

**MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
In-Person Social Distancing Measures – 501 Main Street
Malvern Community Building Basement
July 13, 2020 – 7 p.m.**

In order to help stop the spread of the COVID-19 virus, this in-person regular meeting of the Malvern City Council was held with social distancing measures in the Community Building Basement.

The July 13, 2020 regular meeting of the **Malvern City Council was called to order by Mayor Fred Moreau** at 7:01 p.m. Mayor Moreau recognized the following **Councilmembers as present:** Chris Androy, Bruce Breeding, Roger Johnson, Kate McGann, Doug Shere. Absent: none. A quorum was recognized. Two City Departments were represented: Dave Hoose and joining the meeting at 7:49 p.m.—Howard Peterson. City Clerk Mary Poort was also present. Mayor Moreau welcomed five visitors and called for any non-agenda public presenters; there being four.

Johnson motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of June 8, 2020: amendment—"706 3rd Avenue—City-owned, motion by Androy to **set public hearing** and guide sealed bids with fair market price, with plan for use of property tied to committed timeline otherwise property goes back to City. **McGann seconded. All ayes; motion carried,**" Liquor License Renewal-- Pretty Little Things, Current Expenditures, and Place on File Minutes: Park Board—June 16, 2020, Liberty Memorial Building Board—June 29, 2020, Library Board of Trustees—July 6, 2020. McGann seconded. All ayes; motion carried.

Out of agenda order, Mayor Moreau introduced **community presenters** to speak on Agenda Item 9(G) tree trimming: Brand Klindt and Duane Volz; Agenda Item 8(B) fireworks: Mike Blackburn; Agenda Item 9(L) MABA grant: Beverly Dashner.

Mayor Moreau introduced **scheduled presenter:** SWIPCO Representative John McCurdy to speak on building and rental inspections.

Mayor Moreau called on **DEPARTMENT UPDATES: PeopleService Report—Superintendent Howard Peterson:** 1) June 2020 report—nitrates less than a year ago, within range. 2) Water Treatment Plant Project—bollards to be placed at two new fire hydrants; turn two pumper caps to face street. Water directly from wells during tower rehab may involve transducers to read pressure at both wells and VFD programming to maintain the pressure. 3) Wastewater—#2 Lift Station electrical problem traced to underground, need for quotes; flow meter needed at 404 Lambert area. 4) Zero-read meters Excel sheet reviewed and discussed—supervisor to act. 5) NPDES wastewater issue Engineer Perry met with Howard 6/23/20.

Street Superintendent—Dave Hoose—1) June handout presented daily and general work. 2) Fall asphalt—now caught up. 3) Concrete pile fence complete—need gates. 4) Parking near water tower rehab—HS informed; area contacts nearer to project date; listed on mass mailing.

Park Board Report –Board Chair Jill Smith notes for Council read.

UNFINISHED BUSINESS: Androy motioned to approve RESOLUTION 2020-19 Set Public Hearing and Proposed Sale of City Real Estate Property—706 3rd Avenue, Malvern, Iowa. Shere seconded. All ayes; motion carried.

Shere motioned to use Iowa Code Fireworks Ordinance in the 2020 Malvern City Ordinances recodification. Johnson seconded. Ayes: Breeding, Johnson, McGann, Shere. Nay: Androy. Motion carried.

McGann motioned to set an August 10, 2020 public hearing and first reading in the recodification process for the 2020 Malvern City Ordinances, editing the document per three items of attorney advice. Shere seconded. All ayes; motion carried.

NEW BUSINESS: McGann motioned to table action on the **28E Agreement with Mills County Communications Center** for FY21 to seek more information. Johnson seconded. All ayes; motion carried.

Malvern Water Treatment Plant Project: Androy motioned to approve **JEO Engineer Construction invoice for \$15,015.00**. Shere seconded. All ayes; motion carried. Johnson motioned to approve pay application for **McCarthy Trenching (Group B) for \$75,119.35**. Breeding seconded. All ayes; motion carried. McGann motioned to approve pay application for **Building Crafts, Inc. (Group A) for \$57,000.00**. Breeding seconded. All ayes; motion carried.

Shere motioned to approve a **private request to asphalt the alley** near 1001 Marion Avenue with conditions: 1) city-approved contractor, 2) dependent on the entirety of the alley--all neighbors bordering the alley to contribute to the cost—submit signature sheet to City Hall, 3) utilities in the alley need to be addressed properly, and 4) Street Superintendent's signature before any construction. Breeding seconded. All ayes; motion carried.

Discussion: **no overnight parking on Marion Avenue**; addition to 2020 Ordinances, public hearing, and multiple readings to follow.

Out of agenda order per mayor: McGann motioned to schedule an **informational meeting on rental inspections** with landlords, SWIPCO, and Council. Androy seconded. All ayes; motion carried.

Androy motioned for **tree trimming** on Main Street, truck routes, and alleys with Street Superintendent providing checklist of property owner responsibility. McGann seconded. All ayes; motion carried.

Shere motioned to approve **RESOLUTION 2020-20 Voter Paragraph Memorial Building Permissible Tax Levy** for FY21-22 for placement on November 2020 ballot. Breeding seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2020-21 Certifying City charges** to County Treasurer grass/weeds abatement, Barbara Aldrich, 905 2nd Avenue. Shere seconded. All ayes; motion carried.

FY20 to FY21 roll discussion: Marion Avenue Bridge Project closing with IDOT retainage of \$50,000 outstanding revenue, plus various figures apt to budget amendment #1. Shere motioned to approve **RESOLUTION 2020-22 Transfers: RUT** to General for Marion Avenue Bridge, FY 21 Monthly Water Project and Lagoon, plus Emergency Levy to General. Androy seconded. All ayes; motion carried.

Discussion: **MABA grant writing for expansion of the Malvern Entrance** with more street lighting. Concern with continued City maintenance of the lights. MABA required by ordinance to present plan to Malvern Planning and Zoning Commission.

MAYOR'S REPORT: Johnson motioned to approve mayoral recommendation of Doug Palmer for reappointment to the Planning and Zoning Board of Adjustment for term ending 6/2025. Breeding seconded. All a yes; motion carried.

Shere motioned to approve mayoral recommendation of **Pete Hunt for appointment to the Library Board of Trustees** to fill a vacancy of John Downey for term ending 6/2021. Breeding seconded. All ayes; motion carried.

Shere motioned for **recommendation to Library Board of Trustees** to update Malvern Employee Handbook with Library staff hours. McGann seconded. Ayes: Breeding, Johnson, McGann, Shere. Abstain: Androy for reference concerns; motion carried.

Discussion: **downtown Malvern chemical spill**: date, incident details, contacts, decisions, EPA contact, persons of interest, procedures.

Discussion: **recall RESOLUTION 2019-12 to place stop sign** on Intersection of 4th Street & Main Street, concerns, stop-lines striping, blinking light possibility.

UPDATES: A) Chantry parcels survey this week to provide legal description for sale documents. B) City buildings/pool open with safety measures noted. Mills County COVID cases rising. C) FEMA flooded streets project – matters involve SHPO and request for extension. D) CENSUS--Your Count Matters: my2020census.gov OR CALL 844-330-2020 recently

listed in mass mailing. E) Annexation/extra-territorial zoning, conditional use--on hold. F) Wellmark Healthy Hometown in pursuit of high-dollar revenue source grant for Boehner Pond rehab project. G) Malvern website nearing completion; city clerk to research phone/email alert system.

NUISANCE DISTRICT UPDATES: June 9 – July 13, 2020. District#1: Bruce Breeding: **602 Lincoln Avenue** legal description—1993 owner survey provided. **301 East 5th Street** dead Pine tree in ROW complaint—Shere motioned for Street Superintendent acquire two bids, take lowest for removal at City cost, Ordinance 135.10. Johnson seconded. All ayes; motion carried. **404 Lincoln Avenue**, Day—multiple unregistered/inoperable vehicles parked in street perpetually—to be tagged. **4th block Lincoln Avenue**—unregistered vehicle stored in street—removed. **610 Lincoln Avenue**, Urban/Rogers—multiple vehicles parked on grass; no prepared surface—move forward with abatement. **302 E. 3rd Street**, Winchel—exceeding Ordinance limits: 3 boats, 3 trailers/1 enclosed, 2 inoperable vehicles, 1 camper—letter to be sent. District#2: Roger Johnson: City-owned parcel, **90 2nd Avenue**—SWIPCO demolition SW Iowa Housing Trust Fund, Demolition by Challenger 7/13/20--start date; **307 5th Avenue**, McConkey—pursuing contact. MidAmerican Workstation, **2nd Ave/W. 5th Street** feces problem: dogs in Kohll’s apartments unregistered with City. Dogi-Pot system pricing provided in Council packet. Mayor to check others. District#3: Kate McGann: **905 N 2nd Avenue**, Barbara Aldrich—Sidewalk – Johnson contact, review of legal counsel email, and homeowner’s efforts to rehab sidewalk. District#4: Chris Androy: **809 Marion**, junk car call-in, tagged, owner removal. District#5: Doug Shere: **202 E. 15th Street**, Murren—lack building permits: driveway, fence, sidewalk, and accessory building, complaint—send notice.

NON-AGENDA ITEMS: Concern of retaining wall poor condition on 2nd Avenue—Emma Collins.

Breeding motioned for **adjournment**. There being no further business, the meeting was adjourned at 10:40 p.m.

Fred A. Moreau, Mayor

ATTEST: Mary Poort, City Clerk