

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
And PUBLIC HEARING for ORDINANCE 309—Truck Parking Limited,
MALVERN CITY HALL – 100 West 5th Street
August 13, 2018 – 7 p.m.

The August 13, 2018, regular meeting of the **Malvern City Council** was called to order by **Mayor Blackburn** at 7 p.m., City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa.

Mayor Blackburn recognized the following **Councilmembers as present**: Bruce Breeding, Roger Johnson, Kate McGann, and Doug Shere. Chris Androy was absent. Visitors: five, two more arriving about 7:15 p.m. City Clerk Mary Poort was also present. Mayor Blackburn welcomed visitors and called for any non-agenda public presenters; there being none.

Shere motioned to approve the **Consent Agenda**: tentative agenda, regular meeting minutes of July 9, 2018. Shere seconded. All ayes; motion carried.

Mayor Blackburn then called to order, at 7:01 p.m., the **Public Hearing for Ordinance 309** Amending Code of Ordinances of the City of Malvern, Chapter 69.09(1) pertaining to truck parking limited—city streets. Recognition of Publication was heard: August 2, 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 7:02 p.m.

COMMUNITY PRESENTERS: Nuisance Abatement Hearing—City Clerk Poort read a hearing request from Ed Sheppard, requesting an extension for clean-up on the 4th Avenue, Lots 11, 20&21, BLK 31.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson. Water Topics: tower level control issues, replacement on loan, \$26,000 for new; water leak at West 5th and 3rd Avenue—valve stem adjustment, total water gallons pumped. Nitrates same as July, higher than 2017, within range. Wastewater Topics: Sewer grinder installation; mounting bracket too loose.

Shere motioned to replace the tower level control if money is available. Breeding seconded. All ayes; motion carried.

Street Superintendent—Dave Hoose. July Report: downtown plant hydration, downtown/park trash, brush pile maintenance, mosquito fogging/controller issues, mower maintenance, shop clean-up, chemical mixing/weed spraying, concrete pile maintenance, relocated 35 mph sign north of city, street name signs, loader maintenance/brake issues, city truck servicing, repair washed-out drive, downed-tree limb clean-up, pot-hole patching, ordered stop-signs, grass/weeds abatement, gravel patch/hauling, mowing/trimming, new-hire meeting, skid-loader options. Hoose will reinstate a stop sign at the corner of East 2nd Street and Main. The Streets Department interview committee will review 'street laborer' applications on 8/15/18, set up interviews, for recommendation to Council in September.

McGann motioned to **authorize purchase of Bobcat** and possible attachment(s) up to \$45,000. Shere seconded. All ayes; motion carried.

McGann motioned to **split the Green Tree bill** with the 602 Marion Avenue owners. Johnson seconded. All ayes; motion carried.

Discussion was held regarding **use of City equipment during the Mills County Fair**. Bob Blum has been advised to request help through City Hall months ahead. Streets Department had shortage of manpower this year due to vacation and vacant position.

UNFINISHED BUSINESS: McGann motioned to approve RESOLUTION 2018-22 **Voter Paragraph for Use-Change of Local Option Sales Tax**. Shere seconded; roll call vote: Ayes: Breeding, Johnson, McGann, Shere. Androy absent. Motion carried.

Shere motioned to approve ORDINANCE No. 309—An Ordinance Amending the Code of Ordinances of the City of Malvern, Iowa, Chapter 69.09(1) by **Amending Provisions Pertaining to Truck Parking Limited** – City Streets, including Subsection 4, 1st reading, waiving the 2nd and 3rd readings. McGann seconded; roll call vote: Ayes: Breeding, Johnson, McGann, Shere. Androy absent. Motion carried.

NEW BUSINESS: Johnson motioned to approve RESOLUTION 2018-23 to Fix a Date for a Public Hearing as September 10, 2018, at Malvern City Hall, 100 West 5th Street, 7 p.m., on Proposal to Enter into a **Water Revenue Loan and Disbursement Agreement** and to Borrow Money Thereunder in a Principal Amount Not to Exceed \$228,000. Breeding seconded; roll call vote: Ayes: Breeding, Johnson, McGann, Shere. Androy absent. Motion carried.

McGann motioned to approve a Contract for \$4,819 with Thiele Geotech, Inc. for the **geotechnical engineering services** for the Malvern Water Project. Shere seconded. All ayes; motion carried.

McGann motioned to approve RESOLUTION 2018-24 **Certifying City Charges to County Treasurer**, 509 Lincoln Avenue, grass/weeds abatement. Shere seconded. All ayes; motion carried.

McGann motioned to **recapture the CDBG mortgage**, five-year loan contingency, for the 402 Marion Avenue property owned by Mary Wiseman. Johnson seconded. All ayes; motion carried.

Shere motioned to **forego the sewer tap fees** for the Mills County Fairgrounds buildings and for the Fairview Hills Golf Course. Johnson seconded. All ayes; motion carried.

MAYOR'S REPORT: Discussion was held on forming a **City-Wide Grant Planning Committee**; McGann is to represent the City with follow-up mayoral appointments. Mayor Blackburn talked on the real estate sales and the visitor traffic-flow to Malvern due to the art grant (without taxing citizens), concert series, bike trail, downtown businesses, etc.

PROJECT/MEETING UPDATE: Downtown Exchange: Malvern citizens and Bedford citizens visited each other's communities with emphasis on economic growth. Water Project: JEO Engineering Staff toured the infrastructure with the Water Committee and met to finalize plans and set forth a schedule. MALVERN SESQUICENTENNIAL: Date set for Friday, Saturday, Sunday (last weekend) June of 2019. Opening ceremony at Community Building, Street Dance, Parade, Fireworks, Pushball, Sunday—MABA & Church activities. Marion Avenue Bridge Replacement: process continues.

NUISANCE DISTRICT UPDATES: McGann motioned to give Ed Sheppard an extension until September 10, 2018 for clean-up of the property on 4th Avenue. Shere seconded. All ayes; motion carried.

McGann motioned to confirm Mayor Blackburn's decision to ban Lucy the Lab from Malvern pursuant to Malvern City Ordinances per human dog bite incident, 105 2nd Avenue. Johnson seconded. All ayes; motion carried.

Shere motioned to require Rebecca Pignotti, within one week, to replace the gate/partition that will keep the dog from running between the house and the neighboring yard and keep the dog quiet. The dog is to be in the kennel at all times unless the owner is with the dog outside. Johnson seconded. All ayes; motion carried.

McGann motioned for the City to hire a contractor to finish clean-up and dirt work on the 108 2nd Avenue lot to proper standards. Johnson seconded. All ayes; motion carried.

Recognizing reports of continual improvement, Shere motioned to allow an abatement extension until September 10, 2018, for John Bolander, 95 1/2 2nd Avenue and 99 2nd Avenue. Johnson seconded. All ayes; motion carried.

Recognizing reports of continual improvement, Shere motioned to allow abatement extensions until September 10, 2018, for Dean & Rita Stacy, 92 4th Avenue/97 3rd Avenue and Raymond & Delomia Goldsberry, 96 3rd Avenue and Lot 6 BLK 47. Johnson seconded. All ayes; motion carried.

Shere motioned to allow an abatement extension for Kirk Anderson, 704 Kearney, to finalize removal of auto-related parts from the yard. McGann seconded. All ayes; motion carried.

Discussion was held on commercial lot storage of recreational vehicles.

Non-Agenda Items included: the August 16th Economic Development 101 meeting at Mills County Engineer's, FY 2018 Outstanding Obligations Disclosure Statement, and Malvern speed limit drop-down signs to be posted per Mills County Supervisor minutes of 7/24/18.

McGann motioned to adjourn. There being no further business, the **meeting adjourned at 8:55 p.m.**

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk