



MINUTES
CITY COMMISSION MEETING
TUESDAY, OCTOBER 2, 2018
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Linda Morse and Commissioners Michael L. Dodson, Usha Reddi, Wynn Butler, and Jerred McKee were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 14 staff, and approximately 40 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Morse proclaimed October 7-13, 2018, ***Mental Illness Awareness Week***. Julie McGee, Chair, National Alliance on Mental Illness of Flint Hills; Dantia McDonald, Morning Star, Inc.; and Christine Thompson, Board Member, National Alliance on Mental Illness of Kansas, were present to receive the proclamation.

Mayor Morse proclaimed October 7-13, 2018, ***Fire Prevention Week***. Ryan Courtright, Deputy Fire Marshal; Jake Powell, Fire Staff Captain II; Dan Newton, Fire Captain I; and LaWilson Horne, Firefighter II, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Morse opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Francis Irelan, 430 Westview Drive, informed the Commission that she was pleased with the safety improvements completed for students attending Lee Elementary School at the corner of Anderson Avenue and Westview Drive. She thanked City Engineer Brian Johnson and Engineer I Mark Lee for working and developing a good plan with the neighborhood. She also thanked the neighbors for allowing sidewalks to be installed.

Randy Carter, 1704 Fairview Avenue, #3, representing Healthy Community Laboratories, thanked the Commission for allowing time to express his concerns. He stated that his first apartment had holes in the roof and insulation issues that led to colder temperatures inside and resulted in high heating expenses. He asked the Commission to address unsafe rental properties in the community.

Myranda Bower, 602 Fremont Street, Unit 1, representing Healthy Community Laboratories, informed the Commission that she has moved every year due to issues with housing safety and affordability. She provided information on her monthly rent and utility bills. She stated that according to the U.S. Department of Housing and Urban Development (HUD), 54 percent of renters in Manhattan are cost burdened and are paying at least 30 percent of their monthly income on rent. She asked the Commission how safe and affordable housing in Manhattan can be ensured.

Brandon Irwin, 4440 Tuttle Creek Boulevard, representing Safe and Affordable Housing Action MHK (SAHA), provided background information on SAHA and those groups involved in the process regarding affordable housing. He highlighted prior survey findings and outlined the three phases of the Community Solutions to Affordable Housing project that included gather stories of housing and held a public forum, research in study circles and prioritize solutions, and consult stakeholders and pursue decision-making opportunities.

Donna Schenck-Hamlin, 1922 Leavenworth Street, representing Center for Engagement and Community Development, Institute for Civic Discourse and Democracy, Kansas State University, discussed the Kansas Health Foundation grant and project. She highlighted the phases of the Community Solutions to Affordable Housing and the community members involved in the process. She stated that three solutions determined for an affordable housing agenda include rental code enforcement via mandatory inspections to mitigate costly health risks and maintain and increase property values, development of a housing trust fund to increase affordable housing and home ownership, and neighborhood revitalization to incentivize rehabilitation and improvement to existing properties.

PUBLIC COMMENTS (CONTINUED)

Calvin Horne, 1403 Legore Lane, representing Study Circles, expressed concerns with substandard housing with mold and lack of weatherproofing. He said that if an apartment is not weather proofed, a renter may pay more at the end of the month than a person living in a more expensive but more energy efficient apartment. He stated that housing affordability and safety are intrinsically linked to housing in the community and stated that this has successfully been done in many communities throughout the country.

Phil Anderson, 1719 Fairchild Avenue, representing Study Circles, asked that a future work session by the City Commission be held to resolve some very serious housing issues. He highlighted the Comprehensive Plan and discussed the importance of neighborhood stabilization. He addressed code enforcement, the current number of Code inspectors and the number of rental units in Manhattan. He stated that he has walked neighborhoods along Kearney Street, Vattier Street, Thurston Street, Bluemont Avenue, Moro Street and Humboldt Street and documented the housing stock, and concluded that a significant number of rental units are in poor condition. He voiced support for a mandatory rental inspection and said that how to define it is the issue.

Jill Jacoby, 2217 Seaton Avenue, representing Manhattan Area Housing Partnership, stated that she has been involved in affordable housing for many years. She stated that she has been part of the Community Solutions for Affordable Housing and highlighted the opportunity to develop a housing trust fund and stated the benefits to assist renters, homeowners and the community. She asked the City Commission to consider a housing trust fund for the community and to involve stakeholders to bring the impact of a good solution to Manhattan for increasing affordable housing.

Sara Fisher, 811 Osage Street, representing Study Circles and long-term neighborhood activist, talked about the idea for a Neighborhood Revitalization Program. She discussed the idea to target neighborhoods in need of stabilization and offer tax incentives, tax credits or tax abatements. She stated this would be a great City/County project and homeowners could invest in their homes and receive property tax relief. She provided a personal experience in her neighborhood with a home transitioning from renter occupied to owner occupied and encouraged the Commission to consider the project.

Mayor Morse thanked those that spoke. She said a tentative date to further discuss the item would be at the October 30, 2018, City Commission Work Session that would also include an Aggieville Steering Committee update.

Dr. James Alexander McVey, 321 Brookmont Drive, representing the Little Apple Disc Golf Club, expressed his dissatisfaction with the results of the Parks and Recreation Advisory Board recommendation on October 1, 2018. He requested the item move forward as originally presented with the disc golf expansion in Warner Park. He presented

PUBLIC COMMENTS (CONTINUED)

information on disc golf and the growth experienced throughout Kansas, especially the growth and economic impact experienced in Emporia. He highlighted information on Labette County, Kansas, and their tourism plans to create a disc golf destination. He asked the Commission to go against the recommendation of the Manhattan Parks and Recreation Advisory Board and to move forward with the original plan and create a professionally designed 18-hole disc golf course in the city limits of Manhattan.

Delbert Miller, 718 Fairman Drive, informed the Commission that he has a problem with Fairman Drive and has been working with City Engineer Brian Johnson, but wanted to make sure the issues and flap gates are being addressed regarding storm sewers near his home. He asked that this issue be considered for flood control and requested that the item be taken care of now.

Hearing no other comments, Mayor Morse closed the public comments.

COMMISSIONER COMMENTS

Commissioner McKee said that he was pleased to have been a part of and to see the results of the Community Health Foundation recommendation in terms of housing. He stated that he was looking forward to the October City Commission Work Session to discuss these ideas more thoroughly.

Commissioner Butler highlighted the City of Manhattan's rental registration program, which includes a system for inspecting rental properties. He stated that the program requires renters to call the Code Office and request to inspect the problem, such as for mold or health issues. He said the City Manager's Report on Code inspections does not have a backlog of inspections and seems to be out of whack with some of the discussions that there are a lot of substandard properties. He reiterated that any renter can call the Code Office and request an inspection.

Commissioner Reddi stated that she looked forward to the Work Session on October 30 and said that there may be many reasons why people are not calling the Code Office. She said that Ogden Elementary would be celebrating their 100th anniversary on October 6, 2018, at the Ogden Community Center and encouraged everyone to attend from 11:00 a.m. - 12:30 p.m. She highlighted the proclamation recognizing National Alliance on Mental Illness (NAMI) for Mental Health Awareness Week and said there is a kick-off event on October 7, 2018, from 3:00 p.m. - 6:00 p.m. at City Park at one of shelters and encouraged everyone in the community to come to the picnic and help support mental health.

COMMISSIONER COMMENTS (CONTINUED)

Mayor Morse asked City Manager Ron Fehr to provide updates on the City's efforts and the community to help those impacted by the recent flood.

Ron Fehr, City Manager, informed the community that they are continuing to work with the Kansas Department of Emergency Management and the Federal Emergency Management Agency (FEMA) to seek reimbursements for protective measures and debris removal. He stated that approximately 50 plus individuals are still displaced from the flood with most residing in the Garden Way area and ongoing work is being done in the apartment facilities. He also addressed commercial properties that are in the clean-up phase and those buildings that are being monitored. He thanked the Manhattan Community Foundation for their continuing efforts in raising funds and reported the Fund established is at \$15,000.00 and the Foundation announced they will match up to \$50,000.00. He encouraged those interested in making a donation to help flood victims to contact the Manhattan Greater Community Foundation. He stated the Foundation has established a committee to take applications for those impacted and the City Manager's Office has contacted individuals that were impacted by the flood and encouraged them to apply for grant assistance funds. He stated the City is working with the Natural Resources Conservation Service on mitigation measures to some of the string bank and other infrastructure repairs. Finally, he highlighted an agreement on the Consent Agenda with Wood Environment & Infrastructure Solutions for the Wildcat Creek Watershed Flood Control Location Study.

Mayor Morse stated that it is important to highlight actions being taken as a result of the recent major flood event.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 18, 2018, and the Special City Commission Meeting held on Tuesday, September 25, 2018.

CLAIMS REGISTER NO. 2892

The Commission approved Claims Register No. 2892 authorizing and approving the payment of claims from September 12, 2018 - September 25, 2018, in the amount of \$2,591,498.54.

LICENSE

The Commission approved a Fireworks Display License for October 12, 2018, for the KSU Foundation, 1800 Kimball Avenue, Suite 200.

CONSENT AGENDA (CONTINUED)

- * **ORDINANCE NO. 7379 – AMEND – SPECIAL EVENTS WITH ALCOHOL**
The Commission approved Ordinance No. 7379 amending Article IV of Chapter 31 of the Code of Ordinances to remove the fenced off "beer garden" requirement for Special Events With Alcohol in Blue Earth Plaza, and other modifications pertaining to requirements and regulations for applicants seeking a Special Event With Alcohol Permit, as well as amending Article I of Chapter 4 of the Code of Ordinances related to the possession and consumption of alcohol on the City-owned property located south and southeast of the Flint Hills Discovery Center.

- * **FIRST READING – SPECIAL EVENT WITH ALCOHOL – YOUNG TRUSTEES CHILI COOK-OFF**

Ron Fehr, City Manager, responded to questions from the Commission regarding requirements from the City with the Young Trustees.

The Commission approved first reading of an ordinance authorizing a special event with alcohol permit for the application submitted by the Young Trustees for the Manhattan Chili Cook-Off to occur in Blue Earth Plaza and the adjacent sidewalks and streets along South d Street and Blue Earth Place as defined in the submitted site plan, following all requirements of Ordinance No. 7379 relating to their special event with alcohol to be held on November 3, 2018 from 8:00 a.m. - 6:00 p.m.

RESOLUTION NO. 100218-A – PETITION – THE AMES WATER IMPROVEMENTS (WA1805)

The Commission found the petition sufficient and approved Resolution No. 100218-A, in the amount of \$95,000.00, finding the project advisable and authorizing construction for The Ames Water Improvements (WA1805).

RESOLUTION NO. 100218-B – PETITION – THE AMES STREET IMPROVEMENTS (ST1805)

The Commission found the petition sufficient and approved Resolution No. 100218-B, in the amount of \$660,000.00, finding the project advisable and authorizing construction for The Ames Street Improvements (ST1805).

RESOLUTION NO. 100218-C – PETITION – THE AMES SANITARY SEWER IMPROVEMENTS (SS1804)

The Commission found the petition sufficient and approved Resolution No. 100218-C, in the amount of \$95,000.00, finding the project advisable and authorizing construction for The Ames Sanitary Sewer Improvements (SS1804).

CONSENT AGENDA (CONTINUED)

AGREEMENT – ENGINEERING SERVICES – THE AMES WATER (WA1805), STREET (ST1805), AND SANITARY SEWER (SS1804) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$49,453.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for The Ames Water (WA1805), Street (ST1805), and Sanitary Sewer (SS1804) improvements.

