

**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, NOVEMBER 5, 2020**

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A meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, November 5, 2020 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Pesnell called the regular meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE**

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Mayor Pesnell requested Vice Mayor Case to say the invocation over the meeting.

Mayor Pesnell requested Alderman Lofty to lead the Pledge of Allegiance.

**ROLL CALL**

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Mayor Pesnell asked Recorder May to call roll.

Those present were: Mayor Rex Pesnell, Vice Mayor Jerry Don Case, Alderman Teresa Lofty, Alderman Johnny Sisk, Alderman John Matthews, and Attorney William Gouger.

**APPROVAL OF MINUTES**

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On a motion by **Alderman Matthews**, seconded by **Alderman Sisk** the Minutes of the Regular Monthly Board Meeting for October 1, 2020 were approved unanimously on a board vote.

**OLD BUSINESS**

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Alderman Sisk asked about the area on Main Street near the Blevins Mobile Home Park that has remained wet throughout the past several months which appears to have some type of leakage from the mobile homes. Mayor Pesnell stated that the owner had made an application with Tennessee Department of Environment and Conservation to correct this issue. The permit granted the owner a timeframe to make repairs. Mayor Pesnell stated he would follow back up with the state personnel on this situation.

Mayor Pesnell had the following items under old business:

- Mayor Pesnell stated that he wanted to congratulate everyone that participated in the election and for the class act everyone in Kimball displayed. He thanked the citizens for participating in the election by voting even if the large turnout was more in respect to vote for the presidential election.
- Mayor Pesnell also updated that Jake Marshall Service, Inc. had installed the iWave Air Purifiers in town hall, police department, municipal building, and the EMS section on October 27, 2020. This system is part of the TN Cares Grant.
- Mayor Pesnell stated that Lofty Paving and Grading has completed the four-patch paving site to bring all areas up to pre-flood conditions. The town will submit to FEMA the final claim for reimbursement.

**SCHEDULED AGENDA ITEMS**

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**a.) Approve Work Change Order to Mountain View Drive Emergency Culvert Repairs due to utility lines impeding placement of culverts**

Mayor Pesnell stated that he had spoken with both the town engineer as well as the contractor concerning this issue. They also spoke with Keith Garth with South Pittsburg Water and Marion Natural Gas concerning the utility lines and the options available concerning moving these lines.

Matthew Tucker with James C. Hailey and Company explained the issue about the gas line being closer to the surface than the plans for the emergency repairs detailed. In order to proceed, the town had a few options which would be to allow these lines to be moved, change the size of the culverts, or create an enclosure around the gas lines with concrete to keep the culverts from sitting directly on or near the gas lines but continue with the project. This would create more work and a broader spectrum of the project to fan out the area where the culverts laid to keep there from being a large hump immediately in the roadway. This broadening of the construction area also added more fill area as well as more asphalt to the project. The additional cost for this will be \$10,800.

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve the change order to Bailey Construction in the amount of \$10,800 for the work added due to the utility lines impeding placement of the culverts on the emergency repairs at Mountain View Drive. The motion passed unanimously on a board vote.

**b.) First Reading Ordinance No. 267 – An Ordinance Amending the Annual Operating Budget & Capital Program of Kimball, Tennessee for Fiscal Year 2020-2021**

A motion was made by **Vice Mayor Case**, seconded by **Alderman Sisk** to approve on First Reading Ordinance No. 267 – An Ordinance Amending the Annual Operating Budget & Capital Program of Kimball, Tennessee for Fiscal Year 2020-2021. The motion passed unanimously on a board vote.

**c.) Solid Waste Disposal rate adjustment letter November 1, 2020 tipping fees \$45 per ton Compacted and High-Density Waste Materials including shingles: \$50 per ton for Non-Compacted or Low-Density, Lightweight Materials, such as boxes, brush, and similar materials**

Mayor Pesnell stated that the town received the letter concerning the adjustments in October which went into effect November 1, 2020. This is on the agenda to make the board aware of the increase and change as the past charges were \$29 per ton. The Marion County Landfill will be converting to a Transfer Station in which it will be required to haul the waste to different locations depending on the type of waste. The increase in charges will offset the nonprofit Marion County Landfill for the gasoline/diesel required by their trucks as well as the maintenance to haul this to the different approved locations. This increase has been set to go into place for over a year but due to the delay of the sites, the transfer to the new type of facility has just now begun, for which the costs are now being passed on to the users accordingly. It was noted that the trucks are no longer having to make a long drive to empty at the Marion County Landfill. Our trucks are now able to pull onto a concrete slab and empty which in turn should save the town in wear and tear on tires for our vehicles. This is all being done by EPA Regulations and Standards. This is not something the locals decided. There was no motion as this was just information as to the price changes for the Solid Waste/Marion County Landfill charges.

**d.) Discuss Certificate of Deposits for the Sewer Fund as well as the General Fund with the original amounts being \$500,000 Sewer Fund and \$500,000 General Fund**

Mayor Pesnell stated that the two certificates of deposit had matured since the last meeting and the town had transferred the funds to the appropriate accounts at First Jackson Bank with these accounts being Money Market Tier Plus Accounts which have a rate of 1% APY. Mayor Pesnell had also solicited certificate of deposit rates from the area banks on a 12-month and 18-month rate. Citizens Tri County submitted 12-months .75% APY and 18-months .8 APY; Tower Community Bank submitted 12-month .46 APY and 18-months .62 APY; First Jackson Bank submitted 12-months .6 APY and 18-months .6 APY.

A motion was made by **Alderman Matthews**, seconded by **Alderman Lofty** to leave the funds in the current Money Market Tier Plus Accounts with First Jackson Bank at 1% until the rates on Certificates of Deposit increase. The motion passed unanimously on a board vote.

**e.) Discuss Approving State Bid Dump Truck for the Maintenance Department**

Mayor Pesnell stated that last month the board approved to add funds to the budget for a dump truck. After speaking with several of the state bid dealers, the 2020 trucks have already finished being produced for state bid purposes. The 2021 state bid vehicles will start being built in January and to get on the list the town needs to go ahead and approve the truck. The truck will take approximately 14-16 weeks to build once the factory starts making the state bid vehicles. The board had been given a copy of the specifications provided by the dealer from Ford of Murfreesboro on a 2021 Ford F-750 Regular Cab Dump Oxford White with Rodgers 12 ft Dump Bed for a total of \$84,595. The board asked about the warranty which was not noted on the paperwork. The board would like Mayor Pesnell to get the specifics on the warranty before placing this on order.

After some discussion, a motion was made by **Alderman Matthews**, seconded by **Vice Mayor Case** to approve the town to purchase a 2021 Ford F-750 Regular Cab Dump Truck as Specified by Ford of Murfreesboro with a Rodgers 12 ft

Dump Bed for a total of \$84,595 through the state bid pending the mayor verifying the warranty information. The motion passed unanimously on a board vote.

**f.) Approve Cyber Liability Insurance Renewal through First Volunteer Insurance/Beazley/BSR for \$5,585 annual premium from 12-1-2020 to 12-1-2021**

Mayor Pesnell stated there is no increase in the premium from last year; however, with COVID-19 and the elections this is a good insurance to continue as cyber crimes appear to be on the rise.

A motion was made by **Alderman Lofty**, seconded by **Alderman Sisk** to approve the Cyber Liability Insurance Renewal through First Volunteer Insurance/ Beazley/BSR for \$5,585 annual premium 12-2020 to 12-2021. The motion passed unanimously on a board vote.

**g.) Approve Bill from Southeast Company, Inc. in the amount of \$2,150 for service call at Sewer Lift Station at Lowe's Pump Station – Change out Pumps**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to approve the bill from Southeast Company, Inc. in the amount of \$2,150 for service call to Sewer Lift Station at Lowe's Pump Station. The motion passed unanimously on a board vote.

**h.) Set the Sanitation Route Schedule for the November and December Holiday Schedule**

Mayor Pesnell stated that for the Thanksgiving Holiday the Town Hall and Maintenance will be closed Thursday and Friday for the holiday. He recommended only having Sanitation Services Monday, November 23<sup>rd</sup> and then again on Monday, November 30<sup>th</sup>, then back to the normal schedule until Christmas Holiday. Then Town Hall and Maintenance will be closed again on Thursday and Friday for the holiday. He again recommended only having Sanitation Services on Monday, December 21<sup>st</sup> and then again on Monday, December 28<sup>th</sup>. Then the Town Hall and Maintenance will be closed on Friday, January 1<sup>st</sup> for the Holiday. This is a normal day for Sanitation Services. It was recommended to again just allow the services to be suspended on this day and picked back up on Monday unless the supervisor decides based on the load on Monday, December 28<sup>th</sup> that there is a need for more services that week.

