

MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MALVERN CITY HALL – 100 West 5th Street  
February 10, 2020 – 7 p.m.

The February 10, 2020 regular meeting of the **Malvern City Council was called to order by Mayor Moreau** at 7:00 p.m., City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa. Mayor Moreau recognized the following **Councilmembers as present:** Chris Androy, Bruce Breeding, Kate McGann, Roger Johnson—via teleconference ; absent—Doug Shere. A quorum was recognized. City Clerk Mary Poort was also present. Mayor Moreau welcomed six visitors (three more arriving later) and called for any non-agenda public presenters—there being none.

McGann motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of January 10, 2020, special meeting/budget session of January 28, 2020, current expenditures, place on file minutes of Library Board of Trustees—2/3/2020 and Park Board—2/4/2020, Liberty Community Building Board—1/16/20. Breeding seconded. All ayes; motion carried.

Mayor Moreau called upon scheduled presenters, Dale Ervin and Austin Partridge, **First National Bank of Omaha**, Corporate Banking and Lending, to talk about the Malvern Water Treatment Plant Project interim funding—construction loan or bond anticipation note. Packets with Excel schedules compared the two funding options. Follow up will follow with guidance from bond attorneys.

**Scheduled Council Hearing:** Dennis and Kathie Gillett, 310 West 7<sup>th</sup> Street, produced an expired 2003 junk yard permit and requested to renew it upon paying back fees. Topics of discussion: fencing, adjacent to Trace, junk management, burn restrictions/ordinance/IDNR.

**PUBLIC HEARING:** Proposed ‘City of Malvern – **Floodplain Management Ordinance**’. Call to Order of Public Hearing: 7:42 p.m. Recognition of Publication: Notice of public hearing for proposed ‘City of Malvern – Floodplain Management Ordinance,’ having been published January 30, 2020, in the Malvern Leader. City Clerk reported no written comments nor objections filed at City Hall. Mayor Moreau called for objections, statements, and/or exhibits for Council consideration—there being none. Mayoral adjournment of public hearing – 7:42 p.m.

**PUBLIC HEARING:** Proposed **FY21 MAX Levy**. Call to Order of Public Hearing: 7:43 p.m. Recognition of Publication: Notice of public hearing for proposed FY21 MAX Levy having been published January 30, 2020, in the Malvern Leader. City Clerk reported one caller but no written comments nor objections filed at City Hall. Mayor Moreau called for objections, statements, and/or exhibits for Council consideration—there being none. Mayoral adjournment of public hearing – 7:44 p.m.

**DEPARTMENT UPDATES: PeopleService Report**—Howard Peterson—with January, 2020, report. WATER: 13<sup>th</sup> & Marion hydrant replacement; USDA required Vulnerability Assessment—MAP assistance in draft form; zero-read meters to be checked; nitrates higher than last month, within range. WASTERWATER: New permit e. coli requirements—future monitoring plan; VFD’s @ lift stations budget in FY22--awaiting bids to consider installment options. 7:56pm—Peterson exited the meeting.

**Street Superintendent**—Dave Hoose—absent; January handout presented daily and general work. Discussion: concrete dumping area—costs of fencing options. McGann motioned for Street Department to construct the 8-foot fence at concrete pile west of Bohner Pond. Breeding seconded. All ayes; motion carried.

**Park Board Report** –Board Chair Jill Smith—absent. Topics of discussion: FY21 Budget--need for pool vacuum--\$3,000; possible chlorine control box and pump/email read from Scott—Aquachem--\$2,000.

**UNFINISHED BUSINESS:** Breeding motioned to approve **RESOLUTION 2020-04** Awarding Contracts for the Water System Improvements in the total of \$3,287,366. Johnson seconded. All ayes; motion carried.

**NEW BUSINESS:** McGann motioned to approve the Malvern Water Treatment Plant Project **Amended Letter of Conditions** and the additional \$400,000 to be added to the long-term debt of the project. Breeding seconded. All ayes; motion carried.

Androy motioned to approve **RESOLUTION 2020-05** to fix a date for a public hearing on proposal to enter into a Water Revenue Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$3,487,000. McGann seconded. All ayes; motion carried.

Breeding motioned to table Item 9C--decision on Malvern Water Treatment Plant Project **interim funding options**. McGann seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2020-03** Approving the Maximum Property Tax Dollars for Budget Year July 1, 2020 to June 30, 2021 -- FY21 Budget Max Levy. Androy seconded. All ayes; motion carried.

Mayor Moreau recognized MVFD Chief Larry Frink and Asst. Chief Duane Volz who brought to discussion future **replacement of the 1999 pumper**; topics: future budgets, present trucks, grants, funding options, fire station. Three visitors exited.

Moreau called for the **first reading of the ‘City of Malvern – Floodplain Management Ordinance’ #318** to AMEND THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, CHAPTER 160, PROVISIONS PERTAINING TO FLOOD PLAIN REGULATIONS. Moreau read a summary of the Floodplain Management Ordinance. Androy motioned to suspend the rules requiring an ordinance be voted on for passage at two council meetings prior to this meeting with respect to proposed ‘City of Malvern – Floodplain Management Ordinance’, waiving 2<sup>nd</sup> and 3<sup>rd</sup> readings. McGann seconded. Ayes: Androy, Breeding, McGann, Johnson. Nays: none. Absent: Shere. Super-majority recognized. Motion carried. Furthermore, Androy motioned for final passage and adoption with respect to proposed ‘City of Malvern – Floodplain Management Ordinance’. Breeding seconded. Ayes: Androy, Breeding, McGann, Johnson. Nays: none. Absent: Shere. Super-majority recognized. Motion carried.

Androy motioned to table Item 9G—Lost Check **stop-payment fee**. Poort to check Clerk-Net. McGann seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2020-06** Approve Addition to Malvern Personnel Policy Manual—**Safeguard Personally ID Information**. Breeding seconded. All ayes; motion carried.

Moreau introduced **FY21 Budget issues and Considerations**. Johnson motioned to budget for a John Deere mower trade-in for \$8,000 in FY21. Breeding seconded. Ayes: Johnson, Breeding. Nays: McGann. Abstention: Androy. Absent: Shere. Motion carried.

McGann motioned to budget for the pool chlorine pump and controller for \$2,000 per Aquachem confirmation of need. Breeding seconded. All ayes; motion carried.

Androy motioned to **set special budget meetings** for FY21 as 7 pm 3/2/20 and 3/16/20. McGann seconded. All ayes; motion carried.

**MAYOR'S REPORT:** 1) CDBG-DR Flood Housing—2019 Draft Action Plan: Moreau explained there is HUD money available as incentive for developers to replace housing impacted by 2019 flooding. Goal is to keep displaced persons within the county. 2) There is need to address Malvernia Website City/MABA share.

**PROJECT/MEETING UPDATE:** MARION AVENUE BRIDGE REPLACEMENT PROJECT: Johnson motioned to **approve the 7<sup>th</sup> Periodic Cost Estimate, \$6,924.96.** Androy seconded. All ayes; motion carried. CURB-SIDE RECYCLING: Recycle totes and contract—no action from Konfrst. WELLMARK HEALTHY HOMETOWN: Moreau attended meeting/Boehner Pond future development/walkability. CENSUS 2020: confirmation of boundaries sent to Census Bureau. FEMA STREET PROJECT: Poort will send approved Policy to Safeguard Personally ID Information as seventh/final document per their January request.

**NUISANCE DISTRICT UPDATES:** January 14 – February 10, 2020: District#1: Bruce Breeding: no complaints; District#2: Roger Johnson: Byers parcel to be City-owned through abandonment procedures--submission of **SWIPCO demolition grant application—2/1/20.** Post Office, 202 W. 4<sup>th</sup> Street—storage container complaint filed. District#3: Kate McGann: Kaufman, 99 5<sup>th</sup> Ave—dogs issue; Campbell, 109 5<sup>th</sup> Ave.—vehicle junk storage—no discussion. McGann sidewalk ordinance inquiry--905 N 2<sup>nd</sup> Avenue, Barbara **Aldrich—certified letter sent** with timeframe completion: April 15, 2020. District#4: Chris Androy: Gary Hardman parcel, 706 3<sup>rd</sup> Avenue—abandonment process; Gillett parcel, 310 W. 7<sup>th</sup> Street—McGann motioned to **approve a retroactive \$100 Junk Yard Permit** effective through June 9, 2021 for Dennis Gillett, 310 W. 7<sup>th</sup> Street--Deedholder Kathie Gillett, per willingness to clean up area. Androy seconded. All ayes; motion carried. District#5: Doug Shere: no report.

**NON-AGENDA COMMENTS**—no comments. There being no further business, the meeting adjourned with a motion by McGann at 9:46 p.m.

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Fred A. Moreau, Mayor

ATTEST:

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Mary Poort, City Clerk