

**CITY COUNCIL - PRE-MEETING 6:30 P.M. TO 7:00 P.M.**

Natchitoches City Council will have a pre-council meeting beginning at 6:30 p.m. and ending at 7:00 p.m. to discuss any non-agenda items. The City Council meeting will begin promptly at 7:00 p.m. on the second and fourth Monday of each month and will be reserved to only items on the Agenda. The public is invited to both the pre-council meetings and council meetings with the understanding that items not on the agenda will not be discussed at the scheduled council meetings, but the public is welcome to discuss any topic at the pre-council meetings.

**NATCHITOCHEES CITY COUCIL MEETING**

**February 14, 2011**

**7:00 P.M.**

**A G E N D A**

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **READING AND APPROVAL OF THE MINUTES OF JANUARY 24, 2011**
5. **PROCLAMATION:**  
**#009 Morrow** Resolution in Support of Regine Bell and Councilwoman Sylvia Morrow to serve on the National committee of "Let's Move Obesity Initiative"
6. **PLANNING & ZONING - INTRODUCTION:**  
**#010 Mims** Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning Classification Of Property Described As Follows:  
  
Lot 3 And South 8.7 Feet Of Lot 2, Block F Of Blanchard Road Subdivision, Less 0.082 Of An Acre To Highway Department, From B-3 Zoning To Additional B-A Zoning To Authorize The Sale Of Beverages Of High And Low Alcoholic Content For Consumption On Premises (1100 Keyser Avenue, Natchitoches Skating Rink, Gloria Davis)
7. **ORDINANCES – INTRODUCTION:**  
**#006 Morrow** An Ordinance Authorizing The Mayor Of The City Of Natchitoches, Wayne McCullen, To Execute A Cash Sale Deed For The Purchase Of A Tract Located In The Block Bounded By Fifth Street, Amulet, Sixth Street And Touline Street, Having A Frontage On Sixth Street Of 197.54 Feet, From Paul Khoury, Et Al, For The Consideration Of Twelve Thousand Seven Hundred Fifty Dollars, To Provide For Advertising, And A Savings Clause  
  
**#007 Nielsen** Ordinance To Amend And Reenact Sections 18-16 Through 18-26 In Chapter 18 Of The Code Of Ordinances, Entitled Junk And Junk Dealers, Said Amendment Being Made To Update The City Code Of Ordinances To Agree With Existing State Law, Providing For Advertising, Further Providing For Severability, And Further Providing For A Repealer And Effective Date Of Ordinance.  
  
**#008 Payne** Ordinance To Amend And Reenact Section 10-72, Entitled False Alarms, Which Section Is Located In The Criminal Code, Chapter 10 Of The Code Of Ordinances, Said Amendment Being Made To Update The City Code Of Ordinances To Provide For Penalties And Fees For Repeat False Alarms That Require Response From Safety Personnel, Providing For Advertising, Further Providing For Severability, And Further Providing For A Repealer And Effective Date Of Ordinance  
*Tabelsd*

8. **ORDINANCES – FINAL:**

- #001 Nielsen** Ordinance Authorizing The Mayor, Wayne McCullen, To Amend The Intergovernmental Agency Agreement With The Department Of Public Safety And Corrections, Public Safety Services, Office Of State Fire Marshal To Extend The Term Of The Intergovernmental Agency Agreement Until December 31, 2013
- #002 McCain** Ordinance To Amend And Reenact Section 30-42, Entitled Rate Schedule, Which Section Is Located In Article Iv Of Section 30 Of The Code Of Ordinances Of The City Of Natchitoches, Said Amendment Being Made To Implement A New Rate Schedule For Water Use Which New Rate Structure Has Been Proposed In A Water Rate Study Prepared By Nassif Engineering & Architecture, LLC, Providing For Advertising, Further Providing For Severability, And Further Providing For A Repealer
- #005 McCain** Ordinance Authorizing The Mayor To Cancel And Withdraw The Agreement With OSI Building Systems, Inc., For The Improvements To The Natchitoches Regional Airport For A 100' X 120' Hangar By Mutual Agreement Of The Parties Thereto (Bid #0504)

9. **RESOLUTIONS:**

- #010 Mims** Resolution Authorizing The Mayor To Execute Change Order No. 1 For The Window Improvements At The Central Fire Station (Bid No. 0502)

10. **PUBLIC NOTICES:**

The City of Natchitoches will be closed Monday, February 21, 2011 in honor of President's Day

11. **ADJOURNMENT**

**NOTICE TO THE PUBLIC**

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at (318) 352-2772 describing the assistance that is necessary.

If you wish to address the Council, please complete the "Request to Address City Council" form located on the entrance table.

**PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF NATCHITOCHES, STATE OF LOUISIANA,  
REGULAR MEETING HELD ON  
MONDAY, FEBRUARY 14, 2011, AT SEVEN O'CLOCK, (7:00) P.M.**

The City Council of the City of Natchitoches met in legal and regular session at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana on Monday, February 14, 2011, at 7:00 p.m.

There were present: Councilmen; Jack McCain, Larry Payne, Dale Nielsen, Don Mims, Jr., and Councilwoman Sylvia Morrow

Absent:       None

The Mayor asked everyone to rise for the Invocation given by Mr. Michael Braxton, Director of Public Works, followed by the Pledge of Allegiance lead by Mr. Mims.

The Mayor then called for the reading of the Minutes. Mr. McCain made a motion to approve and dispense with the Reading of the Minutes, and Mr. Payne seconded the motion. The roll call vote was as follows:

<b>AYES:</b>	<b>McCain, Payne, Nielsen, Mims, Morrow</b>
<b>NAYES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

The Mayor declared the Motion as PASSED.

**RESOLUTION NO. 009 of 2011**

**PROCLAMATION**

**“LET’S MOVE OBESITY PROJECT”**

**WHEREAS**, the City of Natchitoches would like to join in with other cities across American in support of the National “Let’s Move Obesity Project” implemented by our National First Lady Michelle R. Obama; and

**WHEREAS**, the City of Natchitoches Mayor and City Council of the City of Natchitoches feels this initiative will help keep children of our city physically fit, healthy and informed about nutritious meals and a healthy diet; and

**WHEREAS**, the City of Natchitoches is excited about collaborating with other agencies, schools, and faith based organizations to promote this worthy initiative; and

**WHEREAS**, two of our citizens Regine Bell and Councilwoman Sylvia Morrow are already serving on the Let’s Move Obesity Committee hosted by our First Lady Michelle R. Obama. These names were submitted as a result of Councilwoman Sylvia Morrow attending the National League of Cities conference held in Denver, Colorado; and

**BE IT FURTHER RESOLVED**, our city officials understands the needs for a healthiest life style for our local children and want to join in with other municipal leaders across the nation supporting the Let’s Move Obesity Initiative hosted by our First Lady Michelle R. Obama; and

**BE IT FURTHER RESOLVED**, having two of our own local citizens serving on the national obesity Let’s Move Committee would keep our local officials engaged in continued dialogue with them on this important initiative. By having these two local citizens serving on this committee has place our city in the spotlight; and

**BE IT FURTHER RESOLVED**, our municipal leaders are pleased to support all programmatic activities on issues that have a significant impact on our children regarding their health; and

**BE IT FURTHER RESOLVED**, as the Mayor and members of the Natchitoches City Council we are pleased to support this proclamation on this 28<sup>th</sup> day of February, 2011 in the City of Natchitoches

Mr. McCain asked if they could defer the proclamation until they got some documentation of the authority behind it.

Ms. Morrow stated that she had spoken to Mr. Mims and she has all of the particulars but that it will be mailed to 700 Front Street so she didn't mind and it will be deferred. She went on to state that it is a very important initiative that is hosted by First Lady Michelle Obama.

On motion by Ms. Morrow and Seconded by Mr. Payne the above Resolution was **TABLED** and the vote to table is as follows:

**AYES: Morrow, Payne, Nielsen, Mims, McCain**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: None**

**THEREFORE**, Mayor Wayne McCullen declared Resolution No. 009 to be tabled by unanimous vote.

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**Wayne McCullen, Mayor**

Ms. Gloria Davis addressed the Council and stated that she is one of the owners of the Natchitoches Skating Rink and that the skating rink has been in existence since 1966 and she has owned it since September of '01. She stated that they have had wedding receptions, weddings, bachelorette parties and events. She went on to state that they have had educational budget classes, hosted private anniversary parties, sponsored local organizations, fundraisers and all have skated. She went on to say that they always only allowed cups into private events that were for adults. The children events always are separate, away from the adults. She stated that they support a local girls home that come in when they are ready and it's free of charge. She stated they have taken razor blades and guns from 13 year olds and drugs from 9 year olds; she's stopped girls from running away from home. She went on to state that there are over 14 gangs in the community and they have addressed the gangs. They adopted a college organization that raised money on the first Wednesday of every month for local private Christian school. She stated that the skating rink has also adopted a summer feeding program that they open up in the summer time and feed children breakfast and lunch and let them skate. She went on to state that their goal at the skating rink was to continue to operate as a local facility for the community. She went on to say that they were no documented reports of anything that was negative on the business. They have a new program within the skating rink called PCC, which is Project Community Connection which reaches out into the community. She stated that they went out on a limb during the holidays last year and opened up the doors for the people of the community because the community is limited to the things that people do when they go out and socialize so they opened for the Christmas Festival, Christmas, New Years and a couple of Saturdays in between. She went on to say that on all of these events there were police officers there to cover all of the doors and not one report was filed during these events. She went on to say that they want to comply with the City ordinance, the laws, anything that they can. She said that over the years they have never had any problems. She stated that the reason the consumption of alcohol came up was because they were in compliance with Chief Dove. She said her Chief security had to okay it with Chief Dove for her to have extra security and she had to speak with the Chief and he told her she can't have consumption without a permit. She stated she started the protocol and talked to Ms. Fowler and got everything put in place. She stated that they were there to get a permit to find out if they can be allowed to continue to have their private settings with a permit. She stated that if they did not get a permit then it that will take away from the income and what's going on at the skating rink.

Mr. McCain stated that Ms. Davis made a very good presentation and that obviously she was concerned about the youth. He stated that one of the questions he was going to ask was why can't a skating rink just be a skating rink but apparently they need additional revenue for the times that people aren't skating.

Ms. Davis stated that yes and that there is a 10,500 square foot floor but it is a 17,000 square foot building and some time people need the extra space. They like it because of where it's located, it's good parking and it's a good facility to have.

Ms. Morrow stated that she has a problem because she has gotten a series of calls from the people of the neighborhood because they are not in favor of liquor being in the building because it was designed to be a skating rink for the children and they do not feel that a skating rink should have liquor associated with it. She stated that she had received letters from parents and they have had people in the neighborhood to oppose it also. She stated that had people from the Jackson Square area come down for the Ben Johnson Auditorium but they did not have anyone oppose it. She stated that she bases it on how people feel about it. She said people opposed by letters and said that their children went there and if the kids were there and liquor was there, they were going to take their children out so she stated she was leaning toward the way the neighborhood and the parents felt.

Ms. Davis stated that the property has been there since 1966 and so it is a commercial area. She stated that the people that did oppose it, they had just recently built their homes there within the last three years, doctor's offices within the last three years. She stated there has been a lot of growth but it's a lot of commercial growth. She stated that if they had done their research when they built, the skating rink was there when they got there. She stated that they should have taken it into consideration that it was a recreational facility already. She stated that had this not come up they wouldn't have known anything about alcohol because there's never been anything of misconduct or unprofessionalism before they built the houses and condos.

Mr. Mims stated that for the last ten years this has been going on she was finally made aware that she had to have a permit to do it and asked if she was trying to comply with the ordinances?

Ms. Davis stated that that was true and no one had ever come in and did an occupancy on them and now that she was aware she is trying to comply.

Mr. Wayne Davis stated that he thought the main focus was not the alcohol but being able to be aware of what a person brings into the facility inside of a cup. He went on to state that they were told that even though they may not be aware of what a person may bring in they will be held responsible for it. He stated that they don't favor alcohol or invite it in to the building. He said that if they notice someone has alcohol they let them know it is not allowed. He stated they can't control those who want to sneak it in and that's where the problem is coming from.

Mr. Nielsen stated that he and Ms. Davis had spoken several times as well as a lot of the people in the neighborhood. He said that he thought they were a bad candidate for a B-A license. He said he didn't think that was their intent to sell. He said that with alcohol the laws had gotten tighter. He said he did not know if they could ever relieve themselves of liability from an alcohol related incident. He went on to say that he had a soft spot for wedding receptions and he agreed with Ms. Davis that what she tried in December had bad repercussions. He stated that even if they did pass it, it wouldn't float with the footage, however they have a rentable venue and if it is controlled well he didn't see the need for them to have to have a B-A license. He stated that once they get a B-A license that affords them full opportunity to run like a bar. He stated that he thought they should be afforded to do small receptions but he cautioned them on the liability with alcohol.

Ms. Davis stated that when they first started the business and doing private parties no one educated them on the way to do things and the way they did it was productive because they didn't know anything about it.

Mr. Nielsen stated the ordinance and applying it correctly is the pathway. He stated that the bad part of that is that it makes them a full-blown bar. He stated that that wasn't their intent and not the intent of the neighborhood.

Mr. Davis asked how the catering would change that.

Mr. Nielsen stated that they would still be liable push come to shove. He stated that the only way they can eliminate any liability in an alcohol related incident is to disallow it 100%.

Mr. Davis stated that they do disallow alcohol but that they can't control individuals that want to break the law.

Mr. Corkern stated that the problem was that it is simply not a license for what they need and so they are forced to try and secure a license that does allow them to sell alcohol for consumption on the premises because there is not a license that governs what they need.

Ms. Davis asked if someone were to sneak alcohol in the premises and she was not able to catch that person and an officer came in and caught them would she have to pay fines.

Mr. Corkern stated that every situation is different. He stated that under that scenario he didn't think anyone would charge her with anything. He didn't think she would have any liability if someone snuck something in but on the other hand if there was a keg in there she would have a hard time saying she didn't know about it.

Ms. Davis stated that they could have a cup, but no bottles. She asked if she was to have an event the next day and they came in with cups would she be in trouble.

Mr. Corkern said it reminded him of the don't ask, don't tell policy of the military.

Mr. Joe Henry stated that he is a residential owner in the neighborhood and his house was built in 1973 so he was familiar with the neighborhood. He stated that the skating rink was incorporated in about 1966. He said the current building was built in the 70's and part of the problem was when the building was built there was not a lot of zoning in place and it made it difficult. He stated that as a kid he would skate and they had an all-night skate and they gave it a 24 hour zoning for an occasional all night skate. He stated that as a result they had this zoning for 24 hours in place and as times have go on it makes it more difficult as people want to change. He stated that the skating rink is a youthful activity and those are the kind of activities that this town needs. He said they need places for their kids to go. He stated that from a residential perspective across the street he is not anti-business, he's not anti-skating rink, but what he was concerned with the houses across the street that were built with the intention of knowing that there was a skating rink across from them, knowing that the skating rink did not involve alcohol and late night activities so that is why neighbors are concerned with the direction. He stated that as far as licensing with consumption versus sell, and the effects of alcohol, don't know the difference between consumption or selling.

Mr. Terry McQuillan stated that he owned the property on the west side of Blanchard from Keyser Avenue back to Southern L.P. Gas and that they get the cups and bottles thrown over the road into his field. He said that at one time he couldn't get into his gate or the gate where he keeps a Fire District 6 truck. He said they had parked on both sides of the road, all the way down. He said the skating rink does not have enough parking and he had a trash problem and it's not all from them but there is some from them. He stated that he was against them having a B-A license.

Ms. Shirley Small Rougeau asked the Mayor if he served alcohol at the event center and if there were any residences within 300 feet of the events center.

The Mayor stated that they do with a licensed caterer and yes there were residences within 300 feet.

Ms. Morrow stated that not only did she get the letter and concern from the different parents but that there was some communications coming to her from the St. Mary's Church.

Mr. Larry Payne asked the Davis' that if they got a B-A would they be willing to increase the parking so it would solve parking problems along the road.

Mr. and Mrs. Davis stated that they've never had a problem with parking.

The following Ordinance was Introduced by Ms. Morrow as follows, to-wit:

**ORDINANCE NUMBER 006 OF 2011**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHEs, WAYNE MCCULLEN, TO EXECUTE A CASH SALE DEED FOR THE PURCHASE OF A TRACT LOCATED IN THE BLOCK BOUNDED BY FIFTH STREET, AMULET, SIXTH STREET AND TOULINE STREET, HAVING A FRONTAGE ON SIXTH STREET OF 197.54 FEET, FROM PAUL KHOURY, ET AL, FOR THE CONSIDERATION OF TWELVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS, TO PROVIDE FOR ADVERTISING, AND A SAVINGS CLAUSE.**

**WHEREAS**, the City of Natchitoches, Louisiana, (sometimes hereinafter City) owns property in the block bounded by Fifth Street, Amulet, Sixth Street and Toulaine Street, which said property is bounded by a triangular tract of ground owned by Paul Khoury, et al; and

**WHEREAS FURTHER**, the tract of land owned by Paul Khoury, et al, is more fully described as follows, to-wit:

That certain tract of land situated in the City and Parish of Natchitoches, Louisiana, together with all buildings and improvements thereon, being located in the block bounded by Toulaine Street, Fifth Street, Amulet and Sixth Street, being 0.384 acres, more or less, and being described as follows:

From the Northeast corner of the intersection of Toulaine Street and Fifth Street thence North 84 degrees 00 minutes West a distance of 321.66 feet to a point on the eastern right of way of Sixth Street; thence South 6 degrees 00 minutes West, along the eastern right of way of Sixth Street, a distance of 26.42 feet to the point of beginning; thence from the point of beginning continue South 6 degrees 00 minutes West, along the eastern right of way of Sixth Street, a distance of 197.54 feet; thence South 83 degrees 13 minutes 20 seconds East a distance of 169.21 feet; thence North 34 degrees 15 minutes 10 seconds West a distance of 261.84 feet to the point of beginning, all as more fully shown on a plat of survey by John E. Bradford, dated December 15, 1994, a copy of which is attached hereto.

**WHEREAS FURTHER**, the 0.384 acre triangular tract of ground is for sale and has been offered to the City for the sum and price of \$12,750; and

**WHEREAS FURTHER**, the triangular tract is adjacent to other property of the City and the acquisition of this tract would square up the existing tract owned by the City and result in a tract that has more value and potentials for use; and

**WHEREAS FURTHER**, the Mayor and City Council have studied the matter and have concluded that it is in the best interest of the **CITY**, its citizens, and the general public to acquire the property; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches desires to purchase the 0.384 acre tract of land located on the eastern right of way of Sixth Street from Paul Khoury, et al, for the sum of \$12,750.00; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches is of the opinion that it is in the interest of the City to purchase of the tract of land and desires to authorize Mayor Wayne McCullen to execute a deed and all associated documents; and

**WHEREAS FURTHER**, the authority granted herein is conditioned upon the City of Natchitoches receiving an appraisal from a certified appraiser, reflecting a value of at least Twelve Thousand Seven Hundred Fifty and no/100 (\$12,750.00) dollars, and

**WHEREAS FURTHER**, the Mayor and City Council have studied the matter and have concluded that the acquisition of the tract of land described above would be in the best interest of the **CITY**, its citizens, and the general public; and

**NOW THEREFORE BE IT ORDAINED** by the City Council in regular session convened as follows:

**I.** That the Honorable Mayor, Wayne McCullen, be and is hereby authorized and empowered to execute a Cash Sale Deed on behalf of the **CITY**, all in accordance with the general terms and conditions set forth in this Ordinance. The said Mayor is hereby given full and complete authority to incorporate in said instrument such terms, conditions, and agreements as may be necessary to protect the interest of the **CITY** in substantial compliance with the general terms and conditions set forth in this Ordinance in order to acquire the property described as follows, to-wit:

That certain tract of land situated in the City and Parish of Natchitoches, Louisiana, together with all buildings and improvements thereon, being located in the block bounded by Toulain Street, Fifth Street, Amulet and Sixth Street, being 0.384 acres, more or less, and being described as follows:

From the Northeast corner of the intersection of Toulain Street and Fifth Street thence North 84 degrees 00 minutes West a distance of 321.66 feet to a point on the eastern right of way of Sixth Street; thence South 6 degrees 00 minutes West, along the eastern right of way of Sixth Street, a distance of 26.42 feet to the point of beginning; thence from the point of beginning continue South 6 degrees 00 minutes West, along the eastern right of way of Sixth Street, a distance of 197.54 feet; thence South 83 degrees 13 minutes 20 seconds East a distance of 169.21 feet; thence North 34 degrees 15 minutes 10 seconds West a distance of 261.84 feet to the point of beginning, all as more fully shown on a plat of survey by John E. Bradford, dated December 15, 1994, a copy of which is attached hereto.

**II.** That the City Council hereby requires that an appraisal be undertaken and that the authority granted herein is conditioned upon the tract of land described above having a total appraised value of \$12,750.00, or more, and that upon receipt of a satisfactory appraisal, that the City will pay \$12,750.00.

**III.** That the Mayor be and he is hereby authorized to have all of the necessary legal documents and instruments prepared at once and that this transaction be closed as soon as this Ordinance is final.

**IV.** That if any part of this Ordinance is for any reason held to be unconstitutional or invalid, by a Court of competent Jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance, and the invalidity shall be limited to that specific portion so declared to be invalid.

**V.** That this Ordinance shall go into effect immediately after publication according to law.

**VI.** That all Ordinances in conflict herewith are hereby repealed.

**VII.** That this Ordinance be advertised in accordance with law.

**VIII.** That this Ordinance be declared **INTRODUCED** at a Regular Meeting of the City Council on this the 14<sup>th</sup> day of February, 2011, and that a public hearing be called for at the next regular meeting of the City Council which will be held on the 28<sup>th</sup> day of February, 2011.

**ORDINANCE NUMBER 007 OF 2011**

**AN ORDINANCE TO AMEND AND REENACT SECTIONS 18-16 THROUGH 18-26 IN CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED JUNK AND JUNK DEALERS, SAID AMENDMENT BEING MADE TO UPDATE THE CITY CODE OF ORDINANCES TO AGREE WITH EXISTING STATE LAW, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.**

**WHEREAS**, the City of Natchitoches provides for the regulation of secondhand dealers in Article II of Chapter 18 of the Code of Ordinances of the City of Natchitoches, Louisiana, more specifically Sections 18-16 through 18-26 of the Code of Ordinances; and

**WHEREAS FURTHER**, Louisiana Revised Statute 37:1861, et seq., provides for definition and regulation of Second-Hand Dealers; and

**WHEREAS FURTHER**, the State law providing for the regulation of Second-Hand Dealers has been modified and amended numerous times since the time the City of Natchitoches adopted Sections 18-16 through 18-26 of the Code of Ordinances; and

**WHEREAS FURTHER**, City Council of the City of Natchitoches desires to amend Sections 18-16 through 18-26, in order to bring the City Ordinance in line with existing State law; and

**WHEREAS FURTHER**, the Chief of Police, Micky Dove, has recommended that the City of Natchitoches adopt the changes to Sections 18-16 through 18-26 to the Code of Ordinances for the City of Natchitoches, Louisiana; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches has reviewed the proposed changes and agrees that the adoption is advisable and in the best interest of the City of Natchitoches and its citizens; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, Louisiana, desires to amend and reenact Sections 18-16 through 18-26 of the Code of Ordinances of the City of Natchitoches, Louisiana, as approved by the Chief of Police of the City of Natchitoches; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana, as follows:

**SECTION 1.** Sections 18-16 through 18-26 of the Code of Ordinance of the City of Natchitoches is hereby amended and reenacted to read as follows:

**“Sec. 18-16. Definitions.**

A “Secondhand Dealer” shall be defined as follows:

- A. (1) Every person in the City engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of used or secondhand

property, including but not limited to jewelry, silverware, diamonds, precious metals, furniture, pictures, objects of art, clothing, mechanic's tools, carpenter's tools, automobile hubcaps, automotive batteries, automotive sound equipment such as radios, CB radios, stereos, speakers, cassettes, compact disc players, and similar automotive audio supplies, used building components, and items defined as cemetery artifacts is a secondhand dealer.

(2) For purposes of this Article "cemetery artifacts" means any object produced or shaped by human workmanship or tools, including ornaments of archaeological, historical, cultural, or sentimental significance or interest, which may be used to memorialize the dead and shall include but not be limited to all cemetery items, objects, and properties including but not limited to any type of religious or sentimental addition or adornment, inside or outside of a tomb, gravesite, plot, mausoleum, vault or interment location, whether placed privately or by assignment, regardless of monetary worth, age, size, shape, or condition including but not limited to statues, bricks, signage, plaques, tablets, urns, pots, planters, benches, chairs, crosses or other religious symbols, vases, gates, fences, or any portions thereof.

(3) For purposes of this Article, a "used building component" shall mean any object produced or shaped by human workmanship or tools that is an element of structural, architectural, archaeological, historical, ornamental, cultural, utilitarian, decorative, or sentimental significance or interest, which has been and may be used as an adjunct to, or component or ornament of any building or structure, regardless of monetary worth, age, size, shape, or condition, that is immovable property or fixture, including but not limited to bricks, siding, gutters, downspouts, lightning rods, chimney roofs, lights, chandeliers, stoves, tubs, sinks, faucets, faucet handles, toilets, bidets, showers, fans, furnaces, air conditioners, water heaters, sprinkling systems, shelving, countertops, cabinets, built-in speakers, shutters, trim, rafters, roof tiles, roofing, studs, foundation, barge boards, paneling, stairs, risers, banisters, wiring, plumbing, hinges, door latches, door knobs, medallions, mantles, flooring, carpet, tiles, molding, wainscoting, pavers, doors, windows, sills, transoms, joists, mailboxes, signage, fountains, decking, gates, fences, planters, landscaping, plantings or portions thereof, or component parts of immovable property of any nature or kind whatsoever.

(4) For purposes of this Article, a "lot of used building components" shall mean a group of like used building components.

B. Except as provided for in Section 18-25, the provisions of this Article shall not apply to:

- (1) Dealers in coins and currency, dealers neither in antiques, nor to gun and knife shows or other trade and hobby shows.
- (2) Persons solely engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of motor vehicles and used parts of motor vehicles, and shall not apply to wreckers or dismantlers of motor vehicles who are licensed under the provisions of Louisiana Revised Statutes 32:771, et seq.

(3) Private residential sales commonly known as “garage sales” or “yard sales” as long as such sales take place at a residential address.

(4) Any bona fide charity possessing a valid exemption under Section 501(c)(3) of the Internal Revenue Code.

**Section 18-16.2. Location of business limited**

- A. No license shall be granted for the operation of a secondhand dealer facility which will be situated within three hundred feet or less of any official gaming establishment or gaming operations pursuant to Chapter 4 or 5 of Title 27 of the Louisiana Revised Statutes of 1950. As to official gaming establishments, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the official gaming establishment to the nearest point of the dealer's location. The provisions of this Section shall not apply to retail jewelry, automobile, furniture, and antique businesses.
- B. The subsequent construction, erection, development, or movement of an official gaming establishment which causes a secondhand dealer facility to be located within the prohibited distance shall not be cause for revocation, withholding, denial, or nonrenewal of a license.

**Section 18-17. License required; application; bond; exemptions**

- A. No person shall do business as a secondhand dealer in the City of Natchitoches without having first obtained the license required by state law, under the provisions of Louisiana Revised Statutes 37:1861, et seq., and this Section. Any person desiring a license as secondhand dealer shall make application in writing, specifying the street number and house number of the building where the business is to be carried on. This application shall be signed by at least three property taxpayers of the city of Natchitoches certifying that the applicant is of good moral character. He shall also submit with his application a bond in favor of the City of Natchitoches in the sum of two thousand five hundred dollars with security conditioned for the due observance of all provisions of this Article, and the license tax required under chapter 19 of this Code of Ordinances.
- B. The provisions of this Section shall not apply to a retail tire outlet or an automobile dealer dealing in tires.

**Section 18-17. Record and reporting requirements; application**

The provisions of Section 18-16, 18-16.1, 18-20 and 18-21 shall not apply to a person operating as a secondhand dealer pursuant to Louisiana Revised Statute 37:1785 (Pawnbroker). Persons operating as secondhand dealers pursuant to Louisiana Revised Statute 37:1785 shall be subject to the record acquisition, maintenance, and reporting requirements of Louisiana Revised Statutes 37:1796, 1797, and 1798.

**Section 18-18. Change in location to be noted on license**

If after issuance and delivery of a license under the provisions of this Article any change is made in the location of the place of business designated therein, the business shall not be conducted at the new location or under such license, until the official issuing the

licenses notes the change on the license, and the Chief of Police of the City of Natchitoches is notified in writing of the change.

**Section 18-19. Record of secondhand goods or objects purchased required**

- A. Every secondhand dealer as defined in this Article shall be required to maintain a book or ledger setting forth each purchase of secondhand or used merchandise when the value of any single piece of merchandise or article received, or any single lot of used building components, shall be twenty-five dollars or more for each single transaction. The price at which a piece of merchandise is offered for sale by a secondhand dealer shall be considered prima facie evidence of the value of the piece of merchandise. Each ledger entry shall be entered at the time of each transaction and shall contain an accurate description in the English language of the merchandise or article received including serial numbers of said objects, if distinguishable, along with the amount paid therefore.
- B. The name, address, sex, race, height, weight, and driver's license number of the person or persons selling or delivering said merchandise or articles to the dealer shall be obtained and included with each ledger entry. Records of each purchase shall be preserved for a period of at least three years.

**Section 18-19.1. Photographic and other records; exceptions**

- A. (1) In addition to the information required in Section 18-19, every secondhand dealer shall be required to obtain a photograph of a person selling or delivering merchandise or articles to the dealer. The quality of such photograph shall be sufficient readily to identify the person depicted. In lieu of the photograph of the person selling or delivering the merchandise, the dealer may obtain either a thumbprint of such person, the quality of which thumbprint shall be sufficient to identify the person, or a photocopy of the person's Louisiana driver's license, driver's license from another state, passport, military identification, or identification issued by a governmental agency or the United States Postal Service. Each photograph, thumbprint, or photocopy, as the case may be, shall be cross-referenced with the ledger entry required by Section 18-19. The photograph, thumbprint, or photocopy shall be preserved for a period of at least a year.

(2) Pursuant to a request from a law enforcement agency, a secondhand dealer shall be required to capture photographically used merchandise or articles purchased pursuant to 18-19 (A). Photographs shall be made available to the law enforcement agency within twenty-four hours after the request.

- B. A transaction between dealers who are licensed under Part I of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950 (pawnbrokers) shall be exempt from this Section.
- C. The provisions of this Section shall not apply to:
  - (1) The sale or purchase of manufactured registered bullion bars, coins, or other numismatic items; or
  - (2) A retail tire outlet or an automobile dealer dealing in tires.

**Section 18-19.2. Purchase of precious metals and stones from minors**

- A. No secondhand dealer shall purchase gold, silver, copper, brass, aluminum other than in the form of cans, or other precious metals, jewelry, precious stones, or objects composed of such precious metals or stones from a person under the age of eighteen. Lack of knowledge of age shall not be a defense to a violation of this Section.
- B. The provisions of this Section shall not apply to the sale or purchase of manufactured registered bullion bars, coins, or other numismatic items. The provisions of this Section shall not apply to a retail tire outlet or an automobile dealer dealing in tires.

**Section 18-20. Book to be open for inspection**

The book containing the record of purchase as provided for in Section 18-19\_ and the various articles purchased and referred to therein shall at all times be open to the inspection of law enforcement officers of the Office of State Police, or the law enforcement officers of the City of Natchitoches or anyone designated by the chief law enforcement officer of the City of Natchitoches.

**Section 18-21. Daily report of entries**

- A. (1) Every secondhand dealer licensed under the provisions of this Article shall make out and deliver to the chief of police of the City of Natchitoches every day before the hour of twelve noon, a legible and correct copy of the entries in the book mentioned in Section 18-19 during the previous day. The means for providing the transactional information required under this Section shall be one of the following:
- (a) By electronic transmission if the secondhand dealer has the means available to make transmissions in electronic form.
  - (b) By placing in the United States mail.
  - (c) By sending a facsimile.
- (2) In the event transactional information is transmitted electronically pursuant to Subparagraph (1)(a) of this Subsection, the appropriate law enforcement official may, for purposes of an investigation of a crime relating to a particular secondhand transaction, request the secondhand dealer to mail or fax such official the personally identifiable information relating to such transaction under investigation. The secondhand dealer shall deliver the personally identifiable information relating to the identified transaction to the appropriate law enforcement official within twenty-four hours of the request. In the event the secondhand dealer transfers information in printed form pursuant to Subparagraph (1)(b) or (1)(c) of this Subsection, the secondhand dealer shall not also be required to transmit such information in electronic form pursuant to Subparagraph (1)(a) of this Subsection.
- B. The secondhand dealer shall have the responsibility of tendering the information provided for in Subsection A of this Section regardless of its use or nonuse by the police department of the City of Natchitoches. The tender of this information is a courtesy mandated by state and city law and which provides a benefit to the general public. The chief of police of the City of Natchitoches shall not be mandated to take any particular action concerning the information tendered.

**Section 18-22. Disposal or changing identity prohibited during thirty-day period; exceptions**

- A. No secondhand dealer shall sell or dispose of or change or destroy the identity of any goods, articles, or things purchased by him before an interval of thirty calendar days from the date of purchase has elapsed. During the thirty calendar days after purchase, a secondhand dealer shall keep the purchased goods, articles, or things on the premises of the secondhand dealer's business location or at such other location within the City of Natchitoches where the secondhand dealer's business is located and the item was purchased. In all instances, a secondhand dealer shall make the item immediately available upon request by a law enforcement agency. Any secondhand dealer may sell, dispose of, change, or destroy any goods, article, or thing purchased by him from a client without any delay, provided that the dealer can prove that the client had valid title to the goods, article, or thing of which he intends to dispose.
- B. The provisions of this Section shall not apply to a retail tire outlet or an automobile dealer dealing in tires.

**Section 18-23. Hours of business**

A second-hand dealer shall neither open his place of business before the hour of 7 o'clock a.m. nor keep it open after the hour of 7 o'clock p.m. except on Saturdays and during the month of December, during which time the hour of 7 o'clock p.m. shall be extended to 10 o'clock p.m.

**Section 18-24. Violations; penalty**

- A. Any secondhand dealer who violates, neglects, or refuses to comply with any provision of this Part, shall be fined not less than two hundred fifty dollars, nor more than five hundred dollars or be imprisoned for not less than ten days nor more than thirty days, or both.
- B. For the second offense, his occupational license shall be suspended for a thirty-day period. For a third offense, his license shall be revoked and he shall not thereafter be permitted to engage in the business of secondhand dealer in the City of Natchitoches.
- C. Any secondhand dealer convicted of selling stolen goods shall have his occupational retail license revoked.
- D. The occupational license tax collector is hereby vested with the authority, upon motion in a court of competent jurisdiction, to rule the noncomplying secondhand dealer to show cause in not less than two nor more than ten days, exclusive of holidays, as to why the noncomplying secondhand dealer's retail occupational license should not be suspended or revoked as prescribed under this Article. This rule may be tried out of term and in chambers and shall be tried with preference and priority. If the rule is made absolute, the order rendered therein shall be considered a judgment in favor of the City of Natchitoches.

**Section 18-25. Prohibitions; sale of certain uniforms**

No secondhand dealer, including those secondhand dealers exempted by Section 18-16\_(B) shall sell or offer for sale any article of clothing, including but not limited to hats, shirts, pants, or jackets, which exhibits or displays the insignia of any law enforcement agency or public utility.

**Section 18-26. Failure to comply; penalty**

Anyone acting as a second-hand dealer without complying with the provisions of this Article shall be fined not less than two hundred and fifty dollars or be imprisoned not less than ten days nor more than thirty days, or both.”

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3.** If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

**SECTION 4.** This Ordinance shall go into effect upon publication and in accordance with law.

Chief Mickey Dove stated that all they were trying to do was bring the City Ordinance in line with the State Law and trying to get it current. He stated that as it is written now, second-hand dealers were required to notify every police department within it's jurisdiction of every item they take in. He said that for a time they were not getting a list of merchandise they were taking in. He stated that they when things are stolen they will be turned into a pawn shop and this way they are able to track everything that comes in and who brings it in and go back and look at the records.

Ms. Morrow asked what exactly was he trying to amend in Sections 18 through 16 and then through 18 through 26 and asked him to elaborate.

Chief Dove stated that everything that was written in the ordinance is what they are trying to do. He stated that he can't tell her the exact pin point that she is trying to get to. He stated that he went to the City Attorney and told him what he was trying to do and discovered that the city ordinance was not in line with state law.

Ms. Morrow asked what was out of compliance in the ordinance. She stated that if they were going to change it, what was out of compliance in the current ordinance.

Mr. Corkern stated that he had not compared them with the ordinances and that his appreciation was that it was intended to track the state ordinance so they would be in line with what the state had.

Ms. Morrow stated that the City council desires to amend certain Sections from 18 to 16 and then 18 through 26 in order to bring the ordinance into compliance with the state law and since she just didn't know and didn't have all of the specifics, it will be hard for her to vote on something that she doesn't have. She stated that she didn't have the ordinance before her and the things they want to bring into compliance. She stated that she would like to have a few more details.

Mr. McCain stated that she could call Mr. Murchison and get it cleared up.

After discussion, on motion made by Councilman Payne and Seconded by Councilman McCain, the tabling of Ordinance No. 008 was called for a vote and the vote was recorded as follows:

<b>AYES:</b>	<b>Payne, McCain, Mims, Morrow</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Nielsen</b>
<b>ABSENT:</b>	<b>None</b>

Mayor Wayne McCullen then declared Ordinance No. 008 **TABLED**.

The following Ordinance was Introduced by Mr. Nielsen and Seconded by Mr. Payne as follows, to-wit:

**ORDINANCE NO. 001 OF 2011**

**AN ORDINANCE AUTHORIZING THE MAYOR, WAYNE MCCULLEN, TO AMEND THE "INTERGOVERNMENTAL AGENCY AGREEMENT" WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, PUBLIC SAFETY SERVICES, OFFICE OF STATE FIRE MARSHAL TO EXTEND THE TERM OF THE INTERGOVERNMENTAL AGENCY AGREEMENT UNTIL DECEMBER 31, 2013**

**WHEREAS**, Act 12 of the 2005 First Extraordinary Session of the Louisiana State Legislature requires all new construction within the State of Louisiana to comply with the provisions of the new State Uniform Construction Code; and

**WHEREAS FURTHER**, the City of Natchitoches adopted the new State Uniform Construction Code by previous ordinance; and

**WHEREAS FURTHER**, by Ordinance No. 099 of December 10, 2007, the City of Natchitoches authorized the Mayor of the City of Natchitoches, to execute the Intergovernmental Agency Agreement with the Office of the State Fire Marshal in which the State Fire Marshal will provide plan review of new and renovated structures for compliance with the applicable requirements of the Louisiana State Uniform Construction Code, to include review of the construction documents and transmittal of plan review letter to the City of Natchitoches, all under the terms and conditions set forth in the Intergovernmental Agency Agreement, it being understood that the Intergovernmental Agency Agreement replaced the previous Contract for Professional Services with the State Fire Marshall; and

**WHEREAS FURTHER** the City of Natchitoches desires to amend and extend the existing Intergovernmental Agreement (required by R.S. 40:1730.39.A) that will permit the Office of State Fire Marshall to continue to provide plan review for an additional three years or until December 31, 2013; and

**WHEREAS FURTHER**, the Amendment to Intergovernmental Agency Agreement (attached) has been reviewed by the Director of Planning and Zoning and it is the opinion of the Director that the City should enter into the new Intergovernmental Agency Agreement with the Office of the State Fire Marshal to extend the agreement for an additional three years; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana, that the Mayor of the City of Natchitoches, Wayne McCullen is hereby authorized to execute the **Amendment to Intergovernmental Agency Agreement** to change the term of the agreement to terminate on December 31, 2013.

This Ordinance introduced on the 24<sup>th</sup> day of January, 2011 and was published in the *Natchitoches Times* on January 28 and February 4, 2011 in accordance with law.

This Ordinance having been submitted on a roll call vote, the vote thereupon was as follows, to-wit:

<b>AYES:</b>	<b>Nielsen, Payne, Mims, McCain, Morrow</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**THEREUPON**, the Mayor declared the Ordinance **PASSED** by a vote of 5 ayes to 0 nays, on this the 14<sup>th</sup> day of February, 2011.

  
WAYNE McCULLEN, MAYOR

  
DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 15<sup>th</sup> day of January, 2011 at 10:00 A.M.

STATE OF LOUISIANA

AMENDMENT TO INTERGOVERNMENTAL AGENCY AGREEMENT

Between the Department of Public Safety and Corrections, Public Safety Services, Office of State Fire Marshal, division of Code Enforcement and Building Safety, of the State of Louisiana, 8181 Independence Blvd., Baton Rouge, Louisiana, 70806 hereinafter referred to as the "Department",

AND

City of Natchitoches \_\_\_\_\_, hereinafter referred to as the "Local Jurisdiction", officially domiciled at P.O. Box 37, Natchitoches, LA 71457 (enter address including city, state and zip code), represented herein by Wayne McCullen, Mayor (enter name of representative and official title)

Amendment Provisions

Change Agreement from:

Term of Agreement

This agreement shall begin upon execution and shall terminate on December 31, 2010 or as otherwise provided for in this agreement.

ADD OR CHANGE TO:

Term of Agreement

This agreement shall begin upon execution and shall terminate on December 31, 2013 or as otherwise provided for in this agreement.

Amendment becomes effective upon Local Jurisdiction's Signature or Department's Signature, whichever is later.

Amendment extends the term of the existing agreement for an additional three years.

This amendment contains all revised terms and conditions agreed upon by contracting parties. IN WITNESS THEREOF, this amendment is signed and entered into on the date indicated below:

Wayne McCullen  
Wayne McCullen, Mayor 2/15/2011  
(Local Jurisdiction's Signature) (Date)

Wayne McCullen, Mayor 2/15/2011  
(Printed Name and Title of Official and Name of Local Jurisdiction)

\_\_\_\_\_  
(Department's Signature) (Date)

Jill Boudreaux, Undersecretary of the Department of Public Safety & Corrections

The following Ordinance was Introduced by Mr. McCain and Seconded by Ms. Morrow as follows, to-wit:

**ORDINANCE NUMBER 002 OF 2011**

**AN ORDINANCE TO AMEND AND REENACT SECTION 30-42, ENTITLED RATE SCHEDULE, WHICH SECTION IS LOCATED IN ARTICLE IV OF SECTION 30 OF THE CODE OF ORDINANCES OF THE CITY OF NATCHITOCHE, SAID AMENDMENT BEING MADE TO IMPLEMENT A NEW RATE SCHEDULE FOR WATER USE WHICH NEW RATE STRUCTURE HAS BEEN PROPOSED IN A WATER RATE STUDY PREPARED BY NASSIF ENGINEERING & ARCHITECTURE, LLC, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER.**

**WHEREAS**, the City of Natchitoches provides water service to citizens and other water users in the City of Natchitoches through a system owned and operated by the City of Natchitoches; and

**WHEREAS FURTHER**, the City of Natchitoches also provides water service to users citizens and other water users outside the corporate limits of the City of Natchitoches; and

**WHEREAS FURTHER**, the City of Natchitoches has had increases in water department expenditures, including increases in maintenance cost, capital improvement costs, and operating expenses since the last rate increase implemented in 2002; and

**WHEREAS FURTHER**, the City of Natchitoches' water department expenditures during each year of the water study period of 2005-2008 has exceeded revenue obtained through the sale of water; and

**WHEREAS FURTHER**, the City of Natchitoches retained the firm of Nassif Engineering & Architecture, LLC, to undertake a water rate study for the purpose of revising the existing rate structure to allow the City of Natchitoches Water Department to become more financially independent with regard to securing revenue for operating, maintenance and capital expenditures; and

**WHEREAS FURTHER**, a Water Rate Study for the City of Natchitoches, Louisiana, dated January 2011, has been prepared and presented to the City of Natchitoches, which said study makes recommendations for changes in the existing water rates; and

**WHEREAS FURTHER**, the Director of Utilities for the City of Natchitoches has reviewed the adjusted water rates and recommends the adoption of the new water rate schedule proposed in order to provide for the proper operation and maintenance of the City Water System; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, has reviewed and does accept the findings of the Water Rate Study, and desires to adopt the proposed Water Rate Schedule for the purpose of providing continued high quality water service to its citizens and other water customers at rates that are fair and equitable for all users; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, shall have the right to adjust water rates, at a minimum on an annual basis, to determine if revenue generated through the sale of water is at least equal to the costs for maintenance, necessary capital improvements, and operating expenses. Future rate adjustments will be based on water rate studies prepared by the City of Natchitoches or its professional Consultant. The water rate study shall be based on prior water department records of expenditures and revenues. Rates shall be adjusted to insure revenue at least equals water department expenditures; including expenditures for required planned changes in operation and required capital expenditures for the proper operation and maintenance of the City Water System for the purpose of providing continued high quality water service to its citizens and other water customers at rates that are fair and equitable for all users; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, Louisiana, desires to amend and reenact Section 30-42 of the Code of Ordinances of the City of Natchitoches, Louisiana, to provide for new water rates as proposed in the Water Rate Study; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana, as follows:

**SECTION 1.** Section 30-42 of the Code of Ordinance of the City of Natchitoches is hereby amended and reenacted to read as follows:

**Section 30-42. Rate schedule.**

(See Attachment to Ordinance)

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

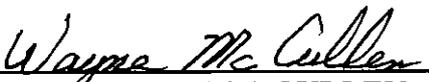
**SECTION 3.** If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

**SECTION 4.** This Ordinance shall go into effect upon publication and in accordance with law. Said Ordinance having been introduced on the 24<sup>th</sup> day of January, 2011 and advertised in the *Natchitoches Times* on January 28, February 4 and 11, 2011 in accordance with law.

The Above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

**AYES:** McCain, Morrow, Payne, Nielsen, Morrow  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

**THEREUPON**, the Mayor declared the Ordinance **PASSED** this 14<sup>th</sup> day of February, 2011 by a vote of 5 ayes to 0 nays.

  
MAYOR WAYNE McCULLEN

  
MAYOR PRO TEMPORE DON MIMS

Delivered to the Mayor at 10:00 a.m. on February 15, 2011.

**City of Natchitoches**  
**Program for Water System**  
**Expenditures / Revenue 2005-2008**

January 2011

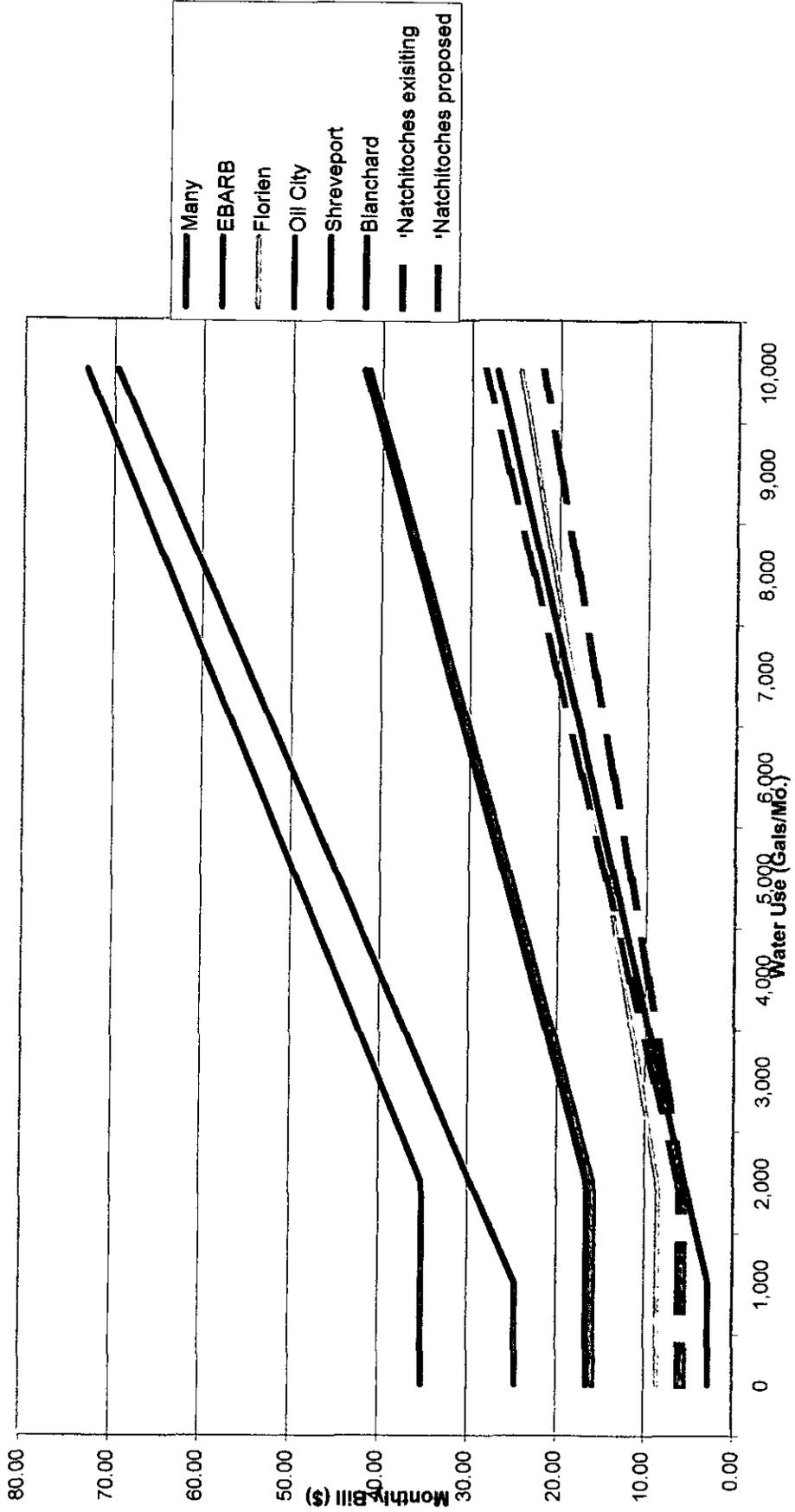
Expense Component	2005		2006		2007		2008	
	Expenditure	Revenue	Expenditure	Revenue	Expenditure	Revenue	Expenditure	Revenue
<b>Water Expenditure</b>								
Personnel Costs	\$ 428,934		\$ 436,725		\$ 418,183		\$ 440,067	
Treatment Expenses	\$ 187,805		\$ 278,769		\$ 326,957		\$ 312,962	
System Maintenance	\$ 300,225		\$ 101,921		\$ 96,541		\$ 235,036	
Other Operating Expenses	\$ 908,604		\$ 981,201		\$ 874,712		\$ 952,992	
<b>Customer Accounting &amp; Collection Expenditure</b>								
Personnel Costs	\$ 287,695		\$ 247,695		\$ 227,964		\$ 245,687	
Computer Maintenance	\$ 38,679		\$ 31,761		\$ 33,858		\$ 27,337	
Supplies	\$ 27,939		\$ 119,554		\$ 96,392		\$ 137,963	
Other Operating Expenses	\$ 178,291		\$ 167,778		\$ 225,949		\$ 176,704	
<b>Debt Service Expenditure</b>								
1993 Series A, DEQ#3 (Principal)	\$ 238,677		\$ 244,325		\$ 250,516		\$ 256,653	
1993 Series A, DEQ#3 (Interest)	\$ 65,362		\$ 59,515		\$ 53,524		\$ 47,386	
DEQ#6 (Principal)	\$ 123,000		\$ 128,000		\$ 133,000		\$ 138,000	
DEQ#6 (Interest)	\$ 133,628		\$ 128,770		\$ 123,714		\$ 118,460	
<b>Water Revenue</b>								
Water Sales	\$ 2,584,108		\$ 2,609,474		\$ 2,517,723		\$ 2,504,554	
<b>Sprinkler Revenue</b>								
Water Sales	\$ 56,642		\$ 65,334		\$ 50,489		\$ 66,738	
<b>Water (Mechanical Equipment Supply) Revenue</b>								
Water Sales	\$ 96,175		\$ 102,596		\$ 96,161		\$ 64,770	
<b>Water Meter Revenue</b>								
Meter Sales	\$ 28,932		\$ 61,716		\$ 64,424		\$ 42,911	
<b>TOTAL EXPENDITURE-TO-REVENUE</b>	\$ 2,918,839	\$ 2,765,857	\$ 2,926,214	\$ 2,839,120	\$ 2,861,310	\$ 2,729,397	\$ 3,089,247	\$ 2,678,973
	\$	\$ (152,932)	\$	\$ (87,094)	\$	\$ (131,913)	\$	\$ (410,274)
<b>TOTAL 2005-2008 EXPENDITURE-TO-REVENUE</b>	\$	\$ (782,263)						

**City of Natchitoches**  
**Water Rate Structure Analysis**  
 January 2011

Rate Class	* Number of Customers Usage (Thous. Gal.)	Current Rate Structure		Proposed Rate Structure		Change in Rate
		Current Rates	Revenue	Proposed Rates	Revenue	
<b>INSIDE CITY LIMITS</b>						
<b>COMMERCIAL</b>						
First 2000 Gallons per customer	850	\$ 12.50	\$ 10,625	\$ 13.00	\$ 11,050	\$ 0.50
Additional per thousand gallons	22,615.00	\$ 1.50	\$ 33,923	\$ 2.50	\$ 56,538	\$ 1.00
<b>COMMERCIAL (WINTER HEAT)</b>						
First 2000 Gallons per customer	2	\$ 20.00	\$ 40	\$ 20.50	\$ 41	\$ 0.50
Additional per thousand gallons	73.00	\$ 1.75	\$ 128	\$ 2.70	\$ 197	\$ 0.95
<b>INDUSTRIAL CONTRACT</b>						
First 2000 Gallons per customer	1	\$ 250.00	\$ 250	\$ 250.50	\$ 251	\$ 0.50
Additional per thousand gallons	34,610.00	\$ 1.10	\$ 38,071	\$ 1.60	\$ 55,376	\$ 0.50
<b>MASTER METERED</b>						
First 2000 Gallons per customer	7	\$ 5.50	\$ 39	\$ 6.00	\$ 42	\$ 0.50
Additional per thousand gallons	1,084.00	\$ 2.05	\$ 2,222	\$ 2.65	\$ 2,873	\$ 0.60
<b>RESIDENTIAL</b>						
First 2000 Gallons per customer	6176	\$ 5.50	\$ 33,968	\$ 6.00	\$ 37,056	\$ 0.50
Additional per thousand gallons	22,398.00	\$ 2.05	\$ 45,916	\$ 2.80	\$ 62,714	\$ 0.75
<b>RESIDENTIAL (WINTER HEAT)</b>						
First 2000 Gallons per customer	8	\$ 5.50	\$ 44	\$ 6.00	\$ 48	\$ 0.50
Additional per thousand gallons	46.00	\$ 2.05	\$ 94	\$ 2.80	\$ 129	\$ 0.75
<b>SPRINKLER - COMMERCIAL</b>						
First 2000 Gallons per customer	40	\$ 12.50	\$ 500	\$ 13.00	\$ 520	\$ 0.50
Additional per thousand gallons	1,046.00	\$ 1.50	\$ 1,569	\$ 2.80	\$ 2,929	\$ 1.30
<b>SPRINKLER - RESIDENTIAL</b>						
First 2000 Gallons per customer	134	\$ 5.50	\$ 737	\$ 6.00	\$ 804	\$ 0.50
Additional per thousand gallons	837.00	\$ 2.05	\$ 1,716	\$ 2.80	\$ 2,344	\$ 0.75
<b>OUTSIDE CITY LIMITS</b>						
<b>WATER SYSTEMS</b>						
First 2000 Gallons per customer	2	\$ 150.00	\$ 300	\$ 151.00	\$ 302	\$ 1.00
Additional per thousand gallons	3,021.00	\$ 2.22	\$ 6,707	\$ 3.22	\$ 9,728	\$ 1.00
<b>COMMERCIAL</b>						
First 2000 Gallons per customer	79	\$ 20.00	\$ 1,580	\$ 21.00	\$ 1,659	\$ 1.00
Additional per thousand gallons	1,583.00	\$ 1.75	\$ 2,770	\$ 2.75	\$ 4,353	\$ 1.00
<b>MASTER METERED</b>						
First 2000 Gallons per customer	2	\$ 5.50	\$ 11	\$ 6.50	\$ 13	\$ 1.00
Additional per thousand gallons	229.00	\$ 2.05	\$ 469	\$ 3.05	\$ 698	\$ 1.00
<b>RESIDENTIAL</b>						
First 2000 Gallons per customer	1,827	\$ 6.75	\$ 12,332	\$ 7.75	\$ 14,159	\$ 1.00
Additional per thousand gallons	9,120.00	\$ 2.35	\$ 21,432	\$ 3.35	\$ 30,552	\$ 1.00
<b>SPRINKLER - COMMERCIAL</b>						
First 2000 Gallons per customer	0	\$ 12.50	\$ -	\$ 13.50	\$ -	\$ 1.00
Additional per thousand gallons	0.00	\$ 1.50	\$ -	\$ 2.50	\$ -	\$ 1.00
<b>SPRINKLER - RESIDENTIAL</b>						
First 2000 Gallons per customer	11	\$ 5.50	\$ 61	\$ 6.50	\$ 72	\$ 1.00
Additional per thousand gallons	409.00	\$ 2.05	\$ 838	\$ 3.05	\$ 1,247	\$ 1.00
<b>AVERAGE MONTHLY TOTAL</b>			\$ 216,342		\$ 295,694	
<b>AVERAGE YEARLY TOTAL</b>			\$ 2,596,098		\$ 3,548,326	

\* The number of customers shown for base fee (first 2000 gallons) are from Test Year number of meters  
 Water Usage (additional thousand gallons) shown are from Test Year Average monthly water usage

# City of Natchitoches Water Rate Study



**ARTICLE IV. WATER**  
**(Attachment to Ordinance No. 002 of 2011)**

**Sec. 30-42. Rate Schedule.**

- (a) *Residential service, inside city limits.* The schedule of rates and charges for residential water service only, for users inside the city limits, shall be as follows:
- (1) First two thousand (2,000) gallons, six dollars and no/100 (\$6.00) flat rate;
  - (2) All additional gallons, two dollars and eighty cents (\$2.80) per one thousand (1,000) gallons;
  - (3) A minimum of six dollars and no/100 (\$6.00).
- (b) *Residential service, outside city limits.* The schedule of rates and charges for residential water service only, for users outside the city limits, shall be as follows:
- (1) First two thousand (2,000) gallons, seven dollars and seventy-five cents (\$7.75) flat rate;
  - (2) All additional gallons three dollars and thirty-five cents (\$3.35) per one thousand (1,000) gallons;
  - (3) A minimum of seven dollars and seventy-five cents (\$7.75).
- (c) *Commercial service, inside city limits.* The schedule of rates and charges for commercial water service only, for users inside the city limits, shall be as follows:
- (1) First two thousand (2,000) gallons, thirteen dollars and no/100 (\$13.00) flat rate;
  - (2) All additional gallons, two dollars and fifty cents (2.50) per one thousand (1,000) gallons;
  - (3) A minimum of thirteen dollars and no/100 (\$13.00).
- (d) *Commercial service, outside city limits.* The schedule of rates and charges for commercial water service only, for users outside the city limits, shall be as follows:
- (1) First two thousand (2,000) gallons, twenty-one dollars (\$21.00) flat rate;
  - (2) All additional gallons, two dollars and seventy-five cents (2.75) per one thousand (1,000) gallons;
  - (3) A minimum of twenty-one dollars (\$21.00).

(e) *Water systems/companies.* The schedule of rates and charges for water systems and/or water companies water service only, shall be as follows:

- (1) First two thousand (2,000) gallons, one hundred fifty-one dollars (\$151.00) flat rate;
- (2) All additional gallons, three dollars and twenty-two cents (\$3.22) per one thousand (1,000) gallons;
- (3) A minimum of one hundred fifty-one dollars (\$151.00).

(f) *Institutional or educational.* The schedule of rates and charges for institutional or educational water service only, shall be as follows:

- (1) First two thousand (2,000) gallons, one hundred fifty-one dollars (\$151.00) flat rate;
- (2) All additional gallons two dollars and sixty-five cents (\$2.65) per one thousand (1,000) gallons;
- (3) A minimum charge of one hundred and fifty-one dollars (151.00).

(g) *Industrial, Class 1.* The schedule of rates and charges for industrial, Class 1 water service only, shall be as follows:

- (1) First two thousand (2,000) gallons, two hundred fifty dollars and fifty cents (\$250.50) flat rate;
- (2) All additional gallons, one dollar and sixty cents (\$1.60) per one thousand (1,000) gallons;
- (3) A minimum of two hundred fifty dollars and fifty cents (\$250.50).

The following Ordinance was Introduced by Mr. McCain and Seconded by Mr. Mims as follows, to-wit:

**ORDINANCE NO. 005 OF 2011**

**ORDINANCE AUTHORIZING THE MAYOR TO CANCEL AND WITHDRAW THE AGREEMENT WITH OSI BUILDING SYSTEMS, INC., FOR THE IMPROVEMENTS TO THE NATCHITOCHE REGIONAL AIRPORT FOR A 100' X 120' HANGAR BY MUTUAL AGREEMENT OF THE PARTIES THERETO  
(BID #0504)**

**WHEREAS**, after due advertisement in the *Natchitoches Times* on May 28, June 4 and 11, 2010 and in accordance with law, bid proposals were received and opened for the referenced project on July 12, 2010; and

**WHEREAS**, on July 21, 2010 Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Councilman Larry Payne; and, Larry Cooper, Airport Manager, reviewed the bids received and the engineer's, recommendation letter of July 16, 2010 submitted by Michael B. Corkern, Jr. of Airport Development Group, Inc., and after review recommended that the contract be awarded to the lowest bidder, **OSI BUILDING SYSTEMS, INC.** in the amount of **\$83,342.00**; and

**WHEREAS**, by Ordinance number 42 of 2010, the Council of the City of Natchitoches, in legal session convened, authorized, empowered and directed Mayor, Wayne McCullen, to sign any and all documents necessary for acceptance and award of LA DOTD Project No. 935-01-0034 and City of Natchitoches Bid No. 0504 to OSI Building Systems, Inc. in the sum of \$83,342.00; and

**WHEREAS**, it has become apparent that the hanger to be constructed under the Contract is cost prohibitive and will need to be redesigned and rebid at a future date; and

**WHEREAS**, the successful bidder, OSI Building Systems, Inc., has offered, by correspondence dated December 20, 2010, to disengage and cancel the agreement at no cost to the either the City or OSI Building Systems, Inc.; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the City Council of the City of Natchitoches that the construction contract awarded to OSI Building Systems, Inc., under City of Natchitoches Bid No. 0504, be canceled and rescinded, and that the Mayor of the City of Natchitoches, Wayne McCullen by authorized and empowered to execute any and all documents necessary to cancel, terminate or rescind the agreement.

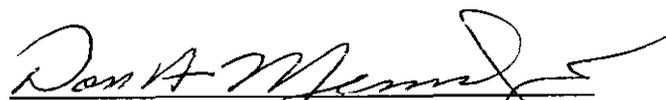
Said Ordinance was advertised in the *Natchitoches Times* on January 28 and February 4, and February 11, 2011 in accordance with law.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

**AYES: McCain, Mims, Morrow, Payne, Nielsen**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: None**

**THEREUPON**, the Mayor declared the Ordinance **PASSED** this 14<sup>th</sup> day of February, 2011 by a vote of 5 Ayes to 0 Nays.

  
WAYNE McCULLEN, MAYOR

  
DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 15<sup>th</sup> day of February, 2011 at 10:00 A.M.

The following Resolution was Introduced by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

**RESOLUTION NO. 010 OF 2011**

**A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE CHANGE ORDER NO. 1 FOR THE WINDOW  
IMPROVEMENTS AT THE CENTRAL FIRE STATION**

**(BID NO. 0502)**

**WHEREAS**, the CITY awarded a contract to Cochran Construction Company, Inc. of Bossier City, Louisiana (CONTRACTOR) by Ordinance No. 038 of 2010 on July 26, 2010 in the base bid amount of \$55,000.00 for the window improvements at the Central Fire Station (Bid No. 0502); and,

**WHEREAS**, the Engineer, Norman Nassif of Nassif Engineering & Architecture, LLC, has recommended Change Order No. 1 dated February 14, 2011 reflecting an increase of 90 days to the contract time, as itemized in attached Change Order No. 1; and

**WHEREAS**, Nassif Engineering & Architecture, LLC, project Engineer, recommends approval of Change Order No. 1; and

**WHEREAS**, the City is of the opinion that Change Order No. 1 is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to execute the referenced Change Order No. 1 to the agreement between the City and the Contractor.

This Resolution was then presented for a vote, and the vote was recorded as follows:

**AYES:** Mims, Nielsen, McCain, Morrow, Payne  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

**THEREUPON**, Mayor Wayne McCullen declared the Resolution passed by a vote of 5 Ayes to 0 Nays this the 14<sup>th</sup> day of February, 2011.

  
WAYNE McCULLEN, MAYOR

CHANGE ORDER

Change Order No.: One (1)

Change Order Date: February 14, 2011

PROJECT: Window Replacement at Central Fire Station

OWNER: City of Natchitoches

CONTRACTOR: Cochran Construction Company, Inc.

The Contract Documents are modified as follows upon execution of this Change Order:

Contract time extension due to delay in start of construction due to Christmas Festival. Revised Substantial Completion date is March, 19, 2011 and Final Completion date is April 28, 2011.

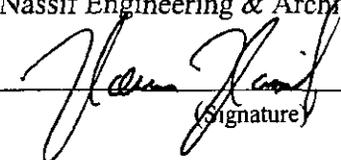
Change in Contract Price:

Original Contract Price: .....	\$	<u>55,000.00</u>
Contract Price adjusted by prior Change Orders.....	\$	<u>N/A</u>
Contract Price due to this Change Order (will not change): .....	\$	<u>N/A</u>
Contract Price incorporating this Change Order will be:.....	\$	<u>55,000.00</u>

Change in Contract Time:

Original Contract Time (calendar days).....	<u>105</u>
Contract Time adjusted by prior Change Orders .....	<u>N/A</u>
Contract Time due to this Change Order (will increase): .....	<u>90</u>
Contract Time incorporating this Change Order will be: .....	<u>195</u>

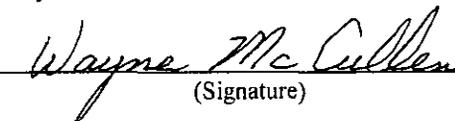
Recommended by (Engineer): Nassif Engineering & Architecture, LLC

 _____ (Signature)	<u>2/9/11</u> _____ Date
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Accepted by (Contractor): Cochran Construction Company, Inc.

_____ (Signature)	_____ Date
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Approved by (Owner): City of Natchitoches

 _____ (Signature)	<u>2-15-11</u> _____ Date
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Mayor McCullen then announced that the City of Natchitoches will be closed February 21, 2011 in honor of President's Day.

Ms. Morrow asked Ms. Steadman to add to their agenda a space for announcements. And announced Mr. James Weatherford passed away and to keep the sister in their prayers. She also stated that she had friends of hers there from New York City, Mr. and Mrs. Robert White.

Mr. McCain stated that when they adopted the new format of the agenda they eliminated other business and announcements and he stated that it would be more appropriate to do those items during a pre-meeting.

Ms. Morrow stated that she looked at the Robert's Rules of Order and that they use those and announcements are part of the format and that's what she would like to do.

There being no further business, Mr. Mims made a motion to adjourn the meeting, Mr. Nielsen seconded the motion, and the meeting was adjourned at 8:45 p.m.

  
MAYOR WAYNE McCULLEN

  
MAYOR PRO TEMPORE, DON MIMS