

**TOWN OF KIMBALL, TENNESSEE**

**Record of Minutes of Public Hearing**

**Meeting Date Thursday, March 5, 2009**

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A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, March 5, 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 199 – An Ordinance to Amend Ordinance Nos. 2, 11, 28 and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink and Ordinance 200 – An Ordinance Establishing a Maximum for Purchases without Public Advertisement and Competitive Bidding.

**NEW BUSINESS**


- a) **To receive citizen input into Ordinance 199 – An Ordinance to Amend Ordinance Nos. 2, 11, 28 and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink**

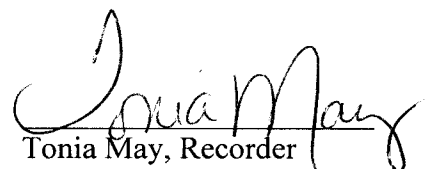
Mayor Jackson stated this distance was the same as the requirements for the beer ordinance on the distance from schools and churches.

- b) **Ordinance 200 – An Ordinance Establishing a Maximum for Purchases without Public Advertisement and Competitive Bidding**

It was stated that this ordinance allows the town to purchase up to \$10,000 without bidding.

As there was nothing further to come before the public hearing, motion was made by **Vice-Mayor Pesnell** to adjourn. The motion was seconded by **Alderman Case**. 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 March 5, 2009

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, March 5, 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 6:03 p.m. following the public hearing.

### INVOCATION AND PLEDGE

Mayor Jackson asked Scott Hawkins to say the invocation over the meeting.

Mayor Jackson led the Pledge of Allegiance.

### 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

The town had a special called meeting due to being called from State of Tennessee Local Parks and Recreation offering the town an additional \$75,000 park grant funds. The town had to approve the funds and submit documentation to the state by March 3, 2009.

On a motion by **Alderman Case**, seconded by **Alderman Keef** the Minutes of the Regular Monthly Board Meeting for February 5, 2009 and Minutes of Special Called Meeting for February 26, 2009 were approved unanimously on a board vote.

### OLD BUSINESS

Alderman Case wanted to thank the board for allowing the Dispatchers to have their EMD class at town hall. There were a total of 10 dispatchers trained this week.

Mayor Jackson stated the new Welcome to Kimball Signs were here, the town has received the signed contract from the State on the relocation of the sewer lines for the interchange project and the town has received the final check from the insurance on the tornado damage in the amount of \$424,736 for a total of insurance funds \$681,592.99.

**SCHEDULED AGENDA ITEMS****a.) Review Bids on Paving at New Municipal Building and Maintenance Building**

STH opened bids for the paving project on Tuesday, March 3, 2009 at 4:00 pm. There were four bids on this rebid project for asphalt and STH recommends using Lofty Paving and Grading with base bid of \$27,419 and alternate 1 at \$17 per ton on the existing paving. The bids were as follows:

Bidder	Base Bid	Alternate 1
Lofty Paving and Grading	\$27,419	\$17 per ton
Robert Smith Inc.	\$43,000	\$30 per ton
Tinsley Asphalt	\$31,677	\$32 per ton
Phaltless	\$32,932	\$42 per ton

Lofty Paving and Grading had broken the base bid and additional bidding into two parts; however, everything was cleared up prior to opening up any additional bids.

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Keef** to approve the recommendation from STH to contract with Lofty Paving and Grading on the asphalt for 649 Main Street at base bid \$27,419 and alternate 1 at \$17 per ton for stone base as needed. The motion passed on a board vote with Alderman Payne abstaining.

**b.) Review Proposals of the Removal of the Fuel Tanks and Pumps**

The town board opened the proposals at 4:30 on Tuesday, March 3, 2009. There was only one proposal from Lofty Construction Company in the amount of \$250 for removal and responsibility of the tanks, pumps and block wall surrounding tanks.

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve the proposal from Lofty Construction Company for the removal, responsibility of the two fuel tanks, pumps located on town property, to haul away and clean up the area. The motion passed on a board vote with Alderman Payne abstaining.

**c.) Lawsuit Issue**

The attorneys and mediator have reached a tentative settlement on the Marion Toney lawsuit case which was originated around May 2007. The town has decided upon the attorneys' recommendation to settle the issue for \$112,500 with the town's insurance paying \$15,000 and the town will need to approve the additional \$97,500. The settlement has been established to dismiss the case, no admission of guilt by anyone, no finding of wrong doing and the employee has agreed to end his employment from the town effective March 6, 2009.

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the settlement of the Toney Lawsuit with a payment of \$97,500 from town general funds. Recorder May was asked to do a roll call vote as follows: Mayor Jackson aye, Vice-Mayor Pesnell aye, Alderman Case aye, Alderman Payne aye and Alderman Keef aye. The motion passed unanimously on a roll call vote.

