

MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MALVERN CITY HALL – 100 West 5th Street  
October 14, 2019 – 7 p.m.

The October 14, 2019, regular meeting of the **Malvern City Council was called to order by Mayor Blackburn** at 7:03 p.m., City Hall Council Chambers, 100 West 5th Street, Malvern, Iowa. Mayor Blackburn recognized the following **Councilmembers as present:** Bruce Breeding, Roger Johnson, and Doug Shere. Absent: Chris Androy, Kate McGann. A quorum was recognized. City Clerk Mary Poort was also present. Mayor Blackburn welcomed four visitors and called for any non-agenda public presenters—Kindra Copperstone, Item 6B(2).

Johnson motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of September 9 and special meeting minutes of September 23, 2019, File Minutes of Liberty Memorial Building Board--August 16, 2019, Park Board--September 9, 2019, Zoning Board of Adjustment—September 12, 2019, and Library Board of Trustees--October 7, 2019; RESOLUTION 2019-39 Certifying City Charges to County Treasurer for Collection, Richard Bolander, 99 2nd Avenue, Nuisance Abatement; RESOLUTION 2019-40 Certifying City Charges to County Treasurer for Collection, Randy Ellis, 710 2nd Avenue, Grass/Weeds Nuisance Abatement; Liquor License, Pending DRAM SHOP Approval, for Little Creek, LLC, (Lakin Building); and current expenditures. Breeding seconded. All ayes; motion carried.

**PUBLIC HEARING:** Proposal to Dispose of City Real Estate – Partial property former Chantry Elementary, 409 East 9<sup>th</sup> Street.

**PUBLIC HEARING:** Prior to Council Adoption of ORDINANCE NO. 314: Amending Code of Ordinances, Section 22.01—Park Board Commissioners.

**PUBLIC HEARING:** Prior to Council Adoption of ORDINANCE NO. 315: Amending Code of Ordinances, Section 50.10—Abatement By City.

**PUBLIC HEARING:** Prior to Council Adoption of ORDINANCE NO. 316: Amending Code of Ordinances, By Amending Section 1. 7.05 Provisions Pertaining to Operating Budget Preparation.

ALL HEARINGS Minutes: Call to Order of Public Hearings for Chantry: 7:04pm; Ord. 314: 7:05pm; Ord. 315: 7:06pm; Ord. 316: 7:08pm. Recognition of Publications: *Notice of Public Hearing Prior to Council Action on Said Real Estate Proposal/Adoption of ORDINANCE – 314, 315, 316, Malvern Leader*, October 3, 2019. City Clerk reported no written objections filed at City Hall. Mayor called for Objections, Statements, and/or Exhibits for Council consideration—none. Adjournment of Public Hearings: Chantry: 7:05pm; Ord. 314: 7:06pm; Ord. 315: 7:07pm; Ord. 316: 7:08pm.

**DEPARTMENT UPDATES: PeopleService Report—Howard Peterson**—The September report was available as handout. Nitrates—no report. To ensure phosphate is pumped into the system when down, a tap into another injector will be reported to IDNR. A City water superintendent/project engineer walk-thru of the Fairview Hills water utilities is needed before the City takes responsibility.

**Street Superintendent—Dave Hoose**—September report presented daily and general work. 1) Shere motioned to approve hire of Leonard Warden and Clyde Parker for **sidewalk snow removal for season 2019/2020**. Johnson seconded. All ayes; motion carried. 2) Shere motioned to move forward with **curb-side recycle** initially @ \$5/month to be finalized with a contract with Brian Konfrst at the November Council meeting. Public comments from Kindra Copperstone were heard. Breeding seconded Shere’s motion. All ayes; motion carried. Citizens within City Limits who want curb-side recycle may contact City Hall 712-624-8282 to be placed on the service list. 3) Discussion was held on **7<sup>th</sup>/8<sup>th</sup> Streets Approaches on Alley between 2<sup>nd</sup> Ave/Main**—patch to be added to south side; gravel had been added last week. 4) Shere motioned to allow Johnson and Shere discretion in **sidewalk node brick renovation @ 5<sup>th</sup> and Main**. Breeding seconded. All ayes; motion carried. 5) Shere motioned to table stop-sign @ 4<sup>th</sup> and Main and **traffic near 315<sup>th</sup>/Main EM High School**. Johnson seconded. All ayes; motion carried. School zone designation information and November meeting invitation to Dale Scott to follow.

**Park Board Report –Board Chair Jill Smith—**Pool: Water superintendent to fix pump; Streets Department to move lifeguard chair. General update: Working on grants. Dump station area to be renovated by Park Board. Miller Park bricks at Agriland-- Sayers to turn money in to City Hall. Bill Riibe removed banners, mowed, and worked on infield.

**UNFINISHED BUSINESS:** Shere motioned to allow Mayor Blackburn to proceed with County on **two-mile extra-territorial** zoning and agreement, extending red/blue map lines one-half mile north. Breeding seconded. All ayes; motion carried.

Review and discussion was held on Agreement Offer to Buy Real Estate and Acceptance and Purchase of Chantry/immediate property leading to Breeding's motion to approve **RESOLUTION 2019-41** Sale and Conveyance of Real Estate Owned by the City of Malvern, Iowa to Donna and Trent Tiemeyer, Farragut, Iowa. Johnson seconded. All ayes; motion carried.

Shere motioned to approve **ORDINANCE NO. 317:** An Ordinance Adopting the 2019 City of Malvern Zoning Code and Map, to be published. Breeding seconded. Ayes: Breeding, Johnson, Shere. Nays: none. Absent: Androy, McGann. Motion carried.

**NEW BUSINESS:** Johnson motioned to approve the first reading of **ORDINANCE No. 314** Amending Code of Ordinances, Section 22.01 and set 2nd reading date as November 12, 7 p.m., City Hall, 100 W. 5<sup>th</sup> Street. Shere seconded. All ayes; motion carried.

Breeding motioned to approve the first reading of **ORDINANCE No. 315** Amending Code of Ordinances, Section 50.10 and set 2nd reading date as November 12, 7 p.m., City Hall, 100 W. 5<sup>th</sup> Street. Shere seconded. All ayes; motion carried.

Shere motioned to approve the first reading of **ORDINANCE No. 316** Amending Code of Ordinances, Section 1. 7.05 and set 2nd reading date as November 12, 7 p.m., City Hall, 100 W. 5<sup>th</sup> Street. Johnson seconded. All ayes; motion carried.

Johnson motioned to approve 'Malvern City Council Meeting **Procedures and Decorum**' as a handout for Council meeting visitors. Breeding seconded. All ayes; motion carried.

Johnson motioned to set Tuesday, November 12, 2019, as the **next Council meeting** due to Veteran's Day conflict. Shere seconded. All ayes; motion carried.

Shere motioned to approve **RESOLUTION 2019-36 Authorizing Yard Waste Burning** from November 8 thru 17 within the Malvern City Limits unless a County-wide burn ban is in effect. Breeding seconded. All ayes; motion carried.

Breeding motioned to approve **RESOLUTION 2019-37 Urban Renewal Report**, for year ending June 30, 2019. Johnson seconded. All ayes; motion carried.

Shere motioned to approve **RESOLUTION 2019-38 Transferring LOST** to General Fund for fall street paving. Breeding seconded. All ayes; motion carried.

Shere motioned to approve Wellmark Employee Health **Insurance Renewal Notice** for calendar year 2020 with rate increase of 8.64% for health. Dental & vision—no increase. Breeding seconded. All ayes; motion carried.

City Clerk Poort is to add insurance coverage for 'MALVERN' SIGN @ 315<sup>TH</sup> Street/Hwy. 34 for \$25,000 @ \$48/year.

**MAYORAL REPORT:** Breeding motioned to approve mayoral appointment of Doug Palmer to the P&Z Board of Adjustment to fill a vacancy, term ending June 30, 2020. Johnson seconded. All ayes; motion carried. Discussion was held on Boehner Pond access trail ground preparation plan. Discussion was also held on security cameras.

**PROJECT/MEETING UPDATE:** WATER TREATMENT PLANT PROJECT: Awaiting IDNR issuance of construction permit. Mayor to contact Congressmen Costello and Siek. MARION AVENUE BRIDGE REPLACEMENT PROJECT: 12th week completed. Shere motioned to **approve the 3<sup>rd</sup> Periodic Cost Estimate, \$397,521.98.** Johnson seconded. All ayes; motion carried.

**NUISANCE DISTRICT UPDATES:** District Territorial listing was noted for September 10 – October 14, 2019, plus District #1: Bruce Breeding—no report; District #2: Roger Johnson—SW clean-up and piles of metal; District#3--Kate McGann: 905 N 2<sup>nd</sup> Avenue, Barbara Aldrich—sidewalk replacement extension until November 1<sup>st</sup>; District#4: Chris Androy—no report; District#5: Doug Shere—no report.

**NON-AGENDA COMMENTS:** none. There being no further business, the meeting adjourned at 9:22 p.m.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk