

MINUTES OF THE CITY COUNCIL MEETING HELD OCTOBER 16, 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 Bruce Jones, Councilman Gordon Thomas

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: Larry & Beverly Jensen, Robby Russo, David McClintock, Bob Good, Gordon Nicholl, Robert Hortin, Darlent Larsen, Brent Larsen, Tom Bowen, Shane Hudson, Jim Winder, LaRae Rasmussen, Debbie Tyler, Tee Tyler, Tim Tyler, Steve Tyler, Linda and Don Fraly, David Wallace, Paul Jaroscak, Shannon Meik, Rollin Cook, Lea and John Erickson, Bob Brown, Becky Balkstaedt, Jeremy Steed, Clark Cameron, Charles Lambert, Chris James, Dennis Wright, Betty Vaughn, Anita DeBoer, Shawnee Brown, Bob and Anne Feider, Clyde Gerome, Ray Meik, Jean Touley, M. Andersen, S. Archibald, Thomas and Peggy Faulkner, Steve and Paula Henroid, Marva and Larry Evans, Dave Koning, Marcia Warner, Debbie Williams, LeRoy and Sharon Hansen, Rae and Steve Mohe, Joe Crilly, Pete Jacob, Molly Metcalf, Amelia Nielson-Stowe, Steve Gehreke, Mark Monson, C. Ray Turner, Debra Larsen, Kari Cannon

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 COMMENT**

2.1 No comments were received

3.0 **PRESENTATIONS**

3.1 **Certificate of Recognition for Budget Preparation to Gary Harmer from the Government Finance Officers Association**

3.1.1 Mayor Cullimore explained that this is a unique award, one that many cities work for years to achieve. After only three years the City has achieved an award from the Government Finance Officers Association of the United States and Canada, presenting a certificate of recognition for budget preparation to Gary Harmer, City Treasurer. He noted that Mr. Harmer was formerly the CFO for the Salt Lake City School District, and has been instrumental in setting up the finances of the City to be in the position of receiving this award. Mr. Harmer was a member of the Government Accounting Standards Board and helped set the rules for government accounting standards.

Mayor Cullimore presented the award to Gary.

- 3.1.2 Mr. Harmer said the award is given to the City and recognizes the planning and budget preparation. Approximately ten cities in the state receive this award.

3.2 Contract Model for Law Enforcement Services

- 3.2.1 Mayor Cullimore explained that the City has been looking at options relative to providing law enforcement services. Last week a presentation was made by Bonneville Research, consultants contracted with by the City to study the feasibility of self-providing law enforcement services. The City has asked Sheriff Winder to discuss his plan for contracting with Salt Lake County for law enforcement services.
- 3.2.2 Sheriff Winder stated that he wants to clarify many of the concerns and perceptions about the Sheriff's office service and options. He said that the presentation from Bonneville Research last week did not talk about the men and women behind the decisions that are being made. He believes the Sheriff's office will save the City money and provide advanced services that no other model will provide. Sheriff Winder asked the Mayor and Council to give the Sheriff's office a chance to prove what they can do, and to build a model that gives the City local control, which is at the heart of the tensions that exist.
- 3.2.3 Shane Hudson, stated that he would address the 0.9 officers per thousand portion of the feasibility study since he feels the City is currently served at close to the 0.9 officers per thousand level.

Chief Hudson reviewed the figures that were presented in the feasibility study for self-providing. He said that currently the City has 27 sworn officers defined in the City's contract; four additional deputies are provided to the Cottonwood Heights precinct that are unincorporated assets; and two school resource officers for a total of 31 sworn officers at a cost of \$3,596,000.

Mayor Cullimore took exception with Chief Hudson's characterization indicating that the four addition county paid deputies were to cover unincorporated areas of the Cottonwood Heights precinct outside of city boundaries and suggested that if those officers were to be included the base of citizens served would also need to be included which would put the model much closer to the .7 officers per thousand.

Chief Hudson said that pooled services included in the Sheriff's contract are as follows: 20-man SWAT team with full medical support; canine unit with five patrol dogs, one narcotics dog, one cadaver dog, and one explosives detection dog; 40+ search and rescue members; crime lab services with nine full technicians; criminal intelligence unit with one detective and one sergeant; homeland security unit with one full time lieutenant; homicide/robbery unit with seven full-time investigators and one sergeant; family crimes unit with six full time investigators and one sergeant; warrants and fugitives unit with two full-time detectives; range and armory up Parley's Canyon with two full-time training officers; CAU unit with three full-time analysts; property/evidence unit with seven full-time staff ; six full-time human resource personnel; nine full-time financial services employees; 35 civilian employees in the records management area; full-service dispatch, internal affairs with two sergeants and one lieutenant and one full-time support; one public information officer; one independent review lieutenant; five part-time crime prevention specialists; one towing/alarm coordinator; one secondary employment coordinator;

joint terrorism task force one full-time detective; regional computer forensics lab one full-time member; two full-time and two part-time victims advocates; fleet manager; and the metro gang task force.

Chief Hudson reviewed the differences between mutual aid and crossover. He explained that mutual aid is a benefit that all agencies in the valley participate in for short-term, emergency assistance. Crossovers are the transfer of resources either within or between two agencies or precincts for a sustained event or tour of duty. He noted that the Sheriff's office is the only agency in the valley with an ability to transfer assets based on need. Mr. Hudson said that the recent crossover logs indicate that the calls to White City Township by Cottonwood Heights are going down.

- 3.2.4 Mayor Cullimore pointed out that Cottonwood Heights for over two years covered all calls into White City which was not even a formal part of the precinct. He acknowledged that since changes made by Sheriff Winder earlier this year, calls to White City Township are decreasing, but crossovers are now increasing in Mill Creek and Holladay. He explained that the crossovers work both ways, but Cottonwood Heights has always been a net contributor, not a net recipient.

Chief Hudson noted that the Sheriff has asked for additional personnel allocations in Millcreek and White City to help with this problem.

- 3.2.5 Chief Hudson said that the feasibility study indicates that increasing to .9 officers per thousand the first year operational budget for self-providing would be an increased cost to the City of \$698,000. If the City remained with the County and increased their current contract with the Sheriff's office by \$47,000 less than the start-up costs, the City could have six additional full-time patrol deputies and continue to receive pooled services. Chief Hudson estimates that the City would save a minimum of \$2.3 million in the first year in costs if there is a continuation of the contract with the Sheriff's office by avoiding the start up costs and the increased operational costs.
- 3.2.6 Councilman Jones said there have been a number of cities that used to contract with the Sheriff's office that no longer contract, and questioned why the other cities have disengaged. He said that the cities that have left are telling Cottonwood Heights something different than is being presented.

Chief Hudson said that he could not speak to the individual preferences of the other cities but believes their service has been diminished for a higher price.

4.0 **PUBLIC COMMENT**

4.1 **Public Comment on Self-Providing Law Enforcement Services**

- 4.1.1 Mayor Cullimore opened the public comment period.
- 4.1.2 Brent Larsen, said the start-up fee is \$1.6 million and asked if the fee included homicide, robbery, domestic violence, a child and adult sex crime unit, homeland security, internal affairs and CSI. He said the cities that left the Sheriff's office caused a huge tax increase to the citizens.

Mayor Cullimore stated that according to the mayors of those cities, that did not happen. Draper and Taylorsville have assured Cottonwood Heights that there was no tax increase required because of the decision to self-provide law enforcement services.

- 4.1.3 Cory Nielson asked if Cottonwood Heights is billed for homicide, canine, and other pooled services when they are used.

Mayor Cullimore stated that pooled services are included in the Sheriff's contract.

- 4.1.4 Mr. Nielson asked how those numbers would be reflected because they are not included in the feasibility study.

Mayor Cullimore explained that the feasibility study assumes those services will be provided through an interlocal agreement with other self-providing cities.

Mr. Nielson said it seems that the Sheriff and Mayor are having a disagreement, and they are not looking out for the city.

- 4.1.5 Dick Fisher, former Salt Lake County Sheriff employee, said he can say with some certainty that Cottonwood Heights will not get support from other cities. He said they get revenue by writing a lot of tickets to make up the difference in their taxes.

- 4.1.6 Lt. Chris Bertram, Salt Lake County Sheriff's office, stated that he is a resident and has worked for the Sheriff's office for 16 years. He said the quality of life is important to him, and he is concerned about the City's push to start a small police department. He related an incident the Sheriff's office was involved in with a kidnapping which the Sheriff dedicated multiple resources to for weeks. He sent two investigators to Rhode Island, found the suspect and returned the baby to his mother. He is concerned as a resident of Cottonwood Heights that the City cannot absorb this type of expense with its own police force. He said that cities and states are moving toward collaboration because it is a benefit to everyone, and Cottonwood Heights is moving away from collaboration. Lt. Bertram said that the agencies of Midvale, Sandy and Murray do not work together and gave several examples. He said the Sheriff's system is good and should be continued.

- 4.1.7 Shaunie Brown, asked why the City is doing this. She questioned if she would be safer and get better service, and why the City would fix something that isn't broken. She wondered if the City can guarantee the good feelings the citizens have with the current Sheriff's department.

Mayor Cullimore stated that public safety is the City's top priority. When the City incorporated, the City increased significantly the number of officers that cover Cottonwood Heights which has added to the public safety in Cottonwood Heights.

- 4.1.8 Rochelle Caplan, said that she would like to be more informed, but the website showed only the feasibility study and did not address the reason for requesting the feasibility study, the facts that led to considering self-providing, or a list of pros and cons. She said the notice from the Sheriff's office propelled her to come to the meeting and she would like to see something similar on the City's website.

- 4.1.9 Councilman Bracken explained that the city had set aside funds during the last budget year to implement bus benches in various areas of the city. With the recent UTA changes, the expenditure no longer qualified for the money the City received. \$65,000 of that funding had to be used or it would be lost. The City determined to study police services, a city center master plan and a parks master plan.
- 4.1.10 Mayor Cullimore said that this issue has been discussed in newspapers and city section of the Valley Journal for several months. The first two years after incorporation, the City worked with the Sheriff and other contract cities on a concept called 'Unified Police District' and felt it had merit to attempt a regional policing effort that would address issues of local control and the economies of scale that are provided with shared services. Sheriff Winder was not in favor of the proposed UPD model and with the demise of the UPD the City began to evaluate the best options for law enforcement services. He said that there have been issues associated with the contract and other experiences over the last six months that have indicated that Sheriff Winder would like to move to a different model, which is more centralized and where local input is derived through a control board that is only advisory in nature. The City felt it was prudent to explore other options, just as the City did with UPD to make sure that the citizens are provided with the best law enforcement model.
- 4.1.11 Ted Neff, retired County Sheriff, said that it is good to be enlightened and to get information. He said that the City has never received any better service than they are receiving today and asked everyone to put aside their differences and choose the service that provides the best public safety at the best cost.
- 4.1.12 Councilman Jones stated that he was chair of the Sheriff's merit commission for years and has always been a supporter of the County Sheriff. He said that the fact that difficult questions are asked should not be indicative of any bias. The Sheriff is an advocate for his position and the Council needs to look at both sides and be judges, and the only way that can be done is to ask tough questions. The Council will respond to public input because it is important. He noted that the emails he is receiving are about 20 to 1 to self-provide. He said that he is ignoring that, because it is not the crucial factor, it should be based on something other than clamor, it should be based on sound judgment and he will make every effort to do that.
- 4.1.13 Joan Carmen, said that criminal activity knows no boundaries and there needs to be support for the officers that investigate the crimes. She said that this is a metropolitan community and the City needs a metropolitan police force to help through the next generation.
- 4.1.14 Ellen Birrell, said that she has experienced the Sheriff's service in the years she has lived here and believes that communication is the greatest challenge. She said that she voted to incorporate because she wanted the local interests looked out for and does not want her tax dollars to be used to create fiefdoms.
- 4.1.15 Mayor Cullimore said that no one has worked harder to try and find a regional model for law enforcement than Cottonwood Heights. The UPD was a sincere effort and was calculated to try and create a model that would invite other municipalities to consider joining to achieve this purpose, but the City was not successful. He noted that Lt. Bertram commented on collaboration and there may be another opportunity to collaborate with other self-providing cities should we go that direction.

- 4.1.16 Councilman Thomas agreed that much time and effort were spent on trying to form a Unified Police District. Thousands of hours were spent and it was no small effort.

- 4.1.17 Ron Bruno asked what the liability issues would be under self-providing and what it is under the contract model.

Mayor Cullimore said there is government immunity on many issues with the maximum payout being approximately \$580,000. If the liability issue comes under a 1983 action, the amount can be unlimited. Under the contract with the Sheriff the City has agreed to pay a pro rata share of any loss anywhere in the County. If the City self-provides they would have full liability subject to government immunity limitations, but only for claims within the City. The feasibility study allows for an annual liability insurance premium that provides \$5 million liability limit.

- 4.1.18 Marsha Warner said she cannot see how the city can provide all of the things needed in specialized services in an emergency situation, such as helicopters, and questioned how much the cost will be each time a specialized service is necessary.

Mayor Cullimore said that would be determined through interlocal agreements with other cities.

- 4.1.19 Paula Henroid, said that just because you can doesn't mean you should. She has worked in the criminal justice department and has seen the difficulties small agencies have with resources, and is concerned. She knows the officers, and knows they are loyal to the citizens, and show a constant presence in the City. She agreed that there should be a unified police force.

Mayor Cullimore said it is no coincidence that you see the officers, because the City pays for the officers to be in the City. He pointed out that if the City were self-providing she would see the same number of cars or more.

Ms. Henroid believes that there would be less backup and less experience.

- 4.1.20 Mike Peterson, life long resident of Cottonwood Heights, said that he works closely with the Sheriff's office on community events and activities. He complimented the City Council because since they were elected, the service has increased and improved because of the efforts the City has put forth. He complimented the officers for the work they do and believes it is because of collaboration. Collaborations are effective because of agreements, contracts and good faith. He said that whatever has happened to the contract with the Sheriff's office concerns him. He said that Cottonwood Heights is different than other cities who have not signed a contract and does deserve customized services according to the contract, and the City Council needs to be able to have the right to express those needs to the Sheriff and have those needs met.

- 4.1.21 Kari Cannon, is from Cottonwood Heights and is concerned with her safety. She said that she is a personal victim of identity theft and there has not been response on those issues, and feels that police protection has been minimal at best. She said there is a rift in police protection that needs to be resolved so that the protection for the citizens is appropriate.

- 4.1.22 Gordon Nicholl, said he debated attending the meeting until he received a pamphlet about the meeting. He said that he has all the confidence that the Council will make the correct decision for the citizens. He knows that the dollar figures, as well as the human aspect will be analyzed because that is what public safety comes down to. Referring to the pamphlet, he said that one paragraph states that "Cities that have created their own police department have seen the property taxes increase, for example Draper City citizens have experienced a 70 percent increase in property taxes." He commented the paragraph infers that the citizens of Draper received a 70 percent property tax increase directly related to their decision to self-provide and that is absolutely false and the Sheriff knows that. He urged the council to weigh the figures and human aspect of this decision.
- 4.1.23 Tom Bowen, said that he read the brochure carefully and believes that the issue that needs to be addressed is whether the police force will be under the direction of the City Council or under the direction of somebody else. He stated that it is important, and one of the reasons the City incorporated was to have control over our own destinies. If the City council does not have the ability to decide who its police chief is going to be, where it wants its officers to go, how it is going to spend public safety money, then the city is missing a lot of benefits the residents thought they were getting with incorporation. He said that it costs more to make sure the city has control he is willing to pay it. Mr. Bowen said that if the issue between the Sheriff and City Council can be resolved contracting should be looked at, but if it can't the City should control its own destiny and be in charge of public safety.
- 4.1.24 Ron Fullmer said that local autonomy is good and that is one of the reasons the City incorporated. He agreed that the County has provided excellent service and the pooled services are something the City needs if possible. He said that people that currently work for the Sheriff's office might come to work for the City if they self-provide and so the idea the City would lose expertise is not true.
- 4.1.25 Chris Forsythe, said that she wanted to incorporate so that the citizens could have a voice in issues that are important. She said that all citizens should vote on this issue.
- 4.1.26 Debbie Larson said that citizens need to be better information from the City as to what the problems are with the current contract. She said she feels safe and does not believe anything should be changed.

Mayor Cullimore explained the issues with the contract come down to local control. The City's contract included a consent provision to choose the Police Chief and consent to movement of officers at sergeant level or above. That has now been disregarded which is a concern to the City and when there is not adequate communication to achieve resolution, that is also a concern. The Council does not want to be in a position to have the residents call about law enforcement concerns and only be able to tell them to call the sheriff. He said the City needs to know if there is a contract or not, and whether it means anything or not. The city needs to make sure it has adequate input into how law enforcement is carried out in the community.

- 4.1.27 Sharon Hansen, said that she believes the Sheriff should have control over the Chief and other officers. The City does not know the employees the way the Sheriff does and the potential of those employees.

The Mayor explained he was pointing out what currently existed in the contract.

- 4.1.28 Marian Anderson, said that she did not vote for incorporation and questioned whether this was a matter of bruised egos.
- 4.1.29 Robert Youngblood, said he has looked at the numbers and has serious concerns about the idea that the Sheriff's Office has the ability to effectively determine what it would take for the citizens to form their own police department. He questioned how the City will handle the breeches of the current contract. His greatest concern is for the welfare of all of the citizens and there is no one better than the Council to know where the resources should be.
- 4.1.30 Peggy Faulkner, Sheriff's Office, said that the Council is making a huge mistake. She said that the fact is that the Sheriff does not decide where the City's resources are spent, the Chief does. The Sheriff has not gotten up to answer the contract problems because, as Mayor Cullimore knows, the Sheriff cannot talk about those things due to policy. She said it was underhanded to bring it up.

Councilman Thomas noted that it was the Sheriff that brought up the issue of the contract problems that need to be solved.

- 4.1.31 City Manager Liane Stillman stated that one of the issues during incorporation was that the City Council would be able to manage taxes. One of the promises was that the sales tax and property tax would not leak so the first thing the City did was negotiate with the County on what was prepaid for municipal services and months were spent trying to acquire some of the money. It was very successful and it is sitting, gathering interest waiting to purchase a school. The sales tax generated is substantial and \$12 million was spent on the roads, sidewalks, and storm drains which would not have happened without a City Council to fight for every dime from liquor funds, Class B and C road money, sales tax, franchise fees, and impact fees. It is important to know that control has been a great thing for the residents and the City's portion of the tax rate actually went down because the residents' money is being carefully watched.
- 4.1.32 Councilman Antczak said that he has lived in this community longer than anyone in attendance, and remembers the Sheriff's office coming through the City a few times a year and there were no problems. He pointed out that the City has not been dissatisfied with the service from the Sheriff's department. The contradiction in the contract and not adhering to it is upsetting, and if that can be worked out that would be fine, but if not the City will have to look at other options. He said that the employees of the Sheriff's office have been great and done everything they could to provide safety.

5.0 **CONSENT CALENDAR**

5.1 **Approval of October 9, 2007 Minutes**

- 5.1.1 The minutes were approved as submitted.

6.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**

- 6.1 Councilman Bracken moved to adjourn the business meeting. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote. The business meeting adjourned at 9:10 p.m.

Approved: November 27, 2007

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman