

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

June 24, 2009, 5:30 PM

Council met in Regular Session in the AEGON USA auditorium, 4333 Edgewood Road NE. Present Mayor Halloran, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon and Wieneke. Also present were City Manager Prosser and City Attorney Flitz.

The invocation was given by Imam Taha Tawil, Mother Mosque of America – Islamic Cultural & Heritage Center.

Recognition of Fleet Services for receiving the certificate of achievement as one of the 100 Best Fleets in North America by Government Fleet Magazine. (Casey Drew)

Public comments were heard.

Council member Fagan moved to approve the agenda; seconded by Council member McGrane. City Manager Prosser announced that item #25cc.(Resolution regarding a Lease agreement with VABAM LLC for 1500 2nd Avenue SE for Community Connections building) and item #37 (Discussion and Resolution authorizing execution of a Letter of Agreement with Darrah’s for towing and storage of motor vehicles) be removed from this week’s agenda.. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried as amended.

A public hearing was held to consider amending Chapter 32 of the Municipal Code, Zoning Ordinance, to add “Emergency Residential Shelters” in the PUB Public Zone District as requested by the Linn County Board of Supervisors (flood). No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance to add “Emergency Residential Shelters” in the PUB Public Zone District as requested by the Linn County Board of Supervisors, was presented and read the first time.

Council member Podzimek moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection as required by law, to be considered for action at a later date; seconded by Council member McGrane. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider amending Chapter 18 of the Municipal Code, Historic

Preservation, to add regulations that would require a Demolition Review Process for properties 50 years old or older. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance amending Chapter 18 of the Municipal Code, Historic Preservation, to add regulations that would require a Demolition Review Process for properties 50 years old or older, was presented and read the first time.

Council member Fagan moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection as required by law, to be considered for action at a later date; seconded by Council member McGrane. Approved, Ayes, Council members Fagan, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Nay, Council member Gulick.

A public hearing was held to consider a change of zone for property at 1026 11th Street NE from I-1 Light Industrial Zone District to R-TN Traditional Neighborhood Residence Zone District as requested by Jeffery D. and Debra J. Wilkin. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property at 1026 11th Street NE from I-1 Light Industrial Zone District to R-TN Traditional Neighborhood Residence Zone District as requested by Jeffery D. and Debra J. Wilkin, was presented and read the first time.

Council member Fagan moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection as required by law, to be considered for action at a later date; seconded by Council member Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider a change of zone for property west of Kirkwood Boulevard SW at the southeast corner of the intersection of Woodstone Lane SW and Brighton Way SW from RMF-1 Multiple Family Residence Zone District to R-3 Single Family Residence Zone District requested by CJ's Cedar Ridge Development, Inc. Comments were heard. No objections were heard or filed.

Ordinance No. 019-09, being an Ordinance granting a change of zone for property located west of Kirkwood Boulevard SW at the southeast corner of the intersection of Woodstone Lane SW and Brighton Way SW from RMF-1 Multiple Family Residence Zone District to R-3 Single Family Residence Zone District requested by CJ's Cedar Ridge Development, Inc. was presented and read the first time.

Council member Vernon moved the approval of the Ordinance on its first reading; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Council member Podzimek moved that the rule requiring three readings on three different days be suspended and the Ordinance be approved on its second reading; seconded by Council member Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Council member Podzimek moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Vernon. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

0576-06-09, approving the Major Revised Preliminary Plat of Cedar Ridge Place Fourth Addition for property located west of and adjacent to Kirkwood Boulevard SW at the southeast corner of the intersection of Woodstone Lane SW and Brighton Way as requested by CJ's Cedar Ridge Development, Inc.

A public hearing was held to consider a change of zone for property north and south of Roosevelt Road SW and westerly of Ely Road SW from R-1 Single Family Residence Zone District to R-2 Single Family Residence Zone District as requested by Sevig Development, L.C. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property north and south of Roosevelt Road SW and westerly of Ely Road SW from R-1 Single Family Residence Zone District to R-2 Single Family Residence Zone District as requested by Sevig Development, L.C., was presented and read the first time.

Council member Fagan moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection as required by law, to be considered for action at a later date; seconded by Council member McGrane. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider granting an easement on City-owned land to Interstate Power and Light Company for an underground electric line located in the southwesterly corner of Lot 5 of the Park & Ride Lot. No comments or objections were heard or filed.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the West Post Road NW (North of) from E Avenue to F Avenue Sanitary Sewer Extension project (Engineer's estimate of cost is \$570,000) No comments or objections were heard or filed.

0577-06-09, adopting plans, specifications, form of contract and estimated cost for the West Post Road NW (North of) from E Avenue to F Avenue Sanitary Sewer Extension project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Trail Flood Repair & Levee Repair (A Street SW) project (Engineer's estimate of cost is \$330,000) No comments or objections were heard or filed.

0578-06-09, adopting plans, specifications, form of contract and estimated cost for the Trail Flood Repair & Levee Repair (A Street SW) project. (flood)

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Jones Golf Course – Clubhouse Flood Repair project (Engineer's estimate of cost is \$292,000). No comments or objections were heard or filed.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Cedar Rapids Seminole Valley Wellfield Electric Distribution Upgrade project (Engineer's estimate of cost is \$711,560) No comments or objections were heard or filed.

0579-06-09, adopting plans, specifications, form of contract and estimated cost for the Cedar Rapids Seminole Valley Wellfield Electric Distribution Upgrade project.

Council member Gulick moved to adopt the following motions; seconded by Council member McGrane. All motions were adopted with all Council members and Mayor Halloran voting "Aye" unless noted. Motion carried.

Motion to approve minutes.

Motions setting public hearing/hearing dates for:

- a. July 8, 2009 – to consider vacating a 10-foot utility easement located approximately south of Ellis Road NW, west of Grannie Smith Lane NW and north of Mary Beth Avenue NW, as requested by Wilmar Development Co.; and
- b. July 8, 2009 – to consider a change of zone for property at 9216 Lawrence Drive West SW from A Agriculture Zone District to I-1 Light Industrial Zone District as requested by Georgine F. Stark.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date

for July 8, 2009 and advertising for bids by publishing notice to bidders for the 33rd Avenue SW, from East of Royal Drive to Remington Street, Grading, Retaining Wall and Water Main project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on July 16, 2009 (Engineer's estimate of cost is \$650,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 8, 2009 and advertising for bids by publishing notice to bidders for the 333 3rd Avenue SE Parkade Flood Recovery project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on July 16, 2009 (Engineer's estimate of cost is \$731,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 8, 2009 and advertising for bids by publishing notice to bidders for the Ellis Park Pool – Flood Recovery project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on July 16, 2009 (Engineer's estimate of cost is \$367,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 8, 2009 and advertising for bids by publishing notice to bidders for the Police Department Locker Installation project and authorizing the Purchasing Manager, or designee, to receive and open the bids and publicly announce the results on July 23, 2009 (Estimate of cost is \$400,000).

Motion approving the beer/liquor/wine applications of:

- a. Cedar Rapids Country Club, 550 27th Street Drive;
- b. Checker's Tavern & Eatery, 3120 6th Street SW;
- c. Cigarette Outlet #14, 225 Edgewood Road NW;
- d. Cedar Rapids Residence Inn, 1900 Dodge Road NE;
- e. Homeport, 624 Center Point Road NE (Outdoor Service for an event on June 26, 2009);
- f. Hy-Vee Food Store #3, 20 Wilson Avenue SW;
- g. Hy-Vee Food Store #4, 1556 1st Avenue NE;
- h. Hy-Vee Food Store #5, 3235 Oakland Road NE;
- i. Hy-Vee Food Store #6, 4035 Mt Vernon Road SE;
- j. Loyal Order of Moose, 182 West Post Road SW (Outdoor Service for an event on July 11, 2009);
- k. Millstream Brewhaus, 2121 Arthur Collins Pkwy SW;
- l. Osaka Japanese Steak House & Sushi Bar, 5001 1st Avenue SE;
- m. Piston's Public House, 3325 Center Point Road NE (new - formerly Interstate Battery);
- n. Pub Mitchell, 1100 1st Street SW;
- o. Walgreen's #3875, 2821 1st Avenue SE (new); and
- p. Walgreen's # 5042, 3325 16th Avenue SW (new).

Motion recommending the approval of the beer/liquor/wine application of The City Beat, 302 3rd

Avenue SW (Outdoor Service for an event on June 28, 2009).

Motion recommending the denial of the 5 day Beer Permit application of Mainstream Mixed Martial Arts, 9395 6th Street SW (for an event on June 27, 2009).

Motions (2) assessing civil penalties in the amount of \$300.00 for first violations of State Code regarding the sale of cigarettes to minors against:

- a. Casey's General Store #2773, 3625 Edgewood Road SW; and
- b. Road Ranger #147, 1430 – 1st Avenue NE.

Resolutions were adopted with all Council members and Mayor Halloran voting "Aye" unless noted:

0580-06-09, approving bills.

0581-06-09, approving payroll.

0582-06-09, reappointing Patrick DePalma (effective through June 30, 2012) and Allen Varney (effective through June 30, 2012) and appointing William Unger (effective through June 30, 2012) to the Five Seasons Facilities Commission.

0583-06-09, reappointing Jen Neumann (effective through June 30, 2012) and Barb Westercamp (effective through June 30, 2012) and appointing Robert Cline (effective through June 30, 2012), Sarah Hinzman (effective through June 30, 2010) and Nicholas Schultze (effective through June 30, 2011) to the Hotel and Motel Tax Review Committee.

0584-06-09, reappointing Miriam Amer (effective through June 30, 2012) and appointing Anthony Arrington (effective through June 30, 2012) and Ruth White (effective through June 30, 2012) to the Civil Rights Commission.

0585-06-09, appointing Gilbert Janes (effective through June 30, 2012) to the Corridor Metropolitan Planning Organization.

0586-06-09, extending a vote of thanks to Roy Porterfield and Tara Youells for serving as members of the Civil Rights Commission.

0587-06-09, extending a vote of thanks to Tari Dailey, Terry Knake, Denise Lauffer, Emily Meyer and Ann Tow for serving as members of the Historic Preservation Commission.

0588-06-09, extending a vote of thanks to Gary Streit for serving as a member of the Board of Ethics.

0589-06-09, extending a vote of thanks to Gary Ficken for serving as a member of the Five Seasons Facilities Commission.

0590-06-09, extending a vote of thanks to Carl Sefl for serving as a member of the Hotel and Motel Tax Review Committee.

0591-06-09, extending a vote of thanks to Scott Sylvester for serving as a member of the Corridor Metropolitan Planning Organization.

0592-06-09, approving a special events application for The Chrome Horse to hold an Outdoor Concert "The Blues Traveler" on June 30, 2009 (alley closure).

0593-06-09, approving a special events application for KCRG TV9 – Kids Parade (Freedom Festival Event) on July 4, 2009.

0594-06-09, approving a special events application for Freedom Festival Office Olympics on July 1, 2009.

0595-06-09, approving a special events application for Gold Pointe Fitness Club Criterium on July 5, 2009.

0596-06-09, approving a special events application for Alliant Energy Fifth Season Race on July 4, 2009.

0597-06-09, approving a special events application for Freedom Festival Events downtown on July 4, 2009.

0598-06-09, levy assessments for Solid Waste & Recycling clean up costs at 3 properties.

0599-06-09, intent to assess for Utilities Department delinquent municipal utility bills at 13 properties.

0600-06-09, levy assessments for Utilities Department delinquent municipal utility bills at 12 properties.

0601-06-09, awarding and approving contract in the amount of \$1,205,550.00 bond and insurance of D.W. Zinser Company for the Flood Related Structure Demolition project.

0602-06-09, awarding and approving contract in the amount of \$124,127.00, bond and insurance of Price Industrial Electric for the 5th Avenue SE & 10th Street SE and Wenig Road NE & 42nd Street NE Traffic Signal Upgrade project (Engineer's estimated cost is \$120,000).

0603-06-09, accepting a Corrective Warranty Deed in consideration of \$1.00 and other valuable consideration for dedication of additional right-of-way for property located east of Bowling Street SW and north of Wilson Avenue SW as submitted by Brosh Chapel, Inc.

0604-06-09, accepting a Corrective Warranty Deed in consideration of \$1.00 and other valuable consideration for dedication of additional street right-of-way for property located east of Bowling Street

SW and north of Wilson Avenue SW, as submitted by The Czech National Cemetery Association of Cedar Rapids, Iowa.

0605-06-09, accepting easement for Public Water Main in consideration of \$1.00 and other valuable considerations, an Easement for Public Sanitary Sewer in consideration of \$1.00 and other valuable considerations, an Agreement for Private Storm Water Detention, Agreement to Convey Slope Easement, and Agreement for Private Sanitary Sewer Facilities upon and under portions of property owned by Archer Daniels Midland Company, said property generally located west of Locust Road SW, between 60th Avenue SW and 76th Avenue SW.

0606-06-09, accepting easement for Utility located on the west side of Alleghany Drive NE at the south end, in consideration of \$1.00 and other valuable considerations submitted by Applewood Mesa Development Company.

0607-06-09, accepting a 5-foot Public Utility Easement, 10-foot Public Utility Easement, Drainage Easement, Storm Sewer Easement and Traffic Signal Easement, each in consideration of \$1.00 and other valuable considerations; accepting a Storm Sewer Maintenance and Access Agreement and an Agreement for Public Water Main Facilities Easement in Private Drive, as submitted by Edgewood-Johnson Cr., LLC for property located at the northwest corner of Edgewood Road SW and Johnson Avenue SW.

0608-06-09, accepting an Easement for Storm Sewer from Cedar Rapids Community School District for land at 3200 Pioneer Avenue SE in connection with the Drain Tile Extension Program – Phase 2 project.

0609-06-09, accepting Warranty Deed in consideration of \$1.00 and other valuable consideration for dedication of additional street right-of-way for Rockford Road SW, for property at 1035 Rockford Road SW as submitted by the Richard J. Hamilton Family Limited Partnership.

0610-06-09, authorizing execution of Change Order No. 2 in the amount of \$8,892.90 with Dave Schmitt Construction Co. Inc. for the Ellis Boulevard NW from I Avenue to E Avenue, E Avenue NW from Ellis Boulevard to 5th Street, 5th Street NW from E Avenue to C Avenue Force Main Improvements (Phase 5) project (total contract price with this amendment is \$2,245,471.96).

0611-06-09, authorizing execution of Change Order No. 3 in the amount of \$188,134.00 with Dave Schmitt Construction Co., Inc. for the Ellis Boulevard NW from I Avenue to E Avenue, E Avenue NW from Ellis Boulevard to 5th Street, 5th Street NW from E Avenue to C Avenue Force Main Improvements (Phase 5) project (total contract price with this amendment is \$2,433,605.96).

0612-06-09, authorizing execution of Change Order No. 5 in the amount of \$33,361.95 with Rathje Construction Company for the 15th Street SE from 5th Avenue to 3rd Avenue Storm Sewer Improvements and Asphalt Resurfacing project (total contract price with this amendment is \$565,982.25).

0613-06-09, authorizing execution of Change Order No. 3 in the amount of \$9,650.43 with Rathje Construction Company for the Council Street NE from Bridge Over Dry Creek to 74th Street NE and Boyson Road NE from Inwood Court NE to Walden Road NE Reconstruction and Widening project (total contact price with this amendment is \$4,465,619.44).

0614-06-09, approving a Purchase Agreement in the amount of \$6,182.00 and accepting an Easement for Storm Sewer and Storm Water Drainage, Easement for Utilities and Temporary Grading Easement for Construction and Access from Sokol Cedar Rapids, Inc. from land at 5200 18th Avenue SW in connection with the 18th Avenue SW Pavement project.

0615-06-09, approving a Purchase Agreement in the amount of \$4,900.00 and accepting an Easement for Utilities and Temporary Grading Easement for Construction from David S. Plotz from land at 5205 18th Avenue SW in connection with the 18th Avenue SW Pavement project.

0616-06-09, approving a Purchase Agreement in the amount of \$6,700.00 and accepting an Easement for Utilities and Temporary Grading Easement for Construction from DKRT Co., Inc. from land at 5175 16th Avenue SW in connection with the 18th Avenue SW reconstruction project.

0617-06-09, approving a Professional Services Agreement with Shive-Hattery, Inc. in an amount not to exceed \$136,510.00 for design services in connection with the Wiley Boulevard/33rd Avenue SW from the Westdale/Menards entrances to Edgewood Road improvements project.

0618-06-09, authorizing execution of a 28E Agreement with the City of Marion for grading, storm sewer, retaining walls, paving and associated improvements in the amount of \$12,690.00 in connection with the 1st Avenue (IA 922/US Bus 151) Marion Boulevard & Collins Road Improvements project.

0619-06-09, approving a Professional Service Agreement with Sebesta Blomberg & Associates, Inc. for a Downtown District Energy Feasibility Study for an amount not to exceed \$487,113.00.

0620-06-09, awarding and approving contract in the amount of \$526,060.00, bond and insurance of B. G. Brecke, Inc. for the Repair of Water Service Lines FY10 project (Engineer's estimated cost is \$420,000).

0621-06-09, approving a Letter of Agreement for a six-month extension with Lee Crawford Quarry Co., Inc. for the removal, hauling and proper disposal of lime residual materials from the J Avenue Water Treatment Plant for an estimated amount of \$140,000.

0622-06-09, approving a Letter of Agreement with Lee Crawford Quarry Co., Inc. for the removal, hauling and proper disposal of lime residual materials from the J Avenue Water Treatment Plant in FY10 for an estimated annual amount of \$275,000.

0623-06-09, amending Resolution No. 0647-08-08 authorizing Camp Dresser & McKee, Inc. (CDM) to perform Electrical Engineer Consultant Services at flood-damaged City facilities for a final contract amount of \$282,300.99 (flood)

0624-06-09, amending Resolution No. 0794-09-08 FEMA Grant Management Services contract with Adjusters International for an amount not to exceed \$2,067,500.00. (flood)

0625-06-09, authorizing execution of Amendment No. 2 to the Professional Services Agreement with GreenPlay LLC specifying an increased amount not to exceed \$50,000.00 for additional consulting services (total contract amount with this amendment is \$210,067.25). (flood)

0626-06-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Williams Architect for an increased amount not to exceed \$64,000.00 for additional consulting services. (flood)

0627-06-09, approving a letter of Agreement with Glass Heritage, LLC for the repair of the Grant Wood Stained Glass Window for an amount not to exceed \$147,000.00. (flood)

0628-06-09, authorizing execution of Amendment No. 6 to the Professional Services Agreement with Sasaki Associates for the River Corridor Redevelopment Plan (RCRP) in the amount of \$737,826.00. (flood)

0629-06-09, accepting the Water system improvements in Hawk's Point 3rd Addition and approving Maintenance Bond submitted by Borst Bros. Const. Inc. in the amount of \$49,932.00.

0630-06-09, accepting the Water system improvements in College Farms 2nd Addition and approving Maintenance Bond submitted by Bowker Mechanical Contractors LLC in the amount of \$113,975.90, and authorizing reimbursement to the developer in the amount of \$3,500.00.

0631-06-09, accepting the WPCF Anaerobic Reactor FRP Replacement project and Performance Bond in the amount of \$295,105.00 and authorizing issuance of final payment in the amount of \$115,383.77 to Story Construction Co. (Final contract amount is \$488,326.82).

0632-06-09, granting permission for a proposed fence and proposed storm water management facility to encroach onto portions of the existing temporary turnaround easement at 420 60th Avenue SW as requested by John Kinser.

0633-06-09, approving the installation of a yield sign on Creekside Drive NE at A'Hearn Drive NE for southbound traffic on Creekside Drive NE.

0634-06-09, approving the Final Plat of Keystone Point 3rd Addition located east of Rockwell Drive NE and south of Cimmie Avenue NE.

0635-06-09, authorizing execution of a Memorandum of Understanding (MOU) with Hawkeye Area Community Action Program (HACAP) to rent select properties for the purpose of providing temporary relocation for properties receiving lead paint remediation through the City's Federally-assisted housing programs.

0636-06-09, changing the lease amount from \$500.00 per year to \$1.00 per year for a term of three years for an Air Rights Agreement of Lease for construction of an overhead passageway in the alley behind 118 2nd Avenue SE, as requested by United Fire and Casualty Company.

Discussion: (Jim Prosser)

State Action Plan regarding the distribution of Community Development Block Grant (CDBG) funds.

Discussion: (Marty Hoeger)

0637-06-09, approving a request by Land, Logs & Timber for City participation in the amount of \$27,000.00 for development of a new single-family home in the Oakhill Jackson neighborhood on City property at 917 9th Avenue SE. (flood)

Discussion: (Pat Ball)

0638-06-09, allocating funding to steam systems customers. (flood)

Discussion: (Casey Drew)

Council member Fagan moved to accept Option 3 (to take money out of the General Fund), for the payment of \$78,344.66 in election costs related to the local option sales tax vote; seconded by Council member Shields. Ayes, Council member Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. (flood)

0639-06-09, directing the advertisement for sale of \$7,960,000.00 Sewer Revenue Bonds, Series 2009E and \$8,635,000.00 Water Revenue Bonds, Series 2009F and approving electronic bidding procedures.

Ordinance No. 020-09, being an Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, adding a section regarding Automated Traffic Enforcement (ATE) systems which includes red light intersection enforcement, mobile speed enforcement and fixed speed enforcement, was presented and read the second time.

Council member McGrane moved the approval of the Ordinance on its second reading; seconded by Council member Gulick. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member McGrane.

Ordinance No. _____, being an Ordinance amending Chapter 6 of the Municipal Code, City Administration, by repealing section 6.05, Recreation Commission and amending Chapter 10 of the Municipal Code, Parks and Public Places, by repealing section 10.10, Ushers Ferry Historic Village Commission and adopting in lieu thereof a new section 6.05 establishing a Parks and Recreation Commission, was presented and read the first time.

Council member Fagan moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Gulick. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Ordinance No. _____, being an Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, by repealing Section 61.090A, Illegal Off-Street Parking, allowing citizens the ability to tow abandoned vehicles from their private property, was presented and read the first time.

Council member McGrane moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Ordinance No. _____, being an Ordinance amending Chapter 52A of the Municipal Code, Tow Truck and Wrecker Code, Subsection 52A.05, Prohibited Activities, by adding a requirement for notification of vehicles being towed from private property, was presented and read the first time.

Council member McGrane moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action

at a later date; seconded by Council member Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Vernon, Wieneke and Mayor Halloran. Nay Council member Shields.

Various comments and concerns were expressed by the City Council and City Manager on a variety of topics. Discussions were held.

City Council adjourned at 9:20 PM to meet Wednesday, July 1, 2009 at 5:30 PM.

Ann Ollinger, City Clerk