

# MINUTES

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



December 18, 2007  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 4, 2007 at 4:00 PM. Present were Chairman Gary Bauman, Commissioners Andrew Tobin, Susan Hammaker, Norman Higgins, and Claude Bullock. Also present were the General Manager Charles F. Fishburn, District Counsel Thomas M. Dillon, District Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Bauman.

### APPROVAL OF AGENDA

Martin Waits, Chief Financial Officer, pulled Pending Payments from Bulk Items. General Manager Charles F. Fishburn requested addition of an item to modify piping to increase the flow to the treatment plant be added under Manager's Items. District Counsel Thomas Dillon removed the Closed Session on Calusa Campground from the agenda.

**Motion: Commissioner Higgins made a motion to approve the Agenda as amended. Commissioner Tobin seconded the motion.**

### Vote on Motion

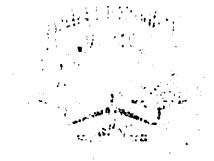
Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**PUBLIC COMMENTS:** The following persons addressed the Commission: Stan Margulois, Islamorada, Chris Sante, Islamorada, and Rod Halenza, Islamorada all spoke for sending the information letter to Islamorada. Jerry Wilkinson, Tavernier, Kay Thacker, Key Largo, David Gilbert, Key Largo, Charles Brooks, Key Largo, and Burke Cannon, Key Largo, all spoke for not sending the information letter to Islamorada.

### PUBLIC HEARING

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



December 18, 2007  
08880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 4, 2007 at 4:00 PM. Present were Chairman Gary Baumann, Commissioners Andrew Tobin, Susan Hammer, Norman Higgins, and Claude Fallick. Also present were the General Manager Charles H. Fishburn, District Counsel Thomas M. Dillon, District Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Baumann.

### APPROVAL OF AGENDA

Chairman Baumann called the meeting to order and requested the Board to approve the agenda. Commissioner Higgins requested the addition of an item to modify the amount of the assessment plan to be added under Manager's Items. District Counsel Thomas M. Dillon moved the closed session on Chairman's background from the agenda.

Commissioner Higgins made a motion to approve the agenda as amended. Commissioner Tobin seconded the motion.

### Vote on Motion

Member	Yes	No	Other
Chairman Baumann	X		
Commissioner Hammer	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Fallick	X		

### Motion passed 5 to 0

**PUBLIC COMMENT:** The following persons addressed the Commission: Stan Zingales, Chairman Baumann, and Rod Higgins. All spoke for sending the information letter to the Board. Jerry Fishburn, Chairman, Key Largo, Florida, spoke for sending the information letter to the Board. Key Largo, Florida, and Bruce Cannon, Key Largo, Florida, spoke for sending the information letter to the Board.

### PUBLISHED MINUTES

**RESOLUTION NO. 23-12-07**

**A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Bauman opened the public hearing on Resolution No. 23-12-07.

There were no speakers.

Chairman Bauman closed the public hearing on Resolution No. 23-12-07.

**Motion: Commissioner Tobin made a motion to approve Resolution No. 23-12-07. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

**COMMISSIONER'S ITEMS**

*Letter to Islamorada*

Commissioner Tobin stated that he was not at the last meeting and he would like further discussion on this item.

Commissioner Tobin pointed out the benefits of the District selling the service of processing others influent for a price. He presented various economic reports.

Commissioner Hammaker stated that Islamorada and Key Largo should keep communications open. She also pointed out that the District is not borrowing any monies to process Islamorada's influent.

Commissioner Bullock felt that the District should send Islamorada the letter they asked for. He felt that the District should not close the door on Islamorada hooking up after the Island of Key Largo is finished. Commissioner Bullock also said that a referendum should be looked into.

Commissioner Higgins stated that he was going to vote against sending the letter because that is what the people who elected him wanted.

RESOLUTION NO. 23-12-07  
 A RESOLUTION OF THE KEY LARGO WATERSEWER TREATMENT DISTRICT KEY LARGO FLORIDA ELECTING TO USE THE EXISTING METHOD OF COLLECTING NON-AD FORMAL SEPTIC TREATMENTS LEANED WITHIN THE UNINCORPORATED AREA OF THE DISTRICT OF KEY LARGO, SETTING A FEE FOR SUCH USE, PROVIDING FOR THE MAKING OF THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE.

Chairman Hamman opened the public hearing on Resolution No. 23-12-07.

There were no speakers.

