

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
MALVERN CITY HALL – 100 West 5th Street
May 13, 2019 – 7 p.m.

The May 13, 2019, 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, Kate McGann, Doug Shere, and Chris Androy. Roger Johnson was absent. A quorum was recognized. Visitors: five—David Ambercrombie, Dr. Tom Baer, Dave Hoose, Madison Williams, Kevin Willms, plus three late arrivals—Taylor Burchett, Lynn Christensen, Ted Wilson. 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 with order change of Item 9A before Item 6, regular meeting minutes of April 8, 2019, and current expenditures. McGann seconded. All ayes; motion carried.

Agenda Presenters: Mayor Blackburn recognized David Abercrombie, CEO, Montgomery County Memorial Hospital (MCMH) and Dr. Thomas Baer, Malvern Physician, MCMH. Mr. Abercrombie spoke of the recent venture of MCMH to expand services to the Malvern area.

Mayor Blackburn introduced Item 9A, **RESOLUTION 2019-14** To Fix Date of Public Hearing on Proposal to Dispose of Real Estate Owned by the City of Malvern, Iowa, and Offer of \$20,000 Therein. McGann motioned to set the date and time of May 29, 2019, 5 p.m. for a public hearing addressing the proposed sale of 908 Main Street to Montgomery County Memorial Hospital for future clinic construction. Androy seconded. All ayes; motion carried. Abercrombie and Baer exited the meeting.

Community Presenter: Mayor Blackburn recognized Ted Wilson, arriving at 7:10 p.m., who reported to Council his progress and plan regarding nuisance abatement of the excessive vehicles on his property. Mayor Blackburn stated that only three licensed, road-worthy vehicles parked on a prepared surface are to be on the 107 2nd Avenue property. Any others need to be removed or stored in enclosed buildings. McGann motioned to allow an extension until May 31, 2019, for Ted Wilson to remove excessive vehicles from his property. Shere seconded. All ayes; motion carried.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson (absent)—April report handout: WATER—loaner submersible pump in operation in east well; waiting for foot valve on repaired pump. Bottled water advisory was lifted per good field samples. WASTEWATER—lagoon discharge for spring—good tests; grinder motor replaced under warranty—short in motor, to return in May. Bottled Water Advisory went into effect April 8, 2019; bottled water was provided at City Hall/Memorial Building. IDNR protocol was satisfied in City Hall's efforts to alert the public. Council discussion: spare pump acquisition, different sizes of pumps, communication to Councilmembers of situation, PeopleService communication, sewer chewer.

Shere motioned to approve payment of Sherman Company, LLC, Invoice \$14,901 per Howard's satisfaction with work completed. McGann seconded. All ayes; motion carried.

Street Superintendent—Dave Hoose—April report presented daily and general work. Two checks for scrap iron presented to City Clerk. Council discussion: paint city shop gray, mowing, park repairs, campground flood survivor guests, oil & chips bids, HGM—flood & high-water table damages—bid work and procure engineer according to FEMA guidelines. Grade-all: scrap value was questioned.

Hoose presented three bids for 3rd/Main Street rehab. Breeding motioned to use concrete, remove bricks, and Streets Department labor for tear-out for the \$9,500 bid. Shere seconded. All ayes; motion carried.

Park Board Report – Chairman Steve Barrett—absent. Leak Investigators working at Pool. Breeding motioned to approve the Silver Creek BBQ Contest Block Party Application, 6 a.m. – 5 p.m., on August 10, 2019, during the Rooster Tail Ride.

Bands: noon – 2 p.m., 4th Street blocked Main to carwash—fundraiser for Boehner Pond. Androy seconded. All ayes; motion carried. Request by McGann to remove Park Board from agenda if not represented.

UNFINISHED BUSINESS: Shere motioned to approve **RESOLUTION 2019-16 Authorizing Open Burning** from May 10 – 19, 2019 for City of Malvern. Mills County Fairgrounds, Fairview Hills Golf Course, Malvern Cemetery and agricultural land may burn leaves, grass, trees, and tree trimmings at any time that is deemed safe to do so and when there is no county-wide burn ban. Breeding seconded. All ayes; motion carried.

Breeding motioned to table a revisit of **RESOLUTION 2019-12 Stop Sign(s) Main & 4th Street/Downtown Weight Embargo**, allowing time for pricing stop light/four-way stop/crosswalks. Shere seconded. All ayes; motion carried. Shere stated that Main Street is a FEMA haul route.

Discussion on Chantry Elementary property: ideas for rehab, visit other rehab sites, possible tear-down for development, ideal situations, no decisions.

NEW BUSINESS: Shere motioned to approve **RESOLUTION 2019-15 Setting Public Hearing Prior to Approving Budget Amendment #2 for Fiscal Year Ending June 30, 2019**, on May 29, 2019, at 5 p.m., at City Hall 100 West 5th Street. Androy seconded. All ayes; motion carried.

Breeding motioned to approve **RESOLUTION 2019-17 New House Numbers for Lots in the Fairview Hills Subdivision in the Malvern City Limits**. Androy seconded. Roll Call Vote: Ayes—Androy, Breeding, McGann, Shere; Absent—Johnson. Motion carried.

McGann motioned to approve **Mulholland Grocery Store Liquor License Renewal**, pending DRAM insurance approval. Shere seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2019-18 MABA's Mills County Community Foundation Grant**, erosion-control project for the City-owned Rec Park property--\$7,500, Acceptance of Work Plan/Quotes as a Malvern City Project, and Gift of \$7,500 from MABA. Androy seconded. Ayes: Androy, Breeding, McGann, Shere; Absent—Johnson. Motion carried.

MAYORAL REPORT: Breeding motioned to approve Mayoral Recommendation of Jim Irwin to the **Planning & Zoning Commission to fill a vacancy** of Tom Winchester for term ending 12/2021, per P&Z Commission recommendation of April 17, 2019. McGann seconded. All ayes; motion carried.

McGann motioned to approve Yearly Appointment of Rich Maaske as **representative to the West Nishnabotna Watershed Board** and Fred Bolton as alternate. Shere seconded. All ayes; motion carried.

Discussion was held regarding a **City co-zoning-administrator** for such duties that extend into the Fairview Hills Subdivision for which may be a conflict of interest for the current zoning administrator vs. 28E County Code Inspections throughout the Malvern City Limits. McGann will follow up on this issue. Mayor Blackburn requested Kevin Willms to leave the meeting.

Discussion on future voluntary **annexation**: RR tax question, more information and talks to property-owners and attorneys.

PROJECT/MEETING UPDATE: SESQUICENTENNIAL – June 28-29-30: Parade at 11 am Saturday, Council participation. P&Z COMMISSION--February 20/March 13/April 17 meeting recommendations are under editing procedures. 5-2-1-0 WALKING AUDIT, July 8, 2019 – to propose walking areas for need of improvements and future planning; Mayor will walk.

NUISANCE DISTRICT UPDATES: April 9, 2019, – May 13, 2019. District#1: Bruce Breeding: no report. District#2: Roger Johnson: Byers parcel, 90 2nd Avenue. All abatement extensions to be reconsidered: 95 ½ 2nd Avenue—John Bolander; 99 2nd Avenue—Richard Bolander—CAMPERS TO BE PLACARDED FOR SCRAP, BIDS TO BE CONSIDERED; 91 2nd Avenue—Orrie Gordon, semi-trailer removal; all the addresses 92 4th Avenue and 97 3rd Avenue—Stacy: trailer house—

on 92 4th Avenue: CHECK ON JUNK IN PICK-UP BOXES AND ANY JUNK CARS; 109 W. 1st St., Tires/trailer on 4th Avenue, Lots 11, 20 & 21, BLK 31—Sheppard. Recent letters: 301 4th Avenue--Don and Belinda Kimsey: camper/trailer parking/junk vehicles--Donald Kimsey--WRITTEN REPORT WAS PROVIDED TO COUNCIL OF PROGRESS & PLAN.; 304 West 4th Street—Floyd Timmerman c/o Connie Eicke, junk/junk vehicles; 99 Main—Dee Dee England, Rat Terrier off leash—PRIOR/RECENT LETTERS SENT; NO CONTACT, NON-LICENSED WITH CITY--ANIMAL CONTROL CAN MOVE FORWARD. Concerns: BLK 37/LOT 12 E OF RR, Cisco Shere, Cisco's Service, junk/junk vehicles—LETTER TO BE SENT. Ted Wilson—SEE COMMUNITY PRESENTER. District#3: Kate McGann: no report. District#4: Chris Androy: 809 Marion Ave.—lawn mowed; dogs can jump the fence. 902 2nd Avenue Lot#1---Stephen Hollinger--NEEDS LETTER FOR GRASS/WEEDS ABATEMENT. District#5: Doug Shere: 704 Kearney, vehicle junk in yard--Kirk Anderson—LETTER SENT TO REQUEST REPORT TO COUNCIL PROGRESS & PLAN--NO ATTENDANCE AS EARLIER PLANNED. 205 E. 11th Street—Tammy Turner-- NEEDS LETTER FOR GRASS/WEEDS ABATEMENT.

There were no **NON-AGENDA COMMENTS**. Shere motioned to **adjourn**. There being no further business, the meeting adjourned at 9:08 p.m.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk