

June 17, 2019
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, Shannon McCain, Mark Philpot, Robert Freeman & Tracy Owens. Following the Pledge of Allegiance, the Consent Agenda was approved upon motion by Philpot, seconded by McCain and all voted aye. The consent agenda includes the agenda, minutes from previous meeting, Approval of Reggie Tire Tobacco Permit, Agenda Items 8 & 9 Tabled until further information from attorney is gathered, and the following claims:

6/17 Payroll

| | | |
|----------------------|---|-------------|
| Megan E Harris | | \$401.86 |
| Corinne L McCain | | \$116.31 |
| Carol A Wilkins | | \$2,310.65 |
| Troy M Wilkins | | \$419.78 |
| Teresa K Lampe | | \$1,040.17 |
| Ryan J Miller | | \$275.78 |
| Beth A VanWinkle | | \$1,206.39 |
| Betty J Johnston | | \$135.90 |
| Timothy J Garrett | | \$1,720.09 |
| Travis D Hartley | | \$957.29 |
| Jesse J Meade | | \$1,183.97 |
| Josh S VanWinkle | | \$1,094.38 |
| Kelly L Litwiller | | \$1,584.02 |
| Cynthia S Thrapp | | \$905.22 |
| Fed Taxes | | \$4,194.05 |
| State Taxes | | \$1,414.00 |
| BC/BS | | \$7,947.99 |
| AFLAC | | \$253.56 |
| IPERS | | \$5,715.83 |
| Kelsey Thomann | Utility Refund | \$51.14 |
| Matt Haman | Utility Refund | \$83.20 |
| HACAP | LIHEAP Refund | \$156.98 |
| Jared Kinsinger | Utility Refund | \$227.30 |
| Melissa Kern | Utility Refund | \$184.04 |
| Ace-n-More | Weed Sprayer Parts | \$36.37 |
| Alliant Energy | City Utilities | \$8,341.04 |
| Amazon | Library Supplies | \$24.06 |
| Baker & Taylor Books | Library Books | \$797.18 |
| Bancard Center | June Credit Card | \$834.34 |
| Blank Park Zoo | Library SRP | \$137.15 |
| Brown Supply Co. | WTP Measuring Wheel | \$165.00 |
| Carol A Wilkins | Library SRP Reimbursements | \$324.49 |
| Central Pump & Motor | WTP Pump Repair/Crane Replacement/New Hoist Crane | \$12,041.94 |
| Clayton Energy | May Gas Purchase | \$7,182.35 |
| Clown-a-Round | Library SRP | \$250.00 |

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|-----------------------------|--|--------------------|
| Companion Corporation | Library Software Renewal | \$799.00 |
| Cox Sanitation & Recycling | Trash Bags/WTP Dumpster | \$281.25 |
| Demco | Library Books/Fixtures | \$1,687.85 |
| Eastern IA Light & Power | Lift Station | \$159.75 |
| Eldon C Stutsman | Tomahawk Spray | \$80.13 |
| FIS Merchant Services | May Merchant Fees | \$635.29 |
| Freeman Foods | Skate Merchandise for Resale | \$28.55 |
| ION Environmental Solutions | WWTP/WTP Labs | \$613.00 |
| Iowa City/County Management | Membership Dues | \$120.00 |
| John Deere Financial | Mower Blades/Parts | \$80.21 |
| Kalonial Lawn Care | Spring Chemical Application-North Park | \$500.00 |
| Kalonial Tree Service | Sewer Easement Tree Removal-6th Ave. | \$1,865.00 |
| Office Express | City Hall Paper/Poster Pouches | \$37.54 |
| Reggie Tire | City Equipment Fuel | \$834.80 |
| Smith Electric Services | WWTP Pump Service Call | \$150.00 |
| iTech | Monthly Maintenance Fee/Library Computer | \$1,574.84 |
| The News | Library Subscription Renewal | \$43.00 |
| USDA | June Parkside Payment | \$2,532.00 |
| Utility Service Co. | Quarterly Water Tower | \$3,082.75 |
| Washington Community YMCA | May Fees | \$300.00 |
| Wellman Auto Parts | Shop/WTP Supplies | \$65.17 |
| Wellman Heritage Society | FY19 Donation | \$500.00 |
| Yotty's | WWTP Supplies | \$9.98 |
| Total | | \$79,693.93 |

In public forum, Nathan Fick presented Council with a couple videos of vehicles bottoming out while entering and exiting his driveway and asked what could be done to fix this. Litwiller explained that she had VanWinkle go and look and suggested that they could grind the entrance to his driveway down but then the water issues could come back. He then requested an update on where the city was in deciding whether they were going to line the sewer lines so that he can move forward with doing his part. Litwiller explained that she was still waiting on Fick's engineer to get back with the requested information and until this information was received no decision can be made.

Randy Tinnes indicated that we had 25 calls last month with nothing out of the ordinary.

A public hearing for Ordinance amending Chapter 105, pertaining in part to open burning regulations was opened by Philpot, seconded by Owens and upon roll call the vote was unanimous ayes. There were no written or oral comments received. Goodrich moved to close the public hearing, Owens seconded and all voted aye.

First reading of Ordinance No. 253, Chapter 105 Changes are as follows:

AN ORDINANCE AMENDING CHAPTER 105, PERTAINING IN PART TO OPEN BURNING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA
WHEREAS, the City Council has determined it is necessary to amend Chapter 105 of the Code of Ordinances pertaining to open burning regulations to make certain changes to enhance the City's ability to enforce open burning regulations and extinguish fires within City limits in the discretion of firefighting agencies when circumstances require so as to protect the health, safety and welfare of the City and its residents.

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 Chapter 105, subsections 14 and 22, of the City Code pertaining open burning so as to add provisions enhancing the City and firefighting agencies' enforcement powers regarding same and their ability to order an open burn fire extinguished or to extinguish same on their own if necessary to protect the general health, safety and welfare of the City and Wellman residents.

SECTION 2. SECTIONS AMENDED. Sections 105.14 and 105.22 of the Code of Ordinances of the City of Wellman, Iowa are amended as follows, with strikethrough text indicating removed language and underlined text indicating added language:

105.14 OPEN BURNING RESTRICTED.

1. General Prohibition. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
2. Exceptions. ~~Notwithstanding the commands of this section, except that~~ open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

- A. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

- B. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

- C. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

- D. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

- E. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

- F. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

G. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

H. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

3. Order to Extinguish. The Fire Chief or his or her designee is authorized to require that open fires be immediately discontinued if determined that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined to constitute a hazardous condition.

105.22 PROHIBITED ACTS. The following acts are prohibited and the performance of any such acts by any person is a violation of this chapter and shall constitute a municipal infraction which, upon conviction, shall subject violators to all penalties set forth in Chapter 3 of this Code of Ordinances, and which may be sought in addition to any criminal or civil penalties that may be imposed under applicable provisions of the Iowa Code or Iowa Administrative Code.

1. To deposit or attempt to deposit solid waste in any other solid waste container other than a solid waste container assigned to or owned by the depositor or designed for public use. No person shall habitually deposit residential solid waste in a container designed for public use in order to avoid the provisions of this chapter.
2. To deposit or attempt to deposit refuse, garbage, yard waste or other solid waste not designated as recyclable in the residential recycling kit provided by the contractor.
3. To deposit or attempt to deposit recyclable solid waste as designated by the Council in refuse and garbage solid waste containers.
4. To litter or any public or private property whatsoever within the City.
5. To take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
6. To operate a vehicle of any kind within the City so as to permit all or a significant part of its load to drop, spill, leak or otherwise fall therefrom.
7. To deposit or attempt to deposit for collection solid waste in solid waste collection containers when such solid waste is declared by this chapter not subject to regular residential collection by the City contractor.
8. To impede, hamper or interfere in any manner with the collection, storage or transportation of solid waste as provided by this chapter.
9. To damage or destroy any solid waste containers or residential recycling kits not belonging to said person.
10. To fail in any manner to follow the requirements of this chapter regarding any mandatory provision regarding solid waste management.
11. To refuse to comply with an order of the City or authorized firefighting personnel or law enforcement to extinguish a fire issued pursuant to § 105.14.
12. To conduct an otherwise lawful open burning under § 105.14 in such a fashion as to create a nuisance as defined in Iowa Code Chapter 455B or in such a way that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. No fire may be kindled when wind speed exceeds 15 miles per hour.

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

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Owens moved to approve first reading of Ordinance No. 253, Chapter 105 changes, seconded by Philpot and upon roll call the vote was unanimous ayes.

Resolution No. 19-23 A Resolution setting salaries for employees of the City of Wellman for FY20 was introduced and caused to be read. McCain moved to approve Resolution No. 19-23, seconded by Freeman and upon roll call the vote was unanimous ayes.

Discussion and action on storm drainage between 7th St & 8th St (916 7th St) was had. Mandie & Kurtis Kron spoke in regards to their property flooding and the drain that is in their yard which doesn't seem to be working properly. They explained that this has been an issue since they moved in back in 2013 and continues to get worse. They would like some help from the city on how to fix these issues. They also requested that the sidewalk be fixed along their property as well. Jeff Bernard was also present for discussion on his adjoining property that has similar issues and requested that the sidewalk along 8th St be fixed due to safety issues for the children that use it. Litwiller will talk with Brad Boyse for help on a solution to these issues. She'll also get the sidewalks added to her list for fixing.

Freeman made a motion to approve Sr. Dining Contract with Horizons, A Family Service Alliance, McCain seconded and all voted aye.

Owens made a motion to approve Health Insurance Renewal, Freeman seconded and all voted aye.

McCain made a motion to approve additional LL Pelling Estimate, Freeman seconded and all voted aye.

Discussion and action on Truck Route was had. Candie Schmieder was present for discussion and asked that this be reconsidered. She also asked for other locations for her husband to park his truck if this truck route is put in place. Owens made a motion to table this item until next meeting so that we can look into other parking options, Philpot seconded and all voted aye.

Council moved into work session at 6:35pm for discussion on Public Works Director, City Administrator Office, Nuisance Abatements, Employees Duties, Comp Time and Office Hours.

With no further business to be discussed McCain moved for adjournment at 7:40pm, Philpot seconded and all voted aye. The next regular City Council Meeting will be Monday, July 1, 2019 at 5:30pm in the Council Chambers of the Wellman Municipal Building.

Minutes transcribed by the City Clerk subject for Council Approval.