

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

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

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

or

Lakewood Speaks: [Lakewoodspeaks.org](https://lakewoodspeaks.org)

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/84957320840>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **849 5732 0840**

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

Webinar ID: **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.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – INDIGENOUS PEOPLES' DAY

ITEM 6 – PROCLAMATION – HONORING DR. MICHELE HANEY

ITEM 7 – PUBLIC COMMENT

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

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 8 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

ITEM A. – – MINUTES OF THE CITY COUNCIL MEETING - AUGUST 8, 2023

B. MINUTES OF THE CITY COUNCIL MEETING - SEPTEMBER 11, 2023

**END OF CONSENT AGENDA
ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

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

THIS ORDINANCE WAS APPROVED ON 1ST READING BY A VOTE OF 7 AYES 2 NAYS.

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

ITEM 11 – GENERAL BUSINESS

A. REQUEST FOR LEGISLATIVE MODIFICATIONS

ITEM 12 – EXECUTIVE REPORT

A. CITY MANAGER

ITEM 13 – MAYOR AND CITY COUNCIL REPORTS

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 14 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: OCTOBER 9, 2023 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject: **INDIGENOUS PEOPLES' DAY**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: 1. Proclamation - Indigenous Peoples' Day

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

PROCLAMATION

INDIGENOUS PEOPLES' DAY

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

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

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

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

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

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



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

A blue ink signature of Adam Paul, written in a cursive style.

Adam Paul, Mayor

STAFF MEMO

DATE OF MEETING: OCTOBER 9, 2023 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject: **HONORING DR. MICHELE HANEY**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: 1. Proclamation Honoring Dr. Michele Haney

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

PROCLAMATION

HONORING PRESIDENT DR. MICHELE HANEY

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

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

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

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

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

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

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

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

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

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

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

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

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



A handwritten signature in blue ink, appearing to read "Adam Paul".

Adam Paul, Mayor

STAFF MEMO

DATE OF MEETING: OCTOBER 9, 2023 / AGENDA ITEM NO. 7

To: Mayor and City Council

From:

Subject: **Public Comment**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: None

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

STAFF MEMO

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

To: Mayor and City Council

From:

Subject: **MINUTES OF THE CITY COUNCIL MEETING - AUGUST 8, 2023**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: 1. 2023 CITY COUNCIL REGULAR MEETING MINUTES 09 11

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



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

7:00 P.M

September 11, 2023

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

ITEM 1 – CALL TO ORDER

[View video recording here](#)

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

ITEM 2 – ROLL CALL

[View video recording here](#)

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

Absent: Charley Able, Richard Olver

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

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

ITEM 3 – PLEDGE OF ALLEGIANCE

[View video recording here](#)

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

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest

ITEM 5 – PROCLAMATION – HONORING ED PERLMUTTER

[View video recording here](#)

Mayor Paul read the proclamation and introduced Congressman Ed Perlmutter.

ITEM 6 – PUBLIC COMMENT

[View video recording here](#)

Public Comment received via telephone/in-person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Paul made closing comments addressing the public comments.

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

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

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

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

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

[View video recording here](#)

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

Public Comment received via telephone/in-person:

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

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

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

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

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

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

Vote on Resolution 2023-48:

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

NAY: Janssen, Springsteen.

ABSENT: Able and Olver.

Result: Approved 7 - 2, the motion passed.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

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

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

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

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

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

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

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

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

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

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

ITEM 16 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

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

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

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

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

END OF CONSENT AGENDA

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

Vote on the Motion to Adjourn:

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

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

ITEM 20 – ADJOURNMENT

[View video recording here](#)

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

Respectfully submitted,

Jay Robb, City Clerk

Public Comment received via Lakewood Speaks: 7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF MEMO

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

To: Mayor and City Council

From:

Subject: **MINUTES OF THE CITY COUNCIL MEETING - SEPTEMBER 11, 2023**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: 1. 2023 CITY COUNCIL REGULAR MEETING MINUTES 09 11

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



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

7:00 P.M

September 11, 2023

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

ITEM 1 – CALL TO ORDER

[View video recording here](#)

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

ITEM 2 – ROLL CALL

[View video recording here](#)

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

Absent: Charley Able, Richard Olver

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

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

ITEM 3 – PLEDGE OF ALLEGIANCE

[View video recording here](#)

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

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest

ITEM 5 – PROCLAMATION – HONORING ED PERLMUTTER

[View video recording here](#)

Mayor Paul read the proclamation and introduced Congressman Ed Perlmutter.

ITEM 6 – PUBLIC COMMENT

[View video recording here](#)

Public Comment received via telephone/in-person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Paul made closing comments addressing the public comments.

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

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

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

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

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

[View video recording here](#)

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

Public Comment received via telephone/in-person:

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

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

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

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

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

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

Vote on Resolution 2023-48:

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

NAY: Janssen, Springsteen.

ABSENT: Able and Olver.

Result: Approved 7 - 2, the motion passed.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

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

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

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

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

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

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

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

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

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

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

ITEM 16 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

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

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

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

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

END OF CONSENT AGENDA

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

Vote on the Motion to Adjourn:

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

NAY: Springsteen.

ABSENT: Able, Olver.

Result: Approved 8 - 1, the motion passed.

ITEM 20 – ADJOURNMENT

[View video recording here](#)

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

Respectfully submitted,

Jay Robb, City Clerk

Public Comment received via Lakewood Speaks: 7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF MEMO

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

To: Mayor and City Council

From: Max Kirschbaum, Public Works Director

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

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

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

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

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

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

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

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

BUDGETARY IMPACTS: No budgetary impact are anticipated.

STAFF RECOMMENDATIONS: Staff recommends adoption of the ordinance.

ALTERNATIVES:

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

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

ATTACHMENTS: 1. Ordinance O-2023-38

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

AN ORDINANCE

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

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

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

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

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

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

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

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

14.28.010 Purpose

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

14.28.020 Definitions

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

City Engineer means the City Engineer for Development Services.

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

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

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

Director means the Director of Public Works Department or designee.

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

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

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

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

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

14.28.030 Agreement

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

14.28.040 Improvements Subject to Reimbursement

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

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

14.28.050 Excluded Improvement(s)

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

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

14.28.060 Application for Establishment of Public Improvement Reimbursement Agreement

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

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

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

14.28.070 Estimated Construction Cost

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

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

14.28.080 Determination of Pro Rata Shares

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

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

14.28.090 Reimbursement Area Hearing

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

14.28.100 Establishing the Final Construction Cost

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

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

14.28.110 Reimbursement Payments

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

14.28.120 Responsibilities of Initial Developer

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

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

14.28.130 Termination of Reimbursement Areas

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

14.28.140 Dispute, Administrative Appeal

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

14.28.150 Limitation of City's Duty and Liability

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

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

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

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

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

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

To: Mayor and City Council

From: Holly Bjorklund, Finance Director

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

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

BACKGROUND INFORMATION:

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

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

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

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

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

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

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

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

hearings concerning the 2023 Revised and 2024 Proposed City Budget.

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

ATTACHMENTS: 1. Ordinance O-2023-41

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

AN ORDINANCE

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

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

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

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

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

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

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

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

ALL FUNDS SUMMARY

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

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

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

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

SECTION 2. Pursuant to the Lakewood Home Rule Charter, both the revised budget for the year 2021 and the budget for the City of Lakewood, Colorado for the fiscal year beginning January 1, 2024 and ending December 31, 2024 as heretofore proposed to the City Council by the City Manager, be and the same are hereby adopted and approved as the Revised 2023/2024 Annual Budget.

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

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

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

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

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

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

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

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

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

To: Mayor and City Council

From:

Subject: **Request for Legislative Modifications**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS:

1. City Council Request for Legislative Modifications
2. Councilor Janssen Draft Mill Levy Reduction Proposal

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

City Council Request for Legislative Modifications



Lakewood
Colorado

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

Council member sponsor(s)	Mary Janssen, Rich Olver
---------------------------	--------------------------

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

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

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

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

Attach file if needed	Janssen Draft Mill Levy Reduction-VI.pdf
-----------------------	--

Submitted by: City Councilor Mary Janssen

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

Proposed Motion to Set Lakewood Mill Levy

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

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

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

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

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

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

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

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

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

Whereas the City of Lakewood did not reduce the 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.