

**MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
In-Person Social Distancing Measures – 501 Main Street  
Malvern Community Building Basement  
November 9, 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 November 9, 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:** Bruce Breeding, Roger Johnson, and Kate McGann. Absent: Chris Androy; Doug Shere—joining meeting at 8:22 p.m. A quorum was recognized. Department representative Jill Smith present, absent—Howard Peterson and Dave Hoose. City Clerk Mary Poort was also present. Mayor Moreau welcomed four visitors and called for any non-agenda public presenters; there being none.

Johnson motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of October 12, 2020, current expenditures, and place on file minutes: Library Board--10/5/20, Park Board—10/8/20, Liberty Memorial Building Board—10/29/20; RESOLUTION 2020-35 County Collection Whitney Rhoades, past due utilities bill, and MABA Block Party Application for 1:30 pm Christmas parade, 12/5/2020, block Main Street. Breeding seconded. All ayes; motion carried.

Mayor Moreau introduced **scheduled presenter:** Kelsey Peterson, Schroer and Associates, P.C. who detailed items in the FY2020 Audit Report.

**PUBLIC HEARING #1:** Prior to Council Action on Sealed Bid Process for City-Owned Real Estate Property – 90 2nd Avenue, Malvern, Iowa--Call to Order of Public Hearing at 7:14 pm. Recognition of Publication: Public Hearing Proposed Sale of City Real Estate Property – 90 2nd Avenue, Malvern, Iowa, Malvern Leader, October 29, 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 7:15 pm.

**PUBLIC HEARING #2:** Prior to Council Action on Sale of City Real Estate Property – Parcels C, D, E, F of Section 29/Township 72/Range 41 NE ¼ SE ¼ Part of Lot 7, Malvern, Iowa (Former Chantry Elementary soccer field). Call to Order of Public Hearing at 7:15 pm. Recognition of Publication: Public Hearing Proposed Sale of City Real Estate Property – Parcels C, D, E, F of Section 29/Township 72/Range 41 NE ¼ SE ¼ Part of Lot 7, Malvern, Iowa, Malvern Leader, October 29, 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 7:16 pm.

**Public Hearing #3:** Prior to Council Action on Sale and Conveyance of rights, title, and interest in and to the real property described as 706 3<sup>rd</sup> Avenue, Lot eight (8) in Block Two (2) to Jeremy and Tracy Davis for \$2,501.00. Call to Order of Public Hearing at 7:16 pm. Recognition of Publication: Public Hearing Proposed Sale and Conveyance of rights, title, and interest in and to the real property, 706 3<sup>rd</sup> Avenue, to Jeremy and Tracy Davis, Malvern Leader, October 29, 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 7:17 pm.

**Public Hearing #4:** Prior to Council Action on Malvern City Proposed Budget Amendment #1 FY 21--Call to Order of Public Hearing at 7:17 pm. Recognition of Publication: Public Hearing Malvern City Proposed Budget Amendment #1 FY 21, Malvern Leader, October 29, 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 7:18 pm.

Mayor Moreau called on **DEPARTMENT UPDATES: PeopleService Report—Superintendent Howard Peterson**—absent: Poort reported PeopleService loss of employee and Peterson's role in marking curb stops for water project GIS mapping per quads.

**Street Department: Superintendent Dave Hoose**—absent. Provided report was reviewed.

**Park Board Report – Chairperson Jill Smith:** Need for clean dirt at Boehner Pond between Trace and Pond--cost is part of trail project. Dalton to get quotes. Need concrete fill chunks (no asphalt). Greiner to provide updated quote for trail in two phases. Questioned hydrant operation.

**UNFINISHED BUSINESS:** McGann motioned to approve **Rental Inspections Program** with SWIPCO. Breeding seconded. Ayes: McGann, Breeding. Nay: Johnson. Motion carried. A telephone conference with John McCurdy, SWIPCO, provided next steps to prepare for December meeting.

Mayor Moreau recognized **ORDINANCE NO. 321 Second Reading:** Amending the 2020 Malvern Code of Ordinances, Chapter 2-8-3 Meetings -- setting two monthly Council meetings. McGann motioned to approve the second reading of ORDINANCE No. 321 Amending Code of Ordinances, Chapter 2-8-3 Meetings and set 3rd reading date for December 14, 2020 at Malvern Liberty Memorial Community Building basement at 7 pm. Johnson seconded. All ayes; motion carried.

McGann motioned to approve the sealed bid process for city-owned real estate property at 90 2<sup>nd</sup> Avenue, Malvern, Iowa, setting publication dates in time for the December meeting. Breeding seconded. All ayes; motion carried.

McGann motioned to approve RESOLUTION 2020-36 Approving the Sale and Conveyance of 706 3<sup>rd</sup> Avenue city-owned real estate to Jeremy and Tracy Davis for \$2,501.00. Johnson seconded. All ayes; motion carried.

McGann motioned to approve ReMax documents listing four parcels: CD E. 10<sup>th</sup>/EF E. 9<sup>th</sup>; former Chantry. City Clerk and Mayor/Mayor Pro-tem authorized signatures. Johnson seconded. All ayes; motion carried.

Johnson motioned to approve RESOLUTION 2020-34 Approving Budget Amendment #1 Fiscal Year ending 6/30/2021. Breeding seconded. All ayes; motion carried.

Johnson motioned to approve a monetary change recognized in RESOLUTION 2020-31a Requesting Reimbursement COVID-19 Relief Fund – Cares Act, using the 2019 per capita figure 1,115. McGann seconded. All ayes; motion carried.

**NEW BUSINESS:** Regarding MABA Block Party Application for Wish Lantern Lighting 11/28/20—issue died per lack of motion. 20% COVID rate and burn ban were stressors.

Breeding motioned to approve Water Project Invoices: Cahoy Pump Service, Inc.—Invoice 2546 \$4,252, Invoice 25514 \$675, SWIPCO CDBG admin fees \$589, JEO engineering fee \$8,942.50, CDBG SOFA Hearing Notice \$18.44, Thiele Geotech, Inc Invoice 71566 \$1,036. McGann seconded. All ayes; motion carried

Breeding motioned to approve **Pay Application #5 for Building Crafts, Inc.** (Group A) \$115,900.00. Johnson seconded. All ayes; motion carried.

McGann motioned to approve Malvern Public Library Expenditures, October 2020, \$863.56; check-run deadline missed. Breeding seconded. All ayes; motion carried.

Council discussion and consideration of Exhibit D Summary of Accepted Infrastructure Costs for Fairview Hills TIF Eligible Calculation—McGann motioned to approve. Breeding seconded. Ayes: Breeding, McGann; abstain: Johnson—LLC member. Motion carried.

Upon review of Mills County Auditor rollback figure adjustment per city clerk email, McGann motioned to approve Exhibit E Developer's TIF Estimate Worksheet figures – Phase I, Lot 29 only. Breeding seconded. Ayes: Breeding, McGann; abstain: Johnson—LLC member. Motion carried.

Councilmember Shere joined the meeting by teleconference at 8:22 p.m. Shere motioned to approve RESOLUTION 2020-38 Obligating Funds from the Incremental Property Tax Revenues for appropriation to the funding of an economic development payment obligation which shall come due in the next succeeding FY to Malvern Economic Development

Corporation -- Phase I, Lot 29 only. McGann seconded. Roll Call Vote: Breeding—aye, McGann—aye, Shere—aye, Androy—absent, Johnson—abstain (LLC member). Motion carried.

Shere exited the teleconference. Two visitors exited the meeting.

Johnson motioned to approve RESOLUTION 2020-37 To Fix December 14, 2020, date for a Public Hearing on proposal to enter into a General Obligation Copier Lease Agreement w/ lease payments thereunder/principal amount not to exceed \$20,000. Hearing to be held at Liberty Memorial Community Building basement at 7 p.m. Breeding seconded. All ayes; motion carried.

McGann motioned to approve the Annual Financial Report for FY20, published in Malvern Leader on November 5, 2020, to be filed with State. Johnson seconded. All ayes; motion carried.

**MAYOR'S REPORT:** Johnson motioned to approve mayoral recommendations of Michelle Mayhew and Valerie Zane to fill vacancies on the Library Board of Trustees for terms ending 6/2023 and 6/2024 respectively. Breeding seconded. All ayes; motion carried.

Mayor Moreau reported that the Ditch Clean-Out Plan of Action is to be available on Wednesday evening; hydrology report just recently became available from Olmsted & Perry. Melton's west side of Lincoln Avenue needs attention/east side dug out.

**UPDATES:** 1) City Alerts, COVID19—county cases @ 20%; social distancing in restaurants. 2) FEMA—Spring Flood/high water table Street Renovation Project Extension—awaiting obligation by FEMA. 3) Chantry Playground chain-link fence offer awaiting response from Tiemeyer's.

**NUISANCE DISTRICT UPDATES:** October 15, 2020—November 9, 2020--District#1: Bruce Breeding—no report. District#2: Roger Johnson—no report. District#3: Kate McGann--109 W. 6th Street, Collins—collapsing retaining wall onto sidewalk—move forward with letter request for plan of action within 30 days with spring abatement/replacement. 905 N 2nd Avenue, Aldrich—tree roots disrupting sidewalk--pursue municipal infraction. District#4: Chris Androy--910 Prospect Avenue, (Saal) Begbie—garage dangerous building—deadline for renovation is December 9, 2020. District#5: Doug Shere--1) Southern RR two parcels south of Heartland Coop, subject of abatement and ownership—McGann to check. 2) East Mills Storage Container--one-year deadline: McGann motioned to request East Mills School District to submit a written plan for storage container removal (recognizing future plans for facilities changes) and request to attend December 14<sup>th</sup> meeting. Johnson seconded. All ayes; motion carried.

**NON-AGENDA ITEMS:** Hwy. 34 sign camera. Water tower lighting/beacon. Flushing hydrants/water quality.

Johnson motioned for **adjournment**. There being no further business, the meeting was adjourned at 9:04 p.m.

Fred A. Moreau, Mayor

ATTEST: Mary Poort, City Clerk