

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
MALVERN CITY HALL – 100 West 5th Street
November 12, 2019 – 7 p.m.

The November 12, 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:** Chris Androy, Bruce Breeding, Roger Johnson, Kate McGann and Doug Shere. A quorum was recognized. City Clerk Mary Poort was also present. Mayor Blackburn welcomed six visitors and called for any non-agenda public presenters—none.

Breeding motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of October 14, 2019, current expenditures, place on file minutes of Park Board—October 15, 2019, November 5, 2019, and Library Board of Trustees—November 4, 2019, RESOLUTION 2019-42 certifying City charges to County Treasurer for collection, Pat Malcom, 902 2nd Ave, Lot 1, grass/weeds nuisance abatement, \$95.94, and Block Party Application, MABA Wish Lantern Lighting, blocking E. 4th Street by Malvern Bank, 11/30/19. McGann seconded. All ayes; motion carried.

Council Hearing: East Mills Superintendent Tim Hood and HS Principal Dale Scott addressed the issue of recent placement of a storage container at the 1505 East 15th Street property. Shere motioned to give the East Mills School one year to remedy the storage issue with Council review in November of 2020. Johnson seconded. All ayes; motion carried.

DEPARTMENT UPDATES: PeopleService Report—Howard Peterson—The October report was available as handout. Nitrates—within range. Topics of discussion: Fairview Hills water utilities walk-thru and punch list before City takes ownership—December agenda; replacement of hydrants @ W. 9th & Main and E. 13th & Marion after Marion Avenue Bridge completion; lagoon discharging last month to continue; lift station pumps issues--budget to replace the soft starts with VFDs—Howard to get bids.

Street Superintendent—Dave Hoose—October report presented daily and general work. Topics of discussion: tree trimming, truck parking on Main Street ordinance violation, truck traffic, embargo limits, yearly street contractor bids, overseal on 315th. Shere motioned to approve securing yearly bids per yard with street surfacing contractors. Johnson seconded. All ayes; motion carried.

Park Board Report –Board Chair Jill Smith—Topics of discussion: bike trail concrete from Trace into Boehner Pond and extra rock on jetty—both Schildberg application; ice skating @ T&N—check on liability; brick wall @ Miller Field; park board vacancy; Park Board tree @ Festival of Trees plus ‘Snowman Building in Paddock Park for individuals and families’ on December 7th.

Mayoral decision to consider **new business items** out of agenda order for **water treatment plant project**—JEO Engineer Blake Birkel, as guest. Shere motioned to approve and order posting of Notice of Public Hearing on Proposed Plans, Specifications, Form of Contract and Estimate of Cost for 2018 Water System Improvements, CDBG Project No. 18-WS-024. Breeding seconded. All ayes; motion carried.

Androy motioned to approve and order posting of **Notice to Bidders for 2018 Water System Improvements**, CDBG Project No. 18-WS-024. Breeding seconded. All ayes; motion carried.

Shere motioned to approve **RESOLUTION 2019-45 to Provide for a Notice of Hearing** on proposed plans, specifications, forms of contract and estimate of cost for the Water System Improvements Project, and the taking of bids therefor. Johnson seconded. Roll Call Vote: Ayes—Androy, Breeding, Johnson, McGann, Shere. Nays—none. Motion carried.

McGann motioned to approve a **Legal Services Agreement for City Water Treatment Plant Project with City Attorney Matt Woods**. Breeding seconded. All ayes; motion carried.

Johnson motioned to approve **RESOLUTION 2019-44 Loan Resolution Authorizing and Providing for the Incurrence of Indebtedness** for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing, Enlarging, Improving, and/or Extending its Municipal Water System. Breeding seconded. Roll Call Vote: Ayes—Androy, Breeding, Johnson, McGann, Shere. Nays—none. Motion carried.

UNFINISHED BUSINESS: McGann motioned to table Item 7A—Conditional Use Permits, Two-Mile **Extra-Territorial Zoning**, and County-City Agreement until December 9, 2019. Breeding seconded. All ayes; motion carried.

McGann motioned to approve 2nd reading and suspend the rules requiring an ordinance be voted on for passage at two council meetings prior to this meeting with respect to **ORDINANCE NO. 314: Amending Code of Ordinances, Section 22.01—Park Board Commissioners**, waiving 3rd reading. Androy seconded. Ayes--five; Nays--none; absent—none. Super majority noted. Motion carried. Shere motioned for final passage and adoption with respect to ORDINANCE NO. 314: Amending Code of Ordinances, Section 22.01—Park Board Commissioners. Johnson seconded. ROLL CALL VOTE: Ayes—Androy, Breeding, Johnson, McGann, Shere. Nays—none. Absent—none. Motion carried.

McGann motioned to approve 2nd reading and suspend the rules requiring an ordinance be voted on for passage at two council meetings prior to this meeting with respect to **ORDINANCE NO. 315: Amending Code of Ordinances, Section 50.10—Abatement By City**, waiving 3rd reading. Shere seconded. Ayes--five; Nays--none; absent—none. Super majority noted. Motion carried. Androy motioned for final passage and adoption with respect to ORDINANCE NO. 315: Amending Code of Ordinances, Section 50.10—Abatement By City. Breeding seconded. ROLL CALL VOTE: Ayes—Androy, Breeding, Johnson, McGann, Shere. Nays—none. Absent—none. Motion carried.

Androy motioned to approve 2nd reading and suspend the rules requiring an ordinance be voted on for passage at two council meetings prior to this meeting with respect to **ORDINANCE NO. 316: Amending Code of Ordinances, Section 7.05 – Provisions Pertaining to Operating Budget Preparation**, waiving 3rd reading. Shere seconded. Ayes--five; Nays--none; absent—none. Super majority noted. Motion carried. McGann motioned for final passage and adoption with respect to ORDINANCE NO. 315: Amending Code of Ordinances, Section 7.05 – Provisions Pertaining to Operating Budget Preparation. Johnson seconded. ROLL CALL VOTE: Ayes—Androy, Breeding, Johnson, McGann, Shere. Nays—none. Absent—none. Motion carried.

NEW BUSINESS: Androy motioned to approve the **FY 19 Annual Financial Report**, published in Malvern Leader on October 31, 2019, to be filed with State. McGann seconded. All ayes; motion carried.

McGann motioned to approve RESOLUTION 2019-43 to set December 9, 2019, 7 p.m., City Hall, for the public hearing for the City Proposed **Budget Amendment #1 FY 20**. Androy seconded. All ayes; motion carried.

McGann motioned to approve conveyance of remainder of real estate for **908 Main Street**. Johnson seconded. All ayes; motion carried.

MAYOR'S REPORT: McGann motioned to move the Retro Malvern Arrow Sign from west of Boehner Park to City Shop, with possibility of MABA restoration and final say of placement by City Council. Breeding seconded. Ayes—four; Nay—Androy. Motion carried. A list of mayoral acknowledgements is filed at City Hall per Council general consensus. Recodification is underway with SWIPCO personnel to meet with Mayor Blackburn and Clerk Poort on November 14, 2019. Mayoral appointment of 2020 Census Committee—several citizens suggested. Security cameras and water tower painting—no comments.

PROJECT/MEETING UPDATE: RECYCLING: Over 80 people signed up for curb-side recycle. Citizens are encouraged to call City Hall 712-624-8282 for service registration. MARION AVENUE BRIDGE REPLACEMENT PROJECT: 16th week completed. Shere motioned to **approve the 4th Periodic Cost Estimate, \$197,318.19**. McGann seconded. All ayes; motion carried. Ribbon-cutting bridge-opening ceremony on November 30th at 4:30 p.m., north end of bridge, prior to lantern lighting downtown. FEMA FLOODED STREET RENOVATION: Response sent on street maintenance support.

NUISANCE DISTRICT UPDATES: District Territorial listing was noted for October 15 – November 12, 2019:
District#1: Bruce Breeding: 610 Lincoln Avenue—Breeding motioned to send letter giving 30 days to bring parcel vehicle parking into compliance until garage is built. McGann seconded. All ayes; motion carried.
District#2: Roger Johnson: 90 2nd Avenue, Jerry Byers parcel—move forward with attorney advice.
District#3: Kate McGann: 905 N 2nd Avenue, Barbara Aldrich—Grass/Weeds/Sidewalk—December agenda.
District#4: Chris Androy: 706 3rd Avenue, Gary Hardman parcel—move forward with attorney advice. District#5: Doug Shere: no update.

NON-AGENDA COMMENTS: To be added to December agenda--Shere talked of tornado and civil defense, Gillet junk yard of campers adjacent to Trace Nature Trail. There being no further business, the meeting adjourned at 9:52 p.m.

Michael K. Blackburn, Mayor

ATTEST:
Mary Poort, City Clerk