

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



December 21, 2005  
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 21, 2005 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

***Approval of the Agenda***

Commissioner Brooks added an item for discussion concerning a newspaper article about the cost of permits.

Tom Dillon, District Counsel, requested that a draft resolution addressing the forgiveness of the District's loan from Monroe County be added as Tab 8, he would like it as an action item.

Commissioner Brooks requested that the RFQ for Billing, and Resolution No. 21-12-05 be moved to the Bulk Items.

**MOTION: Commissioner Brooks made a motion to approve the agenda as amended. Commissioner Tobin seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

**Public Hearing**

Commissioner Patton opened the Public Hearing for:

RESOLUTION NO. 20-12-05

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.

Robert Majeska, 100636 Overseas Hwy requested clarification as to if the non-ad valorem was affected by the Save Your Home Amendment. Chairman Patton explained that the District is allowed by the State to assess the property owner for the cost of putting in the Treatment Plant and is not based on the value of a person home.

Commissioner Patton closed the Public Hearing.

**MOTION: Commissioner Brooks made a motion to approve Resolution No. 20-12-06. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

**Commissioner's Items**

*Residential Lateral Connection Status*

General Manager Charles F. Fishburn reported that there are 19 connections completed at this time. He explained that the residence may pickup the Approval to Proceed letter at the District office and they would be given help in filling out the Health Department forms and the Building Department application. Mr. Fishburn reported that Margaret Blank is working with the County concerning septic tanks under trailers and the requirement for photos.

Joyce Knaepen, 212 Jasmine Street, talked about the time and cost of getting permits from the County and Health Department. She feels that the charge of \$500 is a reasonable amount to charge for getting permits. She recommends that the County handle the Health Department permits and the requirement for photos be removed.

Commissioner Bauman feels that it is not right to make the property owners pay for a permit to connect to the sewer. He would like to see a resolution to ask the County to refund the over payment made by property owners to the Building Department.

Chairman Patton stated that Staff can bring back a resolution to the Board at the first meeting in January asking the County to refund the property owners for the overpayments.

Commissioner Brooks stated that he has talked to Massey and they do not do a particle survey. It was explained that the Health Department does not need a survey and the matter will be discussed with the County during a conference call on December 22, 2005.

Commissioner Tobin pointed out that Mr. Fishburn had suggested that the District do the Health Department permitting and inspecting but that the Board had directed him not to and now it seems that the District should be doing it.

Commissioner Bullock suggested that Staff bring back a report of the cost of the options that the District has to help expedite the permit process.

Commissioner Brooks would like a staff report on the status of the hook ups in the Key Largo Trailer Village.

**Bulk Items**

*Minutes of December 7, 2005*

*Billing RFQ*

*RESOLUTION 21-12-05*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE KEN SORENSEN TO AMEND THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO PROVIDE THAT DISTRICT WASTEWATER CHARGES SHALL BECOME A LIEN UPON REAL PROPERTY*

**MOTION: Commissioner Bullock made a motion to approve the Bulk Items. Commissioner Brooks seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

**Financial Officer's Report**

*Pending Payments List of December 21, 2005*

Martin Waits presented the pending payments list.

**MOTION: Commissioner Tobin made a motion to approve the pending payment list of December 21, 2005 contingent upon availability of funds. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		

Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

*KLWTD Insurance*

Martin Waits, Financial Officer gave a status report of what the staff is doing about the cost of the liability insurance cost. His timetable is that he will have the insurance issues worked out before the District takes possession of the Treatment Plant. A report will be made at the January meeting and something for action will be brought back to the Commission in February.

**Legal Counsel Report**

*RESOLUTION NUMBER NO. XX-XX-XX*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ESTABLISHING INITIAL MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.*

District Counsel Tom Dillon explained that he has drafted a resolution for discussion dealing with five classes of service with their rates; he proceeded to explain the resolution.

Commissioner Tobin requested that the item be tabled until January.

Commissioner Bullock thought that something should be added to the resolution mixed use along the lines that it will be determined by the District by physically going out to the property. Mr. Dillon explained that is already being done. Commissioner Bullock would like the maximum cap for residential service reduced to 7,000 a month. Commissioner Bullock expressed concern over special circumstances dealing with problems with reported water usage.

