

**Minutes
Public Hearing
Town of Iowa
115 N. Thomson
April 13, 2020
Iowa, La
7:00 p.m.**

There was present Mayor Hesse; Council Members: Daniel Hennigan, Gerald Guidry, Julie Fontenot, Vernessa Guillory; Absent was Council Member Joe Becnel. Also, present was Town Clerk Cynthia Mallett; Chief of Police Keith Vincent; Sewer Superintendent James Hardy; and about 1 citizen.

Mayor Paul Hesse opened the Public Hearing at 7:10 pm. Mayor Hesse read the proposed Ordinance 2020-01, An Ordinance amending ordinance 2007-09, an ordinance amending article 1, chapter 5 of the municipal code adopting building, electrical, and plumbing codes for the Town of Iowa. He asked if there were any questions or comments. No questions or comments were made.

Mayor Hesse closed the public hearing at 7:12 p.m.

**Minutes
Regular Meeting
115 N. Thomson, Iowa, LA 70647
City Hall Meeting Room
April 13, 2020
7:12 p.m.**

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

Present: Mayor Paul Hesse; Council Members: Gerald Guidry, Julie Fontenot, Vernessa Guillory, and Daniel Hennigan; Town Clerk Cynthia Mallett; Chief of Police Keith Vincent; Town Attorney Eugene Bouquet was on the phone for conferencing; and about 2 citizens. Absent: Council Member Joe Becnel;

Invocation by Mayor Hesse, followed by Pledge.

Mayor Hesse announced a quorum was present and called the meeting to order at 7:12 pm.

It was **moved by** Gerald Guidry, **seconded by** Julie Fontenot to adopt the agenda. The motion passed unanimously.

It was **moved by** Gerald Guidry, **seconded by** Julie Fontenot, to approve March 9, 2020 Regular Meeting Minutes as written not read. The motion passed unanimously.

Mayor Hesse asked Sewer Superintendent to give his report on March's activities. James Hardy came forward and gave his report of activities for the month of March. He also gave report on behalf of Street Supervisor Clayton Aymond.

OLD BUSINESS:

1. A draft lease presented on behalf of FulAir Wireless was reviewed and discussed. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to add to the draft lease agreement a hold harmless clause, require FulAir Wireless provide insurance policy for any damages done during the time of lease, and set the rate of rent at \$1,000.00 per month plus \$25,00 per month for use of electricity. The motion passed unanimously.
2. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Right of Entry agreement between the Town of Iowa and Conterra Networks for the purpose of a fiber optic line to benefit FulAir, an internet provider. The motion passed unanimously.

3. It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve Franchise Agreement by and between Town of Iowa and Contera Ultra. The motion passed unanimously.

NEW BUSINESS:

1. Mr. Walt Jessen, Engineer, was not present. No report was given
2. Mayor announced Bid opening for Barkley Street Reconstruction was postponed to April 27, 2020 at 2:00 p.m.
3. It was **moved by** Daniel Hennigan, **seconded by** Vernessa Guillory to approve partial payment Estimate #2 to McManus Construction, LLC on the North Lighter Avenue Drainage Improvements for the Town of Iowa. The motion passed unanimously.
 - a. It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve payment #1 for Water Plant Pipe Manifold Improvements to R. Clud Construction. The Motion passed unanimously.
 - b. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve payment for engineering of Drainage Project on North Lightner Avenue. The motion passed unanimously.
 - c. It was **moved by** Daniel Hennigan, **seconded by** Vernessa Guillory to approve payment #3 to McManus Construction on North Lightner Avenue Drainage Project. The motion passed unanimously.
4. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve payment #3 from PERC Development for work to date on Tennis Court Renovations. The motion passed unanimously.
5. It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to approve Resolution #2020-02. The motion passed unanimously.

The following resolution was offered by Julie Fontenot, seconded by Vernessa Guillory and duly resolved.

RESOLUTION NO. 2020-02

**A RESOLUTION TO INFORM LA DEQ OF THE FOLLOWING ACTIONS
TAKEN BY TOWN OF IOWA COUNCILMEMBERS**

WHEREAS, Town of Iowa Council resolved the Municipal Water Pollution Prevention Environmental Audit Report for January 2018-December 2018 which is attached to this resolution; and

WHEREAS, has set forth the following actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES) permit, number LA 0043605; and

WHEREAS, to continue being good environmental stewards by maintaining our wastewater treatment plant and continuing required analytical analysis in accordance with our current LDEQ permit, including monthly monitoring of influent CBOD.

THEREFORE, Passed by a majority/unanimous vote of the Town Council Members on this 13TH day of April, Two Thousand and Twenty.

C E R T I F I C A T E

I, Cynthia Mallett, Town Clerk of the Town of Iowa, do hereby certify that the above is a true and exact copy of a resolution adopted by the Town Council of the Town of Iowa on April 13, 2020 at which time a quorum was present and voting.

CYNTHIA MALLETT, MMC
TOWN CLERK, TOWN OF IOWA

6. It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve Resolution #2020-03. The motion passed unanimously.

RESOLUTION # 2020-03

A RESOLUTION IN OPPOSITION OF ALL PROPOSED LEGISLATION
THAT ENABLES THE LEGISLATURE TO REMOVE THE AUTHORITY
OF LOCAL GOVERNMENTS TO ADMINISTER AND COLLECT
LOCAL SALES & USE TAXES

WHEREAS, the Constitution of the State of Louisiana grants local governments the right to levy and collect local sales and use taxes;

WHEREAS, there are legislative efforts introduced in the 2020 Legislative Session that would allow the legislature to transfer collection responsibility of all local sales and use tax levies to the state Department of Revenue or another entity; and

WHEREAS, HB 428/HB 581 would provide, upon passage of a constitutional amendment, that the Louisiana Department of Revenue is the central collector for all local sales and use taxes, as well as all local occupational license taxes; and

WHEREAS, HB 429 would permit any business taxpayer to remit local sales and use taxes to the Louisiana Sales and Use Tax Commission for Remote Sellers instead of their local collector as desired; and

WHEREAS, there are fundamental differences in the imposition, administration, and auditing of sales taxes regarding remote sellers versus non-remote sellers; and

WHEREAS, there is already an online portal through which non-remote sellers may remit all sales and use taxes due to all local taxing authorities and the state of Louisiana , Parish E-file, and that online platform is free of charge to all such taxpayers; and

WHEREAS, local taxing authorities possess the best knowledge and experience to properly collect their own taxes and have a proven record of proactive advancements in the areas of enforcement, audit coverage, dispute resolution, reporting technology, and successful litigation; and

WHEREAS, neither the Department of Revenue nor the Louisiana Sales and Use Tax Commission for Remote Sellers would be able to provide the necessary taxpayer assistance, enforcement programs, and training of employees on the specific application of local sales and use tax ordinances without significant bureaucratic inflation and large cost contributions from local governments, thereby resulting in the both direct and indirect loss of local tax receipts;

WHEREAS, many local taxing authorities have issued bonded indebtedness guaranteed by the passage of locally adopted sales and use tax levies, the collection of said levies being the direct responsibility of those local governments; and the transfer of that responsibility to a state agency may violate bond covenants, generate legal challenges, and jeopardize future bond issuances; and

WHEREAS, the single local collector in each parish is directly responsible to the local taxing authorities and their elected officials for the performance of local tax administration, but that connexity would not exist between local taxing authorities and the Secretary of the Department of Revenue (an appointee of the Governor), therefore there exists great uncertainty as to who in the Department of Revenue will be accountable to local taxing authorities for the performance of such critical local tax administration,

NOW THEREFORE, be it resolved that the Town of Iowa of Calcasieu Parish as a local taxing authority and governing body, that each member of the legislative delegation for the Parish of Calcasieu is urged to vigorously oppose any and all proposed legislation that enables the legislature to remove the authority of local governments to administer and collect local sales & use taxes; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent forthwith to said legislators so that they will be made aware of our position on this matter.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Julie Fontenot, Daniel Hennigan, Gerald Guidry, and Vernessa Guillory

NAYS: None

ABSTAIN: None

ABSENT: Joe Becnel

The above resolution was unanimously approved and passed in a regular meeting of the Mayor and Town Council of the Town of Iowa, Louisiana this 13th day of April, 2020.

PAUL HESSE, MAYOR

ATTEST:

CYNTHIA MALLETT, TOWN CLERK

7. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution 2020-04. The motion passed unanimously.

RESOLUTION 2020-04

A RESOLUTION RELATIVE TO THE ABANDONING OF A PORTION OF THE ALLEY RUNNING EAST-WEST FROM N THOMSON AVENUE, ABUTTING A TRACT KNOWN AS 100 EIL ROAD.

WHEREAS, A formal request of an abandonment of the rights of way as to the area encroached upon by a house located at the address of 100 Eli Road of the Town of Iowa, Louisiana has been submitted to the Mayor and Council Members for the Town of Iowa; and

WHEREAS, The Town of Iowa no longer has a need for the area of encroachment plus an additional area so that the house can be reasonably maintained;

THEREFORE, BE IT RESOLVED, by the Mayor and Town Council Members for the Town of Iowa, Louisiana, that 13.1 feet of the 25 foot Alley Right-of-way running east/west from N Thomson Avenue, abutting what is known as 100 Eli Road, in regular session this date is hereby abandoned, the said abandoned alley portion subject, however, to reservation of right of and for the Town of Iowa, Louisiana, and all utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said 13.1 feet of abandonment. The said alley portion is bounded and described as follows:

13.1 feet of the 25 feet of alley adjacent to the 100 feet of frontage of 100 Eli Street- as per Plat of Survey of the Ernest Miller Addition in the NE ¼ of NE 1/4of Section 30 of Township 9 South-Range 6 West of Louisiana Meridian in the Town of Iowa, LA of Calcasieu Parish, dated September 4, 1957, by Jasper L. Bourgeois Reg. Land Surveyor

The following Council Members voted:

YEA: Daniel Hennigan, Julie Fontenot, Gerald Guidry, and Vernessa Guillory

NAY: None

ABSENT: Joe Becnel

ABSTAIN: None

WHEREAS, this resolution was declared passed on this the 13th day of April, 2020.

APPROVED:

Paul Hesse, Mayor

ATTEST:

Cynthia Mallett, Municipal Clerk

- 8. It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to adopt Ordinance No. 2020-01. The motion passed unanimously.

ORDINANCE No. 2020-01

AN ORDINANCE AMENDING ORDINANCE 2007-09 AN ORDINANCE AMENDING ARTICLE 1. CHAPTER 5 OF THE MUNICIPAL CODE ADOPTING BUILDING, ELECTRICAL, AND PLUMBING CODES FOR THE TOWN OF IOWA

WHEREAS, the Mayor and Town Council deem it necessary to be in accord with the Calcasieu Parish Police Jury’s Division of Planning & Development building permit fees.

NOW, THEREFORE, BE IT ENACTED by the Mayor and Town Council of Town of Iowa, Louisiana, in regular session assembled that:

Section 5-4. Building permit fees shall be amended as follows:

Residential (New Single Family).....\$50.00 plus .15 cents a square foot
Residential Accessory (Attached).....\$50.00 plus .15 cents a square foot
Residential Accessory (Unattached & Farm Structures)\$50.00

The above and foregoing amendment to the Code of Ordinances, Town of Iowa, Louisiana, has been read and adopted and is only intended as an amendment to said Ordinance. All other items of Ordinance 2007-09 shall remain in full force and effect.

After public hearing was held on the above Ordinance, the title having been read and the Ordinance considered, on motion by Julie Fontenot, seconded by Vernessa Guillory to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Julie Fontenot, Vernessa Guillory, Gerald Guidry, and Danniell Hennigan

NAYS: None

ABSENT: Joe Becnel

ABSTAIN: None

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 13 day of April, 2020.

PAUL HESSE, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 15th day of April, 2020.

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 15th day of April, 2020.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 15th day of April, 2020.

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 15th day of April, 2020.

CYNTHIA MALLETT, TOWN CLERK

9. Mayor Hesse, because of the financial impact of COVID-19 on the citizens of Iowa, asked the Council their thoughts on either waving late fees for the month of March billing or to waive water and sewer charges for one month. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to waive late fees for the March billing. The motion passed unanimously. Mayor Hesse announced that the closed businesses are requesting to not be billed during this time. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to allow the businesses that had no activity to be locked and only billed for monthly garbage. The motion passed unanimously.
10. This item was moved to beginning of agenda.
11. This item was moved to beginning of agenda.
12. Chief Lewis was not present. His monthly Report was printed and presented to Mayor and Council.
13. Chief of Police Vincent came forward and gave his monthly report of activities.
14. Guest Mr. Prudhomme was not present.
15. Mayor Hesse announced that he will be considering employee furloughs for certain employees because there is a lack of revenue. He stated that he estimates about a \$600,000.00 loss in revenues over the next few months. He said the furloughs will save the town about \$80,000.00. Council Members their thoughts and requested feed-back on this before he makes this decision. Council Member Daniel Hennigan asked questions concerning the furlough and the number of employees affected. Mayor explained how he chose to cut back and still maintain services. He said it would be about 15-20% of employees.
Mayor Hesse gave the financial report.
16. Mayor Hesse announced that the meeting had been lived streamed for citizens to watch. He suggested the Council consider this if they think it works for the citizens.
17. No further business to discuss, it was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to adjourn. The motion passed unanimously. Meeting was adjourned at 8:40 p.m.

ATTEST:

Paul Hesse, Mayor

Cynthia Mallett, MMC

