

**MINUTES OF THE  
ORONO CITY COUNCIL MEETING  
Monday, August 22, 2016  
7:00 o'clock p.m.**

---

Council  
Exhibit B

**13. SEX OFFENDER PRELIMINARY DISCUSSION**

Barnhart stated a couple of weeks ago the Council directed Staff to provide some preliminary background information associated with the location regulations relating to Level III sex offenders. The City Attorney and Staff have compiled some information, as well as some sample state statutes, for review by the City Council.

Barnhart stated Staff is looking for direction from the Council on how they would like Staff to move forward. Barnhart noted Staff is not providing any recommendation to adopt a specific ordinance.

Printup recommended the City move forward with this item and noted they have previously talked about creating a new ordinance. Printup stated even though it might not be pressing city business, it has become a very timely issue in the area with Tonka Bay having a Level III person move into their city and putting everybody on high alert. Printup stated while that person is not there any longer, it shows that it can happen at any time and that he is advocating for the ordinance to help prepare for the future. Printup stated the City Council now has a template that they can look at and that it has stood the test in court.

Printup stated as far as overkill, in his view the residents would appreciate the overkill and that it helps protect the City and gives some comfort to the citizens by the City being proactive.

McMillan noted it would not cover the entire City.

Printup stated he understands that but that the City can be proactive on this item.

Walsh stated he agrees with Council Member Printup. Walsh indicated he would like some clarification on Council Member Cornick's comment last meeting that the state ordinances were just fine. Walsh asked if the residency restrictions would be duplicating what the state has already or whether it would be more or less.

Mattick stated he would need to review it a little bit closer but that he does not believe they are duplicating anything statutorily. Mattick stated it is his understanding that when sex offenders are released, they typically have conditions of probation, such as avoiding certain areas, and they are monitored individually on a case-by-case basis. Mattick noted the terms of probation can be stricter or more lax than the sample ordinance.

Walsh stated the City would be codifying what the City believes is necessary for the protection of its citizens.

Mattick stated the sample ordinance is nothing more than a cut and paste from Iowa and that Staff has not included any language specific for Orono. Mattick stated there are legal concerns about whether the City can pass something like this. In the State of Iowa, the ordinance was implemented and tried, which is why it was included in the packet. Mattick noted it was just meant to be a launching point for discussion.

Walsh stated he did not understand where Council Member Cornick's comment was coming from.

Mattick stated depending on the level of offender, the City would have to notify the community and hold public hearings.

**MINUTES OF THE  
ORONO CITY COUNCIL MEETING  
Monday, August 22, 2016  
7:00 o'clock p.m.**

---

McMillan stated she would like to hear from Police Chief Farniok and Council Member Cornick since they have law enforcement background.

Printup requested it be placed on a future City Council agenda.

McMillan asked whether there should be a public hearing.

Mattick stated since it likely would be placed in the public policy section of the City Code, a public hearing would not be necessary.

Levang stated for the sake of transparency, there should be a public hearing so the City Council can get some input on what they would like to see the City do.

McMillan stated she would like to see what protections are already in place and hear how police departments are currently handling things.

Printup indicated he is interested in creating some buffer areas and a system to notify residents.

Barnhart requested this item be pushed back one month since he already has seven items on the next Council agenda.

Printup commented it is important to have this conversation since this problem is not going to go away.

McMillan noted the Council will also be discussing the budget on September 12 but that this item can be placed on a future agenda.