

## RESOLUTION NO. 2010-01

### TOWN OF KIMBALL 2010 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Whereas, The Town of Kimball has experienced problems with septic tank failures that are resulting in the discharge of untreated sewage in residential areas; and

WHEREAS, Residents have complained about this unsafe and dangerous problem; and

WHEREAS, The city has completed Phase I of the Sewer Line Extension to serve residents that are experiencing septic tank failures; and

WHEREAS, Engineers have examined the septic problems and developed plans for the extension of Phase II public sewer lines in the community with a total budget of \$530,000; and

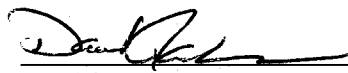
WHEREAS, The State of Tennessee Department of Economic and Community Development has grant funds available to assist with addressing critical community infrastructure problems such as this; and

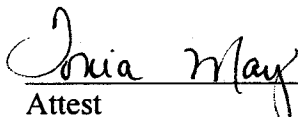
WHEREAS, The Town of Kimball is eligible to apply for up to \$500,000 in Community Development Block Grant funds which require 27 percent local matching funds.

BE IT HEREBY RESOLVED that the Town of Kimball authorized the Mayor to sign and submit an application for up to \$386,900 in CDBG funds to extend sewer lines and agrees to allocate a minimum of 27 percent local matching funds up to \$143,100 from general revenues of the City, subject to approval of the grant.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into agreements and sign documents necessary for the successful award of the proposed grant.

Passed 2-4-2010

  
\_\_\_\_\_  
David Jackson, Mayor

  
\_\_\_\_\_  
Attest

**RESOLUTION 2010-02**

**A RESOLUTION TO EXEMPT THE TOWN OF KIMBALL, TENNESSEE FROM THE APPLICATION OF THE STATE FIRE MARSHAL'S MINIMUM STATEWIDE BUILDING CONSTRUCTION SAFETY STANDARDS TO ONE-FAMILY AND TWO-FAMILY DWELLINGS**

**WHEREAS**, the provisions of *Tennessee Code Annotated* Section 68-120-101(a) set forth procedures by which the State Fire Marshal may establish minimum statewide building construction safety standards; and

**WHEREAS**, *Tennessee Code Annotated* Section 68-120-101(b)(1)(B)(i) sets forth the right of a municipality, by a two-thirds (2/3) vote of its legislative body, to exempt the municipality from the application of such standards for one-family and two-family dwellings located within its jurisdictional boundaries; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball has determined that such exemption is in the best interest of the Town and necessary for the health, safety, convenience, and welfare of its residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 1st day of April, 2010, that Kimball, Tennessee be exempted from the application of the State Fire Marshal's minimum statewide building construction safety standards for one-family and two-family dwellings located within the jurisdictional boundaries of the Town, as provided and set forth in *Tennessee Code Annotated* Section 68-120-101(b)(1)(B)(i).

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect on July 1, 2010, in accordance with the provisions of *Tennessee Code Annotated* Section 68-120-101(b)(1)(B)(ii)(a).

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be sent to the State Fire Marshal in accordance with the requirements of *Tennessee Code Annotated* Section 68-120-101.

**ADOPTED** this 6<sup>th</sup> day of May, 2010.

**TOWN OF KIMBALL, TENNESSEE**

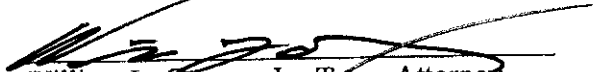
By: \_\_\_\_\_

  
David Jackson, Mayor

ATTESTED:

  
Tonia May, City Recorder

Approved as to Form:

  
William L. Gouger, Jr., Town Attorney

**RESOLUTION 2010-03**

**A RESOLUTION OF THE TOWN OF KIMBALL, TENNESSEE,  
SUPPORTING PARTICIPATION IN A 2.5MGD REGIONAL  
WASTEWATER TREATMENT PLANT & AUTHORIZING THE  
SUBMISSION OF A U.S. RURAL DEVELOPMENT APPLICATION FOR  
GRANT AND OR LOAN FUNDING**

**WHEREAS**, the City of South Pittsburg's wastewater treatment plant has been adversely impacted by the collapse of its lagoons due to sinkholes; and

**WHEREAS**, the Town of Jasper has limited wastewater treatment capacity due to infiltration and inflow during rainy periods; and

**WHEREAS**, the Town of Kimball owns a small collection system, pump station and force main back to South Pittsburg built primarily to serve the regional retail corridor which sits on I-24 and provides a substantial sales and property tax base for not only the Town, but Marion County as well; and

**WHEREAS**, due to septic tank failures, the Town of Kimball has built Phase I of a residential wastewater collection system and is in the process of funding Phase II; and

**WHEREAS**, the Town of Kimball currently depends on the treatment capacity of South Pittsburg and Jasper and needs treatment capacity to sustain quality growth and guarantee its citizens clean water; and

**WHEREAS**, seeing the needs and in the interest of Marion County residents, Kimball, Jasper and South Pittsburg have come together to build a new 2.5MGD Wastewater Treatment Plant at an estimated cost of \$10,000,000.00, of which Kimball will own 12% of the capacity or 300,000 gallons per day (GPD); and


**WHEREAS**, the U. S. Rural Development Administration has agreed to provide grant and loan funds for the construction and permanent financing of the new plant as needed to the Town of Kimball and the other participating municipalities based on the capacity of the new plant they will require.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 6<sup>th</sup> day of May, 2010, endorses the regional wastewater treatment plant and authorizes the Mayor to sign and submit an application to U. S. Rural Development Administration up to \$1,140,000, of which 45% or \$513,000 will be in a grant and 55% or \$627,000 will be in the form of a loan, subject to approval of the grant and loan, and contingent upon the participation of South Pittsburg and Jasper.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to enter into agreements and sign documents necessary for the successful construction of the new treatment plant and award of the proposed grant and loan.

ADOPTED this 6<sup>th</sup> day of May, 2010.

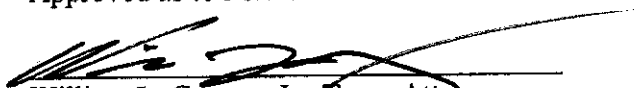
**TOWN OF KIMBALL, TENNESSEE**

By:   
David Jackson, Mayor

ATTESTED:

  
Tonia May, City Recorder

Approved as to Form:

  
William L. Gouger, Jr., Town Attorney

(Automated 8-97)

**LOAN RESOLUTION**  
(Public Bodies)**BOARD OF MAYOR AND ALDERMEN**

A RESOLUTION OF THE \_\_\_\_\_

**TOWN OF KIMBALL**

OF THE \_\_\_\_\_  
 AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
 PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
**WASTEWATER TREATMENT PLANT**

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the \_\_\_\_\_

**TOWN OF KIMBALL***(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

pursuant to the provisions of \_\_\_\_\_

**TCA 9-21-101 ET. SEQ.**

; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,  
 (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
 that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.*



## RESOLUTION 2010-05

### **A RESOLUTION OF THE TOWN OF KIMBALL, TENNESSEE TO BECOME A PARTICIPATING GOVERNMENTAL ENTITY IN THE MARION COUNTY REGIONAL WASTEWATER TREATMENT AUTHORITY.**

**WHEREAS**, following public hearing and by resolution adopted pursuant to the provisions of T.C.A. Sections 68-221-1301, et seq, the Board of County Commissioners of Marion County, Tennessee created the Marion County, Tennessee Regional Wastewater Treatment Authority; and

**WHEREAS**, in cooperation with the Town of Jasper and the City of South Pittsburg, the Town of Kimball has agreed to construct a new wastewater treatment plant to serve the region composed of said municipalities and their sewage treatment customers both inside and outside said municipalities; and

