

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHEs, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, DECEMBER 10, 2018 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, December 10, 2018 at 5:30 p.m.

There were present:

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

Guests: None

Absent: None

Mayor Lee Posey called the meeting to order and welcomed everyone for coming. Michael Braxton was asked to lead the invocation and Councilman Dale Nielsen led the Pledge of Allegiance.

Mayor Posey then called for the reading and approval of the minutes for the November 26, 2018 meeting. Mr. Mims moved that we dispense with the reading of the minutes and approval of same. Seconded by Mr. Batiste, a roll call vote was as follows:

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

Mayor Posey read a letter he received in reference to the Natchitoches Police Department. The letter detailed the visitors felt safe during their most recent visit to the annual Christmas Festival. The letter also detailed how friendly and helpful the officers were as well. Mayor Posey stated overall it was a great day and thanked those departments for all their hard work.

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

ORDINANCE NO. 042 OF 2018

AN ORDINANCE APPROVING THE RENEWAL OF A TIME CONTRACT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION WASTE, AND RECYCLABLE MATERIALS IN THE CITY OF NATCHITOCHE, LOUISIANA WITH WASTE CONNECTIONS BAYOU, INC. WITH AMENDMENTS THERETO, AUTHORIZING THE MAYOR, LEE POSEY, TO EXECUTE SAME, FURTHER PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Natchitoches entered into a Time Contract for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste and Recyclable Material in the City of Natchitoches, Louisiana dated January 1, 2014, (hereinafter sometimes referred to as “Contract”) with Progressive Waste Solutions of LA, Inc., (sometimes hereinafter “Progressive”) following the issuance of requests for proposals by the City of Natchitoches; and

WHEREAS FURTHER, the Contract provides for a five-year term running from January 1, 2014 through December 31, 2018, and further provides for one successive period of five years at the end of the initial five-year term; and

WHEREAS FURTHER, the successor of Progressive is Waste Connections Bayou, Inc. (Sometimes hereinafter referred to as “Waste Connections”), and the City Council of the City of Natchitoches has been satisfied with the performance of Waste Connections under the terms of the Contract and desires to extend the term of the Contract for an additional five-year term with certain amendments to the Contract; and

WHEREAS FURTHER, the City and Waste Connections have negotiated an Extension and Amendment to Time Contract for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste and Recyclable Material in the City of Natchitoches, Louisiana dated January 1, 2019 (sometimes hereinafter referred to as “Contract Extension”), a copy of which is attached hereto; and

WHEREAS FURTHER, the City Council has reviewed and approves the attached Contract Extension; and

WHEREAS FURTHER, the City Council desires to authorize the Mayor of the City of Natchitoches to execute the Contract Extension on behalf 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. The Mayor of the City of Natchitoches, Louisiana, Lee Posey is hereby authorized to execute the Extension and Amendment to Time Contract for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste and Recyclable Material in the City of Natchitoches, Louisiana with Waste Connections Bayou, Inc.

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.

THIS ORDINANCE was introduced on November 26, 2018 and published in the *Natchitoches Times* on November 29, 2018.

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 10th day of December, 2018.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 11th day of December, 2018 at 10:00 A.M.

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

ORDINANCE NUMBER 046 OF 2018

AN ORDINANCE TO AMEND SECTION 14-29, ENTITLED “COLLECTION CHARGES – LEVIED” OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF NATCHITOCHEs, ENTITLED “GARBAGE, TRASH AND REFUSE”, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, the City of Natchitoches has recently negotiated an extension and amendment to a Time Contract for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste, and Recyclable Materials in the City of Natchitoches, (sometimes hereinafter “Contract”) which said Contract has been introduced for approval by the City Council of the City of Natchitoches and which will go into effect the 1st day of January, 1, 2019; and

WHEREAS FURTHER, the Finance Department of the City of Natchitoches has undertaken a review of the terms of the Contract and has made recommendation for the amendment of Chapter 14 in order to bring the collection charges into conformance with the terms of the new Contract; and

WHEREAS FURTHER, the Finance Department of the City of Natchitoches has recommended that Section 14-29 of the Code of Ordinances of the City of Natchitoches be amended to provide as follows, to-wit:

“Sec. 14-29. Collection charges--Levied.

There is hereby levied a service charge to defray the expenses of the collection and disposal of garbage, trash and other refuse, and the expense of the maintenance of the general cleanliness and sanitation of the city, to be assessed and collected monthly as follows:

(1) Residential. Upon each proprietor of a residence; each separate living unit, apartment and trailer home or manufactured housing unit to be considered to be a separate residence twenty-two and 70/100 (\$22.70) dollars.

(2) Apartment houses. Upon each proprietor of an apartment house (for the purpose of this section the word "apartment" to be considered to mean a living or residential unity containing usual ordinary kitchen facilities) per apartment, twenty-two and 70/100 (\$22.70) dollars.

(3) Commercial. Upon each proprietor of any hotel, restaurant, office, business or professional house, either retail or wholesale, or any other business or institution, or any commercial enterprise of any nature or kind, a minimum monthly charge thirty-eight and no/100 (\$38.00) dollars.

a. Additional charges for the collection and disposal of garbage and other refuse, shall be based upon the average amount of garbage and other refuse collected, average time expended for loading same and the frequency of pickups. These additional fees or rates shall be fixed by the

public works director subject to the right of appeal to the mayor and city council.

b. The public works director shall maintain in his office, for inspection, a complete list of all commercial customers, together with their fixed rates.

(4) The Finance Director shall maintain in his office, for public inspection, a copy of the executed Waste Disposal Contract, as well as all calculations made in accordance with Sections 2.11.2 and 2.11.3 of the Waste Disposal Contract that result in increases or decreases in the above set monthly rates as well as all calculations made in accordance with Section 11 of the Waste Disposal Contract.”
; 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 the Code of Ordinances of the City of Natchitoches in order to amend and re-enact Section 14-29 of the Code of Ordinances 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. Section 14.29 of the Code of Ordinances of the City of Natchitoches is hereby amended and re-enacted to read as follows:

“Sec. 14-29. Collection charges--Levied.

There is hereby levied a service charge to defray the expenses of the collection and disposal of garbage, trash and other refuse, and the expense of the maintenance of the general cleanliness and sanitation of the city, to be assessed and collected monthly as follows:

(1) Residential. Upon each proprietor of a residence; each separate living unit, apartment and trailer home or manufactured housing unit to be considered to be a separate residence twenty-two and 70/100 (\$22.70) dollars.

(2) Apartment houses. Upon each proprietor of an apartment house (for the purpose of this section the word "apartment" to be considered to mean a living or residential unity containing usual ordinary kitchen facilities) per apartment, twenty-two and 70/100 (\$22.70) dollars.

(3) Commercial. Upon each proprietor of any hotel, restaurant, office, business or professional house, either retail or wholesale, or any other business or institution, or any commercial enterprise of any nature or kind, a minimum monthly charge thirty-eight and no/100 (\$38.00) dollars.

a. Additional charges for the collection and disposal of garbage and other refuse, shall be based upon the average amount of garbage and other refuse collected, average time expended for loading same and the frequency of pickups. These additional fees or rates shall be fixed by the public works director subject to the right of appeal to the mayor and city council.

b. The public works director shall maintain in his office, for inspection, a complete list of all commercial customers, together with their fixed rates.

(4) The Finance Director shall maintain in his office, for public inspection, a copy of the executed Waste Disposal Contract, as well as all calculations made in accordance with Sections 2.11.2 and 2.11.3 of the Waste Disposal Contract that result in increases or decreases in the above set monthly rates as well as all calculations made in accordance with Section 11 of the Waste Disposal Contract.”

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.

THIS ORDINANCE was introduced on November 26, 2018 and published in the *Natchitoches Times* on November 29, 2018.

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 10th day of December, 2018.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 11th day of December, 2018 at 10:00 A.M.

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

RESOLUTION NO. 116 OF 2018

A RESOLUTION ACCEPTING AND APPROVING THE APPOINTMENT OF STEVEN M. OXENHANDLER AS ASSISTANT CITY ATTORNEY FOR THE CITY OF NATCHITOCHES.

WHEREAS, in accordance with Section 4.02C of the Home Rule Charter of the City of Natchitoches, the City Council of the City of Natchitoches adopted Resolution No. 57 of 2018, in which Steven D Crews, was confirmed and approved as an Assistant City Attorney for the City of Natchitoches; and

WHEREAS FURTHER, Steven D. Crews has informed the City Attorney of his desire to resign as an Assistant City Attorney for the City of Natchitoches, effective immediately; and

WHEREAS FURTHER, the City Attorney and the Mayor have recommended that the vacancy be filled with the appointment of Steven M. Oxenhandler as an Assistant City Attorney for the City of Natchitoches; and

WHEREAS FURTHER, Steven M. Oxenhandler is experienced in employment law, and has recently handled a number of issues on behalf of the City of Natchitoches; and

WHEREAS FURTHER, the City Council of the City of Natchitoches, Louisiana, desires to approve the appointment of Steven M. Oxenhandler as an Assistant City Attorney for the City of Natchitoches; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Natchitoches, Louisiana, that the Council expresses its acceptance and approval of the appointment of Steven H. Oxenhandler as an Assistant City Attorney for the City of Natchitoches.

This resolution was introduced on this the 10th day of December, 2018, at a regular meeting of the City Council of the City of Natchitoches, Louisiana.

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 10th day of December, 2018.

LEE POSEY, MAYOR

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

RESOLUTION NO. 117 of 2018

**RESOLUTION TO RE-APPOINT DAN SIMMONS AS A COMMISSIONER
ON THE NATCHITOCHE PARISH PORT COMMISSION FOR THE CITY OF
NATCHITOCHE**

WHEREAS, the term of Dan Simmons as a Commissioner for the Natchitoches Parish Port Commission of the City of Natchitoches expired on October 12, 2018; and

WHEREAS, the Natchitoches City Council wishes to re-appoint Dan Simmons for a term commencing on October 12, 2018 and ending on October 12, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Natchitoches does, in legal session convened, hereby re-appoint Mr. Dan Simmons as a Commissioner for the Natchitoches Parish Port Commission of the City of Natchitoches for a Six-year term.

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 10th day of December, 2018.

LEE POSEY, MAYOR

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

RESOLUTION NO. 118 of 2018

**RESOLUTION TO RE-APPOINT BILL ALLEN AS A COMMISSIONER
ON THE NATCHITOCHE PARISH PORT COMMISSION FOR THE CITY OF
NATCHITOCHE**

WHEREAS, the term of Bill Allen as a Commissioner for the Natchitoches Parish Port Commission of the City of Natchitoches expired on October 12, 2018; and

WHEREAS, the Natchitoches City Council wishes to re-appoint Bill Allen for a term commencing on October 12, 2018 and ending on October 12, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Natchitoches does, in legal session convened, hereby re-appoint Mr. Bill Allen as a Commissioner for the Natchitoches Parish Port Commission of the City of Natchitoches for a Six-year term.

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 10th day of December, 2018.

LEE POSEY, MAYOR

There **will not** be a City Council meeting on **Monday, December 24, 2018**.

The next scheduled City Council meeting will be **Monday, January 14, 2018**.

The City of Natchitoches offices will be closed **Monday, December 24th, Tuesday, December 25, 2018** for the Christmas Holidays and **Monday, December 31, 2018 & Tuesday, January 1, 2019** for New Years.

With no further discussion, Mayor Posey made a motion for adjournment and all were in favor.

The meeting was adjourned at 5:40 p.m.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO-TEMPORE