

MINUTES

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



April 15, 2008
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on April 15, 2008 at 4:00 PM. Present were Chairman Gary Bauman, Commissioners Susan Hammaker, Norman Higgins, Claude Bullock, and Commissioner Andrew Tobin. Also present 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

Commissioner Hammaker requested that Items two (sewering all of Key Largo) and fourteen (Pre-payment of Assessments) be dealt with at the same time. General Manager Charles Fishburn requested that Item nineteen (Deep Well Review) be moved to the front of the agenda and that an item dealing with the office waiting area be added.

Agenda approved by consensus.

PUBLIC COMMENTS: The following persons addressed the Commission: D.A. Aldridge, Tavernier, spoke in support of letting everyone pay their assessment early. Stan Nitz, Key Largo, spoke to the fact that he has a package plant but was not assessed. Burke Cannon, Tavernier, would like the District to notify the Hammer Point Association if they decide to make a commitment. He would like to see the commitment. Charles Brooks, Key Largo spoke about the County item concerning the Inter-Local agreement with the District.

COMMISSIONER'S ITEMS

Membership in GLEE

Motion: Commissioner Bullock made a motion to approve apply to GLEE for membership. Commissioner Higgins 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

*Sewering all of Key Largo
Pre-Payment of Assessments*

Commissioner Hammaker stated that she has had several contacts with property owners wanting to be dealt with as equally as package plant owners. She stated that the homeowners would like a sense of security and fairness.

Mr. Dillon stated that, as he understands the position of the Board, it has declined to make a commitment to construct wastewater infrastructure within the District boundary except to the extent that the District has received grant funding equal to a significant percentage of the cost of construction. Further, the District has followed a policy of assessing properties only when design and construction will commence within a year or two.

Accepting assessment payments for a parcel that has not been assessed by the District could, he believes, constitute a commitment to provide wastewater service to that parcel. This commitment could be greater than the commitment the District is willing to make as evidenced by current practice.

In addition, even if the District were willing to commit to provide wastewater service to a neighborhood, there may well be some remote parcels that the District will not serve, due to geographic and engineering circumstances. If the District were to accept prepayments for an unassessed parcel, the District would first have to pre-engineer the neighborhood in order to satisfy itself that the unassessed parcel will, indeed, receive District wastewater service. Failure to do so might inadvertently commit the District to construction of wastewater infrastructure that the District does not intend to provide.

Based on the foregoing, Mr. Dillon recommended against accepting prepayments of assessments for parcels that the District has not assessed in the usual manner.

Commissioner Tobin stated the Board has made a commitment by building a plant, hiring staff, etc. The public is asking the Board to agree to a one sided contract. They have to take into consideration the best interest of everyone.

Commissioner Bullock would like to have staff go to DCA and get a clarification on the enforcement issue.

Commissioner Tobin suggested that the District might be able of issue a Notice of Intent with time lines. The Board asked Mr. Dillon to look into that possibility.

Chairman Bauman stated that the District has always intended to sewer all of the Island of Key Largo.

GENERAL MANAGER
Deep Well Review

Charles Fishburn, General Manager reported that Youngquist will not charge the District for their bid costs.

Charles Fishburn requested that the Board approve hiring L.S. Sims & Associates to take a second look (value engineering, etc.) at the Deep Well Project for \$5,000 or less in cost. FDEP may require a second well.

David Smith with ARCADIS told the Board that ARCADIS has no objections to a second pair of eyes. He suggests that to be more efficient both L.S. Sims and ARCADIS work together instead of independently.

Commissioner Hammaker would like to table the item and look into having other world class experts look at the Deep Well Project. She feels that the District should not take any risk and there is a need to be careful.

Larry Sims from L.S. Sims explained that they have Florida Geology and Florida Deep Well experience.

Commissioner Tobin questioned whether or not a thorough job could be done for \$5,000. Mr. Sims responded by saying he will do whatever it takes to get a good answer whether it takes 60 hours, forty hours or whatever for the price of \$5,000. Mr. Sims said that he will be giving the District a written report and presenting a verbal report.

Motion: Commissioner Higgins made a motion to approve hiring L. S. Sims and Associates to review the Deep Well Project. Commissioner Tobin seconded the motion.

Commissioner Hammaker requested that the motion be amended to say that the review be done collaboratively and that there be a third set of eyes.

Commissioner Bullock requested that the well bid not go out until it is know if one or two wells are needed and if it is bid then an alternate bid additive be included if the Board decides to pursue legislation.

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

Commission Meeting Minutes of April 1, 2008

Pending Payments

RESOLUTION NO. 07-04-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS THE REQUEST OF ISABEL VIZCARRA. FOR REMOVAL OF ONE TAX PARCEL FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 08-04-08A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ISABEL VIZCARRA. FOR REMOVAL OF ONE TAX PARCEL FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Hammaker made a motion to approve the Bulk Items with the Pending Payments being contingent upon the availability of funds. Commissioner Higgins 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

Dan Saus, Weiler Engineering reported in Basin A Phases 1, 3, and 4 are nearly completed. Basin A Phase 2 was awarded to GlobeTec and Basin A Phase 5 was awarded to Fountain Engineering. The bid for Basin B Phase 1 is due on April 28, 2008 and all other phase’s bid documents and specifications are being reviewed. The Basin C Phase 2 100% Plans and specifications have been reviewed and are back with Wade Trim for revisions. The AirVac submittals for Basin A and Basin D’s pump stations have been approved. Basin D Phase 2 is substantially complete and Phase 3 is scheduled to be awarded to LaRocco. The pricing from Eckler Engineering for the design of Basins E and F is being reviewed.

FINANCIAL REPORT

FY 2007 Comprehensive Annual Financial Report (CAFR)

Martin Waits, Chief Financial Officer presented the District’s Comprehensive Annual Financial Report (CAFR) to the Board. There were no recommendations to improve the accounting procedures or internal controls. There were no violations on contracts or grant agreements. There were no deteriorating financial conditions noted.

2008 Assessment Issue

Mr. Waits told the Board that Staff is recommending that the 2008 Assessment include the remainder of Basin E, Basin F, and Basin G. The District is having trouble getting the required information from the Florida Keys Aqueduct Authority. Mr. Waits is proposing that the adoption of the residential resolution be June 17 and

the non residential July 15. The prepayment cutoff date would be September 1 for both residential and non residential.

LEGAL REPORT

RESOLUTION NUMBER NO. 09-04-08

A PRELIMINARY RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Dillon explained that they District could do a resolution for the residential and one for non residential; or if the information from FKAA comes in do just one for both and if the non residential is not available in time they will be assessed next year.

Staff will be bringing back an assessment resolution for action.

FINANCIAL REPORT

Banking Update

Mr. Waits reported that he has had meetings with Community Bank, First State Bank, and talked with TIB bank. He will be bringing back recommendations on what to do with the accounts in May.

Army Corp of Engineers Reimbursement Request

The first request for \$45,742 has been submitted to the ACOE for reimbursement for Basin D-3's Engineering.

Commissioner Bullock requested to be kept updated on the May 22 meeting from either Mr. Waits or Mr. Fishburn.

Commissioner Hammaker requested that all Board members be sent the update emails from the District's Legislative Representative.

LEGAL COUNSEL REPORT

Silver Shores

Mr. Dillon explained that Silver Shores is not a condominium association they are lessees.

Commissioner Tobin stated that the District only has a loose policy about not going onto private property and has the option to put sewers on private property.

Chairman Bauman stated that the District said that they are going to stay off of private property because of the possibility of being sued and being held responsible is too great.

Mr. Dillon suggested that it might be preferable for the District to take over operation of the systems after they have been built and approved by the District and are then dedicated to the District.

Commissioner Higgins would like to see Engineering do a report on the pros and cons.

Commissioner Tobin asked that the Board realizes that they do not have to base their decision on black or white that there are other standards that the decisions could be based on.

Mr. Dillon was directed to write Silver Shores a letter saying that the District received their letter, the District understands what they are asking and it will be reviewed in more detail and the District will get back to them at a later date.

House Bill 1231

Mr. Dillon recommended that the Board not approve any of the recommended amendments on (a) and (b) of the suggested changes and the Board agreed. The Board did approve the addition of “and the Department of Community Affairs” and the change from 30 days to 60 days.

Nelson Center Inter-Local Agreement

Mr. Dillon explained that the District and Monroe County have previously approved the early connection of the Nelson Center in the amount of they System Development Charge of \$83,425. The Inter-Local agreement will provide the backup for invoicing and payment of charges.

Motion: Commissioner Higgins made a motion to approve Inter-Local Agreement for the Nelson Center. 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

Commission Hammaker reported that BOCC Sylvia Murphy has requested direction from the KLWTD Board on when the Inter-Local should be on the BOCC agenda.

The Board directed Mr. Dillon to contact County Attorney Susan Hutton and let her know that the KLWTD Board does not believe that J-4 is controversial; that it is a routine item that everyone has already agreed upon and the Board has no reason to ask Ms. Murphy to pull the item.

Procurement Policy

Tabled

GENERAL MANAGER'S REPORT

Basin "A" Phase 3 Change Order

Charles Fishburn explained that Basin A Phase 3 had 1600 square yards more of asphalt/driveway restoration and 3273 square yards more of full overlay than estimated by our Engineers.

Motion: Commissioner Tobin made a motion to the Basin A Phase 3 Change Order. Commissioner Higgins 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

BOCC Agenda Item J-3

Mr. Fishburn explained that this item is about the County redoing the inter-local agreement for 20 million dollars with the District.

Commissioner Hammaker said that she will be going to the BOCC meeting.

General Manager's Contract Renewal

Mr. Fishburn alerted the Board that his current contract was up on April 30, 2008.

Commissioner Tobin said that one of the Board members should discuss the pros and cons with the Manager and then have a report to the Board for discussion.

The Board appointed Commissioner Bullock to negotiate with Mr. Fishburn concerning his contract renewal.

Entranceway

The Board approved Staff redesigning a vestibule with a waiting area in it.

ADJOURNMENT

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

The KLWTD meeting minutes of April 15, 2008 were approved on May 6, 2008.



Acting Chairman



Carol Walker, CMC
District Clerk