

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHES, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, AUGUST 22, 2016 AT 5:30 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, August 22, 2016 at 5:30 p.m.

There were present:

Mayor Lee Posey
Councilman At Large Don Mims, Jr.
Councilman Eddie Harrington
Councilman Dale Nielsen
Councilwoman Sylvia Morrow
Councilman Lawrence Batiste

Guests: Elizabeth Wysingle – Volunteer of the Year 2015 – Food Bank of Central Louisiana

Absent: None

Mayor Lee Posey called the meeting to order and welcomed everyone for coming. Michael Braxton was asked to lead the invocation and Councilwoman Sylvia Morrow was asked to lead the pledge of allegiance.

Mayor Posey then called for the reading and approval of the minutes for the August 8, 2016 meeting. Mr. Mims moved that we dispense with the reading of the minutes and approval of same. Seconded by Mr. Harrington the roll call vote was as follows:

Ayes:	Batiste, Nielsen, Mims, Harrington, Morrow
Nays:	None
Absent:	None
Abstain:	None

The Mayor and City Council recognized Elizabeth Wysingle for being named the Volunteer of the Year for 2015 by the Food Bank of Central Louisiana. Mrs. Wysingle is very active not only at the Council on Aging, but throughout the entire community. Mr. Nielsen thanked her for all she has done and is looking forward to working with her on National Night Out again this year.

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

ORDINANCE NO. 035 OF 2016

AN ORDINANCE AUTHORIZING THE CITY TO LEASE A 1.863 ACRE TRACT, BEING A PORTION OF THE ADM FACILITY LOCATED BETWEEN THE UNION PACIFIC RAILROAD AND MILL STREET TO CRB PARTNERS, L.L.C., SETTING THE TERMS AND CONDITIONS OF SAME, AND FURTHER ENTERING A PURCHASE AGREEMENT FOR A PORTION OF THE ABOVE DESCRIBED 1.863 ACRE TRACT, FURTHER PROVIDING FOR A CHANGE IN ZONING, AND AUTHORIZING THE EXECUTION OF THE LEASE WITH PURCHASE AGREEMENT BY THE MAYOR, LEE POSEY, AFTER DUE COMPLIANCE WITH THE LAW, AND FURTHER PROVIDING FOR ADVERTISING OF THE LEASE AND AN EFFECTIVE DATE.

WHEREAS, the City of Natchitoches (City) is the owner of certain property situated in the City of Natchitoches, located between the Union Pacific Railroad and Mill Street which is commonly referred to as the ADM facility; and

WHEREAS FURTHER, the City has been approached by CRB Partners, L.L.C. (Sometimes hereinafter "Brewery") who has expressed an interest in locating a brewery within the ADM facility, and through negotiations, the City and the Brewery have identified a warehouse within the ADM facility that will meet the needs of the Brewery; and

WHEREAS FURTHER, the City has caused a survey of a portion of the ADM facility to be prepared by Robert Lynn Davis, P.L.S., dated June 17, 2016, a copy of which is attached hereto and which said survey depicts a Tract 1, being a 1.470 acre tract, and a Tract 2, being a 0.393 acre tract; and

WHEREAS FURTHER, Tract 1 and Tract 2 are more fully described as follows, to-wit:

That certain tract of land, together with all buildings and improvements situated thereon, situated in Section 77 and 78, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana, being a total of 1.863 acres, more or less, and being more fully shown and depicted as Tract "1" and Tract "2" on a plat of survey by Robert Lynn Davis, dated June 17, 2016, a copy of which is recorded at Map Slide 750A, of the records of Natchitoches Parish, Louisiana, and being described thereon as follows, to-wit:

From a chipped "x" in concrete marking the Point of Beginning being 1,119.62 feet North and 11.35 feet West of the intersection of the northernmost right of way of Airport Road and the westernmost right of way of Rapides Drive, thence North 82 degrees 47 minutes 11 seconds West a distance of 143.99 feet; thence North 9 degrees 4 minutes 43 seconds West a distance of 230.94 feet; thence along a curve to the left having curve data of R=822.36 feet, L=370.08 feet, CHB=North 20 degrees 26 minutes 27 seconds West, and CHD=366.96; thence North 21 degrees 8 minutes 6 seconds East a distance of 50.80 feet; thence along a curve to the left having curve data of R=326.61 feet, L=56.90 feet, CHB=South

69 degrees 14 minutes 9 seconds East, and CHD=56.82 feet; thence South 75 degrees 1 minutes 54 seconds East a distance of 117.76 feet; thence South 7 degrees 1 minute 59 seconds West a distance of 283.32 feet; thence South 65 degrees 34 minutes 3 seconds East a distance of 37.77 feet; thence South 81 degrees 54 minutes 44 seconds East a distance of 121.94 feet; thence South 29 degrees 9 minutes 24 seconds East a distance of 59.48 feet; thence South 7 degrees 00 minutes 44 seconds West a distance of 222.25 feet to the Point of Beginning, all as more fully shown on the plat by Davis.

(Sometimes hereinafter "Leased Premises").

WHEREAS FURTHER, the City currently has its Public Works Department located at the ADM facility, but the warehouse located on Tract 2 and the area encompassing Tract 1 are not currently in use by the public Works Department and neither Tract 1 nor Tract 2 are currently being used for any public purpose; and

WHEREAS FURTHER, the Brewery has indicated that it anticipates that it will have 8 to 10 employees; and

WHEREAS FURTHER, the Brewery would generate additional revenue to the City through sales and property taxes and would further contribute to the marketing of the City through the use of the name, Cane River, that is associated with the City, and the City Council is of the opinion that the location of the Brewery in the City will have a positive impact on economic development and tourism within the City; and

WHEREAS FURTHER, the City and the Brewery have negotiated a lease of the Leased Premises for a ten year term with a rental rate of \$1,583.33 per month, with such other terms are set forth in the Lease and Purchase Agreement, a copy of which is attached hereto; and

WHEREAS FURTHER, the City and the Brewery have further negotiated a Purchase Agreement for the purchase Tract 2 as shown on the plat by Davis, for the sum and price of \$250,000.00, with a credit for any lease payments made under the terms of the Lease, with such other terms are set forth in the Lease and Purchase Agreement, a copy of which is attached hereto; and

WHEREAS FURTHER, the City has ordered and received an appraisal from Gregg Willbanks, La. State Certified General Real Estate Appraiser, dated July 7, 2016, which said appraisal reflects that the market rental value for the Leased Premises to be \$775.00 per month, and further reflects a market value of the property subject to the Purchase Agreement to be \$60,000.00; and

WHEREAS FURTHER, the City Council of the City of Natchitoches is of the opinion that the Leased Premises is surplus property, and does hereby declare and find that subject Leased Premises to be surplus property; and

WHEREAS FURTHER, the City Council of the City of Natchitoches has reviewed the attached Lease and Purchase Agreement and approves of same and desires to enter into the Lease and Purchase Agreement, under the terms set forth above and more particularly set forth therein; and.

WHEREAS FURTHER, under the provisions of Louisiana R. S. 33:4712, any property owned by the City can be leased to any person after due advertisement and compliance with the law; and

WHEREAS FURTHER, the City has further considered the current zoning of the Leased Premises, and is of the opinion that a zoning of B-3, special exception for operation of a brewery, is more appropriate for the anticipated use of the property, and further allows for

additional protection to resident property owners in the area, and therefore the Council desires to re-zone the Leased Premises from its current zoning of B-3 to B-3, special exception, to allow for the operation of a brewery; and

WHEREAS FURTHER, should a brewery cease to be operated on the Leased Premises, the use as a brewery shall be treated as a non-conforming use under Article VI of the City of Natchitoches Zoning Regulations; and

NOW THEREFORE, BE IT ORDAINED by the City Council in legal session convened as follows:

(1) That the City declares the above described Leased Premises to be surplus property not needed for public purposes by the City.

(2) That after due proceedings and advertisement, the said City does lease the Leased Premises to the CRB Partners, L.L.C., for a term of ten years with a monthly consideration of \$1,583.33, with a Purchase Agreement to purchase a portion of the Leased Premises shown as Tract 2 on the June 17, 2016 survey by Davis, all as more fully described in the attached Lease and Purchase Agreement.

(3) That notice of this proposed ordinance be published three (3) times in fifteen (15) days, one (1) week apart, in the Natchitoches Times, the legal journal for the City, and that ordinance be posted in the City Hall, and the City Clerk is authorized to report to the City Council if any opposition is made in writing prior to the time of final adoption.

(4) That any opposition to this ordinance shall be made in writing, filed with the Clerk for the City of Natchitoches within fifteen (15) days after the first publication of this ordinance, and that a public hearing be held after the advertisements have been completed.

(5) That the Mayor, Lee Posey, be and he is hereby authorized, after due proceedings had, and after the legal delays have run, to execute the Lease and Purchase Agreement in favor of CRB Partners, L.L.C., a copy of which is attached hereto.

(6) That the zoning of the above described Leased Premises be, and it is changed from its current zoning of B-3 to a zoning classification of B-3, Special Exception, to allow for the location and operation of a brewery.

(7) That should a brewery cease to be operated on the Leased Premises, the use as a brewery shall be treated as a non-conforming use under Article VI of the City of Natchitoches Zoning Regulations.

THIS ORDINANCE was introduced on July 25, 2016 and published in the *Natchitoches Times* on July 28, August 4 and August 11, 2016.

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

AYES:	Batiste, Nielsen, Mims, Harrington, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 22nd day of August, 2016.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 23rd day of August, 2016 at 10:00 A.M.

Mayor Posey stated during this process I feel we have been as proactive and honest as we can be, but I know some people are concerned about this project and the noise factor. According to the city ordinance, the noise cannot exceed a 65 decibel reading. After getting the price from the acoustician of \$20,000, it was determined a lot of money could be spent, but the ordinance would still take precedence and the noise cannot exceed 65 decibels. The City hopes to do something in this area that will be pleasing to the public and move Natchitoches forward.

Mr. Nielsen stated he is in agreement this is a nice project to get the development up and running with endless possibilities of what it can become. The brewery has been a heavy focus on the entertainment, but we are losing the focus that the main purpose is manufacturing. In reference to the noise there were 6 items the residents wanted us to address and I feel we have gotten 90% of that resolved. The noise issue we still disagree on, but I am still comfortable with the 65 decibel limit. We have more work at hand for any future development made at this property.

Justin Krouse with Cane River Brewing thanked the Mayor and the council for this opportunity to open a new business that we think will be great for tourism in Natchitoches. This is just the first step and look forward to working with the residents of South Williams and anyone else with concerns in the City. Krouse stated this is a relaxed atmosphere that will be open Thursdays thru Saturdays from 5 p.m. – 10 p.m. and is not intended to be a honky tonk/bar. The main purpose of this business is manufacturing and they want to make this work for everyone.

Marion Salter, South Williams homeowners representative, spoke about the disagreeance with the sound issue that she feels has come down to a money issue. Mrs. Salter quoted audio recording from the July 25th council meeting as it regarded hiring an acoustical engineer. Mayor Posey was quoted as saying, “we do, as of today, an acoustical engineer is coming to town that will guide us through this process.” Mayor Posey also mentioned when this person came to town he would like both parties (brewery group/South Williams representative) to meet with the acoustician. Mayor Posey questioned this statement as he never said he would hire, but that he had someone coming to town that would guide us through the process. Mrs. Salter then expressed her frustration with the Mayor not being completely transparent and including the South Williams representatives in an on-site meeting that was held on August 11th. Mrs. Salter also noted, Mr. Bonner, the acoustician, was not hired by the City, but was brought by to provide an opinion regarding the noise concerns at the potential brewery site. She then stated based on the facts she presented, it is the opinion that the Mayor has not delivered what was promised at the July 25th meeting and it is apparent the Mayor is moving forward with the intent to finalize the lease with no intention of further discussion or analysis of the sound pollution issue.

The Mayor stated he did not intend for them to come to the on-site meeting, but rather meet him along with the acoustician at City Hall. He apologized for not including them in the on-site meeting, but felt all their questions/concerns would be addressed during the meeting with the acoustician. Mayor Posey stated once again, based on the opinion of the acoustician and the ordinance, if the noise ordinance is violated of exceeding the 65 decibels, then music would not be allowed. Mayor Posey feels no other actions should be taken or money spent for what we already know and have in place. It has been made clear there is nothing the City can do to please the South Williams residents regarding this project.

Councilman Mims stated this is a big project and I don't think these guys are going to take the chance to lose on this investment by not following the noise ordinance. If found at fault over a number of times, the business can be shut down for not following the code. He stated he feels good about this project and we want to support them as well as the community.

Mrs. Brenda Melder approached the podium and said at the July 25th meeting she approached Mr. Mims and Mr. Harrington with the question as to if an acoustical engineer would be hired. She then stated, Mr. Mims got the Mayor's attention and she recalls Mayor Posey saying yes he would be hiring someone.

Ms. Morrow stated while in her district she does agree with not spending \$20,000 for a sound engineer. Based on the lease, she feels if the business owners do not comply with the ordinance citations should be issue and dealt with accordingly.

Mr. Arthur Dew approached the podium and stated he lives on St. Maurice. He stated music from various festivals held on the downtown stage do carry across the river. He can hear them at his house, but when he goes inside his house and closes the door he no longer hears the music. If the noise is an issue it can be turned down.

*A copy of Marion Salter's full notes can be obtained at City Hall located at 700 Second Street.

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

ORDINANCE NO. 036 OF 2016

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF NATCHITOCHEs TO AWARD
THE BID FOR THE LAFAYETTE STREET REHABILITATION PROJECT**

(BID NO. 0580)

WHEREAS, Resolution No.056 of 2016 was passed by the Natchitoches City Council on July 11, 2016 authorizing the Mayor to advertise for bids for the Lafayette Street Rehabilitation Project (Bid No. 0580); and

WHEREAS, this bid was advertised in the *Natchitoches Times* on July 17, July 7, 2015 and July 28, 2016 in accordance with law; and

WHEREAS, three bid proposals were received and opened as follows:

- (1) Progressive Construction, Co.
Alexandria, LA\$329,881.30
- (2) Regional Construction, LLC
Natchitoches, LA\$362,437.00
- (3) Womack & Sons
Harrisonburg, LA.....\$564,679.50

WHEREAS, on August 8, 2016 the appointed committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Randy LaCaze, Community Development Director; and Eddie Harrington, Councilman reviewed the bid proposals for the Lafayette Street Rehabilitation Project (Bid No. 0580); and

WHEREAS, the above appointed committee members unanimously recommend the City award the bid to the lowest bidder **Progressive Construction, Co.** in the amount of **\$329,881.30**.

NOW, THEREFORE, BE IT ORDAINED, that the Honorable Lee Posey, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

THIS ORDINANCE was introduced on August 8, 2016 and published in the *Natchitoches Times* on August 11, 2016.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 22nd day of August, 2016.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 23rd day of August, 2016 at 10:00 A.M.

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

ORDINANCE NO. 037 OF 2016

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF NATCHITOCHES TO AWARD
THE BID FOR THE 2016 CITY STREET REHABILITATION PROJECT**

(BID NO. 0584)

WHEREAS, Resolution No.055 of 2016 was passed by the Natchitoches City Council on July 11, 2016 authorizing the Mayor to advertise for bids for the 2016 City Street Rehabilitation Project (Bid No. 0584); and

WHEREAS, this bid was advertised in the *Natchitoches Times* on July 14, July 21, and July 28, 2016 in accordance with law; and

WHEREAS, three bid proposals were received and opened as follows:

- (2) Progressive Construction, Co.,
Alexandria, LA\$842,207.39
- (4) Regional Construction, Co.
Natchitoches, LA\$862,040.46
- (5) T. L. Construction, LLC.
Alexandria, LA.....\$882,920.08

WHEREAS, on August 8, 2016 the appointed committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Michael Braxton, Public Works Director; and Don Mims, Councilman at Large reviewed the bid proposals for the 2016 City Street Rehabilitation Project (Bid No. 0584); and

WHEREAS, the above appointed committee members unanimously recommend the City award the bid to the lowest bidder **Progressive Construction, Co., of Alexandria, LA** in the amount of **\$842,207.39**.

NOW, THEREFORE, BE IT ORDAINED, that the Honorable Lee Posey, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

THIS ORDINANCE was introduced on August 8, 2016 and published in the *Natchitoches Times* on August 11, 2016.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None

ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 22nd day of August, 2016.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 23rd day of August, 2016 at 10:00 A.M.

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

ORDINANCE NO. 038 OF 2016

ORDINANCE OF THE CITY OF NATCHITOCHEs, LOUISIANA, GRANTING TO ATMOS ENERGY CORPORATION (A TEXAS AND VIRGINIA CORPORATION WITH ITS PRINCIPAL OFFICE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS) AND ITS SUCCESSORS AND ASSIGNS THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN AND BEYOND THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, BRIDGES, PUBLIC WAYS, AND IMMOVABLE PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS.

BE IT ORDAINED by the Governing Body of the CITY OF NATCHITOCHEs, LOUISIANA (hereinafter referred to as the "City") that, subject to the terms and conditions hereinafter set forth, ATMOS ENERGY CORPORATION, a Texas and Virginia corporation with its principal office in the City of Dallas, Dallas County, Texas (hereinafter referred to as "Atmos"), be, and hereby is, granted the non-exclusive franchise and rights to conduct in the City the business of acquiring (by purchase, lease, or otherwise), maintaining, constructing, laying, repairing, removing, replacing, installing, operating, and disposing of (by sale, lease, or otherwise) a Gas System, hereinafter defined, for the sale, transportation, and distribution of natural gas within and beyond the municipal boundaries of the City and to the residents and business located therein for light, heat, power, and any other purpose during the term set forth below. Such franchise and rights shall include, but not be limited to, the right to use the present and future streets, roads, highways, alleys, bridges, public ways, and other immovable property owned by or under the control of the City for purposes of maintaining, constructing, laying, repairing, removing, replacing, installing, and operating any and all components of the Gas System, together with access, at all times and from time to time, to such streets, roads, highways, alleys, bridges, public ways, and other immovable property during the term hereof.

ARTICLE I
DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Section 1.1. Gas System. The term “Gas System” shall mean any and all pipelines, as hereinafter defined, regulators, meters, valves, compressors, anti-corrosion items, facilities, structures, machinery, equipment, and appurtenances of any kind that Atmos, in its sole discretion, may deem necessary or advisable for the exercise of the franchise and rights granted to Atmos herein.

Section 1.2. Pipelines. The term “pipelines” shall mean any and all above-ground and below-ground pipes, including but not limited to, mains, distribution lines, secondary lines, laterals, and other pipes, that have been, are being, or are intended to be used at any time in, or in connection with, the sale, transportation, or distribution of natural gas within and beyond the City limits.

ARTICLE II
TERM

Section 2.1. Term. The term of the franchise and rights hereby granted to Atmos shall be for a period of twenty five (25) years, commencing on the later of (i) thirty (30) days after the date of publication of this Ordinance in accordance with law or (ii) the expiration of the franchise held by Atmos immediately preceding this franchise.

ARTICLE III
GRANT OF SPECIFIC RIGHTS TO ATMOS ENERGY

In addition to the franchise and rights granted herein to Atmos, the City acknowledges that Atmos has, and hereby grants to Atmos, the following rights and powers:

Section 3.1. Reconnection Charges. In addition to any and all other proper charges, Atmos may charge and collect from any consumer whose service has been discontinued by Atmos a reasonable reconnection fee or similar charge for recommencing service to such consumer.

Section 3.2. Adoption of Rules. From time to time during the term hereof, Atmos may, subject to any and all valid and applicable statutes, ordinances, rules, and regulations of any federal or state governmental authority or agency, make and enforce reasonable rules pertaining to Atmos' business and operations, including, but not limited to, requiring payment on or before a specified day each month for all services furnished during the preceding month with the right to disconnect and discontinue service to delinquents.

Section 3.3. Removal of Gas System. Atmos may remove all or any portion of the Gas System upon the expiration or termination of the franchise and rights granted hereby.

Section 3.4. Right of Use. Atmos is hereby specifically granted a right of use on all present and future streets, roads, highways, alleys, bridges, public ways, and other immovable property owned by or under the control of the City for purposes of maintaining, constructing, laying, repairing, replacing, installing, and operating any and all components of the Gas System, together with access, at all times and from time to time, to such streets, roads, highways, alleys, bridges, public ways, and other immovable property during the term hereof.

ARTICLE IV

OBLIGATIONS OF ATMOS

Section 4.1 Franchise Fee.

- (a)** As consideration for the grant of the franchise and rights herein and for the use by Atmos of the streets, roads, highways, alleys, bridges, public ways, and other immovable property owned or controlled by the City, Atmos shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to four percent (4%) of Atmos' gross receipts derived from the sale, transportation, and distribution by Atmos of natural gas at retail to residential and commercial consumers located within the City limits during the preceding calendar quarter.
- (b)** The franchise fee, together with any and all charges of the City for water, sewage, and garbage services provided by the City to Atmos, any and all sales taxes collected by Atmos, and any and all ad valorem taxes assessed by the City against Atmos' property, shall constitute the only amounts for which Atmos shall be obligated to pay to the City and shall be in lieu of any and all other costs, levies,

assessments, fees, or other amounts, of any kind whatsoever, that the City, currently or in the future, may charge Atmos or assess against Atmos' property.

Section 4.2. No Obstruction of Public Property. Atmos shall not unnecessarily or for any unreasonable period of time obstruct or interfere with the public use of any of the streets, roads, highways, alleys, bridges, public ways, or other immovable property owned or controlled by the City.

Section 4.3. Repair of Damages. Atmos shall repair any and all damages caused solely by Atmos to any streets, roads, highways, alleys, bridges, public ways, or other immovable property owned or controlled by the City and shall restore, as nearly as practicable, such property to substantially its condition immediately prior to the incident causing such damage. Atmos shall commence such repairs immediately upon completion of the work or activity in which Atmos was involved at the time the damage occurred and shall complete such repairs as promptly as possible.

Section 4.4. Conduct of Work and Activities. Atmos shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any immovable or personal property.

Section 4.5. Extension of Gas System. Atmos shall, at its sole expense, extend its Gas System in order to serve additional consumers in accordance with the Standard Terms and Conditions for Natural Gas Service as now approved or as may hereafter be approved by the Louisiana Public Service Commission.

Section 4.6. Service to New Areas. If during the term of this franchise the boundaries of the City are expanded, the City will promptly notify Atmos in writing of any geographic areas annexed by the City during the term hereof ("Annexation Notice"). Any such Annexation Notice shall be sent to Atmos by certified mail, return receipt requested, and shall contain the effective date of the annexation, maps showing the annexed area and such other information as Atmos may reasonably require in ascertaining whether there exist any customers of Atmos receiving natural gas service in said annexed area. To the extent there are such Atmos customers therein, then the gross revenues of Atmos derived from the sale and distribution of natural gas to such customers shall become subject to the franchise fee provisions hereof effective on the first day of Atmos' billing cycle immediately following Atmos' receipt of the Annexation Notice. The failure by the City to advise Atmos in writing through proper Annexation Notice of any

geographic areas which are annexed by the City shall relieve Atmos from any obligation to remit any franchise fees to City based upon gross revenues derived by Atmos from the sale and distribution of natural gas to customers within the annexed area until City delivers an Annexation Notice to Atmos in accordance with the terms hereof.

ARTICLE V

GENERAL PROVISIONS

Section 5.1. Force Majeure. Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event Atmos is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any event of force majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended. The term "force majeure," as used herein, shall mean any cause not reasonably within Atmos' control and includes, but is not limited to, acts of God, strikes, lock-outs, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state, or local body, contagions or contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Ordinance.

Section 5.2. Amendments. This Ordinance and the franchise and rights granted herein may be amended only by written agreement of the City and Atmos to such amendment.

Section 5.3. Repeal of Conflicting Ordinances. All other ordinances of the City or portions thereof that are in conflict or inconsistent with any of the terms or provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 5.4. Severability. In the event any part of this Ordinance is determined to be invalid or illegal for any reason whatsoever, such invalidity or illegality shall not affect the validity or legality of this Ordinance as a whole or of any parts hereof.

Section 5.5. Binding Effect. This Ordinance shall extend to, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

Section 5.6. Section and Other Headings. The section and other headings contained in this Ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this Ordinance.

THIS ORDINANCE was introduced on August 8, 2016 and published in the *Natchitoches Times* on August 11, 2016.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 22nd day of August, 2016.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 23rd day of August, 2016 at 10:00 A.M.

CITY OF NATCHITOCHEs, LOUISIANA

By: _____
Mayor

ATTEST:

City Clerk

ACCEPTED:

ATMOS ENERGY CORPORATION

By: _____
Tom Hawkins
President (Louisiana Division)

Date: _____

Mailing Address and Phone Number of City:

City of Natchitoches
P. O. Box 37
Natchitoches, LA 71458
(318) 352-2772

The following Ordinance was introduced by Batiste at the Natchitoches City Council meeting held on August 22, 2016 as follows:

ORDINANCE NO. 039 OF 2016

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF NATCHITOCHEs TO AWARD
THE BID FOR THE PURCHASE OF A BUCKET TRUCK FOR THE CITY OF
NATCHITOCHEs UTILITY DEPARTMENT**

(BID NO. 0586)

WHEREAS, Resolution No.054 of 2016 was passed by the Natchitoches City Council on July 11, 2016 authorizing the Mayor to advertise for bids for the purchase of a Bucket Truck for the City of Natchitoches Utility Department (Bid No. 0586); and

WHEREAS, this bid was advertised in the *Natchitoches Times* on July 14, July 21 and July 28, 2016 in accordance with law; and

WHEREAS, one bid proposal was received and opened as follows:

- (1) Altec Industries, Inc.,
Daleville, VA\$187,582.00

WHEREAS, on August 12, 2016 the appointed committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Bryan Wimberly, Director of Utilities; and Dale Nielsen, Councilman reviewed the bid proposals for the purchase of a Bucket Truck for the City of Natchitoches Utility Department (Bid No. 0586); and

WHEREAS, the above appointed committee members unanimously recommend the City award the bid to the only bidder **Altec Industries, Inc.**, in the amount of **\$187,582.00**.

NOW, THEREFORE, BE IT ORDAINED, that the Honorable Lee Posey, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

The following Ordinance was introduced by Mr. Nielsen at the Natchitoches City Council meeting held on August 22, 2016 as follows:

ORDINANCE NUMBER 040 OF 2016

AN ORDINANCE APPROVING THE PURCHASE OF TRACT OF GROUND AT THE IN SECTION 74, TOWNSHIP 9 NORTH, RANGE 7 WEST, SITUATED BETWEEN RAPIDES DRIVE AND FAIRGROUNDS ROAD FROM BLANCHARD FAMILY, L.L.C., ET AL, FOR THE CONSIDERATION OF THREE HUNDRED FORTY-SIX THOUSAND DOLLARS, AND AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHEs, LEE POSEY, TO EXECUTE A CASH SALE DEED FOR THE PURCHASE OF THE TRACT AND ALL RELATED DOCUMENTS, TO PROVIDE FOR ADVERTISING, AND A SAVINGS CLAUSE.

WHEREAS, Blanchard Family, L.L.C., Martha Hughes Bailey, Julie Hughes Calihan, Lester Hughes Lee, Sr., Eleanor Ann Lee Alford, John Randall Lee, and Edmond A. Lee, as Trustee for the Eleanor Hughes Wertelaers Testamentary Trust, (sometimes hereinafter collectively referred to as “Blanchard”) are the owners of a certain tract of land situated in Section 74, Township 9 North, Range 7 West, bounded on the North by Rapides Drive and on the South by Fairgrounds Road, and being more fully described as follows, to-wit:

That certain parcel, lot or tract of land, together with all buildings and improvements thereon situated, located in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, being a part of a 120 acre tract of land bounded on the West by Cane River, on the North by property owned by Mazurette, and on the South by property owned by Hill.

LESS AND EXCEPT the following tracts of land:

1. That certain 19 acre tract of land sold by Edmond P. Hughes, et al, to the City of Natchitoches by deed dated July 27, 1984, situated on the North side of Louisiana Highway By-Pass 3110, and identified as Parcel 1-1 on the Airport Survey a copy of which is attached to the deed referred to herein which is recorded in Conveyance Book 398, page 561, and also at Map Slide 277A, of the Records of Natchitoches Parish, Louisiana.
2. That certain 2.0 acre tract of land which was sold by Mrs. Clothilde P. Hughes to John Randall Lee by deed dated March 26, 1974, recorded in Conveyance Book 316, page 912, and described in full on a survey by A. J. Brouillette, R.L.S., dated March 8, 1974. This 2.0 acre tract of land is located and situated on the North side of Louisiana Highway 3110, in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana.
3. That certain tract of land containing 0.74 acres of land sold to the City of Natchitoches by deed dated November 22, 1994, and recorded in Conveyance Book 497, page 579, and further described on a survey by Jack E. Farmer dated June 3, 1994, and being situated in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana.
4. That certain tract of land containing 1.44 acres conveyed to Julie H. Callihan and William Callihan by deed recorded October 18, 2000, at Conveyance Book 550, page 556, as shown and depicted on a survey by

Robert Davis dated June 18, 2000. This tract is all of that portion of the parent tract located between Rapides Street and Cane River Lake.

5. That certain tract of land containing 10.24 acres conveyed to the City of Natchitoches by deed recorded at Conveyance Book 697, page 9, as more fully shown and depicted on a survey by Robert Davis dated June 12, 2015. This tract is all of that portion of the parent tract located South of Louisiana Highway 3110.

WHEREAS FURTHER, the City of Natchitoches (sometimes hereinafter “City”) has negotiated with Blanchard for the purchase of the above described property for the sum and price of \$346,000.00; and

WHEREAS FURTHER, the City Council of the City of Natchitoches has reviewed the proposed purchase and is of the opinion that the purchase is in the best interests of the continued use and operation of the Natchitoches Regional Airport as being in the best interests of the City of Natchitoches and its citizens; 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 tract of land from Blanchard for the sum of \$346,000.00; and

WHEREAS FURTHER, the City Council of the City of Natchitoches has been provided with a copy of an appraisal prepared by James I. Brantly, Real Estate Appraisals & Counseling, P. O. Box 4374, Shreveport, LA 71134, dated August 10, 2016, which supports the consideration to be paid by the City of Natchitoches; 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 Lee Posey, to execute a deed and all associated documents; 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, Lee Posey, be and he 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 parcel, lot or tract of land, together with all buildings and improvements thereon situated, located in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, being a part of a 120 acre tract of land bounded on the West by Cane River, on the North by property owned by Mazurette, and on the South by property owned by Hill.

LESS AND EXCEPT the following tracts of land:

1. That certain 19 acre tract of land sold by Edmond P. Hughes, et al, to the City of Natchitoches by deed dated July 27, 1984, situated on the North side of Louisiana Highway By-Pass 3110, and identified as Parcel 1-1 on the Airport Survey a copy of which is attached to the deed referred to herein which is recorded in Conveyance Book 398, page 561,

and also at Map Slide 277A, of the Records of Natchitoches Parish, Louisiana.

2. That certain 2.0 acre tract of land which was sold by Mrs. Clothilde P. Hughes to John Randall Lee by deed dated March 26, 1974, recorded in Conveyance Book 316, page 912, and described in full on a survey by A. J. Brouillette, R.L.S., dated March 8, 1974. This 2.0 acre tract of land is located and situated on the North side of Louisiana Highway 3110, in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana.

3. That certain tract of land containing 0.74 acres of land sold to the City of Natchitoches by deed dated November 22, 1994, and recorded in Conveyance Book 497, page 579, and further described on a survey by Jack E. Farmer dated June 3, 1994, and being situated in Section 74, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana.

4. That certain tract of land containing 1.44 acres conveyed to Julie H. Callihan and William Callihan by deed recorded October 18, 2000, at Conveyance Book 550, page 556, as shown and depicted on a survey by Robert Davis dated June 18, 2000. This tract is all of that portion of the parent tract located between Rapides Street and Cane River Lake.

5. That certain tract of land containing 10.24 acres conveyed to the City of Natchitoches by deed recorded at Conveyance Book 697, page 9, as more fully shown and depicted on a survey by Robert Davis dated June 12, 2015. This tract is all of that portion of the parent tract located South of Louisiana Highway 3110.

II. 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.

III. 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.

IV. 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 22nd day of August, 2016, and that a public hearing be called for at the next regular meeting of the City Council which will be held on the 12th day of September, 2016.

The following Resolution was introduced by Mr. Harrington and Seconded by Mr. Nielsen as follows, to –wit:

RESOLUTION NO. 063 OF 2016

**A RESOLUTION AUTHORIZING THE MAYOR
TO ADVERTISE FOR BIDS FOR LIQUID CHLORINE
FOR THE WATER TREATMENT PLANT**

BID NO. 0588

WHEREAS, the City wishes to advertise for bids for Liquid Chlorine for the Water Treatment Plant, Bid No. 0588; and

WHEREAS, sealed bid proposals will be received until 4:00 p.m. on September 19, 2016 at the office of Edd Lee, Director of Purchasing, 1400 Sabine Street, Natchitoches, Louisiana and opened on September 21, 2015; and

WHEREAS, bids will be publicly opened and read aloud at 4:00 PM on Monday, September 19, 2016 at the City of Natchitoches Purchasing Department located at 1400 Sabine Street, Natchitoches, Louisiana 71457.

WHEREAS, upon receipt of proposals the committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Lawrence Batiste, Councilman; and Bryan Wimberly, Utility Director, are to review and make a recommendation of the bids received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Lee Posey, Mayor, be and is hereby authorized, empowered and directed to order the publication of the above bid.

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

AYES:	Batiste, Nielsen, Mims, Harrington, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 22nd day of August, 2016.

LEE POSEY, MAYOR

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

RESOLUTION NO. 064 OF 2016

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE AND ACCEPT BIDS FOR THE WATER SYSTEM IMPROVEMENTS – PHASE II, 2015/2016 COMMUNITY WATER ENRICHMENT FUND.

(BID NO. 0590)

WHEREAS, the City wishes to advertise for public bids for the Water System Improvements – Phase II, 2015-2016 Community Water Enrichment Fund, Bid No. 0590; and

WHEREAS, sealed proposals shall be addressed to the City of Natchitoches, Office of the Director of Purchasing, 1400 Sabine Street, Natchitoches, Louisiana 71457 or received at the City of Natchitoches Purchasing Department, 1400 Sabine Street, Natchitoches, Louisiana, and

WHEREAS, the City of Natchitoches will accept sealed and electronic bids for the project no later than 2:00 P.M. on Tuesday, September 20, 2016 at the office of the Director of Purchasing, 1400 Sabine Street, and

WHEREAS, bids will be publicly opened and read aloud at the location and time herein above; and

WHEREAS, the following streets included in the improvements are: Rusbo, Payne, Julia, Lafayette, Jordan and Pierson; and

WHEREAS, upon receipt of proposals, the committee members consisting of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Bryan Wimberly, Director of Utilities, Sylvia Morrow, Councilwoman are to review and make a recommendation of the bids received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Lee Posey, Mayor, be and is hereby authorized, empowered and directed to order the publication of the above bid.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 22nd day of August, 2016.

LEE POSEY, MAYOR

The following Resolution was introduced by Ms. Morrow and Seconded by Mr. Batiste as follows, to –wit:

RESOLUTION NO. 065 OF 2016

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE AND ACCEPT BIDS FOR THE WATER SYSTEM IMPROVEMENTS – PHASE I.

(BID NO. 0589)

WHEREAS, the City wishes to advertise for public bids for the Water System Improvements Phase I, Bid No. 0589; and

WHEREAS, sealed proposals shall be addressed to the City of Natchitoches, Office of the Director of Purchasing, 1400 Sabine Street, Natchitoches, Louisiana 71457 or received at the City of Natchitoches Purchasing Department, 1400 Sabine Street, Natchitoches, Louisiana; and

WHEREAS, the City of Natchitoches will accept sealed and electronic bids for the project no later than 2:00 P.M. on Tuesday, September 20, 2016 at the office of the Director of Purchasing, 1400 Sabine Street; and

WHEREAS, bids will be publicly opened and read aloud at the location and time herein above; and

WHEREAS, the following streets included in this project are: Robbins, Roy, Hampton, Holmes, Silver, Northern, Mt. Olive Church, Genti, Railroad and Payne Ave; and

WHEREAS, upon receipt of proposals, the committee members consisting of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Bryan Wimberly, Director of Utilities, Lawrence Batiste, Councilman are to review and make a recommendation of the bids received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Lee Posey, Mayor, be and is hereby authorized, empowered and directed to order the publication of the above bid.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 22nd day of August, 2016.

LEE POSEY, MAYOR

The following Resolution was introduced by Batiste and Seconded by Mr. Nielsen as follows, to –wit:

RESOLUTION NO. 066 OF 2016

**A RESOLUTION IN SUPPORT OF ELEVATING THE
EL CAMINO EAST - WEST CORRIDOR/HIGHWAY 6/84 TO A HIGHER PRIORITY
TO MAKE AVAILABLE THE 20% FUNDS FOR “READY PROJECTS”.**

WHEREAS, DOTD has the 2002 Master Plan Study of the of the El Camino East-West Corridor/Highway 6/84 Project starting from Toledo Bend, coming eastward on Highway 6, through Sabine Parish, continuing through Natchitoches Parish, entering into Highway 84 at Clarence Louisiana, onward to Winnfield, in Winn Parish, to Jena, in Lasalle Parish, on through Catahoula and Concordia Parishes, and join the Natchez, Mississippi bridge; and

WHEREAS, Alabama, Georgia, Mississippi, and Texas has construction completed up to 70% - 86% of Highway 84, 1,700 miles and Louisiana has constructed 10% of the 168 miles, more or less; and

WHEREAS, your favorable support and endorsement is needed in asking the Secretary of the DOTD, Shawn D. Wilson, to elevate the El Camino East-West Corridor/Highway 6/84 to a higher priority and to make the 20% funds for “Ready Projects”.

NOW, THEREFORE, BE IT RESOLVED I, Lee Posey, Mayor, and the Natchitoches City Council, in legal session convened have studied and read this Resolution with understanding and hereby give our full support to the El Camino East/West Corridor “Ready Projects”.

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

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 22nd day of August, 2016.

LEE POSEY, MAYOR

