

**City of Baldwin City
PO Box 68
Baldwin City, Kansas 66006
Council Meeting Agenda**

**Baldwin City Public Library
800 7th Street
Baldwin City, KS 66006**

**TUESDAY
June 20, 2017
7:00 PM**

A. Call to Order- Mayor Marilyn Pearse

B. Consent Agenda

1. Minutes of the July 05, 2017 Regular Meeting
2. Special Event - Baldwin City Living Magazine Launch Party

C. Public Comment:

Members of the public are welcome to comment on items relating to City business not listed on this Agenda. Please stand and wait to be recognized by the Mayor. As a general practice, the comments may or may not be acted upon by the Council during the meeting, or Council may refer the items to staff for follow up.

*If you wish to comment on an item listed on the Agenda, a **sign-up sheet** is provided for you to sign in and provide your address. You will be called on when the Agenda item of interest is under discussion by the Council.*

D. Special Reports or Presentations

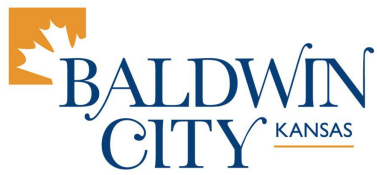
1. Council retreat follow-up- John Divine
2. Hank Booth - Yearly report
3. Jeannette Blackmar- Chamber Report

E. Old Business

1. Resolution 2017-12 - Improvement District discussion
2. Ordinance 1374 - Simoneau rezoning

F. New Business

1. Ordinance 1376 - Uniform Public Offense Code
2. Ordinance 1377 - Standard Traffic Ordinance



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-
3. Ordinance 1375 - Amending Ordinance 1350 seat belts
 4. 2018 Budget Hearing publication

G. Committee and/or Commission Reports

1. Budget and Finance - Kathy Gerstner, David Simmons
2. Community Development Committee - A.J. Stevens, Tony Brown
3. Public Health and Safety Committee - David Simmons, Kathy Gerstner
4. Public Works Committee - Christi Darnell, A.J. Stevens
5. Utilities Committee - Tony Brown, Christi Darnell

H. City Administrator and Staff comments

1. Brad Smith - Audit report
2. Chris Croucher - dangerous meters

I. Council & Mayor Comments

J. Executive Session

K. Adjourn

City of Baldwin City
Minutes from the July 05, 2017
Regular Council Meeting

The Baldwin City Council met in Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Marilyn Pearse presiding.

Present were Council Members: Tony Brown, David Simmons, Christi Darnell, Kathy Gerstner. Also, attending: Glenn Rodden-City Administrator; Ed Courton, Community Development Director; Laura Hartman, City Clerk; Brad Smith, Finance Director; Gregg Schiefelbein, Police Department; Rob Culley, Power Plant Supervisor; Chris Croucher, Utility Distribution Director; Matt Hoy, City Attorney.

A. Call to Order:

Mayor Pearse called the regular council meeting to order at 7:00 p.m.

Public Hearing for the benefit district of making certain improvements to 1st Street was called for by Mayor Pearse. Bill Braun, 215 Signal Oak asked about discussion on this issue and asked about the County residents and how they are helping pay for this. Shane Starkey, asked if there were oral commitments from the non-city residents. Shane asked about the the design of the road for speed bumps. Martin Braun, 1515 N 1st spoke on this item and was concerned about cost overruns. Myra Glover, 130 Signal Oak Ct asked about the assessment and the taxes will pass with the property and not the individual. Myra asked for cost to be in writing per statute. John Vesecky, of the Palmyra township board said he has not talked to anyone that was in favor of this. Terry Braun, 215 Signal Oak asked for something in writing to let them know what is going on. Mayor Pearse closed the public hearing. 7:33 p.m.

B. Consent Agenda: Council considered the following consent agenda items:

1. Minutes of the June 20, 2017 Regular Meeting
2. BCRC Sprint Triathlon special event
3. Baker Wildcat welcome

Kathy Gerstner moved and Christi Darnell seconded to approve the consent agenda. Motion carried with a vote of 4 yes and 0 no.

C. Public Comment: No public comment on items not listed on the agenda.

D. Special Reports or Presentations –

Jeannette Blackmar, Chamber of Commerce Director introduced Marlin Bates, Executive Director K-State research and extension program, first impression program. Jeannette outlined what this program is and how the council can be involved. Marlin Bates shared details of the program.

E. Old Business:

1. Mayor Pearse removed her appointment of Shane Starkey from the June 20, 2017 meeting at the request of Shane Starkey. Mayor Pearse made an appointment of A.J. Stevens to fill the vacant position of Steve Bauer to complete the remainder of that term of 2 years. David Simmons asked

if A.J. could tell a little bit about himself. Tony Brown moved and Kathy Gerstner seconded to approve the appointment of A.J. Stevens for the remainder of Steve Bauer's term of 2 years. Motion carried with a vote of 4 yes and 0 no. Laura Hartman gave the Oath or Affirmation to A.J. Stevens to fill the council position. A.J. will also fill the position on the 2 committees that Steve Bauer served; Community Development and Public Works.

2. Council reviewed Resolution 2017-12, Improvement District draft. David asked about having a representative from each group be involved in the conversation. Kathy said she had no issue with the time period. Mayor Pearse was concerned about John Vesecky's remark about the Palmyra board approving this. Matt Hoy said Council has 60 days to act on the public hearing. Shane will let the Mayor or Glenn know who would represent the homeowners. Council will continue discussion at the next regular Council meeting.

F. New Business

1. Crack Sealer lease purchase - Brad explained the bids and cost of this lease purchase. Kathy Gerstner moved and Christi Darnell seconded to approve the lease purchase from PMI not to exceed \$42,000. Motion carried with a vote of 5 yes and 0 no.
2. Street Sweeper - Brad explained the cost of the purchase of a street sweeper. Kathy Gerstner moved and A.J. Stevens seconded to approve the purchase of a street sweeper from Key Equipment supply in the amount of \$65,000. Motion carried with a vote of 5 yes and 0 no.
3. Crist Final Plat - Kathy Gerstner moved and Tony Brown seconded to approve the Crist addition final plat. Motion carried with a vote of 5 yes and 0 no.
4. Ordinance 1374 Simoneau Rezoning - Ed Courton explained this ordinance to council. Council had discussion. Casey Simoneau also added information about the rezoning of this property. This is a first reading of the ordinance. Action will take place at the next regular meeting.

G. Committee Reports:

Budget and Finance- Kathy Gerstner- Committee will meet tomorrow 7:30 a.m. Next Monday at 7:00 p.m. 2018 Budget discussion is scheduled at the Library.

Community Development Committee - Tony Brown- Need to schedule a meeting.

Public Health and Safety Committee- David Simmons - Committee met and are presenting an ordinance to a land use attorney to review.

Public Works Committee- - Christi Darnell – No report

Utilities - Tony Brown- No report

H. City Administrator and Staff Comments

Glenn reported ongoing communication of Rec center. Met with Steve and they are not able to move forward with the project. Glenn said there will not be a sales tax option on the ballot.

Ed hired a codes administrator, Ken Hoffman to begin July 31, 2017.

Laura shared Kenny Oshel hired Toby Aquirre, and he will start Monday, July 10, 2017.

Chief Neis talked about an ordinance to amend the seatbelt ordinance in the STO which will be coming

to council soon.

Kathy Gertsner asked the Police Chief where the law was at with conceal carry.

I. Council & Mayor Comments

David asked that we consider Rob Culley comments of having a third person at the power plant.

J. Executive Session – none at this time

K. Adjourn –Kathy Gerstner moved and Christ Darnell seconded to adjourn the regular meeting.
Motion carried with a vote of 5 yes and 0 no. Time 8:47 p.m.

Approved by the governing board on _____, 2017.

Attest:

Laura E. Hartman, City Clerk

RESOLUTION 2017-12

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN IMPROVEMENTS TO FIRST STREET; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST.

WHEREAS, K.S.A. 12-6a01 et seq. (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the City-at-large; and

WHEREAS, the governing body of the City of Baldwin City, Kansas (the “City”) has by Resolution No.2017-09, directed and ordered a public hearing on the advisability of certain internal improvements in the City, pursuant to the Act; and providing for the giving of notice of said public hearing in the manner required by the Act; and

WHEREAS, a Notice of Public Hearing was duly published once each week for two (2) consecutive weeks in the Lawrence Journal-World, the official newspaper of the City in accordance with the Act; and

WHEREAS, said public hearing was duly held this date, pursuant to such notice; and

WHEREAS, the Act provides that the governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making improvements, adopt a resolution authorizing the improvements in accordance with the findings of the governing body upon the advisability of the improvements, which resolution shall be effective upon publication once in the official City

newspaper; provided, the improvements shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such improvement district are filed with the City Clerk; and

WHEREAS, the governing body hereby finds and determines it to be necessary to make its findings, by resolution, as to the advisability of the proposed improvement, the general nature of the proposed improvement; the estimated or probable cost of the proposed improvement; the extent of the proposed improvement district to be assessed for the cost of the proposed improvement; the proposed method of assessment; and the proposed apportionment of the cost between the improvement district and the City-at-large; and further finds and determines it to be necessary to authorize the making of the improvements, by Resolution, in accordance with its findings, subject to the filing of protest thereto, and to provide for the publication thereof, all as required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. FINDINGS THAT IMPROVEMENTS ARE NECESSARY. The City Council finds it is advisable and necessary that certain improvements be constructed upon First Street as more fully described on the attached Exhibit A (the “**Improvements**”).

SECTION 2. CREATION OF IMPROVEMENT DISTRICT. The Improvements shall be constructed and provide direct primary benefit to the properties adjacent to First Street between State Lake Road (N. 400 Road) and the Northeast Corner of Signal Oak Estates located within the City limits as more fully described on the attached Exhibit B (the “**Improvement Property(ies)**”).

SECTION 3. COSTS, ASSESSMENT, AND APPORTIONMENT. All costs to actually construct the Improvements (the “**Costs**”) are estimated as shown on the attached Exhibit C. The Costs shall be apportioned as shown on the attached Exhibit D among the City of Baldwin City, Douglas County, Palmyra Township, and the Improvement Properties.

SECTION 4. ASSESSMENT TO IMPROVEMENT PROPERTIES. Each Improvement Property shall have an ad valorem assessment payable over a 10-year period against such Improvement Property in an amount equal to 1/7th of the Costs to be borne by the Improvement Properties pursuant to allocation shown on Exhibit D as further illustrated on the attached Exhibit E.

SECTION 5. EFFECTIVE DATE OF RESOLUTION. This Resolution shall be in full force and effect from and after its adoption and publication as provided by law, unless within 20 days after publication of this Resolution, written protests signed by both 51% or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such district are filed with the city clerk.

Passed by the City Council this ___ day of _____, 2017.

Marilyn Pearse, Mayor

ATTEST:

Laura E. Hartman, City Clerk

Published in _____ on the _____ day of _____, 201__

ORDINANCE NO. 1374

AN ORDINANCE RELATING TO REZONING CERTAIN PROPERTY FROM THE RESIDENTIAL LOW DENSITY DISTRICT (R-1B) TO THE TWO FAMILY RESIDENTIAL DISTRICT (R-2), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF BALDWIN CITY, KANSAS.

WHEREAS, application has been made by a representative of the owner to rezone certain property within the City of Baldwin City, Kansas; and

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owners in conformance with K.S.A. 12-757; and

WHEREAS, the Baldwin City Planning Commission held a public hearing on June 13, 2017 regarding the application and, by a 3-0 unanimous vote of the members present, recommended that the property in question be rezoned.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. That the property, situated in the 1700 block of South Street within the City of Baldwin City, Douglas County, Kansas, and described as follows:

Lots 65-67, in West Baldwin Media Townsite Subdivision, a Subdivision in Douglas County, Kansas, as shown by the recorded plat thereof in Baldwin City, Kansas

be, and the same is, hereby ordered rezoned from its present zoning district classification of “R-1B” Residential Low Density District to “R-2” Two Family Residential District.

SECTION 2. The Zoning Administrator of the City of Baldwin City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his or her custody and to show the property herein described to be zoned as “R-2” Two Family Residential District.

SECTION 3. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 2017.

Marilyn Pearse, Mayor

ATTEST: _____
Laura E. Hartman, City Clerk

(Approved as to Form):

Matthew H. Hoy, City Attorney

Changes to 2017 Standard Traffic Offense and Uniform Public Offense Code

UPOC

1. Added definition of **Animal Shelter**
2. Added (1) **Dating Relationship** section to Sec.3.1.1. (c) .
3. Added protection from stalking **or sexual assault** order.....to Sec.3.8.1. (a) (6).
4. Reduced the amount of the fine that goes to the human trafficking victim assistance fund from all to ½ the amount of the fine. The rest shall be remitted as provided by law.
5. Added the entire new **Sec. 4.5.1. Unlawful Use of a Communication Facility.**
6. Removed the entire **Sec. 10.2.**
7. New **Sec. 10.27. added.**
8. Sec. 11.11. (b) (5); the last sentence is amended to say ...such animal at such **shelter** (instead of society, shelter, or pound. This change is due to the addition of the definition of animal shelter as stated above in 1.

STO

1. Sec. 133. (a) ...in use at nighttime shall... *has been amended to say* ...in use **between sunset and sunrise** shall...
2. Amended Sec. 181.2.1. to allow for the new required fine of \$30.00.

Published in _____ on the _____ day of _____, 201__

ORDINANCE NO. 1376

AN ORDINANCE OF THE CITY OF BALDWIN CITY, KANSAS, AMENDING SECTION 11-101 (“INCORPORATING UNIFORM PUBLIC OFFENSE CODE”) OF ARTICLE 1 (“UNIFORM PUBLIC OFFENSE CODE”) OF CHAPTER XI (“PUBLIC OFFENSES”) OF THE CODE OF THE CITY OF BALDWIN CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, DOUGLAS COUNTY, KANSAS.

SECTION 1. That Chapter XI, Article 1, Section 11-101 of the Code of the City of Baldwin City is hereby amended to read as follows:

INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Baldwin City, Kansas, that certain code known as the “Uniform Public Offense Code for Kansas Cities,” 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as adopted by Ordinance No. 1376,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open for inspection and available to the public at all reasonable hours.

SECTION 2. REPEAL. Former Chapter XI, Article 1, Section 11-101 of the Code of the City of Baldwin City is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 201__.

CITY OF BALDWIN CITY, KANSAS

By: _____
Marilyn Pearse, Mayor

ATTEST:

Laura E. Hartman, City Clerk

APPROVED AS TO FORM:

Matthew Hoy, City Attorney

**CHANGES IN UNIFORM PUBLIC OFFENSE CODE
FOR 2017**

The following represent the changes in the Uniform Public Offense Code from the 2016 edition to the 2017 edition.

- Section 1.1. Definitions.**
Added: Animal Shelter.
- Section 3.1.1. Domestic Battery.** (Amended by SB 112)
- Section 3.8.1 Violation of a Protective Order.** (Amended by H Sub. for SB 101)
- Section 4.5. Buying Sexual Relations.** (Amended by H Sub. for SB 40)
- Section 4.5.1. Unlawful Use of a Communication Facility.** (New section created by H Sub. for SB 40)
- Section 10.2. Drawing a Weapon Upon Another.** (Deleted)
- Section 10.27. Illegal Operation of an Amusement Ride.** (New section created by H Sub. for SB 70 and H Sub. for SB 86)
- Section 11.11. Cruelty to Animals.** (Amended by SB 112)

Published in _____ on the ____ day of _____, 201__

ORDINANCE NO. 1377

AN ORDINANCE AMENDING CHAPTER XIV, ARTICLE 1, SECTION 14-101 OF THE CODE OF THE CITY OF BALDWIN CITY INCORPORATING THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS, AS FOLLOWS:

Section 1. That Section 14-101, Incorporating Standard Traffic Ordinance be amended to read as follows:

INCORPORATING STANDARD TRAFFIC ORDINANCE: There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Baldwin City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities, Edition of 2017", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1377," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. REPEAL. Former Chapter XIV, Article 1, Section 14-101 of the Code of the City of Baldwin City is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 201__.

CITY OF BALDWIN CITY, KANSAS

By: _____
Marilyn Pearse, Mayor

ATTEST:

Laura E. Hartman, City Clerk

APPROVED AS TO FORM:

Matthew Hoy, City Attorney

V

VEHICLES

Defined..... 1

For Sale, When Parking Prohibited..... 88

License Tag Required..... 198

Storing on Parking..... 93

Unattended..... 107

W

WINDSHIELD WIPER 177

WINDSHIELDS..... 177

WIRELESS COMMUNICATION DEVICES; USE OF 126.2

WORK-SITE UTILITY VEHICLE 1, 114.5

WRECKS, DEBRIS CLEANED FROM HIGHWAY 112

X

Y

YARDS, DRIVING ACROSS 125

YELLOW FLASHING LIGHT..... 15

YELLOW LIGHT..... 13

YIELD SIGNS, OBEDIENCE TO..... 59

Z

CHANGES IN STANDARD TRAFFIC ORDINANCE FOR 2017

The following represent the changes in the Standard Traffic Ordinance from the 2016 edition to the 2017 edition.

Section 133. Lamps and Other Equipment on Bicycles.
(Amended by HB 2170)

Section 182.1 Seat Belts. (Amended by SB 89)

Published in _____ on the _____ day of _____, 2017

ORDINANCE NO. 1375

AN ORDINANCE AMENDING ORDINANCE NO. 1350 THAT INCORPORATED BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2016", BY ADDING NEW SECTION 4, WHICH AMENDS SECTION 182.1 OF THE STO; ADDING NEW SECTION 14-106 TO CHAPTER XIV, ARTICLE 6 OF THE CODE OF THE CITY OF BALDWIN CITY, WHICH REGULATES TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF BALDWIN CITY, KANSAS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. A new Section 4 of Ordinance No. 1350 is hereby added to read as follows:

SECTION 4. A new Section 14-106 is hereby added to Chapter XIV, Article 6 of the Code of the City of Baldwin City to read as follows:

Sec. 14-106. Amendment of standard traffic ordinance.

Section 182.1 of the Standard Traffic Ordinance adopted and incorporated by Ordinance No. 1350 is amended to read as follows:

Sec. 182.1 Seat Belts.

(a) Except as provided in subsection (b):

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back

seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(d) (1) Persons violating subsection (a)(1) shall be fined \$30 and no court costs; and

(2) Persons violating subsection (a)(2) shall be fined \$60 and no court costs.

(e) As used in this section, **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle.

(K.S.A. Supp. 8-2502-8-2504)

SECTION 2. EXISTING SECTIONS. Along with the section added herein, all provisions of Ordinance No. 1350 shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 2017.

Mayor

ATTEST: _____
City Clerk

(Approved as to Form):

Matthew H. Hoy, City Attorney