

September 6, 2022
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, Aaron Fleming, Anthony Evans, Shannon McCain & Fern Bontrager. The Consent Agenda was approved upon motion by Stutzman, seconded by Fleming and all voted ayes. The consent agenda includes the agenda, minutes from previous meeting, Approval of Liquor Licenses – The Wellman Well, LLC & Freeman Foods and the following:

9/6 Payroll

Erin R Campbell		\$1,115.10
Carrie R Geno		\$334.21
Laurelin E Geno		\$203.24
Lisa M Lundstrom		\$445.56
Brenda J Reasor		\$1,225.84
Beth A VanWinkle		\$1,545.04
Betty J Johnston		\$80.85
Timothy J Garrett		\$2,254.88
Travis D Hartley		\$1,392.29
Jesse J Meade		\$1,549.11
Josh S VanWinkle		\$1,332.54
Debra S Hill		\$548.63
Anita J Kanagy		\$715.05
Kelly L Litwiller		\$2,140.24
Cynthia S Thrapp		\$1,070.48
Fed Taxes		\$5,117.83
HACAP	LIHEAP Refund Check	\$216.28
Brenda J Reasor	August Cell Reimbursement	\$70.00
Cynthia S Thrapp	August Cell Reimbursement	\$70.00
Cox Sanitation & Recycling	August Recycling/Large Stickers	\$4,926.50
Jesse J Meade	August Cell Reimbursement	\$70.00
Josh S VanWinkle	August Cell Reimbursement	\$70.00
Kelly L Litwiller	August Cell/Mileage Reimbursement	\$141.25
Willaim D Nickell	September Yard Waste	\$175.00
Paws & More	August Customer Donations/City Contribution	\$663.05
Treasurer State of Iowa	August Gas Use Tax	\$16.05
Standard Pest Control	September Pest Control	\$65.00
Timothy J Garrett	August Cell Reimbursement	\$70.00
Travis D Hartley	August Cell Reimbursement	\$70.00
Treasurer State of Iowa	August Sales/Water Excise Tax	\$3,471.48
Todd Troyer	August Building Permits	\$35.00
Beth A VanWinkle	August Cell Reimbursement	\$70.00
Wellman Emporium Assoc.	September Sr. Dining Condo Fee	\$136.54
AAA Mechanical Contractors	WTP Supplies	\$921.04

Alliant Energy	City Utilities	\$12,580.83
Badger Meter	Beacon Fixed Network	\$150.25
Brown Supply	WTP/WWTP Supplies	\$2,002.00
Central Iowa Distributing	Shop Gloves	\$267.00
City of Wellman	City Utilities	\$4,677.19
Cobb Oil	City Equipment Gasoline	\$1,105.12
Cox Sanitation & Recycling	WWTP Dumpster/Trash Bags	\$648.75
Eastern IA Light & Power	Lift Station	\$56.58
Eldon C Stutsman	Buccaneer/Alligare	\$489.16
Electric Motors of Iowa City	WWTP Baldor Switch Repair	\$87.99
Energy Economics	Gas Supplies	\$194.73
Fair-Play Corporation	Park Scoreboard Lettering	\$245.00
Freeman Foods	Parkside/WWTP/Skate Supplies	\$492.97
Freeman Foods-Sr. Dining Acct.	Sr. Dining Food	\$242.21
Hart-Frederick Consultant	Spring Court Cul-de-Sac Vacating	\$1,625.00
Hawkins	WTP Chemicals	\$4,444.28
Hi-Line Inc.	Shop Supplies	\$68.93
Industrial Sales	Gas Supplies	\$860.20
Iowa One Call	July One Calls	\$19.80
J&S Plumbing, Htg., & A/C	City Hall Service/Fir Ave. Gas Call	\$258.65
KCTC	Monthly Fees/Laptop Service Call	\$577.98
Kohl Wholesale	Sr. Dining Food/Skate Merchandise for Resale	\$2,624.04
Koons Gas Measurement	Gas Supplies	\$55.65
Leaf	City Hall Copier Lease	\$108.19
Lino H2O LLC	WWTP/WTP Calibration	\$1,638.00
LRS Portables	South Park Porta Potty	\$80.00
Lynch Dallas	Attorney Fees	\$1,027.50
Menards-Iowa City	Shop/Daycare Supplies	\$82.83
Nate Nisly	Skating Rink Sound System	\$4,384.70
Pefa, Inc.	August Gas Purchase	\$3,815.79
RC Sports	Skate Supplies	\$243.31
The News	City Advertising	\$293.80
Thrapp Electric	Parkside Lights	\$530.80
Traci Waterhouse	Drug Screening	\$30.00
Visa	City Hall Credit Card	\$781.31
Washington Community YMCA	Banquet Hall Room Electricity	\$869.81
Washington County Treasurer	Property Taxes-JET Therapy	\$2,242.00
Wellman Auto Parts	Shop/WWTP Supplies	\$82.50
Wellman Co-op Telephone	City Telephones	\$1,124.73
Westrum Leak Detection	Leak Detection Survey	\$1,800.00
TOTAL		\$85,237.66

No one spoke in public forum.

Council received a Quarterly update from public works employees: Brenda Reasor, Jesse Meade, Travis Hartley and Josh VanWinkle.

A public hearing to receive comments regarding City of Wellman Ordinance Chapter 45 & Chapter 120 was opened by Bontrager, seconded by McCain and upon roll call the vote was unanimous ayes. There were no written comments. McCain moved to close public hearing, Stutzman seconded, and the votes were unanimous ayes.

First Reading of Ordinance 270 amending code ordinances of the City of Wellman by amending provisions pertaining to alcoholic beverages control is as follows:

ORDINANCE NO. 270

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. SECTION MODIFIED. Section 45.01 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[3])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee.

(Code of Iowa, Sec. 123.49[3])

SECTION 2. SUBSECTION MODIFIED. Subsection 2 of Section 45.02 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

SECTION 3. SECTION MODIFIED. Section 120.03 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

SECTION 4. SECTION MODIFIED. Section 120.04 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.32[2])

SECTION 5. SECTION MODIFIED. Section 120.05 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.
(Code of Iowa, Sec. 123.49[1])
2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.
(Code of Iowa, Sec. 123.49[2b])
3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.
(Code of Iowa, Sec. 123.49[2c])
4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.
(Code of Iowa, Sec. 123.49[2f])
5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.
(Code of Iowa, Sec. 123.49[2i])
6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49[2a])
7. Knowingly permit or engage in any criminal activity on the premises covered by the license.
(Code of Iowa, Sec. 123.49[2j])
8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.
(Code of Iowa, Sec. 123.49[2d])
9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.
(Code of Iowa, Sec. 123.49[2e])
10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.
(Code of Iowa, Sec. 123.49[2g])
11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.
(Code of Iowa, Sec. 123.49[21])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class “C” beer permit only.

SECTION 6. SECTION MODIFIED. Section 120.06 of the Code of Ordinances of the City of Wellman, Iowa, is repealed and the following adopted in lieu thereof:

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.) (Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

SECTION 7. 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 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Bontrager made a motion to approve the first reading of Ordinance No. 270 regarding amending the code ordinances of the City of Wellman by amending provisions pertaining to alcoholic beverages control, and waive the second and third readings, McCain seconded and upon roll call the vote was unanimous ayes.

Resolution No. 22-31 A resolution to set wages for Assistant Cook for Goodwin Dining Center employees was introduced and caused to be read. Evans moved to approve Resolution No. 22-31, McCain seconded and upon roll call the vote was unanimous ayes.

Resolution No. 22-32 A resolution to set wages for Assistant Skate Rink Manager employee was introduced and caused to be read. Fleming moved to approve Resolution No. 22-32, Bontrager seconded and upon roll call the vote was unanimous ayes.

Resolution No. 22-33 A resolution proposing sale of real property locally known as 119 8th Ave. and setting public hearing was introduced and caused to be read. Public hearing is set for September 19th Meeting. McCain moved to approve Resolution No. 22-33, Stutzman seconded and upon roll call the vote was unanimous ayes.

Discussion and action on WIF applications was had. Litwiller explained that she had received 3 applications for council to consider. Application #1, Austin Bayliss who was present to explain the improvements that he would like to make at the old Driscoll Studio building downtown which would include new windows and some masonry work on the outside of the building. The cost of the full project would be \$26,510.50. Evans made a motion to approve the \$10,000 grant for this project and allowing Ryan Miller, Mayor to sign off on approval, McCain seconded and all voted ayes. Application

#2, Tom Buckwalter who was also present to explain the improvements he was looking to make to the Buckwalter Motors business which included a new entryway and windows on the south side of the building with some remodeling of the current offices inside the building. He was also looking at some landscaping work on the southeast side of the building as well. The full cost of his project will be \$29,348 for the construction part and an additional \$3,033.45 for the landscaping portion. McCain made a motion to approve the \$10,000 grant for this project with allowing Ryan Miller, mayor to sign off on approval, Stutzman seconded and all voted ayes. Application #3 was for the Larry Rediger Building Project which will include some remodeling of the inside of the building in order for a new business to open. The cost of this project will be \$28,008.51. Bontrager made a motion to approve the \$10,000 grant for this project and allowing Ryan Miller, Mayor to sign off on approval, McCain seconded and all voted ayes.

Discussion and action on honeybee Ordinance was had. Litwiller explained that this was brought back to council due to it not passing last meeting with 2 ayes, 2 nays: McCain absent vote. Council discussed whether they felt this ordinance should be changed and if so some of the restrictions that they would be comfortable with. McCain made a motion to approve the ordinance change, Fleming seconded, and the vote was 3 ayes; Bontrager & Evans nay. Litwiller will locate some other cities ordinances for council to consider.

With no further business to be discussed Bontrager made a motion for adjournment at 7:04pm, Stutzman seconded and all voted ayes. The next regular City Council meeting will be on Monday, September 19, 2022, at 5:30pm in the Council Chambers of the Wellman Municipal Building.

Minutes transcribed by the City Clerk are subject to Council Approval.