

MINUTES

Key Colony Beach Utility Board

Tuesday, March 19th, 2024 – 9:30 am
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

- 1. Call to Order, Pledge of Allegiance & Rollcall:** The Key Colony Beach Utility Board Meeting was called to order by Chair Bill Fahs followed by Prayer, Pledge of Allegiance, and Rollcall. **Present:** Chair Bill Fahs, Vice-Chair Ed Carey, Donald Steamer, Gil Gilbertson, 1st Alternate Joe Turgeon. **Also present:** Mayor/City Administrator Joey Raspe, Building Official Ed Borysiewicz, City Attorney Dirk Smits (via Zoom), Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.
- 2. Election of Treasurer:** The Board agreed to table the matter until the next meeting.
- 3. Agenda Additions, Changes, Deletions:** Mayor Raspe reminded of meeting protocols and the importance of being recognized by the Chair prior to speaking. Mayor Raspe further informed on the process of the Chair approaching the City Administrator to address any outstanding issues. Mayor Raspe cautioned Board Members to speak outside the public meeting setting in any official matter. Donald Steamer expressed frustration with the described protocol. Gil Gilbertson suggested clarifying to contractors not to speak for the City. Mayor Raspe agreed with Gil Gilbertson but stated to prefer for members to go through the Chair and cautioned on being held to different standards as a Board Member.
- 4. Citizen Comments and Correspondence:**

David McKeehan, 2 7th Street, Beautification Committee Member, informed on having been asked by the Commission for ideas to beautify the retention pond. David McKeehan explained the purpose of the retention pond and the need for basic parameters and for the Beautification Committee being transparent in the task. Chair Fahs suggested providing renderings of what the area would look like with solar panels. David McKeehan explained for the Beautification Committee to look at different scenarios and gave several ideas on how to go forward. Chair Fahs reminded of the involvement of the South Florida Water Management District. David McKeehan agreed and informed on the possibility of meeting with the District to obtain information. David McKeehan spoke of the importance of the retention pond working properly.

Ted Bentley, 980 Shelter Bay Drive, Key Colony Beach resident since 2012, gave concerns on changes to the retention pond and not having the ability to deal correctly with a hurricane. Ted Bentley gave further concerns with the proposed solar farm for issues with the reflection of the sun causing severe impact for residents. Ted Bentley spoke on the cost of running the sewer plant and the cost of constant maintenance to maintain efficiency in a salt environment, potential corrosion, and the risk of hurricane damage. Ted Bentley further talked on cost to maintain the arrays and brought up concerns on lithium power pack batteries. Ted Bentley recalled that golf carts and electric cars had various major issues including fire associated with the stormwater surge. Ted Bentley stated to only speak for himself but predicted resistance from other residents as well. Chair Fahs informed to be only in the beginning stages of the proposal and informed of a presentation from the Solar Company at the upcoming City Commission meeting. Ted Bentley cautioned on the experience of the solar company. Chair Fahs informed on the Key Largo Utility Plant having utilized solar energy.

City Clerk Gransee reminded of the matter not being on the agenda for discussion and confirmed the topic to be considered by the Commission at their upcoming meeting.

There was no other comment and City Clerk Gransee informed on the following received correspondence:

March 17th, 2024, Ted Bentley, 980 Shelter Bay Drive, wrote with concerns on the installation of solar panels at the retention pond in addition to giving questions on funding and cost.

March 17th, 2024, Janie Byland, 72 7th Street, expressed opposition to the installation of solar panels at the retention pond.

March 18th, 2024, Marily Avery, 29 7th Street, expressed opposition to the installation of solar panels at the retention pond.

City Clerk Gransee confirmed for the City Commission to give guidance to the Utility Board on the matter of solar panels and to have the prerogative on the decision on how to go forward. City Clerk Gransee further confirmed for the matter to be with the City Commission for consideration.

5. Next Meeting Discussion: The Board agreed to a change in date and time to Tuesday, April 23rd, 2024, at 9:30 am.

6. Approval of Minutes:

a. Utility Board Meeting Minutes February 20th, 2024: Chair Fahs asked for a motion to approve the minutes.

MOTION: Motion made by Vice-Chair Carey to approve. Chair Fahs asked for a second. Donald Steamer seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. Items for Discussion/Approval

a. **Update on Possible Projects for Grant Remainder Monies:** Jason Shepler informed on current grant funding appropriations for injections wells, baffle boxes, and Stormwater improvements on 9th to 12th Street. Jason Shepler further informed for the right-away improvements nearing completion and having started conversation with the funding agency on modifying the appropriation language to direct some funding to 7th Street and Shelter Bay Drive for additional Stormwater improvements. Jason Shepler reported on the requirements for the funding modification and having met with the general contractor for general budget ideas on the concept. Jason Shepler confirmed for the engineering plans being available for 7th Street and Shelter Bay Drive. Chair Fahs informed on a destroyed well cover on 10th Street. Jason Shepler confirmed for the damaged box to be replaced and for all the boxes to be traffic rated.

b. **Utility Board Projects – Capital Improvement 5-Year Plan:** Dave Evans confirmed for the list to be complete and for the stair project to be on hold and delayed to the Summer. Chair Fahs asked Jason Shepler about available engineering on the polishing tank. Jason Shepler asked for direction on bringing the matter back to the Board and gave further details on the proposed project. Dave Evans informed on the ability for the project to be completed at any time. Jason Shepler confirmed on a need for direction on how to go forward. Chair Fahs asked for a motion to go forward with the engineering on the repair of the polishing tank. Jason Shepler informed to be able to put a cap in the amount of \$3,000.00 on the approval. Chair Fahs asked for a motion to go forward with the engineering on the repair of the polishing tank not to exceed \$3,000.00.

MOTION: Motion made Vice-Chair Carey to approve. Chair Fahs asked for a second. Gil Gilbertson seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. **(d) Review of outstanding sewer inspections**

Chair Fahs introduced the matter and asked Board Member Donald Steamer to elaborate on the subject. Donald Steamer explained the prior Code Officers difficulties enforcing the issue due to an outdated code. Donald Steamer gave further information on dangers associated with pipe failures leading to possible sewage leaking into the City. Donald Steamer informed on code recommendations and remedies and gave his opinion on the option to disconnect

non-compliant houses from the city sewer system. Donald Steamer asked if he should make a motion on the matter. City Clerk Gransee informed for the Building Official to be on his way to the meeting to give input on the matter. Building Official Ed Borysiewicz joined the meeting.

Building Official Borysiewicz confirmed the ability to shut off the sewer connection per the City Code of Ordinances. Donald Steamer recommended to make the penalty applicable for failure to have sewer line inspections completed. Building Official Borysiewicz stated for this to be the decision of the Board for a recommendation to the City Commission.

Donald Steamer explained the purpose behind his suggestion to give Code Enforcement additional enforcement measures.

Donald Steamer asked on failed inspections which have not hired a contractor yet. Donald Steamer stated to want the same ability for enforcement that have not hired a contractor. Building Official Borysiewicz stated understanding with Donald Steamer's suggestion.

Donald Steamer talked on the time frame of two years to remedy a failed inspection and suggested a timeframe of two month per Building Official Borysiewicz suggestion. Donald Steamer stated for the timeframe to include completion of the inspection and not just the scheduling. Donald Steamer stated to want to make a motion to remedy failed sewer later inspections within two month of failure.

Donald Steamer asked on how to proceed.

City Attorney Smits explained his understanding of Board Member Steamers wish to enforce inspections to occur, enforce penalties to those with failed inspections which have not been repaired, and the time period to shorten to two month to remedy failed inspections. City Attorney Smits clarified his understanding of the second item. Donald Steamer confirmed. City Attorney Smits suggested a motion to request the City Clerk to bring the item before the City Commission to amend the Code to reflect the penalties to be modified for greater enforcement for sewer lateral issues. City Attorney Smits confirmed with the Board to bring the issue of inspections, failed inspections, and time to remedy failure before the Board for amendment to the Code. City Attorney Smits further confirmed with Chair Fahs to bring the issue to the Board for amendment of Section 14-5 and 14-7. Donald Steamer informed for Section 14-5 having to be modified. City Attorney Smits stated understanding. City Attorney Smits informed for the Board to be able to move the item along as so moved or to direct the matter back to the Board and to the attention of the City Commission at the next available meeting. Building Official Borysiewicz asked for Chair Fahs for confirmation on the Utility Board's majority approval to make these changes. Chair Fahs confirmed for a majority to be needed.

Chair Fahs asked for a motion from the Board to accept City Attorney Smit's statement on penalties. City Attorney Smits clarified to bring the matter before the Board and also back to the Utility Board for review. Gil Gilbertson stated the need for expediency in the matter. City Attorney Smits stated understanding.

