

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY, 80226
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
OCTOBER 9, 2023
7:00 PM

To watch the Council meeting live, please use either one of the following links:
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)
or
Lakewood Speaks: Lakewoodspeaks.org

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/84957320840>
By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **849 5732 0840**
By Telephone: **720-707-2699**
Webinar ID: **849 5732 0840, #**
Participant ID: **#**
Press *9 to Request to Speak, you will be prompted when to speak.
Press *6 to Unmute

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In accordance with City Council Policy 5.1(A), all virtual meeting participants are advised that technological issues, whether caused by the City's equipment or the user's equipment, shall not be grounds for cancelling a public meeting.

- ITEM 1 – CALL TO ORDER**
- ITEM 2 – ROLL CALL**
- ITEM 3 – PLEDGE OF ALLEGIANCE**
- ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**
- ITEM 5 – PROCLAMATION – INDIGENOUS PEOPLES' DAY**
- ITEM 6 – PROCLAMATION – HONORING DR. MICHELE HANEY**
- ITEM 7 – PUBLIC COMMENT**

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

CONSENT AGENDA

ITEM 8 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

CITY COUNCIL MEETING - AUGUST 8, 2023

CITY COUNCIL MEETING - SEPTEMBER 11, 2023

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

**ITEM 9 – ORDINANCE O-2023-38 – ADOPTING TITLE 14, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH ESTABLISHING A PUBLIC IMPROVEMENT REIMBURSEMENT PROGRAM TO ALLOW DEVELOPERS OF PRIVATELY FINANCED CONSTRUCTION THE ABILITY TO APPLY FOR AND OBTAIN PARTIAL COST RECOVERY FROM SUBSEQUENT USERS OF THE PUBLIC IMPROVEMENTS
(SECOND READING AND PUBLIC HEARING)**

**ITEM 10 – ORDINANCE O-2023-41 – ADOPTING A REVISED BUDGET FOR THE YEAR 2024 FOR THE CITY OF LAKEWOOD, COLORADO, AND FURTHER ADOPTING THE ANNUAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024, AND ENDING ON DECEMBER 31, 2024, ESTIMATING THE AMOUNT OF MONEY NECESSARY TO BE RAISED BY LEVYING TAXES FOR THE YEAR 2023, TO DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT OF THE CITY OF LAKEWOOD, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024, AND ESTIMATING THE AMOUNT OF MONEY TO BE DERIVED FROM OTHER REVENUE SOURCES, SETTING FORTH THE APPROPRIATIONS FOR EACH FUND
(FIRST READING AND PUBLIC HEARING)**

ITEM 11 – GENERAL BUSINESS

A. REQUEST FOR LEGISLATIVE MODIFICATIONS

ITEM 12 – EXECUTIVE REPORT

A. CITY MANAGER

ITEM 13 – MAYOR AND CITY COUNCIL REPORTS

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 14 – ADJOURNMENT

PROCLAMATION

INDIGENOUS PEOPLES' DAY

WHEREAS, the City of Lakewood acknowledges that we are on the traditional territories of Arapaho, Cheyenne, and Ute Peoples, who have cared for and inhabited this land long before its establishment; and

WHEREAS, the City of Lakewood recognizes the invaluable contributions and enduring heritage of Indigenous peoples, including the Arapaho, Cheyenne Ute, and other tribal nations, who have stewarded the land we now call home for generations; and

WHEREAS, Indigenous Peoples' Day honors the resilience, culture, and history of the First Nations, acknowledging their deep connections to the land, traditions, and their enduring presence; and

WHEREAS, the City of Lakewood is committed to promoting understanding, respect, and appreciation for the diverse cultures, languages, and traditions of Indigenous communities; and

WHEREAS, Indigenous Peoples' Day provides an opportunity for all residents to learn about the history, experiences, and contemporary issues facing Indigenous peoples in our region and beyond; and

NOW, THEREFORE, on behalf of the City Council and the people of the City of Lakewood, I, Adam Paul, Mayor of the City of Lakewood, Colorado, by virtue of the authority vested in me, do hereby proclaim October 9, 2023, as Indigenous Peoples' Day in Lakewood and recognize the importance of acknowledging the Indigenous Peoples of this land. I encourage all residents to engage in meaningful conversations, education, and activities that promote awareness and respect for the rich heritage of the First Nations.

GIVEN under my hand and Seal of the City of Lakewood, this 9th day of October 2023.



Adam Paul, Mayor



PROCLAMATION

HONORING PRESIDENT DR. MICHELE HANEY

WHEREAS, President **Dr. Michele Haney** announced that she will retire in January 2024, culminating **31 years of service for the Colorado Community College System (CCCS) and 15 years as the President of Red Rocks Community College (RRCC); and**

WHEREAS, Dr. Haney is a dedicated and visionary leader who has made a profound impact on the lives of countless students, faculty, staff, and community members; and

WHEREAS, Dr. Haney has made significant contributions to the region and the Lakewood community, including her work to expand educational opportunities for all aspiring students; and

WHEREAS, Dr. Haney has also been a tireless advocate for educational equity and access through the implementation of wraparound support for students to ensure that all students have the opportunity to succeed; and

WHEREAS, under Dr. Haney's leadership, RRCC has seen unprecedented growth and success with the college expanding its academic offerings, launching new programs and initiatives, and strengthening its partnerships with businesses and industries; and

WHEREAS, Dr. Haney spearheaded a successful philanthropic campaign to build the Arvada campus and lead RRCC to become the first community college in the country to offer a master's degree, and became an early adopter of Bachelors of Applied Science degrees, creating programs in water quality management and secure software development that align with local workforce demands; and

WHEREAS, under Dr. Haney's leadership, **Red Rocks Community College** has bolstered its curriculum and reputation by becoming one of the largest colleges in CCCS with nearly 10,000 students across its two campuses in Lakewood and Arvada each year; and

WHEREAS, Dr. Haney has also received many accolades, like the Shirley B. Gordon Award from Phi Theta Kappa; a Women in Business award from Denver Business Journal; and was named a "Leader Among Leaders" and "Woman of the Year" by the American Association of Women in Community Colleges and the City of Westminster, respectively. CCCS students also voted her as "President of the Year" in 2019; and

WHEREAS, outside of RRCC, Dr. Haney also served on the Westminster City Council and is the author of three books, published in English, German, Japanese, Finnish, Chinese, Polish, and Arabic; and

WHEREAS, Dr. Haney's commitment to excellence and her passion for education are an inspiration to us all and she will always be true asset to the City of Lakewood and the American Association of Community Colleges.

NOW, THEREFORE, I, ADAM PAUL, Mayor of the City of Lakewood, declare in recognition of the outstanding contributions of President Dr. Michele Haney:

that the City of Lakewood, Colorado, proudly honors Dr. Haney on this day to celebrate her many accomplishments and does hereby extend its heartfelt gratitude for her dedication and service to the community.

GIVEN under my hand and Seal of the City of Lakewood, this 9th day of October, 2023



A handwritten signature in blue ink, appearing to read "Adam Paul", is written over a light blue horizontal line.

Adam Paul, Mayor



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M

August 28, 2023

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

[View video recording here](#)

Mayor Paul called the HYBRID meeting to order at 7:00 p.m.

ITEM 2 – ROLL CALL

[View video recording here](#)

Those present were: Mayor Adam Paul, Presiding
Charley Able
Barb Franks
Mary Janssen
Sophia Mayott-Guerrero
Richard Olver
Jeslin Shahrezaei
Anita Springsteen (Virtual)
Rebekah Stewart
Wendi Strom
Sharon Vincent

Absent: None

Others in attendance: Kathy Hodgson, City Manager
Ben Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

[View video recording here](#)

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest.

ITEM 5 – PUBLIC COMMENT

[View video recording here](#)

Public Comment received via telephone/in-person:

Tom Gonzales, Ward 2, (Board of Appeals Member), spoke to Council about the homeless issues along Colfax. Introduced his friend, Tanner Tom. Mr. Tom, who lives on the 1900 block of Kendall Street, spoke to City Council about problems with homelessness and drugs along Colfax. Tom Gonzales closed his comment by talking about the changes of Lakewood and problems north of 6th Avenue.

James Mace, Ward 1, talked about the fentanyl problem in Lakewood.

Sally Wadsworth talked to the City Council about the need for more senior centers and explained how the Clements Center helps but is not a true senior center and seniors need more facilities in Lakewood.

Joan Poston talked about an upcoming court date where a man convicted of manslaughter entered a plea bargain to be let out on parole. Ms. Poston talked about the decreasing quality of life in Lakewood.

Josh Comden talked about the problems with removing homeless encampments in the city and talked about acquiring and releasing information on encampment complaints filed by residents.

(Online) Dale Trone, Ward 5, spoke to Council about the protected bike lanes painted in the city, Mr. Trone talked about the safety improvements by the current bike lane improvements and asked residents to be patient with the progress of the project.

Public Comment received via Lakewood Speaks: 9 See page 9

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

ITEM 6 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

City Council Special Meeting	July 17 TH , 2023
City Council Regular Meeting	July 24 TH , 2023

Public Comments via Lakewood Speaks: None.

Mayor Pro Tem Strom made a motion to approve Council Minutes, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

Vote on Consent Agenda:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom, Vincent.

NAY: Springsteen.

ABSENT: None

Result: Approved 10-1, the motion passed.

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

**ITEM 7 – ORDINANCES AND RESOLUTION ADOPTING STEVINSON
ANNEXATIONS NOS. 22 & 23**

[View video recording here](#)

Brea Pafford, City Planner, presented the proposed annexation for Stevinson Annexation Nos. 22 & 23.

Greg Stevinson and Kent Stevinson, gave a presentation.

ORDINANCE O-2023-31 – ANNEXING CERTAIN PROPERTY TO BE KNOWN AS THE STEVINSON ANNEXATIONS NO. 22 & 23, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTIONS 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

Public Comment received via telephone/in-person:

Howard Moore, Jefferson County resident, spoke against the annexation by explaining that this area does not need more car dealerships, commercial areas, and restaurants in this area.

Christine Moore, Jefferson County resident, spoke against the annexation and raised the concerns of residents in the nearby neighborhood.

David Thormodsgard, Ward 3, spoke in support of the annexation and talked about the many challenges faced by the community and how the annexation commercial development could help bring sales tax to the City of Lakewood.

Diane Duffy, from the Daniels Welchester Neighborhood, spoke against the annexation and talked about the rural character of that area and explained that the neighborhood wanted to remain unincorporated. Ms. Duffy talked about following the entire annexation process to work with the Stevinsons to let them know about the neighborhood's concerns. Ms. Duffy listed some of the compromises that were made to the neighborhood for the commercial development to exist as a good neighbor.

Janet Hartley, from Eldridge and 7th Avenue, spoke against the annexation and talked about issues with traffic, noise, and air pollution in her neighborhood.

Ernie Keller, from 12845 W. 7th Place, spoke against the annexation and talked about traffic concerns and other issues in the area.

Bobby Licata, from 605 Alkire Street, spoke against the annexation and warned about safety issues with access roads and snowplowing.

Rebecca Chubb raised some concerns about the annexation and asked that the Stevinsons hear the concerns of the neighborhood.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-31. It was seconded.

Vote on Ordinance O-2023-31:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ORDINANCE O-2023-32 – TO INITIALLY ZONE AND REZONE LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-32. It was seconded.

Vote on Ordinance O-2023-32:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ORDINANCE O-2023-33 – TO REZONE LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-33. It was seconded.

Vote on Ordinance O-2023-33:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ORDINANCE O-2023-34 – TO VEST THE ZONING FOR LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-34. It was seconded.

Vote on Ordinance O-2023-34:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ORDINANCE O-2023-35 – TO VEST THE ZONING FOR LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-32. It was seconded.

Vote on Ordinance O-2023-35:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ORDINANCE O-2023-36 – VACATING ALL OF THE 600 BLOCK OF S. GARDENIA COURT RIGHT OF WAY NORTH OF WEST 6TH AVENUE FRONTAGE ROAD AND SOUTH OF WEST 7TH AVENUE

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-36. It was seconded.

Vote on Ordinance O-2023-36:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ITEM 8 – RESOLUTION 2023-47 – AUTHORIZING THE SITE-SPECIFIC ANNEXATION, ZONING, DEVELOPMENT, AND VESTING AGREEMENT (THE “AGREEMENT”) FOR APPROXIMATELY 64.3 ACRES OF LAND LOCATED WITHIN THE STEVINSON DENVER WEST CENTER AUTOMOTIVE CAMPUS ODP AND STEVINSON DENVER WEST CENTER ODP NO. 5

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: 2.

Lenore Herskovitz, Aug 28, 2023, 10:33am,

I would hope that the City Council would listen to the voices of the people who will be directly affected by this project. Over the past months residents have expressed their concerns about the project which I won't bother to rehash. It should be noted that a new zoning designation was created for this development. Unfortunately all too often the voices of the wealthy and powerful drown out those whose quality of life will be altered by a vote of approval for a development. Prove you are listening by acting in support of these well-informed citizens. ACT on their concerns BEFORE approving this project.

Gary L Moreland, Aug 25, 2023, 5:40pm,

Greetings. I purchased the newly constructed residential properties at 750 and 752 Fig Street in December 2021. These homes comprise 1/2 of the residences at the bend where 7th Avenue links to 8th Avenue. Their only practical access to Indiana St. and beyond is via 7th Avenue. Given the sundry "Stevinson" annexations will most likely severely curtail traffic for construction purposes, likely over a period of years, I would like the Council to directly address the question of neighborhood access as an impact. Not a specific element of the current meeting, but a clearly foreseeable result of approval. Also, given that my residences have unimpeded views of the Front Range I have a deep interest in height restrictions, etc. Concerning the Annexations themselves, that is acceptable. Rezoning to allow currently non approved uses is more an issue. For my part, the business rationale for some aspects of the plan are curious. Colorado Mills never lived up to its core potential in my opinion, and the new developments leave me wondering a bit. I trust the Council has assessed the overall economic benefit long term. Thank You. Sincerely

A motion was made by Mayor Pro Tem Strom to adopt Resolution 2023-47. It was seconded.

Vote on Resolution 2023-47:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Springsteen, Stewart, Strom, Vincent.

NAY: None.

ABSENT: None

Result:

Approved 11-0, the motion passed.

ITEM 9 – GENERAL BUSINESS

[View video recording here](#)

ITEM 10 – EXECUTIVE REPORT

[View video recording here](#)

ITEM 11 – MAYOR AND CITY COUNCIL REPORTS

[View video recording here](#)

Mayor Paul and City Council Members reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 12 – ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comment received via Lakewood Speaks: 9

John Claus, Aug 28, 2023, 11:46am,

How can our neighborhood incentivize the city to improve pedestrian safety at: * the W. 20th Ave & Willow Lane intersection * the Urban leg between W. 26th Ave. & W. 20th Ave. Is there a way to work proactively with the city or do we just need to start flooding City Council meetings? These stretches have been talked about forever by Council, but Council has done nothing in recent years to improve safety here. Speeding is egregious through these areas, especially during school drop-off/pickup at Stober Elementary. There's been talk of installing temporary crossing guards, but these legs of road would be better served by static, traffic calming measures like chicanes, chokers, etc. We need to force drivers to pay attention and slow down while also incentivizing more pedestrian activity in the aforementioned areas. We have younger families moving into this area and the desire for walkable neighborhoods is growing.

GLEN Earl NEWELL, Aug 28, 2023, 10:52am,

Greetings Mayor and Council- I just wanted to take a moment to point out that *every single one* of the comments and complaints here could be resolved if the Council were to make real progress on a housing plan that included zoning and property acquisition policies : including, if the council were serious about resolving the many crisis encompassed by the housing issue in Lakewood, it would have made movement by now on joining the Prop. 123 solution being handed to the city on a SILVER FREAKING PLATE. And, not for nothing: the problem has never been lack of transparency: it's pretty obvious that the council is listening to the noisy, ignorant and bigoted few, rather than the majority of genuinely decent folks that live in this city. Truly a tragedy.

Brian Holman, Aug 27, 2023, 6:10pm,

Hello! Overall, I'm fine with the annexation. What I am not okay with is the Commercial zoning designation. Commercial zoning will reduce the available land area within Lakewood that can be used for housing, which we all know is a major issue. I can also only assume that this land is going to be used for further car centric development, which comes with a litany of negatives consequences for us as a community including additional pollution, more expensive personal transportation costs, more expensive road maintenance taxes, health problems, etc. We should think about how we want this land to be used in the long term. Housing and mixed uses seem appropriate to support small businesses and also residents of our community. Another car dealership will require land to be paved over, which is very expensive to undo or retrofit, increases the urban heat island affect which will likely only become more of a problem and more expedient by development such as this, and take space away from where our neighbors could be living, furthering the housing crisis. Please, city council, think about the legacy you will be leaving behind by enabling this as commercial specific zoning and NOT allowing this land to be used for more sustainable, economical, and safe uses.

Joshua Comden, Aug 27, 2023, 4:16pm,

On the south side of W Colfax Ave, just west of Quail St, there was a decently sized homeless encampment that was recently "cleaned up". I have attached before and after photos. According to the "good" people on nextdoor, they made an organized effort to utilize Request Lakewood to submit many reports on this encampment. Because it was on private property, the city contacted the property owner, who eventually did something that destroyed the barely stable living situation of around 10-20 people. According to the self-reports on nextdoor, it was reported by people who simply drive by the area who don't want to see it. I attached a map of the surrounding area and there are no residences near the location. Why are we doing this? Why can't we just leave them be? Why do we continually trash all of their belongings? That cannot be good for Lakewood's

sustainability goals. Where in this city are they allowed to exist? Even though the city has some good things coming down the pipeline, we need to stop the continual harm. Request Lakewood has been turned into a machine of violence where any coward can report an encampment that will send an armed agent to remove people from locations, and push them to another location where the cycle repeats every couple of weeks. This must end.

Before:



After:



Lindsay Cade, Aug 24, 2023, 9:35am,

Today at the abandoned building at Chase and W 13th Ave, there are people coming and going, picking up and exchanging stuff from the middle shipping container that is wide open. Again, where is the land owner? When will Lakewood hold this landowner accountable for the derelict, unsafe condition of the property? It looks like a great space for a grocery store, King Soopers or Safeway, to provide access to food for the increasing population in our neighborhood. We need green spaces with more trees and pedestrian infrastructure for all of the humans moving to our neighborhood. We need land owners who have abandoned their properties and who allow water waste, open fires, and drug trafficking on their properties to be held accountable.

Lindsay Cade, Aug 23, 2023, 6:01pm,

Today, we have water pouring out of the second floor of the abandoned 5476 W 13th Ave building. Again, where is the land owner? When is Lakewood going to hold the owner accountable for the derelict condition of the property? Seems like a great location for housing or a walkable grocery store or the continuation of the gulch trail or an urban farm expansion and solar partnership. So many great options for using that abandoned space to serve the community.

Rev. Ben A. David Hensley, Aug 23, 2023, 5:21pm,

I checked, again, DOLA's "Commitment Filings for 2023" to see if Lakewood has yet to commit to the very possible rubrics that would enable us to benefit from the funding created by Proposition 123 for affordable housing and homeless and was profoundly disappointed not to see our names there. What is the deal? Why have we not done this yet? How can we prioritize multiple issues coming before city council that would allow the City of Lakewood to better respond to our housing and homelessness crisis? Not only have we not made the proper commitments to participate in Prop 123, our building code still stands in the way of Lakewood providing innovating Transitional Housing solutions like Pallet Shelters. We need to stop allowing our neglect on this matters to stymie the creative and very possible solutions available to our city to make a measurable and systemic impact that would benefit everyone who lives here.

Lindsay Cade, Aug 22, 2023, 10:43am,

When is Lakewood going to hold absent landowners accountable for wasted public safety services, violating unsafe housing laws, and illegal drug trafficking? 5476 W 13th Ave's owners are responsible for drug trafficking. People use the abandoned property to sit in the shade on 13th Ave and selling drugs. People also continually use the property for getting high and sheltering in the shipping containers, inside the building, and behind the building. People use open fires for warmth and cooking. Today, there is a large fire on the "abandoned" derelict property blowing smoke and probably chemicals from the industrial junk site across Mountair Park. This is unsafe for our unhoused and housed residents of our neighborhood. It's time for the owners to either sell or occupy and fix the property to stop this.



IMG_7568.jpeg

Click Image to view

Aaron Rosenthal, Aug 18, 2023, 4:47pm,

My name is Aaron Rosenthal and I am a resident immediately across the street from the planned Stevinson Automotive annexation project. I have a number of concerns regarding this proposed complex. Firstly, I believe the added light, noise, and environmental pollution resulting from this monstrosity of an auto complex will be devastating to our quality of life. Second, I am concerned about the added car traffic it will bring to the neighborhood. As a father of two toddlers, I'm not happy about people speeding through our neighborhood doing test drives when we often like to play out in the front yard. Further, the absolute waste of space this will be is beyond my comprehension. We already have three Stevinson dealerships within 0.7 miles of our home. What we don't have, is a public park with a playground and walking paths. We moved to Golden to be close to the mountains and to live in this beautiful area we call the Foothills. Further commercial expansion this close to residential neighborhoods is a disgusting use of precious open land. The idea that the city of Lakewood is willing to allow an out of state business interest to move in, destroy historic homes, and create yet another concrete wasteland is a really shameful commentary on what the city views as valuable. Any time I sit and think about what the answer to the question "Why is this happening?", the only answer I can ever come up with is "greed." My wife and I work very hard, pay our taxes, and would very much like to see those taxes go to good use. Allowing this project to move forward is a betrayal of the public trust in its government to make good decisions that will help the common good. Allowing this project to move forward only tells me one thing, the city of Lakewood and Jefferson County cares nothing about its residents and their quality of life. By allowing this project to move forward, the only entity that benefits is the Stevinson Automotive Group owned by Georgia-based company Asbury Automotive. This 37 acre sea of concrete and steel is NOT for the common good of the people. It's a money grab, and it's a continuation of the environmental destruction of every last inch of open land any greedy corporation can get their hands on. This is an absolute travesty, and a wasted opportunity for what could be a healthy example of community growth by using this land for positive means. I'll still be living here with my family in 15 years no matter what happens to this land, but I'd never be able to do it in good conscience if I didn't raise my concerns now, before bad decisions are made by this planning department.



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M

September 11, 2023

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

[View video recording here](#)

Mayor Paul called the HYBRID meeting to order at 7:05 p.m.

ITEM 2 – ROLL CALL

[View video recording here](#)

Those present were: Mayor Adam Paul, Presiding
Barb Franks (Virtual)
Sophia Mayott-Guerrero
Mary Janssen
Jeslin Shahrezaei
Anita Springsteen (Virtual)
Rebekah Stewart
Wendi Strom
Sharon Vincent

Absent: Charley Able, Richard Olver

Others in attendance: Kathy Hodgson, City Manager
Ben Goldstein, Deputy City Manager
Alison McKenney Brown (Virtual)
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

[View video recording here](#)

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest

ITEM 5 – PROCLAMATION – HONORING ED PERLMUTTER

[View video recording here](#)

Mayor Paul read the proclamation and introduced Congressman Ed Perlmutter.

ITEM 6 – PUBLIC COMMENT

[View video recording here](#)

Public Comment received via telephone/in-person:

Nancy Stocka, spoke about the great wildlife amenities in the Lakewood community that attract professional photographers and warned against a proposed development in the City of Lakewood near Belmar Park.

Lynnda Gies, Ward 5, read a poem remembering the events of September 11, 2001, then asked about getting the weeds cut surrounding Carmody Middle School.

Carla Oglesby, Ward 3, spoke against a proposed development in her neighborhood near Belmar Park, warned Council against problems that the development could cause, and asked how neighbors would receive information regarding the public process for this development.

Christina Larson, Ward 3, talked about her time living in Lakewood and raising her kids and grandkids in Lakewood. Ms. Larson then spoke against a proposed development in her neighborhood near Belmar Park, and warned against problems that the development could cause.

Polly Reez, local ornithologist, spoke about the need to preserve bird habitats in the Belmar Park area and warned against development in the City of Lakewood and replacing parkland with a parking lot. Distributed a handout for the meeting minutes (Attachment A).

Miriam Wilch, spoke about all the upcoming events for Lakewood Day on Saturday, September 23rd.

Pastor Ben Hensley, spoke on behalf of the Community Investment Alliance about issues with the unhoused community in Lakewood and presented Mayor Adam Paul with an award from the Alliance for his work with Pastor Hensley to help several unhoused individuals during a winter night in early 2023.

Jenna Hallock, Colorado Christian University, provided an update to the college and a new partnership with Creighton Middle School. Talked about the positive economic development impact to the campus.

Barbara Millman, Ward 2, spoke against a proposed development adjacent to Belmar Park and Kountze Lake. Ms. Millman spoke about the positive amenities of the park to Lakewood residents.

Linda Stopp, Ward 4, from the community group, Clean Energy Lakewood Committee, spoke about the importance of accessing federal dollars to promote local policies for renewable energy conservation in Lakewood.

Elizabeth Modenaar, Ward 1, with Clean Energy Lakewood, talked about the importance of accessing federal dollars to promote local policies for renewable energy conservation in Lakewood.

Robert Youngberg, with Clean Energy Lakewood, discussed the benefits of renewable energy policies in Lakewood and distributed a handout to the Council Members (Attachment B).

Allysa Schear, Ward 4, with Clean Energy Lakewood, talked about the importance of accessing federal dollars to promote local policies for local businesses, rebates, and other renewable energy conservation. She discussed current environmental issues in the region.

Neil Preister, Ward 1, with Clean Energy Lakewood, talked about the importance of reducing residential energy in Lakewood, and talked about Article 13 of the City's Enhanced Development Menu.

Laurent Neillon, Ward 1, with Clean Energy Lakewood, talked about the importance of accessing federal dollars to promote local renewable energy programs and provided an example of the City of Denver's Climate Action Rebate program providing local rebates for renewal energy and distributed a handout to the Council Members (Attachment C).

Josh Comden, talked about neighbors co-existing with the unhoused in other communities and talked about the importance for Lakewood to do the same.

Christine Evans, talked about living in Lakewood for the last thirty years and the recreation and park amenities in her neighborhood, Ms. Evans specifically spoke against a proposed development near Belmar Park.

Connie Rettig, Ward 3, talked to City Council about issues with her apartment building under West Metro Housing Authority, and about her lease not being renewed. She distributed a handout to the City Council (Attachment D).

Tom Dearth, Ward 3, warned about fire dangers in the open space area surrounding Belmar Park. Mr. Dearth spoke against a proposed development in his neighborhood near Belmar and provided several examples of how the project would threaten the health, safety, and welfare of residents in the Belmar area.

Mr. David Thormodsgard, Ward 3, talked about the amenities of residents that live in and around the Lakewood Commons area, and spoke about ways to amend a proposed development near Belmar Park.

Mayor Paul made closing comments addressing the public comments.

Councilor Springsteen requested a point of order that the Mayor should not be allowed to respond to public comment.

Public Comment received via Lakewood Speaks: 7 – SEE PAGE 7

Mayor Paul Recessed the meeting at 8:35 p.m.

Mayor Paul Reconvened Meeting at 9:13 p.m.

ITEM 7 – RESOLUTION 2023-48 – DIRECTING CITY STAFF TO COMPLY WITH PROPOSITION 123 BY FILING ALL NECESSARY COMMITMENTS TO INCREASE THE CITY'S AFFORDABLE HOUSING STOCK BY THREE PERCENT (3%) ANNUALLY OR BY NINE PERCENT (9%) BY DECEMBER 31, 2026

[View video recording here](#)

Travis Parker, Planning Director, provided a presentation regarding Resolution 2023-48 and compliance with State Proposition 123.

Public Comment received via telephone/in-person:

Pastor Ben, spoke in support of Resolution 2023-48 to help address affordable housing in the Community.

Josh Comden, spoke in support of Resolution 2023-48 to help address affordable housing in the Community.

Natalie Menton, Ward 5, spoke against Proposition 123 and provided several issues that could result from supporting Proposition 123 through Resolution 2023-48.

Mr. Parker and Amy Deknikker, Homeless-Housing Planning Supervisor, responded to questions from the City Council regarding the financial and tax impact of Resolution 2023-48 and Proposition 123.

Brendalee Connors, from Metro West Housing, responded to questions regarding taxes paid by housing authorities and private developers. Ms. Connors clarified that housing authorities do not pay property taxes, but private developers and homeowners, even for affordable housing, still pay property taxes.

Mayor Pro Tem Strom made a motion to adopt Resolution 2023-48. It was seconded.

Vote on Resolution 2023-48:

AYE: Paul, Franks, Mayott-Guerrero, Shahrezaei, Stewart, Strom, Vincent.

NAY: Janssen, Springsteen.

ABSENT: Able and Olver.

Result: Approved 7 - 2, the motion passed.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

Councilor Janssen requested the removal of the following items from the Consent Agenda:

ITEM 8 – RESOLUTION 2023-49 – APPROVING THE 2024 BUDGET FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)

ITEM 9 – RESOLUTION 2023-50 – APPROVING THE 2024 OPERATING PLAN FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)

ITEM 10 – RESOLUTION 2023-51 – APPROVING THE 2024 RE-APPOINTMENT NOMINATION OF ED BOYLE TO THE BOARD OF DIRECTORS FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)

ITEM 11 – RESOLUTION 2023-52 – APPROVING THE 2024 RE-APPOINTMENT NOMINATION OF PATTY DENNY TO THE BOARD OF DIRECTORS FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)

ITEM 13 – ORDINANCE O-2023-38 – ADOPTING TITLE 14, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH ESTABLISHING A PUBLIC IMPROVEMENT REIMBURSEMENT PROGRAM TO ALLOW DEVELOPERS OF PRIVATELY FINANCED CONSTRUCTION THE ABILITY TO APPLY FOR AND OBTAIN PARTIAL COST RECOVERY FROM SUBSEQUENT USERS OF THE PUBLIC IMPROVEMENTS

Jay Robb, City Clerk read the Consent Agenda Items 12, 14, 15 and 16, into the record.

ITEM 12 – ORDINANCE O-2023-37 – ADOPTING TITLE 8, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, TO ALLOW FOR THE USE OF APPROVED FACILITIES AS OVERNIGHT SHELTERS DURING EXTREME WEATHER EVENTS WITHIN THE CITY OF LAKEWOOD, COLORADO

ITEM 14 – ORDINANCE O-2023-39 – ACCEPTING THE DEVOLUTION OF CERTAIN PROPERTY FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO THE CITY OF LAKEWOOD AND APPROVING AN INTERGOVERNMENTAL AGREEMENT TO AFFECT SUCH PROPERTY DEVOLUTION

ITEM 15 – ORDINANCE O-2023-40 – INCORPORATING CERTAIN REAL PROPERTY INTO MUNICIPAL WARD 1 BOUNDARY FOR THE CITY OF LAKEWOOD, COLORADO

ITEM 16 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

- SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 7th, 2023
- CITY COUNCIL REGULAR MEETING MINUTES AUGUST 14th, 2023

Mayor Pro Tem Strom made a motion to adopt the Consent Agenda Items 12, 14, 15 and 16. It was seconded.

AYE: Paul, Franks, Mayott-Guerrero, Janssen, Shahrezaei, Stewart, Strom, Vincent.

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

END OF CONSENT AGENDA

Councilor Shahrezaei made motion to adjourn the meeting and to schedule the remaining Consent Agenda items to the September 25, 2023, Regular Meeting. It was seconded.

Vote on the Motion to Adjourn:

AYE: Paul, Franks, Mayott-Guerrero, Janssen, Shahrezaei, Stewart, Strom, Vincent.

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

ITEM 20 – ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 9:46 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comment received via Lakewood Speaks: 7

Steve Farthing, Sep 10, 2023, 8:40pm

The Belmar Park West multifamily project at 777 S Yarrow St in Lakewood raises serious fire safety concerns. Local Belmar Commons resident Tom Dearth documented several issues regarding emergency vehicle access, traffic flow, emergency evacuation and wild fire risk in a column posted to the Lakewood Informer on September 10, 2023. Here are additional fire safety risks that should also be addressed. The site plan has no usable snow storage area. The site plan on page 2 shows only about 500 square feet of snow storage space for the emergency access road of over 35,000 square feet. However, the landscape plan shows 10 trees planted in that snow storage area which renders the area unusable to a snow plow. Therefore, during and after winter storms, the private emergency access road may not be properly cleared. Emergency response could be delayed as a result of uncleared snow, ice and drifts. This would be even more critical should the fire suppression sprinklers malfunction during a cold weather emergency. Neither the Lakewood Planning Department nor the civil engineering firm have responded to inquiries as to how this snow storage design defect will be remedied. The garage has 542 parking spaces. It has not been explicitly stated whether the garage will also be sprinklered but it should be. Hundreds of thousands of both gas and electric vehicles have been recalled due to risk of spontaneous fires and are required to park outdoors pending repairs. Will the garage be patrolled for these recalled fire-risk vehicles that would pose a structure fire risk if parked in the garage? Issuing a building permit or a CO if these fire safety issues including the snow storage design defect are not remedied could expose Lakewood taxpayers to increased liability. Will prospective residents of the building be properly advised in non-small print of the full range of any unresolved safety issues as part of the pre-leasing disclosures?

Benjamin Smith, Sep 9, 2023, 10:22am

It has been three months since expert research and testimony was given to Council regarding reducing noise pollution and vehicular traffic speeds. This should have been ample time for City Staff to give their input on applying the expert recommendations to new and updated ordinances, as well as actions the City Transportation and Engineering departments can take immediately to safeguard the health and safety of all residents near noisy roadways, as well as pedestrians and bike riders subject to dangerously fast and staggeringly noisy vehicles. The concerns raised at the June City Council meeting are outweighed by the health and safety crises posed by fast and noisy vehicular traffic. Specifically, passive, automated enforcement of speed limits does not increase dangerous or prejudicial interactions with police; in fact it applies to everyone based on behavior only, and it does not involve police officers at all. The concern over increasing financial burden to traffic offenders is also misplaced, as it prioritizes those who have their own vehicles over those who for financial or health or age limitations do not. Recently the road noise has been extreme and ongoing at all hours of the day and night. My wife and I never feel able to fully relax even inside our home, and have also been sleeping poorly due to the near-constant noise. Reducing speed limits will help, as will re-striping to narrow traffic lanes, adding speed monitors and cameras, and enacting restrictions on motorcycles, sports cars, and trucks with faulty or modified aftermarket muffler systems.

As the expert research and testimony concluded, these are not issues of annoyance. Rather they are significantly impacting the mental and physical health of Lakewood's residents. Does Council care more about City of Lakewood being a nice place to live, or keeping it a fun place for a relative few privileged and inconsiderate people to take noisy vehicles for fast drives? Please take timely action to address this pressing issue. Thank you.

Steven Buckley, Sep 11, 2023, 11:59am

To the mayor and city council: I write to you today in strong support of this Resolution. There seems to be some confusion regarding this agenda item, which sadly, is not an uncommon occurrence in Lakewood whenever policy items surrounding housing issues are discussed. As the city council will know, Prop 123 is not even anything close to a state law that is "barring local zoning," as has been erroneously stated. Prop 123 provides sorely needed state funding for the construction of affordable housing for those local governments who choose to commit to building it. At a very informative Ward 5 meeting last fall hosted by Councilor Strom, several representatives from Metro West Housing Solutions spoke about how there are (I am going off of my memory here so apologies if these numbers are not precisely correct, but I believe I have the order of magnitude right) something like 8000 families on the waiting list who are income-qualified for an affordable unit, and that the average wait time is over 10 years. For Jefferson County as a whole, 49% of renters are "cost burdened," meaning that they pay more than 30% of their income for rent, and 24% are "severely cost burdened," meaning that they pay more than 50% of their income for rent. (Source: <https://kdvr.com/news/data/which-colorado-counties-are-most-cost-burdened/>). This resolution before the city council tonight, if approved, will provide funding for, and commit the City of Lakewood to finding a way to actually construct, at least 625 affordable units by the end of 2026. We should acknowledge that 625 affordable units will be a good thing that will immeasurably help real families in our community who are presently struggling, but also keep in mind that it's just a drop in the bucket compared to the total need. 625 units represents less than one-eighth of our Housing Authority's waitlist. According to the Census Bureau about 30% of Jeffco's 580,000 residents are renters.

(<https://www.census.gov/quickfacts/jeffersoncountycolorado>) Since we know that 24% of renters are "severely cost burdened," that equates to about 7.2% (or 30% times 24%) of the total population of Jeffco, which works out to about 41,760 people who live in a household paying more than half their income in rent every month. Also per the same Census Bureau website, there are about 2.3 people per household in our county, so we might assume that those 41,760 people are living in – give or take - about 18,150 households (which is 41,760 divided by 2.3). Compared to the situation those 18,000+ households face, the prospect of 625 more affordable units becoming available in Lakewood THREE YEARS FROM RIGHT NOW WHEN THEY NEED IT actually does very little to solve the problem. One might go on with all the math I'm doing and say that it only solves about 3.4% (or 625 divided by 18,150) of the problem of people being "severely cost burdened." This is not to say that we shouldn't take this new state funding from Prop 123 and go build the affordable housing. Lakewood ABSOLUTELY should do that. Again, I will reiterate that helping 625 struggling families is far preferable to rejecting this money and helping nobody. But this is just a start. This is just a small step. We should not be satisfied with solving 3.4% of the problem three years from now, and letting the other 96.6% of the problem go unsolved. Nor should we stop ourselves from solving 3.4% of the problem, just because, or especially because, there appear to be a few loud voices who are upset about how bad the affordable housing situation is generally, or have specific gripes about the city council, or are still upset about issues related to our growth cap, or for any other reason. I strongly urge a yes vote on this resolution.

Isabel Cruz, Sep 11, 2023, 11:57am

Thank you to council for bringing this important agenda item forward! I enthusiastically support the recommendation that Lakewood opt in to Proposition 123 funding by committing to increase affordable housing stock in the coming years. Out in the community, I have heard countless stories from renters and mobile home park residents who received notice their rent was rising more than they could afford (one person told me about an \$850 a month rent hike!). From unhoused neighbors struggling for years to get housing because navigating a complex system of social services while trying to survive on the street is immensely challenging. From young

community members who still live with their parents because they cannot afford to move out. From older adults who would like to downsize and have less yard work but cannot afford to sell their longtime residence. The status quo is not working for a diverse swath of people in our city and making the change our city needs will take significant investment and collaboration amongst government and community partners. Prop 123 funding will be instrumental in making this a reality. Please support opting in to this funding so we can make Lakewood a place more people can afford to live and thrive.

Amber Varwig, Sep 11, 2023, 10:14am

Hello, again. I must again impress upon you how important it is to have affordable housing, and the means by which to get it. Also, I have always been proud of how early Lakewood is in adopting strategies and investing in its people, with new and innovative ideas that lead to real change. You know what needs to be done, and you have it in your power to make this necessary change for all of us. Please, help make affordable housing a cornerstone of our lives and identities as Lakewood citizens. Outside of addressing the unhoused population, which is a cause I hold dear to my heart, there is another elephant in the room. We are losing our unique talent. My sons' teachers have all left our city (and in one case, the State of CO!) because of the affordability crisis. We have lost talented friends and colleagues. We can not allow this! Please, vote for measures that stop this crisis, and keep us all in Lakewood!

James Kinney, Sep 11, 2023, 12:58am

Before committing to participate in 123, the details of the quickest, best and most cost effective path necessary for Lakewood to work our way out of the housing crisis must be known. Perhaps a total and comprehensive plan that does not include 123 is best for our community. This proposed resolution buys into 123, but it lacks the study and analysis and subsequent reporting to prove participating in 123 should even be considered to be part of the overall total plan to address the housing crisis. I believe a study would show the City needs to commit to significantly higher targets for Lakewood than are required by 123! Clearly City Council prioritizing increases has had no effect on seriously addressing the problem, nor have multiple campaign promises from City Council candidates. The entrenched nature and pronounced negative effect our housing crisis is having on our community requires significantly more work and commitment to finding a solution than these small targets infer. How many affordable units are we lacking and what is the necessary timeline for rolling them out that will realistically end the crisis? Where is our data? Where is our plan? The citizens of Lakewood exercised their democratic right to petition their government and passed the City's Strategic Growth Initiative (SGI) for a primary purpose of instituting methodology for guiding ongoing development to be more completely and comprehensively addressed, and to ensure our elected representatives, and not for-profit developers, were determining the nature and directions of ongoing and future development within Lakewood. Recognizing the well-known need for increasing affordable housing in the City, the SGI specifically stated there was no limit on the amount of affordable housing that could be built in Lakewood in any year. Unfortunately, the Mayor and City Council have not addressed our burgeoning deficit of affordable housing during the multiple years SGI has encouraged opportunities build affordable housing. These most recent failures to address the growing problem have significantly advanced the serious housing crisis which had been set on this disastrous course by the City's incompletely thought out new zoning initiative established in 2012. The City Council and City Staff have neglected their responsibility to develop the affordable housing needed in our City for at least the last 15 years, which has resulted in this crisis. The grand plan and rezoning instituted over a decade ago has resulted in unforeseen problems and undesirable consequences and led to the shortages of affordable housing adversely affecting our City and our residents. What is the date of the Study Session at which City Council and City Staff will present their analysis of how this crisis was created, and when those and other pertinent facts are known,

what direction and policy will Council be developing, with public input, to end the crisis? That Study Session should address whether 123 should even be part of the larger effort of our City that will be necessary to end the lack of affordable housing in our community.

Susan Williams, Sep 2, 2023, 5:51am

What is clear to me is that Proposition 123, the State barring local zoning laws, is unconstitutional. I had expected the City Council and Mayor to authorize funding for a battle in the courts, to settle the matter and restore the citizens' right to govern their cities as they have traditionally. After all, Lakewood voters went to the polls and approved our slow-growth housing law and we have been proud of it and defended it. If we can't govern our zoning, what is left? Sales tax? Who do you represent, if not the people of Lakewood, the ones who vote and live here and have built this city as it now stands. It is a treacherous idea to run a town according to what the developers want, yet here we are. I expect to find this measure clearly explained to the people in your next "Looking at Lakewood, " instead of the usual pap. Do include commentary on exactly where you expect to find the water to serve the new residents you want to inhabit this new housing. And also the authorization of charging the taxpayers of Lakewood for the infrastructure of the new developments they did not want.

STAFF MEMO

DATE OF MEETING: OCTOBER 9, 2023 / AGENDA ITEM NO. 9

To: Mayor and City Council

From: Max Kirschbaum, Public Works Director

Subject: **ADOPTING TITLE 14, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH ESTABLISHING A PUBLIC IMPROVEMENT REIMBURSEMENT PROGRAM TO ALLOW DEVELOPERS OF PRIVATELY FINANCED CONSTRUCTION THE ABILITY TO APPLY FOR AND OBTAIN PARTIAL COST RECOVERY FROM SUBSEQUENT USERS OF THE PUBLIC IMPROVEMENTS**

This ordinance was approved on 1st Reading by a vote of 7 ayes 2 nays.

SUMMARY STATEMENT: The Lakewood Municipal Code is proposed to be revised to provide a mechanism for private developers (initial development) to potentially receive reimbursement from future development (subsequent development) that may directly benefit from use of public infrastructure that was completely funded, constructed, and dedicated by the initial developer.

BACKGROUND INFORMATION: In certain circumstances, private developers of an initial development within an area must install significant public improvements to support a proposed project or to mitigate impacts to adjacent developments. These improvements often extend well beyond the property limits of the project and must be completely funded and constructed by the initial development in an area, sometimes at substantial cost. Once constructed and accepted these improvements are dedicated to the city for public use. Once dedicated to public use subsequent development is allowed to utilize these public improvements generally without fees or contribution to the original construction cost solely borne by the initial development.

The proposed process to request and obtain a reimbursement agreement is intended to be integrated into the standard development process to ensure that critical information and documentation regarding infrastructure costs are timely and accurate. The initial developer is responsible for providing all supporting information needed to establish the area within which future development would be required to provide reimbursement to the initial development (reimbursement area) and other elements of the agreement to the satisfaction of the City.

The language within the agreement contains two provisions to protect individual property owners from undue financial burden resulting from the reimbursement agreement. The first provision sets a ten-year limitation on the obligation for subsequent developments/individual property owners to be liable for reimbursement costs to the initial developer. Simply stated, if an individual property within a reimbursement area does not initiate a development process within ten years of the date of the reimbursement agreement they will not be required to contribute to the cost of the initial improvements. The second provision allows a property within the reimbursement area that does initiate a development process within the applicable ten year period to appeal the requirement to contribute to the cost of the initial improvements if the development will not connect to or take benefit from the initial improvements.

There is currently no program offered by the City of Lakewood that allows an initial developer to be reimbursed for extensive public improvements that may then be utilized by future development. This ordinance does not

guarantee that a developer who completes a reimbursement agreement will recover any portion of the original infrastructure cost.

BUDGETARY IMPACTS: No budgetary impact are anticipated.

STAFF RECOMMENDATIONS: Staff recommends adoption of the ordinance.

ALTERNATIVES:

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If adopted on second reading, City staff will share the policy with owners of potential projects and identify projects in progress that may wish to consider initiating the application process.

ATTACHMENTS: 1. Ordinance O-2023-38

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2023-38

AN ORDINANCE

ADOPTING TITLE 14, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH ESTABLISHING A PUBLIC IMPROVEMENT REIMBURSEMENT PROGRAM TO ALLOW DEVELOPERS OF PRIVATELY FINANCED CONSTRUCTION THE ABILITY TO APPLY FOR AND OBTAIN PARTIAL COST RECOVERY FROM SUBSEQUENT USERS OF THE PUBLIC IMPROVEMENTS

WHEREAS, the City of Lakewood is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convince of such municipality and the inhabitants thereof;

WHEREAS, the City Council desires to create a developer reimbursement program that allows developers of privately financed construction of public infrastructure to obtain partial cost recovery from later users of the public improvement(s) who receive special benefit from those public improvement(s) but did not contribute to the initial capital costs;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 14.28 of the Lakewood Municipal Code shall be adopted as follows:

14.28.010 Purpose

The purpose of this Public Improvement Reimbursement Agreement program is to define the rules and regulations for the developers of privately financed construction of public water, sewer, storm sewer, and street system improvements to obtain partial cost recovery from later users of the Public Improvement(s) who receive special benefit from those Public Improvement(s) but did not contribute to the initial capital costs thereof.

14.28.020 Definitions

As used in this Chapter, the following terms are defined as follows:

City Engineer means the City Engineer for Development Services.

Connection means a physical connection of any kind to the City infrastructure, except that connection of an existing property entrance to new street infrastructure constructed by an Initial Developer that is eligible for reimbursement shall not be considered a connection for the purposes of reimbursement until such time as the property use changes or improvements to the entrance are required as a result of development of the property as determined by the Director or designee.

Connector means a party seeking to connect to the City infrastructure and who benefits from the infrastructure constructed by an Initial Developer that is eligible for the reimbursement procedure set forth in this section under criteria established by the City.

Construction Costs means all reasonable costs, as approved by the City Engineer, incurred directly and solely for the design and construction of Reimbursable Infrastructure and includes the total direct Construction Costs for the Reimbursable Infrastructure, all as detailed in a sworn affidavit of the Initial Developer.

Director means the Director of Public Works Department or designee.

Initial Developer means the party constructing or contracting for construction of Public Improvements required by the City to provide service to a development.

Initial Development means the development of the property for which the Reimbursable Infrastructure is constructed.

Public Improvements means those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the City, shall become the responsibility of the City for ownership and/or maintenance and repair, unless otherwise provided. which upon acceptance by the City, are intended to be for the use of and enjoyment of the public

Reimbursement Area means the geographical area approved by the City Engineer within the City that includes those properties identified as being specially benefitted by the Public Improvements completed by the Initial Developer.

Reimbursable Infrastructure means those Public Improvements identified by the City Engineer as eligible for reimbursement under this Chapter.

14.28.030 Agreement

- A. The owner of any property in the City who installs and dedicates qualified Public Improvements to be owned and maintained by the City may apply for the identification of a Reimbursement Area within which reimbursement of a portion of the costs of the Public Improvement(s) will be required from the owners of property specially benefited by the improvements. Construction cost or portions thereof may be recovered by the Initial Developer pursuant to the reimbursement procedure described in this section. This does not apply to fee in lieu of payment agreements.
- B. The total cost of design and construction of any required Public Improvement(s) shall be the responsibility of the Initial Developer whose development necessitates the initial installation of the Public Improvements as required by the City.
- C. The City Engineer is authorized to adopt administrative rules and regulations as needed to in order to carry out the intent of this Chapter.
- D. Applicants for the Public Improvement Reimbursement Agreements program must comply with all City ordinances and regulations to be eligible for reimbursement agreements. All Public Improvement(s) must be designed in accordance with the current editions of the City of Lakewood Engineering Regulations, Construction Specifications and Design Standards, the City of Lakewood Transportation Engineering Standards, and the City of Lakewood Storm Drainage Criteria Manual, as amended from time to time, the City's current infrastructure master plans, or based on other design requirements as otherwise determined by the City Engineer.
- E. The City Engineer may require the applicant to submit certified statements by a state of Colorado licensed professional engineers and/or contractors registered in the City of Lakewood containing information relevant to the application including, but not limited to, itemization of projected or actual cost of Public Improvement(s), property ownership records, plans, exhibits, or specifications.
- F. The City shall not be a connector or party subject to inclusion in a Reimbursement Area simply by receiving a public benefit from any improvement. However, if the City is the owner of a lot subject to development within the Reimbursement Area, and desires to connect to infrastructure that is the subject of a reimbursement agreement, the City may agree to be included as a connector subject to reimbursement payments.
- G. The applicant is solely responsible for the completeness and accuracy of all applications and required documents and must comply with the requirements of this agreement and all other applicable City ordinances.

14.28.040 Improvements Subject to Reimbursement

A Public Improvement Reimbursement Agreement application shall be accepted for consideration for reimbursement if it contains the following Public Improvement(s):

- A. Public water system extensions and sanitary sewer where such extension provides new mains intended to be owned and operated by the City in locations where no mainlines are available at the time of the formal submittal;
- B. Public storm collectors and outfalls including manholes, inlets located beyond the property frontage, headwalls or end sections, culverts, and major channel improvements;
- C. Public streets or portions thereof including curb and gutter, asphalt pavement, concrete pavement, pavement striping, sidewalks, pedestrian/bike paths, traffic signals, streetlights, acceleration and deceleration lanes; or
- D. Other improvements, at the discretion of the City Engineer, which upon acceptance by the City, are intended to be for the use of and enjoyment of the public.

14.28.050 Excluded Improvement(s)

A Public Improvement Reimbursement Agreement application shall not be accepted for consideration if it contains the following Public Improvement(s):

- A. Asphalt required as part of street widening along the frontage of the initial property being developed including the asphalt transitions in front of abutting properties;
- B. Curb, gutter, and sidewalk along the frontages of initial property being developed;
- C. All improvements used to meet the City of Lakewood's Enhanced Development Menu criteria;
- D. Storm sewer inlets that are located along the frontage of the initial property being developed and are connected to an existing storm sewer collector pipe;
- E. Any improvements associated with a required detention or water quality facility; or
- F. Infrastructure systems that are included in any metropolitan or other special district that assesses fees to residents or collects any supplemental tax from residents.

14.28.060 Application for Establishment of Public Improvement Reimbursement Agreement

- A. At the time of the initial submittal of the Site Plan and Engineering Drawings, the developer may file an application with the City Engineer to form a reimbursable area in order to obtain partial cost recovery from later users of the Public Improvement(s) required by the City and included in the initial submittal of the engineering drawings.

- B. The application shall be made using the form created by the City of Lakewood and shall include the following supplemental information:
1. Payment of the non-refundable application fee set in accordance with 14.01.060.
 2. An exhibit depicting the infrastructure suitable for inclusion in the reimbursement agreement as determined by the City Engineer. The exhibit shall be presented on 11x17 sized paper and shall clearly show all proposed reimbursable Public Improvements included in the request to scale.
 3. An itemized list of the improvements for inclusion in the reimbursement agreement with descriptions and quantities.
 4. An ownership map acceptable to the City, showing all the properties specially benefited by the proposed reimbursement agreement. This exhibit on 11 x 17 sized paper shall clearly show the proposed Reimbursement Area to be established to scale with streets and addresses.
 5. A list of the names, mailing addresses of the property owners, and the tax ownership identification numbers for the properties within the boundaries of the proposed reimbursement agreement area, accompanied by a written ownership and encumbrance report from a title company or similar document acceptable to the City Engineer evidencing proof of ownership of all property subject to the reimbursement agreement.
- C. Concurrent with the Site Plan and Engineering Drawing review, the City Engineer shall conduct a review of the complete application. Incomplete applications will not be reviewed. The Initial Developer will be notified in writing if the Public Improvement qualifies as Reimbursable Infrastructure and whether the application is approved. In the event the City Engineer does not approve the application, the City Engineer shall notify the Initial Developer thereof in writing explaining the bases for such determination. The Initial Developer may thereafter submit modified application materials for further review or file an appeal in accordance with this Chapter.
- D. Applications will be reviewed based on the criteria set forth in the administrative rules and regulations adopted by the City Engineer. Acceptance or denial of the application by the City Engineer must be determined prior to approval of the Site Plan and Engineering Drawings.
- E. The applicant may appeal the decision of the City Engineer prior to acceptance of the Site Plan and Engineering Drawings. An appeal of the City Engineer's decision must be made in writing to the Director of Public Works and include the reason for the appeal and all relevant documentation that the applicant wishes to be considered by

the Director. The Director shall have fourteen (14) days to provide a written decision regarding the application. The Director's decision shall be final and subject to judicial review by a court of competent jurisdiction.

14.28.070 Estimated Construction Cost

- A. Upon approval of the Site Plan and Engineering Drawings the Initial Developer must provide the following construction cost information:
1. A report acceptable to the City Engineer detailing the estimated construction cost and the resulting reimbursement amount proposed to be assessed to each property within the approved Reimbursement Area. The report shall include all calculations substantiating the initial costs based on the approved Engineering Drawings and the approved reimbursable Public Improvements and Reimbursable Area.
 2. The report must include a minimum of three independent construction bids for the reimbursable Public Improvement(s). The bids shall be submitted in similar format and include an itemized unit price, quantities, and the total estimated cost for the improvements. Regardless of which contractor is selected by the Initial Developer, the lowest responsible bidder's itemized unit price schedule of values will be used to calculate the reimbursable amounts for each property.
 3. Notwithstanding the above, if the Initial Developer is unable to obtain three independent construction bids as required, the Initial Developer may request a waiver of this requirement from the City Engineer. In this event, the Initial Developer shall provide documentation to the City Engineer of the extenuating circumstances that preclude obtaining three independent bids. The City Engineer shall have the sole discretion to determine if the documentation of the extenuating circumstances is sufficient to waive the requirement for three independent bids.
 4. A notarized affidavit from the Initial Developer attesting to the estimated construction cost and to the fact that the work was bid to at least three independent contractors. The affidavit shall be supported with complete documentation, including copies of all vendor, consultant, and contractor bids, proposals, invoices and other relevant documents to support the validity of the construction cost. In the event the requirement for three independent bids was waived by the City Engineer, the affidavit will describe the bidding process that was used. The Initial Developer shall attest that all information contained in the application is true and correct.

5. The report must include calculations that clearly identify how the estimated construction cost is to be allocated to the properties within the Reimbursement Area. A separate sheet(s) shall be included for each property showing the location of the property relative to the initial property to be developed, the approved reimbursable Public Improvement(s), the limits of the Reimbursement Area, the total estimated cost, and the estimated cost for that property.
 6. Draft copies of the notice required in Section 14.28.080(A) to be sent to each property owner.
- B. The City Engineer shall complete a review of the estimated construction cost report and provide a written approval or rejection of the estimated Construction Costs. If the City Engineer needs additional information, written comments shall be provided to the Initial Developer. The Initial Developer may thereafter submit modifications until accepted by the City Engineer.
- C. If the Initial Developer disputes the City Engineer's determination regarding the estimated reimbursable Construction Costs, or chooses not to submit modifications, they may appeal such determination as set forth in Section 14.28.140 of this section.

14.28.080 Determination of Pro Rata Shares

- A. Properties within a Reimbursement Area shall be assessed in such a manner as to equitably apportion the cost among all properties specially benefitted by the improvement, but no property shall be assessed an amount greater than the special benefit received by it. In the absence of unusual circumstances requiring a different method, Public Improvements shall be subject to reimbursement on the basis of front footage for streets, sidewalks and trails and on the basis of acres served in the case of water main, sewer main and storm drainage improvements.
- B. The cost to be apportioned within a Reimbursement Area shall be the reasonable cost of installing the improvement, but not including the cost of any part or portion which solely benefits the Initial Developer, such as curb cuts or main connections to serve its property. Engineering costs, not to exceed five percent (5%) of Construction Costs, may be included with the cost allocations. Reimbursable Construction Costs shall be based on the lowest responsible bid of three bids obtained by the Initial Developer.
- C. Except as hereinafter limited, the phrase "special benefit" shall mean only the benefit conferred upon a property, which is greater or different in kind, from that conferred upon properties in the City as a whole by a Public Improvement. Among the factors to be considered in determining the existence of a special benefit are:

1. Improvement in safety or convenience of access;
2. Improved drainage;
3. Alleviation of health or sanitation hazards;
4. Adaptability of the property to a superior or more profitable use;
5. Improved availability of public water or sewer service to the property; and
6. In the case of undeveloped property, the installation of an improvement which would otherwise be required upon development of the property. When a party must extend an improvement, such as a water or sewer main, in order to make lateral connection to its property, the pre-existing portion of the improvement shall not be deemed to specially benefit that portion of its property served by the extension.

14.28.090 Reimbursement Area Hearing

- A. Upon approval by the City Engineer of the estimated construction cost report, the City shall set a hearing date no less than thirty-five (35) days from the approval and notify the Initial Developer. The Initial Developer shall send by first class U.S. mail, at least twenty-one (21) days before the hearing date, a notice to each of the owners of each property that is situated within the proposed Reimbursement Area boundary, together with a copy of the proposed reimbursement agreement, the individual property summary sheet, letter of explanation and a copy of this code section. The notice shall advise the property owners of the hearing date, time and location and their right to appear at the hearing to contest the Reimbursement Area, the reimbursement agreement, or both.
- B. Hearing Process. The Director shall conduct the hearing on the matter. The burden of proof to establish that the request for reimbursement for construction cost is reasonable and necessary shall be on the Initial Developer. If the Initial Developer establishes that the request for reimbursement is reasonable and necessary, the burden of proof to establish disqualification for reimbursement shall shift to the owner(s) of property identified as being within the Reimbursement Area. Following the hearing, the Director shall render, within thirty (30) days, a written decision and provide copies of the decision to all parties. The Director's decision is final and subject to judicial review by a court of competent jurisdiction.

14.28.100 Establishing the Final Construction Cost

- A. Prior to acceptance of Public Improvements, the Initial Developer must provide the following final construction cost information:

1. A report acceptable to the City Engineer detailing the final construction cost and the resulting reimbursement amount to be assessed to each property within the approved Reimbursement Area. The report shall include all calculations substantiating the final costs based on the actual construction cost incurred for construction of the approved reimbursable Public Improvements. For purposes of calculating the assessed reimbursement amount, the total reimbursable amount shall not exceed one hundred fifteen percent (115%) of the estimated Construction Costs determined in Section 14.28.070.
 2. A notarized affidavit from the Initial Developer attesting to the final construction cost. The affidavit shall be supported with complete documentation, including copies of all vendor, consultant, and contactor invoices, change orders, pay applications and other relevant documents to support the validity of the final construction cost. The complete cost of all Public Improvement(s) subject to reimbursement must be tracked separately from other costs associated with the project.
 3. The report must include calculations that clearly identify how the final construction cost is to be allocated amongst the initial property, and all properties within the approved Reimbursement Area. A separate sheet(s) shall be included for each property showing the location of the property relative to the initial property to be developed, the approved reimbursable improvement(s), the limits of the Reimbursement Area, the total final cost, and the final cost for that property.
 4. The report must also include a draft letter notifying the property owners within the Reimbursement Area of the completion of the Public Improvements and the final cost to be recorded as required in 14.28.90(C).
- B. The City Engineer shall complete a review of the final construction cost report and provide a written notice of approval or rejection. If the City Engineer needs additional information, written comments shall be provided to the Initial Developer. The Initial Developer may thereafter submit modifications until accepted by the City Engineer.
- C. When the final construction cost is approved, a notice of the existence of the Reimbursement Area shall be recorded by the Initial Developer against the properties in the Reimbursement Area in the office of the County Clerk and Recorder in the county in which the properties are located. The Initial Developer shall send by first class U.S. mail a maximum of twenty-one (21) days after the approval of the final cost and allocation, a notice to each of the owners of each property that is situated within the proposed Reimbursement Area boundary, a copy of the recorded reimbursement agreement, the individual property summary sheet, and a copy of this code section.

14.28.110 Reimbursement Payments

- A. A Connector included within a Reimbursement Area may in such Connector's discretion pay the reimbursement at any time after it has been allocated but shall not be required to do so until the first of the following to occur: execution of a Public Improvement agreement or similar document; subdivision of the property; issuance of a building permit for the property; or at the time of connection to the Public Improvement.
1. In the event that a Connector included within a Reimbursement Area initiates an action, other than a direct connection to the Public Improvement, that would otherwise trigger a requirement for payment, but the Connector does not immediately benefit from the initial improvement, the Connector may request deferral of the payment in writing from the Director prior to applying for any permits. A decision by the Director to defer payment shall not void the Connectors' obligation triggered by additional actions or change the original term of the obligation.
 2. Deferral of payment for an individual Connector shall not change the reimbursement amount for any other Connector included within the Reimbursement Area.
- B. A Connector included within a Reimbursement Area shall make reimbursement payments directly to the Initial Developer, in good and verifiable funds. Upon making the reimbursement payment, the Connector making the payment and the Initial Developer shall both sign and provide to the City Engineer an acknowledgement of payment showing that the Connector and Initial Developer agree that reimbursement has been made.
- C. No property will be permitted to connect to infrastructure constructed pursuant to this section or to any other part of the City's infrastructure until the obligations associated with such property under any reimbursement agreements have been paid in full or have been deferred.
- D. In no event shall the actual amount reimbursed to the Initial Developer exceed the reimbursable Construction Costs.

14.28.120 Responsibilities of Initial Developer

After the recordation of the reimbursement agreement, it shall be the responsibility of the Initial Developer (and the party's successor(s)-in-interest) to keep the City informed of its current address. Failure to comply with the Initial Developer's responsibilities shall

constitute abandonment of all rights of reimbursement and shall be grounds for termination of the reimbursement agreement.

14.28.130 Termination of Reimbursement Areas

- A. The reimbursement agreement shall terminate upon the earlier to occur of the following: payment of the full amount of reimbursable Construction Costs, or ten (10) years from the date of execution.
- B. Upon full payment of reimbursement or expiration of the reimbursement term, whichever occurs first, the City will, upon request, issue a written release to the owner of property included within a Reimbursement Area.

14.28.140 Dispute, Administrative Appeal

- A. In the event the Initial Developer disputes the City Engineer's determination of estimated or actual reimbursable Construction Costs or the qualification of the improvement as Reimbursable Infrastructure, the Initial Developer may submit a written appeal to the Director detailing why the Initial Developer disputes the City Engineer's determination.
- B. Upon receipt of a written appeal hereunder, the Director shall review the written appeal to determine whether the written appeal contains reasonably sufficient information to overturn the City Engineer's determination regarding estimated or actual reimbursable Construction Costs, as applicable. If the Director concludes there is not reasonably sufficient information, the Director shall notify the Initial Developer within twenty-one (21) calendar days after receipt of the written appeal, including identifying the nature of the required additional information to the extent reasonably possible. The Initial Developer shall provide the required additional information within fifteen (15) calendar days after the date of the notice. Failure to provide the required additional information within such time period shall render the appeal abandoned, and the Initial Developer shall be deemed to have accepted the City Engineer's determination of estimated or actual reimbursable Construction Costs.
- C. If the Director concludes that the written appeal is sufficient, with or without required additional information, as applicable, the Director shall investigate and provide to the Initial Developer a written decision within thirty (30) calendar days after receipt of the written application or, if the written application required additional information, within thirty (30) calendar days after receipt of such additional information.
- D. The Director's decision shall be final for the purposes of further appeals, which shall be to a court of competent jurisdiction.

14.28.150 Limitation of City's Duty and Liability

- A. The Initial Developer shall defend and indemnify the City for, and hold the City harmless from, any suit, claim, or action that is or may be brought by any person against the City as a result of the reimbursement agreement entered into pursuant to this Chapter. In the event the City incurs costs as the result of any litigation or dispute in administering this Chapter, the Initial Developer shall reimburse the City for these costs within ten (10) days of the City sending notification. In the event the Initial Developer fails to reimburse these costs upon written request by the City Attorney or designee, the City will have no further obligations to the Initial Developer and any reimbursement agreements with the Initial Developer will be considered terminated. Notwithstanding the foregoing, the City is not limited to these remedies.
- B. In the event a court invalidates the reimbursement agreement, the City will have no further obligations to the Initial Developer and the reimbursement agreement with the Initial Developer will be considered terminated unless the court order provides otherwise. If the Initial Developer has received reimbursement payments under a reimbursement agreement that a court invalidates, then the Initial Developer shall return the reimbursement funds, plus the applicable collection fee paid by the Connector, to the Connector unless the court order provides otherwise. If a court invalidates the reimbursement agreement, the City will not be obligated to refund the application fee to the Initial Developer.
- C. The Initial Developer shall cooperate with the City in the implementation of the agreement including, but not limited to, providing such information as the City may deem necessary to perform its functions under the agreement.
- D. Failure of the Initial Developer to comply with any of the material provisions of the reimbursement agreement shall constitute abandonment of all rights to reimbursement.
- E. Nothing in this section shall prevent the Initial Developer from pursuing any other legal action against a property owner for failure to pay.

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication. Upon its effective date, there will be a grace period of an additional thirty (30) days for active or in progress developments or redevelopments to apply for partial reimbursement of any public improvement(s) in accordance with the provisions of this Ordinance.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 25th day of September 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of September, 2023; set for public hearing to be held on the 9th day of October, 2023, read, finally passed and adopted by the City Council on the 9th day of October, 2023 and, signed by the Mayor on the ___ day of October, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 9, 2023 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Holly Bjorklund, Finance Director
Subject: **2024 BUDGET ADOPTION AND 2023 MILL LEVY CERTIFICATION**

SUMMARY STATEMENT: Staff will present an overview of the proposed annual 2024 budget and the revised annual 2023 budget.

BACKGROUND INFORMATION: As required under the Lakewood Home Rule Charter, the annual budget must be adopted by November 1st each calendar year. The Charter also requires two public hearings for the adoption of the annual budget. In addition to adopting the annual budget, the annual property tax mill levy must be certified each calendar year.

The purpose of Ordinance O-2023-41 is to comply with these requisite Charter provisions. The proposed budget Ordinance includes administrative changes subsequent to the publishing of the proposed budget document.

The City Council held a study session on September 18th, 2023, and the Budget & Audit Board reviewed the Proposed Budget on September 19th, 2023.

BUDGETARY IMPACTS: Ordinance O-2023-41 adopts a revised 2023 Budget, adopts the Proposed 2024 Budget, and certifies the 2023 property tax Mill Levy for appropriations for all City programs and services.

STAFF RECOMMENDATIONS: Staff recommends approval of advancing the 2024 Budget to a second public hearing on October 23rd, 2023.

ALTERNATIVES: The City Council may amend the proposed budget to add, delete or change funding for any existing program or any lawful municipal service, from projected revenues or reserve funds.

PUBLIC OUTREACH: The Proposed 2024 Budget was reviewed at the Budget Study Session on September 18th, 2023 and reviewed by the Budget & Audit Board on September 19th, 2023. Additionally, the Proposed Budget Document has been available on Lakewood speaks since September 11th, 2023.

NEXT STEPS: Ordinance O-2023-41 will be presented to City Council on first reading, and public hearing, scheduled at the Regular Council meeting on October, 2023 for the first of two presentations and public hearings concerning the 2023 Revised and 2024 Proposed City Budget.

If approved by City Council on first reading, the ordinance for the 2023 Revised and 2024 Proposed City Budget is scheduled for a second reading and public hearing at the Regular Council meeting on October 23, 2023.

ATTACHMENTS:

1. Ordinance O-2023-41
2. The City Budgets for 2023 and 2024 are not attached, but can be found at: [Lakewood.org/Government/Departments/Finance](https://www.lakewood.org/Government/Departments/Finance)
3. Video of the September 18th Study Session

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2023-41

AN ORDINANCE

ADOPTING A REVISED BUDGET FOR THE YEAR 2023 FOR THE CITY OF LAKEWOOD, COLORADO, AND FURTHER ADOPTING THE ANNUAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024, AND ENDING ON DECEMBER 31, 2024, ESTIMATING THE AMOUNT OF MONEY NECESSARY TO BE RAISED BY LEVYING TAXES FOR THE YEAR 2023, TO DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT OF THE CITY OF LAKEWOOD, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024, AND ESTIMATING THE AMOUNT OF MONEY TO BE DERIVED FROM OTHER REVENUE SOURCES, SETTING FORTH THE APPROPRIATIONS FOR EACH FUND

WHEREAS, the City Manager of the City of Lakewood, designated to prepare both the revised annual budget for the year 2023 and the annual budget for the City of Lakewood, Colorado, for the fiscal year beginning January 1, 2024 and ending December 31, 2024, has prepared said budgets and has submitted them to City Council pursuant to the Lakewood Home Rule Charter; and

WHEREAS, after reviewing the requirements for anticipated expenditures as well as anticipated revenues from other sources for 2024, the City Council has determined that for the year 2023, the proper mill levy, which shall be collected in 2023 by the Treasurer of the County of Jefferson, State of Colorado, upon each dollar of the assessed valuation of all taxable property within the City, shall be 4.711 mills; and

WHEREAS, the City Council, upon notice duly advertised, held Public Hearings on said budget and mill levy on October 9th, 2023, and October 23rd, 2023, pursuant to the Lakewood Home Rule Charter; and

WHEREAS, the City Council desires to establish a separate fund for the purpose of recording and tracking the expenditure of funds retained as required under election initiative 2D approved in the November 2018 regular election.

WHEREAS, the City Council also desires to authorize the City Manager to transfer unassigned funds between and among departments and funds as deemed appropriate, pursuant to Section 12.7 of the Lakewood Home Rule Charter; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. There is hereby appropriated from the revenue derived from taxation and from all other sources during the years 2023 and 2024, the amounts hereinafter designated as financial uses and ending balance as set forth in the following All Funds Summary:

ALL FUNDS SUMMARY

The following chart summarizes the financial sources, financial uses, and funds available for all City funds.

Funds	2023 Beginning Balance *	2023 Revised Financial Sources	2023 Revised Financial Uses	2023 Ending Balance	2024 Financial Sources	2024 Financial Uses	2024 Ending Balance
General	\$ 76,689,287	\$ 157,771,543	\$ 151,400,304	\$ 83,060,525	\$ 161,687,745	\$ 181,284,903	\$ 63,463,367
Special Revenue Funds	56,930,891	73,035,910	66,664,894	63,301,907	39,321,506	74,218,122	28,405,290
Conservation Trust	1,485,908	2,057,783	1,570,000	1,973,690	2,064,018	3,445,000	592,707
Economic	12,904,392	2,278,660	1,078,936	14,104,117	2,328,134	8,360,089	8,072,162
Grants	(1,150,813)	45,094,448	22,630,915	21,312,720	13,246,573	31,019,766	3,539,527
Heritage, Culture, Arts	1,234,914	3,213,939	3,464,676	984,177	3,313,358	3,409,326	888,209
Open Space	12,257,024	11,326,338	16,131,931	7,451,431	9,789,222	12,675,691	4,564,962
TABOR	30,199,466	9,064,742	21,788,437	17,475,771	8,580,201	15,308,250	10,747,723
Capital Projects Funds	37,769,843	31,368,527	40,210,682	28,927,688	30,788,635	40,706,566	19,009,757
Capital Improvement	27,176,600	26,183,527	33,012,610	20,347,517	25,453,634	34,047,566	11,753,585
Equipment	10,593,243	5,185,000	7,198,072	8,580,171	5,335,000	6,659,000	7,256,172
Enterprise Funds	60,526,181	20,128,355	25,692,558	54,961,978	30,301,727	39,870,656	45,393,049
Golf Course Enterprise	12,672,770	7,405,537	6,837,484	13,240,823	7,622,500	7,179,327	13,683,996
Sewer Enterprise	15,881,389	5,140,863	6,199,129	14,823,123	5,247,500	6,240,719	13,829,904
Stormwater Enterprise	29,156,225	6,083,653	10,201,028	25,038,849	15,992,727	23,849,008	17,182,568
Water Enterprise	2,815,797	1,498,302	2,454,916	1,859,183	1,439,000	2,601,602	696,581
Internal Service Funds	32,130,581	19,730,707	22,669,011	29,192,276	19,802,247	23,086,257	25,908,267
Medical/Dental							
Self-Insurance	13,499,875	14,671,458	18,574,021	9,597,311	15,761,807	18,169,593	7,189,525
Property & Casualty							
Self-Insurance	4,571,850	3,263,133	2,333,462	5,501,521	2,256,250	3,106,475	4,651,296
Retirees Health	4,626,814	63,385	160,000	4,530,199	57,000	160,000	4,427,199
Worker's Compensation	3,138,362	1,256,541	1,256,759	3,138,143	1,251,000	1,305,420	3,083,723
*City Manager's Pension Trust Fund	1,629,957	260,040	262,035	1,627,962	260,040	262,035	1,625,967
*Duty, Death, and Disability Fund	4,663,723	216,150	82,733	4,797,140	216,150	82,733	4,930,557
Total All Funds	\$ 264,046,782	\$ 302,035,041	\$ 306,637,448	\$ 259,444,374	\$ 281,901,859	\$ 359,166,503	\$ 182,179,729

* For all funds except the Enterprise Funds and the Internal Service Funds, the beginning balance is the fund balance. For the Enterprise Funds and the Internal Service Funds, the beginning balance is net position.

