

September 21, 2020  
Wellman, Iowa

The Wellman City Council met in regular session in the Council Chambers of the Wellman Municipal Building at 5:30 pm. Mayor Ryan Miller presided with City Administrator, City Clerk, and the following Council Members: Fern Bontrager, Shannon McCain, Angela Stutzman, & Anthony Evans; Aaron Fleming absent. Following the Pledge of Allegiance, the Consent Agenda was approved upon motion by McCain, seconded by Evans and all present voted aye. The consent agenda includes the agenda, minutes from previous meeting, Approval of Freeman Foods, Inc. Liquor License, and the following:

**9/21 Payroll**

Kamren Martin		\$166.75
Carol A Wilkins		\$1,083.58
Troy M Wilkins		\$416.72
Teresa K Lampe		\$1,134.00
Ryan J Miller		\$276.78
Beth A VanWinkle		\$1,301.61
Betty J Johnston		\$66.80
Timothy J Garrett		\$1,794.19
Travis D Hartley		\$1,031.23
Jesse J Meade		\$1,280.35
Josh S VanWinkle		\$1,141.52
Kelly L Litwiller		\$1,842.06
Cynthia S Thrapp		\$794.81
Fed Taxes		\$3,959.93
State Taxes		\$1,365.00
IPERS		\$5,570.43
BC/BS		\$11,605.50
AFLAC		\$253.56
Alexandria/Companion Corp.	Library Software Renewal/Upgrade	\$1,200.00
Baker & Taylor Books	Library Books	\$837.69
Baker Paper Co.	Tissue & Liners-Parks/City hall/Library	\$137.37
Boyse Dozing	South Park Meter Pit	\$1,090.00
Brown Supply	WTP Meters/Supplies	\$4,076.00
Carol Wilkins	Library Books/Supplies Reimbursement	\$106.06
Central IA Distributing	WTP/WWTP Supplies	\$106.00
City of Wellman	October Utilities	\$3,712.22
Cox Sanitation & Recycling	North Park Roll-off Charges	\$299.90
Dano Group	Yard Waste Bags	\$2,223.36
Eastern IA Light & Power	Lift Station	\$122.35
Freeman Foods	WWTP/Shop Supplies	\$44.73
Industrial Sales	Gas Supplies	\$891.77
ION Environmental Solutions	WTP/WWTP Labs	\$564.00
Iowa Utilities Board	IEC/CGRER Assessment	\$552.00
JB Repair	Loader/Skid loader Repairs	\$397.00

Koons Gas Measurement	Gas Regulators/Supplies	\$2,955.85
Lynch Dallas	Attorney Fees	\$1,393.00
Menards-Iowa City	Parkside/City Hall Supplies	\$217.94
Merchant Fees	August Merchant Fees	\$508.23
Nu-Trend Accessibility Systems	City Hall Elevator	\$580.00
Office Express	City Hall Office Supplies	\$226.89
Rex's Refill & Supplies	Library Printer Toner	\$162.94
State Library of Iowa	FY21 Library Subscription	\$109.48
Stutzman Lawn Care	Nuisance Abatement Mowing	\$60.00
UnityPoint Clinic	Random Drug Screening	\$42.00
Visa	Library/City Hall Credit Cards	\$139.97
<b>TOTAL</b>		<b>\$57,841.57</b>

No one spoke in public forum.

Miller stated that Tinnes dropped of the report with 24 calls last month with nothing out of the ordinary.

A public hearing to receive comments for adoption of the proposed City of Wellman Ordinance amendments to Chapter 1 (Standard Penalty), 46 (Minors) and 55 (Animal Protection & Control) in response to new laws passed by the Iowa Legislature was opened by Bontrager, seconded by Stutzman and upon roll call the vote was 4 ayes; Fleming absent. There were no oral or written comments. Evans moved to close the public hearing, McCain seconded and all present voted aye.

First reading of Ordinance No. 257 – An ordinance amending Chapter 1 (Standard Penalty), 46 (Minors) and 55 (Animal Protection & Control) of the Code of Ordinances of the City of Wellman is as follows:

**ORDINANCE NO. 257**

**AN ORDINANCE AMENDING CHAPTER 1 (STANDARD PENALTY), CHAPTER 46 (MINORS) AND CHAPTER 55 (ANIMAL PROTECTION & CONTROL), OF THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA**

**WHEREAS**, the City Council has determined it is necessary to amend certain sections in Chapter 1 (Standard Penalty), Chapter 46 (Minors) and Chapter 55 (Animal Protection and Control) of the City’s Code of Ordinances to address and account for recent changes in the law passed by the Iowa Legislature during the 2020 legislative session.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WELLMAN, IOWA:**

**SECTION I. SECTIONS AMENDED.** The following sections of the City Code of the City of Wellman, Iowa are hereby amended as follows, with underlined text denoting language added by this amendment and strikethrough text indicating language removed:

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall be guilty of a municipal infraction punishable in accordance with Chapter 3 of this Code of Ordinances. Nothing in this section shall be construed to prohibit the City and/or its officials or law enforcement officers from issuing a criminal citation under an applicable provision of the Iowa Code. Such citations, where the offense constitutes a simple misdemeanor, shall be punishable in accordance with Iowa Code § 903.1, which may include a minimum fine of \$105 up to a maximum fine of \$855. ~~upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00.~~

*(Code of Iowa, Sec. 903.1(1), as amended by SF 457, effective July 15, 2020)*

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under ~~18~~ twenty-one (21) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under ~~18~~ twenty-one (21) years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa or who lawfully offers for sale or sells cigarettes or tobacco products.

*(Code of Iowa, Sec. 453A.2, as amended by SF 2268, effective June 29, 2020)*

**55.02 ANIMAL MISTREATMENT; PENALTIES ~~NEGLECT~~.** A person commits animal mistreatment if they commit any of the following acts:

1. *Animal Abuse.* A person commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning. This offense is subject to exceptions enumerated in Iowa Code § 717B.2.
2. *Animal Neglect.* It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering. A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare, subject to the exceptions enumerated in Iowa Code § 717B.3:
  - A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
  - B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
  - C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
  - D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
  - E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
  - F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
    - i. A condition caused by failing to provide for the animal's welfare as described in this subsection.
    - ii. An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.
3. *Animal Torture.* A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury or death. This offense is subject to exceptions enumerated in Iowa Code § 717B.3A
4. *Penalties.* Violations of this Section shall be punished as criminal offenses in accordance with the applicable provision(s) of Iowa Code Chapter 717B, as amended.

*(Code of Iowa, Chap. 717B, as amended by SF 2268, effective June 29, 2020)*

**55.04 ABANDONMENT OF CATS AND DOGS.** A person commits animal abandonment if the person owns or has custody of a cat or dog and relinquishes all rights in and duties to care for the cat or dog. This offense is subject to exceptions enumerated in Iowa Code §717B.8. A person who violates this section shall

~~be punished in accordance with Iowa Code § 717B.8(3), as amended, who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.~~

*(Code of Iowa, Sec. 717B.8, as amended by SF 2268, effective June 29, 2020)*

**55.10 RABIES VACCINATION; TAMPERING WITH RABIES VACCINATION TAG.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements. It shall be unlawful for any person to tamper with a rabies vaccination tag. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

- A. The person knowingly removes, damages, or destroys a rabies vaccination tag.
- B. The rabies vaccination tag is attached to a collar worn by a dog

*(Code of Iowa, Sec. 351.45)*

**SECTION II. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION III. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

McCain made a motion to approve the first reading of Ordinance No. 257 – An ordinance amending Chapter 1 (Standard Penalty), 46 (Minors) and 55 (Animal Protection & Control) of the Code of Ordinances of the City of Wellman, seconded by Stutzman and upon roll call the vote was 4 ayes; Fleming absent.

Resolution No. 20-28 A resolution requesting reimbursement from the FEMA COVID-19 Public Assistance Grant Fund was introduced and caused to be read. Evans moved to approve Resolution No. 20-28, seconded by Bontrager and upon roll call the vote was 4 ayes; Fleming absent.

Update, Discussion and action was had regarding YMCA. Amy Schulte presented council with a handout with all the youth programs and participate numbers that the YMCA put on this year vs. last year. She then updated council on the membership numbers and explained how the numbers were down due to the COVID crisis. Due to the numbers being down she requested the council to waive the annual \$2,000 maintenance fee from the YMCA of Washington County for 2020 and 2021 while they work to strengthen our financial positions and continue to serve the Wellman community. In addition, they asked that council consider a gift of \$500 to the annual campaign that is used to provide scholarships for members that otherwise would not be able to pay. Council discussed the request. McCain made a motion to waive the 2020 maintenance fee with no \$500 donation from the city and to reevaluate 2021 fee at a later date, Evans seconded and all present voted aye.

Discussion and action on Rediger Construction Quote – City Hall Exterior improvements was had. Litwiller updated council on the project and went over the estimate from Rediger's. Council discussed and decided to table until further information is gathered.

Discussion and action on Christmas Light bulb replacement was had. Litwiller explained to council that we have 22 Christmas decorations total. Last year we replaced 525 bulbs and to replace the rest we would need to purchase 1,050 more bulbs. The cost for this would be \$1,509 which is considerably less than purchasing new decorations. Bontrager made a motion to approve the purchase of new bulbs, McCain seconded and all present voted aye.

Discussion and action on Cox Sanitation Contract Renewal was had. Litwiller explained the two options that were presented. Option #1 is to keep the same method as we currently have with charge increases from \$6.75 to \$9.75 for residents. The trash bags would also be raised from \$10.75 to \$11.70 for the 13-gallon bags and from \$16.50 to \$17.50 for the 30-gallon bags. Option #2 would be to increase residents charge to \$17.75, this fee would allow for two (30 gallon) bags. Each additional 30-gallon bag would have to have a tag affixed and would cost \$.50 per tag. Litwiller also explained that we have looked into Johnson County Refuse and was told that they were not taking new clients at the time. Council discussed the two options. McCain made a motion to approve Option #1, Stutzman seconded and all present voted aye.

Discussion and action on Skate Rink re-opening was had. Litwiller explained that the skate rink has not been open since March due to the COVID situation. She also explained that we have contacted two other skate rinks to see how they are operating with the current situation. She would like council to decide what they would like to see happen. She also questioned whether the prices needed to be changed for private parties. Council discussed different options with reopening. McCain made a motion to re-open for private parties only starting October 1<sup>st</sup>, temperatures taken at the door, prepackaged foods and slushies only being sold, hiring of up to 5 temporary employees to assist Lampe, Private party prices increase to \$200 for 2 hours with no additional skater fee and if desired additional hours at \$75/hour, and candy prices raised to \$2; Bontrager seconded and all present voted aye.

With no further business to be discussed Bontrager moved for adjournment at 6:54pm, McCain seconded, and all voted aye. The next regular City Council Meeting will be Monday, October 5, 2020 at 5:30pm in the Council Chambers of the Wellman Municipal Building.

Minutes transcribed by the City Clerk subject to Council Approval.