

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
DECEMBER 10, 2009
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, December 10, 2009, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Mayor Sallee announced a moment of silent prayer. Pledge of Allegiance was led by Mayor Sallee. Mayor Sallee then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk; and Dan Rader, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Councilman Anderson, to amend the agenda by withdrawing item #15 – consider awarding bid for Dogwood Park Irrigation. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
WORK SESSION HELD ON
11-16-09 & MEETING HELD
ON 11-19-09**

Councilman Shelton made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Vice-Mayor Davis. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND
FINAL READING ORDINANCE
#009-10-19, AMENDING THE
ZONING CODE PERTAINING
TO MINIMUM LOT AND YARD
REQUIREMENTS FOR
SINGLE-FAMILY ATTACHED
DWELLINGS (TOWNHOUSES)
IN ZONING DISTRICTS
ALLOWING CONDOMINIUMS
AS USES PERMITTED ON
REVIEW**

**COOKEVILLE CITY COUNCIL
MINUTES
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Councilman Williams made a motion, seconded by Councilman Anderson, to approve on second and final reading Ordinance #O09-10-19. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND
FINAL READING ORDINANCE
#O09-11-20, AMENDING TITLE 5,
CHAPTER 3 OF THE MUNICIPAL
CODE, RELATIVE TO BUSINESS
TAX ACT**

Councilman Anderson made a motion, seconded by Vice-Mayor Davis, to approve on second and final reading Ordinance #O09-11-20. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

CONSENT AGENDA:

**SET A DATE (1-7-10) FOR A PUBLIC
HEARING ON ORDINANCE
#O09-12-21, AMENDING THE
COOKEVILLE ZONING CODE TO
ESTABLISH DENSITY BONUS
PROVISIONS FOR THE CONVERSION
OF NONCONFORMING USES IN THE
RM-8 DISTRICT**

**SET A DATE (1-7-10) FOR A PUBLIC
HEARING ON ORDINANCE
#O09-12-22, REZONING 435, 445, 455
WEST 12TH STREET AND 2 VACANT
LOTS ON WEST 12TH STREET (TAX
MAP #'S 40I-G-1.00, 2.00, 2.01, 3.00 &
4.00) FROM RS10 (SINGLE-FAMILY
RESIDENTIAL) TO RM8 (MULTI-
FAMILY RESIDENTIAL)**

**SET A DATE (1-7-10) FOR A PUBLIC
HEARING ON ORDINANCE
#O09-12-23, REZONING A PORTION
OF 1227 NORTH WASHINGTON
AVENUE (TAX MAP #40K-E-8.01)
FROM RS10 (SINGLE-FAMILY
RESIDENTIAL) TO CN
(NEIGHBORHOOD COMMERCIAL)**

**COOKEVILLE CITY COUNCIL
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**SET A DATE (1-7-10) FOR A PUBLIC
HEARING ON ORDINANCE
#O09-12-24, AMENDMENTS TO THE
OFFICIAL STREET MAP**

**SET A DATE (1-21-10) FOR A PUBLIC
HEARING ON ORDINANCE
#O09-12-25, AMENDMENTS TO THE
COOKEVILLE ZONING CODE
CONCERNING REGULATIONS
FOR SEXUALLY ORIENTED
BUSINESSES**

**CONSIDER AWARDED BID FOR
FULL CATERED MEAL/SERVICE
FOR FATHER/DAUGHTER DATE
NIGHT – LEISURE SERVICES
DEPARTMENT**

**CITY OF COOKEVILLE
TABULATION SCHEDULE**

Full Catered Meal and Service for Father Daughter Date Night

DATE OF BID OPENING: Thursday, December 3, 2009

Time: 10:00 a.m.

BIDS OPENED BY: Rick Woods

DEPARTMENT: Leisure Services & Public Facilities

BIDDER	Meal Bid	Chocolate fountain option	TOTAL BID
1. Grade A Catering	\$12,483.45	\$1,427.10	\$13,910.55
2. Royal Act Catering	\$13,450.00	\$1,295.00	\$14,745.00

We, the undersigned, do hereby recommend the bid from Grade A Catering for the following reason:

Low Bid Meeting Specifications


RECOMMENDED: DEPARTMENT HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Councilman Williams made a motion, seconded by Councilman Anderson, to approve the consent agenda items as submitted. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
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NEW BUSINESS:

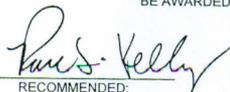
**CONSIDER RESOLUTION #R09-12-16,
REQUESTING THE TENTATIVE
AWARD OF TWO (2) CONSTRUCTION
CONTRACTS FOR HUDGENS CREEK
PUMP STATION, FORCE MAIN AND
INTERCEPTOR SEWER,
CONTINGENT UPON STATE
APPROVAL OF CONTRACTS**

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
SYSTEM-WIDE SCADA SYSTEM

DATE OF BID OPENING 19-Nov-09 TIME: 2:00 P.M.
BIDS OPENED BY JOE BISHOP
BIDS WITNESS BY RONNIE KELLY/BARRY TURNER

BIDDERS	TOTAL BID				
M/R SYSTEMS, INC.	\$357,656.00				
REVERE CONTROL SYSTEMS, INC.	\$382,762.47				

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM - M/R SYSTEMS, INC.
BE AWARDED FOR THE FOLLOWING REASON: LOW BID MEETING SPECIFICATIONS


RECOMMENDED:
DEPARTMENT HEAD


APPROVAL:
CITY MANAGER

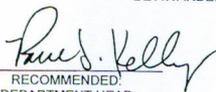

BUDGET AVAILABILITY:
FINANCE DIRECTOR

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
HUDGENS CREEK PUMP STATION, FORCE MAIN, AND INTERCEPTOR SEWER

DATE OF BID OPENING 19-Nov-09 TIME: 2:00 P.M.
BIDS OPENED BY JOE BISHOP
BIDS WITNESS BY RONNIE KELLY/BARRY TURNER

BIDDERS	TOTAL BID				
CHARLES DEWEESE CONST CO	\$2,811,917.95				
CLEARY CONSTRUCTION, INC.	\$2,834,274.30				
GARNEY COMPANIES, INC.	\$2,818,188.00				
MAINSTREAM, INC	\$3,453,594.39				
MAYSE CONSTRUCTION	\$4,789,900.55				
PARRIS CONSTRUCTION, INC.	\$4,212,682.00				
W & O CONSTRUCTION CO., INC.	\$2,738,607.75				

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM - W & O CONSTRUCTION COMPANY, INC.
BE AWARDED FOR THE FOLLOWING REASON: LOW BID MEETING SPECIFICATIONS


RECOMMENDED:
DEPARTMENT HEAD


APPROVAL:
CITY MANAGER


BUDGET AVAILABILITY:
FINANCE DIRECTOR

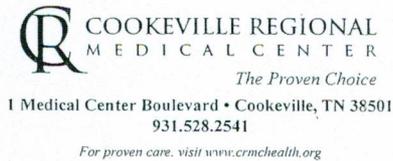
Vice-Mayor Davis made a motion, seconded by Councilman Williams, to adopt Resolution #R09-12-16. Upon call for a vote, the following voted aye:

- Mayor Sam Sallee
- Vice-Mayor Jean Davis
- Councilman Alma Anderson
- Councilman Ricky Shelton
- Councilman Ryan Williams

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPROVAL OF
RENOVATIONS TO THE
MEDICAL SPECIALIST
BUILDING**



December 2, 2009

Jim Shipley
City Manager
City of Cookeville
45 East Broad Street
Cookeville, TN 38501

Dear Jim:

The hospital Board of Trustees would like to request the following action items to be placed on the December 10, 2009 City Council Agenda:

- Renovations to the Medical Specialist Building NTE \$200,000
- Refinancing Debt of \$60 Million

The renovations to the Medical Specialist building and refinancing closing costs will be paid out of cash operations.

If you have any questions, please contact me at any time.

Sincerely,



Paul Korth
Chief Financial Officer

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the renovations to the Medical Specialist Building not-to-exceed \$200,000.

Mr. Justin Cumby, local contractor, advised that he was the low bidder on this project, but was not awarded the bid due to confusion in the completion date.

Dan Rader, City Attorney, advised that the Council is just approving the expenditure & explained that the CRMC operates under a "Private Act".

Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
REFINANCING DEBT FOR
COOKEVILLE REGIONAL
MEDICAL CENTER**

**COOKEVILLE CITY COUNCIL
MINUTES
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**Cookeville Regional Medical Center Authority
\$60,000,000 Tax Exempt "Bank Qualified" Loan Refinancing
Transaction Summary Sheet
December 2, 2009**

Borrower:	Cookeville Regional Medical Center Authority ("CRMCA", The "Borrower")
Agent Bank:	Fifth Third Bank (The "Bank", The "Agent Bank")
Lenders:	Fifth Third Bank and First Tennessee Bank Fifth Third Bank will hold up to 35.0 million of the "Credit Facilities" and First Tennessee Bank will hold up to \$25.0 million.
Credit Facilities:	Up to \$60.0 million Senior Credit Facilities (the "Credit Facilities") structured as follows: (a) Up to \$30.0 million "Bank Qualified" Tax Exempt Term Loan Facility to be closed prior to 12/31/2009 (b) Up to \$30.0 million "Bank Qualified" Tax Exempt Term Loan Facility to be closed on or after 01/01/2010.
Maturity:	7 years from closing
Purpose:	To refinance existing Series 2001A-2, and Series 2006 Tax Exempt VRDN Bond Issues
Interest Rate:	All in effective fixed rate between 4.80%-4.95% (final rate to be determined at closing, based on interest rate environment at the time of closing.
Costs and Fees:	Total fees are estimated at less than \$400,000, including bank underwriting and arrangement fees, financial advisory fees, and legal cost and expenses.
Interest Rate Swap:	The Bank is providing the Borrower with a, LIBOR based ("perfect hedge"), 7 year, interest rate Swap for the entire \$60.0 million amount of the Credit Facilities. The proposed Swap will include the assignment and blend/extend of the Borrower's existing Swap Agreements and <i>will not</i> require any cash outlay of CRMCA to terminate the existing Swap Agreements.
Credit Terms and Conditions:	Security, Amortization, reporting requirements, and financial covenants are all equal to or less restrictive than under the existing debt structure.

Key Accomplishments
of New Debt Structure:

"Bank Qualified" Loan and Swap Structure will accomplish the following:

- Eliminates all Regions Bank or other Bank Credit risk associated with selling bonds to the market with Letter of Credit Support
- Eliminates interest rate swap basis risk and renewal risk, as new swap will be based on exact LIBOR loan index and swap maturity will match loan maturity
- Eliminates all variable interest rate risk, as structure effectively fixes interest rate on the \$60,000,000 refinancing
- Generates all in 7 year fixed interest rate on debt under 4.90%, as compared to 5.03% weighted average interest rate for calendar year 2009
- Extends effective maturity on existing \$60,000,000 in bonds from 2011 to 2018
- Eliminates need for \$4.1MM cash outlay to terminate existing swap, as that amount is rolled into the refinancing amount and 4.90% fixed rate noted above.

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve the refinancing of debt for Cookeville Regional Medical Center as submitted. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER AWARDDING BID FOR
DOGWOOD PARK WATER
FEATURE**

**COOKEVILLE CITY COUNCIL
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**CITY OF COOKEVILLE
TABULATION SCHEDULE**

Dogwood Park Fountain Plaza

DATE OF BID OPENING: Friday, December 4, 2009

Time: 10:00 a.m.

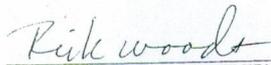
BIDS OPENED BY: Rick Woods

DEPARTMENT: Leisure Services & Public Facilities

BIDDER	Base Bid with Column & Bowl	Alternate without Column & Bowl
1. Earth-Born Contractors	\$261,900.00	\$223,300.00
2. Hobbs Architectural Fountains	\$474,400.00	\$458,600.00
3. J & S Construction	\$268,730.00	\$230,847.00

We, the undersigned, do hereby recommend the bid from Earth-Born Contractors for the following reason:

Low Bid Meeting Specifications


RECOMMENDED: DEPARTMENT HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Councilman Shelton made a motion, seconded by Councilman Anderson, to award the Dogwood Park Water Feature bid to Earth-Born Contractors in the amount of \$261,900 including the column & bowl. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
EMERGENCY PURCHASE
OF EQUIPMENT FOR
REPAIRS AT THE
WASTEWATER
TREATMENT PLANT**

MEMORANDUM

TO: City Manager
City Council

FROM: Ronnie J. Kelly, Director 

DATE: December 1, 2009

SUBJ: Repairs at Wastewater Treatment Plant – Bearing Assembly

A bearing on one of our three upper screw pumps recently failed and damaged the housing that encapsulates the bearing. We had to purchase the housing and shaft assembly from the original equipment manufacture, Lakeside Equipment Corporation.

We also ordered an additional bearing assembly for the lower screw pumps to have as a replacement. The lower bearing assembly was purchased due to the long lead delivery time of the bearing assembly and to the critical nature of the lower screw pumps in meeting our NPDES permit limits.

We have received the invoice for the bearing assemblies and I will be seeking Council approval for payment during the next council meeting. The total cost of the parts is \$16,277.

If you have any questions please feel free to give me a call.

**COOKEVILLE CITY COUNCIL
MINUTES
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Councilman Williams made a motion, seconded by Councilman Anderson, to approve the emergency purchase of repairs at the Wastewater Treatment Plant as requested. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
REQUEST TO EXTEND
AGREEMENT FOR THE
PURCHASE OF
PROPRIETARY
PHOSPHATE BLENDED
CHEMICAL**

TO: City Manager
City Council

FROM: Ronnie J. Kelly, Director *RJK*

DATE: December 1, 2009

SUBJ: Proprietary Water Plant Chemical Purchase

During the December 10th City Council meeting I will be presenting a request to extend the purchase of a proprietary phosphate blended chemical that we are using on a trial basis at our Water Treatment Plant.

In March of this year the City Council approved the purchase of the polyphosphate manufactured by SeaQuest for use in our evaluation. We would like to extend the trial through the winter and spring months to complete our evaluation. If the polyphosphate meets our expectations we would make future purchases within our annual chemical bid process.

We have solicited updated pricing from the two approved manufactures. SeaQuest has submitted the low price of \$10.725 per gallon. Aquaden has submitted a price of \$11.00 per gallon. We anticipate that we would use approximately 2700 gallons during this extended trial. It is my recommendation to purchase SeaQuest at a price of \$10.725 per gallon.

If you have any questions concerning this item please feel free to give me a call and we can discuss this request to purchase.

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the extended agreement for the purchase of proprietary phosphate blended chemical as requested. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
HEALTH INSURANCE
CONTRACT FOR 2010**

**COOKEVILLE CITY COUNCIL
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Employee Health Plan
Overview

- Self funded 12 years
- BlueCross BlueShield Network P - 2003
- BlueCross BlueShield Administers Plan
- Stop Loss Insurance – reduce plan's financial risk associated with catastrophic medical claims
- Stop Loss - \$150,000 deductible per covered member
 - Plus \$50,000 aggregating specific deductible

Health Plan Summary

- Average of 460 employees, 261 spouses, 284 children
- 1,000 plan members
- Average Age of covered employees is 49.6 years
- Average Age of all covered members is 37.9 years
- Total Covered Benefits after Provider Savings - \$3,767,361
 - plan paid \$2,812,045 (75%) - employee cost share \$955,316 (25%)
- Average claim cost per employee \$8,086 (24% increase over prior period)
 - plan \$6,140 (31% increase)
 - employee \$1,946 (6.9% increase)
 - prior period \$6,507 (plan \$4,688 / employee \$1,820)
- 18 members had claims in excess of \$25,000
 - \$1,080,758 or 38.4% of plan paid claims
 - prior period 12 members \$554,324 or 25.6% of plan paid claims

Summary

- Approve BCBS plan administrator
- Utilize BCBS Network S effective March 1, 2010
- BCBS Fee unchanged \$45.61 pcpm
- SunLife Reinsurance
 - Premium increase 19.79% (based on claims experience)
 - \$18.78 single contract / \$46.18 family contract

**COOKEVILLE CITY COUNCIL
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Vice-Mayor Davis made a motion, seconded by Councilman Williams, to authorize the City Manager to extend the contract with BlueCross BlueShield of Tennessee, Inc. & change to Network S effective 3-1-10 as recommended. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

HEARING FROM OFFICERS, COUNCILMEN AND CITY MANAGER:

**PRESENTATION CONCERNING
APPLICATION FOR \$100,000
TENNESSEE ENERGY
EFFICIENCY &
CONSERVATION BLOCK
GRANT**

- Apply for \$100,000 Tennessee Energy Efficiency and Conservation Block Grant
- No Match Grant
- LED Parking Lot Lighting Proposal
- Replace Existing Lighting at City Hall Parking Lot, Cedar Street Municipal Parking Lot, Chamber of Commerce, Boyd Street Parking Lot
- Use Savings to Provide Energy Efficient Lighting to Future Areas
- Manufactured in the U.S.

HEARING OF CITIZENS AND/OR DELEGATIONS:

The Council thanked all the volunteers that helped make the TSSAA a great success!!

The Council reminded everyone to pray for the 278th being deployed.

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:40 p.m. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

Sam Sallee, Mayor

ATTEST:

Cathy McClain, City Clerk