* Previously the City Manager's Pension Trust Fund and the Duty, Death, and Disability Fiduciary Funds have not been reported on in the Budget Book. These two funds will now be included in the Budget Process.

SECTION 2. Pursuant to the Lakewood Home Rule Charter, both the revised budget for the year 2023 and the budget for the City of Lakewood, Colorado for the fiscal year beginning January 1, 2024 and ending December 31, 2024 as heretofore proposed to the City Council by the City Manager, be and the same are hereby adopted and approved as the Revised 2023/2024 Annual Budget.

SECTION 3. The budget and financial policies herein are approved and adopted, and made part of the public records of the City. A copy of the Revised 2023/2024 Annual Budget is on file in the City Clerk's Office and is available for public inspection.

SECTION 4. For the purposes of defraying the expenses of the Budget of the City of Lakewood, Colorado, during the fiscal year beginning January 1, 2024 and ending on December 31, 2024, there is hereby levied a tax of 4.711 mills upon each dollar of the total valuation of all taxable property within the City of Lakewood, Colorado, for the year 2023.

SECTION 5. The City Manager or her designee is hereby authorized and directed to certify to the County Commissioners of the County of Jefferson, State of Colorado, the Total (gross) Mill Levy of 4.711 as herein set forth.

SECTION 6. Pursuant to Section 12.7 of the Lakewood Home Rule Charter, the City Council hereby authorizes the City Manager to transfer any unencumbered appropriation balance, or portion thereof, from unassigned funds between and among departments or funds as deemed appropriate.

SECTION 7. Pursuant to Section 12.6 (b) of the Lakewood Home Rule Charter, the TABOR fund is hereby created in order to provide for the deposit of monies to be held for special purposes determined by the City Council.

SECTION 8. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of October, 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of October, 2023; set for public hearing on the 23rd day of October, 2023, read, finally passed and adopted by the City Council on the 23rd day of October, 2023 and, signed and approved by the Mayor on the ___ day of October, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

Councilor Mary Janssen:

1. Would you be able to share a 2023 revised and 2024 proposed budget pdf with me? It will make it easier for searching keywords, highlighting, and I want to be able to share the electronic version with a couple other people.
 - a. The budget document is available at <https://www.lakewood.org/Government/Departments/Finance>
2. When will the public speaks have those budget documents available?
 - a. The same link as above is on Lakewood Speaks <https://www.lakewood.org/Government/Departments/Finance>
3. The reimbursement agreement with Creekside (Wal-Mart) is supposed to terminate 8/9/24 or when reimbursement is complete.
 - a. The termination date is the earlier of 8/9/24 or when the reimbursement is complete.
4. The column titled 2022 Amount of Tax Shared With Developer shows \$1,482,206. Did Creekside get reimbursed \$1,482,206 or \$482,206?
 - a. Creekside was reimbursed \$1,482,206 per the ACFR. This amount is 100% of the increment after the \$1M amount due to the City of Lakewood.
5. I think the original repayment to Creekside was generated from sales tax, property tax, and the Public Improvement Fee? Please let me know if that's right.
 - a. The Lakewood Reinvestment Authority (LRA) receives incremental sales tax and property tax. Annually, \$1M is paid to the City. The City collects Public Improvement Fees (PIF) for the developer and remits the fees to the LRA. The LRA in turn remits the remaining incremental tax and PIF to the developer. The "Amount of Tax Shared with Developer" in the table below only includes the incremental taxes and not the PIF.
6. I'd like to know how much Creekside (Wal-Mart) has been reimbursed as of now and how much is outstanding?
 - a. As of 12/31/2022, \$20M has been reimbursed with \$4.3M remaining on the original \$24.3M.
7. Is there a year by year listing with the sales and property tax, and PIF amounts that were collected from Creekside and the amounts retained by the developer? Some pieces can be put together with LRA budget books but it'd be nice to have something all on one page.
 - a. The below table lists the incremental sales tax, incremental property taxes, and the PIF amounts year by year. The Developer Reimbursement amount includes sales and property taxes per the ACFR from 2007-2022. Prior to 2007, there was not a requirement to report on this aspect.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

Councilor Janssen included a Screenshot of the Annual comprehensive report – pg 50 in the question.

The Lakewood Reinvestment Authority has agreed to reimburse certain developers for costs incurred in the redevelopment of retail projects within certain urban renewal areas. These reimbursements are payable solely from the property and sales tax increment revenues generated by each project and are not reported as liabilities in the financial statements. Certain fundamentals that are consistent within each of the agreements are noted above under “Economic Development Agreements.”

The sales and use tax revenue and expenditure transactions related to the following agreements are reported in the Lakewood Reinvestment Authority Capital Projects Fund:

Project Name	Maximum Amount Committed To Be Reimbursed Or Waived ⁽¹⁾	Termination Of Reimbursement Obligation ⁽²⁾	Description Of Sharing Arrangement	2022 Amount Of Tax Shared With Developer	Future Contingent Payments Required By Agreement
Belmar	\$120,000,000	9/10/2025	2/3 rd s of 3% Sales Tax Rate Waived	\$0	N/A
Creekside Shopping Center (Wal-Mart)	\$24,320,435 ⁽³⁾	8/9/2024	100% of Sales Tax increment in excess of \$1,000,000	\$1,482,206	\$4,369,440

⁽¹⁾ In addition to the sales tax reimbursement or waiver for these projects, a public improvement fee (instituted privately by the developer) contributes to the overall reimbursement amount.

⁽²⁾ The reimbursement will be terminated on the termination date, or whenever the reimbursement

⁽³⁾ Does not include interest and ancillary hard and soft costs.

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Creekside Shopping Center				
Year	Developer Reimbursement Amounts Per ACFR ⁽¹⁾	Incremental Sales Tax	Incremental Property Tax	PIF
2022	1,482,206	1,060,093	591,854	859,153
2021	1,766,424	1,256,836	544,557	993,026
2020	1,737,616	1,270,117	586,231	975,809
2019	1,849,271	1,303,803	577,625	995,145
2018	1,800,926	1,282,938	510,989	1,000,735
2017	1,669,123	1,253,028	439,346	978,752
2016	1,424,285	1,143,345	449,085	908,388
2015	1,450,506	1,129,468	479,553	883,804
2014	1,474,952	1,117,924	507,446	874,575
2013	1,457,048	1,144,187	497,230	898,343
2012	1,620,984	1,202,429	476,880	947,666
2011	1,610,759	1,201,636	484,439	954,185
2010	1,686,657	1,218,980	499,663	962,935
2009	1,712,719	1,320,921	502,668	1,042,722
2008	1,979,770	1,989,114	473,004	1,528,563
2007	917,939	1,970,044	308,291	1,513,744
2006	-	2,311,079	135,578	1,763,621
2005	-	1,525,441	-	1,186,728
Total	25,641,185 ⁽²⁾	24,701,382	8,064,438	19,267,895

Notes

(1) Prior to 2007, this information was not reported upon in the CAFR.

(2) The total amounts exceed \$24,320,435 as it includes interest and ancillary hard and soft costs.

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Resident Budget and Audit Board Member: David Engle & Councilor Mary Janssen

8. How are the City property taxes are only going up 11% but I hear that overall property taxes are going up 30 – 40%. Still trying to reconcile that discrepancy.
 - a. For the Proposed Budget we don't get the property tax estimates until after the budget book is complete. We receive the final valuation from the assessor in December and can adjust in the Revised Budget Process.

Resident Budget and Audit Board Member: Debra Hinsvark

9. Page 9 Where is the Five-Year Capital Improvement and Preservation Plan? Might be nice to identify where this can be found for anyone curious enough to go look at it. In fact, you talk a lot about the 5-year plan throughout the document. Please tell the reader where it can be found. You might also add to the Appendix listing that the schedules are for 2024 only.
 - a. Staff will look at these recommended changes for the final version of the book.
10. Page 23 Where is the \$14mm for Colfax coming from and when? I can't find it on the list of capital purchases.
 - a. The \$14M is being contributed from the TABOR and Capital Improvement Funds. The capital purchase list has the total dollar amount associated with the contract on page 318 – Colfax Pedestrian Safety and Infrastructure Project.
11. Page 26 states that reserves will be spent to “loan funds to the Stormwater enterprise fund for the North Dry Gulch Floodplain Mitigation Project – have we moved away from the possibility of a bond financing?
 - a. No, bonding is still being considered for partial funding of this project.
12. Page 42 discussion of supplemental budgets – have there been supplemental budget appropriations this year?
 - a. There have been supplemental appropriations for grants that have come up during the year and the revised 2023 budget is utilized to accommodate most adjustments to the budget.
13. Page 44 what is ballot question 2A. The “average reader” needs a more explanatory statement there. Page 49 you state that the voters allowed the city to retain... Is this not a good place to describe the entire ballot question re: spending requirements?
 - a. Staff will look at this recommended change for the final version of the book.
14. Page 59 In the budget overview, the thing that stands out is that the Planning department's budget is going to triple. Why? In the detail, it looks like capital outlay is the reason, but in the appendix, I don't find enough purchases to triple the expenditures. Help.
 - a. The Colfax Pedestrian and Safety Project is a joint project between Planning and Public Works. It is in Planning's budget and is the main driver for this increase. Public Works is going to be the managing department for the construction of the project, so it was included on Public Works' Capital Purchases List.
15. Page 304 Sheridan Sidewalk and Wadsworth Boulevard say that design work will begin in 2023, did it? And construction is anticipated in 2025, why the delay?
 - a. Design work has begun in 2023 for both projects. Construction is anticipated to begin in 2025 due to the amount of time to complete a final design and acquire the property rights needed.

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Councilor Jeslin Shahrezaei:

16. On Page 70 with the govt grant listings why is the RAISE grant not included for the 6th and Wadsworth exchange? I thought that was funding to us and not CDOT?
 - a. This grant was awarded to the City of Lakewood and during the award process, it was determined that the grant should go directly to CDOT as it will be the managing entity on the project.
17. On p. 273 interdepartmental fleet electrification is listed as a goal and I wondered if this included investments by Community Resources to electrify the lawn equipment?
 - a. Yes, this does include lawn equipment. This will require investment in charging infrastructure throughout the City of Lakewood maintenance facilities.
18. p. 253 the 3 additional FTEs for Planning are distributed how? How many are meant to increase the staffing for the Sustainability Division?
 - a. Planning had requested a Grant Writer and one of the focuses will be sustainability grants, a Zero Waste Sustainability Planner to support the continued efforts of the Sustainability Divisions, and a Homeless Services Coordinator to support the Unhoused population. There is another Sustainability position that was placed in Non-Departmental, when this position responsibilities are finalized, the department will be determined.
19. P. 253 CIPP W Line bridge projected lights on 6th avenue is listed (I am overjoyed by this!!) is there an increased level of commitment from RTD to accomplish this in 2024 given Lakewood's projected financial commitment?
 - a. We have not restarted any discussions with RTD concerning this project; but we will do so if the budget is approved.
20. P. 331 the new mental health co-responders show a total of 3 FTEs. I wanted to understand where members of the CAT team are in the staff budget and what will be the TOTAL number of civilian staff positions in 2024 if all funded positions are hired to support the work with patrol officers (non admin positions).
 - a. The CAT team employees are housed in the Patrol Services Division of the Police Department. The total number of civilian employees in the Police Department would be 120.6 employees. The total number of sworn employees for the 2024 Proposed Budget is 273.

Questions that occurred during the Budget Study Session Presentation on 9/18/2023:

Counselor Mary Janssen

21. "On Budget Book page 138, it states property tax revenues are anticipated to increase in 2024 over 2023 by 10%. But in the budget book, page 62-63 shows that property taxes increases are 14,530,428; a 9.9% change and forecasted change for 2024 property assessed valuation 3,023,990,317... that's a 10.91% change. County Assessor 2023 preliminary value reports it is \$3,530,262,951 and the city reduces that by the TIP areas and new construction, so the net value is \$3,366,055,197. I did the math and it's a 24.26% difference and I want to know why that is such a big jump? I've talked about mill levy reduction and how can we do this with this difference?
 - a. Holly clarified that the city does not take out the LRA piece when property tax changes are calculated. Part of the difference is that the city does an estimate of property tax

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increases prior to receiving the tax assessor's preliminary findings and during the revised budget process, the city can update that forecast to better reflect the estimated property tax revenue based on updated valuations.

22. Counselor Janssen followed up by asking that if we do a mill levy reduction; that would need to be done in the next few weeks?
 - a. Holly responded that was correct.
23. Counselor Janssen then mentioned she prepared a proposed mill levy reduction and posted this proposal for the council to review.

Councilor Sophia Mayott-Guerrero

24. Counselor Mayott-Guerrero has the next question. My question is about cleaning up homeless camps and have we thought about the cost of performing the cleanups vs looking at alternatives to cleaning up camps when they have nowhere to go. Councilor mentioned that she has seen some places reduce their sweeping budget, and move funds to more permanent infrastructure budget to save money over time... possibly more sanitation workers, storage facilities to store peoples stuff while they are looking for shelter, etc. Councilor is wondering if this is a part of the budget discussion at all?
 - a. Director of Planning, Travis Parker responded that the city takes a holistic approach to addressing the unhoused populations. During camp cleanups, the city provides resources and housing solutions to the unhoused. Building affordable housing portfolios, looking at this holistically, are all a part of the city's plan to address the unhoused population.
25. Councilor Mayott-Guerrero next question. Is there any talk about expanding the hours of the CAT team, or alternative responders or co-responders? Councilor mentioned that she has talked to residents that have spoken about wait times to talk to the CAT team, for instance after normal work hours.
 - a. Police Chief Phillip Smith responded with currently CAT team works a 9-5 schedule Monday through Friday. The Chief is looking at expanding the CAT team, including civilian staff. The Chief wants to review statistics and data before making decisions about increasing certain staff levels.

Councilor Mary Janssen

26. Question on Creekside Walmart. Looks like the (PIF) ends next year, August of 2024. I saw these amounts \$1,482,206 and then there was a \$482,206. Which number are they getting reimbursed for?
 - a. Holly confirmed it's the \$1,482,206 number and Robert Smith from LRA will be discussing further in his presentation.

Questions that came after the Budget Study Session Presentation on 9/18/2023:

Resident and Budget and Audit Board Member: David Engle

27. How many homeless facilities do we have in Lakewood?

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- a. There are no homeless shelters in Lakewood. There are facilities that offer support services such as the Action Center, Jefferson Center for Menal Health, RecoveryWorks, Mean Street Ministries, Benefits in Action, and Family Tree.

28. Is there an overall summary of the 13 2024 Budget Adds with a brief description?

- a. Police Records Supervisor
- b. Traffic Signal Specialists (2 Positions)
- c. Permit Technician
- d. Fleet Parts Clerk
- e. Fiber Project Manager
- f. Tax Auditor III
- g. Grant Writer
- h. Zero Waste Sustainability Planner
- i. Homeless Services Coordinator
- j. Geographic Informational Systems (GIS) Technical Analyst
- k. City Clerk Position
- l. Sustainability Facilities Planner

Let us know if the titles are not descriptive enough for your understanding.

29. Why would Lakewood buy street lights from Xcel Energy? I am trying to understand the benefits, incremental maintenance, etc.

- a. We believe there is a beneficial payback in owning the streetlights. The Separation Study that is underway with Xcel will further help us with the economic analysis to determine the best path forward.

30. Page 59 – significant reduction of the Fund Balance for 2024 Proposed Budget of (\$76,879,672). Is there a comfort or minimum balance that City of Lakewood would like to maintain the Fund Balance for emergencies?

- a. The City of Lakewood has minimum fund balance requirements that are as a percentage of the operating expenses and transfers out.
 - 1. General Fund – 10%
 - 2. Capital Improvement Funds – 3%
 - 3. Grants Fund – 0%
 - 4. All Other Funds – 5%
- b. Over the last several years, there has been recognition of the investments that will need to be made in the future for infrastructure throughout the City of Lakewood. This has resulted in intentional saving for the General and Capital Fund Balances to be able to support these investments beginning in 2024.

31. Page 71 – What happened to the Colfax Safety Project between 2023 and 2024 Budget for \$9,247,557? Does the state grant conclude, and we found other funding sources?

- a. The state grant was awarded in 2023. The City of Lakewood is going to fund the remaining balance through the Capital Improvement Fund and the TABOR Fund.

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Councilor Richard Olver

32. What's a CIPP W Line Light on 6th Avenue?
- It is a coordinated effort between RTD and other stakeholders to add lighting and signage improvements to the light rail bridge that goes over U.S. Highway 6.

Questions that came during or after the Budget & Audit Board Meeting on 9/19/2023:

David Engle

33. What is the percentage of Lakewood residents that work from home vs in office?
- There currently aren't any statistics captured on this by the city.
34. What is the cost benefit of the city purchasing street lights from Xcel?
- The Study Session on 8-8-2022 outlines the potential benefits of acquiring the streetlights from Xcel. The City might be able to maintain the streetlights with current staff and convert the bulbs to LED lights which would save on electricity spends. A separation study is going to be completed in 2024 to determine feasibility.

Councilor Sharon Vincent

35. Is the Two Creeks park completed? The Parkland slide 28 shows completed but she doesn't think it is completed. Should this be included in underway?
- The purchase of the Two Creeks Park was completed in 2021. The development of the parkland is planned to be completed by the end of 2024. This will be updated on the budget presentation for 1st reading.
36. Where is the City at with the two major sales tax lawsuits? Wayfair and one other company.
- There hasn't been a ruling on these cases yet.

Resident Budget and Audit Board Member: Debra Hinsvark

37. Why is PW doing the work and Planning budgeting for the Colfax Safety Project?
- This is a shared project which occurs sometimes in city projects. Planning is doing the planning piece and PW the construction.
38. Why don't you include the Assessor's property tax estimate in the proposed budget?
- The city doesn't receive the Assessor's preliminary property tax estimate until the proposed book is complete, and the Assessor's final letter is provided after the budget is adopted. The assessor's estimate generally is relatively close to the city estimate so the adjustment is usually done in the revised budget with other revenue updates. Even though this year the % difference between the city estimate and the assessors seems significant because the city estimate is an 11% increase and the assessor estimate is a 29% increase over 2022 actuals, when you calculate the dollar impact it is approximately \$2.1M. \$2.1M is 1.3% of general fund revenue and .88% of total revenue. This is something that can be updated in the adopted budget if the City Council is interested in making this change. Property tax revenue estimates do not impact the number of mills the City levies. Mill levy adoption is an independent decision.
39. Have you done analysis on the impact of the 2020 Gallagher Amendment repeal on revenue?

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- a. Since the city of Lakewood is a home rule city the only impact from the Gallagher appeal is the change in assessed value. Property values are assessed by the Jefferson County Assessor's Office.
40. What is the revenue impact between the Preliminary Jeffco Assessment and the 2024 Proposed Property Tax estimate? What is the calculation for the Preliminary Jeffco Assessment? What is the calculation for the Proposed Property Tax Estimate?
- a. Please see Appendix A – "2024 Proposed Property Tax Information and Examples" at end of this document for the answer.

Councilor Rebekah Stewart:

41. Looking at the CIPP connected sidewalks project. How many miles of sidewalks will this project impact?
- a. 4.3 miles

Mayor Pro Tem Wendi Strom:

42. Can you identify the impact of the ballot HH?
- a. We will look into the specifics of Prop HH but do not have a good enough understanding of the implications yet.

Additional Questions after 9/19/2023

Councilor Richard Olver:

43. What are the core community values, priorities and goals of council as City staff understands them?
- a. The core community values are:
 1. Safe Community
 2. Open and Honest Communication
 3. Fiscal Responsibility
 4. Education and Information
 5. Quality Transportation Options
 6. Quality Economic Development
 7. Physical & Technological Infrastructure
 8. Quality Living Environment
 9. Community Sustainability

Here is the link to the City of Lakewood website for the Community Core Values.

<https://www.lakewood.org/Government/City-Council/Lakewood-Values>

Councilor Mary Janssen:

44. I've had requests that the Budget & Audit packets with presentations, minutes, and audio (or Zoom video) recordings be published at Lakewood.org or Lakewood Speaks. The only thing generally posted online is the agenda. When I've had constituents attend the meetings in person, they've noted it's been difficult on more than a couple occasions to hear the conversation. Are there microphones available in the room?

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- a. There are no microphones available in this conference room. The only location that has microphones is Council Chambers.
45. Has the finance department recently considered a zero-based budget method? That philosophy would fit in the “bottom up” development mentioned in the budget book page 7.
- a. Zero-based budget method has been considered by the city. The “bottom up” approach is actually quite similar to zero-based budgeting. When new programs or initiatives are brought up, zero based budgeting is the initial process. Additionally, there is a review of all department expenses and evaluation of spending vs budget to determine what should be adjusted within departments down to specific line level expenses.
46. Please send me a copy of the Creekside Shopping Center (WalMart) agreement and any contractual amendments.
- a. Please see the attached PDF
47. Since the Creekside Shopping Center developer LRA reimbursement ends 8/9/24 and revenues will then go to the general fund, is the estimated additional sales and property tax reflected in the GF budget for 8/10/24-12/31/24?
- a. The adjustment to revenue is planned to be made in the Revised 2024 and 2025 budget process next year. The property tax will have already been paid for 2024 by August 2024 and the sales tax from August – December is estimated to be approximately \$400k, but this estimate will be better assessed in 2024 with having previous month trending.
48. Did the general Equipment Replacement Fund (ERF) pay for the golf course network fiber expansion in 2023? (2024 budget pg 310)
- a. The project is to provide the Bear Creek Lake Park with fiber capabilities. The golf course would have the capability to tie into this in the future if needed. If this is the case, the golf course enterprise fund will be the funding source for the tie in.
49. If the answer is yes because Bear Creek Lake Park is also included, why wouldn't funding be appropriated based upon what is attributable to the organizational unit (e.g. Golf Course Enterprise Fund)
- a. N/A
50. There is a \$800,000 capital improvement project budgeted for the W-Line lights on the bridge over 6th Avenue. How did this get inserted into the budget as it was not a council priority during the board planning session? Who made the decision to insert this expenditure into the proposed budget?
- a. This project was submitted during the 2023 Revised and 2024 Budget Process by the Public Works Department. This revitalization project aligns with City Council Goal 3 “Beautiful and Sustainable City”. Over the last several years, there have been conversations between RTD officials and the City of Lakewood to revitalize the W-Line Bridge with the intent to restore lighting included in the original construction to meet contemporary standards.

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51. Why would lights on the 6th Avenue overpass be a bigger priority than examples: Wadsworth or Sheridan sidewalks, Colfax Water Line, flood control, wildfire prevention, Peak View improvements/maintenance, police body worn camera annual maintenance, or existing building repairs?
- The City of Lakewood has a comprehensive budget process that includes all budget requests, operating expenses, and capital projects. Each request goes through the same process to identify its impact if it is within City Council goals and determine if the necessary resources are available. This process ensures that the City makes informed decisions on how resources are allocated and projects are prioritized that will result in the greatest impact on the community. The items mention in your question were reviewed in the budget process and funding proposed for 2024. One exception is the Colfax Water Line project was originally planned to be funded through Congressionally Directed Spending, but it was not awarded the funding, so this item is being reevaluated.
52. Does the city have an internal auditor? Has there ever been an internal auditor position that would be a direct response to the city council? E.g. City and County of Denver has an elected internal auditor.
- The City does not have an internal auditor. The Budget and Audit board serves in an oversight capacity for the city.
53. Please provide the equation and supporting documents from the county assessor that sum to the estimated \$14,530,428 property tax revenue for year 2024 included on page 62.
- The equation for the \$14,530,428 is: 2021 Property Tax collection = \$13,090,476 multiplied by the average every other year growth of 11% of recent property tax revenue increases. ($13,090,476 * 1.11 = 14,530,428$).
 - The County Assessor does not provide the Property Tax Preliminary Assessment until after the City of Lakewood proposed budget book is complete.
54. Did Lakewood ballot Issue 2D (November 2018) amend our city charter section 12.12 “Property Tax Limitations”?
- No. Charter 12.12 and TABOR are two different issues. Ballot Issue 2D had to do with TABOR. The voters passing 2D in 2018 gave the city the authority to keep revenue collected above the TABOR calculation limit for specific purposes for the fiscal years 2017 through 2025. Section 12.12 was interpreted prior to the adoption of TABOR. The language of Charter 12.12 has always been interpreted and applied to restrict the amount the City Council could increase the mill levy rate without voter approval to no more than 7% annually.
55. Did the city comply with charter section 12.12 “Limitation on Property Taxes” for tax years below?
- The ACFR indicates property tax revenue increases in these respective years:

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Assessment & Collection Year	% of increase	Revenue change
2021/2022	+9.9%	+ \$1,167,223
2019/2020	+12.9%	+ \$1,358,353
2017/2018	+15.8%	+ \$1,449,321

- a. Yes, the city complied with charter section 12.12. Section 12.12 has always been interpreted and applied to restrict the amount the City Council could increase the mill levy rate without voter approval to no more than 7% annually, it was not interpreted that the dollars collected is limited by 7% growth from the previous year. The mill levy rate has been at 4.711 since 1991. The mill levy rate from 2018 – 2022 has remained at 4.711 mills so there has not been any increase in mills during that time. In 2017 there was a temporary mill levy rate reduction put in place to refund the prior year tax collected above the TABOR limit. The mill levy rate returned to 4.711 in 2018 with the voters passing 2D in 2018.

To provide you with further information, below is a quick overview of how the City has interpreted and applied section 12.12 in the city charter.

Interpretation of Section 12.12. Section 12.12 was interpreted and applied by Lakewood to be a local restriction upon the amount the City Council could increase the mill levy rate without voter approval to no more than 7% annually because it was written and adopted at a time when there was no State cap on City Council authority to increase the mill levy rate. In 1992 TABOR was adopted and created a State cap on the amount by which local governments could increase their levies.

Section 12.12 terms were interpreted and applied after adoption of the Charter in 1983 and those interpretations have continued to be followed.

Colorado local government’s definition of Mill Levy/Levy. The term “levy” as used throughout Section 12.12 is understood to mean “mill levy.”

The phrase “the limitation on the levy of an annual ad valorem tax on taxable property” was interpreted to mean “the limitation on the mill levy rate of an annual ad valorem tax”. This interpretation of Section 12.12 means that the “mill levy” (rate) may not to be increased from that imposed the preceding year plus 7%, it was not interpreted that the specific dollars collected is limited by 7% growth from the previous year.

Defining Amount. The word “amount” has been defined to be the “amount of the mill levy rate” because the City Council only had (have) specific control over the “amount of the mill levy”. If the intent of Section 12.12 was that the 7% is based on “amount of dollars” then one would also expect there would be a section about having to return funds if the amount of dollars ends up exceeding 7% and how those funds should be returned since the city would not have final audited actual amount of dollars until 6 months after the fiscal year has completed. In contrast, the TABOR law which was passed in 1992 recognizes that the property tax system works a year in arrears and provides that the funds are to be collected but then returned if the funds result in an actual dollar amount in excess of that allowed under TABOR. As section 12.12 lacks any language concerning returning funds and lacks language on the method of how to do

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so, it follows that the intent of the terminology referring to the “amount of the mill levy” refers to the mill levy rate itself and not the eventual amount of tax collection.

56. The budget books do not reference city charter 12.12 “Limitation on Property Taxes” in the budget book section “Budget and Financial Policies”.
- How would external auditors be aware of the charter 12.12 property tax limit since it’s not noted in budget book or the annual comprehensive financial report?
- a. The external auditors that are selected are experienced in governmental auditing. The City of Lakewood City Charter is posted and can be accessed by the public. We don't see or have access to their audit programs, so they keep their independence, but we provide support/documents for whatever they ask. Generally, anything that is public, staff do not directly provide to external auditors.
57. If auditors were aware of this limit - what were their comments about exceeding the 7% max such as the years listed in the table above?
- a. The city has not received comments on section 12.12 from the external auditors.
58. When I add up the sales and property tax increments columns listed in the table, I come up with \$32.76 million being reimbursed to WalMart. The +\$32 million is above the max \$24.3 million you described. Am I misreading something?
- a. The table that was requested was the total incremental sales and property taxes generated from the area. Those amounts in full are not remitted back to the developer as the LRA receives 1% of the monthly incremental sales and property taxes and the City of Lakewood receives \$1M annually in sales tax.
59. Why would WalMart get additional interest and ancillary costs on top of the \$24.3 million? That may be in the contract but I ask the question for now.
- a. The contract states that an interest rate of 5.58% annually would be applied to the remaining reimbursable costs. This is listed on page 4.
60. Regarding the Public Improvement Fee (PIF), I would think that would also be included in the reimbursable amounts which would further increase the \$32.76 million. Hopefully the contract answers the PIF question.
- a. The PIF is not a reimbursement from the city. The city is the administrator of PIF only. The funds are sent to the developer from the city because the city is the administrator for collecting PIF.
61. Last question for now, when the Creekside developer reimbursement terminates 8/9/24, the sales and property tax increments will be going to the city’s general fund instead of the LRA – correct?
- a. This is correct.

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Councilor Richard Olver:

62. The Economic Development Budget seems to be going up tenfold from 2022 to 2024 – why is that?
- a. The increase of \$7.3M from 2023 to 2024 is mainly related to \$6.3M proposed for supporting short- and long-term solutions for the unhoused population. The remaining increase is related to additional community grants programs and increased incentives for businesses of Lakewood.

Councilor Sharon Vincent:

63. Developers pay a fee if they do not provide the park/open space requirement. This is dedicated to where the development is occurring. Where is the money in the budget and how much is there?
- a. This is correct. The money is received into the Open Space Fund which is reflected on page 113 of the Budget Book. It is included in the Intergovernmental Revenues line item. It is dedicated to the District in which the project occurs. Appendix B has a map outlining the Parkland Dedication Districts in the City of Lakewood.
 - b. For the 2024 Budget, there is \$2,100 per District. This amount is the base that is plugged in for the original budget and revenues are evaluated depending on how far along projects are in the individual areas.

Councilor Mary Janssen:

64. Who interpreted 12.12 and is this presented in a historical document?
- a. Holly Bjorklund, as Chief Financial Officer, and previous Finance Directors have researched the application of 12.12. Subsequent to TABOR being adopted in 1992 there has been no action taken under 12.12 and the City of Lakewood has been following the requirements of TABOR.
65. Did a court weigh in on this interpretation?
- a. No
66. I'd like to get our current legal counsel to weigh-in on charter section 12.12 and their interpretation of the plain reading.
- a. The COA has reviewed the past and current interpretation of 12.12 and has found it to be legally supportable.

Appendix A - City of Lakewood 2024 Proposed Budget Property Tax Information and Examples

We thought it would be helpful to provide some additional information on Property Tax and some examples for the discussion during the 1st reading. Please see below for additional information. We have also provided this information as a separate document for your convenience.

What is the revenue impact between the 2024 Preliminary Jeffco Assessment (29% Growth) and the 2024 City of Lakewood Proposed Property Tax Estimate (11% Growth)?

2024 Preliminary Jeffco Assessment (29% Growth from 2022 Actuals)	\$	16,631,069
2024 City of Lakewood Proposed Property Tax Estimate (11% Growth from 2022 Actuals)	\$	14,530,428
Revenue Impact	\$	2,100,641

What is the calculation for the City of Lakewood 2024 Property Tax Revenues using the 2024 Preliminary Jeffco Assessment of 29% Growth?

$(\text{Property Value} \times \text{Mill Levy Rate}) / 1,000 = \text{Property Taxes to be Received}$

Preliminary Jeffco Assessment $(\$3,530,262,951 \times 4.711) / 1,000 = \$16,631,069$.

What is the calculation for Property Tax Revenues for 2024 for the City of Lakewood of 11% Growth?

2021 Property Tax collection x the recent average of every other year growth = Proposed Property Tax Estimate

Proposed Property Tax Estimate $(13,090,476 \times 1.11) = 14,530,428$

What is the estimated home value in 2023 compared to 2022 home values of \$400K, \$600K, and \$800K?

2022 Value	2023 Estimate at 29% Increase
\$400K	\$516K
\$600K	\$774K
\$800K	\$1.03M

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

With the increased home values listed above, how much will the taxpayer who owned a \$400K, \$600K, or \$800K home in 2022 now pay to the City of Lakewood in 2024?

2022 Home Values	2023 Home Values	2022 City of Lakewood Property Taxes Portion	2023 City of Lakewood Property Taxes Portion Using the 2024 Preliminary Jeffco Assessment	Increase from 2022 to 2023
\$400K	\$516K	\$149	\$192	\$43
\$600K	\$774K	\$224	\$289	\$65
\$800K	\$1.03M	\$299	\$386	\$87

If the City of Lakewood were to reduce the mill levy from 4.711 to 3.85 mills in 2024, what would the financial impact be to the city?

2024 Preliminary Jeffco Assessment	
4.711 Mills	\$16,631,069
3.85 Mills	<u>\$13,591,512</u>
Revenue Impact	\$3,039,557

Each 1.0 Mill is equal to approximately \$3,530,263 in revenue to the City of Lakewood. Half a Mill is equal to approximately \$1,765,132 in revenue to the City of Lakewood.

Using the 2024 Preliminary Jeffco Assessment of a 29% increase in home values (\$400K to \$516K), what would be the impact to a City of Lakewood Taxpayer if the mills were reduced from 4.711 mills to 3.85 mills?

2022 \$400K is now a 2023 \$516K Home City of Lakewood portion of tax payment	
4.711 Mills	\$192
3.85 Mills	<u>\$157</u>
Taxpayer benefit	\$35

Using the 2024 Preliminary Jeffco Assessment of a 29% increase in home values (\$600K to \$774K), what would be the impact to a City of Lakewood Taxpayer if the mills were reduced from 4.711 mills to 3.85 mills?

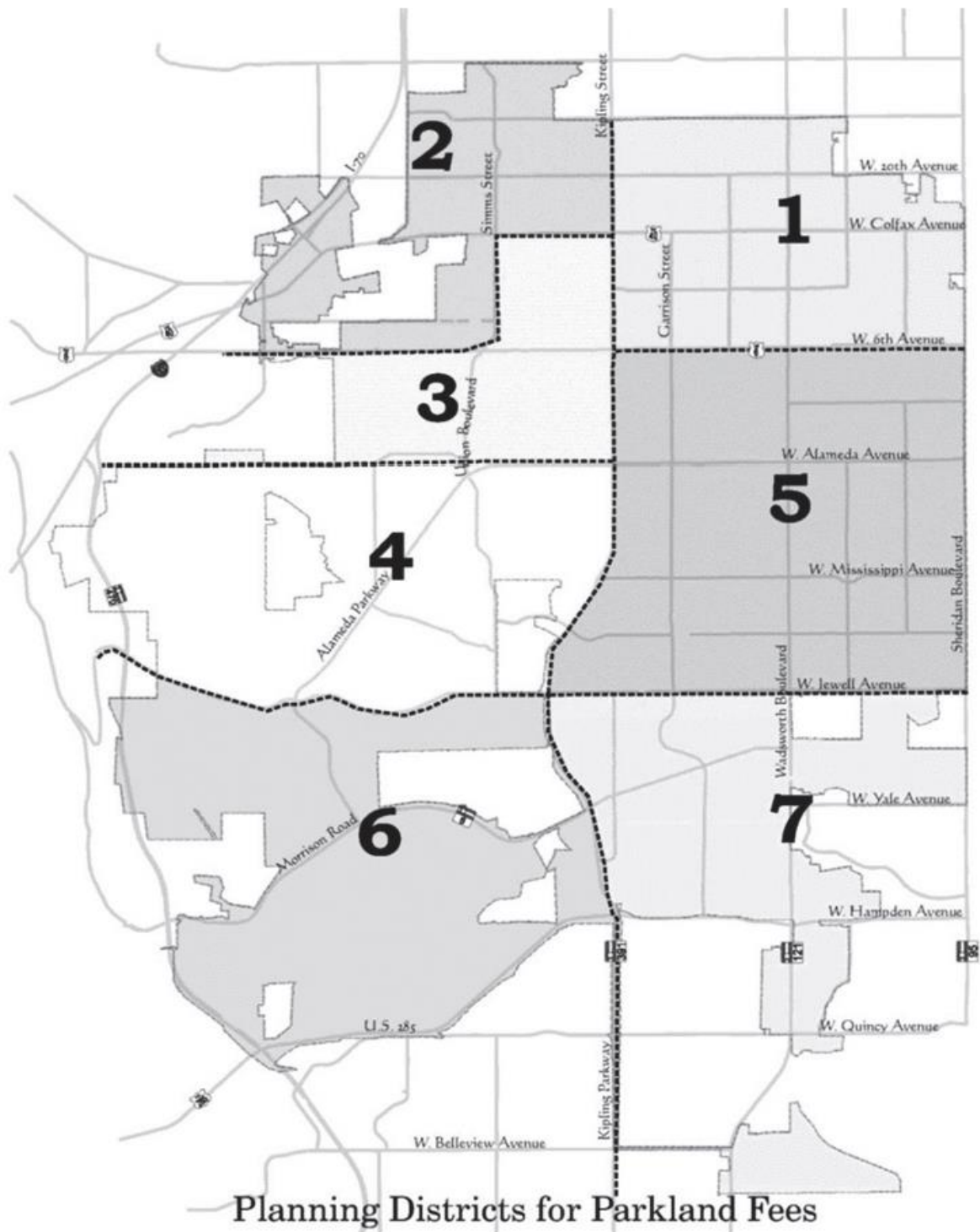
2022 \$600K is now a 2023 \$774K Home City of Lakewood portion of tax payment	
4.711 Mills	\$289
3.85 Mills	<u>\$236</u>
Taxpayer benefit	\$53

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

Using the 2024 Preliminary Jeffco Assessment of a 29% increase in home values (\$800K to \$1.03M), what would be the impact to a City of Lakewood Taxpayer if the mills were reduced from 4.711 mills to 3.85 mills?

2022 \$800K is now a 2023 \$1.03M Home	
City of Lakewood portion of tax payment	
4.711 Mills	\$386
3.85 Mills	\$315
Taxpayer benefit	\$71

Appendix B – City of Lakewood Parkland Dedication Districts



City Council Request for Legislative Modifications



Submitted on 18 September 2023, 8:50PM
Receipt number 43
Related form version 7

Council member sponsor(s) Mary Janssen, Rich Olver

Enter email address to receive a copy of this submission marjan@lakewood.org

Briefly describe the minor modification being requested 2023 Mill Levy reduction
Taxpayers deserve to have their mill levy reduced. That needs to occur before the budget is finally approved. Staffs response that we wait to adjust the budget next year is too late.

Provide history / background information that supports the request Whereas, Lakewood's total taxable property value has increased 24.3% for year 2023 as reported by the County Assessor on August 25, 2023, and
Whereas, a 24% increase in taxable values results in higher property taxes and bears undue financial harm to residents, businesses, and consumers for property tax bills payable 2024, and
Whereas, Lakewood City Charter requires the 2024 budget and 2023 Mill Levy to be adopted by the first day of November, and
Whereas, Lakewood City Council has the statutory duty to certify the ad valorem property tax levy to the Jefferson County Commissioners no later than December 15 each year.
And please see attachment for full document.

If it needs expedited handling, please provide an explanation why Inadequate discussion occurred at the September 18 Budget Study Session. I would like further discussion September 25th, 2023 under General Business

Attach file if needed [Janssen Draft Mill Levy Reduction-VI.pdf](#)

Submitted by: City Councilor Mary Janssen

Submitted for review and comment at the proposed 2024 budget study session scheduled for September 18, and under general business September 25th, 2023. Followed by tentative motion for the 1st public hearing to be held October 9, 2023

Proposed Motion to Set Lakewood Mill Levy

Whereas, Lakewood's total taxable property value has increased 24.3% for year 2023 as reported by the County Assessor on August 25, 2023, and

Whereas, a 24% increase in taxable values results in higher property taxes and bears undue financial harm to residents, businesses, and consumers for property tax bills payable 2024, and

Whereas, Lakewood City Charter requires the 2024 budget and 2023 Mill Levy to be adopted by the first day of November, and

Whereas, Lakewood City Council has the statutory duty to certify the ad valorem property tax levy to the Jefferson County Commissioners no later than December 15 each year, and

Whereas, 2023 proposed ballot issue Proposition HH doesn't include a property tax cap for the City of Lakewood or other home-rule jurisdictions, and

Whereas, property taxes are a factor in housing affordability and such tax assessments should be determined/calculated to produce lower taxes to improve housing affordability and financial stability, and

Whereas, the City of Lakewood has retained nearly \$38 million dollars in Taxpayer's Bill of Rights (TABOR) rebates due to a temporary waiver from revenue limits for years 2017-2022 which includes an additional \$7 million in addition to the initial 2022 budget, and those over-collected taxes would otherwise have been refunded to taxpayers, and

Whereas, prior to the temporary TABOR rebate forfeiture, the over-collected taxes were refunded by reducing the property tax levy in years 2015-2017 and reduced fees to owners in prior years, and

Whereas, the City of Lakewood's ability to withhold TABOR rebates from taxpayers extends through December 31, 2025, and

Whereas the City of Lakewood did not reduce the mill level during the years from 2019 to 2022 resulting in a property tax revenue increases for the City during that period of about 24 % (about 8% incase per year), private sector salary increases were limited to 4 or 5 percent per year, creating an undue burden on property tax payers, and

Whereas, the economic development agreement with Creekside Shopping Center (Wal- Mart) terminates 8/9/2024 will result in increased revenue to the city, and

Whereas , City sales tax amounts collected increase automatically in conjunction with recent ongoing inflating costs of goods and services, creating increased amounts of tax revenue for the City, while compounding the burden on the sales tax payer by paying both more for the products and services, and simultaneously paying more sales taxes due to the rising prices on the goods and taxable services, and

Whereas, the Lakewood City Charter 12.12 states that the City Council shall not levy an ad valorem tax on taxable property in an amount greater than was levied in the preceding year plus seven percent (7%), with exceptions, and in prior years we have exceeded 7% without any apparent adjustment,

Therefore, City Councilor Mary Janssen and _____make a motion to set the 2023 property tax levy at 3.85 mill for year payable 2024.