

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

**Tuesday, July 18 2023 – 9:30a.m.
Key Colony Inn Banquet Room**

Call to Order, Roll Call:

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

Answering the roll call were Dan Gleason, Bud Fernandes, Bill Fahs, and Toni Appell (via Zoom).

Also Present: City Administrator Dave Turner, Utility Clerk Pat Hyland, Plant Operator Dave Evans.

Public – 0, Virtual – 0

Vice Chairperson Dan Gleason convened the meeting as Toni Appell was attending via Zoom.

Agenda Additions, Changes, Deletions – None

Citizen Comments and Correspondence – None

Next Meeting Discussion – the next Utility Board Meeting is scheduled for Tuesday, August 15, 2023 at 9:30a.m.

Approval of the Minutes: Regular Meeting Minutes June 20, 2023

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to approve the Minutes of June 20, 2023.

On the Motion: Roll Call Vote. Unanimous Approval.

Toni Appell recused herself from voting on the two Stormwater bid items on the agenda as she had a conflict of interest.

Phase 2B Stormwater Project Bids

Injection Well Bids - Mittauer Engineer Jason Shepler discussed the 2 bids received. Aqua Waste Repairs Inc. submitted a bid for the Stormwater Injection Wells for 9th, 10th, and 11th Street for \$2,950,000.00. Mike Haack Excavating submitted a bid of \$597,000.00. Mr. Shepler commented that perhaps Aqua Waste Repairs was confused about the project and submitted a bid for both the injection wells and the right-of-way work. Mittauer submitted a letter of recommendation to award the contract to Mike Haack Excavating. Haack just completed the first phase of the Stormwater work for Key Colony Beach.

Board members questioned the disparity in the bid amounts. Mr. Shepler repeated the contractor must have been confused and bid for two projects, rather than just the Stormwater Injection Wells. The drawings and bid documentation clearly reflected the work is only for injection wells. Mr. Shepler stated the cost of previous injection wells installed throughout the city falls into line with the bid from Haack Excavation for \$597,000.00.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend approval to the City Commission of the bid from Mike Haack Excavating in the amount of \$597,000.00.

On the Motion: Roll Call Vote. Bud Fernandes: yes; Dan Gleason: yes; Bill Fahs: yes. Toni Appell abstained. Motion passed.

9th and 10th Street Swale/Right-of-Way Bid – Mr. Shepler stated one bid was received for this project. Mike Haack Excavating submitted a bid in the amount of \$1,299,700.00. Mittauer Engineering submitted a letter of recommendation to approve the Haack bid. Mr. Turner explained the bid amount included the additive alternates and the utility relocation allowance, if needed. Mr. Turner suggested a motion should be made to state “an amount up to \$1,299,700.00”. If utility relocation is not required, the \$25,000.00 allowance would not be needed. The project is fully funded by a grant, so funds would be reimbursed.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend approval to the City Commission of the bid from Mike Haack Excavating in the amount of up to \$1,299,700.00.

On the Motion: Roll Call Vote. Bud Fernandes: yes; Dan Gleason: yes; Bill Fahs: yes. Toni Appell abstained. Motion passed.

Aerobic Digester Platform Replacement Bids Received – Mr. Shepler discussed the two bids received. Razorback LLC submitted a bid for \$145,000.00. Reynolds Construction submitted a bid for \$113,250.00. Reynolds construction has the contract for the replacement of the Static Screen and is already mobilized and doing work for the city, which Mr. Shepler believes is the reason their bid is a bit lower. Mittauer Engineering submitted a letter of recommendation for approving the bid received from Reynolds Construction. Mr. Fernandes questioned if Reynolds had done work for the city. Mr. Evans stated Reynolds completed the UV project, and they are now working on the Static Screen replacement.

Motion – Moved by Bill Fahs and seconded by Bud Fernandes to recommend approval to the City Commission of the bid from Reynolds Construction in the amount of 113,250.00.

On the Motion: Roll Call Vote. Unanimous approval.

CDC Wastewater Sampling -

The Utility Clerk reminded the Board members the sampling was originally to end after July, however the CDC plans to continue the program. The Utility Board would need to approve the continuation. Mr. Fernandes expressed his opinion that sampling for Covid and other viruses is not necessary. Commissioner Harding is in communication with the Regional Director of Biobot, who is the contractor for the CDC. Mr. Turner referred to Commissioner Harding's email stating a decision by the CDC regarding future funding would be known in August. The Board agreed to table this item until next month.

Grant Sourcing for Sewer Treatment Plant Upgrades – Mr. Turner stated there might be some grant money coming up in the next few months for construction, upgrades, or expansion of facilities to provide waste treatment. Capital items would fall under this type of grant. Replacement of VFD's would fit into this category. Mr. Turner will continue conversations with the grant writer to make sure if any of the plant list of capital items to be replaced meets with grant specifications for application.

Utility Clerk Report – Five property transfers were processed with \$900.00 collected in transfer fees. Thirteen property inquiries resulted in \$180.00 collected in inquiry fees. The April quarterly billing is 98% collected as of May 31st. One new property was issued a Certificate of Occupancy by the Building Department and will be added to the July quarterly billing cycle. To date, over 200 residential properties have not scheduled the sewer lateral inspection. Two local plumbers submitted their wait list of properties scheduled for inspection. According to the Wastewater ordinance, delinquent properties may be assessed a monthly fine. The Board members were for approval to move forward with handling code violators.

Motion – Moved by Bill Fahs and seconded by Dan Gleason to present this to the Commission for appropriate action.

On the Motion: Roll Call Vote. Unanimous approval.

Mr. Turner will present to the City Commission to have the Code Officer begin issuing code fines.

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

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

A serious problem occurred where the VFD's lost power and were not able to be programmed. VFD's are required for the plant to operate. With the assistance of Nearshore Electric Mr. Evans found a way to get one of the VFD's back in operation. Mr. Evans will bring a proposal to the next meeting for the replacement of the VFD's.

Mr. Evans submitted estimates from Komline-Harn to replace the R/O prefilter. One estimate in the amount of \$22,462.97 and a second estimate for \$25,712.97. Mr. Evans recommended the higher estimate as the filter housing is of better quality.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend approval to the City Commission of Duplex Cartridge in the amount of \$25,712.97.

On the Motion: Roll Call Vote. Unanimous Approval.

Mr. Turner will bring this before the Commission.

Wastewater Plant Capital Needs Summary – This topic was discussed earlier in the meeting.

Stormwater Rates for 2023-24 – Mr. Turner stated the annual Stormwater Assessment notification of advertisement is due to go to the newspaper. He recommended the Board keep the Stormwater rate the same for the coming year, as the City has received grant funding for the current Stormwater projects.

Motion – Moved by Bud Fernandes and seconded by Bill Fahs to recommend keeping the current Stormwater annual rate the same for the coming year to the City Commission.

On the Motion: Roll Call Vote. Unanimous Approval.

Treasurer's Report: Mr. Fernandes presented the Treasurer's report for the month of June.

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

Wastewater/Sewer Warrant #0623: was approved in the amount of 62,109.15.

Stormwater Warrant: none

Any Other Business: Mr. Turner is still investigating solar paneling for the sewer plant to try to lower electricity costs. The cost of solar panels may be prohibitive. The retention pond would not be a viable site for placement due to the restrictions from South Florida Water Management District.

Mr. Turner is working to make the retention pond more cosmetically appealing and will be looking to the State Grant Manager for approval to use grant funding. There cannot be any alteration to the way the pond currently functions.

Mr. Turner informed the Board members the Utility Clerk is moving out of the area but will be working remotely.

The meeting was adjourned at 10:43 a.m.

The next meeting will be on Tuesday, August 15, 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 <i>Appel, Antonette "Toni" Marie</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Utility Board</i>
MAILING ADDRESS <i>P.O. Box 510826</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Key Colony Beach</i>	COUNTY <i>Monroe</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>07-18-2023</i>		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 July 18, 20 23:

(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:

I serve on the Florida Keys Aqueduct Board as Secretary/Treasurer and do or have done projects that are awarded to the contractor/business that was discussed and awarded this contract.

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.

08-09-2023
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.