

AGENDA
SPECIAL MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
APRIL 16, 2019

CALL TO ORDER: 6:00 p.m.

1. 1114 South Dakota Avenue (Tabled from April 9, 2019):
 - a. Resolution approving Zoning Change Agreement for 1114 South Dakota Avenue
 - b. Third passage and adoption of ORDINANCE NO. 4383 rezoning 1114 South Dakota Avenue from Community Commercial/Residential (CCR) to Community Commercial/Residential (CCR) with revised Master Plan

2. Power Plant Unit 8 Boiler Maintenance Services:
 - a. Resolution approving Emergency Contract Change Order No. 2 with The Jamar Company of Duluth, Minnesota, in the not-to-exceed amount of \$15,000
 - b. Resolution approving Contract Change Order No. 3 with The Jamar Company of Duluth, Minnesota, in a not-to-exceed amount of \$75,000

3. Massage Establishments/Human Trafficking Workshop

COUNCIL COMMENTS:

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

ADJOURNMENT:

DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER

Prepared by: Mark O. Lambert, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

**ZONING AGREEMENT FOR ADOPTION OF
THE AMENDED MASTER PLAN FOR
1114 SOUTH DAKOTA AVENUE**

THIS AGREEMENT, made and entered into this ____ day of _____, 2019, by and between the City of Ames, Iowa (hereinafter called "City") and Dickson D. Jensen and Luann C. Jensen, husband and wife, (hereinafter called "Developer"), its successors and assigns, both collectively being referred to as the "Parties,"

WITNESSETH THAT:

WHEREAS, the Parties have previously entered a Zoning Agreement related to the improvement and development of real property locally known as 1114 South Dakota Avenue (hereinafter referred to as the "Site"); and

WHEREAS, the Ames City Council adopted Resolution 17-551 on August 22, 2017, which approved the aforementioned Zoning Agreement as part of a rezoning of the site to CCR with Master Plan as contemplated by Ames Municipal Code section 29.1507(4 and 5); and

WHEREAS, the Developer proposed certain modifications to the previously approved CCR Zoning District with Master Plan and the City Council approved certain modifications subject to the receipt of an amended Zoning Agreement.

WHEREAS, the Developer has submitted an Amended Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

WHEREAS, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required and that all development of the Site comply with the Master Plan.

NOW, THEREFORE, the Parties hereto have agreed and do agree as follows:

I.

1114 SOUTH DAKOTA AVENUE MASTER PLAN ADOPTED

The Amended Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 1114 South Dakota Avenue. The parties understand and agree that the Amended Master Plan for the Site: (a) allows Vehicle Service Stations, as defined by the Ames Municipal Code, (b) allows stand-alone office and commercial trade, (c) allows no more than 48 household living apartments, each of which are restricted to no more than two bedrooms per unit, with office or commercial trade uses below, and (d) prohibits short-term lodging on the Site.

II.

NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific subdivision plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS, or other federal, state or local laws or regulations.

III.

MODIFICATION OF AGREEMENT

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

(Signatures on following page)

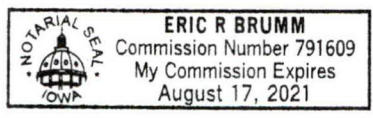
Dated March 17, 2019.

Dickson D. Jensen
DICKSON D. JENSEN

Luann C. Jensen
LUANN C. JENSEN

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on March 17th, 2019, by Dickson D. Jensen and Luann C. Jensen.



Eric R. Brumm
NOTARY PUBLIC

Dated _____, 2019.

JOHN A. HAILA, MAYOR

ATTEST: DIANE R. VOSS, CITY CLERK

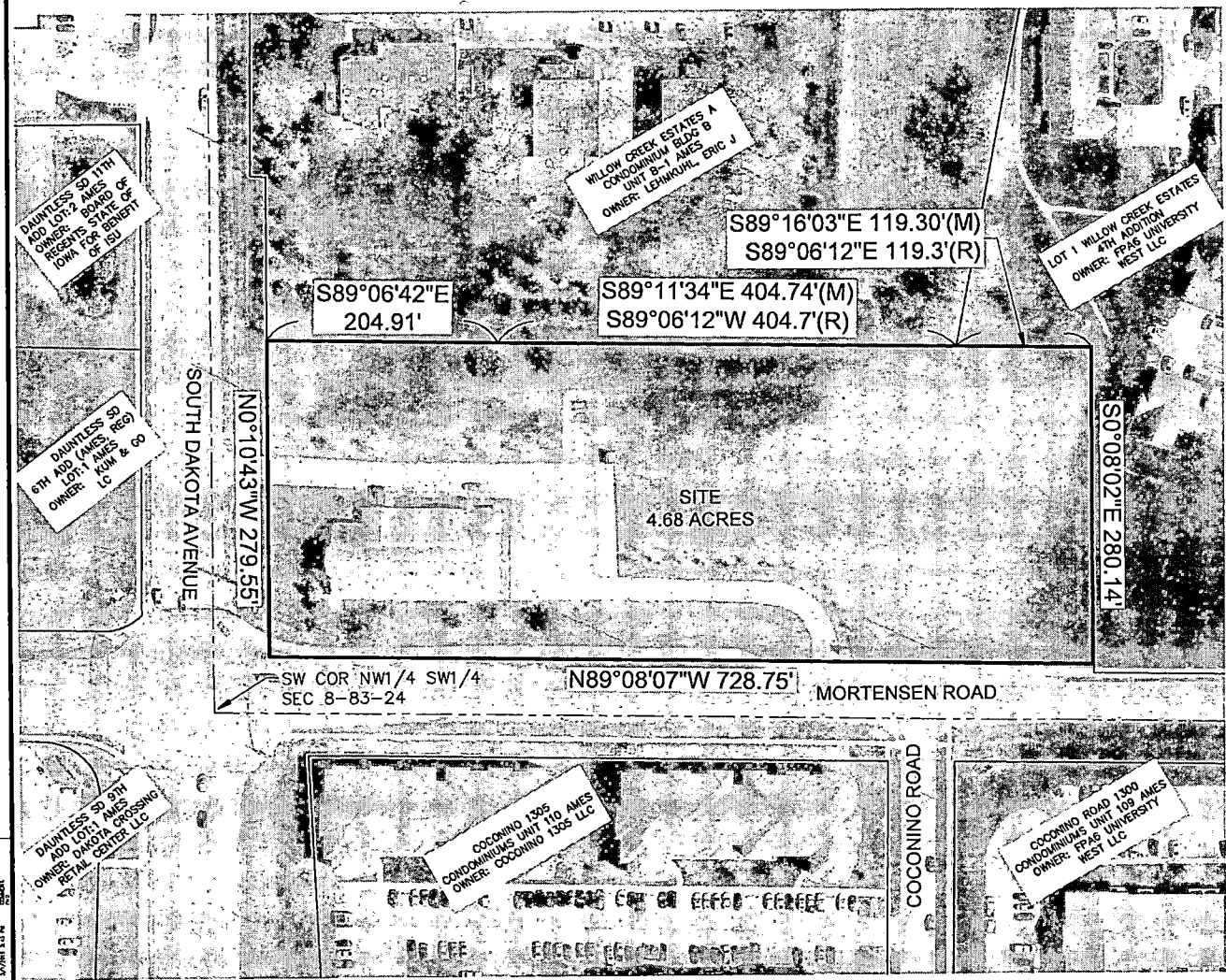
STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2019, by John A. Haila and Diane R. Voss, the Mayor and City Clerk, respectively of the City of Ames, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. 19-_____, adopted by the City Council on the _____ day of _____, 2019, and that John A. Haila and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

NOTARY PUBLIC

APPROVED AS TO FORM
BY Victoria A. Feilmeyer
VICTORIA A. FEILMEYER
ASSISTANT CITY ATTORNEY

1114 SOUTH DAKOTA DEVELOPMENT REZONING EXHIBIT



DATE OF SURVEY

JANUARY 30, 2019

ZONING

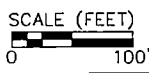
EXISTING ZONING: CCR COMMUNITY COMMERCIAL WITH COMMERCIAL OFFICE AND RESIDENTIAL USES RESTRICTED TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES.

PROPOSED ZONING: CCR COMMUNITY COMMERCIAL WITH COMMERCIAL OFFICE, RESIDENTIAL USES RESTRICTED TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES AND VEHICLE SERVICE STATION.

LEGAL DESCRIPTION

WARRANTY DEED BOOK 2016 PAGE 4086

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, DISTANT S89°03'30"E 45.0 FEET FROM THE SW CORNER THEREOF; THENCE N0°06'12"W 473.4 FEET PARALLEL TO AND 45.0 FEET DISTANT EASTERLY FROM THE WEST LINE OF SAID NW 1/4 OF THE SW 1/4 TO THE SOUTHERLY LINE OF THE PLAT OF WILLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID ADDITION: S89°06'12"E 210.0 FEET; S0°06'12"E 220.0 FEET; S89°06'12"E 390.0 FEET; AND N10°53'48"E 77.2 FEET; THENCE S89°06'12"E 119.3 FEET; THENCE S0°06'12"E 330.0 FEET TO THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 THENCE N89°03'30"W 734.1 FEET TO THE POINT OF BEGINNING; SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND CONTAINING 5.56 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA, EXCEPT COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SEC. 8-T83N-24W OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE S89°03'30"E 45.0 FEET ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 ;THENCE N0°06'12"W 329.5 FEET PARALLEL TO AND 45.0 FEET EASTERLY FROM THE WEST LINE OF THE SAID NW 1/4 OF THE SW 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING N0°06'12"W 143.9 FEET TO THE SOUTHERLY LINE OF THE PLAT OF WILLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, IOWA; THENCE S89°06'12"E 210.0 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID ADDITION; THENCE S0°06'12"E 143.9 FEET; THENCE N89°06'12"W 210.0 FEET TO THE POINT OF BEGINNING; CONTAINING 0.69 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA, AND EXCEPT THE SOUTH 50 FEET OF THE WEST 779.1 FEET AND THE EAST 5 FEET OF THE WEST 50 FEET OF THE SOUTH 330 FEET OF THE NW 1/4 OF THE SW 1/4 OF SEC. 8-T83N-R24W OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, CONTAINING 0.93 ACRES, MORE OR LESS, AND COMMENCING AT THE SW CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE S89°03'30"E 45.0 FEET ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 ; THENCE N0°06'12"W 329.5 FEET PARALLEL TO AND 45.0 FEET EASTERLY FROM THE WEST LINE OF THE SAID NW 1/4 OF THE SW 1/4; THENCE S89°06'12"E 210.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°06'12"E 404.7 FEET; THENCE S10°53'48"W 77.2 FEET; THENCE N89°06'12"W 390.0 FEET; THENCE N0°06'12"W 76.1 FEET TO THE POINT OF BEGINNING; CONTAINING 0.69 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA.



DATE	BY

3405 S.E. CROSSROADS DRIVE, SUITE G
AMES, IOWA 50011
PHONE: (515) 389-4400 FAX: (515) 389-4410

TECH: ENGINEER: EKO



1114 SOUTH DAKOTA
DEVELOPMENT
REZONING EXHIBIT

COUNCIL ACTION FORM

**SUBJECT: BOILER MAINTENANCE SERVICES FOR POWER PLANT–
EMERGENCY CHANGE ORDER NO. 2 AND CHANGE ORDER NO. 3**

BACKGROUND:

The Power Plant has traditionally bid boiler maintenance services and held a contract throughout each year in order to perform regularly planned repairs and services during scheduled outages and emergency service. The current contract is with TEI Construction Services, Inc., Duncan, SC. Due to the current condition of the Unit 8 boiler's superheat tubes and a large increase in forced outages, many emergency service responses have been required this year.

Both of the Power Plant's boilers (Unit 7 and Unit 8) have experienced excessive corrosion in the superheater sections. The corrosion has caused the tubes to thin, resulting in many forced outages. Next fiscal year, large repair projects are planned for both boilers, installing coated tubes that will be able to stand up to the corrosion. The Council approved contract and bond on April 9, 2019 for the repair work to start on Unit 7. The Unit 8 repair project is planned to start once Unit 7 is complete.

While working through the increased number of forced outages, TEI has recently struggled in providing needed manpower on a short term basis. TEI has also expressed concern to Plant staff that the struggle to respond to forced outages will most likely increase because a number of their welders have chosen other employment.

Because of these TEI response issues and concerns, City will rebid the maintenance contract to find a company that will be able to appropriately respond to our increasing demand for emergency repairs. From today until the plant has a contract in place, Unit 8 boiler is expected to have additional forced outages that will require emergency repairs. Until another contract is in place, the plant desires to have another contractor perform the boiler maintenance services.

The Jamar Company, Duluth, MN, was identified by staff as an alternative vendor which is qualified to perform this work. Jamar has performed repairs in Unit 8 boiler twice since March 28, 2019. Staff approved a Purchase Order of \$23,000 to Jamar to perform the first repair. Change Order #1 was approved for \$25,000 by the City Manager's Office on April 5, 2019, to perform the second repair. During these two repairs, Jamar was able to show its ability to respond to our needs with highly skilled welders.

In addition, an emergency Change Order #2, for \$15,000, was approved on April 11th by the City Manager's Office to allow Jamar to continue work to repair the

boiler through this past weekend. This emergency change order requires approval by the Council.

The proposed change order would be Change Order No. 3. This change order will add an additional \$75,000 to the current Purchase Order. This will bring the total Purchase Order amount to \$138,000. The reason for such a large increase compared to the base purchase order is because City expects multiple forced outages to occur on Unit 8 before the end of the current fiscal year and the start of another contract. It's critical to have a contractor in place in order to respond quickly. The \$90,000 is an estimate of the amount of funds it will take to repair the boiler multiple times until a contract is in place.

Without this change order there will not be enough funds available to perform boiler repairs. **The Council should understand the additional funds authorized in this change order will not be spent unless needed. Invoices will be based on contract rates for time and materials for services that are performed.**

The additional funding to cover both the emergency Change Order #2 (\$15,000) and Change Order #3 (\$75,000) will come from the Unit 8 Boiler Maintenance account.

ALTERNATIVES:

- 1A. Approve emergency contract Change Order No. 2 with The Jamar Company, Duluth, MN for the Power Plant Boiler Maintenance Services in the not-to-exceed amount of \$15,000.
- 1B. Approve contract Change Order No. 3 with The Jamar Company, Duluth, MN for the Power Plant Boiler Maintenance Services in the not-to-exceed amount of \$75,000. This will bring the total Purchase Order value to a not-to-exceed amount of \$138,000.
2. Do not approve the change orders.

MANAGER'S RECOMMENDED ACTION:

These change orders are necessary to ensure a ready and abled, qualified professional firm is able to respond to both scheduled and emergency needs for boiler repair and maintenance while the plant is rebidding the maintenance contract. Funds will be expended only as work is required and in accordance with approved invoices.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1A and B as stated above.



ITEM NO.: 3

To: Mayor and City Council
From: Brian Phillips, Assistant City Manager
Date: April 16, 2019
Subject: Massage Parlor/Human Trafficking Workshop

The topic of the City Council's April 16th Workshop is the potential regulation of massage establishments in an effort to address illicit massage businesses and human trafficking.

Workshop Invitees:

City staff has notified the requestors of the workshop (George Belitsos and Michelle DeMarie). Additionally, staff has sent email and U.S. Mail notifications to businesses in the community whose listings appear through a web search for massage services in Ames.

Previous Staff Report and Updates:

On August 18, 2017, City staff provided the Council with a staff report regarding the regulation of massage establishments (Attachment 1).

Since the issuance of the 2017 report, several cities in Iowa have developed local massage business regulations using a variety of approaches. They include: Des Moines (December 2018), Cedar Rapids (November 2018), and Iowa City (September 2018). In November 2017, the City of Sioux City passed first reading of an ordinance regulating massage establishments, but the proposal did not pass into adoption on subsequent readings.

The Des Moines ordinance (Attachment 2) requires massage therapists to hold an Iowa massage therapy license, and to have the license available at all times. Failure to comply is a municipal infraction, and the Police Department is empowered to place a placard at the front of the business declaring it unsafe to enter until a license is obtained. Iowa City's ordinance is similar, but also requires the business to produce information regarding its employees and their credentials upon demand of the City.

Cedar Rapids uses a more intensive approach, where a separate city massage license must be obtained. There is a \$60 biannual fee for the license, which requires completion of criminal background checks for massage therapists.

Staff Comments:

City staff believes the best strategy to address human trafficking would be to enhance the existing state licensing requirements. However, if the City Council chose to pursue local regulations regarding massage businesses, staff would recommend an approach similar to that used by Des Moines. That approach appears to be the least costly alternative for the city to enforce and for businesses to comply with, while still addressing concerns about illicit massages and human trafficking.

Staff Report

REGULATION OF MASSAGE ESTABLISHMENTS

August 18, 2017

BACKGROUND:

This report is in response to a June 27, 2017, City Council motion requesting a report on massage licensing and what is currently being done by the Ames Police Department with respect to human trafficking. This request followed comments to the City Council during public comments section of the meeting.

Materials provided to the Council include a local ordinance from the City of Johnston. **The Johnston ordinance requires that local massage businesses have a license in order to operate in the City of Johnston. It also provides authority for the local police department to oversee massage parlor licensing including application, licensing, and renewal.**

License applications must identify any location or property involved in the business, provide a list of employees and any criminal offenses committed by these employees, photo identification of all employees, and insurance information. Licenses may be denied under this ordinance if owners, managers, employees, or agents have been convicted of sex crimes or related offenses.

POLICE DEPARTMENT ACTIVITY RELATED TO HUMAN TRAFFICKING:

The Ames Police Department has staff members specifically trained in human trafficking investigations, maintains law enforcement investigative networks devoted to this issue, and collaborates with other agencies in the enforcement of potential or confirmed incidents of trafficking. In addition, the department has developed working relationships with human service agencies in order to support trafficking victims.

Over the past several years the Police Department has investigated two massage service incidents with potential trafficking characteristics. In one case, cooperating victims were working with a federal agency and in the second case, no trafficking connections were established. **It should be noted that trafficking can occur in a variety of commercial and private employment settings beyond massage services.**

CURRENT LICENSING PROCESS AND REGULATION:

The State of Iowa licenses massage therapists. The State Licensing Board has a procedure for addressing complaints. The State Licensure Board online enforcement history shows three disciplinary actions within the City of Ames. Two of those three cases are based on facts developed through the Ames Police Department. The most recent of these was based on a complaint and investigation by the Police Department. Based on that investigation, May Spa was notified of a state penalty for employing an unlicensed massage therapist. A second case involved a license infraction based on a sexual assault investigation against the practitioner. This case was developed by the Ames Police Department based on a complaint. The third case involved inadequate continuing education credits and was resolved in an agreement with the Board. **Allegations of criminal misconduct are appropriate for investigation by the Ames Police Department and have resulted in both criminal charges and licensing actions by the state regulatory board. The Police Department has no involvement in cases which do not have a potential element of criminal misconduct.**

OTHER CONSIDERATIONS:

From a legal perspective, non-criminal violations are typically directed to the licensing board or to the appropriate local, non-criminal enforcement authority. Zoning, fire code, or health violations or complaints would be referred to the appropriate state or local enforcement authority for those non-criminal violations. If any of these non-criminal enforcement entities encounter evidence of criminal behavior, there is an opportunity to involve police in further investigations. Even in the case of liquor licenses, police may be on the premises primarily to enforce criminal code violations. While police have some knowledge of potential liquor license violations, they are not the licensing authority nor do they stand as the "expert" inspector of the license requirements.

The City of Ames has no general business license requirement. Liquor licenses, peddler's permits, and other regulation and licensing of commerce are managed through the Ames City Clerk's Office. Historically, the enforcement of these regulations, including the inspection for compliance, has been kept separate from police investigative services to allow the regulating agency greater flexibility in conducting routine enforcement activity.

STAFF COMMENTS:

The use of law enforcement authority and the tools of criminal investigation are viewed by the courts as more intrusive than civil licensing statutes and are generally not appropriate for the enforcement of business regulatory laws. Even

liquor license regulation is generally handled through administrative channels although some violations may involve criminal penalties.

In addition, the Police Department is not well suited for regulatory enforcement. There are no personnel with appropriate expertise in the subject of therapist licensing. Police training focuses on criminal law investigation and enforcement. **Under the current Police Department organization, there is no administrative mechanism to manage business licensing, applicant review, on-site inspections, or enforcement of administrative licensing requirements. Creation of these functions within the Police Department would bring costs for training, software, and administration.**

It should be noted that currently the City of Johnston is the only community that has this ordinance in place. At least two other Iowa communities (Marshalltown & Dubuque) are considering a local ordinance to address the concerns raised in comments to the City Council.

ORDINANCE NO. 15,734

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting a new Article X. Massage Therapy, Chapter 30 Businesses, relating to identifying and addressing businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by adding and enacting a new Article X. Massage Therapy, Chapter 30 Businesses, relating to identifying and addressing businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities., as follows:

Article X. Massage Therapy

Sec. 30- 450. Purpose.

The State of Iowa licenses massage therapists at Iowa Code Chapter 152C. State licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of Des Moines residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or other therapeutic services, but engage in various illegal activities, which may include prostitution and/or human trafficking. This Article is not intended to discourage legitimate, licensed massage therapists or massage therapy businesses from providing their services within Des Moines. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities, which may include prostitution and/or human trafficking. Businesses providing massage therapy, but also conducting various types of illegal activity, are harmful to the health, safety, and welfare of the City and negatively impact the massage therapy profession.

Sec. 30-451. Definitions.

For the purposes of this Article, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- (1) "Massage therapist" means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy in the City of Des Moines.

- (2) "Massage therapy business" means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

Sec. 30-452. State License Required.

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code section 152C.3

Sec. 30-453. Display of License.

Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this Article.

Sec. 30-454. Penalties.

- (a) A violation under this Article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this Article, shall be subject to the general penalty provisions of section 1-15 of this Code to include both criminal and/or civil penalties.
- (b) The Chief of Police, or designee, shall place in a highly noticeable location a placard stating "Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Des Moines Municipal Code section 30-454." This notice shall remain posted until a valid state license is obtained or other legal use has been established.
- (c) No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the Chief of Police or designee.
- (d) No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the Chief of Police or designee has approved removal of the placard.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 18-2098), passed by the City Council of said City at a meeting held December 17, 2018 signed by the Mayor on December 17, 2018 and published and provided by law in the Business Record on January 4, 2019. Authorized by Publication Order No. 10562.

Diane Rauh, City Clerk

THE RASSAGE FOR HEALTH

2010 Philadelphia Street, Suite #6
Ames, IA 50010 / Phone 515-292-8684

April 6, 2019

Mr. Brian Phillips
Assistant City Manager
City of Ames/City Manager's Office
515 Clark Avenue
Ames, IA 50010

Dear Mr. Phillips,

Thank you for your letter of invitation (December 19, 2018), but due to my work schedule I will be unable to attend the Ames City Council meeting on Tuesday April 16th. I would, however, like to provide some thoughts on the topic of the City of Ames possibly adopting a local ordinance to address restricting illicit massage businesses. To that end, I have enclosed a copy of the ordinance that the Des Moines City Council recently approved, which I believe reflects a reasonable approach to the issue.

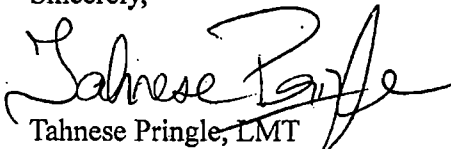
I hope the Ames City Council will abandon any moves to establish a city ordinance that would impose additional regulations for local Licensed Massage Therapists (LMTs). We, the state licensed massage therapists, do not wish to be punished, directly or indirectly for violations by those who have chosen to engage in illicit massage. If these individuals are forced to equally abide by the existing State licensing requirements (including continuing education and being members of professional boards), it will either keep them fully accountable or dissuade them from pursuing illicit practices.

I believe that it is crucial to enforce the current State of Iowa statutes that require massage therapists to hold and display their hard-earned State Licensing Certificates. In my opinion, better local enforcement of the existing Iowa laws governing massage therapy is the best solution.

Placing additional requirements on LMTs would be a step backwards, causing undeserved burdens for those of us who have worked very hard to institute and maintain professional State licensing legislation to uphold our legitimate profession.

Thank you for your consideration.

Sincerely,



Tahnese Pringle, LMT
State of Iowa License # 00100
NCBTMB # 006509-00
ABMP # 1101678

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Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this Article.

Sec. 30-454. Penalties.

- (a) A violation under this Article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this Article, shall be subject to the general penalty provisions of section 1-15 of this Code to include both criminal and/or civil penalties.
- (b) The Chief of Police, or designee, shall place in a highly noticeable location a placard stating "Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Des Moines Municipal Code section 30-454." This notice shall remain posted until a valid state license is obtained or other legal use has been established.
- (c) No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the Chief of Police or designee.
- (d) No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the Chief of Police or designee has approved removal of the placard.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 18-2098), passed by the City Council of said City at a meeting held December 17, 2018 signed by the Mayor on December 17, 2018 and published and provided by law in the Business Record on January 4, 2019. Authorized by Publication Order No. 10562.

Diane Rauh, City Clerk