

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
And PUBLIC HEARINGS for BUDGET AMENDMENT 2 and ORDINANCE 306
MALVERN CITY HALL – 100 West 5th Street
May 14, 2018 – 7 p.m.

The May 14, 2018, regular meeting of the **Malvern City Council** was called to order by Mayor Blackburn at 7:01 p.m., City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Christina Androy, Bruce Breeding, Roger Johnson, and Kate McGann. Doug Shere--absent. Visitors: ten. City Clerk Mary Poort was also present. Mayor Blackburn welcomed visitors, recognized agenda public presenters and non-agenda public presenters. Androy motioned to approve the **Consent Agenda**: tentative agenda, regular meeting minutes and Public Hearing on Ordinance 306 Culverts of April 9, 2018, Special Meeting minutes of April 30, 2018, and current expenditures. Breeding seconded. All ayes; motion carried.

Mayor Blackburn then called to order, at 7:02 p.m., the **Public Hearing for Malvern City Proposed Budget Amendment #2 FY 18**. Recognition of Publication was heard: May 3, 2018, Malvern Leader. Blackburn called for any filed written comments or objections from the City Clerk; there were none. Blackburn then called for any objections, statements, and/or exhibits for Council consideration. There being none, Blackburn adjourned the public hearing at 7:03 p.m.

Mayor Blackburn then called to order, at 7:03 p.m., the **Public Hearing for Proposed Amendment to Malvern Code of Ordinances – Ordinance No. 306**, Section 135.13 by Amending Provision Pertaining to Street Use and Maintenance – Driveway Culverts: Third Reading. Recognition of Publication was heard: March 29, and April 19, 2018, in Malvern Leader and agenda posting. Blackburn called for filed written comments or objections from the City Clerk; there were none, other than concerns reported in the 1st reading public hearing of April 9, 2018. City Attorney Keith Tucker talked with the Council on two concerns: 1) establishing an overseer; 2) contractor qualifications. Blackburn adjourned the public hearing at 7:21 p.m.

Mayor Blackburn called for a 3rd reading to be held June 11, 2018, with appropriate additions per the City attorney. Breeding provided such motion and Johnson seconded. All ayes; motion carried. The Public Hearing for Proposed Amendment to Malvern Code of Ordinances—Ordinance No. 306 will be held at Malvern City Hall, 100 West 5th Street, at 7 p.m. on June 11, 2018. Any written comments or objections can be filed at City Hall.

Community Presenters: Mayor Blackburn recognized JW Abercrombie whose topic explored attracting manufacturing to Malvern; Buddi Thompson, ISU Extension, whose topic was the fall harvest dinner in support of local foods; and Beverly Dashner who talked on Item 12C—Malvern’s Sesquicentennial with Councilmember McGann suggesting June 27-30, 2019, as the celebration date, for which a committee and volunteers are to be secured.

City Attorney Keith Tucker questioned any other business matter for his attention before departure. Mayor Blackburn moved agenda item 9C **Parking Violation Ticket Process** to discussion. City Clerk Poort distributed a handout entitled, “Notice for Parking Violation – Envelope System,” noting the parking regulations tied with City Ordinances. Androy gave Tucker a copy of the 28E agreement with Mills County Sheriff’s Department to review. Discussion again questioned the ticket process through that agreement. Breeding motioned to table item for attorney review. Johnson seconded. All ayes; motion carried.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson’s hand-out: WATER: leak repair at East 4th and Marion; information on new maintenance contract with Jake Dugger of Maguire Iron. SEWER: lagoon discharging at end of month; grinder has been ordered April 10th. PeopleService graphs show no updates. The City Clerk is to contact PeopleService.

Review of Ordinance 307 Amending Ordinance 297 Amending Provisions Pertaining to **Sewer Rental Rate**, Section 99.02 of the Malvern Code of Ordinances: McGann motioned to set a public hearing for same on June 11, 2018. All ayes; motion carried.

Review of Ordinance 308 Amending Ordinance 298 Amending Provisions Pertaining to **Water Rates**, Section 92.02 of the Malvern Code of Ordinances: McGann motioned to set a public hearing for same on June 11, 2018. Johnson seconded. All ayes; motion carried.

Streets Superintendent Report – Dave Hoose: April Streets Report: PARKS: Boehner Pond tree clean-up, broken railing removal at Rec Park, repaired damaged/broken electrical lines, removal/installation of fence posts, hauled 30-ton gravel for contractor, repair fencing removed and damaged by contractor, drain/clean-out pool to be sanitized and filled, moved/temp installation of power washer, concession stand remodel for Pool. STREETS: moving and repair for City Hall move, HS work-day cleanup, ice/snow maintenance, hired mowing employee, mowing equipment maintenance, winter equipment maintenance, gate across old compost entrance, initiated street grinding bids, caution-taped burnt property at 2nd Avenue, Giant Bike unload, old City Hall signage removal and installed new, repair of street light globe, weekend event cones/barricades, graveled two alleys and streets around T&N Park and Sixth Avenue, hauled gravel to City Shop, tree limb clean-up 9th & 10th Streets, assessed windmill damage at Boehner Pond and property abatements, mowing, brush-pile maintenance, weekly trash cleanup, hung & watered new flower baskets downtown, street sweeper on downtown gutters, pot-hole patching, mosquito chem order, mower repair and parts order.

Mayor Blackburn called for discussion and motion on RESOLUTION 2018-14 **Stop Sign Designation**, 7th Street and Prospect. The issue died for lack of motion.

Blackburn called for discussion and motion establishing **drop-down speeds approaching Malvern** on Lambert Avenue and 315th Street from the south. Breeding motioned to have Mayor Blackburn contact County Engineer Kevin Mayberry for this process. Androy seconded. All ayes; motion carried.

Park Board Report – Steve Barrett: Pool—concrete pour is below quality work. City Clerk is to set up a meeting with City Attorney Matt Woods; Parks—Boehner Pond windmill damage; Tree City USA reinstatement—qualifications and more information in future report. Much appreciation to Shane Sayers and all volunteers to make Miller Field at Boehner Park a reality.

UNFINISHED BUSINESS: Androy motioned to approve RESOLUTION 2018-15 **Approving Budget Amendment No. 2** for FY2018. Breeding seconded. All ayes; motion carried.

Discussion was held on solutions to **capacity issues with the Recycle Station**. Possibly eliminate the third glass to become another cardboard collection container.

NEW BUSINESS: Mayor Blackburn called for motion on Sheppard Family Reunion **Block Party Application**, May 25-28, 4th Avenue to be blocked. Lack of motion allowed the action to die.

Johnson motioned to approved **Mulholland Grocery Store Liquor License Renewal**, pending DRAM insurance approval. Breeding seconded. All ayes; motion carried.

MAYOR'S REPORT: McGann motioned to approve the yearly appointment of Rich Maaske as **representative to the West Nishnabotna Watershed** Board and Fred Bolton as alternate. Androy seconded. All ayes; motion carried.

Breeding motioned to reinstate Tom Winchester to the **Library Board of Trustees**, term ending 2024. Johnson seconded. All ayes; motion carried.

Breeding motioned to approve RESOLUTION 2018-17 In **Appreciation of East Mills Students** participation in Service Day. McGann seconded. All ayes; motion carried.

Breeding motioned to approve RESOLUTION 2018-18 In **Appreciation of Shane Sayers and Volunteers** to make possible Miller Field. Androy seconded. All ayes; motion carried.

Androy motioned to approve a mayoral appointment of Shane Sayers as **volunteer manager of Miller Field**. Breeding seconded. All ayes; motion carried.

McGann motioned to approve **Miller Field use of storage unit up to half** at Boehner Park. A dividing wall can be installed. Breeding seconded. All ayes; motion carried.

McGann motioned to appoint Mayor Blackburn and Mayor Pro-Tem Johnson to **oversee City Hall cement project**. Breeding seconded. All ayes; motion carried.

Discussion was held on moving forward with the **former Family Worship Center property** with securing the legalities from City attorney.

Nuisance District Updates: April 10 – May 14, 2018--Nuisance Districts Abatements Issues as stated and in update packet. District#1: Bruce Breeding: Unplated cars: 203 Marion Avenue, 302 2nd Avenue, Unlicensed vehicle—404 Lincoln Avenue, Check with 104 Main. District#2: Roger Johnson: 90 2nd Avenue – Ordinance 145.02-03, et.al. District#3: Kate McGann: 108 2nd Avenue – Ordinance 145.02-03, et.al. (Dist.2)—burned structure cleanup progress; unplated car and junk parcel south of Post Office (Dist.2); boat in front yard—508 2nd Ave. (Dist.4). District#4: Chris Androy: Unlicensed vehicle: 701 3rd Avenue, Junk: 609 3rd Avenue, Camper parking: 802 Main Street and 704 Lincoln Avenue; boats in back yard: 109 W. 6th. District#5: Doug Shere: absent. Send notices to unlicensed/non-roadworthy vehicles. Thirty days for appropriate pads to be placed for campers/boats.

Non-Agenda Comments: East Mills Super Board meeting—May 21, 2018, at Emerson Community Building. Arbor Pro (DNR Project) presented a conference call Power Point—attended by Preston Sargent, Diane Maaske, and City Clerk Poort. Marion Avenue Wagon Bridge Replacement BNSF Review from Calvin Nutt received, with HGM Engineer Jon Peterson's explanation.

Androy motioned to adjourn; there being no further business, the meeting was adjourned at 10:04 p.m.

Michael K. Blackburn, Mayor

ATTEST: Mary Poort, City Clerk