

MINUTES OF THE
BLANCHARD MAYOR AND TOWN COUNCIL
REGULAR MEETING – SEPTEMBER 9, 2008
7:00 O’CLOCK

PRESENT: Mayor Digilormo, Alderpersons Jones (arrived late), Ashby, Lee, Prewett, Whittington, Atty. Tom Arceneaux, Dave Cherry, David Yeates, Debra Smith, Town Clerk, and various citizens.

Pledge of Allegiance led by Lee.
Invocation given by Arceneaux.

Questions and Statements of Citizens: None.

Motion by Prewett to accept the minutes of the regular meeting of August 12, 2008. Second by Lee. All voted yea.

OLD BUSINESS

SIMOLKE/MILLER ANNEXATION

Whittington will get an estimated cost from a surveyor to provide a legal description of exact area to be annexed including road right-of-way. The legal description of the entire area then needs to be provided on the petition for the annexation.

NEW BUSINESS

ORDINANCE NO. 5 OF 2008 (RIGHT OF WAY PERMITS):

Lee introduced Ordinance 5 of 2008 by title only to be considered for adoption at the October 14, 2008 council meeting.

Ordinance No. 5 of 2008

AN ORDINANCE REQUIRING A PERMIT FOR USE OF MUNICIPAL PROPERTY FOR BUSINESS OPERATIONS IN THE TOWN OF BLANCHARD; REQUIRING THE PROVISION OF CERTAIN INFORMATION PRIOR TO ISSUANCE OF SUCH PERMIT; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

ORDINANCE NO. 6 OF 2008 (CABLE/VIDEO FRANCHISE FEES):

Lee introduced Ordinance 6 of 2008 by title only to be considered for adoption at the October 14, 2008 council meeting.

Ordinance No. 6 of 2008

AN ORDINANCE SETTING THE FRANCHISE FEE TO BE PAID BY THOSE ENTITIES PROVIDING CABLE OR VIDEO SERVICE WITHIN THE TOWN’S MUNICIPAL LIMITS UNDER A STATE – GRANTED FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

ORDINANCE NO. 7 OF 2008 (CABLE/VIDEO STATE-ISSUED CERTIFICATE):

Lee introduced Ordinance 7 of 2008 by title only to be considered for adoption at the October 14, 2008 council meeting.

Ordinance No. 7 of 2008

AN ORDINANCE REQUIRING THE PAYMENT OF PUBLIC, EDUCATIONAL, GOVERNMENTAL ACCESS PROGRAMMING SUPPORT TO THE TOWN OF BLANCHARD BY CABLE OR VIDEO SERVICE PROVIDERS OPERATING WITHIN THE TOWN’S MUNICIPAL LIMITS UNDER A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WASTE MANAGEMENT:

Shane Tatum from Waste Management (WM) asked the Council to consider changing garbage collection days to Wednesdays due to the availability of trucks. If all the garbage is not collected on Wednesdays, WM will return on Thursdays to finish. Prewett made motion to accept the proposal to change garbage pick up to Wednesdays starting October 8, 2008. Second by Ashby. All voted yea.

2009 LGAP APPLICATION FOR WASTEWATER—FLOATING BRUSH ROTOR:

No action required.

RESOLUTION 16 OF 2008—LGAP APPLICATION:

RESOLUTION No. 16 of 2008

A RESOLUTION TO APPLY FOR FUNDING THROUGH THE LOCAL GOVERNMENT ASSISTANCE PROGRAM (LGAP) ADMINISTERED BY THE OFFICE OF COMMUNITY DEVELOPMENT FOR THE STATE OF LOUISIANA FOR:

IMPROVEMENTS TO THE TOWN'S WATER AND WASTEWATER SYSTEMS

WHEREAS, The Town of Blanchard owns a Municipal Water and Wastewater Treatment System, and

WHEREAS, it has been determined, after experiencing continuing problems with its wastewater system, there is a need to replace an inoperative floating brush rotor at the wastewater treatment facility. This would in turn improve the efficiency of the treatment process and quality of life for the Citizens of the Town of Blanchard, and

WHEREAS, BALAR ASSOC., INC., an engineering consulting firm, will prepare the application and perform other engineering duties as required in the implementation of this project.

NOW, THEREFORE BE IT RESOLVED, that we, the Mayor and the Members of the Council of the Town of Blanchard do hereby request funding in the amount of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) to assist in the completion of the aforesaid project.

The foregoing was read, considered and adopted on this 9th day of September, 2008, by motion of Lee duly seconded by Prewett.

YEAS: Lee, Whittington, Ashby, Prewett

NAYS: None

ABSTAINED: None

ABSENT: Jones

2009 CAPITAL OUTLAY REQUEST GIVING BALAR PERMISSION TO ASSIST:

Motion by Jones to accept. Second by Whittington. All voted yea.

RESOLUTION 17 OF 2008—NOMINATING PROPERTY TO GO TO STATE MINERAL BOARD:

RESOLUTION No. 17 OF 2008

A RESOLUTION AUTHORIZING THE MAYOR TO REQUEST THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF THE STATE MINERAL BOARD, TO LEASE CERTAIN MINERAL INTERESTS OWNED BY THE TOWN OF BLANCHARD AND TO EXECUTE ALL DOCUMENTS RELATIVE TO SAME; TO APPROVE THE SUBMISSION OF A REQUEST AND APPLICATION TO THE STATE MINERAL BOARD; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Town of Blanchard ("Town") may own mineral rights underlying the property described in Attachment "A" (collectively "the property"); and

WHEREAS, the Town desires to lease its interest in the property for oil, gas and other minerals subject to conditions contained herein; and

WHEREAS, pursuant to La. R. S. 30:151, et seq., the Town may, by resolution, direct the Louisiana Department of Natural Resources, Office of the State Mineral Board ("Mineral Board") to lease the Town's interest in the property for such purposes; and

WHEREAS, the Town desires to avail itself of the provisions of the aforesaid statutes by this resolution requests the Mineral Board to lease the property for oil, gas and other minerals subject to conditions contained herein and accordance with applicable provisions of law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town in due, regular and legal session convened, that the Mayor is hereby authorized to request the Mineral Board to lease certain mineral interests owned by the Town of Blanchard and to execute all documents relative to same, including but not limited to any application required by the Mineral Board.

BE IT FURTHER RESOLVED that the Mineral Board be and it is hereby requested and authorized to seek public bids for oil, gas and mineral leases covering the property described in Attachment "A" attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that any such lease shall contain a No Surface Operations provision to read the same or substantially the same as the following:

"Except as otherwise expressly authorized in writing by Lessor, Lessee shall not use the surface of the lands covered by this Lease for any drilling or production purposes, including but not limited to drilling, completion, reworking, laying or operations of pipelines, or any other activity, it being the intention of the Lessor and Lessee that any activities relating to prospecting for, exploration or production of the minerals leased herein shall be conducted on property other than the lands covered by this Lease. Lessee, its successors or assigns, may produce oil, gas and other minerals from the leased premises by drilling from a surface location on other lands. Notwithstanding any other provision of this lease to the contrary, where drilling or surface operations are allowed by Lessor, such operations shall be permitted only subject to Lessor's prior written consent."

BE IT FURTHER RESOLVED that any such lease shall contain a horizontal Pugh clause to read the same or substantially the same as the following:

"Notwithstanding anything to the contrary herein contained, at the end of the primary term or any extension thereof by operations, if the Commissioner of Conservation of the State of Louisiana establishes a drilling unit which includes a part of the land herein leased, or if the lessee shall pool or unitize any part of the land herein leased with other lands, the production of oil, gas and other minerals from any unit created by the Commissioner of Conservation or by voluntary pooling or unitization shall maintain this lease in full force and effect only as to such portions of the leased land embraced in any such pooled unit, and this lease shall expire as to that part of the land herein leased not included in any such pooled unit, and Lessee, its successors and assigns agree to relinquish by formal instrument any portion of the leased land not included in a unit created by the Commissioner of Conservation or by voluntary pooling or unitization while this lease is in effect."

BE IT FURTHER RESOLVED that any such lease shall contain a vertical Pugh clause to read the same or substantially the same as the following:

"Upon the expiration of the primary term hereof or any extension thereof by operations, this lease shall automatically terminate and be of no further force or effect except as to all that part of the

leased premises then included within the geographical boundaries of a producing unit duly established by governmental agency or authority having jurisdiction or by voluntary pooling or unitization, from the surface of the earth to a depth of 100 feet below the deepest depth from which any well commenced during the primary term hereof on the leased premises or on lands pooled therewith is completed and from which there is production in paying quantities, such determination to be made on a unit by unit basis. In the absence of units so established, this lease shall terminate except as to 40 acres around each producing oil well and 160 acres around each producing or shut-in gas well located on the leased premises, in as near the form of a square as is practicable, from the surface of the earth down to a depth of 100 feet below the deepest depth from which said well or wells are completed and from which there is production in paying quantities, such depth determination to be made on a well by well basis.”

BE IT FURTHER RESOLVED that any such lease shall contain a provision requiring minimum royalty payments to Lessor of not less than one-fourth (1/4) or twenty five (25%) percent.

BE IT FURTHER RESOLVED that any such lease shall contain a provision requiring minimum bonus payments to Lessor of not less than Five Thousand and No/100 (\$ 5,000.00) Dollars per acre.

BE IT FURTHER RESOLVED that any such lease shall contain a maximum primary term not to exceed three (3) years.

BE IT FURTHER RESOLVED that such lease shall contain a provision expressly stating that any lease granted by the Town and accepted by Lessee shall be without warranty of title and without recourse against the Town, whether expressed or implied, and further, that the Town shall not be required to return any payments received or be otherwise responsible to Lessee therefore.

BE IT FURTHER RESOLVED that any error in any legal description contained in Attachment “A” which may be discovered by the Mineral Board or its staff during its review of the Town’s application which are subsequently corrected by the Town, provided such irregularities do not materially change the property being herein authorized for lease, shall not affect any authorization granted or conveyed herein and the Mineral Board is hereby authorized to advertise and subsequently lease the said property as correctly described.

BE IT FURTHER RESOLVED that the Mayor is authorized to apply to the Mineral Board to nominate the property described in Attachment “A” for leasing on such forms and containing such terms as are consistent with the terms and conditions of this resolution, subject to confirmation that the Town may reject all bids.

BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict hereby are hereby repealed.

The foregoing was read, considered and adopted on this 9th day of September, 2008, by motion of Whittington duly seconded by Jones.

YEAS: Lee, Jones, Whittington, Ashby, Prewett

NAYS: None

ABSTAINED: None

ABSENT: None

TOWN HALL GENERATOR:

The Mayor will get prices, but at this time the Council has decided it is not a requirement.

STREET CORNER SIGNS:

There is a Parish and State law against littering and trash in the right of way. Since this falls under the Constable's jurisdiction, the Mayor will contact him about the issue.

REPORT OF DEPARTMENTS

Buildings and Grounds: Whittington stated nothing to report.

Streets and Rights of Way: Jones stated nothing to report.

Water Department: Cherry reported pilot study is complete and the information acquired from the study is good indefinitely. Cherry also reported that Balar wants to do site assessment in Mooringsport. Jones made motion to approve. Second by Prewett. All voted yea.

Sewer Department: Yeates reported everything running smooth.

Police Department: Chief reported everything is fine.

Treasurer Report: Lee stated nothing to report.

Comments by the Mayor: The Mayor announced he has a new granddaughter, Caroline Rose. Everything else is doing well. The meeting adjourned 8:31 p.m.

JOHNNY DIGILORMO, MAYOR

DEBRA SMITH, TOWN CLERK