

City Council Meeting Minutes

**May 2, 2023
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Maloney called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: *Mayor Dennis Maloney
Mayor Pro Tem Deborah Fahey
Councilmember J. Caleb Dickinson
Councilmember Barbara Hamlington
Councilmember Dietrich Hoefner
Councilmember Chris Leh
Councilmember Maxine Most*

Staff Present: *Jeff Durbin, City Manager
Katie Beasley, Senior Services Supervisor
Kurt Kowar, Public Works Director
Rob Zuccaro, Community Development Director
April Kroner, Economic Vitality Specialist
Jeff Fisher, Interim Police Chief
Scott Moore, Crime Prevention Specialist
Meredyth Muth, City Clerk*

Others Present: *Kathleen Kelly, City Attorney*

APPROVAL OF AGENDA

Mayor Maloney called for changes to the agenda and hearing none asked for a motion. **Motion:** Mayor Pro Tem Fahey moved to approve the agenda, seconded by Councilmember Hoefner. **Vote:** All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND ON THE CONSENT AGENDA

Sherry Sommer, Louisville resident, spoke about the recent workshop on April 18 and about the Comprehensive Plan and preparing for that process. She stressed the

importance of listening to people of different opinions during the upcoming Comprehensive Plan process.

APPROVAL OF THE CONSENT AGENDA

Mayor Maloney noted there were some minor changes to Item D from what was in the packet.

Mayor Maloney asked for changes to the consent agenda; hearing none he asked for a motion. **Motion:** Mayor Pro Tem Fahey moved to approve the consent agenda as amended, seconded by Councilmember Hoefner. **Vote:** All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: September 27, 2022; December 20, 2022; January 10, 2023; April 11, 2023***
- C. *Approval of City Council Meeting Schedule for June and July, 2023***
- D. *Approval of Resolution No. 24, Series 2023 – A Resolution Approving a Business Assistance Agreement with Tendeg LLC for an Economic Development Project in the City of Louisville***
- E. *Coyote Run Trail Resurfacing***
 - ◇ ***Award Bid for 2023 Coyote Run Open Space Crusher Fines Trail Resurfacing***
 - ◇ ***Approve Contract Between the City of Louisville and Kinetic Trails for the 2023 Coyote Run Open Space Trail Resurfacing Project***
- F. *Approval of 2023 Drinking Water Week Proclamation***
- G. *Approval of 2023 Economic Development Week Proclamation***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None

CITY MANAGER'S REPORT

City Manager Jeff Durbin stated former Deputy City Manager Davis received the Deputy City Manager of the Year Award from the Colorado City Managers Association.

REGULAR BUSINESS

OLDER AMERICAN'S MONTH PROCLAMATION

Mayor Pro Tem Fahey read the proclamation and shared that the Senior Center offers a great meal program the many socialization opportunities available.

Katie Beasley, Senior Services Supervisor, reviewed some of the events the Senior Center is doing in celebration this month.

Motion: Mayor Pro Tem Fahey moved the proclamation be approved; seconded by Councilmember Leh.

Vote: All in favor

RESOLUTION NO. 25, SERIES 2023 – A RESOLUTION APPROVING AN AMENDED PLANNED UNIT DEVELOPMENT FOR SIGN WAIVERS FOR SPEEDY SPARKLE CAR WASH, LOCATED AT 1414 HECLA WAY, LOT 6, LOUISVILLE PLAZA FILING NO. 2

Community Development Director Zuccaro stated this application was originally heard by the Planning Commission in early 2020. Due to the pandemic, the applicant did not want to move forward utilizing electronic meetings, so the application is coming before Council now. The sign code was amended in 2019, after the applicants submitted their original application, so the criteria used will be the code they applied under and not the amended sign code.

Director Zuccaro shared a site plan of existing and proposed signage. The business has been in operation for several years, and they did add some directory signs that will require waivers. They want to install a secondary sign on Hecla. This sign was previously approved but never installed. The code says there can only be one monument sign, so this would be their second and would require a waiver. The menu board sign is translucent so that would also need a waiver. Planning Commission did recommend approval with some conditions and those conditions have been met.

Mayor Pro Tem Fahey asked about the sign proposed on Hecla. Director Zuccaro said this is a wayfinding sign; it identifies where customers are coming into the car wash.

Councilmember Hamlington asked if there are any requirements in the code for the canopy sign and if it can be lit at night. Director Zuccaro stated these types of signs are allowed. The City does not have time restrictions or time illumination in the sign code.

Public Comments

Diane Shepherd, Louisville, stated new development should consider dark skies illumination. She is not sure how that is addressed in the code now, but it is important to a lot of residents.

Mayor Maloney asked Director Zuccaro to address the speaker's concerns regarding lighting. Director Zuccaro stated that whole cabinet can't be illuminated and for externally lit signs only down lighting, not up lighting, is allowed.

Councilmember Most asked about the comprehensive plan and if signage will be looked at as well. She would like to see the sign code addressed to help business promotion.

Mayor Maloney closed the public hearing.

MOTION: Councilmember Most moved to approve Resolution No. 25; seconded by Councilmember Leh

VOTE: Motion passed by unanimous roll call vote.

FLOCK CAMERA PROGRAM UPDATE AND PURCHASE REQUEST

Interim Chief Fisher provided a program update. In 2022, Council approved the purchase of 25 FLOCK plate reader cameras to be used in the Marshall Fire burn areas as a crime deterrent, security measure, and as an investigative tool in the event of a crime. The original purchase authorization was for 25 cameras and the original purchase was 20 cameras.

In April, the cameras logged 27,082 license plate reads. Of those reads, 107 of them had associated “hot list” information attached to them; meaning there was something connected to that plate in the Colorado Crime Information System (stolen vehicle, missing person, etc.).

He noted that in the packet there were a number of instances where the cameras provided valuable information. The largest example was the use of the FLOCK cameras to identify a license plate, and in conjunction with other means and other law enforcement, was found to be connected to burglaries on McCaslin. The police then tied that to a suspect in over 40 burglaries in the Denver Metro area. Without that camera read that person might still be at large.

With the warmer weather and the increase in construction in the burn areas there is a lot of activity day and night. There is also in an increase in crime related to building supplies, materials and equipment being stolen.

This is an additional request for cameras from the community, but he understands these aren't without controversy. He clarified that the cameras register plates as they pass the camera; they do not photograph drivers or occupants of the vehicle. It is only activated when a vehicle passes and is not a surveillance camera. The police are proposing the additional cameras to meet the requests of the community but understands there are concerns on implementation and use. He is hopeful there is a happy medium.

The request is to fill the order for the remaining 5 cameras that were authorized last year, including four pole mounted / stationary cameras, and one mobile camera that can be placed in various locations depending on circumstances such as a rash of thefts.

The department is proposing to add the additional cameras at major ingress points to the City. Most of the crime in Louisville is not caused by residents, but by those from other communities and they arrive by car. This will give the department a starting point for investigations. Interim Chief Fisher spoke as to what the cameras do and do not do, the prohibited use of the cameras. He added that data retention beyond 30 days. He also detailed the cost and contract requirements for the additional cameras.

Councilmember Most asked about the contract duration for the new cameras. Chief Fisher clarified that the current camera contract expires in April 2024 and the new cameras would be for two years from the date of installation.

Councilmember Most asked what brings up a hit for the police. Chief Fisher stated the police department can enter information into the system so if that plate happens by the camera it will alert the jurisdiction of its presence. The department can also set the cameras to motion sensor activation. This is done in the burn control areas and it shows all the vehicles, alerts an officer that someone is there and if needed, the officer can go into the neighborhood to check it out.

Councilmember Hamlington asked about the prohibition to use them as traffic enforcement and gave the example of a traffic complaint that a vehicle ran a school bus sign. Chief Fisher responded that if there was a witness that provided information the camera would give the officer a starting place to locate the car and not the person who was driving the car. The camera cannot be used as the starting point to pull over someone for a traffic violation. There was a brief discussion to gain more clarification on the use of the cameras as an investigative tool as opposed to a traffic enforcement tool.

Mayor Pro Tem Fahey asked of the thousands of hits how many the department reviews. Chief Fisher responded that it is only reviewed if there is a hit on the "hot list" of information that was already in the system, or if there was a criminal episode in a certain area. No one is pouring over the data from the cameras every day.

Councilmember Hoefner noted that the cameras were approved for the burn areas and if the PD was asking to expand the scope. Chief Fisher stated this was accurate. He also stated that the additional cameras would augment those in the burn area and address crime in general.

Councilmember Hoefner asked if things would be reevaluated after the two year term. Chief Fisher stated they would.

Councilmember Dickinson used an example of an Amber Alert as an example of why having cameras at major intersections would be helpful. He understands it's not a traffic camera and does not signal police of someone running a light or speeding.

Councilmember Leh asked if the primary reason for this request is more general crime control for the city and if there had been any requests from other jurisdictions to add the

additional crime control in the region. Chief Fisher said yes, the request is for general crime control. Crime Prevention Specialist Moore stated that other cities ask if Louisville has cameras to aid in their investigations.

Public Comments

Tawnya Samauroo, Louisville, stated the people in the fire areas have asked for this but the rest of town has not. She noted her worries this is a mass surveillance system and the data is being stored on a private server. She stated it should not be approved without very limited uses. No criminals have been caught in the burn areas. She worries these give the Police too much information.

Thomas Wade, Coal Creek Ranch HOA President, feels the additional routes make sense. For the last 30 some odd years the city hasn't spent much time thinking about crime, but the rebuilding is going to bring crime to the city. He wants the community to be as safe as possible and doesn't care how often he is seen coming and going.

Rick, Louisville, is concerned about Louisville becoming a police city/state. He shared concerns about data not being deleted fully and about the company holding on to the data. Would like to see more of a police presence.

Mayor Maloney stated there were some debates about this when the camera were initially approved. There was a lot of concern in the community and the burn areas. There was talk about privacy, but the question before the Council tonight is whether to approve the additional cameras – not police policy. Items such as retention, how and when the information is shared should be discussed. He stated he is okay with purchasing more cameras as they have been used appropriately. There should be a conversation in the future about the policy. Other cities maintain data for minutes, not days. There is discussion that needs to happen and it should involve the community.

Councilmember Most stated she does not support this and is concerned about the intent and purpose of the new cameras in areas outside of the burn area. She originally supported the program specifically for the burn areas to augment the limited resources of the police department. This request is a different mandate than when the cameras were originally approved.

Councilmember Hoefner stated he agreed with Councilmember Most. He is uncomfortable expanding the program. He has privacy concerns about expanding beyond the burn areas to the five busiest intersections in the city. He would be ok with putting the additional cameras into the burn areas.

Councilmember Hamlington also stated the program should be limited to the burn areas. She supports more cameras if they are in the burn area.

Interim Chief Fisher stated he understands the concerns. This was a measured way to meet the needs of the fire areas and the community as a whole and staff tried to find a way to do that with this proposal.

Councilmember Leh stated talking about how the data is used is a discussion for another day. He takes the Chief's word that the current cameras have had a deterrent effect. However, there are misgivings as it is a camera that registers a plate. There are also concerns about sharing the data.

Councilmember Dickinson appreciated comments from colleagues. He stated that if the proposal was brought back about placing in intersections, he would support them as intended to for use in thefts, and amber alerts.

Mayor Maloney noted there was not support to move this forward as presented.

ORDINANCE NO. 1853, SERIES 2023 – AN ORDINANCE APPROVING AN ELEVENTH AMENDMENT TO THE CENTENNIAL VALLEY GENERAL DEVELOPMENT PLAN'S AMENDED AND RESTATED DEVELOPMENT AGREEMENT TO REVISE PERMITTED USES FOR A PORTION OF PARCEL H AT 972 WEST DILLON ROAD – FIRST READING, SET PUBLIC HEARING FOR 5/16/23

Mayor Maloney introduced Ordinance No. 1853 by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for May 16, 2023; seconded by Mayor Pro Tem Fahey.

VOTE: Motion passed by unanimous voice vote.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Mayor Maloney stated that next week Council will be discussing the 2024 work plan.

Councilmember Most asked for update on Marshall Fire at a future meeting. City Manager Jeff Durbin noted this is on the agenda for June 20.

Councilmember Leh noted the Economic Vitality Committee will meet next on May 19 and will be discussing the draft of the dark skies ordinance.

Councilmember Leh stated he has heard concerns from residents about if Xcel can handle the electrical load for the new homes in the burn areas. He would like an update on that. City Manager Jeff Durbin stated he has been assured by Xcel they are working

on it. Mayor Maloney asked this either be on the May 16 agenda or information distributed by memo.

Councilmember Leh noted the issue of property assessments increasing so quickly. He would like some information on the City website about where people can get more information on that and how to learn their options.

Mayor Maloney also noted the Finance Committee will review the mill levy and making a recommendation on what that should be set at for municipal services. He noted that the City is a very small portion of property tax bill a resident pays.

ADJOURN

Members adjourned at 7:57 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk