

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
MALVERN CITY HALL
November 13, 2017 – 7 p.m.

The November 13, 2017, regular meeting of the **Malvern City Council** was called to order by Mayor Blackburn at 7 p.m., at City Hall Council Chambers, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Bruce Breeding, Roger Johnson, Kate McGann, Fred Moreau, and Doug Shere. Visitors: nine. City Clerk Mary Poort was also present.

McGann motioned to amend the **consent agenda** with Item 6B(4) to be moved to hear Mills County Engineer Kevin Mayberry as a Community Presenter and approve Regular Meeting Minutes –October 9, 2017, and current expenditures. Johnson seconded. All ayes; motion carried.

There being no visitor requests to speak as a community presenter, Mayor Blackburn set forth **Item 6B(4) Marion Avenue Bridge** and introduced Kevin Mayberry. County Engineer Mayberry explained the process regarding engineer selection and options to pay for engineering design and construction inspection fees with local funds or federal funds. The Concept Statement was available for Council review.

McGann **motioned to use Non-Federal Funds** for Engineering Design and Construction Inspection for the Marion Avenue Bridge Replacement Project. Moreau seconded. All ayes; motion carried.

Council members reviewed qualifications of three engineering firms examining professional consulting services visual materials. McGann **motioned to select HGM** for Design and Construction Inspection services involved with replacement of the Marion Avenue Bridge.

MAPA Presentation: Mayor Blackburn recognized Don Gross, Community and Economic Development Manager for Metropolitan Area Planning Agency. Mr. Gross presented information regarding a **statewide childhood health campaign** for which grant money is to support initiatives involved in the 5-2-1-0 Let's Go Program recently announced by Governor Kim Reynolds. Future meetings will involve more information and determine plan of action. Mayor Blackburn suggested continuation of the 2017 summer program initiated by MABA.

Mr. Gross also addressed MAPA's services related to the **Malvern 1987 Zoning Ordinance Update**, which would involve updating descriptions and zones, matching County descriptions, subdivision ordinance, recognizing extra-territorial zoning, 28E agreement, with committee input.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson. WATER: Replacements at west well: heater, VFD cooling fans, dehumidifier this winter; hydrant flushing this month; nitrates higher than 2016, within range. WASTEWATER: maintenance to the air relief manhole south of Little Creek crossing—pump out and valve shut-off, bypass report filed and samples submitted via IDNR. JEO engineer was contacted for cost to rehab and /or replace the creek crossing, and Engineer's Budgetary Opinions of Probable Cost were submitted. City Clerk Poort addressed the funding for replacement of such infrastructure. Peterson also reported on condition of the grinder, stating \$30,000 for replacement.

McGann motioned to make the necessary repairs to the sewer infrastructure. Johnson seconded. All ayes; motion carried.

Mayor Blackburn will discuss with Peterson the Main Lift Station #2 Pump Reseal and Installation Bill, which was paid to avoid late charges.

Discussion regarding the **MHI Survey for the Proposed City Water Treatment Facility Project**: The survey was approved by USDA. Jodi Hillsabeck from Midwest Assistance Program prepared the mailing for November 14, 2017.

Streets Superintendent Report – Dave Hoose. October’s work report: work orders per mayor and citizens, winter equipment prep, Miller Field tree trimming, equipment maintenance, 13 downtown light-pole settings, training for chemical license, APWA Winter Training for Operators—11/7/17 at Mid-America Center, Council Bluffs, oversaw 2nd Main Street Bridge grinding for final approval, holiday décor prep. No sidewalk snow removal applicants to date. City Clerk will contact business owners a second time to ensure use of pot ash/phosphate on new sidewalks during snow removal. Sand is to be used on Main Street Bridge new surface.

An HGM email response was discussed regarding seeding and errors and omission insurance, with comments on final surface quality of Main Street Bridge. Shere motioned to approve the HGM Invoice of \$10,671.78 for Engineering Services on Main Street Bridge Renovation. There was no invoice for Cramer and Associates to date.

City Brush Pile Plan for Renovation discussion: concrete relocation when freezes, ditch clean-out, Dave & Steve to work with Doug, easement for driving on private property to maintain ditches, contact property owner.

Park Board Report – Steve Barrett, Chairman. Vending machines in concession stand, Hoose to take CPO classes, lifeguarding added to pool manager’s position, staffing, salaries, Premier Pool site visit to plan for concrete replacement 9 a.m. November 16, fencing, Park Board vacancy announcement to be placed on bank marquee.

UNFINISHED BUSINESS: Shere motioned to **approve 2017 Fairview Hills Golf course Development Preliminary** Plat with Exceptions, including R1 and R2 Residential Zoning, Recognizing Approved Variances. Breeding seconded. Ayes: Breeding, McGann, Moreau, Shere. Johnson Abstained. Motion carried.

McGann motioned to Table Setting Parameters for Future Decisions of Use and Sale of **Former Family Worship Center.** Moreau seconded. All ayes; motion carried.

Mayor Blackburn recognized Zoning Administrator Bob Blum to join in a discussion about the building permit two-part process, which concludes with the City issuing a Certificate of Zoning Compliance upon completion of the project and a final check by the zoning administrator. Blum’s advice called for following more closely the construction timeline set forth. Moreau motioned to **Deny Division of Duties and Compensation for Assistant Zoning Administrator.** McGann seconded. All ayes; motion carried.

Shere motioned to set a December 11, 2017, Public Hearing for the **proposed Ordinance No. 301**—Amending Provisions in Zoning Ordinance 284 Pertaining to Fees. Breeding seconded. All ayes; motion carried. McGann motioned to set a December 11, 2017, Public Hearing for the **proposed Ordinance No. 302**—Amending Chapter 90.06 – Water Service System – Fee for Permit. Moreau seconded. All ayes; motion carried. Breeding motioned to set a December 11, 2017, Public Hearing for the **proposed Ordinance No. 303**—Amending Chapter 96.02—Building Sewers and Connections—Tapping Fee. Johnson seconded. All ayes; motion carried. Breeding motioned to set a December 11, 2017, Public Hearing for the **proposed Ordinance No. 304**—Amending the Planning and Zoning Code of Ordinances, Article XX Board of Adjustment Procedure, Powers and Duties, Section 4: Fee for Appeal. Shere seconded. All ayes; motion carried.

Shere motioned that McGann move forward with **discussions with Matt Woods regarding the Malvern City Attorney position.** Breeding seconded. All ayes; motion carried.

Discussion regarding **Malvern Zoning Ordinance Update and Extra-Territorial Zoning:** City Clerk to continue communications with SWIPCO and MAPA for Council decision at December meeting.

NEW BUSINESS: McGann motioned to **approve the Annual Financial Report for FY 2017,** published 10/26/17 in the Malvern Leader. Shere seconded. All ayes; motion carried.

Breeding motioned to approve **RESOLUTION 2017-34 Urban Renewal Report** for Fiscal Year Ending June 30, 2017. Shere seconded. All ayes; motion carried.

City Clerk Poort explained the **GASB77 Report**, Tax Abatement Disclosure, newly implemented in June of 2017.

McGann motioned to set a December 11, 2017, Public Hearing for the proposed Ordinance Amending the Code of Ordinances of the City of Malvern, Iowa, by **Adding a New Chapter to Address On-Site Storage Containers**, removing references to residential so the ordinance will address city-wide. Breeding seconded. All ayes; motion carried.

Shere motioned to approve Liquor License, Pending DRAM Approval, recognizing Certificate of Liability Insurance, for **Little Creek, LLC**, c/o Ryan Wilgenbusch. Moreau seconded. All ayes; motion carried.

MAYOR'S REPORT: Results of the November 7, 2017, **City Election** were discussed, with training opportunities available. Mayor Blackburn, Councilmembers McGann, and Shere were re-elected at large, with Chris Androy elected to an at-large Council seat in January. Councilmember Johnson was elected to fill a vacancy for which he had been appointed.

Breeding motioned to **reinstate Don Jones and Ralph O'Tool** to the Liberty Memorial Building Board for a three-year term. Moreau seconded. All ayes; motion carried.

PROJECT/MEETING UPDATE: Moreau motioned to move forward with the water project. Discussion: City Clerk Poort is to publish a newspaper article in explanation of the Proposed City Water Treatment Facility and the city-wide MHI citizen survey's importance in keeping the costs down for individual consumers. Additional work with JEO and funding opportunities is to continue. Shere seconded. All ayes; motion carried.

A brief **discussion of Tax Abatement** was held involving a topic of new business incentive and the City's part in that adventure.

NUISANCE DISTRICT UPDATES: District #1: 209 East 4th Street is to allow 5' clearance between the garage and parked car for the safety of walkers, recognizing the physical layout of drive and sidewalk creates a hardship. 601 Gary is to license dogs or subject to removal by Ordinance. District #2: 108 2nd Avenue is to abide by current licensure and no storage in camper as stated in Malvern Ordinance. 107 2nd Avenue is to move camper to cement base, as reported to City Hall. District #5: Moreau motioned to deny the Malvern City Ordinance 299 Section 69.11(11): Recreational Vehicle on-Site Dwelling Appeal from Deblia Henderson. Persons dwelling in the camper and its connection to electricity are to cease by December 1, 2017, abiding by the camper backyard storage ordinance and appropriate parking surface by May 1, 2018. McGann seconded. All ayes; motion carried.

Shere **motioned to adjourn** the meeting. There being no further business, the meeting was adjourned at 9:43 p.m.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk