

MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MALVERN CITY HALL  
May 9, 2016

The May 9, 2016, regular meeting of the Malvern City Council was called to order by Mayor Blackburn at 7:03 p.m. at the City Hall Council Chambers, Malvern, Iowa.

Mayor Blackburn instructed Council members to respond by name to answer roll call: Bruce Breeding, Kevin Willms, Doug Shere, Kate McGann. Fred Moreau was absent. City Clerk Mary Poort was present. There were seven visitors.

Breeding motioned to approve the consent agenda: a) May 9<sup>th</sup> 2016 Regular Meeting Agenda, b) minutes of the Special Meeting of April 25, 2016, c) minutes of the Regular Meeting of April 11, 2016, and d) the Current Expenditures. McGann seconded. All ayes; motion carried.

To complete the actions recognized in the 7 p.m. Public Hearing, Shere motioned to approve Temporary Ordinance Chapter 125 to the 2013 City of Malvern Ordinances, RAGBRAI -- Miscellaneous Permits, and to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Breeding seconded. All ayes; motion carried.

Mayor Blackburn called for recognition and presentation of Community Presenter, Janet Hernandez, pursuant to her request for a Council Hearing regarding ownership of a Pit Bull Mix dog. There was no answer to the recognition.

DEPARTMENT UPDATES

**PeopleService Report by Howard Peterson:** **Water Operation & Maintenance:** A bid was received for the spray foaming at both of the wells; no action taken. The wells have different construction materials calling for different actions by the contractor. The nitrate level is well below MCL. The well in question is fine on its own. Changes are monitored with continual field tests on the raw at the west well and the blend with both wells running. **Wastewater Operation & Maintenance:** Lagoon discharging continues throughout May; samples are well below limits. A new stop float was wired in to operate the main lift station, having responded to a high wet well alarm at 8:30 p.m., calling for manual pump management throughout the night. A VFD system would eliminate the float system and save dollars in electrical costs. **Tables Presented:** Water and Wastewater Gallon Studies, Average Daily Flows, Nitrates SEP, Equipment Checks/Inspections, Maintenance Budget -- 44% spent.

Discussion was held regarding the **sewer line work to be done on East 10<sup>th</sup> Street**. New ideas are being considered since there is no manhole for access to saw roots upstream. Consulting the engineer for recent sewer maps will be part of rethinking the situation; therefore, no action was taken on the bid submitted by T E Smith Construction.

Discussion was held regarding a **second RV dump station near Boehner Pond Campground**.

Such action would involve tapping into the closest sewer line, which is located a good distance away. The other RV dump station works well and is located in the southwest residential area that had been a topic of nuisance concern as posted on the City's website contact form. Ideas to address the nuisance concerns in that area and follow the established ordinances were voiced.

**Street Superintendent Report:** Dave Hoose – **Street Work Current List:** work orders per Citizens and City Hall; spraying weeds; City Hall parking lot repair; pot hole repair around town, swimming pool clean-out in preparation for painting; crosswalk light installation at Main and 7<sup>th</sup> Streets; exterior lighting work on Liberty Memorial Building; exterior lighting repair on the Library; and brush and compost pile maintenance.

Councilmember Willms asked about **lighting for the Senior Center**, commenting that it is the law. Mayor Blackburn asked for comments to refrain since this topic appears as an agenda item in New Business.

Discussion was held on a nuisance for Council consideration regarding a rusted and plugged **culvert at 702 Lincoln Avenue**. Superintendent Hoose and Mayor Blackburn talked of several similar structures that are on a scheduled list to be fixed when a backhoe is rented in the coming weeks.

Discussion was held regarding the **Gary Street resurfacing**. This topic was discussed last month and is still on the top end of the priorities. Mayor Blackburn's history indicated that housing in this area was purchased as property without curbs and gutters. Rod Powles has stated he will put curb and gutter at his residence should asphalt be applied. Decisions to use asphalt or chips/seal are linked to budget, surface build-up, and road use/frequency. Recent years have shown a commitment to resurfacing roads. Much of this will be on future agendas starting with July work.

#### UNFINISHED BUSINESS

Councilmember McGann provided an update on the **908 Main building** pursuant to Attorney Eric Hansen's communications. There has been no response. The 60-day waiting period expires at the end of this month. If there is no response, the District Court can be petitioned for ownership of that property. Some parameters need to be established.

#### NEW BUSINESS

Since Janet Hernandez did not appear for her formally-requested **Council Hearing** regarding ownership of a Pit Bull Mix dog, Mayor Blackburn called the Council Hearing null and void. In recognition of *Ordinance Chapter 55.13 Pit Bull Dogs* Prohibited and procedures identified in *2013 Malvern Code of Ordinances*, protocol is to be followed.

Shere motioned to **approve reappointment** of Ron Fanto and Bonnie Pierce to the Malvern Library Board of Trustees for terms ending 06/30/2022. McGann seconded. All ayes; motion carried.

Breeding motioned to approve the **Alzheimer's Fundraiser Block Party** application submitted by Alicia Hagen slated for 6/19/2016 in Heritage Park, 8 a.m. to 11 p.m. Shere seconded. All ayes; motion carried.

Shere motioned to approve the MABA Block Party application for Boehner Pond to sponsor a **Kids' Fishing Contest** on 6/18/2016, from 8:30 a.m. – 10 a.m. McGann seconded. All ayes; motion carried.

McGann motioned to set the time, date, and location as 5 p.m., Monday, May 23, 2016, at Malvern City Hall, for the **FY16 City Budget Amendment Public Hearing**. Shere seconded. All ayes; motion carried.

McGann motioned to accept RESOLUTION 2016-12 Providing for the Insurance of a Mutual Aid **28E Agreement** for Fire and Emergency Services with other Entities. Breeding seconded. All ayes; motion carried.

McGann motioned to approve **renewal of Life and/or Disability Benefits** effective July 1, 2016, with MetLife, with all rates to remain the same for another year. Shere seconded. All ayes; motion carried.

Discussion was held to **move the malvernia.com website domain** from Flywheel to Nate Eckley, of Underwood, Iowa, who would do maintenance and coding updates as needed, with the City to split cost with MABA. Comments suggested that other events could be put onto the website calendar and link to Facebook. Plug-ins could be added. Response and maintenance time would be minimal in comparison, within 24 hours. The website could be rebuilt on to a hosted domain that allows a responsive website for calendar functions. The split cost would be about \$300 each for the year. Shere motioned to split with MABA the cost of website domain migration to Nate Eckley for continued website hosting, general maintenance, and ICANN procedure & maintenance. McGann seconded. All ayes; motion carried.

The last item of New Business discussion regarding **outside lighting at the Senior Center**, afore-mentioned by Councilmember Willms during the Street Superintendent's Report, was now begun with Mayoral comments. Dave Hoose is in the process of putting lights on the east side of the Liberty Memorial Building, which may contribute to the lighting in that area. Grants are in process regarding that building, and lighting may be part of those grant applications, as well.

Councilmember Willms again expressed concern for having a light directly above the door, for the law, for the safety of citizens, that the City owns the building, and stated he would call the State inspector. He also expressed concern for handicapped accessibility downtown.

Mayor Blackburn assured that handicapped accessibility has been addressed time and again throughout the downtown area, and the lighting issue is being addressed through work in

progress and grants to come by many people who are involved in updating the building. Mayor Blackburn stated that this is an issue for the Liberty Memorial Board with decisions and funding to be determined by that Board, to which over \$2,000 has recently been cut from their yearly revenue.

Councilmember Willms continued to talk about the law/contacting the State inspector, Mayor Blackburn stated that Willms was out of order, and a request to get on with the meeting was raised from a visitor. Upon Mayor Blackburn's suggestion, Council member Willms departed the meeting.

City Clerk Mary Poort reported that the cost of two lights for the east side of the building were \$810, with one most likely around \$400. Street Superintendent and Licensed Electrician Hoose stated that he had followed the wiring, and it is good for lights placed atop the directional sign poles just southeast of the Memorial Building and near the Senior Center entrance. He is positive that those lights will light the Senior Center entrance.

Mayor Blackburn assured there are many plans in action to take care of lighting issues, and those people's plans need to be considered. Councilmember Breeding also assured that MABA will be writing for another grant in Phase II of the Liberty Building renovation, which may include lighting.

#### MAYORAL REPORT

Mayor Blackburn called upon Council member McGann to report on the **Iowa Great Places grant opportunity**. A Letter of Intent was completed by May 1, 2016, to deem our project worthy of application. This grant has to impact the entire city. The initial ideas within the Letter of Intent all related to downtown improvements, such as picnic tables, benches, bike racks, sidewalks, mural; a bid was included to fix downtown broken curbs needing repair or replacement. Handicap accessible is another focus. This Iowa Great Places is a matching grant to which a match of \$200,000 by Malvern Trust & Savings Bank has been offered

Mayor Blackburn then reported that '**Nuisance Property & Abandoned Building Remediation**' monies may be available through Iowa Economic Development and will be meeting with MAPA's Community & Economic Development Manager, Lynn Dittmer, to follow up on that on May 11<sup>th</sup>.

Mayor Blackburn talked of the opportunities that may be pursued in the **fall application for the Costello Grant**: Swimming-pool/plumbing repairs, updated concessions, and long-range plans for a new pool. Federal monies may be available for a storm-shelter/bathhouse. Projects need to be shovel-ready. A plan of focus needs to be addressed concerning the applications for City projects.

Discussion regarding the **Fiber Optics Project** that placed orange and white posts in yards – citizens have complained of disruption of yards, reseeding issues, and have questioned the

extent of the project and its completion date. City Hall clerks are asked to follow up on this item of business.

Mayor Blackburn provided an update on the **Liberty Memorial Building Renovation**. Marty Green spray painted from mobile scaffolding guided by MABA volunteers. The metal decorative ceiling and walls are all painted. Finishing touches to the door and handicap entrance ramp will soon bring Phase I to a close, providing an elaborate, new look to the basement.

**Marion Avenue and Main Street Bridges** grant explorations remain ongoing with communications with the Iowa DOT, BNSF Railway, Farm Bureau, and other agencies.

#### PROJECT/MEETING UPDATES

**RAGBRAI Committee Report:** Councilmember McGann stated that Committees are being formed. Several non-competitive, outside vendors will be allowed. Council member Moreau is working on emergency management. There will be no beer garden due to the short four-hour window of morning time allowed to serve alcohol. The local establishments will be in charge of alcohol sales and carding. Morning calls for drinks like coffee, water, and Gatorade to supplement breakfast food.

City Clerk Mary Poort reported that the **Malvern Banners** are still in the works, with Brian Jaschen guiding the process. The cost for 40 banners is anticipated to be about \$2,000. Quantity, design, and budgetary decisions are being considered with order to be completed soon.

Councilmember McGann reported that the **Downtown CDBG Facade Project** is still in the closing stages. McGann motioned to approve release of the Remainder of Retainage to Pinnacle Subject to receipt of Restitution Certified Payroll by Midwest Glass. Shere seconded. All ayes; motion carried.

City Clerk Mary Poort reported that the **CDBG Housing Rehabilitation Program** has dollars available to consider work on two more homes, considered alternates in the program. The initial inspections have begun and paperwork now in the works. The Iowa Economic Development Authority monitoring visit is scheduled for May 18, 2016, at 10 a.m., at City Hall.

McGann gave an update on the **Water Project**. Farmers have been encouraged to consider CRP acres or cover crop near the wells. Landowners Babbitt, Glen Robbins Trust, Williams, and McGanns are part of the Iowa DNR Sourcewater Protection Program and versed in environmentally safe farming practices to keep nitrate levels in check.

#### NUISANCE DISTRICT UPDATES

**District #1:** Doug Shere – The 98 Main burned structure has been sold and the abatement process will be soon underway. RESOLUTION 2016-10: certifying charges with the County Treasurer was completed April 25, 2016.

**District #2:** Mayoral Order of 5-2-2016 places Kevin Willms in charge of this district.

**District #3:** Kate McGann – 510 West 2<sup>nd</sup> Street, burned structure demolition and abatement: Chris and Martha Kaufman requested to speak as owners of the structure. The structure is a nuisance; no power, no gas, windows smashed. A request was raised to ask the fire department to do a controlled burn, to which fire officials at the meeting addressed the EPA regulations that state no burning in City limits. Street Superintendent Hoose said that he had talked with one contractor who would have been able to abate the building in a day. The cost would then go onto the tax rolls. When the City starts an abatement, there is an obligation to finish it. Chris Kaufman requested an extension to abate by September 1, 2016. Councilmember McGann suggested August 1<sup>st</sup> taking into account that the original abatement date by owner is June 1<sup>st</sup>.

Shere motioned to extend the Kaufman nuisance abatement time to August 1, 2016. McGann seconded. All ayes; motion carried.

**District #4:** Bruce Breeding – 808/810 Prospect, residue nuisance still pending, for discussion: Councilmember Breeding explained the nuisance situation in that 808 had two wood-burning stoves with chimneys; one and its chimney have been abated. 810 complained of soot on the house and wood smell inside. How do you prove soot happening under the eave and smoke smell in the 810 house if we cannot see the smoke hitting the house or smell it within? Breeding stated that his findings show that at this point, it is not operating, and the nuisance cannot be determined. Other comments mirrored Breeding's statements.

**District #5:** Mayoral Order of 5-2-2016 places Fred Moreau in charge of this district.

There being no further business, McGann motioned to adjourn the meeting at 8:38 p.m.

Michael K. Blackburn  
Mayor

ATTEST:  
Mary Poort  
City Clerk