



10 First Street Northwest
Mason City, IA 50401-3224
(641) 421-3600
www.masoncity.net

November 9, 2007

Briarstone Residents
C/O Susan Brau
880 Briarstone Dr.
Mason City, IA 50401

Dear Ms. Brau and other Briarstone residents,

The City of Mason City has reviewed the relevant code sections and can report the following facts about the requirements of Vi-Cor when they move to their new location on S. Benjamin Ave. It will also explain the actions of the City of Mason City regarding enforcement of these requirements.

The property where their facility will be located in is zoned I-L, Light Industrial. The code section and chapter that apply to Light Industrial is section 12, chapter 20. The proposed use is allowed because it does not include the use of liquid dairy products or the manufacture of yeast. This type of industry is allowed but must be conducted in such a way that it does not create a nuisance to the neighbors. Section 12-20-4, titled Prohibited Uses, states "Similar uses which create excessive hazards, noise, vibrations, smoke, dust, odors, heat, glare, or other objectionable influence beyond the property boundaries." are prohibited.

The City of Mason City has informed Vi-Cor of the requirements for use of the property at the new location. The City has told Vi-Cor that the odor emitted at their current facility is not acceptable at the new facility. We will verify that their plans include the equipment needed to eliminate the odors when they submit their plans for approval of their building permit. The City staff will monitor the construction progress and installation of the equipment as we do all construction projects for the City of Mason City. We will ask to be present at testing of the thermal oxidizer and any other equipment designed to reduce the odor to verify it is operational before they are given a certificate of occupancy and begin production. After completion of the renovation project the City will monitor operations at the plant to ensure all the equipment is functioning correctly to reduce the odor.

If the equipment is not working as planned and an excessive odor exists the City will contact the owner and inform them of their violation of the zoning requirements. We will then allow them a pre-determined time negotiated prior to beginning of operation to remedy the condition. The industry is not allowed to emit an excessive odor beyond the property boundaries in this zoning district and the City will work with the company until a solution is reached to remedy the odor violation. The position of the City, based on our code, is that no excessive odors may be emitted by the industry. The City will wait the pre-determined amount of time to allow the company to remedy the odor issue but when allowed time has expired the City will take appropriate action to enforce the zoning code. Please contact me if you have any questions regarding the information provided in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Brent Trout".

Brent Trout
City Administrator