

October 4, 2021
Wellman, Iowa

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

10/4 Payroll

Erin R Campbell		\$1,053.13
Laurelin E Geno		\$61.42
Lisa M Lundstrom		\$142.25
Troy M Wilkins		\$437.85
Teresa K Lampe		\$1,697.43
Fern J Bontrager		\$193.74
Anthony G Evans		\$161.61
Aaron M Fleming		\$161.45
Shannon K McCain		\$161.45
Angela D Stutzman		\$193.74
Beth A VanWinkle		\$1,375.44
Betty J Johnston		\$65.95
Timothy J Garrett		\$1,852.54
Travis D Hartley		\$1,177.40
Jesse J Meade		\$1,379.89
Josh S VanWinkle		\$1,182.24
Keagan J Brady		\$36.83
Ethan J Garrett		\$33.47
Shirley Y Brown		\$143.03
Anita J Kanagy		\$305.17
Anita K Randol		\$138.18
Kathryn E Schwartz		\$416.59
Kelly L Litwiller		\$1,909.00
Cynthia S Thrapp		\$926.98
Fed Taxes		\$4,718.59
Taylor Gordon	Deposit refund	\$69.46
Beth VanWinkle-City Clerk	September Petty Cash	\$40.00
Cynthia S Thrapp	September Cell Reimbursement	\$70.00
Cox Sanitation & Recycling	September Large Stickers/Recycling	\$4,837.50
Jesse J Meade	September Cell Reimbursement	\$70.00
Josh S VanWinkle	September Cell Reimbursement	\$70.00
Teresa K Lampe	September Cell Reimbursement	\$70.00
Kelly L Litwiller	September Cell Reimbursement	\$70.00
William D Nickell	October Yard Waste	\$175.00

Paws & More	September City Contribution/Customer Donations	\$353.50
Treasurer State of Iowa	3rd Quarter Gas Tax	\$725.00
Standard Pest Control	October Pest Control	\$65.00
Timothy J Garrett	September Cell Reimbursement	\$70.00
Travis D Hartley	September Cell Reimbursement	\$70.00
Treasurer State of Iowa	September Sales/Water Excise Tax	\$3,183.00
Todd Troyer	September Building Permits	\$70.00
Beth VanWinkle	September Cell Reimbursement	\$70.00
Wellman Emporium Association	October Sr. Dining Condo Fee	\$136.54
Ace Electric	Lift Station/WTP Motor Repairs	\$1,300.00
Action Services	South Park Porta Potty	\$70.00
Alliant Energy	City Utilities	\$11,205.86
American Public Gas Assoc.	2022 Membership Dues	\$585.62
Baker Paper Co.	Skate Rink Tissue/Soap/Towels	\$160.25
Central Pump & Motor	WTP Motor Replacement	\$5,536.59
City of Wellman	City Utilities	\$3,435.38
Cox Sanitation & Recycling	WTP Dumpster/Large Trash Bags	\$455.00
Dearborn National	City Employee Premiums	\$180.90
Finish Line Technology	Old Maintenance Bldg Security Cameras	\$770.00
Gambles	Skate Rink Carpet Cleaner	\$23.99
Garden & Associates	Utilities Mapping/Smoke Testing	\$3,596.75
Hawkins Inc.	WTP Chemicals/Feed Pumps	\$3,517.71
Hi-Line	Shop Supplies	\$57.75
Interstate All Battery Center	Mower Battery	\$45.95
Iowa DNR	2022 Water Use Permit	\$95.00
Kalona Machine & Fab	September Gas Tank Rental	\$20.00
Kalonial Lawn Care	Skate Rink/South Park Army Worm Spraying	\$245.00
Kalonial Tree Service	City ROW Tree Removal	\$1,380.00
KCTC	Monthly Fees	\$1,019.68
Kohl Wholesale	Sr. Dining Food	\$1,646.30
Leaf	City Hall Copier Lease	\$108.19
Leet's Refrigeration	Sr. Dining Walk-in Freezer Repairs	\$2,071.34
Lino H2O LLC	WTP Meter Calibration/Cleaning	\$1,638.00
Lynch Dallas	Attorney Fees	\$1,647.00
Rapids & Affiliates	Skate Slushy/Lift Gate Charge	\$2,798.00
The News	Sr. Dining/Banquet Hall/Skating/City Advertising	\$989.23
Thrapp Electric	North Park Band Shell Lights	\$69.75
Townsend Crane Service	WTP Pump Motor Replacement	\$400.00
Traci Waterhouse	Random Drug Screening	\$30.00
Tyler Technologies	Meter Changeover Fees	\$276.25
USABluebook	WTP Chemkeys	\$402.90
Visa	City Hall Credit Card	\$3,420.35
Washington YMCA	Banquet Hall Electricity Bill	\$761.17

Wellman Auto Parts	Shop Supplies	\$34.19
Wellman Co-op Telephone	City Telephones	\$1,083.79
TOTAL		\$81,218.26

No one spoke in public forum.

A public hearing to receive comments for City of Wellman Ordinance Chapter 40, Chapter 120, Chapter 41, Chapter 62, Chapter 122, Chapter 80 was opened by McCain, seconded by Fleming and upon roll call the vote was 4 ayes: Bontrager absent. There were no oral or written comments. Evans moved to close public hearing, McCain seconded and all present voted ayes.

A public hearing to receive comments for City of Wellman Ordinance Chapter 78 was opened by Evans, seconded by Fleming and upon roll call the vote was 4 ayes: Bontrager absent. There were no oral or written comments. Evans moved to close public hearing, Stutzman seconded and all present voted ayes.

A public hearing to receive comments for City of Wellman Ordinance Chapter 77 was opened by McCain, seconded by Stutzman and upon roll call the vote was 4 ayes: Bontrager absent. There were no oral or written comments. Evans moved to close public hearing, McCain seconded and all present voted ayes.

First Reading of Ordinance No. 259, 260, 261, 262, 263, 264, 265 regarding Chapter 40, Chapter 120, Chapter 41, Chapter 62, Chapter 122, Chapter 80 is as follows:

ORDINANCE NO. 259

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY AMENDING PROVISIONS PERTAINING TO PUBLIC DISORDER

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SECTION MODIFIED. Section 40.03 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

40.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport. *(Code of Iowa, Sec. 723.4[1a])*
2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof. *(Code of Iowa, Sec. 723.4[1b])*
3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another. *(Code of Iowa, Sec. 723.4[1c])*
4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. *(Code of Iowa, Sec. 723.4[1d])*
5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless. *(Code of Iowa, Sec. 723.4[1e])*
6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection: *(Code of Iowa, Sec. 723.4[1f])*
 - A. "Deface" means to intentionally mar the external appearance.
 - B. "Defile" means to intentionally make physically unclean.
 - C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

- D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
 - E. “Show disrespect” means to deface, defile, mutilate, or trample.
 - F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.
7. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:
- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
 - B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
 - C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial. (*Code of Iowa, Sec. 723.5*)

SECTION 2. SECTION REPEALED. Section 40.04 of the Code of Ordinances of the City of Wellman, Iowa, is repealed in its entirety.

SECTION 3. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 260

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGE CONTROL

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SUBSECTION MODIFIED. Subsection 2 of Section 120.05 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

- 2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 6:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a Class “B” beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

(Code of Iowa, Sec. 123.49[2b] and 123.150)

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 261

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SECTION MODIFIED. Section 41.06 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.
(Code of Iowa, Sec. 719.1)

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 262

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY ADDING PROVISIONS PERTAINING TO LOW-SPEED ELECTRIC BICYCLES AND FULLY CONTROLLED-ACCESS FACILITIES

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SUBSECTIONS ADDED. Section 62.01 of the Code of Ordinances of the City of Wellman, Iowa, is amended by adding new subsections which are hereby adopted to read as follows:

162. Section 321.235B – Low-speed electric bicycles.

163. Section 321.366 – Acts prohibited on fully controlled-access facilities.

SECTION 2. SECTION REPEALED. Section 139.05 of the Code of Ordinances of the City of Wellman, Iowa, is repealed in its entirety.

SECTION 3. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 263

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY ADDING PROVISIONS PERTAINING TO FAILURE TO ASSIST

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SECTION ADDED. The Code of Ordinances of the City of Wellman, Iowa, is amended by adding a new Section 41.17 which is hereby adopted to read as follows:

41.17 FAILURE TO ASSIST. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or other person at risk of serious bodily injury or imminent danger of death. No person shall without lawful cause violate the provisions of this section. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.
(Code of Iowa, Sec. 727.12)

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 264

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SUBSECTION ADDED. Section 122.17 of the Code of Ordinances of the City of Wellman, Iowa, is amended by adding a new subsection which is hereby adopted to read as follows:

8. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year. *(Code of Iowa, Sec. 364.3[13])*

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 265

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WELLMAN, IOWA, BY AMENDING PROVISIONS PERTAINING TO ABANDONED VEHICLES

Be It Enacted by the City Council of the City of Wellman, Iowa:

SECTION 1. SECTIONS MODIFIED. Sections 80.03 and 80.04 of the Code of Ordinances of the City of Wellman, Iowa, are repealed and the following adopted in lieu thereof:

80.03 NOTICE BY MAIL.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
 - A. A description of the year, make, model, and vehicle identification number of the vehicle.
 - B. The location of the facility where the vehicle is being held.
 - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
 - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
 - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.

4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

(Code of Iowa, Sec. 321.89[3])

80.04 RECLAMATION OF ABANDONED VEHICLES. Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle on behalf of a person who received notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*. *(Code of Iowa, Sec. 321.89[3a])*

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

McCain made a motion to approve the first reading of Ordinance No. 259, 260, 261, 262, 263, 264, 265, regarding Chapter 40, Chapter, 120, Chapter 41, Chapter 62, Chapter 122, Chapter 80, Evans seconded and upon roll call the vote was 4 ayes: Bontrager absent.

First reading of Ordinance No. 266 regarding Chapter 77 is as follows:

ORDINANCE NO. 266

AN ORDINANCE AMENDING CHAPTER 77 (SMALL VEHICLES) 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, SMALL VEHICLES, is hereby amended as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend existing Chapter 77 (Small Vehicles) to ensure consistency between other similar provisions of the Iowa Code and the Wellman Code of Ordinances.

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

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) which 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) or Chapter 78 (Golf Carts) of 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. Red lights on the rear of the vehicle;
 - B. An amber flashing light on the rear of the vehicle; or
 - C. A slow-moving vehicle sign.
5. The vehicle shall not be operated in either the eastbound or westbound lane of State Highway 22.

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) of this chapter.

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.

Fleming made a motion to approve the first reading of Ordinance No. 266 regarding Chapter 77, McCain seconded and upon roll call the vote was 4 ayes: Bontrager absent.

First reading of Ordinance No. 267 regarding Chapter 78 is as follows:

ORDINANCE NO. 267

AN ORDINANCE AMENDING CHAPTER 78 (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, GOLF CARTS, are hereby amended as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend existing Chapter 78 (Golf Carts) to ensure consistency between other similar provisions of the Iowa Code and the Wellman Code of Ordinances.

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

78.07 UNLAWFUL OPERATION.

10. No owner shall permit a person to operate a golf cart without a ~~valid learner's permit~~
or driver's license.

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.

Fleming made a motion to approve first reading of Ordinance No. 267 regarding Chapter 78, McCain seconded and upon roll call the vote was 4 ayes: Bontrager absent.

McCain made a motion to approve Thrapp Electric – Shop Light Replacement quote for \$2,100, Evans seconded and all present voted ayes.

Upon motion by Fleming, seconded by McCain and upon roll call the vote was 4 ayes: Bontrager absent council entered into closed session at 5:40pm per Iowa Code Section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual request a closed session.

Upon motion by Stutzman, seconded by McCain and all present voted ayes, council entered into open session at 5:52pm.

Upon motion by Evans, seconded by Fleming and upon roll call the vote was 4 ayes: Bontrager absent council entered into closed session at 5:59pm per Iowa Code Section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual request a closed session.

Upon motion by McCain, seconded by Stutzman and all present voted ayes, council entered into open session at 6:12pm.

Discussion and action on offering employment for Skate Rink Manager was had. Council discussed both candidates and feels that both candidates would be a great fit for the position. After much discussion McCain made a motion to offer the position to candidate #2 with a starting wage of \$17.50 per hour with possible 50 cent raise after 6 months with a start date of no later than November 1st, seconded by Evans and upon roll call the vote was 4 ayes: Bontrager absent.

With no further business to be discussed McCain moved for adjournment at 6:25 pm, Stutzman seconded and all present voted ayes. The next regular City Council meeting will be on Monday, October 18, 2021, at 5:30 pm in the Council Chambers of the Wellman Municipal Building.

Minutes transcribed by the City Clerk subject to Council Approval.