

**CITY OF KEY COLONY BEACH UTILITY BOARD
REGULAR MEETING
MINUTES**

**Tuesday, January 17, 2023 – 9:30a.m.
City Hall Annex**

Call to Order, Roll Call:

The regular meeting of the Utility Board was called to order at 9:30 a.m.

Answering to roll call were Bud Fernandes, Toni Appell, Bill Fahs, and Dan Gleason

Excused: Greg Burke

Also Present: City Administrator Dave Turner, Utility Clerk Pat Hyland, Public Works Supervisor Mike Guarino, Plant Operator Dave Evans, and City Attorney Dirk Smits. Public – 8 in person Virtual - 3

Oath of Office – Mr. Burke will be sworn in at the next meeting.

Next Meeting Discussion – the next Utility Board Meeting is scheduled for Tuesday, February 21, 2023 at 9:30am.

Approval of the Minutes: Regular Meeting Minutes December 20, 2022

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to approve the Minutes of December 20, 2022.

On the Motion: Roll Call Vote. Unanimous Approval.

10th Street Stormwater Project Update – Dave Turner provided an update of the 10th Street Stormwater work. The contractor has completed the east side stormwater work on 10th Street. Work will start this week on the west portion of the street. This project has grant funding. The Utility Clerk stated a grant reimbursement request will be sent to the State on both the Stewardship Grant for the injection well and also the SWAG grant for the swale work completed thus far.

Board member Bill Fahs stated his concerns with the current work, and also upcoming swale work on 10th Street, specifically those residents including himself, with paver driveways who initially had a pipe installed beneath the pavers. Mr. Fahs stated there was an 8” PVC culvert installed under the existing brick pavers therefore owners should not have to pay to have their driveway dug up. He stated 4 properties in the current area of work had existing culverts so those pavers should not have been dug up. He stated there are 3 known culverts in the upcoming work area. Mr. Fahs questioned engineer Jason Shepler about the pipes under the driveways. Mr. Fahs stated driveways with pavers should be inspected prior to anything happening, and test holes put in on each side of the paver driveway to confirm and verify the pipe is the correct size. Mr. Shepler stated he would have to see the information to determine if those driveways should have been opened up. Mr. Shepler will have to meet with Haack Excavating to discuss this issue and ask the contractor to provide information for driveways with culverts, so adequate connections can be made, rather than opening the driveways. Bud Fernandes questioned Mr. Shepler regarding the grade level of the piping for the gravity-fed system. Residents who addressed the board with similar concerns about their driveways included Susan Antonio of 491 10th Street, Dan Schott of 800 11th Street and Kirk Diehl of 171 10th. Residents also stated someone from the city should provide more site supervision of the work being performed. Mr. Turner stated the contractor will be going back to the one resident’s property to make the area even. Mr. Turner stated during his visits to the project area, the contractor’s supervisor told him two of the existing culverts were full of dirt, and the other two culverts were not the correct material, so new piping was used. At the beginning of this stormwater project Mr. Turner offered his services to oversee the project at no cost to the city, in an effort to keep costs down and save money. Mr. Turner stated he is the City Administrator and is licensed as a contractor, project manager, building official, building inspector, fire official and fire inspector. He stated his position calls for him to handle much more than others in his position. Mr. Turner believes at this point the city should hire a project manager, as he does not have the time to take on this extra responsibility. Mr. Turner suggested the board may want to discuss hiring a project manager for the Stormwater work.

Mr. Turner stated this will be discussed at the upcoming Commission meeting.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend to the City Commission to hire a project manager for the current and future stormwater project(s).

On the Motion: Roll Call Vote. Unanimous Approval

Raftelis Presentation for Wastewater Rate Study Consideration – Tony Hairston, Vice President of Raftelis addressed the board members and gave a brief presentation of the services his company offers. His company has worked with the Florida Keys Aqueduct, City of Marathon, Key West and Ocean Reef. His company would review the list of capital projects for the sewer plant and how to fund those capital expenses. The sewer rate structure would be examined to see if rates would have to be increased, whether a different rate structure would be implemented, etc.

Mr. Hairston was questioned if this rate study would help with obtaining grant funding. Mr. Hairston stated his company would help with asset management, provide a financial plan, provide a framework which would give rate information to cover upcoming work based on a 3-to-4-year plan. Mr. Fernandes and Mr. Fahs had questions for Mr. Hairston. Discussion ensued regarding increased expenses, current rate fee structure, revising rate structure, the last time rates were increased and not having a previous rate study completed in the past. Once all answers were provided, Mr. Turner suggested the board should use the services offered by this company. Mr. Fernandes asked Mr. Turner to read off the list of capital improvements, which the board had discussed and prioritized at a previous meeting.

Mr. Fernandes stated the board should follow the City Administrator's recommendation to move this forward.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend to the City Commission to approve the Raftelis Study be done in the amount of \$29,445.00 to provide rate and financial consulting services for the wastewater utility.

On the Motion: Roll Call Vote. Chairperson Toni Appell recused herself. Bud Fernandes: yes Bill Fahs: yes Dan Gleason: yes

Motion Approved

Utility Clerk Report –

Five property transfers were completed with \$800.00 collected in transfer fees. Six property inquiries resulted in income received of \$90.00. The October quarterly billing is 98% collected. All delinquent accounts have been assessed a late fee. The January quarterly billing was generated and sent out to all residents. A Stormwater Workshop notice for January 5th was sent out to 10th Street residents located in Phase 2B section of 320 through 551 10th Street. Mr. Turner stated there was a good turnout of between 10 to 15 residents at the 10th Street Phase 2B Stormwater Workshop. He said most of the residents were supportive of the project after he explained what would be done in front of their properties.

Operator's Report: Included as part of the Minutes.

Mr. Evans provided his monthly update on the plant, RO system and collection system.

Mr. Evans confirmed the 10th Street manhole leak had been taken care of by 3rd Generation Plumbing.

Treasurer's Report:

Mr. Fernandes presented the Treasurer's report for the month of December. Mr. Fernandes pointed out some of the monthly expenses were higher than budgeted.

Financial Reports: The December Financial Reports for the Utilities are ready and available.

Wastewater/Sewer Warrant #1122: was approved in the amount of \$72,871.13.

Stormwater Warrant: #1122: was approved in the amount of \$20,000.00

Other Business: Mr. Fahs asked to change his vote on the project manager recommendation.

Motion- Moved to reconsider the motion to recommend hiring a project manager to the Commission. There was not a second, the motion failed.

The meeting adjourned at 10:40 a.m.

The next meeting will be on Tuesday, February 21, 2023 at 9:30 a.m..

Respectfully Submitted by:

Pat Hyland

Pat Hyland, Utility Clerk

*** Note: A mechanical recording has been made of the meeting of which these minutes are a part, and a copy is on file in the office of the Utility Clerk, as a public record. ***

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME APPELL, ANTOINETTE "TONI" MARIE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Utility Board
MAILING ADDRESS P.O. Box 510826	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY KEY COLONY BEACH	COUNTY MONROE
DATE ON WHICH VOTE OCCURRED 1-17-2023	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ANTOINETTE "TONI" APPELL, hereby disclose that on January 17, 2023:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

There was an item on today's agenda in which an action was to be made by the UTILITY BOARD members. I had to recuse myself from any action because I serve on the Florida Keys Aqueduct Authority as a Board member and we have or will continue to retain the services of our Consultants.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed _____

Antoinette "Toni" Appell
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

OPERATOR REPORT

December 2022

Plant Update:

1. Call Outs: December 15th 5:30 PM Call out SAM tank low. Sam tank level normal. False alarm? Clear alarm restart plant. All levels normal.
2. December 8th Remove and clear Crispin valve on top of digester tank to be able to waste to digester.
3. T/N annual average to date is 1.40 Mg/L. Annual limit 3.0 Mg/l
4. Total gallons Hauled 27,000 gallons. Removals by G-tech pump truck at 25 cents per gallon.
5. Bubble test cassette # 44 & 66
6. Wash Cassette B-1 & B-2

R.O. Update:

1. Maintenance Budget for Re-Use (attached)
2. December 13th Reuse water was sampled for primary and secondary drinking water standards required for permit renewal.

Collection system:

1. December 9th 3rd Generation installed new lift station lid on 11th street. They Cut one conduit and float wire when removing concrete. Repaired conduit and replaced float.
2. December 12th 3rd street lift station alarm light on. Pull lift station pump and replace impeller and wear ring. Reattached guide rail brackets.
3. December 15th 3rd street lift station out. Pull pump ser # 0530691 bad bearings. Install new pump ser # 2120035.
4. December 16th 5th street lift station out. Pull pump and remove a pair of underwear from pump. Reinstall pump lift station pumping down. West Ocean lift station out. Pull pump and remove rag. Lift station pumping down.
5. December 19th G-Tech clean lift station on east side of island.
6. December 20th Pull pump 4th street replace wear ring and impeller. Pull pump W. Ocean remove rag and replace impeller and wear ring.
7. December 21st G-Tech clean lift station west side on island. Tuck filled up before they could finish. Still need to finish cleaning 10th, 12th 7th and West Ocean.

Anti Scalent \$175.00 per bucket
Pre Filters \$160.30 Per set
\$10.73 each X 14 per set.

Pre Filters \$231.42 Per set
\$16.53 each X 14 per set.
Anti Scalent \$192.00 per bucket

160.3

RO Electric
12/1/2022
1/1/2023 8585.025
8585.025

Irrg Electric
12/1/2022
1/1/2023 610.714
610.714

Key Colony Beach Utility Board Treasurer's Report -December 31, 2022

December 31, 2022 financial summary

Waste water

- **Wastewater income for December was \$71,849.92**
- **Electricity was over budget \$5763.21 and is \$11,026.14 over budget year to date.**
- **RO chemicals was over budget \$2974 and is \$3778 over budget year to date.**
- **Consulting was over budget \$2548.**
- **Wastewater Warrant # 1222 requested approval for \$72,871.13**
- **Overall, the third month of the sewer fiscal year budget was found in excellent condition.**

Storm Water

- **Storm water income for December was \$79,319.**
- **Consulting was over budget \$16,000 and is \$42,500 over budget year to date.**
- **Storm Water Warrant #1222 request approval for \$20,000.**
- **The stewardship grant has \$396,000 remaining allocated for injection wells.**
- **Swag grant for \$212,000 will be used for the swale work on 10th street.**
- **Third grant still has 2.6 million available. Allocated for completing storm water system on 9th st, 10th st. All of 11th st and 12th st.**
- **Overall, the 3rd month of the storm water fiscal year budget was found in excellent condition.**

Treasurer's Report prepared by Bud Fernandes