

# MINUTES

## MASON CITY PLANNING & ZONING COMMISSION

In Person Meeting

Tuesday, March 11, 2025, 5:00 PM

### **Item 1: Call to Order and Roll Call**

Coffey called the meeting to order at 5:00 PM

Commissioners present: Timothy Coffey, Amanda Ragan, Dan Worden, and Colleen Niedermayer

Commissioners absent: John Fallis and Reed Wessman

Staff present: Planning and Zoning Manager Tricia Sandahl and Administrative Assistant and Secretary to the Commission Regina Card

Coffey called for roll.

Roll was called:

|             |        |         |        |
|-------------|--------|---------|--------|
| Coffey      | Yes    | Wessman | Absent |
| Fallis      | Absent | Ragan   | Yes    |
| Worden      | Yes    |         |        |
| Niedermayer | Yes    |         |        |

### **Item 2: Approval of Agenda**

As there were no changes, the agenda was adopted as submitted.

### **Item 3: Approval of Minutes**

#### **Minutes of the February 11, 2025, meeting**

As there were no changes, the minutes were adopted as submitted.

### **Item 4: Miscellaneous**

- 4.1 City of Mason City** – a request for a recommendation on the permanent placement of public art at 518 N. Federal Ave. (Birdsall's Ice Cream) – relocation of "Sundays with Jessie" to 518 N. Federal Ave.

Sandahl gave the staff report.

**Request:** The City proposes to relocate the sculpture “Sundays with Jessie” from the S. Delaware Ave. right of way next to the Brick and Tile Building to Birdsall’s Ice Cream at 518 N. Federal Ave. Photos of the sculpture can be found below. A site plan showing the proposed location is attached. The Commission’s recommendation will be forwarded to the City Council for final action at their April 1, 2025, meeting.

**Background:** Title 2-2-4 of the Municipal Code outlines the powers and duties of the Planning and Zoning Commission as they relate to planning. Title 2-2-4.C of the Code tasks the Commission with the duty to make recommendations on improvements. It states:

*No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixture, public structure or appurtenance shall be located or erected or a site for such structure obtained until and unless the design and proposed location of such structure be submitted to the Planning and Zoning Commission for its recommendation. No permits for such structures shall be issued without the Commission having made the above recommendation. However, such requirements for recommendations shall not act as a stay upon action where the Commission, after thirty (30) days’ written notice requesting such recommendations, has failed to file the same.*

“Sundays with Jessie” is a part of the City’s permanent sculpture collection and is part of the River City Sculptures on Parade sculpture walk. “Sundays with Jessie” was the People’s Choice winner from the 2021-2022 display and was subsequently purchased by the City. It was initially placed in the city-owned parking lot south of 124 N. Delaware Ave. To accommodate the construction of The Delaware apartments, the sculpture was relocated in 2024 to the S. Delaware Ave. right of way next to the Brick and Tile Building.



Gary and Anne Schmit approached the City in December 2024 and offered a generous sponsorship of the sculpture if the sculpture were relocated adjacent to Birdsall’s Ice Cream, 518 N. Federal Avenue. Mr. Schmit is the owner of Birdsall’s

LC, the corporation that owns Birdsall's Ice Cream. The City accepted the sponsorship. Staff are now finalizing a location for the sculpture and completing the other necessary steps to facilitate the move.

The initial plan was to place the sculpture on the sidewalk near the base of the Birdsall's pole sign. This location was partly on private property and partly on the right of way of US Highway 65/Federal Avenue. Staff consulted with the Iowa DOT regarding the preferred placement. They pushed back and asked that the sculpture not be placed in their right of way. An alternate location Birdsall's property was identified. The City Attorney is currently working on an easement and agreement for the permanent placement of the sculpture. The exact location of the sculpture has not been finalized, but the area where it will be placed has been identified.

The sculpture is mounted on a limestone base. The base will be relocated with the sculpture. The relocation of the sculpture will be done by staff from Henkel Construction. The public will continue to have access to the sculpture, and it will continue to be a part of the River City Sculptures on Parade sculpture walk. This is an extension of the sculpture walk into the north side of the downtown.

**Staff and Utility Comments:** Development Services Department staff consulted with the relevant City departments and public utility providers. There were no requested conditions or objections to the permanent placement of the sculpture.

**Requested Action:** Staff respectfully requested that the Commission review the request and make a recommendation to the City Council. The Commission should consider the impact the placement of the sculpture will have on the extension of public services and utilities; other potential uses of the property on which the sculpture will be placed; and the potential placement limits of the sculpture may have on the future development of the Community. Staff do not believe that permanent placement of the sculpture would have a detrimental impact to the use of the Birdsall's property or limit future development in the community. Further, staff believe that the sculpture is an appropriate scale for the setting. The sculpture is planned to be moved sometime in April 2025.

Ragan moved to recommend approval of the sculpture's placement to City Council. Worden seconded.

|                  |     |         |     |
|------------------|-----|---------|-----|
| Roll was called: |     |         |     |
| Coffey           | Yes | Wessman | Yes |
| Ragan            | Yes |         |     |
| Worden           | Yes |         |     |
| Niedermayer      | Yes |         |     |

**Item 5:**

**Staff Update**

Sandahl informed the Commission that the Mundt Rezoning went to City Council and the level of objections of the owners within 200 ft. of the area being rezoned triggered a super majority. She went on to explain that the City Council had their public hearing and unanimously approved the rezoning on first consideration. However, a couple of the Council Members indicated that they voted yes just to keep the issue alive but that their vote might change in the future. Sandahl informed the Commissioners that Mr. Mundt did purchase the property and now owns it, regardless of what use of the property will be approved by the City. She stated that she thinks Mr. Mundt will have use for the property regardless of whether or not the rezoning passes.

Sandahl reminded the Commission that their approval of a P1 site plan is final and stated that there was an issue with a different Board so, she wanted to touch base about ex parte and different communications specific to P1 site plans and the Commission's involvement. She explained that the Commission's approval of a P1 site plan is a quasi-judicial one which means, if someone were to disagree with the Commission's vote, it would need to go to district court. She gave the example that if someone were to submit a P1 site plan application, it would be inappropriate of them to contact the Commission Members and speak to them in any manner about the matter, as the decisions the Commission makes on a P1 site plan need to be based on what they hear in a Planning & Zoning Commission meeting only. Should the situation ever arise, Sandahl suggested that the Commissioners politely ask any members of the public to direct their comments or state their concerns to City Staff and recuse themselves from any discussions out in public. Sandahl then provided additional clarification as to what a conflict of interest is and gave an example to stress the importance of them removing themselves from a situation like it.

**Item 6:**

**Adjourn**

The meeting adjourned at **5:10 pm**.



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Tim Coffey, Vice Chair

ATTEST:



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Regina Card, Secretary