

MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 27, 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, Bob Fowler, Paula Dufenderfer, Joe Crilly, Jay Killenquist, Russell Defendorfer, Don Wilson, Nancy Wilson, Verl Buxton, Ron Swenson, Geoff Armstrong, Geoff Tice, Terry Homel, Steven Homel, Lee Dansie, Steve Hill, Mr. & Mrs. G. Thomas, Paul Robinson, Chris Bertram, Anne and Bob Zeigler, Tara Rollins, Ann Bracken, Marc Lloyd, Al Ayala, Henry Johnson, Gerry Haller, Bill Morris, Amy Whittaker, Mike & Shelly Hanson, Matt Anderson, Karen Smith, Amber Shill, Anita DeBoer, Troy Rasmussen, Randy Long, Alan Kristensen, Chris Patch, Bob Good, David McClintock, Jim Campbell, Doug Pearce, Lone Everett, Carl Evans, Barbara Evans, Linda nad Don Freely, Mark & Debbie Stewart, All Winbalman, Brent and Darlene Brown, Charlie McCoy, Allison and Norman Frye, Jim Stojack, Kim Stojack, John Klossure, Kent Thomas, Steve Moore, Mike Falls, Nick McCaren, Peter Ellison, Kaye LeCheminant

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 Mayor Cullimore.

2.0 **CITIZEN COMMENT**

2.1 Mike Peterson, Cottonwood Heights Parks and Recreation Director, thanked the City for its participation in the Thanksgiving Day 5K run. There were 965 runners who participated in the 'Beat the Mayor' run and 729 participants were awarded "I Beat the Mayor"..

2.2 Lorraine Turner, commented about the quality of the Council members, City Manager Liane Stillman and the UFA. She stated that said that at the October 16<sup>th</sup> meeting several people said that they never saw the Sheriff deputies in the area. She said that the Sheriff's office is wonderful and does a great job.

3.0 **REPORTS/PRESENTATIONS**

3.1 **Utah Housing Coalition Member of the Year Award**

3.1.1 On behalf of the Utah Housing Coalition, Tara Rollins presented the Member of the Year Award to Cottonwood Heights. She explained that along with Cottonwood Heights, Salt Lake Community Action Program and Salt Lake County Aging Services were given this award because they went above and beyond the call of duty to help further the mission of the Utah Housing

Coalition of promoting the increase of accessible, affordable housing statewide through education, advocacy, and cooperative partnerships. Cottonwood Heights participated in the relocation of 247 residents of Meadows Mobile Home Park who needed assistance when the park was sold.

### 3.2. **Government Finance Officers Association - Distinguished Budget Award Presentation**

3.2.1 Laurie Harvey, State GOFA Representative, representing the National GFOA, to present the Distinguished Budget Award to the Mayor, Council and Staff. This program was established by the Government Finance Officers Association in 1984 to recognize exemplary budget documentation by government officials.

3.2.2 Mayor Cullimore accepted the award and introduced Gary Harmer, City Treasurer, whom he credited with doing the majority of the work to qualify for this award.

### 3.3 **October Financial Report**

3.2.1 Finance Director David Muir reviewed the October Financial Report. He noted that the one of the Council's goals was to carry over six percent in the General Fund from year to year and the City is currently at 7.9%.

### 3.4 **Unified Fire Authority**

3.4.1 Chief Watson reviewed the statistics for the month of October. There were 178 medical calls up from 158 in 2006; and 93 fire calls up from 67 in 2006. He reminded the public to install carbon monoxide detectors and to replace those that are over five years old.

Chief Watson reviewed the customer service for Stations 110 and 116.

### 3.5 **Presentation of Updated Feasibility Study for Self-Providing Law Enforcement Services**

3.5.1 Mayor Cullimore stated that the City has been studying the issue of providing police services in the community. Bonneville Research did a presentation in early October followed by a presentation by the Sheriff's office. Both presentations included a public comment period. As a result of the public comment the City asked for additional information. The consultants addressed those issues and Jon Springmeyer, with Bonneville Research is here tonight to present the updated material.

3.5.2 Jon Springmeyer, Bonneville Research explained that they looked at a staffing scenario of 0.7 officers per thousand population and 0.9 officers per thousand population. The pooled services component was originally addressed and Bonneville was then asked to look at investigative services. Cottonwood Heights is currently at 0.8 officers per thousand population. Mr. Springmeyer said that he learned an interlocal agreement currently exists between all police departments in the Salt Lake valley for mutual aid in the event of major incidences. He also learned that there were opportunities to participate with neighboring cities with SWAT, canine training and crime scene investigation.

Mr. Springmeyer pointed out that all surveyed cities provide their own investigative services, and all of the cities with the exception of Taylorsville cross train their detectives to handle all types of

crimes. Cottonwood Heights has the lowest calls for service among the surveyed cities and second only to South Jordan in per capita calls for service at .33 annually.

3.5.3 A copy of the Bonneville Research power point presentation is attached as part of the permanent record and will be available on the city website in approximately one week.

#### 4.0 **PUBLIC COMMENTS**

##### 4.1 **Public Comments on Self-Providing Law Enforcement Services**

4.1.1 H. J. Henegar asked if the budget included space for housing the police department.

Mr. Springmeyer stated that the budget included \$90,000 annually to lease approximately 5,000 square feet of space at \$18.00 per square foot.

4.1.2 Bob Good stated that he believes the Sheriff's office is doing an excellent job.

4.1.3 Bill Morris told the Council that he is a sergeant with the Park City Police Department and believes that the most important advantage the City will have if they self-provide is accountability. The City must relegate to an outside philosophy, mission statement, and determination regarding what is important for the community if it contracts police services with the Sheriff. A Cottonwood Heights police department will create the persona that fits the community. He said that there will be better dialogue and residents and businesses will feel empowered. The City will be responsible for manpower resource allocations and there will be no negotiations with another party.

4.1.4 Pete Ellison has been a resident for over 40 years and has read about the contractual problems. He believes the residents are getting excellent service from the Sheriff's office and does not believe the solution is to create a police department. He suggested the City and the County sit down and work through their differences.

4.1.5 Steve Homel asked the consultant if the feasibility was based on a dynamic or static population and demographic. He also questioned who would handle search and rescue.

Mr. Springmeyer stated the feasibility study was based on actuals, not on future numbers. He noted that search and rescue is currently handled by the County and would continue to be handled by the County.

4.1.6 Steve Hopkins, President of Beckstrand and Associates, said that they are one of the biggest consumers of community services as the owners of the Old Mill Corporate Center. He commented on the UFA and how well it works. He said that the current police services are very adequate, but he would like to see more customized services. He applauded the Council for taking the risk of thinking about self-providing because many cities are afraid to step out and lead. He stated that the Council would have their full support for the City's own law enforcement services.

4.1.7 Don Wilson, said that the numbers indicate that there will be an increase in expenditures over the next three years. He is a senior citizen and does not need more taxes, nor does he see any reason to change.

- 4.1.8 Chris Bertram, Cottonwood Heights resident and a lieutenant in the Salt Lake County Sheriff's office, asked the residents to keep in mind that the Sheriff's office works for the people. He stated that he is not convinced that all of the citizens are getting the full picture of what happened behind the scenes with UPD. He said that behind the scenes it became a political hot potato and is not something he would want in a collaborative effort. He said that the final, adulterated model of UPD was not what was best for the citizens of Cottonwood Heights. Mr. Bertram said that the numbers presented do not represent quality of service and has many questions on the figures being used. He said that mutual aid is a philosophy and other agencies do not have to come and help if Cottonwood Heights is a police department and small agencies can't afford to. Sandy City sent two officers to the Trolley Square incident because they have a city they have to protect, just as Cottonwood Heights will have a city it has to protect. He said that the Sheriff sent 50 people to Trolley Square because the Sheriff has that kind of depth and are all part of one big family. He said that if the City decides to self-provide he wants the City to guarantee that the level of service the Sheriff's office gives right now, that his daughter that baby-sits at eleven years old, that if she called 911, that the same level of service would be given to him and his daughter and he could feel safe in this community. He lives in Cottonwood Heights because of the quality of life which goes back to best possible law enforcement service.

Mayor Cullimore stated the City would not self-provide if it could not guarantee level of service would be the same. Since incorporation, the City has increased the patrols in the community and has proven that is the City's intent. Prior to incorporation there was not the level of service there is now, which is paid for by tax dollars. Based on the study the City would have six more sworn officers than they have now. He disagreed with Lt. Bertram on the UPD matter. He stated that it was a public vote by the UPD board and every mayor and member of the County Council on the board along with the Sheriff voted to proceed with UPD and take the legislation to the Hill and encouraged him to check the record.

Lt. Bertram said that the Sheriff's office gives the City the depth of 400 deputies at any moment and that does not matter what type of crime. If a resident gets burglarized in the middle of the day, there won't be three or four deputies on duty, there will be as many as the Sheriff's office can spare. He said that as for UPD based on him and his wife's knowledge of what went on, once that got to the hill the bill became adulterated and was not in the best interest of (us) the Sheriff's department.

- 4.1.9 Joan Carmen thanked the Council for going back to Bonneville Research and having the questions that were raised answered. She expressed concern regarding canine services, SWAT, crime scene investigation and drug enforcement. She asked the Council to make sure there would be enough money for those services. She said that interagency cooperation needs to be addressed. She said that the contract issues are very serious and if they are not being addressed fairly she would support self-providing.
- 4.1.10 Kaye LeCheminant said that everyone wants a safe place to live and is concerned about whether the City would have the specific ability to respond to small and large needs and if the City has budgeted for all potentialities.

Mr. Springmeyer said the budget includes participation with Sandy and Midvale in the SWAT team. He said that what he has been told is that when a catastrophic incident happens, officers will be there, not necessarily through a formal request for mutual aid, but at a dispatch level.

Midvale reported that in 2006 that over a five year period there were 4,916 events where their officers helped a neighboring city, without a formal request.

- 4.1.11 Mark Lloyd grew up in the area and is with a company that developed and operates Union Park Business Center. He stated that they are strongly in favor of moving forward with the formation of a police department. Although the Sheriff's office may have depth, it can work against them in some instances. He said that one of the things he learned while getting his undergraduate degree in criminal justice and law enforcement is that community oriented policing is by far the most effective. If officers get to know residents and the area, they know the needs of the area and know where to look when something goes wrong. He stated that he has not been satisfied with the level of service from the Sheriff's office in terms of response. He believes the City should be proactive and self-provide these services.
- 4.1.12 Ron Fullmer pointed out that the Mayor and Council have tough decisions to make. He said that there should be a precinct operation plus a "metro" for pooled services. He believes it is a good idea for the City to move ahead.
- 4.1.13 Joe Crilly said the existing law enforcement service is excellent and is against self-providing. The start up costs continue to go up and he does not see there is a need to change. He reminded the Council to remain accountable to the citizens and not just the developers. He said that most of the citizens are against self-providing. He said he would be interested in the effect the situation with Lt. Russo has had on this process and seems to be the white elephant in the room that nobody talks about.
- 4.1.14 Lorraine Turner commented that she has worked with the Sheriff's office on the 'Night Out Against Crime'. She said that everyone loves the officers.
- 4.1.15 Al Ayala said that you can do all of the preparations and studies and the unforeseen will happen. He said that he has not heard anything about a comparison with other cities on providing law enforcement services and proposal. He believes the County has done a great job.

Mayor Cullimore noted that there was a comparison to Draper, Taylorsville and other cities that have recently created their own police departments

- 4.1.16 Mike Hanson said he has lived in this area most of his life and has noticed what the City has done since its inception. He said that many things led up to this discussion including a breach of contract which is very important. The City Council has done an excellent job and they have done due diligence on this issue. He would support whatever decision the Council makes.
- 4.1.17 Matt Anderson said that he is a resident and also a member of the UFA. He believes the level of service they receive from the County Sheriff is not comparable. He said he feels much more safe working in areas covered by the County Sheriff
- 4.1.18 Jim Campbell asked what would happen if the criminal element leaves another area and moves to Cottonwood Heights. He asked if taxes have to be raised and a meeting held to discuss what to do. He said that he sees nothing but taxes increasing.
- 4.1.19 Nick Florez expressed opposition to self-providing and believes the Sheriff's office has done a wonderful job in the area. He said that sometimes elected officials have a tendency to get

involved in cases or direction of law enforcement which is sometimes not in the best interest of the taxpayers.

4.1.20 Randy Long asked how emergency services would be handled.

Mayor Cullimore explained that emergency services generally go through 911 and directed to the appropriate law enforcement agency.

4.1.21 Greg Thomas agreed that the Sheriff's office does a fantastic job, but did not agree they do a sufficient job to cover the Cottonwood Heights area. He said that he has called in people letting off fire works, given an exact address and never seen a sheriff respond and is in favor of the City having its own police department.

4.1.22 David Scholte, asked about the breach of contract and asked if it could be addressed and whether the citizens are in danger.

Mayor Cullimore stated that the City differs with the Sheriff on the type of breaches. The City feels that there has been significant breaches of the contract relative to exclusivity. The contract calls for officers to be exclusive to Cottonwood Heights. Since the beginning officers have been going out of the city on a consistent basis based on cross over logs provided to the City by the Sheriff's office that show that the City has more officers on balance going out than service coming back in. One gentlemen mentioned fireworks and shortly after the gully fire last year, two officers were in White City at a domestic violence call and there was no one to respond to the fireworks problem. There are concerns about provisions in the contract that give the City opportunity or right to consent to the officers placed in the city. Lt. Russo was transferred as Chief of Police without the Council's consent. There are local control provisions in the contract the City feels frame a model for local control instead of centralized control by the Sheriff and that this latitude has been the foundation for improved law enforcement services in Cottonwood Heights since incorporation. But the Sheriff continues to implement policies that defeat that local control. Mayor Cullimore noted that the Sheriff has been directed by the District Attorney not to address some of the things related to this situation because of the situation with Lt. Russo. Cottonwood Heights is the only city in the past seven years to sign a contract with the County. If the contract cannot be honored and respected what is next and how do you develop the necessary rapport and confidence levels required to move forward with good law enforcement services?

4.1.23 Peggy Faulkner, Sheriff's deputy, said her comment is about the Cottonwood Heights cars going out of the area and stated that she would hope the Mayor is not suggesting that when a Millcreek car or White City car or Holladay car does not come into Cottonwood Heights and back a Cottonwood Heights car on a domestic call because that is one of the most dangerous calls we respond on.

Councilman Bracken said the net effect of the crossover log is a give on the Cottonwood Heights part and a receive on the others.

Councilman Thomas said that if Cottonwood Heights had its own police department, it would expect the Sheriff to police White City, instead of having Cottonwood Heights go there.

5.0 **CONSENT CALENDAR**

5.1 Approval of October 16, 2007 and October 23, 2007 Minutes.

6.0 **ACTION ITEMS**

6.1 **Consideration of Resolution No. 2007-47 Approving Entry Into an Amended Interlocal Agreement with the City of Holladay for Justice Court Services**

6.1.1 Councilman Bracken moved to approve Resolution No. 2007-47 approving entry into an amended interlocal agreement with the City of Holladay for Justice Court Services. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

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

7.1 Councilman Bracken moved to adjourn. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote. The business meeting adjourned at 9:23 p.m.

**Approved: December 18, 2007**

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Kelvyn Cullimore, Jr., Mayor

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Don Antczak, Councilman

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Scott Bracken, Councilman

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Bruce Jones, Councilman

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Gordon Thomas, Councilman