

MINUTES OF THE  
BLANCHARD MAYOR AND TOWN COUNCIL  
SPECIAL MEETING – JANUARY 26, 2010  
7:00 O'CLOCK

Present: Mayor Digilormo, Alderpersons Ashby, Lee, and Prewett, Chief Presswood, Attorney Guidry, Dave Cherry, Town Clerk- Debra Smith, Ben Rauschenbach representing Balar, Auditor Sam Stevens, and various citizens.

Absent: Alderpersons Jones and Whittington, Attorney Arceneaux, and David Yeates.

Meeting called to order 7:00 p.m.

Motion by Lee to dispense with formalities, second by Prewett. All voted yea.

NEW BUSINESS

Resolution 4 of 2010 (Police Car Surplus Unit #21)

RESOLUTION 4 OF 2010

A RESOLUTION TO DECLARE A 2002 CROWN VICTORIA POLICE VEHICLE SURPLUS, PROVIDING THE MEANS OF SALE AND ESTABLISHING A MINIMUM PRICE FOR SAID VEHICLE, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the Police Department of the Town of Blanchard ("Town") has removed from service that certain 2002 Ford Crown Victoria 4DR automobile ("Vehicle"), VIN 2FAFP71W82X104439; and

WHEREAS, the Town has no use for Vehicle; and

WHEREAS, the Town wishes to declare that the Vehicle is no longer needed, for Public Purposes, and wishes to sell the Vehicle and establish a means of sale of such property pursuant to LA. R.S. 33:4712 and other applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Blanchard, in due, legal and regular session convened, as follows:

Section 1. The Vehicle is hereby declared no longer needed for public purposes.

Section 2. The Vehicle shall be sold for a minimum of \$250.00 to any private or public person or entity at a public sale on a date to be set with an auctioneer retained by the Town. The price shall remain in effect until March 31, 2010.

Section 3. If any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

Section 4. All resolutions or parts hereof in conflict herewith are hereby repealed.

Motion by Prewett, second by Ashby to accept Resolution 4 of 2010. All voted yea. And Resolution 4 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Bid acceptance—Water Distribution System Improvements

Motion by Lee, second by Prewett to authorize Mayor to sign agreement with David Lawler Construction, Inc. for Water Distribution System Improvements, contract for \$1,951,504.90. All voted yea.

Bid acceptance—Meter Replacement

Motion by Lee, second by Prewett to authorize Mayor to sign agreement with Thielsch Group, Inc. for Meter Replacement, contract for \$897,472.65. All voted yea.

Bid acceptance—Repainting & Repairing 100,000-Gallon Elevated Storage Tank

Motion by Lee, second by Prewett to authorize Mayor to sign agreement with Utility Service Co., Inc. for Repainting & Repairing 100,000-Gallon Elevated Storage Tank, contract for \$63,900.00. All voted yea.

KCS land purchase contract

Motion by Prewett, second by Ashby to authorize Mayor to sign agreement with The Kansas City Southern Railway Company purchasing the shop location on Front Street and signing a Temporary Occupancy License. Total purchase price \$20,046.25 to be paid out of the Sewer Ad Valorem acct. All voted yea.

Audit report—Sam Stevens

Mr. Stevens issued an unqualified opinion for the audit period ending June 30, 2009. Motion by Lee to accept report, second by Ashby. All voted yea.

Resolution 5 of 2010 (Authorizing the exercise of Options to Purchase ROW & authorizing execution of all ROW agreements)

RESOLUTION 5 of 2010

A RESOLUTION AUTHORIZING THE EXERCISE OF THE OPTIONS TO PURCHASE RIGHTS-OF-WAY AND AUTHORIZING THE EXECUTION OF ALL RIGHT OF WAY AGREEMENTS FOR BLANCHARD PUBLIC WATER SYSTEM IMPROVEMENTS, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the Town of Blanchard (“Town”) is in the process of planning improvements to the Blanchard Public Water System (“System”) whose PWS ID No. is LA1017006 (the “Project”), one aspect of which is laying down new water lines to service the expansion of the System; and,

WHEREAS, certain rights of way (“Rights of Way”) must be acquired by the Town to install the new water lines.

WHEREAS, Johnny V. Digilormo, in his capacity as Mayor of the Town (“Mayor”), was authorized to acquire, on behalf of the Town, any and all Rights of Way necessary for the successful completion of the Project, subject to the approval of the Board of Alderpersons of the Town on October 13, 2009 pursuant to Resolution No. 13 of 2009.

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town as follows:

- Section 1. The Mayor, on behalf of the Town, as Optionee of certain options to acquire certain utility rights of way (“Options”) necessary for the successful completion of the Project, is authorized to exercise those Options in accordance with the certain Option Agreements therewith.

- Section 2. Pursuant to the Option Agreements, the Town authorizes Porter & Associates, LLC, which has been handling the right of way acquisition process, to take all necessary actions to proceed with the exercise of the Options, including but not limited to providing written notice to Optionors that the Town desires to exercise its Option to acquire the rights of way on the terms and conditions and price agreed upon in the Option Agreement, and to make arrangements for the execution of the rights of way.
- Section 3. Further, the Mayor, on behalf of the Town, is authorized to acquire the necessary rights of way by Right of Way Agreement.
- Section 4. The Mayor shall have the authority to execute any Right of Way Agreement necessary to the successful completion of the Project, on terms substantially the same as already acquired rights of way, with changes approved by the Town Attorney.
- Section 5. The Mayor shall have the authority to approve the issuance of checks payable to the optionors of the Options, for the price to exercise the Option and acquire the right of way, in accordance with the Option Agreement.
- Section 6. Due to the strict requirements of the Department of Health and Hospitals (“DHH”) in connection with funding the Project, the Town shall pay for these Options and Rights of Way from its own funds and that amount shall be included in the budget, without reimbursement from the United States Department of Agriculture – Rural Development or the DHH.
- Section 7. If any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.
- Section 8. All resolutions or parts thereof in conflict herewith are hereby repealed.

Motion by Prewett, second by Ashby to accept Resolution 5 of 2010. All voted yea.  
 And Resolution 5 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Resolution 6 of 2010 (Confirming & Ratifying a certain ROW agreement necessary for Water Improvements)

RESOLUTION 6 of 2010

A RESOLUTION CONFIRMING AND RATIFYING A CERTAIN RIGHT OF WAY AGREEMENT NECESSARY FOR THE BLANCHARD PUBLIC WATER SYSTEM IMPROVEMENTS, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Town of Blanchard (“Town”) is in the process of planning improvements to the Blanchard Public Water System (“System”) whose PWS ID No. is LA1017006 (the “Project”), one aspect of which is laying down new water lines to service the expansion of the System; and,

WHEREAS, certain rights of way (“Rights of Way”) must be acquired by the Town to install the new water lines.

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town as follows:

- Section 1. The Right of Way Agreement between the Town and Leo A. Dillahunty, et ux, more fully described as that part of the West half of the Northwest Quarter of the Northeast Quarter of Section 36, Township 20 North, Range 16 West, Lying North of Dam-Mooringsport Road and lying South of Government Lot 2 of Said Section, less Road, Caddo Parish, Louisiana, and attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 2. If any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.
- Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed.

Motion by Lee, second by Prewett to accept Resolution 6 of 2010. All voted yea. And Resolution 6 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Resolution 7 of 2010 (Confirming & Ratifying certain Options to purchase ROW for Water Improvements)

RESOLUTION 7 of 2010

A RESOLUTION CONFIRMING AND RATIFYING CERTAIN OPTIONS TO PURCHASE RIGHTS OF WAY FOR THE BLANCHARD PUBLIC WATER SYSTEM IMPROVEMENTS, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Town of Blanchard (“Town”) is in the process of planning improvements to the Blanchard Public Water System (“System”) whose PWS ID No. is LA1017006 (the “Project”), one aspect of which is laying down new water lines to service the expansion of the System; and,

WHEREAS, certain rights of way (“Rights of Way”) must be acquired by the Town to install the new water lines.

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town as follows:

- Section 1. The Option to Purchase a Right of Way between the Town and Curtis Wilson, attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 2. The Option to Purchase a Right of Way between the Town and Richard Dorsey Lindsay, attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 3. The Option to Purchase a Right of Way between the Town and Rolling Ridge, LLC, attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 4. The Option to Purchase a Right of Way between the Town and David H. Ogwyn, et ux, attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 5. The Option to Purchase a Right of Way between the Town and Nob Hill North Homes Association, attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.

