

### 2. Update on Roe-Vac warranty

Mr. Dillon stated that on March 16 he had sent an email to Haskell concerning the final Roevac warranty, but has received no response. Mr. Kinsley stated that he would follow up with Roediger and forward the final document to Mr. Dillon for final consideration at the April 21, 2004 meeting.

### 3. Update on direct/indirect costs issue

Mr. Kinsley informed Mr. Dillon that the Haskell lawyers are reviewing Mr. Dillon's definition of direct/indirect costs and will respond shortly.

4. Discussion of Government Services Group, Inc. Continuing Services Contract as of May 9, 2004

Mr. Dillon stated that he requires direction from the Board on the GSG relationship after May 9, 2004. Mr. Sheets is to provide a list of costs for certain tasks for discussion at the April 21, 2004 meeting. Mr. Sheets informed the Board that he would not be present for that meeting.

**Commissioner Wilkinson moved to continue with Government Services Group on a month to month basis at "Status Quo" as of May 10 and until they are told not to. Commissioner Brooks seconded the motion. All were in favor.**

5. Update on legislation

Mr. Dillon stated that he was contacted by Pat Cichon of the Governor's office of Management & Budget concerning the legislation. The money spending issue was confusing to them and she believes the Governor would not act until he is clear on the issue. Chairman Bauman stated that per Ms. Laura Todd the legislation has been through the 3<sup>rd</sup> reading.

6. Update on County funds

Mr. Dillon stated that there is a County ordinance pending that would relieve Mr. Kohlage of liability if he releases funds to KLWTD. Mr. Dillon will request a cop of the ordinance from County for review. Mr. Miles added that Mr. Kohlage is reviewing the second draw and the district should have the money in hand by the end of April. Commissioner Tobin asked if the dispute was on the reimbursement of Board salaries. Mr. Miles stated that the County is now questioning all administrative costs. Discussion ensued on the issue.

7. Report on office space survey

Mr. Dillon provided information on the two rental properties. Commissioner Brooks provided handouts on several spaces. Commissioner Wilkinson stated that south of Key Largo there are no viable spaces available. Mr. Brooks reviewed his handout. He stated that Emma Fishburn had suggested purchasing an investment property.

Discussion ensued concerning the square footage needed and the length of the lease and if a regular meeting room should be included. Discussion ensued on owning vs. renting is worth pursuing. The Board agreed on a short list of properties including ½ of the pediatrics building, the Maytag building, the Sun Radio building and the Damaron building for future consideration. Commissioner Tobin stated that he would check on the availability of space at the TIB Bank Building. The Board requested the item be tabled and brought back as an action item on the next agenda.

8. Revised personnel ads

Mr. Dillon stated that the ads provided for consideration had been presented by the transition committee with minor modifications.

**Commissioner Wilkinson moved to approve the advertisements for a manager, a finance officer and a clerk. Commissioner Beaty seconded for discussion. Commissioner Tobin**

requested that the attorney accept comments and revisions at his discretion. Commissioner Brooks was apposed to the suggestion. Commissioner Wilkinson did not want the ads to specify that specific degrees were required. Discussion ensued. The board agreed that "or equivalent experience" be added to the advertisements. All were in favor.

Discussion ensued on which newspapers to advertise with. The Board agreed to advertise in the Free Press and the Reporter. The Board directed the attorney state in the advertisement that resumes would be accepted for one month. Chairman Bauman ads also be placed in the Keynoter.

#### G. Action Items

##### 1. Approval of the Pending Payments List for April 7, 2004

Mr. Miles stated that the list included invoices received by 3/31/04 for a total amount of \$138,530.82.

Mr. Miles stated that the information provided at H1 is to inform the Board that the \$929,000 cesspit grant to be forwarded from the FCAA will be shorted by \$137,000 because the funds were spent by the Health Department. Mr. Sheets wants the County to provide the District with a plan on how the funds would be replaced. Mr. Sheets stated that the FY2004 budget included these funds.

**Commissioner Brooks moved to approve the payment pending list in the amount of \$138,530.82. Commissioner Wilkinson seconded for discussion. Commissioner Tobin questioned the negative balance. Mr. Miles stated that these are enterprise funds and the cash on hand can be used for accounts payable. Commissioner Tobin questioned the time break down from GSG and WEC. Mr. Miles stated they had been provided in emails from him to the Board. The question was called. All ere in favor and the motion was unanimously approved.**

##### 2. Approval of the advertisement and setting of future workshop dates

Mr. Sheets recommended the next workshop date and time be set to discuss the master plan update or resume review prior to candidate interviews. Discussion ensued on the date and time of the next workshop. Discussion ensued. Chairman Bauman suggests a facilitator be present. The Board agreed the next workshop should include discussion on the master plan, Calusa Camp Resort connection and personnel/staffing.

