

**Minutes of the Maxwell City Council
Regular Session
Wednesday September 10, 2025**

These minutes are as recorded by the city clerk and are subject to city council approval at the next regular council meeting.

Maxwell City Council held a meeting on the above date pursuant to the rules of the council, notice posted at city hall, city website and Facebook. Mayor Higgins called the meeting to order at 6:00 pm. Roll Call: Philpott, Miller, Westendorf and Jans. Gast absent. City staff present city clerk Wendy Crabtree and Snyder engineer Wes Farrand. Also, present Sandra Carroll, Roger Sinclair, Richard Wehrman, Jerry Weuve, Perry Balke, Dan Ahrens, Shaun Yoder, Gordy Smith and Deputy Logan Powers. Manny Toribio and Cindy Janes joined via phone.

Westendorf moved approval of agenda with a change to move 19, 20, 24 and 23 after 5. Jans seconded. All ayes. M/C. Westendorf moved approval and Jans seconded claims presented from 8/13 – 9/10 and the August Treasurers Report. All ayes. M/C.

Open forum: Sandra Carrol, 500 Baldwin St, expressed concerns regarding drain placement and water flow at her property following the Baldwin project. Farrand noted that it may take up to a year for the driveway and yard to settle and stated he would review the matter with Spencer Wignall, Snyder engineer for the project. Roger Sinclair, 321 Baldwin St, requested an extension on the deadline from Code Enforcement Services to make repairs to his garage. The mayor advised him to contact CES. If CES observe continued progress they may consider granting an extension. Rich Wehrman, 709 Maxwell St, thanked the mayor for addressing a recurring issue involving a dog entering the public right-of-way. Wehrman voiced support for the proposed development but raised concerns about gutter and sidewalks in the development. Jerry Weuve, 625 6th St, stated during the August council meeting, the mayor gave the impression that all residents supported the proposed Safe Routes to School project near his home. He requested that water flow issues be resolved prior to sidewalk installation and noted he had not been informed of the proximity of the sidewalks to his residence. Gordy Smith 703 Rock Creek Dr expressed opposition for a through road on North or 7th St due to the size of the roads and the expense.

Farrand noted there's a provision in our ordinance that requires inspection and to certify the new development project is being built according to plan. The cost is reimbursable by the subdivider to the city for the work. Philpott motioned Snyder's observation services for the Rock Creek Ridge Estates. 2nd by Westendorf. Roll call -all ayes, M/C.

Discussion of water management at North St, 7th St and Rock Creek Ridge Estates. Miller and Jans met with dirt movers and concrete company for the project and think North St. needs to be a through street to the new development. Ahrens spoke about other developments he's done. Farrand has concerns with the connection because of the grade difference and if you change the

street connection it will affect the sewer. Farrand stated this change would have impacts that are hard to overcome. This is a big design change, and the preliminary plat, final plat and construction drawings would have to be revised, updated, and go through Planning & Zoning again. The city would also require public hearings and have extra council meetings. JAMC representative Manny Toribio expressed this would extend the timeline and would have a cost for JAMC and the city as well as affect the tax credits they applied for. This would also add costs to the city from Snyder and impact a lot of different areas. Mayor Higgins reminded council they already approved the final plat, and the city does not have the funds for the change. North St. is not designed for through traffic or parking on the street and that street is lined with cars each day. The proposed change would impact each property on that street, and council needs to consider the costs. The cost estimate of 7th St. was \$310,000 to make the connection to the new development. It's going to be at least \$100,000 out of the city's budget not including costs from Snyder's time. Mayor Higgins advised water management is a concern with the proposed change. Farrand advised Brent Culp is working on water management changes of North and 7th St not related to the proposed road. 7th St and North St drain to the east and the new development will drain to the west. Jans asked Toribio to share the drawings or photos of prior projects JAMC has done with the clerk.

Deputy Powers had his day shift spend extra time in town during the first week of school. Jans noted a lot of farm equipment and semis speeding through town. Jans inquired when the time logged in Maxwell starts. Westendorf advised call time starts when the call is dispatched and ends when the officers are cleared from the call. Philpott inquired about a FedEx semi on Maxwell Street. Powers advised to reach out to FedEx or if it's a repetitive issue to call Story County dispatch.

Engineer's report on file. DOT pre-audit process occurring on Baldwin project. Snyder waiting for the last payout from the contractor, still disputing over working days. Indian Creek storm outlet project began getting quotes from contractors with quotes due October 3. Project starting October 10. Rock Creek Ridge project waiting for JAMC to send clerk all bonds and other required documentation. Water treatment plant is working on funding; construction start date June 2026.

Motion by Miller 2nd by Westendorf to open public hearing at 7:21pm on proposed vacation of water main easement located within out lot "Y" of Rock Creek Ridge Estates. No public comments. Westendorf motioned to close hearing at 7:26pm, Jans 2nd. Roll call -all ayes, M/C. Miller motioned to approve vacation of water main easement and Westendorf 2nd. Roll call -all ayes, M/C.

Miller motioned and Westendorf 2nd approval of Dorsey & Whitney's engagement letter for the upcoming urban renewal plan amendment and TIF agreement. Mayor Higgins noted prior counsel has an outstanding bill from the last development. Roll call -all ayes, M/C.

Jans moved and Miller 2nd to approve TMJ's bid of \$2,880.00 to replace the water plant door on South Street. Roll call -all nays, motion fails. Budget for access control to the water plant is \$8,000. Jans moved Westendorf 2nd to approve Meusburger Constructions bid of \$5,100. Roll call -all ayes, M/C.

Snyder's 6th St and Metcalf stormwater study discussed. Farrand advised it's two phases; first phase is evaluating issues in the field to provide recommendation for next steps. Phase 2 may not be needed. Westendorf moved and Miller 2nd approval for phase 1. Roll call -all ayes, M/C.

Miller moved and Westendorf 2nd approval of Resolution 2025-40 a resolution transferring FY25 funds. Roll call -all ayes, M/C.

Jans moved and Westendorf 2nd approval of Resolution 2025-41 a resolution transferring FY26 funds. Roll call -all ayes, M/C.

Jans moved Beggar's Night to be held Thursday, October 30 from 6-8 pm. Miller 2nd. Roll call -all ayes, M/C.

Discussion of three bids received for library's repair of water damage. Philpott moved approval of Alexander Masonry's bid of \$800 to fix crack. No 2nd. Motion fails. Jans moved approval of Seedorff Masonry Inc's \$15,570 bid. Westendorf 2nd. Roll call: Ayes – Westendorf, Miller, Jans. Nays- Philpott. M/C.

Discussion of dead and dangerous trees and the properties Code Enforcement Services has identified. All residents have contacted the clerk with their tree removal contractor's information and two are waiting for openings in their schedule. No action taken.

Westendorf moved approval of Resolution 2025-43, a resolution setting a date for public hearing on designation of the expanded Maxwell urban renewal area and on urban renewal plan amendment for October 14, with request to ask Dorsey & Whitney to move the date to October 15. Miller 2nd. Roll call -all ayes, M/C.

Jans moved and Philpott 2nd approval of Ordinance 344 an ordinance deleting property from the Tax Increment Financing district for the Maxwell urban renewal area of the city of Maxwell, Iowa, pursuant to section 403.19 of the code of Iowa. Roll call -all ayes, M/C.

Westendorf moved and Jans 2nd approval of Resolution 2025-44 a resolution deleting property from the Maxwell Urban Renewal Area. Roll call -all ayes, M/C.

The city has budgeted \$25,000 to fix sidewalks for FY26 and this has to be spent by July 1 2026, or the funds expire. The mayor identified the first six properties for sidewalk repairs as 46 Main St, 114 Main St, 204 Main St, 400 Baldwin St, 422 Baldwin St, and 620 Baldwin St. Jans moved approval and Philpott 2nd authorizing clerk to send letters to those property owners with a deadline of April 30 2026 to complete repairs and 30 day deadline to obtain permit if repairing themselves. Roll call -all ayes, M/C.

Philpott presented a proposed ordinance against using recreational vehicles as dwellings. Philpott doesn't think Maxwell should allow people to live in RVs or campers. Mayor Higgins asked who would enforce this ordinance and advised Philpott to bring the completed ordinance to a future meeting for a vote. No action taken.

Department reports were placed on file. No action taken. Council comments: Philpott received a call from a resident regarding erosion along the creek near the bridge adjacent to the yard waste site. Westendorf met with Verkada to test out security cameras for the city. He could not test access control in command center software with the current internet set up in city hall. City hall and the library both pay for internet but only the library has a modem. Clerk will call Windstream and find out cost to get modem in city hall and at the shop, water plant and lagoons for cameras. Westendorf noted there are less expensive cameras that can do just as much or more but the internet issue needs fixed first. Philpott questioned needing cameras and Westendorf and the mayor explained the American Legion had a window broken by vandals and the shed at the soccer fields has been broken into twice. Westendorf mentioned a citizen requested a burn ban except 2 weeks in October and 2 weeks in April. The Board of Supervisors sets the burn bans, not the city council. The city council can set a burn ban through an ordinance, but this could inundate the city dump site as a bigger fire would result from the ban. Miller inquired when LL Pelling was coming to repair streets during the school's homecoming week. Miller asked the next step in deciding what is going to happen for the proposed through street on North St. Mayor Higgins said a public hearing would be required notifying all the residents on North St, 7th St, and Rock Creek and council would need an action item on the agenda. The developer is requesting grants, and they're based on the current approved plat. There are road issues, sewer line levels issues, housing going to be built may or may not have basements due to the proposed change, sewer main issues and the city would have to borrow the money to cover the cost. The new development is a condensed population and needs sidewalks. Jans inquired about the South Street bridge construction progress. Mayor Higgins said it's slated to be done before the first snow. Jans stated the IT side of things need improvement for city hall. Jans thanked Gast for setting up the microphones, so the audio is better for the YouTube videos. Mayor Higgins talked to Mike Cox at Story County conservation about the water drain on the other side of Army Post Road. Cox is going to check to see if the city will need a permit to open that back up using the city backhoe to trench and clear out debris for the waterflow. Miller asked if Snyder was going to hydroseed the trail and turnback. Mayor Higgins thanked Tony Ness for painting the crosswalks with high visibility paint on Highway 210. Westendorf asked how many city trees they took out near the new development. Philpott moved to adjourn, and Miller seconded. Roll call -all ayes, M/C. 9:23pm.