Chairman Hamman closed the public hearing on Resolution No. 23-12-07.

Motion: Commissioner Higgins seconded the motion.  
 Commissioner Tobin made a motion to approve Resolution No. 23-12-07.

**Vote on Motion**

Member	Yes	No	Other
Chairman Hamman	X		
Commissioner Hammsker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

Motion passed 5 to 0

**COMMISSIONERS' ITEMS**

Chairman Hamman

Commissioner Tobin stated that he was not at the last meeting and he would like further discussion on this item.

Commissioner Tobin pointed out the benefits of the District selling the service of processing others' influent for a price. He presented various economic reports.

Commissioner Hammsker stated that Islanorada and Key Largo should keep communications open. She also pointed out that the District is not borrowing any money to process Islanorada's influent.

Commissioner Bullock felt that the District should send Islanorada the letter they asked for. He felt that the District should not close the door on Islanorada hooking up after the island of Key Largo is finished. Commissioner Bullock also said that a referendum should be held on this.

Commissioner Higgins stated that he was going to vote against sending the letter because that is what the people who elected him wanted.

Chairman Bauman explained that since Islamorada has demonstrated that they are ready to study the issue, take it seriously, and respond to the District he would support sending them the letter they asked for.

**Motion:** Commissioner Tobin made a motion to continue negotiations with Islamorada concerning the treatment of influent and to deal with the letter to Islamorada with the information that they requested at a future meeting. Commissioner Bullock seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins		X	
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 4 to 1**

**BULK ITEMS**

*Minutes of December 4, 2007*

*Resolution No. 24-12-07*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF THOMAS AND JUDITH WYSS FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

*Resolution No. 25-12-07*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MELBOURNE HILDERBRAND FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

**Motion:** Commissioner Higgins made a motion to approve the Bulk Items. Commissioner Hammaker seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

*Pending Payments List of December 18, 2007*

Mr. Waits pointed out the revised pending payments list.

Chairman Johnson explained that since Jalmonda has demonstrated that they are ready to study the issue, take it seriously, and respond to the District he would support sending them the letter they asked for.

Motion: Commissioner Tobin made a motion to continue negotiations with Jalmonda concerning the treatment of infant and to deal with the letter to Jalmonda with the information that they requested at a future meeting. Commissioner Bullock seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairman Johnson	X		
Commissioner Hammer	X		
Commissioner Higgins		X	
Commissioner Tobin	X		
Commissioner Bullock	X		

Motion passed 4 to 1

**BULK ITEMS**

Minutes of December 4, 2007

Resolution No. 24-12-07

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF THOMAS AND JUDITH BYSS FOR REVISION OF ONE OF THE PARCELS FROM THE 2007 NON-AD FOREIGN ASSESSMENT AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Resolution No. 25-12-07

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MERBORNE WILDERMAN FOR DESIGNATION OF ONE OF THE PARCELS AS A PARCEL EXCLUDED FROM THE 2007 NON-AD FOREIGN ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Higgins made a motion to approve the Bulk Items. Commissioner Hammer seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairman Johnson	X		
Commissioner Hammer	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

Motion passed 5 to 0

Working Items List of December 18, 2007  
 Mr. W. has pointed out the revised pending payments list.

**Motion:** Commissioner Higgins made a motion to approve the Pending Payment list of December 18, 2007 contingent upon the availability of funds. Commissioner Bullock seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Report*

Mr. Castle reported on the status of Basin B's phases. The 90% drawings for Basin C have been received. The 90% bid documents from Arcadis have been received.

*Lateral Connections*

The latest connections report was presented. The Board directed that Key Largo Trailer Village may be dropped from the report in the future.

**FINANCIAL REPORT**

Mr. Waits reported that 60% of the audit has been done.

**LEGAL REPORT**

District Counsel Thomas Dillon informed the Board that the Answer to Calusa Campground's Complaint was filed on December 14, 2007.

**GENERAL MANAGER'S REPORT**

*Use of FKAA 36" Transmission Line*

Mr. Fishburn told the Board that a request for use of the FKAA abandoned pipe line will be presented at the FKAA Board on December 20, 2007.

Chairman Bauman requested that a thank you letter be sent to the FKAA for their cooperation.

*Expanded Inter-Local with BOCC*

Mr. Fishburn explained staff's proposal to reopen the 2005 inter-local agreement with the BOCC to expand the scope of the inter-local and to request additional funding for the remaining unfunded portion of District Projects.

**Motion:** Commissioner Hammaker made a motion to proceed with the intend of the draft letter which was presented to the Board and work with Chairman Bauman to complete a letter and send it to the BOCC. Commissioner Tobin seconded the motion.

Motion: Commissioner Higgins made a motion to approve the pending agreement for of December 18, 2007 contingent upon the availability of funds. Commissioner Fallick seconded the motion.

Vote on Motion			
Member	Yes	No	Other
Chairman Hamman	X		
Commissioner Hammarick	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Fallick	X		

Motion passed 5 to 0

### ENGINEER'S REPORT

Answer Report  
 Mr. Casie reported on the status of Basin B's phases. The 2006 drawings for Basin C have been received. The 2006 bid documents from Arcadis have been received.

Answer  
 The latest connections report was presented. The Board directed that key large trailer Village may be dropped from the report in the future.

### FINANCIAL REPORT

Mr. Wain reported that 60% of the audit has been done.

### LEGAL REPORT

District Council Thomas Dillon informed the Board that the Answer to Claims Complaint's Complaint was filed on December 14, 2007.

### GENERAL MANAGER'S REPORT

Use of RFA 307 Transmission Line  
 Mr. Fishburn told the Board that a request for use of the RFA abandoned pipe line will be presented in the RFA Board on December 20, 2007.

Chairman Hamman requested that a thank you letter be sent to the RFA for their cooperation.

### Special Inter-Agency with BOC

Mr. Fishburn explained staff's proposal to request the 2005 inter-local agreement with the BOC to expand the scope of the inter-local and to request additional funding for the remaining unfunded portion of District Projects.

Motion: Commissioner Hammarick made a motion to proceed with the intent of the draft letter which was presented to the Board and work with Chairman Hamman to complete a letter and send it to the BOC. Commissioner Tobin seconded the motion.



**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

*Wastewater Treatment Plant Clearing*

Mr. Fishburn explained that the clearing of the final trees from the WWTP site will begin this week. The contractor that cleared the original WWTP site has agreed to honor the 2005 change order proposed to Haskell.

**Motion: Commissioner Bullock made a motion to approve the Arbortech contract to clear the trees at the treatment plant site in the amount of \$35,000. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

*4 x 6 Increase in the Flow to the Treatment Plant*

Mr. Fishburn told the Board that the contract would be to change the 4 inch pipe to a 6 inch pipe from the headwork's to the three treatment trains.

**Motion: Commissioner Hammaker made a motion to approve the 4 x 6 Contract for up to \$15,000. Commissioner Bullock seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

The Board had a discussion on correspondence between staff and Board Members.

Commissioner Tobin stated that he was very proud of everyone on the Board

Vote on Motion

Member	Yes	No	Other
Chairman	X		
Commissioner	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Ballock	X		

Motion passed 5 to 0

Chairman's Treatment Plan Change  
 Mr. Fishum explained that the clearing of the fuel trees from the WWTW site will begin this week. The contract that cleared the original WWTW site has agreed to honor the 2005 change order proposed to Ballock.

Motion: Commissioner Ballock made a motion to approve the Abbott contract to clear the trees at the treatment plant site in the amount of \$35,000. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairman	X		
Commissioner	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Ballock	X		

Motion passed 5 to 0

A 4 inch pipe in the line to the Treatment Plant  
 Mr. Fishum told the Board that the contract would be to change the 4 inch pipe to a 6 inch pipe from the headwork's to the three treatment trains.

Motion: Commissioner Handwerker made a motion to approve the 4 x 6 Contract for up to \$15,000. Commissioner Ballock seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairman	X		
Commissioner	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Ballock	X		

Motion passed 5 to 0

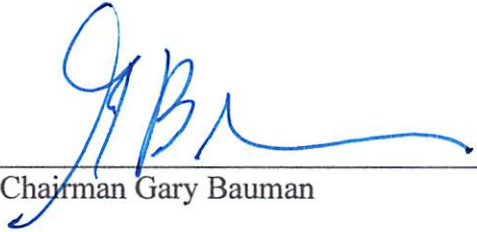
The Board had a discussion on correspondence between staff and Board Members.

Commissioner Tobin stated that he was very proud of everyone on the Board.

**Adjournment**

The KLWTD Board adjourned the Board Meeting at 6:16 PM.

The KLWTD meeting minutes of December 18, 2007 were approved on January 8, 2008



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Chairman Gary Bauman



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Carol Walker, CMC  
District Clerk