**d.) Work Order Changes for New Municipal Building**

The contractor recommends that the town level up the area between the two buildings with concrete and add steps to connect the area to between the two buildings for \$4,128. HLP Construction Company will be pouring the concrete and forming steps.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the recommendation from STH to approve the change order for the New Municipal Building to pour concrete and form steps in the amount of \$4,128. The motion passed on a board vote with Alderman Payne abstaining.

The original specifications do not show closing the ceiling in the ambulance bay. The estimate to close the ceiling is \$3,750.

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to ratify installing the ceiling in the ambulance bay in amount of \$3,750. The motion passed unanimously on a board vote. The completion target date is March 26, 2009.

**e.) 2<sup>nd</sup> and Final Reading of Ordinance 199 – An Ordinance to Amend Ordinances Nos. 2, 11, 28, and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink**

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve on 2<sup>nd</sup> and Final Reading Ordinance 199 – An Ordinance to Amend Ordinance Nos. 2, 11, 28 and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink. The motion passed unanimously on a board vote.

**f.) 2<sup>nd</sup> and Final Reading of Ordinance 200 – An Ordinance Establishing a Maximum Amount for Purchases without Public Advertisement and Competitive Bidding**

This ordinance will raise the amount allowed to spend up to \$10,000 without Bidding.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve on 2<sup>nd</sup> and Final Reading Ordinance 200 – An Ordinance Establishing a Maximum Amount for Purchases without Public Advertisement and Competitive Bidding. The motion passed unanimously on a board vote.

**g.) 1<sup>st</sup> Reading of Ordinance 201 – An Ordinance to Amend Ordinance No. 12 Making it Unlawful to Discharge Firearms or Other Dangerous Weapons Within the Town of Kimball, Tennessee except when Engaged in Hunting**

Attorney Gouger stated the question had arisen concerning hunting on your own property in Kimball. According to all documentation he had research; it appeared that our Ordinance No. 12 superseded this so it would be unlawful to hunt in the city limits.

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to approve on 1<sup>st</sup> Reading of Ordinance 201 – An Ordinance to Amend Ordinance No. 12 Making it Unlawful to Discharge Firearms or Other Dangerous Weapons within the Town of Kimball, Tennessee except when engaged in Hunting. After much discussion, the motion passed unanimously on a board vote.

**h.) Resolution 2009-05 – A Resolution Authorizing the Town of Kimball to Enter into An Internet Banking Agreement with Citizens State Bank**

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to approve Resolution 2009-05 – A Resolution Authorizing the Town of Kimball to Enter into An Internet Banking Agreement with Citizens State Bank. The motion passed unanimously on a board vote.

**i.) Resolution 2009-06 – A Resolution Authorizing the Town of Kimball to Enter into a Payroll Account Agreement and Establish Direct Deposit with Citizens State Bank**

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve Resolution 2009-06 – A Resolution Authorizing the Town of Kimball to Enter into a Payroll Account Agreement and Establish Direct Deposit with Citizens State Bank. The motion passed unanimously on a board vote.

**j.) Open Bids on Weather Radios**

Mayor Jackson opened two bids on the weather radios.

Sequachee Valley Electric Coop bid was \$24.90 per radio with bid for 650 radios \$16,185 for 2009 and \$24.90 per radio for 1000 at \$24,900.

Midland Radio Corporation bid was \$24.90 per radio with bid for 650 radios \$16,185 and \$24.90 per radio for 1000 at \$24,900.

Motion was made by **Vice-Mayor Pesnell** seconded by **Alderman Payne** to approve the bid from Sequachee Valley Electric Coop for 650 weather radios at a cost of \$16,185. The motion passed unanimously on a board vote. The town will deliver these in marked vehicles free of charge to each residential household in Kimball.

**k.) Wal-Mart Lift Station**

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to accept the Wal-Mart Lift Station as required by state law. The motion passed unanimously on a board vote.

**l.) Pitney Bowes Contract**

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the Pitney Bowes Contract for \$58 per month for five years for the town's postage machine. The motion passed unanimously on a board vote.

**m.) Report Fees for all Accident and Incident Reports**

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to raise the cost of incident reports to \$10; therefore, both accident and incident reports are \$10 each. The motion passed unanimously on a board vote.

**n.) Ratify Bill from Kenny Berry Flooring and Tile for New Welcome to Kimball Signs in amount of \$2551**

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to ratify the payment to Kenny Berry Flooring and Tile for the three new Welcome to Kimball signs in the amount of \$2,551. The motion passed unanimously on a board vote.

**o.) Addition of Doctors to Kimball Panel of Doctors**

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to add Dr. Boeck, Dr. Justo and Dr. Sledge to the town's panel of doctors. The motion passed unanimously on a board vote.

**p.) CDBG Sewer Project**

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to accept bids on the CDBG Sewer Grant Project with bids opened at 4:00 pm on April 2<sup>nd</sup> and awarding or denied during the regular monthly meeting. The motion passed unanimously on a board vote.

**q.) Siege of Bridgeport**

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to approve the donation to Siege of Bridgeport for \$250. The motion passed unanimously on a board vote.

**r.) Soccer Coaches**

This issue was tabled due to not having all the background checks completed.

**s.) Kimball Municipal Code Book Updated**

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve Attorney Gouger to develop an ordinance pertaining to the Kimball Municipal Code Book to make corrections to the current code book. The motion passed unanimously on a board vote.

**t.) Personnel Policy Revised and Updated**

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to approve Attorney Gouger to develop a revised personnel policy to update and make any revisions as necessary. The motion passed unanimously on a board vote.

**u.) Pad for Fire Department Training Center at Park on Industrial Blvd**

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Keef** to authorize Lofty Construction Company to build a pad for the fire department to develop a training facility estimated \$3,200. The motion passed unanimously on a board vote. Alderman Payne abstains from voting.

**POLICE REPORT**

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

Litigation Tax	\$110.00
Court Costs	\$640.00
Fines	\$160.00
Report Fee	\$60.00
Sessions Court	\$1257.82
License fee	\$0.00
<b>Total</b>	<b>\$2227.82</b>

The department is still working on the GHSO project which will be a Simulated Crash Pre-Prom. Local businesses are donating to help sponsor this event. The event will be April 3, 2009; Seniors and Juniors from all four high schools will be in attendance on this project.

**FIRE REPORT**

Alderman Pesnell gave the fire report for February 2009 the department responded to seven calls for the month. The calls were two fires, two mutual aids, one rescue, one LZ for life force and one assistance to TWRA.

**PARK AND RECREATION BOARD REPORT**

Alderman Keef stated the Park Board had a meeting on February 12, 2009. The meetings consisted of discussion on the following topics: press box/concession stand building, fencing, and grant monies. The Kimball Soccer League has a total of six teams for a total of 56 children playing soccer. The next meeting will be March 12, 2009. Mayor Jackson received an email concerning Russell Vandergriff with TWRA who will be attending the park board meeting concerning stocking the ponds and a fishing rodeo.

**ATTORNEY REPORT**

Attorney Gouger stated he had the copy of the SRT Agreement and will take it to the county for signatures and then return a signed copy to the town.

**NEW BUSINESS**

Alderman Payne wanted to review our insurance policy and consider changing. Liability Insurance will be review for change; however, Worker's Compensation insurance renews on April 1 so it will be too late this year to consider changing. Alderman Payne also wanted to know about the street light at Nelson Lane and Battlecreek Road. Mayor Jackson has already requested Clerk Sharon Case to send a letter to SVEC for a new light on an arm with 250 watt bulb at this intersection.

Mayor Jackson had several items under new business as follows:

- Sales Tax for January 2009 \$334,612 compared to January 2008 \$362,292. The town is down about \$22,000 in sales tax revenues.

- The 19<sup>th</sup> of February Mayor Jackson met with TDOT, Sane Associates from Alabama, Jody Rollins, TJ Landers, John Graham, Mayor Billy Simpson and Donald Blansett concerning the Road Widening Project. TDOT has hired Sane and Associates to do the TPR study on this project. The meeting consisted of noting where there were any historic sites and gas stations. The group visited six sites which has the most crashes with the six being Kimball Lane, Kimball Cove, Kingsberry, Harkins Lane, Carol's Restaurant and Jasper Post Office. During the study they will review several options such as 5 lanes, 3 lanes and 4 lanes. Currently, it is estimated that there will be a 120 feet of right-of-way necessary for the widening.
- Reminder to set clock forward on Saturday night due to the time change.
- Finances

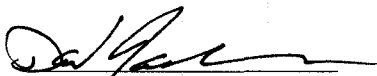
General Fund		Drug Fund	
Checking	\$ 197,638	Checking	\$ 5,332
Savings	\$ 700,000		
CD	\$ 423,659	Sewer Fund	
Total	\$1,321,297	Checking	\$ 133,362
State Street Aid		CD	\$ 70,650
Checking	\$ 19,504	Total	\$ 204,012
<b>Grand Total</b>		<b>\$1,550,145</b>	

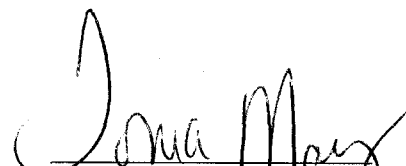
- Kimball Planning Commission meeting will be March 17<sup>th</sup> at 6:00 pm if have business.
- Next Monthly Board meeting will be April 2<sup>nd</sup> at 6:00 pm.

Attorney Gouger wanted to comment about the lawsuit issue. The town learned about a year after the lawsuit had been filed that the insurance did not cover this type of lawsuit. The insurance coverage the town has is what most municipalities in Tennessee have for insurance coverage which is TML Risk Management Pool. He wanted to commend the Board of Mayor and Aldermen on all the hard work and dedication these members went to in order to protect our town and its finances.

### ADJOURNMENT

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

  
David Jackson, Mayor

  
Tonia May, Recorder