

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
And PUBLIC HEARINGS for ORDINANCE 307—Sewer Rates,
ORDINANCE 308—Water Rates, and ORDINANCE 306—Culverts,
MALVERN CITY HALL – 100 West 5th Street
June 11, 2018 – 7 p.m.

The June 11, 2018, regular meeting of the **Malvern City Council** was called to order by Mayor Blackburn at 7pm, City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Roger Johnson, Kate McGann, and Doug Shere. Chris Androy and Bruce Breeding arrived at 7:08pm. Visitors: three, two more arriving about 7:30pm. City Clerk Mary Poort was also present. Mayor Blackburn welcomed visitors and recognized a possible agenda public presenter. McGann motioned to approve the **Consent Agenda**: tentative agenda striking Item 8B(3), regular meeting minutes and Public Hearing on Ordinance 306 Culverts of May 14, 2018. Shere seconded. All ayes; motion carried.

Mayor Blackburn then called to order, at 7:03 p.m., the **Public Hearing for Ordinance 307** Amending Ordinance 297 Amending Provisions Pertaining to Sewer Rental Rates, Section 99.02 of the Malvern Code of Ordinances. Recognition of Publication was heard: May 31, 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 7:04 p.m., the **Public Hearing for Ordinance 308** Amending Ordinance 298 Amending Provisions Pertaining to Water Rates, Section 99.02 of the Malvern Code of Ordinances. Recognition of Publication was heard: May 31, 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 7:04 p.m.

Mayor Blackburn then called to order, at 7:05 p.m., the **Public Hearing for Ordinance No. 306** Proposed Amendment to Malvern Code of Ordinances, Section 135.13 by Amending Provision Pertaining to Street Use and Maintenance – Driveway Culverts: Third Reading. Recognition of Publication was heard: March 29, April 19, May 24 in Malvern Leader, and June 11, 2018, agenda posting. Blackburn called for filed written comments or objections from the City Clerk; there were none, other than concerns reported in the 2nd reading public hearing of May 14, 2018. Council reviewed the new language provided by the city attorney including permit application and design requirement that the County uses, with discussion. Blackburn adjourned the public hearing at 7:06 p.m.

DEPARTMENT UPDATES: Streets Superintendent Report – Dave Hoose: May Streets Report: mowing & equipment maintenance, daily plant watering—mayor pro-tem watering plants weekends/holidays, daily brush pile maintenance, trash pick-up, downtown clean-up, flag installation, and painted parking lines, week spraying, street sign assemblage, pool prep, street repair bid proposal, County training class, mosquito fogger prep., working with half-staff nine days. (Lost power at 7:10pm--Meeting was conducted by cell-phone lights due to tornado-warning weather.) Other discussion topics: drainage on 2nd Avenue, TIF, proposed road project. Visitor asked to leave meeting due to disruptive behavior, 7:29pm.

McGann motioned to approve Ordinance 306—Amending the Code of Ordinances of the City of Malvern, Iowa, Section 135.13 Street Use and Maintenance – **Driveway Culverts**. Shere seconded. Roll call vote: Androy-aye, Breeding-aye, Johnson-aye, McGann-aye, Shere-aye. Motion carried. Ordinance to be published in Malvern Leader.

PeopleService Report—Howard Peterson: WATER: water leak north side of W. 5t Street—two one-inch copper service lines repaired and billed to Agriland; new humidifier and pump-test for nitrates rising with additional pumping at west well. Nitrates Graph—same as last year/within range. WASTEWATER: possible discharging lagoon upon sample pass; local ag company to spray lagoon. Discussion: Water/Sewer extension south of Fairgrounds: east/west easements on Highway 315—Johnson to check issue; six-inch ‘T’ section and hydrant.

Shere motioned to approve Ordinance 307 Amending Ordinance 297 Amending Provisions Pertaining to **Sewer Rental Rate**, Section 99.02 of the Malvern Code of Ordinances. Johnson seconded. Roll call vote: Androy-aye, Breeding-aye, Johnson-aye, McGann-aye, Shere-aye. Motion carried. Ordinance to be published in Malvern Leader.

Breeding motioned to approve Ordinance 308 Amending Ordinance 298 Amending Provisions Pertaining to **Water Rates**, Section 92.02 of the Malvern Code of Ordinances. Johnson seconded. Roll call vote: Androy-aye, Breeding-aye, Johnson-aye, McGann-aye, Shere-aye. Motion carried. Ordinance to be published in Malvern Leader.

Park Board Report – Pool—Opening June 16, 2018. Tree City information to come—sign south of Malvern.

COMMUNITY PRESENTER: Appearing out of agenda order at 7:50 pm, Beverly Dashner: 1) Malvern Sesquicentennial—2019. Committee members are still needed. MABA’s 501-3c may help in money matters. Initial Committee suggestions given, possible Council liaison. 2) MABA’s Heritage Park stage plans—seeking grant, Process: Park Board, building permit, Planning & Zoning Commission, Council.

UNFINISHED BUSINESS: Shere motioned to start the procedure for a City **parking violation ticket process** by first securing the quintuplicate/envelope books to be used by the Mills County Sheriff’s Department. Breeding seconded. All ayes; motion carried. The next business item—appointments to authorize civil citations—was then nullified.

Discussion was held on **operation of golf carts** in Malvern City Limits on streets and alleys. McGann will research the ordinance process in abiding by state, county, and city laws for follow-up.

Discussion was held on **recycling:** signage, security cameras, extra cardboard dumpsters, individual bins. Androy will research recycling possibilities for follow-up.

NEW BUSINESS: Androy motioned to approve the City Clerk to Cut **Final Check Run** Ending FY18, June 30th. Shere seconded. All ayes; motion carried.

Androy motioned to approve **RESOLUTION 2018-20 Declaring a Bank Depository** and Limits for the City of Malvern during FY19. Breeding seconded. Ayes: Androy, Breeding, Johnson, Shere. Abstention: McGann. Motion carried.

McGann motioned to approve **RESOLUTION 2018-12a Certifying City Charges to Mills County Treasurer**, 701 Wilson Avenue—sewer/trash/recycle, past due, \$322.91. Johnson seconded. All ayes; motion carried.

Johnson motioned to approve **RESOLUTION 2018-21 Set Date for Public Hearing** for Malvern City Proposed Budget Amendment #3 as June 26, 2018, 4:30 p.m., Malvern City Hall Council Chambers. McGann seconded. All ayes; motion carried.

Shere motioned to approve Casey General Store's **Cigarette/Tobacco Permit**. Johnson seconded. All ayes; motion carried.

McGann motioned to develop a **voter paragraph for the Local Option Sales Tax** to be submitted to the Mills County Auditor by August 3, 2018. Shere seconded. All ayes; motion carried.

MAYOR'S REPORT: Mayor Blackburn suggested installation of security cameras and signage at the recycling station and Boehner Pond. Earlier recycling discussion encompassed this issue. No decision.

Project/Meeting Update: Downtown Exchange: McGann reported that the City of Bedford is paired with Malvern for exchange visits. A Malvern team will visit in July. Blackburn and Johnson expressed interest. McGann will organize with IEDA.

Storage shed at Former Family Worship Center is welcome to anyone who contacts City Hall.

Water Project: Meeting with JEO Engineer Blake Birkel scheduled for June 26, 2018, 3:30 p.m., City Hall Council Chambers, to discuss contract for City Water Treatment Plant. The CDBG application was denied; October re-submission would have more engineering plans. Consensus was to resubmit in October, pending further information.

5-2-1-0: The Community Building Gym is now open for daily exercise, except Sundays, M-W-F 8am-4pm and T-Th 8am-7pm, with proctor 4pm-7pm. Saturday Tots-in-Motion 9-10am and Open Gym 10am-Noon, with proctor.

Marion Avenue Bridge Replacement Project Funding Agreement – no news.

Nuisance District Updates: May 15, 2018 – June 11, 2018

Hearing: Unlicensed, Inoperable Vehicle -- 701 Third Avenue, Kathina Hansen: Androy motioned to deny extension and move forward with abatement. McGann seconded. All ayes; motion carried.

District#1: Bruce Breeding: 602 Wilson Avenue – Ordinance 305, On-Site Storage Container—Androy motioned to send letter for abatement. Breeding seconded. All ayes; motion carried. 509 Lincoln – grass/weed—contact mortgage company.

District#2: Roger Johnson: June 12 Abatement of vehicle and trailer at 90 2nd Avenue – Ordinance 145.02-03, et.al.; Plan for Abatements: 96 Third Avenue/209 West 1st—Goldsberry, 952 2nd Avenue—John Bolander, 99 2nd Avenue—Richard Bolander, 97 3rd Avenue, Lots 2-4 BLK 48, Lot 5 BLK 48—Stacy.

District#3: Kate McGann: 108 2nd Avenue – Ordinance 145.02-03, et.al. (Dist.2)—burned structure cleanup progress; junk on parcel LOTS 1-3 INCL E OF ABAN RR R.O.W. BLK 29 (Dist.2)—continue abatement.

District#4: Chris Androy: boats/tires: 109 W. 6th—send letter; trailer/red car and appliance/trailer 2nd Avenue; Hardman property.

District#5: Doug Shere: no report.

NEW BUSINESS (continued): Reviews were held on **Employee Annual Performance**. Shere presented a proposal for the Streets Department with discussion. Shere motioned to raise Dave Hoose's wage by 5.5% and keep Jason Darnold's wage as is. McGann seconded. Blackburn entertained more discussion. Roll Call Vote: Androy-nay, Breeding-aye, Johnson-nay, McGann-aye, Shere-aye. Motion carried. McGann presented a proposal for the

Clerks Department, commenting on excellent work. McGann motioned to raise salaries of Mary Poort and Kathy Anderson 3%. Shere seconded. All ayes; motion carried. Shere motioned to approve RESOLUTION 2018-19 – Setting Wages for Non-Union Employees for the City of Malvern for Fiscal Year 2018-19. Breeding seconded. Ayes: Breeding, Johnson, McGann, Shere; Nay: Androy. Motion carried.

Non-Agenda Comments: none. Androy motioned to adjourn; there being no further business, the meeting was **adjourned at 9:48 p.m.**

Michael K. Blackburn, Mayor

ATTEST: Mary Poort, City Clerk