

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
MALVERN CITY HALL
December 11, 2017 – 7 p.m.

The December 11, 2017, regular meeting of the **Malvern City Council** was called to order by **Mayor Blackburn** at 7:02 p.m., following a public hearing on Ordinances 301 – 305, at City Hall Council Chambers, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Bruce Breeding, Roger Johnson, Kate McGann, and Fred Moreau. Doug Shere was absent until his oath of office. Visitors: 5, plus 15 HS Government Class students. City Clerk Mary Poort was also present.

McGann motioned to amend the **consent agenda** with Item 8G(4) to be moved to hear MVFD Chief Dwain as a Community Presenter and approve Regular Meeting Minutes –November 13, 2017, and current expenditures. Moreau seconded. All ayes; motion carried.

There being no visitor requests to speak as a community presenter, and Shane Sayers's absence per agenda, Mayor Blackburn set forth **Item 8G, Jr. Firefighter Standard, 2017 edition, MVFD** and recognized Dwain Pelzer. Chief Pelzer explained the Jr. Firefighter Standards which the Department had written. Mayor Blackburn presented him with information from the City insurance agent for document comparison. Johnson motioned to proceed with the Jr. Firefighter Program with bylaws to be updated. McGann seconded. All ayes; motion carried.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson. WATER: new 220 V. heater installed at west well, fluoride residuals at 2.0mg/l range—safe but requires State notification. WASTEWATER: maintenance to the air relief manhole south of Little Creek crossing—dye testing proved significant, DNR deemed emergency, estimates to come. Iowa Pump Works reinstalled the Main Lift Station pump—warranty work, expecting grinder quotes from Electric Pump and Iowa Pump Works for rebuilt and/or replacement, discussion on original lagoon entry. Nitrates are same as October, higher than last year, within range.

Streets Superintendent Report – Dave Hoose, absent, no report.

Breeding motioned to approve the November 29, 2017, **\$8,647.36 invoice from HGM Associates, Inc.**, for engineering services for the Main Street Bridge Renovation. Moreau seconded. All ayes; motion carried.

Johnson motioned to approve the December 4, 2017, **\$185,123.56 invoice from Cramer and Associates** for the Main Street Bridge Renovation. Moreau seconded. All ayes; motion carried.

Marion Avenue Bridge Replacement costs were discussed.

Park Board Report – Steve Barrett, Chairman. Dave Hoose passed CPO December 6-8, 2017, Leo Reiken on deck for freezing weather at Bohner Pond, pool: concrete replacement, fence, posts, reinstalling fence, Mayor Blackburn asked for quote on black fence.

UNFINISHED BUSINESS: McGann motioned to approve the First Reading: **Ordinance NO. 301—AMENDING PROVISIONS IN ZONING ORDINANCE 284 PERTAINING TO FEES**, Waiving the 2nd and 3rd Readings. Moreau seconded. All ayes; motion carried.

Breeding motioned to approve the First Reading: **Ordinance NO. 302—AMENDING CHAPTER 90.06 – WATER SERVICE SYSTEM – FEE FOR PERMIT**, Waiving the 2nd and 3rd Readings. Johnson seconded. All ayes; motion carried.

McGann motioned to approve the First Reading: **Ordinance NO. 303**—AMENDING CHAPTER 96.02 – BUILDING SEWERS AND CONNECTIONS – TAPPING FEE, Waiving the 2nd and 3rd Readings. Breeding seconded. All ayes; motion carried.

Moreau motioned to approve the First Reading: **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, Waiving the 2nd and 3rd Readings. Johnson seconded. All ayes; motion carried.

McGann motioned to approve the First Reading: **Ordinance NO. 305**—AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MALVERN, IOWA, BY ADDING A NEW CHAPTER TO ADDRESS ON-SITE STORAGE CONTAINERS, Waiving the 2nd and 3rd Readings. Johnson seconded. All ayes; 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.

McGann motioned to **Appoint Woods Wyatt as the Malvern City Attorney** beginning January 1, 2018. Breeding seconded. All ayes; motion carried. A resolution to state the same will be placed on the January agenda.

McGann motioned to enter into an **agreement to update the Malvern Zoning Ordinance** and Extra-Territorial Zoning with SWIPCO. Johnson seconded. All ayes; motion carried.

Johnson motioned to approve retroactively **28E Agreements with Mills County Communications Center**, July 2016 and July 2017. Breeding seconded. All ayes; motion carried.

NEW BUSINESS: McGann motioned to move forward with a 28E Inter-governmental Agreement with Mills County for **Construction Inspection in the Fairview Hills Golf Course Development Subdivision** with Attorney Woods Wyatt. Moreau seconded. All ayes; motion carried.

McGann motioned to pay Invoice No. 3381930, **Dorsey & Whitney LLP for Legal Services through 9/30/2017, \$8,000**. Breeding seconded. All ayes; motion carried.

Moreau motioned to approve a **Block Party Application, Shane Sayers, Miller Field Dedication Ceremony**, May 5, 2018, 8 a.m – 12:01 a.m. Johnson seconded. All ayes; motion carried.

Discussion was held on the City of Malvern **Recycling Overflow of Plastics and Cardboard**. Holiday closure of the Council Bluffs recycling center had played havoc with the normal Friday dumping schedule. Out-of-Town users are taking advantage of the City service. Mayor Blackburn, Roger Johnson, and Dave Hoose will look into the matter.

McGann motioned to seek the possibility of an opportunity to develop a comprehensive plan regarding the **Iowa Initiative for Sustainable Communities RFP**. City Clerk Poort is to address this opportunity with Golden Hills RC&D and report at the January meeting. Breeding seconded. All ayes; motion carried.

McGann led discussion regarding a **Malvern Super Board**, which possibly would involve quarterly meetings of such entities as the Malvern City Council, East Mills School Board, Mills County Board of Supervisors, Malvern Area Betterment Association. The purpose may possibly be to strengthen relationships. Meetings would be posted as required by law should quorums be represented. Mayor Blackburn appointed McGann to gather more information and contact the other entities.

MAYOR'S REPORT: City Clerk Mary Poort administered the **Oath of Office to incumbent Michael Blackburn** to discharge duties of the Office of Mayor for the City of Malvern, beginning January 1, 2018. Mayor Blackburn administered the **Oath of Office to newly-elected Christina Androy** to discharge duties of the office of City Council for the City of Malvern, beginning January 1, 2018. Mayor Blackburn also administered the **Oaths of Office to incumbents: Roger A. Johnson,**

Katelyn McGann, and Douglas Shere to discharge duties of the office of City Council for the City of Malvern, beginning January 1, 2018. Doug Shere timely arrived to take the oath of office.

PROJECT/MEETING UPDATE: Discussion regarding the **MHI Survey for the Proposed City Water Treatment Facility Project:** Jodi Hilsabeck, Midwest Assistance Program, has reported to City Hall that 100 surveys are needed for quota. A sample notification slip to be handed out at Mulholland's Grocery, Kohl's Pharmacy, and Malvern Bank was viewed. It is to remind citizens of survey completion and that Jodi will be available on December 20th for assistance in completion of the survey. City Clerk Poort will carry out the measures for this plan.

An update on the **5-2-1-0 Health Program Grant** was discussed. Dr. Natalie Lancial, Marsha Williams, and Jeannie Barney are coalition group volunteers who will work with others beginning with the December 14, 2017, meeting at City Hall. MAPA will coordinate this effort, with State Coordinator Erin Olson as a guide.

NUISANCE DISTRICT UPDATES: District #1: Biting dog, barking dogs, and dogs off-leash at 302 East Third—letter to be sent. District #2: 108 2nd Avenue is to abide by current licensure and no storage in camper as stated in Malvern Ordinance. District #3: McGann asked to be notified of dog issues. District #5: Camper situation at 710 Lincoln—to be monitored.

COMMENTS REGARDING NON-AGENDA ITEMS: City Clerk Poort reported on new City Hall email addresses for Spiral connection to Internet.

Mayor Blackburn paid a special **Thank You to Fred Moreau for his commitment to the City Council** from September 2013 through December of 2017, and for all of his work on the emergency management committees, as well. A plaque is to be presented at a later date.

Moreau **motioned to adjourn** the meeting. There being no further business, the meeting was adjourned at 8:57 p.m.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk