

**City of Ada**  
**Regular Meeting of the City Council**  
**Tuesday September 6, 2016 – 6:00 P.M. – Council Chambers**

**Agenda**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
  
- IV. Citizen Forum** – *Individuals may address the council about any item of concern. A maximum of 15 minutes is allotted for the forum. If the full 15 minutes are not needed for the forum, the City Council will continue with the agenda. The City Council will take no official action on items discussed at the forum, with the exception of referral to staff or commission for future report.*
  
- V. Consent Agenda** – *These items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and placed elsewhere on the agenda.*
  - A.** August 3, 2016 Council Meeting minutes
  - B.** August Special Session Meeting minutes
  - C.** Meeting minutes from City Committees
  - D.** City Pre – paid checks
  - E.** City Accounts payables (\$75,099.64)
  
- VI. Approve Agenda** – *No item of business shall be considered unless it appears on the agenda for the meeting. Council Members may add items to the agenda by a majority vote of the council.*
  
- VII. Presentations with possible discussion and decision.**
  - A.** Moore Engineering
  
- VIII. Reports of Department Heads and Committees**
  - A.** Mayors Report
    - 1) Budget for 2017 Discussion
    - 2) Rage Addition Prices
  
  - B.** Administrator / Clerk / Treasurer Report.
    - 1) Department Updates/ City Hall request
    - 2) Ada-Borup Field Maintenance Contract
    - 3) Payroll and Accounting Clerk Backfill
    - 4) Verbal approval for Ada Liquor Store outside events on 10 September (Kelly Thronson Memorial BBQ) and 21 October (Chocolate Extravaganza)
    - 5) New swing set for West Side Park

- 6) \$1,000 to Historical Society for 20<sup>th</sup> anniversary flood production
- 7) MMUA contract renewal for 2017
- 8) New Armor System Radio requirement for APD

**IX. Old Business**

A.

**XII. New Business**

A. Kaleidoscope guests

B. Resolution 09-01 RESOLUTION SETTING PROPOSED 2017 TAX LEVY

C. Resolution 09-02 RESOLUTION CERTIFYING GRANT AND LOAN REQUESTS FOR ADA ECONOMIC DEVELOPMENT ACTIVITIES

D. Resolution 09-03 RESOLUTION AUTHORIZING TAX ABATEMENT FOR R&J BROADCASTING

C. **Second Reading-** Ordinance 469, AN ORDINANCE AMENDING CITY CODE CHAPTER 50 ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING SECTION 50-5 ENTITLED PREDATORY OFFENDER RESIDENCY RESTRICTIONS IN SAFETY ZONES

**XIII. Adjournment**

**City of Ada**  
**Minutes of the Regular Meeting of the City Council**  
**Wednesday August 3, 2016– 6:00 P.M. – Council Chambers**  
**City Hall**

**Members Present:** Mayor Jim Ellefson, Members Candy Robertson, John Rosenberger, Mike Triplett, Jim Hansen, Rich Pinsonneault.

**Member Absent:** Neil Miller

**Others present:** James Leiman, Mark Askelson, Tyson Hajicek and others

I. **Citizen Forum** –Nothing was surfaced

II. **Consent Agenda** – Consent Agenda. Listed on the Consent Agenda was: July 5<sup>th</sup> meeting minutes, various committee meeting minutes, City pre-paid checks, City accounts payable for \$63,259.72

**Motion by Member Robertson, second by Member Triplett to approve the Consent Agenda. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

III. **Approve Agenda** –

**Motion by Member Robertson, second by Member Hansen to approve the Agenda. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

IV. **Presentations with possible discussion and decision.**

A. Richard Tuttle addressed the council to discuss the upcoming 20<sup>th</sup> anniversary memorial of the 1997 flood.

*Richard handed it out brochures to discuss the intent and scale of the project and educated the council on how the project would come to fruition in the coming months. The council suggested kicking off the project with a \$1,000 contribution and full support for the project. Richard indicated that the \$1,000 be sent to the Norman County Historical Society as they are handling the funding.*

**Motion by Member Robertson, second by Member Hansen to approve the payment. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

V. **Reports of Department Heads and Committees**

## A. Mayors Report

### 1) Open Rage Addition Bids

*Tyson Hajicek from Moore Engineering briefed the City Council on the status associated with the Rage Addition. Seven bids were received and RL Larson won with a bid of \$228,930.60. With engineering and compensation for the FFA due to anticipated crop damage (at current price of \$2.71). Request to proceed with up to \$290,000 Rural Water project fund loan.*

**Motion by Member Triplett, second by Member Robertson to award the contract to RL Larson. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

**Motion by Member Hintz, second by Member Triplett to finance the Rural Water project loan. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

**Motion by Member Pinsonneault, second by Member Hintz to compensate the FFA with a price of \$2.71 for corn. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

*Tyson also requested a DNR disbursement for both Reiner Contracting, Red River Electric, Braun Intertec, and Moore Engineering at totaling \$153,112.60. The levee is slightly ahead of schedule and should be complete by the end of the month.*

### 2) Open Pool Roof Bids

*The roof on the Dekko building is 25 years old and rapidly deteriorating. As a result of several months of discussion and several assessments, the City pursued a bidding process consistent with MN State acquisition laws and policy. The City received one bid from Herzog roofing totaling \$84,750 for the base membrane and up to \$60,000 in additional work depending on the status of the insulation, wood blocking and other work. An additional \$10,000 will be set aside for tuck pointing.*

**Motion by Member Robertson, second by Member Triplett to compensate replace the roof and spend up to \$150,000. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Against: None. Motion passed.**

### 3) Cemetery

*A discussion regarding paving the cemetery secondary roads occurred. The Administrator will work with the mayor and Beautification Committee to determine a multi-year plan to feasibly pave the roads.*

4) Budget for 2017 rough sketch

*The Administrator and Council discussed a rough draft of the 2017 budget. A zero levy was recommended along with utility meter use fee increases to pay off debt for the water fund. In addition, the City will begin to focus on electric depreciation and balancing the garbage budget.*

**B. Administrator / Clerk / Treasurer Report.**

1) Department Updates

*Administrator Leiman provided the council with updates concerning City Hall accounting practices, the budget as of the first six months and other matters. In addition, each department was highlighted regarding the top three most important achievements for the month.*

2) Gambling Fund Requests and fund update

*Two requests were made for use of the gambling funds. One for \$200 for National Night Out and the other for the Red River Valley Zoo exhibit; both requests came from the Chamber of Commerce. The requests were approved however a discussion ensued on concerning most effective use of the funds. As a result, it was decided that there are two maximum requests by organization each year up to \$400 total. This will be the standard point forward.*

**Motion by Member Pinsonneault, second by Member Rosenberger to restrict gambling fund requests to two- \$200 amount per year. Members voting for: Robertson, Rosenberger, Triplett, Pinsonneault and Hintz. Against: Hansen. Motion passed.**

3) Discussion concerning moving late utility payment to the 15<sup>th</sup>

*At the request of a member of the public, a discussion occurred regarding utility payment due dates and whether or not to allow payments up to the 15<sup>th</sup> of every month due to the pay period cycle of different businesses. The council is opposed at this time to moving forward with an Ordinance adjustment.*

4) School walking track resurfacing

*Administrator Leiman discussed the school's approach to resurfacing the walking track. At this time, the City supports the project but will unlikely contribute to it.*

## **Old Business**

A. No old business was discussed

## **XII. New Business**

A. Kaleidoscope guests

*Members Hansen and Robertson volunteered to jointly do Kaleidoscope.*

B. Resolution 08-01, RESOLUTION CALLING A PUBLIC HEARING REGARDING TAX ABATEMENT IN CONNECTION WITH DOWNTOWN REDEVELOPMENT PROJECT (R&J BROADCASTING EXPANSION)

**Motion by Member Triplett, seconded by Member Hintz to the Public Hearing allowing for up to 80% for the tax abatement. Members voting for by roll call vote: Rosenberger, Triplett, Hansen, Pinsonneault, Hintz, and Robertson.**

C. **First Reading-** Ordinance 469, AN ORDINANCE AMENDING CITY CODE CHAPTER 50 ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING SECTION 50-5 ENTITLED PREDATORY OFFENDER RESIDENCY RESTRICTIONS IN SAFETY ZONES

**Motion by Member Triplett, seconded by Member Pinsonneault to implement predatory offender residency restrictions in safety zones. Members voting for by roll call vote: Rosenberger, Triplett, Hansen, Pinsonneault, Hintz, and Robertson.**

D. Public Works Discussion- New lawnmower, Halstad Elevator upgrade, curb and gutter support works, backflow ordinance

*Various Public Works issues were discussed. First, the council discussed purchasing a new lawnmower for \$3800 including a trade in. Second, Halstad Elevator requested to upgrade their electric infrastructure and would immediately reimburse the City for the upgrade. Also discussed was curb and gutter support as there are dozens of areas in town that would benefit from ground leveling. A new foam technology has been developed and the City will work with Moore Engineering and other communities to determine if a multi-year contract is in the City's best infrastructural interests. Lastly, the State of Minnesota is discontinuing its backflow requirements. As such, the City will develop an Ordinance to meet current backflow standards, e.g. 2-year rebuilding schedule and 1-year inspection requirements.*

**Motion by Member Pinsonneault, second by Member Hintz to purchase new lawnmower. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Motion passed.**

**Motion by Member Pinsonneault, second by Member Hansen to purchase electric equipment for reimbursement at Halstad Elevator. Members voting for: Robertson, Rosenberger, Triplett, Hansen, Pinsonneault and Hintz. Motion passed.**

**XIII. Adjournment**

**Motion by Member Miller, second by Member Robertson to adjourn at 8:45.**

**Members voting for: Robertson, Rosenberger, Triplett, Hansen, Hintz,  
Pinsonneault. Against: None. Motion passed.**

## August Special Session Notes

Location: Ada City Hall

Time: August 25, 2006 at 5:30 p.m.

*Member Miller absent*

- I. Approval sought by Lynn and Patty Johnson to purchase two lots at Rage Addition.

*The Johnson Family approached City Hall with a request to purchase up to two lots so that they could begin construction this year on a new home. Sales price and special assessment will be determined based on final numbers and agreement between parties. A final decision concerning which two lots has not yet occurred and a Resolution concerning the purchase is forthcoming based on additional details.*

**Motion to sell two lots in the Rage Addition to Lynn and Patty Johnson made by Member Pinsonneault, seconded by Member Hintz, vote was unanimous.**

- II. 2017 Budget Discussion

*The City Council discussed the 2017 budget to include shortfalls in the water fund, inadequately billing for garbage, how to pay for shortfalls and priorities for 2017. No decisions were made but a request was made to return with projections and an Ordinance with adjustments to reflect needed amounts to cover shortfalls.*

Motion to close meeting made by Member Hintz at 6:58 p.m., seconded by Member Hansen, unanimous vote.



# September 2016



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5 <i>LABOR DAY!</i> <i>CITY OFFICES</i> <i>CLOSED</i>	6 Regular City Council Mtg 6:00 pm City Hall	7	8	9	10
11	12	13	14 Beautification Committee Mtg 6pm Dekko Mtg Rm	15	16	17
18	19 Public Safety Meeting – 5:30 p.m. Public Safety Bldg	20	21	22 <b>Autumn Begins!</b> EDA Meeting- Dekko Meeting Room 7:30 a.m.	23	24
25	26 Public Works Board Mtg 5:30 p.m. at Public Works Bldg	27	28 Dekko Committee Mtg 5:00 pm Dekko Mtg Room	29	30	

## Beautification Committee Meeting

Date: 8/10/2016

Time: 6:00pm

Location: Dekko Community Room

Present: Ashley Larson, James Hanson, Jim Ellefson, Pat Pfund, Honey Olson

Agenda:

### **Old Business:**

#### 1. Update on City signs:

Final Proof was sent over to us from Royal Foams. The color of the Ada logo needs to be corrected. Ashley Larson is working on finding the exact color number. See pictures below.

#### 2. Reforestation project, training, and volunteers

Among other volunteers, Janis Lee, Ashley Larson, and Pat Pfund, attended the two night tree training session on July 19, and July 20. Karen Zumach from Tree Trust has sent over our final plan for 2016 planting session on September 24, 2016. Visser Trenching and The Conservation Corp. will be helping our volunteers prepare the planting sites approximately one week before.

#### 3. Cemetery

The committee supported Earl's suggestion to take out the tree line on the west edge of the cemetery. Earl will take care of demolishing the trees and Public Works will clear out afterwards.

### **New Business**

#### 1. Yard of the Month

Danny Bredman was selected as August Yard of the Month. Ashley Larson will notify Ada Future Leaders.

#### 2. Paving Cemetery Roads

Jim Ellefson would like to see the gravel roads paved in the cemetery, starting with the south end. Ashley Larson will contact Visser Trenching to determine measurements and pricing. Public Works will work with paving company to determine cost or pavement. Work on developing a five year plan to eventually pave all roads in cemetery.

#### 3. West Side Park and Bosworth Park

Ashley Larson will work with Public Works to remove old, hazardous playground equipment that is not useable from each park. Prepare a plan to replace swing sets, free standing items, and surfacing.

**Meeting Adjournment:** 6:50pm

## **EDA Minutes**

### **8/25/2016**

Meeting Called to Order at 7:33 AM

**Roll Call:** Present were Todd Sawrey, Richard Pinsoneault, James Leiman, Greg Slotten, Rani Bhattacharyya, & John Hintz. Jim Birkemeyer was absent.

**Approval of Previous Minutes:** Motion by Rich, 2<sup>nd</sup> by Greg

#### **Financials:**

James reported that not much has changed since the previous month. We have roughly \$1,000 remaining in our budget plus around \$500 in both travel meals/miles & hotel.

#### **New Business:**

**Marketing Hometown America:** Rani gave a presentation on a program geared towards marketing hometown America. Rani would facilitate 4 training meetings then play more of a mentoring roll after that. The cost of the program is \$1,350. She emphasized that this program is a great way to get feedback from new people to the community on how we can improve our town. It also seems like a great way to get new people involved that might not otherwise, including volunteers for community improvements & youth planned events. It was also noted that Rani is booked until at least January so we decided to table the discussion for later in the year when we have a full group & when we discuss budget for the coming year. Motion by John, 2<sup>nd</sup> by Rich.

**Tax Abatement:** The discussion revolved around R&J Broadcasting & their expansion along West Main Street. The conversation will be held on September 6<sup>th</sup> at the regularly scheduled council meeting. The request will be for an 80% tax abatement for R&J Broadcasting's new project which will work out to be roughly a \$30,000 savings over 9 years.

**KRJB Contract Renewal:** The contract rate stayed the same as the previous year & it was discussed we would like to change our message more frequently to revolve around current events throughout the community. Motion to approve the new contract from 9/1/16 to 8/31/17 for \$2,366 by Rich, 2<sup>nd</sup> by Greg.

**Grant Applications:** We had 2 new grant applications for the matching fund program.

**Studio 4:13/Elizabeth Rockstad:** Applicant is starting a \$9,000 project to include stripping off the paint from the brick façade, re-paint, remove balcony, & add new windows. A point was also made that they will bring back the historic look of the 1916 brick building. Request is for \$3,000. Motion by Greg, 2<sup>nd</sup> by John.

Andrew Fjeld: Applicant is requesting \$500 to include replacing missing bricks on the southeast corner of the building. A point was made that the project will improve the appearance of the building and help reflect a better image on the neighboring businesses. Motion by Rich, 2<sup>nd</sup> by Greg.

Fund Request - Fun in the Flatlands: A group comprised of community citizens have organized an event to be named the Kelly Thronson Memorial Backyard BBQ Contest to be held the Saturday of Fun in the Flatlands, September 10<sup>th</sup>. The goal is to raise \$2,000 and they are asking area groups & businesses to help. The request from the EDA is \$200. Motion by Rich, 2<sup>nd</sup> by Greg.

Arvig Communications: This was an added topic to the agenda to pass on the increasing displeasure the citizens & businesses are having with the cost & service with Arvig's internet. It was noted that to run fiber to the new AAPC building for NOTS, it would run around \$10,000 with a monthly cost of almost \$600. James suggested a group of business leaders get together & try to force the hand publicly of Arvig to help out our small town.

#### **Old Business:**

Downtown Store Front Update: Tubby's Tavern is still for sale & everyone (including the council) is receiving feedback from the community in regards to a community/event center. R&J Broadcasting's building project is looking amazing & has really filled in downtown west Main Street.

Cougar Addition: The Ada City Council will be approached on Thursday, August 25<sup>th</sup> by Lynn & Patty Johnson to purchase two lots in the new Rage addition.

AAPC Building Project: The plant manager & his family have moved to town. Starting next Friday, product will start be delivered. It was noted that late 2016, early 2017 is still the plan for production in the new facility. Todd also made a note that he was at the last CVN meeting & it was the largest ever attended. There will be more to come on possible business prospects in the future.

By-Laws: Greg has requested a copy of the EDA by-laws in accordance with the city charter. James has volunteered to forward them on.

**Confirmed Next Meeting:** 7:30 on September 29th at the Dekko Community Center

**Adjournment:** 8:58 AM - Motion by John, 2<sup>nd</sup> by Rich

## 2017 Forecasts

### Water/ Wastewater Fund

Total anticipated costs: \$775,726 (assumes we borrow for Rage)

- Special Assessments:  $\$35,832 + \$12,986 + \$48,410 = \$97,228$
- Tax Levies: \$52,405

Anticipated Expenses after assessments and levies \$626,093

Anticipated Revenues \$579,696

**\$46,397**

**As of 29 August- 851 water customers~ \$5 per month to close gap**

**If we do not borrow for Rage- reduce debt to \$10,947 or approx. \$1.25 per customer**

### Electric Fund

Anticipated costs: \$1,401,286

Transfers Out \$340,000 (includes costs for cemetery work and purchasing houses)

Total expenditures including transfers: \$1,741,286

Anticipated Revenues \$1,835,070

**Difference \$93,784**

### Garbage

Expenditure: \$167,606

Revenue: \$140,000

**~\$27,606- does not include admin overhead; as such, recommend making whole at 27% increase or approx. \$2 per unit**

**Recommendation:** Given that there is some consternation concerning too many hikes at once, I recommend a \$2 increase in water per customer (whether or not the Rage Addition is paid for with cash \*note- there is no fee or penalty if we pay cash even though we started the loan process) and a full price hike on garbage. Logic- if we borrow, we may sell some lots to offset the hefty debt; should we pay cash, we won't have to go back to the public next year for another \$.50 due to cost of living and material increases.

Regarding garbage, we should take care of it this year. For electric, leave rates constant and the positive difference becomes a contingency fund of sort, e.g. insurance claims at \$5,000 a pop or some other scenario.

**These are simply recommendations and will be surfaced at September council meeting.**

### Rage Addition Prices and Special Assessments (estimate)

Lot	Size (SF)	Multiplier	Special Assessment (\$)
1	17049	0.0921	25,788.00
2	17034	0.092	25,760.00
3	15409	0.0832	23,296.00
4	21366	0.1154	32,312.00
5	21307	0.1151	32,228.00
6	21578	0.1166	32,648.00
7	21626	0.1168	32,704.00
8	15567	0.0841	23,548.00
9	17106	0.0924	25,872.00
10	17074	0.0923	25,844.00
<b>11*</b>	<b>16161</b>	<b>.0873</b>	<b>24,440.00</b>
Total	185116	1	280,000.00

**\*Lot 11 not included in \$280,000- extra lot that will benefit from infrastructure however will receive water and light when the area to the north is developed to include road access.**

**\*\*Lot's will be purchased at \$10,000 and it will be deducted from the Special Assessment. For example, Lot 1 will cost \$10,000 + \$15,788 totaling \$25,788**

# ADA-BORUP PUBLIC SCHOOLS

Independent School District No. 2854  
604 West Thorpe Avenue  
Ada, Minnesota 56510

High School: 218-784-5300 / Elementary: 218-784-5303



Dr. Shawn W. Yates, Superintendent  
Kelly Anderson, High School Principal/Activities Director  
Craig Bahr, Elementary Principal

High School/Elementary Fax: 218-784-3475

*"The mission of the Ada-Borup School District is to educate and prepare all students for a successful tomorrow through academics, activities, arts and attitude."*

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August 9, 2016

Mayor Ellefson  
City of Ada  
404 West Main Street  
Ada, MN 56510

Mayor Ellefson:

Enclosed are two copies of the lease agreement with the City of Ada (Baseball Fields) for the 2016-17 school year. Please sign one copy and return it to the school when possible and keep the other for your files.

Thank you for providing this valuable service for our students and community.

Please feel free to contact me if you have any questions or concerns at 218-784-5312 or [ShawnY@ada.k12.mn.us](mailto:ShawnY@ada.k12.mn.us).

Thanks!!

A handwritten signature in black ink, appearing to be 'Shawn Yates', written in a cursive style.

Dr. Shawn W. Yates  
Supt of Schools  
Ada-Borup ISD #2854  
604 West Thorpe Avenue  
Ada, MN 56510

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This institution is an equal opportunity provider and employer.

Ada-Borup Board of Education  
Linda Bergee – Dena Bishop – Nancy Merkens  
Gretchen Rockstad – Blair Stoltman – Mick Thompson

**CITY of ADA  
BASEBALL FIELDS LEASE AGREEMENT**

This Agreement entered into this 9th day of August, 2016, by and between the City of Ada, Minnesota, a municipal corporation (Hereinafter referred to as “Lessor”), and Independent School District No. 2854, Ada, Minnesota, (hereinafter referred to as “Lessee”).

WHEREAS, Lessor is the owner of the softball and baseball fields, commonly known as Tony Sipe Field and the adjacent field. These fields are used by the school district for Jr High and High School baseball in the spring and for summer recreation baseball and softball in the summer. The school also has access to the concession stand and restroom facilities.

WHEREAS, Lessee desires to enter into a Lease Agreement with Lessor, wherein and whereby Lessee shall have the right to use said Tony Sipe Field and the adjacent field, concession stand and restrooms during the spring of 2017 for high school baseball and for Summer Recreation softball and baseball during the summer of 2017, at such times and for such rental payments and terms and conditions as hereinafter set forth;

NOW THEREFORE, in consideration of the covenants and promises contained herein, the parties hereto do now hereby agree as follows, to-wit:

That the Lessor shall lease the said Tony Sipe Field and adjacent field, concession stand, and restrooms to Lessee from March 1, 2017 through July 31, 2017, for the consideration of \$17,000.

IT IS HEREBY FURTHER AGREED by and between the parties hereto as follows, to-wit:

I. Lessor shall:

- A. During the baseball season and during the summer, permit the Lessee to Schedule its baseball games and practices on the Tony Sipe field and the adjacent field.
1. Lessee shall have first priority in scheduling their games on the fields during the lease period as specified above.
  2. No limit will be set on how many hours the Lessee can use the existing fields.
  3. Lessor will maintain the fields from August 1<sup>st</sup> through February 28<sup>th</sup>.
  4. Lessor will be the primary insurance carrier on the facilities during the lease period of March 1, 2017 through July 31, 2017.
  5. Lessor will be responsible for all utility bills incurred during the time period of the lease, except for the \$2,000 the district is responsible for.

II. Lessee shall:

- A. Pay the Lessor an annual payment of \$17,000 for the use of the facilities.
- B. Do the maintenance of the fields from March 1, 2017 through July 31, 2017.

IN WITNESS WHEREOF, the parties have agreed to the above agreement.

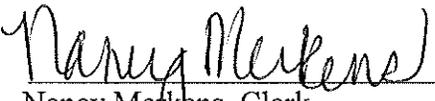
CITY OF ADA, MINNESOTA

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Clerk/Treasurer

INDEPENDENT SCHOOL DISTRICT NO. 2854

By:   
Blair Stoltman, Chair of the School Board

By:   
Nancy Merikens, Clerk

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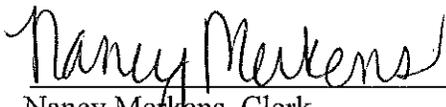
CITY OF ADA, MINNESOTA

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Clerk/Treasurer

INDEPENDENT SCHOOL DISTRICT NO. 2854

By:   
Blair Stoltman, Chair of the School Board

By:   
Nancy Merkens, Clerk

## **City Hall Staffing Options**

### **Status Quo**

The City of Ada has undertaken a number of steps to streamline financial management. This includes the creation and implementation of a new process flow that will begin in January of 2017. Should there be no disruption in full-time administrative coverage, advertise an Accounting Clerk position (vice Kristi Henderson) for target hire in mid-December. Suggested panel would include Mayor, one member of the council and City Administrator.

### **Disruption in FT Administrative Services**

There is a possibility that there may be a disruption of management services in the event the Administrator is elected to serve as a part-time state legislator. Should this occur, the City of Ada has a number of contract adjustment options:

- Hire into Accounting Clerk position so that there are two FTE in City Hall and have Administrator remain part-time employee during session and full-time during the months when there is no session.
- Have Administrator work part-time during session, take savings and in lieu of hiring an Accounting Clerk, hire an Assistant Administrator that can take over administrative functions during session and return to accounting and city planning role when Administrator is full-time.

### **Recommendation**

The Administrator would like to remain. If elected, the City would incur no additional costs if an Assistant Administrator is hired. Communities such as Mahanomen and Fosston have Assistant Administrators so this is not uncommon. There will be continuity of management in place if this option came to fruition.

### **Moving Forward**

Administrator would like to present two position descriptions to council for October; if amenable, on 9 November, advertise the new position based on election results so that by end of the year, we have a new person onboard.



Minnesota Municipal Utilities Association

3025 Harbor Lane N | Suite 400  
Plymouth, MN 55447-5142  
Phone 763.551.1230 | Toll Free 800.422.0119 (MN)  
Fax 763.551.0459  
www.mmua.org

July 14, 2016

## MEMORANDUM

To: Safety Management Participants

From: Mike Willetts, Director of Job Training and Safety

Subject: 2016-17 Safety Management Program Contract

It is time to renew your safety management program contract. If we held a regional group meeting earlier this year, please note that the budgets have not changed since then, unless to make specific corrections. For those where we did not hold a group meeting this year, please note that the budgets have been created with the goal of having minimal price increases while covering MMUA's costs in providing your service. The contract amendments will cover October 1, 2016 through September 30, 2017, to coincide with MMUA's fiscal year.

Two copies of your contract amendment are enclosed. Please sign both contracts keeping one for your records and mailing the other to the address shown below. **Please do not send payment at this time.** You will be billed October 1. Mail your signed contract to:

Larry Pederson, Director of Finance  
Minnesota Municipal Utilities Association  
3025 Harbor Lane North, Suite 400  
Plymouth, MN 55447-5142

If you have any concerns with the new contract, please contact me or Larry as follows:

Mike Willetts: phone 763-746-0705 or e-mail [mwilletts@mmua.org](mailto:mwilletts@mmua.org)  
Larry Pederson: phone 763-746-0704 or e-mail [lpederson@mmua.org](mailto:lpederson@mmua.org)

Thank you for being part of MMUA's safety management groups. With this program and your support we have proven that working together as a group we can develop a safety program that is affordable and at the same time works.

Minnesota Municipal Utilities Association  
AMENDMENT TO SERVICES AGREEMENT

**Safety Management Program**

Contract Date: July 14, 2016

Contract Number: 24-2017

The services agreement entered into between Minnesota Municipal Utilities Association (MMUA) and Ada Water & Light (Ada), dated July 7, 2015, contract number 24-2016, is amended as follows:

**PART II, Section 1.**

1. DURATION: This Agreement shall remain in force from October 1, 2016 until September 30, 2017 (the "expiration date").

**PART III, Section 1.**

1. COMPENSATION: For the services covered by this Agreement, Ada shall pay MMUA an annual fee of fourteen thousand dollars and 00 cents (\$14,000.00) for the 2016-17 annual period. Such compensation shall be due and payable according to the selected payment terms below.

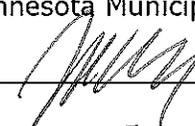
Payment terms for the fee agreed to above shall be based on one of the following options (select one):

- Annual Payment (\$14,000.00)
- Quarterly Payments (\$3,500.00 each)

For any term of less than twelve full calendar months, the fee shall be a portion of the annual fee, pro-rated based on the number of calendar months or partial calendar months in which the services were provided as a percentage of twelve (12).

The parties hereby accept the terms of the Agreement as modified.

Ada Water & Light  
By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Purchase Order # \_\_\_\_\_

Minnesota Municipal Utilities Association  
By  \_\_\_\_\_  
Title Executive Director  
Date July 14, 2016

Minnesota Municipal Utilities Association  
AMENDMENT TO SERVICES AGREEMENT  
**Safety Management Program**

Contract Date: July 14, 2016

Contract Number: 24-2017

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Ada Water & Light  
By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Purchase Order # \_\_\_\_\_

Minnesota Municipal Utilities Association  
By  \_\_\_\_\_  
Title Executive Director  
Date July 14, 2016

Minnesota Municipal Utilities Association  
 Safety Management Program

**Northwest Group Fee Calculation (Joe Schmidt)**

October 1, 2016 - September 30, 2017

City	Population	Strict List Price	2016-17 Annual Charge	2016-17 Quarterly Charge	2015-16 Annual Charge	Difference	Total 2016-17 with JTS	# of Days
Ada	1,645	\$14,500.00	\$14,000.00	\$3,500.00	\$13,400.00	\$600.00	\$15,200.00	2
Bagley	1,259	\$14,500.00	\$14,000.00	\$3,500.00	\$13,400.00	\$600.00	\$15,200.00	2
Baudette	1,067	\$14,500.00	\$14,000.00	\$3,500.00	\$13,400.00	\$600.00	\$15,200.00	2
East Grand Forks	7,934	\$34,000.00	\$33,000.00	\$8,250.00	\$32,000.00	\$1,000.00	\$36,600.00	3
Fosston	1,527	\$14,500.00	\$14,000.00	\$3,500.00	\$13,400.00	\$600.00	\$15,800.00	2
Halstad	596	\$9,000.00	\$8,400.00	\$2,100.00	\$8,100.00	\$300.00	\$9,600.00	1
Roseau	2,879	\$14,500.00	\$14,500.00	\$3,625.00	\$14,200.00	\$300.00	\$14,500.00	2
Thief River Falls	8,509	\$20,500.00	\$20,600.00	\$5,150.00	\$20,600.00	\$0.00	\$23,600.00	2
Warren	1,683	\$14,500.00	\$14,000.00	\$3,500.00	\$13,400.00	\$600.00	\$15,200.00	2
<b>Totals:</b>	<b>27,099</b>		<b>\$146,500.00</b>	<b>\$36,625.00</b>	<b>\$141,900.00</b>	<b>\$4,600.00</b>	<b>\$160,900.00</b>	<b>18</b>

**Annual JTS (Electric)**  
 \$600.00 per lineman

	2016-17	2015-16
Ada	\$1,200.00	\$1,100.00
Bagley	\$1,200.00	\$1,100.00
Baudette	\$1,200.00	\$1,100.00
EGF	\$3,600.00	\$3,300.00
Fosston	\$1,800.00	\$1,650.00
Halstad	\$1,200.00	\$1,100.00
Roseau	\$0.00	\$0.00
TRF	\$3,000.00	\$2,750.00
Warren	\$1,200.00	\$1,100.00

Totals: 24 \$14,400.00 \$13,200.00

Please notify Larry Pederson of changes to your city.  
 Call 763-746-0704; fax 763-551-0459 or e-mail to lpederson@mmua.org.

**RESOLUTION NO. 2016-09-01**

**STATE OF MINNESOTA  
COUNTY OF NORMAN  
CITY OF ADA**

**RESOLUTION SETTING PROPOSED 2016 TAX LEVY COLLECTIBLE IN 2017  
FOR SUPPORT OF THE GENERAL FUND & OTHER FUNDS OF THE CITY  
OF ADA**

**BE IT RESOLVED** by the City Council of the City of Ada, County of Norman, Minnesota, that the following sums of money be a *proposed* levy for the current year, collectible in 2016, upon the taxable property in the City of Ada, for the following purposes:

General Fund	\$ 315,000
Library Fund	11,655
Public Works Fund	6,510
Long Term Designated Capital Fund	<u>47,250</u>
<b>Total Levy</b>	<b>\$ 380,415</b>

In compliance with the Truth in Taxation Law, the foregoing resolution was introduced by Council member and seconded by Council member who moved its adoption and vote on the acceptance was recorded as follows:

Ayes:

Nayes:.

Absent:

The Mayor then declared this resolution passed this 6th day of September, 2016 and the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Norman County, Minnesota

Dated: September 6, 2016

\_\_\_\_\_  
Jim Ellefson, Mayor

ATTEST:

\_\_\_\_\_  
James Leiman, City Administrator, Clerk-Treasurer



**RESOLUTION NO. 2016-09-02**

**STATE OF MINNESOTA  
COUNTY OF NORMAN  
CITY OF ADA**

**RESOLUTION CERTIFYING GRANT AND LOAN REQUESTS FOR ADA  
ECONOMIC DEVELOPMENT ACTIVITIES**

**BE IT RESOLVED** by the City Council of the City of Ada, County of Norman, Minnesota, that the Economic Development Authority has completed its second round of loan and grant reviews.

As part of the Storefront Grant Program, several minimum 50/50 grant requests were submitted. The Economic Development Authority completed its review, following equal opportunity lender and provider practices, the following grants be certified for the projects listed below:

1. Fjeld Properties (repair falling brick on Main Street Building) up to \$500 (50% match)
2. Studio 4:13 (complete renovation of building façade) up to \$3,000 (est. \$9,000 job)

**Total Grants**

**\$3,500**

The foregoing resolution was introduced by Council member and seconded by Council member who moved its adoption and vote on the acceptance was recorded as follows:

Ayes:.

Nayes: NA

Abstentions:

The Mayor then declared this resolution passed this 6th day of September 2016 and the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Norman County, Minnesota

Dated: September 6, 2016

\_\_\_\_\_  
Jim Ellefson, Mayor

ATTEST:

---

James Leiman, City Administrator, Clerk-Treasurer



RESOLUTION 09-03 TAX ABATEMENT  
EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE CITY OF ADA  
NORMAN COUNTY, MINNESOTA

HELD: September 6, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Ada, Norman County, Minnesota, was duly called and held at the Ada City Hall on Tuesday, September 6, 2016, at 6:00 P.M., for the purpose of approving tax abatements on property within the City for the purpose of assisting with the expansion of the R&J Broadcasting Building.

The following Council members were present:

and the following were absent:

Council member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING A TAX ABATEMENT  
ON PROPERTY WITHIN THE CITY OF ADA  
FOR THE PURPOSE OF ASSISTING WITH THE EXPANSION OF  
THE R&J BROADCASTING BUILDING

WHEREAS, the City Council of the City of Ada, Minnesota (the "City"), determined a need to grant a property tax abatement to the property described in Exhibit A hereto (the "Property") owned by R&J Broadcasting (the "Improvements"), pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815 (the "Act"); and

WHEREAS, the City Council has conducted a duly noticed public hearing on the Abatement (as hereinafter defined) at which the views of all interested persons were heard; and

WHEREAS, under the Act, the City is authorized to retain abatements from property in order to reimburse special assessments levied to pay for the Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ada, Norman County, Minnesota, as follows:

1. Findings. The City Council finds that the benefits to the City from the Abatement will be at least equal to the costs to the City of the Abatement, because the Improvements will benefit the Properties that are the source of the Abatement and that therefore the Abatement is in public interest; and specifically finds and determines that the Abatement is expected to result in a public benefit because the Improvements will facilitate the construction of a major commercial development and expand employment and tax base in the City.
2. Abatement. Subject to the provisions of the Act, the City Council hereby authorizes the Abatement in the annual amount equal to 80% of the City tax generated by R&J Broadcasting Inc.'s proposed building expansion, estimated to be \$29,600 over the life to the abatement, subject to following terms and conditions:
  - (a) The term "Abatement" means the real property taxes generated in any tax-payable year by extending the City's total tax rate for that year against the tax capacity of the Property as of January 2 in the prior year.
  - (b) The term of the abatement shall be ten (10) years, commencing in 2018 and continuing through 2027.

(c) In accordance with Section 469.1813, subdivision 8 of the Act, in no case shall the Abatement, together with all other abatements approved by the City under the Act and paid in any one year, exceed the greater of 10% of the City's tax capacity for that year or \$200,000.

(d) In accordance with Section 469.1815 of the Act, the City will add to its levy in each year during the term of the Abatement the total estimated amount of current year Abatement granted under this resolution. The City Administrator shall estimate the amount of tax abatement to be generated, and shall add such amount to the City's levy.

3. Actions Ratified. The Council hereby ratifies all actions of the City's staff and consultants in arranging for approval of this resolution in accordance with the Act.

The motion for the adoption of the foregoing resolution was duly seconded by Council member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

## EXHIBIT A

### Properties

The following parcel is to be included in the Plan:

25-0440-000

All of said property is located within the corporate limits of the City. A map showing the location of the boundaries of the Project Area is included as Exhibit 1 of the 2016 Property Tax Abatement Plan (R&J Broadcasting Expansion) document.

STATE OF MINNESOTA        )  
CITY OF ADA                ) SS.  
COUNTY OF NORMAN        )

I, the undersigned, being the duly qualified and acting City Administrator of the City of Ada, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the City Council duly called and held, as such minutes relate to authorizing the use of Tax Abatement to assist in the expansion of R&J Broadcasting Inc.'s building.

Dated September 6, 2016

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City Administrator

# City of Ada, Minnesota

## 2016 Property Tax Abatement Plan (R & J Broadcasting Expansion)

To be Adopted: September 6, 2016



**DDA**

David Drown Associates, Inc.  
Public Finance Advisors

Minneapolis Office:  
5029 Upton Avenue South  
Minneapolis, MN 55410  
612-920-3320 (phone); 612-605-2375 (fax)  
[www.daviddrown.com](http://www.daviddrown.com)

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## 2016 Property Tax Abatement Plan

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# Property Tax Abatement Plan (R & J Broadcasting Expansion 2016)

## Introduction

R & J Broadcasting Inc. is contemplating an expansion to their existing facility in downtown Ada. Their current facility houses their broadcast operations and staff for KRJB- Ada 106.5 FM. The Company intends to expand their existing facility with a 3,200 square foot expansion.

With the additional site preparation costs, utility upgrades and cost of expansion of the special purpose building, the Company is requesting tax abatement assistance from the City of Ada. The City intends to provided up to \$29,600 of tax abatement assistance in a pay-as-you-go format.

## Section 1 Definitions

The terms defined in this section have the meanings given herein, unless the context in which they are used indicates a different meaning:

“City” means the City of Ada, Minnesota.

“Company” means RJ Broadcasting Inc.

“Plan” means the Tax Abatement Plan associated with assisting RJ Broadcasting Inc expansion (this document).

“Project” means the expansion of the existing RJ Broadcasting facility. The tax abatements from this project will be used to assist the Company’s expansion.

"Project Area" means the geographic area or tax parcel(s) containing the Project.

"State" means the State of Minnesota.

“Tax Abatement Law” means Minnesota Statutes, Sections 469.1812 to 469.1815, both inclusive (as amended from time to time).

## Section 2 Statutory Authorization

The City is empowered under the provisions of Tax Abatement Law to grant property tax abatements, if:

1. it expects the benefits to the City of the proposed abatement agreement to at least equal the costs to the City of the proposed agreement; and
2. it finds that doing so is in the public interest because it will:
  - a. increase or preserve tax base;
  - b. provide employment opportunities in the City;
  - c. provide or help acquire or construct public facilities;
  - d. help redevelop or renew blighted areas;
  - e. help provide access to services for residents of the City;
  - f. finance or provide public infrastructure;
  - g. phase in a property tax increase on the parcel resulting from an increase of 50 percent or more in one year on the estimated market value of the parcel, other than increase attributable to

- improvement of the parcel; or
- h. stabilize the tax base through equalization of property tax revenues for a specified period of time with respect to a taxpayer whose real and personal property is subject to valuation under Minnesota Rules, chapter 8100.

### **Section 3 Statement of Need and Public Purpose / Public Benefits**

The site improvement costs associated with the Project exceed those typically associated with a development-ready site. The Company has requested tax abatement assistance to soften the impact of those additional costs. The City intends to reimburse the Company on a pay-as-you-go basis up to \$29,600 of project costs utilizing Tax Abatements. The public benefit is found to equal or exceed the cost of approving the Tax Abatement based on the following:

1. The Tax Abatement is limited to the City portion of new taxes associated with the increased value of the Property after completion of the Project. The City will not forego any existing tax base and the long-term taxes collected from the Property after termination of the Tax Abatement will far exceed the amount of the Tax Abatement returned to the Company.
2. The Tax Abatement shall result in a local investment of approximately \$420,000 that would not have otherwise occurred.
3. The redevelopment of a site consisting of existing, older commercial area, adjacent to an old rail corridor. The City is working diligently to improve tax base, supported by the local EDA's effort to beautify this corridor;
4. The project will result in 2 to 3 full-time equivalent employment positions within the City.

Refer to Exhibit 2 for a quantification of the public benefits.

*The City hereby makes the finding that the benefits to the City and public shall exceed the costs of the abatement.*

### **Section 4 Specific Development Expected**

R & J Broadcasting Inc. owns KRJB radio station and is licensed to serve Ada, Minnesota. The Company has undertaken an expansion of 3,200 square feet to their existing broadcast and office location. Total Project Cost is estimated at \$420,000.

### **Section 5 Property to be Included**

The following parcel(s) are to be included in the Plan:

25-0440-000

All of said property is located within the corporate limits of the City. A map showing the location of the boundaries of the Project Area is included as Exhibit 1 of this document.

### **Section 6 Estimated Sources and Uses of Funds (Public Costs)**

The estimated amount of tax abatement assistance will be 80% of the increased City taxes due to the estimated increase in tax capacity of the Project Area as a result of the Project over a ten (10) year period, commencing with taxes payable 2018.

Below are the estimated sources and uses for this Plan. However, final figures may be higher or lower depending upon actual future local tax rates and taxable market value increase of the site.

**Uses of Funds:**

Tax Reimbursements	29,600
Administrative/Legal Costs	2,500
<b>Total Uses of Funds</b>	<b>\$32,100</b>

**Sources of Funds:**

City Property Tax Abatements	\$29,600
City Cash Contribution	2,500
<b>Total Sources of Funds</b>	<b>\$32,100</b>

The figures listed above are estimates only. Actual figures may be higher or lower depending upon development and future City tax rates.

**Section 7 Funding Mechanism**

The City shall enter into a contract with the Company to annually reimburse the new city property taxes generated by the Project in the form of Tax Abatement commencing with taxes payable 2018. Such payments shall continue until the Company has received \$29,600 in tax abatement payments or ten years have passed, whichever is earlier.

Pursuant to Minnesota Statutes, Section 469.1813, subdivision 8, the total amount of Tax Abatement in any given year may not exceed ten percent of the City’s net tax capacity or \$200,000, whichever is greater. In Ada, the current net tax capacity is \$497,883. By law, the City has \$200,000 of capacity available for abatements. The City’s capacity for Tax Abatements is illustrated below:

Maximum allowed by law:	\$200,000
Less: 2015 Ada Economic Development Authority Abatement	(\$ 6,856)
Less: 2016 R & J Broadcasting Abatement	<u>(\$ 2,960)</u>
<b>TAX ABATEMENT CAPACITY</b>	<b>\$190,184</b>

**Section 8 Estimated Revenues**

The current tax capacity of the Project Area is calculated to be \$627. The estimated tax capacity after the new facility is constructed and renovation of the older building is completed is estimated to \$5,250. The tax abatement shall consist of 80% of the increase in tax capacity due to construction and renovation, in this case initially estimated to be \$4,623.

Based on the City’s current proposed 2016 tax capacity rate of approximately 80.046%, this will generate approximately \$29,600 in City Tax Abatement over a period of ten years. *Actual amounts may be higher or lower due to actual future local tax rates and taxable market values.*

Refer to Exhibit 2 for a breakdown of estimated revenues.

**Section 9            Duration Limit**

Pursuant to Section 469.1813, subdivision 6 of the Tax Abatement Law, a city may grant an abatement for a period of up to 15 years if specifically mentioned in the authorizing Resolution. However, the abatement period for this Project will be either until a total of \$29,600 of Tax Abatements have been collected or for 10 years commencing in the year 2018, whichever is earlier.

**Section 10          Wage & Job Goals**

Minnesota Statutes Sections 116J.991 to 116J.993 (the “Business Subsidy Act”) require a business receiving at least \$150,000 of state or local government assistance to create a net increase in jobs in Minnesota within two years of receiving assistance and meet wage level and job creation goals established by the funding agency. Businesses not meeting these conditions must repay the assistance to the funding agency.

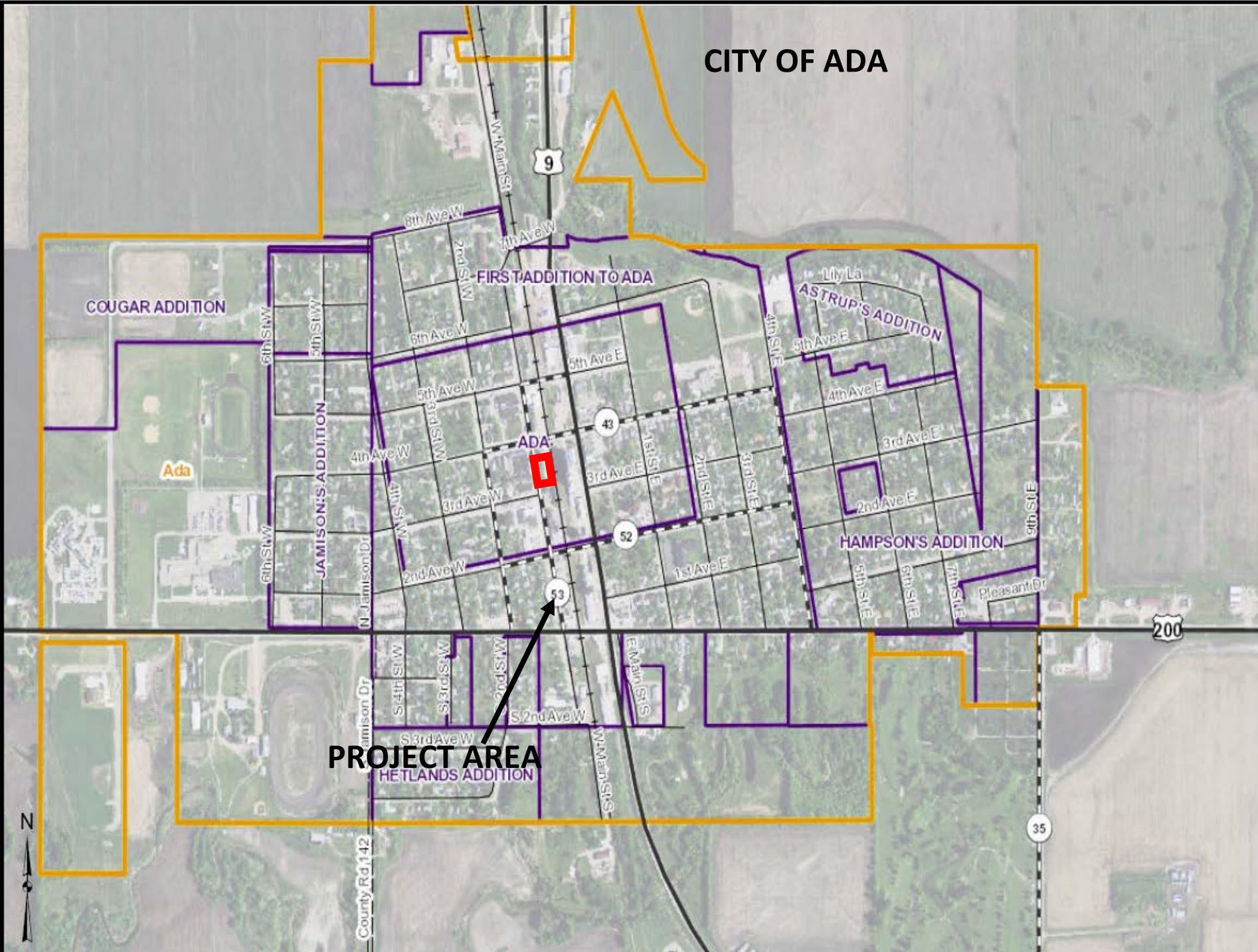
The benefits to the Company will not reach the \$150,000 threshold and is therefore exempt from the Business Subsidy Act.

---

**Exhibits**

Map of Project Area ..... Exhibit 1  
Parcels, Valuations, Revenue Projections & Calculation of Public Benefits..... Exhibit 2

**CITY OF ADA**



**Exhibit 1**

**City of Ada, Minnesota**  
**2016 Property Tax Abatement (R & J Broadcasting)**

**Parcels, Values, Revenue Projections & Calculations of Public Benefits**

ABATEMENT CALCULATIONS*				
	2015/16 Tax Information		PROJECTED	
	Total Market Value	Tax Capacity	Total Market Value	Tax Capacity
25-0440-000 Parcel No.	41,800	627	300,000	5,250
	-	-	-	-
	-	-	-	-
	-	-	-	-
TOTALS	41,800	627	300,000	5,250

\$ 41,800 Beginning Value

\$ 627 Original Tax Capacity

\$ 300,000 Estimated Completed Taxable Value (*after tax exemptions*)

\$ 5,250 New Tax Capacity

\$ 4,623 "Captured" Tax Capacity  
 80% Estimated applicable City Tax Rate

\$ 3,701 Estimated Funds from City

\$ 3,701 New Taxes Generated by Development

CITY PORTION ONLY	
\$ 2,960	80% of New Taxes Pledged (estimated annual abatement)
\$ 29,604	Estimated Total over Ten (10) Years (commencing with taxes payable 2018)

*\* NOTE: The above calculations are shown for illustration purposes only. Actual amounts may be higher or lower depending upon actual taxable valuations and future City tax capacity rates.*

**PUBLIC BENEFIT CALCULATIONS**

Statement #1: Without the use of tax abatement, the Project would not occur and the underlying property would remain generating little revenue for the City or new benefit to the public.

Statement #2: The tax abatement shall provide employment opportunities.

Statement #3: The Project will result in an estimated \$420,000 in local investment that will have a ripple effect on the local economy.

Statement #4: The redevelopment of a site removing blighted conditions and enhancing the downtown corridor.

**CONCLUSION: The public benefit provided by the Project will far exceed the cost of the tax abatement.**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 50 ENTITLED OFFENSES  
AND MISCELLANEOUS PROVISIONS BY ADDING SECTION 50-5 ENTITLED  
PREDATORY OFFENDER RESIDENCY RESTRICTIONS IN SAFETY ZONES**

**Ordinance No. 469**

THE CITY OF ADA DOES ORDAIN:

**§50-5 PREDATORY OFFENDERS - RESIDENCY RESTRICTIONS, SAFETY  
ZONES, AND PROHIBITED ACTIVITY**

A. **PURPOSE AND INTENT.** The City of Ada finds and declares that predatory offenders present an extreme threat to public safety. Predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Ada by imposing residency restrictions upon predatory offenders and creating safety zones around locations where vulnerable populations regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence and wherein access by sexual offenders shall be restricted and excluded.

B. **DEFINITIONS.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHILDREN.** Two or more persons under the age 18 and also includes individuals under age 21 who are in foster care.

**CHILD CARE FACILITY.** Any facility, public or private, licensed by the State of Minnesota or Norman County, which for gain or otherwise regularly provides one or more persons with licensed child care or a group child care center currently licensed by Norman County or the State of Minnesota.

**DESIGNATED PREDATORY OFFENDER.** Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

**FACILITIES FOR CHILDREN.** Licensed child-care facility, public playground, or any other place where children are commonly known to regularly congregate.

**PERMANENT RESIDENCE.** A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

**PLACE OF ASSEMBLY.** A place of assembly, church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designed or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

**PUBLIC OR PRIVATE SCHOOLS.** Establishments primarily engaged in providing instructional services to elementary or secondary students with a curriculum that complies with state regulations, including public schools governed by an elected school board, private schools and charter schools.

**TEMPORARY RESIDENCE.** A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month, and which is not the person's permanent residence.

### C. PROHIBITION; PENALTIES; EXCEPTIONS.

1. *Prohibited location of residence.* It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 500 feet of any facility for children or care facility.
2. *Prohibition present in safety zone.* It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or care facility.
3. *Measurement of distance.* For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of the facility for children or care facility.
4. *Violations.* A violation of this ordinance shall be a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this ordinance constitutes a separate violation.
5. *Exceptions.* A designated predatory offender residing within a prohibited location as described herein does not commit a violation of this ordinance if any of the following apply:
  - (a) The designated predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute. Time spent in the Norman County Jail, Psychiatric or Chemical Dependency Treatment Center, Hospital, Half-way House, or other care facility shall not constitute prior permanent residency.
  - (b) The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.

- (c) The designated predatory offender is a minor.
- (d) The facility for children or care facility within 500 feet of the designated predatory offender's permanent or temporary residence was opened after the designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute. Designated offenders that reside in the community prior to the passage of this ordinance are grandfathered/ excluded.
- (e) The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse.
- (f) The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to October 14, 2016.

6. *Official Map of prohibited locations.* The City Administrator shall maintain an official map showing prohibited locations of residences as defined by this Ordinance. The City Administrator shall review annually and if appropriate update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited location change from time to time including but not limited other places where children are known to congregate.

D. RESTRICTIONS RELATING TO RENTAL PROPERTY;  
PENALTIES.

1. It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Section if such place, structure, or part thereof, trailer or other conveyance, is located with a prohibited location in subdivision C (1) above.
2. A violation of this ordinance shall be a misdemeanor. Each day a property owner violates this subdivision constitutes a separate violation.
3. If a property owner discovers or is informed that a tenant is a designated predatory offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.

E. **SEVERABILITY.** Should any section, subdivision, clause or other provision of this Section be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole, or of any part thereof, other than the part held to be invalid.

Effective Date. The effective date of this ordinance shall be the 14th day of October, 2016.

THIS ORDINANCE was introduced on August 3, 2016, and adopted by the City Council of the City of Ada, Minnesota, on the 6<sup>th</sup> day of September, 2016, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Norman County Index on September 13, 2016.