

MINUTES OF THE CITY COUNCIL MEETING HELD JANUARY 8, 2008, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS OF COTTONWOOD HEIGHTS

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, Finance Director David Muir, Planning Director Michael Black, Associate Planner Glenn Symes, Public Relations Specialist Bob Warnick, Lynn Feveryear, Mike Dolan, John Lovato

OTHERS PRESENT: Mike Watson, Dan Bartlett, Corbett Ford, Larry & Beverly Jensen, Stephanie Archibald, John Fassett, Robby and Stephanie Russo, Paul Breneman, Mike & Shelly Hanson, Randy Fitts, Brian Allen, Ann Bracken, Geoff and Margaret Armstrong, Mike Peterson, Renita Pullman, Heath Lowry, Jim Winder, Shane Hudson, Beau Babka, Don Machin, Ron Fullmer, Ted Neff, Bob Springmeyer, John Springmeyer, Cathy McKittrick, Carl Evans, Barbara Evans, Fitz Peterson, Bill Morris, Jon Higginbotham, Robert Hortin, Ken McGregor, Linda McGregor, Stacey Mayberry, Marsha Gilford, Randy Thomas, Brad and Marie Richardson, Karen Kleinlein, Rob Ence, Steve Hopkins

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending.

1.2 The pledge of allegiance was led by Shaun Scott, Scout Troop 334.

2.0 **CITIZEN COMMENTS**

2.1 Eugene Peterson expressed concern over rising taxes. He asked if the City would be maintaining the current budget and how additional taxes will be addressed.

Mayor Cullimore explained that sales tax is set at the state level and if the City were to raise property taxes there would be a truth in taxation process.

2.2 Ernie Closner told the Council that on 2000 East from Fort Union Blvd. to the freeway entrance there is graffiti that needs to be removed.

Mayor Cullimore said that the City has put in a request to have the graffiti removed.

Mr. Closner said that the wall is falling into disrepair and needs to be fixed. He believes the wall should be higher because when the snow plows come by, they pick up metal with the snow and some of it is hitting the houses. He also noted that the sidewalk between the wall and 2000 East is not plowed and is dangerous for the people that walk there. He asked if it would be possible to place jersey barriers to protect people that are using that area of sidewalk.

Deputy City Manager Kevin Smith will talk to the County about the snow plow issues.

2.3 Rob Ence said that the property on 3388 East Creek Road is being used as a short-term rental without having an approved permit.. The property owners signed a settlement agreement stating

that they would not use this property as a short term rental. He stated that he would like assurance that there is intent to enforce the new short-term rental ordinance.

Mayor Cullimore stated that the City attorney is reviewing the issues associated with this specific short-term rental..

- 2.4 Verl Buxton said that snow removal on 7000 South has been horrible. He followed a truck plowing snow at 39 mph and people had to run to get out of the way of the slush it was throwing. Mr. Buxton followed the snow plow to the mouth of Big Cottonwood Canyon from Highland Drive where the operator took down five mail boxes, a for sale sign and chased two older people off of the sidewalk.

3.0 **PUBLIC HEARING**

3.1 **Consideration of an Applicant-Initiated General Plan Amendment to Change Property Located at 7921 South Highland Drive from Rural Residential to Residential Office (A/K/A Majestic Manor)**

- 3.1.1 Gordon LeFleur, 7951 South Sample Cove, presented a video dealing with the parking and traffic issues that would be created if the subject property were to be rezoned for a reception center.

- 3.1.2 Stacey Mayberry, 7958 South Meyer Vista Cove, representing several neighbors, expressed concern with a parking lot should this become a reception/convention center. They believe that there would be increased noise and lighting problems because it is so close it is to the fence line. She said that the parking lot would be unsightly and she has been told that litter is a common problem near a reception center. No drains have been installed on the property and water continues to collect and pool. Ms. Mayberry said that the property owner is not a victim of current zoning because she purchased the property knowing it was zoned Rural Residential. She expressed her concerns to the property owner and requested this property be left Rural Residential.

- 3.1.3 Ken McGreggor, 7941 South Sample Cove, reviewed pictures of the subject property, taken from his property. The subject house is 13,300 square feet and setbacks are an issue. He stated that Residential Office zoning would require a minimum 25-foot setback on the sides and 35-foot setback on the rear. There is currently only an 8-10 foot setback on one side of the home and approximately a 27-foot setback in the rear. He requested that this proposed amendment be denied.

- 3.1.4 Mayor Cullimore continued the public hearing to the January 22, 2008, City Council meeting.

4.0 **REPORTS/PRESENTATIONS**

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

- 4.1.1 Detective Ford reviewed the statistics for the month of December. There were 1034 calls for service resulting in 679 cases. Domestic and family offenses were up in December; and burglaries and damaged properties were down from last month. Detective Ford reviewed a fraud

case that covers multiple jurisdictions and states and which involved Detective Thornton. The U.S. Attorney's Office is currently looking at filing charges.

5.0 **ACTION ITEMS**

5.1 **Consideration of Ordinance No. 105 Establishing a Schedule for Regular Meetings of the City Council, Planning Commission and Board of Adjustment**

5.1.1 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 105 establishing a schedule for regular meetings of the City Council, Planning Commission and Board of Adjustment. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

5.2 **Consideration of Resolution No. 2008-01 Authorizing and Directing the Future Self-Provision of Law Enforcement Services**

5.2.1 Mayor Cullimore explained to those in attendance that the City has been studying the issue of self-providing law enforcement service for over six months. The feasibility study started in June and there have been multiple public meetings and hearings. The feasibility study was refined, based in part on comments from the public, and completed at the end of November. The public comment period was then extended to the end of December. Mayor Cullimore invited those in attendance to make public comments asking that comments be focused on new concerns as opposed to revisiting those previously addressed.

5.2.2 Fitzgerald Peterson, a firefighter with the UFA, stated that he is in support of the Sheriff's office and the work they do. He owns a business in the City and has had wonderful experiences with the Sheriff's office. He believes they are the best law enforcement agency in the state and recommended the City continue contracting with the County.

5.2.3 Ralph Weegen agreed with Mr. Peterson and believes there is good coverage from the Sheriff's office. He was told that the Sheriff is covering other areas of the County with deputies from Cottonwood Heights and questioned if there were other options for the City, such as paying a reasonable rate for the coverage, instead of paying for the growing westside. Mr. Weegen is concerned that with the approval of the police department the City will build buildings, buy vehicles, and have their own SWAT team, all of which is available through the Sheriff's office.

5.2.4 Nick Morgan, retired County Sheriff employee, expressed appreciation for the thoroughness of the feasibility study that was done in analyzing all of the data and identifying the concerns of the city that need to be addressed. Mr. Morgan said that people seem mostly concerned about budgets and taxes, and in reviewing the report from the consultants it does not appear that either of those will be a significant issue whichever way the City decides to go. Based on the information he has seen, he believes the City would be better off establishing its own organization. It does not mean that the Sheriff's office does not do a good job, but that the concerns that have been identified are significant enough that self-providing may be the best way to go.

5.2.5 Mark Crockett, Salt Lake County Councilman, said that the Council has been working on the feasibility study for six month, but have been working on the law enforcement issue for 2 ½ years. For the first 1 ½ the elected officials tried to explore a cooperative way for entities to band

together to pool services and preserve the economies of scale that exist. He told the Council to trust its decision and not to worry because the County will do what they need to do. He said that there have been many good faith efforts, and after watching the UPD efforts for 18 months, there are some fundamental differences. He stated that he hopes the City continues to work together with the County to band together on a cooperative basis to pool the services that make sense to share.

- 5.2.6 Councilman Bracken agreed that regardless of the decision there is always a need for cooperation among different law enforcement agencies.
- 5.2.7 Mayor Cullimore read the resolution into the record.
- 5.2.8 **MOTION:** Councilman Antczak moved to approve Resolution No. 2008-01 authorizing and directing the future self-provision of law enforcement services. The motion was seconded by Councilman Bracken.

Councilman Thomas said that he has struggled with this decision over the last six months. He stated that he looked at what the reasons would be to stay with the County and not form a city department. The City will not have to raise taxes in forming a new police department and he is comfortable with that fact. He attended the Citizens Police Academy and saw first hand the excellent facilities that the Sheriff's department has and wondered how those could ever be replaced. He said that the Council has discussed ways to handle special services and that hopefully some of the ways will include the Sheriff's office. He expressed appreciation for the talks he has had with Sheriff Winder and expressed the hope that everyone can move on to get the job done for both agencies. Councilman Thomas expressed that he was able to separate the ongoing rhetoric from his decision, and his decision to vote yes is based on the stand alone idea of what is best for the city. Councilman Thomas voted yes.

Councilman Bracken stated that in reading some of the newspaper articles he believes that there are misperceptions of some of the issues that are relevant to this decision. Some people have characterized this vote as being a personal feud between the Mayor and the Sheriff and that is not the case, but even if it were the case, this is a decision for the entire Council, not one person. He stated that the Mayor and City Council are charged to do what is best for the citizens of Cottonwood Heights and have set as its paramount goal, providing the best public safety possible. When the City incorporated the number of deputies serving in Cottonwood Heights was increased because the City wanted a more robust service. Councilman Bracken said that a portion of police services needs to be locally addressed and administered, and there is a component that is extremely expensive and hard to provide and needs to be shared. He said that the foremost concern for him has been whether the City could achieve and maintain the advantages of local control and administration without diminished services and believes the City can. Councilman Bracken said that some people have felt that this was retaliatory to some of the personnel changes that have happened within the City, but the City first discussed studying self-providing law enforcement services when the CDBG funding needed to be repurposed which was on March 13, 2007, prior to any personnel issues. He expressed support for the deputies who are serving and doing an exceptional job in the City. Councilman Bracken voted yes.

Councilman Antczak said he has seen a lot of changes come about and believes that this will be a change for the good. He said that everything he has tried to do in the community is based on

trying to make Cottonwood Heights a better place for those that live here. He stated that the Sheriff's office has provided excellent service, but the Sheriff cannot provide things that are specific to community needs. He would like to see the City work in harmony with the Sheriff's department and the other cities to form some unified services that will benefit the entire county. Councilman Antczak voted yes.

Councilman Jones said that for a number of years he sat as chair of the Sheriff's Merit Commission and at some point was made a special deputy of the sheriff's department. He stated that he has a bias in favor of law enforcement and in favor of the Sheriff's office, which is broader than the sheriff and means many law enforcement officials. He expressed some fear and trepidation because in three years the City was formed and became part of a new Unified Fire Department, has voted to form a new school district and is now talking about self-providing law enforcement services which is a lot to do. He said the Council has met for hundreds of hours about this issue and believes it is time for a decision. He stated he would not support this measure if it meant a tax increase; if it meant a diminishment of public safety in the city; and if it meant a diminishment in responsiveness to citizens. Councilman Jones encouraged a spirit of cooperation between the police department and the County as the City moves forward. Councilman Jones voted yes.

Mayor Cullimore expressed a great appreciation for the law enforcement officers serving the city since incorporation and believes they have done a great job. He explained that much of what is driving this decision has to do with concept and philosophy and the future rendering of services. At the time the City incorporated, the unincorporated County was subsidizing contract cities, but the momentum shifted and the contract cities had to start carrying their share of overhead. The contract that was signed by the City was designed specifically to provide some local control provisions and anticipated the formation of a Unified Police Department. The UPD was attempted and Cottonwood Heights worked with the County and other contract cities to form a regional policing force. That formation was not finalized and with the demise of the regional force the city began looking at other options. Mayor Cullimore said that he is in favor of self-providing because of accountability. He believes that contracting removes the accountability of officers and allows for limited input. He explained that the exclusivity of officers is a key component in the City's contract and is a point of contention. Officers in Cottonwood Heights are often sent out of the City and are subsidizing unincorporated areas. For two years Cottonwood Heights provided all of the law enforcement services for White City. Sheriff Winder was able to correct that problem when he took office, unfortunately, officers now go to the Millcreek area for coverage. The City will have a 10-15% increase of officers on the street when self-providing occurs and there will also be more detectives assigned. There will be better budget control and there will be the ability to accumulate resources as a self-providing entity and will be able to qualify for grants and aids. Mayor Cullimore stated that one of the most important aspects of self-providing is local coordination. When UPD failed, the Conference of Mayors had meetings about how they could work together to share unique costs such as SWAT teams. The City is in discussions with Murray, Midvale, and Sandy to talk about shared costs and avoid having duplication. He stated that the elected officials have an obligation to provide the best public safety product it can to the citizens and a community-oriented police department achieves that better than a County-oriented police department. Cities have migrated toward self-providing and the Mayors from the cities that have self-provided have indicated that the establishment of a police department has significantly enhanced the service to the citizens, enabled them to control their budgets better and have cost them less. The arguments for staying with the Sheriff's office

do not create a compelling case over self-providing. Mayor Cullimore joined with the Council in voting yes in favor of forming the Cottonwood Heights Police Department.

Mayor Cullimore noted that this resolution indicates the intent of the Council to move in the direction of self-providing, but does not set the timetable.

5.3 Consideration of Resolution No. 2008-02 Approving an Agreement with Willow Creek Pet Center, Inc. for Emergency Veterinary Care

5.3.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2008-02. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

5.4 Consideration of Resolution No. 2008-03 Approving Articles of Agreement for the FY 2007 Homeland Security Grant

5.4.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2008-03. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.5 Consideration of Resolution No. 2008-04 Approving an Interlocal Agreement for Cost Sharing Among the Cities of Cottonwood Heights, Draper, Midvale and Sandy for the School District Lawsuit

5.5.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2008-04. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

6.0 CONSENT CALENDAR

6.1 Approval of October 30, November 13, December 11 and December 18, 2007 Minutes

6.1.1 The minutes of October 30, November 13, December 11, and December 18, 2007 were approved.

7.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION

7.1 **MOTION:** Councilman Jones moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilmember Thomas and passed unanimously on a voice vote. The business meeting adjourned at 8:22 p.m.