

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
“SPECIAL CALLED” MEETING  
MARCH 25, 2013**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in special called session at the regular meeting place of the Council in the Morristown City Center at 6:15 p.m., Monday, March 25, 2013 with the Honorable Mayor Danny Thomas presiding and the following named Councilmembers present: Bob Garrett, Chris Bivens, Kay Senter, Paul LeBel and Gene Brooks; absent Councilmember Dennis Alvis.

Councilmember Senter made a motion to approve Resolution No. 05-13. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

**RESOLUTION NO. 05-13**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.**

WHEREAS, the City of Morristown is a public and governmental body in Morristown, Tennessee (the “Local Government”); and

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number **WRF 2013-328** (the “Project”), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. Seq., provide for the lending of moneys in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for Project Loans; and

WHEREAS, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE, be it resolved as follows:

**Section 1.** Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of FIVE MILLION DOLLARS (\$5,000,000) by the obtaining of a Project Loan.

**Section 2.** The execution and delivery of the Application for a Project Loan in the principal amount of FIVE MILLION DOLLARS (\$5,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project FIVE MILLION DOLLARS (\$5,000,000), by Danny Thomas, the Mayor of the Local Government, is hereby ratified and approved in all respects.

**Section 3.** The form, terms, and provisions of the agreement for the Project Loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

**Section 4.** The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

**Section 5.** The Local Government hereby agrees to make the monthly payments on the Project Loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

**Section 6.** The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project Loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the wastewater system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

**Section 7.** The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

**Section 8.** The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

**Section 9.** The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

**Section 10.** The Mayor of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to

take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project Loan.

**Section 11.** All orders, resolutions, or ordinances in conflict with this resolution be and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this 25<sup>th</sup> day of March, 2013.

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MAYOR

WITNESS:

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CITY ADMINISTRATOR

Councilmember Bivens made a motion to approve Lamar Dunn & Associates Design Services at Waste Water Treatment Plant for a lump sum of \$290,000.00 in accordance with the proposal letter dated March 19, 2013. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve Lamar Dunn & Associates Stormwater studies for Debbie Circle and Vantage View entrance road culvert for a lump sum of \$83,000.00 in accordance with the proposal letter dated March 19, 2013. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve Lamar Dunn & Associates Design Services for Stormwater Capital Improvement Program(s) and sanitary sewer projects in accordance with the proposal letter dated March 19, 2013: a.) Rosedale and Sulphur Springs Road in the lump sum of \$38,000.00; b.) Five-Points at SR343 combined design for current drainage system and sanitary sewer project in the lump sum of \$39,000.00; c.) Cherokee and Buffalo Trail combined design for stormwater project and sanitary sewer project which will also cross Cherokee in the lump sum of \$63,000.00. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to approve Lamar Dunn & Associates Construction Services for the following projects: a.) Fairmont General Engineering Services fee of \$10,000 lump sum, Resident Project Rep. (hourly) \$10,500 budget; b) Fall Creek/Spring Creek General Engineering Services fee of \$42,250 lump sum,

Resident Project Rep. (hourly) \$140,000 budget. c.) Central City CCTV Data Management Services fee of \$25,000 lump sum, Resident Project Rep (hourly) \$52,000 budget. The above listed services are to be performed under existing agreements. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Garrett made a motion to approve Lamar Dunn & Associates Permitting and Easement services for Stormwater Projects on an hourly basis under the Master Agreement \$14,500.00 budget. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve Lamar Dunn & Associates Permitting and Easement services for wastewater projects on an hourly basis under the 3/7/2012 Agreement \$16,000.00 budget. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to award a bid to Performance Contracting, Inc. for Closed Circuit Television Inspection and Cleaning in the amount of \$947,362.00. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Garrett made a motion to award a bid to Portland Utilities Construction for Sewer Rehab, Fall Creek/Barton Springs in the amount of \$1,647,472.37. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Mayor Thomas adjourned the March 25, 2013, "Special Called" meeting.

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MAYOR

ATTEST

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CITY ADMINISTRATOR