

# MINUTES

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



January 5, 2010  
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 Chairman Higgins, Commissioners Andrew Tobin (arrived at 4:13 PM), Charles Brooks, Robert Majeska, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, Thomas Dillon, District Counsel, Carol Walker, District Clerk, and other appropriate District Staff.

Chairman Higgins led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Charles Fishburn requested that an Item for Work Authorization WEC 09-02 and one for an Ocean Cay Change Order be added to the agenda for action;

**Motion:** Commissioner Majeska made a motion to approve the agenda as amended. Commissioner Hammaker seconded the motion.

### Vote on Motion

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

Motion passed 4 to 0

**PUBLIC COMMENT:** The following persons addressed the Board: Stephen Schwarz, Ryan Ave spoke about the problem with the location of his connection box. Dr. Wells, Rainbow Drive spoke about the options on CR 905.

### COMMISSIONER'S ITEMS

*Laguna Ave Update*

**Motion:** Commissioner Brooks made a motion to rescind the vote for denial of the change order for Laguna Ave. Commissioner Tobin seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Hammaker</b>	X		
<b>Chairman 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 approve the submitted design changes by Mr. Cullen for Laguna Ave. Commissioner Hammaker seconded the motion.

**Vote on Motion**

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

**Motion passed 5 to 0**

**MANAGER'S REPORT**

*Basin C Change Order*

Mr. Fishburn presented the Basin C Change Order.

Mr. Dillon stated that he did not think that there is an entitlement to the claim. There was no acceleration. His understanding is that Wade Trim misunderstood the work from the beginning, and would have had to do it over even without the request to accelerate. He recommended that the District not approve the change order except to the extent that Weiler Engineering had approved additional charges.

Mr. Castle, Weiler Engineering, stated that he cannot say that if there is merit to the claim or not.

**Motion:** Commissioner Majeska made a motion to pay Wade Trim the undisputed \$28,840 for work they did on the design on Basin C and to have them bring back justification for their claim. Commissioner Hammaker seconded the motion.

**Vote on Motion**

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

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Status Report*

Ed Castle from Weiler Engineering made a presented his written report.

*CR 905 Recommendations*

Mr. Castle reviewed the three options again.

Chairman Higgins asked Dr. Wells to obtain a consensus of what option the properties owners would like.

**Motion: Commissioner Brooks made a motion to direct the General Manager and Weiler Engineering to write up a proposal for the cost of the Engineering for the 3A Option for CR 905. Commissioner Hammaker seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Chairman 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**

**FINANCIAL REPORT**

*Capital Projects Financial Status Report*

Mr. Waits presented his report.

*457(b) Plan Amendment Resolution*

**Motion: Commissioner Brooks made a motion to approve Resolution No. 01-01-2010. Commissioner Hammaker seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Chairman 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**

*Bank Agreement Recommendation*

Staff recommends that the District proceed with the loan process with BB&T.

The Board directed staff to bring back the loan agreement with BB&T to the January 19, 2010 meeting and to authorize District Counsel Thomas Dillon to spend up to \$5,000 on outside Counsel to assist him on the loan documents.

**LEGAL COUNSEL REPORT**

*N/A*

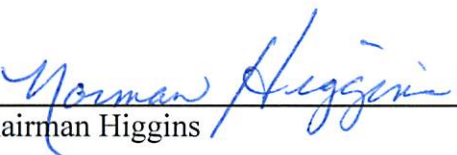
**COMMISSIONER'S ROUNDTABLE**

Commissioner Brooks discussed customer service improvements.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 6:43 PM.

The KLWTD meeting minutes of January 5, 2010 were approved on January 19, 2010.

  
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Chairman Higgins

  
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Carol Walker, CMC  
District Clerk

Ron Sievers  
548 & 549 Ocean Cay Drive

To Whom

We are pleased to hear that the engineering is going forward for the vacuum system in our neighborhood. As it was discussed at the last meeting we desire to be evolved in the location of here the houses are connected to the system at, so that diagonal trenching through the driveways will be eliminate.

We thank you in advance for your consideration and keeping us informed and involved. I await a phone call for the District or Engineer to coordinate a time to discuss the location of the existing sewer system as they pertain to the collection system.

Sincerely,

Ron Sievers

305-942-6614