

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
In-Person Social Distancing Measures for Council/Public Teleconferencing
501 Main Street
Malvern Community Building Basement
December 14, 2020 – 7 p.m.

Due to the COVID-19 crisis, Malvern City Councilmembers and Department Heads held this City Council meeting in a social distancing manner in the Malvern Community Building Basement. Sanitizer and masks were available at entrance. Governor Reynolds had limited gatherings to 15 people. **FOR GENERAL PUBLIC: TELECONFERENCE: 978-990-5201 Access code: 359327# was available.**

The December 14, 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—by teleconference, Bruce Breeding, Roger Johnson, and Kate McGann. Absent: Doug Shere. A quorum was recognized. Department Superintendents Howard Peterson—7:20 arrival and Dave Hoose were present. City Clerk Mary Poort was also present. Mayor Moreau welcomed three visitors throughout the meeting and called for any non-agenda public presenters; there being none.

McGann motioned to approve the **Consent Agenda:** tentative agenda, regular meeting minutes of November 9, 2020, current expenditures, and place on file minutes: Library Board—11/2/20, Adjustment Board—11/18/20 and 12/2/2020, and United Methodist Church Block Party Application for Heritage Park Christmas Eve Service, 6:00 – 7:30 PM. Johnson seconded. All ayes; motion carried.

Scheduled Presenter: East Mills HS Principal Dale Scott scheduled to call in at 7:30 p.m.

PUBLIC HEARING: Proposal to enter into a **General Obligation Copier Lease Agreement** w/ lease payments thereunder/principal amount not to exceed \$20,000. Call to Order of Public Hearing at 7:01 pm. Recognition of Publication Notice in Malvern Leader, November 26, 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 7:02 pm.

SEALED BIDS OPENING for 90 2nd Avenue, Lot Six (6) in Block Forty-Six (46), Malvern, Iowa, City Real Estate Public Sale: 1) Natcher Brinic LLC—Bid \$3,800, 20% down \$760, to build a house on the lot. 2) Mike & Denise Stevens—Bid \$2,021, 20% down \$404.20, to use the property as an apple orchard with a small building for storage. Closed session to be held as New Business items.

Mayor Moreau called on **DEPARTMENT UPDATES: Street Department Report--Superintendent Dave Hoose.** November report presented daily and general work. Concrete replacement needed due to 313-321 Main Street water main break. Johnson motioned to approve **West Properties Contract for 2020-21 sidewalk snow removal.** Breeding seconded. All ayes; motion carried. Pot ash or eco-friendly salt reminder.

PeopleService Report—Superintendent Howard Peterson. Discussion: 1) Recent 313-321 Main Street water main break, emergency contractor--Dan Driver, water hammer to system. 2) **Water Treatment Plant Project:** tower signal hit x2, contractor buried it, issues w/ signal, contractor unplugged chlorine pump/replugged in live receptacle, chlorine overload in system; drain line hit. 3) Need for rip-rap around lagoon ponds—stockpile helpful; will check on quotes for next meeting. 4) Main Lift Station Pump – 3 quotes and maintenance service agreement for **Main and East Ridge Lift Stations;** follow-up with vendors for next meeting. 5) **Water Main Extension:** from south end of 3rd Avenue to Main Street (two blocks east) possible fix for Fairview Hills Subdivision ‘no water’ issue when water is shut off between 3rd & 4th block downtown. McGann to contact engineers familiar with subdivision infrastructure.

Mayor Moreau acknowledged Dale Scott per teleconference at 7:50 p.m.--storage container removal plan addressed in letter to Council. Out of agenda order, **UNFINISHED BUSINESS:** McGann motioned to extend storage container removal deadline on East Mills HS property until 12/14/2021. Johnson seconded. All ayes; motion carried.

Mayor Moreau recognized the third reading of **Ordinance No. 321**—Amending 2020 Malvern City Code of Ordinances, by Amending Chapter 2-8-3 Meetings setting two monthly Council meetings. Poort read the ordinance specifics: “. . . twice monthly meetings held 2nd Monday and last Tuesday of the month.” Androy motioned to approve the third reading and final passage and adoption with respect to Ordinance No. 321 Amending Code of Ordinances, Chapter 2-8-3 Meetings. McGann seconded. All ayes; motion carried. Clerk is to publish in the Malvern Leader.

Rental Inspections Program with SWIPCO: McGann motioned to set the first reading and public hearing for January 11, 2020 for **ORDINANCE No. 322:** Amending the 2020 Malvern Code of Ordinances, Adopting the 2015 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of Property, Buildings and Structures. Breeding seconded. Ayes: McGann, Breeding. Nays: Johnson and Androy. Motion deadlock. Issue to be placed on January meeting with full council attendance.

Johnson motioned to approve **RESOLUTION 2020-41:** Approving and authorizing a General Fund Copier Lease Agreement with lease payments thereunder in a principal amount not to exceed \$20,000. Breeding seconded. All ayes; motion carried. Androy requested cost comparison.

NEW BUSINESS: Breeding motioned to approve **Water Project Invoices:** JEO engineering fee \$5,977.50, Thiele Geotech, Inc Invoice 71851 \$470.00. McGann seconded. All ayes; motion carried.

Water Project action: 1) Breeding motioned to approve Pay Application #6 for Building Crafts, Inc. (Group A) \$98,325.00. Androy seconded. All Ayes; motion carried. 2) McGann motioned to approve the extended warranty and substantial completion for Maguire Iron, Inc. contingent upon proper CDBG approval. Breeding seconded. All ayes; motion carried. 3) McGann motioned to approve the Group C Change Order No. 2 - \$1,000 for script font. Androy seconded. All ayes; motion carried.

McGann motioned to approve proceeding with Conditional Use Permits/**Two-Mile Extra-Territorial Zoning** and County/City Agreement. Androy seconded. All ayes; motion carried.

McGann motioned to approve **RESOLUTION 2020-40** Transfer of LOST during FY21, amending the document to only list \$6,500 monthly transfers to general fund December 2020 through June 2021. Johnson seconded. All ayes; motion carried. Former items to be reviewed in January meeting.

A general consensus was recognized to set January 11, 2021 for FY 22 **budget meetings** with City Boards.

Mayor Moreau recognized ReMAX Realtor Lynn Christensen as present at 8:24 p.m.--Agenda Item 11F Sale of City-owned Real Estate w/ ReMax Realty: parcel(s)--CD East 10th Street/EF East 9th Street; former Chantry grounds.

At 8:25 p.m., Mayor Moreau called for **closed session per Iowa Code 21.5(j) to discuss sale of city-owned real estate**, in Malvern, Iowa; 1) Sealed Bid: 90 2nd Avenue, Lot Six (6) in Block Forty-Six (46) and 2) ReMax Realty Offer: parcel(s)--CD East 10th Street/EF East 9th Street (former Chantry grounds). McGann provided a motion to enter into closed session for same; Johnson seconded. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye. Nays—none. Absent—Shere. Motion carried. Hoose vacated the building. Teleconference was muted. Recorder was set. Androy teleconferenced on a personal phone. The closed session ensued.

At 9:22 p.m., no visitors returned to the open session physically or by teleconference. McGann motioned to **return to open meeting**. Johnson seconded. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye. Nays—none. Absent—Shere. Motion carried. Open meeting agenda continued.

McGann motioned to declare Natcher Brinic LLC the **sealed bid winner of 90 2nd Avenue**, Lot Six (6) in Block Forty-Six (46), Malvern, Iowa, for \$3,800 contingent upon home construction completion in 24 months. Breeding seconded. Ayes: McGann, Breeding, Johnson. Nays: Androy. Absent: Shere. Motion carried.

Breeding motioned to **accept a \$75,000 offer per ReMax Realty for the Malvern United Methodist Church** for parcels: CD East 10th Street/EF East 9th Street (former Chantry grounds) and to set the 2nd public hearing for January 11, 2020 @ 7 p.m., Liberty Memorial Community Building basement. Johnson seconded. Ayes: Breeding, Johnson, McGann. Nays: Androy. Absent: Shere. Motion carried.

McGann motioned to approve **RESOLUTION 2020-39** Setting a 2nd public hearing for January 11, 2020 @ 7 p.m., Liberty Memorial Community Building basement and Sale & Conveyance of 90 2nd Avenue to Natcher Brinic LLC for \$3,800. Breeding seconded. Ayes: McGann, Breeding, Johnson. Nays: Androy. Absent: Shere. Motion carried.

MAYOR'S REPORT: Johnson motioned to approve **mayoral recommendations to reinstate** Park Board member Tyler Bartley and Liberty Memorial Building Board members Don Jones and Ralph O'Tool for terms ending 12/2023. Breeding seconded. All ayes; motion carried.

Mayor Moreau reported that the **Ditch Clean-Out Plan** of Action is unavailable. Possible tour of flooded areas west of town with DNR official can be scheduled.

Discussion was held on 4th and Main stop sign/stop lines per **Resolution 2019-12** per mayor/pro-tem discretion. Hazardous traffic issues were raised with mayoral plan to move ahead accepted per consensus.

Johnson motioned to table action on the existing **former Chantry grounds chain-link fence** subject to real estate sale to the Malvern United Methodist Church. Breeding seconded. All ayes; motion carried.

UPDATES: 1) City Alerts, COVID19—county positivity rate 12%. 2) FEMA—Spring Flood/high water table Street Renovation Project Extension—awaiting obligation by FEMA.

NUISANCE DISTRICT UPDATES: November 10 —December 14, 2020. **District #1:** Bruce Breeding—no report. **District#2:** Roger Johnson—McGann motioned to send a letter for dog removal to 99 Main Street, England—dog unregistered, no rabies vac., at-large. Johnson seconded. All ayes; motion carried. Androy motioned to send a letter for dog removal to 308 West 4th Street, Vasquez—dog unregistered, city kennel--tampered/dog retrieved, unpaid confinement fees. Johnson seconded. All ayes; motion carried. **District#3:** Kate McGann--109 W. 6th Street, Collins—collapsing retaining wall onto sidewalk—McGann motioned to moved forward with abatement and reconstruction of said structure. Breeding seconded. All ayes; motioned carried. 905 N 2nd Avenue, Aldrich—tree roots disrupting sidewalk--pursue municipal infraction as stated last month. **District#4:** Chris Androy--910 Prospect Avenue, (Saal) Begbie—garage dangerous building—deadline for renovation is December 9, 2020. Androy motioned to send a letter recognizing past-due timeline and city completion of task with costs assessed to owner. Johnson seconded. All ayes; motion carried. District#5: Doug Shere: no report.

NON-AGENDA ITEMS: none. McGann motioned for **adjournment**. There being no further business, the meeting was adjourned at 10:04 p.m.

Fred A. Moreau, Mayor

ATTEST: Mary Poort, City Clerk