

November 5, 2018
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: Robert Goodrich, Mark Philpot, Robert Freeman, & Tracy Owens; Shannon McCain absent. Following the Pledge of Allegiance, the Consent Agenda was approved upon motion by Freeman, Seconded by Philpot and all aye votes. The consent agenda includes the agenda, minutes from previous meeting, Approval of August & September Financials, and the following claims:

10/22 Payroll

Megan E Harris	\$340.54
Ashten E VanWinkle	\$73.04
Carol A Wilkins	\$923.65
Troy M Wilkins	\$392.37
Teresa K Lampe	\$1,034.57
Ryan J Miller	\$275.78
Beth A VanWinkle	\$1,213.73
Betty J Johnston	\$134.78
Timothy J Garrett	\$1,733.66
Travis D Hartley	\$1,051.29
Jesse J Meade	\$1,177.37
Josh S VanWinkle	\$1,064.72
Kelly L Litwiller	\$1,734.96
Cynthia S Thrapp	\$900.07
Fed Taxes	\$3,695.58
State Taxes	\$1,375.00
IPERS	\$5,363.25
BC/BS	\$8,381.36
AFLAC	\$161.72

11/5 Payroll

Megan E Harris	\$429.73	
Ashten E VanWinkle	\$114.37	
Carol A Wilkins	\$954.59	
Troy M Wilkins	\$357.24	
Teresa K Lampe	\$1,034.57	
Beth A VanWinkle	\$1,222.14	
Betty J Johnston	\$132.03	
Timothy J Garrett	\$1,733.66	
Travis D Hartley	\$1,051.29	
Jesse J Meade	\$1,241.62	
Josh S VanWinkle	\$1,064.72	
Kelly L Litwiller	\$1,734.96	
Cynthia S Thrapp	\$900.07	
Fed Taxes	\$3,725.05	
Linda Schnoebelen	Deposit Refund	\$64.19

Joe & Kristen Thomas	Deposit Refund	\$36.84
Julie Gingerich	Deposit Refund	\$284.07
Bancard Center	November Credit Card	\$1,430.41
Beth VanWinkle-City Clerk	October Petty Cash	\$73.40
Cox Sanitation & Recycling	October Recycling/Large Stickers	\$2,888.75
Jesse J Meade	October Cell Reimbursement	\$70.00
Josh VanWinkle	October Cell Reimbursement	\$70.00
Travis Hartley	October Cell Reimbursement	\$70.00
Timothy Garrett	October Cell Reimbursement	\$70.00
Teresa Lampe	October Cell Reimbursement	\$60.00
Kelly Litwiller	October Cell Reimbursement	\$60.00
Library Cash Fund	October Postage	\$61.29
New Life Community Church	October Parkside Cleaning	\$500.00
William Nickell	November Yard Waste	\$175.00
Paws & More	October City/Customer Donations	\$450.14
Standard Pest Control	Pest Control	\$45.00
Treasurer State of Iowa	October Sales/Water Excise Taxes	\$3,252.00
Todd Troyer	October Building Permits	\$70.00
Wellman Emporium Association	Sr. Dining Condo Fee	\$136.54
Aero Rental	Harvest Party Game Rentals	\$114.45
Alliant Energy	City Utilities	\$9,046.40
Brown Supply	WTP Ball Check Valve	\$64.00
Central Pump & Motor	Annual Maintenance Agreement	\$1,630.00
City of Wellman	City Utilities	\$923.24
Costco-Citi Card	November Credit Card	\$472.38
Cox Sanitation & Recycling	WTP/WWTP Dumpster/Trash Bags	\$706.25
Fred Wagner	Harvest Party Supplies Reimbursement	\$231.20
Freeman Foods	Skate Merch for Resale/Parks Supplies	\$70.73
Gambles	Chainsaw Parts	\$54.79
Hawkins	WTP Chemicals	\$290.80
ION Environmental Solutions	WWTP Lab Services	\$688.00
Iowa Assoc. Municipal Utilities	Gas Regulator Inspection	\$1,029.60
Iowa Utilities Board	FY19 Assessment	\$482.00
J&S Plumbing, Htg, & AC	City Buildings Maintenance Work	\$323.08
Jetco	WTP Permeate Booster Pumps	\$957.60
John Deere Financial	Mower/WTP Supplies	\$84.66
Kalona Machine Shop	Gas Tank Rentals	\$24.00
Kalonal Lawn Care	Tile/Grade/Sod-Gas Service Line	\$300.00
Kalonal Tree Service	Tree Removal/Stump Grinding	\$5,380.00
KCTC	Email Hosting/Server Fee/Carbonite	\$629.63
Koch Brothers	BW/Color Copies	\$381.59
Leet's Refrigeration	Sr Dining Cooler	\$222.60
LL Pelling	Cold Mix/Delivery	\$380.00

Lynch Dallas	City Attorney Fees	\$2,550.50
Mahaska Bottling Co.	Skate Pop for Resale	\$281.00
Mercy Services	Random Drug Screening	\$40.00
Miracle Recreation Equipment	South Park Playground Equipment	\$8,247.47
Office Express	City Hall Office Supplies/WTP Bookcase	\$294.93
Project Share	Project Share	\$200.00
Reggie Tire	City Equipment Fuel	\$367.70
Sam's Club	Harvest Party Supplies/Skate Merch for Resale	\$993.50
Service Tech of Central Iowa	Fire Hydrant Repairs	\$2,138.40
Technology Services of Iowa	Maintenance Fee/WWTP & Parkside Computers	\$2,014.96
The News	October Minutes/Public Notice	\$261.45
Thrapp Electric	City/Sr Dining Electric Work	\$2,880.50
Utility Safety & Design	October Retainer Fees	\$175.00
Utility Sales & Service	Gas Battery Kit	\$150.00
Washington County Recorder	ATV Registration Fee	\$18.75
Wellman Auto Parts	Streets/Gas/WWTP Supplies	\$64.82
Wellman Co-op Telephone	City Telephones	\$876.83
Yotty's	Gas Supplies	\$125.02
TOTAL		\$102,758.94

August Financials:

	Fund	Revenues	Expenses
001	General Fund	\$34,170.05	\$33,169.21
003	Aid to Public Library	\$1,001.05	\$0.00
004	Liability/Prop Ins	\$4,036.28	\$0.00
006	Street Assessment	\$2,159.09	\$0.00
	Tax Credit		
007	Reimbursement	\$4.24	\$1,089.28
050	Comm Dev Grant/Housing	\$0.00	\$0.00
054	Comm Dev Grant/Sewer	\$0.00	\$0.00
110	Road Use Tax	\$21,289.25	\$6,631.98
112	Employee Benefit	\$3,759.03	\$4,125.61
121	Local Option Sales Tax	\$11,704.79	\$0.00
125	Tax Increment Financing	\$81,833.14	\$0.00
127	Housing & Urban	\$2.77	\$0.00
131	Library County	\$0.00	\$0.00
132	Library Program	\$0.00	\$0.00
133	Library Local	\$91.11	\$238.65
134	Library Sitler Trust	\$0.00	\$0.00
135	Library Fines & Fees	\$0.00	\$0.00
136	Library State	\$0.00	\$80.75
137	Library Savings	\$0.00	\$0.00
138	Library Capital	\$0.00	\$0.00
151	Skate Rink	\$282.00	\$3,880.81

152	Parkside	\$4,103.03	\$4,095.03
153	Parkside Maintenance	\$1.06	\$0.00
154	Parks Playground Project Riverboat Municipal	\$0.02	\$0.00
156	Grant	\$3.96	\$0.00
181	Sr Dining HAA	\$0.00	\$0.00
182	SR Dining Waiver	\$0.00	\$0.00
183	Sr Dining Donation	\$1,462.18	\$188.76
184	Sr Dining Project CD	\$0.00	\$0.00
200	Debt Svc 2012 A	\$5.90	\$0.00
205	Debt Svc 2012 B	\$10,326.42	\$0.00
210	Debt Svc 2011 Infra	\$0.00	\$0.00
220	Debt Svc Parkside	\$0.00	\$2,532.00
301	Cap Equip Reserve	\$0.00	\$0.00
304	Cap Proj Parkside	\$0.00	\$0.00
305	Cap Proj Parks & Trls	\$0.00	\$0.00
308	2011 Infrastructure	\$0.00	\$0.00
500	Perm Funds/Library	\$0.00	\$0.00
600	Water	\$47,864.65	\$33,058.22
601	Water Capital Projects	\$5.14	\$0.00
602	Water Sinking	\$0.02	\$0.00
603	Water CD/RO Filters	\$0.00	\$0.00
604	Water RO Project	\$1.55	\$0.00
610	Sewer	\$27,925.22	\$14,202.52
611	Sewer Capital Projects	\$4.95	\$0.00
612	Sewer Sinking	\$1.03	\$0.00
640	Gas	\$17,479.19	\$28,833.81
670	Landfill/Garbage	\$4,230.03	\$3,386.50
700	Cable TV	\$0.33	\$0.00
740	Storm Water	\$3,245.69	\$23,349.80
TOTAL		\$276,993.17	\$158,862.93

September Financials:

	Fund	Revenues	Expenses
001	General Fund	\$764.35	\$23,785.86
003	Aid to Public Library	\$8.71	\$0.00
004	Liability/Prop Ins	\$2.50	\$0.00
006	Street Assessment Tax Credit	\$4.52	\$0.00
007	Reimbursement	\$4.30	\$299.80
050	Comm Dev Grant/Housing	\$0.00	\$0.00
054	Comm Dev Grant/Sewer	\$0.00	\$0.00
110	Road Use Tax	\$20,427.46	\$3,963.66

112	Employee Benefit	\$1.42	\$1,428.53
121	Local Option Sales Tax	\$11,706.07	\$3,000.00
125	Tax Increment Financing	\$10.03	\$6,208.00
127	Housing & Urban	\$2.83	\$0.00
131	Library County	\$0.00	\$0.00
132	Library Program	\$0.00	\$0.00
133	Library Local	\$426.62	\$294.47
134	Library Stitler Trust	\$0.00	\$0.00
135	Library Fines & Fees	\$0.00	\$0.00
136	Library State	\$0.00	\$0.00
137	Library Savings	\$0.00	\$0.00
138	Library Capital	\$0.00	\$0.00
151	Skate Rink	\$953.00	\$3,822.14
152	Parkside	\$6,213.35	\$4,048.69
153	Parkside Maintenance	\$1.09	\$0.00
154	Parks Playground Project Riverboat Municipal	\$0.02	\$0.00
156	Grant	\$21,886.49	\$0.00
181	Sr Dining HAA	\$0.00	\$0.00
182	SR Dining Waiver	\$0.00	\$0.00
183	Sr Dining Donation	\$1,600.68	\$356.61
184	Sr Dining Project CD	\$0.00	\$0.00
200	Debt Svc 2012 A	\$5.71	\$0.00
205	Debt Svc 2012 B	\$0.00	\$0.00
210	Debt Svc 2011 Infra	\$0.00	\$0.00
220	Debt Svc Parkside	\$0.00	\$2,532.00
301	Cap Equip Reserve	\$0.00	\$0.00
304	Cap Proj Parkside	\$0.00	\$0.00
305	Cap Proj Parks & Trls	\$0.00	\$0.00
308	2011 Infrastructure	\$0.00	\$0.00
500	Perm Funds/Library	\$0.00	\$0.00
600	Water	\$44,560.41	\$22,500.35
601	Water Capital Projects	\$5.25	\$0.00
602	Water Sinking	\$0.02	\$0.00
603	Water CD/RO Filters	\$0.00	\$0.00
604	Water RO Project	\$1.59	\$0.00
610	Sewer	\$26,026.86	\$21,306.58
611	Sewer Capital Projects	\$5,005.69	\$0.00
612	Sewer Sinking	\$1.05	\$0.00
640	Gas	\$16,867.64	\$31,878.23
670	Landfill/Garbage	\$3,690.43	\$3,067.50
700	Cable TV	\$0.34	\$0.00
740	Storm Water	\$2,884.14	\$1,395.00

TOTAL **\$163,062.57** **\$129,887.42**

In public forum, Nathan Fick wanted to know the status of the storm drain near his property. Litwiller said that she’s waiting on Boyse to have the time to get back there.

Litwiller updated Council that there’s nothing new with the nuisance properties.

Litwiller updated Council that the Delinquent Utility Accounts are down \$300 from last month.

A public hearing to receive comments regarding City of Wellman Ordinance Chapter 75 changes was opened upon motion by Goodrich, seconded by Owens and upon roll call the vote was 4 ayes, McCain absent. Nathan Fick commented on whether the ATV’s running into town from outside farms to attend meals in town were going to be an issue. Litwiller replied that as long as they have lights on them this is allowed. Receiving no other comments Freeman moved to close the public hearing, Goodrich seconded and all present voted aye.

A public hearing to receive comments regarding City of Wellman Ordinance Chapter 77 changes was opened upon motion by Goodrich, seconded by Owens and upon roll call the vote was 4 ayes, McCain absent. There were no oral or written comments. Freeman moved to close the public hearing, Goodrich seconded and all present voted aye.

A public hearing to receive comments regarding City of Wellman Ordinance Chapter 78 changes was opened upon motion by Philpot, seconded by Owens and upon roll call the vote was 4 ayes, McCain absent. Miller commented that the age was changed to 16 with a valid driver’s license per state code. Receiving no other comments Goodrich moved to close the public hearing, Owens seconded and all present voted aye.

A public hearing to receive comments regarding City of Wellman Ordinance Section 1.14 and other specified penalty provisions within City Code was opened upon motion by Philpot, seconded by Owens and upon roll call the vote was 4 ayes, McCain absent. There were no oral or written comments. Goodrich moved to close the public hearing, Freeman seconded and all present voted aye.

A public hearing to receive comments regarding City of Wellman Ordinance Chapter 69 changes was opened upon motion by Owens, seconded by Freeman and upon roll call the vote was 4 ayes, McCain absent. There were no oral or written comments. Philpot moved to close the public hearing, Goodrich seconded and all present voted aye.

First reading of Ordinance No. 244 Chapter 75 changes is as follows:

ORDINANCE NO. 244

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA BY ENACTING CHAPTER 75, SNOWMOBILES, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

Be it enacted by the City Council of the City of Wellman Iowa, that Chapter 75, ALL-TERRAIN VEHICLES AND SNOWMOBILES, is hereby amended as follows:

SECTION I. SECTIONS REPEALED. The Code of Ordinances of the City of Wellman, Iowa, is amended by repealing Chapter 75, entitled ALL-TERRAIN VEHICLES AND SNOWMOBILES, in its entirety and adopting a new Chapter 75 entitled SNOWMOBILES, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES, which is hereby adopted to read as follows:

CHAPTER 75

SNOWMOBILES, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

75.01 Purpose	75.07 Accident Reports
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75.02 Definitions	75.08 Equipment
75.03 General Regulations	75.09 Unlawful Operation
75.04 Places of Operation	75.10 Speed
75.05 Hours of Operation	75.11 Parking
75.06 Negligence	75.12 Penalty

75.01 PURPOSE. The purpose of this chapter is to permit the operation of all-terrain vehicles (“ATVs”), off-road utility vehicles/utility terrain vehicles (“UTVs”) and snowmobiles on certain streets in the City or in the City right-of-way. This chapter applies whenever an ATV, UTV or snowmobile is operated on any street, alley or other right-of-way of the City of Wellman, Iowa.

75.02 DEFINITIONS.

1. “*All-terrain vehicle*” or “*ATV*” is defined as a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred pounds (1,200) and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. “*All-terrain vehicle*” includes off-road motorcycles.

(Code of Iowa, Sec. 321I.1(1))

2. “*Off-road motorcycle*” is defined as a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “*Off-road motorcycle*” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code Chapter 321, but which contains design features that enable operation over natural terrain.

(Code of Iowa, Sec. 321I.1(16))

3. “*Off-road utility vehicle*” or “*utility terrain vehicle*” or “*UTV*” is defined as a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “*Off-road utility vehicle*” includes the following vehicles:

- A. “*Off-road utility vehicle—type 1*” is defined as an off-road utility vehicle with a total dry weight of one thousand two hundred (1,200) pounds or less and a width of fifty inches or less;
- B. “*Off-road utility vehicle—type 2*” is defined as an off-road utility vehicle, other an off-road utility vehicle—type 1, with a total dry weight of two thousand (2,000) pounds or less, and a width of sixty-five (65) inches or less;
- C. “*Off-road utility vehicle—type 3*” is defined as an off-road utility vehicle with a total dry weight of more than two thousand (2,000) pounds or a width of more than sixty-five (65) inches, or both.

(Code of Iowa, Sec. 321I.1(17))

4. “*Snowmobile*” is defined as a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “*Snowmobile*” does not include an all-terrain vehicle, as defined in Iowa Code Section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1(26))

75.03 GENERAL REGULATIONS.

1. ATVs & UTVs.
 - A. All ATVs and UTVs must be registered with the State of Iowa in accordance with Iowa Code §§ 321I.3 and 321I.4. Violations of this section are punishable by penalties set forth in Iowa Code § 805.8B(2).
 - B. No person shall operate an ATV or UTV within the City in violation of the provisions of Chapter 321I of the Code of Iowa or rules established by the Natural Resource

Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.

- C. No person shall operate an ATV or UTV within the City unless the person is at least sixteen (16) years of age and possesses a valid driver's license.

2. Snowmobiles.

- A. All snowmobiles must be registered with the State of Iowa in accordance with Iowa Code §§ 321G.3 and 321G.4. Violations of this section are punishable by penalties set forth in Iowa Code § 805.8B(2).
- B. No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.
- C. No person shall operate an ATV or UTV within the City unless the person is at least sixteen (16) years of age and possesses a valid driver's license

75.04 PLACES OF OPERATION.

- 1. ATVs and UTVs. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:
 - A. Streets. ATVs and UTVs may be operated on all City streets unless prohibited by this Section. ATVs and UTVs may stop at service stations or convenience stores along any permitted street.
 - B. Prohibited Streets. ATVs and UTVs shall not be operated upon any City street which is a primary road extension through the City. Primary road extensions shall include all portions of Highway 22 situated within City limits.
 - C. Railroad Right-of-Way. An ATV or UTV may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14)

- 2. Snowmobiles. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:
 - A. Streets. Snowmobiles may be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9(4)(a))

- B. Prohibited Streets. Snowmobiles shall not be operated upon any City street which is a primary road extension through the City. However, Snowmobiles may cross such a primary road extension. Primary road extensions shall include all portions of Highway 22 situated within City limits.
- C. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:
 - (1) Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9(4)(c))

- (2) Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided:
 - (a) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

- (b) The Snowmobile is brought to a complete stop before crossing the street;
- (c) The driver yields the right of way to all on-coming traffic which constitutes an immediate hazard; and
- (d) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9(2))

D. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A Snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13(8))

E. Trails. Snowmobiles shall not be operated on any ATV or UTV trails except where so designated.

(Code of Iowa, Sec. 321G.9(4))

F. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express written consent of the City. A Snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

G. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this Chapter.

75.05 HOURS OF OPERATION.

1. ATVs and UTVs. ATVs, UTVs shall be operated in the City only between dawn and dusk unless equipped with lighted headlight(s) and taillight(s). Exceptions to this requirement include operation for the following purposes: emergency situations, loading and unloading items from a transport trailer, and snow removal.

(Code of Iowa Sec. 321I.14)

2. **Snowmobiles.** A snowmobile shall be operated in the City only between dawn and dusk unless equipped with lighted headlight(s) and taillight(s). When operating a snowmobile between sunset and sunrise, the snowmobile shall not be operated within the right-of-way of a primary highway except on the right-hand side of the right-of-way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of the right-of-way.

(Code of Iowa Sec. 321G.9 & 321G.13)

75.06 NEGLIGENCE. The owner and operator of an ATV, UTV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or UTV.

(Code of Iowa, Sec. 321I.19 & 321G.18)

75.07 ACCIDENT REPORTS. Whenever an ATV, UTV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer as required under Iowa Code Sections 321I.11 and 321.266.

(Code of Iowa, Sec. 321I.11 & 321G.10)

75.08 EQUIPMENT. ATVs, UTVs and snowmobiles operated within the City shall be equipped with at least the following:

1. Adequate brakes; and
2. Functioning headlights & taillights.

(Code of Iowa, Sec. 321I.13 & 321G.12)

3. Adequate muffler system that limits engine noise in accordance with Iowa Code §§ 321I.12 (ATVs/UTVs) and 321G.11 (Snowmobiles)

A violation of any requirement of this section shall constitute a simple misdemeanor punishable as a scheduled fine under Iowa Code § 805.8B, as amended.

75.09 UNLAWFUL OPERATION.

1. ATVs and UTVs. All persons must operate an ATV or UTV in accordance with the requirements of Iowa Code Chapter 321I, which includes but is not limited to the following:
 - A. No ATVs or UTVs shall be operated or parked upon City sidewalks, trails, City parks, or other City land unless such vehicle is being used for City purposes pursuant to City authorization.
 - B. No ATVs or UTVs shall be operated on private property without the express consent of the owner.
 - C. No ATV or UTV shall be operated while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
(Code of Iowa, Sec. 321I.14(1)(c))
 - D. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, except as otherwise provided in Iowa Code § 321I.14(2), as amended.
(Code of Iowa, Sec. 321I.14(2)(a))
 - E. No person shall operate an ATV or UTV in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
(Code of Iowa, Sec. 321I.14(1)(b))
 - F. No ATV or UTV shall be operated in violation of the traffic laws of the City of Wellman and the State of Iowa.
 - G. No ATV or UTV shall carry more passengers than which the ATV or UTV is designed.
 - H. No person shall ride in an ATV or UTV unless seated in a designated seat and secured with a safety belt.
 - I. No seat shall be used by more than one person at a time.
 - J. No cargo, materials, supplies, or other items may be transported on the ATV or UTV without being properly restrained.
 - K. No owner shall permit a person under the age of sixteen (16) to operate an ATV or UTV.
 - L. No person shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch.
 - M. No person shall operate an ATV or UTV on any trail unless the trail is designated as open for operation of that vehicle.

2. **Snowmobiles.** All persons must operate a snowmobile in accordance with the requirements of Iowa Code Chapter 321G, which includes but is not limited to the following:

- A. No Snowmobiles shall be operated or parked upon City sidewalks, trails, City parks, or other City land.
- B. No Snowmobile shall be operated on private property without the express consent of the owner.
- C. No Snowmobile shall be operated while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
(Code of Iowa, Sec. 321G.13(1)(c))
- D. No person shall operate a Snowmobile in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
(Code of Iowa, Sec. 321G.13(1)(b))
- E. No Snowmobile shall be operated in violation of the traffic laws of the City of Wellman and the State of Iowa.

- F. No Snowmobile shall carry more passengers than which the Snowmobile is designed.
- G. No person shall ride in a Snowmobile unless seated in a designated seat and secured with a safety belt.
- H. No seat shall be used by more than one person at a time.
- I. No person under the age of sixteen (16) years of age shall be a passenger at any time.
- J. No cargo, materials, supplies, or other items may be transported in the Snowmobile without being properly restrained.
- K. No owner shall permit a person under the age of sixteen (16) to operate a Snowmobile.
- L. No Snowmobile shall be operated without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred (500) feet ahead.
(Code of Iowa, Sec. 321.G.13(1)(d))
- M. No person shall leave a Snowmobile unattended on public property while the motor is running or the keys are in the ignition switch.

75.10 SPEED. No ATVs, UTVs or snowmobiles shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour, or at any rate of speed greater than is reasonable or proper under all existing circumstances.

(Code of Iowa, Sec. 321I.14 & 321G.13)

75.11 PARKING. ATVs, UTVs and/or snowmobiles may be parked in City parking lots or on any City street where vehicle parking is permitted, except no ATV or UTV may be parked on any primary road extension.

75.12 PENALTY. Unless another penalty is stated, a violation of this Chapter shall constitute a municipal infraction with violators subject to a civil penalty under Section 3.03 of this Code of Ordinances.

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

SECTION III. 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. This ordinance shall be effective after its passage and publication as required by law.

Goodrich moved to approve first reading of Ordinance No. 244 Chapter 75 changes, seconded by Freeman and upon roll call the vote was 4 ayes, McCain absent.

First reading of Ordinance 245 Chapter 77 changes is as follows:

ORDINANCE NO. 245

AN ORDINANCE AMENDING CHAPTER 77, ENTITLED SMALL VEHICLE REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA

Be it enacted by the City Council of the City of Wellman Iowa, that Chapter 77, entitled SMALL VEHICLE REGULATIONS, is amended as follows:

SECTION I. SECTIONS AMENDED. The following sections of Chapter 77 of the Code of Ordinances of the City of Wellman, Iowa, are amended as follows:

77.01 SCOPE OF REGULATIONS. These regulations shall apply to small, slow, motorized vehicles operating within the City, including (but not limited to) golf carts, lawn tractors, electric scooters, and motorized wheelchairs being operated upon any street, road, sidewalk, public path, or public lands. With respect to golf carts only, any requirement, exception or other regulation contained in Chapter 78 (Golf Carts) that is in conflict with or expands upon any similar provision in this Chapter, the provision in

Chapter 78 shall control. This Chapter does not apply to any vehicle covered by Chapter 75 (Snowmobiles, All-Terrain Vehicles and Off-Road Utility Vehicles) of this Code of Ordinances.

77.02 TRAFFIC CODE APPLICABLE. Every person operating a small, motorized vehicle upon a public street or roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by and under the laws of the State of Iowa declaring rules of the road applicable to vehicles or by this Code of Ordinances.

77.03 RULES OF OPERATION UPON STREETS AND ROADS. Small, motorized vehicles, including (but not limited to) golf carts, lawn tractors, electric scooters, and motorized wheelchairs, operating upon a public street or roadway shall be operated only under the following conditions:

1. The driver or operator of the vehicle shall possess a valid school permit or driver's license, unless the vehicle is a medically necessary motorized wheelchair or other medically necessary device.
2. The small vehicle shall be operated only between sunrise and sunset.
3. The vehicle shall be equipped with adequate braking devices and other safety equipment appropriate for the vehicle.
4. The vehicle shall be equipped with at least one of the following safety devices:
 - A. ~~A bicycle safety flag;~~
 - B. Red lights on the rear of the vehicle;
 - C. An amber flashing light on the rear of the vehicle; or
 - D. A slow-moving vehicle sign.
5. The vehicle shall not be operated in either the eastbound or westbound lanes of State Highway 22 ~~and shall cross Highway 22 only at its intersection with Seventh Avenue.~~

77.04 OPERATION UPON OTHER PUBLIC LANDS. Small vehicles, including (but not limited to) golf carts, lawn tractors, electric scooters, and motorized wheelchairs, shall be operated upon public lands other than public streets and roadways under the following conditions:

1. The driver or operator thereof must possess a valid school permit or driver's license, unless the vehicle is a medically necessary motorized wheelchair or other medically necessary device.
2. The small vehicle, with the exception of motorized wheelchairs and lawn tractors, shall be operated only between sunrise and sunset.
3. The vehicle shall be equipped with adequate braking devices and other safety equipment in accordance with Section 77.03(4) above.

77.05 PENALTY. A person who fails to adhere to the provisions of this chapter is guilty of a simple misdemeanor punishable by scheduled fines in the amount of \$100.00~~50.00~~ plus court costs and surcharges upon conviction of a first offense, and ~~punishable by~~ a fine in the amount of \$250.00~~100.00~~ plus court costs and surcharges upon conviction of a second or subsequent offense.

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.

Goodrich moved to approve first reading of Ordinance No. 245 Chapter 77 changes, seconded by Freeman and upon roll call the vote was 4 ayes, McCain absent.

First reading of Ordinance No. 246 chapter 78 changes is as follows:

ORDINANCE NO. 246

AN ORDINANCE AMENDING CHAPTER 78, PERTAINING TO OPERATION OF GOLF CARTS, OF THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA

Be it enacted by the City Council of the City of Wellman Iowa, that Chapter 78, Operation of Golf Carts, is amended as follows:

SECTION I. Chapter 78 of the Code of Ordinances of the City of Wellman, Iowa, is superseded and replaced in its entirety with the following:

**CHAPTER 78
GOLF CARTS**

78.01 Purpose	78.06 Equipment
78.02 Definitions	78.07 Unlawful Operation
78.03 General Regulations	78.08 Speed
78.04 Places of Operation	78.09 Parking
78.05 Hours of Operation	78.10 Penalty

78.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City of Wellman, Iowa.

(Code of Iowa, Sec. 321.247)

78.02 DEFINITIONS. “Golf Cart” is defined as a four-wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric powered or gas powered with an engine displacement of less than 351 cubic centimeters, and a total dry weight of less than 800 pounds.

78.03 GENERAL REGULATIONS. No person shall operate a golf cart within the City unless the person possesses a valid driver’s license. A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Code of Iowa, Sec. 321.247)

78.04 PROHIBITED STREETS. The operators of golf carts shall comply with the following restrictions as to where golf carts may be operated within the City:

1. Streets. Golf carts may be operated on all City streets unless prohibited by this Section.
2. Prohibited Streets. Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension. Primary road extensions shall include all portions of Highway 22 that are situated within City limits. A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Code of Iowa, Sec. 321.247[1a])

78.05 HOURS OF OPERATION. Golf carts may be operated on City streets only between sunrise and sunset. A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Code of Iowa, Sec. 321.247)

78.06 EQUIPMENT. Golf carts operated upon City streets shall be equipped with at least the following:

4. Adequate brakes; AND

(Code of Iowa, Sec. 321.247[1b])

5. Functioning headlights and taillights; AND

6. Bicycle safety flag; AND

7. A slow moving vehicle sign visible from both the front and rear of the cart;

(Code of Iowa, Sec. 321.247[1b])

A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A, as amended.

(Code of Iowa, Sec. 321.247)

78.07 UNLAWFUL OPERATION.

3. No golf carts shall be operated or parked upon City sidewalks, trails, City parks, or other City land.
4. No golf cart shall be operated on private property without the express consent of the owner.
5. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics, or habit forming drugs.
6. No person shall operate a golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
7. No golf cart shall be operated in violation of the traffic laws of the City of Wellman and the State of Iowa.
8. No golf cart shall carry more passengers than which the golf cart is designed.
9. No person shall ride in a golf cart unless seated in a designated seat.
10. No seat shall be used by more than one person at a time.
11. No cargo, materials, supplies, or other items may be transported in the golf cart without being properly restrained.
12. No owner shall permit a person to operate a golf cart without a valid learner's permit or driver's license.
13. No person shall leave a golf cart unattended on public property while the motor is running or the keys are in the ignition switch.

78.08 SPEED. No golf carts shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour.

78.09 PARKING. Golf carts may be parked in City parking lots or on any City street where vehicle parking is permitted, except no golf cart may be parked on any primary road extension.

78.10 PENALTY. Unless another penalty is stated, a violation of this Chapter shall constitute a municipal infraction with violators subject to a civil penalty under Section 3.03 of this Code of Ordinances.

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.

Owens moved to approve first reading of Ordinance No. 246 Chapter 78 changes, seconded by Freeman and upon roll call the vote was 4 ayes, McCain absent.

