

MINUTES

BARRON WATER CONTROL DISTRICT

BOARD OF SUPERVISORS' MEETING

October 26, 2023

A meeting of the Board of Supervisors of the Barron Water Control District was called to order at 10:00 A.M. on Thursday October 26, 2023 by Mark Colbert, Chairman.

Those present at the meeting were:

Mark Colbert - Board Member & Chairman
Pat McKenna – Board Member & Vice-Chairman
Rusty Hyslope – Board Member & Treasurer
Judi Kennington-Korf - General Manager
Maria Taylor – Board Secretary
George Leicht – District Field Supervisor
Bryan Dion -District Attorney, (via Conference Call)
Tommy Perry – Johnson-Prewitt & Associates
Dwayne House – Landowner
Andy Higginbotham – District Accountant

The meeting opened with prayer led by Chairman Colbert followed by the Pledge of Allegiance.

Consent Agenda:

- a. Verification of proper meeting notice
- b. Approval of meeting Minutes May 24, 2023
- c. Ratify Line of Credit signed by Chairman
- d. Ratify PRM Insurance binding agreement signed by General Manager

Upon motion duly made by Chairman Colbert, seconded by Supervisor Hyslope and unanimously carried, it was RESOLVED AND APPROVED the Consent Agenda is accepted as presented.

Chairman Colbert asked for public comments, there were none.

General Manager's Report

Item A. Hendry County C-1, agreement request

Hendry County approached the Barron and Joint Trust Board's to seek permission to alter the 2008 agreement by trading their railroad trestle ROW land for a future Helms Road extension with landowner, Mr. Dwayne House. The Joint Trust denied the County's request with a caveat and directed Engineer Tommy Perry and the General Manager to work with the County to see if common ground could be reached.

Mr. Perry advised meetings were held with the county. Mr. Parker, Hendry County Engineer, provided several recommended changes to the agreement. In response, the County was provided with a number of conditions in regards to the recommended changes to the agreement the Board's may find favorable in granting the County's request.

Ms. Kennington-Korf advised the draft agreement provided has not been reviewed by legal counsel for the Barron- or Joint Trust Board's.

Attorney Dion advised the agreement changes could be granted subject to legal counsel review and approval.

Upon motion duly made by Chairman Colbert, seconded by Supervisor Hyslope and unanimously carried, it was RESOLVED AND APPROVED the Barron Water Control District authorizes changes to the 2008 Joint Trust easement agreement subject to the opine of legal counsel and approval by the Board of Trustees of the Barron-Hilliard-Alico Cooperative Drainage Plan.

Item B. FPL Powerline, access, and transmission agreement request.

In September, 2022, FPL representatives met with Barron staff and engineer to discuss a request for an access easement and an easement for a transmission line on property Barron owns located in Basin 20, adjacent to the C-3 in Banyan Village. On March 28th, FPL's request for an easement was denied by the Joint Trust. It was noted FPL is in negotiation with USSC to acquire property within Basin 20. The land is literally parallel with and abutting the area they are interested in seeking an easement/agreement. As a landowner, they could use the access road to maintain the equipment on their property without an easement. On September 25th, 2023, FPL provided the District with documents which included a notice of condemnation that gave the Board a thirty-day period to respond. The thirty-day period ends October 26, 2023 which is today.

Chairman Colbert asked for clarification from FPL as to why the Basin 20 property cannot be used for the transmission line.

Mr. Crenshaw advised FPL is working with the District on a volunteer basis to acquire the access easement and easement for a transmission line. If an agreement cannot be reached the next step would be to proceed with condemnation. FPL wants to continue working with the District to reach an agreement. The Basin 20 property transition is not completed currently.

Mr. Daniel, FPL Project Manager, advised the design plans have been set for this project and would be problematic to have the plans redesigned. The transmission line was laid out with the benefit of having the canal access road a joining the power transmission line.

Chairman Colbert voiced concern over issues with maintaining the canal and spoil being removed. Field Supervisor Leicht advised the spoil could be removed with out an issue when maintenance had to be done.

Supervisor Hyslope asked why an agreement would not work verses an easement to which the District would give up its right to it property.

Mr. Crenshaw addressed the concerns regarding spoil being removed during maintenance of the canal and addressed Supervisor Hyslope question.

Mr. Perry advised work is being done with the general manager, FPL and attorneys to reach an agreement all sides would be agreeable to.

Chairman Colbert asked for a thirty-day extension to negotiate the terms of the agreement and move forward with this project.

Attorney Dion advised negotiations are ongoing and the District is working to reach an agreement that would protect the District and the Joint Trust while accommodate FPL's request. A thirty-day extension will allow for an agreement to be reached.

Chairman Colbert stressed the District wants the project to be completed and gave direction to staff to request a thirty-day extension and proceed with negotiations.

Upon motion duly made by Chairman Colbert, seconded by Vice Chairman McKenna and unanimously carried, it was RESOLVED AND APPROVED the Barron Water Control District authorized staff to request a 30-day extension to negotiate the terms of the agreements with Florida Power and Light.

Upon motion duly made by Chairman Colbert, seconded by Vice Chairman McKenna and unanimously carried, it was RESOLVED AND APPROVED the Barron Water Control District authorizes the Chairman to negotiate and agree to the terms of the agreements with Florida Power and Light when a mutually agreed upon agreement has been reached concerning an access agreement and a transmission line agreement subject to approval by the Board of Trustees of the Barron-Hilliard-Alico Cooperative Drainage Plan

Item C Culvert failure update

Within a short period of time, there have been three separate culvert failures in Banyan Village. The culverts are part of Barron's drainage system under a CDD road. The cost of replacing the culverts is shared between each District as outlined in a 2011 culvert policy. The first culvert failure bid awarded was \$23,922 and the second culvert bid awarded (Wake Robin) was \$18,980.

The last two failures occurred following significant rain events and after the budgets were created. Other failures are anticipated given the age (over 40 years old) and number of culverts. Each District will need to have sufficient capital funds in the budget each year to replace the aging infrastructure.

Item D Housekeeping, miscellaneous

1. Office exterior has been painted using insurance funds. Additional work is needed on the interior before being painted.
2. ADT security monitoring, office interior and maintenance building will be upgraded.
3. Window screens need to be replaced. Recommend using non-secured screens.
4. New phone system has been ordered.
5. Internet upgrade is included with the phone upgrade.

Attorney's Report:

Mr. Dion advised his report was covered earlier in the meeting with FP&L and Hendry County.

Engineer's Report:

Mr. Perry advised his report was covered earlier in the meeting with FP&L and Hendry County.

Field Supervisor's Report:

Field Supervisor Leicht gave an update on the automated system, equipment, pump repair, mowing and herbicide schedule.

Other Business

Chairman Colbert asked for public comments, there were none.

There being no further business to come before the Board, the meeting was adjourned at 11:20 A.M.



Mark Colbert, Chairman

ATTEST:



Maria Taylor, Recording Secretary