AGREEMENT – ENGINEERING SERVICES – WILDCAT CREEK WATERSHED FLOOD CONTROL LOCATION STUDY (SM1815)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$38,000.00, with Wood Environment & Infrastructure Solutions, Inc., of Topeka, Kansas, for the Wildcat Creek Watershed Flood Control Location Study (SM1815), with the City's share to be paid from the Stormwater Fund.

AGREEMENT – REIMBURSEMENT BY RILEY COUNTY - WILDCAT CREEK WATERSHED FLOOD CONTROL LOCATION STUDY (SM1815)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an appropriate agreement or action with Riley County for reimbursement of its share of the Wildcat Creek Watershed Flood Control Location Study (SM1815).

AWARD CONTRACT – COLLEGE AVENUE AND DICKENS AVENUE PEDESTRIAN IMPROVEMENTS (SW1804, CIP #EN092P)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$104,078.80, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$100,498.80 with Torgeson Electric, of Topeka, Kansas, for the College Avenue and Dickens Avenue Pedestrian Improvements (SW1804, CIP #EN092P).

AWARD CONTRACT – 2018 SIDEWALK GAP IMPROVEMENTS (SW1806)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$119,899.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$69,952.00 with T&M Concrete Construction, Inc., of Junction City, Kansas, for the 2018 Sidewalk Gap Improvements Project (SW1806).

CONSENT AGENDA (CONTINUED)

OUTSIDE CITY WATER AGREEMENT – 1610 HILL VALLEY DRIVE

The Commission authorized the Mayor and City Clerk to execute an outside city limits water service connection agreement with Casey Maransani, President of Italian Estates, Inc., a Kansas Corporation, for the property located at 1610 Hill Valley Drive, Riley County, Kansas.

PURCHASE – EUREKA VALLEY SANITARY SEWER LIFT STATION REPLACEMENT ODOR CONTROL SYSTEM (SS1807, CIP #WW169E)

The Commission authorized the purchase and installation of the Eureka Valley Sanitary Sewer Lift Station Replacement Odor Control System (SS1807, CIP #WW169E), in the amount of \$26,500.00, from Heartland Oxygen Systems, LLC, of Shawnee, Kansas, to be paid from the Wastewater Fund.

EXHIBITION LOAN AGREEMENT – FHDC – DINOSAUR DISCOVERIES: ANCIENT FOSSILS, NEW IDEAS

The Commission authorized the Mayor and City Clerk to execute an Exhibition Loan Agreement in the amount of \$30,000.00 with the American Museum of Natural History for the exhibit of the *Dinosaur Discoveries: Ancient Fossils, New Ideas* at the Flint Hills Discovery Center for the period of September 25, 2021 - January 2, 2022.

BOARD APPOINTMENTS – BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Commission approved the following appointments by Mayor Morse to the Bicycle and Pedestrian Advisory Committee.

Re-appointment of Brian Hardeman, 1822 Laramie Street, to a three-year Business term. Mr. Hardeman's term will begin November 1, 2018, and will expire October 31, 2021.

Re-appointment of David Colburn, 1906 Bluestem Trail, to a three-year At-Large term. Mr. Colburn's term will begin November 1, 2018, and will expire October 31, 2021.

Re-appointment of Paul Benne, 4420 Leone Terrace, to a three-year At-Large term. Mr. Benne's term will begin November 1, 2018, and will expire October 31, 2021.

Appointment of Ed Kalas, 2030 Tecumseh Road, to fill the unexpired Riley County Health Department term of Julie Hettinger. Mr. Kalas' term begins immediately and will expire October 31, 2019.

CONSENT AGENDA (*CONTINUED*)

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

Commissioner Dodson moved to approve the consent agenda. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

CONVENTION AND VISITORS BUREAU THIRD QUARTER AND CONFERENCE CENTER EXPANSION PRESENTATION

Lyle Butler, President and Chief Executive Officer (CEO), Manhattan Area Chamber of Commerce, introduced the item and the speakers.

Neil Farmer, Co-Chair (Business), Manhattan Convention and Visitors Bureau (CVB) Steering Committee, presented the mission statement for the CVB, highlighted information year-to-date through August 2018 from the Smith Travel Research, presented monthly occupancy numbers, and discussed third quarter results and conferences.

Ben Sigle, Co-Chair (Attractions), Manhattan Convention and Visitors Bureau Steering Committee, highlighted the Familiarization Tour, discussed third quarter sports activities, presented the number of social media followers and impressions, and noted the Marketing Manhattan Visitors Guide.

Brad Everett, Manhattan Convention and Visitors Bureau (CVB) Steering Committee, and General Manager, Hilton Garden Inn, discussed the transient guest tax and importance to invest in future revenue generating projects. He stated the CVB Steering Committee supports the proposed expansion of the Manhattan Conference Center and projects that provide a return on investment. He highlighted the quality of competition of Manhattan's current quality and target quality, discussed current and prospective meeting planner needs as well as areas that would increase appeal, and what is needed to increase appeal of Manhattan for meetings according to Randall Travel Marketing. He also presented a research summary provided by JLL and results on the performance of the Manhattan Conference Center and the proposed expansion of the Conference Center. He highlighted the benefits to the community and the proposed funding for the expansion improvements of the Conference Center. He stated the CVB Steering Committee supports increasing the Transient Guest Tax (TGT) by ½ percent to be dedicated to the funding of the Conference Center expansion.

GENERAL AGENDA (CONTINUED)

CONVENTION AND VISITORS BUREAU THIRD QUARTER AND CONFERENCE CENTER EXPANSION PRESENTATION (CONTINUED)

After comments and questions from the Commission, Brad Everett, Manhattan Convention and Visitors Bureau (CVB) Steering Committee, and General Manager, Hilton Garden Inn, stated that Manhattan's entire database of meeting planners received a survey about the proposed plan, with more than 100 planners responding and viewed the project as positive. He stated the majority of planners surveyed would have Manhattan for their meeting rotation. He then responded to questions from the Commission regarding the economic impact of the proposed expansion, transportation efforts by the hotels for their guests, quality of competition, and consumer appeal and bookings for hotel rooms.

Jason Hilgers, Deputy City Manager, highlighted the proposed Conference Center expansion, discussed the projected annual debt service and revenues, and provided three possible financing scenarios from 2023 to 2029 using 3, 3.5 and 4 percent reflecting the annual payment, annual revenues and reserve amount. He informed the Commission that the City cannot issue a tax abatement on the expansion. He then responded to questions from the Commission regarding TGT, property taxes paid by HCW, and considerations to expand the Conference Center.

Neil Farmer, Co-Chair (Business), Manhattan Convention and Visitors Bureau (CVB) Steering Committee, responded to questions from the Commission regarding the September 2018 CVB Steering Committee meeting.

Rick Huffman, Owner and Chief Executive Officer, HCW, LLC, provided additional information on the proposed expansion and discussed necessary upgrades needed for the existing Conference Center. He highlighted the financial contribution by HCW, property taxes paid, and economic return on investment. He then answered questions from the Commission regarding conference competition, past performance, economic impact, and expanded conference space and layout.

Brad Everett, Manhattan Convention and Visitors Bureau (CVB) Steering Committee, and General Manager, Hilton Garden Inn, provided additional information on the use of TGT funds and return on investment for the community. He then responded to questions from the Commission on the need for additional breakout space for meeting planners.

After additional discussion and comments from the Commission, there was general support for the proposed plan and to increase the Transient Guest Tax as presented. However, the Commission requested additional information on the item and further clarification to ensure that the proposed Conference Center expansion would not impact taxpayers.

Mayor Morse opened the public comments.

GENERAL AGENDA (CONTINUED)

CONVENTION AND VISITORS BUREAU THIRD QUARTER AND CONFERENCE CENTER EXPANSION PRESENTATION (CONTINUED)

Hearing no comments, Mayor Morse closed the public comments.

As this was a discussion item, the Commission took no formal action.

At 9:23 p.m., the Commission took a brief recess.

DISCUSSION - MASSAGE THERAPY LICENSE

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted reasons to regulate massage therapy businesses, discussed feedback received from a public meeting held on September 19, 2018, and presented potential components of an ordinance and licensing fees for a massage business license and massage therapist license. He provided the definition of massage therapy from the 2018 State Legislative licensing bill, presented exempt establishments from license requirements, discussed permitted locations and inspection process for massage therapy establishments, and presented possible educational requirements for massage therapists. He highlighted questions and decision points needed from the Commission on the item.

Brad Claussen, Assistant Chief of Risk Reduction and Code Service, responded to questions from the Commission regarding the proposed inspection process.

Kiel Mangus, Assistant City Manager, provided additional information on licensure and education requirements. He also discussed considerations for inspections and highlighted what other Kansas cities have done regarding licensing.

Mayor Morse opened the public comments.

Trish Cassinelli, 513 Leavenworth Street, Body Mind & Spirit, informed the Commission that many of the massage therapists know each other and if there was something going on in this town, they would know about it. She stated that further discussion needs to occur on licensing and said she is an advocate for licensure at the state level.

Trina Price, 609 Pine Street, Wamego, Director of the massage program at Bellus Academy, provided information on their program and students. She stated that she believes there are unscrupulous business owners in town and wanted to be separated from those businesses. She voiced concern with releasing client register information that is confidential and wanted to know more about what is being requested. She said that many support regulation if it will not hinder their incomes.

GENERAL AGENDA (CONTINUED)

DISCUSSION - MASSAGE THERAPY LICENSE (CONTINUED)

Ariel Greeley, 1533 Pipher Lane, massage therapist at Body First, asked that more discussion occur on the item. She informed the Commission that working with student athletes and traveling sports teams is important to her and being able to work in a hotel with the athletes is also important. She asked the Commission to allow more time to talk about the item and the proposed ordinance so that it is done right.

Neil Horton, 3629 Vanesta Drive, representing Urban Studios, LLC, owns and operates Merle Norman in Manhattan with his wife and daughter, provided information on their business and stated they are already regulated by the State Board of Cosmetology. He informed the Commission that he supports what they are trying to do, but said the Commission is stepping outside of the boundaries regarding licensing for an industry that is already heavily regulated by the State. He asked the Commission to take a harder look at those rules and statutes for businesses already regulated by the Board of Cosmetology.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission regarding establishments that may be exempt from the license requirements.

Vickie Postlewait, 305 Fort Riley Boulevard, Hands in Service Massage, provided information on her practice and issues experienced in Manhattan. She voiced concern with unscrupulous businesses and wanted to protect the legitimate businesses, patrons and therapists. She voiced support in what was being considered; however, wanted more discussion and consideration to provide the necessary information to the Riley County Police Department. She then responded to questions from the Commission regarding educational requirements.

Doug Sellers, 3615 Claflin Road, Founder and CEO, Body First, provided information on their business and informed the Commission that their preference would be to license at the state level. He asked the Commission to carefully consider the fees being proposed and patron registers regarding client confidentiality. He stated that a lot of legitimate business occurs in hotels and in residences and this needs to be considered. He stated that they want to be looked at as health professionals and that the rules and regulations created will weed out anyone that should not be here. He also voiced the importance of grandfather clauses to be considered.

Conni Briggs, 1615 Leavenworth Street, co-owner of Body First, provided background information on their operations and shared general practices of their business. She stated that a legitimate business will ask for an intake form and require therapists to use professional draping. She asked what "modest attire" meant and requested that going forward, massage therapy is treated like other health care providers.

GENERAL AGENDA (CONTINUED)

DISCUSSION - MASSAGE THERAPY LICENSE (CONTINUED)

Cim Roesener, 410 Edgerton Avenue, informed the Commission that he operates a home-based business as a massage therapist and has for about 16 years. He stated that he is also involved in caring for an aging parent and said the proposed license fee would knock him out of business. He asked that the Commission carefully consider all sections of the ordinance if it goes forward regarding education and asked about the number of educational hours being represented. He then responded to questions from the Commission regarding client records, screening of clients and scheduling clients.

Tracy Seehafer, 101 N. 1st Street, Westmoreland, massage therapist at Body First, informed the Commission that she has been a practitioner for 4.5 years. She stated that if massage is going to be regulated, the schooling necessary to maintain a high professional standard for the care and well-being of clients should also be regulated. She encouraged the Commission to think long-term for all the professionals in attendance and to very carefully consider the wording.

Hearing no other comments, Mayor Morse closed the public comments.

Kurt Moldrup, Interim Assistant Director, Riley County Police Department (RCPD), stated that everyone in the room appeared to be on the same sheet of music. He said it was important to note these individuals knew who the unscrupulous people are and that there is a problem that needs to be looked into. He stated that licensing the massage businesses would separate the legal practices from the illegal ones. He said that a business not following the licensing rules gives RCPD officers an easier way to get into their facilities and stop possible illegal activity. He informed the Commission that if RCPD gets a tip, they could better enforce if there is an ordinance. He responded to questions from the Commission.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission and stated the benefits of having an ordinance to assist RCPD.

Katie Jackson, City Attorney, provided clarification on the item and responded to questions regarding enforcement and licensing considerations.

Commissioner McKee stated that he wanted to be careful when crafting the ordinance since many occupations have been licensed in a manner that doesn't necessarily increase safety. He said he wanted to make sure this ordinance would actually promote safety for massage therapists as well as for the patrons.

Commissioner Reddi provided background information on the item and discussions with Barry Wilkerson, Riley County Attorney, regarding investigating and preventing incidences of human trafficking. She discussed the original purpose of the ordinance and the need to

GENERAL AGENDA (CONTINUED)

DISCUSSION - MASSAGE THERAPY LICENSE (CONTINUED)

pursue licensing massage therapy establishments and massage therapists. She stated that she wanted to get the ordinance right and to not micromanage the businesses. She wanted a nominal licensing fee and a better understanding of what type of record is needed by RCPD and the Riley County Attorney's Office. She said that she was not looking to see how fast the ordinance could be done and wanted additional details and clarification.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission and stated an ordinance can be crafted to include professional draping and better define modest attire. He highlighted a letter the City Commission received from Barry Wilkerson, Riley County Attorney, offering his support for a massage therapy ordinance.

Mayor Morse provided background information on the purpose of the proposed ordinance and the importance to address concerns related to sex trafficking that has occurred in other communities in the state. She said that she supported licensure and wanted to put something in place that would work and be enforceable by RCPD.

Commissioner Butler stated that creating a massage therapy ordinance requiring licensing could prevent illicit businesses in Manhattan according to Barry Wilkerson, Riley County Attorney. He said that if the City doesn't have a licensing requirement, maybe some of those illicit businesses will decide that Manhattan may be a great place to move to. He wanted the licensing costs to pay for background checks and other associated costs. He also highlighted zoning regulations and homeowners associations that would regulate operating a business out of a residential home.

Commissioner Dodson stated that the Commission should be realistic with the expectations for the potential ordinance even though it will help the situation. He said we are not going to do what we think we're going to do with this ordinance, as there will likely be underground operations that we don't know about. He voiced support for continuing massage therapy practices in hotels and team sports, supported the use of intake forms and wanted to provide on a warrant basis the specifics in what RCPD is looking for. He wanted the fees to cover the costs and not any more. He also wanted further consideration to what Mr. Horton requested for businesses already regulated by another license or agency.

As this was a discussion item, the Commission took no formal action.

ADJOURNMENT

At 11:02 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk