

It was moved by Jaszewski and seconded by Marsters that Ordinance No. 05-35, be adopted.

The Mayor called the question and the following ordinance was introduced. This and the following ordinances had been posted in the foyer of City Hall.

Ord. 05-35(ADOPTED):

Ordinance No. 05-35, amending the 2000 City Code of the City of Mason City, Iowa, Title 2 "Boards and Commissions", Chapter 10, "Human Rights and Human Rights Commission" by adding a new Section 6 entitled, "Cost and Attorneys' Fees", was presented.

On roll call, the vote was as follows:

Yea: Jaszewski, Marsters, Henry, Foster, Weaver, Nelson
(Motion was declared carried.)

12. Amendment of Subdivision Ordinance:

The following communication had been submitted regarding amendments to the Subdivision Ordinance, Title 11 of the City Code;

(As submitted: Subdivision Ordinance)

Administrator McGarvey outlined the recommendation.

It was moved by Jaszewski and seconded by Nelson that the Ordinance be received and placed on file for Second Consideration.

Council Member Henry requested clarification on the exact language that helped to ensure there would be continuity with sidewalks and outlots or non-buildable lots with Senior Planner Kuester referencing the area lying west of the Homestead Assisted Living which had an outlot that followed the creek. In that case, the development placed the requirement to install sidewalks on individual lots as they were developed. That outlot, basically being a floodway and a creek, would never have a building permit issued and therefore no sidewalk would ever be installed and this amendment would require those lots dedicated as outlots to have sidewalks installed when the developer put in the streets, sewer, and water. The buildable lots would still continue to follow current practice that required sidewalks to be installed prior to a certificate of occupancy.

Council Member Weaver requested clarification regarding what would happen to areas where sidewalks were not currently in place referring to the second paragraph of the ordinance which still provided for the ability to waive sidewalks in industrial

developments and reminded everyone that he had voted 'no' on not placing a sidewalk on the ethanol plant on 240th street. In addition, he mentioned North Taft where citizens were requesting the installation of sidewalks which would probably end up becoming a Capital Improvement Project and urged continuity stressing the importance of sidewalks to a community with Senior Planner Kuester agreeing stating he considered sidewalks an important part of the infrastructure explaining the current subdivision ordinance did allow the waiving of sidewalks for residential districts, however he routinely recommended to the Planning Commission that sidewalks be installed in residential districts. The proposed ordinance would allow the waiving of sidewalks of industrial districts and pointed to Golden Grain Energy on 43rd Street advising that was a fair compromise.

Council Member Weaver emphasized his point was there were developments right now that did not have sidewalks that should have sidewalks, and there was no mechanism in place other than having the Council force them through an assessment program. He thought the proposed ordinance should specifically address that issue emphasizing it was about community, safety, and good development.

Mayor Marinos asked if it was permissible to pull sections from the ordinance with City Attorney Meyer clarifying the Council could make a motion to pull the two sections and then proceed with passing the remaining sections on Second Consideration.

It was moved by Weaver and seconded by Jaszewski to postpone action on the section of the code dealing with Item 11-4-3 and 11-7-2-G to be addressed at a later Council Meeting

Council Member Henry asked Senior Planner Kuester to comment on the motion with Kuester stating it was increased to twenty-four months essentially for the reasons outlined by Council Member Weaver that being sometimes, the developer could not get the work done in that twelve month window. He also stated the developer had other options and did not actually have to finish the work within twelve months and file the final plat, he could provide a Letter of Credit, a cashier's check or a bond for the amount of the remaining work and still file for the final plat, however, that would tie up the developers money until the work was done, the plat approved, and the bond or letter of credit released. This section would allow the developer up to twenty-four months to finish his work without using his cash flow or tying up his money.

Council Member Henry asked if it was his experience (Kuester) that this had been a problem with Kuester stating most developments consisted of a series of small subdivisions within the same general area in various stages of approval and construction. He stated they did start enforcing the one-year deadline a year ago and the developers had been good about it. If the improvements were not done the City could

take the letter of credit, bond, or cashier's check, and use that to issue a contract to get the work done.

Council Member Henry asked if this particular amendment request was coming from the developers or was staff's recommendation to ease the regulations and stimulate development with Kuester stating it was a little of both.

Council Member Henry stated it would appear the amendment would be to the overall benefit of the City. Regarding the sidewalk issue, the Council would have the discretion to look at industrial subdivisions and she liked what the Council had done with Golden Grain in terms of putting the requirement in the development agreement.

Council Member Foster agreed with Council Member Weaver stating there was a sidewalk ordinance or policy that he obtained from Dirk Jablonski that was never enforced. As far as the two-year timeline for developers or contractors he thought there should be a timeline that would encourage them to get the job done.

Council Member Weaver stated staff's recommendation would really lighten their workload. He agreed with Henry's comments regarding economic development but thought the Council should make sure the citizen's were protected and the work finished reiterating there was no consistency regarding sidewalks and the Council could fix that with stronger language. He further stated he was okay with waiving or giving a timeframe for Industrial but stressed this did not address residential.

Council Member Marsters asked what the plan would be to bring forward the changes if Council pulled this tonight with the Mayor stating she would think both the Council and City staff would get together and work things out.

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

Yea: Weaver, Jaszewski, Marsters, Foster, Nelson
Nay: Henry
(Motion was declared carried.)

The Mayor called the question and the following ordinance was introduced.

Ord. (2nd Consideration):

An ordinance amending the 2000 City Code by repealing Title 11, "Subdivisions", Chapter 1, Section 3, "Subdivision Required", Section 4, "Recording of Plat", and Section 8, "Public Notification Requirements"; Chapter 3, Section 2, "Subdivisions Classified"; Chapter 4, Section 1, "Requirements of Preliminary Plat", Section 2, "Review Procedure" **and Section 3, "Duration of Approval"**; Chapter 5, Section 1, "Requirements of Final Plat" and Sec-

tion 2, "Review Procedures"; Chapter 6, Section 6, "Street Standards", Paragraph K; Chapter 7, Section 2, "Minimum Standards for Improvements", ~~Paragraphs G~~ and H, in their entirety and adding new sections and paragraphs in lieu thereof relating to subdivisions, was presented.

On roll call, the vote was as follows:

Yea: Jaszewski, Nelson, Foster, Marsters, Henry, Weaver
(Motion was declared carried.)

13. **Convey Vacated Public Property, Highland Golf Course:**

The following communication had been submitted regarding conveyance of vacated public property to Mark G. Holt and Diana K. Holt, Dallas G. Jones and Ann M. Jones, and Scott W. Moorman and Susan L. Moorman, located in Section 35-97 20, west of the 5th p.m. (Highland Golf Course)

(As submitted: Convey Property at Highland Golf Course)

Administrator McGarvey outlined the recommendation.

It was moved by Jaszewski and seconded by Henry that Resolution No. 05-333, be adopted using Option 1 (\$261.00).

Council Member Marsters stated the City had owned the land for many years and thought it was sad that suddenly the City was trying to make a fair amount of money on land that was not bringing in any tax dollars whatsoever, reiterating it was a ridiculous amount of money for property that would be cleaned up and placed back on the tax rolls.

Council Member Weaver stated there was a policy with roughly five different scenarios for the sale/disposal of City property with Kuester concurring stating the policy was adopted in 1994.

Council Member Weaver asked if staff's recommendation was following the policy with Kuester concurring.

The Mayor called the question and the following resolution was introduced.

Reso. 05-333(ADOPTED):

Resolution No. 05-333, authorizing conveyance and directing execution and delivery of a Quit Claim Deed to Mark G. Holt and Diane K. Holt, for vacated public property located in Section 35-97-20, west of the 5th p.m., was presented.