- Section 6. The Option to Purchase a Right of Way between the Town and Sand Alley, LLC, more fully described as and attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 7. The Option to Purchase a Right of Way between the Town and Michael Allen Terhune, more fully described as and attached hereto, is hereby approved, confirmed and ratified by the Board of Alderpersons of the Town.
- Section 8. If any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.
- Section 9. All resolutions or parts thereof in conflict herewith are hereby repealed.

Motion by Lee, second by Prewett to accept Resolution 7 of 2010. All voted yea.  
 And Resolution 7 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Resolution 8 of 2010 (Approving any and all DHH loan closing documents re: Series 2010A & Series 2010B Bonds)

RESOLUTION 8 of 2010

A RESOLUTION APPROVING ANY AND ALL LOAN DOCUMENTS TO BE EXECUTED IN CONNECTION WITH THE DHH CLOSING OF SERIES 2010A AND SERIES 2010B BONDS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Town of Blanchard ("Town") is in the process of planning improvements to the Blanchard Public Water System ("System") whose PWS ID No. is LA1017006 (the "Project"); and,

WHEREAS, the Town has procured funding for one aspect of the Project, limited to the construction and installation of water lines to service the expansion of the System, which shall be secured by water revenue bonds issued by the Town, namely Water Revenue Bond Series 2010A and Water Revenue Bond Series 2010B ("Transaction"), from the Drinking Water Revolving Loan Fund program operated by the Louisiana Department of Health and Hospitals (the "DHH"); and

WHEREAS, the Town has approved the General Bond Ordinance (Ordinance 4 of 2009) dated November 24, 2009, and the First Supplemental Bond Ordinance (Ordinance 5 of 2009) dated January 12, 2010, which authorize the issuance of bonds to finance the above-mentioned portion of the Project encompassing the construction and installation of water lines to service the expansion of the System.

WHEREAS, the Town desires to enter into and take any steps necessary to finalize this Transaction, prior to or at any Closing held by the DHH on or around January 28, 2010, including but not limited to authorizing the Mayor and the Clerk, if necessary, to execute any document relating to the Closing or the Transaction for on behalf of the Town, including without limitation the Certificate of the Mayor and Clerk, the Commitment Agreement dated as of January 1, 2010, the Loan and Pledge Agreement dated as of January 1, 2010 and the Supplemental Loan Agreement dated as of January 1, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town, that the Town is authorized to enter into this Transaction and take any steps necessary to finalize this Transaction, and that the Mayor and the Clerk, if necessary, are authorized to execute any document relating to the Closing or the Transaction, more fully described herein, on behalf of the Town, and consistent with the General Bond Ordinance and First Supplemental Bond Ordinance.

BE IT FURTHER RESOLVED that if any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution that 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 any resolutions or parts hereof in conflict herewith are hereby repealed.

Motion by Lee, second by Ashby to accept Resolution 8 of 2010. All voted yea.  
And Resolution 8 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Resolution 9 of 2010 (Amendment to Consulting Agreement with Jimmy Sitter-Building inspector)

RESOLUTION 9 OF 2010

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CONSULTING AGREEMENT WITH JIMMY SITTER, dba BUILDING INSPECTIONS PLUS, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Jimmy Sitter, dba Building Inspections Plus (“Mr. Sitter”) has asked the Town of Blanchard (the “Town”) to amend the Consulting Agreement (the “Agreement”) dated December 22, 2006; and

WHEREAS, the Town has determined that the amendments to the Agreement proposed by Mr. Sitter are beneficial to the Town; and

WHEREAS, the Town approves of the amendments to the Agreement in the form attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderpersons of the Town of Blanchard, in due, legal and regular session convened, as follows:

Section 1. Johnny Digilormo, Mayor of the Town, is authorized to execute the amendments to the Agreement (the “Amended Agreement”) on behalf of the Town in the form attached to this Resolution and to deliver same to Mr. Sitter.

Section 2. If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this Resolution are hereby declared severable.

Section 3. All Resolutions or parts hereof in conflict herewith are hereby repealed.

Motion by Ashby, second by Prewett to accept Resolution 9 of 2010. All voted yea.  
And Resolution 9 of 2010 was adopted on this 26<sup>th</sup> day of January, 2010.

Comments by the Mayor:

Annexation info—Mayor reported that after careful research, it appears the Town can annex areas of noncontiguous property by petition and ordinance, but the road connecting the property

must also be annexed. Motion by Lee to adjourn, second by Prewett. All voted yea. Meeting adjourned 7:35 p.m.

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Johnny Digilormo, Mayor

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Debra Smith, Town Clerk