

MINUTES

Key Colony Beach Utility Board

Tuesday, April 23rd, 2024 – 9:30 am

Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

- 1. Call to Order, Pledge of Allegiance, Prayer & Rollcall:** The Key Colony Beach Utility Board meeting was called to order by Chair Bill Fahs followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Vice-Chair Ed Carey, Donald Steamer, Chair Bill Fahs, Gil Gilbertson, Fred Swanson (via Zoom), 1st Alternate Joe Turgeon. **Also present:** Mayor/City Administrator Joey Raspe, City Attorney Dirk Smits (via Zoom), Wastewater Plant Manager Dave Evans, City Engineer Jason Shepler (via Zoom), Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.
- 2. (3) Swearing in of newly appointed Utility Board Member Fred Swanson:** City Clerk Gransee administered the Oath of Office via Zoom.
Chair Fahs recognized cause for Fred Swanson to attend the meeting via CMT (Communication Meetings Technology).
- 3. Special Presentation:** Presentation by Beautification Committee member David McKeehan on a ‘Retention Pond Study for Beautification and Restoration’:

David McKeehan gave his presentation on the study on the beautification and restoration for the Retention Pond. David McKeehan presented pictures and data on water level measurements, gave information on the functioning of the pond, and presented additional data on storage simulations with different water levels. David McKeehan gave his preliminary observations on the functioning of the pond as well as recommendations on how to move forward. David McKeehan gave different restoration proposals including information on cost and maintenance. Dave McKeehan proposed a joint effort between the Utility Board and Beautification Committee to find solutions for the restoration and beautification of the pond. David McKeehan proposed a joint effort to have a field trial for one year in a small 15 x 20 area to test different plants. David McKeehan gave additional information on the proposed test trial and details on site preparation and plant installation. David McKeehan informed on salt tolerant plants and their functionality and beauty and presented a picture of the proposed trial area. David McKeehan estimated for the proposal to be a multi-year process and cautioned on possible issues with the DEP. David McKeehan further commented that the previously planted grass post-Irma was not a good idea and most likely will have to be removed. David McKeehan gave further thoughts on testing the site for drainage solutions and drain tests and commented on the correlation between fresh and saltwater levels competing with the ponds functioning. David McKeehan proposed for his study to be presented at the next City Commission meeting with the involvement of both the Utility Board and Beautification Committee. David McKeehan suggested for the Utility Board to take the lead on excavation and the Beautification Committee on plantings.
Dave McKeehan talked about different possibilities to assess the current drainage with Gil Gilbertson giving additional suggestions on cost savings for equipment rental.

Chair Fahs asked for a motion.

MOTION: Motion made by Vice-Chair Carey. Donald Steamer seconded the motion. City Clerk Gransee asked to state the motion. Vice-Chair Carey stated the motion to work in conjunction with the Beautification Committee to solve the problem of the Retention Pond being a Retention Pond and not a drainage area. Donald Steamer asked for the inclusion of the field test. David McKeehan stated for this to be the first recommendation to the Commission and the takeaway from today’s meeting is to work together. David McKeehan stated support to move fast but cautioned on making mistakes in haste. Donald Steamer asked for a restatement of the motion. City Clerk Gransee restated the motion for the Utility Board to work in conjunction with the Beautification Committee to solve the problem of the Retention Pond. Donald Steamer stated to have understood for the motion to include moving forward with the testbed.

AMENDED MOTION: Vice-Chair Carey amended his motion. City Clerk Gransee read the amended motion: The Utility Board works in conjunction with the Beautification Committee to solve the problem of the Retention Pond and include the testbed that was discussed. Donald Steamer seconded the motion.

FURTHER DISCUSSION: Vice-Mayor Foster suggested to include Jason Shepler in the project.

SECOND AMENDED MOTION: City Clerk Gransee asked Vice-Chair Carey for permission to amend his motion. Vice-Chair Carey agreed. Fred Swanson asked for confirmation on bore holes in the test pit. City Clerk Gransee confirmed that not every detail of the proposed trial has to be included in the motion. City Clerk reread the amended motion: The Utility Board works in conjunction with the Beautification Committee to solve the problem of the Retention Pond, to include the testbed that was discussed, and work with Jason Shepler on the project. City Clerk Gransee informed the motion having been made by Vice-Chair Carey and seconded by Donald Steamer.

FURTHER DISCUSSION: There was no further discussion and Chair Fahs asked for rollcall.

ON THE SECOND AMENDED MOTION: Rollcall vote. Unanimous approval.

4. Election of Treasurer: Chair Fahs introduced the agenda item.

NOMINATION: Chair Fahs nominated Fred Swanson for Treasurer. Donald Steamer seconded the nomination.

DISCUSSION: None.

ON THE NOMINATION: Rollcall vote. Unanimous approval.

Fred Swanson was elected Treasurer.

5. Agenda Additions, Changes, Deletions: City Clerk Gransee informed on the following changes and additions:

Addendum of the extra handout for the special presentation by Dave McKeehan under Item 2

Addendum from Building Official Borysiewicz with an update on outstanding sewer lateral inspections under Item 9d.

Deletion of Item 9a, b, c, e. Item 9 i. stays on the agenda

Addendum to 9g.: Draft on the Water Reclamation Facility Tank Rehabilitation by Jason Shepler

Donald Steamer also asked for the addendum of upcoming Budget Issues.

Chair Fahs agreed to the changes and additions.

6. Citizen Comments and Correspondence: None.

7. Next Meeting Discussion - Scheduled for Tuesday, May 21st, 2024, 9:30 am. There were no objections to the next meeting date. Fred Swanson informed on planned attendance via Zoom.

8. Approval of Minutes:

a. Utility Board Meeting Minutes March 19th, 2024: Chair Fahs asked for a motion to approve.

MOTION: Motion made by Vice-Chair Carey to approve. Gil Gilbertson seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Items for Discussion/Approval

~~a. Discussion & Approval, per the directive of the City Commission, to explore a change in methodology for Wastewater billing **deleted**~~

~~i. Review of City of Key West's Code of Ordinance on assessment of rates and charges **deleted**~~

- ~~ii. Sewer Billing Calculations by Donald Steamer **deleted~~
- ~~b. Discussion/Approval for a recommendation to approve the Interlocal Agreement between the FKAA and the City of Key Colony Beach on Wastewater Fee Collections. **deleted**~~
- ~~c. Discussion/Approval on a recommendation of participation in: *deleted**~~
- ~~i. The FKAA Senior Citizen/Disabled Veterans Program **deleted**~~
- ~~ii. FKAA's Leak Abatement Program **deleted**~~
- ~~iii. FKAA's Pool Abatement Program **deleted**~~

d. Discussion/Approval of Code Amendment changes in regard to outstanding sewer lateral inspections: Chair Fahs introduced the agenda item. City Clerk Gransee recalled the prior City Commission directive to contact all property owners with outstanding sewer lateral inspections to ensure proper communication was done. City Clerk Gransee further informed on the handout that was provided by Building Official Borysiewicz with an updated list on outstanding properties. City Clerk Gransee could not inform on contact with all property owners.

Chair Fahs recognized Donald Steamer. Donald Steamer talked on his prior discussion on changing the existing penalties for property owners with outstanding inspections. Donald Steamer explained for the period of performance having ended July 2023 and for there to be still owners who have not applied for an inspection. Donald Steamer continued stating that he has a different matter that supersedes the prior discussion. Donald Steamer proposed to change Section 14-5 on Lateral Inspections and recognize the fact of time limits. Donald Steamer explained having been informed for the city having old houses which were built with old technology and anticipating serious problems. Donald Steamer talked about the possibility of untreated sewage in the city and commented on an earlier comment on rainwater in the sewage system. Donald Steamer stated for the request to be for property owners to verify that their sewer line is not leaking and for leaking lines to be repaired.

Donald Steamer recalled prior discussions on shortening the time for inspections to address the seriousness of the problem. Donald Steamer proposed no change for structures that were built after 1994, structures between 1994 and 1974 to shorten the period of inspections times from 10 years to seven years, and for buildings built before to shorten the inspections time to five years. Donald Steamer stated that any structure that falls into the reduced time that had work done to update to the current standard to revert to the 10-year time. Donald Steamer further suggested that if the imposed inspection time imposes a financial hardship, they could apply to the Commission, and the Commission could confidentially allow the relaxation of the financial burden. Donald Steamer stated for the possibility of raw sewage cannot be allowed in the city.

City Attorney Smits confirmed for the proposal to represent an ordinance change and the Commission having to approve the recommendation. City Attorney Smits suggested the transcription of the minutes verbatim with the recommendation to the Commission.

Chair Fahs asked for a motion.

City Attorney Smits recommended for Donald Steamer to state the motion. City Clerk Gransee suggested for Donald Steamer to read from the supporting document in the agenda packet.

MOTION: Motion made by Donald Steamer:

- The purpose is to change the length of time between sewer lateral inspections as specified in 14–5. This proposal seeks to reduce the time between inspections for certain structures.
- It is proposed that for structures built after 1994, there should be no change in the existing statute.
- For structures built between 1994 and 1974, the duration between inspections should be reduced to seven years in lieu of the current 10 year requirement. For structures built before 1974, the duration between inspection should be reduced to five years.
- The purpose of this reduction in inspection is to minimize the environmental impact of a deficiency in sewer connection. From past performance, we know that older homes have a greater tendency to have failures because of the older materials that were used at that time.
- In conjunction with this change, there should be a provision that if any structure has had work done on its connection to the sewer system, and, in the opinion of the KCB building inspector, that the system now has been

restored to existing standards then that structure's should revert to the original inspection period of 14–5, which is 10 years.

- It should be noted that all of the information that is required to fulfill this proposal is within KCB's recordkeeping system in one form or another.
- If the reduced inspection period imposes a financial hardship on any resident, they can apply to the Commission for confidential relaxation of the fee but not changing the inspection terms.

DISCUSSION: City Attorney Smits advise to add that the confidential aspect might not be possible due to Sunshine Law and Public Records but the question can be moved as stated and follow-up can be done on the issue prior to the Commission meeting.

MOTION: Donald Steamer stated so moved. Vice-Chair Carey seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

~~e. Discussion/Approval on going forward with the possibility of Solar Energy for the Wastewater Plant as recommended by the City Commission **deleted**~~

i. Discussion/Approval of a proposal by Donald Steamer for the installation of solar panels on city owned buildings

Chair Bill Fahs introduced the agenda item and asked Donald Steamer to elaborate.

Donald Steamer reported to have attended all meetings on solar energy and thought that good ideas were presented. Donald Steamer stated that it is everyone's obligation to save greenhouse gas emissions and for the proposal made by Burke Energy to have been the right thing, in the wrong place and in the wrong time. Donald Steamer stated that solar panels work and the methane problem should not to be ignored. Donald Steamer agreed with not putting solar panels in the retention pond or any of the other proposals. Donald Steamer explained that one of the Burke Energy proposals included using the roof top of the buildings that are in the wastewater plant and to expand that idea to the rest of the city. Donald Steamer suggested to ask the Power Company if they would like to use the city's roof tops. Donald Steamer explained his partial objection to Burke's proposal and suggested to have a representative from the City Commission go to the Power Company and volunteer the use of the city's roof. Donald Steamer explained that the Power Company will choose the number of buildings, panels, installation, and for the company to be responsible for the installation, cost, and maintenance. Donald Steamer explained for the city to be renting the rooftops to the power company and for the city to gain funds to offset the cost of electricity.

Chair Fahs asked about the possibility of solar panels on Marble Hall.

Mayor Raspe informed that the Marble Hall roof was just inspected and passed with no issues.

Donald Steamer recalled Building Official Borysiewicz giving information on a strong roof and the city's only responsibility would be to provide structures that adequately support panels.

Chair Fahs asked for the need for a motion. City Attorney advised for Donald Steamer to make the motion.

MOTION: Motion made by Donald Steamer:

The proposal is to allow KCB to be responsive to the need to reduce greenhouse gases, and to address the objection of the city residents. It is proposed that the City Commission offer the power company the opportunity to install solar panels on the rooftops of KCB government owned buildings. This proposal would be at no cost, no involvement of any kind to KCB. The only KCB involvement would be that KCB would verify that the buildings that were to be used for the insulation would be adequate to support the panels. For the use of KCB rooftops, the power company would pay a monthly rental. The amount of rent would be contingent upon the number of buildings that the power company chooses to use and the rental price would be set by the City Council. The money that is generated would be applied directly to the KCB electric bill, thereby reducing our operating costs.

Donald Steamer stated so moved. Chair Fahs asked for a second. Vice-Chair Carey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Chair Fahs asked City Attorney Smits about a suggestion to have a non-binding referendum to have solar placed on buildings. City Attorney Smits stated that the Board can do this if opposition is anticipated and the right for a non-binding or binding referendum on the issue can be proposed. City Attorney Smits advised to propose, if the Commission is not inclined to pass Donald Steamer's motion as written, perhaps they would pass it subject to approval by referendum.

MOTION: City Attorney Smits stated the motion for the record: To recommend to the City Commission the use of a referendum either binding or non-binding should Donald Steamer's proposal not be acceptable to the City Commission. Chair Fahs stated so moved. Chair Fahs asked for a second. Vice-Chair Carey seconded the motion.

DISCUSSION: Donald Steamer asked for clarification on the procedure. Chair Fahs explained that if the City Commission does not accept Donald Steamer's proposal, the proposal will be put on a ballot to see what the community wants. City Attorney Smits explained that in the event the Commission does not approve the proposal as moved, it is the recommendation of the Board be put in front of the voters at the next election. Gil Gilbertson asked for the purpose for a referendum and for the Board's position to bring the rental of solar panels on city buildings and generate monies.

Donald Steamer asked on the possibility of a fallback position on a referendum in case the power company does not want to participate. City Attorney Smits explained it to be a separate issue if the power company does not want to participate. Fred Swanson explained for a referendum to be under a time constraint and must be decided relatively soon. Fred Swanson suggested a workshop for the Commission and to explore with the power company for interest. City Attorney Smits informed on the ability to have the topic brought up at the next Commission or Townhall meeting. City Attorney Smits explained that the issue of a referendum can be put forward by anyone and for the Utility Board being a recommending body to the Commission. City Attorney Smits further advised for the Board to be able to a make motion to consider the topic at a workshop.

Chair Fahs supported the idea of discussing the topic at the next Townhall meeting. City Attorney Smits advised on the motion to consider a referendum on solar would be appropriate at the next Townhall meeting.

City Attorney Smits clarified the ability for Mayor Raspe to place the item on the Townhall agenda.

MOTION: City Attorney Smits stated the motion for the record: To request the City Commission to address the potential of a solar referendum at its next Townhall meeting. Chair Fahs stated so moved. Vice-Chair Carey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Gil Gilbertson – yes. Fred Swanson – no. Ed Cary – yes. Donald Steamer – yes. Bill Fahs – yes. Motion passed.

f. Discussion/Approval of the annual renewal contract for the Hach Service Agreement for 2024/2025 in the amount of \$4,652.00.

Chair Fahs introduced the agenda item. Plant Operator Evans explained the purpose behind the agreement and recommended approval for the budgeted item. Chair Fahs asked for a motion.

MOTION: Motion made by Gil Gilbertson to approve. Chair Fahs seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval of the WRF UV Contact Tank Rehabilitation procurement package

Chair Fahs introduced the agenda item and asked Jason Shepler to elaborate. Jason Shepler explained prior discussions on capital improvement needs at the Water Reclamation Facility and gave details on the functioning of the plant. Jason Shepler informed on having compiled a procurement package for bids for general contractors and having solicited input from manufacturers and general contractors. Jason Shepler stated to be reviewing the document with Dave Evans, but scope will not be changed. Jason Shepler asked for approval to advertise and receive bids for the Utility Boards consideration to complete the work.

Chair Fahs asked for costs. Jason Shepler estimated between \$100,000.00 to \$150,000.00 and trying to work the project as economically as possible. The Board had no questions.

h. Discussion/Approval of Quote No. 3054-241 from Material Handling Systems in the amount of \$ 36,748.00 for repairs to the jib crane and replace the top bearing.

Chair Fahs introduced the agenda item. Plant Operator Evans elaborated on the needed repairs and recommended to have the repairs completed as soon as possible. Plant Operator Evans explained the repair process and informed that without the usage of the crane the processing of sewage will not be possible.

City Clerk Gransee asked City Attorney Smits for confirmation on the exemption of bid requirements due to the threat to public health and safety. City Attorney Smits agreed and asked to make the finding part of the motion to approve immediately due to the threat to the health, safety, and welfare of the public of Key Colony Beach. Chair Fahs asked for a motion.

MOTION: Motion made by Donald Steamer to accept. Chair Fahs asked for a second. Gil Gilbertson seconded the motion.

DISCUSSION: City Attorney Smits stated that it has been founded to be an emergency as part of the motion. Vice-Chair Carey asked about the additional cost of the crane rental supplied by the customer. Dave Evans estimated cost to be between \$200.00 to \$300.00 an hour.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. City Clerk's Monthly Report: There were no questions from the Board.

11. Sewer and Storm Water Grant update: Vice-Mayor Foster informed that Jason Shepler is working with the city's lobbyist to allocate the remaining funding from the Stormwater Project.

12. Operator's Monthly Report

- a. March 2024
- b. Manhole semi-annual Inspections
- c. Maintenance Budget for re-use
- d. RO Electric

Plant Operator Evans gave his monthly report for March. The Board had no questions.

13. Treasurer's Report

a. Approval of Wastewater Financial Reports

- i. Income Statement
- ii. Balance Sheet
- iii. Warrant No. 0324-WW in the amount of \$84,481.05

Fred Swanson gave a brief report and stated to have a more elaborate report next month. Chair Fahs asked for a motion to approve Wastewater Warrant No. 0324 in the amount of \$84,481.05

MOTION: Motion made by Chair Fahs to approve the Wastewater Warrant. 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

14. Budget Issues **Agenda Addition:** Donald Steamer talked on the electrical usage increase as well as an increase in waste sludge removal and budgets being exceeded. Donald Steamer spoke on the change in the number of people occupying the city and voiced concerns on the Utility budget being on a fixed income. Donald Steamer informed on an increase of 35% of water flowing into the city and the increase of expenditure in the budget. Donald Steamer questioned the expenditure of more monies than budgeted and the increase in usage of the wastewater plant. Donald Steamer continued talking on the salary and medical benefits of the former Utility Clerk and how it is being applied in the budget. Chair Fahs explained that quarterly payments will have to go up if the budget is incorrect and confirmed the need for a code change for the increase. Donald Steamer talked on work loads and cost for staff. Fred Swanson agreed with Donald Steamer on the load of renters going up and it should be provided for next year. Fred Swanson stated to confer with the Chair and Secretary-Treasurer on the monies. Donald Steamer continued talking on the tabled proposed change in wastewater billing and for more water usage would be billable under the proposed statute. Chair Fahs reminded for the topic to have been tabled.

15. Any Other Business: Chair Fahs thanked Donald Steamer and the Board for all the work that was done for the billing and solar topics.

16. Adjournment: The meeting adjourned at 11:23 am.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: May 21, 2024

Silvia Gransee

City Clerk