

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD, COLORADO  
480 S. ALLISON PARKWAY, 80226  
**HYBRID MEETING**  
NOVEMBER 27, 2023  
**7:00 P.M.**

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: [Lakewood.org/CouncilVideos](http://Lakewood.org/CouncilVideos)

or

Lakewood Speaks: [Lakewoodspeaks.org](http://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

\*\*\*\*\*

The City of Lakewood does not discriminate on the basis of race, age, national origin, color, creed, religion, sex, sexual orientation or disability in the provision of services. People with disabilities needing reasonable accommodation to attend or participate in a City service program, can call 303-987-7080 or TDD 303-987-7057. Please give notice as far in advance as possible so we can accommodate your request.

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**

**CONSENT AGENDA**

---

**ITEM 5 – APPROVING CITY COUNCIL MEETING MINUTES**

CITY COUNCIL REGULAR MEETING	SEPTEMBER 25, 2023
CITY COUNCIL REGULAR MEETING	OCTOBER 9, 2023
CITY COUNCIL REGULAR MEETING	OCTOBER 23, 2023

**ITEM 6 – INDUCTION CEREMONY – FOR NEWLY ELECTED MAYOR AND CITY COUNCIL MEMBERS**

**ITEM 7 – RECESS – RECEPTION FOR INCOMING/OUTGOING CITY COUNCIL MEMBERS**

**\*ITEM 8 – ROLL CALL FOR THE NEW COUNCIL**

**ITEM 9 – 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 10 – RESOLUTION 2023-57 – CALLING A SPECIAL MUNICIPAL ELECTION IN WARD 5 TO BE HELD JANUARY 30, 2024, FOR THE PURPOSE OF FILLING A VACATED CITY COUNCIL SEAT, WITH SUCH SPECIAL ELECTION TO BE CONDUCTED AS A MAIL BALLOT ELECTION BY THE LAKEWOOD CITY CLERK'S OFFICE**

**ITEM 11 – EXECUTIVE REPORT**

A. CITY MANAGER

**ITEM 12 – GENERAL BUSINESS**

**ITEM 13 – MAYOR AND CITY COUNCIL REPORTS**

A. COUNCIL MEMBERS BY WARD  
B. MAYOR

**ITEM 14 – ADJOURNMENT**



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

**7:00 P.M**

**September 25, 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 7:13 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 (Virtual)  
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 (Virtual)  
Alison McKenney Brown  
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 – RECOGNIZING OCTOBER 2023 AS NATIONAL CYBER SECURITY AWARENESS MONTH**

[View video recording here](#)

Mayor Paul read the proclamation and presented it to Alina Walter, Chief Information Officer, and Yvette Florez, Information Systems Security Manager, from the City's IT Department.

**ITEM 6 – PRESENTATION – MAYOR'S INSPIRATION AWARDS**

[View video recording here](#)

Mayor Paul summarized the Mayor's Inspiration Awards and Kathy Hodgson, City Manager introduced the following award recipients:

- Kate McBride
- Doug Wells - Chris Randall received the award on behalf of Doug Wells.
- Kathi Hasfjord
- Jean Jackson (In Memoriam) - Myla Ferguson received the award on behalf of Jean Jackson
- GiGi's Playhouse
- Lakewood United Methodist Church

Mayor Paul recessed the meeting at 7:25 p.m. to honor the recipients of the Mayor's Inspiration Awards.

Mayor Paul reconvened Meeting at 7:50 p.m.

**ITEM 7 – PUBLIC COMMENT**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Fae Russell, spoke against a proposed development in her neighborhood near Belmar Park and warned the city Council against cutting down trees for the development.

Lenore Herskovitz, Ward 1, talked about parking issues between residents, employees, and students at Colorado Christian University. Ms. Herskovitz closed by asking the Council for a parking program to resolve these issues.

Joan Poston, congratulated Mayor Paul for a recent career opportunity he accepted with the City of Denver, then talked about the property devolution under Ordinance O-2023-39 and expressed concerns about homeless encampments in this area.

Renee Ferrar, expressed concerns about a proposed development near Belmar Park and spoke about problems that the development could cause.

Marianne Ortiz, Ward 1, President of the Applewood Valley Neighborhood Association, speaking on behalf of the Applewood Neighborhood, provided a presentation to Council showing a six-year history of parking issues between neighbors and food trucks and a local restaurant, Abrusci's Fire & Vine, located in the neighborhood. Ms. Ortiz closed by asking the City Council for a parking program in the Applewood Neighborhood to resolve these issues.

Rodger Evens, Ward 1, spoke about the parking issues between Abrusci's and the Applewood Neighborhood. Mr. Evens closed by asking the Council for a parking program in his neighborhood to resolve these issues.

Kristin Berho, Ward 1, spoke about traffic and safety concerns along Youngfield in her neighborhood and closed by asking the Council for a parking program in her neighborhood to resolve these issues.

Nadine Pyter, Ward 1, spoke about the parking and traffic safety issues on her street created by Abrusci's and closed by asking the Council for a parking program in her neighborhood to resolve these issues.

Christine Handle Schmidt, Ward 1, spoke about the parking and traffic safety issues on her street created by Abrusci's staff and customers, then closed by asking the Council for a parking program in her neighborhood to resolve these issues.

Fred Clifford, Ward 1, commended Councilor Charley Able for his service and empathy for Ward 1 residents.

Jere Burton, Ward 4, spoke about issues with recent home construction next to his home.

David Ruchman, Ward 1, speaking on behalf of the Applewood Neighborhood, spoke in support of the park property being proposed for purchase under Resolution 2023-54. Mr. Ruckman also discussed the parking issues between Abrusci's and the Applewood Neighborhood and closed by asking the Council for a parking program, in the Applewood Neighborhood, to resolve these issues.

Glenda Sinks, Ward 1, talked about the parking issues between Abrusci's and the Applewood Neighborhood and ask the Council for a parking program to resolve these issues. She closed by speaking in support of the park property being proposed for purchase under Resolution 2023-54.

Connie Renig, Ward 3, spoke to the Council about her unsafe living conditions in her apartment building run by West Metro Housing Solution, talked about recent communications where her housing authority is not renewing her lease, and distributed

materials to the Council regarding her communication with West Metro Housing and Federal Disability Law (Attachment A).

Michelle Aranyos, Ward 1, provided a six-year history of parking, traffic safety, and personal safety issues on her street created by Abrusci's staff and customers. Ms. Aranyos, closed by asking the Council for a parking program in her neighborhood to resolve these issues.

Margaret Muff, Ward 1, provided a six-year history of parking, traffic safety, and other safety issues on her street created by Abrusci's staff and customers. Ms. Muff presented drone footage showing the parking impacts of Abrusci's to the neighborhood. She closed by asking the Council for a parking program, in the Applewood Neighborhood, to resolve these issues.

Nicholas Lueth, Ward 1, provided fourteen-year history of changes in the Applewood Neighborhood and talked about the six-year history of parking, traffic safety, and other safety issues on his street created by Abrusci's staff and customers. Mr. Lueth closed by asking the Council for a parking program, in the Applewood Neighborhood, to resolve these issues.

Jake Blackstone (virtual public comment), talked about the housing shortage in the Denver metro area and spoke in favor of a proposed development near Belmar Park. Mr. Blackstone highlighted some of the benefits that the development could provide.

**Public Comment received via Lakewood Speaks:** None.

Councilor Springsteen asked for a motion to rule Mayor Paul is out of order by commenting following public comment.

**Vote on the motion.**

AYE: Springsteen, Janssen.

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

ABSENT: Olver, Able.

**Result:** Failed 7-2, the motion failed.

Councilor Springsteen asked for another point of order.

At 9:12 p.m., Mayor Paul took a five-minute recess.

Mayor Paul reconvened the meeting at 9:18 p.m.

### **PREVIOUS BUSINESS FROM SEPTEMBER 11, 2023 MEETING**

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

[View video recording here](#)

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

**Public Comment received via Lakewood Speaks:** None.

Mayor Pro Tem Strom made a motion to adopt Resolution 2023-49. It was seconded.

**Vote on Resolution 2023-49:**

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

NAY: Janssen, Springsteen.

ABSENT: Able and Olver.

**Result:** Approved 7 - 2, the motion passed.

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

[View video recording here](#)

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

**Public Comment received via Lakewood Speaks:** None.

Mayor Pro Tem Strom made a motion to adopt Resolution 2023-50. It was seconded.

**Vote on Resolution 2023-50:**

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

NAY: Janssen, Springsteen.

ABSENT: Able and Olver.

**Result:** Approved 7 - 2, the motion passed.

**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)**

[View video recording here](#)

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

**Public Comment received via Lakewood Speaks:** None.

Mayor Pro Tem Strom made a motion to adopt Resolution 2023-51. It was seconded.

**Vote on Resolution 2023-51:**

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

NAY: Springsteen.

ABSENT: Able and Olver.

**Result:** Approved 8 - 1, the motion passed.

**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)**

[View video recording here](#)

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

**Public Comment received via Lakewood Speaks:** None.

Mayor Pro Tem Strom made a motion to adopt Resolution 2023-52. It was seconded.

**Vote on Resolution 2023-52:**

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

NAY: Springsteen.

ABSENT: Able and Olver.

**Result:** Approved 8 - 1, the motion passed.

**ITEM 12 – 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 (FIRST READING)**

[View video recording here](#)

Mayor Pro Tem Strom made a motion to order Ordinance O-2023-38 to be introduced on the first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance. It was seconded.

Councilors Janssen asked if the City Engineer could bring his findings back to council so that there could be transparency within the city council.

Councilor Springsteen asked about this ordinance being renamed. Discussion ensued.

**Vote on the motion:**

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](#)

City Clerk Jay Robb read the Consent Agenda into the record.

**ITEM 13 – RESOLUTION 2023-53 – AMENDING POLICIES AND PROCEDURES FOR THE HISTORIC PRESERVATION COMMISSION**

**ITEM 14 – RESOLUTION 2023-54 – AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 11050 WEST 20<sup>TH</sup> AVENUE, FOR OPEN SPACE AND PARK PURPOSES, INCLUDING APPLYING FOR A JEFFERSON COUNTY OPEN SPACE GRANT, AND ACCEPTANCE OF DEEDS THEREFOR**

**ITEM 15 – RESOLUTION 2023-55 – APPROVING THE 2024 BUDGET FOR THE COLFAX CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)**

**ITEM 16 – RESOLUTION 2023-56 – APPROVING THE 2024 OPERATING PLAN FOR THE COLFAX CORRIDOR BUSINESS IMPROVEMENT DISTRICT (BID)**

---

**Public Comment received via telephone/in-person:**

Marianne Ortiz, Ward 1, President of the Applewood Valley Association, asked for support of Resolution 2023-54 for the purchase of property at 11050 West 20<sup>th</sup> for park purposes and other purposes in Ward 1.

David Heon, Ward 1, asked for support of Resolution 2023-54 for the purchase of property at 11050 West 20<sup>th</sup> for park purposes in Ward 1.

**Public Comment received via Lakewood Speaks for Resolution 2023-54: 1**

Ann Carine G. Schmidt, Sep 25, 2023, 11:05am,

Almost 30 years ago NW Lakewood lost its beloved YMCA Park at 20th and Quail. The prospective purchase of this property now by the City of Lakewood “rights” a terrible wrong imposed on our community by the loss of the YMCA Park. An entire generation of children lost their playground; two softball fields and a volleyball court went silent; families lost their picnic shelter; restrooms were removed. Well kept and cared for lawn and trees became weed infested and lacked routine maintenance. Only the 1/4 mile walking path was able to be used. We have pleaded for the return of our park for years to no avail until now. PLEASE approve this purchase. You will have our eternal gratitude.

Jay Robb, Lakewood City Clerk, Sep 25, 2023, 2:25pm,

At the request of the resident, the comment above should be corrected to state: "Almost \*20 years ago..."

The Council Members discussed their support for Resolution 2023-54.

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

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

NAY: None.

ABSENT: Able, Olver.

**Result:** Approved 9 - 0, the motion passed.

### **END OF CONSENT AGENDA**

### **ORDINANCES ON SECOND READING AND PUBLIC HEARINGS**

---

**ITEM 17 – 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**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Pastor Ben expressed concerns that the Ordinance O-2023-37 was not acted on and scheduled for second reading at the meeting on September 11, 2023.

Mr. Robb clarified what items were pulled from the consent agenda during the September 11<sup>th</sup> meeting and which ordinances were approved on first reading at the September 11<sup>th</sup> meeting and were now being considered on second reading.

Staff responded to several questions regarding Ordinance O-2023-37, specifically Max Kirschbaum, Public Works Director and Keith Hensel, City Engineer for Development Services, from the Public Works Department addressed Councilor Janssen's concerns along with Ms. McKenny Brown, City Attorney and Ms. Hodgson, City Manager.

**Public Comment received via Lakewood Speaks for Ordinance 2023-37: 2**

Joshua Comden, Sep 23, 2023, 10:19pm,

Last winter, lives and limbs were saved because of the overnight emergency shelters that were quickly put together by our community churches and city government. Expanding the potential capacity with this ordinance will allow other entities to step up if they so choose. I personally know of one person who did not make it to a shelter last winter and had several toes frostbitten which were then amputated. After being released from the hospital, his foot got infected and then he spent another month in the hospital. More overnight emergency shelters will lead to lower

chances of these horrible situations to happen. I thank you for bringing this forward and I hope that it passes!

Jacob Lujan, Sep 24, 2023, 2:53pm,

Colorado weather is notoriously erratic and unpredictable. The past three winters have been especially harsh, with frequent subzero nighttime temperatures. The week leading into the Christmas weekend of 2022 saw four Coloradans freeze to death during an historic cold snap. This is just one week. Given the transient living situation of an increasing number of Coloradans, the actual data are difficult to track and report. In further consideration of the additional risks of being unhoused - substance use, lack of access to medical care, untreated chronic illnesses - causes of death may be misattributed when hypothermia is among the factors. People who would otherwise be in good or middling health experience complications when exposed to extreme temperatures. All of this is before taking into account cases of non-fatal hypothermia and the burdens placed on health facilities and individuals as a result. Among those citizens at greatest risk for hypothermia resulting from exposure to extreme temperatures, many are unhoused and have access to a dearth of resources. In turn, recovering from hypothermia is a much longer, more difficult process for them. Unhoused persons and communities are often subject to theft and destruction of their personal belongings, meaning winter clothing could be pilfered by a neighbor or destroyed in a raid by LPD's CAT team. There is nothing a person can do to deserve a fate that includes death by exposure. I cannot fathom a single reason other than an abjectly cruel heart to oppose this measure. People are counting on us, a fortunate few, to do what we can to ease their suffering in unimaginably difficult circumstances. As winter temperatures drop and the city continues to experience a drought of affordable housing, the real, material risks to the citizens of this city are mounting. Every person with established presence and residency in Lakewood is, in fact a citizen, regardless of whether they live in one of the city's most lavish neighborhoods or in a lean-to in a ravine or under a bridge. I cannot express how deeply ashamed I would be of my hometown if it turned its back on the most vulnerable among us.

Mayor Pro Tem Strom made a motion to adopt Ordinance O- 2023-37. It was seconded.

**Vote on Ordinance O-2023-37:**

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

NAY: None.

ABSENT: Able and Olver.

**Result:** Approved 9 - 0, the motion passed.

**ITEM 18 – 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 EFFECT SUCH PROPERTY DEVOLUTION**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Diane Duffy, Ward 1, spoke in support of the Ordinance.

Connie Rettig, Ward 3, asked if the project involved West Metro Housing.

**Public Comment received via Lakewood Speaks:** None.

Councilor Springsteen asked if the two parts of the Ordinance were legal.

Lauren Stanek, Sr. Assistant City Attorney, explained that the project and process are correct on how the devolution needs to be executed and the terms of the agreement with CDOT.

Mayor Pro Tem Strom made a motion to adopt Ordinance O- 2023-39. It was seconded.

**Vote on Ordinance O-2023-39:**

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

NAY: Springsteen.

ABSENT: Able and Olver.

**Result:** Approved 8 - 1, the motion passed.

**ITEM 19 – ORDINANCE O-2023-40 – INCORPORATING CERTAIN REAL PROPERTY INTO MUNICIPAL WARD 1 BOUNDARY FOR THE CITY OF LAKEWOOD, COLORADO**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Diane Duffy spoke in support of the Ordinance O-2023-40.

**Public Comment received via Lakewood Speaks:** None.

Mayor Pro Tem Strom made a motion to adopt Ordinance O-2023-40. It was seconded.

**Vote on Ordinance O-2023-40:**

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

NAY: None.

ABSENT: Able and Olver.

**Result:** Approved 9 - 0, the motion passed.

**ITEM 20 – GENERAL BUSINESS**

[View video recording here](#)

**ITEM 21 – EXECUTIVE REPORT**

[View video recording here](#)

**ITEM 22 – 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 23 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:30 p.m.

Respectfully submitted,

---

Jay Robb, City Clerk



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

**7:00 P.M**

**October 9, 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 7:04 p.m.

**ITEM 2 – ROLL CALL**

[View video recording here](#)

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

Absent: Charley Able and Barb Franks

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 – PROCLAMATION – INDIGENOUS PEOPLES' DAY**

[View video recording here](#)

Mayor Paul will introduce Councilor Stewart to read the proclamation. Councilor Stewart read the proclamation and Mayor Paul presented it to Ralph Lefthandbowl

Mr. Lefthandbowl received the proclamation and sang a Lakota song.

**ITEM 6 – PROCLAMATION – HONORING DR. MICHELE HANEY**

[View video recording here](#)

Mayor Paul will read the proclamation and presented it to Dr. Haney.

Dr. Haney thanked the City Council and thanked the City of Lakewood for its support through her years.

**ITEM 7 – PUBLIC COMMENT**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

James Mace, Ward 1, spoke to the City Council about issues being pulled over by the Lakewood Police Department and West Metro Fire District.

Tom Gonzalez, Ward 2, spoke to Council about the homelessness situation in his neighborhood where there was a recent fire in Ward 2 and asked for better communication with the city.

Lynnda Gies, spoke against the residential development going in at 777 S. Yarrow Street and asked how communication can improve between residents and the city when projects like this are being considered.

Lorraine Springer, spoke about the residential development going in at 777 S. Yarrow Street and expressed concerns about the loss of trees surrounding Belmar Park due to the project and warned about the destruction of the animal's habitat.

Tom Dearth, talked about the residential development going in at 777 S. Yarrow Street and specifically spoke about future parking issues that will occur along S. Yarrow Street when the residential development is built. Mr. Dearth discussed several safety concerns due to crowded streets from the residential development.

Paula Elofson-Gardin, from S. Brentwood Street, talked about excess development in the City of Lakewood and talked about traffic issues that are already occurring in her street due to new residential developments.

Susan Elofson-Hurst, from S. Brentwood Street, talked about issues due to residential development occurring throughout Lakewood. Talked about her displeasure with the City Council and talked about safety concerns.

Barbara, talked about the history of the property surrounding Belmar Park and the history of the mansion built on this property by May Bonfils.

Regina Hopkins, talked about the rampant development in the City of Lakewood and talked about health issues that are already occurring in Colorado and the City of Lakewood. Ms. Hopkins closed by expressing concerns about the loss of trees and animal habitat surrounding Belmar Park due to the project at 777 S. Yarrow Street.

Rod Smith, Lakewood resident, talked about the history of living in Lakewood and how growth is negatively impacting the community.

Fred Clifford, Ward 1, talked about the need for affordable housing in the Community and voiced his support to reduce the City's mill levy to help the residents of Lakewood. Mr. Clifford talked about a development going in at 15<sup>th</sup> place and Youngfield that is not supported by surrounding neighbors.

Tina Griffith, Ward 5, voiced her support to reduce the City's mill levy to help the residents of Lakewood and talked about issues with development in Ward 5.

Grant Shelton, briefly talked against the residential development going in at 777 S. Yarrow Street.

Sarah Gross, briefly talked against the residential development going in at 777 S. Yarrow Street and expressed concerns about the loss of trees and bird habitat.

Brian Arnold, talked about his history of growing up in Lakewood and expressed concerns about safety and homeless issues in the Community.

Cynthia Ovens, thanked Councilor Springsteen for attending a recent protest against the residential development proposed at 777 S. Yarrow Street and talked about her history of growing up in Lakewood and expressed concerns about development in the Community.

Kathe Konrad, expressed concerns about the residential development going in at 777 S. Yarrow Street.

Jean McClenathen, Ward 2, spoke about moving to Lakewood over 50 years ago and talked about the importance of bird habitat in Belmar Park that will be ruined by the residential development proposed at 777 S. Yarrow Street.

June Pauldiy, spoke about living in Lakewood for 36 years and talked about the history of the property surrounding Belmar Park and expressed concerns about the residential development going in at 777 S. Yarrow Street.



Lorraine Witt, talked against the residential development proposed at 777 S. Yarrow Street and spoke about other solutions where the property could be purchased for preservation into Belmar Park.

Connie Rettig, Ward 3, explained that she felt disrespected by not being part of the proclamation honoring Indigenous Peoples' Day. Ms. Rettig also talked about the residential development going in at 777 S. Yarrow Street, then closed by talking about her issues with West Metro Housing Solution and asked the Council for help.

Connie Williams, expressed concerns about the residential development proposed at 777 S. Yarrow Street.

David Thoorsmggaard, talked about some of the benefits that could occur from the residential development going in at 777 S. Yarrow Street.

Cicilia Greenman, spoke about the residential development proposed at 777 S. Yarrow Street and expressed concerns about the loss of trees and the animal habitat surrounding Belmar Park due to the project.

Jed Pilleps, talked about some of the benefits that could arise from the residential development going in at 777 S. Yarrow Street by reducing car dependency.

Cathy Kentner, Ward 1, talked about a history of zoning in Lakewood and explained that the Council could ask staff to director the community resources director to accept parkland.

Council Springsteen made a point of appeal to allow the next caller to come into Council Chambers to give her public comment in-person.

**Vote on the appeal:**

AYE: Springsteen, Janssen, Olver, Shahrezaei.

NAY: Paul, Strom, Stewart, Vincent, Mayott-Guerrero.

ABSENT: Able, Franks.

**Result:** The motion failed 5-4.

Kyra Shade, Adams County resident, talked against the residential development proposed at 777 S. Yarrow Street and spoke about the need for the preservation of the environment in Belmar Park.

Beth Spinola, Ward 4, talked against the residential development proposed at 777 S. Yarrow Street and talked about her loss of faith in the Council.

**Public Comment received via Lakewood Speaks: 9 See page 12**

**CONSENT AGENDA  
ORDINANCES ON FIRST READING**

---

[View video recording here](#)

Jay Robb, City Clerk read the Consent Agenda into the record.

**ITEM 8 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS**

City Council Special Meeting	August 8, 2023
City Council Regular Meeting	September 11, 2023

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

**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, Janssen, Mayott-Guerrero, Shahrezaei, Stewart, Strom, Vincent.

NAY: Olver, Springsteen.

ABSENT: Franks, Able.

**Result:** Approved 7-2, the motion passed.

**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**

[View video recording here](#)

Kathy Hodgson, City Manager, introduced Max Kirschbaum, Public Works Director.

Mr. Kirschbaum provided a brief presentation covering Ordinance O-2023-38.

**Public Comment received via telephone/in-person:**

Don Burkhart, testified against the Ordinance.

David Thoorsmgaard Ward 3, spoke in favor of the Ordinance and explained how the process would help fund development in the area.

Beth Spinola, Ward 4, testified against the Ordinance and asked for development to pay for itself.

Max Kirschbaum, Public Works Director, and Keith Hensel, City Engineer for Development Services, responded to questions from the City Council regarding the Ordinance (probably delete the notes below).

Councilor Olver asked about the origins of the Ordinance and protections for individual homeowners under the ordinance.

Councilor Shahrezaei confirmed with Mr. Kirschbaum that there are no public funds being used under the program created under the Ordinance and that the program is structured between developers. Shahrezaei asked Mr. K to discuss the process for a reimbursement area hearing.

Mr. Hensel, addressed Councilor Shahrezaei's questions to clarify Section 14.28.080(C)(4) of the Ordinance which states: "Among the factors to be considered in determining the existence of a special benefit are: Adaptability of the property to a superior or more profitable use;"

Councilor Mayott-Guerrero, talked about the definition of 'connector' and 'developer' and provided a scenario of how the program would work under the Ordinance.

Mr. Kirschbaum also provided a scenario explaining how the program would work under the Ordinance.

Councilor Springsteen expressed concerns about the need for the Ordinance. She spoke about corporate welfare, gave an example of the 10<sup>th</sup> and Sheridan building demolition, and talked about the proposed residential development at 777 S. Yarrow Street.

Councilor Vincent clarified that the program was created by the Ordinance and clarified why the project at 10<sup>th</sup> and Sheridan was chosen.

Mayor Pro Tem Strom clarified that cost recovery for needed infrastructure in areas in the city.

Councilor Stewart asked about the current process and what is codified by the Ordinance.

Mr. Kirschbaum clarified how current development processes occur where infrastructure is built, then turned over to the City. Councilor Stewart, Mr. Kirschbaum and Mr. Hensel, discussed different development scenarios with and without the program created under the Ordinance.

Councilor Janssen asked about reimbursement to homeowners and oversight of the program by the city.

Mr. Kirschbaum and Mr. Hensel explained that reimbursement does not involve homeowners.

Mayor Paul clarified the need for major infrastructure in different areas of the city and talked about the need for the separate project at 10<sup>th</sup> and Sheridan.

Councilor Olver, is the program retroactive?

Mr. Kirschbaum explained that the Ordinance allows projects in progress for 30 days under:

**“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.

Councilor Olver asked what the advantage of the Ordinance is.

Mr. Kirschbaum explained the program would allow for a partial cost recovery from future development.

Councilor Olver asked about the role of metropolitan districts.

Mr. Kirschbaum discussed the role of metro districts.

Councilor Janssen discussed different development scenarios with Mr. Kirschbaum in the context of the reimbursement program.

Council Stewart clarified the benefit to an initial developer and subsequent developer.

**Public Comment received via Lakewood Speaks: 4 See page 16**

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-38. It was seconded.

**Vote on Ordinance O-2023-38:**

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

NAY: Olver, Janssen, Springsteen.

ABSENT: Franks, Able.

**Result:**

Approved 6-3, the motion passed.

At 9:36 p.m. Mayor Paul asked for a ten-minute recess.

Mayor Paul reconvened Meeting at 9:50 p.m.

[View video recording here](#)

Holly Bjorklund, Chief Financial Officer provided a presentation on the City's proposed 2024 budget, then introduced the resident members of the Budget and Audit Board, David Engle and Deb Hinsvark, and the Council Members who serve on the Board, Councilor Vincent, Mayor Pro Tem Strom, and Councilor Stewart (Chair).

Ms. Bjorklund deferred to Councilor Stewart for opening comments on the budget as the Chair of the Budget and Audit Board – thanked the citizen members and Council Members on the Board.

Mayor Pro Tem Strom thanked the work of the Board.

Mr. Engle from the Budget and Audit Board thanked the Council and briefly talked about the work by the Board.

**ITEM 10 – 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**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Andrea Raschke, testified in support of reducing the mill levy.

Patti Peters, asked if there is a cap on the amount of mill levy the city may keep and if there have been past years where we have not exceeded this cap. Ms. Peters talked about the challenges of creating and adopting a city budget, Peters also talked about the past years living in Lakewood, and the need to reduce the mill levy for homeowners in Lakewood that have experienced record increase of assessed property values in the community.

Lindsay Molliconi, Ward 1, spoke in favor of reducing the City's property's mill levy taxes.

Fred Clifford, Ward 1, read a press release from Colorado Counties Inc. regarding a recent interview with Governor Polis concerning recent legislation related to local mill

levy, specifically Senate Bills 23-108 and 23-303 which sent Proposition HH to voter for November 7, 2023, ballot.

Natalie Menton, Ward 5, discussed the City's budget and talked about Chapter 12 of Article 12 of the City's Home Rule Charter.

At 10:40 p.m. Mayor Paul closed the public comment on Ordinance O-2023-41.

**Public Comment received via Lakewood Speaks: 8 See page 18**

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-41. It was seconded.

Councilor Janssen asked about the mill levy cap in the City's Home Rule Charter, Under Article 12, Section 12, and read the staff's response into the record. Councilor Janssen explained why she disagreed with staff's opinion.

Alex Dorotik, Senior City Attorney clarified Councilor Janssen's question regarding her interpretation of the Charter.

Council Janssen read her proposed motion into the record to reduce the City's mill levy from 4.711 to 3.85 mills.

Council Olver asked if Council Janssen could make the motion at first reading.

Ms. McKenny Brown addressed procedural questions from Mayor Paul.

Ms. Bjorklund addressed questions from the Council Members regarding the proposed change in the mill levy.

Discussion ensued between staff and Council Members regarding the impact of the proposed changes to the City's mill levy.

Mayor Pro Tem Strom offered the proposal of reducing the city mill levy 4.28 Mills.

Councilor Stewart summarized the work of the Budget and Audit Board and directed the conversation to Appendix A (page 15) of the staff responses which displayed the math of reducing the City's mill levy.

Discussion ensued between the Council regarding fiscal relief for non-homeowners and residents on a fixed income.

Councilor Mayott-Guerrero asked about parks and sidewalk projects and which ones impacted Ward 2.

Springsteen asked how much of the budget for the Public Works Department was for the Police Department fleet and other support for the Police Department and talked about

Ms. Björklund discussed the types of Public Works budget expenses that support the Police Department.

**Vote on Ordinance O-2023-41:**

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

NAY: Olver.

ABSENT: Able and Franks.

**Result:**

Approved 8-1, the motion passed.

**ITEM 11 – GENERAL BUSINESS**

[View video recording here](#)

Councilor Springsteen made a motion to direct the CM to direct the Director Kyro Residential for parkland instead of fee-in-lieu of parkland.

Seconded by Councilor Olver.

Mayor Paul ruled that the motion was not in order.

Springsteen made a motion to forward the motion to the next meeting.

**ITEM 12 – EXECUTIVE REPORT**

[View video recording here](#)

Ms. Hodgson updated the Lakewood Strategic Housing Plan will be covered at the December 18<sup>th</sup> Study Session to review and discuss the City's Housing Plan.

**ITEM 13 – 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.

Councilor Springsteen made a point of appeal that the motion be considered tonight or at the next meeting.

Mayor Paul ruled that the motion was not in order.

Council Olver asked Ms. McKenney Brown clarified that the Chair could determine if a motion is in order or not and motions under Council Reports are not transparent to the public.

**ITEM 14 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 12:07 a.m.

Respectfully submitted,

---

Jay Robb, City Clerk



**ITEM 7 – PUBLIC COMMENT**

**Public Comment received via Lakewood Speaks: 9**

Jean McClenathen, Oct 9, 2023, 12:40pm.

I call it "Belmar Wildlife Refuge." The sacred bird habitats, ponds, creek, rookery, wildlife trails, meadows and fabulous trees tucked away south of Belmar Library are a SECRET in the heart of Lakewood. This treasure has never had a proper moniker. Even the nondescript entrance sign does not reveal what lies beyond...That is actually part of the problem trying to protect it. Concerned citizens have difficulty making reference to it. How many of us are going to be alarmed about what development is proposed at 777. S. Yarrow Street, the perfect euphemism? "Thank you" to those who chained themselves last weekend to "Belmar Wildlife Refuge's" trees slated for removal. Nature lovers and a myriad of Lakewood residents seeking solitude, a quiet respite from our hectic municipality, flock to Belmar's magical walkways, gazebos and beautiful scenery. Local residents include fox, coyotes, raccoons and water fowl. Most importantly, part of the Central Flyway from South America to Canada, migrating birds stopover spring and fall to rest and feed in this rare oasis. Our city has one of the registered "Hotspots" for bird watching in the United States! The proposed 412 unit apartment building to be built adjacent to this paradise will ruin it. 69 trees removed will destroy cover, food, shade, carbon dioxide exchange but mostly the BUFFER that's SO IMPORTANT to keep the crazy world at a distance from other creatures who belong here, too. Huge parking lots are the antithesis of the simple tranquility that IS. Lakewood citizens who love "Belmar Wildlife Refuge" had to discover it, had to search for it. Many citizens will never know it's there or care. The noise, music, cars, trash, garbage services, deliveries to 412 units housing 1,000+ residents and their guests will overwhelm this very special "sanctuary." Cornell Ornithology Lab reports that we have lost 1/3 of our birds in the world since 1975. I have been bird watching in Lakewood since 1973. There aren't many birds left. Years ago, my many bird feeders and bird baths in Morse Park were over run with migrating birds appreciating a free meal. Now I have a fraction of my feathered friends. And, It is now the mindset to take down all the big trees in Morse Park, which they have done. I am blessed to still have a pair of Great Horned Owls in my neighborhood. They nest in a huge tree on Carr St. Swainson's Hawks nest by 20th and Dover. They will be gone if we keep removing the big trees. We love our "hood" with mature yards and no sidewalks! Other states are preserving their precious bird habitats. You can't create another "Belmar Wildlife Refuge." Shame on City of Lakewood's watchmen for not protecting the gem of our city. There's no turning back if you let this development proceed. Jean McClenathen 2000 Cody St.

Jeri Coffey, Oct 9, 2023, 9:30am.

Cutting down 69 mature trees which breathe CO2 from the air and put oxygen back into our air is simply wrong . All who love this earth and all the creatures who live here understand this. Fight for sustainability. Fight for the future of our children, Let your fight and your words be the same. There is NOT one person who is saying, "This development is great! It will be a great asset to Lakewood". What about you? This park is probably one of the most amazing assets we have in Lakewood. That is why the city proudly calls it their "crown jewel". It is the closest I get to natural nature without having to travel. This city council is creative when they want something. Be creative when the people, the taxpayer and your constituents who voted for you, ask for something. Do you want solutions? Start seeking them. Become part of the solution? For sustainability, for the trees, for the air, for the Cormorants, for the Egrets, for the people, for the habitat of so many unique species please be creative and stop this urban destruction. Support sustainability.

Cynthia (Cyd) Ovens, Oct 9, 2023, 7:10am,

The building of this huge complex will interfere with the migratory patterns of some birds. Also traffic, parking and problems this will cause. The noise will interfere with the peace of the park. All the creatures that will be displaced and/or killed in the process of destruction and construction of

this is heartbreaking. Lakewood is failing in their promises of creating sustainability of our environment as a city. There could very well be problems with sewage as well, as happened when Belmar was built. AND there is no provision for Affordable Housing. \$3000.00 dollars a month for 700 square feet and if they want to use the parking that's proposed, they have to pay extra which many will not be willing to do.. therefore where will they Park?. It's going to interfere with those people that come to this beautiful Park to walk. There's no way that there's not going to be huge problems with traffic, given the streets that go in and out of there. This is another example of Rich Developers getting their way, no matter what the consequences are. When are we going to start putting things like open beautiful spaces, wildlife, beautiful trees, ahead of money?

James Kinney, Oct 9, 2023, 6:42am,

Contrary to never ending promises, we have now lived two more years of kick-the-can down the road and do nothing performance from our City Council and Mayor to even begin to address our housing crisis concerns and housing program criticisms. We chose this group to establish direction and good policy for our benefit. Convening a City Council Housing Study Session to allow the public an official opportunity to be heard and help lead our community out of the housing crisis is long overdue. Do you think our current representatives are addressing these serious housing problems and concerns within our community in a workable and timely manner? Isn't it our individual role in our democracy to be communicating with our elected officials? And isn't it their role to be listening, replying and acting? Surely we can make a better future, can't we?

Joshua Comden, Oct 9, 2023, 1:25am,

About a week and a half ago, there was a fire in an abandoned building located at 13th Ave and Chase St. Two different unhoused people told me that they believe a couple of their friends perished in that fire, and that because the fire burned so hot, only their teeth were found in the rubble. We could blame those who entered the building. We could blame the property owners. We could blame the utility company. Personally, I blame the system we have set up in Lakewood where anyone can submit a complaint and have LPD agents come remove people who are just trying to survive. Due to this system we have in place, people sleeping rough will end up being pushed to where prying eyes can't see, and these places are likely dangerous. Three months ago, I came in front of city council and talked about a camp in the Dry Gulch that was "cleaned up" by LPD CAT (<https://www.youtube.com/live/tKcqTgSil1o?si=opFgm7PECop9URHY&t=2084>). If you look at a map you will notice that the abandoned building that burned down is only 100 yards away from the Dry Gulch. It is not a stretch to suggest that when LPD CAT "cleaned up" that camp, the campers moved over to a place they could hide which ended up being their final campsite. And even if that was not the true chain of events, the people who perished were probably pushed there from some other place in the neighborhood. We need to have places where people who do not have a shelter can legally exist.

Steve Farthing, Oct 7, 2023, 8:07am,

A site plan for land development in Colorado must also comply with Lakewood's Comprehensive Plan as per CO Rev Stat § 30-28-106 (2020) because Lakewood's Zoning Ordinance 17.1.3 made the Comprehensive Plan binding rather than advisory. 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 major site plan for 777 S Yarrow St clearly violates the definition of sustainable development and design by removing 69 large trees without properly replacing the tree canopy habitat zone via sufficient replacement trees as per the basal area formula recommended by the Audubon Society to City Council. Said site plan also does not include bird strike deterrent window glazing. The

developer is at liberty to update the site plan accordingly but without the indicated updates, the site plan should be denied. GOAL L-N2 of the Comprehensive Plan is also violated because said major site plan does not 'seamlessly integrate with the neighborhood' due to thousands of additional car and delivery vehicle trips per day added to S Yarrow St which is too narrow to even legally paint a center stripe! As per <https://codes.findlaw.com/co/title-24-government-state/co-rev-st-sect-24-68-102-5/> "a local government may adopt a new or amended law or regulation when necessary for the immediate preservation of public health and safety and may enforce such law or regulation in relation to applications pending at the time such law or regulation is adopted." Because said site plan does not provide sufficient snow storage which could create a hazardous condition after a major winter storm by delaying emergency response, Lakewood should immediately adopt a snow storage regulation in order to preserve public health and safety.

Lindsay Cade, Oct 5, 2023, 2:19pm.

First, I would like to thank our council person, Sharon, for responding to my concerns last week. It is helpful to know you care and are here to advocate for our community. After the fire at 13th and Chase, we still need an emergency response for resources and clean up as well as common sense policies to prevent these events, like turning utilities off if a property is vacant for over a month. This fire left us with a hazardous lot and has displaced even more of our unhoused neighbors. We need community case managers daily in our neighborhood to engage our unhoused neighbors and link them to housing and resources. We need Lakewood to require developers to set aside more units for low income and unhoused folks. We need the land owner of 13th and Chase to be held accountable for their gross negligence of leaving their property abandoned for more than a year and with the utilities active. The fact that the gas lines were still active is unconscionable. We know people were using it for shelter. Were there people in the building and in the structures at the time of the fire? Was anyone killed or seriously injured? This is not okay. Our neighborhood deserves better. We can do better. Thank you for your time to talk seriously about common sense solutions to address the needs of our community.

Brian Holman, Oct 3, 2023, 3:35pm.

@Ben A. David Hensley I don't think your comment is relevant to this specific meeting, but it is an important issue. The problem with that location near Wadsworth station where drug use is rampant is that it isn't very accessible to squad cars and isn't visible from public roadways. I think they pretty much rely on complaints to address it. Unfortunately, the W line bikeway is a hotspot for drug activity because cops don't regularly patrol anywhere beyond roads. It's not a criticism towards the police, it's just the nature of the situation. This is definitely an issue that needs to be addressed as we try to make biking in the city safer and more accessible. I've stopped riding on the W line trail in some sections and opt for more dangerous routes that are on public roads and cross state highway 121 because of this. It's a very pick your poison situation, either navigate encampments with needles and trash, or ride amongst speeding vehicles and cross a 6 lane highway. Hopefully we can figure out a solution.

Ben A. David Hensley, Oct 1, 2023, 1:43pm.

I live and work within walking distance to the Wadsworth RTD station where a shooting occurred Saturday morning, on September 30. I have lived here for 3 years at this point and have noticed a

sharp rise (notably since the pandemic) of the sale of fentanyl as well as the public use with its horrible smell and crowding of public thoroughfares like the W Line Bike path. As someone who works at a church that attempts to work with our neighbors experiencing homelessness as well as a resident in the area who has a one year old, this is becoming overwhelming. What commitments can the city make in the quality and safety of this RTD station and surrounding areas? We are completing a parking study, what formal study can be done in this area to focus on how to lower crime while also not further criminalizing homelessness? What can our Lakewood Police commit to do in the area to respond to the tsunami of drugs that are spreading around our neighborhood and making it unsafe for the children that live here to walk to our church's parking lot to play basketball? A simple start for our Lakewood Police Department might be presence. For the summer I had a routine bike ride which took me past Wadsworth station on the W line two mornings a week and I witnessed drug sale and drug use reliably every time I went out. What was less reliable was any visibility or presence of the LPD, or the RTD police who hire LPD Agents, for that matter. I don't care whose jurisdiction it is--there is a vast pandemic of neglect in this part of Lakewood and it is, seemingly, leading to an environment that is more and more deadly as time passes if this shooting is any indication. We need to explore solutions. Precise enforcement, safe-use strategies... Any effort to address this would be a relief to bear witness to as a resident who lives out here.

**ITEM 9 – ORDINANCE O-2023-38**

**Public Comment received via Lakewood Speaks: 4**

James Kinney, Oct 8, 2023, 11:28pm,

Please remove consideration of this developer welfare handout program from this meeting agenda. Why would the Mayor, Council and City Manager put this half-baked, high risk, most likely illegal developer welfare handout giveaway proposal on their agenda at this time? My Ward 5 Councilor Ms. Wendi Strom has been telling citizens that all stakeholders, including residents, are going to be brought together in the near future to collect information and analyze data, and discuss and develop consensus on how we as a community will proceed to find our way out of the housing crisis we have managed to descend into. Certainly the residents of our Inclusive City will be involved in the process to reach consensus on the nature and details of our path forward with our future housing plan. It seems the Mayor, City Council and the City Manager have been decreasing the use of Study Sessions as a means to raise understanding, improve information availability, and seek public input when addressing critical issues that greatly affect our community. This is an unfortunate development. Certainly moving forward to determine what Lakewood's future housing program will be, including policy, planning, zoning considerations, permitting, etc., should require most likely several City Council Study sessions to focus on the key issues needing to be addressed. The sudden appearance of this developer welfare handout proposal has raised significant questions among residents and others. Many stakeholders believe the handout's legality has not been adequately established. And much more information and discussion is needed to allow residents to decide if this developer welfare, even if it was found to be legal, is even needed. Existing, established methods supported by State law already exist. Our elected officials have done a poor job in seeking their constituent's opinions and in clearly demonstrating and documenting proof this developer welfare program is legal, carries no risk to taxpayers' dollars and is even necessary. Clearly considering this half-baked developer welfare program as a part of our on-going big picture housing development program at this time is premature, inappropriate and unwarranted. The developer welfare program has been incompletely and poorly thought out, inadequately studied and has not been acceptably reviewed and vetted in document produced by independent experts. This item should be removed from the agenda and not considered. The Mayor and City Council need to be developing and scheduling, as soon as possible, the Study Sessions that will be necessary for the Community's efforts to create our revised comprehensive housing policy and the associated implementing programs and procedures.

John Henderson, Oct 8, 2023, 8:28am,

<https://rooneyvalleynews.com/adam-paul-late-but-not-forgotten-farewell-gift-to-developers-at-the-expense-of-residents/>

Denise M. Luepschen, Oct 6, 2023, 4:34pm,

I ask Council to vote against this measure. It's always seemed to me that developers run Lakewood and have inordinate influence on Council. There is no better illustration than this quickly written piece that now appears so soon after Cardel Homes was forced to give up their push for special district status because they were going against state metro district law by claiming to have sewer service lined up when they absolutely did not. "No problem," someone on Council must have said, "We'll get around this by inventing a new law." The gravy for developers is when they can charge future customers with endless decades of charges and interest on the original infrastructure. This should be a charge built into the purchase price of a home, not a fun surprise for the future when accrued interest eventually becomes insurmountable. If Lakewood's attempt to recoup wealth for developers were legal, other cities would have done it by now.

John Mohatt, Oct 4, 2023, 6:43pm.

Developers already have ways to get reimbursed for infrastructure improvement costs: 1. In most of the country costs are recovered through the cost of the home. This should be the preferred way. 2. Metro district statutes passed by the State under Title 32 create "loans" and bond debt to pay for the public improvement costs. There is no need for Lakewood to create their own Metro District laws as we already have State of Colorado Metro District statutes. Lakewood's ordinance creates a way for developers to tax future residents of the district who have no input on improvement costs. This creates taxation without representation which is unconstitutional. The ordinance is poorly designed as it provides no public checks and balances. I urge you to vote no on this unnecessary, poorly designed and unconstitutional ordinance. This is nothing more than a windfall for developers funded by taxpayers.

**ITEM 10 – ORDINANCE O-2023-41**

**Public Comment received via Lakewood Speaks: 8**

Jeri Coffey, Oct 9, 2023, 9:10am,

Vote yes on Mary Jansen's proposal to lower the Mill Levy and reduce our property tax. While the amount we will recover is modest compared to the double digit inflated amount we will suffer in 2024, it is an excellent start and every little bit counts. Skyrocketing property taxes worsen the affordability of Lakewood and home ownership. Is not affordability of housing important to this council? I hear the buzz buzz about how important it is to you. Your vote is your answer. It is interesting that the council will be voting on two items tonight, one that gives lots of money to poor developers 😊 and one that modestly helps the property owners here in Lakewood. Which will you support? Your vote shows where you stand. I hear a lot of speak from council about equity, inclusion and sustainability. Your vote is your action. Will your words and action align?

James Powers, Oct 9, 2023, 7:25am,

I am writing in support of this proposal and appreciate a politician who is looking to actually help the citizens she represents as opposed prioritizing the growth of the local government over the citizens. Thank you.

James Kinney, Oct 8, 2023, 11:09pm,

Reduce the 2024 property tax mil levy. If our Mayor, City Council and City Manager have billions of dollars of our tax money laying around to finance a high risk, probably illegal, sweetheart developer reimbursement welfare handout, certainly they can also reduce the 2024 property tax mil levy to help our financially struggling residents by reducing property taxes! Undoubtedly the Mayor, City Council and City staff share responsibility for the astronomical rise in housing costs due to their failure to successfully manage housing development over the last 20 years to ensure entry level, attainable housing such as duplexes and townhouses were being built in the city in adequate numbers to support our community

Lynne Kinney, Oct 8, 2023, 11:24am,

I respectfully encourage each of you to vote in favor of Councilor Janssen's proposal. Any relief, no matter how trite it may seem to others, is at least a step to help those who will be greatly affected by the assessments. This is one of those times that you have the opportunity and obligation to vote in favor of your constituents. Thank you in advance for your wise support and vote.

Lenore Herskovitz, Oct 7, 2023, 1:33pm,

I wholeheartedly support Councilor Janssen's proposal to reduce the Mill Levy. As always she has done the research and provided us with facts and figures to justify her position. I want to thank her for her 2 years of service and only regret that she hasn't chosen to extend it. She has consistently put her constituents first. She is an independent thinker and a proactive member of Council who thinks outside of the box. She was never a rubberstamper and has fought valiantly to represent the voice of the people even when the majority of our representatives opposed her. I wish there were more like her. Thank you Mary for all your efforts on our behalf. Hopefully this time your fellow Council members will support you on this latest effort to ease the burden on our taxpayers.

Denise M. Luepschen, Oct 7, 2023, 9:41am,

I fully support this modest and well-researched proposed change to Lakewood's mil levy. From everything I read in it, the city is abundantly financed. Interesting that the Colfax Walmart will now

be siphoning more tax dollars into the city budget. Lakewood residents have had no control over skyrocketing real estate prices that then bring skyrocketing property assessments. If the city remains blind to the plight of residents and keeps the mil levy at its current level, it doesn't have our interests foremost at all. People shudder when politicians suddenly access "blood money" - the city takes for granted that it's entitled to these funds, and finds new entitlements and new ways to reward special interests, including developers. Private home ownership is the American way of generating wealth. Increased home values do nothing for us unless we sell, and then we couldn't afford to live anywhere near! We're obliged to keep paying ever-heavier taxes on our homes at the same time inflation steals the value of our savings and while steeply increasing prices generate steeper sales taxes. Middle-income people are squeezed out. Does the city really desire families to be forced to sell? There are a host of national investors able to pay cash for homes and turn them into rentals. Who can afford to have kids when the house payment takes so much of a couple's budget? Should more schools close because there aren't enough kids attending? Lakewood, please don't be selfish and refuse to adjust the mil levy when your residents are already struggling.

Joseph Pero, Oct 7, 2023, 9:25am.

RE: Councilor Janssen's Oct. 5 mill levy reduction proposal. I have been a resident of Lakewood since 1988. I love this city for its proximity to the beautiful Colorado mountains. I respectfully & strongly urge you all to vote to reduce the mill levy as Councilor Janssen suggests. The latest property tax increase, as well as a doubling of auto & homeowner's insurance, has put an undue strain on paying bills. Reducing my property taxes (as well as all other taxes!) would aid in my ability to survive as a retired person on a fixed income. Thank you for your time. Joseph Pero

Mary Janssen, Oct 5, 2023, 9:19am.

Submitted by; City of Lakewood Councilor Mary Janssen Proposed Motion to Reduce 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 mil 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.



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

**7:00 P.M**

**October 23, 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  
Barb Franks  
Sophia Mayott-Guerrero  
Richard Olver  
Mary Janssen  
Jeslin Shahrezaei  
Anita Springsteen  
Rebekah Stewart  
Wendi Strom  
Sharon Vincent

Absent: Charley Able

Others in attendance: Kathy Hodgson, City Manager  
Ben Goldstein, Deputy City Manager  
Alex Dorotik, Deputy 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.

Councilor Springsteen made a motion to revise the agenda by moving public comment ahead of Item 5. The motion was seconded.

**Vote on amending the agenda.**

AYE: Janssen, Olver, Springsteen,

NAY: Paul, Franks, Mayott-Guerrero, Shahrezaei, Stewart, Strom, Vincent

ABSENT: Able

**Result:** The motion failed 3-7.

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest.

Councilor Olver raised the issue that Mayor Paul may have a conflict of interest due to his recent employment with the City and County of Denver.

Mayor Paul explained that he does not have a conflict of interest under the City's Code of Ethics.

**ITEM 5 – 2<sup>nd</sup> Reading and Public Hearing for 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**

[View video recording here](#)

Mayor Paul introduced Holly Bjorklund, City Chief Financial Officer.

Ms. Bjorklund discussed two major questions raised by the Council in past meetings related to the City's budget. The city's mill levy reduction, she discussed Section 12.12 of the Lakewood Home Rule Charter, which addresses limitations on property tax and referenced previous budget discussions by the Council regarding the Council's authority to set the City's mill levy for the budget each year. Ms. Bjorklund provided a 22-year history of property tax revenues and TABOR refunds through property tax mill levy reductions in 2014, 2015, 2016. Ms. Bjorklund provided some comparisons of mill levy refund amounts based on different levels of assessed property value in the City of Lakewood.

**Public Comment received via telephone/in-person:**

Laurelee Marteus, testified in support of a mill levy reduction for Lakewood residents.

Glenda Sinks, Ward 1, testified in support of a mill levy reduction for Lakewood residents and talked about the importance for both the city and residents to budget responsibly.

Jody Nickerson, Ward 2, testified in support of a mill levy reduction for Lakewood residents and discussed the need for lower property taxes to help residents to remain in their homes.

Steve Dorman, testified in support of a mill levy reduction for Lakewood residents, and discussed problems with large increases to local property tax assessments.

Marge Collin, testified in support of a mill levy reduction for Lakewood residents and discussed problems with large increases to local property tax assessments.

Fred Clifford, Ward 1, testified in support of a mill levy reduction for Lakewood residents and discussed problems with large increases to local property tax assessments.

James Mace, Ward 1, asked questions about the amount that the city is spending on crosswalks (at Alameda and Quail and at 6<sup>th</sup> Avenue). Also asked about ADA buttons for bathrooms at the city building, closed by speaking in support of a mill levy reduction for Lakewood residents.

Cathy Kentner, Ward 1, testified in support of a mill levy reduction for Lakewood residents and discussed the need for lower property taxes to help Lakewood residents to remain in their homes.

Natalie Menton, Ward 5, testified in support of a mill levy reduction for Lakewood residents and discussed the need for lower property taxes to help residents to remain in their homes. Ms. Menton spoke against state Proposition HH and explained why voters should oppose the proposition. Ms. Menton talked about Section 12.12 of the Lakewood Home Rule Charter, along with TABOR and city ballot question DD that was passed in 2018. She explained that she disagrees with the city's interpretation of Section 12.12 of the Home Rule Charter. Ms. Menton closed by talking about current mechanisms in place to help big businesses, like Walmart, through property taxes mill levy.

Patty Peters, Ward 5, talked about different tax revenue streams in Lakewood and spoke against current mechanisms in place to help big businesses, like Walmart, then closed by speaking in support of a mill levy reduction for Lakewood residents.

**Public Comment received via Lakewood Speaks: 5 – SEE PAGE 12**

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-41. It was seconded.

Councilor Janssen made a motion to reduce the 2024 mill levy rate to 3.85%. The motion was seconded.

Mr. Dorotik, Deputy Attorney, clarified if the reduction was not temporary, it would require a TABOR vote by Lakewood residents for any future increases.

Councilor Janssen clarified that her motion was to set the mill levy to 3.85% in perpetuity.

Discussion ensued concerning Councilor Janssen's request to reduce the property tax to 3.85%.

Councilor Vincent moved to amend Councilor Janssen's motion to set a 1-year reduction on the city's mill levy rate to 3.85%. The motion was seconded.

Discussion ensued concerning the two separate motions to reduce the city's property tax mill levy.

Mr. Dorotik responded to questions regarding raising the mill levy permanently versus temporarily under the restrictions of the Taxpayer's Bill of Rights (TABOR).

Councilor Vincent and Stewart withdrew their motions.

Councilor Janssen amended her motion to set the 2024 mill levy rate to 3.85% as a temporary increase. The motion was seconded.

Discussion ensued between Council and staff regarding the impact of different mill levy decreases on future budgets.

The Council Members made closing comments regarding the budget and Councilor Janssen's request to set the city's 2024 mill levy at 3.85%

Council Franks made a motion to amend the 2024 mill levy to 4.28%. The motion was seconded.

**Vote to amend Councilor Janssen's temporary 1-year mill levy reduction from 3.85% to 4.28%**

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

NAY: Janssen, Olver, Springsteen.

ABSENT: Able.

The motion passed 7-3.

Discussion ensued among the Council Members regarding the change in revenue to the city budget under the amendment to the mill levy tax to 4.28%.

**Vote on setting the city's 2024 budget mill levy rate at 4.28%**

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

NAY: Janssen.

ABSENT: Able.

The motion passed 9-1.

Councilor Janssen made a motion to amend the ordinance title to clarify that the Council is setting the 2024 mill levy. The motion was seconded.

Mayor Paul clarified the language of the motion to amend the title as:

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, **AS WELL AS SETTING THE MILL LEVY FOR THE YEAR 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

**Vote on amending the ordinance title to include language regarding "setting the mill levy"**

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

NAY: None.

ABSENT: Able

The motion passed 10-0.

Councilor Olver made a motion to remove a \$800,000 RTD project for signage and lighting on the W-Line Bridge at 6<sup>th</sup> Avenue. (see page 14 of the CCIP Budget on the Capital Project detail sheet)

The motion was seconded.

Discussion ensued between the Council and staff regarding the budget amendment.

**Vote on removing the RTD signage project from the budget.**

AYE: Janssen, Olver, Springsteen.

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

ABSENT: Able.

The motion failed 3-7.

Councilor Olver made a motion to use the \$900,000 of funding for separated bike lanes on Garrison Street, Harlan Street, and Denver West Parkway to use on separate bike lanes south of Jewel. (see CIPP budget page 13). The motion was seconded.

Discussion ensued between the Council and staff regarding the budget amendment.

**Vote on reallocating the \$900,000 separated bike lanes project to separated bike lanes south of Jewel.**

AYE: Janssen, Olver, Springsteen.

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

ABSENT: Able

The motion failed 3-7.

Councilor Janssen made a motion to include a reference to Section 12.12 of the Lakewood Home rule Charter in the 2024 City Budget (listed under the bullet points under page 40 of the 2024 Budget and Financial Policies). The motion was seconded.

Discussion ensued between the Council and staff regarding the budget amendment.

**Vote to add Section 12.12 charter language to page 40 of the budget.**

AYE: Janssen, Olver, Springsteen.

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

ABSENT: Able.

The motion failed 3-7.

Mayor Pro Tem Strom made a motion to adopt Ordinance O-2023-41, as amended. It was seconded.

Staff responded to questions from Councilor Springsteen regarding funding increases for the Police Department between the 2023 budget and the 2024 budget.

**Vote on Ordinance O-2023-41, as amended.**

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

NAY: Janssen, Olver, Springsteen.

ABSENT: Able.

The motion passed 7-3.

Mayor Paul took a recess at 9:20 p.m.

Mayor Paul reconvened Meeting at 9:32 p.m.

Prior to public comment, Mayor Paul read a letter from the developer of 777 S. Yarrow Street.

Councilor Springsteen made a motion to proceed with public comment.  
The motion failed due to lack of a second.

Mayor Paul continued to read a letter from the developer of 777 S. Yarrow Street.

## **ITEM 6 – PUBLIC COMMENT**

[View video recording here](#)

### **Public Comment received via telephone/in-person:**

Joan Poston, updated the Council on her FOIA on the property located at 4<sup>th</sup> and Union in Lakewood, then talked about the developer of the project located at 777 S. Yarrow Street.

Gail Hamilton, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided several examples of how the project would threaten the wildlife environment of the park.

Linda Stopp, Ward 4, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided several examples of how the project would threaten the wildlife environment of the park.

Celia Greenman, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and spoke about the sections of city code that should protect trees onsite, protect parkland, and be compatible with the land use of the neighborhood.

Karen Whittier, Ward 5, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and talked about the need to preserve the property.

Regina Hopkins, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park. Ms. Hopkins talked about the progress made by the community to receive and to approve the resolution being proposed by Councilor Springsteen, under General Business.

Richard Dannly, Ward 3, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and explained that there is an outside group looking into the details of the project.

Todd Allen, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and the need to preserve recreation and amenities in Lakewood. Mr. Allen closed by talking about a notice from Lakewood PD regarding a pedophile in his neighborhood Morris Park. Mr. Allen also talked about feeling unsafe to ride his bike on the paths in his neighborhood and park.



Connie Rettig, Ward 3, talked to City Council about reasonable accommodations under the Federal ADA Laws.

Paula Nightstrom, Ward 5, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided several examples of how the project would threaten the trees and wildlife environment of the park.

Linda Gies, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided a history of the area and talked about the need to preserve the property.

Lettecia Kratz, spoke to Council to share a sign created by her students to save Belmar Park. She provided several examples of how the project would threaten the trees and wildlife environment of the park.

Lynne Kinney, Ward 5, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park.

Lenore Herskovitz, Ward 1, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and spoke about how Councilor Springsteen's Resolution will provide what the people are looking for in the City of Lakewood.

Barbara Millman, spoke to Council to share a sign created by her students to save Belmar Park. She provided several examples of how the project would threaten the trees and wildlife habitat of the park.

Lanay James, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided a map and several examples to show how the project would threaten the trees and wildlife habitat of the park.

Dan Walters, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and talked about how the project would threaten the bird habitat in the park.

Jed Phillips, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided several examples to show how the project would threaten the trees and wildlife habitat of the park. Phillips closed by talking about the need to solve the housing crisis in Lakewood.

Krysta Munson, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and spoke about how the project would threaten the trees and wildlife habitat in the park.

Marc Kouzmanoff, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and talked about how the project would threaten bird and riparian habitat in the park.

Bill Keyes, spoke about how the Council read a proclamation to save Bear Creek Lake Park and explained the need to save Belmar Park.

Mark Smith, and talked about his experience as a city planner and spoke against a proposed development at 777 S. Yarrow Street. Mr. Smith talked about dealing with developers and the need to preserve Belmar Park.

Leonard Magliocchetti, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and talked about past bad decisions by the City Council.

Cody Frazier, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park and talked about the need to solve the housing crisis in Lakewood.

Rebecca Medina, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and expressed concerns about how the project would threaten the trees and wildlife habitat of the park.

Tom Dearth, Ward 3, spoke against a proposed development at 777 S. Yarrow Street, and how the project would threaten the health, safety, and welfare of residents in the Belmar area. Specifically, he warned about fire dangers in the open space area surrounding the park and talked about traffic issues that will be created by the proposed development.

Natie Mitton, Ward 5, spoke about the Council's budget calculations of a 4.78% mill levy that was set earlier in the evening for the 2024 and explained that mill levy amount is not income neutral.

Brian Holman, Ward 2, spoke in support of the proposed development at 777 S. Yarrow Street and explained that the issue is not the development, but the city's policy of fees in lieu of parkland. Mr. Holman discussed the positive amenities of the development and the need to reduce travel by building developments close to urban amenities.

Bobby Wald, Ward 5, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided examples of how the project would threaten the trees and wildlife environment of the park.

Lynn Jutson, Ward 4, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park, and provided examples of how the project would threaten the trees and wildlife habitat of the park.

Liz Miller, Ward 5, spoke against a proposed development at 777 S. Yarrow Street, near Belmar Park.

Jacob, Ward 5, talked about the housing crisis in the Denver metro-area and spoke about the benefits of replacing the current empty office buildings at 777 S. Yarrow Street with a residential development.

Jeri Coffey, Ward 1, explained that the support and opposition for the proposed development at 777 S. Yarrow Street is not divided by age.

**Public Comment received via Lakewood Speaks: 5 – SEE PAGE 17**

**ITEM 7 – GENERAL BUSINESS**

[View video recording here](#)

Request for Legislative Modifications

Mayor Paul asked Councilor Springsteen to present her legislative request.

Council Springsteen discussed her request for a resolution concerning the development at Belmar Park to require parkland and open space instead of a fee in lieu and other requirements for the development at Belmar Park West, 777 South Yarrow Street in Lakewood, CO 80226.

Councilor Springsteen made a motion to....

Section 1: “direct the City Manager 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.

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.”

The motion was seconded.

Discussion ensued at length between the Council and Mr. Dorotik. concerning the items listed in the motion.

Councilor Olver made a motion: “that the City Council direct staff to not allow a fee in lieu arrangement for the 777 S. Yarrow development.” The motion was seconded.

Mayor Paul ruled that there was no consensus on Councilor Olver’s request.

Councilor Springsteen made a motion to appeal the determination of consensus by the Mayor. The motion was seconded.

**Vote on appeal to determine consensus.**

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

NAY: Olver, Janssen, Springsteen.

ABSENT: Able.

The motion failed 3-7.

Mayor Paul ruled that there here was no consensus on Councilor Springsteen request.

**Public Comments on Lakewood Speaks: 6 – See Page 19**

**ITEM 8 – EXECUTIVE REPORT**

[View video recording here](#)

Kathy Hodgson, City Manager had no report.

**ITEM 9 – MAYOR AND CITY COUNCIL REPORTS**

[View video recording here](#)

The Council Members and Mayor Paul provided closing comments.

**ITEM 10 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 1:10 a.m. Tuesday, October 24, 2023.

Respectfully submitted,

---

Jay Robb, City Clerk

**ITEM 5 – ORDINANCE O-2023-41**

**Public Comment received via Lakewood Speaks: 12**

N Menten, Oct 23, 2023, 11:48am,

A mill reduction is required by city charter 12.12 which says: 12.12 LIMITATION ON PROPERTY TAXES. (a) The City Council shall not levy an ad valorem tax on taxable property in the City that provides revenue from such levy in an amount greater than was levied in the preceding year plus seven percent. Read it plainly, the revenue cannot be in an amount to exceed 7%. City staff has gone on record claiming the clause means that the mill rate itself can't increase more than 7%. Section 12.12 is clear. The mill has to be reduced. For property tax limits, think of the other comparable laws. There's the Annual Levy Law established 1913. Thing is, that doesn't cover home rules like Lakewood. It applies a 5.5% limit on property tax revenue, it covers special districts and counties, but not home-rules. Section 12.12 is a filler in a sense for the Annual Levy Law, safeguarding Lakewood taxpayers from times like this. Why should the city benefit from a double-digit property tax increase at the pain of taxpayers? Really important to note that in recent years the 7% has been exceeded. Upon review from outside experienced municipal law sources and from the very plain reading, the city hasn't followed Charter 12.12. The interpretation was quote "contorted". When staff was asked to explain their reasoning they said they could only do that in a closed door meeting. The revenue increase over 7% is illustrated in the year over year property tax revenue listed in the budget questions and answers document. Plainly put, the city has overcharged property taxes for some years actually adding to a housing affordability issue, at whatever scale that may be. A mill reduction is a flat and fair tax method and can mean another couple bags or a week's worth of groceries, or other necessary goods from someone else. Certainly it can be mean less on someone's bigger property tax bill, depends how someone pays in the first place. BUT, it's not uncommon that people are house rich and lower income. That's a factor in housing affordability. Regarding big corporations. Personally, I strongly opposed the current Creekside (WalMart) deal that a prior city council put in place. That city contract (Tax Increment Financing) is allowing Walmart to keep some property tax revenues through mid-2024 and once it ends it will be putting the money back in the city general fund. Taxpayers across the board deserve to be treated better than to face a double-digit property tax hike in January 2024. Lowering the mill means lowering the bill before it is paid. Big land holders pay big property taxes so it would be less. Smaller lot owners pay smaller property taxes so it would be less. They are relative in size. Otherwise, without adjustment, the city is going to collect over 25% more than last period. Ask the average person how much of an increase in income they got over the course of the last couple years. The answer won't be 9% or 18% like the city has collected in just recent periods. 2D didn't amend the city charter. Follow the charter property tax limit with plain language and don't contort it.

Larry Gardner, Oct 23, 2023, 11:23am,

Section 12.12.(a) reads as follows in pertinent parts: "12.12 LIMITATION ON PROPERTY TAXES. (a) The City Council shall not levy an ad valorem tax on taxable property in the City that provides REVENUE from such levy in an amount greater than was levied in the preceding year plus seven percent..." (emphasis added) The above language is brief, concisely drafted and in my opinion not open to any material interpretation that its subject matter is anything other than an annual restriction on the amount of REVENUE that may be legally collected from property taxes. Courts have consistently ruled that interpretation of applicable language for legal application should first apply the "plain language" rule that requires it be interpreted by means of the layman meaning of the text utilized in the provision(s) being interpreted. Section 12.12.(a) was adopted into the Lakewood Charter prior to the adoption of TABOR. Per the terms of TABOR, its language

clearly states that its regulatory provisions control over any pre-existing Charters. In part TABOR states that its provisions are "self-executing" and "supersede" all conflicting state statutory, charter or other state or local provisions. A primary prohibition of TABOR is to restrict the state or any local government from increasing any tax rates without a prior affirmative vote of those citizens being impacted. However, if Council were to implement the 12.12.(a) language in the manner suggested by the Lakewood city attorney, it would provide council with the authority to increase the property MILL LEVY RATES every year by as much as 7%, with this power to do so each and every year in perpetuity. Utilization of THIS interpretation of the language in 12.12.(a) would clearly appear to be in direct violation of TABOR restrictions. Further, if Council were to decide to implement the plain language meaning of the text of 12.12.(a) as I have suggested above, by the terms thereof, the city could not collect and retain any revenue for any give year that is in excess of the 7% yearly cap. It is my understanding that at least one of the currently espoused mill levy rates to be considered by Council would result in revenue generation in excess of 111% of the prior year's revenue and consequently be in violation of the terms of 12.12.(a) under that interpretation. In closing, as an attorney practicing for many years in the areas of corporate transactions, as well as corporate regulatory and securities compliance, I have had occasion to be required to provide legal advice to senior officers and directors regarding the corporate law principle of "ultra vires action(s)". This language is taken from Latin, and it refers to any action contemplated by corporation officials which may be deemed to be outside their legal scope of authority. If such an action were to be authorized and implemented, it would have the potential to subject the management and board of the company to personal liability for any damages which may have occurred as a result, without the benefit of any insurance coverage due to the illegal nature of such action. This corporate legal principle has for years been applied to elected officials of governmental and/or quasi- governmental entities. It would appear to me that, based upon the above analysis, if council were to determine (for any reason) that it had the legal authority to increase the property mill levy by an amount of 107% of the preceding years property tax revenue, and that this authority could ostensibly be exercised in every succeeding year in perpetuity, you could well be exposing yourselves to personal legal liability if litigation were to occur contending damages as a result of a violation of TABOR restrictions based on your actions. As I do not have the legal expertise to comprehensively evaluate municipal law and/or TABOR compliance, so I prevailed upon an associate who is a member of a Boulder law firm that specializes, among other thing, in municipal and TABOR law and requested her to analyze the above issues. Below is her response to that request.

John Claus, Oct 23, 2023, 9:44am.

I do not support Councilor Janssen's poorly conceived idea to lower Lakewood's mill levy. This is just another corporate handout under the guise of empathy for "the common citizen". This mill levy decrease would amount to a pittance for individual citizens, but a significant windfall for corporations already reaping the windfall of an inflationary period. Councilors Janssen and Olver are either too inept or too corrupt to fully comprehend what they're proposing. That being said, I'd like to use my TABOR refund to purchase an introductory textbook to macroeconomic theory for Janssen and Olver. Please let me know where to send it and don't forget to vote against the mill levy decrease.

Kathleen Baird, Oct 22, 2023, 7:51pm.

I oppose the 3.85 mill levy reduction. I constantly hear how Lakewood has a goal for safer streets for pedestrians and bicyclists. With the resurfacing of Garrison between Jewell and Mississippi the street was designed with more space to separate motorists from bicyclists. This Friday I saw that a crosswalk had been installed on Garrison at the entrance to Jewell Park with a barrier and a

sign stating Colorado State law requiring motorists to "stop when pedestrians are in the crosswalk". In the past that cross walk was barely noticeable. It was very difficult to see pedestrians waiting to cross. Now the crossing is very obvious. This new crossing benefits residents of all ages, incomes, disabled, property owners and renters alike. As Councilor Olver said, the refund is symbolic. For whom? Renters won't benefit. Excel Energy, Walmart, higher end homeowners will benefit. If more money becomes available why not use it to continue designing safer streets like on Garrison between Jewell and Mississippi where everyone benefits.

Dale Trone, Oct 22, 2023, 6:10pm,

I am against lowering the property tax levy amount. All this does is give large checks to Walmart and Xcel and a couple bucks to every one else. The citizens of Lakewood voted to allow labor excesses to be used for parks, police, and potholes for 8 years. Please honor the will of the people's vote do not vote for a levy reduction. Note if Lakewood had instituted canceling Tabor refunds, years ago awnehne many/most other CO cities/ counties did so we might not be listening to discussions about 777 S Yarrow as the city might have been to use prior funds to buy the property,

Andrea Raschke, Oct 19, 2023, 5:23pm,

I am in favor of decreasing Lakewood's mill levy. Lakewood should NOT focus on increasing its revenues. Instead, it needs to work on reducing its spending just like most of the rest of us are being forced to do. The increases in taxes from disproportional increases in property values hurt everybody who lives, works, or shops in Lakewood because these costs are also passed along by businesses and landlords. Every little bit helps. People need to be able to keep more of their own money in their own pockets for Lakewood to survive and thrive. Thank you!

Lynne Kinney, Oct 18, 2023, 5:41pm,

Much appreciation to Councilwoman Janssen for thinking out of the stagnant box. This may seem minute to some, but there are many residents in Lakewood who will realize a benefit because of this. Not just homeowners; renters should realize a reduction as well. Lakewood is solvent; please do the right thing. Please don't quibble over numbers. Show the residents you care. Absolutely no reason this should not happen. Thank you

Karen Cleaver, Oct 17, 2023, 4:15pm,

I support the proposal made by Mary Janssen to lower the mill levy to 3.85 on property taxes the city of Lakewood collects. Property tax increases have gotten ridiculously out of control and this proposal will help rein things in. I am an ordinary citizen and resident of Lakewood and our City Councilors are elected to represent the wishes of those who elected them. Please listen to what you are being asked to do.

Patti Peters, Oct 17, 2023, 2:20pm,

I support the proposal made by Mary Janssen at the Oct 9 meeting to lower the mill levy from 4.711 to 3.85 on property taxes the city collects. This reduction has the potential to benefit all constituents of our diverse community: homeowners receive a direct reduction, renters have the opportunity for landlords to pass on the reduction to them, and businesses such as Walmart can pass on savings to their customers. Mary's proposal is well researched and takes into consideration the Colfax Walmart's 2024 expiring tax modification as well as inflated values from sales taxes collected. It still equates to a 5% increase and does not cause the city to reduce any offerings or expenditures. My understanding is 2023 and 2024 budgets do not account for any of the additional revenue the city will collect from permits and taxes from short-term rentals as well. I strongly support Mary's well thought out proposal. Reducing the mill levy to 3.85 helps keep families in their homes and lets us be a community of families helping families, neighbors helping

neighbors, and for many to continue donating and volunteering in our community vs. needing to find more work to stay in our homes. This slight reduction helps prevent more constituents from falling through the cracks which then requires even more resources to get us back on our feet. Simply said, there are no losers in our community when the mill levy is reduced to 3.85 and collateral benefits such as good faith, inclusivity, collaboration, trust, and positivity cannot be garnered at a level higher than this.

Patti Peters, Oct 17, 2023, 1:56pm.

These are my comments emailed to council members on Mon 10/9/2023 at 1:57 pm that did not make it onto Lakewood speaks I too am in favor of a mill levy reduction. I believe the others who have opined at Lakewood Speaks (which was closed to me incidentally) adequately speak to the healthy coffers of the city so I'll speak to the motivation I hope you can embrace as you contemplate this proposal. The majority of this community has taken hit after hit beginning with Covid, then auto theft, stolen catalytic converters, personal property theft, flooded basements, inflation levels not seen in over 40 years combined with reduced services. Additionally, many of us have needed to alter or modify our driving, walking, and recreation activities because of diminished safety factors. Receiving property tax valuations inflated to an amount costing almost every property owner a minimum of thousands more beginning in 2024 is the nail in the coffin. In short, we are a tired city even if all this is not the fault of the city. The revenue the city of Lakewood is going to collect from property taxes in 2024 based on 2023 Real Property Valuations is 23% higher than the previous year. (Is this even allowed?) How many in our community received a 23% pay raise over the same period of time? Depending on the mill levy reduction selected, it potentially costs the city zero total revenue reduction to slightly ease the burden Lakewood homeowners are going to feel in 2024. This demonstration of collaboration and partnership on your part will garner well more than 23% of good faith and trust and help continue to build the inclusive community that remains our goal. Sincerely, Patti Peters

S Stillwell, Oct 16, 2023, 10:23am.

Thank you Councilor Janssen - operating a profit/surplus in a government is not an invitation to then increase budget expectations the next go round. In these situations it seems automatic that representatives in unison want to dismantle TABOR. The correct action is to analyze the deficits and surpluses, refine inflated expectations, return necessary surpluses to the taxpayers and readjust budget expectations. No offense to anyone, but we have seen a large influx of residents from states with already high mill levies and taxes, whom are used to these types of numbers, and in some cases their nominal property taxes have decreased in comparison. Property values in Lakewood have obviously increased and this is not a license to rubber stamp random increases, or accept current numbers as accurate, even in light of a changing constituency. Residents also need to understand that mills and rents are not governed by the same entities. Residents have done their part for affordable housing and tax incentives for attracting business and development. Now it is time to do the right thing and approve Ms. Janssen's proposal and thank the citizens. From there the voters can review any new budgetary proposals and assist in the determination of their necessity. Thank you for your service and consideration.

Joshua Comden, Oct 14, 2023, 12:24am.

I find all this talk about mill levy reductions quite disingenuous. The claimed reason for doing this is to help the little guy who is having a hard time paying their property taxes. However, there is becoming a widening class divide here in Lakewood between homeowners and renters. Whenever us renters complain about large increases to our rents, we are told that there is nothing that can be done because that's how markets are. There are affordable rental options but they have a 5+ year-long waitlists. When the state legislature was considering giving power back to the



cities to have the option to institute rent control, Councilor Janssen came out against it (Legislative Committee meeting, April 24th, 2023). Since that ended up failing in the state legislature, the only way to decrease rent prices is to increase the supply of rental units. However, every time an apartment complex is proposed, homeowners come out to oppose it. It is almost like they have a financial incentive to oppose it, besides their stated reasons. They, in fact, do have a financial incentive because with a constricted supply of homes, home prices skyrocket along with their equity. Now, when the tax bill comes due that has increased a lot due to it being tied to the value of their home, they come asking for a reduction. They want their cake (fast growing wealth) and to eat it too (lowered property taxes). They want Lakewood to only be affordable for those who bought homes long ago where renters get no relief, i.e., a de facto gated community. If you want to live in a gated community, then you should have to pay gated-community prices. While there are homeowners on fixed incomes, the rest of the homeowners class hides behind them as if renters on fixed incomes don't exist. I ask the homeowners councilors to be class traitors by opposing the mil levy decrease.

## **ITEM 6 – PUBLIC COMMENT**

### **Public Comments on Lakewood Speaks: 5**

Yvette Boisclair, Oct 23, 2023, 9:30am,

I have been a Lakewood resident for over 13 years, and one of my first discoveries was beautiful park and Koontze Lake within the park. As stated in the City of Lakewood Community Resources description, "One of the true jewels of the City of Lakewood park system, Belmar Park is a peaceful enclave in the center of town. At 132 rolling acres of natural grasslands and trees, the park offers nearly two miles of paved trails, over 17-acres of water, a creek and a wide variety of waterfowl and native plant communities". I consider myself fortunate to walk around the lake almost daily, and enjoy the countless species of wildlife supported by the lake and park. When I first heard about the proposed apartment development (only a few weeks ago) at the Irongate site, I was appalled. Any reasonable person can see that the proposed apartments and the removal of 69 mature trees will have a devastating impact on those species and their habitats, as well as increasing our carbon footprint. The main reason I live in Lakewood is because of its bevy of parks and open space. Belmar Park is integral to this system and the proposed development is way too close for comfort to this precious and vital natural resource. This project is not only a threat to wildlife, but to the tranquility residents and visitors find in this magical place.

Lenore Herskovitz, Oct 23, 2023, 4:04am,

At the end of the last council meeting on Oct. 9, the Mayor and Councillor Stewart addressed the many concerns expressed by the public regarding the Belmar Park development and its many negative impacts. The community members waited for hours for these responses. Councillor Stewart said she had been working on the project for over a year but gave no specifics. Who was she working with? What issues had been addressed? What was the outcome? Working "quietly" behind the scenes keeps the public uninformed until it is too late to act. The Mayor then spoke of the misinformation that is being spread without offering any specific examples. What about the fact that both Councillor Stewart and Mayor Pro Tem Wendi Strom misled by omission when they touted the "pause" offered by the developer of the Belmar project but failed to mention the 2 month time limit. This was mentioned in the developer's letter but not included in the messaging sent out by the Councillors. Upon request, Councillor Stewart did send out a copy of the developer's letter. The constituents can not rely on their representatives or city staff to provide them with complete and accurate information. We must continue to educate ourselves and share that knowledge. We must stand firm in demanding that the Council pass Councillor Springsteen's Resolution tonight. This clearly addresses solutions for the public's concerns in a legal format. No more excuses for delaying action!

Wendi Strom, Oct 20, 2023, 4:22pm,

For residents coming to this site to submit public comment for the proposed development at 777 S. Yarrow Street adjacent to Belmar Park, we have an important update! After working with the owners of the property, I'm happy to report that we have received word that the owner has agreed to pause the site planning process to make time to engage with community members regarding their site plan concerns. As a growing number of residents have come forward with concerns about the proposed plans submitted to the City, in partnership with Councilor Rebekah Stewart - who has been working with residents on this issue for the last year, she and I, set out to work with City staff and the property owner to negotiate a way for the residents' hopes and concerns to be heard and taken into consideration for this significant project occurring so close to a cherished community park. Councilor Stewart and I were committed to looking for every option that we could legally use to help this privately-owned property in one of our Urban Renewal Areas become more

“in line” with what the community would like to see next to the park. There have been other ideas floated out there that should continue to be part of the conversation as we move forward. We heard you. We acted and will continue to work on your behalf. Thank you to each of our engaged community members who sought out to learn more about the project and share your requests and opinions.

Steve Farthing, Oct 19, 2023, 11:07am,

The project at 777 S Yarrow St will exacerbate the environmental disaster of lost bird species at Belmar Park. 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.” Two-thirds of birds in North America are at risk of extinction according to the Audubon Society. Bird species are rapidly disappearing from Belmar Park in Lakewood, CO Bird Species Gone from Belmar Park since 2019 as of Oct 2023 – 70 species Not seen since 2022 -28 species Mountain Chickadee Hermit Thrush White-throated Sparrow Golden Eagle Pine Siskin Sora Hammond's Flycatcher Northern Waterthrush Orchard Oriole Gray Catbird Virginia Rail White Ibis Cordilleran Flycatcher Black-headed Grosbeak Bank Swallow Summer Tanager Lazuli Bunting Palm Warbler Dusky Flycatcher Gray Flycatcher Black-throated Gray Warbler Rock Wren Pygmy Nuthatch Franklin's Gull Cassin's Finch Marsh Wren Long-tailed Duck Greater White-fronted Goose Not seen since 2021 – 14 species Bonaparte's Gull Eastern Phoebe Green Heron Northern Pintail Cassin's Kingbird Common Nighthawk Chimney Swift Cattle Egret Willow Flycatcher Least Flycatcher Loggerhead Shrike Savannah Sparrow Golden-crowned Kinglet Northern Shrike Not seen since 2020 - 13 Lesser Black-backed Gull Swamp Sparrow Eared Grebe Black-and-white Warbler White-throated Swift Calliope Hummingbird Yellow-billed Cuckoo Yellow-breasted Chat Virginia's Warbler Blackpoll Warbler Nashville Warbler Rusty Blackbird Mountain Bluebird Not seen since 2019 – 15 species Field Sparrow Chestnut-collared Longspur Cassin's Vireo Prothonotary Warbler Tennessee Warbler Peregrine Falcon Swainson's Thrush Wilson's Phalarope American Dipper Semipalmated Sandpiper Semipalmated Plover Red-necked Phalarope Baird's Sandpiper Neotropical Cormorant Prairie Falcon Northern Goshawk

Patricia L Espinosa, Oct 16, 2023, 6:42pm,

Hello - I don't know if I am in the correct forum but wanted to leave my thoughts. Please, Please, Please do not allow the build at BELMAR PARK to go forward. It really is the jewel of Lakewood and so many people, animals, birds, turtles and other species that call it home. I have been a Lakewood resident for almost 20 years and the open space and parks are the number one reason for my moving here. I have watched as slowly all the open space is being developed with no sense of keeping Lakewood a beautiful place (we don't need three car washes within three blocks of each other). Aside from destroying the wildness of the park it makes no sense to build apartments that most people can't afford. Why destroy beautiful old mature trees and habitats to plant a shrub??? In this day and age we need to keep thinking forward and develop responsibly. People need nature in their lives for peace and solitude as well as the animal and bird habitat. Animals have enough stress with all the traffic and Belmar is a small haven for them. Nobody goes to look at a building for peace and solitude and money is not everything. Belmar park is perfect the way it is - it's not broke, please don't try to fix it. I am not that well spoken but this is really close to my heart. STOP the development!!

## **ITEM 7 – GENERAL BUSINESS**

### **Public Comments on Lakewood Speaks: 6**

John Claus, Oct 23, 2023, 10:37am,

Councilor Springsteen's and Olver's resolution has a lot of problems, not least of which are the self contradictions. They decry developing land for a parking lot for the park, and also demand way more parking for the apartments. The faux concern for the environment ("this park is in the central flyway!" ... when all of Colorado and Kansas is too), but I suspect the city would get sued and lose, or the project would die, if it passes, and that is really the concern. Councilor Springsteen obviously doesn't care about the city getting sued, or about stopping needed housing in a good location. Those have always been Anita's goals, not undesired side effects.

Amber Lengacher, Oct 23, 2023, 10:14am,

While I haven't had the chance to read this proposal in its entirety, I saw a sign in my beloved Belmar Park noting this meeting and motion and I wanted to voice my support. This park means the world to my family and I. My neighbors have lived here for decades. We need MORE park space. Not less. Please protect Lakewood's parks. Belmar park was the first place I ever visited when I came to Colorado. The history, the wildlife, the views, its perfect. Since then we attended many events and visited many times. Now we have the pleasure of living on the parks northern border and walking the park daily. It's a beautiful place. Please don't develop it.

