

**Minutes
Public Hearing
115 n. Thomson, Iowa, LA 70647
City Hall Meeting Room
September 14, 2020
7:00 p.m.**

Mayor Paul Hesse called a public hearing to order at 7:00 p.m. Present was Mayor Hesse; Council Member Joe Becnel, Daniel Hennigan, Vernessa Guillory, Julie Fontenot, and Gerald Guidry; Town Attorney Eugene Bouquet, Town Clerk Cynthia Mallett, Chief of Police Keith Vincent; Fire Chief Lewis, and about 7 citizens.

Mayor Hesse read the title of Ordinance No. 2020-03, An Ordinance to amend Section 47-9 Subpart (B) to add another intersection stop sign, yield sigs. Mayor described the location where the proposed stop sign would be placed. He asked if there were any questions or comments. There were no questions or comments.

Mayor Hesse read the title of Ordinance No. 2020-04. An Ordinance requiring a permit for use of municipal property for business operations in the Town of Iowa requiring the provision of certain information prior to issuance of such permit; and otherwise providing with respect thereto. Mayor talked about the issues that brought the need requiring such permits, and it was necessary to know when a company was performing work on town right-of-ways. He asked if there were any questions or comments. There were no questions or comments.

Mayor closed public hearing at 7:05 p.m.

**Minutes
Regular Meeting
115 N. Thomson, Iowa, LA 70647
City Hall Meeting Room
September 14, 2020
7:05 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: Julie Fontenot, Vernessa Guillory, Joe Becnel, Gerald Guidry, and Daniel Hennigan; Town Clerk Cynthia Mallett; Chief of Police Keith Vincent; Fire Chief Joseph Lewis; Town Attorney Eugene Bouquet; and about 7 citizens.

Invocation by Council Member Joe Becnel, followed by Pledge.

Mayor Hesse announced a quorum was present and called the meeting to order at 7:05 pm.

Mayor Hesse asked that an amended agenda be approved adding resolutions for the following items:

1. Discuss food services
2. Deferrals for utility collections
3. Post Approval for Debris Management and Monitoring

It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to amend agenda to include the above requested items. The motion passed unanimously.

It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to adopt agenda. The motion passed unanimously.

It was **moved by** Daniel Hennigan **seconded by** Julie Fontenot, to approve August 24, 2020 Special Meeting Minutes as written not read. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

It was **moved** by Joe Becnel, **seconded** by Daniel Hennigan to adopt Ordinance No. 2020-03. The motion passed unanimously.

ORDINANCE 2020-03

**AN ORDINANCE TO AMEND SECTION 47-9 SUBPART (B)
TO ADD ANOTHER INTERSECTION STOP SIGN, YIELD SIGNS**

BE IT ORDAINED by the Mayor and the Iowa Town Council of the Town of Iowa, Louisiana, that Section 17-9 of the Code of Ordinances, Town of Iowa, is hereby amended to add another intersection stop sign to subpart b of said section as follows:

Sec. 17-9 (b). Stop signs within the ambit of the Louisiana Highway Regulatory Act shall be posed at the following intersections:

(addition) Stop sign intersection of: Woodland and Ash

**Making a three-way stop, there shall be a stop sign on Ash Street at Woodland
(north bound intersection)**

The above and foregoing addition to the Code of Ordinances, Town of Iowa, Louisiana, has been read and adopted and is only intended as an addition to said Ordinances and the remaining Ordinances and the past enacted Ordinances are still in full force and effect.

Said Ordinance having been introduced on August 10, 2020, the title having been read and appropriate public advertisement completed.

The above ordinance was adopted at a duly convened meeting on motion of Joe Becnel, seconded by Daniel Hennigan, upon a vote taken as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 14th day of September, 2020.

PAUL HESSE, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 14th day of September, 2020.

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 14th day of September, 2020.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 14th day of September, 2020.

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 14th day of September, 2020.

CYNTHIA MALLETT, TOWN CLERK

It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to adopt Ordinance No. 2020-04. The motion passed unanimously.

Ordinance No. 2020-04

An Ordinance requiring a permit for use of municipal property for business operations in the Town of Iowa requiring the provision of certain information prior to issuance of such permit; and otherwise providing with respect thereto.

WHEREAS, pursuant to the provisions of LSA-R.S. 33:4401, LSA-RS. 45:1361 et seq, this municipality's police powers, and in order to protect the health, safety, and welfare of the public, the Town of Iowa (herein referred to as "the Town") recognizes its right, duty, and obligation to regulate and maintain the integrity and safety of the Town's property and rights-of-way;

WHEREAS, there are persons or entities which utilize and desire to utilize the Town's property and rights-of-way to conduct business operations, including but not limited to the provision of telecommunication, internet, electrical, cable, water, gas or other services or products (hereinafter referred to as "Business Operations");

WHEREAS, the Town makes and adopts the following findings and purposes:

- (1) The Town recognizes that it holds its property and the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The Town and other public entities have invested millions of dollars in public funds to acquire, build, and maintain the rights-of-way. It also recognizes that some persons, by placing their equipment in the rights-of-way and charging the citizens of the Town for goods and services delivered thereby, are profiting from their use of this property held by the Town for the public good;
- (2) The Town's rights-of-way are owned or held by the Town primarily for the purpose of pedestrian and vehicular passage and for the Town's provision of essential public safety services, including police, fire, and emergency medical response services; and public health services, including sanitary sewer, water, and storm drainage services (together, "Public Uses");
- (3) Public Uses should in all cases be considered and treated as the dominant and preeminent uses of public property and rights-of-way;
- (4) All other uses of public rights-of-way, including use for the provision of Business Operations, must be subordinate to Public Uses;
- (5) In order to provide for the health, safety and well-being of its citizens, as well as to ensure the structural integrity of its rights-of-way and the Town owned facilities located therein, the Town strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances;

- (6) Right-of-way obstructions and deterioration disrupt the flow of vehicular and pedestrian traffic and are a source of frustration for merchants, business owners and the general population;
- (7) The Louisiana legislature enacted Act 433 of 2008, codified as LSA - R.S. 45:1361-1378 as the "Consumer Choice for Television Act," which provides for a state-issued certificate of franchise authority for cable and video services. In LSA - R.S.45:1374, the legislature reserved to local government certain authority to regulate the holder of a state-issued certificate of franchise authority including the Town's lawful exercise of its police powers; and
- (8) In order for the Town to properly protect the health, safety and welfare of its citizens, to enhance the Public Uses, and manage and maintain its property, it is appropriate and necessary that the Town obtain and maintain current, accurate information concerning the location, construction, installation and maintenance of structures, facilities, and equipment occupying Town Property for Business Operations ("System").

BE IT THEREFORE ordained by the Town Council of the Town of Iowa, State of Louisiana, that no person or entity may enter upon, traverse, either above ground or below, or otherwise utilize any property, servitude, or other property right, owned, leased, possessed, or controlled by the Town (herein referred to as "Town Property") for the conduct of Business Operations without first being issued a permit to enter Town Property for Business Operations as more fully set forth hereafter.

1. Location of any System for Business Operations within Town Property without a valid permit from the Town pursuant to this Ordinance presents a threat to the health, safety, and welfare of the Town's citizens and their property and is expressly forbidden.
2. The Town recognizes and reserves any and all rights available to it to regulate use of any Town Property.
3. The granting of any Town license, permit, or other requirement for doing business within the Town shall not be construed as authorizing any such person or entity the right to utilize Town Property for the conduct of Business Operations.
4. Any person or entity desiring to operate a System occupying Town Property "(Applicant)" shall make a written request to the Town for a permit, which shall include the following information:
 - a) Name, address, telephone number, and contact person of the person or entity making the request;
 - b) Necessary corporate information, if applicable;
 - c) Name, address, email address, and home, office and cell telephone numbers of a person with authority to act on behalf of the Applicant in case of emergency;
 - d) Description of the proposed activity;
 - e) Identification of the Town Property which Applicant's System will occupy. Said identification shall include the following:
 - i) Map drawn to scale of the location of all of Applicant's System presently occupying Town Property;
 - ii) Inventory of all equipment, structures, and facilities comprising Applicant's System occupying Town Property; and

- iii) Detailed set of plans including a description of all anticipated construction, major maintenance, and major installation activities which shall include the specific locations and the beginning and ending dates of all projects to be commenced during the next calendar year; and the tentative locations and beginning and ending dates for all projects contemplated for the two year period following the next calendar year.
 - iv) In addition to the information requested above, any applicant for a permit, as described in paragraph 4 hereinabove, shall include in those plans submitted to the Town [as required by paragraph (e) (iii) above], the detailed location of any and all relevant Town rights-of-way, servitudes or other Town facilities which may be implicated in, or affected by, the project (construction/maintenance/installation activities) for which said permit from the Town is sought, such that the location, to include the boundaries, and extent of, any and all Town rights-of-way, servitudes or other Town facilities as described hereinabove shall be shown on said plan in such a manner as to detail the proximity of same with regard to that of the facilities to be installed as part of said project.
 - f) Proof of comprehensive general liability insurance covering and affecting the Applicant's Business Operations occupying Town Property. Applicant shall notify the Town of cancellation of such policy(ies) at least 30 days in advance of such cancellation; and
 - g) Name of all contractors acting or working on behalf of Applicant within Town Property along with the name and home, office, and cell telephone numbers of a person with authority to act on behalf of the contractor in case of emergency.
5. Upon provision of all of the information required by Section (4), the Town shall review the plans to determine if there is a conflict between the proposed utilities and the existing or planned public utilities in the area. This review is only for general conformance with the design concept of the project and general compliance with the information given relying on the accuracy of the information contained in the submittals. It is the contractor's responsibility to verify the location of existing utilities, rights of way and servitudes prior to beginning construction.

After a successful review the Town will issue a permit allowing the Applicant/Permittee to enter Town Property to conduct Business Operations in accordance with the specific information provided to the Town by the Applicant/Permittee.

It shall be understood by any entity seeking a permit, as described in paragraph 4 hereinabove, that the location of any Town facility provided by said Town is intended, and to be understood, as an approximate location of said facility only, such that it is the responsibility of any contractor or other entity performing installation activities to proceed with extreme caution in locating a relevant Town facility, in order to avoid damage to same. It shall be further intended, and understood, that it shall be the responsibility of the contractor/entity which does damage to a Town facility to provide for the repair of same in accordance with requirements of the Town. It shall also be understood that, in the event the Town fails to provide location of any Town facility, notwithstanding the submission of a prior request to do so, the contractor or entity conducting installation activities shall notify the Town that such facility has not been located, despite said prior request, and no installation activities shall commence until such facility has been located by the Town, or by some other entity designated by the Town to provide such location.

6. Standard provisions of each permit granted pursuant to this Ordinance shall include the following:
 - a) Conditions of Occupancy. The System shall be located so as to cause minimum interference with the Public Uses use of Town Property and with the rights and reasonable convenience of property owners who own property that adjoins Town Property.
 - b) Restoration of Public Ways. If, during the course of the Permittee's construction, installation, or maintenance of the System, there occurs a disturbance of any Town Property by the Permittee, the Permittee shall replace and restore such Town Property to a condition reasonably comparable to the condition of the Town Property existing immediately prior to such disturbance.
 - c) Relocation at Request of the Town. If the Town shall lawfully elect to vacate, relocate, abandon, alter, reconstruct or change any Town Property, the Permittee, upon thirty (30) days written notice by the Town via certified mail to the Permittee, shall remove, re-lay and relocate its structure, equipment, and facilities at its own expense. Should the Permittee refuse or fail to remove System within thirty (30) days after written notification, the Town shall have the right to remove the component parts of the System and charge the Permittee for the costs of removal.
 - d) Relocation at Request of Third Party. The Permittee shall, on the request of any person holding a lawful building moving permit, protect, support, raise, lower, temporarily disconnect, relocate in or remove from any Town Property, as necessary, any property of the Permittee provided: (i) the expense of such is paid by said person benefiting from the relocation, including, if required by the Permittee, making such payment in advance; and (ii) the Permittee is given reasonable advance written notice to prepare for such changes. For purposes of this Section, "reasonable advance written notice" shall be no less than thirty (30) days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.
 - e) Interference with Use of right-of-way. When working within Town Property, Permittee shall not unreasonably interfere with Public Uses of said Town Property and the safety, health, and convenience of the public in the public's use thereof for ordinary travel.
7. No less than three (3) business days prior to commencement of construction, installation or maintenance activities within Town Property, the Permittee shall notify the Town of the specific locations and beginning and ending dates of said construction, installation, or maintenance project and shall provide current, accurate contact information for both the Permittee and the contractor as outlined in Section (4). Upon receipt of this notification, the Town shall determine whether the proposed construction, installation, or maintenance activities shall pose an unreasonable inference with Public Uses. If the Town determines the proposed activity presents no such unreasonable interference, it shall issue the permittee a notice to proceed. If the permittee receives no written notification from the Town within twenty-four hours of the proposed commencement of activities, the proposed activities may be deemed approved. This Section shall not apply to emergency repair projects or utility service extension projects which the Permittee could not have anticipated.
8. The Permittee shall keep all of the information required by Section (4) current at all times by immediately providing the Town written notice of changes.

9. Any person or entity (1) whose System occupies Town Property for Business Operations without obtaining the permit required in this Ordinance; (2) who fails to provide the 72-hour notice prior to commencement of construction, installation, or maintenance activities as required in Section 6; or who fails to maintain current, accurate information required by Section (4) concerning any System occupying Town Property may have any permit granted pursuant to this Ordinance revoked and may be denied future authorization for construction, installation, or maintenance activities for a period of two years.
10. Any violation of this Ordinance shall afford the Town the full range of remedies available under any applicable law or regulation including the levying of fines. The election of one or more remedies shall not be construed as a waiver of any other legal and/or equitable remedy including, but not limited to the Town's right to seek injunctive relief, damages, and attorney's fees as the law might allow.

BE IT FURTHER RESOLVED, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the Town and any cable or video service provider.

Said Ordinance having been introduced on August 10, 2020, the title having been read and appropriate public advertisement completed.

The above ordinance was adopted at a duly convened meeting on motion of Julie Fontenot, seconded by Vernessa Guillory upon a vote taken as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 14th day of September, 2020.

PAUL HESSE, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 14th day of September, 2020.

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 14th day of September, 2020.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 14th day of September, 2019.

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 14th day of September, 2020.

CYNTHIA MALLETT, TOWN CLERK

Upon the written recommendation of Kudla Architecture, it was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve Retainage Payment of \$14,353.70 for the Tennis Court Renovations. The motion passed unanimously.

Water and Sewer Supervisor James Hardy gave his monthly report of activities.

Chief Lewis gave his monthly report of activities.

Chief of Police Keith Vincent came forward and gave his monthly report of activities. He stated, he had no stats prepared because personnel was busy with the hurricane protective measures.

Mayor Hesse gave the financial report.

Mayor Hesse reported the groups of non-profit, that have helped feed the community, unfortunately will no longer be able to continue. The need to feed the community is still there. The Mayor asked the council to consider an agreement with a “for profit” organization to provide the meal. Town Attorney stated that three quotes is needed. Mr. Bouquet said that he thinks we meet the requirements of a natural disaster that allow the town to contract for services for the health and well-being of the community. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to authorize Mayor Hesse to enter into negotiations and contract services in reference to provide meals on a temporary basis. The motion passed unanimously.

RESOLUTION 2020-07

Resolution authorizing Mayor Paul Hesse to enter into negotiations and contract services in reference to provide meals on a temporary basis

BE IT RESOLVED by the Town Council of the Town of Iowa, Louisiana, the governing authority thereof that they do hereby authorize Mayor Paul Hesse to enter into an Agreement, effective September 14, 2020, with MCM Solution, LLC for the purpose of supplying the necessity of food to the community of Iowa during the disaster of Hurricane Laura.

APPROVED AND ADOPTED by
the Town Council of the Town of
Iowa, Louisiana on this 14th day
of September, 2020.

Paul Hesse, Mayor

ATTEST:

Cynthia Mallett, Municipal Clerk

Mayor Hesse asked the Council for a resolution to defer payment on their water, sewer and garbage bills. He explained that this means there will be no disconnections or late fees for one month.

It was **moved by** Julie Fontenot, **seconded by** Joe Becnel to adopt Resolution to defer payment for sewer, water, and garbage bill for one month. The motion passed unanimously.

RESOLUTION 2020-08

Resolution to defer payment for Sewer and Water bill for one month

BE IT RESOLVED by the Town Council of the Town of Iowa, Louisiana, the governing authority thereof that they do hereby defer payment of sewer and water bills for citizens and businesses for one month because of the impact of Hurricane Laura.

BE IT FUTHER RESOLVED, Town of Iowa will not assess a late fee or disconnect services for this month.

APPROVED AND ADOPTED by
the Town Council of the Town of
Iowa, Louisiana on this 14th day
of September, 202007.

Paul Hesse, Mayor

ATTEST:

Cynthia Mallett, Municipal Clerk

Mayor Hesse addressed the issue of Debris Management for the Town of Iowa. He requested a resolution be approved for the emergency debris removal and monitoring services.

RESOLUTION 2020-09

Resolution authorizing Mayor Paul Hesse to enter into an agreement with CrowderGulf and Tetra Tech for Emergency Debris Removal and Monitoring Services

BE IT RESOLVED by the Town Council of the Town of Iowa, Louisiana, the governing authority thereof that they do hereby authorize Mayor Paul Hesse to enter into an Agreement, effective August 30, 2020, with Crowder Gulf for the purpose of Emergency Debris removal and Tetra Tech for Debris Removal Monitoring Service, supplying the need to remove debris along the right-of-ways immediately following the disaster of Hurricane Laura, DR-4559.

APPROVED AND ADOPTED by
the Town Council of the Town of
Iowa, Louisiana on this 14th day
of September, 2020.

Paul Hesse, Mayor

ATTEST:

Cynthia Mallett, Municipal Clerk

Mayor commended all departments for providing service to the community prior to, during, and after the disaster of Hurricane Laura.

Mayor Hesse announced white goods and other construction debris will be picked up after vegetation debris. He said the town rented a street sweeper to help keep the streets clean.

Mr. Landry came forward to talk about the trailer park on Sherman Street. He asked about the fence that was supposed to be installed as per the permit. Mayor said he will defer this until all of the hurricane issues are over. It will be addressed at the October meeting.

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 7:56 p.m.

ATTEST:

Paul Hesse, Mayor

Cynthia Mallett, MMC