

MINUTES OF THE CITY COUNCIL MEETING HELD OCTOBER 9, 2007, AT 7:00 P.M., IN THE
COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Gordon Thomas

EXCUSED: Councilman Bruce Jones,

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Deputy City Manager Kevin Smith, Public Relations Specialist Bob Warnick, City Treasurer Gary Harmer, Finance Director David Muir, Mike Dolan

OTHERS PRESENT: Mike Watson, Paul Brenneman, Beverly and Larry Jensen, Ron Fullmer, Bob Good, Lynn Feveryear, Robby Russo, John Fassett, Dale Howells, Sheriff Winder, Renita Pullman, Corbett Ford, Dan Bartlett, Bob Springmeyer, Jon Springmeyer, Cathy McCitrick, Randy Fitts, Wayne Dial, Mike Peterson, Gerald Maughan, Beau Babka, David McClintock, Jeremy Leavitt, Zachary Allen, Connor Caldwell, Ryan Summerhays, Brent Jensen, Joe Crilly, Gina Thackery, Robert Hortin, Amelia Nielson-Stowell, Ted Neff, Clark Aposhian, Deanna Coffman, Jean Toulæg

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENT**

1.1 Mayor Cullimore called the meeting to order and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Bracken.

2.0 **CITIZEN COMMENTS**

2.1 No comments were received.

3.0 **REPORTS/PRESENTATIONS**

3.1 **Salt Lake County Sheriff's Report**

3.1.1 Detective Ford reviewed the statistics for the month of September. There were 1003 calls for service which generated 568 cases. Assaults were at the lowest level for the year and burglaries and damaged property were down significantly.

Detective Ford introduced the new Division Commander, Lt. John Fassett.

3.1.2 Lt. Fassett stated that he is excited to be working in Cottonwood Heights and looks forward to working with the citizens.

4.0 **PRESENTATIONS**

4.1 **Presentation by Bonneville Research: Feasibility Study of Self-Providing Law Enforcement Services in Cottonwood Heights**

4.1.1 Mayor Cullimore stated that the City has a very good relationship with the officers that work in Cottonwood Heights and a great respect for them and for the job they do in the City.

4.1.2 Mayor Cullimore acknowledged Sheriff Winder and Deputy Hudson from the Sheriff's Office.

4.1.3 Mayor Cullimore explained that shortly after Cottonwood Heights became a city they worked with the County and other contract cities on a concept for a regional policing force, or United Police Department. The UPD concept failed and the City began looking at other options for regional or local policing. When the city incorporated they received their policing services from the County and continue to contract with them. The contract with Cottonwood Heights was the first contract in seven years to be signed by a city.

He said the City felt that it was appropriate, with the demise of the UPD to consider a self-providing law enforcement model. The City put out a request for proposal and contracted with Bonneville Research for a feasibility study. The idea was to help the City identify a model by which a self-providing concept could be pursued but consideration is being given to both self-providing law enforcement and remaining with the Sheriff's office through a contract. Sheriff Winder will present the concept he would like the Council to consider next week.

4.1.4 Bob Springmeyer, President of Bonneville Research, introduced those involved in the feasibility study, Gerald Maughan, former police chief of Midvale City and Jon Springmeyer, partner in Bonneville Research.

He explained that the contract with Cottonwood Heights was to determine what kind of expenses would be incurred if the City decided to self-provide law enforcement services. He noted that they were not contracted to evaluate the current sheriff's contract or performance.

Mayor Cullimore told those in attendance that the feasibility study is available on the City's website.

4.1.5 John Springmeyer reviewed Cottonwood Heights' demographic and economic findings. The population is 35,932 and has a slightly older population of 34.3 years, and smaller families. He explained that as a method of measuring level of service, law enforcement agencies use a ratio of one officer per 1,000 population. Based on the population and needs of Cottonwood Heights, two options of staffing were recommended. (1) 0.7 officers per 1,000 which would include 26 sworn officers and four civilian employees; and 0.9 officers per 1,000 residents which would include 33 sworn and seven civilian employees.

The proposed benefit package is 55% of the salary because public safety retirement is at 20 years, rather than 30 years, which factors into a 14% increase over the current benefit package for city employees. The salaries represent the Sheriff's current salary ranges plus ten percent on the top-out salary for each position.

Mr. Springmeyer reviewed the start-up costs and the costs for the first three years of self-providing for the 0.7 officers per thousand and the 0.9 officers per thousand. He compared the start-up costs for Cottonwood Heights with the start-up costs for Taylorsville and Draper. He said that in talking to the other cities, some of the things they would do differently had to do with basic municipal service costs that were incurred with adding additional staff.

Mr. Springmeyer said that pooled services were looked at because one of the disadvantages of having a smaller police force is trying to incorporate the unique services such as SWAT, canine, CSI, etc. The study looked at doing pooled services through an interlocal agreement with

surrounding cities. He stated that they received positive feedback from Midvale, Murray and Sandy, in their interest to have Cottonwood Heights participate in their existing pooled services.

The time line for installing the Cottonwood Heights Police Department was reviewed. The Chief of Police would be hired six months before the department would go online.

- 4.1.6 Councilman Thomas asked if the same training will be available to the officers that they now have.

Mr. Springmeyer said that training and necessary equipment has been budgeted for. While the training may not be at the same locations, it will be the same level of training that the deputies patrolling Cottonwood Heights are receiving.

- 4.1.7 Mayor Cullimore pointed out that the insurance shown in the study is assumed to be a \$5 million aggregate with a \$5 million single-limit.

5.0 PUBLIC COMMENT

5.1.1 Public comment on Self-Providing Law Enforcement Services

- 5.1.2 Mayor Cullimore opened the public comment period

- 5.1.3 Ron Fullmer commented that the consultant gave a price for Spillman software. He said it is not a good package for urban areas because it does not work with VECC and the City should consider another option.

Mayor Cullimore noted that the consultants recommended Spillman only as an example because it was the midpoint cost, not because of its capabilities.

- 5.1.4 Clark Aposhian, Ensign Place, said that there was a 20 percent increase in traffic tickets and a 20 percent decrease in misdemeanor arrests when Taylorsville self-provided. He feels that the Sheriff's office has more emphasis on crime prevention than revenue through the issuance of traffic tickets and would hope the City would do the same. Mr. Aposhian asked what will happen to the motorcycles.

Mayor Cullimore said that the motorcycles were purchased by the City and will stay with the City.

- 5.1.5 Bob Good, Cottonwood Heights, said the summary comparison of costs is equivalent to what the City is paying the County for law enforcement services with three additional officers added. He asked if data for major crimes was collected from Draper and Taylorsville.

Mr. Springmeyer said they requested data for traffic, misdemeanor and DUI cases.

- 5.1.6 Trudy Cropper, Cottonwood Heights' citizen and a police officer in another city, said there is another side of this issue that is not being reviewed. She said if a homicide occurs in the City she works for, the Sheriff's entire team is sent in, and if she has something happen to a family member in Cottonwood Heights she would want the Sheriff's office with its eight or nine officers that specialize in homicide investigations. She said that the same would hold true for robberies,

rapes, and child sex cases. Ms. Cropper stated that if there were to be a gang problem, there would be a squad of 15-20 officers from the Sheriff's office to help, not two or three detectives doing many other jobs.

Ms. Cropper said the money issue is being looked at, not what is actually going to be best for the citizens of Cottonwood Heights. She does not believe that self-providing will be better for citizens or for victims of crime. Ms. Cropper said that there should be a metro police department to work together to lower the crime rate.

Mayor Cullimore said that part of the concept presented by the consultants was for pooled services which would allow the self-providing cities to accomplish that objective through interlocal agreements.

- 5.1.7 Joe Crilly, Cottonwood Heights, said that his four concerns are additional liability; loss in expertise; coordination issues, and the excellent service the City receives from the County. He said the city is taking on additional liability by adding a police department and if the city is ever in a position where there is a wrongful death or lawsuit the cost will exceed the insurance policy. Crime crosses City lines and he believes the City would have exposure to coordination efforts. Mr. Crilly questioned where the \$1.5 million start-up money will come from and how accurate the budget is.

Mayor Cullimore said the City can find the start-up money in the budget and is also looking at grants.

Mr. Crilly said that he believes the money could be better used in other places.

- 5.1.8 Tom Ream, Cottonwood Heights, asked what the costs for software and records included and if overtime was calculated.

Mr. Springmeyer said it included the Spillman server, software, licenses, and transferring historical and existing data. He noted that a proposal from Spillman is available for review. All overtime was calculated in the figures.

- 5.1.9 Dale Howells said that 35 years ago there was an opportunity to have a metro police and fire department, but people did not want it. He said that as successful as the fire department is, he felt the Sheriff would see daylight and go for it, but for some reason he doesn't seem to be interested. He believes the city should move forward with its own police department if that is going to give the residents better police protection and benefits.

- 5.1.10 Councilman Thomas said that when the City Council first met, the first thing that was done was to set priorities. Every year public safety has been the number one priority. The Council would not do anything that would take away from that priority.

- 5.1.11 City Manager Liane Stillman said that you can check the City budget to see where the value system is. The City Council has always funded the firefighters at the highest level of coverage in the County. The Council's funding of officers per thousand is among the best coverage in the County in terms of the Sheriff's department contracts.

- 5.1.12 Mayor Cullimore clarified the liability issue noting that the contract with the County has a liability arrangement that requires the City to pay its share of any loss that occurs anywhere in the County, not just in Cottonwood Heights.

The Mayor said the City is not interested in giving up on expertise. The City is interested in making sure it provides a law enforcement product that is customized to meet the needs of the citizens and has an obligation to try and find the best product. There is no interest on the part of the Council to reduce the level of service, but to increase it, which the proposed model shows is possible.

Mayor Cullimore explained that cities are unique and citizens look to their elected officials to be their representatives in law enforcement. The reason other cities have departed from the Sheriff's contract is because some needs have not been able to be met. Taylorsville, Draper and West Valley have all left. Part of the reason is not because of the dissatisfaction with the service of the sheriff's department, but what the objectives of the local municipalities are, and how they are best met. Two years were spent trying to work on a regional concept because the cities understood the potential benefit, that was not successful and the City is now looking at other options.

- 5.1.13 Debbie Dujanovich Bertram, representing herself and her husband who is a member of the Sheriff's office, said a model was presented showing three patrol officers and one sergeant in a 10-hour shift, and questioned what would happen if there is a shooting and 2-3 of the officers are involved.

Mayor Cullimore explained that the concept of the interlocal would enable the city to draw from Murray, Sandy, Midvale and hopefully the Sheriff's office. He explained that there is a mutual aid agreement among all the law enforcement agencies in the valley, which is already in writing.

Ms. Bertram asked about the F-150s and if a perpetrator could be hauled away in that type of vehicle.

Mr. Springmeyer said that the F-150s are crew crabs and are fleet issue patrol vehicles.

Ms. Bertram asked if there are any other contract costs that will have to be paid back to the County if the contract is broken early that has not been disclosed tonight..

Mayor Cullimore said that the County fronted \$2.5 million of costs when the City incorporated, and the agreement provided for a five year term to repay the advance. However, there is a provision that if the City self-provides, that amount must be repaid. The City intends to repay the loan anyway on July 1, 2007, because if it is repaid by that date, the City does not have to pay interest for the three years. The money has been set aside for that purpose.

Ms. Bertram asked the Council if their minds are made up or if they are open to further public comment.

Mayor Cullimore noted that they are always open to further public comment. He stated that there have been frustrations that have gotten the City to this point, but the City has to look at all of the issues that have been raised. Mayor Cullimore stated that he is leaning toward looking at self providing and believes there are some benefits to the City that are significant in customizing the policing in the community. He is concerned about making sure the City can have an interlocal

agreement so that the City knows the resources are available. He stated that the officers in Cottonwood Heights are excellent and hopes that if the City does self-provide some would consider staying. There are good officers in other parts of the valley that have contacted the City.

Councilman Antczak said he is exploring all of the possibilities. He noted that the Sheriff is coming next week to present his proposal.

Councilman Bracken said that his mind is not made up and there are valid concerns that need to be addressed. He said that self-providing is appealing for the local control issues, but there are some police services that are better served by a larger department. He explained that the City received funding from the federal government which the City used to conduct studies on self-providing of law enforcement services; developing a parks master plan; and developing a city center master plan. The City was interested in the law enforcement issue when the UPD model was killed.

5.1.14 Councilman Thomas noted that one of the issues that keeps coming up, is that if the City self-provides, there will be jobs lost when actually the jobs for law enforcement will increase.

5.1.15 Mayor Cullimore said he has communicated with other Mayors and though there are advantages in the economies of scale in a metro police force, there is a loss of local focus. Every Mayor said that having their own police force was a critical component of public safety and when he asked if they would be willing to give that up to join a more metro police they said absolutely not because it helps to build and define the character of the community and is the most important service provided by local government.

5.1.16 Joe Crilly asked if there would be a presentation on the advantages of a local police force.

Mayor Cullimore said that nothing is planned for a specific presentation and hearing on the pros and cons of the two options, but he was sure that in the meeting where the council discusses the final decision such pro's and con's will be discussed.

5.1.17 Bob Good said he lived in New York under a metro police force, and did not feel that it worked very well. He said that Trudy Cropper made many good points that need to be considered.

5.1.18 Gerald Maughan said he has been in public safety for 43 years and is a proponent of local control. He said that the Chief of Police is hired by the City and is accountable for the actions of the officers. He said that there are concerns with a small department, but if you get experienced officers they are accountable and training is available for every specialized field. He noted that the agencies in the valley work well together.

5.1.19 Ron Fullmer said there is no question about economies of scale and specialization, but the root reason of having a community police department does not change. He said the County Sheriff should provide pooled services because there are things that they can do that we cannot do.

5.1.20 Bob Springmeyer expressed his appreciation to the City. He noted several minor edits will be made in the report and sent to the City.

Councilmember Bracken noted that the Sheriff is scheduled to provide the details of the proposed contracting model to the Council at the work session on October 16, 2007, 7:00 p.m.

Mayor Cullimore stated that a meeting will be held in the future to make a determination on what the City will do. That will need to be done in the 30-45 days. That is the point at which time the pros and cons will be discussed.

6.0 CONSENT CALENDAR

6.1 Approval of August 29, September 11, and September 25, 2007 Minutes

6.1.1 The minutes were approved.

7.0 ADJOURN

7.1 Councilman Antczak moved to adjourn. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote. The meeting adjourned at 8:50 p.m.

Approved: October 16, 2007

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman