

MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MALVERN CITY HALL – 100 West 5th Street  
April 8, 2019 – 7 p.m.

The April 8, 2019, regular meeting of the **Malvern City Council was called to order by Mayor Blackburn** at 7:04 p.m., City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa. Mayor Blackburn recognized the following **Councilmembers as present:** Roger Johnson, Kate McGann, Doug Shere, and Bruce Breeding. Chris Androy was absent. A quorum was recognized. Visitors: five plus Street Superintendent and Water Superintendent arriving to give partial report out of order. City Clerk Mary Poort was also present. Mayor Blackburn welcomed visitors and called for any non-agenda public presenters, there being one—Tina Bakehouse.

McGann motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of March 11, 2019 and current expenditures. Androy seconded. All ayes; motion carried.

**Vicious Dogs Hearing:** Opened by Mayor Blackburn at 7:05 p.m., Duncan and Melinda Evans of 809 Marion Avenue appealed to Council—four dogs unregistered in the 2019 Malvern Pet Registry, one rabies deficient, human attacked and bitten on March 27, 2019, ten-day quarantine per Mills County Health, information presented. 7:15 p.m.—hearing ended.

**PUBLIC HEARING: ORDINANCE 311, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, SECTION 92.02, BY AMENDING PROVISIONS PERTAINING TO WATER RATES FOR SERVICE.** Call to Order at 7:16 p.m. Recognition of Publication: Notice of the City Council's Intent to Conduct a Public Hearing to Amend Code of Ordinances of the City of Malvern, Section 92.02, by Amending Provisions Pertaining to Water Rates for Service had been published March 21, 2019, in the Malvern Leader. City Clerk Poort reported no written objections filed at City Hall. Whereupon Mayor Blackburn called for objections, statements, and/or exhibits for Council consideration—there being none. Blackburn adjourned the public hearing at 7:17 p.m.

**PUBLIC HEARING: ORDINANCE 312, ADDING A NEW TEMPORARY CHAPTER 125, TO THE 2013 CITY OF MALVERN ORDINANCES, SESQUICENTENNIAL – MISCELLANEOUS.** Call to Order of Public Hearing at 7:17 p.m. Recognition of Publication: Notice of the City Council's Intent to Conduct a Public Hearing on Notice of the City Council's Intent to Conduct a Public Hearing to Add a New Temporary Chapter 125, to the 2013 City of Malvern Ordinances, Sesquicentennial - Miscellaneous, had been published March 21, 2019, in the Malvern Leader. City Clerk Poort reported no written objections filed at City Hall. Whereupon Mayor Blackburn called for objections, statements, and/or exhibits for Council consideration—there being none. Blackburn adjourned the public hearing at 7:18 p.m.

**PUBLIC HEARING: AMEND THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, SECTION 69.07 BY AMENDING PROVISIONS PERTAINING TO PARKING PROHIBITED.** Call to Order of Public Hearing at 7:18 p.m. Recognition of Publication: Notice of the City Council's Intent to Conduct a Public Hearing on AMENDING THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, SECTION 69.07 BY AMENDING PROVISIONS PERTAINING TO PARKING PROHIBITED had been published March 21, 2019, in the Malvern Leader. City Clerk Poort reported no written objections filed at City Hall. Whereupon Mayor Blackburn called for objections, statements, and/or exhibits for Council consideration: Councilmember Shere spoke of need for unobstructed Main Street clean-up all year long. Blackburn adjourned the public hearing at 7:20 p.m.

**Agenda Presenters:** Mayor Blackburn recognized Brenda Koger who encouraged City Official participation in Sesquicentennial parade and activities, parade route per Block Party Application, and great excitement in the air. Mayor Blackburn expressed gratitude and positive remarks for the Sesquicentennial planners and upcoming events. **Community Presenter:** Mayor Blackburn recognized Tina Bakehouse, Chief Creative Officer at Malvern Bank, who introduced herself referencing topics of financial fitness, community building, sesquicentennial promotion, and strategic plan development.

**DEPARTMENT UPDATES: PeopleService Report—Howard Peterson—**March report handout: WATER: Melting snow/extreme runoff west well lower nitrates—buffer is helping—within range. Replacing flow meter at east well. High water-table soaked under seal coat on 3<sup>rd</sup> Avenue—water main intact. WASTEWATER: Out-of-season discharge on the

lagoon per IDNR permission. Lift station grinder--electric motor problems (under warranty)—Iowa Pump sending a tech. Howard arrived to report to Council: April 8<sup>th</sup>—Bottled Water Advisory: East Well failure; West Well exhibits nitrates. Bottled water available at Community Building. Main and pump problems.

**Street Superintendent—Dave Hoose**—March report presented: Snow/ice/pile cleaned-up; storm drains/drainage ditches cleared; reinstated temporary and permanent stop sign 4<sup>th</sup> and Main for east-west traffic; flood control west Malvern: block streets, cleanup, drainage issues; Omaha trip for truck load asphalt patch—pot hole maintenance; rock hauling for gravel/grade alleys and streets; 13<sup>th</sup> Street washout under street—undermined about 24" round/100' long; drained and cleaned City swimming pool brush-pile maintenance; unloaded two truck-loads bottled water/stored furniture to allow space for water. Council discussion: Contact DMANDZ to use fork lift; and take fire trucks to City Shop to allow water storage in Community Building Fire House.

Shere motioned to confirm Mayor Pro-tem Johnson's vicious dog position and per Sheriff's report, that the dog without current rabies vaccine be removed from the City of Malvern. Johnson seconded. All ayes; motion carried. Letter to be sent stating dog banning, and requirement for current licensures and vaccinations.

**Park Board Report – Chairman Steve Barrett**—absent. Agenda sported working on Silver Creek BBQ, August 9-10, 2019. Leak Investigators walk through Tuesday, April 16, 8 a.m.

**UNFINISHED BUSINESS: Chantry Elementary** electrical bill prompted electrical meter inspection by Street Supt. Hoose, who walked building and determined one meter connection to the former annex. City Clerk Poort contacted MidAmerican Energy with owner's address. Several ideas were suggested for the property.

**NEW BUSINESS: ORDINANCE 311**, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, SECTION 92.02, BY AMENDING PROVISIONS PERTAINING TO WATER RATES FOR SERVICE. Shere motioned to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Breeding seconded. Supermajority vote: Johnson, McGann, Shere, Breeding—ayes; Androy absent. Motion carried. Shere motioned to approve final passage and adoption of Ordinance 311. Breeding seconded. All ayes; motion carried.

**ORDINANCE 312**, ADDING A NEW TEMPORARY CHAPTER 125, TO THE 2013 CITY OF MALVERN ORDINANCES, SESQUICENTENNIAL – MISCELLANEOUS. McGann motioned to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Shere seconded. Supermajority vote: Breeding, Shere, McGann, Johnson—ayes; Androy absent. Motion carried. McGann motioned to approve final passage and adoption of Ordinance 312. Shere seconded. All ayes; motion carried.

AMEND THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, **SECTION 69.07** BY AMENDING PROVISIONS PERTAINING TO PARKING PROHIBITED. Shere motioned to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Johnson seconded. Supermajority vote: McGann, Johnson, Shere, Breeding—ayes; Androy absent. Motion carried. Shere motioned to approve final passage and adoption of Ordinance 313. Johnson seconded. All ayes; motion carried.

McGann motioned to approve **Block Party Application for East Mills High School Miles Per Gallon Trek**, April 17, 2019, blocking Main Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street from 9:15 – 10:15 a.m. Shere seconded. All ayes; motion carried.

McGann motioned to approve **Block Party Application for C&M's Café Car/Tractor Show**, June 30, 2019, 11 a.m. to 5 p.m., blocking Main Street from 3<sup>rd</sup> to 5<sup>th</sup> Streets. Shere seconded. All ayes; motion carried.

McGann motioned to approve **Block Party Application for Sesquicentennial Parade**, noting possible alternate line-up route. Shere seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2019-13** MABA'S Iowa Great Places Main Corridor Beautification Project—entrance light poles and 'Malvern Signage' construction project -- \$82,285 as a Malvern City Project. Breeding seconded. All ayes; motion carried.

Johnson motioned to approve MABA's gift of grant monies, \$82,285 for '**Malvern Main Corridor Beautification Project**'. McGann seconded. All ayes; motion carried.

Johnson motioned to approve a 50% down-payment to CBS Signs, Inc. for \$2,532.50 regarding the **new Malvern Sign** at intersection of HWY 34 and 315<sup>th</sup> Street. Breeding seconded. All ayes; motion carried.

Discussion held on attorney embargo information related to heavy commercial and County **truck traffic on Main Street**; need for a City meeting with engineer, attorney, DOT, and businesses. In the meantime, McGann motioned to approve RESOLUTION 2019-12 Placement of Stop Sign @ Main & 4<sup>th</sup> Street for north/south traffic per Mayor/Pro-tem discretion. Breeding seconded. All ayes; motion carried.

**MAYORAL REPORT:** Discussion on future voluntary **annexation**, utility service; consensus to move forward with information, talk to property-owners and attorneys.

Johnson motioned to lift a spring **burn ban** according to Malvern City Ordinances and for the City Clerk to set forth publication requirements and resolution for a May burning period for yard waste. McGann seconded. All ayes; motion carried. May yard waste burning period: May 10 – May 19, 2019.

**PROJECT/MEETING UPDATE:** SESQUICENTENNIAL – June 28-29-30: need volunteers, Facebook/electronic sign-up, MVFD parking vehicles Saturday night, City Council presence. P&Z COMMISSION – Recommendations to update Malvern Zoning Ordinances @ February 20/March 13/April 17 meetings. 5-2-1-0 WALKING AUDIT, July 8, 2019 – to propose walking areas for need of improvements and future planning.

**NUISANCE DISTRICT UPDATES:** March 11 – April 8, 2019. 99 2<sup>nd</sup> Avenue—Richard Bolander: two old trailer houses need torn down per Mayor. All the addresses 92 4<sup>th</sup> Avenue and 97 3<sup>rd</sup> Avenue—Stacy—monitor. 301 4<sup>th</sup> Avenue—Don and Belinda Kimsey: camper/trailer parking/junk vehicles—report to Council in 30 days with progress/plan. 809 Marion Ave—Melinda and Duncan Evans: non-licensed dogs—register three dogs. 704 Kearney—Kirk Anderson: vehicle junk in yard—report to Council in 30 days with progress/plan. BLK 37/LOT 12 E OF RR—Cisco Shere, Cisco's Service: junk/junk vehicles—send letter. 107 2<sup>nd</sup> Avenue—Ted Wilson: excessive vehicles—send letter.

There were no **NON-AGENDA COMMENTS**. Shere motioned to **adjourn**. There being no further business, the meeting adjourned at 9:15 p.m.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk