

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY, 80226
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
OCTOBER 23, 2023
7:00 PM

OR IMMEDIATELY FOLLOWING THE 6:30PM LRA MEETING

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](https://lakewoodspeaks.org)

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **870 1796 0123**

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

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

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 5 – ORDINANCE O-2023-41 – 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

ITEM 6 – 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.

ITEM 7 – GENERAL BUSINESS

A. REQUEST FOR LEGISLATIVE MODIFICATIONS

ITEM 8 – MAYOR AND CITY COUNCIL REPORTS

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 9 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: OCTOBER 23, 2023 / AGENDA ITEM NO. 5

To: Mayor and City Council
From: Holly Bjorklund, Chief Finance Officer
Subject: **ADOPTING A REVISED 2023 BUDGET AND 2024 BUDGET FOR THE CITY OF LAKEWOOD, COLORADO**

This ordinance was approved on 1st Reading by a vote of 8 ayes 1 nay.

SUMMARY STATEMENT: An ordinance for the 2023 Revised, 2024 Annual Budget and associated mills will be covered tonight.

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 Ordinance O-2023-41 on second reading.

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.org since September 11th, 2023.

NEXT STEPS: If Ordinance O-2023-41 is approved by City Council on second reading, the 2023 Revised and 2024 Proposed City Budget will be adopted.

ATTACHMENTS: Ordinance O-2023-41
City of Lakewood 2023 Revised and 2024 Budget Questions
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)
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 ⁽³⁾ 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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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?

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

- 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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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:

Resident Budget and Audit Board Member: 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?

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

- 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?

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

- 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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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?
- a. 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.
- a. 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.
- a. The equation for the \$14,530,428 is: 2023 Budgeted Property Tax collection = \$13,090,476 multiplied by the average every other year growth of 11% of recent property tax revenue increases. ($13,090,476 * 1.11 = 14,530,428$).
 - b. 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”?
- a. 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:

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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.

Questions from the 10/9/2023 1st Budget Public hearing

Councilor Sophia Mayott-Gurrero

67. Wondering if any new sidewalks are being build in Ward 2 besides the Colfax Safety Project
- a. The CIPP proposes several projects which include sidewalk design and construction in Ward 2, including:
 - i. 10th Ave sidewalk project, Wadsworth Boulevard to Pierce Street
 - ii. Reed Street sidewalk project, Lakewood Place to 17th Avenue
 - iii. 20th Ave sidewalk project, Vance Street to Reed Street
 - iv. Colfax Safety Project

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

- b. How sidewalk construction locations are selected is dependent on funding. Each funding source involves unique factors that determine the locations where sidewalks are built. Funding sources include but are not limited to public improvements built by developers as a development requirement, Community Develop Block Grants, TABOR fund, Neighborhood Participation Program Grants, federal grants, Safe Routes to School Grants, City of Lakewood Bike Paths/Sidewalk Program Funds and other sources such as the Lakewood Reinvestment Authority (LRA).

Councilor Springsteen

68. How much of the Public Works budget is Police related?
 - a. All the Police expenses are billed back to the Police Department. Although Public Works purchases the vehicles and works on the vehicles (for the entire city), these charges are billed back to the individual departments.

Additional Questions After 10/9/2023

Councilor Janssen

69. I would please like a listing as far back as you can go, as to the year to year increase of property taxes and dollar amounts and percent of increase by year collected by the city of Lakewood.
 - a. Please see appendix C
70. I would please like a copy of the original city charter.
 - a. The link was sent out on 9/26/2023. The City Charter is available at: [City of Lakewood City Charter](#) Amendments to the City Charter are identified on page 2.

Councilor Richard Olver

71. Can you point me to the page where money for more dog parks is budgeted in the 2024 budget?
 - a. It is listed on page 17 of the CIPP sheets under Site & Facility Improvements
72. Do you know where in the budget - specifically. the money to add the upright wiffleball bats and concrete separators for S. Garrison, Denver West, and Harlan (?) st. is located?I intend to make a motion to transfer this money into a fund to actually build a bike lane on Garrison, south of Jewell.
 - a. The line item for Separated Bike Lanes is shown on p. 318 of the 2024 Proposed Annual Budget, and the project detail is shown on p. 13 of the 2024 CIPP Project Budgets. At this time, we do not have a scope or cost estimate for a project to create a bike lane on S. Garrison Street south of Jewell Avenue. Such a project would be significantly more costly than the Separated Bike Lanes project because it would likely involve property acquisition, relocation of existing street infrastructure and traffic signals. In the current configuration, "sharrow" pavement markings are used to indicate shared use of the traffic lane by vehicles and bikes for a distance of approximately 1,000 feet.
73. (Clarification on question 43) What are the core community values, priorities and goals or council as City staff understands them?

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

- a. On question 43, the first part of the question was answered on core values and the link. The second part of the question on City Council goals was missed. The budget process starts with the community values (mentioned in the answer for 43) and City Council Goals which for 2023 are:

- Secure, Inclusive and Affordable Neighborhoods
- Safe and Accessible Streets
- Beautiful and Sustainable City
- Effective, Accountable, Transparent, and Data-Informed Government
- Short and Long Term Solutions for the Unhoused
- Strong Health Economy

City Council and Community Priorities are built into the City Council Goals as the City Council goes through the development process. In the presentation on 9/26/23 it was discussed that core community values, priorities and city council goals are used during the budget process. These are used as part of the prioritization process for what is submitted by departments and justification for moving project forward to propose as part of the budget. In the department sections of the budget presentation from 9/26/23 on pages 33, 42, 49 and 57 the departments identify city council goal alignment for their departments.

Councilor Jeslin Shahrezaei

74. On page 32 of the CIPP packet Graham Park is included for \$280k. Do we know what this is meant to accomplish? I am just trying to understand is this an allocation to make an investment in the property in some fashion yet to be determined or do we already know how we would spend the \$280k?

- a. The project scope at Graham Park has not been finalized yet. Community Resources is going through a Community Engagement Process that is beginning this month. In November, they will host a Public Open House with the project team to discuss the feedback they have received from the public.

All the information is posted at: [Graham Park Improvements](#)

75. During the 2023 Revised 2024 Proposed Budget 1st Public Hearing on 10/9/23 the City Council requested examples of the impact of reducing the mill levy to 4.28 Mills and 3.85 Mills.

- a. The updated examples are provided in Appendix A.

City of Lakewood 2023 Revised Questions and 2024 Budget Questions

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

These examples replace the previous examples provided on 10/4/23. Update as of 10/20/23.

Data update:

1. The examples were reset for the home values to \$400, \$600, \$800 in 2023.
2. The Assessment % was reset to 2023. Previously the example showed 2022 which was a higher % so the amount estimated for the taxpayer to pay the city is lower than the previous example.
3. The impact on the city is now set at the net assessed value vs the gross assessed value.

Residential Property Owner Impact

\$400K Home in 2022	
4.711 Mills	\$ 149

\$400K Home in 2023	
4.711 Mills	\$ 127
4.28 Mills	\$ 116
Taxpayer Benefit	\$ 12

\$400K Home in 2023	
4.711 Mills	\$ 127
3.85 Mills	\$ 104
Taxpayer Benefit	\$ 23

\$600K Home in 2022	
4.711 Mills	\$ 224

\$600K Home in 2023	
4.711 Mills	\$ 191
4.28 Mills	\$ 174
Taxpayer Benefit	\$ 17

\$600K Home in 2023	
4.711 Mills	\$ 191
3.85 Mills	\$ 156
Taxpayer Benefit	\$ 35

\$800K Home in 2022	
4.711 Mills	\$ 299

\$800K Home in 2023	
4.711 Mills	\$ 255
4.28 Mills	\$ 232
Taxpayer Benefit	\$ 23

\$800K Home in 2023	
4.711 Mills	\$ 255
3.85 Mills	\$ 208
Taxpayer Benefit	\$ 47

City Impact

2023 Budget \$13.1M

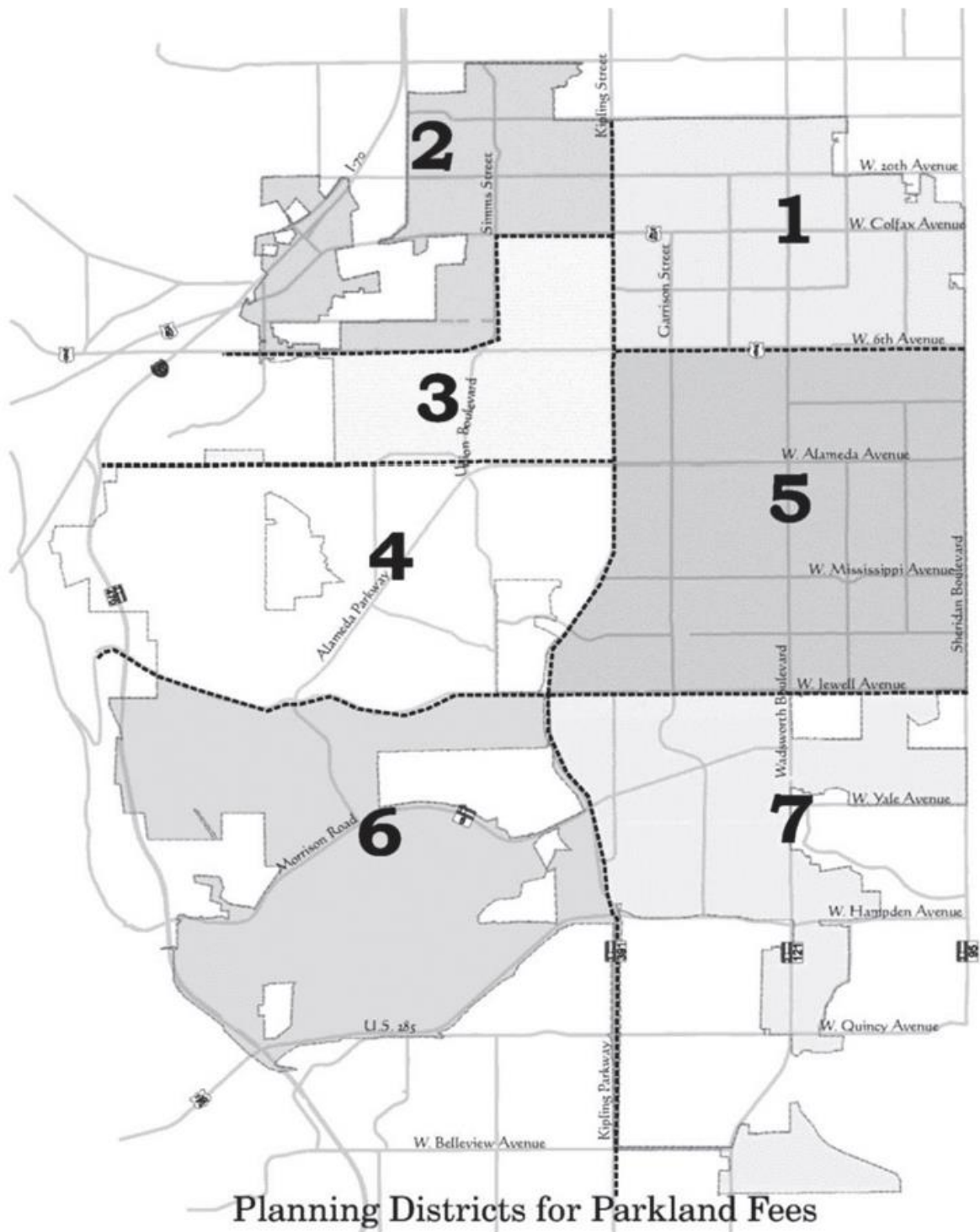
Mill Levy Rate	Preliminary Net Assessed Value from Assessor's Office as of August 2023
4.711 Mills	\$16.0M
4.28 Mills	\$14.5M
3.85 Mills	\$13.0M

2024 Proposed Budget \$14.5M

Change in Revenue from 2023 Budget (Increase/Decrease)	Change in Revenue from 2024 Proposed Budget Increase/(Decrease)
\$2.9M	\$1.4M
\$1.4M	\$0M
\$0M	-\$1.5M

Note: This is only an illustration of the estimated impact of reducing Property Tax Mills from 4.711 to 4.28 or to 3.85 for the Fiscal Year 2024 using the 2023 Assessment Percentage. This calculation on specific properties will vary.

Appendix B – City of Lakewood Parkland Dedication Districts



Appendix C – City of Lakewood Historical Property Taxes

Year	Property Tax Revenues	Dollar Increase	Percent Increase
2005	7,337,046		
2006	7,635,192	298,146	4.06%
2007	7,631,817	(3,375)	-0.04%
2008	8,104,568	472,751	6.19%
2009	8,017,422	(87,146)	-1.08%
2010	8,039,443	22,021	0.27%
2011	7,986,944	(52,499)	-0.65%
2012	7,573,830	(413,114)	-5.17%
2013	7,601,278	27,448	0.36%
2014	7,715,595	114,317	1.50%
2015	7,737,330	21,735	0.28%
2016	9,152,158	1,414,828	18.29%
2017	9,150,515	(1,643)	-0.02%
2018	10,599,836	1,449,321	15.84%
2019	10,529,868	(69,968)	-0.66%
2020	11,888,221	1,358,353	12.90%
2021	11,816,003	(72,218)	-0.61%
2022	12,983,236	1,167,233	9.88%

City Council Request for Legislative Modifications



Submitted on 11 October 2023, 11:40AM
Receipt number 44
Related form version 7

Council member sponsor(s) Anita Springsteen and Rich Olver

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

Briefly describe the minor modification being requested Requirement of dedication of parkland and open space instead of fee in lieu on 777 S. Yarrow development, requirement developer work around 69 mature trees, requirement developer provide 2 parking spaces per unit, requirement to protect natural environment and seamlessly integrate with neighborhood.

Provide history / background information that supports the request

Whereas, the citizens of Lakewood are very concerned about the proposed development at 777 S. Yarrow with respect to safety (of citizens and first responders), about protecting and enhancing the natural environment and wildlife at one of the most unique and tranquil parks in the entire state (which is known nationally as a migratory stop for Double-Breasted Cormorants and other endangered species), about sustainability and habitat with regard to the tree canopy that is ancient for Colorado standards and cannot be replaced, about the requirement under the Comprehensive Plan that site plans seamlessly integrate with the neighborhood, and so much more.

The People of the City of Lakewood ask to make sure this development does not destroy everything that May Bonfils meant this land to be – a protected oasis in the city providing a connection to Colorado nature.

And please see attachment for full document and motion.

If it needs expedited handling, please provide an explanation why As the site plan could be approved at any given moment, these protections must be put in place as soon as possible. We request to make the motion at the October 23, 2023 City Council meeting during General Business. The public has demanded this.

Attach file if needed [Belmar Park Resolution-1.pdf](#)

Resolution

Requiring dedication of parkland and open space instead of a fee in lieu and other requirements for any development at Belmar Park West, 777 South Yarrow Street in Lakewood, CO 80226 -

LOT 3, IRONGATE EXECUTIVE PLAZA SUBDIVISION LOT LINE ADJUSTMENT NO. 1,
PARCEL LOCATED IN THE WEST QUARTER OF SECTION 14,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

Lakewood Project Number: SP22-0010

Whereas Article 7.1 of the [City Charter](#) empowers City Council to act by resolution;

Whereas [Article 17.1.7.1](#) of the Zoning Ordinance states:

- "No oversight or error on the part of the Director or any employee of the City shall legalize, authorize, or excuse the violation of any of the provisions in this Zoning Ordinance."

Whereas the Lakewood Zoning Ordinance 17.1.2 prominently displays on the first page of the zoning ordinance after the Table of Contents that the purpose and intent "**To protect and enhance the natural environment** including the conservation of natural features, land and energy" is one of the first three intended purposes that developers, planners, city councilors and citizens see;

Whereas the Lakewood Zoning Ordinance 17.1.3 states that:

"**All** land use decisions **shall** be consistent with the goals and policies of the Comprehensive Plan and with the Purpose and Intent of this Zoning Ordinance."

Whereas Article 17.1.3 in effect makes the Comprehensive Plan binding, not merely advisory as per [CO Rev Stat § 30-28-106 \(2020\)](#) ;

Whereas Chapter 7 page 4 of the Comprehensive Plan states GOAL-S-CL1:

Resolution

" The City shall be a leader in sustainability."

Whereas Chapter 7 Pages 3 and 4 of the Comprehensive Plan state that:

"Sustainable development means improving the quality of life of humans, while living within the carrying capacity of supporting ecosystems."

"Sustainable design is the careful nesting of human purposes with the larger patterns and flows of the natural world"

"The Sustainability Plan is used to guide the community to reach economic prosperity, social equity, and environmental health. It provides measurable strategies for Lakewood to become more resource and energy efficient, to meet ecological and economic challenges, and to protect vital resources including air, water, climate, **and the natural environment.**"

Whereas the **Sustainability Plan** Chapter 6 Natural Systems states the following Goals and Targets:

- "Mitigate the negative effects of the built environment and human behavior on Lakewood's natural systems to **ensure biodiversity** and enhance ecosystem services."
- "Increase the acreage of functional and healthy natural ecosystems"
- "Achieve tree canopy coverage of 30 percent by 2025."

Whereas the Belmar Park West Major Site Plan for 777 S Yarrow Street, Lakewood, CO 80226 includes removal of 69 trees;

- The tree canopy of these 69 trees is a habitat for various life forms including birds and insects which are part of the natural environment of Lakewood which Article 17.1.2 of the Zoning Ordinance requires to be protected and enhanced;
- The proposed 433 3-inch mitigation trees only approximates 16% of the removed tree canopy which represents a significant loss of the natural

Resolution

environment in violation of Article 17.1.2 of Lakewood's Zoning Ordinance purpose and intent that the natural environment be protected and enhanced;

Whereas the Belmar Park West Major Site Plan for 777 S Yarrow Street, Lakewood, CO 80226 includes a supplemental proposal to pave a portion of open space for a parking lot and thereby reduces the acreage of functional and healthy natural ecosystems;

- Reducing the acreage of functional and healthy natural ecosystems is inconsistent with the above-mentioned Sustainability Plan goal to increase the acreage of functional and healthy natural ecosystems;

Whereas another stated purpose of Article 17.1.2 of the Zoning Ordinance is: "To promote the public health, safety and welfare of the citizens of the City of Lakewood";

- The major site plan for 777 S Yarrow St has little or no area for snow storage which could create a hazardous condition in violation of the purpose and intent of the zoning ordinance to promote the public health, safety and welfare of the citizens of the City of Lakewood by delaying emergency response after a winter storm if snow and ice cannot be properly cleared due to lack of snow storage;

Whereas S Yarrow Street is so narrow it cannot legally accommodate a painted center stripe;

Whereas the Kimley-Horn traffic study estimates over two thousand two hundred additional car trips per day not counting Amazon, UPS or other deliveries on that narrow residential street;

Whereas thousands of additional car trips and deliveries per day on a street so narrow a center stripe is not possible does not **seamlessly integrate** with the neighborhood as required by GOAL L-N2 of Lakewood's Comprehensive Plan;

Whereas the Comprehensive Plan GOAL L-N2 on p.4-10 requires and is not achieved:

Resolution

- "Through the site plan review process and design guidelines, ensure that new multifamily, mixed-use, and commercial developments adjacent to single-family neighborhoods are compatible by incorporating appropriate design, scale, height transition, and connectivity to **seamlessly integrate with the neighborhood.**"
- "Develop new residential design guidelines that reflect sensitive design principles and, through the site plan review process, work to **mitigate the impact of infill development** on existing single-family properties."

Whereas there are no mitigations as required by GOAL L-N2 of Lakewood's Comprehensive Plan to mitigate the impact of infill development causing thousands of additional vehicle trips per day in the existing residential area;

Whereas over the last 50 years 3 billion birds have been lost in the US and Canada;

Whereas two thirds of North American bird species are at risk of extinction;

<https://www.pbs.org/newshour/show/2-out-of-3-north-american-bird-species-face-extinction-how-we-can-save-them>

Whereas the ongoing decline of bird populations increases the urgency of bird conservation measures;

Whereas the Lakewood Zoning Ordinance requires the natural environment to be protected and enhanced;

Whereas over 230 bird species have been documented at Belmar Park including several species protected by the Migratory Bird Treaty Act (MBTA) such as double-crested cormorants and which therefore are intended to be protected and enhanced as a stated purpose of Article 17.1.2 of the Lakewood Zoning Ordinance;

Resolution

Whereas the US Fish and Wildlife Service (USFWS) "will enforce the MBTA and investigate incidents where the prohibition on the incidental take of birds has been violated;

<https://www.fws.gov/guidance/sites/guidance/files/documents/do225.pdf>

From <<https://www.fws.gov/node/418591>>

Whereas occurrences of incidental take in Belmar Park due to future disturbance from adjacent construction activity including nest abandonment and habitat avoidance may be observable to knowledgeable park visitors;

Whereas knowledgeable park visitors will likely report incidents of incidental take to USFWS;

Whereas USFWS remedial enforcement actions could include closure of Belmar Park and/or suspension of adjacent demolition/construction activities at 777 S Yarrow St;

Whereas Belmar Park is in the path of the Central Flyway which is a critical element of the natural environment used by migratory birds and which therefore is intended to be protected and enhanced as a purpose of Article 17.1.2 of the Lakewood Zoning Ordinance;

Whereas the 777 S Yarrow St property is only about 48 feet from the ponds at Belmar Park;

Whereas Belmar Park habitat disturbance due to demolition and construction activity at 777 S Yarrow St would be ongoing and extensive for months or years in violation of Article 17.1.2 of the Lakewood Zoning Ordinance which requires the natural environment to be protected and enhanced;

Whereas human-induced disturbance can have a significant negative effect on birds' breeding success by causing nest abandonment and increased predation;

From <<https://www.sciencedirect.com/science/article/abs/pii/S0301479708800023>>

Whereas the proposed multifamily building at 777 S Yarrow St is large and exceeds 800,000 square feet and is at least 5-stories with 412 residences and

Resolution

would be permanently attended by significantly increased human activity and resulting ongoing habitat disturbance at adjacent Belmar Park unprotected bird and wildlife habitat in violation of Article 17.1.2 of the Lakewood Zoning Ordinance which requires the natural environment to be protected and enhanced;

Whereas effects from industrial developments include direct loss of habitat, disturbance through the presence of humans during the construction process and the presence of artificial light used to illuminate construction sites.

From <<https://www.sciencedirect.com/science/article/pii/S0301479708800023>>

Whereas the US Fish and Wildlife Service advises: “The best way to avoid habitat impacts is to avoid placing development and energy projects in or near important bird habitat.” <https://www.fws.gov/story/threats-birds-habitat-impacts> ;

Whereas the site plan does not provide any affordable housing;

Whereas Lakewood's combined 10-year housing pipeline **surplus** exceeds 3,000 total units as per the Gruen and Gruen Housing Analysis Appendix C page 122;

Whereas the site plan for Belmar Park West at 777 S Yarrow Street is not consistent with the goals and policies of the Comprehensive Plan and with the Purposes and Intents of Lakewood's Zoning Ordinance and therefore violates Article 17.1.3 of the Zoning Ordinance;

Now, Therefore, Be It Resolved by the City Council of the City of Lakewood, Colorado that:

Section 1: Before a site plan is approved, the City Manager is directed by City Council to direct the Director of Community Resources to require that the developer (KAIROI Properties, LLC or any subsequent owner) provide open space and park dedication instead of a “fee in lieu” with respect to the development of Belmar Park West, located at 777 S. Yarrow Street, Lakewood, CO 80226.

Section 2: The developer will be required to work around the 69 mature trees and not cut them down.

Resolution

Section 3: The developer will be required to provide at least 2 parking spots for every unit built.

Section 4: The development will be required to protect and enhance the natural environment and seamlessly integrate with the neighborhood, which will require input from neighbors and citizens, neighborhood meetings and input from wildlife experts. If it is determined by City Council that this has not been accomplished, the site plan will not be approved.

Section 5: This resolution shall take effect immediately upon adoption.

INTRODUCED, READ AND ADOPTED, by a vote of ___ for and ___ against, at a hybrid regular meeting of the Lakewood City Council held on [Insert Day] day of [Insert Month], [Insert Year], at 7 o'clock p.m.

Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Property Tax Review for 2nd Budget Public Hearing

Year	Property Tax Revenues	Percent Increase of Revenues	\$ Over 7% Property Tax Revenue Growth	TABOR Refunds	TABOR Refund Mechanism	Mill Levy
2005	\$7.3M			-	TABOR Exempt	4.711
2006	\$7.6M	4%		-		4.711
2007	\$7.6M	0%		-		4.711
2008	\$8.1M	6%		\$.2M	Stormwater Fee Reductions	4.711
2009	\$8.0M	-1%		-		4.711
2010	\$8.0M	0%		\$.1M	Stormwater Fee Reductions	4.711
2011	\$8.0M	-1%		-		4.711
2012	\$7.6M	-5%		-		4.711
2013	\$7.6M	0%		\$1.3M	Stormwater Fee Reductions	4.711
2014	\$7.7M	2%		\$5.2M	2014 Refund was provided through a Property Tax Mill Levy Reduction in 2016	4.711
2015	\$7.7M	0%		\$4.5M	2015 Refund was provided through a Property Tax Mill Levy Reduction in 2017	4.711
2016	\$9.2M	18%	\$.9M	\$5.8M	2016 Refund was provided through a Property Tax Mill Levy Reduction in 2018	2.031
2017	\$9.2M	0%		-	TABOR Exempt	2.392
2018	\$10.6M	16%	\$.8M	-		2.148
2019	\$10.5M	-1%		-		4.711
2020	\$11.9M	13%	\$.6M	-		4.711
2021	\$11.8M	-1%		-		4.711
2022	\$13.0M	10%	\$.3M	-		4.711
		Totals	\$2.6M	\$17.1M		

Note: Below is the amounts that have been kept due to the 2D Vote in 2018.

2017	\$12.5M
2018	\$8.2M
2019	\$9.2M
2020	\$1.8M
2021	\$6.2M
2022	\$10.6M