

MALVERN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
Malvern City Hall – 100 W 5th Street

The March 29, 2022 regular meeting of the Malvern City Council was **called to order** by Mayor Shere at 7:00 p.m. Council members present were Androy, Breeding, Johnson, and Lidgett. Also in attendance were Joe George and Tom Mulholland. Mayor Shere recognized visitors seeking to address the Council; there being none. Breeding motioned to approve the **Consent Agenda** consisting of the March 29, 2022 tentative Council meeting agenda, March 14, 2022 Council meeting minutes, and direction to place Malvern Liberty Memorial Building Commission meeting minutes on file from March 18, 2022. Seconded by Lidgett. All ayes; motion carried.

**New Business:** Mayor Shere opened the Public Hearing regarding the sale of the Malvern Pocket Park at 7:00 p.m. Public notice was placed in the Malvern Leader on March 24, 2022 and no written or verbal objections had been submitted to City Hall. Mayor Shere called for objections, statements, and/or exhibits for Council consideration; there being none. Mayor Shere closed the public hearing at 7:02 p.m. Mayor Shere opened seal bids for the Malvern Pocket Park. Only one bid was received. Johnson motion to approve **Resolution 2022-10** approving the sale of Malvern Pocket Park for \$2,500 to Mulholland Grocery, Inc. Seconded by Androy. All ayes; motion carried. Breeding motioned to approve the removal of a tree in the public right-of-way at 207 E 5<sup>th</sup> Street. Seconded by Lidgett. Johnson, Breeding, and Lidgett voted aye with Androy voting no; motion carried. Lidgett motioned to approve the removal of a tree in the public right-of-way at 502 E 7<sup>th</sup> Street. Seconded by Breeding. Lidgett, Androy, and Breeding voted aye with Johnson abstaining; motion carried. Lidgett motioned to for the City to remove debris from the parking and sidewalk in front of Mulholland Grocery, if not removed within 7 days. Seconded by Johnson. All ayes; motion carried. Androy motioned to approve East Mills School Districts’s block party application for April 27, 2022 closing Main Street from 4<sup>th</sup> Street to 3<sup>rd</sup> Street. Seconded by Johnson. All ayes; motion carried. Androy motioned to approve Malvern Area Betterment Association’s block party application for May 14, 2022 closing 4<sup>th</sup> Street from Main Street to the first alley west. Seconded by Lidgett. All ayes; motion carried.

**Mayor’s Report:** No progress has been made on 80/20 annexation. Mayor Shere recommended the appointment of Fred Bolton to fill a vacant seat on the Malvern Liberty Memorial Building Commission for a term expiring December 31, 2023. Johnson motioned to approve the appointment. Seconded by Lidgett. All ayes; motion carried. Mayor Shere recommended the appointment of Dale Stevens to fill a vacant seat on the Malvern Planning and Zoning Commission for a term expiring December 31, 2026. Breeding motioned to approve the appointment. Seconded by Johnson. All ayes; motion carried. City Clerk George provided an update on the purchase of land from BNSF Railroad for use as a yard waste and burn pile. BNSF requires a minimum purchase price of \$5,000 plus a \$2,500 processing fee. Androy motioned to approve the city clerk to move forward with discussions on purchasing the land. Seconded by Lidgett. All ayes; motion carried. Johnson motion to end the application period for street laborer on April 29, 2022. Seconded by Androy. All ayes; motion carried.

**Project/Meeting Updates:** FEMA Flooded Roads Project remains in project closeout but has advanced to FEMA for final approval. Clerk George submitted a justification for the City’s

failure to accept the lowest bid on the project. The accepted bid utilized asphalt as the construction material and the City had previously received permission from FEMA to utilize asphalt over chip and seal on the project. JEO submitted a progress report on the water treatment plant construction. Building Crafts, Inc (BCI) expects to finish the remaining punch list items by April 6<sup>th</sup>, 2022. Sweeney Controls has received the parts to construct the repeater tower panel but has not given a completion date. BCI has chosen Sorenson Electric to install the panel once it is completed. BCI expects to submit Work Change Directive #4 to include the cost for constructing and installing the repeater tower and a timeline for final completion of the project. Androy motioned to approve Work Change Directive #3 deducting the cost of wiring for 4 heaters at the water treatment plant. Seconded by Breeding. All ayes; motion carried. Discussion was held on utilizing the City's USDA-RD loan to replace water meters. A report of water usage in February 2022 shows approximately 30% of water usage in Malvern as unattributed to billed customers. The majority of Malvern's water meters were installed in the late 1970's and have been identified as the source of this discrepancy. Androy motioned to move forward with utilizing any remaining USDA-RD loan funds to begin a meter replacement program. Seconded by Breeding. All ayes; motion carried. Discussion was held on the renewal of contract with PeopleService, Inc to operate Malvern's water and wastewater system. This contract includes an 8.8% increase over the previous year based on an increase in the consumer price index for November 2021. Breeding motioned to approve the FY2023 contract. Seconded by Androy. All ayes; motion carried.

**Nuisance District Updates:** A notice has been sent to 601 Gary Street for junk located on the porch and west side of the home. Discussion was held on 103 ½ 3<sup>rd</sup> Avenue and failure to fully abate nuisance upon notification by the City.

**Mayor and Councilmember Comments Regarding Non-Agenda Items:** Discussion was held on several abandoned properties in Malvern and the process for having the homes demolished.

Androy motioned to **adjourn** the meeting at 8:20 p.m. Seconded by Lidgett. All ayes; motion carried.

ATTEST:

Douglas Shere, Mayor

Joe George, City Clerk