Jeri Coffey, Oct 21, 2023, 10:36pm,

Anita Springsteen and Rich Olver are putting forth a Request for Legislative Modification tonight under general business. I pray that all councilors and the mayor will respectfully allow this legal request to be heard and put to a vote without delay. An eight week pause from the developer i will compliment but NOT replace the urgent need to pass this Request for Legislative Modification. Our building codes and laws should not be for sale. Just because a builder is wealthy and can spend "in lieu of" does not make it right. This is the opposite of equity that so many of you verbally embrace. 🌱 Do not swap parking spaces for dollars ! 🌱 Lead as your words promote in Sustainability! 🌱 Protect and value the mental health, safety and welfare of our community. Accessibility to emergency vehicles is critical. 🌱 Follow Article 17.1.2 of the Zoning Ordinance. Say no to cutting down protected trees in our ecosystem. Do not swap mature trees for a bunch of little trees. Your vote is where you stand. Campaign promises are not guarantees. Your vote is your word and we are listening. Jeri Coffey Sustainable development means improving the quality of li of huma, the carrying capacity of supporting ecosystem nesting of human purposes with the larger patterns the carrying capacity of supporting ecosystems.huma n purposes with the larger of the natural world lieu on 777 S. Yarrow, requirement your support in your vote. It is very important to support Anita's resolution getting through the obstacles of the mayor so you actually CAN vote. Sent from my iPad

Carlo Hopkins, Oct 19, 2023, 2:32pm,

I fully support and encourage all Council Members to vote YES on the Proposal set forth by Anita Springsteen regarding the property development being proposed for 777 S. Yarrow St. My additional concerns follow below: What if the project goes bankrupt? • Just consider this, they are going to install UNDERGROUND concrete storm water detention vaults. • If those vaults ever leak in the future and cause serious foundation damage to the building, that could trigger a financial crisis for the owner; even bankruptcy. • Nobody wants that to happen. But if it did, would Lakewood have the funds to remediate the damaged building? Not likely. . Underground Storm

Water Vaults? Seriously? Yep. The Colorado Geological Survey (CGS) engineer has reviewed and issued several written cautions regarding these planned underground storm water vaults. The Mile High Flood District “does not recommend underground detention facilities,” period. So why incur the added ‘forever’ risk to the building foundation and the emergency access road? The answer – to achieve a higher, more profitable housing density by avoiding surface ponds. It Is Not About the Developer .Keep in mind that if Developer A were to exit the project, there could be a Developer B that comes in. Would the issues be different under Developer B? Aren't the issues of public concern typically around the zoning, policies and regulations in place that allow a controversial project to be proposed? It is about city zoning ,policies, etc. It is about the City of Lakewood setting the stage for this to happen .There is quite a list of developer-friendly tactics the City of Lakewood has implemented over the years that have created the opening for this huge demolition and construction project adjacent to a legally unprotected and vulnerable bird sanctuary and wildlife habitat to take place .For example, the city zoning ordinance allows over 80% of the tree canopy habitat adjacent to Belmar Park to be totally destroyed by the multifamily project. Less than 20% of the tree canopy is to be restored with science-based basal area tree replacements. It is certainly egregious. The multifamily building does not appear to have adequate snow storage nor does Lakewood even require snow storage or a snow removal plan. Obviously, uncleared snow and ice could delay emergency response after a winter storm. And there are serious fire safety, traffic safety and wildfire issues that have been previously raised in "The Informer" a local publication, by local resident Tom Dearth. .The study of future traffic was simply a lookup in a book of traffic averages because you can't study traffic that isn't there yet. My understanding is that data was gathered in 2020 regarding having sufficient roadway access during a Covid Pandemic when there was very minimal traffic happening. It's a lot different now in 2023. There are traffic safety issues that have not been fully considered including whether the extra vehicles parked on the street will delay emergency response or evacuation. Unfortunately, the Belmar Commons residents will have to deal with whatever eventuality afflicts their few blocks of South Yarrow Street when an 800,000 square foot building with more than 500 cars becomes their new neighbor. These developer-friendly policies, regulations, etc. are all fair game to be criticized and alternative recommendations put forth. If there is an attorney willing to invest some legal sweat-equity, that might also be helpful. The City Council and Planning Department will tell you they can't do anything because it is a 'use-by-right' development. But we are not talking about some inherent human right. They are referring to a right they themselves granted through their own planning, zoning, growth cap waiver and redevelopment process. It is up to them to take responsibility for what they have done. And up to the voters to hold them accountable. Carlo Hopkins

Steve Farthing, Oct 19, 2023, 11:14am,

The project at 777 S Yarrow St will exacerbate the environmental disaster of lost bird species at Belmar Park. 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.” Two-thirds of birds in North America are at risk of extinction according to the Audubon Society. Bird species are rapidly disappearing from Belmar Park in Lakewood, CO Bird Species Gone from Belmar Park since 2019 as of Oct 2023 – 70 species Not seen since 2022 -28 species Mountain Chickadee Hermit Thrush White-throated Sparrow Golden Eagle Pine Siskin Sora Hammond's Flycatcher Northern Waterthrush Orchard Oriole Gray Catbird Virginia Rail White Ibis Cordilleran Flycatcher Black-headed Grosbeak Bank Swallow Summer Tanager Lazuli Bunting Palm Warbler Dusky Flycatcher Gray Flycatcher Black-throated Gray Warbler Rock Wren Pygmy Nuthatch Franklin's Gull Cassin's Finch Marsh Wren Long-tailed Duck Greater White-fronted Goose Not seen since 2021 – 14 species Bonaparte's Gull Eastern Phoebe Green Heron Northern Pintail Cassin's Kingbird Common Nighthawk Chimney Swift Cattle Egret Willow Flycatcher Least Flycatcher

Loggerhead Shrike Savannah Sparrow Golden-crowned Kinglet Northern Shrike Not seen since 2020 - 13 Lesser Black-backed Gull Swamp Sparrow Eared Grebe Black-and-white Warbler White-throated Swift Calliope Hummingbird Yellow-billed Cuckoo Yellow-breasted Chat Virginia's Warbler Blackpoll Warbler Nashville Warbler Rusty Blackbird Mountain Bluebird Not seen since 2019 – 15 species Field Sparrow Chestnut-collared Longspur Cassin's Vireo Prothonotary Warbler Tennessee Warbler Peregrine Falcon Swainson's Thrush Wilson's Phalarope American Dipper Semipalmated Sandpiper Semipalmated Plover Red-necked Phalarope Baird's Sandpiper Neotropic Cormorant Prairie Falcon Northern Goshawk

Jean McClenathen, Oct 16, 2023, 4:00pm.

Hello Lakewood city council members. My name is Jean McClenathen. Thank you for the opportunity last week for me to raise my voice at your council meeting. I appreciated your time and consideration then and now reading this email. We are not all "birders," citizens who love and promote the welfare of our feathered friends. I have a bumper sticker on my car that reads, "Protect birds and we protect the earth." We're not all birders but we only have one planet. We can not replace fabulous established birding habitats with a wave of the wand. I entreat you to listen to this video link below. It is 8 1/2 minutes long. <https://cornell.us2.list-manage.com/track/click?u=b35ddb671faf4a16c0ce32406&id=6b96c2145c&e=a6f9f89c61> I can't believe how anyone would not think, "Wow. Wow. Wow. Who knew?" after watching it in its entirety. You will discover and understand the importance of our bird migration flyways and the magnitude of your decision that lies ahead. Belmar Park's wildlife area is one of the few oases left where birds migrating 7,000 miles to reproduce and raise their young can stop to rest and refuel. Please don't let them find a concrete jungle when they arrive expectant and exhausted spring and fall. There really is a "canary in the coalmine." Thank you.



## STAFF MEMO

**DATE OF COUNCIL MEETING: NOVEMBER 27, 2023/ AGENDA ITEM NO. 9**

To: Mayor and City Council

From: Jay Robb, City Clerk, 303-987-7081

Subject: **RESOLUTION 2023-57, CALLING FOR A SPECIAL ELECTION IN WARD 5**

---

**SUMMARY STATEMENT:** After Mayor-elect Wendi Strom takes her oath of office to become Mayor on November 27<sup>th</sup>, a vacancy on City Council will exist in Ward 5.

Resolution 2023-57 calls for a special election to occur in Ward 5 on Tuesday, January 30, 2024, to fill the vacancy left by Mayor-elect Strom. The Resolution also designates the election to be conducted by the City through the City Clerk's Office as a mail ballot election.

**BACKGROUND INFORMATION:** Setting the election calendar for this special election is a math problem requiring balancing local law (which is primary) and State law (which is secondary). Section 2.8 of the Lakewood Home Rule Charter requires that: "In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election **within** 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office."

C.R.S. 31-10-108 provides that "No special election be held within the 32 days before or after the date of a primary, general, or congressional vacancy election."

Due to the Colorado Presidential Primary election being held on March 5, 2024, the City's timeframe to hold a vacancy election is shortened by all of February. Therefore, the last possible Tuesday upon which the special election may be held is Tuesday, January 30<sup>th</sup>.

**BUDGETARY IMPACTS:** Staff estimates that the special election could cost between \$70,000 to \$90,000. This cost estimate includes the cost of an independent Municipal Elections Coordinator, paying election judges and other minor expenses, as well as the costs arising out of two separate contracts: ballot printing / mailing and election equipment for ballot processing.

**STAFF RECOMMENDATIONS:** The adoption of Resolution 2023-57

**ALTERNATIVES:** City Staff sees no alternatives to adopting a Resolution setting the special election to fill the Ward 5 vacancy for January 30, 2024.

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

**NEXT STEPS:** If adopted, the special election will begin on Tuesday, January 30<sup>th</sup>, 2024, with candidate petitions available for signature gathering and submission to the City Clerk between Tuesday, November 28<sup>th</sup> through Friday, December 15<sup>th</sup>, 2023.

**ATTACHMENTS:** Resolution 2023-57

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



2023-57

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION IN WARD V TO BE HELD JANUARY 30, 2024, FOR THE PURPOSE OF FILLING A VACATED CITY COUNCIL SEAT, WITH SUCH SPECIAL ELECTION TO BE CONDUCTED AS A MAIL BALLOT ELECTION BY THE LAKEWOOD CITY CLERK'S OFFICE

WHEREAS, a vacancy in a Ward V City Council seat occurred following the swearing in of Wendi Strom as Mayor for the City of Lakewood;

WHEREAS, the Ward V City Council seat has been vacated for the final two years of the existing term, such term ending following the November 4, 2025 regular municipal election, all in accordance with Section 2.6 of the Charter of the City of Lakewood;

WHEREAS, Section 6.1 of the Charter of the City of Lakewood provides that City elections are governed by the Colorado municipal election laws except as otherwise provided by Charter or ordinance;

WHEREAS, Section 2.8 of the Charter of the City of Lakewood provides that after a vacancy occurs in the office of a City Council position such vacancy is filled by the City Council calling for a special election to be held within ninety (90) days of the effective date of the vacancy, a time frame beginning on November 28, 2023 and concluding on February 25, 2024;

WHEREAS, C.R.S. 31-10-108 provides that no special election may be held within the thirty-two days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the State of Colorado has designated March 5, 2024, as the date of a primary election, effectively removing February 2 through February 25, 2024, from the timeframe during which a special election for the vacated Ward V position may be held;

WHEREAS, C.R.S. 31-10-108 provides that a municipal special election must be held on a Tuesday on a date designated by resolution of the governing body;

WHEREAS, the latest possible date this special election can be held is January 30, 2024; and

WHEREAS, it is the intention of the City Council to comply with the election timelines to conduct the most efficient election possible.

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

SECTION 1. The City Council hereby calls and sets a special municipal election for January 30, 2024, to fill the remaining two years of the term of the vacant Ward V City Council position, with such election to be conducted as a mail ballot election.

SECTION 2. The City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election.

SECTION 3. The provisions of this Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council on November 27, 2023, at 7 o'clock p.m.

---

Wendi Strom, Mayor

ATTEST:

---

Jay Robb, City Clerk

APPROVED AS TO FORM:

---

Alison McKenney Brown, City Attorney