

# MINUTES

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



October 6, 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, Thomas Dillon, District Counsel, Carol Walker, District Clerk, and other appropriate District Staff.

Commissioner Brooks led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Commissioner Tobin requested that item F1 (Islamorada Meeting) be held until Councilman Dave Boerner, Islamorada, arrives. Commissioner Majeska requested that item F5, Truck Purchase, be moved to Bulk Items. Chairwoman Hammaker asked that item F7 (Vacuum Station G & I Change Order be changed to an action item. General Manager Charles Fishburn added an item F7 (a) Increase in Fred Hicks Contract.

**Motion: Commissioner Tobin made a motion to approve the agenda as amended. 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 4 to 1**

**PUBLIC COMMENT:** The following persons addressed the Board: Robert Hauber, Sunset Acres asked what the Board has decided to do with Sunset Acres, they want out of the sewer business. Burke Cannon, Tavernier spoke on the Islamorada meeting.

### ENGINEER'S REPORT

*Basin B3, B5, C1, C2 Paving Change Order*

The Board discussed Monroe County paving roads and the District working with Monroe County to pave roads.

**Motion:** Commissioner Brooks made a motion to approve the Change Order for Basins B3, B5, C1, and C2 for paving. 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 4 to 1**

*South Transmission Line Bid*

Charles Fishburn, General Manager explained that the original Engineer's estimate was seven million dollars, the revised estimate was for six million and the bid from Metro Equipment was 3.8 million dollars. Staff recommends that the bid be awarded to Metro Equipment.

**Motion:** Commissioner Brooks made a motion to approve awarding the South Transmission Line Bid to Metro Equipment. 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**

*Arcadis Work Authorization Payment*

Mr. Fishburn told the Board that there is still ongoing discussion over the total amount due. He recommends the payment be made.

Mr. Dillon explained that neither the District nor Arcadis is entering into any kind of a settlement; the District still retains any claims against Arcadis for any problems with the design. Neither party is waiving anything. They payment would be paid basically on account to satisfy the \$100,000 change order.

**Motion:** Commissioner Brooks made a motion to approve the payment on account to Arcadis Work Authorization in the amount of \$84,195.00. Commissioner Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>		<b>X</b>	
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 1**

*Vacuum Stations G, I, and K Direct Purchase*

Mr. Fishburn explained by direct purchase the District saves the sales tax.

CFO Martin Waits stated that the purchase is considered competitively procured.

**Motion:** **Commissioner Tobin made a motion to approve the direct purchase of the four generators and three order control units for Vacuum Stations G, I, and K. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*Vacuum Station G & I Change Order*

**Motion:** **Commissioner Tobin made a motion to bring the Vacuum Stations G, & Change Order to action and approve it. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*Fred Hicks Contract Extension*

**Motion:** **Commissioner Brooks made a motion to amend Fred Hicks contract and add \$3,000 to the contract through October, 2009. Commissioner Majeska seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Tobin</b>	X		
<b>Commissioner Brooks</b>	X		
<b>Commissioner Majeska</b>	X		

**Motion passed 5 to 0**

**COMMISSIONER'S ITEMS**

*Unique Properties*

The Board discussed the properties that have not been assessed yet.

**Motion:** Commissioner Higgins made a motion to direct Staff to do an analysis of Lake Surprise II and Sunset Acres to see what the costs would be to sewer the developments. Commissioner Tobin seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Tobin</b>	X		
<b>Commissioner Brooks</b>	X		
<b>Commissioner Majeska</b>	X		

**Motion passed 5 to 0**

**Motion:** Commissioner Brooks made a motion to have Staff do a matrix and define the most advantageous method of hookup for each area and contact each area by letter with the District's intention and ask for their feelings.

Commissioner Brooks withdrew his motion.

**BULK ITEMS**

*Minutes of Aug. 18, Sept. 1, & Sept. 15, 2009*

*Pending Payments*

**RESOLUTION NO. 30-10-09**

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

*Truck Purchase*

**Motion:** Commissioner Brooks made a motion to approve Bulk Items with Pending Pyaments 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	X		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Status Report*

Mr. Castle from Weiler Engineering reviewed his written report.

**FINANCIAL REPORT**

*SRF Loan Amendment*

Mr. Waits explained that the State Revolving Fund has authorized an additional \$10 million in bond funded debt financing for the District at 2.69% interest.

**Motion:** Commissioner Brooks made a motion to authorize the General Manager to execute the SRF Loan Amendment documents. 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	X		

**Motion passed 5 to 0**

*Liability Limit Report*

The Board discussed different liability limits for the District.

**Motion:** Commissioner Tobin made a motion to set a limit of \$3 million on all District Insurance Policies. Commissioner Higgins seconded the motion.

Commissioner Tobin amended his motion to a limit of \$5 million on all District Insurance Policies. Commissioner Higgins amended his second.

**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**

*White Rhino Lease*

District Counsel, Thomas Dillon, explained that the billboard lease can be terminated and removed for \$15,000.

**Motion:** Commissioner Majeska made a motion to pay the \$15,000 for termination of the White Rhino Billboard Lease and removal. 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 4 to 1**

**GENERAL MANAGER’S REPORT**

*Islamorada Meeting*

The Board discussed various aspect of the Joint Meeting with Islamorada.

**Motion:** Commissioner Tobin made a motion to amend the Joint Meeting agenda by removing item A (Expansion of the District’s Boundaries’ to include Islamorada), to add a Discussion on Plant Capacity, to add as the first item a Staff Presentation, and to have a moderator to be agreed upon by the District’s Chairperson and Islamorada’s Mayor. Motion seconded by Commissioner Majeska.

**Vote on Motion**

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

**Motion passed 3 to 2**

The Board by consensus agreed to a time from of 5:30 PM to 8:30 PM on Oct. 19, 2009 for the Joint Meeting.

**COMMISSIONER’S ROUNDTABLE**

N/A.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:50 PM.

The KLWTD meeting minutes of Oct. 6, 2009 were approved on Oct. 20, 2009.



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Chairwoman Hammaker



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Carol Walker, CMC  
District Clerk