

COUNCIL BACKGROUND
REGULAR MEETING OF THE CITY COUNCIL
Monday, August 1, 2011

7. Consider Request for Speed Limit Sign on East 4th Street

I have received a call and an email (attached 2) from Anthony Browne, 219 East 4th Street, requesting the addition of a speed limit sign on East 4th Street. Mr. Browne has requested this request be put on the Council agenda.

8. Resolution 2011-80: Approve Addition of Street Light East of East 4th Avenue on 11th Street (3)

Resolution 2011-80 officially approves the addition of a street light on the 11th Street project. The Council did approve this item at its last meeting, however Alliant Energy requires a resolution to be put before they will consider the work.

Staff is recommending the installation of an additional street light east of East 4th Avenue on 11th Street as a part of the 11th Street project. Once the project is completed most of the new roadway will be an urban design with sidewalks. Additionally, most school traffic will be directed in this area. It is believed a street light will add to the safety of the area. There will be street lights installed in conjunction with the traffic signals at East 4th Avenue. Staff would work with the school to determine exactly where the light should go.

9. Resolution 2011-81: Approve Partial Lien Release of Real Estate Mortgage (Hafner Brothers) (4)

Resolution 2011-81 approves the partial release of a lien on a condominium recently sold by Hafner Brothers. The lien was imposed as a part of the Loan Servicing Agreement that the City has with Hafners. That agreement sets up the terms for the repayment of what Hafners owe the City for the construction of part of 18th Avenue and 17th Street. With the sale of the condominium Hafner Brothers has repaid the City \$3,000 and as a result they have requested the release of the lien on that property. A letter from Attorney Thomas Schirman, the release and legal description are attached (5-8).

10. Resolution 2011-82: Approve Change Order No. 3 on 10th Street Reconstruction Project (9)

Resolution 2011-82 approves Change Order No. 3 on the 10th Street Project. The cost increase (additional \$4,830.00) is due to the fact that what was thought to be an 8 inch sewer is a 10 inch sewer, thus the cost of replacement is more than anticipated. The change order is attached (10-12).

11. Resolution 2011-83: Approve Change Order No. 3 on 11th Street Reconstruction Project (13)

Resolution 2011-83 approves Change Order No 3 on the 11th Street Project. The contractor has ended up with excess water main items due to overstocking and changed conditions. The City Public Works Staff is interested in purchasing these items to have them on hand for inventory.

All of the items are items the City uses in its utility operations. The change order is attached (14-15).

12. Approve Downtown Electrical Work for Chamber of Commerce Christmas Decorations

The Chamber of Commerce is requesting permission to do electrical work in the downtown area pertaining to their DeWitt Holiday Decoration Project. The Chamber is working with Kevin Jansen to make the installations necessary to allow the new decorative holiday lights to work. The work would include installing outlets on the pedestrian light poles on 10th Street between 6th and 7th Avenue. The outlets would be installed inside the base of the light poles and be accessed through the access panels. Additionally, Jansen would do work that would allow the outlets that the holiday lights are planned to be plugged into to be activated with a photo eye rather than being on all of the time. It would be necessary to have this feature installed in a way that it can be overridden during other activities such as Autumn Fest. The City has discussed the work with Jansen and would oversee and inspect the work. A motion is needed to approve. Attached (16) is a sheet that outlines the general costs. Note that there is a line item that indicates that the City would install the outlets and speakers. It has been determined to have Jansen do the outlet installation and it was not practical to install the speakers.

13. Discussion regarding traffic control changes at 800 to 1000 blocks of East 4th Avenue

Staff would like to discuss potential changes to traffic control signage at East 4th Avenue where it intersects with East 10th and East 8th Street. Staff consensus is at 10th Street to remove the stop signs on East 4th Avenue and retain the stop sign on 10th Street and adding "thru traffic does not stop" signage. The discussion still continues on a recommendation for the intersection at 8th Street and East 4th Avenue. At this intersection the school's new entrance continues to the north from East 4th Avenue. This could be a 3-way stop, a stop only at 8th Street, or a stop only at the school's access road for traffic heading north. Staff is looking for Council input. A map of the area is attached (17).

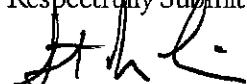
14. Approve donation of running gear to Clinton County Conservation Board

Public Works would like to donate unused running gear to the Clinton County Conservation Board "as is". The City no longer uses the running gear and the Conservation Board has a need for it. The Conservation Board has been cooperative with the City allowing the City to use its drill for planting grasses. The running gear has little market value.

15. 2nd Reading of Ordinance 2011-11: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEWITT, IOWA, 2010, BY ADDING A NEW SECTION, NUMBERED 62.15, PERTAINING TO PROHIBITING THE USE OF ENGINE BRAKES (18)

Ordinance 2011-11 prohibits the use of Engine or Jake brakes within the City. This is the 2nd of 3 readings.

Respectfully Submitted



Steven M. Lindner

City of DeWitt and Republic Services Welcome You to Carted Solid Waste Service

The City of DeWitt and Republic Services (formally Allied Waste Services) are excited to bring the new solid waste carted service to your community and home. We hope you enjoy this new service and we have listed a few items below to help you start with the new cart.

- Please place near curb, either in grass or the end of driveway, but not in street the morning of or the night before day of collection
- Do not place cart next to any fixed object such as a mailbox. Please keep three feet of distance between cart and any fixed objects when placing at curb
- Try to avoid parking cars in front of carts on collection day
- Continue to bag your trash before placing into cart as this will help eliminate odors and prevent less debris blowing around during collection time
- We will collect old trash can(s) in the following weeks. If you want to discard them, please leave a note on the old trash can(s) to throw away so we know this is your desire



Steve

From: vteam5@windstream.net
Sent: Wednesday, July 27, 2011 2:38 PM
To: cdadmin@gmtel.net
Cc: c.dunkin@gmtel.net
Subject: speed limit sign e 4th st

Dear Mr. Linder,

Please address the problem of speeding cars on E 4th street between 3rd Ave and including the curve and down 3rd Ave East. This is a residential neighborhood with multi-unit housing bordered by commercial and industrial zoning. This is the street with Paarman park, a bus stop, limited sidewalks and a growing number of children. This is also the street where employees of the various industries, delivery drivers (UPS and Fed Ex) and others cut through to go to Ennis and Industrial Park, often at an increased speed.

We know that the City of DeWitt prides itself on the quality of life and safety of its citizens. If signs are not the answer, we are confident you will address this problem with an appropriate solution to prevent an accident, especially one involving a child. Please also consider this when general rezoning and other zoning issues arise.

Sincerely,

Anthony and Michele Browne
219 East 4th Street
DeWitt, IA
563-659-3394

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RESOLUTION NO. 2011-80

APPROVE ADDITIONAL STREET LIGHT ON EAST 11th STREET EAST OF EAST 4th AVENUE

WHEREAS, the City of DeWitt has requested an additional street light be added on East 11th Street east of East 4th Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of DeWitt Approves the addition of a street light on East 11th Street east of East 4th Avenue as a part of the 11th Street Project.

PASSED AND APPROVED this 1st day of August, 2011, by the DeWitt City Council.

DONALD J. THILTGEN, MAYOR

ATTEST:

CATHERINE M. BENTHIN, CITY CLERK

RESOLUTION NO. 2011-81

**RESOLUTION AUTHORIZING PARTIAL RELEASE OF
LIEN ON HAFNER BROTHER CONSTRUCTION LLC AND AUTHORIZING THE MAYOR
TO SIGN THE SAME**

WHEREAS, Hafner Brother Construction LLC (HBC) and the City of DeWitt entered into a Loan Servicing agreement that details the repayment schedule for HBC for the cost incurred by the City for the construction of certain parts of 18th Avenue and 17th Street within Hickory Bend 2nd Addition and Hickory Bend 4th; and,

WHEREAS, City of DeWitt as a result of the aforementioned Loan Servicing Agreement has secured a Lien on certain portions Hickory Bend 2nd Addition and Hickory Bend 4th Addition; and,

WHEREAS, \$3,000 has been paid with the sale of a condominium and a partial release of the Lien has been requested on the property described below:

CONDIMINIUM 1, Unit B, of Springbrook Condominiums, DeWitt, Iowa, situated on lots 27 and 28, Hickory Bend 2nd Addition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of DeWitt, Iowa, that the lien as heretofore imposed pursuant to the terms of Loan Servicing Agreement Approved on February 21, 2011 by Resolution 2011-17 be partially released in the amount of \$3,000 on the property listed described as: CONDIMINIUM 1, Unit B, of Springbrook Condominiums, DeWitt, Iowa, situated on lots 27 and 28, Hickory Bend 2nd Addition, and authorize the Mayor to Sign the Same.

PASSED AND APPROVED this 1st Day of August, 2011, by the DeWitt City Council.

DONALD J. THILTGEN, MAYOR

ATTEST:

CAHTERINE M. BENTHIN, CITY CLERK

LAW OFFICES OF
CONDON & SCHIRMAN
(NOT A PARTNERSHIP)

DANIEL J. CONDON
DCONDON@IOWATELECOM.NET
JENNIFER L. CONDON *
JCONDON@IOWATELECOM.NET
(A PARTNERSHIP)
* ALSO ADMITTED IN FLORIDA
AND GEORGIA

610 NINTH STREET
P.O. BOX 227
DEWITT, IOWA 52742
TEL (563) 659-3294
FAX (563) 659-9329
KKUEHL@IOWATELECOM.NET

THOMAS R. SCHIRMAN JR.
ELDRIDGE OFFICE
202 NORTH SECOND ST, STE A
ELDRIDGE, IOWA 52748
(563) 285-9600
TSCHIRMAN@IOWATELECOM.NET

July 15, 2011

Mr. Steve Lindner
City Administrator
City of De Witt
510 Ninth Street
De Witt, IA 52742

Re: Hafner Bros. Construction LLC Release

Dear Steve:

Enclosed please find a Partial Release of Real Estate Mortgage being submitted to you along with a check in the amount of \$3,000 for the release of one of the condominium units constructed by Hafner Bros. Construction LLC. The funds and release are being submitted pursuant to the provisions of the Loan Servicing Agreement previously executed between the City and the Company.

I would ask that you have the Release executed by the appropriate representative of the City, completing the "corporate/partnership" notary. If you will then return the Partial Release to me, I will record the same with the Clinton County Recorder.

If you have any questions, of course, please contact me.

Sincerely yours



Thomas R. Schirman

TRS:kk
enc.
cc: Bob McGee

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PARTIAL RELEASE OF REAL ESTATE MORTGAGE

THE IOWA STATE BAR ASSOCIATION

Official Form No. 130

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Thomas R. Schirman, 610 Ninth Street, De Witt, IA 52742, Phone: (563) 659-3294

Taxpayer Information: (Name and complete address)

Return Document To: (Name and complete address)

Thomas R. Schirman, 610 Ninth Street, De Witt, IA 52742

Grantors:

City of De Witt

Grantees:

Hafner Bros. Construction, LLC

Legal description: See Page 2

Document or instrument number of previously recorded documents: 2011-03301

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PARTIAL RELEASE OF REAL ESTATE MORTGAGE

The undersigned, the present owner(s) of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Clinton County, Iowa, to wit:

See Exhibit A attached hereto;

is hereby released from the lien of the real estate mortgage, executed by
City of De Witt

dated April 9, 2011, recorded in the records of the Office of the Recorder of the County of Clinton, State of Iowa, recorded as document reference number 2011-03301, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine or neuter gender, according to the context.

Dated this _____ day of _____ CITY OF DE WITT, IOWA

CORPORATE/PARTNERSHIP

STATE OF IOWA , COUNTY OF CLINTON

This instrument was acknowledged before me on _____, by _____ of _____ as _____

_____, Notary Public

INDIVIDUAL

STATE OF IOWA , COUNTY OF _____

This instrument was acknowledged before me on _____, by _____

_____, Notary Public

NOTE: For complete release of real estate mortgage, see Form No. 129.

CONDOMINIUM 1, Unit B, of Springbrook Condominiums, De Witt, Iowa, situated on Lots 27 and 28, Hickory Bend 2nd Addition, being part of the Southeast Quarter of Section 12, Township 81 North, Range 3, East of the 5th P.M., City of De Witt, Clinton County, Iowa, as shown in Declaration of Submission of Property to Horizontal Property Regime for Springbrook Condominiums dated February 18, 2011 and filed February 18, 2011 in the Office of the Recorder of Clinton County, Iowa, as supplemented by an Addendum to Declaration of Submission of Property to Horizontal Property Regime for Springbrook Condominiums, dated February 24, 2011 and filed March 7, 2011 as Document #2011-1692 in the Office of the Recorder of Clinton County, Iowa, together with an undivided one-fourth fractional interest in the common elements appurtenant thereto as defined in the referenced Declaration.

EXHIBIT A

RESOLUTION NO. 2011-82

APPROVING CHANGE ORDER NO. 3 FOR THE 10TH STREET RECONSTRUCTION 2011 PROJECT AND AUTHORIZING THE MAYOR TO SIGN SAME

WHEREAS, pursuant to notice duly published in the manner and form prescribed and as required by law, bids and proposals were received by the City Clerk and reported to this Council for the proposed 10th Street Reconstruction Project 2011 for the City of DeWitt, Iowa (the "Project") as described in the public notice of hearing; and,

WHEREAS, Drew Cook & Sons Excavating, Inc., Dubuque, Iowa, was awarded the contract for the "Project" under Resolution No. 2011-31 approved March 21st, 2011 for the amount of \$789,548.35; and,

WHEREAS, the correction of a minor mathematical error makes that corrected actual amount of the original contract approved by Resolution No. 2011-31 \$,790,028.35; and,

WHEREAS, it has been determined necessary and prudent to make the following changes:

Description of Change:

1. Connect to existing 10-inch sanitary sewer		
a. 10" SDR 26 Sewer Pipe	90 Lineal Feet @ \$31.00/LF	\$2,790.00
b. 10"x6" Wye	2 Each @ \$250.00/EA	\$500.00
c. Connect to Existing 10" Sanitary Sewer	2 Each @ \$600.00/EA	\$1,200.00
d. 10" Bushing, Installed	2 Each @ \$85.00/EA	\$170.00
e. Hydraulic Cement, Installed	2 Each @ \$85.00/EA	\$170.00
	TOTAL	\$4,830.00

NEW AMOUNT OF CONTRACT WITH CHANGE \$797,243.35

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of DeWitt, Iowa, that the Council approved the attached Change Order No. 2 of the "Project" and authorizes the Mayor to sign same.

PASSED, APPROVED AND ADOPTED this 1st Day of August, 2011.

DONALD J. THILTGEN, MAYOR

ATTEST:

CATHERINE M. BENTHIN, CITY CLERK

CHANGE ORDER

Change Order No:	3
Date:	July 25, 2011
Agreement Date:	March 21, 2011

Owner:	City of DeWitt, Iowa	
Project:	10 th Street - 5 th Avenue to 1 st Avenue	No. 10060-03
Contractor:	Drew Cook & Sons Excavating, Inc.	

Description of Change:

- | | |
|---|-----------------------------|
| 1. Connect to existing 10-inch sanitary sewer | |
| a. 10" SDR 26 Sewer Pipe | 90 Lineal Feet @ \$31.00/LF |
| b. 10"x6" Wye | 2 Each @ \$250.00/EA |
| c. Connect to Existing 10" Sanitary Sewer | 2 Each @ \$600.00/EA |
| d. 10" Bushing, Installed | 2 Each @ \$85.00/EA |
| e. Hydraulic Cement, Installed | 2 Each @ \$85.00/EA |

Justification of Change:

1. During installation of the associated manhole, the sanitary sewer running north/south through the 3rd Avenue intersection was determined to be 10-inch. The construction documents were developed based upon 8-inch sanitary sewer. The increased pipe adds cost to the installation of the replaced sanitary sewer.
 - a. The quantity is estimated, although approximately half of the work has been completed.
 - b. The wye allows connection of sewer laterals into the main. It is possible that additional wyes will be required, although the total number is likely limited to 2.
 - c. The fittings required for connection 10-inch diameter pipe are more expensive than those required for connecting 8-inch diameter pipe.
 - d. The bushing is required to seal the 10-inch pipe in the manhole.
 - e. The hydraulic cement is required to seal the 10-inch pipe at the manhole.

Change in Contract Price:

The amount of the contract will be INCREASED by this change order by the sum of
Four Thousand, Eight Hundred, Thirty Dollars and 00/100 cents (\$ 4,830.00)

Adjustment in Amount of Contract:

1. Amount of Original Contract	\$ 790,028.35
2. Net due to all previous change orders	\$ 2,385.00
3. Amount of contract not including this change order	\$ 792,413.35
4. Addition to contract due to this change order	\$
5. Amount of contract including this change order	\$

Change Order Conditions:

The contract completion period established by the original contract and previous change orders will remain unchanged. The final completion date will be October 15, 2011.

Work performed under this change order will be subject to all the requirements as stated herein and in the contract documents and all change orders.

The Contractor expressly agrees that he will place under coverage of his Contractor's Improvement Bond and insurance all work covered by this change order.

All work performed under this change order shall be performed in accordance with the requirements of this change order, the plans, the specifications, and the contract documents.

Recommended for Acceptance:

IIW, P.C.

SEAL	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa. FOR IIW, P.C.
	Geoffrey T. Blandin, P.E. Date License Number 15274 My license renewal date is December 31, 2011 Pages or sheets covered by this seal: Change Order No. 3

Accepted and/or Requested:

CONTRACTOR
Drew Cook & Sons Excavating, Inc.

BY

		Signature
NAME	Drew Cook	
TITLE	Vice President	Type or Print
DATE		

Accepted and/or Requested:

OWNER **City of DeWitt, Iowa**

Attest:

BY _____
Signature

BY _____
Signature

NAME: Donald Thiltgen
Type or Print

NAME Cathie Benthin
Type or Print

TITLE: Mayor

TITLE City Clerk

DATE _____

RESOLUTION NO. 2011-83

APPROVING CHANGE ORDER NO. 3 FOR THE 11TH STREET PAVEMENT & IMPROVEMENTS 2011 PROJECT AND AUTHORIZING THE MAYOR TO SIGN SAME

WHEREAS, pursuant to notice duly published in the manner and form prescribed and as required by law, bids and proposals were received by the City Clerk and reported to this Council for the proposed 11th Street Pavement & Improvement Project 2011 for the City of DeWitt, Iowa (the "Project") as described in the public notice of hearing; and,

WHEREAS, Tschiggfrie Excavating, Dubuque, Iowa, was awarded the contract for the "Project" under Resolution No. 2011-30 approved March 21st, 2011 for the amount of \$1,212,883.15; and,

WHEREAS, it has been determined necessary and prudent to make the following changes:

Description of Change:

City to purchase the following list of miscellaneous water main related items from Contractor:

- a. 5 – 6" Gate Valves
- b. 3 – 8" Gate Valves
- c. 1 – 12" Gate Valve
- d. 2 – 8"x6" Locking Tees
- e. 3 – 8" 45-Degree Bends
- f. 1 – 8" Solid Sleeve
- g. 2 – 6" Solid Sleeves
- h. 4 – 6" 45 Degree Bends
- i. 2 – 4" 45 Degree Bends
- j. 1 – 4" Solid Sleeve
- k. 4 – 3" 45 Degree bends
- l. 54LF – 6" DIP Water Main

Lump Sum cost for materials only \$9,490.43

TOTAL CHANGE ORDER NO. 3 **\$9,490.43**

NEW AMOUNT OF CONTRACT WITH CHANGE **\$1,242,973.58**

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of DeWitt, Iowa, that the Council approved the attached Change Order No. 3 of the "Project" and authorizes the Mayor to sign same.

PASSED, APPROVED AND ADOPTED this 1st Day of August, 2011.

DONALD J. THILTGEN, MAYOR

ATTEST:

CATHERINE M. BENTHIN, CITY CLERK

Work performed under this change order will be subject to all the requirements as stated herein and in the contract documents and all change orders.

The Contractor expressly agrees that he will place under coverage of his Contractor's Improvement Bond and insurance all work covered by this change order.

All work performed under this change order shall be performed in accordance with the requirements of this change order, the plans, the specifications, and the contract documents.

Recommended for Acceptance: **IIW, P.C.**

SEAL	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa. FOR IIW, P.C.
	Geoffrey T. Blandin, P.E. Date License Number 15274 My license renewal date is December 31, 2011 Pages or sheets covered by this seal: Change Order No. 3

Accepted and/or Requested:

CONTRACTOR Tschiggfrie Excavating

BY _____
Signature

NAME _____
Type or Print

TITLE _____

DATE _____

Accepted and/or Requested:

OWNER City of DeWitt, Iowa

Attest:

BY _____
Signature

BY _____

Signature
 NAME Cathie Benthin
Type or Print

TITLE City Clerk

NAME: Donald Thiltgen
Type or Print

TITLE: Mayor

DATE _____

DEWITT

Chamber of Commerce

"CROSSROADS TO OPPORTUNITY"

www.dewitt.org

e-mail: info@dewitt.org

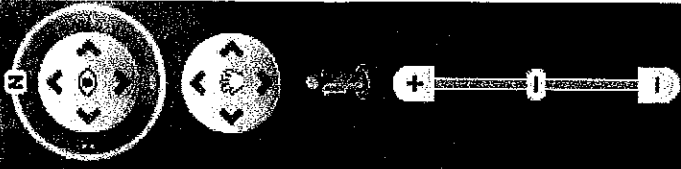
MISSION STATEMENT: The mission of the DeWitt Chamber of Commerce is to foster a progressive local economic climate by providing resources and education for members to increase their value to their customers, employees and community.

DEWITT HOLIDAY DECORATION PROJECT

Northern Lights Display

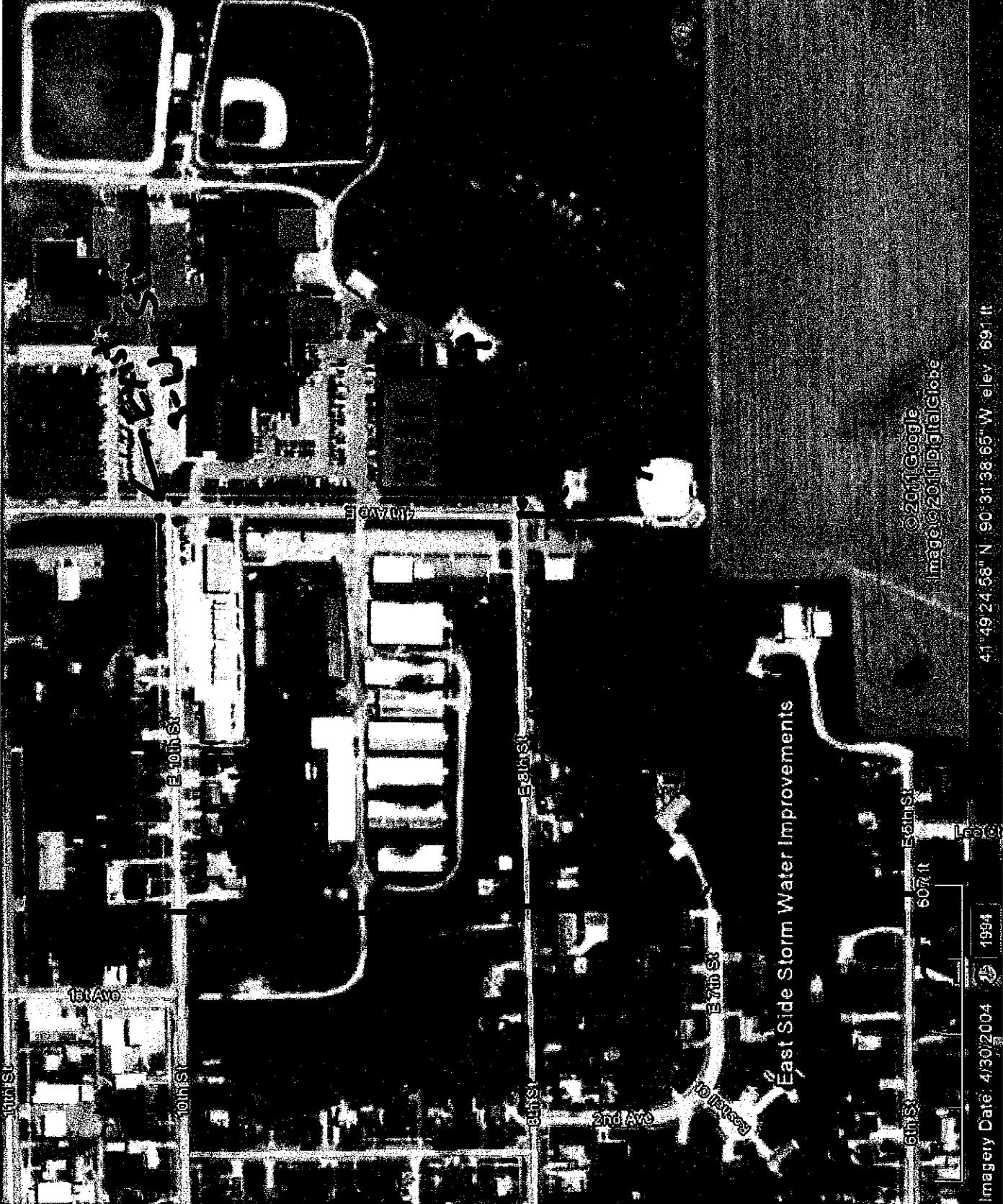
72 Screened Banners @ \$88.00	\$6,336.00
40 8' Bethlehem Star Units @ \$519.00	20,760.00
46 18' Gold Metallic pole wraps @ \$2.38	1,970.64
42 Custom star pole light @\$313.00	13,146.00
66 15' Gold metallic pole wraps @ \$2.38	2,356.20
36 Sets banner brackets @ \$49.50	1,782.00
Shipping & handling	692.00
TOTAL COST TO NORTHERN LIGHTS	47,042.84
Out of state sale, exempt from sales tax	
City of DeWitt	
Electrical outlets and speakers for seven street lights	\$2,100.00**
Jansen Electric	
Install electric photo eyes in poles on 6 th Avenue	5,000.00
Install electric photo eyes in poles on 11 th Street 26 @ \$263.11	6,840.86
Install outlets in base of poles on west 10 th Street (no speakers)	1,000.00
Install new light brackets	2,000.00
TOTAL ESTIMATED PROJECT COSTS	\$61,883.70

JoElla O'Connell
Executive Director



Google

Eye alt 3316 ft



© 2011 Google
Image © 2011 DigitalGlobe

41°49'24.58" N 90°31'38.65" W elev 691 ft

Imagery Date: 4/30/2004 1994

DEWITT, IOWA

ADDITION OF NEW PROVISIONS

New material may require the addition of a new PARAGRAPH, SECTION, or CHAPTER, as follows:

ORDINANCE NO. 2011-11

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEWITT, IOWA, 2010, BY ADDINNG A NEW SECTION PERTAINING TO PROHIBITING THE USE OF ENGINE BRAKES

Be It Enacted by the City Council of the City of DeWitt, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of DeWitt, Iowa, 2010 is amended by adding a new section in Chapter 62, numbered 62.15, entitled THE USE OF ENGINE BRAKES PROHIBITED, which is hereby adopted to read as follows:

62.15. THE USE OF ENGINE BRAKES PROHIBITED. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from the vehicle.

The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in a manner so as to be audible at a distance of 300 feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, 2011, and approved this ____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2011.

CITY CLERK

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