Commissioner Tobin stated that he would invite Ms. Marlene Conaway to the next regular meeting to provide information on the vacant lots that can potential be served. Discussion ensued on how much of the KLP project can be completed and if it is impacts connecting Calusa Resort.

The Board agreed the next workshop should be held on May 15, 2004 at 10:00 a.m. to discuss the KLP final designs and Calusa Resort. Brown and Caldwell and Haskell representatives should be present. The meeting would be held at the Civic Club if available and the Westin if not.

The Board tabled the item until the next meeting. The Board stated they would discuss if a facilitator should be used for the workshop.

3. Approval of local staff employment advertisements

Please see above, Item F8.

4. Approval to postpone payments of the County \$100,000 loan

**Commissioner Wilkinson moved to postpone payments to the County on the \$100,000.00 loan. Commissioner Beaty seconded the motion. All were in favor and the motion was unanimously approved.**

H. General Manager's Report

1. Update on Local Match Funding for Key Largo Park Project

Discussed as part of G1.

2. Update on the March 10, 2004 Design Team Meeting

Mr. Sweat presented his memorandum that had been included with the agenda.

3. Presentation of the Permitting & Design Calendar

Mr. Sweat presented the calendar that had been included with the agenda. Mr. Sweat noted that the planning commission meeting to consider the conditional use permit would be held on May 26<sup>th</sup> instead of June 9.

4. Presentation of the Strategic Framework for the KLWTD

Mr. Sheets presented the document that was provided with the agenda. The final document would be presented as an action item for acceptance on the April 21, 2004 agenda.

5. Update on past agenda items:

a. FEMA FONSI Status

Mr. Sheets stated that the FEMA PHASE II agreement might be an action item at the next meeting. He has been in contact with Miles Anderson of the DCA who indicated the document would be arriving in the near future.

b. Water Quality Testing

Mr. Sweat presented his memorandum. Commissioner Wilkinson stated that he had been informed that there were no trained volunteers available to collect samples. Mr. Sweat state he is aware of the importance of the testing and he recommended the requested \$8,000 donation to the University be considered to set a schedule and implement a testing plan. The Board required this item be presented for action on April 21, 2004 so that there would be a base line for future testing.

c. Project Design Protocol

Per Ed Castle final revisions have been forwarded to Haskell for consideration and the final protocol would be presented to the Board at a future meeting.

d. \$100K Loan Payment in-kind

Please see above, item G4.

e. Site mitigation

Mr. Sheets stated that effort is not being put forth by the FKAA to meet with Fish and Wildlife concerning an action plan for site mitigation. FEMA requires Fish and Wildlife must approve the action plan to release funds and the action plan. Discussion ensued on the involvement of the FKAA and the FKAA staff on this issue. MR. Sheets and Mr. Dillon stated that would take action to help the process along.

f. KLP vacant lot resolution

Commissioner Tobin stated he would invite Ms. Marlene Conaway to the next regular meeting to provide information on this issue.

g. Project request for FEMA deadline extension

FEMA can do in future Miles Anderson has stated no problem

I. Engineer's Report

1. WEC Engineer's Report for the period ending March 30, 2004

Mr. Castle presented the report that was included with the agenda.

2. Discussion of the draft scope of service to update the master plan

Mr. Castle presented the bullet point list. Discussion ensued. Mr. Castle stated that he would provide a more detailed scope of service at the next meeting.

Mr. Sheets stated that the financing component to the strategic plan would need to be considered in the future. Discussion ensued. Mr. Sheets stated that GSG would provide a financing component draft scope of work to the Board. Chairman Bauman requested the draft scope of work be presented for discussion on the April 21<sup>st</sup> agenda for possible action in May.

J. Public Comment

No one present wished to address the Board.

K. Commissioner's Items

Commissioner Brooks requested that the Board review the Haskell monthly report that had been forwarded to the Board under separate cover. Chairman Bauman tabled the request.

L. Meeting Adjournment

Chairman Bauman adjourned the meeting at 8:12 p.m.