

Town of Kimball
August 6, 2009

Public Hearing

1. Call To Order Public Hearing
2. Ordinance 204 – An Ordinance To Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee
3. Close Public Hearing

AGENDA

1. Call to Order the Regular Monthly Meeting of the Kimball Board of Mayor and Aldermen
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of July 2, 2009 Minutes of Regular Meeting
6. Old Business
7. 2nd and Final Reading of Ordinance 204 – An Ordinance To Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee
8. Delta Dental Insurance Increase in Premiums
9. Public Chapter No. 428 – Which will allow persons with handgun carry permits to lawfully possess handguns in federal, state and local parks
10. Public Officials Professional Liability Insurance
11. Fencing
12. Sewer Connections
13. Discuss Accepting Bids on Concessions/Restrooms Facility at New Park thru LPRF Grant with Bids being Opened 9/17/2009
14. Renaming Beautification Board – Tree Board/Citizen Oversight Committee for Beautification
15. GHSO Network Law Enforcement Coordinator's Grant
16. Discuss Selling 1999 Ford Crown Victoria Police Car
17. Steve Frost Agency – Fire Department's Accident and Sickness Insurance Renewal Policy
18. Police Report
19. Fire Report
20. Park Board Report
21. Attorney Report
22. New Business
23. Adjourn

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Public Hearing

Meeting Date Thursday, August 6, 2009

A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, August 6, 2009 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor David Jackson, Vice-Mayor Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

Mayor Jackson called the public hearing to order for Ordinance 204 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee.

NEW BUSINESS

- a) To receive citizen input into Ordinance 204 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee.

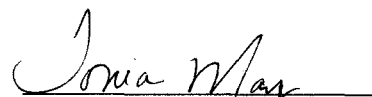
Mayor Jackson stated the ordinance will set rates for residential sewer based on the recommendation of the Town Accountant, Paul Johnson, to be set at 120% of the South Pittsburg Sewer Rate so the town's rate will increase as South Pittsburg Sewer Rates increase. The current rates are as follows:

Minimum Bill will be \$10.66 per month up to 3,000 gallons
\$3.18 per gallon of metered water over 3,000 gallons per month
Sewer Connection fee will be \$420
Service Call fee will be \$60
After Hours Service Call fee will be \$84

All rates are 120% more than South Pittsburg Sewer Rates.

As there was nothing further to come before the public hearing, motion was made by **Alderman Case** to adjourn. The motion was seconded by **Alderman Payne**. The motion passed unanimously on a board vote.


David Jackson, Mayor


Tonia May, Recorder

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Regular Meeting

Date August 6, 2009

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, August 6, 2009 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor David Jackson, Vice-Mayor Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

Mayor Jackson called the regular meeting to order at after the public hearing which started at 6:00 p.m.

INVOCATION AND PLEDGE

Mayor Jackson asked Ronnie Case to say the invocation over the meeting.

Mayor Jackson led the Pledge of Allegiance.

Presentation of the special award for Ronnie Case for his special efforts in animal control in Kimball.

ROLL CALL

Mayor Jackson asked Recorder May to call roll those present were: Mayor David Jackson, Vice-Mayor Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Vice-Mayor Pesnell**, seconded by **Alderman Case** the Minutes of the Regular Monthly Board Meeting for July 2, 2009, were approved unanimously on a board vote.

OLD BUSINESS

Mayor Jackson had a few items under old business as follows:

- Chattanooga State Technical Community College future home has advanced with property set to close by Marion County next week provided the approval from the State Comptroller's office on the financing. The town will need to be reviewing the sewer line extension to this property.
- The town has submitted the TML Loss Control Safety Grant as approved at the last meeting.
- The town has ordered the new goals, bleachers and team benches for the soccer field as approved at the last meeting with the total amount being \$7798 which will be submitted for 50% reimbursement by the LPRF Grant. Partial order has already been received on this order.

SCHEDULED AGENDA ITEMS

- a.) **2nd and Final Reading of Ordinance 204- An Ordinance to Amend Ordinance No. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee**

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve on 2nd and final Reading Ordinance 204 - An Ordinance to Amend Ordinance No. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Residential Sewer Rate Applicable in the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

- b.) **Delta Dental Insurance Increase in Premiums**

Mayor Jackson stated the Delta Dental Insurance Premiums are increasing with the family coverage increasing by \$0.45 bi-weekly for a grand total of \$11.66 bi-weekly for family coverage on dental insurance.

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the Delta Dental premium increase. The motion passed unanimously on a board vote.

- c.) **Public Chapter No. 428 – Which will allow persons with handgun carry permits to lawfully posses handguns in federal, state and local parks**

After a discussion within the board meeting in favor of this action, no action was taken by the Board of Mayor and Aldermen.

- d.) **Public Officials Professional Liability Insurance**

John Hewgley with First Volunteer Insurance has provided the town with a public officials policy to cover the town as follows: \$1,000,000 Public Officials Professional Liability, \$1,000,000 Employment Practices, \$1,000,000 Policy Aggregate, \$2,500 Deductible for Public Officials each Claim including LAE, \$5,000 Deductible for EPLI each Claim including LAE with coverage options to include Defense Included Addition to the Limit, Broad Form EPL coverage, Covers Defense of Non-Monetary Claims, Modified Consent to Settle Clause with only 50% Co-Insurance from Insured, Business Invitee Liability covering Emotional Distress, Sexual Harassment, Discrimination, and other allegations, Broad Definition of Loss Including Back and Front Pay and Punitive Damages, Broad Definition of Claim including Non-Monetary Relief and Severability of the Application for all individual Insureds for all exclusions (not just personal profit and fraud exclusions). The policy has been reviewed by Attorney Gouger. The premium for the policy will be \$3653.10. The town should be eligible for a pro-rated premium return from cancelling our current policy with TML Risk Management Pool.

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to approve the Public Officials Professional Liability Insurance with Darwin with policy being from August 2009 - August 2010. The motion passed unanimously on a board vote.

- e.) **Fencing**

During the CDBG Sewer Extension project, a change was required due to the location of the water lines at Mr. Virgil Thomas's property. Upon the relocation of the sewer project, the fencing and a privacy hedge bush fence was removed. The town will be re-installing 200' of 5' chain link fence and 156' pressure treated privacy fence at this location. Excellence Fence Company provided an estimate of \$3,591 to replace the fencing.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to authorize Mayor Jackson to contact Excellence Fence Company to install chain link fencing and privacy fencing at Mr. Virgil Thomas's property due to the changes in the CDBG Sewer Line Extension project. The motion passed unanimously on a board vote.

A quote was also provided by Excellence Fence Company for fencing to install 710' of chain link fence with double gates at the end between the soccer fields and the roadway for provided safety of the participants.

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve the installation of 710' of fencing between the roadway and the soccer field on Industrial Blvd with 50% of the funds being reimbursed by the LPRF with Excellence Fencing Company in the amount of \$4980. The motion passed unanimously on a board vote.

f.) Sewer Connections

The town will be charging a \$420 sewer tap fee recommendation was made to get advice from a certified operator to consider the qualifications necessary to connect to the sewer line with this item being added to next month's agenda.

g.) Discuss Accepting Bids on Concessions/Restroom Facility at New Park through LPRF Grant with Bids being opened on 9/17/2009

Pat Bales the Architect hired by the town to draw plans and specifications on the Concessions/Restroom Facility will prepare the packets and advertise the bid information. The town will compare the bids based on the LPRF Grant funds set aside to build the facility.

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to approve the acceptance of bids on the Concessions/Restroom Facility at New Park with bids being opened September 17, 2009 at 4:00 pm. The motion passed unanimously on a board vote.

h.) Renaming Beautification Board – Tree Board/Citizen Oversight Committee for Beautification

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the renaming of the Beautification Board to the Tree Board/Citizen Oversight Committee for Beautification in compliance with the Tree Grant. The motion passed unanimously on a board vote.

i.) GHSO Network Law Enforcement Coordinator's Grant

Sergeant Chris Webb has been asked by the GHSO to become a Network Law Enforcement Coordinator which will provide the town with a \$20,000 grant to be used for travel expense, overtime expense, and equipment. The Kimball Police Department submitted a Challenge Book to the GHSO and the "Broken Dreams" project brought attention to our department by the GHSO. The department has also applied for the High Visibility Grant in the amount of \$5,000 from GHSO.

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to accept the grant from Governor's Highway Safety Office Network Law Enforcement Coordinator's Grant in the amount of \$20,000. The motion passed unanimously on a board vote.

j.) Discuss selling 1999 Ford Crown Victoria Patrol Car

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the auction for the 1999 Ford Crown Victoria Patrol Car "As Is" on August 29, 2009 at 10:00 am. The motion passed unanimously on a board vote.

k.) Steve Frost Agency – Fire Department’s Accident and Sickness Insurance Renewal Policy

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to approve Kimball Fire Department’s Accident and Sickness Insurance Renewal Policy with VFIS/The Steve Frost Agency in the amount of \$3631. The motion passed unanimously on a board vote.

POLICE REPORT

Alderman Keef gave an update on the Police Department as follows:

Litigation Tax	\$123.75
Court Costs	\$551.25
Fines	\$145.00
Report Fee	\$110.00
Sessions Court	\$1112.45
License fee	\$0.00
Total	\$2042.45

Aldermen Keef stated the department is running smooth at this time and appreciation for the extra programs being done by the police department.

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for July 2009 the department responded to eight calls for the month. The calls were one mutual aid, one brush fire, five rescues and one fuel spill. An email of appreciation from Kevin Glen was read by Vice-Mayor Pesnell for a response by our Kimball Fire and Rescue Department to a call on wreck on Interstate 24.

PARK AND RECREATION BOARD REPORT

Alderman Keef stated the Park Board met on July 9, 2009. The board recommends the concessions project. Fall Soccer registration will begin this Saturday. The next meeting will be a meeting August 13th at 5:00 pm.

ATTORNEY REPORT

Attorney Gouger wanted the board to know that he and Sharon Case, Administrative Clerk, will be working with current Business License Tax owners to bring their license up to date before the State of Tennessee begins the collection of the tax as the new law provides. Mayor Jackson explained the changes in the law on the Business License Tax.

NEW BUSINESS

Alderman Case wanted the board to consider purchasing a new mower for the street department. The town will review the mower in February 2010.

Aldermen Keef stated the street light on Industrial Blvd between his house and the park is not working appropriately.

Mayor Jackson had several items under new business as follows:

- Goody's Grand Opening was held today. The store and employees were very pleasant.
- Tax Free Weekend will be this weekend August 7-9.
- A thank you card was received from Steve Moss on the town sponsoring a hole during the Rotary Club Golf Tournament.
- The town's budget has been approved by the State Comptroller's Office.
- Sewer Reimbursement has been sent for \$99,760 from the CDBG project; however, due to the town's contract being extended funds may take slightly longer for the return.
- The Marion County Chamber Banquet is August 20, 2009 at the First Baptist Church.
- Sales Tax for June 2009 was at \$230,720, June 2008 were \$245,923 the town's sales tax was down about \$15,000.
- Fall Soccer Registration will be held from 9:00 -12:00 starting this Saturday for the next three Saturdays.
- The sewer lift station at Wal-Mart has been having problems with the control box. Craig Hayne with Walter A. Woods has been contacted concerning an estimate. CPI Technology has submitted a quote.
- The Highway 2/72 Project study has been returned to the town with three options as follows: No improvements, 3 lane, gutter and sidewalks estimated at \$21 million and \$29 million in five years and 5 lane, gutter and sidewalks estimated at \$29 million and \$38 million in five years.
- Stacy Morrison with the State Planning Office is requesting support letters to be sent to Governor Bredesen concerning a grant to American Recovery Act Broadband Programs for areas that currently does not have broadband.
- A Lien has been placed on a couple of places for town maintenance of private grounds. The town has a lien on a property that has filed foreclosure. The foreclosure wipes out the prior liens. A citation can be done through city court. The future property owners can be subject to the expenses. A notice will be placed during the foreclosure concerning the town's lien. The town can also use the Building Code to enforce the property maintenance.

- Finances

General Fund		Drug Fund	
Checking	\$ 35,109	Checking	\$ 7,057
Savings	\$ 450,619		
CD	\$ 430,636	Sewer Fund	
Total	\$ 916,364	Checking	\$ 73,058
State Street Aid		CD	\$ 73,000
Checking	\$ 19,764	Savings	\$ 100,000
		Total	\$ 246,058

Grand Total	\$1,189,243
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- Next Monthly Board meeting will be September 3rd at 6:00 pm.

Alderman Case stated Citizens Savings and Loan will be opening in Kimball.


Alderman Case wanted to thank David Jackson, Tonia May, Sharon Case, Debbie Bowman and wives for work done on the Open House of the New Kimball Municipal Building.

Rules for New Municipal Building basically same as workshop.

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the rules for the usage of the New Municipal Building subject to amendments with the \$100 fee to be paid when the renter signs the waiver. A copy will be provided to board members. The motion passed unanimously on a board vote.

ADJOURNMENT

As there was nothing further to come before the board, motion was made by **Alderman Case** to adjourn. The motion was seconded by **Alderman Payne**. The motion passed unanimously on a board vote.


David Jackson, Mayor


Tonia May, Recorder

**Town of Kimball
AGENDA**

**August 24, 2009
Special Called Meeting at 4:00 p.m.**

1. Call to Order Special Called Meeting of Kimball Board of Mayor and Aldermen to review to review a Work Change Order to the CDBG Sewer Line Extension Project and any other pertinent business that may come before the board.

2. Roll Call

Mayor Jackson	Vice-Mayor Pesnell	Alderman Payne
Alderman Case	Alderman Keef	Attorney Gouger

3. Work Change Order to the CDBG Sewer Line Extension Project

4. Any Other Properly Presented Business

5. Adjourn

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Special Called Meeting

Meeting Date August 24, 2009

A special called meeting of the Kimball Board of Mayor and Aldermen was held on Monday, August 24, 2009 at 4:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor David Jackson, Alderman Jerry Don Case, Alderman Mark Payne, Alderman John Keef and Vice-Mayor Rex Pesnell.

Mayor Jackson called the special called meeting to order at 4:00 p.m. to review the Work Change Order to the CDBG Sewer Line Extension Project and any other properly presented business.

Mayor Jackson asked Recorder May to call roll those present were: Mayor David Jackson, Alderman Mark Payne, Alderman John Keef, Alderman Jerry Don Case and Vice-Mayor Pesnell. Attorney William Gouger, Jr. was absent.

SCHEDULED AGENDA ITEMS

a.) Work Change Order to the CDBG Sewer Line Extension Project

Mayor Jackson referenced the change order no 1 as presented by Anthony Pellam with James C. Hailey Company. The changes are to Item 2 F&I 4' Standard Manhole w/ Highway Rated Casting, Item 4 F&I Extra Manhole Dept, Item 5 F&I 8" SDR 35 Gravity Sewer Line 0'-6' and CO1 Drainage Tile Repair in the total amount of \$59,954.14. The changes are due to a combination of items such as easements not being granted at the Reed and Gudger property which caused the project to change sides of the roadway; therefore, creating the replacement of the drainage tile necessity to provide for the water runoff. Depth in the sewer lines also changed based on the other side of the roadway and more manholes to accommodate the change in the sides of the roadway. The work change order has been approved by the engineer.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the Change Order No. 1 – Realignment and Drainage Oversight for the 2004 CDBG Sewer Line Project Contract 109 in the total amount of \$59,954.14. The motion passed unanimously on a board vote. Alderman Payne abstained from voting due to relations.

b.) Other properly presented business

- Sewer Lift Stations

The Town has been having trouble with the Lowe's and Wal-mart Lift Station. A purchase order has been issued to Southeast Company to repair both lift stations. The lift station at Wal-Mart has been repaired and is running properly at this time. Lowe's will be repaired to be the same as Wal-Mart lift station for consistency with the system.

The check valves on both lift stations are also in need of repairs. The one at Wal-mart is above ground and the one at Lowe's is in a wet well.

The pump at Lowe's will need to be removed and repaired.

Wal-Mart will also need a check valve.