

The Mayor called the question and on roll call, the vote was as follows:

Yea: Zook, Jaszewski, Tornquist, Marsters, Weaver, Nelson
(Motion was declared carried.)

ACTION ITEMS

21. Include Additional Rail Line - Design 19th Street Overpass:

The following communication had been submitted regarding approval to hire WHKS & Co to begin the preliminary design of the 19th Street Southwest overpass with additional room for a second provider;

(As submitted: Additional Rail Line, 19th Street Overpass)

Ray Wenrich, 43 Stony Way, referred to the alcohol plant stating fifteen to twenty years ago they had wanted to build an alcohol plant but the Zoning Board and the City Council said it was unsafe, because if it ever exploded it could wipe out West Haven, Odd Fellows and the whole Rolling Acres neighborhood advising that particular Council had concern for the safety of their neighborhood unlike the current Council. He stated this would create more crossings, increase the noise and smell and affect their quality of life. He also mentioned the Comprehensive Plan, stating a few years ago the only industrial park was on the other side of Pierce, behind AMPI, while now it was butting up to their neighborhood. He stressed there had been very little discussion regarding this and urged Council Member Jaszewski to vote the way the neighborhood wanted him to.

Mary Shoop, Administrator of the IOOF Home at 1037 19th Street Southwest stated she wanted to address the concerns they had with widening and lengthening the 19th Street overpass. She stated several months ago the facility was awarded the opportunity to meet with City Government officials regarding the overpass plans and what affect the overpass would have on their property and since that meeting, the IOOF Home had not received any information regarding any changes or revisions and it appeared no one understood the drastic impact this would have on their business and the quality of life of the residents they served. She stated last week there were people on their lawn surveying and she understood why after reading the Saturday edition of the Globe Gazette. She posed the following questions to the Council: What would the impact of widening and lengthening the overpass be and more specifically, how much additional land in front of the IOOF Home would be consumed if the overpass was widened or lengthened; What impact would the widening and lengthening of the overpass have on the total length of grading of the overpass on 19th Street; Would the existing driveway for Three Links located at 1033 19th Street Southwest remain and if not, what plans were in place to relocate the drive for the two businesses; and if a new drive must be constructed for the two businesses, would that be done before construction began. She stated initially they

were afforded the opportunity to discuss the overpass with City Government officials and were told the overpass was to allow the passage for the Union Pacific (UP) rail line and there had been talk that the Iowa Traction (IT) rail line might also want to cross under the overpass but that IT would need to make a decision regarding what they were going to do because it would impact the peak, length, and grade of the overpass. She inquired if the proposed widening and lengthening of the overpass would accommodate three rail lines and if two other rail lines wanted to utilize the passage under the overpass, would there be plans showing that and more specifically, how would the IOOF Home and the residents be protected so that a rail line would not be installed next to a patient room. She further stated she was deeply concerned that the overpass and the potential to have three rail lines running in close proximity to their building would have a great impact on the marketability of her business and urged the Council to think before they voted on what the overpass would mean to the IOOF Home now and in the years to come.

Mayor Bang asked City Engineer Wilfong to address her questions.

City Engineer Wilfong stated questions regarding the specific impact to their property could not be answered until the survey was completed. He mentioned a letter had gone out today to affected property owners letting them know that a meeting was scheduled for December 7th to be held in the Mason City Room, at which time staff hoped to be able to answer some of those specifics. Regarding the driveway for Three Links, that would remain no matter which option the Council went with. If the Council decided to allow for future expansion they would be looking at roughly a two and a half foot grade difference. If they chose to leave it for just the Union Pacific it amounted to roughly a one and a half foot difference. He emphasized it was still very early in the process so it was hard to say specifically, how much property would be needed. He further stated it was his understanding that if the Union Pacific were to put in a second line, that would go on the east side of their existing line and if there were accommodations for a future second rail carrier that would go on the east side of the existing Union Pacific right-of-way.

Council Member Marsters quoted from a portion of the resolution before the Council noting there appeared to be a lot of misunderstanding as to what the Council was even voting on tonight which was the preliminary design of the overpass, not rezoning and not the final overpass design.

Harold Alt, 341 South Carolina and President of the Board of Trustees for the IOOF Home and Three Links Apartments asked if anyone had seen the feasibility study done in August of 2005 which had them using the east entrance. He explained they were already at the grade and wondered what would happen if it was moved twenty feet further with Fouad Daoud of WHKS stating the feasibility study was performed and approved by Council in August of 2005 and as, City Engineer Wilfong had indicated earlier, that study was based on aerial photos. All the grades

were set and the projections and estimate based on the feasibility study and aerial photos. At the second Council Meeting in October, the Council gave permission to proceed with the preliminary design including the survey, but if the Council did not approve the provisions for the new provider, or an extra rail under the bridge, the difference in elevation would be one and a half feet, however, if the Council decided to make the provisions which would push the project further east the difference in elevation would be about two and a half feet. He stressed everything they designed would follow Federal and State regulations and specifications and once the survey was done they would have accurate data to show the difference in elevation and what the impact would be to the property owners.

Mr. Alt stressed how many people used the Three Link Apartments (employees, visitors, residents) and listed the safety concerns they had including the speed limit.

Council Member Weaver referred to the speed limit with Daoud stating he knew the future project would be designed for 30 miles per hour.

Pat Betts, 2619 South Monroe Avenue, stated she was all for the overpass as it was definitely needed to prevent traffic holdup on 19th Street. As far as the rest of the proposal, she was a resident of the area and would like to see this tabled so there could be an open meeting so the citizens could be informed as to the scope of the project and Council to receive the citizens opinion adding there was too much misunderstanding between the Council and the people in the neighborhood. She also stated there were better areas and listed WalMart or east of town behind the Pepsi plant. In conclusion she requested the Council remind themselves they were elected by the people, for the people, and urged approval to table this item until after a public informational meeting was held.

Dave Hill, quoted from a pamphlet by Council Member Tornquist that said "leadership should be proven, not just promised". He stated there was a lot of animosity and anxiety towards the proposal but at least the Council was proving they were consistent in that they were going to give the people of Mason City the information after the fact (The Council was going to vote on it tonight and then provide answers on December 7th). He stated he has been in management for many years and has learned that good leadership involved good communication. He stated Council Member Marsters was upset about some of the comments people were making tonight but he held Marsters accountable as an elected City official because it was his responsibility for the negative impact the people had and if the Council was going to be upset they should be upset with themselves adding if it hadn't been for Council Member Weaver, this would have moved forward without public input. He mentioned the original price tag was between \$200,000 to \$400,000 but now the City was looking at \$400,000 to \$600,000 while he was estimating \$800,000 to \$900,000. He wondered how the Council would feel if this was affecting their neighborhood and quality of life and reminded Council Member Jaszewski of his

promises stating it was his understanding that Jaszewski had promised the citizens of Rolling Acres and Midland Heights that he would be their voice and now he was thinking about changing his mind. He reiterated the phrase “ leadership should be proven not just promised” and asked if he (Jaszewski) was going to prove he was a man of his word. In addition, he asked Economic Development Director Curtis Brown if this was the best location.

Curtis Brown, Executive Director of the Mason City Economic Development Corporation, stated he would like to talk about why he and the Economic Development Corporation thought this was important for Mason City, and wanted to clarify some of the misconceptions. He stated first, the decision on how the overpass was designed and built had a very long-term impact. The bridge was expected to last eighty to one hundred years which meant the decision could be made one time and could not be undone for decades. Second, the ability to accommodate a second rail provider under the bridge that could potentially serve the South annexed area would make Mason City more competitive in its economic development efforts. He stated they had researched fifteen states, including seven that surrounded Iowa, and their study showed that only three other cities in Iowa and less than thirty in the study area, offered large sites comparable to Mason City's and that they were close to four-lane highways, commercial airports and offered the availability of two rail providers. Finally, the City, County and Federal government had already invested in the future growth of the South annexed area, pointing to the extension of Pierce Avenue, the paving of 43rd Street, the extension of water/sewer and the construction of the water tower as evidence of the government's commitment to grow jobs in Mason City and considering this investment, it made sense to make the additional incremental investment in the overpass to design it to accommodate two rail providers in the future. He highlighted some of the misconceptions stating this was not a referendum on industrial development in the south annexed area. This decision was about planning for the long-term good of the people of Mason City including job growth and economic opportunity. The conversation surrounding the project had quickly moved from consideration of a second rail provider under the overpass to a complete revisioning of the south annexed area and how it might grow. Both the annexation study and the Comprehensive Plan controlled industrial growth and general business growth in that south annexed area and because it was good development land, they would continue, as an Economic Development Corporation, to market that area as potential business growth. Excluding a second rail provider would only make Mason City less competitive stressing the project was not about any one railroad or specific development. It was about the overpass. What the future might bring was unknown but what good long-term planning was about was preserving options. The Council and the citizens would have numerous opportunities to define and direct the growth of the south annexed area and it was important to note that right now that entire south annexed area, with the exception of Golden Grain, was zoned agricultural and that meant any new development would have to go through the

with regard to industrial development and that meant it would likely require a conditional use permit. In conclusion he stated new business development generally required financial assistance from local governments and that would create yet another opportunity to bring development before the Council and the public. He emphasized this was not three railroads but rather two lines for the Union Pacific and one for a second provider, two railroads, three tracks and voting to approve the overpass design did not in itself ensure the type, nature, or pace of development in that area. Regarding the east and west side of Pierce Avenue, the east side of Pierce Avenue was anticipated to be light industrial growth according to the Comprehensive Plan and the west side of Pierce was intended to be general industrial and that was an extremely important distinction to make. The protection of the neighboring residential areas was anticipated in the Comprehensive Plan and future developments would be subject to several points of review noting the Economic Development Corporation was interested in the quality of life of all the citizens of Mason City and that was why the Comprehensive Plan made sense. There were protections in place and their job was to have economic growth benefit all the people in Mason City and there were some decisions that would impact the community's fortunes for decades and this was one of them.

Council Member Weaver asked Mr. Brown how long he has lived in Mason City with Brown stating just over five months. Council Member Weaver stated "Thank You."

Dennis Reidel, 842 11th Street Northeast, voiced support of a design that accommodated two rail providers for the 19th Street overpass. As a citizen volunteer he had worked several months, over the past year on the steering committee for the recently adopted Comprehensive Plan, a plan which was unanimously adopted by the Council. He stated the Comprehensive Plan had a vision for development of a greenbelt area to the south of 29th Street Southwest and to the west of Monroe Avenue South from Federal all the way to Frederick Hanford Park. That greenbelt area would be a wonderful neighborhood and City amenity that would enhance the park system in Mason City and in fact, the Comprehensive Plan showed that the greenbelt could be extended via trail system to Georgia Hanford Park in the southeast part of the City. He stated the greenbelt system would act as a buffer between the residential area to the north and the developing area to the south and the Council had the ability to develop the greenbelt area by making it a Council priority. Now was the time for the Council to actually implement the plan they approved last summer emphasizing the plan actually resolved the issue at hand and provided for an overpass that would accommodate two rail providers and protect the residential area with the greenbelt area and he urged the Council to work toward the vision of Mason City as defined and adopted in the Comprehensive Plan.

Mark Messer, 2012 South Monroe, stated he was all for economic growth in Mason City advising he was personally concerned about discussion regarding what

was going to happen on the west side of the tracks. He commented that he could hear the trains at various times during the day and liked the idea of an overpass but questioned the addition of another line. He also referred to the fifty foot buffer zone and asked if that was enough to hold back particulates, noise, and other things coming from the Southwest and questioned whether there were other areas in Mason City that would work better.

