



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 17, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Jim Brass	Council Member
Jared A. Shaver	Council Member

Others in Attendance:

Dan Snarr	Mayor	Justin Zollinger	Finance
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Ted Eyre	Resident
Pete Fondaco	Police Chief	Craig Burnett	Police
Buck Swaney	Resident	Diane Turner	Resident
Eliot Setzer	Resident	Blair Camp	Resident
Mary Ann Kirk	Arts/History	Kellie Challburg	Council Office
Jennifer Brass	Resident	Michael Todd	Business Owner
D. Kirk Jensen	Citizen	Janice Strobell	Citizen
Nathan Wilcox	Resident	Spencer Belliston	Resident
Joan Belliston	Resident	Steve Keefer	SIAC

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance.

Business Item 2.1

Murray City Alarm Discussion-Kirk Jensen

Mr. Hales introduced Kirk Jensen, who resides in District 5. Mr. Hales noted that Mr. Jensen has asked for some time to present this matter to the Council.

Mr. Jensen provided the Council Members copies of his remarks, due to limited time. He stated that he has been involved in Murray City government for quite some time. The other documents he provided were different ordinances regarding alarm services. There was also a

survey taken in Salt Lake City regarding alarm ordinances and he has included the opinions of the “no response” policy in the packet.

Mr. Jensen said he would like Murray City to be the best City it can be. He moved here 52 years ago, and loves living in Murray. This form of government was formed at his house, on his table. He believed it was a better form of government and better represents the people. There is now a vote from all areas of the City. Before the new form of government was established, the west side did not have a representative in the commission. Mr. Jensen noted that he was the one that asked for the change in government. He is a concerned citizen and his family is first and foremost in importance. Mr. Jensen said he had been offered a job position that he turned down because his wife is his number one priority, his children are number two, his church is number three, and the area he raises his children is number four and the company he works for is number five. He had a marvelous employment with that company and retired over 21 years ago.

Mr. Jensen said the bottom line is that he would like people to be safe. He has two children living in Murray, and wants them safe also. These are the reasons behind the lengthy study that Mr. Jensen has done. He believes it is in the best interest of the City to have the police department respond to burglar alarms. He believes that by the Police not responding, it also hurts the City both financially and economically.

Mr. Jensen has pursued this matter for a number of years and sponsored a bill before the state of Utah. This bill was signed into law by the Governor that states that a person soliciting alarm systems is required to inform the buyer that the alarm company does not respond to alarm calls.

Mr. Jensen introduced Mr. Steve Keefer, an Ex-Police Chief with the Sparks, Nevada Police Department, and currently works with SIAC (Security Industry Alarm Coalition).

Mr. Keefer stated that he has been employed with SIAC since June and was a Police Chief for three years before that. He stated that he was a Lieutenant and his City was moving forward with verified response. He wholeheartedly believed in verified response and pushed the Council Members in that direction. At the last minute, the proposal was turned down by the Council. The Police Chief became frustrated with the alarm industry and Mr. Keefer initiated more discussion between the two entities. His City wasn't aware at the time of the model ordinance.

Mr. Keefer then learned about the model ordinance, and most likely would not have pushed for verified response if he had known about the model ordinance. Sparks, Nevada has a population of about 93,000, with a Police department of 170, with 110 sworn officers. At that time, the City had about 2,000 to 4,000 false alarms before passing the model ordinance. One of the characteristics that make the model ordinance successful includes permitting. There was a permit fee charged, and there were fines charged for responding. There was a flat rate charged on the first false alarm response, and the Police did have the ability to suspend service after possibly the fourth false alarm. Mr. Shaver asked if the fine was charged to the alarm company or the user. Mr. Keefer replied that the user was responsible for the fine. There were possible fines to the alarm companies also, if they didn't adhere to policies. Mr. Shaver asked if the alarm company could be fined just as easily as the homeowner. Mr. Keefer said not as easily as the homeowner, but there were applicable fines to them also.

Mr. Keefer said there was an appeal process, but it ended up going pretty smoothly. There was a cost recovery; and revenue was able to be generated. The alarm calls for service were reduced by about half. Now that he works for SIAC, the majority of his time is spent on education, and helping other cities, particularly those that have adopted the model ordinance.

Mr. Keefer asked Chief Fondaco if the Police currently use a broadcast and file system. Chief Fondaco replied that was correct. Mr. Keefer said he wanted the Council to be aware of other programs that may not be as controversial. His own personal feeling was to avoid verified response. The alarm calls are still a relatively small number compared to other calls. He said that usually verified response happens in larger cities with larger populations than Murray. He believes there is value in reaching out to the public and maintaining the small safe community. It also tends to build support later for other issues, such as ballot measures, charity and outreach programs.

Mr. Keefer noted that most users don't have false alarms. The Phoenix Police Department did a study in 2011, and of 147,000 permitted alarms there were 85% that never had a false alarm, and 10% had one false alarm. SIAC supports verified response against the abusers of alarm systems. That doesn't promote punishment of the responsible alarm users which make up the majority of the City.

The debate of security guards responding to alarms is because most of the time the call would not result in a violent confrontation. Most people prefer a Police Officer respond to the call versus a security guard.

Mr. Keefer said he knows of only two cities that have gone to verified response in the last two years, Detroit and San Jose. Detroit is now second guessing that decision, and Dallas changed in 2007 from a verified response to the model ordinance.

The model ordinance has an important component of call verification. That is when the alarm company makes two phone calls to the user before calling the Police Department. This usually accounts for a 20%-30% reduction in calls alone. Before the invention of cell phones, the alarm company would simply call the house, and if no answer, call the Police Department. The industry abused the system decades ago. The alarm companies have become more accountable and responsible also.

Los Angeles, Oakland, Sacramento, Reno have all gone to the model ordinance. It isn't a perfect ordinance, and didn't cut 90% of the calls, similar to verified response, but calls were reduced by 50%.

Mr. Keefer handed out documents of success stories of cities that have gone to the model ordinance. The number of calls reduced vary between the cities, as does the population. Mr. Keefer said he is there to answer any questions and does offer a free service. If the community and Police Department are happy with verified response, possibly it is an idea that would be entertained in the future.

Mr. Stam asked about the two phone calls required by the ordinance. The first call would be to the home, and the second call to a cell phone or neighbor, clarified Mr. Stam. Mr. Keefer replied that the second call was usually to a cell phone. In the past, the first call would be to the Police and the second to the user. This caused the police to go there, only to be cancelled when the user answered the call. Some states have passed enhanced call verification for the entire state. In recent meetings, representatives from large drugstore companies are shocked that the

first phone call doesn't go directly to the Police. There is much to debate even with the call process. The model ordinance holds the monitoring companies to abide by two phone calls.

Mr. Nicponski asked what CFS stood for. Mr. Keefer replied that it stood for Calls for Service.

Mr. Jensen expressed his appreciation for the time given to him and the Council listening to his safety concerns.

Mr. Shaver asked Chief Fondaco about the contacts the Police have on file and if the Police actually call the first contact number. Chief Fondaco replied that the contact number is used if the business needs to be contacted, but not for an alarm drop. Mr. Shaver asked if the Police Department get a response and if the contacts are readily available, when making the calls.

Mr. Nicponski asked if Chief Fondaco could first explain the current protocol for an alarm call.

Chief Fondaco handed out a breakdown of the burglary statistics for the last five years in Murray. There is a total number of burglaries listed, then residential burglaries are separated out, and then the percentage of those that had alarms. The number of alarmed residential burglaries is very small. Many of those are residences that didn't even have the alarm activated. It simply means there was a burglar alarm in the residence, but doesn't mean it was turned on.

Chief Fondaco explained that the department uses a broadcast and file system. The alarm company calls the police dispatch, dispatch then creates a file for that call. A burglar alarm is a very low priority call. If there are other calls holding, an officer may not be able to respond for 25-40 minutes. If the officer is available, they will do a drive by and get a visual on the property, they won't stay and wait for homeowners to show up. At that point, the police would be done with that call, and would clear it. Of course, if the officer's suspect a problem, then dispatch would be called, and a call would be taken on the case.

Mr. Nicponski clarified that eventually someone would respond. Chief Fondaco replied that the response would be from the alarm company, not the police department.

Mr. Shaver asked about reaching a contact at the home or business when the alarm has been activated. How many calls are made, and is it to the primary or secondary numbers, he questioned. Chief Fondaco said the police don't make the calls. If an alarm call turns out to be a burglary, the alarm company sends out a guard, the guard would call with a verified break-in and officers would be sent. At this point, the homeowner has already been contacted or attempted to be contacted by the alarm company.

Mr. Shaver asked if there were statistics on whether burglaries mainly happen in the day or night, and if they are in different locations, such as banks or pharmacies. Chief Fondaco explained that there are two different types of alarms. There is a burglar alarm which is different than a hold-up alarm or a panic alarm. A panic alarm is usually from a residence, meaning the homeowner is home and someone is trying to break into the house. The police respond to panic alarms as a high priority call, as well as robbery or hold-up alarms. The only alarm in current discussion is the burglar alarm. Mr. Hales asked for an explanation on the panic alarms. Chief Fondaco said there are a lot of homes with a panic button, or a special sequence of numbers on their alarm system that trigger a panic alarm. Mr. Nicponski asked how long the current system

has been in place. Chief Fondaco replied about ten years. He said when this ordinance was passed ten years ago, it was with the assistance of a committee that had been formed with citizens.

Mr. Nicponski asked if there had been any problems with the current system in the last ten years. Chief Fondaco replied that there had not.

Mr. Stam clarified that the contact number that the Police have would only be used if there is a fire in the building, or another issue. He doesn't believe that contact information relates at all to a burglary alarm.

Mr. Shaver recalled a situation in a strip mall where a business did not have an alarm, but the adjacent business did. The robbery took place in the business without the alarm, but the alarm was activated for the adjoining business. The police showed up and called the owner saying there was a break-in. Chief Fondaco said they have that information from the business licensing. Mr. Shaver clarified it didn't necessarily have to come from a burglar alarm, it is a notification of an issue at the business.

Mr. Jensen commented about the guard service from an alarm company. He tested the system, and it took the guard 42 minutes to arrive at his house from downtown Salt Lake. He was charged \$35.00 for the guard to come out, but that time frame would allow the burglar to get out of the house with pretty much everything.

Chief Fondaco commented that this wasn't something that the Police Department asked for. This was a legislative decision and the Police will enforce whatever the Council decides. Chief Fondaco stated that he wants the families in Murray to feel safe as much as anyone.

Chief Fondaco believes this isn't a family safety issue; this is a burglar alarm that occurs when no one is home. It is different from a panic alarm, or a hold-up alarm. It is property protection from a private contract with a public response. If the alarm company states that they will monitor the alarm, and if the alarm goes off, the police are called and a public response would occur for the alarm drop. It is a tax payer response to a private contract, noted Chief Fondaco. That was one of the concerns the Council had ten years ago. Murray was having about 2000 false alarms a year.

Chief Fondaco noted that he is currently five officers down, and would need to hire a civilian alarm coordinator. An alarm coordinator would need to evaluate the alarm drops and start charging the homeowners \$100, similar to Sandy. That charge keeps increasing until it is paid in full. At some point, service is suspended if the bill isn't paid. Chief Fondaco said he isn't comfortable with the idea of suspending service if a resident owes \$100. That is a big step for the Police Department to deny service because money is owed, noted Chief Fondaco. He believes once you start basing service on dollar values that is the wrong direction to take. It is a public service, and he doesn't approve of charging people.

Mr. Nicponski said he is concerned with having to hire additional staff, and also the strain it puts on the patrol staff, which is already thin. Chief Fondaco also mentioned that the billing may have to be contracted out, similar to what the fire department does, or hire staff for the billing. Chief Fondaco noted he would prefer to hire another sworn officer.

Mr. Shaver mentioned a case in Tennessee. The resident had not paid his fire department assessment, the fire department showed up and watched the house burn. Mr. Shaver doesn't approve of putting public services in that position; they are not money collectors.

Chief Fondaco said he would prefer to either keep it as is, or get rid of the ordinance and they would respond for free. He isn't comfortable with pay for service; he doesn't want to be a bill collector.

Mr. Stam wanted to clarify the different types of alarms. There is the fire alarm, the panic alarm, and the medical device alarm that all trigger a high priority response from the police. The only type of alarm that isn't getting an immediate response is a burglar alarm without any contact from a homeowner, he noted. Mr. Stam said the alarm company would try the first and second contact numbers, and if there is no response, they would then notify the police. The Police would still go to the house, when they become available. Chief Fondaco said the response would be with priority if there is a contact at the residence. For example, a neighbor is there and states it looks suspicious. If there is a person there asking for assistance, it is no longer considered an alarm drop, but a citizen requesting service.

Mr. Shaver clarified that if it is a person using a panic button, medical device button, or phone call the response would be immediate; when it is an automated system notifying of a problem, the response would be low priority. Chief Fondaco said the ordinance states the police would not respond and sit and wait at a business or residence.

Mr. Keefer commented that he was glad to see the broadcast and file system being used, because it does show there is value to alarms. He asked Chief Fondaco how many they were responding to, and stated there may be some cost recovery. There was also cost recovery to robbery alarms, because in the middle of the night there would be more than two officers responding. Many of those robbery alarms are false, as well as some of the panic alarms and there is a way to recover those charges, if that is something the Chief wants to do. He does understand the Chief's position that he doesn't want to charge, but they are currently responding to some calls for free.

Chief Fondaco stated that the reason they have broadcast and file is that he insisted on that. He wanted the opportunity to respond to a burglar alarm. He believes it is a mistake to say that they would never respond, because it is a service. He also understands that Mr. Jensen wants his property protected. The decision needs to be made about how much protection is needed. The broadcast and file system helps because there are alarm drops at jewelry stores and pharmacies at nights, and he thinks it is important to have the opportunity to respond.

Mr. Stam said if the Council ever decided to charge, the charge should go to the alarm system, not the resident. Chief Fondaco said the problem with that is the alarm company is going to say it is user error, and not their problem. They looked into the alarm company adding the charge to the bill, then the user doesn't pay the bill, and the alarm company shuts off their service. Mr. Stam said that may take care of the problem; he doesn't think going after the homeowner is the right thing to do.

Mr. Hales expressed his appreciation to Mr. Jensen, Mr. Keefer, and to Chief Fondaco for their comments.

Business Item 2.2

Murray City Center District (MCCD)
Discussion- Tim Tingey

Mr. Tingey remarked that this topic had been previously discussed in a Council Initiative Workshop. He stated that staff researched different options for modifying height in the Murray City Center District (MCCD). He showed a map illustrating the MCCD and height issues along Center Street. The west side of Center Street has been commercial for over 50 years, and there are a number of residences there currently being maintained. Prior to the Murray MCCD and the height changes, it was zoned C-D-C which is retail oriented development. Prior to the DHOD (Downtown Historic Overlay District), there was a height limitation of three stories, which could have reached a height of about 40 feet.

There are three proposed changes to this ordinance:

1. **Limit outside storage in the MCCD.** The definition of outside storage is the keeping of unroofed area of materials, merchandise, goods, and vehicles for a continuous period in excess of 24 hours. A business can still take goods outside during the day, and back in at night, not exceeding 24 hours. Mr. Shaver asked if that included vehicles, or is it a specific storage area in question. Mr. Tingey replied that it is a specific area for storage. Mr. Stam asked if it was similar to Lowe's storing of their BBQ's outside. Mr. Tingey replied yes that would be a good example.
2. **Demolition of non-significant structures.** The current MCCD defines historic structures that are termed significant, and the intent is to preserve and protect those in the downtown area. If a demolition is proposed, those non-significant structures have to go through the whole design review process. This would eliminate the design review and streamline the process for non-significant structures. A recent example of this was the Sharkeys bar that had been vacant for a number of years. The owner wanted it torn down, but still had to go through the design review process.
3. **Height restriction changes.** The proposed changes on height restrictions would affect Court Avenue north to 4800 South. The depth of these properties is very limited. Development in the future would be challenging due to the shallow depth of these properties, without some type of height allowance. The current wording is that the height of a structure located adjacent to a residential zoning district may not exceed 50 feet within 150 feet of a residential zoning district. The proposed change would affect properties north of Court Avenue adjacent to Center Street, buildings should not be erected to a height greater than 35 feet, but the height may increase one foot of height for each four feet of setback from the property line. This tapers the height of the building to allow for additional height.

Mr. Shaver asked if the rear property line would be affected also; unless it is specified from the east heading west only. Mr. Tingey noted that the intent is from Center Street moving to the west to allow the tapering of a building. In order to get to the maximum height of 50 feet, the building would have to go back 60 feet from the property line. In the CDC zone, there is a similar type of wording but that wording states that the setback begins from the adjacent

residential zoned property; where this setback begins at the property line. Mr. Shaver commented that Rapunzel's tower could be built on the back of the property. Mayor Snarr asked if that would make the parking all be on the front of the property. Mr. Stam said that the M CCD requirements are that there is no setback and the building has to start at 35 feet against the sidewalk, and then can taper back. Mr. Brass asked where the property line is measured from. Mr. Tingey replied that it is from the property line adjacent to the right of way. Mr. Tingey showed an example on the map.

Mr. Brass asked what the average depth of the properties was. Mr. Tingey stated that the maximum depth of these properties is 150 feet. They are residential homes and many have a depth less than 150 feet. Currently the ordinance allows for 15 feet higher than a residential home. This would require a 35 foot height upfront at the property line and then could taper back all the way to 50 feet.

Mr. Tingey believes that this change would not limit redevelopment opportunities as much, considering it is a commercial zone. He thinks this is a compromise that could work.

Mr. Nicponski asked Mr. Brass if he knew how the residents in this area are feeling about this. Mr. Brass said he has gone to every door, and the homeowners want to stay and live there. The house next to the Oasis Apartments is a gentleman whom is quite firm in that this is where he wants to live.

Mr. Brass commented that he just reported on the visit to the Mayo Clinic and their downtown area. He is not against development by any means, but is concerned about getting a "develop or die" mentality. He also noted that he doesn't think that Center Street would make or break the downtown development area, no matter the height of the buildings. Mr. Brass noted that Center Street, Wasatch, Maple and Elm Street are neighborhoods that are not in decline and are seeing a lot of homes being fixed up. The DHOD did not cover some of the historic buildings on those streets. Mr. Brass said his original and current intent is to protect Center Street. He believes that the residential areas need to be incorporated into the downtown plan. Those residents are the ones that would be the downtown customers.

Mr. Shaver commented that those streets are also small streets. He thinks that it is important to keep the neighborly feel. Mr. Brass noted that it is a neighborhood, as was evidenced by the neighbors coming together.

Mr. Nicponski stated that there is tremendous momentum going right now with the Hilton Hotel. He asked how to keep that momentum going. Mr. Tingey said he believes that the partnership with Woodbury and Intermountain Medical Center will help continue the momentum. Mr. Shaver noted that the Medical Center wants to be involved with the surrounding development choices, and they have a cohesive vision of the area. Mr. Brass said that Woodbury would like to connect the west side to the east side of State Street, so that patients and hospital employees have access to businesses such as Desert Star Theater, and hotels and restaurants. The connections are critical and he believes that this little Center Street will not be in play as much as others.

Mr. Nicponski asked if there was a movie theater in Rochester. Mr. Brass said there wasn't one within a mile and a half of the clinic.

Mayor Snarr summarized the height proposal of 35 feet and increasing a foot in height, every four feet that you go back. He clarified that there wasn't a change in zoning. Mr. Tingey said that was correct.

Mr. Brass commented that this was a great start but he would like to model out the depths and see what it looks like. He noted that all of the property owners are aware that they are sitting on commercial property, and several homeowners have businesses out of their homes. He doesn't want the zone changed, but the neighborhood feel protected.

Mr. Tingey added that for the past ten to twelve years on Center Street, they have been allowed to build higher than the proposed height tonight. If you are a property owner on the west side of Center Street, this reduces what you can do with your property but allows some height to taper back as a compromise.

Mr. Shaver compared Birkhill, San Francisco, and New York brownstones as neighborhoods with a different feel.

Mr. Tingey clarified that this proposal only affects Court Street north to 4800 South. The other areas would remain the same. Mr. Shaver clarified on the map the areas adjacent to the hotel.

Mr. Hales adjourned the meeting at 6:07.

Kellie Challburg
Council Office Administrator II