Mr. Dillon recommended that the District make adjustments based on adjustments made by the FKAA.

Commissioner Tobin objected to that discussion. He felt that the FKAA is different from the District. The customer should come to the District directly for an appeal for an adjustment.

Mr. Dillon explained that the appeals process does not have to be in the resolution; it can be in the Rules and Regulations.

Chairman Patton commended Staff for the hard work that they have done on the resolution. Chairman Patton stated that he was concerned with the fairness issue with charging one EDU per site in Trailer Parks. Staff explained that Single Family Homes could have the same flow as a trailer park site but they are still charged one EDU.

Commissioner Tobin stated that he has not seen enough data to charge a trailer park a full EDU. He is not comfortable with the definition of Housing for Facilities.

*One Year Notice to Calusa Camp Ground*

Commissioner Bullock would like the Manager to send an official letter stating the official requirements to Calusa. Mr. Fishburn explained that the third paragraph down explains that. After the letter goes out Mr. Fishburn has no problem with sending out a letter making reference to the engineering reports and stating that they have to meet the District standards.

**MOTION: Commissioner Bullock made a motion to approve the One Year Notice to Calusa Camp Ground. Commissioner Tobin seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

*Request to Monroe County for Loan Forgiveness*

**MOTION: Commissioner Brooks made a motion to approve the request for the Forgiveness of the Monroe County Loan. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

**Engineer's Report**

*Monthly Report*

Ed Castle reviewed the monthly report that he submitted in the agenda package.

Chairman Patton requested a status report on the extra 1.6 acres and the mitigation for the Regional Treatment Plant, and a short version by Staff of the concept review on the January 18 Board meeting.

**Manager's Report**

*New Administrative Assistant Position*

Martin Waits explained that they have three candidates for the administrative position that would all require \$18 and hour (no over time).

Commissioner Bauman feels that Staff did not do their diligence on younger candidates that could be taught the job. Commissioner Brooks concurred with Commissioner Bauman.

Mr. Waits explained that there is no one in the District that could teach what is required of the Administrative Assistant. Also he believes that hiring an experienced candidate will save the District money because the Administrative Assistant can do some of the work that he is now doing..

**MOTION: Commissioner Bullock made a motion to approve the expenditure of \$18 hour for the Administrative Assistant. The motion was seconded by Commissioner Tobin.**

Vote on motion\*

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Bullock	X		
Commissioner Bauman		X	
Chairman Patton	X		

\*Motion passed 3 to 2 with the condition that Commissioner Bauman interviews the candidate and approves.

*New Employment Agreement for General Manager*

Mr. Fishburn explained his request for a new contract.

Commissioner Bullock agreed with the Managers request.

Commissioner Tobin supported Mr. Fishburn's request for a new contract. Commissioner Tobin would prefer a two-year contract instead of a one-year contract for stability.

Commissioner Bauman is concerned with the one-month notice, no increase in responsibility, and the fact that only the Manager will have medical furnished. Commissioner Bauman requested a salary survey.

Commissioner Brooks would like the contract to be brought back to the Commission in June. Commissioner Brooks is opposed with the percentage of the raise. He would like to see a total management issue picture.

Chairman Patton could support the Manager's request for a raise.

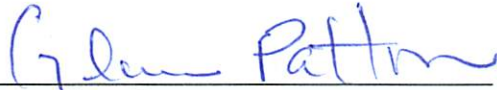
Staff was directed to bring back the new contract for the General Manager to the January 18, 2006 Board meeting.

**Adjournment**

The KLWTD Board adjourned.



The KLWTD meeting minutes of December 21, 2005 were approved on February 1, 2006

A handwritten signature in blue ink that reads "Glenn Patton". The signature is written in a cursive style and is positioned above a horizontal line.

Chairman Glenn Patton

A handwritten signature in blue ink that reads "Carol Walker". The signature is written in a cursive style and is positioned above a horizontal line.

Carol Walker, CMC  
Board Clerk