

**Minutes
Regular Meeting
Town of Iowa
115 N. Thomson
April 10, 2017
Iowa, La
7:00 p.m.**

Mayor and Town Council met in regular session this date in compliance with all requirements as to notice.

Present: Mayor Carol Ponthieux, Julie Fontenot, Larry Hardy, Errol Marshall, Thomas Talbot, Gerald Guidry (quorum present)

Invocation: Given by Mayor Ponthieux, followed by Pledge.

Mayor stated a request has been made to add an item to the agenda. J. Fontenot motioned to add to agenda Sec. 41-33 of the Town Code for discussion; L. Hardy seconded. Motion carried unanimously.

Approval of Minutes: Marshall motioned to accept minutes of March 13, 2017; Hardy seconded. Motion carried with Clerk to verify those in attendance.

Marshall motioned to approve the minutes of March 23, 2017 meeting as written; Hardy seconded. Motion carried.

Agenda Items

1. Council official approval of winning bids for obsolete equipment - Hardy motioned to accept both high bids; Guidry seconded. Motion carried. Successful bidders: B&L Truck & Auto bid \$13,231.00 for 2003 5320 John Deere Tractor; David Guillory bid \$1200.00 for 1994 Ford F700G Flatbed truck.

2. Chief Lewis – IVFD – updates, reports – Chief Lewis presented the stats for the department. Total training hours for month is thirty hours. PIAL will be sending a packet and said packet will be distributed to Council. Fontenot asked about PIAL rating going to a 5 (five). Chief Lewis stated procedures are in place and it will be a minimum of two years before another audit for re-rate. Marshall asked about false alarms and what procedures does the Town have in place. Chief Lewis said issue was being addressed. Guidry asked what is causing the false fire alarms is it human error or the alarm system itself. Chief Lewis explained the situation and they have addressed the issue with property owner/business. Protocols for the EMS Program are nearly complete and a search is being conducted for an EMS instructor. Search continues for funding of a new pumper to replace and update existing apparatus.

3. Approval of invoice for Park restroom project – [Mr. Brossett has asked this item move to bottom in order to allow him to arrive].

4. Engineer's Report – recommendations, updates

a. P.P. Est.#1 to Asphalt Assoc.- recommend for payment in the amount of \$18,423.74. Hardy motioned to approve payment; Marshall seconded. Motion carried. Two blocks of sidewalk have been completed thus far.

b. Clear lien for R.D. Spell – drainage project; Fontenot inquired about north corner of Kinney and David about a survey pole was not put back. Jessen asked her to clarify what she is talking about but will check into it. Fontenot stated on three corners a lot of white gravel/rock was placed. Hazardous when mowing and wants to know if it can be removed. Jessen responded this is typical at turn radius and at some point grass will eventually cover it. Jessen says he will drive by and take a look. Currently in clear lien period for Asphalt & Assoc. for Miller St. Sidewalk project.

c. 2018 CPPJ Road and Drainage Trust Fund application – last time made application we were not successful. If we apply again, we would get the additional point. Only one million dollars to be awarded among all applicants. Do we want to proceed with the same previous project application? Similar to N. Kinney but on N. Lightner. Jessen said he would look at the 60/40 option which might give us another point.

5. Resolution 2017-05 – urging U.S. Congress to enact legislation regarding internet tax collection – Talbot motioned to accept the resolution; Guidry seconded. Motion carried.

RESOLUTION 2017-05

A RESOLUTION urging the United States Congress to enact legislation that will enable local governments to collect revenues already due that are essential to the maintenance and expansion of local and regional economies, the creation of thousands of new jobs, the enhancement of the quality of life, and the preservation of limited local revenue sources.

WHEREAS, many local governments rely on the collection of sales and use taxes to support funding to improve needed infrastructure improvements, strengthen local small businesses, create jobs for their citizens, and fund essential services; and

WHEREAS, local brick-and-mortar merchants are important parts of our communities, providing employment to residents, contributing to charities, and keeping communities vibrant; and

WHEREAS, the Supreme Court has previously ruled that state and local governments do not have the authority to require the collection of sales tax by retailers that have no physical presence or nexus in the state (Bellas Hess 1967; Quill 1992); and

WHEREAS, the Supreme Court's precedent puts local merchants at an automatic five to ten percent competitive disadvantage by following the law and collecting sales tax at the time of purchase, while remote online retailers are not required to do so; and

WHEREAS, national studies reveal that state and local governments lose up to \$30 billion each year from uncollected sales taxes from transactions involving remote internet retailers; and

WHEREAS, internet sales tax revenue could be utilized to better provide basic services, improve infrastructure, and bolster public safety, all without any additional funding from the federal government; and

WHEREAS, the federal government has historically been reluctant to interfere with the ability of local governments to raise and regulate their own revenues, and should not undermine municipal autonomy with respect to remote sales tax collection; and

WHEREAS, technology has evolved to the point that moving the Marketplace Fairness Act or other legislation forward to allow the collection and remittance of destination rate-based sales taxes on internet transactions is not only practical but warranted,

NOW, THEREFORE, BE IT RESOLVED that The Town of Iowa, Louisiana commends Congress on recognizing the importance of resolving the issue to put remote retailers and traditional ones on a level playing field; and

BE IT FURTHER RESOLVED that Town of Iowa, Louisiana urges Congress to pass destination rate-based legislation that would give states the option to collect from remote online retailers the same tax that local brick-and-mortar merchants currently collect; and

BE IT FURTHER RESOLVED that copies of this resolution shall be transmitted to the Louisiana Congressional Delegation, as well as Honorable Paul Ryan, Speaker of the United States House of Representatives, Honorable Bob Goodlatte, Chairman of the House Judiciary Committee, and Honorable Mitch McConnell, Senate Majority Leader.

6. Ordinance introduction – the reading of the title of the ordinances were introduced and read aloud. A public hearing and action will take place at the May meeting at Town Hall at 7:00 p.m.

- a. Ord. 17-04 – salary for Iowa Mayor
- b. Ord. 17-05 – include language required by Sales Tax/State office for Town Ord. ST1
- c. Ord. 17-06 – include language required by Sales Tax/State office for Town Ord. ST11

Titles read:

ORDINANCE 2017-04

An ordinance setting the compensation of the Mayor of Iowa as required by Chapter 2, Administration, of the Code of Ordinances of the Town of Iowa, Louisiana; Providing for the fixing of the salary of the Mayor

ORDINANCE NO. 2017-05

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A ONE PERCENT (1%) SALES AND USE TAX ("TAX") BY THE TOWN OF IOWA, LOUISIANA, ("TOWN"), IN PERPETUITY BEGINNING JULY 1, 2017, IN LIEU OF THE ONE PERCENT (1%) SALES AND USE TAX APPROVED ON NOVEMBER 21, 2015, IN ACCORDANCE WITH THE PROVISIONS AND TERMS OF CHAPTER 2D OF SUBTITLE II, TITLE 47 OF THE LOUISIANA REVISED STATUTES OF 1950, AS IT MAY BE AMENDED ("UNIFORM LOCAL SALES TAX CODE").

ORDINANCE NO. 2017-06

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A ONE PERCENT (1%) SALES AND USE TAX ("TAX") BY THE TOWN OF IOWA, LOUISIANA, ("TOWN"), FOR A 10 YEAR PERIOD BEGINNING JULY 1, 2017, IN ACCORDANCE WITH THE PROVISIONS AND TERMS OF CHAPTER 2D OF SUBTITLE II, TITLE 47 OF THE LOUISIANA REVISED STATUTES OF 1950, AS IT MAY BE AMENDED ("UNIFORM LOCAL SALES TAX CODE").

7. Police Dept. – recommendations, updates, reports – Chief Vincent presented the department stats.

- a. Michael Funderburk as full-time Patrolman – Marshall motioned to approve hire recommendation; Talbot seconded. Motion carried.
 - b. Keegan Dion going from P.T. temporary Dispatcher to Full-time Dispatcher – Talbot motioned to approve change of hire status to full time; Fontenot seconded. Motion carried.
 - c. Revisit the ordinance about golf carts in the city limits – Chief has had some citizens inquiring about getting permission to drive on roadway/streets. Would need to tailor the ordinance to be confined to Town Street thoroughfares. Mayor met with DOTD traffic engineer and was informed no new permits to cross state highways will be issued. Chief said Council can request the State Legislature to exempt. Mayor will continue review and look at Kinder and Welsh's.
- Chief Vincent ask to add a promotion – Sgt. Russell Jimenez to Staff Sgt. TT, LH Motion carried. Guidry motioned to add Chief's promotion request to agenda; Talbot seconded. Motion carried unanimously. Talbot motioned to approve promotion; Hardy seconded. Motion carried.

Haley Johnson from Family Counselling was introduced. Ms. Johnson participates in a new program, Victim Advocates – crimes against persons. This new program is a public and private partnership. Haley splits her time between Iowa and Westlake. Impact in Iowa in first quarter – worked with 7 victims. Federal dollars funds this program and LA Commissioner on Law Enforcement handles these monies. Family Counselling appreciates the opportunity to provide such services.

Item 3 – park restrooms – David Brossett reviewed the work status on this project. Hardy motioned to approve payment to Gunter Construction in the amount of \$12,448.50; Talbot seconded. Motion carried.

Brossett reviewed the plaque wording. Mr. Talbot requested he be listed as Thomas.

Item added to agenda at beginning of meeting: Sec. 41-33 of the Town Code for discussion

Fontenot explained it was brought to her attention about shrubbery planted too close to street and in a right-of-way. She wants to suspend any action on this violation until Council can review and possibly reword this ordinance. She wants to see why citizens might be penalized for beautifying their property. Wants it worded with understanding that if Town has to go onto property it will be property owner who will have to replace.

Bouquet addressed Mr. Hardy's question. He is aware of the situation. The Town has right of ways and in effect the Town owns the property. Though a public right-of-way does not necessarily mean public maintenance. The concern is safety as the shrubs are so close to the road. Bouquet says Town might look at it again – the concern is private property changes hands and this might lead to some problems. Council mentioned several other instances of right-of-way items.

Comment was made that an ordinance enforcement officer will be hired the second half of the year.

Guidry wants to see about reviewing this section of the code. Marshall wants it just to be fair and enforced for all citizens and we need to be consistent with fairness. We can't keep coming up with variances to our ordinances.

Trees impeding traffic because of overhanging of branches across streets, whose responsibility is it to pay for this?

Application of this section to be reviewed. As Town of Iowa prosecutor, it is within his discretion as to postponing. Mayor wants to know how narrow will this be. Motion to set up a committee to review this Sec. 41-33. Fontenot motioned to set up a review committee and to include Bouquet; Talbot seconded. Motion carried.

Public comment: Lapearous: can understand someone wants to beautify – ask why pass if you don't enforce what you've already got.

Chief Vincent supports and Bouquet responds it would be a citation issued for a violation of Town Code.

Issue a warning before issuing a penalty citation.

There being no further business Guidry motioned to adjourn at 8:36 p.m.; Hardy seconded. Motion carried.

ATTEST:

Sandra Turley, CMC

Carol Ponthieux, Mayor