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at  
CITY HALL COUNCIL CHAMBERS, 601 MAIN STREET WEST, ASHLAND, WI  
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**ASHLAND COMMITTEE OF THE WHOLE MEETING  
Tuesday, May 31, 2022 – 5:30 PM**

**Please silence all cell phones during the meeting**

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Discussion Items
  - A. **Discussion and Possible Action Regarding Water Meter System Upgrade Project** (*Public Works*)
  - B. **Discussion and Possible Action to Advise the Housing Committee and Planning Committee to Review Ordinances and Zoning Regulations and Explore Potential Housing Options** (*Councilor Lindell*)
  - C. **Discussion and Possible Action Regarding Potential Amendments to Chapter 51: City Council Procedure** (*Councilor Lindell*)
  - D. **Items for Potential Future Discussion**
6. Adjournment

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**SUBJECT:** Discussion and Possible Action Regarding Water Meter System Upgrade Project (*Public Works*)

**RECOMMENDATION:** Approval for Future Council Consideration

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**DEPARTMENT OF ORIGIN:** Public Works

**CLEARANCES:** City Administrator  
Finance Director

**EXHIBITS:**

1. Memo: Water Meter System Upgrade Project
2. DSG Proposal for Ashland WI - Kamstrup AMI Drive-by & AMI Fixed Network System

**SUMMARY STATEMENT:**

The Public Works Director would like to inform Council of an upcoming request to approve a project to upgrade the existing water meter system and provide Council with details on the project justification. See attached memorandum and supporting documents.



Department of Public Works  
2020 6<sup>th</sup> Street East Ashland ~ WI 54806 ~ [www.coawi.org](http://www.coawi.org)

MEMO: Water Meter System Upgrade Project  
TO: City Council  
FROM: John Butler, Director of Public Works

Updating Ashland's aged infrastructure has been a focus of City Utility staff in recent years, including repairs to the sewer collection system and water distribution system. The City's water metering system is part of the aged infrastructure serving the utility systems and, as such, staff has spent significant time assessing options to upgrade. Water meters are used to monitor water consumption in any building or dwelling connected to the water system and meter readings are used to determine bi monthly utility (water & sewer) bills. Thus, performance of the meter system impacts revenue for both the water and sewer Utilities.

This memo is intended to address key questions associated with the water meter system and provide background and justification for staff's recommendation to move forward with upgrades.

#### **Why is the water meter system a priority?**

- ***Age of existing meters.*** A modern (ultrasonic) meter has an estimated useful life of 20 yrs. Older (mechanical) style meters have an estimated useful life of 10 yrs and may contain lead. Mechanical meters have parts that wear with age, resulting in the meters underreporting water use. Out of approximately 3,000 meters, about 41% of Ashland's existing water meters are greater than 20 yrs old while another 21% are between 10-20 years old.
- ***Excessive water loss.*** Non-revenue (water produced but not billed for) in the City's system is shown below by year. All water produced incurs costs for treatment and pumping. The Public Service Commission (PSC) has established 15% as a benchmark for acceptable level of non revenue water.

| 2018 | 2019 | 2020 | 2021 |
|------|------|------|------|
| 15%  | 21%  | 19%  | 25%  |

- ***Revenue.*** Water Utility revenue has generally declined in the past four years. While some of this can be attributed to gains in water efficiency and the COVID-19 pandemic, Utility staff has concluded that under reporting and non functional water meters are a major factor as, aside from a decrease in 2020 due to the COVID-19 pandemic, the volume of water produced has generally increased.

|                   | 2017        | 2018        | 2020        | 2021        |
|-------------------|-------------|-------------|-------------|-------------|
| Annual Revenue    | \$2,365,383 | \$2,391,381 | \$2,329,938 | \$2,294,611 |
| Increase/Decrease | N/A         | -\$25,998   | -\$61,443   | -\$35,327   |
| Gals. Produced    | 209,143,000 | 211,892,000 | 202,276,000 | 223,652,000 |

- ***Industry Standards.*** The City currently reads the majority of the 3,000 meters by touch pad, mounted on the side of buildings/ or dwelling, which requires a significant amount of manpower to the extent that, prior to the switch to bimonthly billing, the Utility employed a full time meter reader. This approach to meter reading is quickly becoming obsolete due to technology as evidenced by the fact that Washburn, Hurley and Superior have already complete or are in the midst of complete water meter system upgrades.

# Find yourself next to the water.

# ASHLAND

Department of Public Works  
2020 6<sup>th</sup> Street East Ashland ~ WI 54806 ~ [www.coawi.org](http://www.coawi.org)

## What is recommended?

- **Complete meter change out.** In 2019, Utility staff evaluated options for water meters and selected Kamstrup meters for annual meter change outs done on an as needed basis. The existing meters rely on a separate meter and radio or touch pad unit, offering more possibilities for component failure. The Kamstrup meters integrate remote reading components with the meter, which reduces the possibility of component failure. Currently, about 300 Kamstrup meters are in use throughout the City, with maintenance staff reporting minimal issues. Staff is recommending a change out of all other meters in order to allow for a standardize type and age of meters throughout the City. This is a significant effort that will require contractual services.
- **Advanced Meter Information (AMI) System.** An AMI system allows for remote meter reading, eliminating the need for staff to visit meter locations each billing period in order to read it. Instead, “base stations” are installed, which continuously transmit meter readings on a daily basis along with monitoring for plumbing leaks/bursts (drastic flow increases), temperature (to prevent freezing), and tampering.

## What is the Cost?

| <u>Meter Costs</u>    |                          |
|-----------------------|--------------------------|
| \$79,984.00           | AMI System Instal        |
| \$7,474.00            | Licensing (Annual Cost)  |
| \$893,776.20          | Meters                   |
|                       |                          |
| \$981,234.20          | Subtotal                 |
|                       |                          |
| <u>Meter Services</u> |                          |
| \$296,370.00          | Meter Installs           |
| \$10,500.00           | Cross Connection Devices |
| \$44,455.50           | Add'l Scope              |
| \$351,325.50          | Subtotal                 |
|                       |                          |
| \$1,332,559.70        | Project Subtotal         |
| \$133,255.97          | 10% Contingency          |
| \$1,465,815.67        | Project Total            |

## What are the Benefits?

- **Capture Water Use & Increase Revenue.** Kamstrup meters capture all water use (think a drinking fountain) while many of the existing mechanical meters will not capture even significant water use (think a toilet flushing). The City last set water rates in 2016 but the full potential of these rates has not been realized due to the age of the existing water meters. Based on case studies from other communities, Utility staff anticipates a 10% increase in water revenue based on increased volume of meter use. Annually, this translates to \$119K (water) and \$145K (sewer) for a total anticipated revenue increase of \$264K per year. Over a 20 year period, this is \$5.1

*Find yourself next to the water.*  
**ASHLAND**

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million in additional revenue that could be used to meet the need for replacement of other aged infrastructure in the Utility systems.

- **Reduced Manpower Need.** The AMI technology would allow the Utility's manpower to be allocated away from meter reading and toward system maintenance that is necessary to ensure safe drinking water and reliable sewer collection. As regulatory requirements increase, the Utility staff have more demands on their time.
- **Operational Efficiencies.** The current meters require either a touch pad to be drilled into the side of a building or dwelling or a radio unit to be mounted somewhere inside. Utility staff troubleshooting meter performance must assess both the meter and radio/touch pad unit while onsite at private property. The Kamstrup integration of the meter and radio unit would allow staff to simply change out the meter while onsite and troubleshoot it later for potential reuse. In addition, maintenance staff is typically unsure of the exact meter type present when visiting a building or dwelling to troubleshoot the meter and must bring multiple tools, supplies, etc in order to be prepared to address a variety of situations.
- **Enhanced Customer Service.** Daily transmittal of meter reading data via the AMI system will allow Utility administrative staff to monitor for excessive water use and alert customers to potential leaks/bursts, helping them potentially avoid costly utility bills before the leak/burst is discovered. Currently, customers are typically only alerted of these situations after the meter is read, the bill is prepared and transmitted to them. In the winter time, some number of customers experience frozen meters, usually due to poorly insulated crawlspaces or a lack of heat in the basement where the meter is located. This disrupts water service and requires costly emergency repair. Again, the AMI system transmittal of daily temperature readings will allow Utility administrative staff to monitor for low temperatures and alert customers prior to freezing. Finally, the Kamstrup metering system offers a free customer portal that allows customers to access personalized information about their water use, which is currently only accessible by contacting Utility staff.

**How would the Utility pay for this?**

- As mentioned above, Utility staff anticipates that the meter system upgrade would generate additional revenue in the amount \$119K (water) and \$145K (sewer) for a total anticipated revenue increase of \$264K per year.
- The Public Works Director and Finance Director have developed a financing plan that would associate revenue bonds, to be paid exclusively by the water and sewer utilities, with general obligation borrowing in order to secure favorable lending terms. The anticipated annual debt service of \$177K per year would be fully paid by the additional revenue generated by capturing a much larger percentage of water use throughout the City.
- With a 3.5% interest rate and 10 year bond term, the anticipated total cost of the loan would be \$1.76 million. Generating an additional \$264K in annual revenue per year would allow the project to fully pay for its own cost in a little less than 7 years.

## Ashland Water Utility

### Kamstrup AMR Drive-by & AMI Fixed Network System

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**Objective:** Ashland Water Utility is looking to replace antiquated mechanical water meters and an aging AMR Drive-by system with smart meter technology and an advanced metering infrastructure (AMI) system that will improve service to customers, decrease costs and measure every drop of water to increase revenue from the water distribution system.

1. Reduce non-revenue water by implementing solid-state meters that will improve low flow measurement and maintain accuracy for the 20-year life of the water meter.
2. Implement an advanced metering infrastructure (AMI) system that will provide hourly reads and consumption, along with meter data analytics that allows the utility to provide proactive service.
3. Utilize real-time alarms that will identify leaks, reverse flow, burst, dry meters, tampers and low battery.
4. Monitor temperatures daily to look for potential frozen meters before they occur.
5. Invest in a system that will advance as technology changes and has one of the lowest Total Costs of Ownership in the industry and a Return-on-Investment within the first few years.

#### **Dakota Supply Group's Recommendation:**

DSG recommends that the City purchase Kamstrup's flowIQ 2250 & 3200 water meters and an advanced metering infrastructure (AMI) system. Two Kamstrup AMI Collectors installed will provide coverage for approximately (+95% daily reads) for all the water meters (AMI Propagation Study pending). The City may need to add some external AMI Antennas to selected meters based on results.

#### **Kamstrup flowIQ Solid-state Water Meters:**

Kamstrup's flowIQ meters are solid-state (aka static) and utilize ultrasonic meter technology. Kamstrup's flowIQ meters have an internal RF radio built into the meter providing an all-in-one meter and AMR/AMI transmitter. The flowIQ meters have one of the lowest start flows in the industry, capturing flow at 0.015 gallons per minute (gpm). The significance of consistent low flow measurement is that it helps identify leaks and reduces non-revenue water by accurately measuring every drop of water that is supplied to distribution network. The flowIQ residential meters are environmentally friendly with a FULL 20-year limited warranty on materials and workmanship, along with accuracy, meaning that the utility is investing in one of the industries leading solutions at a low Total Cost-of-Ownership (see warranty sheet for full details).

Kamstrup's flowIQ meters provide info codes (active and historical alarms) identifying meters with leaks, bursts, tampers, reverse flow, dry meters and low battery. The flowIQ meters provide data logs that can be retrieved via radio frequency (RF) from outside the building with options to retrieve 2400 hours of consumption, 460 days of consumption or 36 months of consumption. With advanced analytics built into the meters, the utility is prepared to handle customer disputes and troubleshoot in minutes without going into the resident's home. In addition, the flowIQ meters provides the monthly minimum ambient temperature and the monthly minimum water temperature flowing through the meter. Simply turn on the READY App on a smartphone or tablet as you perform your daily work and look at the info codes.

## Ashland Water Utility Kamstrup AMR Drive-by & AMI Fixed Network System

### Kamstrup AMI Fixed Network System:

Kamstrup's automated metering infrastructure (AMI) system allows a utility to read meters from the office without rolling a truck and utilize meter data management to provide proactive customer service. The AMI Fixed Network system utilizes the 450 MHz license radio frequency to communicate between the AMI Collector and the flowIQ meters. The 450 MHz radio frequency has an advantage over the 900 MHz radio frequency systems as the technology utilizes a longer, flatter, radio wave that has stronger penetration through solids such as buildings. The 450 MHz radio frequency offers stronger security and reduced signals to provide a reliable and secure two-way communication between the AMI Collector and flowIQ meters. The flowIQ meters communicate with the AMI Collector every three-hours and provides hourly reads and hourly consumption. All info codes are sent real-time through the network and to the utility via an email or SMS text message.

Kamstrup's READy Manager software is a hosted cloud-based solution that allows for the utility to use a simple, user friendly interface to manage the meters and AMI system. READy Manager features include meters-in-stock, consumption reports and hourly meter reads. In addition, the utility can view daily max flow and temperatures of individual meters, visual consumption graphs and group consumption reports. Finally, the AMI network's performance can be monitored on a daily, weekly and monthly basis. The READy Manager software has a simple import/export functionality to the utility's billing software.



### Key benefits of the AMI Fixed Network System over AMR Drive-by System:

- Hourly meter readings and consumption per meter
- Realtime notification of info code (alarms) via an email or SMS text message
- Daily max flow (gallons/minute), Daily average ambient temperature and Daily minimum water temperature for each residential meter
- Ambient temperature high/low info code (alarms)
- Ability to review temperatures daily and notify customers of potential freeze-ups before they occur
- Ability to review hourly data, water patterns and graphs to troubleshoot from the office
- Data comparison of multiple meters in a side-by-side analysis
- Ability to run consumption reports without having to read the meters for the given period
- Performance reporting and overview of the network (meters) daily
- Create consumption alerts on key accounts to audit or measure large water usage
- Ability to change leak and burst alarm settings on a meter-by-meter basis over the network (two-way communication)
- Optional Customer Portal for end-users to view their meter consumption and receive alerts directly is available at an additional cost (not included in quote).

**SUBJECT:** Discussion and Possible Action to Advise the Housing Committee and Planning Committee to Review Ordinances and Zoning Regulations and Explore Potential Housing Options (*Councilor Lindell*)

**RECOMMENDATION:** Discussion and Possible Action

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**DEPARTMENT OF ORIGIN:** Councilor Lindell

**CLEARANCES:**

**EXHIBITS:** 1. Making Room for Missing Middle, 4 Recommended Resources - Strong Towns 2-2-2021

**SUMMARY STATEMENT:**

Councilor Lindell requested discussion regarding directing the Housing and Planning Committees to review ordinances and zoning regulations, and to create a comprehensive report for Council so that the City can better address the critical housing shortage that we face.

Below are a variety of, but not the only, potential housing opportunities and an ability to work with other sectors of government and nonprofits to address this critical issue.

[Agenda for Plan Commission Meeting, City of Superior, WI May 18, 2022](#)

[Making Room for Missing Middle: 4 Recommended Resources, Strong Towns February 2, 2021](#)

# Making Room for Missing Middle: 4 Recommended Resources

John Pattison · February 2, 2021

Strong and financially resilient communities are comprised of a variety of housing types.

Not just single-family detached homes on one end of the spectrum and huge apartment complexes on the other, but a wide range of “middle housing” options in-between: duplexes, triplexes and fourplexes, courtyard cottages, bungalow apartments, and more. Yet

these middle housing types—so familiar to our grandparents and great-grandparents—are rarely built today.



The central path through [Evans Oaks](#), a new cohousing community in Silverton, Oregon. Image by Jen Rahn.

Dan Parolek of [Opticos Design](#) coined the term “missing middle housing” to describe middle housing options that are in high-demand (across all age groups) but getting harder and harder to find. All too often, the market isn’t even given a chance to meet demand. Among other barriers, middle housing types have been zoned almost out of existence in many communities. Just how *missing* is missing middle housing? In a [recent Strong Towns webcast](#), Parolek said that middle housing’s share of all housing produced dropped from more than 25% a century ago to less than 10% today. In the meantime, more than a quarter of all Baby Boomers and nearly 60% of

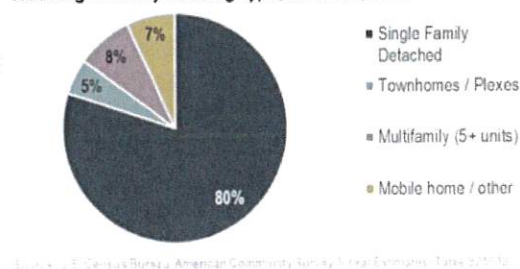
Millennials say they are looking for walkable living and missing middle housing.

millions of us will be downsizing in the next two decades.

Happily, my own town of Silverton, Oregon has begun a community-wide conversation about middle housing. The City will be updating its zoning code standards to encourage more middle housing and provide greater housing choice. These changes were prompted in part by the 2019 passage of Oregon's HB 2001, which requires communities of 10,000 or more to allow duplexes on any lot zoned for single-family residential, and communities of 25,000 or more to also allow triplexes and fourplexes. (Silverton is just over the 10,000 threshold.) The bill, which our senior editor Daniel Herriges [wrote about here](#), was championed by a [diverse coalition](#)—including AARP of Oregon, the NAACP, Portland Public Schools, and transit advocates, among others—and passed with bipartisan support.

### What is Silverton's Current Housing Mix?

Housing Units by Housing Type, Silverton, 2018



Screenshot from the City of Silverton's virtual town hall on middle housing.

Another reason Silverton is having this conversation now is in response to a recently-completed Housing Needs Analysis (HNA). According to the [final HNA report](#), the median housing price jumped 72% between 2016 and 2019, from \$250,000 to \$429,000. Rental housing is scarce and cost burdens for renters are going up. The report confirmed with data what Silvertonians were already seeing: housing

affordability, variety, and flexibility are major problems here. A pastor friend told me a couple years ago that, in a recent gathering of ministers, the majority of clergy identified affordable housing as the number one issue facing our town. Many young people who grew up in Silverton and would prefer to resettle here after college can't afford to buy and can't find a place to rent. Other friends who work with Silverton's unhoused population tell stories of neighbors, including families with children, who find themselves suddenly homeless. They're living in cars now, sleeping on the street couch-hopping or in non-COVID times spending cold winter nights in the



Looking ahead, Silverton is expected to add another 3,000 residents over the next 20 years. Aging Baby Boomers and Xers, as well as Millennials starting households, will put additional pressure on the available housing stock. Silverton needs more

multifamily housing, but the HNA concluded that we can't accommodate demand based on existing zoning.

Thus, Silverton is considering changes to its zoning codes that would encourage duplexes, triplexes and fourplexes, cottage clusters, and townhomes. In January, the City facilitated a virtual open house to talk about middle housing and answer questions. Then they asked residents to give input via a survey. Some of the questions:

### **What should be the top policy goals for introducing middle housing zoning standards?**

Goals included managing the impacts of parking, supporting more affordable housing, encouraging walkable neighborhoods, and several others. We were asked to rate them from not important to very important.

### **Knowing that standards must be applied equally to duplexes and single**

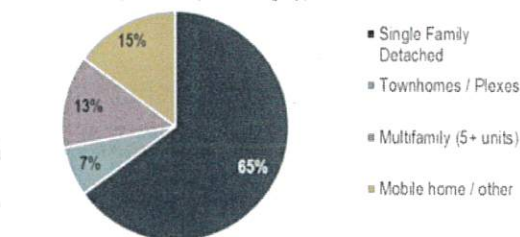
### **family detached dwellings, how important are the following duplex code**

**standards?** We were asked to rate the importance of the following standards:

- Adding a requirement for a garage or carport
- Allowing attached and detached configurations
- Modifying setbacks and lot coverage standards to allow for more units
- Reducing minimum lot sizes to allow for more duplexes
- Creating physical/ visual connections between dwellings and the street

### **What will New Housing in Silverton Look Like?**

New Housing Units by Housing Type, Silverton, 2020-2040



Source: 2019 Silverton Housing Needs Analysis

Screenshot from the City of Silverton's virtual town hall on middle housing.



How important are the following cottage cluster code standards? Again, we were asked to rate:

- Limiting overall size of the cottages
- Orienting cottages around a shared courtyard area
- Modifying setbacks and lot coverage standards to allow for more units
- Creating physical/visual connections between dwellings and the street
- Providing options for shared parking or parking close to each cottage

Similar questions were asked about townhouses, triplexes, and quadplexes.

The survey was short. It also included good illustrations, which I appreciated. Still, I received texts and Facebook messages from friends and family about the survey. Not because I'm an expert, but because Strong Towns [talks a lot about missing middle housing](#) and I talk a lot about Strong Towns. I answered questions as best I could. I also shared some of our best, most accessible resources on the topic.

It occurred to me to share some of those recommended resources here too. If *your* town or city is having a much-needed conversation about missing middle housing, or if you want to [help start one](#), these four resources can help.

## Thinking Big About Building Small

Our friend Daniel Parolek, the planner who coined the term "missing middle," joined Strong Towns for a public webcast where he shared from the

Missing Middle Housing: Thinking

talked about how to bring affordability back into your community. Catch that webcast recording at right. And don't miss the [follow-up Q&A webcast as well](#); he answers a ton of important and detailed questions about how to advocate for and build missing middle housing in your community.

[Read more...](#)

## 5 Ways To Make the Missing Middle Less Missing

Missing Middle development is an indispensable piece of the Strong Towns vision for cities that are resilient, adaptable, and can pay their bills. We need to revive a culture of building this way, and we need institutions that will allow it.

Some of the biggest barriers to Missing Middle construction have to do with [financing and federal regulation](#). A lot of city governments see this as outside their domain. But there's plenty that cities can do, too. Here are five things your city should be doing, if it isn't already, to help the Missing Middle get found again.



in most places. This can be true even in urban neighborhoods that *have* a lot of duplexes or small apartment buildings: in many of these neighborhoods, zoning codes were changed in the 1960s or 1970s to prohibit the new construction of anything other than single-family homes. The older apartments that are part of the neighborhood's fabric are grandfathered in, but can't be replaced or imitated.

Fortunately, there's a movement to re-legalize the kind of eclectic neighborhoods, with a variety of home types for ownership and rental, that we used to build nearly everywhere.

[Read more...](#)

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## 8 Things Your Town Can Do to Add More Housing (Without Spending a Dime)

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Housing affordability is often treated as a "big city" problem. The reality is that housing affordability is a [nationwide issue](#), affecting big cities, suburbs, and small towns alike. What's a Strong Town to do? As with transportation, some like to write off housing affordability as a problem of



shelters and housing vouchers for low-income families.

But this argument belies two key points: First, we realistically need **far more new housing** than subsidies could ever possibly provide. Second, policymakers already have a buffet of policies they could adopt that would increase housing affordability and accessibility without spending a dime of taxpayer dollars. If your town is serious about tackling the housing affordability crisis, consider adopting one or more of the following policies.

**Read more...**

## Making Normal Neighborhoods Legal Again

All over the U.S., duplexes, triplexes, fourplexes, ADUs, even small apartment buildings quietly exist in supposedly "single-family detached" neighborhoods. They're normal. They belong. They fill a vital need. But if you applied for a permit to build another one just like them today, you'd be denied.

All over America in cities big and small, the on-the-ground reality belies the



An unobtrusive duplex sits alongside single-family homes. Image via Wikimedia Commons.

legal fiction of "single-family neighborhoods." There are **10,000** **or so** multi-unit

## STRONG TOWNS

stable and prosperous and well-loved places—in [Portland](#) and [Somerville](#) and [Lexington](#) and [Milwaukee](#) and pretty much anywhere you could throw a dart at a map.

What's going on here?

[Read more...](#)

### You May Also Like



#### Herriges Rezoned: A City Shaped by Many Hands

Incrementalism is not an end in itself. Nor is it about a “small-is-beautiful” aesthetic for its own sake. Instead, it’s a practical pathway toward resilient, financially sound places.

May 11, 2022 · Daniel Herriges



#### Reflections on Seaside

What does and doesn’t work about the “great-granddaddy” of New Urbanism?

Apr 22, 2022 · Seth Zeren



#### House Hacking: Urbanism at Its Smallest and Most Personal

This catalog is a primer on house hacking, with plenty of real-life examples of how it is done.

Apr 7, 2022 · Robert Steuteville



#### John Pattison

John Pattison is the **Community Builder** for Strong Towns. He is the author of two books, most recently *Slow Church* (IVP, 2014), which takes inspiration from Slow Food and the other Slow movements to help faith communities reimagine how they are living life together in the neighborhood. John also cohosts *The Membership*, a podcast about Wendell Berry, the Kentucky writer, farmer, and activist. John and his family live in Silverton, Oregon. You can connect with him on Twitter at [@johnpattison](#).

Want to start a local conversation or implement the Strong Towns approach in



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**SUBJECT:** Discussion and Possible Action Regarding Potential Amendments to Chapter 51: City Council Procedure (*Councilor Lindell*)

**RECOMMENDATION:** Discussion and Possible Action

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**DEPARTMENT OF ORIGIN:** Council Lindell

**CLEARANCES:**

**EXHIBITS:** 1. Chapter 51 City Council Procedure.

**SUMMARY STATEMENT:**

The Council President met with the Mayor, City Administrator, City Attorney, and City Clerk to review the Council and Committee of the Whole agendas and items as they relate to the provisions in Chapter 51: City Council Procedures. The intention of bringing this forward for conversation is to ensure that the provisions set are being followed as intended. And because discussion regarding the direction of Chapter 51 should begin with those who serve on Council, the group is asking for discussion regarding looking closer at some points that may be amended to ensure staff and Councilors create agenda items and place them on the appropriate agendas.

Any sections or topics in the Chapter that one feels needs review should be brought forward at this time. Potential areas already reviewed that may be advantageous to amend are as noted below:

[51.03](#) - The final paragraph regarding Closed Session while attending virtually reads that if a Councilor is attending the meeting virtually, they must be excused when entering Closed Session. Although the concern is reasonable, the constraints this puts on Council has shown that some items were postponed due to not having enough members to make a motion due to loss of a quorum. The group is suggesting to amend this statement to allow for virtual attendance except in the case of pending litigation, or if the Mayor, City Administrator, or City Attorney advises it necessary for attendance regardless of the subject.

[51.10](#) - Introduction of Business seems to be a bit outdated, reflecting the time of hard copies and mailing packets. The installation of the agenda software and the Councilors' use of iPads has created a much larger window for submitting, completing and distributing packets. Small updates, such as the timeline to get information to staff, can be tweaked and still allow adequate time to complete the meeting packets.

[51.26](#) - Committee of the Whole meetings are intended for broader discussion and debate, without the pressure of needing a decision or motion to approve. Used correctly, most considerations, scenarios and questions should be brought out for discussion at this time so that the direction of the item can be directed to the appropriate "next-step" such as moving to the Council agenda, to a committee or a department for further research, information, alternatives or direction. Again, some points are outdated and could use review. The group requests discussion from Council to address this section.

Lastly, the group agreed to reintroduce an item on the Committee of the Whole agenda, *Future Items for Discussion* to allow for Councilors or staff to offer potential topics they feel are in need of discussion or action. These topics may be conversation or comments that a Councilor has had with a citizen, or consideration of an

issue they feel needs addressing, or from staff regarding upcoming projects or changes being researched. The topics will be tracked and placed on future COW agendas per the Council President's discretion.

The group debated whether it would be beneficial to ask for an Ad Hoc committee to address Chapter 51 as a whole and bring back recommendations for changes and updates. Ideally, this committee would consist of two Councilors, two staff members, and potentially two citizens or former Councilors. This will be left to the discretion of the Council if this is necessary, or if it's felt the above small changes are sufficient.

## **CHAPTER 51. CITY COUNCIL PROCEDURE.**

**51.01. Statutory Procedures.** Any conflict between the procedures set forth in Secs. 62.11(1) – (4), Wisconsin Statutes, and this Ordinance shall be resolved in favor of the statutory procedures unless the statute authorizes the City to deviate from those procedures, in which case the procedures set forth in this Ordinance shall control.

**51.02. Applicability.** Except as specifically provided herein, these procedures apply to meetings of the Common Council and not to meetings of the Committee of the Whole.

### **51.03. Meetings, Time, Date and Notice.**

(a) Regular meetings of the City Council and Committee of the Whole shall be held on the dates and times determined by Resolution passed by the City Council. If circumstances require a change in regular meeting date, the Mayor shall notify the Council members, the media and general public in writing at least seven days prior to the regularly scheduled meeting date except in exigent circumstances. All meetings of the City Council, and all meetings of any standing or ad hoc committee of the Council, shall be held in compliance with the Wisconsin open meeting law.

(b) Following the spring election of each year, the Common Council shall meet on the third Tuesday of April for the purpose of organization. The Council President shall be selected by a majority vote of the Council members at the annual Reorganizational meeting.

(c) If any meeting date, as fixed by par. (1), falls on a legal holiday, the meeting shall instead be held on the first business day after the holiday at the same hour and place.

(d) No meeting of the Council, the Committee of the Whole, or a combination of the two held on the same day shall exceed three hours in length. At such time as the three hour mark is reached, the presiding officer shall take a vote of the body to determine if the body wishes to continue beyond the three hour mark in order to complete action on the matter then on the floor, or to take up specific items later on the agenda. A majority vote shall be required to continue the meeting. No matter not on the floor at that time may be taken up after the three hour mark is reached except as approved by such a vote or except for adjournment or except for a matter which, because of legal requirements, must be acted on before the next meeting of the Council.

(e) Ashland City Council and Committee of the Whole shall have the ability to meet in person, virtually, or hybrid (in-person and virtually at the same time). The public has the ability to attend virtually or in person and the ability to speak during public participation period via either method. Virtual attendance is achieved using a designated conferencing program as determined by the City Clerk as the sole method of engagement and attendance other than being in person.

The attendance of any member of the council, in-person or virtually, shall count towards a quorum of such council and that member shall have the full authority to engage in discussions and vote as if they were physically present at the meeting.

The expectation of any member of Council is to attend a meeting in person unless the following conditions apply:

- a) An emergency Order by any federal, state, or local authority discourages in-person gatherings or travel.
- b) Other responsibilities remove a member from the region prohibiting in-person attendance.
- c) Medical precaution due to health concerns, illness or diagnosis.

If a closed session item is on any agenda, virtual attendance is not an option unless a Federal, State, or local authority discourages in-person gatherings or travel.

Reasonable notice of virtual attendance shall be given to the City Clerk's office based on technology needs. If notice is not given with adequate notice, members shall be counted as absent unless physically present at the meeting.

#### **51.04. Special Meetings.**

(a) Who may call. Special meetings of the Council may be called by the Mayor or Council President and special meetings of the Committee of the Whole may be called by the Council President.

(b) Notice of special meetings.

(1) For the purpose of scheduling a special meeting, the City Clerk shall attempt to determine availability of members by notifying each member of the time and purpose of such meeting. If a quorum is likely, a copy of the notice will be delivered personally to the member or left at the member's residence at least six hours prior to the meeting. If a quorum is not likely, the Mayor or Council President will specify an alternate date to be held as quickly as possible and the Clerk shall provide notification to all Council members.

(2) Public notice shall be given in accordance with sec. 19.84, Wisconsin Statutes.

#### **51.05. Calling the Meeting to Order; Who is to Preside.**

(a) The Mayor shall preside and call meetings of the Common Council to order. If the Mayor is absent, the President of the Council shall preside. If the President of the Council is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside until the Council, by motion, selects an acting president for that meeting.

(b) At Committee of the Whole meetings, the Council President shall preside and call the meeting to order. If the Council President is absent, the Mayor shall preside. If the Mayor is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside.

(c) In the absence of the Clerk, the Deputy Clerk shall act as Clerk for the meeting. In the absence of the Deputy Clerk, the Mayor or Council President shall appoint a Clerk for that meeting.

(d) The presiding officer shall make all procedural rulings regarding the conduct of the meeting. Any procedural ruling by the presiding officer may be appealed to the Council or Committee of the Whole, by motion and second, and may be reversed by a majority vote.

**51.06. Roll Call and Opening Business (Effective May 1, 2015).** After the presiding officer calls the meeting to order, the Clerk shall call the roll, to be followed by a Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and the Pledge of Allegiance.

**51.07. Call of the House.**

(a) Any member may request, by motion, a call of the house in the presence or absence of a quorum, and thereby require absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by an affirmative vote of a majority of all members present.

(b) While the City Council is under call and a quorum is present, business may be transacted as if there were no call. If a quorum is not present, then the Council may either wait for the arrival of absent members to form a quorum or may adjourn.

(c) When the attendance of absent members is secured, each member shall have the opportunity to explain his or her absence; however, such explanation will not be mandatory.

**51.08. Approval of Minutes and Agenda.** A copy of the minutes of the last meeting shall be submitted by the Clerk for review by all members and any mistakes therein corrected on the Council floor. The proposed agenda with any revisions must be approved by majority vote of Council or Committee of the Whole prior to conducting any business. No business may be added to the agenda that was not given public notice prior to the meeting.

**51.09. Order of Business.** At all regular meetings, the following order shall be observed, unless otherwise provided in the approved agenda. The order of business may be changed by a majority of the Common Council during the approval of the agenda. No business may be taken up out of order except by majority consent.

(a) Call to order.

(b) Roll Call, Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and Pledge of Allegiance.

(c) Approval of the Agenda.

- (d) Approval of previous Council meeting minutes.
- (e) Citizen Participation Period.
- (f) Mayor's Report, Announcements and Appointments.
- (g) Consent Agenda to include reports or minutes of Committees, Commissions, Boards, and items unanimously approved by Committee of the Whole.
- (h) Other business.
- (i) Listing of topics, without discussion, for future agendas.
- (j) Adjournment.

#### **51.10. Introduction of Business.**

(a) (1) All items for Council consideration shall be in writing accompanied by such explanatory materials as appropriate, together with the name of the authors presenting the same and shall be delivered to the Clerk. (2) All items for Committee of the Whole consideration shall be prepared as follows: Councilors will create and write an agenda bill using an agenda bill form template which shall be reviewed by the Council President and the Clerk for formatting before adding it to the Committee of the Whole agenda. The Clerk will create a final version of the agenda bill in the appropriate format. If the item is approved by a majority of the Common Council at the Committee of the Whole, the writing of the agenda bill would then be directed to the appropriate Committee or staff member, or to the Councilor if he/she desires to be responsible for writing the agenda bill. The Councilor would receive assistance from the appropriate staff member(s) in the preparation of the agenda bill. The agenda bill would then be placed on a future Committee of the Whole or Council agenda following the guidelines in Ordinance 51.

(b) Except as provided in this section, no business shall be placed on a Council or Committee of the Whole agenda without an identification of its origin. Any proposal denied by the Committee of the Whole, or other Committee, Commission or Board may be re-introduced to the City Council, if the City Council has the statutory power to override the denial.

(c) Before an ordinance or resolution is introduced, a copy shall be filed in the office of the City Clerk by 9:00 a.m. on the Tuesday preceding the meeting at which it is to be introduced. The Council may waive this requirement.

(d) No ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form, sooner than ninety (90) days from the date when such ordinance or resolution was defeated.

(e) Routine housekeeping or emergency measures may be placed on the agenda at the Clerk's discretion without referral to committee.

(f) A committee shall take action on any matter referred to it within a period of 60 days unless this time is extended by vote of the Council or approved by the Mayor.

#### **51.11. Presiding Officer to Preserve Order – Council and Committee of the Whole Meetings.**

(a) The presiding officer at a Council or Committee of the Whole meeting shall preserve decorum and ensure that order and civility is maintained throughout the meeting. If a member or visitor does not follow the Council's rules, the presiding officer may, on his or her own motion, or may, at any member's request, call the offending member or visitor to order. The Council, if appealed to by a member, shall decide the matter.

(b) Members of the Council also share in the responsibility of ensuring that proper conduct and civility is maintained at all times. A point of order is in order at any time. Prior recognition by the presiding officer is not required.

(c) When an offending member or visitor is called to order, that person shall immediately be silent and await the decision of the presiding officer. If action is not taken by the presiding officer or enforced by the presiding officer, appeal may be made by a member to the Council. Any visitor continuing to violate the rules may be expelled by order of the presiding officer from the room or building where the Council or Committee of the Whole is meeting, subject to appeal by a Council member and final decision by the Council or Committee of the Whole. Any member of the Council continuing to violate the rules may be expelled by order of the Council or Committee of the Whole from the room or building where the Council or Committee of the Whole is meeting. No Council member who has been expelled from a meeting shall receive any pay from the City for attendance at that meeting.

#### **51.12. Addressing the Council or Committee of the Whole.**

(a) No member shall address the Council or Committee of the Whole until recognized by the presiding officer. All comments shall be addressed to the presiding officer. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first. Each member has a right to speak on each issue unless the question has been called.

(b) After a motion has been made and seconded, the member who made the motion shall have first priority to speak to the motion and shall be called on by the presiding officer to do so. The presiding officer shall recognize members and determine the order in which they shall speak. A member who has not yet spoken to an issue may be given priority over another member who has already spoken to the issue. Otherwise, the presiding officer shall generally recognize members in the order of their requests and shall name each member who is to speak.

#### **51.13. Public Participation: Citizen Participation Period.**

(a) The following are the rules that apply to citizen comment during the public participation period, and shall be read aloud by the Clerk before each public participation period:

- (1) Citizens may speak during the Citizen Participation Period.
- (2) Audience members may speak outside of the Citizen Participation Period only by approval of a majority of the Council. If you wish to speak outside of the Citizen Participation Period, please raise your hand and wait for the presiding officer to recognize you.
- (3) Citizens will be allowed to speak for 3 minutes.
- (4) Speakers will refrain from profanity and use of derogatory, accusatory, or inflammatory remarks.
- (5) All citizens are entitled to advance notice of topics that will be discussed at Council and Committee of the Whole meetings. Therefore, Councilors and staff members will not respond to citizen comments during the meeting. They will only listen. The Council or Committee of the Whole, as allowed by the Presiding Officer (that is, the Mayor or the Council President) may address the matter by putting it on a future agenda for discussion or by providing for some other kind of follow-up.
- (6) The Council may not take action on any matter not on the agenda.
- (7) Any citizen wishing to present written materials to the Council shall leave them at a place designated by the presiding officer.

(b) If the presiding officer decides that a citizen's comments are not relevant or are derogatory, accusatory, or inflammatory, or that the citizen has spoken beyond the time allotted, the presiding officer may, subject to appeal to the Council by a Council member, do any of the following:

- (1) Order the citizen to modify his or her comments;
- (2) Order the citizen to refrain from speaking;
- (3) Order the citizen to leave the Council Chambers; or
- (4) Take such other steps as may be necessary to ensure the efficient conduct of the Council's business.

**51.14. Public Participation: Public Hearings.** In conducting a public hearing, the Council or Committee of the Whole shall allow all interested parties an opportunity to speak on the subject matter of the hearing. Each speaker shall have a time limit of five minutes to address the Council or Committee of the Whole unless modified by majority vote.

**51.15. Public Participation: Other.** Citizens may be allowed to speak at times other than the Citizen Participation Period upon approval by a majority vote of the Council or Committee of the Whole. Speakers shall be limited to three minutes. All limitations on citizen comment set forth in

sec. 51.13 apply to comments made during other times of the meeting.

**51.16. No Persons Allowed on Council Floor Except Members of the Council.** No persons except members and officers of the Council shall be allowed to come to the Council floor during the session of the Council or Committee of the Whole without the permission of the presiding officer or a recommendation of any Council member and approval by a majority vote of the Council.

**51.17. Motions – Council and Committee of the Whole.** Once a motion has been made and seconded, but before its final reading by the Clerk as provided below, the motion or the second may be withdrawn, and by mutual assent of the maker and the seconder of the motion, the motion may be amended. Upon request of the presiding officer or of any member, the motion shall be read again by the Clerk prior to the vote. The Clerk shall announce the result of the vote upon its conclusion.

**51.18. Motion to Adjourn – Council and Committee of the Whole.** A motion to adjourn shall always be in order, unless the Council or Committee of the Whole is engaged in voting, and shall be decided without debate. The member must be recognized by the presiding officer before the motion can be made.

**51.19. Calling the Previous Question– Council and Committee of the Whole.** Upon motion and second to call the question, the Council or Committee of the Whole by a majority vote may terminate debate on any question. A motion to call the previous question shall be voted on without debate.

**51.20. Form of Question – Council and Committee of the Whole.** The call for the vote shall be stated substantially as follows:

(a) If a voice vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no.’

(b) If a roll call vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no’ and the Clerk will call the roll.

**51.21. Taking and Recording the Vote.** The votes for and against shall be taken and recorded upon any motion, resolution, or ordinance before the Council or Committee of the Whole, or upon any other question at the request of the Mayor or any Council members. While a roll call is in progress, the members shall vote from their seats, and no member may explain a vote during the roll call.

**51.22. Roll Calls to be in Continuous Rotation.** On roll call votes at Council and Committee of the Whole meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote.

**51.23. Voting.**

(a) Majority Vote All motions, resolutions, and ordinances shall be passed by an affirmative

vote of a majority of all the members of the Common Council or Committee of the Whole present unless an extraordinary vote is required by law. In all cases, a majority of the votes cast shall be necessary for Council action, provided a quorum has voted.

(b) Tie Vote The Mayor shall not vote except in the case of a tie. When the Mayor does vote in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of the Council or Committee of the Whole has voted favorably or unfavorably on the measure.

(c) Abstentions – Council and Committee of the Whole.

(1) A Council member shall not vote on any proposed motion, resolution, or ordinance in which he or she has a direct pecuniary or personal interest not common to other members of the Council.

(2) A Council member who is required by law to abstain from voting on any particular matter shall not be counted as present for purposes of determining whether a quorum exists for the vote or whether a sufficient number of Council members have voted in favor of the matter for it to be approved.

(d) Vote Changes – Council and Committee of the Whole. A Council member may not change a vote once the vote is cast.

#### **51.24. Motions to Reconsider and Rescind.**

(a) Motion to reconsider. Except for those motions which under parliamentary procedure are not subject to reconsideration, it shall be in order for any member who voted in the majority to move a reconsideration of such vote at the same or next succeeding regular meeting of the Council (if the action to be reconsidered was taken at a Council meeting) or at the same or next succeeding regular meeting of the Committee of the Whole (if the action to be reconsidered was taken at a meeting of the Committee of the Whole). A motion to reconsider having been lost shall not be again in order.

(b) Motion to rescind. A motion to rescind may be made by any member at any time, if a motion to reconsider is no longer procedurally available, except when something has been done as a result of the vote that the Council cannot undo, such as when a contract has been entered into with a third party based on the vote. A motion to rescind is the same as a motion to amend, with the effect of the motion, if approved, being the deletion of the entire previous act which is the subject of the motion.

**51.25. Rules to Govern Council and Committee of the Whole.** In the absence of a standing rule, the Council and Committee of the Whole shall be governed by the most current version of Robert's Rules of Order kept on file in the City Clerk's office. The most current version of the League of Municipality Handbook kept on file in the City Clerk's office shall be used to determine rules of order when an item is ambiguous or Robert's Rules of Order are unclear.

#### **51.26. Committee of the Whole.**

(a) The City Council may meet as a Committee of the Whole following the conclusion of each Regular Council meeting. The President of the Council shall preside over the Committee of the Whole meeting and call the meeting to order. The Committee of the Whole shall consider items proposed for action and make recommendations for following Council agendas. All items must receive favorable recommendation by the Committee of the Whole prior to placement on the Council agenda except as provided in subsection (b), below.

(b) The following matters may be placed on a Council agenda without first receiving recommendation from the Committee of the Whole:

- (1) Recommendations of the City Attorney relating to accounts and claims.
- (2) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
- (3) Changes to ordinances and resolutions which may be mandated by state or federal law.
- (4) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
- (5) Petitions for direct legislation pursuant to the provisions of sec. 9.20, Wis. Stats.
- (6) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
- (7) Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.
- (8) Items which require action in a timely manner as declared by the Clerk or Mayor.

**51.27. Appointment of Special Committees.** All special committees of the Council shall be appointed by the Mayor and confirmed by the Council unless otherwise directed by the Council, and all special subcommittees of the Committee of the Whole shall be appointed by the Council President and confirmed by the Committee, unless otherwise directed by the Committee.

**51.28. Council and Committee of the Whole Agenda Preparation.**

(a) A proposed agenda, together with relevant materials and communications, shall be prepared by the City Clerk and delivered to the Mayor and Council members not later than 3 business days prior to a regular Council or Committee of the Whole meeting. A similar agenda shall be prepared and delivered for special meetings of the Council, time permitting. No item may be acted on by the Council unless it is included in the proposed agenda. The proposed agenda for a Council meeting shall be prepared at the direction of the Mayor. The proposed agenda for a Committee of the Whole meeting shall be prepared at the direction of the Council

President. Prior to the time established by this section for the preparation of the agenda, the Mayor and Council President shall confer for the purpose of coordinating the Council and Committee of the Whole agendas, taking into account the nature and number of the items of business to be considered at the meetings, and any other considerations deemed relevant by them.

(b) The proposed agenda with supporting documentation shall be available at the City Clerk's office for public inspection and copying two business days prior to a regular Council or Committee of the Whole meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the City Clerk.

(c) The City Clerk shall, upon request, make copies of the agenda and accompanying material available for distribution and may make a charge therefor sufficient to recover copy expenses (as provided for in Codification Ordinance 165 - Comprehensive Fee Schedule), provided one copy shall be made available without charge to each recognized news organization serving the City.

(d) Additions to or deletions from the proposed agenda may be made by the City Clerk and by other City officers upon request or approval of the Mayor, until 12:00 noon of the day of the Council or Committee of the Whole meeting. At such time, the City Clerk shall prepare a set of materials, to include materials not previously delivered, for the Mayor and each member of the Council, which shall be available in the Clerk's office until 4:00 p.m. the day of the Council meeting and available at the meeting place of the Council or Committee of the Whole one-half hour prior to the time scheduled for convening the meeting.

#### **51.29. Consent Agenda.**

(a) The City Clerk, subject to approval of the Mayor, shall place on the Consent Agenda items which in the Clerk's judgment are routine and noncontroversial and require no special vote or action by the Council. An item on the Consent Agenda may be removed by motion, second, and majority vote of the Council. Such motion shall be in order either at the time of the approval of the agenda or at the time of the consideration of the Consent Agenda. Any item or part thereof removed from the Consent Agenda by action of the Council shall be separately considered at the appropriate time in the Council's regular order of business. Any items approved unanimously at a Committee of the Whole meeting will be placed on the Consent Agenda. Any item that requires more than a simple majority of the Council members in attendance to approve shall not be placed on the Consent Agenda.

(b) No separate discussion or debate on matters included in the Consent Agenda shall be permitted. A single motion, seconded and adopted by majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the Consent Agenda without separate reading or discussion thereof.

**51.30. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative

intent that this ordinance shall stand notwithstanding the invalidity of any part.

**51.31. Suspension of Rules.** These rules or any part of them may be suspended by the Council or Committee of the Whole in connection with any matter under consideration by a vote of two-thirds (2/3) of the members present.

**51.32. Amending rules.** By a recorded vote of two-thirds (2/3) of all the members of the Council, these rules or any part of them may be amended.

**51.33. Effective Date.** This ordinance shall take effect upon passage and publication except as indicated in sec. 51.06 in the text of the amendment.

**ADOPTED:** 51 (1814) 8/27/2013

**AMENDMENTS:** 51 (2015-1847) 8/11/2015; 51 (2016-1875) 7/12/2016  
51 (2017-1896) 8/29/2017; 51(2021-1949) 8/10/2021

**SUBJECT: Items for Potential Future Discussion**

**RECOMMENDATION:**

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**DEPARTMENT OF ORIGIN:**

**CLEARANCES:**

**EXHIBITS:**

**SUMMARY STATEMENT:**

This is an opportunity for Councilors to offer topics for possible future discussion at a Committee of the Whole, or to assign to a particular committee or department.