

MINUTES

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



December 15, 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 Chairman Norman Higgins, Commissioners Andrew Tobin, 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.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Tobin added and item on the FKAA Abandoned 36" pipeline. District Counsel, Thomas Dillon added and item on the Island Dolphin Care Center.

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 Hammaker		X	
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 1

PUBLIC COMMENT: The following persons addressed the Board: Chris Gardner, Tavernier, FL. commented on the amount of physicians insurance covers.

MANAGER'S REPORT

Tie In Report

Mr. Fishburn reviewed the Tie In Report for Basins A, B, C & D.

FDEP Letter

Mr. Fishburn, General Manager, explained that the FDEP was planning to provide onsite wastewater systems for their properties on SR 905 and at Pennekamp. These properties can be served by grinder pumps. The Board has indicated that central wastewater service will be provided to these areas.

FDEP has requested a letter confirming that the District will provide central wastewater service to these properties. District staff has confirmed that all nine properties can be served. The seven properties on 905 will be subject to the Grinder Pump assessment by the District.

Motion: Commissioner Brooks made a motion to approve the letter to the FDEP. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Basins G-1 and H Change Order

Mr. Fishburn introduced the change order for Metro Equipment.

The Board discussed the pros and cons of giving change orders instead of going out to bid. Mr. Dillon pointed out to the Board that the change orders will result in costs that are 50% higher than the costs that would result if the rates from the most recent bid and change orders were used, and that the costs of the work under the Metro change orders would be about 20% higher than the costs of the work using Metro’s most recent bid.

FKAA

The District received a letter from the FKAA saying that they are going to have to use part of the 36-inch abandoned water main that they said the District could use.

Mr. Fishburn told the Board that the District will propose two options for the FKAA to construct the water main without using the abandoned 36-inch water main.

FINANCIAL REPORT

Bank Agreement Report

Julie Santamaria, representative from RBC Capital Markets called in and gave a report on the Banks that have responded to the District’s request for a loan.

Commissioner Tobin requested a report on terms for loans to other government entities.

Basins G-1 and H Change Order

Motion: Commissioner Brooks made a motion to approve Change Order for Basins G-1 and H for Metro Equipment. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 3 to 2

Basin I-4 Change Order

Mr. Fishburn presented the change order.

Motion: Commissioner Brooks made a motion to approve the Basin I-4 Change Order for Fountain Engineering. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

Basin I-2 and I-3 Change Order

Mr. Fishburn presented the change order

Motion: Commissioner Brooks made a motion to approve the Basin I-2 and I-3 Change Order for LaRocco Enterprise Inc. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

Mini Vacuum Station Change Order
 Mr. Fishburn explained the Change Order.

Motion: Commissioner Brooks made a motion to approve the Mini Vacuum Station Change Order for Redland. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Medical Insurance

Mr. Fishburn explained that in order for the District to get insurance from Paychex the employees would have to become Paychex employees and the District would have to pay \$85 a month per employee.

Motion: Commissioner Hammaker made a motion to approve having the employees become Paychex employees for \$85 a month per employee. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

Motion: Commissioner Hammaker made a motion to approve the Prime Insurance Program at \$423.28 a month. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

COMMISSIONER'S ITEMS

Assessment on Properties with No Tiers

Chairman Higgins introduced this item explaining that he is concerned about the property owners that have properties that have no tier designation.

Thomas Dillon, District Counsel, and Martin Waits, CFO were directed to develop an application for the properties that have no tier distinction in order to appeal to the District Board for relief from their assessment. Mr. Dillon said that the District would use the form that is used for waiver of service.

National Infrastructure Development Bank

The Board discussed a trip to Washington DC to talk to government representatives. Commissioner Hammaker, Commissioner Brooks, and Commissioner Majeska expressed interest in going.

Moratorium on Raises and Bonuses

Commissioner Majeska would like to see all raises and bonuses frozen on all employees making above \$53,627. The Board discussed why there should be a freeze.

Motion: Commissioner Majeska made a motion that without Board approval the Manager shall not give raises and bonuses to employees making more than \$53,627 until September 1, 2010 or the Regional Plant comes on line whichever shall come first. Commissioner Brooks seconded the motion.

Commissioner Tobin made a motion to table the item but it died due to the lack of a second.

Vote on Motion

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

Motion passed 4 to 1

BULK ITEMS

Pending Payments of December 15, 2009

Minutes of Oct. 19, Nov. 3, Nov. 17, & Dec. 1, 2009

Assessment Appeal Island Bay Resort

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

Vote on Motion

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

Motion passed 5 to 0

ENGINEER'S REPORT

Monthly Status Report

Todd Helt from Weiler Engineering gave a verbal report.

Lake Surprise Two

After discussion on connecting Lake Surprise Two the Board directed staff to do more testing.

FINANCIAL REPORT

Bank Agreement Report

Commissioner Tobin asked Mr. Waits to try and lock in an annual cap on the reset date not to exceed ½% to 1%. Staff was directed to bring back the best deal offered the District.

LEGAL COUNSEL REPORT

Islamorada Inter-Local

Mr. Dillon said that the Board could reaffirm what has been done if they would like to. The Board decided to do nothing at the current time.

Occupancy Policy

Mr. Dillon introduced the Occupancy Policy for the District.

Motion: Commissioner Brooks made a motion to approve the Occupancy Policy. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Island Dolphin Care

Motion: Commissioner Tobin made a motion to approve the Island Dolphin Care Easement. Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

COMMISSIONER'S ROUNDTABLE

N/A

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 8:42 PM.

The KLWTD meeting minutes of Dec. 15, 2009 were approved on Jan. 5, 2010.



Chairman Higgins



Carol Walker, CMC
District Clerk