

MALVERN CITY COUNCIL
MINUTES OF REGULAR MEETING
Malvern City Hall, City Council Chambers – 100 West 5th Street
May 25, 2021 – 7 p.m.

The May 25, 2021, regular meeting of the **Malvern City Council** was called to order by **Mayor Fred Moreau** at 7:00 PM. Mayor Moreau recognized the following **Councilmembers as present**: Chris Androy, Bruce Breeding, Roger Johnson, Kate McGann, and Doug Shere--arriving at 7:02. City Clerk Mary Poort was also present; visitors--none. Mayor Moreau called for any **non-agenda public presenters**; there being none.

Johnson motioned to approve the **Consent Agenda**: tentative agenda, regular meeting minutes of 5/10/21. Breeding seconded. All ayes; motion carried. **Scheduled Presenter**: none.

Moreau opened the PUBLIC HEARING for Proposed FY21 Budget Amendment #3 for the City of Malvern, Iowa at 7:01 PM. Recognition of Publication: Notice of the City Council's Intent to Conduct a Public Hearing had been published 5/13/2021, in the Malvern Leader. City Clerk reported no written objections filed at City Hall. Johnson called for objections, statements, and/or exhibits for Council consideration—none. Adjournment of Public Hearing: 7:02 PM.

Moreau opened the PUBLIC HEARING and First Reading of Ordinance #323 the proposed City of Malvern Code of Ordinances—2021 Update at 7:02 PM. Recognition of Publication: Notice of the City Council's Intent to Conduct a Public Hearing had been published 5/13/2021, in the Malvern Leader. First Reading: City Clerk reported any changes were due to edits and a deletion of franchise ordinance with Spiral. City Clerk reported no written objections filed at City Hall. Moreau called for objections, statements, and/or exhibits for Council consideration—none. Adjournment of Public Hearing: 7:03 PM.

DEPARTMENT UPDATE: PeopleService -- Superintendent Peterson--absent. City Clerk reported that upon the jet/televise of collapsed sewer line at alley intersection and West 3rd Street, no repairs were needed. Documents are being prepared to move forward with radio contact linking water tower and wells and City service electrical responsibility for water sites formerly paid by PeopleService upon FY22.

UNFINISHED BUSINESS: Breeding motioned to approve **RESOLUTION 2021-20** Adopting City of Malvern FY21 Budget Amendment #3. Shere seconded. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye, Shere—aye. Nays—none. Motion carried.

McGann motioned to suspend the rules requiring an ordinance be voted on for passage at two council meetings prior to this meeting with respect to **Ordinance 323 the proposed City of Malvern - Code of Ordinances, 2021**, waiving 2nd and 3rd readings. Androy seconded. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye, Shere—aye. Nays—none. Moreau recognized super-majority approval. Motion carried.

McGann motioned for final passage and adoption with respect to Ordinance 323 the proposed City of Malvern - Code of Ordinances, 2021. Breeding seconded. All ayes; motion carried.

Johnson motioned to approve **RESOLUTION 2021-19** Transfer of LOST funds for Water Maintenance and Repair – Water Infrastructure Construction, two blocks, 3rd Avenue to Main Street. Androy seconded. All ayes; motion carried.

NEW BUSINESS: McGann motioned to approve **RESOLUTION 2021-21** -- \$9,600 Emma Collins collapsing retaining wall onto city sidewalk – tax lien for nonpayment as of 5/26/2021. Breeding seconded. All ayes; motion carried.

Androy motioned to approve **New Water Treatment Plant Property EMC Insurance** -- \$2M coverage \$5,492/year. Shere seconded. All ayes; motion carried.

Johnson motioned to approve **Block Party Application – Sheppard**, 309 4th Avenue – 5/29-31, street blockades. Shere seconded. All ayes; motion carried.

Discussion was held on the **Proposed PointeNet Antennae** on Water Tower – franchise and contract. Council consensus to send questions to PointeNet and review of franchise/contract with Matt Woods before next meeting.

Androy motioned to approve SWIPCO 2021 Update of **Malvern City Ordinances Invoice** -- \$500.00. Shere seconded. All ayes; motion carried.

Shere motioned to approve **Brandon's Towing—Nuisance Property Invoice**, \$825.00. McGann seconded. All ayes; motion carried.

Discussion was held on City employee health insurance premiums and City contribution.

Discussion was held on **new-hire City Clerk position and interview process**.

McGann motioned to go into Closed Session, New-Hire City Clerk Position, per Iowa Code: i. To evaluate the professional competency of an individual whose appointment is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Shere seconded. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye, Shere—aye. Nays—none. Motion carried at 7:39 PM. Moreau declared closed session.

Mayor Moreau re-opened Open Session at 7:46 PM with a motion by Johnson and second by Breeding. Roll Call Vote: Androy—aye, Breeding—aye, Johnson—aye, McGann—aye, Shere—aye. Nays—none. Motion carried. Discussion continued on New-Hire City Clerk Position. McGann motioned to offer the City Clerk position to Joe George at \$20.19/hr., \$41,995.20/year, recognizing his Master's Degree in Public Administration. Shere seconded. All ayes; motion carried.

MAYOR'S REPORT: COVID19 update—Public Health to continue vaccinations at their office location.

PROJECT/MEETING UPDATES: FEMA Flooded Roads Project -- Malvern 91871 (PW#00037) 103032 (PW#01568) – Shere anticipates two-week project.

NUISANCE DISTRICT UPDATES: April 28 – May 25, 2021 -- District#1: Bruce Breeding: 1) 203 East 2nd Street, Kyle—three trailers in backyard—send ordinance on trailer parking on prepared surface. 2) send history of 610 Lincoln Avenue, Urban/Rogers to city attorney. 3) 404 Lincoln Avenue, Day—truck in driveway with flat tires/dumpster use. District#2: Roger Johnson: 1) 109 5th Avenue, Campbell—vehicle/junk abatement on 5/6/21. District#3: Kate McGann: 1) 905 N 2nd Avenue, Aldrich—tree roots disrupting sidewalk: city attorney action. 2) 905 N 2nd Avenue, Aldrich--Ordinance infraction: shingle roof replacement with metal: city attorney action. District#4: Chris Androy: 1) 910 Prospect Avenue, (Saal) Begbie—garage dangerous building: roofing complete; weather extension—painting. Gillett Junk Yard Permit—expires 6/9/21. District#5: Doug Shere: no comments.

NON-AGENDA ITEMS: none. McGann **motioned to adjourn**. The regular meeting was adjourned at 8:34 PM.

Fred A. Moreau, Mayor

ATTEST:
Mary Poort, City Clerk