

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**Virtual Meeting**  
**January 4, 2021**

Mayor Bud Starker called the Study Session to order at 6:40 p.m. (ten minutes behind schedule due to technical difficulties in the Zoom app for several participants).

This meeting was conducted as a VIRTUAL MEETING.

No members of the Council or City staff were physically present at the Municipal building for this meeting; the public did not attend in person.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

The Mayor also explained the virtual meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present: Zach Urban, Amanda Weaver, Judy Hutchinson, Korey Stites, Rachel Hultin, Leah Dozeman, Valerie Nosler Beck. Councilmember Janeece Hoppe was unable to attend.

Also present: City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; Treasurer, Chris Miller; City Manager Patrick Goff; Community Development Director, Ken Johnstone; Chief of Police, Chris Murtha, Division Chief, Darrel Guadnola; Detective Charles Hemming; Revenue Auditor Travis Anderson; Director of Administration, Allison Scheck; Assistant to the City Manager, Marianne Schilling; Jefferson County Open Space Director, Tom Hoby, and other guests and interested citizens.

**Note about Wheat Ridge Speaks:**

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. *The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session* so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

**No comments** appeared in Wheat Ridge Speaks for this Council session.

**1. Jefferson County SLASH site update**

Discussion began at 6:42 pm, approximately :02 minutes into the recording of the session.

## **Issue**

Jefferson County proposes to accommodate a year-round, permanent slash recycling site located adjacent to the Rooney Road Recycling Center in Golden. Slash includes a variety of materials such as yard waste, tree trimmings, limbs and tree trunks. The Rooney Road Recycling Center also provides a safe place to properly recycle and dispose of household hazardous waste. The Center is operated by the Rooney Road Recycling Center Authority consisting of a consortium of the cities of Arvada, Golden, Lakewood, Wheat Ridge, Lakeside and Edgewater, the towns of Morrison and Mountain View and Jefferson County.

### Staff reports

Mr. Goff explained that Jefferson County proposes to provide the land for the slash operation and is requesting that each jurisdiction using the site would support the needed improvements proportional to its population. Wheat Ridge's estimated contribution would be \$64,964.

Mr. Goff introduced Tom Hoby, Jefferson County Open Space Director who provided more details on this proposal, supported with a formal AV presentation.

Key topics included the location of the current and proposed slash site, the program's value to the community and the environment and the cost to the City to participate by contributing to the cost of developing the new Slash Site.

### **Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

- How will the public use and benefit from the slash program's output material (mulch as loose material or pellets)?
- What is the proposed timeline to develop and open the new slash site project?
- Who would represent Wheat Ridge's interest in the oversight of the program?
- How will the County ensure that the slash output does not spread tree diseases or pestilence?
- Will the public be charged to drop off materials and if so, how much?
- Can only Jefferson County residents drop materials for chipping and how will the staff determine that one is a Jeffco resident?
- How well does the current spoke and hub collection scheme work and how will that change at the proposed new slash site?
- Will the hazardous materials recycling continue and if so at the same proposed site?

Councilmember Urban proposed a consensus to move forward with the proposal as presented and continue to work with the current authority on the details.

Consensus achieved.

## **2. Massage Ordinance update**

Discussion began at 7:10 pm, approximately :30 minutes into the session.

Mr. Goff asked Chief Murtha to introduce the members of the WRPD who have come this evening and what they will present.

### **Issue**

In August of 2020 Council enacted a new ordinance regarding massage-oriented businesses. The purpose of the new ordinance was to ensure the health and safety of legitimate business patrons, while providing necessary tools to identify and eradicate illicit businesses posing as legitimate businesses. Among other things the new ordinance created a licensing system for massage-oriented businesses. In an effort to be friendly to businesses impacted by the new ordinance, a 90-day grace period was adopted whereby all businesses could come into compliance with the new code without incurring any fees associated with the new licensing system.

Chief Guadnola gave an update presentation, supported with multimedia, that upon adoption of the new ordinance, staff conducted proactive outreach to all massage related businesses in the City. Ultimately there were a total of 33 businesses identified that required outreach in order to be made aware of the new ordinance. On December 1, 2020, just five days after the expiration of the 90 day grace period, a total of 11 businesses were in full compliance, three businesses had paperwork returned for clarifications or as a result of missing documentation, two were in background checks with paperwork being reviewed by the police department, 11 failed to respond to staff in any measurable way and remained fully non-compliant with the new code, and six had been identified as having gone out of business.

Of the six that were out of business, efforts were undertaken to learn the cause of such. Two businesses closed their doors as a result of the COVID pandemic and one closed its doors due to the retirement of the sole proprietor of the business. Efforts are under way to determine conclusively the cause of the remaining three closing their businesses, but it is believed that one or more of these businesses were operating illicitly and closed their doors as a result of the new code.

Moving forward staff has developed the following framework to communicate with and address non-compliant businesses.

- Communications
- City Action

He recommends that City Council continue to monitor the implementation and use of the new ordinance as a needed tool to identify and proactively deal with illicit massage businesses, with an update in the third quarter of 2021 or sooner if Council sees fit.

### **Councilmembers had questions and comments:**

Councilmembers asked detailed questions:

- How have businesses responded to the process to date and what is their feedback?
- Has DORA gotten involved? When a massage business does not have a licensed massage therapist, engaging thus in unauthorized practice, is DORA notified?

- Are there loopholes that have appeared that allow or might allow illicit businesses to attempt to circumvent the new ordinance?
- Is the City doing any kind of public relations or education effort to highlight the new ordinance and make sure that people understand the intent of the new ordinance?

City Treasurer Chris Miller asked about plans to follow-up on the newly licensed businesses and their ongoing compliance with the ordinance.

Mayor Starker asked how the annual renewal of the new licenses and business licenses will occur going forward.

Our WRPD leaders gave detailed answers.

Council thanked the Police Department for their report and for their sound implementation of the new massage ordinance.

### **3. Staff Report(s)**

This item began at approximately 7:31 p.m.

Mr. Goff thanked all of the Councilmembers who help and participated in the New Year's video.

He also reported on the details of the County and City's participation in the new Five Star Program that allows compliant businesses to operate according to the public health rules for one level lower on the Dial. (For example, Five Star certified restaurants would be allow to operate at Level Yellow, even though the County may be at Level Orange) Although the County will move from Level Red to Level Orange tomorrow, January 5<sup>th</sup>, the CDPHE and JDPH will not approve Jefferson County restaurants to operate under the Five Star program for at least another fortnight, based on public health data points indicating that Jefferson County is not fully in compliance as yet with Level Orange data point standards.

### **4. Elected Officials' Report**

Councilmember Nosler Beck asked about the Equity Task Force application deadline; Mr. Goff reported that the deadline has been extended to January 15<sup>th</sup>. So, interested individuals are encouraged to apply as soon as they can.

Councilmember Stites thanked Public Works staff for their response to an emergent need one of our citizens had on New Year's Eve.

Councilmember Hultin thanked Parks and Recreation for their hard work on efforts to help our citizens exercise and recreate during the public health emergency.

Councilmember Weaver reminded people that the City sponsors a Christmas Tree recycling program. Mr. Goff reported that the program continues until February 15, 2021 and that residents will have the opportunity to pick-up free mulch at some point after that date.

City Clerk Steve Kirkpatrick thanked the Police Department for their hard work on the massage ordinance implementation.

Chief Murtha acknowledged his thanks and also acknowledged that Mr. Dahl and Ms. Scheck were instrumental in drafting an enforceable ordinance.

The Mayor announced that Coffee with the Mayor will be held again this Saturday, virtually, at 9 AM.

He expressed the hope that people will continue to drive with caution in our neighborhoods, to protect our children, especially as they travel to and from school.

**ADJOURNMENT**

The Study Session adjourned at 7:44 pm.

APPROVED BY CITY COUNCIL ON January 11, 2021



---

Steve Kirkpatrick, City Clerk



---

Janeece Hoppe, Mayor Pro Tem