

**MINUTES FROM A WORK SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
MARCH 7, 2022**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 5:30 p.m. on the 7th day of March, 2022. The following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON,
KEN SOCKWELL, DAVID MOORE
ABSENT: NONE

Ken Sockwell, Council President, presided at the meeting. Mayor Mike Lockhart was also present. Elaine Coan, City Clerk, was present and kept the minutes of the meeting.

Mrs. Eileen Nunnally spoke about The Caring Place which is an adult day care which was forced to close because they could no longer rent the building. Now, they have a building in which they can use, and hopefully they will reopen in October of 2022. They asked the council to make a monetary donation to help with the cost of reopening the day care.

Mr. Fred Joly met with the Council to inform them that he was a candidate for the Alabama House, Third District which includes the cities of Sheffield, Tuscumbia, Muscle Shoals, and a portion of Florence.

Mrs. Angela Hulsey, Assistant District Attorney for Colbert County met with the Council to inform them that she was a candidate for District Attorney for Colbert County. The election will be May 24, 2022.

Council Member David Moore discussed with the Council the amount of compensatory time that certain categories of employees can accumulate. Butch Fleming spoke to the Council and asked them could they consider allowing the Public Works Department to accumulate the same amount of compensatory time as other departments.

The Council discussed changing the date of the next council meeting to Monday, March 28, 2022, and agreed to change the date.

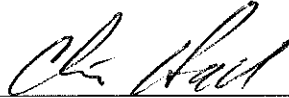
Fire Marshall Brian Stafford and Fire Chief Shawn Malone showed the Council the inspection decal which will be put on Food Trucks when they are inspected by the Fire Marshall, and have a city license.

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The Council reviewed agenda items.

There being no further business the meeting was adjourned at 6:15 p.m.

CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation



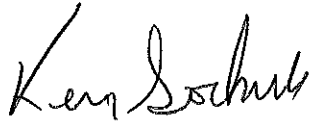
COUNCIL MEMBER - PLACE ONE



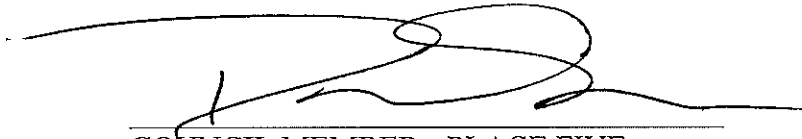
COUNCIL MEMBER - PLACE TWO



COUNCIL MEMBER - PLACE THREE

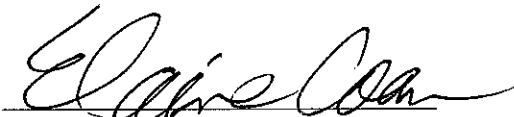


COUNCIL MEMBER - PLACE FOUR



COUNCIL MEMBER - PLACE FIVE

ATTEST:



CITY CLERK

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
March 7, 2022**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 7th day of March, 2022 being the scheduled time and place for said meeting. The meeting was called to order by Ken Sockwell, Council President. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON, ,
KEN SOCKWELL, DAVID MOORE
ABSENT: NONE

Ken Sockwell, Council President, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business. Mayor Mike Lockhart was also present. Elaine Coan, City Clerk, was present and kept the minutes of the meeting.

The invocation was given by Fred Joly. Council President Ken Sockwell led in the pledge of allegiance.

Upon motion duly made by Council Member Clark and seconded by Council Member Moore and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 21, 2022 and approved the minutes as written.

Mayor Lockhart expressed his appreciation to all who were present at the meeting.

President Sockwell announced that the next item of business was consideration of a resolution to award a bid for the purchase of a fire truck for the Fire Department. Council Member Clark introduced the following resolution and moved for its adoption:

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3191-22

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of one (1) new, custom built fire apparatus to be utilized in the Fire Department; and

WHEREAS, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

WHEREAS, the Procurement Agent further advised that the total purchase price for one (1) new, custom built fire apparatus is \$997,708.00 to be purchased from Rosenbauer Minnesota, LLC and further Rosenbauer Minnesota, LLC, is the awarded contractual vendor for said item with Houston-Galveston Area Council (HGACBuy), a State of Alabama approved governmental purchasing cooperative; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that Rosenbauer Minnesota, LLC is awarded the purchase of the approved custom built fire apparatus for the total purchase price of \$997,708.00.

Council Member Moore seconded the motion and upon said motion being put to a vote, all vote "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a job description for the position of Building Planning Officer. Council Member Thompson moved that the job description be approved as presented. Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the job description had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to replace the drive unit at Shoals City Pumping Station. Council Member Moore introduced the following resolution and moved for its adoption:

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3192-22

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has determined that that the existing hydraulic pumps at the Shoals City Pumping Station are in need of replacement and based upon the recommendation of the City Engineer;

WHEREAS, the City Council finds the existing Shoals City Pumping Station was designed and constructed by MWI Pumps and it is the sole manufacturer of the Hydraflow pumps, and it is critical that the drive units and related material be compatible with existing pumps which were designed and constructed by MWI Pumps;

WHEREAS, the City Council has determined that the drive units and related material described herein as provided by MWI Pumps are needed to update the pumps with the following equipment:

Two (2) 2400D skid Drive unit with integral fuel tanks powered by JD6068 156hp Tier 3 engines; also

Two (2) Hydraulic jumper hose sets; also

Two (2) auto start/stop control including panels; and

Two (2) batteries

to insure that said equipment is compatible with drive units and the existing pumps at the Shoals City Pumping Station and are related to the intended purpose of repairing, replacing and maintaining and upgrading the existing pumps located there; and other similar goods or services are not available to perform the objectives of repairing, replacing and maintaining the equipment at the Shoals City Pumping Station;

WHEREFORE, the City Council finds that the continued and uninterrupted operation of the Shoals City Pumping Station is critical to the flood control system of the City of Muscle Shoals and that the incompatibility of pumps and drive units produced by an alternate supplier would leave the area served by the Shoals City Pumping Station unprotected during large flood events.

WHEREAS, the City Council determines that MWI Pumps, as the producer and supplier of the MWI Pumps equipment, i.e., pumps, diesel drive units and associated material qualifies as a sole source exception to the competitive bidding requirements applicable to public contracts;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that MWI PUMPS for the purposes stated herein is found to be a sole source producer and supplier as an exception to the competitive bidding requirements applicable to public contracts; and

BE IT RESOLVED that the Mayor, Mike Lockhart, be, and he hereby is, authorized to enter into a contract for and on behalf of the City with MWI Pumps for the repair and replacement of material and equipment as set out in the January 10, 2022 letter from MWI Pumps for and in consideration of the sum of \$168,221.00 plus any sales taxes.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute and deliver any additional documents necessary in the accomplishment of and completion of said project.

Council Member Clark seconded the motion and upon motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to approve application for membership in the Greater Shoals Broadband Cooperative. Council Member Moore introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3193-22

WHEREAS, the City Council of Muscle Shoals, Alabama (the Governing Body), acting subject to and in accordance with the relevant provisions of the Code of Alabama 1975 (as the same may be amended or supplemented from time to time, the "Act"), having reviewed the matters regarding the formation of the cooperative, are desirous of becoming a member of The Greater Shoals Broadband Cooperative District does hereby find and consent to the following matter as follows, to wit;

WHEREAS, on or around February 18, 2022, three (3) natural persons being Macke Mauldin, Jim Blasingame, and Michael Shipper (such persons collectively, the "Applicants") filed with the Governing Body an application made under and in accordance with provisions of Chapter 99B of Title 11 of the Act (the "Application"), a copy of which Application is attached hereto as Exhibit A.

WHEREAS, as further set forth in the Application, the Applicants have proposed and requested, among other things, that (a) a public corporation by the name of the "Greater Shoals Broadband Cooperative District" be incorporated pursuant to and in accordance with the relevant provisions of Chapter 99B of Title 11 of the Act to serve as a "capital improvement cooperative district" within the meaning of the Act (the "District"), (b) the Public Entity become and be a member of the District, and (c) that the Public Entity adopt and approve these resolutions for purposes of, among other things, approving and authorizing the matters referenced in this paragraph;

WHEREAS, as further set forth in the Application, each Applicant has certified that he or she is a duly qualified elector of one of the counties with the governing body of which this application is being filed;

WHEREAS, upon receipt and consideration of the Application and related information and evidence, the Governing Body has determined that the Application satisfies the applicable requirements of Chapter 99B of Title 11 of the Act; and

WHEREAS, upon receipt and consideration of the Application and related information and evidence, the Governing Body has determined it to be wise, expedient, and necessary, and in the best interest of the Public Entity and its citizens and users, that the proposed District be formed and that the Applicants proceed to form the proposed District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Act.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Muscle Shoals, Alabama has determined it to be wise, expedient, and necessary that the proposed District be formed, and the Applicants are hereby authorized to proceed to form the proposed District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Act; and the City Muscle Shoals, Alabama consents to become a member thereof.

**APPLICATION TO BECOME A JURISDICTIONAL MEMBER OF THE
GREATER SHOALS BROADBAND COOPERATIVE DISTRICT FEBRUARY
18, 2022**

The undersigned applicants (the "Applicants") do hereby apply to the City Council of the City of Muscle Shoals, Alabama for authority to incorporate and organize a public corporation as a capital improvement cooperative district (the "District") under and in accordance with the provisions of the statutes codified as Chapter 99B of Title 11 of the Code of Alabama 1975 (as heretofore or hereafter amended or supplemented, the "Act"). In furtherance of the foregoing, the Applicants do hereby state the following:

1. The proposed name of the District shall be the Greater Shoals Broadband Cooperative District.
2. The District proposes the development, construction, deployment, management, governance, operations of a broadband infrastructure project (and/or a series of related projects) to improve broadband connectivity and facilitate expanded availability of Internet speed, capacity and services to all citizens, businesses and institutions within and contiguous to the two--county Metropolitan Statistical Area comprising Lauderdale and Colbert counties (the "MSA").
3. The general areas in which the District proposes to acquire or construct such project(s) are located throughout the MSA.
4. The nine (9) proposed members of the District (the "Members") are as follows: the County of Lauderdale, the City of Florence, The University of North Alabama, the County of Colbert, the City of Sheffield, the City of Muscle Shoals, the City of Tuscumbia, Muscle Shoals Electric Board, and Tuscumbia Utilities.
5. The District shall be governed by a board of directors ("Board"), which Board shall be comprised of twenty-one (21) individuals (the "Directors").
6. The Directors shall be appointed by the Members as follows: (a) five (5) Directors shall be appointed by the County of Lauderdale, (b) four (4) Directors shall be appointed by the City of Florence; (c) one (1) Director shall be appointed by The University of North Alabama; (d) three (3) Directors shall be appointed by the County of Colbert; (e) three (3) Directors shall be appointed by the City of Sheffield; (f) one (1) Director shall be appointed by the City of Muscle Shoals; (g) one (1) Director shall be appointed by the City of Tuscumbia; (h) one (1) Director shall be appointed by Muscle Shoals Electric Board; (i) one (1) Director shall be appointed by Tuscumbia Utilities; (j) one (1) Director shall be appointed at-large by majority vote of the other Directors. Each Director shall have one (1) vote each matter to be decided by the Board.
7. Any Director who resigns, is removed, or otherwise ceases to be a Director for any reason, as the case may be, shall be deemed to have resigned and created a vacancy on the Board, and such vacancy shall be filled by the

Member who appointed the Director that held such position prior to such vacancy.

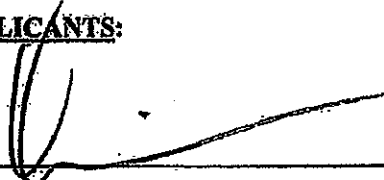
8. The proposed location of the principal office of the District shall be 91 Harcourt Morgan Way, Sheffield, AL 35660.
9. Each Applicant is a duly qualified elector of one of the counties with the governing body of which this application is being filed.
- 10 Pursuant to Section 11-99B-5 of the Act, the certificate of incorporation of the District, once filed, may only be amended after obtaining the written consent of the governing body of each authorizing subdivision of the District.
11. The Applicants do hereby request that the Members each adopt a resolution declaring that it is wise, expedient and necessary that the proposed District be formed and authorizing the Applicants to proceed to form the proposed District by the filing for record the certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Act.

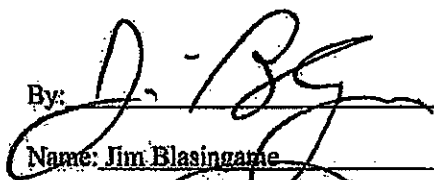
This instrument may be executed in one or more counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument. A signed copy of this instrument delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned Applicants have caused this Application to be duly submitted effective as of the date set forth above.

APPLICANTS:

By: 
Name: Macke Mauldin

By: 
Name: Jim Blasingame

By: 
Name: Michael Shipper

Council Member Hall seconded the motion and upon motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to adopt a Comprehensive Plan. Council Member Thompson introduced the following resolution and moved for its adoption:

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3194-22

WHEREAS, the Code of Alabama, Section 11-52-8 through 11-52-11 establishes a duty of the municipal planning commission to make and adopt a master plan for the physical development of the city, specifies the content of such plan, the procedure for its adoption, and a general purpose of promoting health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development; and,

WHEREAS, the City of Muscle Shoals deems it necessary to create a master plan for the city and its environs that will accomplish this general purpose; and,

WHEREAS, the City of Muscle Shoals deems it necessary to select a provider of professional services through open competition, the exemption of such services from competitive bidding by Section 41-16-51(3) notwithstanding; and

WHEREAS, the City deems it necessary to establish a budget and a procedure to guide the efficient selection of the most qualified professional service provider to conduct this work.

THEREFORE, BE IT RESOLVED, that the City of Muscle Shoals will select the most qualified provider of professional services in accordance with the March 7, 2022 Request for Qualification: Comprehensive Plan".

BE IT FURTHER RESOLVED, the budget established in support of this activity shall not exceed \$175,000 unless authorized by the City Council.

AND, BE IT FURTHER RESOLVED, the Mayor of the City of Muscle Shoals is authorized to take such actions as necessary and reasonable to procure the services of the most qualified provider, including establishing a selection committee to evaluate proposals and qualifications, conduct interviews with interested parties, and enter into negotiations with the most qualified firm or firms as needed.

Council Member Hall seconded the motion and upon motion being put to a vote, all voted "AYE" and "NAYS" were none. President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was the selection of a voting delegate for the Alabama League of Municipalities annual convention. A first alternate and a second alternate will also be selected. Council Member Hall moved that the following slate of members be selected as delegates:

Voting delegate: Mayor Mike Lockhart

First alternate: Council Member Willis Thompson

Second alternate: Council Member David Moore

Council Member Clark seconded the motion and upon said motion being put to a vote, all vote "AYE" and "NAYS" were none.

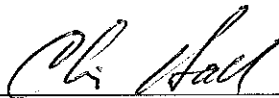
President Sockwell announced that the voting delegates had been approved.

President Sockwell announced that the next item of business was to consider rescheduling the March 21, 2022 regular meeting and work session of the City Council. Council Member Clark moved that the meeting be rescheduled to Monday, March 28, 2022, with the work session at 5:30 p.m. and the regular meeting upon the conclusion of the work session or 6:00 p.m. whichever is later. Council Member Moore seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the motion had been approved.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

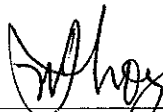
CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation



COUNCIL MEMBER - PLACE ONE



COUNCIL MEMBER - PLACE TWO



COUNCIL MEMBER - PLACE THREE



COUNCIL MEMBER - PLACE FOUR



COUNCIL MEMBER - PLACE FIVE

ATTEST:



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