City Clerk Gransee confirmed the need for a motion and Chair Fahs asked for a motion to go forward with City Attorney Smits recommendation.

MOTION: Motion made by Donald Steamer. Gil Gilbertson seconded the motion.

DISCUSSION: City Clerk Gransee asked for any other clarification on the motion. City Attorney Smits clarified for the motion to include inspections, failed inspections, and hiring a contractor after a failed inspection.

ON THE MOTION: Rollcall vote. Gil Gilbertson – yes. Ed Carey – no. Donald Steamer – yes. Bill Fahs – yes. Joe Turgeon – yes. Motion passed.

d. (c) Discussion & Recommendation for Approval for an interlocal agreement between the Florida Keys Aqueduct Authority and the City of Key Colony Beach on Wastewater Fee Collections

i. Interlocal Agreement

ii. Required Program Participation Information

Chair Fahs introduced the agenda item. City Attorney Smits confirmed to have reviewed the agreement and asked for confirmation from the Board that all members completed a review. There were no questions from the Board. Donald Steamer asked on the comments on the agreement. City Clerk Gransee informed for answers from the FCAA were provided and given to the Board for review.

Chair Fahs asked for the required participation information. City Clerk Gransee informed that the Board had not asked any questions on the participation questions and had included the policy requirements in the agenda packet to derive to a recommendation for the Commission. Donald Steamer explained the purpose behind the program participation and stated for this to have no bearing on the current situation. Chair Fahs stated for the Board to be able to accept the agreement per recommendation from City Attorney Smits. City Attorney Smits explained for the programs not to be included in the agreement and for them to be voluntary to participate in. City Attorney Smits explained for the Board not having to made a decision on these agreements and to address them at a later point. Chair Fahs asked for this to apply to wastewater as well. Chair Fahs recognized Donald Steamer. Donald Steamer explained for other municipalities in the Keys having the agreement to use the volume of water and how this effects how wastewater will be billed. Donald Steamer explained for the programs to be available as a courtesy and for the City to have the choice to make these applicable for residents. Donald Steamer explained that the City currently does not have a wastewater billing system and for such the Board does not have to act on the policies. City Attorney Smits agreed that the policies do not have to be acted on at this point. Mayor-City Administrator Raspe informed on the requirement to make a decision on the participation in the programs. City Attorney Smits confirmed the need to make a decision. Gil Gilbertson explained his understanding of the benefits of the policies and effect on the wastewater and sewer charge. City Attorney Smits gave his understanding of the wastewater charge and abatement. Donald Steamer disagreed with the explanation and stated for the City not having a system in place to recognize the water coming in. Donald Steamer informed for the City to be on a flat rate basis and the ability of an abatement to apply to the new system. Chair Fahs informed for the City not having sewer billing at this time and asked for City Attorney Smits advise on going forward. City Attorney Smits stated not knowing that any of these programs were in place and suggested adopting the programs that are already utilized. Donald Steamer clarified for the programs to be from the FCAA and to be directly with the individual. Donald Steamer stated for no sewer system billing methodology to be in place and the policies to not have to be acted on. City Attorney Smits explained that the FCAA asked on a decision in the participation in these programs but the agreement would have to be decided on first.

Chair Fahs asked for a motion to accept the contract.

MOTION: Motion made by Vice-Chair Carey. Chair Fahs asked for a second. Gil Gilbertson seconded the motion.

DISCUSSION: Donald Steamer explained the purpose behind the agreement and asked City Clerk Gransee for comment on using the system with the existing methods in collection wastewater. City Clerk Gransee stated not to be an expert on the subject and her understanding for the FCAA to give guidelines on the implementation of the subject. Donald Steamer stated for the City Clerk having to sign the agreement and asked how she will use the agreement if the wastewater billing is not changed. City Attorney Smits stated to believe for the methodology to be up to decide to the City. Gil Gilbertson gave further thoughts on difficulties in changing the billing calculations and the need to adopt a methodology. City Attorney Smits agreed and explained the purpose behind the agreement and his belief that the current flat fee methodology could be adopted. Donald Steamer disagreed and asked to take the floor. Donald Steamer recalled discussions having started at the last City Administrator's request to have a billing method similar to other municipalities in the County. Donald Steamer spoke on the current system being inequitable which the last City Administrator wanted to correct. Donald Steamer further talked on the staff's difficulties in providing the quarterly wastewater billing and abnormalities in the Commercial billing. Donald Steamer stated that the previous administration had asked to look into the matter and the change of methodology to be necessary if the agreement is adopted. Donald Steamer further reiterated the need to change the methodology.

Chair Fahs asked for direction. City Attorney Smits stated that additional homework is needed on the methodology and asked Donald Steamer on the possibility of using a flat fee. Donald Steamer explained the FCAA being in the business of selling water and confirmed the need to have a structure based on water consumption. City Attorney Smits stated that based on this information the matter should be tabled until the next meeting. City Attorney Smits stated to go back with the FCAA to find out if they would accept the flat fee structure or what structure would be accepted based on flows. Donald Steamer explained for the FCAA to bill by water metered measured flow and for the city's billing system not to fit into the agreement. City Attorney Smits agreed and stated for the Code having to be changed based on water flow if the FCAA does not accept a flat fee. City Attorney Smits stated for the FCAA having to be asked. Donald

Steamer explained that the FCAA will not accommodate a flat fee and gave further information on the City's responsibility to provide numbers to the FCAA. Donald Steamer explained that if the right information is not given, the City would not have the money to operate the plant. Donald Steamer explained for the methodology having to be changed to be like any other city. Donald Steamer voiced concern that no agreement was given to pursue the changing of methodology and all the work were under the previous administration.

City Attorney Smits recommended that due to many unanswered questions the matter should be tabled until the next Board meeting, and to send a recommendation to the City Commission to do the same, pending staff work on changing the methodology, and if this would be recommended to do.

Chair Fahs asked City Attorney Smits if he would work with Donald Steamer on the subject.

City Attorney Smits stated to be happy too and asked if Mayor Raspe would approve the task.

Mayor Raspe approved the task.

Chair Fahs asked Donald Steamer if he would work with City Attorney Smits.

Donald Steamer asked Mayor-City Administrator Raspe on the involvement of the legal team.

Mayor-City Administrator Raspe stated to believe that City Attorney Smits should be involved with Mr. Steamer on how to change the methodology.

Donald Steamer stated no and that he does not want legal billing unless the Commission has agreed to pursue the methodology.

Gil Gilbertson stated to want to make motion.

MOTION: Motion made by Gil Gilbertson to authorize the City Commission and Administrator to review the possibility of methodology for billing for the sewer from a flat rate of \$200.00 per quarter to a rate based upon the amount of water that comes into a household.

City Clerk Gransee reminded the Chair of an open motion on the floor and asked Vice-Chair Carey on his desire to withdraw his motion.

ON THE PREVIOUS MOTION TO ACCEPT THE FCAA CONTRACT:

ON THE MOTION: Vice-Chair Carey withdrew his motion.

City Clerk Gransee repeated the current motion on the floor made by Gil Gilbertson.

Donald Steamer asked on a previous decision by the Board for a recommendation to the City Commission on a change in methodology. City Clerk Gransee asked if a second can be made before discussion.

MOTION: Bill Fahs asked for a second on the motion. Vice-Chair Carey seconded the motion.

DISCUSSION: City Clerk Gransee informed for the Board having decided at the last meeting to bring the matter back to the Board for outstanding questions and for the City Attorney having recommended to table the matter until the next meeting. Mayor Raspe explained that the matter can be brought to the City Commission after today. Vice-Mayor Foster stated understanding with Donald Steamer and recommended to make a motion to change the methodology and pass it to the City Commission for approval or denial. Chair Fahs recognized Donald Steamer. Donald Steamer stated for this to have been done. Vice-Mayor Foster stated for this not having before the City Commission and asked to move forward. Donald Steamer asked for a restatement of the motion. City Clerk Gransee restated the motion and for Board Member Gil Gilbertson having made a first and Vice-Chair Carey having seconded the motion. Building Official Borysewicz recalled the matter having been addressed years back and gave his thoughts on the plant having to function all year, and questions on the use of irrigation systems, funding requirements for the wastewater plant, and asked who's responsibility is to provide studies on these questions. Gil Gilbertson recommended to receive input from the public on the suggested change and finding out if this change is really wanted by the City. Mayor Raspe commented that fixed and flow costs would be noted on each bill and for the number having to be high enough. Chair Fahs stated

for Donald Steamer having to worked on the numbers already which would need review including number of dwellings and fixed costs among others. Chair Fahs asked on the open motion.
City Clerk Gransee confirmed an open motion with a first and second.

Chair Fahs asked for rollcall.

City Clerk Gransee asked Gil Gilbertson to speak out loud for the record. Gil Gilbertson informed of explaining the motion to Donald Steamer. City Clerk Gransee informed for this being the incorrect explanation and clarified the motion made by Gil Gilbertson to the Board. Gil Gilbertson confirmed the restated motion to be correct. City Attorney Smits reminded of the Board being a recommending board and asked for clarification on the motion that the city explores a rate change and whether the City is interested.

City Clerk Gransee asked Gil Gilbertson for his wish to amend the language in his motion.

AMENDED MOTION: Gil Gilbertson amended his language ‘to explore a methodology change for wastewater billing’. Vice-Chair Carey seconded the motion.

FURTHER DISCUSSION: Donald Steamer asked on who is responsible for exploring. Vice-Mayor Foster explained for the Board doing the leg work with a recommendation to the Commission. Donald Steamer stated for this having been discussed for five month. Chair Fahs called for point of order and asked for rollcall. Donald Steamer stated he did not understand what he is voting on. City Clerk Gransee restated the amended motion by Gil Gilbertson to recommend to explore a methodology change for wastewater billing to the City Commission.

ON THE AMENDED MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee stated to make this an addendum for the City Commission Meeting on Thursday.

iii. Sewer Billing Calculations by Donald Steamer: Tabled.

iv. Questions/Answers for the FKA: There were no additional questions.

8. City Clerk’s Monthly Report: The Board had no questions on the report.

9. Sewer and Storm Water Grant update: Vice-Mayor Foster informed for Jason Shepler having provided the grant updates and gave a progress report on 11th Street. Vice-Mayor Foster estimated for the area at the end of 7th Street to be cleaned up within the next few weeks and to be looking for a recommendation on Shelter Bay and 7th Street after the approved reallocation of funds. Vice-Mayor Foster agreed for the box on 10th Street possibly having to be replaced.

10. Operator’s Monthly Report

a. February 2024: Plant Operator Dave Evans gave his monthly report for February. The Board had no questions.

11. Treasurer’s Report (no actual report but financials provided by accounting as usual)

a. Approval of Wastewater Financial Reports

- i.** Income Statement
- ii.** Balance Sheet
- iii.** Warrant No. 0224-WW in the amount of \$97,356.12

City Clerk Gransee informed for City Accountant Jen Johnson having provided the monthly financial reports in addition to the Warrant and reported no concerns.

The Board had no questions.

Chair Fahs asked on a possible double billing in cost of chemicals. Dave Evans informed on a regular usage of chemicals.

Chair Fahs asked for a motion to approve Wastewater Warrant 0224 in the amount of \$97,356.12.

MOTION: Motion made by Vice-Chair Carey. Chair Fahs asked for a second. Gil Gilbertson seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Approval of Stormwater Financial Reports

- i. Income Statement
- ii. Balance Sheet
- iii. Warrant No. 0224-SW in the amount of \$433,901.29

Chair Fahs asked for a motion to approve Stormwater Warrant \$433,901.29.

MOTION: Motion made by Vice-Chair Carey. Chair Fahs asked for a second. Gil Gilbertson seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. Any Other Business

Tom DiFransico, 171 8th Street, suggested for the Board to assess the calculations that were done in regard to the change of the methodology and to give the public an understanding of the change. Tom DiFransico suggested providing available numbers for fixed and variable rates for public review and for the Board to review and recommend moving forward to the City Commission.

Chair Fahs informed for calculations being available with some outstanding questions.

City Attorney Smits agreed for the rate calculation document being a good document to be shared with the Commission and further informed on the possibility of a rate study to be an important consideration. Donald Steamer explained for the calculations have been submitted a 4th time and new data having been incorporated in the calculations. Donald Steamer spoke on his efforts to inform the Administration on public input and the need for discussion on the topic.

Gil Gilbertson asked for the possibility to amend the motion to include the calculations for the Commissions consideration.

City Attorney Smits agreed and stated for the calculations being a public record and asked City Clerk Gransee to include the item in the agenda addition.

City Clerk Gransee asked for a head nod for approval to include the calculations.

Donald Steamer expressed frustration with the proceedings and stated not understanding what is being asked for.

City Clerk Gransee asked for clear directions from the Board whether to include Donald Steamers calculations in the addendum for the City Commission. Directive was given to include the calculations for the City Commission.

13. Adjournment: The meeting adjourned at 11:34 am.

Respectfully submitted,
Silvia Gransee
City Clerk

ADOPTED: April 23, 2024
Silvia Gransee
City Clerk