Robin Anderson, Director of the Chamber of Commerce stated she was a resident in the area south of 19th Street and could see the ethanol plant from her breakfast table every morning, so this issue was important to her on a personal basis as well as professionally. She stated tonight the Council had an opportunity to take the long view and provide for the well-planned future of the community explaining it was important to design and build the overpass to accommodate two rail providers and she hoped everyone shared her optimistic view for the future development of Mason City. She stated both the annexation study and the Comprehensive Plan provided for well-planned development in the southwest quadrant and she believed development would occur in that area bringing growth and prosperity to North Iowa advising if the Council was short-sighted tonight, when this development did occur, the economics would make sense for another rail provider to serve this area which would necessitate another at-grade rail crossing on 19th Street and that meant the citizens would once again be waiting for trains. She encouraged the Council to be visionary and disciplined in the implementation of the Comprehensive Plan which provided for both an overpass that accommodated two rail providers while at the same time insulating the neighborhood by developing a greenbelt park area.

Leonard Foster referred to Weaver's comments regarding how long EDC Director Brown had been in Mason City stating he personally had been a resident for over sixty years and lived in an area surrounded by smoke stacks and railroad trains and it didn't bother him at all pointing out if Mason City did not have those industry's there would be tumbleweed rolling down the streets. He stated Mason City had lost population and asked how the City would keep the young people if there were no jobs for them. He urged the Council to start thinking about the future and support the project.

Mike Fritz, 19 Clover Lane, stated he has lived in the Rolling Acres neighborhood for thirty years and the problem tonight wasn't so much about the overpass but rather the lack of information and asked how the Council could vote on this issue without resolving some of the questions first. He urged the Council to table this to give the neighborhood a chance to review the information adding he was not against industry in Mason City but did not think the area south of Rolling Acres was the place for it.

Steve Noto, with Thompson Companies, 825 South Taft, stated he was a builder, developer, and manager, in this community for the past six years and welcomed

EDC Director Brown to Mason City because he had a good head on his shoulders, had some good experience, and knew what he was talking about. He stated he was more interested in the growth of the community, what was good for most of the people, most of the time, not some of the people some of the time and they had to take the good and the bad together noting in his neighborhood he could hear the racetrack but he built out there knowing that the racetrack was there. He stated tonight the Council was being asked to draw up a plan similar to hiring an architect to design a home. They were not giving the go-ahead to start framing the house, rather the options would be presented and then there would be time for more discussion and input.

Jim Kantaris, 1204 22nd Southeast, stated he was in favor of the overpass but did not know if a third line was necessary. He mentioned urban sprawl and pointed to the economic development building that still sat vacant on the corner of Garfield and 15th Street, as well as the closing of AMPI, the layoffs of Minnesota Rubber and IMI Cornelius, and the rebates given to Golden Grain. He urged the Council to vote against the third line.

Darrel Hiatt, 512 South Monroe Court, stated he was all for the overpass but did not understand why the Council wasn't listening to the people of the community. He stated he did not see what good a buffer zone would do when there was already noise, and wondered if the City would have to buy the land for the buffer zone and how much that was going to cost the taxpayers and urged the Council to listen to the citizens.

Mark Sachen, southwest part of town, stated he was disappointed with Council Member Weaver's question to Mr. Brown advising he would prefer someone that had lived here five months over someone who has lived here fifty years. What some people did not understand was when the City was talking about annexing the area south to the Avenue of the Saints, it had always been understood the area was light industrial from the east side of Pierce Avenue to 65 and general industrial to the west of that. He mentioned the importance of communication noting he was for the overpass and was in favor of any kind of development that would grow Mason City and thought it was a sad commentary for a City this size to decrease in population year after year. He urged people to take the time to research issues before bashing people and as far as the people of his Ward (Fourth Ward) he thought John Jaszewski would vote as the rest of the Council voted and would not stand on his own.

There were no further comments by the public.

Mayor Bang mentioned that this issue has been studied thoroughly and that was the reason it was postponed, so that the Council would have good, solid, information and he knew every Council Member was going to do what they thought was in the broad public interest.

It was moved by Tornquist and seconded by Marsters that Resolution No. 06-338, be adopted.

Council Member Weaver asked if there was any interest amongst the Council in waiving the five-minute discussion and follow-up rule with Mayor Bang stating he would try to be fair.

Council Member Weaver stressed how the Council had not been communicating with their partners and stressed how importance that was.

Council Member Jaszewski asked if the motion failed would the City automatically design for a two line/one carrier with Administrator Meyer stating WHKS needed some direction on the preliminary design and if the vote for the resolution failed they would design it for the UP to have the potential of two lines (they currently have one).

Council Member Zook questioned if the Resolution passed and later the Council decided they did not like the preliminary plans would it be possible to bring it back to one carrier with Administrator Meyer advising this was a preliminary design and there would be more votes and more meetings on many additional things pertaining to this issue.

Council Member Weaver reminded everyone there was a price-tag for going back and redoing designs pointing out the fee tonight for Phase 2 was between \$180,000 to \$200,000 so the City should be sure of what they wanted to do because any changes involving redesign would be an additional cost. He urged the Council to not play lightly with tax dollars.

Daoud reviewed the project and the federal funding advising if the Council did not spend the one million in federal funds it would diminish the chances the City had in getting more money and that was why City staff had asked WHKS to put together a scope of services to perform the preliminary design that included geotechnical as well as an archeological assessment and emphasized the word preliminary.

Council Member Marsters stated he lived in the northeast part of town and appreciated the comments regarding neighborhoods. He stated Mason City was the only City in the country that had two cement plants and with that came noise and dust, as well as trains (which were about two blocks from his house), and stressed everyone had issues in their neighborhood but Mason City was glad for the business.

Council Member Weaver stated "I think Councilman Marsters might be inaccurate about we're the only City in the United States with two cement plants."

Council Member Nelson stated there were roughly thirty-five people in the audience tonight even though there had been mailings to two neighborhoods in the southwest west part of town amounting to approximately seven hundred and fifty three homes (753) yet the representation tonight in the audience would lead him to believe that most people were in favor or didn't really care advising however, he appreciated those comments from the audience. He referred to Council Member Weaver's comments pertaining to Mr. Brown living here only five months stating he thought that was extremely inappropriate. Mr. Brown was hired because of his expertise, experience, knowledge, and background in economic development. He reflected on Council Member Marsters' comments stating when he came to Mason City twenty-eight years ago there were few homes in his neighborhood in the southeast part of town on 9th Street but now there were three large apartment complexes surrounding him in every direction but west and reflected on the large amount of traffic, noise from boomboxes, odors from a processing company, etc. stating it has changed his quality of life but he had learned to adapt and live with it and he enjoyed his home and neighborhood. He stated all of the Council was concerned about its citizens quality of life and whether or not he supported the project had no bearing on which Ward they lived in advising he was a Council Person for all of them. He stated the decision tonight was going to have a very significant impact on development in Mason City and the Council needed to have a long-range view and vision and to design the overpass to accommodate a second rail provider in order to keep Mason City competitive in our economic development efforts emphasizing it was all about good, long-term planning and not about a specific development or railroad. Mason City must be progressive and aggressive in its efforts towards economic development growth.

Council Member Jaszewski stated this was a tough decision and quite honestly, whether this rail line was allowed or not, he did not think Mason City was going to be rolling up the streets anytime soon, nor did he think the City's economic future was based on whether there was a second rail carrier. He stated he had studied the issue and had spent time with the Chamber, EDC, and fellow Council Members Zook and Weaver and based on the information at this point he would be voting tonight on what was best for the community and further stated that he had apparently missed a meeting because a lot of folks had already decided how he would vote but tonight he would actually make a real vote.

Council Member Tornquist stated the Council had heard a lot of legitimate concerns expressed tonight but the problem was that most were not germane emphasizing it was not about zoning, an industrial park or a railroad, it was about a bridge. The Council had already decided they were going to build the bridge, the question was was the City going to build the bridge big enough for a second provider. He stated, "...let's assume for a moment that we're not even going to talk about building a bridge. Things are going to remain status quo. Right now the area that we've annexed is agricultural. For anybody to build out in the annexed area, they have to go

through a rezone that requires public hearings at Planning and Zoning and ultimately it requires public hearings at City Council. That's the mechanism by which we protect the neighborhood. Building a bridge doesn't change that mechanism. With or without a bridge, anybody that builds out there is going to have to go through a rezone process and we will have public hearings. Right now there's one track that this bridge will cross. However, right next to the track is an easement by the same provider that runs on that track, the UP. Right now, whether we build a bridge or not, the UP has the ability to put in a second track. The UP has the ability right now to increase rail traffic. Building the bridge doesn't change that." He stated the question in his mind was whether the City was going to build a bridge and given that the UP had the ability to add a second rail, did the City want to build a bridge that was going to forever give the UP a monopoly on access to the area south of town. He commented that roughly a year ago Mason City voted overwhelmingly in favor of forming a Mason City Telecommunications Utility. The naysayers tried to convince everyone that taxpayer's money was going to be spent and there would be a boondoggle putting in infrastructure, yet, they had not spent a dime to date. He stated the referendum was about maintaining the opportunity and maintaining choice and it was effective noting the whole tone of the conversation with the current provider had changed. He pointed out that the bridge was going to outlive everyone here tonight so the city should get it right the first time and he urged the Council to not make any decision now that would cut off the opportunity for those that would be coming behind us emphasizing the mechanisms were already in place to protect the neighborhood.

Council Member Weaver stated Tornquist and Marsters had talked about protecting the quality of life and the mechanisms in place to do that but referred to the ethanol plant stating when it was originally in the County many people had complained about the smell, the noise, the fans, and the lights, but yet the Council still had annexed them and now they were going to double their capacity and wondered where the mechanisms were that everyone talked about. He also referred to information printed by the Globe Gazette noting a correction to the incremental expense of the bridge advising it was not \$200,000 to \$400,000 as reported but rather, according to WHKS, an additional line with a twenty-three foot vertical clearance was going to cost \$500,000 to \$600,000. So without a blink of an eye it went up. Also, he stated, the citizens were told by Robin Anderson from the Chamber of Commerce that the City had to do this or potentially lose out on an opportunity to lobby for millions of dollars the next time they went to Washington. He stated because of those comments he had Administrator Meyer call Congressman Latham's office and quoted from a memo Meyer had provided the Council, "We had a phone conference with staff member from Congressman Latham's office on November 16th. The potential appropriation of \$1 million dollars by the Federal government does not appear to be contingent on the City providing for two providers. The staff member said a proposed project is reviewed and brought forward for funding. He said the issue of whether to provide access for a second provider is a local issue and the appropria-

tion is not contingent upon the City enlarging the overpass for a second rail provider." He commented on how he was lobbied by the Chamber of Commerce and EDC and stressed he had received two dozen phone calls from people who were not going to come tonight because the Globe Gazette had reported it was a "done deal". He further challenged any Council Member to show him the minutes where this subject had been discussed more than one hour in legitimate business meetings emphasizing this was a big issue with a huge impact on the community and quality of life for the area. He referenced the Comprehensive Plan stating most of the individuals involved in that and on the steering committee were members of the Planning and Zoning Commission and wished the public good luck because they had endorsed this product and further quoted other phrases contained within the Comprehensive Plan that he did not agree with and provided his reasons for that.

Council Member Marsters asked who had voted against the annexation to begin with and who had stirred things up with Freedom Fuels stating, "It seems to me if it was up to Mr. Weaver there'd be no growth in this community", with Weaver responding that Comprehensive Systems was alive and well on South Pierce and he had no idea what he had done to Freedom Fuels adding that was a biodiesel plant and he had voted "yes" on everything.

It was moved by Nelson and seconded by Marsters to call the question.

On roll call, the vote was as follows:

Yea: Nelson, Marsters, Zook, Tornquist
Nay: Weaver, Jaszewski
(Motion was declared carried.)

The following resolution was introduced.

Reso. 06-338(ADOPTED):

Resolution No. 06-338, authorizing WHKS & Co. to design the "19th Street SW Overpass Project", with the possibility of expansion for an additional rail line in the City of Mason City, Iowa, was presented.

On roll call, the vote was as follows:

Yea: Tornquist, Marsters, Nelson, Zook
Nay: Jaszewski, Weaver
(Motion was declared carried.)