

**Minutes
Regular Meeting
Town of Iowa
115 N. Thomson
February 13, 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, Errol Marshall; Thomas Talbot, Gerald Guidry (quorum present) Absent: Larry Hardy

Invocation: Mayor Carol Ponthieux, followed by Pledge

Marshall motioned to approve the minutes with one correction noted; Talbot seconded. Motion carried.

Agenda Items

1. David Brossett – park restroom, update on walking path and Veterans Memorial – \$18,900 recommended for payment to Gunter Construction – this project is funded in Sales Tax III – park. Talbot motioned to approve payment; Guidry seconded. Motion carried. Brossett stated moving forward with design plans and what would be removed and what would be put back. One lap around the walking path is 1/6 of a mile. Six laps to equal a mile. Council reviewed the presented design plans. Construction meeting with restroom contractor February 14, 2017.
2. IVFD – introduction of Fire Chief Joseph “Scooter” Lewis and department report – Mayor introduced to the Council and citizens our new Fire Chief, Joseph “Scooter” Lewis. Chief Lewis thanks the Council and Mayor and will work to make Iowa Fire Department the best it can be. He presented the monthly stats for the department. PIAL packet has been sent with a pending on site visit to be conducted. Mayor announced there will be a meet and greet from 2-4 p.m. at the Fire House for the new Chief Saturday, Feb. 18th. Hot dogs will be provided.
3. Engineer’s Report – recommendations/updates – Engineer Walt Jessen presented his information. Recommend for payment PPE#5 to R.D. Spell, Inc. for N. Kinney Drainage Improvements in the amount of \$68,591.70. Talbot motioned to approve payment; Marshall seconded. Motion carried. Punch out inspection has been conducted with a few minor items to be completed along with clean up. Reimbursement will also be requested from the CPPJ as this was a matching grant on this project.

Recommend for payment Engineer’s PPE#1 to Jessen & Assoc. in the amount of \$17,210.28 for N. Kinney Drainage – Talbot motioned to approve payment; Guidry seconded. Motion carried.

Recommend for Proj.I-2014-106 N. Kinney Drainage substantial completion- Resolution 2017-03 – Marshall motioned to approve; Talbot seconded. Motion carried.

RESOLUTION NO. 2017-03

A RESOLUTION accepting the substantial completion of Project No. I-2014-106, North Kinney Avenue Drainage Improvements from David Street to Lateral 14, Town of Iowa, LA, and authorizing the advertising of the lien period.

WHEREAS, R.D. Spell, Inc. has substantially completed its contract with the Town of Iowa, Louisiana, for Project No. I-2014-106, North Kinney Avenue Drainage Improvements from David Street to Lateral 14, Town of Iowa, LA,

WHEREAS, D. W. Jessen & Associates, L.L.C. has informed the Town Council of the Town of Iowa, Louisiana, that R.D. Spell, Inc. has substantially completed its contract and that the Town of Iowa, Louisiana, should accept the said improvements as substantially complete from the said contractor and assume the maintenance of the same;

BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF IOWA, LOUISIANA, in regular session convened, that:

SECTION I: All of the above and foregoing provisions are hereby made a part of this resolatory provision; and the Town Council of the Town of Iowa, Louisiana, the governing authority of the said Town, does hereby accept from the said R.D. Spell, Inc. as substantially completed, the heretofore described substantial completion of Project No. I-2014-106, North Kinney Avenue Drainage Improvements from David Street to Lateral 14, Town of Iowa, LA and the Town Council of the Town of Iowa, Louisiana, does hereby accept said improvements for maintenance.

SECTION 2: The Town Council of the Town of Iowa, Louisiana, does hereby authorize the running of a legal advertisement notifying lien holders affected, that the final payment will be made at the end of the lien period of forty-five (45) days.

PASSED AND ADOPTED at Iowa, Louisiana, on this the 13th day of February, 2017.

Recommend for payment PPE#2 and final to PM Construction & Rehab, LLC for pipe bursting/sewer in the amount of \$15,091.00. Talbot motioned to approve; Guidry seconded. Motion carried.

Recommend for payment Engineer's PPE#1 and final for Pipe Bursting Hwy 90 to 2nd St. in the amount of \$9,054.60 - Talbot motioned to approve; Guidry seconded. Motion carried.

Recommend for payment Partial Pay Est#3 to Asphalt & Assoc. West Miller Sidewalk project in the amount of \$22,648.84 - Talbot motioned to pay; Guidry seconded. Motion carried.

Resolution 2017-04 – substantial completion for Proj. I-2015-15 West Miller Ave. Sidewalks – punch out inspection done and are now completing. Marshall motioned to accept as substantially completed; Talbot seconded. Motion carried.

Recommends the Live Oaks Subdivision new sewer line be formally accepted for ownership and maintenance by the Town of Iowa - Talbot motioned to accept and have it recorded; Guidry seconded. Motion carried.

Ben Clark is continuing to work on the preliminary engineering for the USDA sewer loan application.

4. Disclosure and Engagement Letter w/Government Consultants, Inc. – authorization to sign – Marshall inquired about the payment amount. Registered municipal advisor is what Gov't Consultants will perform. There is nothing definitive as to compensation explained Mr. Delafield. Mr. Bouquet suggested Council first gather more information. Asked the Clerk to review the minutes for any previous discussion. This item is tabled until we are provided a fee schedule from Government Consultants. Marshall motioned to table until we have further information on compensation; Talbot seconded. Motion carried.

5. Resolution 2017-02 – authorizing Town proceed with project involving issuance of not exceeding \$12,000,000 principal amount Public Improvements Bonds Series 2017 [sewer] – Marshall asked about Section of 6 who is Chief Administrator and Director of Finance. Mayor Ponthieux and Paul Hesse. Mr. Delafield explained this resolution is for the purpose of going to the Bond Commission. Bonds will be secured by net revenues as well as Sales Tax. That is all this resolution does. An Ordinance will be adopted giving the particulars for the purpose of borrowing. Marshall, motioned to approve and authorize the Mayor to sign; Talbot seconded. Motion carried.

RESOLUTION NO. 2017-02

A RESOLUTION AUTHORIZING THE TOWN TO PROCEED WITH DEVELOPMENT OF A PROJECT INVOLVING ISSUANCE OF NOT EXCEEDING \$12,000,000 PRINCIPAL AMOUNT OF PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2017, FOR THE PURPOSE OF ACQUIRING, EXTENDING OR IMPROVING SEWER AND WASTE WATER SYSTEMS FOR THE TOWN, INCLUDING ANY NECESSARY SITES, EQUIPMENT AND FURNISHINGS THEREFOR, AND PAYING THE COSTS OF ISSUANCE OF THE BONDS; MAKING APPLICATION TO THE LOUISIANA STATE BOND COMMISSION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Iowa, Louisiana (the “Town”) is a duly created and validly existing body corporate, politic and political subdivision of the State of Louisiana, under and pursuant to the provisions of Article VI, § 2 of the Louisiana Constitution of 1974, as amended, and a Charter adopted by the City July 1, 1977, as amended; and

WHEREAS, the Town is now collecting user fees and charges (the “Utility Fund”) for its combined water and sewer and waste water utility systems (the “System”) from residents and customers of the said utility system; and

WHEREAS, the Town is now levying and collecting a perpetual one percent (1%) sales and use tax by virtue of Ordinance, adopted by this Town Council on January 9, 2017 (the “Tax”), under the authority of a special election held in said City on December 10, 2016; and

WHEREAS, pursuant to the provisions of Chapter 13 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:1421, *et seq.*) (the “Act”), the City is authorized to issue its public improvement revenue bonds, in an amount not to exceed \$12,000,000, Series 2017 (the “Bonds”), for the purpose of purchasing, constructing, acquiring, extending or improving its sewer and waste water systems for said Town, including any necessary sites, equipment and furnishings therefor, the provision of which, to such extent and in such manner as is now or hereafter contemplated, shall be deemed an authorized public function under the provisions of the Act, and paying the costs of issuance of the Bonds; and

WHEREAS, the Town reasonably expects to reimburse its expenditures incurred prior to issuance of the Bonds, if any, for the Project, from proceeds of the Bonds and to have this resolution serve as a declaration of intent under Section 1.150-2 of the United States Treasury Regulations issued pursuant to the Internal Revenue Code of 1986, as amended (“Code”);

WHEREAS, issuance of the Bonds will foster and be in furtherance of the objectives of the public service functions of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council, governing authority of the Town, as follows:

SECTION 1. The Town, is hereby authorized to proceed with a plan for development of the Project (hereinafter defined) involving the proposed issuance of Public Improvement Revenue Bonds of the Town in the aggregate principal amount not to exceed \$12,000,000, Series 2017, either as taxable or tax-exempt obligations, in one or more series, at a rate or rates not to exceed 2.75% per annum, for a term or terms not exceeding forty (40) years from date of issuance of the Bonds. The Bonds shall be issued for the purpose of (i) purchasing, constructing, acquiring, extending or improving the sewer and waste water systems of the Town, including any necessary sites, equipment and furnishings therefor, (ii) paying the costs of issuance associated with the Bonds, including the municipal bond insurance premium, if any, and (iii) funding a debt service reserve fund or purchasing a debt service reserve fund insurance policy, if required (the “Project”), said Bonds to be payable from and secured by an irrevocable pledge and dedication of net System revenues, after deduction therefrom of the costs and expenses of operating and maintaining the System, within the Utility Fund, and the avails or proceeds of the Tax, received by the Town, after provision has been made for the payment therefrom of all of the reasonable and necessary costs and expenses of collecting the Tax.

SECTION 2. The Town shall reimburse its expenditures incurred prior to issuance of the Bonds, if any, for the Project, from proceeds of the Bonds. This resolution serves as a declaration of the Town’s intent, under Section 1.150-2 of

the United States Treasury Regulations issued pursuant to the Internal Revenue Code of 1986, as amended (“Code”), to make such reimbursements. This Resolution evidences official intent of the Town toward issuance of its Bonds as contemplated herein in accordance with the laws of this State and the United States Treasury Regulations Section 1.150-2(e). The Bonds are not expected to exceed an aggregate principal amount of \$12,000,000.

SECTION 3. Government Consultants, Inc., Baton Rouge, Louisiana, is hereby appointed as financial advisor in connection with the Bonds.

SECTION 4. There being a real public necessity for retention and employment of legal counsel to provide specialized legal services in connection with issuance of the Bonds by the Town, and it appearing that the public interest requires obtaining of such specialized legal services, Joseph A. Delafield, A Professional Corporation, of Lake Charles, Louisiana (“Bond Counsel”), is hereby employed for such purposes. The fee for the work to be performed by Bond Counsel is contingent upon issuance, sale and delivery of the Bonds, and shall be in accordance with the maximum fee schedule of the Attorney General of the State of Louisiana for comprehensive legal and coordinate professional work of bond attorneys and bond counsel in the issuance of revenue bonds.

SECTION 5. The Clerk of the Town Council is empowered, authorized and requested to forward to the Louisiana State Bond Commission a certified copy of this resolution which shall constitute a formal application as herein provided.

By virtue of the Town’s application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission’s approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the “State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.,” adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 6. The Town Council hereby authorizes and directs its Mayor, Chief Administrative Officer, Director of Finance, Clerk and such other officials of the Town to do any and all things necessary and incidental to carry out the provisions of this resolution.

SECTION 7. The Town shall incur no financial liability for issuance of the Bonds, other than the non-refundable application fee with the Louisiana State Bond Commission, until such time as issuance of the Bonds has been approved by the Louisiana State Bond Commission and a bond ordinance has been duly approved and adopted by the Town.

SECTION 8. If any provision, item or application of this Resolution or the applications thereof are 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.

SECTION 9. The Town reserves the right to sell the Bonds to the United States Department of Agriculture or such other investment or commercial banking facility which offers to the Town the best financial proposal and most beneficial financial structure for the Town.

SECTION 10. This Resolution shall become effective immediately upon its adoption.

SECTION 11. All Resolutions in conflict herewith are hereby repealed.

Adopted and approved on this 13th day of February, 2017.

6. Ordinance 2017-02 – renewing of sale tax I
 - a. Public hearing – Mayor adjourned the regular meeting at 7:58 p.m. for public hearing – J. Lapearous asked a few questions. Answers provided. Public hearing closed at 8:03 p.m. and regular meeting resumed.
 - b. Action/vote –Talbot motioned to accept the ordinance; Guidry seconded. Motion carried.

ORDINANCE 2017-02

**AN ORDINANCE renewing and levying a tax [Sales Tax I] for the purposes set forth in Resolution No. 2016-14, ordering and authorizing the renewal, levy and collection of a 1% sales and use tax in perpetuity beginning January 1, 2017 to be dedicated and used for the following purposes:
(1) capital and other improvements to the Town's water works, sewer and wastewater systems; (2) keeping in repair the Town's streets and further improvements to the Town's park system; and (3) other lawful expenditures of the Town, including economic development; and the ability to fund avails of the Tax into debt**

BE IT ORDAINED by the Mayor and the Town Council of the Town of Iowa,

Louisiana, in regular meeting, February 13, 2017 at 7:00 o'clock p.m.:

Section 1. There is hereby levied and authorized to continue to levy and collect a sales and use tax of one percent (1%) (the "Tax") in perpetuity beginning January 1, 2017, in lieu of the Sales and Use Tax approved by the Town's electorate on December 10, 2016, upon the sale at retail, use, lease or rental, consumption and storage for use or consumption of tangible personal property and on sales of services within the Town, all as presently or hereafter defined in La.R.S.47:301 to 47:317, inclusive, with collections from levy of the Tax for the purposes set forth in Resolution 2016-14, in accordance with, and under the terms, conditions, procedures, definitions, penalties, interest, charges, rules, and regulations of, and to be collected in the same manner as the tax set forth in Ordinance No. 70, adopted by the Town of Iowa in 1966.

The following Council Members voted:

YEA: Talbot, Guidry, Fontenot, Marshall

NAY: none

ABSENT: Hardy

ABSTAIN: none

Whereupon, the above Ordinance was duly adopted on 13th of February 2017.

7. Ordinance 2017-03 – introduction and reading of title – declaring obsolete equipment – the ordinance was introduced with the title being read. Action on this ordinance will take place at the March 13th meeting at Town Hall, 115 N. Thomson Ave., Iowa, LA at 7 p.m.

Ordinance 2017-03

AN ORDINANCE FOR THE PURPOSE OF SOLICITING BIDS TO DISPOSE OF OBSOLETE AND UNNECESSARY PROPERTIES BELONGING TO THE TOWN OF IOWA.

8. Police Department – updates, reminders, reports, recommendations – Chief made his employee requests -
- a. Recommend Rodney Daigle as FT PFC –Marshall motioned to accept hiring of R. Daigle as fulltime patrol officer; Guidry seconded. Motion carried.
 - b. Recommend Theresa Patrick FT Dispatcher
 - c. Keegan Dion and Keelan Poullard as temporary PT Dispatcher
- Talbot motioned to approve the hiring of these individuals; Guidry seconded. Motion carried. Chief then presented the department stats for police department.

Round Table

Dist. C – Marshall will be providing some information to Mayor this week.

Dist. E – wants to look at ordinance dealing with mobile homes and travel trailers. Might need to get some expert assistance to help review our ordinances.

Mayor mentioned rehabilitation group homes in the Town of Iowa. These type of group homes are generally addressed with zoning. Mayor says zoning needs to be looked at being protective rather than restrictive. Mr. Bouquet offered some suggestions including engaging a professional planner to help address a number of issues.

There being no further business Talbot motioned to adjourn at 8:19 p.m.; Marshall seconded. Motion carried.

Sign checks –Hardy

ATTEST:

Sandra Turley, CMC

Carol Ponthieux, Mayor