A motion was made by **Alderman Lofty**, seconded by **Alderman Sisk** to approve the Town Holiday Sanitation Schedule as recommended by the mayor for Thanksgiving, Christmas and New Year unless the Maintenance Supervisor decides there is a need for additional pickup days. The schedule for pickup will be Monday, November 23, 2020; Monday, November 30, 2020; Monday, December 21, 2020; Monday, December 28, 2020; and Monday, January 4, 2021. There will be no service on the holidays Thursday, November 26, 2020; Friday, November 27, 2020; Thursday, December 24, 2020; Friday, December 25, 2020; and Friday, January 1, 2021. The motion passed unanimously on a board vote.

**i.) Approval of the Donation to Marion County Sheriff's Christmas for Kids Program for 2020**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to approve the donation to the Marion County Sheriff's Christmas for Kids Program for 2020 in the amount of \$500. The motion passed unanimously on a board vote.

**j.) Discuss Annual Christmas Dinner Amid Covid-19**

Mayor Pesnell stated that amid the pandemic he did not recommend that the town have its annual Christmas Dinner. This is something that several look forward to; however, based upon the President's recommendations, Governor's recommendations, and CDC protocol, it is not something the town should be having during the increase in Covid-19 cases. Our town municipal building is not large enough for social distancing for the type of gathering this creates. After some discussion, the board as a whole was in agreement but also disappointed to not have the normal fellowship.

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to cancel the Annual Christmas Dinner amid Covid-19 with plans to continue next year. The motion passed unanimously on a board vote.

**k.) Discuss Hams and Turkeys or Gift Cards for Holidays**

Mayor Pesnell wanted to know what the board would like to do for our employees, BZA, planning commission, and all those that normally get these types of items for the holiday season. Some of the board members serve on these boards

and give of their time solely for the betterment of the town, not for any financial reward, and this is a small gesture to give these members. There was discussion about the turkeys, hams, or gift cards.

A motion was made by **Alderman Sisk**, seconded by **Alderman Lofty** to approve the town to give gift cards to our employees, BZA, planning members, fire chief, building inspector, judge, attorney, parks and recreation board members and beautification members in lieu of a turkey for Thanksgiving and ham for Christmas. **Alderman Sisk** amended his motion to include the gift cards to be \$75 this year considering that the town did not having the Annual Christmas Dinner with **Alderman Lofty** seconding this amendment. The motion passed unanimously on a board vote.

### **l.) Christmas Bonuses**

Mayor Pesnell stated that last year the town had given the full-time employees \$500 and the part-time employees that had been here a full year \$275. The board members again discussed the fact that the Covid-19 pandemic had played a role in events for the 2020-2021 fiscal year raises, Annual Christmas Dinner, and other events that the town would normally do.

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve Christmas Bonuses for full-time employees in the amount of \$750 and part-time employees in the amount of \$400 for the 2020 season due to the Covid-19 affecting several things for the 2020 Calendar Year. The motion passed unanimously on a board vote.

### **m.) Maintenance Report**

Alderman Matthews stated that at this time the sewer pumps have all been changed out or worked on so at this time things appear to be operating normal.

### **n.) Fire Report**

Alderman Sisk gave the fire report for October 2020; the department responded to three calls during the month which were two vehicle fires and a mutual aid.

Alderman Sisk also stated that the department had put together a quote for 15 new air packs with 30 new bottles and a charging system for the department in the amount of \$113,395, or if the town replaced half of them, it would be \$ 58,994. Fire Chief Jeff Keef stated that these numbers were compiled for the town if there was a grant available to have numbers to use. At this time, the department has the bottles at the station checked and certified; however, these will need to start being cycled in the budget in order to keep up to date and not be completely in need of this many at the expiration date of the packs in the future.

### **o.) Parks and Recreation Report**

Alderman Lofty stated the Park and Recreation Board meeting for October 2020 was cancelled. The next meeting will be determined as agenda items arise due to the Holiday Season.

### **p.) Police Report**

Vice Mayor Case gave an update on the Police Department as follows:

Litigation Tax and Training Fees	\$0
Court Costs	\$0
Fines	\$0
Report Fee	\$50.00
Sessions Court	\$683.05
<b>Total</b>	<b>\$733.05</b>

The report from Marion County E-911 was provided for the packet which showed the police had 222 calls for the month of October 2020.

### **q.) Planning Commission Report**

Vice Mayor Case stated the Kimball Planning Commission meeting for October was cancelled. The next planning commission meeting is scheduled for November 17, 2020 at 5:30 pm.

## r.) Attorney Report

Attorney Gouger stated he had been working with Mayor Pesnell along with American Tower Representatives and SBA Representatives concerning the cell tower leases. These companies have sent offers from time to time to both the Town of Kimball and Town of Jasper concerning the lease of the property where these towers are placed. The object of this is to secure the leases in order for these companies to secure their contracts with companies that may have an interest in the towers. Currently, there is a forty-year lease by each company that is nearing the end of the terms. The towns are in negotiations to have both companies sign new leases on the same terms and expiring at the same times. The mayor has gotten both companies to agree to an initial signing bonus of \$22,000 with \$22,000 rent per year, which will be split based upon the ownership of the land, which is 2/3 to the Town of Jasper and 1/3 to the Town of Kimball annually. The signing bonus will be split the same way, 2/3 to the Town of Jasper and 1/3 to the Town of Kimball. Rent under each lease will increase by 15% every 5 years. The goal is to have both companies sign with the new contracts starting in January 2021 for a forty-year term. However, SBA has paid its annual portion in May 2020, for which its company wants credit for the amount paid. If this is approved by the Kimball Board of Mayor and Aldermen, the next step will be to submit the terms to the Town of Jasper's Board of Mayor and Aldermen for consideration of the same terms.

A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to approve the proposed Cell Tower Lease Agreement with American Tower contingent upon the initial signing bonus of \$22,000, new terms of the rent in the amount of \$22,000 annually along with the Town of Jasper's approval of the agreement as well as the 15% increase every 5 years for a term of 40 years. The motion passed unanimously on a board vote.

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve the proposed Cell Tower Lease Agreement with SBA Communications Corporation contingent upon the initial signing bonus of \$22,000, new terms of the rent in the amount of \$22,000 annually with the first year prorated based upon their May 2020 payment along with the Town of Jasper's approval of the agreement as well as the 15% increase every 5 years for a term of 40 years. The motion passed unanimously on a board vote.

Attorney Gouger had other business concerning the Kimball Shopping Center in which he had spoken with Ryan Black with Regency. The North end where Walmart is located sold in June 2020; however, the South end of the shopping center is owned by Regency, where there are concerns about the lighting, paving, signage, access, and other concerns. Regency has a contract with a local company, Sowder Electric, concerning replacement of bulbs and other small issues at the center. The center is not looking to make a large investment in the lighting at the shopping center at this time as they have plans to replace all lights and convert them to LED lights.

As for the access, the property was originally owned by Lew Wilson Loyd with only easements being sold to the original shopping center owners. Regency became aware of this after trying to regulate the truck traffic within the center. Their company has spent money on roadwork, which did not last due to the high traffic from the trucks; however, to manage this the owners discovered the access ownership issue. Regency is working with the current owners and renters within the shopping center concerning a fee to help maintain the roadway and parking areas; however, with the sale of the north end of the shopping center, there is a recorded easement and maintenance agreement to maintain the common areas in reference to the access, lighting, curbing, signage and other items to keep these areas as good as or better than the areas in relation to the Walmart properties.

## NEW BUSINESS

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Vice Mayor Case wanted the roadway striping addressed on Dixie Lee Center as these marking have faded, and need to be redone.

Vice Mayor Case wanted to thank all the voters that came out and voted for him in the local election.

Mayor Pesnell had items under new business as follows:

- Town Hall and Maintenance Department will be closed for the Veteran's Day Holiday, Wednesday, November 11, 2020.
- Town Hall and Maintenance Department will be closed for the Thanksgiving Holiday, Thursday, November 26<sup>th</sup> and Friday, November 27<sup>th</sup>.

- Finances

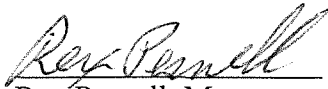
General Fund	\$ 2,242,916
State Street Aid	\$ 51,433
Drug Fund	\$ 8,292
Sewer Fund	\$ 948,526
Grand Total	\$ 3,251,167

- The next regular scheduled meeting will be December 3, 2020 at 6:00 p.m.

Rodger Haggard spoke with Scott with Aldi's concerning Kimball. He mentioned the Goody's Building, but this was more square footage than Aldi's normally selects. Aldi's normally selects buildings with 1500 to 1800 square feet. Mayor Pesnell thanked Mr. Haggard for continuing to keep in contact with Aldi's and reminding them about our community even if they are not ready at this moment to bring a business this way; however, Mayor Pesnell stated there was some interest in the Shoney's building and interest in the land between McDonald's and Wendy's. These interests were still confidential at the moment. The mayor will keep the public updated as soon as more official public information is available

### ADJOURNMENT

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

  
Rex Pesnell, Mayor

  
Tonia May, Recorder