

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

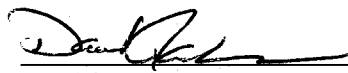
WHEREAS, The State of Tennessee Department of Economic and Community Development has grant funds available to assist with addressing critical community infrastructure problems such as this; and

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.

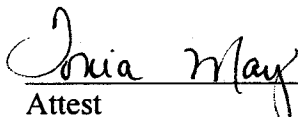
BE IT HEREBY RESOLVED that the Town of Kimball authorized the Mayor to sign and submit an application for up to \$386,900 in CDBG funds to extend sewer lines and agrees to allocate a minimum of 27 percent local matching funds up to \$143,100 from general revenues of the City, subject to approval of the 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 6th day of May, 2010.

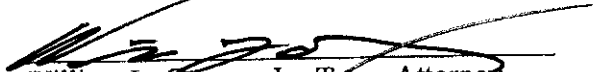
TOWN OF KIMBALL, TENNESSEE

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 6th 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 6th 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.

