

**MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
In-Person Social Distancing Measures – 501 Main Street
Malvern Community Building Basement
October 12, 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 October 12, 2020 regular meeting of the **Malvern City Council was called to order by Mayor Fred Moreau** at 7:00 p.m. Mayor Moreau recognized the following **Councilmembers as present:** Chris Androy, Roger Johnson, and Doug Shere. Absent: Bruce Breeding and Kate McGann. A quorum was recognized. Department representatives: Dave Hoose, Jill Smith, absent—Howard Peterson. City Clerk Mary Poort was also present. Mayor Moreau welcomed seven 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 September 14, 2020, current expenditures, and place on file minutes: Park Board—9/16/20, Liberty Memorial Building Board—9/24/20; Liquor License, Pending DRAM SHOP Approval, for Little Creek, LLC, (Lakin Building). Johnson seconded. All ayes; motion carried.

Mayor Moreau introduced **scheduled presenter:** Mark Hughes—Agenda Item #11B Contractor Lawn Watering Charge for Sewer. Hughes discussed sewer charges without home dwellers. (two exited)

PUBLIC HEARING #1: Prior to Council Adoption of ORDINANCE NO. 321: Amending 2020 Malvern City Code of Ordinances, by Amending Chapter 2-8-3 MEETINGS. Call to Order of Public Hearing at 7:18 pm. Recognition of Publication: *Notice of Public Hearing Prior to Council Action on Amending Chapter 2-8-3 Council MEETINGS, Malvern Leader*, October 1, 2020. City Clerk reported no written objections filed at City Hall. Mayor Moreau called for Objections, Statements, and/or Exhibits for Council Consideration—there being none. Mayor adjourned the Public Hearing at 7:19 pm.

PUBLIC HEARING #2: Status of Funded Activities Malvern Water Project – CDBG Requirement. Mayor Moreau called to order the Public Hearing at 7:19 pm. John McCurdy from Southwest Iowa Planning Council presented information on the status of Community Development Block Grant project 18-WS-024, the Water System Improvements project. It was reported that the water project was approximately 35% complete and the anticipated end date for the project is October 1, 2021. For the water project, to date, \$930,211.31 has been spent, with \$271,760.00 in CDBG construction/engineering funds expended, and \$6,753.00 in CDBG administrative funds expended. There is \$208,240.00 remaining in CDBG funds for construction/engineering expense. The city's local match to date has been \$652,914.31 most of the funds coming from a USDA Loan. The project beneficiaries for the water project are the residents of the entire City of Malvern, 55% of whom are of low to moderate income. Recognition of Publication: Status of Funded Activities for the City of Malvern Water Project -- *Malvern Leader*, October 1, 2020. There were no written comments received from the public prior to the meeting and no oral comments made at the public hearing. Mayor Moreau closed the public hearing at 7:21 p.m.

SEALED BID OPENING: 706 3rd Avenue, Lot Eight (8) in Block Two (2) Malvern, Iowa, City Real Estate Public Sale. Bid #1: Brian West/Natcher-Brinic --\$1,600, to demolish existing structure and build a new home. Bid #2: Jeremy and Tracy Davis--\$2,501, to demolish existing structure and plant grass/ornamental trees, build a guest home and garage. Closed Session in New Business Items #11(M-P) Iowa Code 21.5J(j) discuss sale of city-owned real estate.

Mayor Moreau called on **DEPARTMENT UPDATES: PeopleService Report—Superintendent Howard Peterson**—absent: Poort reported Peterson's absence due to flushing hydrants, water tower fill, power level control issues, and state reporting.

Street Department—Superintendent Dave Hoose: September handout presented daily and general work. Dave requested Council consideration of recurrent hire Leonard Warden and Clyde Parker for FY21 sidewalk snow removal.

Androy motioned approval upon signed contract stating provisions of fuel, equipment, sand/ice-melt, and proof of insurance at \$15/hour. Shere seconded. All ayes; motion carried.

Park Board Report – Chairperson Jill Smith: Topics—Lincoln Logs pump-out Thursdays or Fridays and pull for winter, Boehner Pond Trail Project grants: \$25,000 Wellmark w/ SW Community Foundations (Costello) \$10,000 match, plus \$30,500 for campground extension. (Three visitors exited at 7:46 pm.) For Council consideration: Block Party Application, Park Board, Boehner Pond, October 24th, noon – 4 pm, Fall Festival. Approval motioned by Shere and seconded by Johnson. All ayes; motion carried. (Smith exited at 7:48 pm.)

UNFINISHED BUSINESS: Androy motioned to table Item 10(A) **Rental Inspections Program** with SWIPCO until the November 9th meeting for super majority council attendance. Johnson seconded. All ayes; motion carried. (McCurdy exited at 7:51 pm.)

Mayor Moreau recognized **ORDINANCE NO. 321 First Reading:** Amending the 2020 Malvern Code of Ordinances, Chapter 2-8-3 Meetings -- setting two monthly Council meetings. Johnson motion to approve the first reading of ORDINANCE No. 321 Amending Code of Ordinances, Chapter 2-8-3 Meetings and set 2nd reading date for November 9, 2020 at Malvern Liberty Memorial Community Building basement at 7 pm. Shere seconded. All ayes; motion carried.

NEW BUSINESS: Androy motioned to approve **RESOLUTION 2020-28 Urban Renewal Report**, for year ending June 30, 2020. Shere seconded. All ayes; motion carried.

Shere motioned to secure a proper reading on **Hughes Construction's** 9/18/20 water bills, remove late fees, remove sewer charges for contractors on all newly constructed homes until houses are permanently occupied. Johnson seconded. All ayes; motion carried. (Davis returns 7:55 pm.)

Androy motioned to approve **RESOLUTION 2020-29** to Set Public Hearing for November 9, 2020, Malvern Liberty Memorial Community Building basement at 7 p.m. for Proposal to Dispose of City-owned Real Estate at 90 2nd Avenue. Johnson seconded. All ayes; motion carried.

Androy motioned to approve **RESOLUTION 2020-30** to Set Public Hearing for November 9, 2020, Malvern Liberty Memorial Community Building basement at 7 p.m. for Proposal to Dispose of City-owned Real Estate: 4 parcels, former Chantry Elementary soccer field. Shere seconded. All ayes; motion carried.

Johnson motioned to approve **Pay Application #4 for Building Crafts, Inc.** (Group A) \$76,636.50. Androy seconded. All ayes; motion carried.

Shere motioned to approve Malvern Water Treatment Plant Project, **McCarthy Trenching Group B Change Order B-2 –** Deduction of \$40,607.00. Johnson seconded. All ayes; motion carried.

Shere motioned to approve Malvern Water Treatment Plant Project, **McCarthy Trenching Group B Substantial Completion Form.** Johnson seconded. All ayes; motion carried.

Johnson motioned to approve **Final Pay Application #5 for McCarthy Trenching, LLC** (Group B) \$19,449.32. (To be held for 30 days after council approval, per Iowa statutes.) Androy seconded. All ayes; motion carried.

Androy motioned to approve **RESOLUTION 2020-31** Requesting Reimbursement COVID-19 Relief Fund – Cares Act. Shere seconded. All ayes; motion carried.

Androy motioned to approve **RESOLUTION 2020-32** Setting Date for Public Hearing on November 9, 2020, Malvern Liberty Memorial Community Building basement at 7 p.m. for Malvern City Proposed Budget Amendment #1 FY21. Johnson seconded. All ayes; motion carried.

Shere motioned to approve **BNSF Railway Invoice \$8,449.87** Inspector Coordinator Fees for Marion Avenue Bridge Replacement Project. Androy seconded. All ayes; motion carried.

Shere motioned to approve **Wellmark Employee Health Insurance Renewal Notice** – rate increase of 9.29%. Johnson seconded. Roll Call Vote: Shere—aye, Johnson—aye, Androy—nay. Motion carried. Committee to explore future insurance alternatives: Androy, McGann, Johnson, Moreau.

Androy motioned to enter into **closed session per Iowa Code 21.5(j)** to discuss sale of city-owned real estate, 706 3rd Avenue, Lot Eight (8) in Block Two (2) Malvern, Iowa, City Real Estate Public Sale. Shere seconded. Roll Call Vote: Androy—aye, Johnson—aye, Shere—aye. Nays—none. Absent—Breeding, McGann. Motion carried. Three visitors vacated the building. The closed session ensued.

Three visitors were welcomed into the building. Androy motioned to **return to open meeting**. Johnson seconded. Roll Call Vote: Androy—aye, Johnson—aye, Shere—aye. Nays—none. Absent—Breeding, McGann. Motion carried. Open meeting agenda continued.

Androy motioned to **approve the Sealed Bid Winner of 706 3rd Avenue**, Lot Eight (8) in Block Two (2) Malvern, Iowa Real Estate Owned by the City of Malvern, Iowa to Jeremy and Tracy Davis of 705 2nd Avenue, Malvern, Iowa, for the bid of \$2,501 with 706 3rd Avenue property use: home and overgrown trees are to be removed before planting grass and ornamental trees. A guest home with attached garage will be built. Johnson seconded. Roll Call Vote: Androy—aye, Johnson—aye, Shere—aye. Nays—none. Absent—Breeding, McGann. Motion carried.

Androy motioned to approve **RESOLUTION 2020-33** setting a 2nd Public Hearing for November 9, 2020, Malvern Liberty Memorial Community Building basement at 7 p.m., for the Sale and Conveyance of 706 3rd Avenue to Jeremy and Tracy Davis. Johnson seconded. Roll Call Vote: Androy—aye, Johnson—aye, Shere—aye. Nays—none. Absent—Breeding, McGann. Motion carried.

MAYOR'S REPORT: Discussion: 1) Malvern Hwy. 34 entrance sign V & E letter replacement—follow-up with vendors in progress. 2) Ditch Clean-Out Plan of Action, November 9th deadline—in process; Johnson and Shere to reference hydrology study. 3) Shere motioned to allow Tiemeyers to use existing Chantry fence to reconstruct it west and east of the Chantry Playground by November 30, 2020. Androy seconded. All ayes; motion carried.

UPDATES: 1) City Alerts, COVID19—cases continue to rise. 2)FEMA—Spring Flood/high water table Street Renovation Project Extension—Shere reports project needs to be obligated by FEMA, as discussed with Michelle Terry, FEMA rep.

NUISANCE DISTRICT UPDATES: September 15–October 14, 2020—District#1: Bruce Breeding—no report; District#2: Roger Johnson: 307 5th Avenue, McConkey—abandoned house, unpaid taxes. District#3: Kate McGann: 109 W. 6th Street, Collins—collapsing retaining wall onto sidewalk—owner USDA loan option not feasible, dual deed holders; 905 N 2nd Avenue, Aldrich—tree roots disrupting sidewalk—attorneys consult. District#4: Chris Androy: 910 Prospect Avenue, (Saal) Begbie—garage dangerous building—90-day deadline to be pursued. District#5: Doug Shere: Southern RR two parcels south of Heartland Coop, subject of abatement and ownership—no progress.

NON-AGENDA ITEMS: Question—90 2nd Avenue basement removed or caved in and filled?

Androy motioned for **adjournment**. There being no further business, the meeting was adjourned at 9:08 p.m.

Fred A. Moreau, Mayor

ATTEST: Mary Poort, City Clerk