



# BAXTER IOWA

<b>Governmental Body:</b> The City Council of Baxter, Iowa	<b>Call In Information:</b>
<b>Date of Meeting:</b> Tuesday, June 17, 2025	<b>Special City Council Meeting – June 17, 2025, 5:30 PM (America/Chicago)</b>
<b>Time of Meeting:</b> 5:30 P.M.	<b>Please join my meeting from your computer, tablet or smartphone.</b>
<b>Place of Meeting:</b> Baxter City Hall/Council Chambers	<a href="https://meet.goto.com/296436221">https://meet.goto.com/296436221</a> <b>You can also dial in using your phone.</b> <b>Access Code: 296-436-221</b> <b>United States: +1 (408) 650-3123</b>

Mayor Pro-Tem Jamie Milligan called the meeting to order at 5:30 p.m. Present were Milligan, Kunkel, Schabilion, and Smith. Absent was Mayor Bishop. City Administrator/Clerk Battani, Deputy City Clerk Braye, and members of the public were also present.

Smith moved to approve the agenda. Kunkel seconded. Ayes: Milligan, Kunkel, Schabilion, and Smith. Motion carried.

Schabilion moved to approve the Consent agenda. Smith seconded. Ayes: Milligan, Kunkel, Schabilion, and Smith. Motion carried. The consent agenda consisted of the following items: June 9<sup>th</sup> minutes.

Smith motioned to open the public hearing for the Resolution of Necessity for the South West Avenue Reconstruction project. Seconded by Schabilion. Ayes: Milligan, Kunkel, Smith. Abstain: Schabilion. Council discussed whether residents of South West Avenue should be assessed for curb and gutter as part of the South West Avenue Phase II project. The Mayor Pro-Tem announced that the council had read the letters from residents who opposed the curb and gutter assessment of their property, and before hearing public comments, asked that they refrain from repeating what was written in their letters. First to speak was Fred Engle of 409 South West Avenue, requesting that once the final cost is received, he would ask that their assessments not exceed the figures in the preliminary plat. Second to speak was Rick Thatcher, located in Newton and a former property owner of 406 South West Avenue. Rick asked questions related to property valuation, arguing that the 25% assessment rule wasn't being enforced. Mayor Pro-Tem Milligan and Administrator Battani advised that the assessment schedule provided was compliant, explaining the mathematical calculations provided by the city's engineer. Rick then asked to ensure that the assessment is accurate based on the amount of curb already in place from West Avenue Phase I. Administrator Battani advised that he would confirm this with the city's engineer. Dave Pudans of 402 Independence Street, owner of 401 West Watson Street, which is also located on South West Avenue, asked a similar question to Rick related to the part of their property that already has curb from West Avenue Phase I. Dave Pudans also raised issues related to the money spent to redesign the plans only to include curb and gutter infrastructure, after the council didn't vote to include sidewalks with Phase II. Next was Jennifer Headley, located at 302 West Watson Avenue, stating that their property was assessed to include sidewalks, not just curb and gutter, and that the cost was over \$10,000 to do so. Next was Kelly Milligan of 411 Walnut Avenue, speaking on behalf of their experience serving on the council during the West Avenue Phase I project. Kelly emphasized the importance of the curb and gutter infrastructure, also citing the cost and timing of installing sewer infrastructure on that street when they were on the council, and how they completed it in Phase I, thereby lessening the overall cost of Phase II. Kelly spoke about how each property owner had paid for the curb and gutter installation themselves, and how the original goal was to reconstruct the entire West Avenue. However, due to the tax base, they had to break it out into three phases. The last resident to speak was Nasar Nasar, who had just purchased the commercial property at 406 South West Avenue just weeks prior. Nasar spoke about how he and his brothers have committed everything to making this a full-time business, highlighting the sacrifices their families have had to make. Nasar is in full support of the necessary infrastructure, but was confused about why they weren't made aware of this meeting until the day prior. After Nasar was finished speaking, Mayor Pro-Tem Milligan

advised Nasar that all notices had been sent to the previous property owner at the time in compliance, and that Milligan would have hoped the seller of the property would have informed Nasar about the assessment discussion that had been taking place since March 2025. After all public comments, Smith motioned to close the public hearing. Seconded by Schabilion. Ayes: Milligan, Kunkel, Smith. Abstain: Schabilion. Motion carried. Milligan then motioned to approve Resolution 2025-40, assessing property owners of South West Avenue Phase II. Seconded by Smith. Councilmember Kunkel had questions about the assessments, mentioning it was unfair that Phase I residents had to pay and Phase II residents didn't. Milligan and Battani advised that the council had already voted on sidewalk assessments at a previous meeting, where the motion to assess for sidewalks, curbs, and gutters had failed altogether. The only options available to the council at that meeting were to vote to assess residents for the curb and gutter, or vote no on the residential assessments and have the city pay the curb and gutter cost. Ayes: Milligan, Kunkel, Smith. Abstain: Schabilion. Motion carried.

Milligan motioned to approve Resolution 2025-41, setting the Bid Letting date to be July 14, 2025, at 2:00 pm at Baxter City Hall. Seconded by Smith. Ayes: Milligan, Kunkel, Schabilion, Smith. Motion carried.

Schabilion motioned to approve Resolution 2025-42, setting the contract award, contract cost, and specifications hearing for July 21<sup>st</sup>, at 5:30 pm. Seconded by Kunkel. Ayes: Milligan, Kunkel, Schabilion, Smith. Motion carried.

Councilmember Kunkel motioned to fill the vacant council seat by appointment. Kunkel noted that appointing a member, rather than holding a special election, would save taxpayer funds, particularly since the full-term election for the seat will already occur in November. Seconded by Smith. Ayes: Milligan, Kunkel, Schabilion, Smith. Motion carried.

Kunkel motioned to adjourn. Seconded by Milligan. Ayes: Milligan, Kunkel, Schabilion, and Smith. Motion carried. The special council meeting ended at 6:09 p.m.

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Lucas Battani, City Administrator/City Clerk

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Jamie Milligan, Mayor Pro-Tem