

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
And PUBLIC HEARING for ORDINANCE 306
MALVERN CITY HALL – 100 West 5th Street
April 9, 2018 – 7 p.m.

The April 9, 2018, regular meeting of the **Malvern City Council was called to order by Mayor Blackburn** at 7:02 p.m., at the new City Hall Council Chambers at 100 West 5th Street, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Christina Androy, Bruce Breeding, Roger Johnson, Kate McGann, and Doug Shere. Visitors: seven. City Clerk Mary Poort was also present. Mayor Blackburn welcomed visitors and asked for any non-agenda public presenters. Dwain Pelzer requested to speak on Agenda Items 8D and 12.

Breeding motioned to approve the **Consent Agenda**: tentative agenda, regular meeting minutes of March 12, 2018, and Public Hearing for GO Bond for Bridge, Streets, Sidewalks, Sewer; and current expenditures. Androy seconded. All ayes; motion carried.

Mayor Blackburn then called to order, at 7:04 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: First Reading. Recognition of Publication was heard: March 29, 2018, Malvern Leader. Blackburn called for written comments or objections from the City Clerk; there were none. City Clerk Poort read aloud Ordinance No. 306 to suffice the 1st reading. Blackburn called for any objections, statements, and/or exhibits for Council consideration. Having been recognized, Dwain Pelzer had two concerns: 1) To maintain quality workmanship, the City needs to establish an overseer; 2) The contractor must be bonded, licensed, and insured. Mayor Blackburn called for a 2nd reading to be held May 14, 2018, with appropriate additions per City Clerk Poort's work with the city attorney. Blackburn adjourned the public hearing at 7:10 p.m.

Community Presenters: Mayor Blackburn recognized MVFD Chief Dwain Pelzer, who suggested not to replace concrete in front of Fire Station #2 at the Malvern Community Building due to unavailable funding. He also suggested that nuisance abatement for the 90 2nd Avenue parcel start with following the ordinances that govern the junk and junk vehicles, as matters with the house can be addressed with the city attorney.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson: Water--New weather head and meter set at the tower site; hydrants to be flushed; sink hole under warranty work (Crain Co.) along new sidewalk where new water main was installed south end of Main Street. Wastewater—floats tested and adjusted at main lift station; pump cycle issues resolved; 2nd Avenue sewer issue: main jetted out, sump pump failed, IDNR notified, paperwork completed. Nitrates higher than last year/within range.

McGann motioned to accept quote #3 for Grinder Replacement from Electric Pump for \$29,726.42. Androy seconded. All ayes; motion carried.

Streets Superintendent Report – Dave Hoose: March Streets Report: two-day OSHA training class, flag holders installed, gravel at new Boehner Pond jetty, City Hall move—phase I & II and assembly x 2, dirt moving at pond, loader breakdown/repair, shop/equipment maintenance, replaced downtown trashcans/benches, concession stand clean-out, yellow dump-truck repairs, snow equipment on trucks, brushpile burn/cleanup, retrieve supplies, filled pot holes, replaced library basement lighting, Liberty Building exterior lights repair, City Hall

window treatments, Prospect Street addition gravel/grade, RecPark gazebo railing removal, street grinding/seal coating schedule.

Council comments: tape off 108 2nd Avenue, burned rubble; asphalt over brick 2nd Avenue alley by Trace, baseball field, T&N Park, short blocks 2nd and 3rd Avenue—2nd block north. Oil & chips Williams subdivision. **Street Signage** to be in place by 4th of July. Bank employee parking in former City Hall parking lot will free up street spaces. Breeding suggested recommendations on parking spaces width and number to be reported next meeting by Superintendent Hoose. **Sand and Debris** to be cleaned with street sweeper and High School Spring Clean-Up Day on 4-13-18. Leaf clean-up at basketball court. Alternate streets clean-up year to year; Marion Avenue needs less concern this year.

Mayor Blackburn called for action on the **Marion Avenue Bridge Agreement with BNSF Railroad**. Shere motioned to approve the increased BNSF contribution: BNSF funds 26% of construction, engineering, flagging, and coordination costs. Based on the total estimate of \$1,681,000, that comes to \$437,060 – slightly higher than the \$430,200 proposed earlier. Seconded by Johnson. Ayes: Androy, Breeding, Johnson, McGann, Shere. Motion carried.

Mayor Blackburn called for action on a Marion Avenue Bridge Replacement Project matter regarding the **Federal-aid swap for state funds (Swap)**. The Iowa Transportation Commission approved the Swap Policy on February 13, 2018. Shere motioned to Request the Use of Swap Funds for the Marion Avenue Bridge Replacement Project from the Iowa DOT – Office of Local Systems, as recommended by HGM. Breeding seconded. Ayes: Androy, Breeding, Johnson, McGann, Shere. Motion carried.

Johnson motioned to sell to the original sellers the Streets Department Equipment: **Oiler (Cimline Magma 150 DH S)** for \$30,000. McGann seconded. All ayes; motion carried.

Park Board Report – 1) General Update: Parks, Pool Maintenance and Operations – Concrete around pool removed and hauled away by Premier Pools; pressure testing to be done; shelf causing concern; lifeguard training and hire in progress; park board member duties; park expectations to maintain upkeep appearance; poolhouse painting bids due 4-13-18.

UNFINISHED BUSINESS: A second reading of Ordinance 306, Section 135.13 Street Use and Maintenance – Driveway Culverts to be held at the May 14, 2018, Council meeting.

Androy motioned to approve **RESOLUTION 2018-03 Authorizing the Sale of City Property** – City hall Parcel to Malvern Bank. Shere seconded. Ayes: Androy, Breeding, Shere. Abstention: Johnson, McGann. Motion carried.

Shere motioned to approve the **Greiner Quote/Bid** for Replacement of 2,800 square feet South of New City Hall, 100 West 5th Street, \$19,500, Sidewalk Improvement. Breeding seconded. All ayes; motion carried.

Agenda Item 8D Fire Station #2 Concrete Replacement was not considered due to lack of motion.

City Clerk Poort is to work with the city attorney on the **28E County Building Inspections** for Fairview Hills Subdivision.

NEW BUSINESS: Johnson motioned to approve a Block Party Application for the **Silver Creek BBQ Contest**, 4th and Main, 8-10-18 thru 8-12-18. Breeding seconded. Ayes: Androy, Breeding, Johnson, McGann. Abstention: Shere. Motion carried.

Malvern Sesquicentennial 2019 was discussed; McGann suggested that a City Council member take on project leadership. Funding is a consideration. Beverly Dashner and Mary Beth Costello have given rise to thoughts about projects and activities. Project Meeting Updates will now sport the Malvern Sesquicentennial 2019 heading on future agendas.

There was consensus to follow through with any information that is needed by SWIPCO regarding **Repair FHLB Grant** – Southwest Iowa Housing Trust Fund.

Breeding motioned to approve **RESOLUTION 2018-10 Authorizing a Period of Burning Yard Waste**. It is resolved by the Council of the City of Malvern, Iowa, that open burning of yard waste to include and be limited to leaves and grass is hereby authorized effective in the Spring of 2018 for ten (10) days for the dates of May 4, 2018, through May 13, 2018, unless a county-wide burn ban is in effect. However, the City tree pile, Mills County Fairgrounds, Fairview Hills Golf Course, Malvern Cemetery, and agricultural ground in the City Limits may burn leaves, grass, trees, and tree trimmings at any time that it is deemed safe to do so and when there is no county-wide burn ban. Johnson seconded. Ayes: Androy, Breeding, Johnson, Shere. Nays: McGann. Motion carried.

City Clerk Poort is to work with the city attorney to guide the City **parking violation ticket process** and enforcement. Androy questioned the 28E ticket writing on City ordinance rather than State ordinance.

Androy motioned to approve Sending a Letter of Support for Participation in **Iowa Downtown Exchange**; McGann to provide letter. Shere seconded. All ayes; motion carried.

Mayor's Report: Mayor Blackburn recognized the **50th year of municipal Home Rule** in Iowa having been adopted in the Constitution of Iowa on November 5, 1968. In a Home Rule Proclamation, Blackburn stated that the City of Malvern supports Home Rule and the powers it provides to make local decisions that best reflect the residents of our community. Home Rule continues to be vital to the health and prosperity of all cities in Iowa.

Project/Meeting Update: Shere is working on plans to **demolish the Former Family Worship Center**. The **Malvern City Water Plant USDA-RD Loan Application** was approved March 27, 2018. **Sale of City Hall Property**, 107 East 4th Street, closing to be completed in April, 2018, by City Clerk Poort.

Nuisance District Updates: District 2: 90 2nd Avenue – Ordinance 145.02-03, et al Junk and Junk Vehicles, Camper Ordinance 299, follow-up with city attorney. 108 2nd Avenue to begin clean-up on or before April 21, 2018, per email from owner. Insurance city-release pending. District 1: 104 Main Street—building-demolition/yard cleanup deadline April 30, 2018. District #5: 902 2nd Avenue #5 trailer—burned structure demolition- 90-day cleanup. City Shop – east side of building.

Androy motioned to adjourn the meeting; there being no further business, the meeting was **adjourned at 9:35 p.m.**