

Mayor:
David Grant

Councilmembers:
Brenda Holden
Emily Rousseau
Tena Monson
Kurt Weber

Address:
1245 W Highway 96
Arden Hills MN 55112

Phone:
651 - 792 - 7800

Website:
www.cityofardenhills.org

**City Council Work Session
Agenda
March 9, 2026
5:30 p.m.
City Hall
City Vision**

Arden Hills is a strong community that values its unique environmental setting, strong residential neighborhoods, vital business community, well-maintained infrastructure, fiscal soundness, and our long-standing tradition as a desirable City in which to live, work, and play.

Members of the public may attend a meeting in-person at City Hall or they may view the meeting remotely on the City's website using the below link. Meetings are also broadcast on Cable Channel 16 for those that live in Arden Hills.

<https://cityofardenhills.org/320/Watch-City-Meetings>

Some Councilmembers may be participating in this meeting by interactive technology/remotely.

This meeting will be streamed live on local Cable Channel 16 and available for playback on our website.

CALL TO ORDER

1. PUBLIC INQUIRIES/INFORMATIONAL

This is an opportunity for citizens to respectfully bring to the Council's attention any items which are relevant to the City. In addressing the Council, you must first state your name and address for the record. Comments shall be limited to three (3) minutes or less. Written documents or other materials should be handed to the City Clerk for distribution to the Council prior to or during the meeting. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public but the Council may refer the issue to staff for further research and possible report or action at a future Council meeting.

2. RESPONSE TO PUBLIC INQUIRIES

3. AGENDA ITEMS

3.A. 2027 Park Improvements

Jess Skalicky, Parks and Recreation Manager

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)

3.B. Proposed Trails In Ramsey County ROW

David Swearingen, Public Works Director/City Engineer

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)

3.C. Met Council's Livable Communities Act Fund For Housing Planning And Policy Development Grant Discussion

Jake Reilly, Community Development Director

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)

3.D. Immigration Enforcement Discussion

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)
[ATTACHMENT C.PDF](#)

3.E. Accessory Dwelling Unit Discussion

Jake Reilly, Community Development Director

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)

[ATTACHMENT B.PDF](#)
[ATTACHMENT C.PDF](#)
[ATTACHMENT D.PDF](#)

3.F. Volunteer Recognition Policy

Julie Hanson, Assistant to the City Administrator/City Clerk

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)

3.G. Code Of Conduct

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)
[ATTACHMENT C.PDF](#)
[ATTACHMENT D.PDF](#)

3.H. Rice Creek Commons/TCAAP Development Discussion

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)

3.I. Agenda Planning

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)

4. COUNCIL/STAFF COMMENTS

ADJOURN

AGENDA ITEM – 3A



MEMORANDUM

DATE: March 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: Jess Skalicky, Parks and Recreation Manager
David Swearingen, P.E. Public Works Director / City Engineer

SUBJECT: Perry Park, Sampson Park, and Ingerson Park Improvement Project

Budgeted Amount:	Actual Amount:	Funding Source:
\$ 520,000 – Perry Park	\$TBD	PIR – Parks
\$ 360,000 – Ingerson Park		
\$ 315,000 – Sampson Park		

Council Should Consider

- Council should consider the project scope for the proposed 2027 Park Improvement Project at Perry Park, Sampson Park, and Ingerson Park.
- Council should consider requesting a proposal from an Engineering Consultant.

Background

In the 2026–2030 CIP, Perry Park, Ingerson Park, and Sampson Park are scheduled for improvements in 2027 (Attachment A). All scheduled park-related capital projects are included in Attachment A for Council’s reference.

Sampson Park and Ingerson Park play structures and swings were built in 2001 and 2000, respectively. Under the City’s Park Maintenance Management Plan, park equipment is replaced on a 20-year cycle.

Ingerson Park is scheduled to receive a new trail connection between Fernwood Ct and Lake Ln.

The Park Maintenance Management Plan states that hard courts should be resurfaced every 5–8 years, with a 25–35 year life expectancy depending on conditions. Sampson Park’s basketball court is scheduled for resurfacing in 2027 and is showing signs of needed rehabilitation.

The Perry Park parking lot is deteriorating and nearing the end of its service life. Public Works has installed large patches to extend usability, and maintenance costs continue to rise. Grading and irrigation issues have led to water pooling in the dog park and on ballfields. As a Level 1 Park, Perry experiences heavy summer use. The Parks Maintenance Plan prioritizes Level 1 facilities, including parking lots, to maintain a well-kept appearance.

Discussion

Staff requests that Council discuss moving forward with improvements to these parks, with anticipated construction completion in fall 2027.

The proposed 2027 Park Improvement Project is budgeted for replacement of the Sampson and Ingerson play structures, rehabilitation of the Sampson hard court, rehabilitation of the Perry parking lot, and ballfield, grading, irrigation, and fencing improvements at Perry Park.

Parks and Recreation staff, Public Works staff, and the PTRC conducted site visits and compiled feedback identifying potential improvements beyond those included in the CIP. These items are outlined in Attachment B. Some are not currently budgeted. Council should consider whether to expand the project scope based on the attached list of additional improvements and its direction. Cost estimates were not prepared for the additional items. If Council expands the scope, estimates will be developed during design.

Staff recommends requesting a proposal from an engineering consultant to manage the project through design and construction, including public engagement, project management, coordination, bidding assistance, surveying, and construction observation. The proposal will be returned to Council for consideration.

Budget Impact

The project funding is provided below:

Perry Park budget

Parking lot rehab:	\$ 485,000
<u>Grading, irrigation, fencing:</u>	<u>\$ 35,000</u>
Total Budget:	\$ 520,000

Ingerson Park budget

Trail connections:	\$ 100,000
<u>Play structure:</u>	<u>\$ 260,000</u>
Total Budget:	\$ 360,000

Sampson Park budget

Basketball Court:	\$ 55,000
<u>Play structure:</u>	<u>\$ 260,000</u>
Total Budget:	\$ 315,000

Funding Source

Perry Park:	\$ 520,000 – PIR Parks
Ingerson Park:	\$ 360,000 – PIR Parks
<u>Sampson Park:</u>	<u>\$ 315,000 – PIR Parks</u>
Total funding:	\$1,195,000 – PIR Parks

Attachments

Attachment A – 2026-2030 CIP – Parks Projects

Attachment B – Perry Park, Sampson Park, and Ingerson Park Amenities Presentation

Capital Improvement Plan

Arden Hills, MN

Project # 25-Park-007
Project Name Parks Master Plan

Total Project Cost	\$175,000	Department	Parks Department
Type	Unassigned	Category	Park Capital Improvements
Priority	2 Very Important	Status	Active
Useful Life	8 years	TCAAP	No

Description

Development of a City-Wide Parks Master Plan.

Prior	Expenditures	2026	2027	2028	2029	2030	Total	Future
75,000	Planning/Design	10,000	10,000	10,000	10,000	10,000	50,000	50,000
	Total	10,000	10,000	10,000	10,000	10,000	50,000	

Prior	Funding Sources	2026	2027	2028	2029	2030	Total	Future
75,000	Capital Improvement Funds (PIR)	10,000	10,000	10,000	10,000	10,000	50,000	50,000
	Total	10,000	10,000	10,000	10,000	10,000	50,000	

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-001
Project Name Hamline Avenue N Trail Connection Improvement

Total Project Cost	\$160,000	Contact	Public Works Director
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	3 Important
Status	Active	Useful Life	25 years

Description

Multi-use grade-separated 10-foot wide bituminous trail improvement approximately 500-feet in length along the East side of Hamline Avenue North from the City of Roseville to the existing trail on Hamline Avenue North in Arden Hills.

Justification

This trail improvement has been identified as a high priority connection. Coordination with surrounding agencies provides cost effectiveness and anticipated 2026 construction.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	160,000	0	0	0	0	160,000
Total	160,000	0	0	0	0	160,000

Funding Sources	2026	2027	2028	2029	2030	Total
Capital Improvement Funds (PIR)	80,000	0	0	0	0	80,000
Ramsey County	80,000	0	0	0	0	80,000
Total	160,000	0	0	0	0	160,000

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-002
Project Name Arden Oaks Park ADA Improvements

Total Project Cost	\$67,500	Contact	Park & Recreation Mgr
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	3 Important
Status	Active	Useful Life	25 years

Description

In 2025 as part of the Arden Oaks Park improvements, the bid alternative for ADA improvements was removed from the scope of work due to budget constraints. The ADA Improvements include concrete pedestrian ramp access from Arden Oaks Drive, bituminous trail improvements, ADA portable toilet pad with enclosure.

Justification

ADA improvements are necessary to provide accessibility to the park amenities. Currently, there is no ADA access.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	67,500	0	0	0	0	67,500
Total	67,500	0	0	0	0	67,500

Funding Sources	2026	2027	2028	2029	2030	Total
Capital Improvement Funds (PIR)	67,500	0	0	0	0	67,500
Total	67,500	0	0	0	0	67,500

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-003
Project Name County Road E Trail Improvements

Total Project Cost	\$375,000	Contact	Public Works Director
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	3 Important
Status	Active	Useful Life	25 years

Description

In coordination with the Ramsey County paving project on County Rd E, Ramsey County will be constructing a new multi-use grade-separated 10-foot wide bituminous trail connection that extends from Elmer Anderson Trail to Lake Johanna Blvd.

Justification

Per the County's cost-share policy, the total cost of the trail construction is split 50/50. Constructing the trail along with the County's road paving project in 2026 allows for more efficient planning/design and lowers construction costs. This trail has been identified as a high priority connection.

Expenditures	2026	2027	2028	2029	2030	Total
Unassigned	0	0	0	375,000	0	375,000
Total	0	0	0	375,000	0	375,000

Funding Sources	2026	2027	2028	2029	2030	Total
Ramsey County	0	0	0	187,500	0	187,500
Capital Improvement Funds (PIR)	0	0	0	187,500	0	187,500
Total	0	0	0	375,000	0	375,000

2026 thru 2030

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-005
Project Name Hard Court & Trail Rehabilitation

Total Project Cost	\$771,000	Department	Parks Department
Type	Improvement	Category	Park Capital Improvements
Priority	3 Important	Status	Active
Useful Life	20 years	TCAAP	No

Description

2026: Arden Manor Court - \$200,000
 2027: Ingerson New Trail Connections - \$100,000; Sampson Basketball Court - \$55,000
 2028: Hazelnut Tennis Court & Trail Rehab - \$265,000 (tie with 2028 PMP);
 2033: Valentine Park Basketball Court - \$85,500; Ingerson Basketball Court - \$65,500
 2044: Cummings Park Sport Court; Royal Hills Sport Court
 2048: Floral Park Sport Court
 2050: Arden Oaks Basketball Court; Freeway Park Basketball Court

Justification

Proposed improvements are intended to maintain existing court surfaces. Other nearby bituminous surfaces are included if applicable such as trails or trail connections. In general, a court surface life is approximately 25 years before cracks and pavement deformation require full reconstruction. Routine crack filling to prolong court surfaces is being performed.

Expenditures	2026	2027	2028	2029	2030	Total	Future
Construction/Maintenance	200,000	155,000	265,000	0	0	620,000	151,000
Total	200,000	155,000	265,000	0	0	620,000	

Funding Sources	2026	2027	2028	2029	2030	Total	Future
Capital Improvement Funds (PIR)	200,000	155,000	265,000	0	0	620,000	151,000
Total	200,000	155,000	265,000	0	0	620,000	

2026 thru 2030

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-006
Project Name GRG Floral Park NRMB

Total Project Cost \$26,125 Department Parks Department
Type Unassigned Category Unassigned
Priority n/a Status Active

Description

Partnership with Great River Greening for buckthorn and general habitat management at Floral Park.

Prior	Expenditures	2026	2027	2028	2029	2030	Total
5,225	Other	5,225	5,225	5,225	5,225	0	20,900
	Total	5,225	5,225	5,225	5,225	0	20,900

Prior	Funding Sources	2026	2027	2028	2029	2030	Total
5,225	Capital Improvement Funds (PIR)	5,225	5,225	5,225	5,225	0	20,900
	Total	5,225	5,225	5,225	5,225	0	20,900

2026 thru 2030

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-007
Project Name GRG Hazelnut & Chatham NRMB

Total Project Cost \$12,000 Department Parks Department
Type Unassigned Category Unassigned
Priority n/a Status Active

Description

Partnership with Great River Greening for buckthorn and general habitat management at Hazelnut & Chatham Parks.

Prior	Expenditures	2026	2027	2028	2029	2030	Total
4,000	Other	4,000	4,000	0	0	0	8,000
	Total	4,000	4,000	0	0	0	8,000

Prior	Funding Sources	2026	2027	2028	2029	2030	Total
4,000	Capital Improvement Funds (PIR)	4,000	4,000	0	0	0	8,000
	Total	4,000	4,000	0	0	0	8,000

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-008
Project Name Park Shelter Replacements

Total Project Cost	\$185,000	Contact	Park & Recreation Mgr
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	4 Less Important
Status	Active	TCAAP	No

Description

Replace existing park shelters:

2029: Royal Hills Park - \$92,500; Hazelnut Park - \$92,500

Justification

Shelters are deteriorating and reaching the end of service life.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	0	0	0	185,000	0	185,000
Total	0	0	0	185,000	0	185,000

Funding Sources	2026	2027	2028	2029	2030	Total
Capital Improvement Funds (PIR)	0	0	0	185,000	0	185,000
Total	0	0	0	185,000	0	185,000

Capital Improvement Plan

Arden Hills, MN

Project # 26-Park-009
Project Name Snelling Ave N. & Royal Hills Trail Improvements

Total Project Cost	\$450,000	Contact	Public Works Director
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	2 Very Important
Status	Active	Useful Life	30 years

Description

Construction of a new 1,800-feet in length, grade separated, 10-ft wide bituminous trail along the West side of Snelling Ave N. Royal Hills Park to Highway 96.

Justification

The new trail will improve safety and adequately accommodate pedestrians & bicyclists along the Snelling Ave. N. Corridor between Royal Hills Park and Highway 96. The proposed trail improvements are in coordination with the North Heights Apartments Development Agreement.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	450,000	0	0	0	0	450,000
Total	450,000	0	0	0	0	450,000

Funding Sources	2026	2027	2028	2029	2030	Total
Park Capital Fund (Park Dedication Fees)	250,000	0	0	0	0	250,000
Developer Contribution	200,000	0	0	0	0	200,000
Total	450,000	0	0	0	0	450,000

Capital Improvement Plan

Arden Hills, MN

Project # 27-Park-001
Project Name Playground Structure Replacement

Total Project Cost	\$1,805,000	Department	Parks Department
Type	Improvement	Category	Park Capital Equipment
Priority	3 Important	Status	Active
TCAAP	No		

Description

Play Structures are programmed for replacement on a 20-year cycle.

2027: Ingerson Park (last replaced in 2000) - \$260,000; Sampson Park (last replaced 2001) - \$260,000;

2029: Royal Hills Park last replaced 2002 - \$275,000;

2033: Valentine Park last replaced 2013 - \$310,000;

2037: Hazelnut Park - \$350,000; Perry Park - \$350,000;

2039: Cummings Park; Johanna Marsh Park;

2043: Arden Manor Park; Floral Park; South Shore Fitness Park

Justification

In order to maintain playground structures that meet current safety guidelines, require a minimum amount of maintenance, and have replacement parts available, the City is attempting to maintain a replacement schedule for playground facilities based on available funds.

Expenditures	2026	2027	2028	2029	2030	Total	Future
Construction/Maintenance	0	520,000	0	275,000	0	795,000	1,010,000
Total	0	520,000	0	275,000	0	795,000	

Funding Sources	2026	2027	2028	2029	2030	Total	Future
Capital Improvement Funds (PIR)	0	520,000	0	275,000	0	795,000	1,010,000
Total	0	520,000	0	275,000	0	795,000	

Capital Improvement Plan

Arden Hills, MN

Project # 27-Park-002
Project Name Perry Park Improvements

Total Project Cost	\$545,000	Department	Parks Department
Type	Improvement	Category	Park Capital Improvements
Priority	4 Less Important	Status	Active
TCAAP	No		

Description

Parking lot pavement rehabilitation project involving full-depth reclamation, spot curb repairs, ADA improvements and subgrade soil corrections - \$485,000;
 Ball field and dog park grading, irrigation improvements, fencing repairs - \$70,000; (Grade two fields in 2027 and two fields in 2028)

Justification

Parking lot pavement is deteriorating and reaching the end of service life. Public Works has placed large area patches to extend usability. Cost of maintenance is increasing each year.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	0	520,000	25,000	0	0	545,000
Total	0	520,000	25,000	0	0	545,000

Funding Sources	2026	2027	2028	2029	2030	Total
Capital Improvement Funds (PIR)	0	520,000	25,000	0	0	545,000
Total	0	520,000	25,000	0	0	545,000

Capital Improvement Plan

Arden Hills, MN

Project # 27-Park-003
Project Name Old Hwy 10 Trail - 96 to Valentine Park

Total Project Cost	\$4,635,000	Contact	Public Works Director
Department	Parks Department	Type	Improvement
Category	Park Capital Improvements	Priority	n/a
Status	Active	Useful Life	25 years
TCAAP	No		

Description

Construction of a new 6,500-feet in length, grade separated, 10-ft wide bituminous trail along the West side of Old Highway 10 from Lake Valentine Rd to Lakeshore Pl.

Justification

The new trail will improve safety and adequately accommodate pedestrians & bicyclists along the Old Highway 10 Corridor between Lake Valentine Rd and Lakeshore Pl in Arden Hills. The proposed trail improvements will complete the North-South connection from MN-51 to Hwy-96.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	0	4,635,000	0	0	0	4,635,000
Total	0	4,635,000	0	0	0	4,635,000

Funding Sources	2026	2027	2028	2029	2030	Total
Grants	0	2,000,000	0	0	0	2,000,000
Ramsey County	0	1,317,500	0	0	0	1,317,500
Capital Improvement Funds (PIR)	0	1,317,500	0	0	0	1,317,500
Total	0	4,635,000	0	0	0	4,635,000

Budget Impact

The 6,500-feet of new trail will be the responsibility of the City to maintain. Maintenance includes, snow/ice control (seasonally), crack sealing and fog sealing (approx. every 5 years).

Capital Improvement Plan

Arden Hills, MN

Project # 28-Park-001
Project Name Lake Johanna Blvd Trail

Total Project Cost	\$2,000,000	Department	Parks Department
Type	Improvement	Category	Park Capital Improvements
Priority	3 Important	Status	Active
Useful Life	20 years	TCAAP	No

Description

Construction of a new 8,100-feet in length, grade separated, 10-ft wide bituminous trail along Lake Johanna Blvd in the North/West orientation from County Rd D to Old Snelling Ave.

Justification

The new trail will improve safety and adequately accommodate pedestrians & bicyclists along the Lake Johanna Boulevard Corridor between Old Snelling Ave and County Road D in Arden Hills. The proposed Lake Johanna Boulevard trail improvements will provide critical connections between Arden Hills neighborhoods, neighboring Cities, Tony Schmidt Regional Park, Bethel College and Mounds View High School.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	0	0	0	1,800,000	0	1,800,000
Planning/Design	100,000	100,000	0	0	0	200,000
Total	100,000	100,000	0	1,800,000	0	2,000,000

Funding Sources	2026	2027	2028	2029	2030	Total
State Aid	0	0	0	1,800,000	0	1,800,000
Capital Improvement Funds (PIR)	100,000	100,000	0	0	0	200,000
Total	100,000	100,000	0	1,800,000	0	2,000,000

Budget Impact

The 8,100-feet of new trail will be the responsibility of the City to maintain. Maintenance includes, snow/ice control (seasonally), crack sealing and fog sealing (approx. every 5 years).

Capital Improvement Plan

Arden Hills, MN

Project # 30-Park-001
Project Name Hockey Rink Board Rehabilitation

Total Project Cost	\$230,000	Contact	Park & Recreation Mgr
Department	Parks Department	Type	Maintenance
Category	Park Maintenance	Priority	4 Less Important
Status	Active	Useful Life	25 years

Description

Through inspection, Public Works has determined the hockey boards and fencing at Perry Park and Freeway Park have reached the end of their service life and are in need of replacement.

This project is budgeted only to replace the boards and fencing with no other improvements to the hockey rink.

Justification

The condition of the hockey boards are deteriorated beyond spot replacement and the fencing is dilapidated.

Expenditures	2026	2027	2028	2029	2030	Total
Construction/Maintenance	0	0	0	0	230,000	230,000
Total	0	0	0	0	230,000	230,000

Funding Sources	2026	2027	2028	2029	2030	Total
Capital Improvement Funds (PIR)	0	0	0	0	230,000	230,000
Total	0	0	0	0	230,000	230,000



2027 Park Improvements Sampson, Ingerson, & Perry Parks

Jess Skalicky
Parks and Recreation Manager

Mayor David Grant

Councilmembers Brenda Holden, Emily Rousseau, Tena Monson, Kurt Weber

Council Worksession

March 9, 2026

Park Locations



- Community Park
- 20 Acres
- Located on New Brighton Road near Thom Drive

- Neighborhood Park
- One Acre
- Located at the end of Lake Lane on the west side of Lake Johanna

- Neighborhood Park
- Five Acres
- Located off of Lexington Avenue in the southeastern corner of the City.

CIP 2026 - 2030

Perry Park

Parking Lot Rehabilitation \$485,000

- Full depth reclamation
- Spot curb repairs
- ADA improvements
- Subgrade soil corrections

Grading \$35,000

- Dog Park grading
- Ballfield grading

Irrigation improvements

Fencing repairs

Total: \$520,000

Sampson Park

Basketball Court \$55,000

- Hardcourt
- Hoop
- Backstop

Playground \$260,000

- Play structure
- Swings
- Curb repair

Total: \$315,000

Ingerson Park

Playground \$260,000

- Play structure with slides
- Swings
- Curb repair

Trail Connections \$100,000

- Fernwood Court to
- Lake Lane

Total: \$360,000

Perry Park Improvements

Included in the CIP:

Parking Lot, Grading, Fencing, Irrigation

Additional Requests:

Retaining Walls, Structure Updates
Dog Park Upgrades, Dead & Diseased Trees

Perry Park

Included in CIP

Redo Parking Lot Island

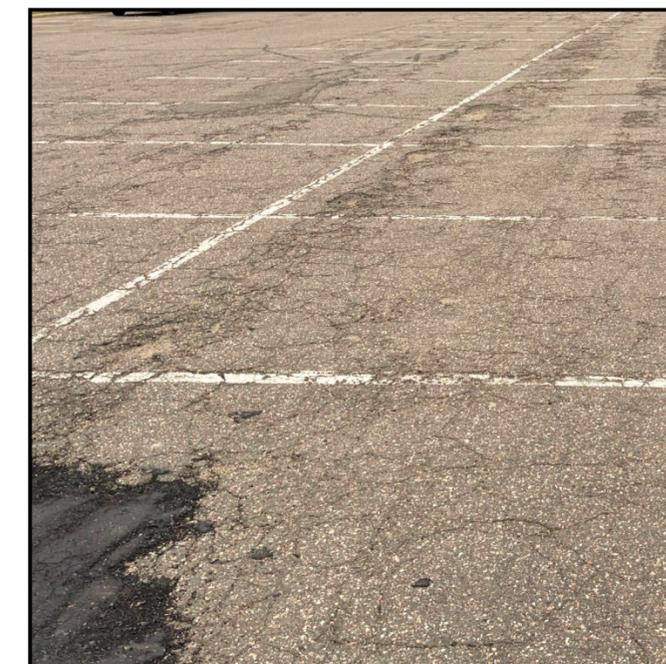
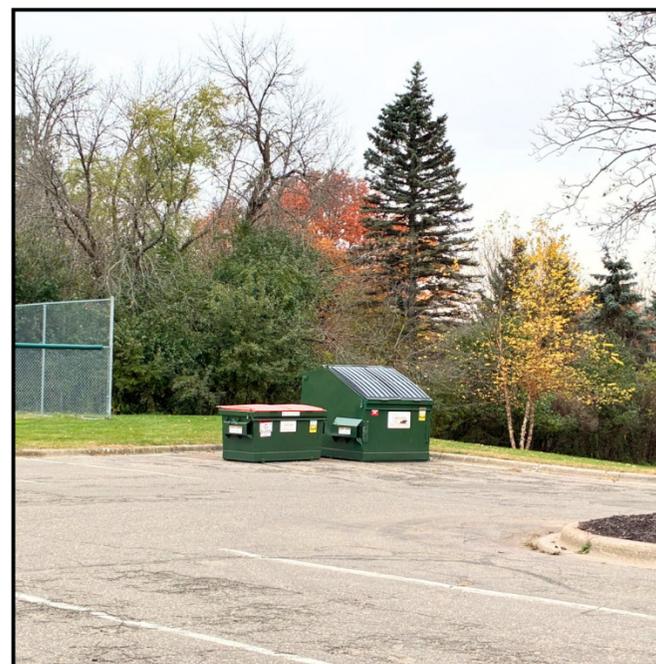
The two trees are struggling due to overcrowding. Replace the two trees with one healthy tree.

Dumpsters up to code

Place dumpsters on concrete pads and place them behind privacy walls to meet city code standards.

Parking Lot Replacement

The parking lot is deteriorating and reaching the end of its service life. Public works has patched large areas, but the cost of maintaining is increasing each year. A full-depth reclamation, spot curb repairs, ADA improvements, and sub-grade soil corrections are included in the CIP.



Perry Park

Included in CIP

Ballfield grading

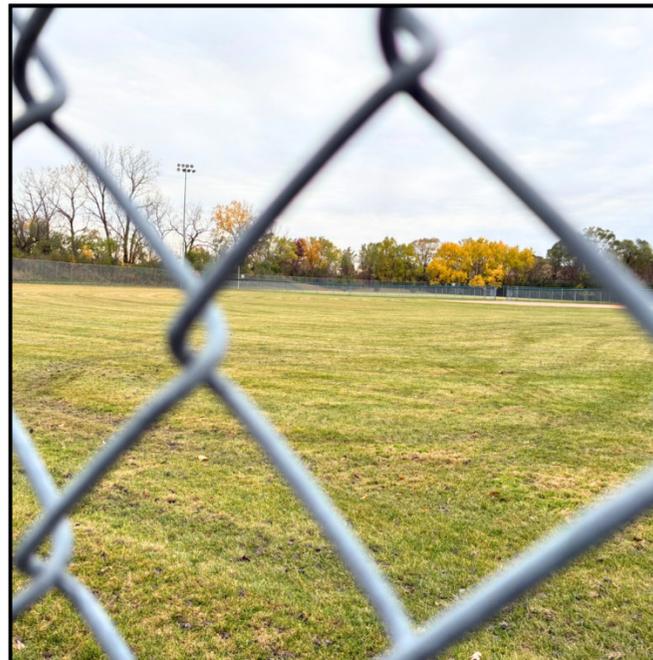
The CIP includes grading two fields in 2027 and two in 2028. Water pools in low spots in multiple fields and machinery can get stuck.

Irrigation

The current irrigation system needs a full inventory and readjustment to ensure proper coverage, fix leaks, and repair faults. Grading work will impact irrigation.

Fence Repair

Fences are damaged throughout the park due to dead and dying trees that fall on the fences.

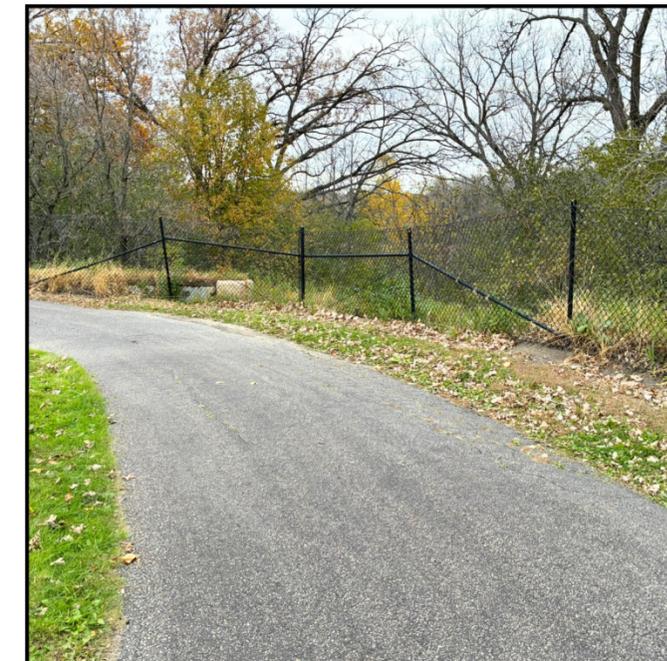


Perry Park

Additional requests

Paved trail retaining walls

The Field 2 trail has settled and slopes outward; retaining walls are failing. Widen and straighten the corner to improve access,



Pavilion & Warming House updates

Run fiber to buildings for future cameras; replace wooden picnic tables; install permanent trash receptacles.

Dead & Diseased Trees

Assess and remove hazardous, dead, or diseased trees near ballfield fences and warming house



Dog Park Improvements

Install a tamperproof dog water source; reinforce fence bottoms to prevent escapes; consider separating small and large dogs

Sampson Park Improvements

**Included in the CIP:
Basketball Court, Playground**

**Additional Requests:
Parking lot upgrades, Tree pruning,
Trash Can & Bench upgrades,
Trail maintenance**

Sampson Park

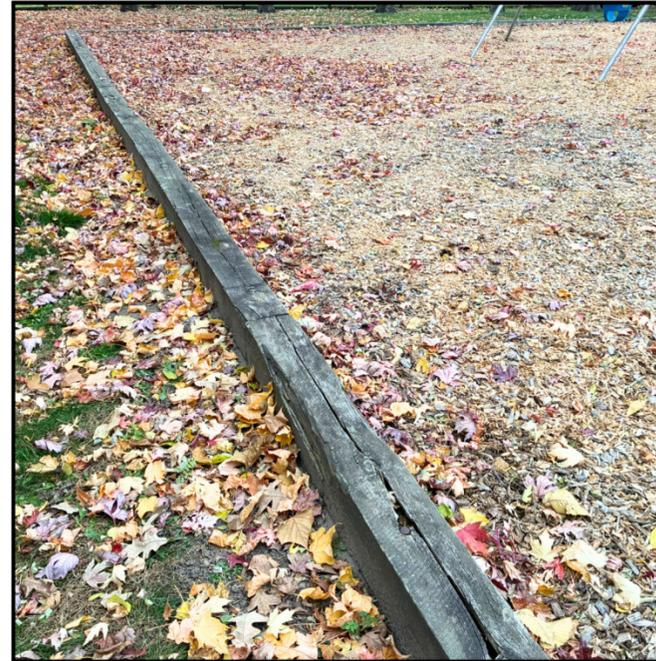
Included in CIP

Basketball Court

Replace the basketball court and install a new hoop; use modern, vandal-resistant chain nets instead of nylon for durability, safety, and improved appearance.

Playground

Fully replace playground equipment and swings. Install concrete ribbon edging, replace engineered wood fiber (EWF) safety surfacing, and install a new bench.



Sampson Park



Additional requests

Trash & Park Bench upgrades

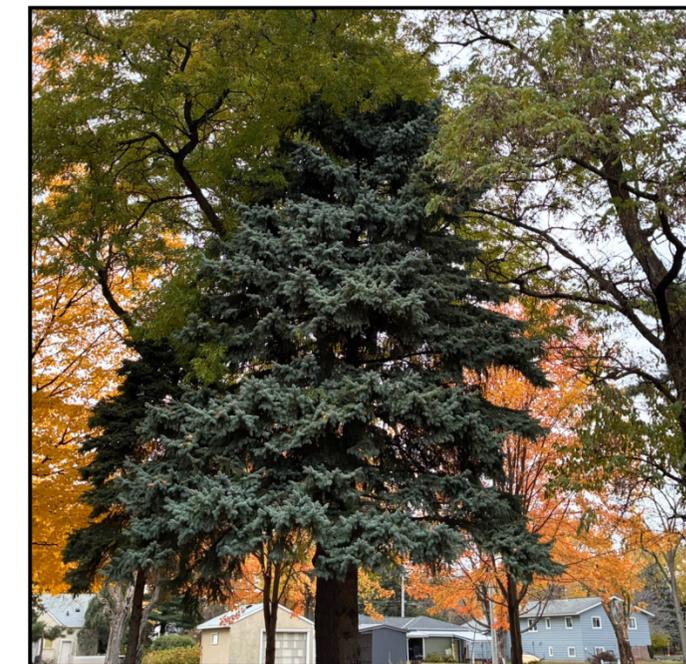
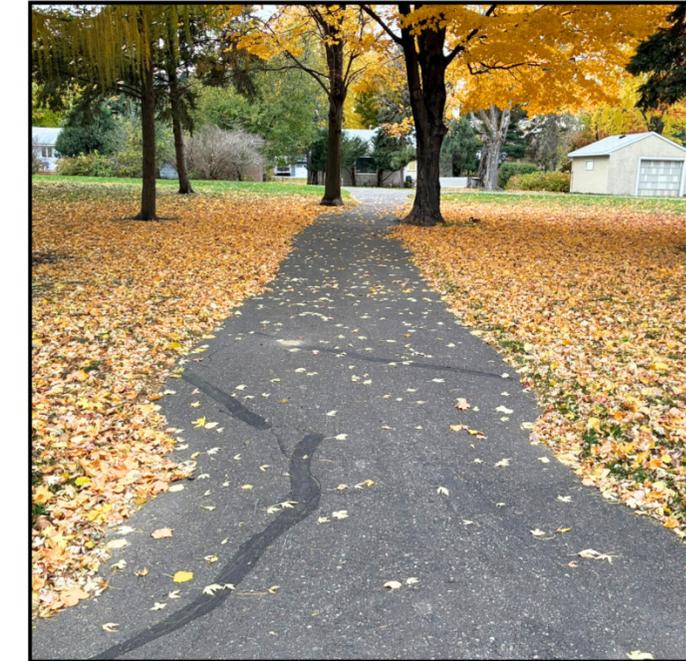
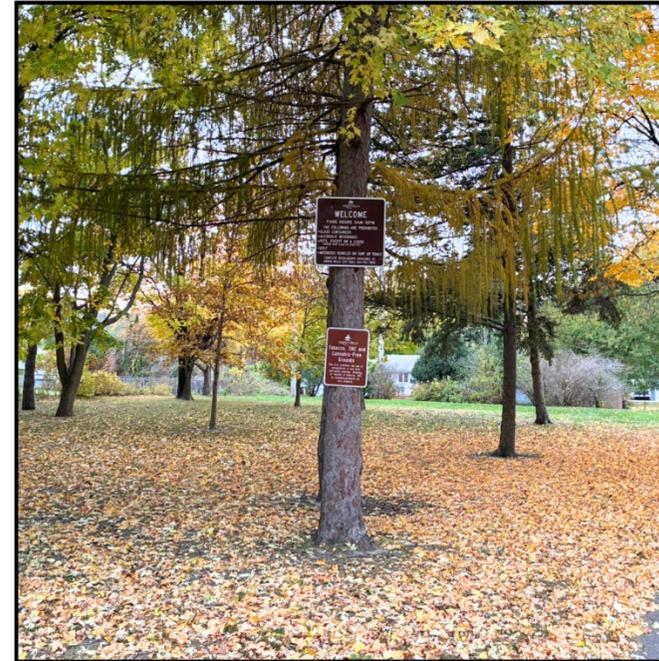
Install permanent trash receptacles on concrete pads; replace wooden picnic tables and existing bench with modern, matching furnishings that reflect the park's neighborhood character.

Parking lot upgrades

Remove parking pylons, regrade the area, and reconstruct the asphalt pads parking lot area.

Trees & Trails

Straighten paved trails while preserving trees where possible; prune and protect trees; relocate road signs from trees to proper posts.



Ingerson Park Improvements

**Included in the CIP:
Playground, Trail Connectivity**

**Additional Requests:
Tree removal & replanting, drainage &
grading, larger parking lot, upgraded
amenities, Warming House**

Ingerson Park



Included in CIP

Trail Connectivity

Create a trail from the cul-de-sacs on Fernwood Court to Lake Lane on the west side of the park.

Playground

Fully replace playground equipment and swings. Install concrete ribbon edging, replace engineered wood fiber (EWF) safety surfacing, and install a new bench.



Ingerson Park



Additional requests

Tree removal & replanting

Remove declining southeast tree grove and other diseased trees. Contract specialty removals as needed. Replant to restore healthy coverage and long-term canopy. Consider replacing tree grove with parking lot as requested by PTRC.

Drainage & grading

Regrade hill and low areas to restore drainage toward the cul-de-sac and Lake Josephine; add topsoil to eliminate depressions and improve safety.

Buckthorn

Remove buckthorn throughout the park perimeter.

Shelter & Amenities

The Parks System Plan calls for future shelter replacement; remove or replace outdated furnishings; install permanent trash receptacles on concrete pads. PTRC requested we install warming house for winter sledding.



Summary

CIP: 2026 - 2030

Perry Park

Parking Lot Rehabilitation \$485,000

- Full depth reclamation
- Spot curb repairs
- ADA improvements
- Subgrade soil corrections

Grading \$35,000

- Dog Park grading
- Ballfield grading

Irrigation improvements

Fencing repairs

Total: \$520,000

Sampson Park

Basketball Court \$55,000

- Hardcourt
- Hoop
- Backstop

Playground \$260,000

- Play structure
- Swings
- Curb repair

Total: \$315,000

Ingerson Park

Playground \$260,000

- Play structure with slides
- Swings
- Curb repair

Trail Connections \$100,000

- Fernwood Court to
- Lake Lane

Total: \$360,000

Summary: Additional Requests

Perry Park

Paved Trail Retaining Walls

Field 2 trail has settled; walls are failing. Widen and straighten the corner.

Pavilion & Warming House Updates

Run fiber, replace picnic tables, add permanent trash receptacles.

Dead & Diseased Trees

Remove hazardous trees near ballfields and warming house.

Dog Park Improvements

Add tamperproof water, reinforce fencing, consider separating dogs.

Sampson Park

Trash & Park Bench Upgrades

Install permanent trash receptacles on pads; replace picnic tables and benches with matching furnishings.

Parking Lot Upgrades

Remove pylons, regrade, and reconstruct asphalt parking areas.

Trees & Trails

Straighten trails, preserve and prune trees, and move signs to posts.

Ingerson Park

Tree Removal & Replanting

Remove declining grove and diseased trees; replant for long-term canopy. Consider future lot in this space.

Drainage & Grading

Regrade hills and low areas to improve drainage; correct depressions.

Buckthorn

Remove buckthorn on park perimeter.

Shelter & Amenities

Install warming house; plan shelter replacement; update furnishings; add permanent trash receptacles.

Council should consider:

Council should consider proceeding with the capital project improvements and adding scope/budget to this project.

AGENDA ITEM – 3B



MEMORANDUM

DATE: March 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: David Swearingen, P.E. Public Works Director / City Engineer

SUBJECT: Proposed trails within Ramsey County Right-of-Way

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should consider proposed trail improvements within Ramsey County Right-of-Way.

Background

Ramsey County Public Works conducts an annual “Locally Led Project Solicitation” beginning in April for proposed projects that fall within Ramsey County Right-of-Way (ROW). This upcoming solicitation is for anticipated projects for the 2028 and/or 2029 construction seasons.

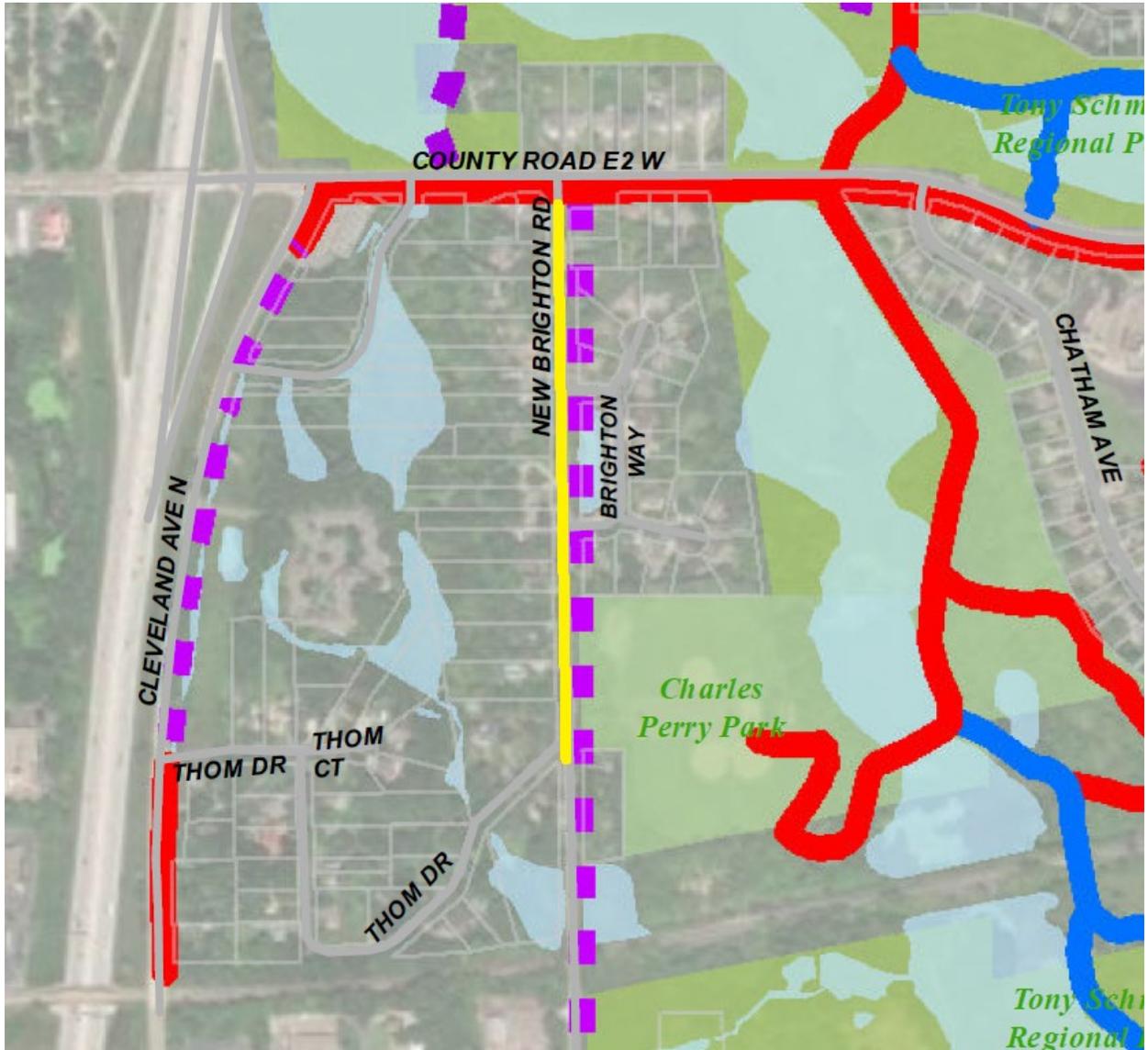
Discussion

Considering the upcoming potential changes to Ramsey County’s cost-share policy as it relates to trails, staff is requesting City Council consider programming additional trail improvements that are within Ramsey County ROW. Staff suggest trail projects that are adjacent to residential type properties as typically trail improvements can be required for commercial type properties as they redevelop. A map of the entire Arden Hills pathway system is shown in Attachment A. The following images show the specific segments staff suggests the City Council consider.

Old Highway 10 from Lake Valentine Rd to Hwy-96 (2027 construction) and Lake Johanna Blvd from County Rd D to Old Snelling (2029-2031 construction) are already within Ramsey County’s TIP and Arden Hills’ CIP, therefore, these are not included in the following.

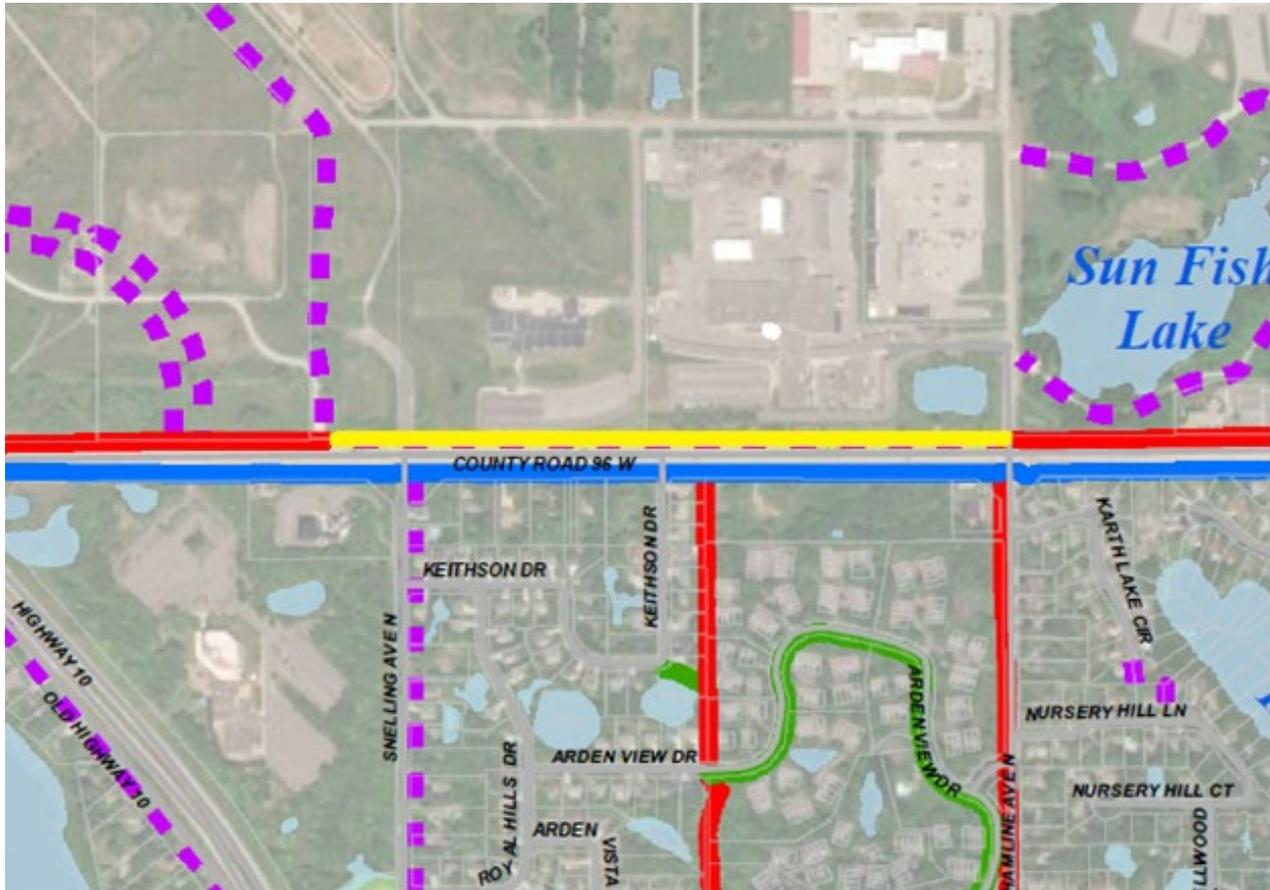
New Brighton Rd from County Rd E2 to Thom Dr. (Connect to Perry Park):

- Option 2: Entire length = 1,800-feet; Estimated cost = \$630,000



West Hwy-96 from Rice Creek Commons to Hamline Ave.:

- Option 3: Entire length = 2,950-feet; Estimated cost = \$1,032,500



If staff is provided direction to move forward with any of the options, the next step would be to apply to Ramsey County during the solicitation process which typically begins in April. If the application is accepted by the County, an applicable Resolution will be brought back to City Council to consider.

Budget Impact

Ramsey County’s current cost-share policy is split 50/50 between the City and the County. At this time, there has not been a determined amount for the new cost-share policy, but it is the goal of the County to have it be in favor of the cities. It is anticipated that the updated cost-share policy will go into effect in 2027.

Ramsey County’s available funding for this year’s program is not known at this time.

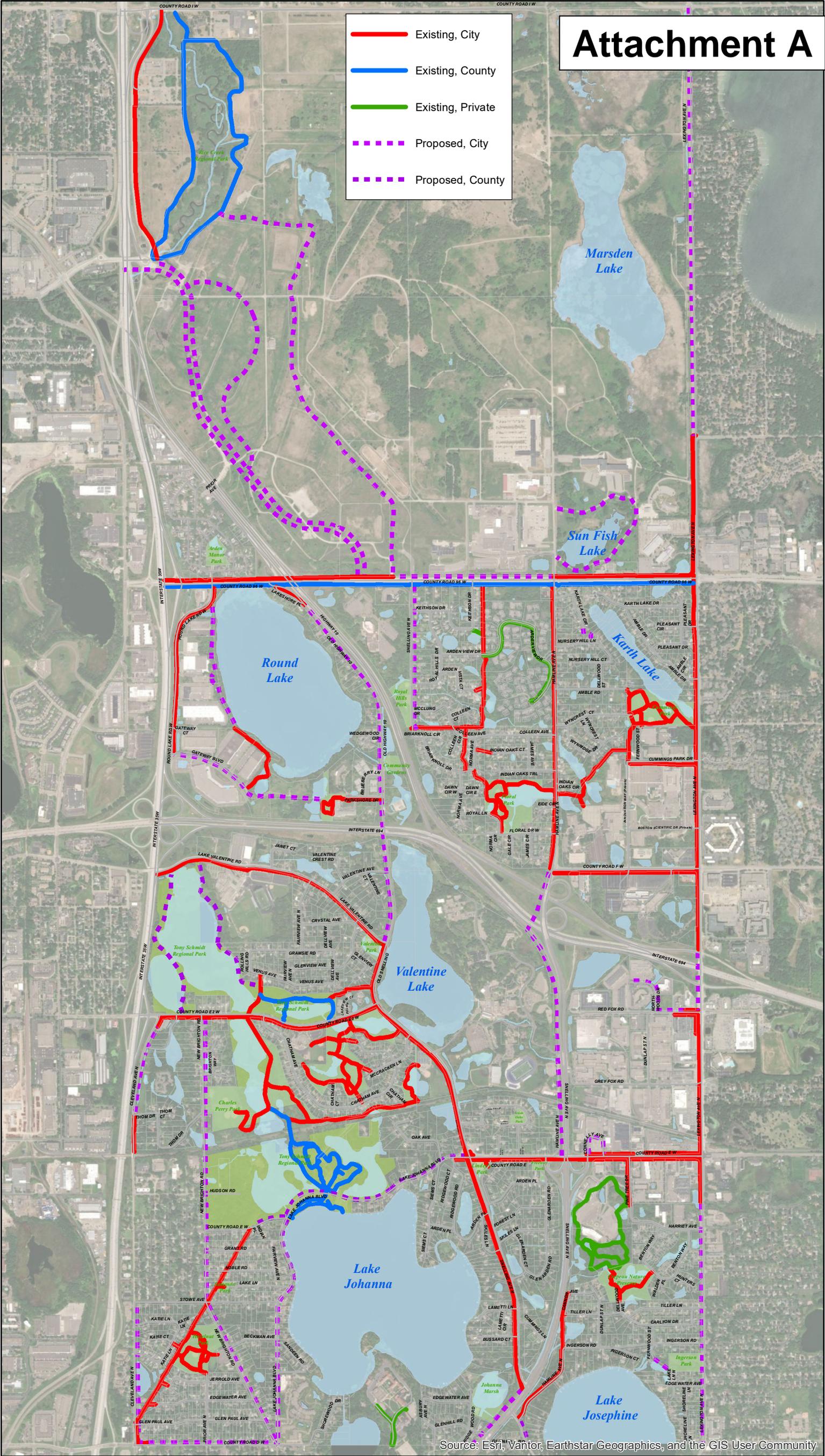
The City anticipates a PIR Fund balance of \$2,952,649 at the start of 2026. After accounting for the 2026–2030 CIP projects and assuming a 50/50 cost-share split with the County for 2026–2027 project expenditures, the fund is projected to conclude 2029 with a balance of \$1,166,493.

Attachments

- Attachment A – Arden Hills trail system map
- Attachment B – PIR Fund Balance Projection

Attachment A

- Existing, City
- Existing, County
- Existing, Private
- Proposed, City
- Proposed, County



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community



Trail System Map



0 1,500 Feet

Attachment B

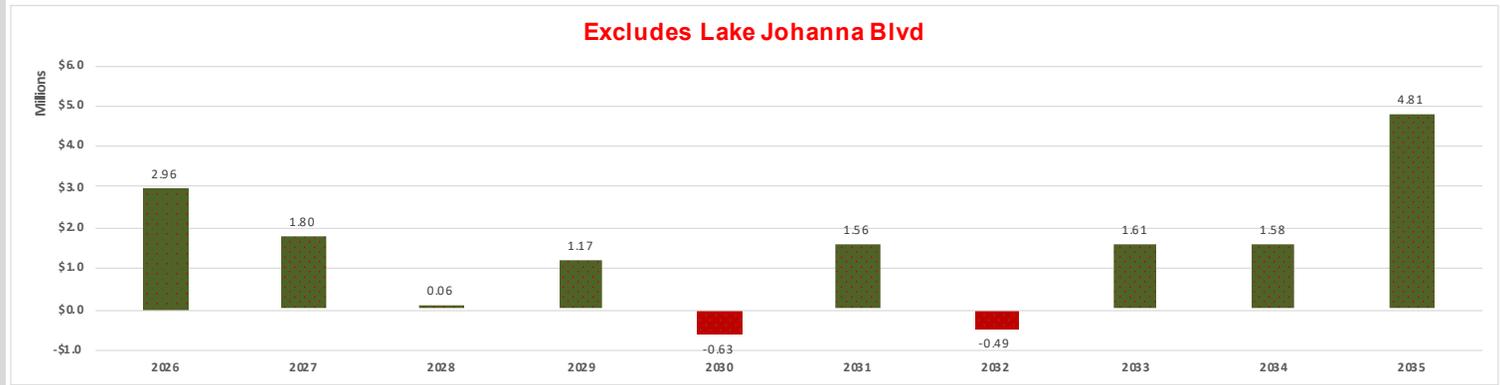
City of Arden Hills, Minnesota

Capital Improvement Plan

SOURCES AND USES OF FUNDS

	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
	1,451,501	1,343,361	2,275,491	1,711,028	2,731,600					
Capital Improvement Funds (PIR) - F411	72.0%	41.9%	29.5%	22.8%	18.6%	15.7%	13.5%	11.9%	10.7%	9.6%
Beginning Balance	2,952,649	2,963,515	1,797,742	55,599	1,166,493	(629,316)	1,562,123	(492,453)	1,605,963	1,577,743
Revenues and Other Fund Sources										
PPD Special Assessments	372,000		830,000		920,000		1,080,000		580,000	300,000
Special Assessments	299,501	383,361	305,491	391,028	311,600	398,848	317,832	406,825	324,189	414,962
MSA State Street Aid (cash basis)	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
LGA	122,591	122,591	122,591	122,591	122,591	122,591	122,591	122,591	122,591	122,591
Local Government Grants	30,000	2,000,000	-	187,500	-	-	-	-	-	-
Local Government Grants (Ramsey County)	80,000	1,317,500	-	-	-	-	-	-	-	-
Contributions/Donations	-	-	-	-	-	-	-	-	-	-
Interest/Other	-	-	-	-	-	-	-	-	-	-
Park Dedication Fees	1,423,500	-	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Tax Levy	430,000	610,000	790,000	970,000	1,150,000	1,330,000	1,510,000	1,690,000	1,870,000	2,050,000
Total Revenues and Other Fund Sources	3,107,592	4,783,452	2,398,082	2,021,119	2,854,191	2,201,439	3,380,423	2,569,416	3,246,780	3,237,553
Expenditures and Uses										
Arden Manor/Floral Park Improvements	-	-	-	-	-	-	-	-	-	-
Cummings Park Roof Maintenance	-	-	-	-	-	-	-	-	-	-
Hazelnut Park Parking Lot	-	-	-	-	-	-	-	-	-	-
Parks Master Plan	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
Pickleball Nets	-	-	-	-	-	-	-	-	-	-
Hamline Avenue N Trail Connection Improvement	(160,000)	-	-	-	-	-	-	-	-	-
Arden Oaks ADA Improvements	(67,500)	-	-	-	-	-	-	-	-	-
County Rd E Trail Connection Improvement	-	-	-	(375,000)	-	-	-	-	-	-
2025 Park Improvement Project										
Hard Court & Trail Rehabilitation	(200,000)	(155,000)	(265,000)	-	-	-	-	(151,000)	-	-
GRG Floral Park NRMB	(5,225)	(5,225)	(5,225)	(5,225)	-	-	-	-	-	-
GRG Hazelnut Park & Chatham NRMB	(4,000)	(4,000)	-	-	-	-	-	-	-	-
Park Shelter Replacements - Hazelnut & Royal Hills	-	-	-	(185,000)	-	-	-	-	-	-
Snelling Ave N. & Royal Hills Trail Improvements	(450,000)	-	-	-	-	-	-	-	-	-
Playground Structure Replacement	-	(520,000)	-	(275,000)	-	-	-	(310,000)	-	-
Perry Park Improvements	-	(520,000)	(25,000)	-	-	-	-	-	-	-
Hockey Rink Board Rehabilitation	-	-	-	-	(230,000)	-	-	-	-	-
Old Highway 10 Trail, Lake Valentine to Hwy 96	-	(4,635,000)	-	-	-	-	-	-	-	-
Lakeshore Place Irrigation										
Old Snelling / CR-E / MVHS	-	-	-	-	-	-	-	-	-	-
Lake Johanna - Design	(100,000)	(100,000)	-	-	-	-	-	-	-	-
TOTAL PARKS	(996,725)	(5,949,225)	(305,225)	(850,225)	(240,000)	(10,000)	(10,000)	(471,000)	(10,000)	(10,000)

2024 PMP	-	-	-	-	-	-	-	-	-	-
2026 PMP	(2,100,000)	-	-	-	-	-	-	-	-	-
2028 PMP	-	-	(3,835,000)	-	-	-	-	-	-	-
2030 PMP	-	-	-	-	(4,410,000)	-	-	-	-	-
2032 PMP	-	-	-	-	-	-	(5,425,000)	-	-	-
2034 PMP	-	-	-	-	-	-	-	-	(3,265,000)	-
TOTAL STREETS	(2,100,000)	-	(3,835,000)	-	(4,410,000)	-	(5,425,000)	-	(3,265,000)	-
Sanitary Sewer Lining/Rehabilitation	-	-	-	(60,000)	-	-	-	-	-	-
Total Expenditures and Uses	(3,096,725)	(5,949,225)	(4,140,225)	(910,225)	(4,650,000)	(10,000)	(5,435,000)	(471,000)	(3,275,000)	(10,000)
Change in Fund Balance	10,867	(1,165,773)	(1,742,143)	1,110,894	(1,795,809)	2,191,439	(2,054,577)	2,098,416	(28,220)	3,227,553
Ending Balance	2,963,515	1,797,742	55,599	1,166,493	(629,316)	1,562,123	(492,453)	1,605,963	1,577,743	4,805,296



AGENDA ITEM – 3C



DATE: March 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: Jake Reilly, Community Development Director

SUBJECT: Met Council’s Livable Communities Act Fund for Housing Planning and Policy
Development Grant Discussion

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	Metropolitan Council

Council Should Consider

- Council should consider the information provided on opportunities to apply for up to \$200,000 in grant funds through the Metropolitan Council Livable Communities Grant Program and provide direction to staff on next steps.

Background/Discussion

In September 2025, the City Council directed staff to work on several policy and planning initiatives related to housing choice, affordability, and supply in the City Arden Hills. In October, staff started presenting information to address those requests, starting first with conversations about enforceable affordable housing policies. That conversation resulted in a draft affordable housing ordinance that will be considered by the Planning Commission in April. Other Council requests include considering a discussion about Accessory Dwelling Units (Agenda Item 3E), evaluating vacant and/or underutilized land within the City (not including Rice Creek Commons), and identifying other opportunities that would ensure the Housing vision in the 2040 Comprehensive Plan to, “*Develop and maintain a strong, vital, diverse and stable housing supply for all members of the community*” can be achieved.

The Housing Chapter identifies the following policies:

- Promote the development of a variety of housing options by preserving and increasing high-quality housing opportunities that are suitable for a mix of ages, incomes and household types.
- Encourage the incorporation of affordable and life-cycle housing into new development and redevelopment where feasible.

- Maintain the quality, safety, and unique character of the City’s housing stock.
- Preserve and strengthen the community’s neighborhoods to maintain a high quality of life for residents.
- Encourage housing development and redevelopment that is complementary to and enhances the character of the City’s established neighborhoods.

Since October Staff and the Council have worked to consider information and develop defined policy documents to reflect the above. To achieve the above, some of the initiatives and information requested by the Council will benefit from additional resources to address limited staff capacity and to address the Council’s desired outcomes in a reasonable amount of time.

To support initiatives such as these being considered by the City of Arden Hills to address housing needs, in the 1995 session, the Minnesota Legislature enabled the Metropolitan Council Livable Communities Fund (Minn. Stat. §473.251). The Livable Communities grant program advances the regional development guide by increasing housing choice, improving safety, and helping ensure that residents can meet their needs in their community. The Livable Communities program helps local governments:

- Set the conditions for development through policy development and small area planning.
- Support development projects that add affordable housing, create community-centered commercial spaces, or clean up contaminated land.

Staff would like to apply for Livable Community Act Funds to support the current, ongoing and future housing policy work in Arden Hills (Attachment A). There are a couple of key steps the Council must consider as an eligible LCA applicant, prior to applying for the available funds.

The Council must have an adopted Fair Housing Policy on file with the Metropolitan Council. Historically the City has participated in the national Fair Housing month by issuing a proclamation declaring April Fair Housing Month. A draft potential Fair Housing Policy (Attachment B) statement for consideration and discussion. Staff would like to bring a draft policy to the April 13 Regular Council meeting for consideration, along with the proclamation.

The Council must also determine what of the policy initiatives underway and the projects that would support them would be appropriate for a funding request. Some of the projects requested by Council that would benefit from additional financial and staff resources include:

- Evaluation of vacant and underutilized land within the primary geography of the City.
- Evaluation of potential redevelopment sites for housing or other community needs.
- Studying the Arden Hills specific housing needs, in terms of mix of housing type, mix of housing affordability, and what is needed to maintain and support the existing housing supply. A specific report evaluating housing need was completed in 2008 for Rice Creek Commons. A similar report for the rest of the Arden Hills geography is recommended.

Council must also consider how staff will respond to the application questions. Staff would ideally use the adopted Comprehensive Plan as the basis for many of the questions.

The Metropolitan Council issued a 2026 Notice of Funding Availability for Policy and Affordable Housing Program Development Projects in February. The Metropolitan Council has authorized up to \$639,000 to be awarded for policy and affordable housing program development projects through the Livable Communities program in 2026. The Metropolitan Council is supplementing the Livable Communities funding with federal funding to make this grant opportunity available.

Requests are limited to \$100,000 per application. Grant funds may be used for staff or consultant time directly related to the project. No matching funds are required. Arden Hills is an eligible applicant.

To be eligible for Livable Communities grant funding, the policy or affordable housing program development project must:

- Be applied in or for a Livable Communities participating city, and the city must be consistent with all comprehensive plan requirements.
- Have a Livable Communities participating city, township, county, or development authority partner to sponsor the project, submit the application, and accept funds on behalf of the project.
- Meet at least one of the following defined outcomes:
 - Encourage more development or preservation of affordable housing, both rental and ownership
 - Incentivize environmentally sustainable development and green infrastructure
 - Mitigate or prevent future displacement of residents and businesses
 - Increase housing choice through type, tenure, and/or accessibility
- Result in an enforceable policy, ordinance, or program that is presented for adoption by the grantee's regulatory body, such as the city council or housing and redevelopment authority board. The regulatory body does not have to adopt the policy, ordinance, or program to qualify.
- Have a demonstrated funding gap/need.

Staff propose to apply for the maximum amount of \$100,000 in order to support the policy development work underway. Following this conversation, staff will bring back to Council recommendations for use of funding, a draft application, and a draft resolution authorizing staff to apply for the grant funds for consideration in April. The first application deadline is May 15, 2026. Awards are expected to be announced in July 2026. A second round of funding will open in the fall, with an application deadline of October 15, 2026 with awards announced in December 2026/January 2027.

Budget Impacts

Potential to offset staff or consultant time by utilization of grant funds towards projects to support the affordable housing policy development work.

Attachments

Attachment A – Met Council 2026 Notice of Funding Availability for Policy and Affordable Housing Program Development

Attachment B – Sample Fair Housing Policy statement

Attachment A

LIVABLE COMMUNITIES GRANT PROGRAM

2026 Notice of Funding Availability for Policy and Affordable Housing Program
Development Projects

February 2026

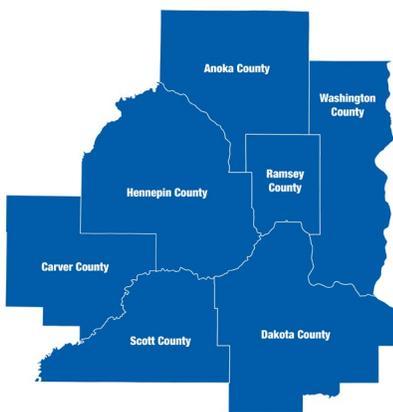


METROPOLITAN
C O U N C I L

The Met Council's mission is to foster efficient and economic growth for a prosperous metropolitan region.

Metropolitan Council Members

Robin Hutcheson	Chair	Diego Morales	District 9
Judy Johnson	District 1	Peter Lindstrom	District 10
Reva Chamblis	District 2	Gail Cederberg	District 11
Tyronne Carter	District 3	Mark Jenkins	District 12
Deb Barber	District 4	Chai Lee	District 13
John Pacheco Jr.	District 5	Toni Carter	District 14
Robert Lilligren	District 6	Victor Obisakin	District 15
Yassin Osman	District 7	Wendy Wulff	District 16
Anjuli Cameron	District 8		



The Metropolitan Council is the regional planning organization for the seven-county Twin Cities area. The Met Council operates the regional bus and rail system, collects and treats wastewater, coordinates regional water resources, plans and helps fund regional parks, and administers federal funds that provide housing opportunities for low- and moderate-income individuals and families. The 17-member Council board is appointed by and serves at the pleasure of the governor.

On request, this publication will be made available in alternative formats to people with disabilities. Call Metropolitan Council information at 651-602-1140 or TTY 651-291-0904.

2026 Notice of Funding Availability

This 2026 Notice of Funding Availability (NOFA) describes the Metropolitan Council's intentions to fund policy and affordable housing program development projects at various stages through the Livable Communities grant program in 2026. Specifically, this notice:

- Establishes the amount and type of funding available for the 2026 award year and the limits that apply to individual awards.
- Defines who is eligible to apply.
- Sets the schedule for application submittal, review, and award.
- Describes the criteria the Metropolitan Council will use in project selection.

The Livable Communities program also funds [Small Area Planning](#) and [Development Projects](#).

Background and Purpose

In the 1995 session, the Minnesota Legislature enabled the Metropolitan Council Livable Communities Fund ([Minn. Stat. §473.251](#)). As a result, the Livable Communities grant program advances the [regional development guide](#) by increasing housing choice, improving safety, and helping ensure that residents can meet their needs in their community. The Livable Communities program helps local governments

- Set the conditions for development through policy development and small area planning
- Support development projects that add affordable housing, create community-centered commercial spaces, or clean up contaminated land.

Eligible Applicants

Applicants must be a city, township, county, or development authority (Minn. Stat. § 473.252, subd. 1) within the 7-county metropolitan area (Minn. Stat. § 473.121, subd. 2) that has enrolled in the Livable Communities program and is in good standing (Minn. Stat. § 473.254, subd. 1-4). Individuals or private and nonprofit organizations are not eligible applicants but are welcome to partner with an eligible applicant on projects.

Project Eligibility

To be eligible for a Livable Communities grant, the policy or affordable housing program development project must:

- Be applied in or for a [Livable Communities participating city](#), and the city must be consistent with all comprehensive plan requirements.¹
- Have a Livable Communities participating city, township, county, or development authority partner to sponsor the project, submit the application, and accept funds on behalf of the project.
- Meet at least one of the defined Outcomes in the Outcomes Score (see [Evaluation Criteria](#) below).
- Result in an enforceable policy, ordinance, or program that is presented for adoption by the grantee's regulatory body, such as the city council or housing and redevelopment authority board.
- Have a funding gap.

Available Funds

The Metropolitan Council has authorized up to \$639,000 to be awarded for policy and affordable housing program development projects through the Livable Communities program in 2026. The Metropolitan Council is supplementing the Livable Communities funding with federal funding to make this grant opportunity available.

Application Due Dates

One-half of the available funding will be allocated to the first-round funding opportunity, with applications due by **April 15, 2026**.

The second half of the funding, plus any unawarded funds from the previous round, will be available for awards through the second-round funding opportunity, with applications due by **October 15, 2026**.

Award Limits and Eligible Activities

Requests are limited to \$100,000 per application. Grant funds may be used for staff or consultant time directly related to the project.

¹ Projects located in cities that have a current comprehensive plan amendment under review that would make the city ineligible to apply or draw down funds under the Livable Communities program rules may not apply until the review is complete.

Review and Recommendation Process

Met Council staff will conduct a preliminary review of all proposals to ensure completeness and eligibility before applications are scored.

All applicants will receive an Outcome Score and a Quality Score, as defined below. The Outcome Score is automatically calculated based on applicant responses and verified by staff. The Quality Score is determined by staff subject matter experts. The sum of the two scores is the total project score.

Projects are recommended for funding in order of highest score until all funds are awarded. The Met Council may make partial awards

Application Requirements

A complete application includes:

- Documentation of local support for the project. Options include:
 - Letter from the Mayor
 - Letter from the City Administrator
 - Resolution of support ([download sample text as a Word Doc](#))
- Sources and Uses Budget. The Livable Communities program will accept this in whatever format your project currently uses, as long as it clearly shows:
 - Sources, noting which have been secured and are pending or planned.
 - The pending Livable Communities grant request should be one of these sources
 - Uses.
 - A financial gap (pending Livable Communities award).

Evaluation Criteria

Outcome Score

Which of the following outcomes will your project help the city meet?

- ❑ Encourage more development or preservation of affordable housing, both rental and ownership
- ❑ Incentivize environmentally sustainable development and green infrastructure
- ❑ Mitigate or prevent future displacement of residents and businesses
- ❑ Increase housing choice through type, tenure, and/or accessibility

If your project meets one outcome, it will receive 16 points for the Outcome Score and is eligible to apply.

Quality Score

Applications will be assessed on how well they meet the Livable Communities program goals using the following questions and corresponding maximum possible scores.

- How will the proposed policy or program support housing stabilization, enabling residents to remain in their homes and communities? (5 pts max)

- 0-1 points (Limited or unclear description of housing stabilization approach): The application does not meaningfully describe housing stabilization in the context of the applicant’s community or explain how the proposed policy or program would support residents’ ability to remain in their homes and communities. Any references to stabilization are vague, indirect, or not clearly connected to the proposed policy or program.
- 2-3 points (Moderate and partially articulated description of housing stabilization approach): The application describes what housing stabilization means for the applicant’s community and identifies ways the proposed policy or program is intended to support it, but the description lacks sufficient detail or clarity. The connection between the proposed policy or program mechanisms and how residents would be able to remain in their homes and communities is only partially explained.
- 4-5 points (Clear, intentional, and well-supported description of housing stabilization approach): The application clearly describes housing stabilization in the context of the applicant’s community and explains how the proposed policy or program would intentionally support residents’ ability to remain in their homes and communities. The response demonstrates a clear nexus between the policy or program approach and anticipated stabilization outcomes.
- How will the city prioritize racial equity when implementing the proposed policy or program? (5 pts max)
 - 0-1 points (Limited or unclear description of racial equity implementation approach): The application does not meaningfully identify racial equity priorities or explain how racial equity would be prioritized through implementation of the proposed policy or program. Any references to equity are vague, aspirational, or not clearly connected to policy implementation.
 - 2-3 points (Moderate and partially articulated description of racial equity implementation approach): The application identifies and describes racial equity priorities and any existing frameworks or structures related to the proposed policy or program, but the response lacks sufficient clarity or detail regarding how those priorities would be operationalized through policy or program implementation. The connection between stated priorities and implementation actions is only partially explained.

For applicants without existing racial equity frameworks or structures, the response describes an initial or emerging approach to establishing racial equity priorities through the policy or program development and implementation process, but lacks specificity regarding actions, accountability, or anticipated outcomes.
 - 4-5 points (Clear, intentional, and well-supported description of racial equity implementation approach): The application clearly identifies racial equity priorities and any existing framework or structures and explains how those priorities would be intentionally prioritized through implementation of the proposed policy or program. The response describes specific, feasible implementation strategies

that demonstrate how racial equity considerations would guide decision-making, enforcement, or administration of the policy or program.

For applicants without existing racial equity frameworks or structures, the response clearly outlines intentional steps, approaches, and anticipated outcomes that the policy or program implementation process would use to establish, advance, and institutionalize racial equity priorities.

- Do you have a clearly defined work plan/scope? (2 pts if yes)
- What is the per capita net tax capacity of the city (See [Appendix: Adjusted Per Capita Net Tax Capacity and Corresponding Livable Communities Point Value](#))? Of cities in the seven-county metropolitan region, if per capita net tax capacity falls within the:
 - Top 25%: 1 point
 - 50%-75% Percentile: 2 points
 - Below 50% Percentile: 3 points

Grant Terms and Grantee Expectations

All Livable Communities grants are for a period of three years. If needed, the grantee may request a two-year extension.

All grants are reimbursement-based. If a grantee does not have eligible expenses to utilize the full grant award or is unable to spend the full award before the end of the grant term, any unspent funds will be relinquished and made available for future Livable Communities programming through the Metropolitan Council.

If awarded a grant, grantees must continue to meet the following requirements through the grant term:

- Submit semi-annual reports on project progress and a final report at grant closeout.
 - Grant closeout requirements include submission of the Livable Communities-funded policy or affordable housing program documentation, including verification of its presentation for adoption before the grantee's governing body, such as City Council or Housing and Redevelopment Authority (HRA) board.
- Notify the Met Council of any significant changes to the project.

If awarded a grant, the city in which the project is located (this may or may not be the same as the grantee) must continue to meet the Livable Communities program requirements, including:

- Have an adopted Fair Housing policy.
- Have a Comprehensive Plan that is consistent with Metropolitan Council Policy.
- Guide land at sufficient densities to enable the city to meet its forecasted affordable housing need. This is also known as the Metropolitan Council's [Land Guided for Affordable Housing \(LGAH\)](#) policy.
- Submit a Housing Action Plan annually through the Housing Policy and Production Survey.
- Spend its statutorily required Affordable and Lifecycle Housing Opportunity Amount (ALHOA).

Funding Schedule

Date	Milestone
February 11, 2026	Council authorization of FY2026 Livable Communities funding
Early March	Round 1 application window opens
March 16, 2026 (approx.)	Responses to additional questions asked by potential applicants will be published online under " Funding Availability "
April 1, 2026 (approx.)	Responses to additional questions asked by potential applicants will be published online under " Funding Availability "
April 15, 2026	Round 1 Livable Communities applications due
Late Spring-Early Summer	Staff evaluate applications
July (anticipated)	Council considers action to award Round 1 grants
Early September	Round 2 application window opens
September 16, 2026 (approx.)	Responses to additional questions asked by potential applicants will be published online under " Funding Availability "
October 1, 2026 (approx.)	Responses to additional questions asked by potential applicants will be published online under " Funding Availability "
October 15, 2026	Round 2 Livable Communities applications due
Late Fall-Early Winter	Staff evaluate applications
December 2026-January 2027 (anticipated)	Council considers action to award Round 2 grants

Program Evaluation

The Metropolitan Council will review the overall impact of funded projects and the efficacy of the Council's program and application process with a focus on continual improvements.

Contact

We encourage project teams to reach out to a Livable Communities Program Coordinator early. You can schedule time with a Program Coordinator [online](#) or reach out directly:

- Chris Herndon, Program Coordinator, Christopher.Herndon@MetC.State.MN.US
- Olivia Boerschinger, Program Coordinator, Olivia.Boerschinger@MetC.State.MN.US

Appendix: Adjusted Per Capita Net Tax Capacity and Corresponding Livable Communities Point Value

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Afton	\$3,602	1
Andover	\$1,842	3
Anoka	\$1,551	3
Apple Valley	\$1,766	3
Arden Hills	\$2,275	2
Bayport	\$1,657	3
Baytown Township	\$3,810	1
Belle Plaine	\$1,548	3
Belle Plaine Township	\$3,606	1
Benton Township	\$3,615	1
Bethel	\$1,477	3
Birchwood Village	\$2,911	2
Blaine	\$1,864	3
Blakeley Township	\$4,506	1
Bloomington	\$2,352	2
Brooklyn Center	\$1,344	3
Brooklyn Park	\$1,685	3
Burnsville	\$1,896	3
Camden Township	\$2,944	2
Carver	\$1,753	3
Castle Rock Township	\$3,518	1
Cedar Lake Township	\$2,952	2
Centerville	\$2,195	2
Champlin	\$1,711	3
Chanhassen	\$2,884	2
Chaska	\$1,994	3

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Circle Pines	\$1,493	3
Coates	\$2,929	2
Cologne	\$1,662	3
Columbia Heights	\$1,321	3
Columbus	\$2,846	2
Coon Rapids	\$1,669	3
Corcoran	\$2,628	2
Cottage Grove	\$1,735	3
Credit River	\$3,371	1
Crystal	\$1,545	3
Dahlgren Township	\$3,596	1
Dayton (Hennepin part vs Wright Cnty part)	\$2,363	2
Deephaven	\$7,098	1
Dellwood	\$5,216	1
Denmark Township	\$3,957	1
Douglas Township	\$3,578	1
Eagan	\$2,260	2
East Bethel	\$1,823	3
Eden Prairie	\$2,563	2
Edina	\$3,757	1
Elko New Market	\$1,594	3
Empire	\$2,147	2
Eureka Township	\$3,291	1
Excelsior	\$4,581	1
Falcon Heights	\$1,462	3
Farmington	\$1,582	3
Forest Lake	\$1,976	3
Fridley	\$1,736	3

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Gem Lake	\$3,548	1
Golden Valley	\$2,918	2
Grant	\$3,357	1
Greenfield	\$2,940	2
Greenvale Township	\$3,590	1
Greenwood	\$10,676	1
Grey Cloud Island Township	\$2,425	2
Ham Lake	\$2,261	2
Hamburg	\$1,289	3
Hampton	\$1,430	3
Hampton Township	\$4,244	1
Hancock Township	\$3,658	1
Hastings	\$1,576	3
Helena Township	\$3,008	2
Hilltop	\$1,277	3
Hollywood Township	\$2,918	2
Hopkins	\$1,903	3
Hugo	\$2,012	3
Independence	\$3,598	1
Inver Grove Heights	\$1,977	3
Jackson Township	\$2,081	3
Jordan	\$1,480	3
Lake Elmo	\$2,722	2
Lake St. Croix Beach	\$1,801	3
Lakeland	\$2,291	2
Lakeland Shores	\$2,852	2
Laketown Township	\$2,604	2
Lakeville	\$2,105	2

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Landfall	\$3,074	2
Lauderdale	\$1,593	3
Lexington	\$1,362	3
Lilydale	\$3,238	2
Lino Lakes	\$1,894	3
Linwood Township	\$1,859	3
Little Canada	\$1,772	3
Long Lake	\$2,935	2
Loretto	\$1,763	3
Louisville Township	\$3,711	1
Mahtomedi	\$2,318	2
Maple Grove	\$2,345	2
Maple Plain	\$1,929	3
Maplewood	\$1,648	3
Marine on St. Croix	\$3,524	1
Marshan Township	\$3,550	1
May Township	\$3,781	1
Mayer	\$1,432	3
Medicine Lake	\$5,336	1
Medina	\$4,443	1
Mendota	\$3,465	1
Mendota Heights	\$3,193	2
Miesville	\$2,437	2
Minneapolis	\$1,832	3
Minnetonka	\$2,897	2
Minnetonka Beach	\$13,888	1
Minnetrista	\$3,998	1
Mound	\$2,658	2

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Mounds View	\$1,500	3
New Brighton	\$1,677	3
New Germany	\$1,360	3
New Hope	\$1,661	3
New Market Township	\$3,258	2
New Trier	\$1,533	3
Newport	\$1,848	3
Nininger Township	\$2,755	2
North Oaks	\$4,293	1
North St. Paul	\$1,330	3
Norwood Young America	\$1,404	3
Nowthen	\$2,214	2
Oak Grove	\$2,041	3
Oak Park Heights	\$2,975	2
Oakdale	\$1,706	3
Orono	\$7,302	1
Osseo	\$1,637	3
Pine Springs	\$2,559	2
Plymouth	\$2,663	2
Prior Lake	\$2,361	2
Ramsey	\$1,755	3
Randolph	\$1,558	3
Randolph Township	\$3,957	1
Ravenna Township	\$2,098	2
Richfield	\$1,506	3
Robbinsdale	\$1,375	3
Rogers	\$2,813	2
Rosemount	\$2,005	3

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Roseville	\$2,220	2
San Francisco Township	\$3,503	1
Sand Creek Township	\$3,245	2
Savage	\$1,972	3
Scandia	\$2,881	2
Sciota Township	\$3,258	2
Shakopee	\$2,238	2
Shoreview	\$1,988	3
Shorewood (Hennepin part)	\$4,301	1
South St. Paul	\$1,558	3
Spring Lake Park	\$1,506	3
Spring Lake Township	\$3,345	1
Spring Park	\$3,194	2
St. Anthony	\$1,509	3
St. Bonifacius	\$1,741	3
St. Francis	\$1,444	3
St. Lawrence Township	\$3,215	2
St. Louis Park	\$2,249	2
St. Marys Point	\$4,014	1
St. Paul	\$1,436	3
St. Paul Park	\$1,904	3
Stillwater	\$2,082	3
Stillwater Township	\$3,574	1
Sunfish Lake	\$6,283	1
Tonka Bay	\$7,928	1
Vadnais Heights	\$2,205	2
Vermillion	\$1,759	3
Vermillion Township	\$3,181	2

Municipality	2024 Adjusted Net Tax Capacity Per Capita (based on 2024 pop.)	2026 Livable Communities Point Value
Victoria	\$2,544	2
Waconia	\$2,092	2
Waconia Township	\$3,729	1
Waterford Township	\$3,167	2
Watertown	\$1,424	3
Watertown Township	\$3,754	1
Wayzata	\$7,972	1
West Lakeland Township	\$2,972	2
West St. Paul	\$1,552	3
White Bear Lake	\$1,962	3
White Bear Township	\$2,283	2
Willernie	\$1,683	3
Woodbury	\$2,157	2
Woodland	\$18,774	1
Young America Township	\$3,466	1



390 Robert Street North
Saint Paul, MN 55101-1805

651-602-1000
TTY 651-291-0904
public.info@metc.state.mn.us
metro council.org

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LinkedIn: Metropolitan Council of the Twin Cities

Attachment B

Sample Fair Housing Statement

The City of Arden Hills is an open, safe, and welcoming community.

The City and its Economic Development Authority is committed to being an inclusive community for all. This statement affirms a commitment to further fair housing and to promote appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of the City of Arden Hills.

The federal Fair Housing Act (1968) makes it illegal to consider race, color, religion, national origin, sex, disability, or family status in rental, sales, or lending decisions. The Minnesota Human Rights Law also makes it illegal to discriminate based on creed, sexual or affectional orientation, gender identity, marital status or receipt of public assistance.

Fair housing means fair housing for all.

AGENDA ITEM – 3D



MEMORANDUM

DATE: March 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: Immigration Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should discuss topic areas below and provide direction to Staff on next steps.

Background

At the February 9th Work Session, the City Council requested a recurring work session agenda item to allow for discussion on topics related to immigration enforcement. Below are topics that were mentioned at either the January 31st Special Work Session or the February 9th meetings for discussion by the City Council related to immigration enforcement. Council is asked to discuss the below list of topics and provide direction to Staff on next steps and/or removal of any particular topic(s) from the list and/or other topics that should be brought forward under this agenda item for future discussion.

- Utility Billing Late Fees

At the February 9th meeting, staff was directed to bring forward the discussion on utility billing late fees. There are two types of late fees. As part of this discussion, Staff would need an understanding from the Council on one or both types of late fees to be waived and timing (i.e. when to start and when to stop). While there is an approximate amount budgeted, it is not part of the core utility revenues (less than 1% of total utility fund revenue). Staff anticipates the waiving of late fees to have a minimal fiscal impact, given the historical trend of penalty fees.

For accounts that are over 30 days past due, the City charges an 8% late penalty.

- **2025 Late Penalty Fees totaled \$18,633.53**, with approximately 45% coming from Commercial properties and 55% from Residential properties.
- A 4-year historical trend is provided below:

	2022	2023	2024	2025
8% Fee	\$ 45,417	\$ 49,889	\$ 47,832	\$ 18,634
% of Total Utility Revenue	0.7%	0.7%	0.7%	0.3%

Note: 2025 figures represent a shift toward preventative account management. Staff focused on setting up sustainable payment plans early, which lowered total penalty collections but ensured more consistent payment of the core utility service fees.

For accounts that are over 90 days past due, the City charges an 8% delinquent penalty that is certified to Ramsey County.

- **2025 Delinquent Fees totaled \$5,986.37.**
- A 4-year historical trend is provided below:

	2022	2023	2024	2025
8% Delinquent	\$ 6,049	\$ 6,645	\$ 6,500	\$ 5,986
% of Total Utility Revenue	0.1%	0.1%	0.1%	0.1%

The City's next late fee penalties are scheduled as follows:

Quarterly Usage	Billing Date	30 Day Past Due (Late)	90 Day Past Due (Delinquent)
Q1-26	4/1/2026	5/1/2026	8/1/2026
Q2-26	7/1/2026	8/1/2026	11/1/2026
Q3-26	10/1/2026	11/1/2026	2/1/2027
Q4-26	1/1/2027	2/1/2027	5/1/2027

- *Cities for Safe and Stable Communities Coalition*

At the February 9th work session, the City Council discussed the Cities for Safe and Stable Communities Coalition. This is a nonpartisan coalition of city-led groups of Minnesota local governments coordinating around public safety, operational stability, and the local impacts of recent federal actions. In their statement, the coalition is asking federal and state elected officials for immediate de-escalation and acknowledgement of economic harms, including potential 2026 relief funds to cities. The coalition is focused on local governance, public safety, and effective intergovernmental coordination. Participation does not require lobbying, litigation, or public advocacy unless a city independently chooses to engage in those activities. Staff confirmed that the coalition is discussing lobbying efforts that would seek state funding for suburban communities impacted.

There is no cost to stay informed or engaged as an ally member. Cities that choose to formally join receive shared communications support and coalition infrastructure and are asked to contribute an amount determined by the Executive Committee. Joining as a full member has an initial estimated cost of \$2,000-\$5,000, with final fees determined by the number of cities participating in the coalition.

- *Letter to Governor Eviction Moratorium*

The request to send a letter to Governor Walz was one of many public suggestions from the January 31st Special Work Session. This item relates to the City Council's consideration of a resolution calling on Governor Walz to pass an Eviction and Foreclosure Moratorium through Executive Order. In reviewing this request, the City Attorney brought

forward an alternative consideration intended to have an immediate impact on ICE enforcement activities. At the February 9th meeting, the City Council adopted a Proclamation denouncing ICE enforcement activities and authorization for the Mayor to send a letter to federal legislators.

Other topics for further discussion

- *Use of City Property Policy/Ordinance (i.e. staging area)*
- *Sharing of Data Policy*
- *Human Rights Commission*
- *Community Space/Building Civic Connections*

Budget Impact

N/A

Attachment

Attachment A: Cities for Safe and Stable Communities – Press Release

Attachment B: Cities for Safe and Stable Communities – FAQ's

Attachment C: Cities for Safe and Stable Communities – Messaging Framework

FOR IMMEDIATE RELEASE

Contact: Kayla Drake
kdrake@momentum-advocacy.com
314-448-8064

Minnesota Mayors Launch Coalition: Safety over Partisanship

A coalition of mayors announces the formation of **Cities for Safe and Stable Communities** (MN). We are a grassroots, local government-led coalition dedicated to restoring stability and trust in government. While our cities have faced challenges for some time, Operation Metro Surge has created an urgent need for a unified local voice.

As mayors, we know the names and faces in our cities. We are held accountable for the wellbeing of our schools, hospitals, and local businesses, and for upholding the rule of law for our residents. Current enforcement tactics are violating constitutional protections and actively harming the families we swore to serve.

This surge is not just a "Minneapolis issue;" the fallout is felt across the state. This operation strains city resources, disrupts local economies, and tears at community cohesion. This is unsustainable, especially in light of the economic uncertainty of the past year. From small business closures and workforce instability to housing insecurity, the damage weakens Minnesota's entire economic engine.

The toll on our families and children has been heavy. Students as young as five years old have been detained, leaving their friends and teachers to cope and advocate for their return.

This approach undermines true public safety. The surge forces cities to absorb unsustainable costs. The costs are not just financial; we are seeing a dangerous erosion of trust between residents and local law enforcement that could take years to earn back. When residents are too afraid to call 911 or access city services, everyone is less safe. Residents should be able to interact with our cities without fear. We need a return to order that stops pulling officers away from essential needs, to focus on their true mission: protecting our neighborhoods.

Our coalition is asking federal and state elected officials for immediate de-escalation and acknowledgement of economic harms, including potential 2026 relief funds to cities. As more communities join, we will assess the damages done and determine how we restore Minnesota institutions in the wake of these unprecedented setbacks.

We believe in Minnesota's resilience. While federal agencies must answer for this damage, we know Minnesotans are the ones who will build back. We invite leaders – from the suburbs to Greater Minnesota – to join us. Together, we can chart a path that values safety, honors constitutional rights, and restores the peace our communities deserve. A future where cities can do their jobs and Minnesotans can feel secure in their communities.

Undersigned Cities:

- Bloomington
- Brooklyn Center
- Brooklyn Park
- Columbia Heights
- Eden Prairie
- Edina
- Golden Valley
- Hopkins
- Maplewood
- Minnetonka
- Richfield
- St. Louis Park

###

FREQUENTLY ASKED QUESTIONS

What are the Cities for Safe and Stable Communities (MN)?

A nonpartisan, coalition of city-led groups of Minnesota local governments coordinating around public safety, operational stability, and the local impacts of recent federal actions.

Why was the coalition formed?

Cities across Minnesota are experiencing similar strains on public safety resources, city operations, and community trust. The coalition exists to support coordination, reduce duplication, and provide a collective way for cities to communicate and respond while retaining full local control.

What is the coalition's core statement?

We are a nonpartisan coalition of Minnesotan cities working together to restore stability, trust, and effective local governance. Operation Metro Surge has created instability that strains local public safety resources and disrupts local economies—affecting businesses, schools, and families well beyond the Twin Cities.

We stand for the rule of law and respect the role of federal immigration enforcement. We expect federal leadership to direct agencies in a way that recognizes local jurisdiction and responsibilities, while respecting the integrity of our cities as a whole. We are concerned that current enforcement approaches may risk undermining constitutional protections and place cities at legal and operational risk. We are calling for improved coordination grounded in the rule of law, due process, and respect for local governance.

There is strength in numbers. When cities raise concerns individually, they can be dismissed. A unified, nonpartisan coalition cannot. We are urging immediate de-escalation, clearer coordination, and a return to stability so cities can do their jobs and Minnesotans can feel secure in their communities.

Is this a political or advocacy organization?

No. The coalition is focused on local governance, public safety, and effective intergovernmental coordination. Participation does not require lobbying, litigation, or public advocacy unless a city independently chooses to engage in those activities.

How is the coalition governed?

The coalition is coordinated by a managing committee of city managers who provide direction on strategy, messaging, and coordination. Consensus is the goal; when consensus cannot be reached, decisions are made by vote.

How does the coalition direct the consultant?

Momentum Advocacy works at the direction of participating cities, with primary points of contact designated by the managing committee. Momentum provides messaging guidance, draft materials, and coordination support, and designates point people for specific needs to streamline communication.

Are coalition materials public?

Coalition materials are intended for internal use unless explicitly designated otherwise.

How are communications handled?

Tactical or transactional information may be shared directly. Coalition-wide strategy and messaging materials are routed through the managing committee for coordination.

How should media inquiries be handled?

Media inquiries related to the coalition should follow each city's typical internal media procedures. Momentum can assist with talking point preparation and may coordinate or follow up on requests stemming from coalition press advisories. Coalition-related media questions may be directed to kdrake@momentum-advocacy.com

What does participation require?

Participation is flexible and defined by each city. It may include staying informed through shared updates, sharing operational or data insights, coordinating messaging where helpful, and participating in joint engagement or media if desired.

Does participation require public statements or media engagement?

No. Cities choose whether and how they participate publicly.

What if our city does not want to join formally?

That is completely fine. Cities may stay informed, share perspective or data, selectively amplify shared messages, and revisit participation at a later time. Cities may contact akise@momentum-advocacy.com to receive updates.

What types of information are shared?

Information may include general operational impacts, public safety or service-delivery considerations, media inquiries and messaging context, and relevant federal or state developments. Cities control what they choose to share.

Who should our point of contact be?

City managers or administrators are asked to serve as the primary point of contact. Additional staff, including communications and policy staff, may also be included.

How do we learn more or express interest?

Cities may contact Alexis Kise (akise@momentum-advocacy.com) to request materials, ask questions, or indicate how they would like to engage.

Is there a cost to participate in the Cities Coalition?

There is no cost to stay informed or engage as an ally. Cities that choose to formally join receive shared communications support and coalition infrastructure and are asked to contribute an amount determined by the Executive Committee. Questions related to contributions or participation structure should be directed to Mike Funk (mfunk@minnetonkamn.gov).



TO: City Managers and Communications Teams

FROM: Momentum Advocacy

DATE: February 2, 2026 (12:11PM)

RE: Coalition Messaging Framework

This document outlines the coalition’s shared messaging framework, including three core messages and supporting talking points intended to guide external communications. The framework is designed to ensure consistency across cities while allowing local leaders flexibility to tailor messages to their audiences and context.

Safety over partisanship

Operation Metro Surge is making us less safe. We need immediate de-escalation and improved coordination, subject to constitutional rights and the rule of law. The operation pulls officers away from community safety needs and forces cities to absorb unsustainable costs. The cost is not just financial; trust is also eroding.

Economic stabilization

Operation Metro Surge is affecting Minnesota’s economy well beyond large city centers. It is creating and exacerbating economic uncertainty. From business closures to workforce instability and housing insecurity, the impacts weaken Minnesota’s economic engine.

Local control and constitutional rights

We stand for the rule of law and the constitutional rights of our residents. This is not a city-specific issue; it is a governance issue. Cities are held responsible for the wellbeing of our schools, hospitals, businesses, and neighborhoods, and must be able to govern locally in coordination with federal partners. We respect the role of federal immigration enforcement, but actions taken without considering local jurisdiction create risk for entire communities.

Talking Points About the Coalition: Why Is the Group Forming?

Intended Audience: Cities; State and Federal Policymakers

To restore order, trust, and a sense of normalcy

- The current impact from federal operations has exacerbated a climate of instability that is disrupting our schools, closing local businesses, and stretching our resources beyond our ability to manage.
- By advocating for immediate de-escalation, this coalition is fighting to restore a sense of normalcy—where families feel secure in their neighborhoods and local law enforcement can focus on our community’s specific needs, rather than managing the fallout of external chaos.
- True safety is built on a foundation of the rule of law, which fosters trust between residents and local institutions. Restoring that trust is essential to maintaining safe, functional communities.

To uphold constitutional rights and due process.

- As local leaders, we swore an oath to the Constitution and take seriously our responsibility to uphold the rule of law and constitutional protections.
- We respect the role of federal immigration enforcement and expect that enforcement to be carried out with respect for local conditions, responsibilities, and jurisdiction. We are concerned that current



enforcement approaches may risk undermining constitutional protections, including the 1st, 2nd, 4th, 5th, and 14th Amendments.

- Clear coordination and accountability are necessary to ensure equal protection under the law, safeguard due process, and reduce legal and reputational risk for cities. We expect enforcement practices that respect due process, avoid discriminatory profiling, and align with constitutional standards for all people within Minnesota's borders.

Strength in numbers

- This is not limited to the Twin Cities. Communities across Minnesota are experiencing the impacts of instability and uncertainty.
- By working together, cities are demonstrating that these concerns transcend partisanship and geography. When cities raise concerns independently, they can be dismissed. A unified, nonpartisan coalition of mayors speaking with a shared purpose carries greater weight and credibility. A single city fighting federal overreach can be ignored, but a unified coalition of mayors speaking with one voice is harder to ignore.

What We Are Doing

Our coalition is asking federal and state elected officials for immediate de-escalation and acknowledgement of economic harms, including potential 2026 relief funds to cities. As more communities join, we will assess the damages done.

Statement on the Coalition

We are a nonpartisan coalition of [#] cities working together to restore stability, trust, and effective local governance. Operation Metro Surge has created instability that strains local public safety resources and disrupts local economies—affecting businesses, schools, and families well beyond the Twin Cities.

We stand for the rule of law and respect the role of federal immigration enforcement. We expect federal leadership to direct agencies in a way that recognizes local jurisdiction and responsibilities, while respecting the integrity of our cities as a whole. We are concerned that current enforcement approaches may risk undermining constitutional protections and place cities at legal and operational risk. We are calling for improved coordination grounded in the rule of law, due process, and respect for local governance.

There is strength in numbers. When cities raise concerns individually, they can be dismissed. A unified, nonpartisan coalition cannot. We are urging immediate de-escalation, clearer coordination, and a return to stability so cities can do their jobs and Minnesotans can feel secure in their communities.

AGENDA ITEM – 3E



MEMORANDUM

DATE: March 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jake Reilly, Community Development Director
SUBJECT: Accessory Dwelling Units (ADUs)

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should consider the information provided on Accessory Dwelling Units (ADUs) and provide direction to Staff on next steps.

Background

In 2025, the City Council requested a work session agenda item to allow for discussion of Accessory Dwelling Units (ADUs). Council is asked to consider the information below and provide direction to Staff on next steps and/or other information that is needed for future discussion.

Defining accessory dwelling units

An Accessory Dwelling Unit (ADU) is a self-contained residential unit located on the same lot as a primary single-family or small multifamily home.¹ Also known as carriage houses, in-law suites, granny flats, backyard cottages, basement apartments, or secondary dwelling units, ADUs include their own kitchen, bathroom, bedroom(s), and private entrance.² AARP's Livable Communities program describes them as small homes that exist on the same property lot as a single-family residence and highlights that they come in many shapes and styles.³

ADUs may take several physical forms, each permissible to varying degrees depending on local zoning ordinances:⁴

¹ Family Housing Fund. "ADUs: Housing Options for a Growing Region." February 2019. fhfund.org/report/adu/

² American Planning Association. "PAS QuickNotes No. 19: Accessory Dwelling Units." 2009. planning.org/pas/quicknotes/ (accessed March 2026)

³ AARP Livable Communities. "All About Accessory Dwelling Units." aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus/ (accessed March 2026).

⁴ APA (2009)

- **Internal/Conversion ADU:** Space within the existing home converted to a separate unit (e.g., finished basement, attic, or interior room suite)
- **Attached ADU:** An addition built onto the side or rear of the primary home with a separate entrance
- **Detached ADU:** A freestanding structure in the backyard or built above a detached garage
- **Junior ADU:** An internal ADU of no more than 500 square feet of floor area, defined and enabled by state law in some states, such as California

What ADUs are NOT: ADUs are distinct from rooming houses, group homes, short-term vacation rentals, or duplex conversions that subdivide ownership. They remain secondary in scale to the primary dwelling, are owner-created and privately financed, and are not subsidized affordable housing developments. They are scattered throughout residential neighborhoods rather than concentrated in a single location.⁵

Reasons municipalities allow ADUs

A. To address the regional housing need

The Twin Cities metropolitan region must add nearly 13,000 units of housing annually through 2040 to meet anticipated workforce growth and demographic change.⁶ Vacancy rates for studio and one-bedroom units in the metro area hover around 2.1% and 2.3% respectively — far below the healthy threshold of 5% — creating intense cost pressure for renters.⁷ ADUs offer a market-rate mechanism to expand housing supply without public subsidy, expensive land acquisition, or large-scale rezoning.⁸

If ADUs in the seven-county metro area achieved the same prevalence as Portland, Oregon (approximately 1.5% of single-family homes), the region could produce an estimated 11,000 new housing units — potentially meeting most of the regional need for households earning \$40,000–\$50,000 per year.⁹

Nationally, ADUs remain rare despite growing interest. The AARP/APA survey of planning directors found that more than half of jurisdictions had fewer than 500 ADUs, and nearly three-quarters issued less than 5 percent of all residential permits for ADUs in a given year.¹⁰ Despite widespread policy adoption in Minnesota, actual production has lagged significantly, underscoring the importance of removing regulatory and financial barriers.¹¹

B. To address affordability and cost burden

Research consistently shows that the monthly housing costs for an ADU are affordable to households earning below \$56,000 annually — within reach of many working families, young adults, and lower-income seniors.¹² Because ADUs are built on existing lots using private capital, they add housing supply without the overhead costs associated with land purchase or public subsidy programs. The greatest demand over the next 20 years will be for units with mortgage or

⁵ APA (2009).

⁶ Metropolitan Council. Thrive MSP 2040 Housing Policy Plan. July 2015, p. 9.

⁷ Marquette Advisors Apartment Trends, 1st Quarter 2018.

⁸ Family Housing Fund (2019).

⁹ Family Housing Fund (2019).

¹⁰ APA ADU Survey of Planning Directors, October 2018.

¹¹ HKGi. "ADU Research Summary: Accessory Dwelling Unit Guide for the Twin Cities Metro Area." 2019.

¹² Family Housing Fund (2019).

rent payments priced below \$1,875/month (in 2019 dollars), a range in which ADUs typically fall.¹³

Homeowners who rent their ADUs benefit financially: rental income can offset mortgage costs and help lower-income homeowners remain stably housed over time. ADU construction is a significant upfront investment, however, ranging from \$50,000 to more than \$150,000 depending on type and scale.¹⁴ Financing mechanisms — including home equity lines of credit, ADU loan programs, and municipal fee waiver programs — are therefore critical enablers of homeowner participation.¹⁵

C. To offer more choices for aging in community and multi-generational living

ADUs directly address the evolving demographic composition of American households. Four-fifths of projected household growth in the Twin Cities will be in households headed by individuals aged 65 and older, many seeking options to downsize in their own neighborhoods.¹⁶ ADUs allow older homeowners to move into an accessory unit, rent out the primary home, or house a caregiver nearby — supporting independent living without displacement from one's community.¹⁷

The AARP Home and Community Preferences Survey (November 2021) found that while only 4 percent of respondents had an ADU on their property, 26 percent of those without one said they would consider adding one if they had the space.¹⁸ AARP emphasizes that ADUs can help ensure that people of all ages, including older adults, have more options in where and how to live in their own communities.¹⁹

Multigenerational households — adult children, aging parents, and extended family members — are well-served by ADUs that allow independent living while maintaining family proximity. AARP's Livable Communities hub describes ADUs as family-friendly, flexible housing options that can serve changing household needs across multiple generations.²⁰

Nearly half of the region's projected household growth will be individuals living alone, a segment for which ADUs are ideally sized. ADUs expand the range of housing types available in predominantly single-family neighborhoods without fundamentally altering neighborhood character or requiring major infrastructure investment.²¹

D. To capitalize on potential environmental and economic benefits

ADUs are environmentally friendly housing options: they are smaller, use less energy than the average home, and can reduce transportation-related environmental impacts when located near employment centers and, where they exist, established public transit routes.²² ADUs also have the benefit of increasing net tax capacity as improved properties gain assessed value, resulting in the potential for additional property tax revenue and reducing the overall residential property tax burden. Because homeowners typically hire local construction and design firms to build ADUs,

¹³ Family Housing Fund (2019) and Metropolitan Council (2015).

¹⁴ Spevak and Stanton (2019), *The ABCs of ADUs*; and Grant et al. (2019), *Accessory Dwelling Units: A Step-by-Step Guide*.

¹⁵ Family Housing Fund (2019).

¹⁶ Metropolitan Council (2015).

¹⁷ Family Housing Fund (2019).

¹⁸ AARP Home and Community Preferences Survey, November 2021 (Binette 2021).

¹⁹ AARP Public Policy Institute and American Planning Association. "Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction." 2023. aarp.org/pri/topics/livable-communities/housing/expanding-adu-development-solutions-local-barriers/.

²⁰ AARP Livable Communities (2019).

²¹ Metropolitan Council (2015).

²² Stephan & Crawford, 2016, *Energy* 116(1), 1158–1171; and Oregon Department of Environmental Quality (DEQ), 2014, ADU residents in Portland survey.

they support the local economy. New ADU residents also increase the customer base for nearby businesses and services, helping to create more vibrant neighborhoods.²³

Potential concerns

- Neighborhood character: Critics worry ADUs will change the look and feel of single-family areas. The American Planning Association notes that communities that have actually allowed ADUs find these concerns are "mostly unfounded or overstated."²⁴
- Parking and traffic: Critics worry ADUs will add more cars to neighborhood streets. Oregon DEQ research found ADU residents have below-average vehicle ownership (less than one per household), and any on-street parking impact is dispersed rather than concentrated.²⁵
- Infrastructure and utilities: Sewer and water capacity must be considered at the permitting stage. Most cities require connection to the existing home or utility main, and tiered fee structures can help manage utility costs equitably.²⁶
- Owner-occupancy requirements: While some cities require on-site ownership to prevent speculative development, the APA recommends against these provisions, which constrain homeowner financing options and reduce production.²⁷
- Construction costs: ADUs are significant investments (\$50,000–\$150,000+), and not all homeowners can finance them without assistance. Financial barriers must be addressed alongside regulatory reform.²⁸
- Short-term rentals: Without explicit restrictions, ADUs may be converted to STR platforms rather than providing long-term housing. Several Minnesota cities (e.g., St. Louis Park) explicitly prohibit STR use in ADUs.²⁹

Recommended best practices for municipal zoning reform

The evidence from peer cities nationally and in Minnesota is clear: local government policies and practices that reduce regulatory and cost burdens make a critical difference in whether ADUs can reach their full potential for communities. AARP and APA research identifies four overlapping categories of barriers — political, regulatory, procedural, and financial — each of which must be systematically addressed for ADU programs to succeed.

AARP and APA's collaborative work on ADU policy dates to 2000, when the AARP Public Policy Institute published a model state act and local ordinance drafted by APA staff. An updated ADU Model State Act and Local Ordinance (Attachment E) was released in 2021 and is available as a free resource for state and local elected officials. Staff can provide existing ordinances from surrounding communities when requested.

A. Remove Regulatory Barriers

- Permit ADUs by right (administratively) rather than requiring conditional use permits or public hearings. In California, ministerial processing drove a 25-fold permit increase in Los Angeles and a seven-fold increase in Oakland.³⁰ The APA recommends that

²³ Family Housing Fund (2019).

²⁴ APA (2009).

²⁵ Oregon DEQ (2014).

²⁶ APA (2009)

²⁷ AARP/APA (2023)

²⁸ AARP/APA (2023)

²⁹ HKGi (2019)

³⁰ Garcia, David. UC Berkeley Turner Center for Housing Innovation. "ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes." December 2017.

communities allow ADUs by right with clear written conditions rather than requiring discretionary approval.

- Allow all forms of ADUs — attached, detached, and internal conversions — across all single-family and small multifamily zoning districts.
- Eliminate or reduce minimum parking requirements for ADUs. Evidence consistently shows negligible parking impact from ADU residents.
- Remove or narrow owner-occupancy requirements. The APA and most peer cities nationally recommend against these provisions, which constrain homeowner financing options.
- Adopt flexible and reasonable design and size standards, avoiding maximum size restrictions so small that units cannot be practically financed or occupied.
- Provide resources to guide applicants through a clear, efficient process.

B. Lower costs and increase access to capital

- Offer tiered fee structures, waivers, and payment plans for permit and sewer access charges. Portland's development fee waiver (saving homeowners \$8,000–\$12,000 per unit) drove ADU permit volume from 24 in 2009 to 615 in 2016.³¹
- Create pilot programs to test regulatory reforms before full-scale adoption, allowing cities to build evidence and political support incrementally.³²
- Work with community land trusts and developers to incorporate ADUs into new construction — as the City of Lakes Community Land Trust has done in Minneapolis — to build multigenerational housing at scale.³³

C. Promote ADUs and increase public awareness

- Create a dedicated city ADU webpage with step-by-step permitting information, design prototypes, and financing resources. Santa Cruz, CA has become a national model through dedicated staff, homeowner guides, architectural plan prototypes, workshops, and an informational website.³⁴
- Host informational workshops regularly to demystify the permitting process for homeowners.
- Sponsor or participate in neighborhood ADU tours. Portland's annual ADU tour has been a successful beginning point for many ADU homeowners. Minneapolis and Saint Paul ADUs have also appeared on regional home tours.
- Use listening sessions and inclusive outreach — particularly to renters, lower-income households, older adults, and communities of color — to build broad-based political support and ensure equitable program design.
- Create a pathway to legalize existing unpermitted or grandfathered ADUs through a simple inspection and permitting process — expanding legal inventory and improving health and safety conditions.

Twin Cities Metro ADU landscape

As of 2019, at least 25 Twin Cities metro area communities had adopted ADU policies, including Apple Valley, Blaine, Bloomington, Burnsville, Crystal, Eagan, Fridley, Golden Valley, Hopkins, Inver Grove Heights, Lakeville, Long Lake, Minneapolis, Minnetonka, Mounds View, Orono,

³¹ Family Housing Fund (2019).

³² AARP/APA (2023).

³³ Family Housing Fund (2019).

³⁴ AARP/APA (2023).

Plymouth, Richfield, Roseville, Stillwater, Shoreview, St. Louis Park, St. Paul, Wayzata, and White Bear Lake.

Minneapolis had the most permissive and active ADU program in the region, with approximately 120 units permitted and built, no minimum parking requirements, and no owner-occupancy requirement for attached or detached ADUs. Edina, Crystal, and St. Louis Park also adopted relatively flexible frameworks that allow all ADU types with minimal parking requirements.³⁵

Despite broad policy adoption, actual ADU production remained limited across most metro cities. Many communities had zero or very few built units, reflecting the chilling effect of restrictive provisions such as large minimum lot sizes, mandatory owner occupancy, conditional use permit requirements, high parking standards, and small maximum size limits. Burnsville had zero ADUs built despite having a policy; Bloomington had one constructed; Apple Valley had two.

Nationally, the APA survey found that more than 60 percent of jurisdictions explicitly permitted new ADUs in their zoning ordinance, yet only a quarter permitted at least one ADU by right on any conforming single-family lot. More than half of jurisdictions that permit ADUs still require owner-occupancy and minimum off-street parking — two of the most common production barriers identified in research.³⁶

Roseville permits attached and internal ADUs in its Low Density Residential-1 district,. That district, requires owner occupancy, limits ADU size to 650 square feet or 75% of the four-season living area, requires one additional off-street parking space, and caps occupancy at two people. As of 2019, five ADUs had been built with two more in process. Compared to Minneapolis, Edina, Crystal, and St. Louis Park, Roseville's prohibition on detached ADUs, owner-occupancy requirement, and restrictive size cap place it in the more conservative tier among metro-area cities.

Attachment A shows regulations adopted by a subset of Minnesota communities, current as of 2023. Most recently early this month, the City of Blaine published revised ordinance language removing detached ADUs as an allowed use and amended language permitting attached ADUs with standards.³⁷

Potential next steps

Accessory dwelling units represent one of the most cost-effective, equitable, and community-compatible tools available to cities seeking to expand housing choice, address affordability pressures, and accommodate demographic change. The evidence from peer cities nationally and in Minnesota demonstrates that thoughtful, permissive ADU policies — supported by public information and financial assistance — can meaningfully increase housing production without public subsidy.³⁸

To craft an ordinance appropriate for Arden Hills, Councilmembers should consider where and whether the following should be regulated:

- Location(s) within the city and/or specific zoning districts
- Lot size
- Number
- Height
- Number of occupants/residents
- Parking

³⁵ Family Housing Fund (2019).

³⁶ AARP/APA (2023).

³⁷ ORD 26-2601 Ordinance Approving Amendments to Residential Sections and Performance Standards (<https://www.blainemn.gov/m/newsflash/Home/Detail/3817>) (accessed March 2026)

³⁸ AARP Home and Community Preferences Survey, November 2021 (Binette 2021).

- Entry requirements
- Utility connection requirements
- Landscaping, impervious surface and building coverage requirements
- Independent sale of ADU
- Uses:
 - Home occupation
 - Short-term rental
 - General rental
- Permitted by Right, Permitted with Standards (PS), or Conditional (C)
- Design standards (windows, roof pitch, exterior materials, orientation on the lot etc.)

Additionally, in considering adopting a new type of residential use, an approach that includes some or all of the following is recommended in the research as a best practice that is more likely than not to increase the ability of property owners to choose to add an ADU to their property:

- Conduct a regulatory audit comparing current zoning standards to peer cities with high permit volumes, identifying specific barriers to streamline — particularly CUP requirements, owner-occupancy rules, parking minimums, and maximum size limits.
- Conduct an evaluation of existing residential lots and suitability for ADU implementation.
- Evaluate the opportunity for a pilot program.
- Allow by-right permitting, reducing cost, time, and uncertainty for homeowners and unlocking the potential for significant production increases.
- Allow all ADU forms — attached, detached, and internal — across all single-family and small multifamily residential districts.
- Eliminate or substantially reduce parking minimums and owner-occupancy requirements, both of which are consistently identified as top barriers to ADU production.³⁹
- Explore partnerships with the County, community development financial institutions, community development nonprofits and other similar organizations to identify opportunities to lower barriers for lower-income homeowners, particularly older adults seeking to age in place.
- Restrict short-term rental use in ADUs to preserve units as long-term housing for the community.
- Engage a broad and inclusive public process — including renters, communities of color, older adults, and lower-income households — to build lasting political will and equitable program design.

While ADUs alone will not solve the region's housing crisis, or Arden Hills' share of the need, they offer a proven, neighborhood-scale contribution to housing choice, supply, affordability, aging in community, and multigenerational living as part of a broader housing strategy. The benefits align with the city's housing goals in the 2040 Comprehensive Plan as well as the newly adopted strategic plan.

Budget Impact

No specific budget impacts are anticipated.

Potential budget impacts include:

- Payment of consultant, legal services, and/or staff time to develop an ordinance related to the construction and maintenance of ADUs.
- Permit revenue.
- Increase in net tax capacity.

³⁹ AARP/APA (2023).

Attachment

Attachment A: Table of Minnesota City ADU regulations (2023)

Attachment B: Family Housing Fund Best Practices (2023)

Attachment C: AARP model ADU ordinance

Attachment D: AARP ABCs of ADUs

City	Approval Process	Allowed Types	Setback Regulations	Size	Rental regulations	Parking Standard	How Address Assigned	Utilities	Additional Requirements	Additional Setback Standards	Additional standards for detached ADUs	Max Height
Apple Valley	CUP	Attached, Internal		300 square feet - 40% of main home's footprint		2 in addition to principal structure spaces		Must use the same as principal structure	Must demonstrate that the accessory unit will not have an undue adverse impact on adjacent properties and not substantially alter the character of the neighborhood.			
Bloomington	Administrative	Attached, Internal	Principal Structure Setbacks	300-960 square feet or 33% of home footprint	Rental license required	principal must have 4		Must use the same as principal structure				
Burnsville	Permitted	Attached, Internal, Detached	Attached - Principal Structure, Detached - Accessory Structure	300-960 square feet or 33% of home footprint	Rental license required	1 in addition to principal structure spaces	Same Address	Must use the same as principal structure				
Crystal	Permitted	Attached, Internal, Detached		<50% of primary home area	May be rented	1 in addition to principal structure spaces	ADU is unit B	Must use the same as principal structure			Minimum of 10 feet from principal structure	
Eagan	Annual Registration	Attached, Internal		300-960 square feet or 33% of home footprint		2 in addition to principal structure spaces		Must use the same as principal structure				

Attachment A

City	Approval Process	Allowed Types	Setback Regulations	Size	Rental regulations	Parking Standard	How Address Assigned	Utilities	Additional Requirements	Additional Setback Standards	Additional standards for detached ADUs	Max Height
Golden Valley	Administrative review, Conditional Use Permit for detached if does not meet same side and rear setbacks as principal	Attached, Internal, Detached	Principal Structure Setbacks	250-950 Square feet or 35% of home's gross living area (whichever is less	Rental license required	1 in addition to principal structure spaces		Must use the same as principal structure	Entrance to face side or rear yard, rooftop deck not allowed		Completely 12 ft to the rear of principal structure, minimum lot size of 10,000 sq ft, located no less than 10 ft from side or rear lot line, located no less than 10 feet from principal structure	12 feet
Hopkins	Permitted	Attached, Detached	Accessory Structure	<800 square feet	STR prohibited	No additional parking required		Must use the same as principal structure	Entrances not to face nearest side or rear lot line. Detached is referred to as "backyard cottage" and attached is "secondary suite"	10 ft min front setback, 3 ft min side and rear setback (same as accessory structure)	Minimum distance from principal - 15 feet	
Inver Grove Heights	City Registration	Attached, Internal, Detached		250-1000 square feet	Rental license required	2 in addition to principal structure spaces	Detached has separate address	Must use the same as principal structure				
Lakeville		Attached, Internal	Principal Structure Setbacks	<30% principal structure area	Permitted	3 garage stalls for ADU and Principal	Same Address	Must use the same as principal structure				
Long Lake	Conditional Use Permit		Principal Structure Setbacks	<900 square feet	Only to related individuals	2 in addition to principal structure spaces						
Minneapolis	Administrative - Filing a covenant with County, must be submitted to zoning administrator for building permit	Attached, Internal, Detached		All > 300 square feet. Internal < 800 square feet. Detached < 1,300 square feet and footprint not to exceed 676 square feet or 10% of lot		No additional parking required		Must use the same as principal structure	Shall be located on 1 level, no additional entrances facing the public street	Side and rear yard may be reduced to 3 feet	Minimum 20 feet from principal structure	21 feet

City	Approval Process	Allowed Types	Setback Regulations	Size	Rental regulations	Parking Standard	How Address Assigned	Utilities	Additional Requirements	Additional Setback Standards	Additional standards for detached ADUs	Max Height
Minnetonka	Conditional Use Permit for internal or attached, Variance + CUP for detached	Attached, Internal, Detached	Principal Structure Setbacks	200-950 square feet or 35% of the gross living area of home		Case by case		Must use the same as principal structure		Front 35 feet, side min 10 feet, rear 20% lot depth or 40 feet, whichever is less		
St Louis Park	Administrative review	Attached, Internal, Detached	Accessory Structure	Detached < 800 sq ft or 25% of back yard. Attached < 40% of gross living area. All > 200 sq ft	STR prohibited	No additional parking required		May be separate	Rooftop deck no allowed, permanent foundation is required, Unit must be lockable and not have direct access to the principal living space		Side yard or Back yard only, Located minimum 15 feet from rear lot line, Located a minimum of 5 ft from	15 feet
Ramsey	Permitted use, CUP required for conversion of lawful nonconforming garage	Attached, Detached	Accessory Structure	< 800 square feet		No additional parking required	Must retain same address	Must use the same as principal structure	Must have permanent foundation. ADUs contain complete independent living facilities with 3 or more of the following - living, sleeping, eating, sanitation			
Richfield	Permitted	Attached, Detached	Attached - Principal Structure, Detached - Accessory Structure	300-800 square feet or the gross area of the home (whichever is less)	Rental license required	3 in addition to principal structure spaces		Must use the same as principal structure	Must be attached to principal structure or garage			18 feet or height of the principal structure
Wayzata	Permitted Use, CUP	Attached, Internal, Detached	10 foot setback	300-960 square feet or 33% of home footprint	No	1 in addition to principal structure spaces					10 foot setback	

Attachment B

Prepared by
ECONorthwest for
Family Housing Fund
& NeighborWorks
Home Partners

NOVEMBER 2023

Best Practices in Advancing Accessory Dwelling Unit Production

FOR CONSIDERATION IN THE TWIN CITIES



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FOCUS GROUP PARTICIPANTS

- AARP Minnesota
- City of Minneapolis
- Christopher Strom Architects
- Dayton’s Bluff Neighborhood Housing Services
- Edina Realty
- Metropolitan Council
- Minnesota Homeownership Center
- Minnesota Housing Finance Agency
- YardHomes

PROJECT CONSULTING TEAM

- ECONorthwest (lead)
- Tyler Bump, Project Director
- Brittany Bagent, Senior Project Manager
- Amanda Ufheil-Somers, Research Analyst
- Accessory Dwelling Strategies LLC
- Kol Peterson Orange Splot LLC
- Eli Spevak

CLIENT TEAM

- Beth Hyser, Chief Program Officer, NeighborWorks Home Partners
- Kirstin Burch, Program Director, Family Housing Fund





INTRODUCTION

Like many regions across the country, the Twin Cities are facing a severe housing inventory shortage. One strategy to address the shortage that has recently gained interest and support is developing **Accessory Dwelling Units (ADUs)**. Small houses or apartments that exist on the same property lot as a single-family residence are referred to as ADUs. Sometimes known as accessory apartments, secondary units, carriage homes, alley houses, mother-in-law suites, or granny flats, ADUs provide more housing options in existing neighborhoods by allowing homeowners to build additional units on their lots. ADU is a catch-all term for all these situations—whether the unit is attached to an existing home, carved out of a larger home, or placed elsewhere on the property, such as over a detached garage or as a stand-alone structure in the back or side yard.

NeighborWorks Home Partners and Family Housing Fund have examined ADUs in recent years to understand and amplify their potential for helping Twin Cities communities meet their housing needs. While many municipalities in the Twin Cities region have changed zoning code to allow ADUs in recent years, ADU uptake has been slow. Together, NeighborWorks and FHFund contracted ECONorthwest to investigate the opportunities and challenges to building ADUs in the Twin Cities.

This report introduces the benefits of ADUs, explores national best practices in supporting permitting and development of ADUs, explores navigator models, and summarizes findings from local focus group meetings to determine the structure and feasibility of a navigator model for the Twin Cities region.



Benefits of Accessory Dwelling Units

ADUs have been around for many years (as seen in historical homes and neighborhoods) but their construction declined in the mid-twentieth century for a variety of reasons. Changing preferences and restrictive land use regulations reduced housing flexibility and limited the availability of housing options for diverse needs. For example, ADU housing was common in Chicago during the first half of the 20th century and then ADU construction diminished beginning in 1957 after the adoption of a zoning ordinance necessitating parking and prohibiting secondary residential structures on residential lots.¹ Now, many of the nation's ADUs can be found in older neighborhoods and in communities where regulations have been updated to allow for more housing diversity.

Many communities support the development of new ADUs to increase housing choice, discreetly house more residents within existing neighborhoods, decrease housing costs for owners and renters, and accommodate multigenerational living (See Exhibit 1 on next page).



ADUs offer additional options for smaller households. The smaller size of ADUs provides a lower-maintenance housing option particularly suited for older adults.²

ADUs can blend into single-family neighborhoods. Many communities have vast areas with single-family residential uses which can accommodate ADUs.

ADUs can be a source of added income for homeowners to help pay housing expenses.

Pairings of primary dwellings and ADUs can meet the needs of multigenerational households. An AARP study found that during the pandemic, economic pressures influenced families to embrace multigenerational living to facilitate their ability to focus on survival, support, and recovery. Others found that multigenerational living supported feelings of love, connection, support, and care during the pandemic.³

Source: West Denver Single Family Plus Initiative

PRIMARY HOUSE OCCUPANTS



Homeowners save money to build a second unit.



YEARS 0-3

SECOND UNIT OCCUPANTS

There is no second unit on the lot.



Second unit is built. Homeowners have kids.



YEARS 4-20

Second unit is rented to local renters. Homeowners use rent to pay extra expenses and some of second unit building costs.



Homeowners are supported financially while providing affordable housing for their adult kids.



YEARS 21-25

While building a career after college, the homeowners' children replace local renters in the unit to benefit from its affordability while supporting household income.



The second unit is fully paid and the homeowner are able to support their aging parents.



YEARS 26-30

The homeowners' elderly parents move-in to save on senior care costs.



One of the adult kids of the homeowners moves into the primary house with their partner and kids.



YEARS 31+

Homeowners move into the second unit and are able to share life with their children and grandchildren.



This report draws on insight from ADU experts, prior work done by ECONorthwest, and new research to review policies and practices in the cities and states that have produced the most ADUs in recent years. These jurisdictions—concentrated in West Coast states and Vancouver, B.C.—offer lessons on regulatory changes, planning tools, and actions that can support the accessibility and feasibility of ADU construction to homeowners and developers.

LANDSCAPE SCAN AND BEST PRACTICES

Reducing regulatory barriers is the first and most important factor for achieving higher levels of ADU adoption and production. In a survey of ADU owners in three Pacific Northwest metro areas, the largest proportion of respondents (35 percent) said zoning changes were the determining factor for their decision to build an ADU.⁴ Although removing regulatory barriers does not guarantee that ADUs will be built, evidence from cities like Los Angeles shows that code and process changes alone can substantially increase ADU production.⁵

The successful adoption of ADUs in many jurisdictions along the West Coast indicates that removing code and permitting barriers is a prerequisite to fostering ADUs.

REGULATORY SHIFTS TO SUPPORT ADU PRODUCTION

ALLOWING ADUS BY RIGHT

Clear and objective standards should apply to ADUs so they can be approved directly by municipal planning staff. When ADUs are allowed “by right,” applications are reviewed for compliance with the zoning, planning, and building code. Permitting ADUs through conditional or discretionary review requires a more extensive and costly permitting process involving a planning commission, uncertainty for the applicant, and potential for time-consuming appeals. Generally, conditional approvals should be targeted only for uses that have special impact or uniqueness such that their effect on the surrounding community cannot be determined in advance of the use being proposed for a particular property. ADUs are house-scale buildings that are fully compatible with detached homes and should not require special conditional use review. Similarly, design standards for areas outside historic preservation sites should be as clear and objective as possible to allow straightforward approvals for projects that are consistent with current zoning and building code requirements.

.....
ADOPTED: SEATTLE, VANCOUVER (B.C.), CALIFORNIA, OREGON, NEW HAMPSHIRE, RHODE ISLAND, VERMONT, UTAH, WASHINGTON, D.C.

ELIMINATING OWNER OCCUPANCY REQUIREMENTS

Among cities that have passed ADU ordinances, some include requirements for property owners to live on-site, whether in the primary home or the ADU. This requirement is usually enforced with a covenant or deed restriction. Owner occupancy requirements limit the potential for ADU development in a few ways. In the near-term, they limit the pool of possible owners who can develop an ADU, both because they must live on the property, and because mortgage lenders may avoid lending on them. Lenders see these requirements as risky: If they need to foreclose, the bank would immediately be out of compliance as a non-occupant owner. In the long term, such requirements restrict the flexibility that makes ADUs so attractive, as owners may have different needs and uses for their property over time. So far, concerns about an increase in corporate investor-owned properties with ADUs are not reflected in the data. In California, only eight percent of ADUs are on properties owned by companies, compared to 17 percent of the state’s housing stock.⁶

.....
ADOPTED: SEATTLE, VANCOUVER (B.C.), CALIFORNIA, OREGON

INCREASING ALLOWABLE SIZE

Many jurisdictions limit the size of ADUs through one or more of the following: maximum square footage, percentage of the size of the primary dwelling, and/or overall lot coverage. Size limits related to the primary house or lot size effectively penalize smaller primary homes, which will not be able to add full-sized ADUs. Explicit size requirements in ADU ordinances usually range between 750 and 1,000 square feet. Increasing the allowable lot coverage for ADUs can also add flexibility into city codes. Portland, Oregon allows up to 15 percent of total lot coverage to be taken up by detached structures on a property. Washington County in Oregon also gives a 15 percent size bonus for ADUs that are ADA-accessible. Another approach with small houses on large lots is to allow the new dwelling to become the primary structure while the original house is designated as an ADU.

ADOPTED: PORTLAND, VANCOUVER (B.C.), CALIFORNIA

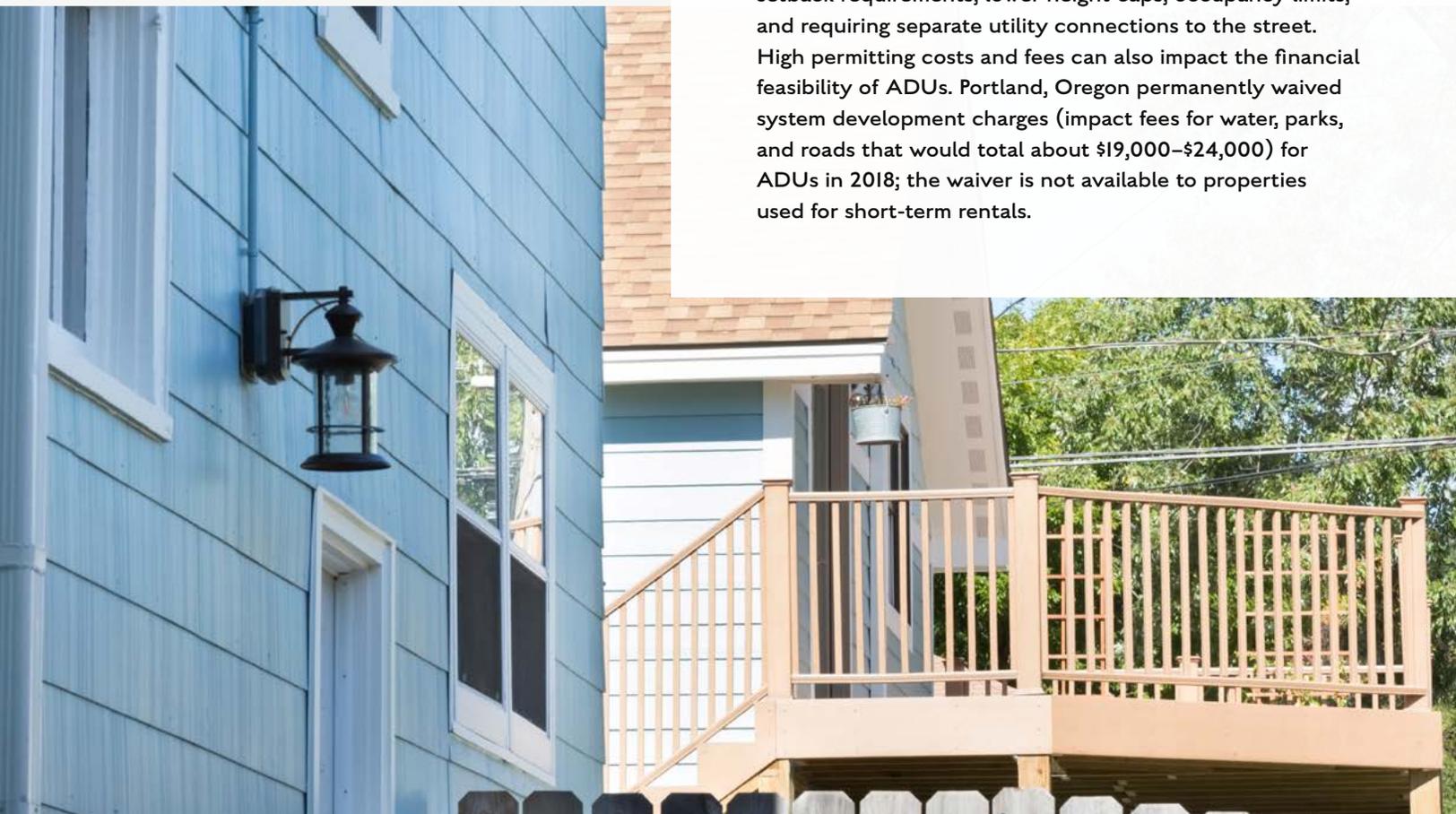
ELIMINATING OFF-STREET PARKING MANDATES

Parking matters largely because of the space it takes away from housing. Off-street parking requirements also add construction costs and can make pedestrian-friendly design more challenging. Research has shown that occupants of ADUs are generally less likely to own a car, compared to residents of detached homes.⁷ Forty percent of ADU occupants in California do not park a car on the street, while another 46 percent park only one car on the street.⁸ Parking requirements are also more strongly correlated with ADU applications than other standards, such as unit size or permit fees: California cities with no off-street parking requirements are more than twice as likely than other cities to receive at least one ADU application per month.⁹

ADOPTED: SEATTLE, VANCOUVER (B.C.), SAN FRANCISCO, OREGON

ADDITIONAL BARRIERS

Other regulations hindering ADU construction are large setback requirements, lower height caps, occupancy limits, and requiring separate utility connections to the street. High permitting costs and fees can also impact the financial feasibility of ADUs. Portland, Oregon permanently waived system development charges (impact fees for water, parks, and roads that would total about \$19,000–\$24,000) for ADUs in 2018; the waiver is not available to properties used for short-term rentals.



TECHNICAL ASSISTANCE

Even with ADU-friendly regulations in place, the process of developing an ADU can be frustrating and intimidating for the average homeowner. California-based research on people who successfully built ADUs revealed that securing permits was one of the most challenging aspects of the process.¹⁰ Over 50 percent of respondents said it was difficult to get their ADU plans approved. Many shared that planning staff did not always have a good understanding of ADU regulations, or that conflicting city, county, and state development rules took time for staff and homeowners to understand and resolve. Improving staff comfort with ADU regulations is a crucial step in supporting greater ADU development.

Externally, simple improvements to city websites can go a long way toward helping homeowners—the primary agents of ADU development—to understand the development process. Other initiatives that cities have used include:

DEVELOPMENT PLANNING TOOLS: Cities can offer ADU planning tools along a wide spectrum in terms of investment and complexity, from a basic outline of the process to a list of FAQs, cost calculators, guidebooks, or forms and checklists that prompt homeowners to gather necessary site information for the permitting process. The City of Seattle offers a self-service interactive parcel map that uses assessor data to show whether ADUs are allowed, and how large they can be for a specific lot. Tools that help homeowners understand the process and get more information about project feasibility on their own can help maximize staff time once an application is brought to the city.

PRE-APPROVED ADU PLANS: Offering a set of city-approved design and construction plans at low- or no-cost helps homeowners save on predevelopment expenses and speeds up the permitting process. Pre-approved plans can also offer design standards that help ADUs blend in with the current housing stock.¹¹ There are different models for pre-approval: in some cases, the city owns the plans and distributes them for free,

while in others, the designers maintain ownership and sell the plans to homeowners. Cities that offer free plans include the Cities of Oakland, Fort Bragg, Encinitas, Citrus Heights, and San Diego in California. In Eugene, Oregon, pre-approved plan fees, payable to the designers, are capped at \$500. An important consideration with pre-approved plans is the evaluation of the costs of building each design, which affects how feasible—and therefore likely—they are to be built. Early research shows lower utilization of pre-approved plans in larger cities, from 3–5 percent. Smaller suburbs with pre-approved plans have seen utilization closer to 20 percent.¹²

Nonprofit organizations and consultants can also provide technical assistance to help interested homeowners start, navigate, and complete the ADU development process.

NONPROFIT SUPPORT FOR ADUS: Many ADU programs offered by nonprofits have supported ADU development for lower-income homeowners. Keys to Equity is a program in the City of Oakland, California, led by community-based nonprofit Richmond Neighborhood Housing Services, with lending and philanthropic partners. The cohort-based program offers education, design and project management, financial counseling, access to an ADU loan product through Self-Help Federal Credit Union, and landlord training to its participants. Though the program is open to any homeowner in Oakland, the program’s outreach is focused on Black homeowners.¹³

“TURN-KEY” ADU BUILDERS: In many markets, “turn-key” ADU builders lower the barriers for homeowners by offering a fixed price for ADU design and construction, where the company also handles the permitting and approval process. Even when these ADU models are not pre-approved by the city, the designs are usually tailored with local codes in mind to speed the approval process. An ecosystem of turn-key ADU builders can offer local jurisdictions some of the benefits of pre-approved plans without the administrative costs.

COALITIONS

OUTREACH

After removing regulatory barriers and reducing the difficulty of navigating the development process, another key step is raising awareness about ADUs. While some cities have directly promoted ADUs through improved municipal websites and marketing campaigns, third party organizations often play a leading role in building awareness and momentum for ADUs.

Nationally, AARP has been a leading voice in building awareness about the role of ADUs in creating age-friendly cities with a variety of housing options for different life stages. AARP has published a popular guidebook, *The ABCs of ADUs*, and has also created model state and local legislation for allowing ADUs in residential zones.¹⁴ State AARP branches have also been active in promoting ADUs and supporting ADU legislation.

At the local level, successful activities to generate awareness and interest in ADUs include:

- Securing local media coverage of first-hand success stories about homeowners who have built ADUs
- ADU consultations and classes
- Tours of local ADUs
- ADU concierge services through a dedicated non-profit

POLICY AND LEGISLATION

ADUs should be considered a first step toward a more inclusive array of housing types that can and should be built in residential, urbanized areas. Many stakeholders could become allies to back this type of legislative effort if that type of broad support were deemed to be helpful in the pursuit of statewide legislation. Stakeholders may include small-scale and local developers, realtor associations, banks, credit unions, home builder associations, architectural groups, urban planning associations, disability advocates, affordable housing groups, faith communities, and many others.

Broad coalitions have proven to be extremely effective in galvanizing support in Oregon, California, and Connecticut, three states to date that have passed the most supportive ADU legislation in the country. (However, Connecticut's law was weakened during passage by allowing local jurisdictions to opt out.) Such coalitions may also support broader housing policy goals related to small urban infill goals such as middle housing legislation.

PROGRAM EXAMPLES

California's **CASITA COALITION** advocates for legislation that allows and encourages smaller housing types and was a prominent voice in the campaigns for state-level laws authorizing ADUs. The Coalition has a wide range of public and private sector partners that include cities, real estate developers, community-based nonprofits, and researchers. The Casita Coalition also creates guidebooks for homeowners to navigate ADU development, sponsors webinars for the public, and hosts events for ADU professionals.¹⁵

DESEGREGATE CONNECTICUT formed in June 2020 to campaign for zoning reforms at the state level in Connecticut. The coalition includes a broad alliance of community-based organizations working across sectors of racial and economic justice, housing, transportation, and sustainable development, as well as faith communities, housing developers, trade unions, and cities. Desegregate Connecticut was a vocal supporter of HB 6107, which allows ADUs and restricts barriers to their development, such as parking requirements. In addition to videos promoting the value of ADUs for communities, the coalition's website also provides extensive resources for the public about Connecticut's zoning laws, planning processes, and the role of zoning in segregating communities.¹⁶





Financing and Development Patterns

Though ADUs cost less than building a larger detached home, they are also affected by rising costs of materials and labor across the construction industry. Compared to larger homes, ADUs often cost more per square foot because they have the same requirements for livability— kitchen, bathroom, and utility connections—in a smaller space. Current estimates for ADU construction in the Twin Cities area are about \$250,000 for a 750-square foot detached unit.¹⁷

In Portland, where ADUs are encouraged by local policy, it is increasingly common for newly built homes to include a detached or attached ADU. Even with this new trend, only 10 percent of ADUs in Portland were built by a professional developer. Across the country, current homeowners are the primary developers of ADUs on their property.

ADUs are most often financed using a patchwork approach of different funding sources that rely on homeowners' existing assets. The vast majority of ADUs are financed using the following approaches, in descending order of frequency:¹⁸

- Cash savings (including stocks)
- Home equity line of credit
- Cash out refinance
- Personal loans and other non-secured lines of credit (such as credit cards)
- Loans (or private gifts) from family and friends

Home equity and cash out refinancing loans usually come with restrictions on the amounts that can be borrowed relative to a home's value, and equity lines of credit can require high credit scores. Debt-to-income ratio limits can also be a challenge for homeowners with lower incomes or less home equity. These terms limit the pool of homeowners that can access such financing.

Renovation or construction loans allow homeowners to borrow against the future value of the property based on the projected value after the addition of an ADU.¹⁹ But in markets with few comparable properties, the added value of the ADU may be minimal. So far, this type of financing is not among the most common tools for building ADUs.

The current cost and financing environment means that most ADUs are built by homeowners with access to substantial savings or home equity. In Portland, this trend corresponds with a greater share of ADU owners between the ages of 45 and 65, compared to all homeowners (See Exhibit 2).²⁰ Research from California's large ADU market shows that homeowners who have built an ADU are more likely to be affluent compared to homeowners statewide, with 70 percent of ADU owners earning over \$100,000 (See Exhibit 3).²¹ Black and Latino residents are disproportionately less likely to develop ADUs. Two percent of ADUs are owned by Black Californians, compared to 4 percent of homes, while Latino ADU and homeownership rates are 14 percent and 29 percent, respectively.²²

EXHIBIT 2. SHARE OF HOME AND ADU OWNERS BY AGE IN PORTLAND, OREGON, 2013

Source: Martin John Brown, Oregon Department of Environmental Quality

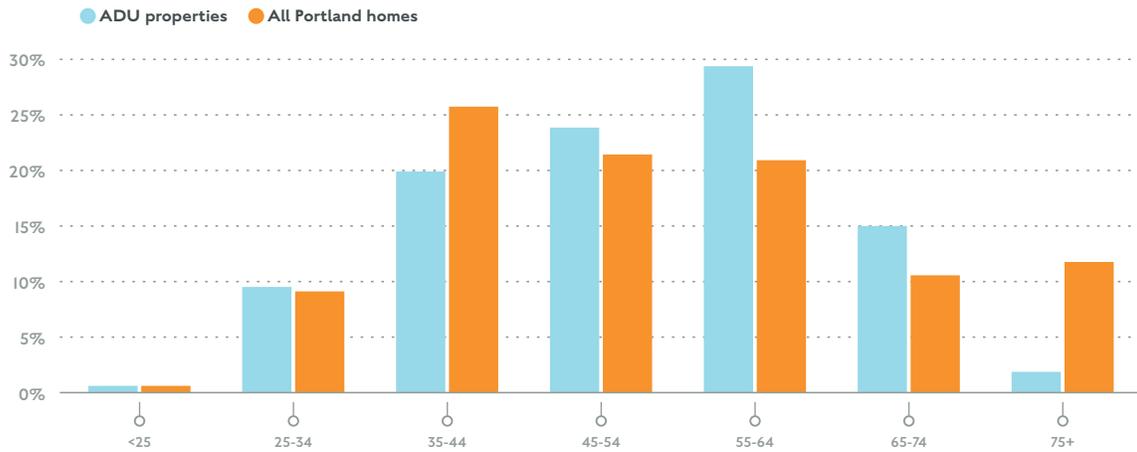
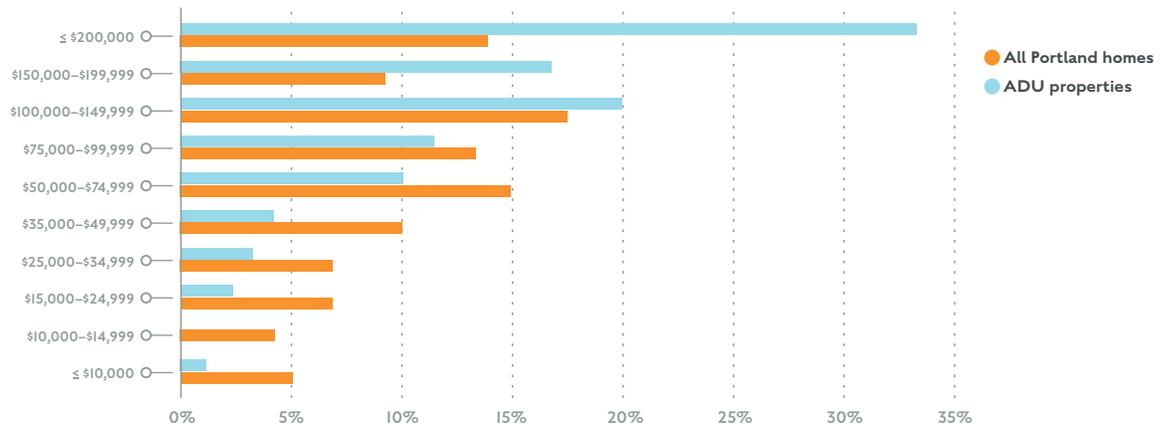


EXHIBIT 3. SHARE OF HOME AND ADU OWNERS BY INCOME IN PORTLAND, OREGON, 2021

Source: UC Berkeley Center for Community Innovation



ADDRESSING FINANCING BARRIERS

Innovative funding tools that have appeared in the market or have been piloted by state and local governments to expand access to ADU ownership include:

ADU-SPECIFIC LOANS: A nonprofit lender in the Pacific Northwest, Craft3, offers an ADU-specific loan product in Portland. Homeowners can borrow up to \$130,000 for 10 years, with a lower interest rate available to low- or moderate-income homeowners. This loan is only available for borrowers who live, or house family members on the property.²³

PUBLIC LOAN AND GRANT PROGRAMS:

Cities, counties, and states have piloted loan and grant programs for ADU construction. Loan programs have often been forgivable or zero-interest loans that can be repaid when homeowners sell the property. California’s Housing Finance Agency (CalHFA) offers

grants of up to \$40,000 for lower-income homeowners, via lending partners throughout the state. The grant can cover predevelopment and/or closing costs for other financing sources. CalHFA grants are limited to owner-occupied properties.²⁴

FEE WAIVERS: Waiving certain development fees for ADUs—such as impact fees for stormwater, sewer, and parks—can meaningfully reduce the total cost of developing an ADU. As mentioned above, the City of Portland waives approximately \$20,000 in impact fees for ADUs that will become long-term rentals or non-rented housing for family and friends.



POTENTIAL TO PROVIDE AFFORDABLE HOUSING

As discussed on previous page, the base construction costs and limited options for financing ADU construction present structural challenges to the feasibility of ADUs as a source of affordable housing. Depending on homeowners' desires to offer an ADU as a long-term rental property and their expectations for recouping their initial investment, rents on ADUs may not be affordable relative to local housing markets.

Research over the past decade has found evidence that median rents on ADUs can be affordable for moderate income households, though many of those units are rented to households with a relationship to the homeowner. A study of ADUs in Portland, Seattle, and Vancouver, B.C. from 2017 found that 58 percent of ADUs offered for rent had below-market rents. However, 40 percent of those affordable ADUs were rented to friends or family. Many homeowners build ADUs in order to provide affordable or free housing for family and friends; 18 percent of ADUs in California are used in this way. The share of ADUs rented to arms-length tenants for affordable rents can vary widely. Across California counties in a 2021 study, rental ADUs affordable

to households making 80 percent of AMI or less ranged from 12 percent in Los Angeles to 67 percent in Marin.²⁵

Many cities around the country are adding references to ADUs in their comprehensive plans related to supporting and encouraging diverse housing types, including Minneapolis. Some cities refer to ADUs as a potential source of additional affordable housing, but specific programs to support ADUs as affordable rental properties have primarily been limited to pilots, led by nonprofits with varying degrees of municipal partnership or support. Most of these programs are designed to serve lower-income homeowners while others have targeted higher-income owners to create regulated affordable housing.

PROGRAM EXAMPLES

In Portland, the nonprofit **BACKHOME ADU** helps homeowners with development planning, connects them with affordable financing, builder partners, and property management services in exchange for renting the completed ADU to a household earning no more than 80 percent of AMI. BackHome ADU has built five ADUs and has 17 currently under development.²⁶

Nonprofit affordable housing developer **EAST PALO ALTO CAN DO** offers site planning, financial consulting, and construction project management for income-qualified households in East Palo Alto, California. As part of their Packard Foundation-funded program, the finished ADU must be rented at a rate affordable at 80 percent of Area Median Income (AMI).²⁷

DURHAM COMMUNITY LAND TRUSTEES in North Carolina is piloting a CLTplusOne program to include an attached ADU with a new-build home as part of their portfolio of permanently affordable owned homes within their community land trust (CLT). The new CLT homeowner will own both the home and the ADU, but Durham Community Land Trustees will manage the rental property on behalf of the owners. This pilot project is designed to be affordable to owners making 80 percent of AMI, while the ADU rent will be affordable to households at 60 percent of AMI. In future phases, the CLT hopes to be able to include ADUs in all future new construction projects and to begin adding ADUs to the properties in their existing portfolio.²⁸

Navigator Models Throughout the Nation

In several geographies where ADUs are prominent, there are various types of an “ADU navigator,” a single organizational home to support education about and advocacy for ADUs. Many cities offer a central website for information and technical assistance related to building an ADU, and to start guiding residents through the process.

The City of Louisville, Kentucky developed a robust website landing page for homeowners, architects, and builders interested in ADUs.²⁹ The website displays critical content including types of permitted ADUs with graphic representation, land development code, a step-by-step process guide, and a link to their ADU application. The website also includes events that may be of interest, such as local conferences and federal videos.

The City of Lexington, Kentucky developed a two-page handout announcing the city ordinance allowing for the incorporation and regulation of ADUs in their city³⁰. The handout includes a simple and clear overview of the approved regulations. They also include a link to a website with additional resources and contact information.³¹

The City of San Jose, California created a city website with clear definitions of the allowable types of ADUs, explanations of the permitting process, explanatory videos, a library of preapproved plans, and a data dashboard about ADU permit activity in the city. San Jose also has a dedicated “ADU Ally” in its planning department who serves as a first point of contact and guide through the permitting process. For a time, the city offered expedited review for ADU plans every Tuesday.

Cities in Napa and Sonoma Counties in California have partnered with the **Napa Valley Community Foundation** and the **Community Foundation of Sonoma County** to promote ADU development. The foundations maintain a website, Napa Sonoma ADU, with information about ADUs and the development process, city-specific land use codes, preapproved ADU plans and prefab models.³² Interested homeowners can also connect with a local ADU expert for a subsidized consultation and assessment of what is possible on their property.

In addition to information on the city’s website, the **City of Seattle, Washington** has a separate ADU website, ADUuniverse, integrated with geographic data that combines information about the city’s ADU policies, the permitting process, pre-approved designs, and an interactive parcel map that helps homeowners determine what is allowed on their property.



LOCAL CHALLENGES AND OPPORTUNITIES IN THE TWIN CITIES

In October 2022, ECONorthwest convened three focus groups and a series of follow up conversations to explore challenges and opportunities in planning and building ADUs in the Twin Cities. The groups represented regional leaders working as architects and builders, funders and advocates, as well as city staff.

CHALLENGES

Costs versus building form expectations is challenging in the Twin Cities market. Codes limit ADUs to be approximately the same size of a residential garage (maximum of 675 square feet) and people often underestimate the cost of an ADU. At the low end for a prefab construction ADU, a homeowner can expect to pay approximately \$250,000 which is high given the limited size.

The **winter climate** in the Twin Cities drives a strong regional preference for covered parking, which will directly increase costs. Owners with capital for ADUs, for example, typically want parking for one or two cars. This need, combined with substantial requirements for frost footings for residential structures, often involves demolishing an existing garage and rebuilding a garage with an ADU on the second floor.

Converting an interior space to an ADU is often very difficult. Many older homes throughout the region may not support an ADU because of their size and layout. First-ring suburbs, many of which were developed after WWII, may be a better fit due to their housing structure. However, in many cases, converting an interior space to an ADU does not add significant value because it does not change the overall square footage.

Local cities do not have dedicated ADU planning staff. Permitting an ADU is technical and relies on support from multiple departments within the city. For example, Minneapolis has parallel applications for building and land use, as well as a process that involves staff from zoning, building codes, and other departments that are needed to shepherd the application through to completion.

It is challenging for staff to need to explain the process to applicants because it is inherently confusing and different rules often overlap.

Saint Paul requires dedicated water and sewer connections which presents a financial barrier that is unique to the city. Other neighboring cities do not require dedicated water and sewer connections.

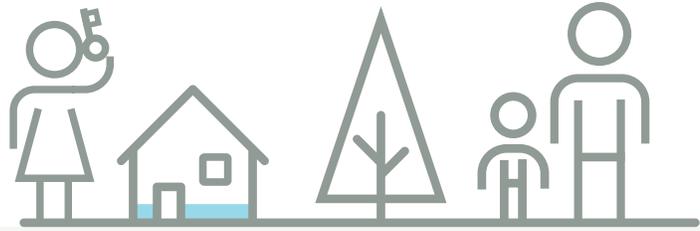
Saint Paul also requires a dedicated sidewalk leading from the ADU to the front of the primary home. This is a financial and potentially logistical challenge depending on the cost of the added sidewalk and lot coverage limitations.

Well intentioned ordinances, such as requiring that **ADU siding** match the primary home, may be challenging in practice. For example, if a primary home has asbestos siding, requiring an ADU to match is problematic.

Inconsistent and disconnected city governments generate a range of ADU ordinances that lack regional consistency. Roughly half of the cities in the Twin Cities have adopted ADU ordinances while the others do not. Individuals and developers are challenged by inconsistent expectations rather than turning to broader regional coordination.

Financing ADUs is a challenge in the Twin Cities and other regions alike. When other communities, such as those along the West Coast, began building ADUs housing costs were markedly less. Therefore, given current higher building costs, more time may be required for ADUs to proliferate in the Twin Cities compared to other regions in the country.

OPPORTUNITIES



Given the relatively low awareness of ADUs in the Twin Cities region, **targeted outreach and promotions around ADU benefits can go a long way.** Most people are not familiar with ADUs, and those who are familiar may have a narrow view of ADUs being limited to above-garage apartments. Targeting outreach around the different forms ADUs can take could make a big difference. Continuing to support tours of successfully built ADUs can create exposure for individuals interested in building on their property.

Senior citizens represent an ideal market to target for ADUs because they may be interested in adapting their property for aging in place or for multigenerational living and have enough home equity or savings to finance construction. Seniors may be aware of ADU options, due in large part to the AARP's advocacy, but they tend to underestimate costs and are less equipped to navigate the complicated process.

Educating homebuilders around the benefits of ADUs for new construction may lead to basements designed as a separate unit or for a future conversion. This is a less expensive alternative and may allow for larger unit sizes.

Streamlining permitting and approval processes on city websites and at a regional scale would create significant efficiencies. Nineteen different municipalities offer different rules and models which is inefficient and difficult for developers and homeowners to navigate.

Pre-approved ADU plans may benefit and incentivize homeowners interested in building an ADU. The Twin Cities also has several local developers that offer turn-key ADU products and could be part of a larger coalition to promote ADUs.

Adjusting ADU rules and standards in Minneapolis may meet more families' needs in constructing ADUs.

For example, increasing the 10 percent lot coverage rule for accessory structures to 20 percent would help families build larger ADUs. Also, decreasing the 20-foot setback between a detached ADU and the primary house to five feet would align with fire code building separation requirements. The 20-foot standard is an outlier and is problematic for building detached ADUs on smaller lots.

Adjusting ADU rules and standards in Saint Paul may also meet more families' needs in constructing ADUs. For example, reconsidering the requirements to dedicate separate water and sewer connections and dedicated sidewalks would be helpful. Clarifying ADU codes, particularly around rear and side-yard setbacks, could also support more ADUs.

Incorporating ADU policies in local housing plans would generate more developments. With less than one-third of local cities considering ADU policies in their housing plans, there is significant opportunity for growth.

Minnesota Housing Finance Agency is actively working to update rules that would support ADUs, including removing the requirement that home improvement renovations be attached to the primary home.

Removing owner occupancy requirements for ADUs across the Twin Cities would foster more housing opportunities for everyone.

AN ADU NAVIGATOR FOR THE TWIN CITIES



After reviewing conditions, challenges, and opportunities in the Twin Cities, as well as successful measures nationwide, the ECONorthwest team recommends pursuing a navigator model that supports ADUs throughout the region. Focusing resources—from funding to staff time—in a navigator would develop both broad and deep expertise in the ADU landscape across the region and efficiently provide a one-stop-shop for homeowners, developers, and builders to understand the possibilities and process for building an ADU. Given tangible adjustments in city codes, opportunities for collaboration and strategic communication among partners, and the significant interest expressed from builders, architects, and public sector leaders, the Twin Cities is well positioned to develop an ADU navigator.

ECONorthwest recommends a navigator model that would offer technical assistance in the form of self-service tools and direct services to facilitate the development of ADUs in the Twin Cities. This technical assistance could include:

OFFERING TOOLS: Self-service tools can help homeowners work through many of the early steps of ADU development to determine whether it is feasible on their property. These tools could include online FAQ documents, a graphic summary of the ADU development process, a workbook with exercises for setting goals, an ADU calculator providing high-level cost estimates, and/or an address look-up tool leveraging online maps and zoning data to determine whether a specific parcel meets local code requirements to add an ADU. The ADU navigator would develop, host, promote, and maintain these tools over time.

PROVIDING DIRECT SERVICES: Compared to a resource library, a defining feature of a navigator is the ability to provide services to potential ADU owners to understand and manage the development process. Combining expertise in local ADU rules and feasibility with a customer service orientation can help catalyze ADU development in the Twin Cities. Some of the most effective services offered by other navigators include: hosting webinars on local guidelines for ADU design and approval; providing consultations to review ADU plans and feasibility with

potential ADU owners; curating a library of ADU designs from local architects; organizing tours so individuals can see successful ADU projects; and offering ADU policy guidance to local jurisdictions. The model would also include building a coalition to explore and advance recommendations to support ADU uptake. Broad coalitions have proven to be extremely effective in galvanizing legislative support for ADUs in Oregon, California, and Connecticut, three states to date that have passed the most pro-ADU legislation in the country. Coalitions in these and other states have demonstrated that ADUs can provide an important bridge between a variety of issues, such as increasing housing supply, advancing equitable wealth-building, developing age-friendly units, and supporting energy efficiency housing. In the Twin Cities, there is a rich ecosystem of organizations working on these issues—ripe for building a coalition.

In geographies across the country, ADUs are adding affordable options to the housing supply to help combat severe shortages and rising rents. The Twin Cities region should be among those success stories.

END NOTES

- ¹ [“Lessons From Livability Leaders: 2021 Report,”](#) AARP online, December, 2021.
- ² [“Addressing Housing Challenges Across the U.S. for Aging Communities,”](#) AARP, *Future of Housing online*, n.d., :
- ³ Binette, Joanne, Angela Houghton, and Stephanie Firestone. *Drivers & Barriers to Living in a Multigenerational Household Pre-COVID – Mid-COVID*, Washington, DC: AARP Research, January 2021.
- ⁴ Karen Chapple, Jake Wegman, Farzad Mashhood, and Rebecca Coleman. [Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle, and Vancouver.](#) San Francisco, CA: Urban Land Institute, 2017: 19.
- ⁵ Dan Bertolet and Nisma Gabobe, [“LA ADU Story: How a State Law Sent Granny Flats Off the Charts.”](#) Sightline Institute, April 5, 2019.
- ⁶ Karen Chapple, David Garcia, Eric Valchius, and Julian Tucker. [Reaching California’s ADU Potential: Progress to Date and Need for ADU Finance.](#) Berkeley, CA: Turner Center for Housing Innovation, August 2020.
- ⁷ Martin J. Brown and Jordan Palmieri. [Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners.](#) Salem, OR: Oregon Department of Environmental Quality, June 2014; Jake Wegman and Karen Chapple. *Understanding the Market for Secondary Units in the East Bay.* Berkeley, CA: Institute of Urban and Regional Development, October 2012.
- ⁸ Karen Chapple, Dori Ganetsos, and Emmanuel Lopez. [Implementing the Backyard Revolution: Perspectives of California’s ADU Owners.](#) Berkeley, CA: UC Berkeley Center for Community Innovation, April 2021.
- ⁹ Deirdre Pfeiffer. [Regulating ADUs in California: Local Approaches and Outcomes.](#) Berkeley, CA: Turner Center for Housing Innovation, 2018.
- ¹⁰ Chapple, Ganetsos, and Lopez, *Implementing the Backyard Revolution.*
- ¹¹ [“South Bend Neighborhood Infill: Pre-approved, ready-to-build housing.”](#) City of South Bend.
- ¹² Kol Peterson, consultation report prepared for Southern California Association of Governments, Woodsong Associates.
- ¹³ [“Keys to Equity,”](#) Richmond Neighborhood Housing Services, n.d.; [“Building ADUs in Oakland: The Keys to Equity Program,”](#) SPUR [webinar], May 2022.
- ¹⁴ AARP. [Accessory Dwelling Units: Model State Act and Local Ordinance.](#) Washington, DC: 2021.
- ¹⁵ [“How to Build an ADU.”](#) Casita Coalition, n.d.
- ¹⁶ [“Work Live Ride is Here!”](#) Desegregate Connecticut, last updated January 31, 2023.
- ¹⁷ This estimate is based on ECONorthwest’s conversations with developers working in the Twin Cities market.
- ¹⁸ Research on frequency of financing by [Accessory Dwelling Strategies](#) See also: [“ADU Financing Options,”](#) Guaranteed Rate Workshop Mortgage.
- ¹⁹ Laurie Goodman and Solomon Greene, [“To Unleash Housing Supply, Allow and Finance Accessory Dwelling Units,”](#) *ULI Urban Wire*, February 3, 2020.
- ²⁰ Martin John Brown and Jordan Palmeri, [Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners.](#) Salem, OR: Oregon Department of Environmental Quality, 2014.
- ²¹ Chapple, Ganetsos, and Lopez, *Implementing the Backyard Revolution.*
- ²² Chapple, Ganetsos, and Lopez, *Implementing the Backyard Revolution.*
- ²³ [“ADU Loans,”](#) CRAFT, n.d.
- ²⁴ [“ADU Grant Program,”](#) CalHFT, last updated 2023.
- ²⁵ Chapple, et al., *Jumpstarting the ADU Revolution* pp. 14-18.
- ²⁶ Kol Peterson, phone interview with executive director of BackHome ADU, November 17, 2022.
- ²⁷ [“CANDO ADU Project,”](#) EPA CAN DO.
- ²⁸ [“CLTPlusOne,”](#) Buildable Backyard, n.d.
- ²⁹ [“Accessory Dwelling Units \(ADU\),”](#) Louisville, KY last updated 2023.
- ³⁰ [“What’s The Scoop on ADUs?”](#) Imagine Lexington, last updated December 2, 2021.
- ³¹ [“What are Accessory Dwelling Units?”](#) Imagine Lexington, n.d.
- ³² [“Secure your future, support the community,”](#) Napa Sonoma ADU, n.d.



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Saint Paul, MN 55103
651.292.8710

III. MODEL LOCAL ADU ORDINANCE

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MODEL LOCAL ADU ORDINANCE

This Model Local ADU Ordinance is designed for communities in states where state law allows for local ordinances authorizing and governing ADUs but does not impose any constraints on local governments.

In states where local governments do not have the discretionary authority to approve ADUs (Dillon Rule states) state legislation giving them that authority must be adopted first. AARP's "Minimal Version" of the Model State ADU Act would give local governments that authority along with complete discretion over the content of their ADU ordinances. If there is a state ADU statute that limits local government discretion (as is proposed in the AARP Model State ADU Act) then the local ordinance will need to conform to those requirements.

Many provisions and notes related to standards and procedures for ADUs are duplicates, or near duplicates, of provisions and notes in the Model State ADU Act. Rather than referring readers back to those sections, which can be tiresome and confusing, this guide reproduces them as parts of the Model Local ADU Ordinance.

I. General Provisions

A. Purpose and Intent

In this section of the ordinance, a community states its purposes in adopting the ordinance. This information may help in defending the ordinance when informing residents of how the ordinance will benefit and protect their interests and in responding to legal challenges.

If a community has no purposes that differ from those of the Model State ADU Act, it may choose to reference that act's findings and its purposes and intent, but it is recommended that at a minimum the minutes of the meeting at which the ordinance is adopted include a discussion of those benefits and a statement that they are the basis for the local ordinance.

If a community has public purposes that are different from those in the Model State ADU Act, those purposes should be specified in the ordinance (after consulting legal counsel on whether they are inconsistent with any state ADU legislation).

- (1) The [local governing body] finds and declares:
 - (a) Our community faces a severe housing crisis, with home prices and rents unaffordable by families and households of middle and moderate incomes.
 - (b) The community is falling far short of meeting current and future housing demand with serious consequences for the state's economy and the well-being of our residents, particularly lower-income and middle-income earners.
 - (c) The [local government] can play an important role in reducing the barriers that prevent homeowners from building accessory dwellings. →

-
- (d) There are many benefits associated with the creation of legal accessory dwellings on lots in single-family zones and in other zoning districts. These include:
- (i) Increasing the supply of a more affordable type of housing not requiring government subsidies;
 - (ii) Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;
 - (iii) Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
 - (iv) Providing homeowners with extra income to help meet rising homeownership costs;
 - (v) Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
 - (vi) Providing an opportunity for increased security, home care and companionship for older and other homeowners;
 - (vii) Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
 - (viii) Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability; and
 - (ix) Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

(2) Accessory dwelling units are, therefore, an essential component of housing choices and supply in [local government name].

B. Definitions

Even if there are controlling definitions in state ADU legislation, it is preferable to incorporate them into a local ordinance for the convenience of the users, as has been done here. The same notes found in the Model State ADU Act are repeated here.

There are many alternative terms for “ADUs.” Although the term “Accessory Dwelling Unit” may be awkward and technical, it is now in such widespread use that it would add to the confusion to propose a replacement term or terms. To further simplify the discussion, the Model State ADU Act and Model Local ADU Ordinance do not distinguish between the different forms and types of ADUs, such as detached “cottages” or “internal apartments,” since the standards do not require that differentiation. The sole exception is the Junior Accessory Dwelling Unit, which is offered as an optional provision. →

Three alternative definitions of ADUs are presented with the numeral “1.” Choose one of the following options:

Limiting ADUs to parcels that are already the site of a single-family dwelling

1. **“Accessory Dwelling Unit”** (ADU) means a residential living unit on the same parcel as a single-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

The ADU to be built before or concurrently with a single-family home

1. **“Accessory Dwelling Unit”** (ADU) means a residential living unit on the same parcel as a single-family dwelling or a parcel on which a single-family dwelling is present or may be constructed. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit, a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

The preceding definition allows for the construction of an ADU prior to or concurrent with that of the primary residence. Two common circumstances in which an ADU might be built before the primary residence are (1) when a homeowner wishes to stage construction expenses and living arrangements; and (2) when the homeowner owns an adjacent legal lot (typically used as a side or backyard) and prefers to site an ADU there rather than on the lot with the primary residence. Suppose an owner built a 600 square foot detached dwelling on her second lot to serve as an ADU. If that lot was separately sold and the home on it was not identified as an ADU, the new owner might find that regulations limiting the size of ADUs to 75% of the primary dwelling’s size would treat the small home as the primary residence and limit the size of an official ADU to 400 square feet.

The ADU to be created on a lot with a multifamily dwelling

1. **“Accessory Dwelling Unit”** (ADU) means a residential living unit on the same parcel as a single-family dwelling or a multifamily structure. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled single-family unit or a unit in a multifamily dwelling.
2. **“Junior Accessory Dwelling Unit”** (JADU) is a separate living unit of less than 500 square feet, with a separate entrance, that may share sanitation facilities with another dwelling unit other than an ADU.

The provision on junior accessory dwelling units is based on California’s definition and authorization of this type of ADU. See California Government Code Section § 65852.22.

3. **“Living Area”** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
4. **“Zoning Administrator”** means the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.

C. Authorization of ADUs by Zoning District

In the absence of state legislation addressing the issue, communities have wide discretion in permitting ADUs in many types of residential zoning districts. The merits of locating ADUs in the major types of residential zones is discussed below. As a general principle, in communities with high rents and home prices relative to incomes, the governing body should allow ADUs in the full range of zones where residences are authorized. Different zones and their suitability for ADUs are discussed below.

Mixed-Use Zones: *In the last few decades, governments and planning advocacy groups (including AARP) have recognized the many adverse consequences of strict single-use zoning. Across the country, zoning has been reformed to allow a greater mixture of uses along with residential uses, such as institutional uses, professional services and retail commercial uses. Because of the success over the last century in reducing the pollution and noise impacts from many types of urban land uses, some communities have gone further and allowed residential uses intermingled within a wide range of nonretail commercial and light industrial zones. ADUs may not be appropriate on a variety of lots in these mixed-use zones, but they make sense on lots that are the site of a detached single-family dwelling.*

Multifamily Zones: *These zones are distinguished by apartments or condominiums with multiple dwellings on the same lot, typically in multiunit and/or multistory structures. In recent years some cities with high housing costs have approved or are considering the authorization of ADUs on lots with multifamily structures.*

California requires jurisdictions to allow new ADU units to be created out of existing parts of multifamily buildings if those parts are not currently used as livable space, such as storage rooms, garages, or basements or through an addition to the building.³⁵ In May 2020 the Chicago City Council considered a draft ADU ordinance that would allow new ADUs equal in number to 33% of the existing units in a multifamily structure on the lot.

Town House Zones: *These zones contain single-family dwelling units that have common walls but are not atop one another, typically one dwelling per lot. Siting ADUs in these zones can have its challenges, given building orientation and lot coverage. On the other hand, Washington, D.C., is an example of a city where many historic townhouses included an “English basement” on the lowest floors of the building. Ordinances addressing the creation of ADUs in these districts will need to provide more flexibility regarding both siting requirements and some building code standards (flexibility that does not compromise health and safety).*

Single-Family Zones: *These zones contain one single-family dwelling unit per lot and provide the greatest opportunities for siting all types of ADUs. Some jurisdictions also allow clusters of small single-family homes, each on their own small lot or as condominium units with common space. Single-family zones also include detached single-family homes on their own lot and can be treated the same way as those homes are treated in single-family zones. Even in these single-family zones, however, neighbors’ concerns about property values, aesthetics and “neighborhood character” have often caused communities to ban detached ADUs or to allow them only on larger lots. Perversely, this can mean that ADUs are prohibited in single-family zones with large lots and bigger houses, where they can be more easily sited as detached units or created by remodeling existing space, but allowed on small lots where this is more challenging. This kind of policy choice reinforces rather than reduces the impact of exclusionary zoning.*

For reasons of equity and to realize the benefits described in the statement of purpose and intent, ADUs should be authorized in all single-family residential zones.

In adapting the model provisions to a local zoning ordinance, a community will substitute its zoning district →

names (or abbreviations) for the model provisions' descriptions of zoning districts.

Accessory dwelling units are allowed in all zoning districts that allow residential use, subject to the requirements of this ordinance.

Optional Provision: Accessory Dwelling Units on Town House Lots

Definition: “Town house” is a single-family dwelling unit constructed in a group of three or more attached units, with each unit extending from foundation to roof and having a yard or public way on not fewer than two sides.

A town house structure may be constructed or remodeled as a group of two or more attached two-family dwellings under the following conditions: (1) one of the two-family dwelling units shall conform to the requirements of the accessory dwelling unit standards and (2) each two-family dwelling within the town house structure shall meet the definition of an attached house, including that it be located on its own lot.

D. Number of ADUs Allowed Per Lot in Single-Family Zones

In California (as of 2020) a single-family lot can have both an ADU and a junior accessory dwelling unit that is no larger than 500 square feet and is part of the primary residence. In 2019, Seattle authorized that one detached ADU and one internal ADU can be located per single-family lot. If green building or affordability requirements are met, a second detached unit could be allowed. In 2020, Portland, Oregon, decided to allow two ADUs in any configuration on each single-family zoned lot as part of a broad reform of residential zoning. Since 2016, the Canadian city of Vancouver, British Columbia, has allowed a “secondary suite” (internal ADU) and a “laneway home” (detached ADU with alley access) on single-family corner lots, double-fronted lots and lots with alleys.

There are many ways to accommodate more than one ADU while being sensitive to concerns about neighborhood appearance. For example, two internal ADUs can be accommodated by remodeling a large home without increasing height or bulk. An internal unit can be allowed along with an ADU over an attached garage without increasing the area of the lot occupied by structures.

Discussions about allowing more than one ADU per lot in single-family zones may result in a challenging but beneficial community discussion about the purposes of single-family zoning. Minneapolis, Minnesota; Portland, Oregon; and the State of Oregon have reformed their residential zoning.

The Model State ADU Act allows two ADUs per lot without specifying their form, leaving that to local government or homeowner discretion. This provision is written to allow for both concurrent and prior construction of ADUs. (The issue of the timing of ADU construction relative to construction of the primary dwelling is discussed in the alternate definitions of ADUs in I.C.1.)

Some ordinances, for example Seattle's, have made the creation of additional ADUs conditional on achieving other community goals, such as affordability, accessibility and green building performance standards. This follows the precedents created by inclusionary zoning ordinances that allow for additional units in multifamily developments if the rents for those units meet an affordability standard for a specified period. It is too soon to know whether these incentives will be effective in spurring the creation of additional ADUs. Provisions allowing these “Bonus ADUs” (BADUs) are presented here as options.

- (1) Any lot with, or zoned for, a principal single-family dwelling unit may have up to two ADUs. →

Bonus ADU Provisions

- (2) The Zoning Administrator may authorize an additional accessory dwelling if:
- (a) The additional accessory dwelling unit is a rental unit affordable for and reserved solely for “income-eligible households,” as defined in this ordinance. It is subject to an agreement specifying the affordability requirements under this subsection in order to ensure that the housing shall serve only income-eligible households for a minimum period of 50 years. The monthly rent, including basic utilities, shall not exceed 30% of the income limit for the unit, all as determined by the Director of Housing, and the housing owner shall submit a report to the office of housing annually that documents how the affordable housing meets the terms of the recorded agreement. Prior to issuance of the first building permit for a project, and as a condition of that issuance, the applicant shall execute and record a declaration in a form acceptable to the Director that shall commit the applicant to satisfying the conditions for establishing a second accessory dwelling unit as approved by the Director; or
 - (b) The applicant makes a commitment, in the manner required by this ordinance, that the new principal structure or the new accessory structure shall contain a detached accessory dwelling unit will meet a green building standard. A second accessory dwelling unit that is proposed within an existing structure does not require the structure to be updated to meet the green building standard; or
 - (c) The applicant designs at least one of the dwellings on the lot to meet visitability standards including a no-step entry, [36"] wide doors and hallways, a bathroom that can be used by someone in a wheelchair, and at least [300 square feet] of living space on the main level.

Based on Seattle Municipal Code 23.44.041.A.1.a.(2).

“Income eligible” is not defined in the Model Local ADU Ordinance, since that can be a matter left to local discretion. Seattle has chosen to link its definition to a percentage of the U.S. Housing and Urban Development’s published Median Family Income data. See Seattle Municipal Code Section 23.84A.025.

This Model Local ADU Ordinance also does not incorporate a green building standard; a local government may rely on its existing standards or adopt new ones for this purpose. Seattle’s green building standard is rigorous, referencing the standards in Leadership in Energy and Environment Design (LEED), passive house and living building design standards, and other standards. The green building standard was adopted by the Director of Seattle’s Department of Construction as Rule 20-2017 and Inspections and can be found at Seattle.gov/dpd/codes/dr/DR2017-20.pdf.

Some other mechanisms to promote affordable ADUs are:

- *Letting the landlord charge market rate rent, but adopting no-fault eviction protection and/or a cap on the rate of rent increase over time.*
- *Requiring the landlord to accept Section 8 vouchers.*

Based on Philadelphia Fair Housing Ordinance [Chapter 9-800 of the Philadelphia Code]:

- *Adopting the Good Cause eviction regulations for short-term rental [less than 12 months]. →*

Provisions like these require a commitment to enforcement that is often a challenge for local planning and building departments, which are frequently underfunded. One simple mechanism for enforcement is to send a letter to the landlord every year that must be signed and returned attesting to his or her adherence to the income limit, a practice Santa Cruz adopted.

II. Standards

A. Minimum Lot Size in Single-Family (and Town House) Zones

This section addresses the lot sizes required for ADU installation. Local governments have often imposed excessive minimum lot sizes for ADUs, which greatly restricts the number of ADUs in a community. In a survey of 50 ordinances for the 2000 edition of the Model State ADU Act and Local Ordinance, the minimum lot size requirement varied from 4,500 square feet to 1 acre (APA 1996). One community allowed detached ADUs only on lots that were 1.5 times the minimum lot size of the zoning district (Orange County, Florida, Zoning Code Sec. 38-1426 (f)(4)). Some communities have the same minimum lot-size requirements for all ADUs.

As a policy matter, it should not be necessary to establish a separate qualifying lot size for ADUs if the purpose is to assure the retention of landscaping and privacy between homes, because the setback and lot coverage standards can achieve those objectives.

The language below requires that the minimum sized lot required for an ADU is the same as the minimum lot size for the primary dwelling.

There is one exception: ADUs may be created within or attached to an existing house on lots smaller than the minimum lot size if there is an existing house on the lot. It also allows ADUs to be built concurrently with or before the primary residence (for reasons discussed in notes to the alternative definitions for accessory dwelling units). This provision also addresses the issue of legally platted lots made nonconforming by the imposition of subsequent lower-density zoning, something that occurred in many cities in the middle of the 20th century.

Accessory Dwelling Units may be created on any lot that meets the minimum lot size required for a single-family dwelling (or town houses). Attached and internal accessory dwelling units may be built on any lot with a single-family dwelling (or town house) that is nonconforming solely because the lot is smaller than the minimum size, provided the accessory dwelling units would not increase the nonconformity of the residential use with respect to building height, bulk or lot coverage.

B. Types of Structures

Many off-site manufactured and modular ADUs have been and continue to be produced; old conceptions of what constitutes a manufactured or modular home have become outdated. The Model Local ADU Ordinance provision maximizes the opportunities for ADUs by allowing any type of structure to be an ADU if that structure is allowed as a principal unit in the zoning district.

A manufactured or modular dwelling unit may be used as an accessory dwelling unit in any zone in which accessory dwelling units are permitted.

C. Size of ADUs

Many local governments have adopted minimum and maximum sizes for ADUs. The Model Local ADU Ordinance recommends eliminating minimum-size limits since the basic requirements for a living space (kitchen, bathroom, living/sleeping space) and the housing market will establish a minimum size. In expensive housing markets the success of micro-apartments of less than 300 square feet and the proliferation of tiny homes on wheels demonstrate that there is demand for very small units. At the other end of the scale, limits on the maximum size prevent the construction of ADUs that could be home for families of three or more persons.

An accessory dwelling unit may be any size, provided the proposed unit's total square footage is less than the primary dwelling's and other requirements are satisfied.

For situations in which the existing residence is very small, local governments might consider authorizing ADUs up to 800 square feet when the primary dwelling is smaller than that size. Burlington, Vermont, takes a different approach to this issue; it allows accessory dwelling units to be 30% of the gross square footage of the house or 800 square feet, whichever is greater.³⁶

■ Introduction to Lot Coverage, Setbacks, Height, Bulk and Floor Area Ratios

Lot coverage, setbacks, height and bulk (floor area ratio) limits are adopted primarily to address the appearance (the "built character") of neighborhoods. (There are some fire safety aspects to setbacks.) Cities with steep terrain apply additional or modified requirements that address vertical proximity as well as structural safety.

Local governments use a number of methods to regulate the size and location of buildings (residences and other structures) to achieve aesthetic goals and assure a minimum amount of undeveloped land. These methods are limits on the proportion of a lot that is used as a site for permanent structures ("lot coverage"); the setback from the property lines; and height and floor area ratios that establish the maximum square footage of residential structures based on a percentage of the total lot area.

These limits are often used in various combinations, sometimes as alternative standards. For example, setbacks alone without a separate lot coverage limit can effectively create a lot coverage maximum. The failure of some ADU ordinances to result in the production of ADUs can be traced back, in part, to these requirements, especially the unintended interaction between those regulations.

Before adoption of these requirements for ADUs, local governments may benefit from analyzing the combined effect of these regulations on a representative set of lots in each zone. In addition to determining whether the effect is to make it physically impossible to build a detached (or attached) ADU on some lots, the local government should estimate the return on investment on that portion of the lots where ADU construction is allowed. This will provide some idea of the strength of the potential market incentive for ADU construction.

However, the analysis needs to reflect that the homeowners building ADUs are often considering both a market return and nonmarket returns. For example, assume the desired ADU is intended to meet the needs of an older relative with mobility limitations. A 500-square-foot structure would be small but sufficient. But if the overlapping regulations on lot coverage and setbacks mean the structure would need to have two stories in order to provide 500 square feet of living space, then this kind of structure might generate a good rental return but would not meet the needs of the intended resident.

D. Lot Coverage Limits

Coverage limits can be applied to all structures on a lot, combined (e.g., primary house, detached garage, garden shed, ADU); all accessory structures combined, including an ADU; or a separate lot coverage applicable just to detached ADUs that are not part of another accessory structure. Lot coverage allowances and limits intersect not only setbacks but floor area ratio limits and height limits. If detached or attached ADUs are significantly constrained by a lot coverage limit, then the possibility of having a two-story ADU may determine whether the investment in an ADU will generate a big enough return to justify its construction.

Steep slopes and impacts on stormwater runoff may require differences in lot coverage allowances for some sites.

Some communities are under consent decrees entered into with the U.S. Environmental Protection Agency to address stormwater discharges. These consent decrees, which set standards for the maximum proportion of a lot that can be covered with impermeable surfaces, must be incorporated into local standards. Requiring or allowing the use of permeable pavers, which can be exempted from lot coverage calculations, helps address those standards. These consent decrees are another good reason not to require on-site parking.

Whenever possible, limitations on lot coverage should be addressed at the planning stage (for example, through the use of overlay districts) rather than being determined and applied in the permitting process. Siting and design standards that help meet performance standards for building safety and stormwater runoff can be determined and adjusted at the permitting stage for these kinds of sites. That is preferable to a complete prohibition.

An accessory dwelling unit (detached, attached or built by expanding the footprint of an existing dwelling) on a lot of 4,000 square feet or larger shall not occupy more than 15% of the total lot area. For single family lots of less than 4,000 square feet, the combined lot coverage of the primary dwelling and the accessory dwelling shall not exceed 60%. Accessory dwelling units built within the footprint of existing, legal accessory structures are considered not to have changed existing lot coverage.

E. ADU Setbacks

- (1) A setback of no more than 4 feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and with the same dimensions as an existing structure.
- (2) No setback shall be required for an existing garage living area or accessory structure or a structure constructed in the same location and with the same dimensions as an existing structure and converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
- (3) A detached accessory dwelling unit is not permitted on the front half of a lot, except when located a minimum of 30 feet from the front line or if it falls within the provision of subsection (2).

Adapted from California Government Code 65852.2(a)(D)(vii) and Los Angeles Metropolitan Code 12.22 A.33(d)(3).

F. Floor Area Ratios

Floor area ratios (FARs) qualify the relationship between the size of a lot and the maximum square footage that can be built on the lot. A FAR can be written as, for instance, 0:75 to 1, 0.75 or 75. FARs are commonly used in commercial districts, like downtowns, but sometimes are applied to residential zones. For example, a FAR of 0.75 applied to a 5,000-square-foot lot would allow for a maximum of 3,750 square feet of residential living space. The most common substitute for FARs is a zonewide maximum square footage for homes.

FARs have advantages as a method for regulating ADUs because they provide more flexibility about the size of the ADU, whether internal, attached or detached. They also lend themselves to bonus provisions that allow for ADUs or types of ADUs that achieve goals concerning housing production, affordability and the like.

Many local governments do not include the area of a below ground basement in the FAR limitation. This exclusion makes sense when applied to basement ADUs. In the absence of this kind of provision, the design of basement ADUs can include strange elements, like a small storage area usable only by the upstairs primary dwelling, in order to reduce the square footage of the ADU in an effort to conform to the maximum-size regulation.

The Model Local ADU Ordinance does not propose provisions on the topic because of the wide variety of variations possible and potential complexity when combined with other siting standards. But readers interested in how FARs can be tailored to accommodate and promote a variety of housing types, may wish to consider the application of FARs developed through the residential infill project in Portland, Oregon (2016–2020). Portland sharply reduced the maximum size of single-family dwellings but allowed additional FAR for additional units.³⁷

G. ADU Height Limit

The maximum height of an Accessory Dwelling Unit is 25 feet or the height of the primary residence, based on the highest point of its roof compared with the lowest point of ground level at the foundation, whichever is less.

Adapted from Charlottesville, Virginia, Municipal Code Sec. 34-1171.(3).

H. Architectural Consistency and Design Review

Concern about the consistency of detached ADUs with the design of residential architecture in the neighborhood has translated into a variety of standards and procedures. Highly discretionary standards based on neighborhood “character” or “quality” can be serious obstacles to the construction of ADUs. Vague standards of that sort hamper homeowners and decisions-makers alike. They can become an avenue for channeling neighborhood objections to ADUs in general.

In some cases, the prescriptions for particular designs and materials can also add considerably to the cost of an ADU. A better approach is to reduce key design elements to a set of objective standards governing roof pitch, window orientation and siding. In some cases, design standards only apply in certain districts or when the ADU is larger than a specified height or taller than one story.

Some cities are experimenting with standardized, preapproved designs for ADUs that do not require the same level of regulatory review. This approach can be used to encourage the use of designs that fit comfortably within the prevailing aesthetic of neighborhoods.

As has been noted in other parts of the Model Local ADU Ordinance, with regard to design standards ADUs →

should be held to the same standards as primary dwellings. If bold new architectural designs are allowed for primary residences, then it does not make sense to require an ADU to look like a craftsman bungalow.

For this reason, the Model Local ADU Ordinance recommends against establishing separate architectural or design standards for ADUs.

I. Orientation of Entrance

Many ADU regulations limit the location and design of the entrance to the ADU.

While presented as a matter of aesthetics, an ADU entrance on the same side of the house as the main entrance may be considered objectionable because it advertises the existence of a second dwelling, which is taken as detrimental to the single-family-dwelling “character” of the neighborhood. This is evident in communities that allow direct access into different levels of the house (daylight basement or French doors for a bedroom) or stairs to outside decks but prohibit entrance doors and stairways accessing ADUs. Ironically, some of these places have policies promoting ADUs and requiring notice to the neighbors before an ADU can be built, yet also have a code provision intended to hide the entrance to the ADU. These requirements can compromise the design and increase the cost of the ADU, substituting a more awkward and expensive entrance.

Following the general principal of treating ADUs like the primary dwelling, the authorization and location of access doors and stairs for detached and attached ADUs should be the same as for primary dwellings.

Regulations governing the location, type and number of entrances into primary dwellings apply to ADUs.

J. ADU Screening, Landscaping and Orientation

Privacy is a major concern of neighbors, but ADU regulations addressing privacy were/are relatively rare. In some cases, the loss of privacy caused by an ADU is identical to the loss of privacy that would result from the construction or remodeling of an adjacent home. Sometimes the loss of privacy is caused by the removal of trees or shrubbery necessitated by the construction of the ADU. Again, this loss of screening vegetation for the primary dwelling is often not regulated. Thus, it should not be regulated with ADUs.

K. Parking Requirements

Many local governments require one or more off-street parking spaces for each ADU. This is a serious inhibition to the construction of ADUs for two reasons. First, the cost of creating off-street parking spaces.³⁸ Second, the lot size, location of the primary residence and topography may make the creation of a parking space impossible.³⁹

The impact of parking requirements on ADU production is suggested by the results of a 2018 survey of California cities with ADU regulations. Out of the 168 cities, 68% reported having minimum off-street parking requirements for ADUs. Prior to the 2017 California legislation that eliminated off-street parking within a half-mile of transit, localities receiving frequent ADU applications were much more likely to lack off-street parking requirements (31% versus 13%).⁴⁰

Given the general oversupply of parking⁴¹ and its impacts on home prices and rents (and more generally urban development and redevelopment) minimum parking requirements are being reconsidered and reduced. Hartford, Connecticut;⁴² Buffalo, New York;⁴³ and Edmonton, Alberta,⁴⁴ are among the cities that have eliminated most or all minimum parking requirements. Other cities have reduced or eliminated parking requirements for different types of housing.⁴⁵ →

No additional off-street parking is required for construction of an ADU. If the construction of the ADU necessitates the removal of an existing off-street parking space, it must be replaced on-site if required by the underlying zoning. In lieu of an on-site parking space, an additional on-street parking space may be substituted if there's already sufficient curb area available along the frontage for a parking space or by removing the parking space access ramp and reinstalling the curb.

Based on Seattle Land Use Code 23.44.041 A.5.

L. Short-Term Rentals

Many cities and residents are concerned about the use of homes, apartments and ADUs for short-term rentals, especially in regions, cities or districts that are tourist destinations. Use of these dwellings for short-term rentals can remove existing housing from the supply available for residents, worsening affordability and introducing commercial-use types of impacts in residential areas. Short-term rentals are often a major subject of debate in high-amenity areas where the return on investment in an ADU used for short-term rentals is much higher than from those used for long-term housing.

But the exact the same concerns apply to the short-term rental use of primary dwellings. If short-term rental regulations or prohibitions are adopted they should apply to all housing in the jurisdiction or zone, not just ADUs. Many ordinances already have such limitations or prohibitions on the use of homes as transient lodging in their land use regulations, and those could be extended to ADUs. However, the following are examples of counterarguments in support of the short-term rental use of ADUs (and primary dwellings):

- The high return from short-term rentals spurs the construction of more ADUs than would otherwise occur, and these ADUs will, over time, convert into long-term rentals or other uses.*
- The goals of ADU authorization are wealth creation and allowing seniors to stay in their homes, and the high return from short-term rentals helps realize those objectives.*
- Survey research shows that ADU owners value the flexibility of ADUs. If the owner loses a job, she may cope by turning her home office in the ADU into a short-term rental. If an elderly parent living in an ADU moves to a nursing home, the owners can then rent out the ADU as a short-term rental to pay the nursing home costs.*

M. Separate Sale of ADUs

Most accessory dwelling unit ordinances are silent on the separate sale of the units as condominiums. A few prohibit this practice. The policy basis for these restrictions seems to be a concern that allowing ADUs to be sold as condos will fuel speculative redevelopment of existing housing in high-cost neighborhoods.

In addition, neighbors and local officials fear the prospect of both units being rental units, which is the basis for the owner occupancy requirement. On the other hand, neighbors who have concerns about having rental units nearby might logically prefer an owned ADU to a rented ADU.

Property owners and developers in Austin, Texas, determined that state law authorizes the separate sale of ADUs as condominiums. Developers subsequently began to purchase single-family homes, build ADUs (called Auxiliary Dwelling Units) on the lots, then sell the ADU condominiums and primary residences separately. Only some lots and homes are appropriate, however — typically those with alley access, because of the requirements for separate access and parking. As of the writing of the second edition of the Model Local ADU Ordinance, builders in Austin are contacting homeowners about forming a condo association with them and buying backyards as sites for the second homes. →

Vancouver, British Columbia, allows the separate sale as “strata” (condominium) units alley-fronting “coach houses” on lots with “character” homes (certain ones built before 1940 that are not on a historic register) as a financial incentive to carry out major upgrades needed to bring homes up to current building codes.⁴⁶

“Condominium” refers not to a type of structure but a form of ownership in which an agreement among the parties defines separate and common areas and establishes standards and procedures governing the common areas. Allowing ADUs to become separately owned condominium units avoids the political reaction of authorizing land divisions to create separate lots for ADUs. But fee simple ownership is less complicated and easier to finance and sell than condominiums. As a matter of terminology and logic, it would be confusing to call a detached dwelling “accessory” to a principal dwelling if that dwelling is on a separate lot with separate ownership.

The Model Local ADU Ordinance leaves this policy question open, providing as alternatives the allowance of and prohibition of the separate sale of ADUs.

N. Owner Occupancy (Residency) Standards

Requirements that the owner live on the same property (whether in the primary dwellings or the ADU) are pervasive. The 2000 edition of the AARP Model Local ADU Ordinance noted: “Many communities monitor ADUs to ensure that the owner still lives on the premises. A variety of methods are used to do this monitoring including registration of occupants, certification of occupancy, and annual licensing of rental units with annual inspections. Other communities require ADU owners to record the requirements of the ADU ordinance as deed restrictions, particularly the owner-occupancy requirement. The deed restrictions accompany the title of the property and give notice to all subsequent buyers of the occupancy requirement.”

Owner occupancy covenants or conditions give pause to homeowners or institutions financing home purchases because of the limits they place on successive owners who will not be able to rent out or lease their main house, which might be necessary as a result of a divorce, job transfer or death. They can also make financial institutions reluctant to provide financing for construction of the ADU. Finally, because a covenant or condition serves as a restriction on a mortgage lender’s security interest in the property, the mortgage lender can withhold consent to any requirement that takes the form of a covenant, which means the local government would be required to deny the application to build an ADU.⁴⁷

The practical impact of the occupancy requirement is to inhibit construction of most ADUs. That conclusion is reflected in amendments to California’s and Oregon’s ADU legislation and in Seattle’s 2019 local code revisions.

Aside from its effect on ADU production, there is a problem with the logic and fairness of applying an occupancy standard to ADUs if there is no such requirement for single-family homes generally. If single-family homes can be rented out (by a nonresident owner), then what is the policy basis for requiring occupancy when there is an ADU on the property?

One of the justifications for the owner occupancy requirement is the assertion that owners take better care of their property than nonresident owners. But there are certainly resident homeowners who do not take care of their property and nonresident owners who keep their property in excellent condition.

The 2020 Model State ADU Act treats ADUs as an equal and important type of housing that, in general, should be subject to the same set of rules that governs the use of other housing. ADUs should not be treated as an inferior form of housing that requires additional restrictions and policing. Authorizations of or prohibitions on renting out →

dwelling should be applied consistently to ADUs and other homes; if there is no owner occupancy requirement for primary residences, there should be none for ADUs.

O. Other Common Standards Not Recommended for Application to ADUs

The following commonly used standards are no longer recommended for inclusion in ADU ordinances:

- *Density of ADUs in a zone or district*
- *Age of principal dwelling*
- *Size of principal dwelling*
- *Tenure of current owner*
- *Number, age, relationship and physical condition of persons who can live in the ADU*
- *Annual renewal and monitoring of permits*
- *Owner occupancy/residency on the same property*

III. Utility Connections and Building Codes

A. Utility Connections

New or separate water and sewer lines directly between the accessory dwelling unit and the trunk lines are not required unless the accessory dwelling unit is constructed before or in conjunction with a new single-family dwelling. Applicants may choose to use a shared water meter for the primary structure and the ADU or have a separate water meter installed for each.

A best practice for municipalities is to not require new, dedicated lateral services from the utility/right-of-way to the property. These utilities include water, sewer, electric, and gas connections.

Commonly, water and sewer services are provided in part by governmental agencies, whereas electric and gas utilities are commonly provided by private energy providers.

Ideally, energy providers do not require ADUs to have a dedicated lateral service connection from the right-of-way to an ADU, as new connections often cost several thousand dollars. However, when energy utilities are publicly owned, then the same principle should apply.

B. Local Building Codes

Since many garages and basements weren't built to today's earthquake or frost line standards, requiring that a structure meet current code may effectively require demolition and new construction, thereby eliminating a realistic or feasible option for a structural conversion.

Permitted, nonconforming structures should be allowed to change their use from a nonhabitable use to a habitable use without a conditional use permit or special exception from the building code, even if the structure does not meet current structural standards. This is commonly referred to as "grandfathering in" existing structures. This policy is critical in enabling structural conversions.

There are several other key considerations for internal conversions related to existing ceiling heights and →

existing stairwells. In general, the goals should be to allow existing spaces to have reduced building code thresholds for numerous building code standards.⁴⁸

The Portland, Oregon, guide to “Converting Attics, Basements and Garages to Living Space” makes internal conversions of living space to create ADUs more feasible by adjusting several elements of building codes:

- Ceiling heights
- Exceptions to ceiling heights for beams, heating ducts, pipes
- Sloped ceilings
- Existing stairs
- Noncompliant stairs
- Stair landings
- Firewall separation

Achieving higher energy efficiency in buildings is a critical strategy for reducing greenhouse gases. But it can increase the cost or reduce the design feasibility of ADUs created by conversions of existing space.

Conversions of basements and garages to ADUs are typically the most common type of ADU conversion. In the past, homes and garages were built with 2"x 4" stud walls versus the 2"x 6" framing used today, which accommodates much thicker insulation.

Requiring a conversion to meet today's energy standards may require the replacement of all of the existing stud walls to provide sufficient wall cavity space to accommodate sufficient insulation and meet modern energy code. This interior stud wall or additional 2" wall furring or exterior rigid foam insulation can add substantially (\$5,000 to \$20,000 in the Portland market in 2020) to construction costs and reduce the interior size of the living space of an already small dwelling.

If the effect of these energy standards is that more large homes or new apartments are constructed the net effect might be to increase energy consumption in order to heat and cool the larger spaces and because of the embedded energy in the materials used for new construction.

IV. ADU Application and Review Procedures

There are many potential procedural challenges facing ADU applicants: complex regulations, complicated application forms and procedures, vague and discretionary standards that must be addressed by the applications, the length and complexity of the procedures for acting upon an application, and appeals from the initial decision on the application.

A. Application Process

Zoning regulations, even in small jurisdictions, are almost inevitably complicated. Even in mid-sized cities they can run to hundreds of pages. Unlike developers and homebuilders, many applicants for ADUs don't have the resources to hire an attorney or consulting planner for more than a few hours to help them navigate the regulations and application process. In response, many local governments have developed simplified application forms, guidebooks, and online tools to determine whether and how an ADU can be sited on a property. This is a best practice recommended by AARP. See the Resources section for links to some examples. With the authorization and construction of more ADUs, more private sector specialists in ADU permitting are helping to fill this need.

B. Clear and Objective Versus Discretionary Standards

Vaguely worded standards contribute to the difficulty of securing ADU permits and may even inhibit homeowners from applying for a permit. Particularly problematic are standards that leave a great deal of discretion to the zoning administrator or require extensive interpretation. Even an apparently objective standard such as a 25-foot height limit requires the exercise of considerable discretion if the ADU roof has different elevations and the ground slopes in different directions.

AARP recommends using only clear and objective standards to govern ADUs.⁴⁹ A best practice is to use expert advice to prepare and test language to ensure that it is clear enough to be administered fairly and easily.

C. Review Procedures

The two basic options available to a community are to allow ADUs “by right” or to allow ADUs through conditional use permits (sometimes called special exception, special permit, or special land use).

“By right” means that the process involves filling out an application and presenting it to a local building official or zoning administrator, then checks to see that it meets the requirements of the ordinance. If the standards are clear and objective, no discretionary decision-making is involved and thus no hearing is necessary. This is also called a “ministerial” review.

This is the way building or remodeling a home or building an accessory structure is typically treated. By contrast a conditional use permit process typically involves the application of discretionary standards, public notice of the application and a public hearing.

Discretionary standards combined with a public hearing process create opportunities for obstruction by neighbors or organizations opposed to new housing in an established neighborhood. The cost of hiring attorneys or other experts and the delays associated with hearings and appeals can easily exhaust the budget and patience of even an affluent ADU applicant.

These obstacles have led many local and state governments to decide that ADUs should be a use allowed by right and subject only to ministerial review. Some have also imposed time limits for decisions on ADUs. (Some governments apply these requirements to other types of housing.)

The Model Local ADU Ordinance takes the position that building an ADU should be treated the same way as building or remodeling a home or building any accessory structure — it is a ministerial matter decided by a zoning administrator without notice or opportunity for a hearing.

D. Appeals of ADU Decisions

Many local zoning ordinances allow for initial decisions on ADU applications by a zoning administrator to be subject to internal appeals — to a hearing officer, the planning commission or a local governing body. Some local governments allow up to two internal appeals.

The final local government decision on an ADU, or other land use matter, may be followed by an appeal to the judicial system. There are many variations on internal appeal procedures, for example whether the scope of review is limited and who qualifies as a party to such an appeal. →

The Model Local ADU Ordinance obviates the need for detailing these provisions by making the ministerial decision the final local government decision, reviewable by the courts subject to the standards and procedures generally applicable to judicial review of local government decisions. This is consistent with the default procedural provisions in the Model State ADU Act.

The zoning administrator's decision on an application for an Accessory Dwelling Unit constitutes the final decision of [name of local government].

V. Fees

In addition to construction cost, regulatory standards and procedures, homeowners interested in building an ADU must consider permit processing fees, system development charges (to fund a share of capital improvements, such as water lines, sewage treatment capacity, schools and parks), and utility connection upgrades and charges.

The average local government fee for development of an ADU in California in the late 2010s was \$9,250.⁵⁰ In established neighborhoods where ADUs are being added, system development charges designed to pay for capital improvements may not be as appropriate if existing capital improvements are already adequate to handle a modest increase in residential population. Many older neighborhoods have a lower population density than when they were built and household sizes were larger.

Another approach is to offer fee processing waivers for homeowners who use preapproved ADU designs.

Waiving or reducing fees can incentivize ADU construction. Portland, Oregon, saw a surge in ADU applications when it offered to temporarily waive up to \$15,000 in system development charges that would have applied to ADUs; ADU permits tripled from about 200 per year to 600 per year.⁵¹

The Model Local ADU Ordinance follows the Model State ADU Act in limiting charges for ADUs to 30% of the charges applied to a single-family residence.

Permit application and review fees, utility hook-up fees and charges for public improvements for accessory dwelling units shall not be more than 30% of the application fees for a typical single-family dwelling unit of 2,000 square feet or greater than 10% of the estimated construction costs for the ADU, whichever is less. Additional amounts may be charged for a variance but subject to the overall maximum fee limit of 30% of the fees charged for a typical single-family residence of 2,000 square feet. The information required on applications for creating or legalizing ADUs shall be the same information required to construct a single-family-dwelling unit.

VI. Legalizing ADUs

An illegal ADU is one installed without obtaining the required permits from the local government.

Some ADUs existed prior to any ordinance that made them illegal. Local governments generally have the discretion to certify those ADUs as legal, nonconforming ADUs if they conformed to building codes in effect at the time of their construction. To this end, California has adopted legislation allowing that “the appropriate enforcement official may make a determination of when a residential unit was constructed and then apply the California Building Standards Code and other specified rules and regulations in effect when the residential unit was determined to be constructed for purposes of issuing a building permit for the residential unit.” →

Other ADUs that were nonconforming may be made conforming by subsequent code revisions, such as those proposed in the Model Local ADU Ordinance, and an application and receipt of a permit.

The continued existence of illegal ADUs may actually be encouraged by harsh regulations, excessive fees and tedious application procedures.

Many ADU owners strongly resist legalization out of a fear of higher (and possibly unaffordable) property taxes, fines, legal sanctions, income taxes on rental income, the costs of conforming to local codes and the possibility that code inspectors will discover a variety of code violations.

For these reasons, programs to accommodate illegal ADUs have not been very successful. In addition, most communities have limited budgets for enforcing ADU regulations, meaning that code enforcement relies on specific complaints. Thus, most communities simply ignore illegal ADUs.

Especially challenging are the large numbers of unpermitted units in working class and poor neighborhoods with high housing costs. The number of unpermitted units can be so great that they cannot be treated as a minor compliance problem that can be remedied quickly.

In these places, unlike in many other neighborhoods, water and sewer systems are overtaxed due to high population densities and low revenue from system development charges over time (given that most of the added units are unpermitted). A grant program or long-term investment strategy is needed to allow for infrastructure capacity and state-of-good-repair upgrades.

Regulations imposed on units applying for amnesty in these areas need to distinguish between matters of true health and safety (adequate egress, electrical wiring, light, ventilation, etc.) and other concerns (parking, setbacks, building heights, etc.).

Amnesty should not be an all-or-nothing process. There should be some sort of mechanism for graduated compliance over time (perhaps several years), with the most urgent life-and-death conditions being fixed first and others later.

Onerous utility-related requirements (such as fully separate water and sewer main connections) may be counterproductive. Many or most homeowners going through amnesty will need technical assistance and perhaps grant funding. Grant funding should be justified on the basis of an amnesty ADU typically costing far less than the city subsidies needed for a below market new construction housing unit.

There are many entities, such as nonprofits and university planning and architecture departments, with which a city can partner for technical assistance.

A city can also require affordable rent concessions as a condition of amnesty, at least for middle- and higher-income homeowners.

Some benefits accrue to communities that legalize illegal ADUs. If illegal units are tolerated, the risk increases that other people will be encouraged to have illegal units. In this instance, it can be quite important for community leaders to make the statement through ADU regulation that they are committed to the public interest, as demonstrated by requirements that owners of illegal ADUs come forward and legalize their units, coupled with a commitment to the kinds of funding and assistance programs for moderate- and low-income homeowners →

of the type described previously. Legalizing illegal ADUs provides the opportunity to correct safety hazards, such as inadequate electrical wiring.

We recommend against harsh regulations, lengthy application processes and high fees, which will lead to even more illegal ADUs. We recommend publicizing the opportunity for amnesty for ADUs made compliant as a result of amendments to local ordinances, nonpunitive safety inspections when public health is threatened, amnesty periods from enforcement, extended periods to comply with regulations, exemption from all but safety regulations, a comprehensive long-term approach to code compliance in moderate-income neighborhoods, and reliance on the threat of stiff penalties only after all else has failed.

Endnotes

- 1 See *MissingMiddleHousing.org*.
- 2 Find the average size of a single-family home, the square footage per person, the number of new homes that began construction and gross domestic product per person, starting in 1920. “Size of a Home the Year You Were Born,” Evan Comen, Michael B. Sauter, April 5, 2019, *247wallst.com*
- 3 “California ADU Growth by City from 2012–2019, Charted,” August 22, 2020, *BuildingAnADU.com*..
- 4 Kol Peterson, *AccessoryDwellings.org*.
- 5 “Housing Vancouver,” City of Vancouver, Progress Report and Data Book to Council (June 2020), pages 7, 8, 25. *Vancouver.ca*.
- 6 Jessica Lee, Greta Kaul, “ADUs Were Supposed to Help Minneapolis’ Housing Crunch. How’s That Working Out?” May 1, 2019, *MinnPost.com*.
- 7 Revised Code of Washington 43.63A.215.
- 8 California Government Code 65852.150.
- 9 New Hampshire RSA 674:71-73.
- 10 Oregon Revised Statutes 197.312(5).
- 11 § 45-24-37 (limited to use by persons over 62 or with disabilities).
- 12 24 Vermont Statutes Annotated Section 4412 (E).
- 13 The revisions made as the result of passage of one Senate and five Assembly bills are summarized in the California Department of Housing and Community Development’s *Accessory Dwelling Unit Handbook*, pages 4–7 (September 2020).
- 14 Oregon Revised Statutes 197.312(5)(b)(B), 455.610(8), (9) as amended or added by Oregon House Bill 2001 (2019), *HCD.ca.gov*.
- 15 Vermont Senate Bill 237 signed by the Governor and effective October 12, 2020, amending 24 Vermont Statutes Annotated §4412(1)(E), 24 Vermont Statutes Annotated § 2291(29) and 27 Vermont Statutes Annotated §545.
- 16 2019 Florida Statutes online §163.31771.
- 17 30-A Maine Revised Statutes Annotated §4301, sub-§1-B.
- 18 Hawai’i Revised Statutes §46-4(c).
- 19 *Accessory Dwelling Unit Legislation: An Overview of State Policy*, American Planning Association (APA) and AARP, 2021.
- 20 ADU Program Guide, City of Portland, Oregon, March 2019, *Portland.gov*..
- 21 City of Portland, Oregon, “Converting Attics, Basements and Garages to Living Space,” February 2019, *Portland.gov*
- 22 Here is an excerpt from a 2018 letter sent from a bank to a prospective borrower. It discusses an owner occupancy covenant on the property that would be required as a condition of approval for construction of an ADU: “I have reviewed the Accessory Dwelling Unit Covenant and as a lender I have a number of concerns: 1. The covenant does not provide the lender with protections in the case of a foreclosure or deed in lieu of foreclosure as the restriction will affect marketability of the property. The covenant requires at least one of the units be owner-occupied. In a market where there is a demand for investment property, this limits the pool of potential buyers thus affecting the sales price and marketability of the property. A potential homeowner or home purchaser may have a difficult time obtaining conventional financing with this deed restriction; 2. Your covenant states that the owner needs to occupy the residence, if the lender forecloses the lender can clearly not occupy the property and will be in violation of your proposed covenant.” Another example is provided by a reply to a request from homeowners asking their mortgage lender to consent to an owner occupancy covenant, which was required by the local government as a condition of approval of an ADU that the homeowners hoped to build. The mortgage lender replied: “The proposed Accessory Dwelling Unit Covenant would place certain limitations on this property, and as such could be construed as a transfer of interest in the property. [The bank] is not able to provide consent to such transfer at this time.”
- 23 24 Vermont Statutes Annotated § 4412 (1)(F)(2) and 24 Vermont Statutes Annotated § 2291(29) as amended by Sections 1 and 3 of Vermont Senate Bill 237, signed by the Governor and effective October 12, 2020.

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- 24 “Regulating ADUs in California: Local Approaches & Outcomes,” Deirdre Pfeiffer, University of California, Berkeley, Turner Center for Housing Innovation (2018), *CaliforniaLandUse.org*
- 25 “Accessory Dwelling Units,” City of Burlington, Vermont, *BurlingtonVT.gov*.
- 26 The cost to put in a new driveway averages \$4,421, with a typical range between \$2,379 and \$6,472. A customer can expect to pay \$2 to \$15 per square foot for materials and installation. (“How Much Does a Driveway Cost?” *HomeAdvisor.com*, checked December 21, 2020). A 10-foot-wide driveway 60 feet in length would cost between \$1,200 and \$9,000, using these cost-per-square-foot numbers. | Kol Peterson, author of *Backdoor Revolution: The Definitive Guide to Accessory Dwelling Unit Development*, estimates the cost range as \$2,500 to \$15,000, depending on whether the additional driveway requires excavating and pouring a new pad on a flat surface next to the street or if it calls for a new curb cut and new landscaping.
- 27 Research conducted for Oregon’s House Bill 2001 (2019), which mandates the authorization of middle housing in single-family residential zones), found “[o]n small lots, even requiring more than 1 parking space per development creates feasibility issues because it limits the potential building footprint.” *EcoNorthwest* (2020), *Summary of Triplex/Fourplex Financial Feasibility Sensitivity Testing for Middle Housing Model Code*, *Oregon.gov*.
- 28 “Regulating ADUs in California: Local Approaches & Outcomes,” Deirdre Pfeiffer, University of California, Berkeley, Turner Center for Housing Innovation (2018), *CaliforniaLandUse.org*.
- 29 Professor Donald Shoup of the University of California, Los Angeles (UCLA), calculates that the U.S. has 2 billion parking spaces for 250 million cars and light trucks and that more land has been set aside for housing cars than housing people. “Parking Is Sexy Now. Thank Donald Shoup,” Bloomberg News CityLab, May 20, 2018, *Bloomberg.com*.
- 30 City of Hartford, Connecticut, “Zone Hartford: Hartford Zoning Regulations,” Section 7.2 Parking Requirements, effective January 16, 2016, as amended June 5, 2020.
- 31 Daniel Baldwin Hess (2017) “Repealing Minimum Parking Requirements in Buffalo: New Directions for Land Use and Development,” *Journal of Urbanism: International Research on Placemaking and Urban Sustainability*, 10:4, 442-467.
- 32 Edmonton City Council Votes to Remove Minimum Parking Requirements: With the Change, Edmonton Becomes First Major City in Canada to Drop Parking Minimum,” CBC News, June 23, 2020, *CBC.ca*.
- 33 For example, City of Oakland, California, Oakland Planning Code (as amended through June 2020), 17.116.060, “Off-Street Parking: Residential Activities” (no parking required for single family and multifamily residences in many zones): City of Portland, for sites within 1,500 feet of a transit stop, “The minimum number of required parking spaces for a site with a Household Living use is: (1) Where there are up to 30 dwelling units on the site, no parking is required; (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit”; Portland City Code, Title 33, Planning and Zoning 33.266.110, “Minimum Required Parking Spaces,” as of October 2020.
- 34 Oregon Revised Statutes 197.805 – 197.860.
- 35 California Government Code 65852.2.(e)(1)(C), (D).
- 36 “Accessory Dwelling Units,” City of Burlington, Vermont, *BurlingtonVT.gov*.
- 37 As of November 2020, the City of Portland’s website includes links to Ordinance 190093 as amended to accommodate the reforms in single-family zoning, adopted August 12, 2020, and resulting from the residential infill document and various supporting documents, including staff reports and research that addresses height, bulk, set backs and floor area ratios, *Portland.gov*.
- 38 The cost to put in a new driveway averages \$4,421, with a typical range between \$2,379 and \$6,472. A customer can expect to pay \$2 to \$15 per square foot for materials and installation. (“How Much Does a Driveway Cost?” *HomeAdvisor.com*, checked December 21, 2020). A 10-foot-wide driveway 60 feet in length would cost between \$1,200 and \$9,000 using these cost-per-square-foot numbers. | Kol Peterson, author of *Backdoor Revolution: The Definitive Guide to Accessory Dwelling Unit Development*, estimates the cost range as \$2,500 to \$15,000, depending on whether the additional driveway requires excavating and pouring a new pad on a flat surface next to the street or if it calls for a new curb cut and new landscaping.
- 39 Research conducted for Oregon’s House Bill 2001 (2019), which mandates the authorization of missing middle housing in single-family residential zones, found “[o]n small lots, even requiring more than 1 parking space per development creates feasibility issues because it limits the potential building footprint.” *EcoNorthwest* (2020), “Summary of Triplex/Fourplex Financial Feasibility Sensitivity Testing for Middle Housing Model Code,” *Oregon.gov*.
- 40 “Regulating ADUs in California: Local Approaches & Outcomes,” Deirdre Pfeiffer, University of California, Berkeley, Turner Center for Housing Innovation (2018), *CaliforniaLandUse.org*.
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- 41 Professor Donald Shoup of the University of California, Los Angeles (UCLA), calculates that the U.S. has 2 billion parking spaces for 250 million cars and light trucks and that more land has been set aside for housing cars than housing people. “Parking Is Sexy Now. Thank Donald Shoup,” Bloomberg News CityLab, May 20, 2018, *Bloomberg.com*.
- 42 City of Hartford, Connecticut, “Zone Hartford: Hartford Zoning Regulations,” Section 7.2 Parking Requirements, effective January 16, 2016, as amended June 5, 2020.
- 43 Daniel Baldwin Hess (2017) “Repealing Minimum Parking Requirements in Buffalo: New Directions for Land Use and Development,” *Journal of Urbanism: International Research on Placemaking and Urban Sustainability*, 10:4, 442-467..
- 44 “Edmonton City Council Votes to Remove Minimum Parking Requirements: With the Change, Edmonton Becomes First Major City in Canada to Drop Parking Minimum,” CBC News, June 23, 2020, *CBC.ca*.
- 45 For example, City of Oakland, Oakland Planning Code (as amended through June 2020), 17.116.060, “Off-Street Parking: Residential Activities” (no parking required for single-family and multifamily residences in many zones): City of Portland, for sites within 1,500 feet of a transit stop, “[the] minimum number of required parking spaces for a site with a Household Living use is: (1) Where there are up to 30 dwelling units on the site, no parking is required; (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit,” Portland City Code, Title 33, Planning and Zoning 33.266.110, “Minimum Required Parking Spaces,” as of October 2020.
- 46 Details can be found at *Vancouver.ca/home-property-development/retain-your-character-house.aspx*.
- 47 Here is an excerpt from a 2018 letter sent from a bank to a prospective borrower. It discusses an owner occupancy covenant on the property that would be required as a condition of approval for construction of an ADU: *“I have reviewed the Accessory Dwelling Unit Covenant and as a lender I have a number of concerns: 1. The covenant does not provide the lender with protections in the case of a foreclosure or deed in lieu of foreclosure as the restriction will affect marketability of the property. The covenant requires at least one of the units be owner-occupied. In a market where there is a demand for investment property, this limits the pool of potential buyers thus affecting the sales price and marketability of the property. A potential homeowner or home purchaser may have a difficult time obtaining conventional financing with this deed restriction; 2. Your covenant states that the owner needs to occupy the residence, if the lender forecloses the lender can clearly not occupy the property and will be in violation of your proposed covenant.”* Another example is provided by a reply to a request from homeowners asking their mortgage lender to consent to an owner occupancy covenant, which was required by the local government as a condition of approval of an ADU that the homeowners hoped to build. The mortgage lender replied: *“The proposed Accessory Dwelling Unit Covenant would place certain limitations on this property, and as such could be construed as a transfer of interest in the property. [The bank] is not able to provide consent to such transfer at this time.”*
- 48 “Converting Attics, Basements and Garages to Living Space,” City of Portland, 2019, *Portland.gov*.
- 49 Because of the uncertainties created for approval of housing, Oregon has, since the 1980s, required local governments to use only clear and objective standards to review needed housing. Oregon Revised Statutes 197.307(4).
- 50 “Regulating ADUs in California: Local Approaches and Outcomes,” Deirdre Pfeiffer (2018), University of California, Berkeley, Turner Center for Housing Innovation, *CaliforniaLandUse.org*.
- 51 *When the waiver was made permanent for ADUs that were subject to a prohibition on short-term rentals the volume declined as the deadline was removed, but remained at more than 300 per year.*

The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



DETACHED ADU



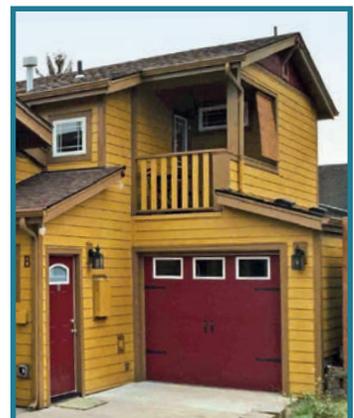
BASEMENT ADU



GARAGE-CONVERSION ADU



ATTACHED ADU



SECOND-STORY ADU



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
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AARP is the nation’s largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



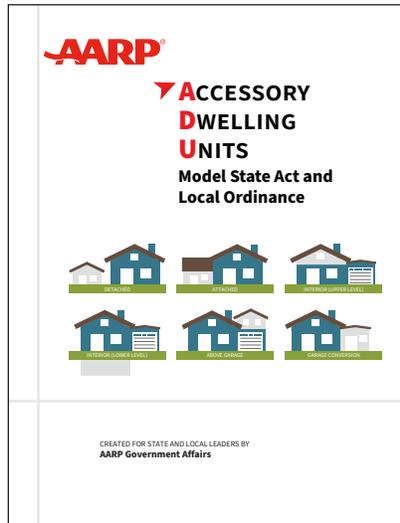
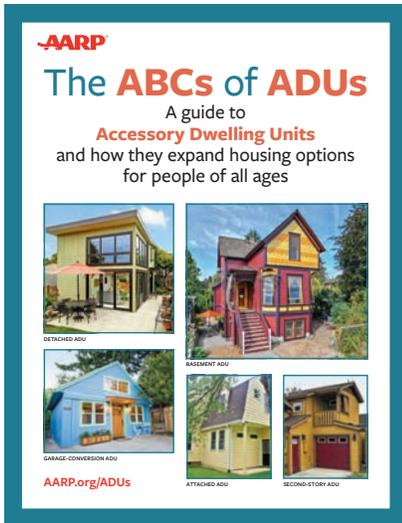
Orange Splot LLC

Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset magazine* and on NBC’s *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 300 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as chair of Portland, Oregon’s Planning and Sustainability Commission.

AARP and Accessory Dwelling Units

Visit AARP.org/ADU to order or download our free publications and find more resources about ADUs.



AARP’s ADU Publications
 (from left): This introductory guide; guidance about creating an ADU model state act or local ordinance; a detailed guide to design and development.

Welcome! Come On In

Accessory dwelling units are a needed housing option for people of all ages

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall, the decrease in households with children and the national housing shortage — will continue to boost the demand for smaller homes and affordable, quality rental housing.

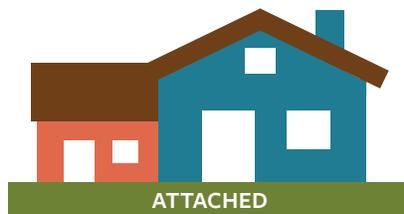
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2021 AARP Home and Community Preferences Survey, adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and entire states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs. ■



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can support the creation of ADUs as a way to expand and diversify housing options.

What ADUs Are — And What They Can Do

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what’s being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs are found in cities, in suburbs and in rural areas, yet are often invisible from view because they’re positioned behind or are tucked within a larger home
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can enable family members (including family caregivers) to reside on the same property while having their own living spaces
- An ADU can provide housing for a hired caregiver
- An ADU can provide rental income to homeowners
- ADUs are a practical option for tenants seeking small, affordably priced rental housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if they’re older, an age-restricted community
- ADUs can help older residents remain independent and “age in place”
- As an adaptable form of housing, ADUs provide flexible solutions for changing needs. ■



CREATIVE COMMONS

▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rents an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

ADUs Are Also Known As ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot’s primary residence, pay her home mortgage.

up different images. (Who wouldn’t rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you’ve never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted in the list at right. ■

- accessory apartment
- backyard bungalow
- basement apartment
- casita
- carriage house
- coach house
- English basement
- garage apartment
- granny flat
- guest cottage
- guest house
- in-law suite
- laneway house
- multi-generational house
- ohana unit
- secondary dwelling unit

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

ADUs Come in Many Shapes and Styles

Since ADUs are custom designed and created, they're able to fit discreetly into all sorts of locations, including suburban subdivisions, walkable towns, urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon
Photo by David Todd



▲ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance. In this example, the owners built a connection between the house and what was a detached garage. The addition and the space above the garage contain the ADU, which has its own entrance (pictured at right).



Location: Anne Arundel County, Maryland
Photo by Melissa Stanton, AARP



▲ A **GARAGE ADU** converts all or part of an attached or detached garage into a residence. Other options: adding an ADU above a garage or building a new unit for both people and cars.

Location: Cape May, New Jersey
Photo by Melissa Stanton, AARP

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU is part of a 1,900-square-foot primary dwelling.



Location: Portland, Oregon
Photo by Eli Spevak,
Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met) during construction of the house or (above and on page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Chris Nascimento

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life. ■

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2020
Median square footage of new single-family homes	983	2,261
Number of people per household	3.8	2.5
Square feet of living space per person	292	904

FACT: ADUs house more people per square foot of living area than single-family homes do.

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



AARP



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people who owned land built as many homes as they wished, often for extended family or workers. There were few or no zoning rules, municipal services or infrastructure needs (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers such as stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



converted into rental homes. By becoming landlords, the owners gained income from their often unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing “coach house” ADUs — but only if they remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

Many communities don't allow new ADUs, even if they did in the past. Even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings or continuing to live in preexisting ones. Countless units in single-family homes or yards are technically illegal simply because they date from when such units were not allowed.

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release a model state act and local code for ADUs. An updated resource was published by AARP in 2021. (See an image of it on the inside front cover of this guide.)

Many state and local governments are legalizing and encouraging the creation of ADUs (see page 8), driven by high housing costs and, in some cases, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property. ■

HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence. (The ADU’s entrance is pictured on page 3.)

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

*Design: Communitecture | Home Lift: Emmert International
Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)*

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met. Others start with those basic standards and then layer on extra requirements that can make it challenging to create an ADU. (Learn more on pages 14 and 15.)

Municipalities nationwide have been relaxing their restrictions against ADUs, and several states now require communities to allow them. Some examples:

- New Hampshire and Vermont allow ADUs nearly everywhere single-family housing is permitted. New Hampshire’s 2017 legislation stemmed in large part from the frustration of builders who couldn’t construct the backyard cottages and garage apartments their clients desired.
- In 2020, the California legislature declared that “allowing accessory dwelling units in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California’s housing needs.” The state allows up to one ADU *and* one JADU per lot. (What’s a JADU? See page 14.)
- Oregon requires cities and counties of certain sizes to allow ADUs in all single-family areas within urban growth boundaries. In 2021, the state extended ADU rights to rural residential areas.
- Other states allowing ADUs include Connecticut, Rhode Island and Utah. Many cities now allow ADUs, including Anchorage, Alaska; Atlanta, Georgia; Annapolis, Maryland; Asheville, North Carolina; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Louisville, Kentucky; Philadelphia, Pennsylvania; Phoenix and Tucson, Arizona; Seattle, Washington; and Washington, D.C. ■

▶ Located on the lowest floor of a town house, an English basement is a partially belowground apartment that has its own exterior entrance. They are typically found in older cities such as New York or (pictured) Washington, D.C. In the past, property owners used the space as servant quarters. Today, these essentially built-in ADUs are often used as rental apartments.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- establish funding programs to help homeowners create ADUs
- let garages be converted into ADUs without requiring replacement off-street parking
- allow for the creation of a second ADU, subject to a combined size cap

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO: SARAH DALE FOR AARP

HOME VISIT #4

Internal ADU (Main Level)

Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area. (See two interior photos on pages 19 and 20.)

*Design: Rita Haberman | Builder: RS Wallace Construction
Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and how having downstairs neighbors will change what

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows are part of the main residence.



you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

*Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP
Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org*

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby ■



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake’s southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6 Detached ADU (One-Story)

Decatur, Georgia
Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad’s house for himself and his family and built a detached ADU (or DADU) for Walt.

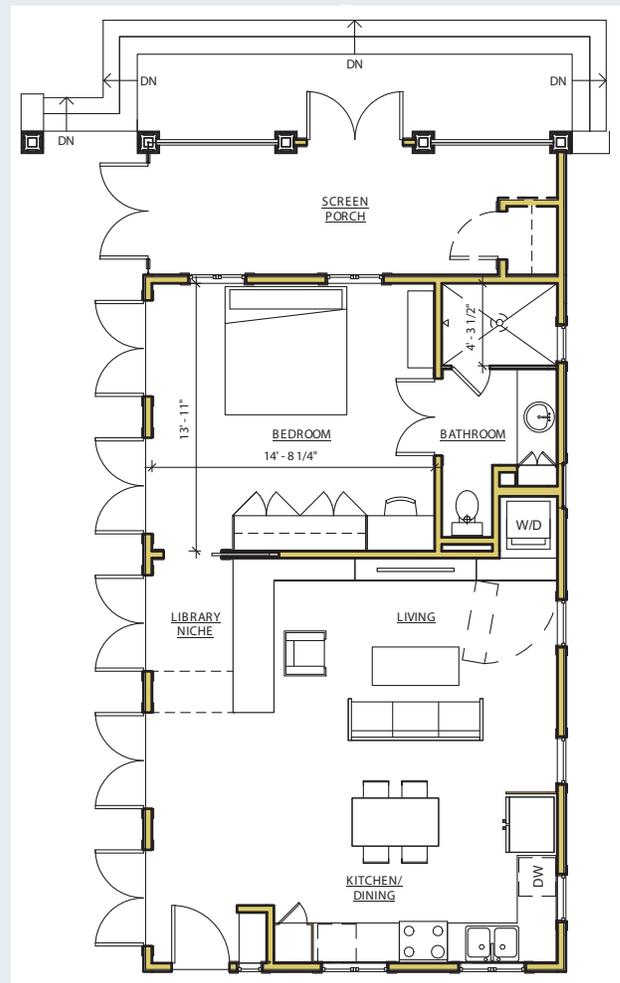
“From not finding what we wanted for Dad, we decided to create it,” says Scott. “Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years.”

NEAR AND FAR: “We wanted the houses to be separate and to feel like we’re each on our own property, but we’re there for each other,” says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn’t have to leave his home and neighborhood. “He was able to keep his own stuff and turn over what he didn’t need to us,” says Scott. “It kept my dad in place, which I think was important.”

FUTURE PLANS: Scott says the ADU is “serving its intended purpose” but that someday down the road it could be used as a long- or short-term rental. “The ADU could turn into lots of different things over the course of its lifetime.”

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Converted garages (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

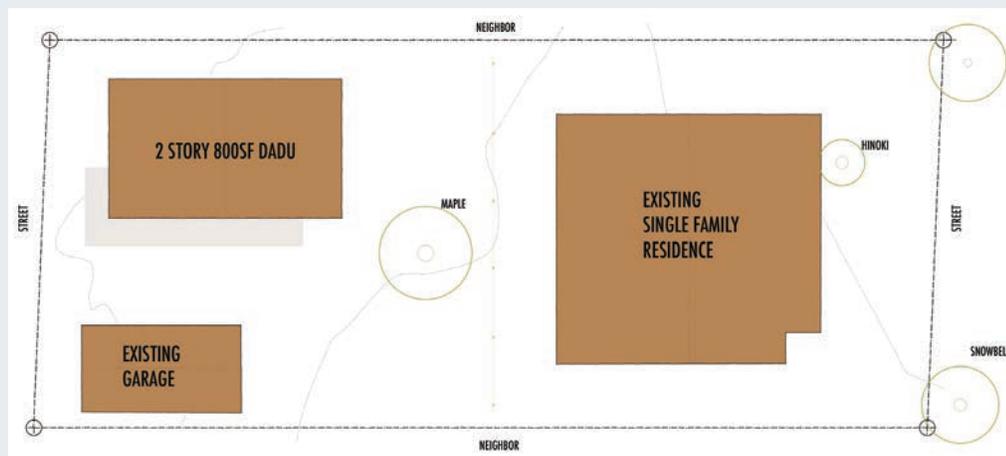
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden
Cost to build: \$250,000 in 2014 | Article adapted from *Where We Live: Communities for All Ages* (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



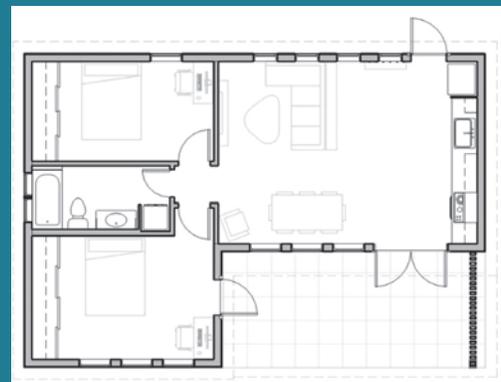
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Trading Spaces

An ADU is always the smaller of two dwellings on a property, but it’s possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling. Or the opposite can happen! Tired of living in an older house that didn’t get a lot of natural light, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. The original, larger home has become a rental.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

*Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017
Adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. ADU regulations are typically adopted at the local level, although several state legislatures have required cities to allow them.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how many square feet they can contain, how they can be used. These rules can be found in the local zoning code.

There is a balance to strike between prudent ADU laws and encouraging their construction. For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built rose from about 30 per year between 2000 and 2009 to nearly one a day in 2015.

Changes in California's ADU rules saw Los Angeles go from 80 applications in 2016 to nearly 2,000 in 2017. Allowing Sonoma County homeowners to add both an ADU and a JADU (see the green box below) were among the policies adopted in the wake of the area's many devastating fires.

Well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that ADUs get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing can establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.) ■

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

Are ADUs allowed?

Find out by calling your town, city or county office in charge of land use and permits — or stop by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed and you want them to be, ask an elected official or your community's department of zoning and planning how the codes can be updated.
- Then get organized and start advocating!

JUNIOR ACCESSORY DWELLING UNITS (or JADUs) are smaller than 500 square feet and have a separate entrance but are created within the existing dwelling. A JADU can share a bathroom with the main house and contain a basic kitchen equipped with small plug-in appliances.

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community’s zoning code needn’t be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of the residential neighborhood
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that’s affordable and responds to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of lot? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned lot.” (Some communities provide lot size standards.)

4. Creation: The code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Those allowing two typically permit one internal and one external. Some allow duplexes or townhomes to have an ADU, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those used for the main dwelling on the property. (See page 17 for more.)

Visit [AARP.org/ADU](https://www.aarp.org/ADU) to download **Accessory Dwelling Units: Model State Act and Local Ordinance**, a free publication that can be used by state and local officials to develop ADU policies.

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance: “An ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”
- **Parking:** Most zoning codes address the amount and placement of parking. Some don’t require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU’s roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more.)

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached units that don’t meet that standard.) Although such a rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely cap the combined lot coverage of a detached ADU and the primary dwelling to a specific percentage.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules. ■

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors.

Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticeable from the street

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.



▲ Providence, Rhode Island, has many homes that were built as or long-ago converted into multidwelling units. (Notice the two front doors.) A homeowner can live in one apartment while renting out the other.

Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient space for added parking. However, the extra parking often isn't needed.

Studies of Portland, Oregon, and the San Francisco Bay area found that ADU households own an average of 0.9 cars. That's half the national average of 1.8 cars per household. With just over 2 percent of Portland homes having an ADU (the highest percentage of any large city in the country), there's roughly one extra car parked on the street every six blocks. This suggests that, even in booming ADU cities, any impact on street parking from ADUs is likely to be very small and dispersed. More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using a combination of off-street parking, curb parking and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections. Sadly, in 2021, several city residents living in unsafe basement apartments drowned in their homes due to flooding caused by Hurricane Ida.

Some cities have found that legalizing ADUs, simplifying ADU rules and/or waiving fees can be effective at getting the owners of illegal housing units to “go legit” — and address safety problems in the process. ■

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities prefer the simple approach: regulating ADUs like other homes. So if a home-based child-care service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples of those regulations include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals can regulate them across all housing types. Doing so might mean that special rules are not needed. An approach employed in Portland, Oregon, is to treat ADUs the same as other residences except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by requiring that an annual statement confirming residency be filed. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate. ■



◀ The zoning code of Brevard, North Carolina, a city of fewer than 10,000 residents, allows ADUs, which are referred to as “secondary dwelling units” and are allowed “within residentially-zoned, single-family and duplex lots.” The code states that such homes “shall be encouraged and designed to meet housing needs,” adding that “[s]econdary dwelling units shall be accessory and subordinate to the primary living quarters.” In the image at left, the one-story cottage is the primary dwelling. The apartment above the detached garage is the secondary dwelling.

Inside Spaces

ADUs vary from studio apartment-like spaces to multi-bedroom, multi-story structures. Regardless of size, the result is a needed residence



▲ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became part of our family.”



▲ The alcoves in the ADU area above a garage provide a light-filled work space in one, and a reading nook in the other. (See the attached ADU’s exterior on page 3.)



▲ This studio apartment internal ADU uses a wardrobe cabinet to separate the bedroom from the living area and kitchen (seen on page 19).



▲ As an independent living space, an ADU has its own bathroom and kitchen. Depending on the available square footage — and sometimes on the local zoning code or the property’s plumbing and utility connections — an ADU might have a full kitchen with full-sized appliances and a dining area (top) or a smaller but functional kitchenette. This interior is from the detached ADU pictured below right and on the back cover. Fun fact: A coat closet and extra kitchen shelving are built into the base of the circular staircase. In a small home, every bit of space counts!



▲ The kitchen of this internal ADU (also seen at the top of page 9 and in the bedroom image at left) has a full-sized range but a mini-refrigerator. Some ADU owners install a one- or two-burner electric cooktop and a convection microwave in lieu of an oven.



▲ The second story of this detached ADU is accessed by the spiral staircase shown in the image at top. The space features a bedroom and a sitting area that could be used as a nursery, office or den. A full-sized, stacked washer-dryer is hidden behind a closet door.

Just One More

While not technically ADUs, tiny houses can serve a similar purpose

Because tiny houses are typically built on a trailer with wheels rather than a fixed foundation, they are usually treated by zoning as recreational vehicles (RVs) or manufactured (aka mobile) homes. In Portland, Oregon, and a growing number of smaller cities, tiny houses can be legally occupied on any residentially-zoned lot. Since they're small — typically under 400 square feet — tiny houses can fit in a space too small for an ADU. Many include a kitchen and bathroom. Some function more like a detached bedroom. A unique plus: Unlike ADUs, tiny houses can move to a new location as needed.



◀ ▲ “The Lucky Penny” tiny house measures 8 feet wide by 14 feet, 6 inches long and provides 100 square feet of living space. The home, which is located in the backyard of a single-family residence, features a pullout bed, a kitchenette, a shower, built-in storage, and three large windows plus a skylight to provide lots of nature light.



◀ ▼ ADUs are sometimes used as short-term rental units for travelers. The “Kangablue,” is one of several units at Caravan, the “world’s first tiny house hotel.” At 170 square feet, the home is the largest tiny house on the lot, located in the Cully neighborhood of Portland, Oregon. The tiny space includes a kitchen, living area, bathroom (with a shower and toilet) and a sleep loft.



Top: Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Dutilh, PhotoXplorer
Bottom: Design and Builder: Benn Kovco | Photos by Jeff Freeman Photography

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

WRITTEN AND EDITED BY: Eli Spevak, Orange Splot LLC | Melissa Stanton, AARP Livable Communities

ART DIRECTOR: Mimi Park, Design Park, Inc.

COPY EDITOR: Don Armstrong | **ART PRODUCTION:** Steve Walkowiak

PROJECT ADVISERS AND REVIEWERS:

Danielle Arigoni, Director, Livable Communities, AARP Government Affairs

Karen Chapple, Professor, University of California, Berkeley

Lina Menard, Founder, Niche Consulting

Heather Peters, Senior Housing and Community Development Policy Analyst, San Mateo County, California

Kol Peterson, Cofounder, *AccessoryDwellings.org* | Owner, Accessory Dwelling Strategies LLC, Portland, Oregon

Denise Pinkston, Partner, TMG Partners

Harriet Tregoning, (Past) Principal Deputy Assistant Secretary, U.S. Housing and Urban Development

Jake Wegmann, Assistant Professor, University of Texas at Austin

COVER IMAGE CREDITS (clockwise from top left)

Front: Alex Hayden | Communitecture: Architecture, Planning, Design | *AccessoryDwellings.org* | Melissa Stanton, AARP | *AccessoryDwellings.org*

Back: Kol Peterson, *BuildingAnADU.com* | Eli Spevak, Orange Splot LLC | Schuyler Smith, Polyphon Architecture & Design, LLC

A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, which was one of the first municipalities in the nation to allow and encourage the creation of accessory dwelling units.

To learn more about ADUs — and to order or download this guide — visit [AARP.org/Livable](https://www.aarp.org/livable).

Other useful resources include:

- *AccessoryDwellings.org*
- *BuildingAnADU.com*
- *Planning.org* (the website of the American Planning Association)
- And the websites of the states, cities and towns mentioned in this guide as allowing and encouraging the creation of accessory dwelling units.



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs

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AGENDA ITEM – 3F



MEMORANDUM

DATE: March 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: Julie Hanson, Assistant to the City Administrator/City Clerk

SUBJECT: Volunteer Recognition Policy Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should review the attached Volunteer Recognition Policy draft and provide feedback.

Background

The City Council had previously given direction to bring this topic forward to the Personnel Committee for discussion. At its meeting in April 2025, the Personnel Committee requested staff provide a draft Volunteer Recognition Policy that sets forth guidelines for recognizing our committee and commission members as well as others that donate their time by volunteering for various projects. Staff had conducted a survey of other cities, asking for information regarding their volunteer recognition policy/program and of the cities that replied, none have a formal policy though some had an informal process that they generally follow.

An option that the Personnel Committee discussed was that in addition to the current practice of sending a thank you letter from the City Administrator and a thank you card signed by the Councilmembers, could the City purchase “thank you” gifts to show the City’s gratitude and appreciation for the time and effort our volunteers expend on behalf of the City. However, it was also discussed that the City’s public purchase policy states (expenditures must) “. . . serve a public purpose when those expenditures are necessary for Arden Hills to ensure the efficient operation of its programs/services, promote the availability and use of City resources, and promote coordinated, cooperative planning activities among and between the public and the private sectors.” It should be noted the City Attorney’s guidance was that thank you/recognition gifts do not meet State statute nor the City’s policy – and expenditures made by the City must be for a public purpose, as indicated.

Based on those discussions, Staff has drafted a basic policy (Attachment A) for Council consideration which incorporates feedback and recommendations of the Personnel Committee. Following discussion and direction from Council, Staff will bring the final Volunteer Recognition Policy to a future regular Council meeting for adoption.

Budget Impact

N/A

Attachment

Attachment A: Draft Volunteer Recognition Policy



Volunteer Recognition Policy

Statement of Purpose

The purpose of this policy is to establish a formal method for recognizing volunteers and to show the City's appreciation for their contributions, time and dedication; to encourage continued involvement; and to attract new volunteers. Having a strong volunteer program has many benefits, including increased morale and positive community image.

Recognition

The City strives to create a welcoming and inclusive culture and will formally recognize the dedication of its volunteers.

Annual Committee and Commission Appreciation Picnic

An appreciation picnic will be held annually to recognize members of the City's Committees and Commissions for their public service.

- All Committee and Commission Members and their families are invited to attend the Annual Committee and Commission Appreciation Picnic which is held in July at Cummings Park.

Committee/Commission Member Term(s) Fulfillment/Resignation

A Committee or Commission member is appointed to a term of three (3) years. Members may complete one three-year term, be appointed to an additional three-year term, fulfil the maximum of three three-year terms (total of 9 consecutive years) or even resign mid-term. The City will show its gratitude for these appointed members' contributions as follows:

- Upon completion of a term(s) or any portion thereof upon resignation, the City will send a letter of appreciation to the Committee or Commission member that is signed by the City Administrator. In addition, a thank you card signed by the Councilmembers will be mailed to the member.
- Recognition in an established edition of the City newsletter, Arden Hills Notes.

General Volunteer Recognition

The City may receive a request from an individual or group regarding various volunteer opportunities. The City also occasionally recruits volunteers to help at a single event or for a short-term project. These non-Committee and non-Commission volunteers will be recognized as follows:

- A thank you card signed by the Councilmembers will be mailed to the individual or group.
- Recognition in an established edition of the City newsletter, Arden Hills Notes.

Conclusion

Establishing a Volunteer Recognition Program reflects Arden Hills' commitment to build an inclusive and engaged community by recognizing the individuals who dedicate their time and efforts to enhancing the quality of life in our city.



MEMORANDUM

DATE: March 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: City Council Code of Conduct/Norms of Behavior Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should review Resolution 2016-022 for City Council Norms of Behavior and provide direction to Staff on next steps.

Background

At the April 14th Work Session, the City Council reviewed Resolution 2016-22 which is the City Council Norms of Behavior. Council requested that staff verify if the League of MN Cities had a template Code of Conduct policy that could be a starting point for this discussion. Additionally, there was a reference to the Elected Officials Guide that LMC also produces. Staff were asked to gather some of these resources together and share those with the Council for future discussion.

LMC states that generally policies will take one of two forms: either a values statement expressing core principles for ethical conduct or a formal code of conduct. Included as Attachment D is a template Code of Conduct created by the League of Minnesota Cities Ethics Advisory Panel from the Minnesota Mayors Handbook. A suggestion within the handbook is:

- Codes of conduct are written more like bylaws or regulations for an organization. Generally, they prescribe explicit standards of behavior and provide for formal complaints, hearings, and censure. For example, a code of conduct might state, “No member may knowingly violate the Open Meeting Law.”

For Resolution 2016-22, the City Council should review to determine if this remains sufficient or provide Staff with direction on updates for the Norms of Behavior.

Budget Impact

N/A

Attachments

Attachment A: Resolution 2016-22

Attachment B: January 3, 2024 Special Work Session Minutes

Attachment C: April 14, 2025 Work Session Minutes

Attachment D: LMC Minnesota Mayors Handbook Template Code Of Conduct

Attachment A



CITY OF ARDEN HILLS
COUNTY OF RAMSEY
STATE OF MINNESOTA

RESOLUTION NO. 2016-022

RESOLUTION ESTABLISHING CITY COUNCIL NORMS OF BEHAVIOR

BE IT RESOLVED BY THE ARDEN HILLS CITY COUNCIL THAT THE NORMS OF BEHAVIOR ARE HEREBY ESTABLISHED AS FOLLOWS:

1. Speak only for yourself, not for other Councilmembers – unless specifically tasked by your colleagues to speak for the group.
2. Don't question motives. Assume others have positive intentions, even when you disagree.
3. Be respectful of one another, and the public process, at all times. Do not criticize Staff or others in public.
4. Aim of consensus, but accept decisions of the majority once made.
5. Stay focused on the elected official role – policy, prioritization, and citizen representation.
6. Work primarily through the City Administrator or a Department Head, and through line staff with prior arrangement. May work with the writer of a memo in a packet to request information for clarification. Refrain from attending staff meetings, trainings, "rides-along" or group staff functions unless specifically invited or cleared by the City Administrator.
7. Respect Staff and the fact that they work for the Council as a whole. Don't expect or ask them to engage in the fray (secrets, gossip, triangulation), make your individual case (to take sides), or to be your "insider" (informant).

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARDEN HILLS THIS 27th
DAY OF JUNE, 2016.**

David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk



Approved: February 12, 2024

**CITY OF ARDEN HILLS, MINNESOTA
SPECIAL CITY COUNCIL WORK SESSION
JANUARY 3, 2024
5:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the Special City Council Work Session at 5:30 p.m.

Present: Mayor David Grant, Councilmembers Brenda Holden, Emily Rousseau, Tena Monson and Tom Fabel

Absent: None

Also present: City Administrator Dave Perrault and League of Minnesota Cities Insurance Trust (LMCIT) Collaboration Services Manager Aimee Gourlay

1. AGENDA ITEMS

A. Council Discussion with LMCIT Collaboration Services

Ms. Gourlay said the goal is to give them the opportunity to discuss what they might like to do or change about the Norms of Behavior/Code of Conduct, and what the process would be for moving forward. She reviewed the items they hope to achieve; productive and efficient Council meetings, improved teamwork and agreement on process. She asked if anyone wanted to add anything else.

Council also requested to talk about respect and decency.

Ms. Gourlay said she would add that under meeting management. She explained the agenda and said she had brought a short Code of Conduct summary from the League of Minnesota Cities. She said the League doesn't have a standard code as they are specific to each community. Some cities have very detailed codes and Duluth has one paragraph. She expanded on the items they would be discussing. The idea was to share and hear others ideas and incorporate as many considerations as they could. The goal of a Code of Conduct is to increase their ability to have positive conflict that helps get good outcomes, and decrease the likelihood of interpersonal negative conflicts that can detract from making good decisions.

Ms. Gourlay explained the Norms of Behavior 2016 could be a starting point because it already exists. Discussion was probably more important than the paper at this point.

Council discussed issues in the past related to processes and how they have or have not come to agreement on items.

Ms. Gourlay said it was about perceptions and how you're feeling about the discussion. What they seem to agree on the need to balance the meeting efficiency with making sure everyone's voice is heard and making sure the conversation is appropriate to the topic. They could talk about how to move on when all opinions have been voiced. If they feel like they're hearing the same thing and want to move on for efficiency sake, how does the Mayor know?

Council discussed how side comments or underhanded remarks affect decorum.

Ms. Gourlay said you're probably not listening well if there are side comments, and people will shut down if they're hearing things as attacks. That is a part of meeting decorum. It can be difficult if Councilmembers are speaking for long periods of time. So how do they balance making sure everyone has a voice? Maybe everyone says their initial thoughts and has longer to speak after that.

Ms. Gourlay thought there was already a divide about how they were feeling about respect. She wondered if only some people were experiencing that or if it was a council-wide consideration.

Council discussed past issues or events that they have felt contributed to feelings of disrespect or mistrust.

Ms. Gourlay thought getting to a point of understanding that could be another piece of the code. And whatever code they come up with everyone has to be willing to go along with. She watched a video of a meeting but she didn't see much of this dynamic.

Ms. Gourlay said there may be a need to address some of the past hurt in some way however, something that can be helpful is to look at places they've been more successful and see how they can take what is working and build on that.

Council discussed teamwork and their perspectives on information sharing.

Ms. Gourlay stated they're talking about Code of Conduct, but it really keeps coming back to this one issue. She asked what they needed to move forward.

Council discussed better communication moving forward and past issues, also discussed looking forward not at the past when making decisions.

Council discussed adding agenda items to formally report back to Council, such as, Committee/Commission updates.

Ms. Gourlay said one thing they were talking about was committee reports and separating that from Council Comments. They also talked about agreeing to disagree about the past and not bring it up going forward. They talked about annual committee updates and sharing City goals.

Ms. Gourlay commented that one of the things she's observing is that it's hard to get to consensus because what they're talking about keeps shifting.

Ms. Gourlay reiterated they wanted efficient meetings, to stay on appropriate topics, everyone's voice be heard, and to avoid personal comments. Some of the items they are considering would address some of that list.

Ms. Gourlay said sometimes councils have struggles with how to get things on the agenda, what's the complaint process, or the process for taking something off the consent agenda. Oftentimes it has to do with how things get heard. She wondered what's the process for assigning committees, is there an assumption that everyone gets a committee and similar types of things.

Council discussed adding committee/commission reports to future agendas, and about tying it into committee/commission liaison responsibilities.

Ms. Gourlay recommended they have a work session item for discussion of committee updates before it be brought for a vote at a regular meeting so there is no misunderstanding of what the policy will be. She asked if this session was a useful conversation.

Council discussed not bring up past issues when making decisions affecting the present and future.

Ms. Gourlay said they should move forward with discussing the issues they talked about at work sessions and if they would like her to come back she could. She could also arrange for not full group discussions.

Ms. Gourlay said they remind her of good people with knowledge coming together from different places but the team can't come together.

Council thanked Ms. Gourlay for her time.

2. COUNCIL/STAFF COMMENTS

City Administrator Perrault said he had emailed two questions to the Council. The 2024 PMP was at 80% plan and was scheduled to be an item on the upcoming work session, did they prefer to leave it on that meeting. Also, did they want to schedule a retreat, if so he will find a date.

Councilmember Rousseau would rather do a special work session on January 22 for the PMP, and she would love to have a retreat in March or April.

Councilmember Monson was comfortable with having the PMP discussion on either date but she could make January 22 work.

Mayor Grant explained there's what they go in at and then there's the bid. So, 80% was probably close enough.

Councilmember Monson said then she was fine with it being on January 8 at 80%. She would like to have city goals at a retreat but didn't think they needed the personality piece.

Mayor Grant felt a retreat was the wrong way to approach it. He thought it would be better for the group to look at some strategic topics and discuss them. He didn't know if they needed

someone else to help them do that. He thought a facilitator would make it more touchy-feely and they would probably waste time with ice breaker type stuff.

Councilmember Fabel agreed.

Councilmember Monson said she found Ms. Gourlay to be valuable in these discussions.

Councilmember Rousseau asked if they were going to go through the list of work session topics at the next work session and prioritize them.

Mayor Grant was thinking more strategic than chickens or food trucks; he was worried more about bigger things like trails and the fire station.

City Administrator Perrault said he was planning to include the list of work session priorities on the next work session so Council can let staff know what they want to bring forward in what order.

Councilmember Rousseau explained that things they see on the list as a priority could be what they base a strategic plan on.

Councilmember Holden asked if they were going to update the Council Tracker.

City Administrator Perrault said past practice was they only removed things at Council direction.

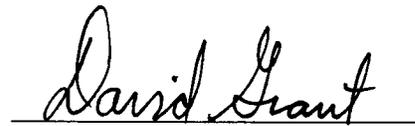
Councilmember Rousseau asked how they were moving forward with a Code of Conduct for committees.

Ms. Gourlay said she had examples from other cities to send to the Mayor and Councilmember Rousseau.

ADJOURN

Mayor Grant adjourned the Special City Council Work Session at 7:09 p.m.


Jolene Trauba
Deputy City Clerk


David Grant
Mayor

regarding how PTRC are going to pay for the parks is a priority, above some of the other items on the list. We need to decide what is most important.

Councilmember Rosseau asked if it could be two Fridays vs. a Friday and Saturday.

Councilmember Holden can't do 14 hours. Back to back days doesn't work. In the past, it was nice to take a step back and think about what was discussed.

Councilmember Weber asked if it had to be consecutive days.

City Administrator Jagoe didn't ask that question. Her experience was the Friday/Saturday. She will ask if there is an option to do a Friday and then a second Friday a month later.

Councilmember Weber said he could support that, with Hue Life. He is not interested in the other proposal.

Councilmember Holden asked when it was decided it would be a Friday.

City Administrator Jagoe said she heard Council talk about a Friday.

Councilmember Monson said they did a similar session with the Fire Board. There were three months between sessions. We can't spread it that far because we will want this complete in time for budgeting. It was nice to have that space between sessions.

Mayor Grant said we should try to keep the hours down, maybe not two full days.

City Administrator Jagoe will follow up with the consultant to see about scheduling two sessions with some time between. She sought clarification if Council wanted to agree on availability and see if it works for the consultant, or should we schedule it when they can fit us in.

Councilmember Holden said everyone needs to be at the first one.

Councilmember Weber said we will probably have to have the consultant say when they are available and then move on it when we find a date that works for everyone.

City Administrator Jagoe said she will follow up on dates. She wanted to confirm that Council plus the Directors and City Clerk should attend. She asked if there was anyone else that should be included in the invitation.

Discussion ensued regarding start time, possible dates and what items will be focused on.

City Administrator Jagoe will discuss availability with the consultant and send out dates to Council.

C. Council Norms of Behavior

City Administrator Jagoe said on March 10th, this item was brought to the Work Session along with the Committee/Commission Code of Conduct Policy. The Council Norms of Behavior,

Resolution 2016-22 is being brought back for Council review. She asked Council if there are any updates or changes, they want to make.

Councilmember Monson thinks the Norms of Behavior is a good place to start but she feels that reading it, it was written in response to the dynamics that were happening at that time. She provided something previously that more broadly discussed honesty and integrity. She thought we could check with LMC to see if they have a template. She thinks the items are very specific.

Councilmember Weber said he went through all the chapters of the Elected Officials Guides on the LMC site. He thinks the information is very comprehensive guidance for elected officials and ethics guidance. He provided the information to **City Administrator Jagoe**. He requested she share that information with the rest of the Council.

City Administrator Jagoe said she will pass that along to the entire council.

Councilmember Rousseau asked if **City Administrator Jagoe** would share that along with **Councilmember Holden**'s notes, as well.

Councilmember Holden said in item #3, there is language regarding public testimony. She believes the word 'immoral' should be removed. We shouldn't use that word. We talk about being respectful of one another but we also have to include resident interactions.

D. Twin Cities Gateway Funding Discussion

Mayor Grant said there is just under \$20,000 plus some roll-over from the previous year. He is grateful the Visitor's Bureau allowed that. These funds need to be used to advertise and promote events that will bring people into Arden Hills to use hotels and patronize our businesses. He believes the ice swim event would qualify. We've used it for Rib Fest and Bethel Homecoming. He reminded that we have the 75th Anniversary of Arden Hills coming in 2026. He asked Council if they had any preference for prioritizing the list.

Councilmember Rousseau said she is interested in using half of the amount for Rib Fest and the other half for the ice swim. She would like John Connelly to talk with Al Stauffacher to help shepherd the process of the Regional Grant for the ice swim event. She understands they will do that for a newer event. Mr. Stauffacher seemed interested in the ice swim. She said it seems like we typically discuss this funding source in April. She wondered if the 75th Anniversary should be on the list for next year, with all of the 2026 funds going towards that event.

Mayor Grant said that is the Council's decision to make. He said the grant awards are based on a formula. He said the numbers are holding and we can probably expect about the same amount next year.

Councilmember Holden would like to use a little of the 2025 money to advertise a save the date for the 75th Anniversary. She thinks we should send out one big flyer. A mailing is \$2,000. She thinks we should send out a mailing announcing that 2026 is the 75th Anniversary. Something that advertises us as a City to all the residents and businesses. She isn't willing to give it to Bethel. They never even thanked us.

Mayor Grant isn't aware if Staff has received any communication.

*Minnesota
Mayors
Handbook*

October 2024

MMA Minnesota
Mayors
Association

*Produced by the League of Minnesota Cities
for the Minnesota Mayors Association*

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Chapter 1: Introduction

It's easy to understand why a person would be excited about becoming a newly elected or appointed mayor. It's a terrific hallmark in one's life. Serving a city says a lot about a person's sense of public responsibility! With conscientious leadership, the mayor is in a great position to help guide a city forward in policy and development.

But being a mayor isn't easy, and it's only natural that a new mayor would on occasion feel intimidated. The office of mayor requires commitment to service and a willingness to take on sometimes significant challenges for the benefit of the city. Even if the mayor and council do everything right, they may receive little gratitude, all the while being overworked and underpaid. When one realizes they have become the chair of a board for a corporation with assets of significant value, it is natural to feel overwhelmed by the responsibilities as well.

Enter the Minnesota Mayors Handbook.

I. Purpose

Being a mayor requires skills and knowledge not endowed by winning an election. While it is true there is a lot to know, it's also true there isn't just one way to be a successful mayor. No single source of information is enough to tell a mayor what to do and how to do it well, that being said, you are encouraged to use the Minnesota Mayors Handbook as a starting point.

This handbook starts with an overview of some of the most important laws every Minnesota mayor must be aware of as well as some general areas of law requiring careful consideration. Next, since the mayor is the presiding officer at meetings, the handbook discusses meeting and hearing management skills. The handbook then focuses on general leadership skills. Lastly, appendices include sample council bylaws and rules of order for meetings and hearings.

Again, this is merely a starting point for information. When it comes to municipal affairs, there are many places to find answers. One purpose of this handbook is to help a mayor know when to ask questions and where to find answers.

The [League of Minnesota Cities](#) is the secretariat of the Minnesota Mayors Association. Both can be reached at (651) 281-1200 or (800) 925-1122.

[Minn. Const. Art XII, § 4.](#)

[Minn. Stat. § 410.16.](#)

The Handbook for Minnesota Cities: [The Statutory City](#).

The Handbook for Minnesota Cities: [The Home Rule Charter City](#).

II. Scope and applicability

Since this handbook is not intended to be an exhaustive resource, finding additional places for information is a must. This handbook contains citations in the margins to Minnesota state statutes and other resources to help mayors find more information on a given topic. In addition to the city’s administrative staff and attorney, mayors will find state agencies often have answers to their questions. Always remember when a problem comes along, it’s likely someone somewhere in the state has run into the same sorts of issues. Don’t hesitate to consult fellow mayors of the Minnesota Mayors Association or the staff of the League of Minnesota Cities. They have decades of collective experience and are always eager to help.

This handbook is, of course, for mayors of Minnesota cities. As such, it’s written to generally describe the powers, authority, and responsibilities of mayors in most Minnesota cities. However, the state constitution allows for home rule charter cities, which can uniquely define mayoral roles and authority. On top of this, charter cities may have any administrative form of government “not inconsistent with [either] Constitution or statute.” Given the variables this creates, mayors of charter cities should review their city’s charter to see if their authority, powers, or responsibilities deviate from what is presented in this handbook.

Chapter 2: Legal requirements

This chapter is intended to provide an overview of legal powers and responsibilities of a mayor as well as some key areas of municipal law for mayors to know. There are some powers that all mayors possess by law but, many aspects of the office are affected by whether the city is a statutory city or a charter city. Additionally, a city’s administrative structure will determine the extent of authority the mayor and council have over day-to-day affairs.

I. Statutory or home rule charter

The legal powers a mayor possesses mostly depend upon whether a city is governed by state statute alone, or by a home rule charter as well as state statute. The central difference between home rule charter cities and statutory cities in Minnesota is the enabling documents under which they operate:

- Statutory cities derive their powers from Minnesota Statutes, primarily from Chapter 412.
- Home rule charter cities obtain their powers from both statute and a home rule charter.

The mayor of a charter city could have more limited or more expansive powers than those of a mayor of a statutory city, depending upon what the charter says.

II. Forms of city organization

Cities in Minnesota generally use one of three administrative formats in their internal organization: weak mayor-council, strong mayor-council, and council-manager. There's overlap as well; almost all cities with a council-manager form of organization simultaneously follow a weak mayor-council form.

A. Weak mayor-council

The weak mayor-council plan is by far the most common plan in Minnesota. Under the weak mayor-council plan, administrative as well as legislative authority is the ultimate responsibility of the council as a whole. The only exception would be if under authority of statute or home rule charter, a city has an independent board, such as a utilities commission, to handle one or more specific functions.

The mayor's powers in the weak mayor-council system are no greater than those of other members of the council, except that the mayor is the presiding officer at council meetings and has a few other legal and ceremonial responsibilities listed below. The weak mayor has no extraordinary power to individually make administrative decisions for the city.

B. Strong mayor-council

The strong mayor-council plan is rare in Minnesota and can only appear in a home rule charter city. Only four cities in Minnesota operate under this form of government including Duluth, Minneapolis, St. Cloud, and St. Paul. Under the strong mayor-council plan, the mayor is responsible for the operation of all administrative agencies and departments within the city. Typically, a strong mayor has the following powers.

- Can appoint and remove department heads and other subordinate staff, subject to civil service provisions where applicable.
- Is not a council member but can veto council legislation subject to the right of the council to override the veto by an extraordinary majority.
- Prepares and administers a budget that the council approves.

These and other features can vary under city charter provisions.

Minn. Stat. § 412.541, subd. 2.

Minn. Stat. § 412.611.

C. Council-manager

Some home rule charter cities and statutory cities have a council-manager form of government. Under this form, the council has policy-making and legislative authority, but administration of the government is the responsibility of the council-appointed city manager. The manager is directly responsible to the council. The manager appoints department heads, usually without council approval.

In this form, neither the mayor, nor any other individual member of council, nor council as a whole typically has any decision-making authority in day-to-day administration of the city. Again, a home rule charter can modify this.

III. Legal powers and responsibilities of the mayor

The powers and responsibilities of a mayor may vary depending upon whether the city is a statutory city or governed by a home rule charter. Below are the basic powers of a mayor in a statutory city. A city charter may add to or limit this list.

Ceremonial head of the city. As the head of the city, the mayor often has certain responsibilities not found in statute but based on custom or tradition. For instance, the mayor may represent the city before other governmental bodies such as the Legislature. The public and media also usually regard the mayor as the official spokesperson for the city and its policies.

Minn. Stat. § 412.191, subd. 2.

See Chapter 3: Meeting Management.

Presiding officer at council meetings. In most cities, the mayor's greatest authority is that of presiding officer at council meetings. Though not a legal requirement, the presiding officer clearly has a responsibility to be impartial and objective in conducting the meeting. To maintain this objectivity, many mayors choose to minimize making or seconding motions and to allow other members of the council to speak before the mayor expresses their opinion.

Minn. Stat. § 412.191, subd. 2.

Calling meetings. Mayors can call a special meeting. Two members of a five-member council or three members of a seven-member council, can also call special meetings.

Minn. Stat. § 412.191, subd. 4.
Minn. Stat. § 412.201.

A.G. Op. 61-J (June 2, 1966).

Executing official documents. The mayor of a statutory city must sign ordinances, contracts authorized by the council, and written orders for payment of claims that have been audited and allowed by the council. These are ministerial duties meaning the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

Power to make some appointments. While the power to appoint usually resides in the council as a whole, the mayor has authority to make the following appointments, subject to council approval:

Minn. Stat. § 412.501.

Minn. Stat. § 134.09, subd. 1.
Minn. Stat. § 134.195, subd. 2.

Minn. Stat. § 412.221, subd. 16.

Minn. Stat. § 44.04, subd. 1.

Minn. Stat. § 469.003, subd. 6.

Minn. Stat. § 469.095, subd. 2.

Minn. Stat. § 450.20.

Minn. Stat. § 12.25, subd. 1.

Minn. Stat. § 412.02, subd. 2a.

Minn. Stat. § 204C.07, subd. 3.
Minn. Stat. § 204C.31, subd. 1.

Minn. Stat. § 12.29, subd. 1.
Minn. Stat. § 12.29, subds. 2, 3.

Minn. Stat. § 18.80, subds. 2, 3.
Minn. Stat. § 18.81, subd. 2.

Minn. Stat. § 299F.04.

Minn. Stat. § 412.02, subd. 1a.

- Park board members (for a non-advisory park board).
- Public library board members.
- Hospital board members.
- Some civil service commission members.
- Housing and redevelopment authority members.
- Economic development authority members.

The mayor has authority to make the following appointments without council approval:

- City art commission members (First Class cities).
- Director of the local organization for emergency management.
- Filling a vacancy on council if the council vote to fill the vacancy is tied.

Election duties. Mayors of all cities have election responsibilities. At elections where residents will vote on a question, the mayor, upon receiving a written petition signed by at least 25 eligible voters, must appoint one voter for each precinct to act as a challenger of voters in the polling place. Also, the mayor of the most populous municipality in a given county (or the mayor's designee) serves as a member of that county's canvassing board.

Declaring local emergencies. Only the mayor can declare a local emergency. A local emergency cannot last for more than three days except with the consent of the city council. A local emergency must receive prompt and general publicity.

The next two powers, while still found in statute, are generally no longer powers exercised by the mayor.

Weed inspector. The mayor is the city weed inspector. The city may appoint one or more assistant weed inspectors to fulfill the mayor's statutory weed inspector obligations.

Fire investigator. In cities without fire departments, the mayor must investigate or have investigated the cause, origin, and circumstances of any fire where damages exceed \$100. The investigation must begin within two days of the fire. The mayor must report the fire to the state fire marshal. Within one week of the fire, the mayor must furnish a written statement to the state fire marshal.

All this without being a full-time employee! Neither the mayor, nor a council member, may be a full-time, permanent city employee.

But not so fast . . . In light of changes to state law and perhaps a myth or two, here are a few powers mayors do not have:

- Designation as the head of the police department (repealed).
- An automatic seat on the fire relief board (repealed).
- The duty of grasshopper inspector (repealed).
- The ability to marry people by virtue of the office (myth).

IV. Selected areas of law

There are a few major areas of municipal law of which every mayor should be aware simply because they are full of traps and easy to get wrong. Some include a particular role for the mayor, some do not, but they are all integral components to running a municipal corporation. This handbook is not intended to tell a mayor everything they need to know about the law, or even these areas. But it should give a mayor enough information to know when to be cautious and find out more.

A. Open Meeting Law

With only a few exceptions, all city council meetings or gatherings must be noticed and open to the public. This rule applies not only to meetings of council, but meetings of any committee or subcommittee of council, as well as any board, department, or commission formed under the city's authority.

The law does not define the term "meeting." The Minnesota Supreme Court, however, has ruled that under the Open Meeting Law, meetings are gatherings where a quorum or more of the council or other governing body, or of a committee, board, department, or commission of the city council or other governing body are present, and at which the members intentionally discuss, decide, or receive information as a group on issues relating to the official business of that body.

The Open Meeting Law does not generally apply in situations where less than a quorum of the council is involved. A quorum is a majority of the members of council (home rule charter cities may have different quorum requirements). However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the Open Meeting Law may be found to violate the law, depending on the specific facts. As a result, while a mayor can call special meetings, in order to avoid the appearance of a serial meeting, the mayor should not call a special meeting by directly contacting other council members. Rather, best practice is to have the clerk or other city staff contact the council members to notify them of a special meeting.

In most cities, the mayor has the authority to lead meetings. Therefore, it's critical the mayor be familiar with the Open Meeting Law and its exceptions. Again, meetings of council must generally be noticed and open to the public. In two cases, however, the council must close a meeting:

Minn. Stat. § 13D.01, subd. 1.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

Minn. Stat. § 412.191, subd. 2.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

Minn. Stat. § 13D.05, subd. 2(b). Minn. Stat. § 13.43, subd. 2(4).

Minn. Stat. § 13D.05, subd. 2.

Minn. Stat. § 13D.03. Minn. Stat. § 13D.01, subd. 3.

Minn. Stat. § 13D.05, subd. 3. Minn. Stat. § 13D.01, subd. 3.

Minn. Stat. § 13D.05, subd. 3. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002).

Minn. Stat. § 13D.05, subd. 3.

Minn. Stat. § 13D.05, subd. 3.

Minn. Stat. § 13D.05, subd. 1 (d).

Minn. Stat. ch. 13.

- Meetings for preliminary consideration of allegations or charges against an individual subject to the public body’s authority (unless the individual wants the meeting held open).
- Portions of meetings at which the council discusses data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data; educational data, health data, medical data, welfare data, or mental health data that are non-public data, or; an individual’s medical records governed by the Minnesota Health Records Act.

And in the following five cases, the council has the option to close the meeting:

- Meetings to consider strategies for labor negotiations.
- Meetings to evaluate the performance of an individual subject to the public body’s authority (unless the individual requests the meeting held open).
- Meetings between council and its attorney to discuss active, threatened, or pending litigation when the balancing of the purposes served by the attorney-client privilege against those served by the Open Meeting Law dictates the need for absolute confidentiality.
- Meetings to determine the asking price for real or personal property to be sold, review confidential or protected nonpublic appraisal data, or develop/consider offers or counteroffers for the purchase or sale of property.
- Meetings to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in, or recommendations regarding, public services, infrastructure, and facilities.

Except for meetings closed under the attorney-client privilege, all closed meetings must be electronically recorded.

B. Data practices

Cities are often asked to release information. In doing so, every city in Minnesota must comply with the Minnesota Government Data Practices Act (MGDPA). Government data means all data collected, created, received, maintained, or disseminated by the city regardless of its physical form, storage media, or conditions of use. This would include data one receives or creates in the capacity of mayor.

Minn. Stat. § 13.02, subd. 16.
 Minn. Stat. § 13.03, subd. 2.
 Minn. Stat. § 13.05, subd. 13.

Minn. Stat. § 13.05, subd. 13.

Minn. Stat. § 13.072.

To request an advisory opinion, write to the [Commissioner of Administration, c/o Data Practices Office](#), 201 Administration Building, 50 Sherburne Ave. St. Paul, Minnesota 55155, (651) 296-6733 or (800) 657-3721.

DPO opinions.

Minn. Stat. § 13.08.

Minn. Stat. § 13.085.

Navarre v. South Washington County Sch., 652 N.W.2d 9 (Minn. 2002).

The Act presumes that government data are public and are accessible by the public for inspection and copying unless there is a federal law, state statute, or temporary classification of data classifying the data as not public or private.

If a city receives a request for government data, it is the role of the city-appointed “responsible authority” or their designee to respond. Unless the council decides otherwise, for statutory or home rule charter cities, the elected or appointed city clerk is the “responsible authority” by default. If a home rule charter does not provide for a city clerk, the “responsible authority” is the chief clerical officer for filing and record keeping purposes.

The “responsible authority” is responsible for the collection, use, and dissemination of any governmental data as well as other obligations of administering the MGDPA, including preparing a public document containing procedures that the official will use to administer the MGDPA. The “responsible authority” must appoint or also act as a “compliance official.” The “compliance official” responds to questions or concerns from persons who are attempting to access data or enforce their rights. The MGDPA is one of the most complex laws that a city has to comply with. Accordingly, all elected officials should consult with the city’s responsible authority before releasing any city data.

Cities may request advisory opinions from the commissioner of the Department of Administration on any question concerning public access to government data, rights of subjects of data, or classification of data. Advisory opinions are not binding, but a court or other tribunal must give deference to the opinion in a proceeding that involves the data in dispute. Cities that take action in conformance with the opinion will not be liable for compensatory or exemplary damages, awards of attorney fees, or penalties. Cities interested in requesting an opinion can contact the Department of Administration, Information Policy Analysis Division. The Department of Administration maintains an index to advisory opinions on its website. The Department of Administration’s Data Practices Offices is also responsible for providing free informal advice to members of the public and members of government who have questions about data practices.

It’s important to remember, there are significant administrative remedies and civil penalties for willfully releasing private and confidential data and for willfully refusing to release public data, including attorney’s fees. In addition, a city that violates any provision of the MGDPA is liable for any damage as a result of the violation. The person damaged may bring an action against the city to cover any damages, plus costs and reasonable attorney fees.

[Minn. R. 1205.0400, subp. 2.](#)

[Minn. R. 1205.0600, subp. 2.](#)

See Chapter 4, Section I-B-1.

[Minn. Stat. § 13.601, subd. 2.](#)

DPO 97-002 (Jan. 15, 1997)
and DPO 97-014 (Apr. 1,
1997).

[Minn. Stat. § 13.393.](#)

[Minn. Stat. § 13D.05.](#)

Mayors may wonder what right of access they themselves have to data that isn't public. Whether a mayor, council member, or staff, the law says that access is limited to individuals "whose work assignments reasonably require access." Whether the mayor falls into that legal description is a question for each city to decide with the help of the city attorney because it likely depends on the specific situation. For this reason, mayors shouldn't be surprised if they don't get a key to the city offices just because the mayor of another city does. And of course, there's always a difference between whether one can access private or confidential data and whether one should.

Since the data a person collects, creates, receives, maintains, or disseminates in the capacity of mayor is government data, a mayor must exercise caution about where that data is created, collected, etc. Government data can easily, even accidentally, be created at home that is both public and subject to a retention schedule. Also, mayors may wish to take care in what they say in their official capacity within e-mails and even text messages.

The MGDPA states that correspondence between individuals and elected officials is private—though either party may make it public. However, correspondence between elected officials and city employees is public unless it contains information specifically classified as non-public. This even applies to the city administrator's status reports to the city council. The attorney-client privilege, however, would apply to documents created for the purpose of giving legal advice, such as a letter between the city attorney and a city official.

The Open Meeting Law doesn't allow the closing of a meeting solely to discuss private data (except in limited circumstances clearly listed in the statute), and provides that private data may be discussed openly at any public meeting without fear of liability or penalty as long as the release of the data is reasonably necessary to conduct the business the data relates to. If private data needs to be discussed at a public meeting, it is recommended that the city try to protect the information by assigning numbers, letters, or similar designations to it, and that those designations be used instead of the actual data.

Discussing private data in a closed meeting does not change the fact that it is private. Therefore, even though an open meeting might have just occurred in which private data was discussed, that data shouldn't be discussed with family, friends, or the media as if it is now public information.

While in most cases private data may be discussed in an open meeting without fear of liability, mayors should remember the seven situations mentioned in the previous section in which the Open Meeting Law requires a meeting to be closed.

C. Contracts

All cities contract for services and equipment, and laws govern many of those contracts. The most important contracting law to be familiar with is the uniform municipal contracting law.

If a city plans to enter an agreement with any party for the sale, purchase, or rental of supplies, materials, or equipment, or the construction, alteration, repair, or maintenance of any city property, there is a process (competitive bidding) cities must follow depending upon the estimated dollar amount of the contract. This is true regardless of the source of funds, the size of the city, and whether a statutory or charter city.

If the amount of the contract is estimated to exceed \$175,000, sealed bids must be solicited by public notice. Generally, the council must award the contract to the lowest responsible bidder. If a contract for supplies, materials, or equipment is estimated to exceed \$25,000, the city must consider the availability, price, and quality available through the state's cooperative purchasing venture (CPV) program. If the CPV is not used, cities may purchase the supplies, materials, or equipment from certain national municipal associations' purchasing alliances or cooperatives.

If the contract to exceed \$175,000 is for construction, alteration, repair, or maintenance work, and the city has received requisite "training," the contract may be awarded to the vendor or contractor offering the best value under a request for proposals described in statute.

If a contract subject to the law is estimated to exceed \$25,000, but not \$175,000, the contract may be made either upon sealed bids or by direct negotiation. If by direct negotiation, the city obtains two or more quotations when possible, and without advertising for bids or otherwise going through competitive bidding. The best value provision applies to these contracts as well, and, again, the CPV must be considered.

If the amount of the contract is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, whichever council prefers. If the contract is made upon quotation, it must be based, so far as practicable, on at least two quotations, which must be kept on file for at least one year after their receipt. Best value is again an option for certain contracts.

None of these provisions apply to professional service contracts, and there are many other exceptions out of the scope of this handbook. Mayors should simply remember these laws as a basic starting point as well as the fact that only a majority of council may approve a contract on behalf of the city.

Minn. Stat. § 471.345.

Minn. Stat. § 471.345, subd. 2.

Competitive Bidding
Requirements in Cities Memo

Minn. Stat. § 471.345, subd. 3.

Minn. Stat. § 471.345, subd.
15(a).

State CPV program.

Minn. Stat. § 471.345, subd.
3a.

Minn. Stat. § 471.345, subd.
15(b).

Minn. Stat. § 471.345, subd.
3a.

Minn. Stat. § 471.345, subds. 4,
4a.

Minn. Stat. § 471.345, subd. 5.

D. Budgeting

All cities must budget, and there are many technical requirements pertaining to city budgets. Cities have limited revenue streams coupled with annually growing expenditures. Cities have reporting requirements, publishing requirements, expenditure restrictions, funding obligations to fulfill, and often a requirement that citizens be allowed to participate in the budgeting process. And once again, council should rely on staff to help meet these requirements. But for the policy makers, budgeting is a critical annual exercise.

One thing the mayor was elected to do is to think about the city's goals and how to advance them. At budgeting time every year, the mayor can help focus council's discussion with the following sorts of questions:

- What does the city need and what are its goals?
- What can realistically be done about those goals and needs this year?
- What are the costs of the various options?
- How much does the city have and how will the city use its resources to fund the goals identified?

Having goals is always the city's starting point. From there, with a mayor's leadership, a city council can work with what funds it has, choose what it will fund, determine how much it will need, and thereby optimally manage citizen expectations and tax dollars.

E. Land use

Land use encompasses many legal areas, which are not easily described concisely, but it amounts to enormous power for cities. The Municipal Planning Act gives cities the authority to regulate how land is used. It is only through uniform procedures set by these statutes that the city council decides where residences are allowed, approves proposed developments, and determines every regulation of land use that best serves a city's own "comprehensive plan." Equally important to passing land use ordinances as a legislative body is the council's responsibility to apply those ordinances—much like a court—when a certain use of land is proposed to council.

Most areas of land use law are uniform to all cities and dictated by state law. One area of land use that may differ from city to city is its regulation of public nuisances. When a use of land interferes with the enjoyment of those nearby, it may be a public nuisance. If it is, ideally council has enacted a nuisance ordinance to address such situations through removal, otherwise called abatement.

[Minn. Stat. §§ 462.351 to 462.365.](#)

Minnesota law contains the procedures for zoning, subdivisions of land, and hearing requirements related to land use. It provides for a planning commission, an advisory group dedicated to helping council make land use decisions. It provides how cities may allow for uses of land upon certain conditions, and when approvals by the city must be recorded with the county.

As mayor, it's critical to be aware that a city has tremendous power to regulate land use, and that power itself is regulated by state law. The decisions the city makes must follow a dictated process and cannot occur without the authority and approval of a majority of council. Often individuals and organizations come to the mayor—as apparent head of the city—and propose a land use project. While the mayor may be an excellent first contact for requests to the city, whether a sophisticated development company or the lone resident looking for help, the party might need to be reminded that formal approval requires the consideration of the full council, if not a planning commission first. A mayor may understandably be eager to encourage developers with personal commitments to see a project approved, but this is something to avoid.

F. City as employer

As much law as there is governing land use, there are innumerable laws to know at the state, federal, and even local levels when it comes to employment. If the city violates employment laws or applicable union contracts, it can be held accountable, it exposes the city to liability. In short, there are many things to get wrong when it comes to employment.

Some employment laws where mistakes are commonly made are in the area of non-discrimination protections, laws affecting preference requirements for veterans, and leave laws such as the Family Medical Leave Act and the Minnesota Parenting Leave Act. Also of concern are employee benefits laws providing continuation of coverage rights and labor relations laws for cities with unionized employees. The League of Minnesota Cities has Human Resources Reference Manual with detailed information on these topics and more.

The most basic distinction mayors should know is the difference between having a city manager and having a city administrator or clerk. In the former, a city manager hires and fires the rest of the staff, and council hires and fires the city manager. In the latter, it is the council that hires and fires all staff. In either case, there are laws governing wages, leave, overtime, age requirements, unions, policies, and termination—to name a few areas. Ironically, the council must rely on staff as well as others to help the city be a legally compliant employer. This is one reason developing a healthy working relationship with the staff is critical.

MN Department of Labor and Industry.

Federal Department of Labor.

HR Reference Manual.

Handbook, *City Administrative Staff*.

See Chapter 4.

Mayors have no extraordinary authority when it comes to employment. Employment matters are likely to come up at council meetings, and the presiding member is wise to know when the meeting must or can be closed, and when it cannot in relation to employment issues. However, the mayor has no independent authority to hire or fire city staff, and decisions to do so must be the will of council as a whole.

Chapter 3: Meeting management

Meetings of city council are where the business of the city is conducted and vital decisions for the city's future are made. Meetings are often also the principal place where citizens interact with their governing body and form an impression about their city. As a result, meeting management is one of the most important components of a mayor's duties.

I. Role of the mayor in managing meetings

Minn. Stat. § 412.191, subd. 1.

The mayor of a statutory city is a member of the council and has the same right to vote and make and second motions at meetings as the other council members. Charter cities may have a different role for the mayor specified in their charter.

In addition to participating in meetings, mayors have two additional roles to play. They preside over the meeting to facilitate discussion and they preserve order.

A. Role of presiding officer

Minn. Stat. § 412.191, subd. 2.
Minn. Stat. § 412.121.

The mayor is the presiding officer of the meeting. In the absence of the mayor, the acting mayor must perform the duties of the mayor. The acting mayor is sometimes also called the mayor pro-tem and is usually appointed by the council.

See Section II – *Bylaws and rules of order*. See Appendix A: Minnesota Mayors Association City Council Bylaws.

The authority of the presiding officer may vary slightly from city to city, depending on the council's bylaw or policies. Typically, however, the presiding officer at a meeting is the person vested with the authority to:

- Call a meeting to order and propose adjournment.
- Recognize and call upon speakers.
- Call for debate and vote on motions.

See Appendix A: Minnesota Mayors Association City Council Bylaws.

See Appendix D: Minnesota Mayors Association Sample Rules of Order for City Councils.

[Minn. Stat. § 412.191, subd. 2.](#)

See Appendix A: Minnesota Mayors Association City Council Bylaws.

See Section III-A and IV-D.

- Clarify or request clarifications of motions made by members.
- Rule motions out of order.
- Interpret and enforce any meeting management policies, bylaws, or rules of order.
- Call members to order if they disregard rules of procedure or decorum for the meeting.

As the presiding officer, the mayor has a great deal of control and influence over how a meeting progresses—for example, who is heard, and not heard, and which topics are brought forward for discussion. However, this power is often not absolute. Most rules of order provide some method for members of the council to question the presiding officer’s decisions and, on some occasions, to overrule them by a vote.

Because presiding officers have such influence over the meeting, most council bylaws or rules of order emphasize that presiding officers should strive to be fair and impartial. This often means listening more than speaking—even on contentious issues—and allowing council members with opposing viewpoints to each have an opportunity to speak. A fair and impartial presiding officer protects the rights of all members to participate in the meeting. One way of looking at this is that while the presiding officer wields the most power to direct the meeting, they are also the person most a servant to meeting rules.

1. Role in preserving order

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances.

A presiding officer’s authority may vary slightly from city to city. Typically, however, the presiding officer at a meeting is the person vested with the authority to preserve order by:

- Following the council’s approved agenda and limiting discussion to current agenda items.
- Ruling on questions of procedure and entertaining appeals to rulings.
- Calling members of the council or public to order if they are being unruly or disruptive.
- Declaring meetings recessed or adjourned if they become too unruly.
- Requesting the removal of unruly or disruptive persons from the meeting room. The mayor may request the assistance of law enforcement if unruly persons refuse to depart the meeting rooms.

II. Bylaws and rules of order

[Minn. Stat. § 412.191, subd. 2.](#)

See Appendix A: Minnesota Mayors Association City Council Bylaws.

A statutory city council has the power to regulate its own meeting procedures. Home rule charter cities may have similar provisions in their charters. Councils often regulate their procedures through bylaws and rules of order. Rules of order are also commonly referred to as parliamentary rules of procedure, parliamentary procedure, rules of procedure or procedural rules. Councils are not required to adopt bylaws or rules of order for meeting management, but they are highly recommended for the following reasons:

- They set common values and expectations for interactions among council members.
- They can provide structure to a meeting, promoting timeliness and efficiency.
- They can help resolve conflicts in a positive way that promotes the best interests of the city, rather than allowing conflicts to grow, potentially disrupting city operations and slowing vital council decisions.

Within or separate from bylaws, city councils often have meeting rules of order. Many cities have formally adopted or informally observe some version of Robert's Rules of Order as rules of order. There are, however, disadvantages to adopting Robert's Rules to govern procedure at council meetings. Some of the disadvantages of using Robert's Rules are:

- They were not crafted with Minnesota law in mind and sometimes diverge from legal requirements for Minnesota cities.
- They were crafted to govern large bodies of assembly (such as a parliament) and are sometimes unwieldy for smaller bodies.
- While shorter condensed versions of Robert's Rules exist, typical volumes of the rules are 200 pages or longer. This can be difficult for new members to learn. Council members who are unfamiliar with the intricacies of Robert's Rules may feel silenced by their unfamiliarity with technical points or outmaneuvered by council members who are more familiar with the rules.

See Appendix D: Minnesota Mayors Association Sample Rules of Order for City Councils.

For these reasons, city councils may prefer to adopt more simplified rules of order. Several other models exist, or the council can draft its own policy to fit the organization and desired level of formality. Sample simplified rules of order (complete with a 2-page cheat sheet!) are in the appendices of this handbook.

It's very important to adopt written rules of order before there is a problem that rules of order could solve. If a meeting becomes contentious for whatever reason, it may be impossible to get back on track if there isn't already agreement on how the meeting should proceed.

Whatever policy the council adopts, it should follow it. Although the council can vote to change or suspend its rules, it is probably better to stick with the adopted rules except on rare occasions.

III. Meeting decorum

Meeting decorum may be an aspect of the city council's bylaws or it may be a separate set of expectations and rules that may or may not be formally adopted in written form. However, written decorum rules usually provide for clearer expectations that everyone can understand. It also is usually easier to enforce expectations if they are written out. Appendix A of this memo has sample bylaws that cities may use to help create and adopt their own council bylaws.

A. Typical decorum requirements

Typical rules of decorum require council members to:

- Refrain from private conversation while in the council chamber that interrupts the proceedings of the council.
- Refrain from the use of offensive words, threats of violence, or other objectionable language in or against the council or against any member.
- Limit speech to subject of current debate.
- Abide by time limits for speaking.

More modern policies on decorum may also emphasize:

- Refraining from the use of cell phones or other personal electronic devices during meetings. In addition to being a decorum problem, this may also create problems under the Open Meeting Law.
- Allowing the use of cameras, video, and other recording devices, but requiring them to be used in an unobtrusive manner that does not disrupt or delay the meeting.

Rules of decorum are often also established to govern the conduct of the public when participating in meetings.

B. Enforcing decorum among council members

Council meetings on important community issues may become contentious very quickly.

See Appendix A: Minnesota Mayors Association City Council Bylaws.

See Appendix E: Council Handouts

See Appendix A: Minnesota Mayors Association City Council Bylaws.

Establishing rules of decorum before a controversy arises can prevent meetings from becoming unproductive due to conflict. On occasion, members of the council may not follow the rules. On these occasions, the mayor's role as the meeting's presiding officer is particularly important. See Appendix E at the end of this memo for some helpful tips if/when certain situations arise during council meetings.

Bylaws may vary from city to city. Generally, when council members violate rules of order and decorum, the presiding officer is authorized to:

- Not recognize a breaching council member's request to speak, limiting the member's role in debate until decorum is observed.
- Declare the council member's actions out of order.
- Order removal from the council chambers by law enforcement until the council member agrees to abide by council rules of decorum.

In addition, if provided in the council's policy, generally any council member (including the mayor), may make a motion to censure a council member for conduct that breaches decorum. A censure often takes the form of a resolution adopted by council vote noting the council member's conduct and expressing disapproval of such conduct.

IV. Citizen input and audience participation in council meetings

Audience members do not have a statutory right to take an active part in the council's discussion at a meeting. Only the council can make motions and vote at a council meeting. Audience members may not speak unless they have been recognized by the presiding officer.

A. Forums for public comment

While cities do not have to allow the public to speak at a meeting, many city councils schedule a portion of each council meeting for public comment. These are often referred to as "open forums." During this part of the meeting, the presiding officer will recognize members of the audience to speak briefly on topics that concern them. These forums are different from formal public hearings required by law on specific issues.

It is best practice to have a policy in place related to city responses to citizen input at meetings. Often it is helpful to have a policy to not respond immediately or to take direct action in response to citizen requests. Instead, the city should adopt a policy referring most citizen comments or requests to city staff for further research and a written report back to council.

See Appendix A: Minnesota Mayors Association City Council Bylaws and Appendix C, Summary Rules for Public Comment. See Section IV-C.

This allows the city the opportunity to gather all the facts and make a measured and fair response. You can find a sample Summary of Rules for Public Comment in Appendix C of this memo for your city to use.

While many councils recognize the value of citizen input, citizen comment can negatively affect meeting efficiency if not managed. For example, if a large number of audience members wish to speak, the meeting may not progress efficiently. Likewise, if one person spends a long time expressing their view, others may not get the opportunity to present their views. The following sections discuss ways to address some of these problems.

1. Limiting time

Some councils have addressed this problem by placing a limit on the amount of time audience members are allowed to speak at a meeting. For example, the council may ask people to limit their remarks to no more than three minutes or allow only a specified amount of time for the whole comment period. Time limits should be adopted in a policy, applied equally and neutrally to all members of the public, and practiced consistently at every meeting.

2. Limiting topic

Another option may be to limit the scope of comments to those matters being addressed by the council at the specific meeting. While this may be a way to focus the meeting on the matters being addressed by the council, it might also keep people from making the council aware of any new issues. Cities considering this approach may want to consider other ways for people to bring up other topics. Limits on topic should also be adopted in a policy and applied equally and neutrally to all members of the public.

3. Advance written notice

As a third alternative, cities may choose to adopt policies that require advance notice of a person's desire to address council. The notice usually must be submitted in writing a few days before the actual meeting. The specific topic and the speaker's name are then put on the agenda. Such procedures are helpful in allowing the council to plan an efficient meeting. It also helps to remind the speaker that they may only address those issues listed on the notice.

B. Meeting disruptions and unruly citizens

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances. Home rule charter cities may have similar provisions in their charters.

[Minn. Stat. § 412.191, subd. 2.](#)

While council meetings must be open to the public, no one has the right to disrupt the council proceedings. When the council decides that a disorderly person should not remain in the meeting hall, the police may be called to execute the orders of the presiding officer or the council.

If the audience becomes so disorderly that it is impossible to carry on a meeting, the mayor has the right and duty to declare the council meeting temporarily recessed or adjourned to some other time (and place, if necessary). The members of the council can also move for adjournment.

If the mayor is not conducting the meeting in an orderly fashion, there is relatively little the other council members can do to control the action of the presiding officer. However, a majority of the council can force adjournment whenever the council members feel it is necessary. If the city council anticipates meeting disruptions or unruly citizens to occur at an upcoming meeting, the city should connect with their city attorney.

C. Public hearings

A public hearing is a special type of city council meeting (or a portion of a meeting) designed to solicit public input and allow members of the public to express their opinions on a designated topic. Conducting a public hearing can pose different challenges to a mayor than conducting a regular council meeting. Cities may find it helpful to adopt rules of procedure specifically for conducting public hearings and managing citizen comment.

There are two types of hearings: those that are discretionary, and those that are required by a specific statute, ordinance, or charter provision.

1. Discretionary public hearings

Many city councils will hold public hearings even when not legally required to do so. Generally, hearings of this type are for the purpose of allowing the public to comment on a specific issue of interest to the community. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

2. Required public hearings

On some matters, state statute requires that the council hold a public hearing before acting.

The following are common matters that require public hearings:

- Adoption or amendment of a zoning ordinance.
- Subdivision applications.

See Appendix A: Minnesota Mayors Association City Council Bylaws and

Appendix C: Summary Rules for Public Comment.

See Minn. Stat. § 462.357, subd. 3. Minn. Stat. § 429.031 subd. 1(a). Minn. Stat. § 429.061 subd. 1.

Minn. Stat. § 462.357, subd. 3.

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 462.3595, subd. 2.

Minn. Stat. § 412.851.

Minn. Stat. § 414.033, subd. 2b.

Minn. Stat. § 429.031.

- Granting of a conditional use permit.
- Vacation of any street, alley, public grounds, public way, or any part thereof.
- Annexation by ordinance.
- Public improvements that will be specially assessed.

There are numerous other instances where a public hearing is required by state statute. When a public hearing is a legal requirement, it is important that the specific statute imposing the hearing be read and all conditions related to notice of the hearing be followed carefully. Often there are special notice requirements that are more substantial than the notice that is needed for a simple special meeting. For example, hearings mandated for zoning ordinance amendments have special notice requirements that may obligate the city to mail individual notices to nearby landowners. While a mayor should be generally aware of these requirements, usually city staff will keep abreast of them and work with council to ensure compliance.

3. Conducting public hearings

The focus of a public hearing is different from a regular council meeting. A public hearing is a meeting where members of the public can express their opinions. The mayor presides at the meeting in order to regulate the hearing and make sure that people who want to speak on the issue get the opportunity. The council does not deliberate or discuss matters during the public hearing portion of this type of meeting; instead, it listens to the public. Once the public comment period is finished, the council will often wrap up the meeting or move to the next agenda item.

In order to recess or continue a meeting of this sort, the council should not formally end the public comment part of the hearing. If the city would like to continue a public hearing, there would need to be a motion to continue the public hearing to a specific time, date, and place.

V. Building an adequate record

Council meetings, including any special public hearings, are where city decisions are made, and city business is conducted. Because city business affects citizens in vital and sometimes personal ways, such as the approval or denial of a land use permit, cities are required to keep an adequate record of their proceedings. In addition, an adequate record can be a vital tool in defending the city's decisions should a lawsuit result.

Minn. Stat. § 15.17.

Minn. Stat. § 15.17.

Minn. Stat. § 138.225.

Minn. Stat. §§ 138.161-.21.

To get a copy of the General Records Retention Schedule, see “Records Retention Data” at www.mcfoa.org or contact the Research Department of the League of Minnesota Cities (651-281-1220 or 1-800-925 1122).

Minn. Stat. § 412.151, subd. 1.

Whalen v. Minneapolis Special Sch. Dist. No. 1, 309 Minn. 292, 245 N.W.2d 440 (Minn. 1976).

Minn. Stat. § 13D.01, subd. 4.
Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 15.17, subd. 1.

Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.
Minn. Stat. § 331A.01, subd. 6.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.
Minn. Stat. 13D.01, Subd. 4.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.191, subd. 3.

Minn. Stat. § 13D.01, subd. 4.
Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.

A. Legal requirements for meeting records

Municipal officers must keep all records necessary to provide a full and accurate knowledge of their official activities. Keeping adequate records involves preserving through a records retention policy the documents that are considered by the council. These include such documents as bills, contracts, and correspondence. Another vital component of keeping adequate records involves taking meeting minutes.

1. Records retention

Records that public officers are required to keep, and those that are necessary and appropriate to the proper discharge of the duties of an office, are government records. It is a crime to destroy such records without statutory authority.

The state has adopted a general schedule for the retention and destruction of a variety of city records. This is commonly known as the “Records Retention Schedule.” Cities that have adopted the general schedule have continuing authority to destroy listed records after keeping them for the prescribed time. A city must not destroy any government records that are not on the schedule without specific authorization from the State Records Disposition Panel.

2. Meeting minutes

A statutory city clerk must keep a minute book of all city council meetings. Generally, the clerk has wide discretion as to how to keep the minutes. A verbatim record of everything that was said is not normally required. However, the law does require that the following be included in the minutes:

- The members of the public body who are present.
- The members who make or second motions.
- Roll call vote on motions.
- Subject matter of proposed resolutions or ordinances.
- Whether the resolutions or ordinances are defeated or adopted.
- The votes of each member, including the mayor.

Home rule charter cities may have additional requirements in the charter.

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

Dietz v. Dodge County, 487 N.W.2d 237 (Minn. 1992).

See LMC memo *Taking the Mystery out of Findings of Fact*.

Minn. Stat. § 412.151, subd. 1.

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

Although not generally required by statute, several court decisions suggest that including certain information in the minutes can help to defend a city's actions should a lawsuit occur. The following types of data are examples of information that should be included in the minutes:

- Findings of fact. Case law requires them for land use decisions and some personnel decisions.
- The council's conclusions. Case law requires them for land use decisions and some personnel decisions.
- The specific reasons behind the council's conclusions. Examples would include such things as the economic, social, political, or safety factors that were considered when the council made a particular decision.
- Signature of clerk and mayor. Because minutes would likely be considered official papers of the city, they should be signed by the clerk. And although the law does not require it, in many cities the mayor also signs the minutes after they are approved by the council.

3. Adequate records and defending city decisions

City councils make two types of decisions—legislative decisions and quasi-judicial decisions. A typical legislative decision a council makes is to adopt an ordinance. Legislative decisions are made when the city exercises its general lawmaking authority in a broad manner that applies city-wide.

In contrast, quasi-judicial decisions involve applying standards found in an ordinance or policy to individuals. A typical quasi-judicial decision a council makes is to grant or deny a landowner's request for a zoning conditional use permit. Quasi-judicial decisions are made when the city exercises its authority over individuals to grant or deny their specific applications for privileges under existing city ordinance.

Both legislative and quasi-judicial decisions of the council may result in lawsuits against the city. When a reviewing court examines a city's decisions, it applies different standards of review to legislative decisions and quasi-judicial decisions.

a. Court review of legislative decisions

When reviewing a city's legislative actions, the court looks to see whether the actions were constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public. This is known as the "rational basis standard," and it is a standard that is generally not difficult for cities to meet. The court may not always agree with a city council's decisions, but it will not substitute its judgment for that of the city council—if the council can establish through an adequate record that its actions met the rational basis standard.

Northwestern College v. City of Arden Hills, 281 N.W.2d 865 (Minn. 1979).

b. Court review of quasi-judicial decisions

In quasi-judicial situations, a reviewing court will more closely scrutinize the city's decision to determine whether they city has provided a legally and factually sufficient basis for its decision in an adequate record. This is especially true in the area of land use regulation such as zoning and subdivision.

In quasi-judicial situations, due process and equal protection are the main reasons for the more stringent scrutiny. Due process and equal protection under the law demand that similar applicants must be treated uniformly by the city. A reviewing court will overrule a quasi-judicial city decision if it determines that the decision was arbitrary (failed to treat equally situated applicants equally or failed to follow ordinance requirements).

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

c. Role of records in building the city's case

The public record is being increasingly reviewed by the courts to determine whether the city's action involved a reasonable means to a legal end. The law provides that cities have considerable discretion in developing plans, setting standards, and deciding applications. The public record, as a whole, must demonstrate that the city acted reasonably in enforcing its plans, standards, and regulations. It does not matter that the city acted reasonably if it is unable to prove its actions through the public record.

In reviewing the public record, courts look primarily to a city council's findings of fact. A city council must apply the facts to the law and find reasons upon which to base its decision. The reasons or rationale are referred to as findings of fact and need to be an adequate factual basis in the public record to support the council's decision. Inadequate findings may result in a reversal of the council's decision.

B. Mayor's role in building an adequate record

As the presiding officer at city meetings, the mayor can be essential to ensuring that an adequate record protects the city's decisions from being overruled by a court. Key ways to build a complete record include:

- Following rules of procedure that require formal motions for all council actions.
- Restating motions clearly for the minute taker prior to opening debate and voting.
- Announcing the vote clearly on city motions.

- Requesting that complex motions and all resolutions, findings of fact, and conclusions of law be reduced to written form.
- Allowing adequate time for public comment and participation at public hearings.

The mayor is not alone, of course, in working to build an adequate record. However, as presiding officer, the mayor can certainly provide necessary leadership to ensure that this important work for the city is accomplished.

Chapter 4: Mayoral Leadership

Mayors have the responsibility to exert leadership in city affairs. Because the mayors of statutory cities lack significant individual authority, this responsibility frequently calls for consensus building and tact rather than overt acts of direction or supervisory control.

Leadership plays an essential role in successful city governance. However, pinpointing the characteristics of a successful leader is no simple task. One thing is certain—no one trait alone creates a leader. Instead, successful leadership depends upon a blend of several characteristics that can be pulled from the mayor’s “tool kit” when needed.

In addition, mayoral leadership not only depends upon having the right tools in the tool kit, but also upon knowing when to use them. For example, no leader is successful simply because they are decisive alone, or thoughtful and measured all the time. Rather leaders are successful, because they are decisive when needed and thoughtful and measured at the right moment in time.

I. Key traits of successful mayors

While there are many differences in mayors, there are many common traits in their approach to governing that seem to strongly influence their success as leaders. These traits include the following:

- Successful mayors have an attitude of humility. All mayors can be justifiably proud that they have been elected—it is a significant accomplishment and a reflection of the trust that others have they will be ethical and competent representatives. However, truly successful mayors are also humble; they realize they are no smarter than before their election, there is much to learn, and much is expected of them.
- Successful mayors reject an attitude of entitlement. Effective mayors expect to give more than they receive. They recognize their position is not one of entitlement, but rather one of responsibility to their constituents, council colleagues, and staff and—equally important—to the office they hold and will eventually pass on to others.

- Successful mayors are willing to learn. To have an open mind means to appreciate the value that comes from having one’s opinions and ideas challenged. Successful mayoral leaders listen, respect diverse opinions, and realize the correct decisions might be different than they initially believed.
- Successful mayors recognize the difference between being responsive and responsible. Often the mayor is the most visible representative of city government in the community. As a result, mayors may spend a great deal of their time simply listening to the concerns of their constituents—who are often also their neighbors, friends, coworkers, and customers. However, it is important to recognize that the public’s interest is often different than a particular constituent’s desires and needs. Successful mayors know that while it is sometimes appropriate to respond to the needs of individual constituents, in other instances they must act for the betterment of the whole community, even when some residents may not like it. It is essential to evaluate each decision against both principles and having the courage to act appropriately.
- Successful mayors value partnership and teamwork. Effective governments are no more than effective teams. When the mayor, city council members, and staff view each other as resources and partners, they are more likely to be able to meet their community’s needs, no matter how difficult. However, when the city’s elected officials look for scapegoats and blame staff or each other it chills innovation and risk taking, leads to low morale and turnover, and ultimately to failure. Both elected and appointed officials must be held accountable even though mistakes will occur. Effective mayors spend their energy on learning from mistakes and how to avoid them in the future, and not on finding someone to blame.
- Successful mayors gather their facts before making decisions. Some issues that arise do require immediate action, even when all the facts or opinions have not been collected. However, successful mayors recognize that these rare situations are the exception rather than the rule. Mayors and city councils may at times feel enormous pressure from constituents to act immediately in response to a crisis or new event. Taking the time to plan a thoughtful, concerted response may not always be a popular decision. Nevertheless, it is important to recognize that, even in a crisis, better decisions invariably result when there is opportunity and effort to gather crucial information and thoroughly discuss alternatives.

II. Inspirational leadership

While mayors of statutory cities lack significant individual legal authority, their role as an inspirational leader of the city cannot be underestimated.

Mayors can provide important leadership by promoting citizen involvement in government, championing long-term planning for the city’s future, and promoting new programs and initiatives.

A. Promoting citizen involvement

Many observers of local government strongly correlate the level of engagement between citizens and their government with the overall success and vitality of a community.

1. The value of citizen involvement

Increasingly, public officials are learning that one of the most effective ways to address challenging community issues is through citizen and stakeholder dialogue. When issues are discussed in citizen and stakeholder groups, people can more easily balance individual needs with the common good. Group interaction promotes civic skills—such as talking, debate, persuasion, negotiation, creativity, and compromise. When citizens with different viewpoints talk to each other to develop policy recommendations that serve the common good of the community, the participants:

- Learn more about the issues.
- Connect their personal experiences to the policy debate.
- Develop more detailed plans and policy recommendations.
- Are more likely to devote their own time and energy to implementing the action ideas they’ve recommended.
- Forge effective working relationships with others, including city elected officials and staff.

2. The mayor’s role and citizen involvement

One of the easiest ways mayors can promote citizen involvement is by modeling compliance with the Minnesota Open Meeting Law—both the letter of the law and its intent—and other laws aimed at soliciting public input. For example, most changes to a city zoning ordinance will require a public hearing for citizen input. Modeling compliance and respect for the law builds trust in government, which in turn inspires greater citizen confidence, communication, and involvement.

Other ways mayors can inspire citizen participation in government include:

- Be an advocate for your city’s story. Mayors are often characterized as the ceremonial head of the city. As a result, they are often in the best position to communicate news about the city and city programs. Mayors often communicate the good word through communications with traditional media (such as the local newspaper and local cable television shows), through discussions at council meetings, in city hall forums, in city newsletters, and on city websites.
- Be honest with constituents. Effective mayors can separate what is desirable from what is possible and communicate this to constituents. It is important to communicate the dilemmas the city faces and real limits (budgetary or otherwise) that may hinder a much-wanted city project such as a new ball field or hockey rink. Honest communications prevent unrealistic expectations on the part of city constituents and encourage them to engage the problem as an active participant alongside the city.
- Model respect and civility. The mayor is in a unique position as the presiding officer at city council meetings to model meeting decorum, civility, and respect. The mayor should conduct meetings in a manner that encourages open discussion of issues and honest differences of opinion, without the use of personal attacks, name calling or scapegoating. For both council members and citizen participants in city meetings, the mayor can demonstrate that city hall is a safe place to voice one’s point of view.
- Share information freely. The mayor can set the tone for city communications with citizens by communicating in a language that citizens can easily understand. Avoid acronyms and language that only insiders can interpret. Encourage your city council to consider placing public information such as the city code, meeting minutes, council packets, and committee information on the city’s website. An informed and educated citizenry is an effective citizenry.
- Engage citizens as citizens. Cities often focus on providing courteous, prompt, and efficient customer service to their citizens. Employing concepts of customer service is a valuable tool in some instances. However, city residents are more than just customers of the city—they’re citizens. Treat them like citizens. The mayor can serve an inspirational role in challenging citizens to think about their own obligations to build and maintain the community. Mayors can advocate for city councils to use surveys to ask citizens for their input or to hold town hall meetings to talk about long-term plans for the city, projects, and priorities.

- Be an advocate for engaging youth and diverse communities with government. Engaging younger generations and diverse communities can be a difficult challenge. Mayors can advocate for inclusion by making efforts to meet with constituents in places where they are comfortable—such as coffee shops, community centers, places of worship, and athletic events—rather than city hall. Mayors can promote interaction with school age citizens and encourage city councils to institute youth commissions and advisory boards. Finally, mayors can be advocates for using the Internet and technology to reach new citizen groups.

B. Long-term planning

The day-to-day demands of local government can be challenging. However, while working on the problems of the immediate present, it is vital to remember the promise of the future. Many cities use long-term planning to guide daily decisions and to ensure that their communities stay on track with longer-term goals.

1. The value of long-term planning

Planning provides an opportunity for policymakers to consider the future impacts of today's decisions. Planning can take many forms, both formal and informal. Some planning may be mandated such as comprehensive land use planning for many cities in the metro area. Some formal planning that the city may be most familiar with include:

- Financial planning. A budget is a yearly plan for how the city will allocate its resources. In addition to budgeting, many cities have long-term financial plans for managing their cash flow, reserves, and investments.
- Capital planning. A capital plan sets priorities for city improvements and infrastructure such as a new city hall, recreational and community facilities, streets, and water and sewer facilities. A capital plan identifies the useful life of existing facilities, plans for their replacement or upgrading, and anticipates the need for new facilities in areas of growth.
- Land use planning. A land use plan anticipates and regulates future development of land within the city, establishing areas for growth or revitalization, and setting aside areas for preservation.

The formal plans discussed above help cities tackle specific concrete issues and challenges. Cities may also engage in broader planning or visioning process for their future. Cities may engage in planning processes with their citizens that ask broader questions such as: How can the city promote more inclusive democracy? How can the city create a more livable or equitable community?

Planning may address varying problems and goals. However, successful planning processes typically all have common beneficial secondary effects. Planning can also:

Minn. Stat. § 473.175.

- Promote a shared understanding of important and complex issues and potentially a shared consensus for tackling difficult issues.
- Highlight alternative strategies for meeting big challenges.
- Create an understanding of the relationships between issues and strategies for meeting challenges.

2. The mayor’s role in long-term planning

Certainly, mayors in statutory cities do not have the authority to initiate or engage in long-term planning on their own initiative. However, as an inspirational leader, mayors can advocate the importance of long-term planning for a community—particularly when short-term considerations seem overwhelming.

One of the most concrete ways that mayors can promote long-term planning is in their role as presiding officer at city council meetings. Mayors can suggest that debate consider the long-term implications of city actions or that city decisions be evaluated for their consistency with long term plans already in place.

C. New programs and initiatives

A mayor’s initiative project or program is a common way to create or revitalize interest in city services. Mayors in statutory cities must, of course, work closely with their city councils to gain approval for and financing of any new programs. However, it is important to stress that a mayor’s initiative need not be a costly or expensive campaign. An inexpensive mayor’s initiative may center on promoting use of community parks and recreational opportunities or encouraging volunteerism. The mayor’s role as ceremonial head of the city can often be harnessed to generate interest in valuable community projects.

III. Ethical leadership

Ethical leadership on the part of the mayor is vital to the functioning of the city and to maintaining the public’s trust and confidence in both the city and the democratic process. In their duties as ceremonial leader of the city and as presiding officer at city meetings, mayors can play a significant role in promoting ethical government.

A. Key traits of ethical leaders

While most people agree that it is desirable to be an ethical person, deciding what is “ethical” in a given situation may be more difficult. Some common traits of ethical public officials are:

- Ethical mayors recognize that ethical questions may be complex. As a result, they are willing to seek out and accept the advice of knowledgeable officials such as the city attorney or senior city staff.
- Ethical mayors recognize that ethical conflicts are inevitable and should be dealt with quickly. Elected officials are human and citizens of their communities. On occasion, it is to be expected that they will have needs or roles in their private lives that conflict with the obligations of public office. Ethical officials are open about potential conflicts of interest and follow applicable rules for disclosing and dealing with the conflict (such as refraining from voting on a particular issue) to avoid even the appearance of impropriety.
- Ethical mayors are driven by fairness. The most ethical mayors recognize that many city decisions will have adverse as well as positive outcomes and they, therefore, strive to make the best decision as defined by its ultimate fairness to all concerned. This often means making impartial decisions on the merits of the issues alone, while disregarding personal allegiances. It can also mean considering interests of citizens who are not present or who have not otherwise commented, but who are nonetheless affected by a decision. Ethical officials try to make decisions in the best interest of all in the community, not just those who show up at a meeting or protest the loudest.
- Ethical mayors recognize the importance of conscientious and ethical government as a value in itself. Ethical mayors do not use their office or authority for revenge, prestige, or personal gain. Ethical mayors recognize that government is a human institution. The human motivations of those in government will determine if the government itself is effective or ineffective, good or bad, ethical or unethical. Ethical mayors care enough to make a positive difference and then act accordingly.

B. Ethics laws and official conflict of interest

State law includes extensive regulation on the ethical behavior of city officials and criminalizes violations of the law. State law regulates—among other things—conflict of interest, incompatible offices, and gifts to elected officials.

1. Official conflict of interest in contracts

Generally state law prohibits public officers from having a personal financial interest in a sale, lease, or contract they are authorized to make in their official capacity. A “public officer” certainly includes a mayor, a council member, or an elected official.

[Minn. Stat. § 471.87.](#)

Minn. Stat. § 471.88, subd. 1.
*1989 Street Improvement
 Program v. Denmark
 Township*, 483 N.W.2d 508
 (Minn. App. 1992).

An interested officer should disclose their interest at the earliest stage and abstain from voting or deliberating on any contract in which they have an interest. There are some exceptions to the general prohibition on contracting with city officials defined in state law. When the exceptions are used, generally the contract must be approved by unanimous vote of the council.

There are detailed procedures that must be followed to use any exception to the conflict of interest law. State statute and the city attorney should be consulted on the procedures to follow.

a. Statutory cities

Statutory cities must consider an additional law. The law provides that no member of a statutory city council may be directly or indirectly interested in any contract the council makes, except for the limited exceptions discussed previously. This law may apply to some situations where the general law does not. For example, even though the actual contract is not made with a council member, the fact that they have an indirect interest in it could violate this law.

b. Home rule charter cities

Many home rule charters contain provisions on conflict of interest in contracts. Some of these go beyond the statute to include any city official, even though the official has no part in making the contract. These charter provisions may apply to situations where the statute does not. However, the exceptions discussed previously apply to all cities, despite any other statute or city charter. (Because charter provisions vary from city to city, they are not covered in this document).

Some home rule charters contain provisions preventing all officers and employees from being interested in a contract with the city. Such a provision evidently applies to every city officer or employee whether or not they have a part in making contracts.

2. Conflicts of interest in non-contract situations

Conflicts in non-contractual situations, such as the approval of a license held by a council member or the determination of qualifications for office, may also arise. While conflicts in contractual situations are closely regulated by state law, unfortunately, there is little statutory guidance related to non-contractual conflicts. Guidance in these situations comes through Minnesota attorney general opinions and court decisions. This adds a layer of complexity to dealing with conflicts in non-contractual situations.

Minn. Stat. § 412.311.

56 Am. Jur. 2d Municipal Corporations § 142. *Lenz v. Coon Creek Watershed Dist.*, 278 Minn. 1, 153 N.W.2d 209 (1967). *Township Bd. of Lake Valley Township v. Lewis*, 305 Minn. 488, 234 N.W.2d 815 (1975).

State v. Sword, 157 Minn. 263, 196 N.W. 467 (1923). *Kenney v. Goergen*, 36 Minn. 190, 31 N.W. 210 (1886).

Minn. Stat. § 471.895.

Minn. Stat. § 471.895, subd. 3.

Minn. Stat. § 15.054.

Generally, any official who has personal financial interest in an official non-contractual action is disqualified from participating in the action. This is especially true when the matter concerns the member's character, conduct, or right to hold office. Another situation may be when the official's own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter.

Dealing with conflicts in non-contractual situations requires the advice and guidance of the city attorney.

3. Incompatible offices

Generally, all individuals in elected office are prohibited from holding incompatible offices. The question of whether a city official can also serve the city in some other capacity is quite complicated. One must look at both the statutory law and the common law that has been developed through Minnesota court decisions. The city attorney should be consulted on concerns about elected officials holding two separate offices.

4. Gifts to elected officials

Elected and appointed "local officials" may not receive a gift from any "interested person." An "interested person" is a person, or representative of a person or an association, who has a direct financial interest in a decision that a local official is authorized to make. This law applies to all cities in Minnesota.

There are a few exceptions to the gift law. Some commonly encountered exceptions include lawful campaign contributions and food, or beverages given at a reception, meal, or meeting the official has been invited to attend.

5. Other laws on ethical behavior

Various other state laws regulate the ethical behavior of elected officials. A non-exhaustive list of these laws includes:

- Sale of government-owned property. In general, officers and employees of the state or its subdivisions are prohibited from selling government-owned property to another officer or employee of the state or its subdivisions. However, the law does not apply to the sale of items acquired or produced for sale to the general public in the ordinary course of business. In addition, the law allows government employees and officers to sell public property if the sale is in the normal course of their duties.

Minn. Stat. § 471.895. Minn. Stat. § 10A.071. Minn. Stat. § 10A.01, subd. 21, 24.

Minn. Stat. § 10A.07.

Minn. Stat. § 10A.01, subd. 22.

Minn. Stat. § 10A.09, subds. 1, 6a.

See Appendix F: Sample Statement of Values.

- Gifts from lobbyists for officials in metropolitan cities with populations over 50,000. Metropolitan cities with a population over 50,000 are subject to an additional law related to gifts. Local officials in these cities are also prohibited from receiving gifts from “lobbyists.” A “lobbyist” is defined as someone engaged in lobbying in the private or public sector, or a city employee or non-elected city official who spends more than 50 hours in any month attempting to influence governmental action.
- Conflict of interest and economic disclosure in metropolitan cities with populations over 50,000. Elected and appointed officials of metropolitan cities with populations over 50,000 must disclose certain information if they will be involved in a decision that will affect their financial interests. The law affects elected or appointed city officials, or city employees with authority to make, recommend, or vote on major decisions regarding the expenditure or investment of public funds. The law applies if the official or employee must make a decision or take an action that substantially affects their financial interests or those of a business with which they are associated. However, there is an exception if the effect is no greater for the interested business than for others in that business, occupation, or position.
- Statements of economic interest. City officials in cities within the seven-county metropolitan area with populations over 50,000 (as determined by the most recent federal census, a special U.S. census, an estimate by the Met Council, or the state demographer) must file a statement of economic interest. The statement must be filed with the local official’s governing body and the Minnesota Public Disclosure Board.

6. City values statements and ethics policies

Ethical expectations can be difficult to convey. In addition, the conflict of interest laws are scattered throughout many statutes and court cases, making them difficult to find and hard to interpret. As a result, some cities have developed and adopted their own policies on ethics and conflicts of interest. Policies must be consistent with state law. Generally, these policies can take two forms: a values statement expressing core principles for ethical conduct, or a formal code of conduct. Cities may adopt a values statement or a code of conduct or both. However, it is important to note that state law does not require formal adoption of a city ethics policy.

a. Values statements

Values statements are written to reflect the core ethical values of the city. They are a way to compare preferred values against actual behaviors. Values statements may take many forms, but generally they contain four to six cardinal values surrounded by “I” statements and examples.

For example, “I serve the public interest when I recognize and support the public’s right to know the public’s business.” Values-based codes generally set aspirational “do’s,” while codes of conduct stress “don’ts,” as discussed below. You can find a sample Statement of Values in Appendix F at the end of this memo.

b. Codes of conduct

Codes of conduct are written more like bylaws or regulations for an organization. Generally, they prescribe explicit standards of behavior and provide for formal complaints, hearings, and censure. For example, a code of conduct might state, “No member may knowingly violate the Open Meeting Law.” You can find a sample Code of Conduct in Appendix G at the end of this memo.

c. Enforceability

i. Values statements

Because of the aspirational and sometimes subjective nature of values-based codes, formal enforcement might be difficult and likely counterproductive. Compliance is better left to the individual’s conscience.

ii. Codes of conduct

Charter cities may provide for recall of elected public officials in their charter. However, recall of public officials is not possible in statutory cities. In addition, there is no authority in state statute to provide for removal of a council member by vote of the council or through application of a city-based ethics policy. There is also no authority to levy fines for violations.

As a result, city codes of conduct for elected officials are generally enforced through censure. Censure is a formal resolution of council stating that a council member has violated the city’s ethical rules and expressing disapproval of their actions.

IV. Mayor-council relationship

Because mayors of statutory cities lack significant individual authority, the key to a successful mayor-council relationship often lies in recognizing the mayor’s role (and its limits) and working from there to build productive partnerships with fellow council members.

A. Meetings and the mayor-council relationship

See Appendix G: Sample Code of Conduct.

[Minn. Stat. § 410.20.](#)

See Chapter 3.

See Appendix A: Minnesota Mayors Association Sample City Council Bylaws.

Because of the Minnesota Open Meeting Law, most interactions between mayor and council will occur in public during an open meeting where the mayor is the presiding officer. As a result, meeting management and meeting decorum are key to developing a successful mayor-council relationship. Some keys to success in this area include:

- Presiding officers should not dominate discussion. In most cities, the mayor participates equally in council meetings. Generally, the mayor has the same right as any other council member to discuss issues, make and second motions, and vote. Since the mayor is also a presiding officer at meetings, this can create a difficult situation on issues where the mayor may have strong views. In recognition of their dual role as participant and meeting facilitator, mayors may choose to limit their comments or save their comments until all other members have had a chance to voice their views. However, this is not a legal requirement, just common practice. If the mayor has particularly strong views on an issue, some city policies on meeting management allow the mayor to step aside as presiding officer and for the appointment of a temporary presiding officer.
- Presiding officers should allow all participants to speak and present their views. The role of the presiding officer is to facilitate the discussion. Most city policies on meeting management prohibit speaking out of turn and require the presiding officer to recognize a council member prior to speaking. The reason for this requirement is to prevent the inevitable disorder and confusion of many voices speaking at once. It also greatly simplifies the work of the minute taker and allows an accurate record to be created. Mayors should not use this authority to silence political opponents or suppress views with which the mayor does not agree.
- Presiding officers should know and enforce applicable city policies on meeting management and/or rules of procedure. Successful meetings require leadership to keep participants on task. Most city policies on meeting management specify expected conduct for meetings that is essential to an organized meeting. For example, time limits on comments by participants, procedures for being recognized by the presiding officer before speaking, limits on public participation, formal language for making and amending motions, and procedures for voting. If the presiding officer is not familiar with or does not enforce the city policies or rules, often there is little recourse for other meeting participants to enforce the rules themselves. This may create frustration, delay, or unduly extend meetings, lead to confusion over actions taken, and potentially create embarrassment for the council as a whole.

- Presiding officers should model and enforce decorum. The mayor is in a unique position, as the presiding officer at city council meetings, to model meeting decorum, civility, and respect. The mayor should conduct meetings in a manner that encourages open discussion of issues and honest differences of opinion, without the use of personal attacks, name calling or scapegoating. Civility and decorum, perhaps more than any other factor—both inside meetings and outside – is the key to building successful relationships with council.

B. Keys to team-building success

Many observers of government have linked city success with the ability of the mayor and council to work together as a team. Both inside meetings and during one-to-one interactions, mayors can promote a team model of government by:

- Sharing information freely. Mayors sometimes play a unique role for the city in meeting with citizens, business representatives, and other governmental officials and dignitaries. In addition, mayors may have unique duties as meeting leaders, agenda setters, emergency managers, and public spokespersons, depending on each city's policies. As a result, mayors often obtain vital information related to the city's operations before other council members and even city staff. Timely sharing of information equally with all stakeholders and in an inclusive manner is a key to successful team building. It is important to stress, however, that information should only be shared in a manner that complies with all legal requirements such as the Minnesota Open Meeting Law.
- Communicating honestly. On occasion, bad news is both the hardest news to convey and the most vital. Not everything in your city will be a total success. While there may be a temptation to resolve a short-term dilemma by providing only partial information to fellow council members, this approach can have long-term and long-lasting negative effects. Failing to communicate honestly erodes trust and may damage the city council's ability to make collaborative decisions.
- Working collaboratively to establish visions, goals, and priorities. When priorities and policies are set collaboratively, they often have greater stakeholder buy-in. Knowing that their position was at least considered often goes a long way in satisfying council members whose positions ultimately do not prevail.

V. Mayor-staff relations

Not all cities are alike. Depending on the city's form of government, staffing structures will vary. It is important for a mayor to understand the city's form of government and its corresponding staff structure.

See Chapter 2.

A. City staff and their roles

City staff positions and roles are created by a combination of state statute, local ordinance, and city policy. In addition, some charter cities may have provisions in their charter creating and defining staff roles.

1. City manager and city administrator

The terms “city manager” and “city administrator” are sometimes used interchangeably, but they are two legally distinct concepts. City managers can only exist in Plan B cities or home rule charter cities that provide for the council-manager form of government. No form of government requires an administrator position. It is most common, however, to see an administrator in a Plan A city. City managers and city administrators have very differently defined roles.

A. City administrator

The position of city administrator is usually created by ordinance or resolution. Sometimes the administrator position exists in addition to a separate city clerk position, but in smaller cities the duties are often merged into a combined clerk-administrator position.

Since state statutes do not specifically provide for a city administrator, or define the powers of the position, duties can vary greatly from city to city. The extent of the city administrator’s powers may be defined locally by a combination of ordinance, city policy, and job descriptions. In smaller cities, the responsibilities may essentially be an expansion of the city clerk’s duties. Other cities, typically larger cities, may give the administrator broader powers so that they essentially functions as a city manager with duties as discussed below.

b. City manager

The Plan B form of government is also known as the council-manager plan. It consists of the elected mayor, four or six elected council members, and an appointed city manager. There are 16 Plan B cities in Minnesota. Several home rule charter cities have also adopted the council-manager plan through their charters. An election must be held to become a Plan B city.

In Plan B cities, the council retains legislative and policy-making authority, but most administrative responsibilities, such as hiring and firing, are delegated to the city manager. The council’s control over these matters is indirect, essentially through its selection and retention of a manager.

Minn. Stat. § 412.611.

Unlike the position of city administrator, the duties of a city manager are clearly defined by state statute for Plan B cities. Charter cities should consult their charter for a listing of the manager's duties. In Plan B cities, state law establishes the city manager as the head of the administrative branch of government, and the person who is responsible to the council for the proper administration of all city affairs. As a result, city managers are vested with the power to appoint and remove city staff.

This includes the city clerk, all department heads, and subordinate officers and employees. Neither the council nor any individual council member may dictate the appointment of any person to office or employment by the manager. Council members may not interfere with the manager's judgment in appointing personnel. Likewise, the council may not give orders to any subordinate of the manager. Instead, the council's control is indirect, through its selection and appointment of the manager.

City managers also have defined, and expansive powers related to budgeting, finances, and enforcement of city ordinances.

2. City clerk

All cities in Minnesota have the position of a city clerk. The clerk may be the city's only administrative official or may be supervised by a city administrator or city manager (in cities that have those positions). Minnesota cities have one of three types of city clerks: elected, appointed, or home rule charter clerks. Appointed clerks are the most common type of clerk. The duties of both elected and appointed clerks are defined by state statute. Further, the council may develop other ministerial duties specific to the city's needs. Charter cities should consult their charter for a listing of the clerk's duties.

A non-exhaustive list of the duties of clerks in statutory cities includes:

- Post and publish such notices, ordinances, and resolutions as may be required, including notices of meetings required by the Minnesota Open Meeting Law.
- Keep a minute book containing all city council proceedings, and an ordinance book recording all of the ordinances passed by the council.
- Act as a bookkeeper of the city and keep an account book to enter all money transactions of the city, including the dates and amounts of all receipts, the person from whom the money was received as well as all orders drawn upon the treasurer with their payee and object.
- Administer all city elections.

Minn. Stat. § 412.151, subd. 1.

B. Job direction and supervision

See Chapter 2–IV–F.

In statutory cities and most charter cities, mayors have no authority to directly supervise city staff or provide direction to city staff. Likewise, there is no authority for the mayor, acting as an individual, to appoint or terminate staff, to investigate or discipline employees, or to access employee data. The authority to supervise staff is delegated to the council as a group, not to any one individual on council. Charter cities may provide some authority for direct supervision.

In Plan B statutory cities and most council-manager charter cities, the city manager has all administrative authority over city employees. City councils as a whole may indirectly supervise staff through their ability to hire and fire the city manager and to set city policy.

In statutory, non-Plan B cities, the city council as a whole supervises employees by:

- Providing direct instruction to staff at a city council meeting. For example, making and approving a motion to “direct the city clerk to research grant opportunities for equipment in the city parks” or “direct the city clerk to work with the mayor to develop a job description for a utility billing secretary.”
- Adopting policies that govern staff behavior. For example, the city’s employee handbook may instruct staff to wear uniforms, punch in on a time clock, or follow explicit purchasing procedures. The city council may also establish policies on promotions, wage increases, benefits, etc.
- Establishing job descriptions listing staff duties. For example, the city clerk’s job description may require the clerk to supervise a deputy clerk, or a police sergeant’s job description may require the sergeant to act as a school liaison officer.
- Entering into employment contracts with specific conditions for employment. For example, a city administrator’s contract may set provisions for severance or performance goals, or a union contract may set criteria for benefit increases.
- Conducting employment reviews. In some cities, the city council directly conducts employment reviews for all staff, or merely for high level staff such as the city administrator. In the alternative, council may delegate this function to city staff such as the city administrator, or to an employee review committee.
- Conducting or authorizing investigations into employee conduct. For example, the city council may hold a closed meeting to discuss alleged conduct with a city employee. In the alternative, the city council may authorize the city administrator, attorney, or an outside investigator to investigate a specific issue and report back to council at a later date.

Elwood v. Rice County, 423 N.W.2d 671 (Minn. 1988).
Rico v. State, 472 N.W.2d 100 (Minn. 1991). *In re Alexandria Accident of Feb. 8, 1994*, 561 N.W.2d 543 (Minn. Ct. App. 1997) (snowplow driver). *Kari v. City of Maplewood*, 582 N.W.2d 921 (Minn. 1998) (emergency vehicle). *Kelly v. City of Minneapolis*, 598 N.W.2d 657 (Minn. Ct. App. 1999) (police officer).
 Minn. Stat. § 466.07.

Minn. Stat. § 13.43, subd. 1.
 Minn. Rule 1205.0400.

- Hiring and terminating employment. For example, the city council may make the decision to lay off classes of employees or terminate employment for misconduct.

Attempts to directly supervise or direct employees, without city council consent or direction, may create unintended legal liability for a mayor. Generally, the doctrine of official immunity protects public officials from lawsuits based upon discretionary actions taken in the course of their official duties. Additionally, state statute requires cities to defend and indemnify council members for any suit arising from their official duties. However, these doctrines may not protect a mayor if they are found to be acting outside the scope of their duties. In addition, it is important to note that neither official immunity nor the statute applies when a mayor or council member acts with malice or in bad faith.

Aside from legal liability, attempting to directly supervise staff may also have the effect of creating confusion for staff, who may receive conflicting direction from multiple sources. This confusion may delay important city actions, create unnecessary expense, or itself be a source of legal liability.

1. Access to employee records

Most employee data is defined as private data that is not accessible to the general public. As a result, access to employee files is limited to individuals whose job duties reasonably require access to private data. Since the mayor or individual council members do not have individual authority over city personnel, they cannot generally access this private information on their own initiative. However, the council could authorize the mayor or an individual council member to view the data for job-related reasons. For example, if the mayor is assigned to an employee review team.

VI. Conclusion

The Minnesota Mayors Handbook is a starting point for all you need to learn to be a successful mayor. The handbook is designed to highlight key areas of knowledge without being an exhaustive guide. Some sections pinpoint potential legal pitfalls for mayors or advise caution on common areas of liability. The purpose of this guide is to give you just enough information in these critical areas to help you recognize these situations and to know where to turn for more resources and assistance.

League of Minnesota Cities
*Handbook for Minnesota
Cities.*

League of Minnesota Cities *HR
Reference Manual.*

To join the mayor's listserv,
contact mhagenau@lmc.org

As you seek to increase your knowledge base, remember the Minnesota Mayors Association. Your fellow mayors can be among your most important resources! The Mayors Association offers a continuing education conference each spring and maintains a listserv for mayors on the League of Minnesota Cities website. In addition, never hesitate to ask city staff—these experienced professionals can be another critical asset. Finally, the League of Minnesota Cities has in-depth materials available on all the topics (and more) discussed in this handbook.

Finally, this handbook concludes with sample documents that have been referenced throughout the chapters. These are:

- The Minnesota Mayors Association Sample City Council Bylaws, Agenda Request Form, and Summary Rules of Public Comment (Appendices A – C).
- The Minnesota Mayors Association Sample Rules of Order with a Summary of Motions, Council Handouts outlining simple principles for making meetings work and problem-solving hints, and (Appendices D and E).
- A sample Code of Conduct and Statement of Values (Appendices F and G) created by the League of Minnesota Cities Ethics Advisory Panel.

Many city councils find that adopting formal bylaws and rules of order is the key to a successful working relationship between mayor and council. In addition, the sample rules of order contain tips for running successful meetings.

Minnesota Mayors Association

Appendix A: City Council Bylaws

- I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.
- II. **PURPOSE.** The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among council members, city staff, and citizens to promote the efficient working of the public's business at city council meetings.
- III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.
 - A. This presumption of openness serves three basic purposes:
 1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
 2. To ensure the public's right to be informed.
 3. To afford the public an opportunity to present its views to the public body.
 - B. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.
 - C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).
 - D. In keeping with the intent of the Minnesota Open Meeting Law, city council members shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.
 - E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.
- IV. **QUORUM.** A simple majority (_____) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

V. **COUNCIL MEETINGS.**

- A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.
- B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the city clerk.
- C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city council members by filing a request for the meeting at least three days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.
- D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two city council members. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.
- E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.
- F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.
- G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:
 1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
 2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
 3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
 4. Review council's bylaws and make any needed changes.
 5. Assign committee duties to members.
 6. Approve official bonds that have been filed with the clerk.

- VI. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council.
- A. **Role of the presiding officer.** The presiding officer shall preserve order, enforce the City Council Rules of Order as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-D. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.
 - B. **Adjourning meetings.** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.
 - C. **Designation of a sergeant-at-arms.** The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
 - D. **Motions and voting.** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.
 - E. **Absences of the presiding officer.** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the council members present choose a member to act as presiding officer.
 - F. **Appeals of rulings of the presiding officer.** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
 - 1. **Procedure for appeals.** An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other council member may participate in the discussion.
 - 2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
 - 3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
 - G. **Temporary designation of a presiding officer.** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.
- VII. RULES OF ORDER.** The proceedings of the city council shall be conducted in accordance with the Minnesota Mayors Association Rules of Order for City Councils.

VIII. DECORUM OF COUNCIL MEMBERS.

- A. **Aspirational statement:** All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.
- B. **Aspirational statement:** No council member shall engage in conduct which delays or interrupts the proceedings, or which hinders honest, respectful discussion and debate.
- C. **Aspirational statement:** City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.
- D. To effectuate these aspirational goals, city council members shall conduct themselves at council meetings in a manner consistent with the following:
 - 1. No council member shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
 - 2. No council member shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
 - 3. No council member shall use profane or obscene words or use language that threatens harm or violence toward another person during a council meeting.
 - 4. No council member shall speak on any subject other than the subject in debate.
 - 5. No council member shall speak without being recognized by the chair; nor shall any council member interrupt the speech of another council member.
 - 6. No council member shall disobey the City Council Rules of Order adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
 - 7. No council member shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

IX. VOTING.

- A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.
- B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.
- C. Council members may ask for a roll call of the vote by the clerk/administrator on any motion or resolution.
- D. The clerk/administrator may ask for a verification roll call if the vote of a council member is not clear on the voice vote.
- E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.
- F. Whenever a matter is put forward for a vote, every council member shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

X. MEETING SCHEDULE.

- A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.
- C. The last item on the agenda will be commenced no later than _____ p.m.
- D. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions in V-F.

XI. ORDER OF BUSINESS. The order of business for all council meetings shall be:

- A. Call to order.
- B. Call of roll.
- C. Approval of minutes.
- D. Public forum and correspondence.
- E. Consent agenda.
- F. Public hearings (when scheduled).
- G. Acknowledgement of receipt of board/commission minutes (if any).
- H. Board/commission/committee reports (if any).
- I. Staff reports (if any).
- J. New business.
- K. Unfinished business.
- L. Consideration of bills.
- M. Adjournment.

XII. AGENDA. An agenda will be prepared for all regular council meetings by the city clerk/administrator. Agenda items may be placed by city council members and city staff. Members of the public wishing to place items on the agenda shall be directed to the public comment forum provided at the council meeting. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- A. All requests to place an item on the agenda must be received by the city clerk/administrator by _____ a.m. _____ days prior to the next council meeting.
- B. All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.
- C. All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.
- D. The agenda, along with information materials, will be mailed or delivered to all city council members and the city attorney at least _____ days prior to the next council meeting.

XIII. CONSENT AGENDA. A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- A. Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.
- B. An item on the consent agenda may be removed from consideration by the request of any one council member. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

XIV. MINUTES. Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.

- A. The minutes shall contain at minimum:
 - 1. The city council members who are present.
 - 2. Type of meeting (regular, special, continued, emergency).
 - 3. Date and place the meeting was held.
 - 4. Time the meeting was called to order.
 - 5. Approval of minutes of the previous meeting, with any corrections.
 - 6. The members who make or second motions.
 - 7. Roll call vote on motions.
 - 8. Subject matter of proposed resolutions or ordinances.
 - 9. Whether the resolutions or ordinances are defeated or adopted.
 - 10. The votes of each member, including the mayor.
 - 11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
 - 12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
 - 13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
 - 14. List of all transfers of funds.

15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
 16. Approval of minutes of the previous meeting, with any corrections.
 17. Identity of parties to whom contracts were awarded.
 18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.
 19. Appointments of representatives to committees or outside organizations.
 20. Name and brief summary of subject matter of citizens appearing before council during public comment period.
- B. The minutes of each meeting shall be typed and signed by the clerk/administrator. Copies of the minutes shall be included in the agenda for the next council meeting.
- C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.
1. The meeting minutes do not need to be read aloud.
 2. The presiding officer shall call for any additions or corrections.
 3. If there is no objection to an addition or correction, it will be made without a vote of the council.
 4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.
 5. Council shall take formal action by vote to approve the minutes as distributed or as amended.
- D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

- A. ***Public participation and comment at council meetings.*** City council meetings are the forum for the city council to conduct the city's business. While city council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.
- B. ***Members of the public shall follow the direction of the presiding officer.*** Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room.

If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

C. ***Public comment period.*** A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.
4. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet will be available at the start of the city council meeting.
5. Speakers must direct their remarks toward the presiding officer.
6. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
7. Speakers are required to follow the direction of the presiding officer.
8. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.
9. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Matters raised for the first

time by members of the public will generally be referred to staff for further research and possible report or action at a future council meeting.

D. A summary of these rules for public comment may be provided in the council meeting room.

XVI. PUBLIC HEARINGS. Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

A. **General procedure for public hearings.** The order of business for all public hearings conducted by council shall be:

1. Opening comments by presiding officer announcing the purpose of the public hearing.
2. Presiding officer opens the public hearing portion of the meeting.
3. Staff presentation (including clerk/administrator, attorney, engineering reports if any).
4. Developer/other presentation (if any).
5. Public comments.
6. Reading of written comments.
7. Presiding officer formally closes the public hearing portion of the meeting.

B. Speakers who wish to address the city council at a public hearing must follow the same rules in XV. However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

C. Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud by the presiding officer or his or her designee as provided in XVI-A-6. Anonymous, unsigned communications will not be read.

D. The presiding officer may continue the hearing, if necessary, following the procedures in V-F.

XVII. PROCEDURE FOR RESOLUTION AND ORDINANCE ADOPTION. All resolutions and ordinances shall be in writing. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of council members present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting.

- XVIII. BOARD, COMMISSION, AND COMMITTEE ASSIGNMENTS.** All assignments of council members to serve on city boards, commissions, and committees shall be by a majority vote of council members present at the meeting, unless otherwise provided by law.
- XIX. MAYORAL AND CITY PROCLAMATIONS.** Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of council members present at the meeting where such proclamation is presented for adoption.
- XX. SEATING ASSIGNMENTS.** Council members shall occupy the chairs assigned to them by the presiding officer, but two council members may exchange seats by joining in a formal request to the presiding officer.
- XXI. SUSPENSION OR AMENDMENT OF THESE RULES.** Any or all of these rules may be temporarily suspended by a majority vote of the council members present at the meeting, except as otherwise required by Minnesota law. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

Appendix B: Agenda Request Form

Sample for use with Minnesota Mayors Association *City Council Bylaws*

Agenda Request Form

DATE SUBMITTED:

SUBMITTED BY:

DEPARTMENT:

ISSUE:

ATTACHMENTS:

JUSTIFICATION:

FINANCIAL IMPACT:

ACTION REQUESTED:

REVIEWED BY: ___ City Clerk/Admin. ___ City Attorney ___ Bldg. Insp. ___ DNR
 ___ Finance Director ___ Public Works ___ County ___ Architect
 ___ City Engineer

CITY CLERK/ADMINISTRATOR'S RECOMMENDATION

LANGUAGE FOR PROPOSED FORMAL MOTION TO BE CONSIDERED BY COUNCIL

Appendix C: Summary Rules for Public Comment

Sample for Use with Minnesota Mayors Association *City Council Bylaws*

City Council Members

Mayor:

Council:

City Staff:

Clerk/Administrator:

City Attorney:

Public Works Director:

Police Chief:

Fire Chief:

Zoning Administrator:

Meeting Dates & Times: _____

WELCOME to this meeting of your City Council. Please take a moment to read our guidelines for public participation in council meetings.

Agenda: An agenda packet is available for public inspection at the entrance to the meeting room. Ordinarily the council will address items as they appear on the agenda.

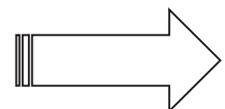
Council procedure: The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally, a simple majority vote of the members present is needed to pass most motions.

Public participation in meetings: Comments from the public are restricted to the public forum period.

City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression.

Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer.

Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.



During the public forum period, citizens must:

- Sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet is available at the meeting entrance.
- Be recognized by the presiding officer before speaking. Comments are limited to three minutes.
- Direct their remarks to the presiding officer.
- Follow the direction of the presiding officer.

During forum period, the public is prohibited from:

- ⊘ The use of obscene, profane, or threatening language.
- ⊘ Threatening, loud, or boisterous conduct that disrupts the meeting or the security of the public.

Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. If the conduct continues, the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means.

The presiding officer may:

- Request the public to appoint a spokesperson when multiple speakers appear to speak on the same topic.
- Place a time limit on or defer the public comment period.
- Alter rules to meet legal requirements for public hearings required by la

Council agenda/order of business:

1. Call to order.
2. Call of roll.
3. Approval of minutes.
4. Public forum & correspondence.
5. Consent agenda.
6. Public hearings (when scheduled)
7. Board, commission, & committee minutes
8. Board, commission, & committee reports
9. Staff reports
10. New business
11. Unfinished business
12. Consideration of bills
13. Adjournment

Contact information for City Hall: _____

Hours of operation: _____

Minnesota Mayors Association

Appendix D: Rules of Order for City Councils

Preamble.

- a. ***Purpose.*** The purpose of these rules is to foster debate and discussion in an orderly manner, not to suppress honest discussion with excessive formality. Without rules, confusion and disorderly proceedings would hamper all city action, no matter how well intended. Rules allow city business to be conducted as efficiently as possible, protect minority groups by giving every person a chance to be heard, prevent discussion of multiple topics at once, and allow decisions to be made by majority rule.
- b. ***Rights of council members.*** All council members are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.
- c. ***Obligations of council members.*** The rights of individual council members cannot be realized unless all council members also recognize their obligations as members of the political body. Council members are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Council members are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, council members are obligated to address all remarks to the presiding officer, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior.

Rule 1. Motions.

All formal actions of council must be by motion. A council member may make only one motion at a time.

Rule 2. Language for making a motion.

The appropriate language for making a motion shall be substantially similar to, “*I move to* _____.”

Rule 3. Procedure for consideration of a motion.

A motion does not need to be seconded. Once a motion has been made, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the mayor determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on

decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

Rule 4. Objections to a motion.

- a. Any member of the council may make an objection to a motion if he or she believes the motion is not in order. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings.
- b. An objection to a motion must be made immediately following the motion and at no other time. The objector does not need to be recognized by the presiding officer in order to voice their objection. The appropriate language for making an objection shall be substantially similar to, “I object to the motion as being out of order, and call for a ruling by the presiding officer.”
- c. A motion may be objected to as not being made at a proper time if the motion was made by a person not called upon by the presiding officer to speak, or if it does not follow the agreed upon agenda for the meeting.
- d. The presiding officer shall determine whether the motion is in order.
- e. In determining whether the motion is in order, the presiding officer shall let the objector to the motion speak once explaining his or her position. Next, the presiding officer shall let the maker of the motion speak once to answer the concerns of the objector. Then the presiding officer shall make a formal ruling as to whether the motion was in order.
- f. If the motion is ruled out of order, the motion shall not be considered. If the motion is ruled in order, the presiding officer shall open the motion for debate (if applicable).
- g. The presiding officer’s ruling may be appealed as provided in Rule 7.

Rule 5. Debate.

Generally, only one motion may be considered at a time in debate. Once a motion has been made, the presiding officer shall restate the motion and open the motion for debate, if the motion is debatable. The presiding officer shall conduct the debate in accordance with the following:

- a. For initial comments, all comments shall be limited to five minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.

- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before council members who have already spoken are permitted to speak again.
- e. Council members shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, council members may affirm agreement or disagreement.
- f. Generally, only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion's maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

Rule 6. Definitions of motions that may interrupt debate (secondary motions).

As explained in Rule 5, only certain motions may interrupt debate on a motion. These are called secondary motions. When a secondary motion is made, the presiding officer must follow the same procedures in Rule 3 to consider the secondary motion. A secondary motion must be resolved, either by being ruled out of order by the presiding officer or debated and voted upon by the council, before debate on the main motion can resume. Secondary motions may also be made outside of debate, where appropriate. For example, a motion to take a brief recess can be made before, during, or after a debate.

- a. ***Motion to amend the original motion.*** The maker of the motion does not need to consent to a motion to amend. However, he or she may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved. Only two amendments may be made to an original motion to avoid confusion. The amendments should be voted on in reverse order, with the last amendment being voted upon first. To avoid confusion, complex language should be put in writing. A motion may not be amended so substantially as to essentially reject the original motion, though different language may be proposed so as to entirely substitute for the original language.

The appropriate language for making a motion to amend shall be substantially similar to "I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."

- b. **Motion to take a brief recess** is not a motion to adjourn or continue the meeting to another time or place. Instead, it is a motion to take a brief respite no greater than 20 minutes. If a motion to take a brief recess is granted, the presiding officer may set a time for the meeting to resume. In addition, the presiding officer is authorized to call for a brief recess on his or her own initiative, without a vote, to maintain order in the meeting.

The appropriate language for making a motion to recess shall be substantially similar to, "I move to take a brief recess for _____ minutes."

- c. **Motion to withdraw a motion** is not subject to debate, and it can only be made by the motion's maker before a motion is amended.

The appropriate language for making a motion to withdraw shall be substantially similar to, "I move to withdraw my motion."

- d. **Motion to divide a complex question** may be used for complex items of business. It allows the council to break larger questions into smaller parts, which are considered separately.

The appropriate language for making a motion to divide a complex question shall be substantially similar to, "I move to divide the question into _____ parts. Part 1 shall be _____. Part 2 shall be _____."

- e. **Motion to table or defer consideration to a later date** is not subject to debate. It may be used to defer or delay consideration of a matter.

The appropriate language for making a motion to defer consideration shall be substantially similar to, "I move to defer consideration of the main motion/this item until _____."

- f. **Motion to refer an issue to committee** is not subject to debate. It may be used to refer an issue to a city committee, such as the park board or planning commission, for their report. The motion should contain an expected receipt day for the report.

The appropriate language for making a motion to refer an issue shall be substantially similar to, "I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in ___ days/weeks."

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council

have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

The appropriate language for making a motion to call the previous question shall be substantially similar to, “I move to call the previous question” or “I move for an immediate vote on this issue.”

- h. **Motion to limit debate** is not subject to debate. It may be used to establish time limits for debate.

The appropriate language for making a motion to limit debate shall be substantially similar to, “I move to limit debate on this issue to ___ minutes per person” or “I move to limit council debate on this issue to no more than ___ minutes total.”

- i. **Motion for a call to order** is not subject to debate. It may be used to signal to the presiding officer that the council member feels the proceedings have gotten disorderly.

The appropriate language for making a motion for a call to order shall be substantially similar to, “I move for a call to order by the presiding officer.”

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker’s speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There are two exceptions to this rule—a motion for a call of the previous question and a motion for a call to order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

Rule 7. Appealing procedural decisions of the presiding officer.

- a. Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
- b. **Procedure for appeals.** An appeal is made by motion. No second is needed for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other council member may participate in the discussion.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
- d. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

Rule 8. Other special motions explained.

- a. **Motion to adjourn** is not subject to debate. It may be used to suggest a conclusion to the meeting. The presiding officer may adjourn a meeting on his or her own initiative, without a vote, if necessary to maintain order.

The appropriate language for making a motion to adjourn shall be substantially similar to, "I move to adjourn the meeting."

- b. **Motion to go into closed session** may be used to close the meeting pursuant to the Minnesota Open Meeting Law. When the motion is made, the basis for closing the meeting and the applicable law must be stated into the record. The presiding officer may also close the meeting on his or her own initiative, without a council vote, if closing the meeting is mandatory under the law or if directed by the city attorney.

The appropriate language for making a motion to go into closed session shall be substantially similar to, "I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law."

- c. **Motion to leave a closed session** may be used to conclude a closed session and return to an open meeting.

The appropriate language for making a motion to leave a closed session shall be substantially similar to, "I move to open the meeting."

- d. **Motion to revive consideration of an issue** may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

The appropriate language for making a motion to revive shall be substantially similar to, "I move to revive consideration of _____ previously tabled/deferred/referred to committee."

- e. **Motion to reconsider** may be made only at the **same** meeting where the issue was originally considered and voted upon. It may be made only by a person on the prevailing side of an issue. In the event of a tie vote, those voting against the issue shall be considered the prevailing side.

The appropriate language for making a motion to reconsider shall be substantially similar to, "I move to reconsider _____."

- f. **Motion to rescind or repeal** may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any council member, whether or not he or she was on the prevailing side. It may not be made when

prevented by law or where substantial reliance on the council’s previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

The appropriate language for making a motion to reconsider shall be substantially similar to, “I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

- g. **Motion to prevent reintroduction of an issue for _____ months** is not subject to debate. It may be used to limit discussion of an issue that has been raised and/or moved for reconsideration several previous times.

The appropriate language for making a motion to prevent reintroduction shall be substantially similar to, “I move to prevent reintroduction of this issue for _____ months.”

- h. **Motion to suspend the rules or to consider a motion informally** should be used sparingly on issues likely to be uncontroversial. Complex motions and resolutions should still be put in writing. This motion may permit informal discussion of an issue (such as a roundtable discussion, brainstorming session, visioning session, etc.) where appropriate.

The appropriate language for making a motion to proceed informally shall be substantially similar to, “I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Rule 9. Resolutions and ordinances.

Simple motions shall be used only for procedural and meeting matters. Substantive issues, such as the approval or disapproval of contracts, licenses, or permits; the censure of council members; the hiring, termination, or promotion of employees; the appointment of board, commission, and committee members; and the adoption of city policies, rules, and ordinances shall be by resolution. An exception to this general rule may be made in instances where significant documentation of the council’s decision exists, rendering an additional resolution repetitive (for example, where a written contract spells out all the terms that would be listed in the resolution). All resolutions shall be written and numbered in a manner consistent with the city’s record keeping policies.

The appropriate language for a motion for the adoption of a resolution shall be substantially similar to, “I move to adopt the resolution numbered ____.”

Rule 10. Robert’s Rules not applicable.

These rules are designed specifically for Minnesota city councils. Further, these rules were drafted to be an appropriate level of regulation and formality for smaller governing bodies typically seen in Minnesota cities. Robert’s Rules of Order is not assumed to apply or to supplement these regulations. Where a situation arises that is not addressed by these rules, the intent of these rules, as expressed in the preamble, should be effectuated by the presiding officer, in consultation with the city attorney.

Summary of Motions

For use with Minnesota Mayors Association *Rules of Order for City Councils*

 **Means a motion is not subject to debate.**

 **Means that motion may be made during active debate on a main motion.**

 **Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.**

1. **General motion for all council action:**

“I move to _____”

2. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.



“I move to amend the motion by inserting between . . . and . . .” or “I move to amend the motion by adding after . . .” or “I move to amend the motion by striking out . . .” or “I move to amend the motion by striking out . . . and inserting . . .” or “I move to amend by striking out the motion . . . and substituting the following.”

3. **Motion to take a brief recess.** A motion to take a brief respite no greater than 20 minutes.



“I move to take a brief recess for _____ minutes.”

4. **Motion to withdraw a motion.** This can only be made by the motion’s maker before a motion is amended.



“I move to withdraw my motion.”

5. **Motion to divide a complex question.** This allows questions to be considered in smaller parts.



“I move to divide the question into _____ parts. Part 1 shall be _____. Part 2 shall be _____.”

6. **Motion to table or defer consideration to a later date.** This may be used to defer consideration.



“I move to defer consideration of the main motion/this item until _____.”

7. **Motion to refer an issue to committee.** This may be used to refer an issue to a city committee.



“I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks.”

8. **Motion for call of the previous question.** This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.



“I move to call the previous question” or “I move for an immediate vote on this issue.”

9. **Motion to limit debate.** This may be used to establish time limits for debate.



“I move to limit debate on this issue to _____ minutes per person” or “I move to limit council debate on this issue to no more than _____ minutes total.”



10. Motion for a call to order. This is used to signal to the presiding officer that the meeting is disorderly.

“I move for a call to order by the presiding officer.”

11. Motion to adjourn. This may be used to suggest a conclusion to the meeting.



“I move to adjourn the meeting.”

12. Motion to go into closed session. This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. **The basis for closing the meeting and the applicable law must be stated into the record.**

“I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

13. Motion to leave a closed session. This may be used to conclude a closed session and return to an open meeting.

“I move to open the meeting.”

14. Motion to revive consideration of an issue. This may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

“I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

15. Motion to reconsider. This may be made only at the **same** meeting where the issue was originally considered and voted upon.

“I move to reconsider _____.”

16. Motion to rescind or repeal. This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

“I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

17. Motion to prevent reintroduction of an issue for _____ months. This may be used to limit discussion.



“I move to prevent reintroduction of this issue for _____ months.”

18. Motion to suspend the rules or to consider a motion informally. This permits informal discussion.

“I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Appendix E: Council Handouts

For use with Minnesota Mayors Association *Rules of Order for City Councils*

A. Simple Principles for Making Meetings Work-

1. Let the presiding officer manage the meeting.
2. Wait to be recognized by the presiding officer before speaking.
3. Be courteous and civil. Limit debate to the discussion of ideas. Do not make personal attacks.
4. Maintain decorum in the chambers. Do not have side conversations or disrupt the meeting through words or conduct.

B. Problem Solving Hints

Problem one: Meetings are taking too long.

Potential solutions:

- a. The presiding officer should follow the agenda and limit discussion and debate to the current agenda item. Council members who speak on topics not related to the current agenda can be called to order by the presiding officer.
- b. The presiding officer should not open discussion and debate on an agenda item until after an actual motion for action has been made. This clarifies the discussion and makes the process more efficient. A line can be added to the council agenda for each item with staff's proposed motion language.
- c. The presiding officer should utilize the time limits established in Rule 5a. When individual council members notice that the time limits are not being observed, they can make a motion to have the presiding officer call for order.
- d. When debate appears to be lengthy but unproductive, council members can make a motion to limit the time for debate. Sometimes setting a deadline for making a decision can be helpful.
- e. When debate has continued for at least 20 minutes or everyone on council has had an opportunity to speak, a council member may make a motion to "call the question." If approved, the main motion must be voted upon instantly.

Problem two: The minute taker and/or council members are confused about what has been approved or disapproved.

Potential solutions:

- a. All council action should be stated in a motion and voted upon. Even when the council has agreed by motion to discuss things informally, all decisions should be ratified in a formal motion that is put to a vote.
- b. Complex motions and their amendments can be put in writing. Resolutions should always be numbered, in writing, and adopted by a simple motion, “I move to adopt resolution number ____.”
- c. The presiding officer should state the motion being considered prior to opening debate and prior to voting. Once a vote has occurred, the presiding officer should state whether the motion carried or failed.
- d. Only one motion for council action may be considered at a time.
- e. Amendments to motions are limited to two amendments. These amendments should also be stated by the presiding officer prior to opening debate and voting.
- f. In making amendments, the proponent of an amendment should use concise language—preferably the model language identified in the rules, including:

“I move to amend the motion by inserting between . . . and”; or

“I move to amend the motion by adding after”; or

“I move to amend the motion by striking out”; or

“I move to amend the motion by striking out . . . and inserting”; or

“I move to amend by striking out the motion . . . and substituting the following.”

Problem three: One particular member of council disrupts the proceedings, and insults and verbally attacks other council members.

Potential solutions:

- a. No person, including a council member, has the right to disrupt the council’s proceedings through fighting, threatening physical harm, or engaging in offensive, noisy, obscene or abusive conduct. *This is a crime pursuant to Minn. Stat. § 609.72.* Aggressive, threatening conduct cannot be tolerated. The presiding officer should follow the council’s adopted bylaws to issue warnings when such conduct occurs and then order removal of the person by the sergeant-at-arms.
- b. The presiding officer can remind the council member that the rules require all remarks to be addressed to the presiding officer alone. If the conduct persists, the

- presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- c. The presiding officer can remind the council member that the rules require time limits on comments. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
 - d. Members of the council may request action by the presiding officer to curb another member’s conduct through a motion for a call to order. The motion may request a specific response to conduct by the presiding officer. For example, “I make a motion for the presiding officer to call Council member _____ to order and to desist from making personal attacks.”
 - e. Members of the council may make a motion for adjournment or for a brief recess, if a council member’s actions are so offensive as to disrupt the orderly process of the meeting.

Problem four: Council keeps revisiting the same issue over and over again. It’s a waste of time, but one member can’t help but bring up their “pet” project at every meeting—even though the council has voted the idea down several times.

Potential solutions:

- a. The presiding officer can rule out of order motions to reconsider or rescind council actions if they are not made at the appropriate time by the appropriate person, or where reliance on the council’s previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).
- b. A council member may make a motion to limit debate.
- c. A council member may make a motion to table or defer the matter.
- d. A council member may make a motion to refer the matter to a committee.
- e. A council member may make a motion to delay consideration of the matter for a specified amount of time. Six months is recommended.

Problem five: The council members can’t agree on anything, or are so deeply divided over one particular controversial issue that it has affected civil discussion on all matters.

Potential solutions:

- a. The presiding officer should insist that all members of council observe council bylaws and rules of order that speak to decorum. In particular, the presiding officer can remind council members that the rules require all remarks to be addressed to the

presiding officer alone. Rules should be enforced in a neutral manner applicable to everyone.

- b. The city council may wish to consider that application of rules of procedure alone may not solve the problem. Where divisions among council are particularly fractious, a skilled facilitator may need to be brought in to help council place their divisions in an appropriate perspective against the broader needs of the city.

Appendix F: Sample Statement of Values

Created by the League of Minnesota Cities Ethics Advisory Panel – October 2009; Revised December 2017

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of _____ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the city's government. All (*select*: elected and appointed officials, city employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the city's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

The values

As a representative of the City of _____,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am _____.

Value examples/expressions

1. **I serve the public interest. In practice, this value means that:**
 - a. I provide courteous, equitable, and prompt service to everyone.
 - b. I am attuned to and care about the needs and issues of citizens, public officials, and city workers.
 - c. I am interested, engaged, and responsive in my interactions with constituents.
 - d. I recognize and support the public's right to know the public's business.
2. **I fulfill the duties and responsibilities of holding public office. In practice, this value means that:**
 - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.

- b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
- c. I uphold the Constitution of the United States and the Constitution of the state of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.
- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the city.
- e. I recognize my obligation to implement the adopted goals and objectives of the city in good faith, regardless of my personal views.
- f. I conduct myself in both my official and personal actions in a manner that is above reproach.
- g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
- h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
- i. I am independent, impartial, and fair in my judgment and actions.

3. I am ethical. In practice, this value means that:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am reliable.
- c. I am accountable for my actions and behavior and accept responsibility for my decisions.
- d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- f. I oppose all forms of harassment and unlawful discrimination.
- g. I extend equal opportunities and due process to all parties in matters under consideration.
- h. I show respect for confidences and confidential information.
- i. I avoid giving the appearance of impropriety and of using my position for personal gain.

4. I am professional. In practice, this value means that:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
- c. I keep my professional knowledge and skills current and growing.
- d. I am respectful of all city staff, officials, volunteers, and others who participate in the city's government.

5. I am fiscally responsible. In practice, this value means that:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city, especially its financial stability.

- b. I demonstrate concern for the proper use of city assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
- c. I make decisions that seek to preserve the financial capacity of the city to provide programs and services for city residents.
- d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.
- e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
- f. I report any misuse of public funds of which I am aware.

6. I am conscientious. In practice, this value means that:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established city processes and guidelines.
- d. I prioritize my duties so that the work of the city may move forward.
- e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.

7. I communicate effectively. In practice, this value means that:

- a. I convey the city's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialogue.
- c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately, which adds value to conversations.
- d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
- e. I follow up on inquiries in a timely manner.
- f. I encourage and facilitate citizen involvement in policy decision-making.
- g. I am respectful in disagreements and contribute constructively to discussions on the issue.

8. I am collaborative. In practice, this value means that:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
- b. I share information with others in a timely manner so that, together, we can make informed decisions.
- c. I work toward consensus building and gain value from diverse opinions.
- d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

9. I am forward thinking. In practice, this value means that:

- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the city's policy agenda and provide city services while considering the broader regional, statewide, national, and international implications of the city's decisions and issues.
- b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
- c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
- d. I consider the potential long-term consequences and implications of my actions and inactions.

Appendix G: Sample Code of Conduct

Created by the League of Minnesota Cities Ethics Advisory Panel – October 2009; Revised December 2017

____.01. Purpose.

The City Council of the City of _____ determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of _____, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of _____ in their government and to encourage its citizens to serve on its council and commissions.

____.02. Standards of conduct.

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a. Violate the Open Meeting Law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- i. *Represent private interests before the City Council or any city committee, board, commission, or agency. (optional)*

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that

would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

___.03. Complaint, hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section __.02. The complaint must contain supporting facts for the allegation.

The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines:

- 1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and
- 2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay.

The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination.

At the hearing, the person accused must have the opportunity to be heard. If, after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

AGENDA ITEM – 3H



MEMORANDUM

DATE: March 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: Rice Creek Commons/TCAAP Discussion

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

For Council Consideration

Council will have the opportunity to comment on any TCAAP related items they so choose.

Background

N/A

Budget Impact

N/A

Attachment

N/A

AGENDA ITEM – 3I



MEMORANDUM

DATE: March 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: Agenda Planning

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should discuss its next Work Session agenda.

Background

Per Council's adopted policy on agenda setting, please find the proposed agenda below for the upcoming meeting.

April 13th Work Session

- Concept Review Land Use Application
- State of the City Policy Discussion
- Accessory Dwelling Discussion
- Public Works Capital Equipment Discussion
- Immigration Discussion
- Agenda Planning (time sensitive)
- RCC/TCAAP Discussion

April 27th Work Session

- Economic Development Commission (EDC) Work Plan
- Alternative Funding Sources Discussion
- Twin Cities Gateway Funding Discussion
- Immigration Discussion
- Agenda Planning (time sensitive)
- RCC/TCAAP Discussion

Attachment A is the list of topics that have yet to be discussed by Council and the 2025 ranking of priority topics. Staff will begin to work on the higher priority items into upcoming Work Sessions sooner while putting the lower priority items to later discussions. Please note, this does not reflect all items at Work Sessions as Staff will have necessary items for discussion, such as, budget discussions, concept plan reviews, or Public Works projects that need timely direction. Council may want to discuss whether any items need to be added to this list for future discussion or assign a future meeting for some of these items. This would need to be done by a majority consensus of Council.

Below is a running list of things Staff brings forward to Work Session annually, in recent years, we have shifted away from bringing some items forward unless needed, such as, the Pavement Management Update from Public Works. Note, these timelines may shift year to year. Most items discussed at Work Sessions are one-off items that may require multiple meetings but are usually not recurring.

- January
 - Legislative priorities
- February
 - None
- March
 - Initial guidance on next year's Public Works projects
- April
 - None
- May
 - None
- June
 - Follow up on next year's Public Works projects
- July
 - Capital improvement planning
- August
 - Operating budgets
- September
 - Operating budget and levy discussion
- October
 - State of the City (if planned for early following year)
- November
 - City-wide budget and fee schedule
 - Follow up on next year's Public Works projects
- December
 - Committee and commission appointments

Budget Impact

N/A

Attachment

Attachment A: Council Priorities

Attachment B: Agenda Setting Policy

Attachment A

Topic for Consideration	Likely Responsible Department	Total	Average	Majority Next Steps
Short-term Rental Ordinance	CD/Admin	15	3.00	Council WS
Rental Licensing Program	CD/Admin	15	3.00	Council WS
Accessory Dwelling Units	CD	12	2.40	Council WS
Funding for Lake Johanna Boulevard Trail	PW/Fin	9	1.80	Council WS
Climate Action Plan	Admin	9	1.80	Council WS
Code of Conduct	Admin	8	1.60	Council WS
Encroachment Discussion (2025)/Adopt A Spot	PW	8	1.60	Staff Recommendation
Volunteer Recognition (to Personnel first)	Admin	8	1.60	Staff Recommendation
Cannabis Discussion	CD/Admin	8	1.60	Council WS
Energy Audit	Admin	7	1.40	Staff Recommendation
Temporary Goats/Buckthorn	Admin	7	1.40	Staff Recommendation
Buy Nothing Day/Clean Up Day	Admin	6	1.20	Staff Recommendation
Community Survey	Admin	6	1.20	Council WS
Committee/Commission Liaison Role Policy	Admin	5	1.00	Council WS
EV Fleet Analysis	PW	5	1.00	Staff Recommendation



CITY OF ARDEN HILLS

Agenda Setting Policy

The purpose of this policy is to establish a method for agenda setting that allows for Council to review and have control over its agendas and decide as a Council how it wants items for consideration to be brought forward.

For regular worksession agendas:

- Prior to concluding each regularly scheduled worksession, the City Council shall review its next regularly scheduled worksession agenda and direct Staff on any changes.
- Should an individual Councilmember want to raise an item for discussion at the next meeting or in the future, they would do so during this review period. The item would need at least one other Councilmember to agree to having the item considered for future discussion, and then Council, by majority, would direct to have it placed on a future agenda or not.
- Staff will have flexibility to add or remove items to the worksession as needed to maintain operational efficacy.

For regular City Council meeting agendas:

- Agendas will be largely Staff driven based on approvals needed for normal operations.
- Items coming from the City Council shall first be discussed at a worksession and can direct Staff at said worksession to bring items forward for formal approval if needed.
- In rare instances, if a Councilmember brings forward an item that needs approval prior to going to a worksession, they may request the City Administrator add the item to the agenda. The City Administrator shall have the discretion to determine if the issue should be added or not, but Councilmembers will make every effort to having the item first discussed at a worksession.

Special meetings and emergency meetings:

- Special meetings and emergency meetings may still be called at the discretion of the Mayor or any two Councilmembers, and the members calling the meeting shall set the agenda.