First reading of Ordinance No. 247 Section 1.14 and other specified penalty provisions is as follows:

ORDINANCE NO. 247

AN ORDINANCE AMENDING SECTION 1.14 AND OTHER SPECIFIC PENALTY PROVISIONS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA

WHEREAS, with the recent passing of Senate File 374, the Iowa Legislature has recently enacted certain changes with respect to an indigent defendant's right to appointed counsel upon being charged with or cited for any infraction that carries the mere possibility of jail time, even where prosecutors will not seek jail time as part of the penalty; and

WHEREAS, the City Council has determined it is necessary to amend the Code of Ordinances to reflect those recent legislative changes by removing jail time as a potential punishment for violation of the Code of Ordinances, whether expressly referenced or indirectly referenced by characterizing a violation of the Code as a "misdemeanor".

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

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend Section 1.14, which defines the standard penalty provision applicable throughout the Code, as well as all other specific penalty provisions to bring them into conformity with the recent legislative changes.

SECTION 2. SECTIONS MODIFIED. The following Sections of the Code of Ordinances of the City of Wellman, Iowa, are amended as follows:

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, ~~upon conviction, be subject to a fine of at least sixty five dollars (\$65.00) but not to exceed six hundred twenty five dollars (\$625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine. be guilty of a municipal infraction and shall be punished in accordance with Chapter 3 of this Code of Ordinances.~~

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

23.07 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

8. Rules and Regulations. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to compliance with Federal Land and Water Conservation Guidelines and the approval of the rules by the City Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a ~~simple misdemeanor~~ municipal infraction.

55.06 RELEASING OR MOLESTING DOGS. Any person except the owner of a dog or an authorized agent who willfully opens any dog kennel or gate on any private premises for the purpose of enticing or enabling any dog to leave such private premises and be at large is guilty of a ~~misdemeanor~~ municipal infraction. ~~Further, any person who willfully molests, teases, or provokes or mistreats a dog which is confined on its owner's premises is guilty of a misdemeanor.~~ Nothing contained herein relieves the owner

of any dog from responsibility for any damage committed by such dog as provided by the laws of the State.

110.09 ALTERATION OF METER PROHIBITED. Any person who makes any changes or alterations or attempts to make any changes or alterations of any gas meter or its connections so as to cause any gas to be used without correctly registering the amount of gas on said meter, or any person who requests or knowingly permits another person to make such changes or alterations, or any person who uses gas which said person knows or has reasonable cause to believe is not being properly registered on the gas meter registering the gas such person uses is guilty of a ~~simple misdemeanor~~ municipal infraction, and in addition to other penalties, said person's gas service shall be permanently discontinued.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the duty of all persons owning or occupying real property within the corporate limits of the City to clear the entire sidewalk along and in front of such real property of all snow and ice, and to cause the same to be kept clear of snow and ice; provided, if such ice is smooth and hard and not easily removed, all such ice shall be covered with ashes, salt, sawdust or some adhesive, nonslipping substance sufficient to make such walk safely passable. It is deemed a ~~simple misdemeanor~~ municipal infraction for any abutting property owner to allow water from an improperly located eave or drain or from any roof to fall onto a public sidewalk or to fail to promptly remove snow, ice and accumulations. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours of snowfall, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2b & e])

160.20 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a ~~misdemeanor~~ municipal infraction and shall be punished in accordance with Chapter 3 of this Code of Ordinances. ~~Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.~~ Nothing herein contained prevent the City of Wellman from taking such other lawful action as is necessary to prevent or remedy violation.

170.29 VIOLATIONS AND PENALTIES.

1. Any person who violates or fails to comply with the provisions of this chapter shall be guilty of a ~~misdemeanor and upon conviction shall be fined a penalty as provided in Section 1.14 of this Code of Ordinances and may be required to pay all costs and expenses involved in the prosecution of the violation.~~ Alternatively, any person who violates or fails to comply with the provisions of this chapter shall be ~~guilty of a~~ municipal infraction pursuant to Chapter 3 of this Code of Ordinances. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.

SECTION 3. REPEALER. All other sections of this Ordinance in conflict with these provisions shall be repealed.

SECTION 4. SEVERABILITY. If any section, provisions or part of these Ordinances shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. These Ordinances shall be in full force and effect from and after its adoption and publication as provided by law.

Philpot moved to approve Ordinance No. 247 Section 1.14 and other specified penalty provisions, seconded by Owens and upon roll call the vote was 4 ayes, McCain absent.

First reading of Ordinance No. 248 Chapter 69 changes is as follows:

ORDINANCE NO. 248

**AN ORDINANCE AMENDING CHAPTER 69, ENTITLED PARKING REGULATIONS, OF
THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA**

WHEREAS, the City Council has determined it is necessary to amend Chapter 69 of the Code of Ordinances pertaining to Parking Regulations to address certain issues and clarify certain restrictions related to parking in certain areas and under certain conditions within City limits.

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

SECTION I. SECTIONS ADDED. The Code of Ordinances of the City of Wellman, Iowa, is amended by adding the following sections to Chapter 69, entitled PARKING REGULATIONS:

69.15 PUBLIC PARK PARKING LOTS. No person shall park in any public park or city-owned parking lot adjacent to any public park between the hours of 10:00 p.m. and 6:00 a.m. unless given express written permission by the City Administrator, or his/her authorized designee. Any form, sticker, or authorization document provided by the City Administrator, or his/her authorized designee, shall apply only for the period stated on the authorization and only to the vehicles listed on such authorization. Any person who obtains written authorization from the City pursuant to this section shall prominently display the form, sticker or other authorization document on the dashboard of the vehicle for which the exception was granted to avoid being towed by the City at the owner's expense. For the purposes of this section, "public park or city-owned parking lot adjacent to any public park" refers to the following: North Park (525 13th Street), South Park (800 1st Street) and Heritage Park (7th Avenue).

69.16 PENALTY. Violation of any provision of this Chapter shall subject the violator to the appropriate penalties as set forth in Chapter 70 of this Code of Ordinances.

SECTION II. SECTIONS AMENDED. The following sections and/or subsections of Chapter 69, PARKING REGULATIONS, are amended as follows:

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property or in the right-of-way for more than forty-eight (48) hours, unless otherwise limited under the provisions of Section 69.01 of this chapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236 [1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.

69.09 TRUCK PARKING LIMITED. No person shall park on any public street or in the right-of-way a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236 [1])

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave such vehicle unattended on any public street or in the right-of-way within the business district, as that term is defined in this Chapter. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 10:00 p.m. and 6:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW EMERGENCY PARKING. The purpose of this section is to improve public safety during times when significant amounts of snow or ice are on or expected to be on City streets.

1. Definitions. For purposes of this section the following are defined:

A. The “Downtown Business District” is from Seventh to Ninth Avenue and from Second Street to Fourth Street.

B. “Vehicle” means any trailer, motor home, car, truck, bus, motorcycle, golf cart, or other similar mode of conveyance.

2. Automatic and Declared Snow Emergencies.

A. An automatic snow emergency will go into effect any time snow accumulation is two inches or more in the City.

B. The Mayor may declare a snow emergency on the basis of actual or predicted snow, sleet, freezing rain, or ice.

3. Public Notification. The Mayor, or his/her authorized designee, upon declaring a snow emergency, shall cause local media outlets to be notified of the snow emergency in a manner similar to any public notification.

4. Effective Times of Emergency.

A. An automatic snow emergency shall start as soon as two inches of snow has fallen in the City and will end 24 hours after the precipitation ends.

B. A declared snow emergency shall start two hours after its declaration and shall last for 24 hours from the effective start time. The purpose of the two-hour delay is to provide owners a reasonable time to remove vehicles from the streets. The Mayor may modify the start and end times of a declared snow emergency, but at no time may the snow emergency take effect before two hours has elapsed from the time of the declaration.

5. Restrictions During Snow Emergency.

A. During a snow emergency no vehicle shall be parked anywhere on any City street except as provided in paragraph B of this subsection.

B. During a snow emergency, parking is allowed on City streets in the Downtown Business District, only between the hours of 7:00 a.m. and 9:00 p.m.

6. Towing and Impounding of Illegally Parked Vehicles. During a snow emergency the Mayor, a City Council member, City employee, or any law enforcement official may order that any vehicle parked on a City street in violation of this section be towed. Once the tow driver hooks up to the vehicle it shall be the sole responsibility of the vehicle’s owner to pay all costs for the towing. If the vehicle is impounded, it shall be the sole responsibility of the vehicle’s owner to pay all impounding costs.

7. Violations and Penalties. In addition to having the vehicle towed, any person violating this section is subject to prosecution pursuant to Section 1.14 of this Code of Ordinances. Each 12-hour period a vehicle is on the street in violation of this section constitutes a separate and distinct offense.

69.14 TIME RESTRICTIONS FOR DESIGNATED PARKING AREAS. Parking shall be prohibited or restricted in certain designated areas as follows:

1. City-Owned Lots. No person shall stop, park, or stand a vehicle within any City-owned parking lot for more than twenty-four (24) consecutive hours. A vehicle moved from one spot to

another within a City-owned parking lot without removing the vehicle from a City lot for no less than two (2) hours will be considered as having not been moved for the purposes of this section.

2. School Bus/Student Loading/Unloading Areas. No person shall stop, park, or stand a vehicle on either side of 6th Avenue during peak times (defined as those times between 7:30 a.m. and 9:00 a.m. and between 2:30 p.m. and 4:00 p.m.)

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

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

Owens moved to approve Ordinance No. 248 Chapter 69 changes, seconded by Goodrich and upon roll call the vote was 4 ayes, McCain absent.

Discussion on vacay alley request – 1112 8th Street – Bailey property was had. Serenity and Joe Bailey were present and was asking that the city vacay the alleyway that is located east of their property. This property has been in the family for over 50 years and they’ve used this alleyway for access to their driveway and don’t want to see this change. Litwiller explained that they’ve been advised by the city attorney to not vacate alleyways due to the possibility of future utility easements or other unforeseen uses, but she will contact him to see what he advises the city to do in this case.

Goodrich made a motion to approve Murray Parcel split, Philpot seconded and all present voted aye.

Owens made a motion to approve Miller Parcel split, Goodrich seconded and all present voted aye.

Goodrich made a motion to approve Elder Services Memorandum of Understanding for Goodwin Senior Dining, Philpot seconded and all present voted aye.

Discussion and action on Kalonial Tree contract for Ash Tree removal was tabled until city attorney could take a look at the contract.

With no further business Goodrich moved to adjournment at 6:07pm, Freeman seconded and all present voted aye. The next regular City Council Meeting will be held Monday, November 19, 2018 at 5:30pm in the Council Chambers of the Wellman Municipal Building.

Minutes transcribed by the City Clerk subject to Council Approval.