

**Minutes  
Public Hearing  
Town of Iowa  
115 N. Thomson  
Iowa, LA 70647**

**April 8, 2024 at 7:00p.m.**

Mayor Watkins called the public hearing to order at 7:00 p.m. Present was Mayor Watkins; Council Members; Gerald Guidry, Joe Becnel, Vernessa Guillory, Julie Fontenot, and Daniel Hennigan; Town Clerk Cynthia Mallett; Town Attorney Eugene Bouquet; Police Chief Keith Vincent; and about 5 citizens.

Mayor Watkins talked about the history and the founders of the Town of Iowa. He talked about Mr. Knapp, Mr. Thomson, and Mr. Philbrick's vision for the future of this town and the implementation of the Rice industry. He said that they had a vision for the future, that is why the first two ordinances are important. He continued to explain that the ordinances set aside sales tax in an Economic Development District and it will help build our economic development and it will ignite our growth for businesses. He said there is a plan to flip the TIF in about 3-5 years so it won't be a permanent deal and it can always be rescinded.

Council Member Daniel Hennigan said that there was no reason not to pursue it. Chief Vincent asked if the revenue could be used for private grants. Mayor said no, it is for public use only. Council Member Hennigan asked about tapping into it for Hurricane expenses. Mayor said as long as if it was for economic development.

Mayor read the title of Ordinance 2024-04, Ordinance 2024-05, and Ordinance 2024-06. He asked if there were any questions or comments. Council Member Hennigan said that in Ordinance 2024-06, Land use Ordinance, mentioned Mobile Home Parks and the town does not allow mobile home parks. Mayor said that this ordinance is written on a broad spectrum and a catch all. Mr. Bouquet explained that the town has an ordinance now that does not allow mobile home parks. Mayor said we could fall back on that ordinance. Ms. Leonard asked if this concerns anything now or if it was just for the future. Mayor said it was just for the future.

No other questions or comments were made. Mayor closed the public hearing at 7:25pm.

Minutes  
Town of Iowa  
115 N. Thomson  
Iowa, LA

March 11, 2024, At 7:02 p.m.

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

Mayor Watkins called the meeting to order at 7:25 p.m.

Present: Mayor Douglas N. Watkins; Council members: Gerald Guidry Daniel Hennigan, Joe Becnel, Julie Fontenot, and Vernessa Guillory; Town Clerk Cynthia Mallett; Town Attorney Eugene Bouquet; Chief of Police Keith Vincent; and about 9 citizens.

The invocation was given by Council Member Joe Becnel; followed by the Pledge of Allegiance.

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

It was **moved by Daniel Hennigan, seconded by Joe Becnel** to approve minutes as submitted for Regular Meeting, March 11, 2024. The motion passed unanimously.

New Business:

Mayor Watkins read the first item on the agenda; It was **moved by Daniel Hennigan, seconded by Vernessa Guillory** to adopt Ordinance 2024-04. The motion passed unanimously.

**ORDINANCE NO. 2024-04**

AN ORDINANCE CREATING "THE OLD SPANISH TRAIL ECONOMIC DEVELOPMENT DISTRICT, STATE OF LOUISIANA"; DEFINING THE BOUNDARIES THEREOF FROM WHICH AREA LOCAL AND STATE SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ACCORDANCE WITH AND AS AUTHORIZED BY PART II OF CHAPTER 27 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

Be it ordained by the Town of Iowa Council (the "Town Council"):

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, et seq.) (the "Act") authorizes municipalities, parishes and certain other local government subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the Act and other law; AND

WHEREAS, the Town of Iowa, State of Louisiana (the "Town"), acting through this Town Council as its governing authority, desires to avail itself of the Act to create an economic development district to be called "The Old Spanish Trail Economic Development District, State of Louisiana" (the "District"), in accordance with La. R.S. 33:9038.32, from which District local and State sales tax increments are expected to be determined and used to fund The Old Spanish Trail Economic Development District Trust Fund; AND

WHEREAS, La. R.S. 33:9038.39 further permits such economic development districts to levy sales and use taxes at a rate up to two percent (2%) and/or hotel occupancy taxes at a rate up to two percent (2%) for authorized purposes; AND

WHEREAS, La. R.S. 33:9038.34 (O) provides that this governing authority may create a special trust fund for the furtherance of economic development projects, as defined in the Act, into which the incremental increases in such sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects as defined in the Act; AND

WHEREAS, in accordance with the Act, particularly La. R.S. 33:9038.32(B) and La R.S. 33:9038.39, and an ordinance introduced on March 11, 2024, the Town has given notice of its intention to create The District, and notice that it will hold a public hearing relative to the proposed creation of The District and the proposed levy of the sales and use tax therein, and containing a map showing the boundaries of the District, which notice has been published once a week for two weeks in the Town's official journal, the Lake Charles American Press, the first publication having appeared at least fourteen days before the public hearing mentioned therein; AND

WHEREAS, on April 8, 2024, this governing authority did hold a public hearing pursuant to the aforesaid notice of intention, at which public hearing no objections were received with respect to the creation of The District or the levy of a 2.00% sales and use tax therein.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Town Council, acting as the governing authority of the Town; that:

SECTION 1. All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2. Creation of District. Under the authority of La. R.S. 33:9038.32 there is hereby created an economic development district within the Town, to be named "The Old Spanish Trail Economic Development District, State of Louisiana," having the geographical boundaries set forth in Exhibit A attached hereto, which Exhibit A is hereby incorporated in and made a part of this Ordinance, all pursuant to the Act. As provided by the Act, the governing body of The District shall be the Town Council. As provided by the Act, The District shall be a political subdivision of the State of Louisiana and shall possess such powers and authority and have such duties as provided in the Act and other law.

SECTION 3. Creation of Trust Fund. Under the authority of La. R.S. 33:9038.34 (O), there is hereby created a special trust fund, to be named The Old Spanish Trail Economic Development District Trust Fund (the "Trust Fund") the purpose of which will be to fund economic development projects selected by The District in the manner provided by the Act. The Trust Fund shall be established by the Town Clerk and maintained as a separate fund, apart from other funds and accounts of the Town or other entities, and shall be used strictly for the purposes set forth herein and in the Act.

SECTION 4. Authorization of Officers. The Mayor is hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 5. Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provisions enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7. Publication. This ordinance shall be published one time in the official journal of the Town, the Lake Charles American Press

SECTION 8. Effective Date. This ordinance shall become effective upon signature of the Mayor, the elapse of ten days after receipt by the Mayor without signature or override of a veto, whichever occurs first.

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 8<sup>TH</sup> day of April, 2024.

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DOUGLAS WATKINS

MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 10<sup>th</sup> day of April, 2024.

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CYNTHIA MALLET, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 10<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS  
MAYOR

I, hereby approve the above ordinance on this 10<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS  
MAYOR

I certify that the above ordinance was received by me from the Mayor on this 10<sup>th</sup> day of April, 2024.

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CYNTHIA MALLET, TOWN CLERK

Mayor Watkins read the second item on the agenda. It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to adopt Ordinance No. 2024-05. The motion passed unanimously.

**ORDINANCE NO. 2024-05**

**ORDINANCE LEVYING AN ADDITIONAL SALES TAX OF TWO PERCENT (2.00%) IN "THE OLD SPANISH TRAIL ECONOMIC DEVELOPMENT DISTRICT, STATE OF LOUISIANA" (THE DISTRICT); DESIGNATING THE FULL AMOUNT OF SUCH SALES TAX AS THE SALES TAX INCREMENTS IN THE DISTRICT FROM WHICH THE LOCAL AND STATE SALES TAX WILL BE DETERMINED AND USED TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN THE DISTRICT IN ACCORDANCE WITH AND AS AUTHORIZED BY PART II, CHAPTER 27, TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; DESIGNATING THE INITIAL ANNUAL BASELINE COLLECTION RATE AND ESTABLISHING A MONTHLY BASELINE COLLECTION RATE FOR THE DISTRICT; PLEDGING AND DEDICATING SUCH TAX INCREMENTS TO REIMBURSE ECONOMIC DEVELOPMENT COSTS AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.**

Be it ordained by the Town of Iowa Council (the "Town Council"):

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, et seq.) (the "Act") authorizes municipalities, parishes and certain other local government subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the Act and other law; AND

WHEREAS, by Ordinance No. 2024-04, the governing authority of the Town of Iowa, State of Louisiana (the "Town") created The Old Spanish Trail Economic Development District, State of Louisiana (The "District"), in accordance with La. R.S. 33:9038.32; AND

WHEREAS, La. R.S. 33:9038.39 permits The District to levy a sales and use tax for authorized purposes; AND

WHEREAS, La. R.S. 33:9038.34 (O) provides for the creation of a special trust fund for the furtherance of economic development projects, as defined in the Act, into which the incremental increases in sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects (each Project hereinafter approved being referred to herein as a "Project" or "Projects"); AND

WHEREAS, in accordance with the Act, the governing authority of the Town, in said ordinance creating The District did further create a special trust fund, named The Old Spanish Trail Economic Development District Trust Fund (The "Trust Fund") the purpose of which is to fund economic development projects selected by the District in the manner provided by the Act; AND

WHEREAS, in accordance with La. R.S. 33:9038.39, and in order to finance and fund certain Projects, the governing authority of the Town, in its capacity as governing authority of The District, desires levy an additional sales tax of two percent (2.00%) in The District and to designate such increase in sales tax as the sales tax increment, together with a like amount of State of Louisiana (The "State") sales tax, if approved by the State, which will be used to reimburse costs of economic development projects as defined in the Act;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Town Council, acting as the governing authority of The District; that:

SECTION 1. All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2. Levy of Sales and Use Tax. In accordance with La. R.S. 33:9038.39 and other constitutional and statutory authority supplemental thereto, there is hereby levied in the District, effective September 1, 2024 an additional sales tax of two percent (2.00%), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and on the sales of services in The District, as defined by law (The "District Tax").

The proceeds of The District Tax shall be used to pay the costs of economic development projects, as defined in the Act, particularly in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36.

The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature, and as it has been and may be amended from time to time, shall apply in the assessment, collection, administration and enforcement of The District Tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

As provided by La. R.S. 33:9038.39, no election shall be required in connection with the levy of the District Tax, since there are no qualified electors in The District, as certified by the Calcasieu Parish Registrar of Voters by certification attached hereto as Exhibit A.

SECTION 3. Vendor's Compensation. For the purpose of compensating the dealer in accounting for and remitting The District Tax levied by this ordinance, each dealer shall be allowed two and two-tenth percent (2.20%) of the amount of District Tax due and accounted for and remitted to the Tax Collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

SECTION 4. Exclusions or Exemptions. This governing authority adopts none of the optional exclusions or exemptions allowed by state sales tax law, nor does this governing authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI. Section 29(D)(1) of the Constitution of the State of Louisiana of 1974 that are not allowed as an exclusion or exemption from state sales tax.

Included within the tax base of the District tax is every transaction, whether sales, use, lease or rental, consumption, storage, or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana.

SECTION 5. Tax Collector. The District Tax is authorized to be collected by a "Collector" which term shall mean the Sales Tax Division of the Calcasieu Paish School Board Consolidated Sales Tax Collector. The Collector is hereby authorized, empowered, and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants, or agents to assist in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

The District Tax shall be collected in the same manner, under the same terms and conditions and with the same penalty, interest, collection, and compensation arrangements as other sales taxes in the Town are collected by the Collector.

With regard to the collection of The District Tax on any motor vehicle, automobile, truck, truck trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this Governing Authority, acting through the Town and on behalf of The District, for the collection of The District Tax on such vehicles, is authorized to enter into an agreement with the Vehicle Commissioner, Department of Public Safety and Corrections, as provided by R.S. 47:303(B).

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision of provisions of this ordinance relating to The District Tax shall be promptly deposited by the Collector for the account of The District in the Trust Fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

**SECTION 6. Penalty, Interest, and Attorney's Fees.** If the amount of District Tax due by the dealer is not paid on or before the twentieth (20<sup>th</sup>) day of the month next following the month for which the District Tax is due, there shall be collected, with said District Tax, interest upon said unpaid amount, at the rate of twenty percent (20%) per annum, or fractional part thereof, to be computed from the first day of the month next following the month for which the District Tax is due until it is paid; and in addition to the interest that may be so due there shall also be collected a penalty equivalent to ten percent (10%) for each thirty (30) days, or fraction thereof, of delinquency, not to exceed thirty percent (30%) in the aggregate, of the District Tax due, when such District Tax is not paid, within thirty (30) days of the date the District Tax first becomes due and payable, and in the event of suit, attorney's fees at the rate of twenty percent (20%) of the aggregate of The District Tax, interest and penalty.

In the event any dealer fails to make a report and pay The District Tax as provided by this ordinance, or in case the dealer makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the Collector to make an estimate for the taxable period of the retail sales, or sales of services, of such dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in the District, and to assess and collect The District Tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer. In the event such estimate, and assessment requires an examination of books, records, or documents, or an audit thereof, then the Collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon.

If any dealer fails to make any return required by this ordinance or make an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but no intent to defraud, there shall be imposed, in addition to any other penalties provided herein, a specific penalty of five percent (5%) of The District Tax or deficiency found to be due, or Fifty Dollars (\$50.00), whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were part of The District Tax due and can be enforced either in a separate action or in the same action for the collection of The District Tax.

**SECTION 7. Designation of Baseline Collection Rate.** The District Tax levied pursuant to Section 3, above, is a new sales tax and the full amount thereof is hereby designated by the Town Council to be used in determining the local sales tax increment pursuant to the Act. The initial annual baseline collection rate for the District, which is the amount of The District Tax collected in The District in the most recent completed fiscal year prior to the establishment of The District, is hereby designated to be zero (0) (the "Initial Baseline Collection Rate"), as The District Tax was not levied during the most recently completed fiscal year of this governing authority prior to the establishment of The District. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by twelve (12), is hereby designated to be zero (0) (the "Monthly Baseline Collection Rate").

SECTION 8. CFO Certification. The Chief Financial Officer of the Town of Iowa is hereby authorized and requested to furnish his or her certification, in substantially the form attached hereto as Exhibit B as to the accuracy of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate and to publish such certification in the Lake Charles American Press, the official journal of the Town of Iowa, one time.

SECTION 9. Designation of Sales Tax Increment. The Town Council hereby designates the entire amount of the District Tax as the local sales tax increment, which is to be deposited, together with a like amount of State sales tax, to the extent approved by the State, in the special trust fund created herein for the furtherance of economic development projects through reimbursement of costs of economic development projects and hereby pledges and dedicates to such purpose the local sales tax increment and a like amount of State sales tax increment, to the extent approved by the State, in the manner provided by the Act.

SECTION 10. Notice to Public. The Town Council hereby acknowledges and affirms the prior publication of a notice describing the levy of the District Tax and informing citizens of the date of consideration of this ordinance, said notice having been published once a week for two weeks in the Lake Charles American Press, the official journal of the Town, in the form of notice attached hereto as Exhibit C.

SECTION 11. Use of Sales Tax Increments. Notwithstanding anything to the contrary contained herein, sales tax increments within the District, if any, shall be used only for Projects that meet the definition of "economic development project" as that term is defined in La. R.S.

33:9038.34(M).

SECTION 12. Authorization of Officers. The mayor and his staff are hereby authorized, empowered, and directed to do all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 13. Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 14. Repealer. All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 15. Effective Date. This ordinance shall become effective upon signature of the Mayor, the elapse of ten days after receipt by the Mayor without signature or override of a veto, whichever occurs first.

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 8<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS  
MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 10<sup>th</sup> day of April, 2024.

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CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 10<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS  
MAYOR

I, hereby approve the above ordinance on this 10<sup>th</sup> day of April, 2004.

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DOUGLAS WATKINS  
MAYOR

I certify that the above ordinance was received by me from the Mayor on this 8<sup>th</sup> day of april, 2024.

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CYNTHIA MALLET, TOWN CLERK

Mayor Watkins read the third item on the agenda. It was **moved by** Vernessa Guillory, **seconded by** Julie Fontenot to adopt Ordinance No. 2024-06. The motion passed unanimously.

**ORDINANCE 2024-06**  
**AN ORDINANCE ADOPTING LAND USE AND DEVELOPMENT**  
**REGULATIONS WITHIN THE INCORPORATED AREA OF THE**  
**TOWN OF IOWA, LOUISIANA**

**BE IT ORDAINED** by the Mayor and Iowa Town Council of the Town of Iowa, Louisiana, in regular session convened this 8<sup>th</sup> day of April, 2024:

Article I- General Provisions

**Section 1. Development Regulations Description**

Regulations setting forth the following:

- A. A public review process and performance standards for the administration of certain new development activities and other land use changes within the incorporated area of town of Iowa
- B. The requirements for issuance of a land development agreement for such new developments and other land use changes

**Section 2. Short Title**

These Regulations may be cited as the "Town of Iowa Development and Land Use Regulations."

Section 3. Authority

Louisiana Revised Statutes (LRS) grants the Council Members authority to adopt and enforce the Town of Iowa Land Use and Development Regulations within the incorporated area of the Town of Iowa.

**Section 4. Purpose**

It is the intent of the Town Council to plan for certain new developments and other land use changes within the incorporated area of the Town of Iowa and to do so in a manner that will:

- A. Promote the health, safety, and general welfare of the present and future residents of the Town of Iowa;
- B. Preserve existing land uses within the Town of Iowa;
- C. Provide for public review of those new developments and changes in land use that may have an adverse effect on neighboring landowners and other residents of the Town of Iowa;
- D. Ensure that adequate water, sewage disposal, access, utilities, fire, and other emergency services are available;
- E. Provide expeditious, consistent, and cost-effective processing of plans for new developments and changes in Land use by adopting application, review and approval practices that accommodate different sizes, complexities and effects of such developments and changes in uses, both public and private, while recognizing and balancing the interests of individual property owners, developers and the public;
- F. Strive to reach the goals and objectives and adhere to the policies contained in the Town of Iowa Master Plan.

## Section 5. Scope

These Regulations shall apply to the incorporated areas of the Town of Iowa.

### **Section 6. Severability**

If any part of these Regulations or the application thereof to any person, organization or other entity or circumstance is held invalid, the remainder of the Regulations and application thereof to other persons, organizations or other entities or circumstances shall not be affected.

### **Section 7. Guaranteed Development Rights**

Guaranteed development rights grant landowners the authority to initiate and finalize the development and utilization of property in accordance with the stipulations of an officially sanctioned, specific development plan, inclusive of any modifications. The TOWN COUNCIL oversees the processing of applications for the development of property within the incorporated Town of Iowa, aiming to ensure that landowners receive assurance that their financial commitments towards securing local government approval for a development proposal on their property are protected to a definite extent for a duration. These rights are established to provide certainty and protection, binding to the property for a designated term - three (3) years, or as mutually agreed in a contract, or may be prolonged by the TOWN COUNCIL as aligned with Louisiana's Revised Statutes.

#### A. Definition of a Site-Specific Development Plan

In alignment with Louisiana's Revised Statutes (LRS), the Town Council has the authority to enact an ordinance or resolution defining the criteria for a "site specific development plan," which, once met, ensures a property's guaranteed development status. For the majority of development projects, modifications in use, or other activities or uses governed by the Town of Iowa Development and Land Use Regulations, this "site specific development plan" is identified as a fully executed land development agreement. The Town Council has the discretion to acknowledge an approval alternative to a land development agreement as the definitive site-specific development plan endorsement for a particular initiative, provided an agreement is formalized with the applicant. In the absence of an agreed-upon alternative, a fully executed land development agreement is recognized as such. Preliminary sketches, final architectural designs, public utility submissions, or ultimate construction plans do not qualify as site specific development plans. The establishment of guaranteed development rights does not exempt the application and imposition of state, federal, or local laws or regulations by the Town.

### **Section 8. Process for Amendment of these Regulations**

Any citizen, the Planning Commission, or the Town Council may suggest additional amendments to any provision of these regulations. ALL such proposed amendments shall be referred to the Planning Commission for review at a regular or special Planning Commission meeting called for that purpose. Recommendations of the Planning Commission shall then be referred to the TOWN COUNCIL. Those recommendations may then be adopted by the Town Council.

#### Article II- Applicability

### **Section 1. Existing Land Use**

Existing land uses prior to the original adoption of land use regulations in the Town shall continue by right without the need for review and approval.

### **Section 2. Changes in Use**

From the date of adoption of these Regulations, no person, organization or other entity shall. Initiate, engage another to initiate, or otherwise cause or permit any new development activity or change in land use, respectively, upon public or private land owned, controlled, occupied or used by such person, organization or entity, unless and until an application for such new development or change in use has been submitted, reviewed and approved in accordance with the procedures contained in these Regulations and a land development agreement or alternative site-specific development plan has been approved by the TOWN COUNCIL.

### **Section 3. Activities Requiring a Land Development Agreement**

The following activities are subject to prior review and approval of a site-specific development plan in accordance with these regulations:

#### **A. New Developments**

Any one or more than one of the following:

- 1 . Residential Developments;
- 2 Mobile Home Parks and Subdivisions;
- 3 Retail food establishments, including without limitation, restaurants, delis, grocery stores and mobile or temporary food establishments;
- 4 Entertainment & recreational facilities, including without Limitation, movie theaters, campgrounds and recreation areas, public rodeo arenas, stock car tracks, golf courses, public rifle ranges, outdoor music concerts, trap ranges, bars, nightclubs, etc.;
- 5 Other commercial or industrial developments;
- 6 Public or private utilities, major facilities, and utility Lines. Utilities include suppliers of water, electricity, natural and other gases, petroleum products of any kind, telephone communication and television broadcasts. Facilities include, without limitation; substations, pump stations, above ground storage tanks in excess of 40,000 gallons, underground storage tanks in excess of 50,000 gallons, microwave and cell phone towers, wireless antennas, telephone and electric transmission lines, TV or other broadband cable installations and pipelines of any kind for any use, above or below ground;
- 7 Mineral resource extraction and/or processing operations;
- 8 Public and private sewage treatment systems not part of a subdivision, PUD or other commercial or industrial development;
- 9 Solid or Hazardous waste disposal or storage sites, either private or public.

#### **B. Changes in Land Use**

Any of the following changes are subject to prior review and approval of a land development agreement or alternative site-specific development plan in accordance with these Regulations:

- 1 Expansion of the floor area of any commercial building or structure;
- 2 Addition of new buildings or structures on an existing Land area actively employed in one of the listed uses. However, this provision is not intended to apply to additions of common agricultural structures;
- 3 Expansion of the land area actively employed in one of the listed uses by one-half (1/2) acre or more;
- 4 Any change from one listed use to another;
- 5 Any change from one commercial or industrial use to another commercial or industrial use when such change may affect public utilities, general health or safety, roads, transportation density, or otherwise result in conditions which could adversely affect surrounding property owners and the general health, safety, and welfare of the Town of Iowa Incorporated.

#### **C. Exemptions**

The following development activities or changes in Land use are exempt from review and approval in accordance with these regulations. However, in some instances, permits are or may be required or other statutes, regulations, rules or limitations may apply.

- 1 Construction, assembly, or placement of a single-family residence either on a lot included in a previously approved residential or Planned Use Development (POD) or on a lot created for such residential use by a re-subdivision or change to a recorded plat. Where a lot is not to be connected to the municipal or community sewage treatment system, an Individual Sewage

Disposal System ('SDS) permit is required. A driveway permit may also be required prior to construction. Service connections to residential homes, including without Limitation, telephone and electric lines and connections to public or community sewage treatment systems are also exempt.

- 2 Home based businesses are exempt. If it is attested that the business operations or any increase thereof, create a nuisance of these Regulations, then upon receipt of a written complaint, or upon the initiative of the TOWN COUNCIL, the landowner may be required to mitigate the adverse effects on surrounding property. Such mitigation shall be reviewed and approved by the TOWN COUNCIL.

#### **Section 4. Relationship to Other Regulations**

##### **A. Maintenance of Approval Status**

In some instances, state and/or federal regulations include periodic inspections or relicensing programs.

Article III- Performance Standards

#### **Section 1. Scope**

The applicant and the TOWN COUNCIL shall use the performance standards contained herein, as applicable, as well as the Town of Iowa Master Plan, in drafting applications, reviewing, evaluating, approving, drafting land development agreements or alternative site-specific development plans, or otherwise denying and implementing new developments or changes in land use consistent with these regulations.

#### **Section 2. Performance Standards**

##### **A. Protection of Agricultural Operations**

Normal activities of existing agricultural operations, including without limitation, crawfish farms, rice farms, storage facilities and all other agricultural activities, shall not be the basis for restriction or interference by new developments and changes in land use on adjacent or surrounding properties.

##### **B. Irrigation Water and Ditch Easements**

Where irrigation ditches, canals, or pipelines cross or adjoin the land proposed for development or change in Land use, adequate provisions shall be made to ensure that the use of ditches, including the maintenance thereof, can continue uninterrupted. Ditch rights-of-way shall be recognized. Existing historical easements used to gain access to irrigation distribution systems and associated fences for maintenance shall be preserved or replaced with alternate easements suitable for a continuation of historic use. No development or change in land use shall channel storm water into any irrigation system without the written consent of the responsible irrigation entity.

##### **C. Hazardous Weed Control**

It is the responsibility of persons, organizations, or other entities to control hazardous weeds on the land they own in accordance with applicable parish and state regulations. Applicants shall include a hazardous weed plan in their application when hazardous weeds are present.

##### **D. Provision of Adequate Water Supply, Sewage Disposal, Fire Protection, Access Roads and Utilities**

1. **Water.** Evidence shall be provided that a potable water supply that is adequate in quantity, quality and dependability is available for the proposed new development or change in Land use. Except where cisterns or "rain barrels" are the source of supply, such evidence shall also include documentation showing ownership or right of acquisition or use of existing and/or proposed water rights.

2. **Sewer.** Connection to the municipal wastewater treatment facility or where on-site sewage disposal systems are planned, preparation, submittal and approval of a Sewage Disposal Report or approval of an Individual Sewage Disposal System Permit, establishing that the proposed sewage disposal system installation meets the regulations and minimum standards promulgated by the Louisiana State Town Council of Health for Individual Sewage Disposal Systems.

3. Fire Protection. Applications for new developments or changes in land use may be sent to the local fire protection district for review and comment when determined appropriate. Applicants are encouraged to adopt any resulting recommendations. In addition, when such a development or change in land use is or will be located in a wildfire hazard area, the State Forester shall review the application. The applicant shall, based on the recommendations received, prepare, and implement a fire mitigation plan. Applicants for developments and changes, in land use in areas adjacent to State or Federal Lands are strongly encouraged to consider and may be required to adopt State and/or Federal fire retardant and suppression methods, including without limitation, fuel-break, fuel modification and other fire-safe techniques.
  4. Access. When applicable, new developments and changes in land use require a driveway permit to access municipal and/or parish streets and roads, as well as an access permit from the Louisiana Department of Transportation for state highways.
  5. Roads. Roads in new developments or changes in land use shall be constructed in accordance with road standards.
  6. Off-Street Parking and Loading Areas. Off-street parking and loading space for new developments and land use changes shall be designed and constructed in accordance with the municipal code.
  7. Utility Easements. All utilities and associated easements for new developments or changes in land use shall comply with the municipal standards as established.
  8. Developer Improvements. Where road and utility improvements are to be provided by or maintained by the applicant, unless otherwise agreed, a Development Improvement Agreement shall be prepared and signed by the applicant prior to final approval of the land development agreement or alternative site-specific development plan. Alternatively, road mitigation and impact issues may be included in a land development agreement.
  9. Land Dedication. Where Land for roads, parks, open space, or other public purposes is to be dedicated by the applicant, a Certificate of Dedication shall be approved by the TOWN COUNCIL prior to final approval of the land development agreement.
- E. Air Quality  
New developments and changes in Land use shall comply with regulations by the applicable state or federal regulating agency.
- F. Nuisances
1. Mitigation. Proposed new developments or changes in land use that may result in conditions, which adversely affect surrounding property owners, such as noise, odor, glare, dust, or unsightly views, may be required to use effective filtration and suppression methods and have buffer yards. Appropriate buffering methods may include, without limitation, fencing, planted berms, Landscaped areas, increased setbacks, or combinations of these or other techniques, including mitigation by hours of operation.
  2. Containment. All proposed new industrial developments shall be located, designed, constructed and screened in such a manner that resultant cinders, dust, fumes, gasses, odors, smoke, Liquid and solid waste, undue noise, unsightliness and other nuisances are disposed of in accordance with applicable state and federal regulations but, in any case, either confined to the lot or effectively mitigated so as to avoid adverse impacts on adjoining Lands.
  3. Exterior Lighting. All exterior lighting fixtures shall be shaded and use dispersal lenses to avoid casting direct light on any other properW or on any public right-of-way in a manner that creates a nuisance or a hazard to public safety.
- G. Runoff and Erosion Control

A runoff, drainage and erosion control plan prepared by an engineer licensed in the State of Louisiana shall be implemented in connection with new developments or changes in land use in areas of risk.

H. Floodplains

Developments or changes in land use within floodplains shall be discouraged.

I. Wetlands

All new developments and changes in land use shall comply with the review procedures and requirements of the Army Corp of Engineers for wetland areas under their jurisdiction.

Preservation rather than replacement of wetland areas is encouraged to enhance water quality, provide flood mitigation and habitat.

J. Geology and Soils

If deemed appropriate, a geologic and soils report shall be required, and it shall include ground subsidence, expansive soils, and rock analyses analysis prepared by a professional engineer or qualified geologist. If required, the suitability of sites shall be assessed for the impacts of and limitations for structures and any unusual drainage characteristics.

K. Open Space

Open space for new residential developments shall comply with the Town of Iowa's regulations.

Where appropriate, the use of cluster developments shall be encouraged to provide for open space and the preservation of agricultural land.

L. Miscellaneous

Any other standard not otherwise specified herein, but deemed appropriate for consideration by the TOWN COUNCIL shall be applied in considering any application.

Article IV - Review and Permitting Process

**Section 1. Introduction**

This section outlines the Town of Iowa's commitment to a streamlined and efficient review and permitting process, designed to facilitate growth while ensuring that development aligns with the town's master plan and community standards. Recognizing the diverse nature of development projects, this process is tiered to provide expedited reviews for retail developments, detailed vetting for industrial projects, and stringent requirements for residential expansions.

**Section 2. Retail Development Reviews and Approvals**

A. Permitted by Right

Retail establishments, due to their general alignment with community needs and lesser impact on town infrastructure, will be subject to an expedited review process. Retail developments will be classified as "Permitted by Right," eliminating the need for detailed Town Council review, provided they meet all requirements and standard building codes.

B. Incentives for Sustainable Practices

Retail developers employing sustainable practices or contributing positively to the community's economic development may be eligible for additional incentives, including but not limited to, reduced permit fees and expedited processing times.

**Section 3. Industrial Development Reviews and Approvals**

A. Detailed Vetting Process

Recognizing the potential environmental and infrastructural impacts of industrial developments, these projects will undergo a thorough review process. This includes detailed evaluations of environmental impact assessments and compatibility with adjacent land uses.

B. Incentives and Disincentives

Industrial developments that incorporate advanced environmental protection measures, or significantly contribute to local employment, may receive incentives such as tax breaks or grants. Conversely, projects failing to meet high environmental, or community standards may face additional scrutiny or restrictions.

#### **Section 4. Residential Development Reviews and Approvals**

- A. Restrictive Approach  
To preserve the character of the Town of Iowa and manage growth sustainably, residential developments will be subject to the most restrictive review process. This includes adherence to strict regulations, density requirements, and community impact assessments.
- B. Community Impact Assessment  
Proposed residential developments must include a comprehensive assessment of impacts on local infrastructure, schools, traffic, and community services, with proposed mitigations for identified impacts.

#### **Section 5. Implementation and Enforcement**

- A. Role of the Town Council  
The TOWN COUNCIL will oversee the implementation of these tiered review and permitting processes, ensuring they align with the Town of Iowa's strategic objectives and community values.
- B. Monitoring and Evaluation  
The town will establish mechanisms for monitoring the impact of this tiered approach, adjusting policies as necessary to meet the evolving needs of the community.
- C. Appeals Process  
An appeals process will be outlined for developers who wish to contest decisions, ensuring transparency and fairness in the review and permitting process.

Conclusion: Toward a Sustainable and Collaborative Future

The comprehensive performance standards outlined in the Town of Iowa Development and Land Use Regulations represent a forward-thinking approach to managing growth and development within the community. These provisions, from general provisions through detailed applicability criteria and performance standards, are designed with the dual aim of promoting sustainable development practices and fostering a vibrant, safe, and healthy community for all residents, both present and future.

Central to these regulations is the emphasis on public participation and the balancing of various interests. By instituting a thorough public review process and setting forth clear requirements for Land development agreements, the Town of Iowa ensures that new developments and land use changes are in harmony with the community's needs, environmental sustainability, and the town's Long-term vision as encapsulated in the Town of Iowa Master Plan.

The authority granted by the Louisiana Revised Statutes to the TOWN COUNCIL to enforce these regulations reflects a commitment to rigorous oversight and adaptable governance. The regulations' scope, underscored by the principles of severability and vested rights, demonstrates a nuanced understanding of development dynamics, offering protections for landowners while ensuring that developments proceed in a manner beneficial to the entire community.

Moreover, the integration of specific performance standards highlights an attention to detail and a commitment to excellence in all aspects of town planning. From protecting agricultural operations to ensuring adequate water supply and sewage disposal, and from mitigating potential nuisances to preserving wetlands and wildlife habitats, these standards address the multifaceted nature of sustainable development.

As the Town of Iowa looks to the future, these Development and Land Use Regulations serve as a blueprint for growth that is both responsible and responsive to the needs of the community. By adhering to these regulations, the town sets a precedent for development that is not only economically viable but also environmentally sound and socially equitable. The collaborative process for amending these regulations further ensures that they remain relevant and reflective of the community's evolving priorities.

In conclusion, the Town of Iowa stands at the forefront of sustainable development practices, with its Development and Land Use Regulations serving as a testament to the town's commitment to creating

a livable, sustainable, and inclusive future for all its residents. Through continued collaboration, rigorous enforcement, and a shared vision for the future, the Town of Iowa is poised to navigate the challenges and opportunities of growth with foresight and resilience.

This Ordinance was introduced at the regular meeting of the Town Council on March 11, 2024. Notice of Public Hearing was published on March 23, 2024, and said public hearing having been held, the title having been read and the Ordinance considered, on motion to adopt, by Vernessa Guillory, seconded by Julie Fontenot, a record vote was taken and the following result was had:

YEAS: Vernessa Guillory, Julie Fontenot, 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 8<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 10<sup>th</sup> day of April, 2024.

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CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 10<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS, MAYOR

I, hereby approve the above ordinance on this 10<sup>th</sup> day of April, 2024.

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DOUGLAS WATKINS, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 10<sup>th</sup> day of April, 2024.

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CYNTHIA MALLETT, TOWN CLERK

Mayor Watkins read the fourth item on the agenda. Mayor explained that this property has been on the condemned list and the parish adjudicated it. They have had this for the past 8 years and this would be a way the town could demo the building, sell it, and put it back on the tax rolls. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution 2024-08. The motion passed unanimously.

RESOLUTION 2024-08

A Resolution Wishing to Declare Ownership of Adjudicated Property

WHEREAS, Calcasieu Parish Sheriff's Office, in their capacity as Tax Collector, legally adjudicated, sold and transferred parcel #01349781, to the Town of Iowa and Parish of Calcasieu for unpaid taxes; and

WHEREAS, the Town of Iowa has provided maintenance of 504 W 1<sup>st</sup> Street, Iowa, LA under ordinance enforcement for years without reimbursement; and

WHEREAS, The Town of Iowa has an ordinance for condemning and demolishing structures that are dangerous and a hazard to the citizens of the Town of Iowa; and the structure/s at 504 W 1<sup>st</sup> Street, parcel #01349781, is dangerous and in need of demolition; and

WHEREAS, the property has not had tax payer ownership for over eight years.

THEREFORE The Town of Iowa intends to demolish the structure/s, sell the property to recover the cost of demolition and past maintenance costs, and have it placed back on the tax roll.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Iowa, governing authority of Iowa, Louisiana, that they do hereby move to declare ownership of E 60 FT Lots 8,10,12 BLK 5 W of BLK 5 W of Thomson Ave., Iowa, LA

Passed unanimously and approved at a regular meeting of the Mayor and Town Council of the Town of Iowa, Louisiana.

APPROVED AND ADOPTED, on this  
8<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
DOUGLAS N. WATKINS, MAYOR

ATTEST:

\_\_\_\_\_  
CYNTHIA MALLETT, MMC  
TOWN CLERK

Mayor Watkins read item five on the agenda. It was **moved by Daniel Hennigan, seconded by Vernessa Guillory** to approve Resolution 2024-09. The motion passed unanimously. Mayor asked if anyone would like to know what this is. A citizen said they would like to know. Mayor Watkins explained that we had an old camera system, and we purchased a new one. The Town of Lake Arthur didn't have one, so we donated it to them.

**RESOLUTION 2024-09**  
**A RESOLUTION DONATING MOVEABLE SURPLUS PROPERTY TO  
A POLITICAL SUBDIVISION**

**WHEREAS**, The Town of Iowa has purchased a new Inspection Camera System; and

**WHEREAS**, The Town of Iowa no longer has need of the replaced VIVAX Inspection Camera System, S/N 10401060157; and

**WHEREAS**, Town of Lake Arthur is in need of an Inspection Camera System; and

**WHEREAS**, The Town of Iowa hereby acknowledges the public service provided by Town of Lake Arthur to the citizens of the Town of Lake Arthur; and

**WHEREAS**, Article VII, Section 14 of Louisiana Constitution allows the donation or exchange of surplus moveable property between political subdivisions.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Town Council Members for the Town of Iowa, Louisiana, in regular session this date does hereby authorize Mayor Douglas N. Watkins to execute a Donation of Surplus Property for the above-described Inspection Camera System.

The following Council Members voted:

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

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREAS, this resolution was declared adopted on this the 8<sup>th</sup> day of April, 2024.

APPROVED:

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Douglas N. Watkins  
Mayor

ATTEST:

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Cynthia Mallett, MMC  
Town Clerk

Mayor Watkins read item six on the agenda. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution 2024-10. The motion passed unanimously.

Resolution 2024-10

A Resolution to Declare Property as Surplus And Assign to  
LPS Municipal Surplus Property Program for Online Sale

Council Meeting Date: April 8, 2024

Agenda item: Surplus Property

Presented by: Mayor Watkins

Be It Resolved:

1. The Town of Iowa declares that the following property used by multiple Departments is no longer needed by the town and is declared surplus property and is assigned to LaMATS through the LPS Surplus Property Program, 6767 Perkins Rd., Baton Rouge, LA 70808 to be auctioned online. The listed property will be viewable and will be auctioned online at [www.lamats.net/surplus](http://www.lamats.net/surplus) commencing the day of publication of this resolution for no fewer than 7 days until sold or withdrawn.

Description

- 1) 2013 Ford XPL VIN 1FM5K7880DGA84681
- 2) 2014 Ford Pickup VIN 1FTFW1EF9EKE04650

2. The Town of Iowa reserves the right to evaluate and to accept the highest bid if deemed to be the fair market value or to relist the unsold item.

Instructions

[Lake Charles American Press, [public.notices@americanpress.com](mailto:public.notices@americanpress.com)] and forward to the LPS Municipal Surplus Property Program Administrator for listing and publication [paul@lamats.net](mailto:paul@lamats.net).

ATTEST:

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Cynthia Mallett, MMC

Mayor Watkins asked to table item seven on the agenda. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to table item seven. The motion passed unanimously.

Mayor Watkins read item eight on the agenda, Proclaim April 2024 as Fair Housing Month. He read the proclamation.

Mayor read item nine on the agenda. He asked if there were any questions or comments. No comments or questions were made. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to send notification to property owners for a public hearing on the condemnation and/or repairs for the below listed addresses: The motion passed unanimously.

1. 210 S. Knapp

2. 200 Highway 90
3. 614 Highway 90
4. 310 Highway 90
5. 804A Highway 90 East
6. 806 Highway 90 East
7. 414 S Philbrick
8. 412 S Philbrick
9. 207 S Welty
10. 308 E David
11. 413 S Lambert
12. 403 N Lightner
13. 406 N Lightner
14. 304 N Welty

Mayor Watkins read item ten on the agenda and asked Mr. Bouquet to explain the State Farm Offer. Mr. Eugene Bouquet, Town Attorney explained the offer made by State Farm Insurance Company for the damages from Hurricane Laura. He said our claims were approximately \$829,681.51 as assessed. We received three payments of \$441,000.00 and some dollars. Under mediation our claim is approximately \$378,588.14 not including penalties and interest. We filed the lawsuit and they have offered \$600,000.00. He recommended that we accept this offer. Mayor asked if there were any questions. No questions were asked.

Mayor Watkins read item eleven on the agenda. It was **moved by Daniel Hennigan, seconded by Vernessa Guillory** to accept offer from State Farm Insurance and authorize Mayor Watkins to execute settlement documents. The motion passed unanimously.

Mayor Watkins read item twelve on the agenda. Mayor asked if there were any questions. He said that there are plans to do some drainage work and a flood mitigation preliminary study on the pond that was submitted for grant funds. It was **moved by Dainel Hennigan, seconded by Vernessa Guillory** to approve Task Order as submitted from Bluewing Civil Consulting, LLC for Iowa Drainage Improvements. The motion passed unanimously.

Mayor Watkins asked Town Clerk to do the report of finance. Cindy Mallett read the report of finance for the month of March 2024. Mayor Watkins brought up that even though we have a reported loss of \$250,000.00 in general fund, last year at this time we had a loss of \$428,000.00. He said the changes we have made have helped.

With no further business, it was **moved by Daniel Hennigan, seconded by Vernessa Guillory** to adjourn meeting. The meeting was adjourned at 7:52 pm.

ATTEST:

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Dougals N. Watkins, Mayor

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Cynthia Mallett, Town Clerk