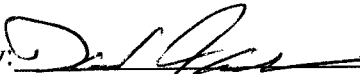
**WHEREAS**, in order to complete the creation of said regional authority, the provisions of T.C.A. Sections 68-221-1304 and 68-221-1305 require that all participating governmental entities resolve to join in the authority and appoint a member to serve on the Authority's Board of Commissioners.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on this 3<sup>rd</sup> day of June, 2010, as follows:

1. That the Town of Kimball, Tennessee be and participate as a "participating governmental entity" in the Marion County, Tennessee Regional Wastewater Treatment Authority, pursuant to the definitions, provisions and terms of T.C.A. Sections 68-221-1301, et seq.
2. That the Town shall proceed to appoint one (1) member to the Board of Commissioners of said Authority pursuant to the provisions of T.C.A. Section 68-221-1305(b).
3. That the Town's appointment to the Board of Commissioners be appointed to an initial term of one (1) year, and thereafter for a term of five (5) years, in order to create the staggered terms for said Board of Commissioners as provided in said T.C.A. Section 68-221-1305(b).
4. That the issues related to transfers of property, money, treatment works, easements, and like or similar assets, property, rights, powers and/or authority allowed pursuant to T.C.A. Section 68-221-1315 be reserved and deferred pending completion of the regional wastewater treatment plant in cooperation with the Town of Jasper and the City of South Pittsburg.

ADOPTED this 3<sup>rd</sup> day of June, 2010.


**TOWN OF KIMBALL, TENNESSEE**

By:   
David Jackson, Mayor

ATTESTED:

  
Tonia May, City Recorder

Approved as to Form:

  
William L. Gouger, Jr., Town Attorney

**RESOLUTION 2010-06**

**A RESOLUTION OF THE TOWN OF KIMBALL, TENNESSEE TO ESTABLISH ELIGIBILITY FOR A TENNESSEE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.**

**WHEREAS**, the Town of Kimball, Tennessee has been afforded the opportunity to receive a Tennessee Energy Efficiency and Conservation Block Grant under the American Recovery and Renewal Act of 2009 (ARRA), which grant could provide funds that may be used to help the Town become more energy efficient; and

**WHEREAS**, one of the requirements for eligibility for such grant is that the Town study the opportunity to implement the minimum residential building energy standards of the 2009 Tennessee Clean Energy Future Act (Tennessee Public Chapter 529); and

**WHEREAS**, by action of its Board of Mayor and Aldermen taken at a regular meeting on May 6, 2010, the Town adopted Resolution 2010-02, which exempted one-family and two-family dwellings in the Town from application of said 2009 Tennessee Clean Energy Future Act; and


**WHEREAS**, the Town's Board of Mayor and Aldermen now wishes to pursue eligibility for such grant as described above, and to otherwise study the opportunity to implement the minimum residential building energy standards in the 2009 Clean Energy Future Act with the exception of its application to one-family and two-family dwellings.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on this 3<sup>rd</sup> day of June, 2010, as follows:

1. That the Town make application and pursue eligibility for a Tennessee Energy Efficiency and Conservation Block Grant under the American Recovery and Renewal Act of 2009 (ARRA), and that the Mayor be authorized to execute and submit such documents as may be necessary in relation thereto.
2. That the Kimball Board of Mayor and Aldermen study the opportunity to implement the minimum residential building energy standards in the 2009 Tennessee Clean Energy Future Act (Tennessee Public Chapter 529) within the municipal limits of the Town, except for application of same to one-family and two-family dwellings, which were previously exempted by Resolution 2010-02.

ADOPTED this 3<sup>rd</sup> day of June, 2010.

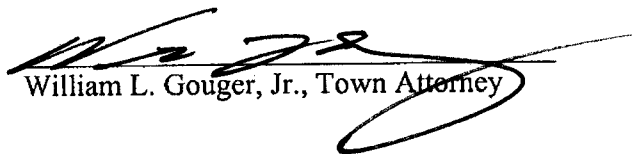
TOWN OF KIMBALL, TENNESSEE

By:   
David Jackson, Mayor

ATTESTED:

  
Tonia May, City Recorder

Approved as to Form:

  
William L. Gouger, Jr., Town Attorney