

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 6, 2011**

Present: Mayor Dana Williams; Council members Alex Butwinski; Candace Erickson; Joe Kernan; Liza Simpson; and Cindy Matsumoto

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Bret Howser, Budget Manager; Scott Robertson, IT Manager; Kent Cashel, Transportation Manager; and Brooke Moss, Human Resources Analyst

1. Council questions/comments. Liza Simpson referred to Park City's excellent transparency scores assigned by The Sutherland Institute and recognized the new website and the IT Department. Alex Butwinski covered Art Board business, specifically programs in Summit County. Cindy Matsumoto discussed the Historical Society meeting. Candace Erickson indicated that sales tax numbers for the quarter should be good based on her observation of retail sales over the holidays. The Mayor relayed that occupancy is up 70% above last year and he wished the community a happy new year.

2. BFO prioritization exercise. Bret Howser explained that programs falling under transportation, recreation and regional collaboration goals were discussed on December 16, 2010 and open and responsive government is scheduled today. The staff report includes information on the citizen satisfaction survey conducted a few years ago. Open and responsive government as a community goal contains the most programs and relates mainly to administrative functions. Mr. Butwinski expressed his disappointment with achievements being described in percentages rather than numbers, which is less meaningful to him. Mr. Howser explained that the sample given to managers happened to be in percentages and they might have felt percentages were expected. Mr. Butwinski felt that assigning numbers provides more information. In response to a question from Cindy Matsumoto, it was indicated that surveys were conducted in 2003 and 2006 and another one is planned. She believed that these performance measures should be tied with *pay for performance*. Mr. Howser stated that performance measures can be tied with performance reviews where pay for performance is considered. A plan or a stronger link has not been created yet. Joe Kernan felt it would be helpful to provide average data on programs together with percentages and to have performance measures for individuals where responsibilities can be measured. Mr. Howser stated that staff will work on getting both perspectives into the performance measures.

The Mayor referred to meeting packets going paperless and noted that the target level of service is rated at 99% and to get to 99.9%, another \$350,000 has to be invested in the system which seems like a lot of money for .9%. Mr. Butwinski felt the cost benefit index would be helpful in this instance. Mr. Howser explained that the cost benefit is not linked to the performance measure data at the enhanced level of service. Scott Robertson acknowledged that attaining .9% is expensive but it is the cost of providing more availability and less risk. Mr. Howser interjected that staff is not asking members to make final decisions on levels of service at this point.

3. Regional Bus Service - SLC. Kent Cashel advised that UTA is moving quickly on this program and is planning on implementing service in August 2011. Park City's financial portion is unclear but it is anticipated to run three to five buses in the mornings and evenings and which will create a good commuter service. Staff is actively working with UTA. This plan will be

incorporated in the short range transit development plan so that all associated programs can be considered together by members. Summit County will also be at the table.

4. Pay Plan. Brooke Moss referred to the November 4, 2010 work session discussion on the pay plan where concerns were raised by members including inflationary factors, flexibility for managers, and movement through grades. Staff is recommending stretching the pay ranges to a 50% span, increasing the bottom grades to allow for bigger ranges, requiring more time to move through ranges, and allowing for more flexibility for managers in setting pay. She explained that pay increases are recommended to be capped at no more than 5% annually; the current policy is 5% every six months. This would increase the time it takes to reach the 5% cap to no earlier than three years. Ms. Moss explained that a hiring cap at 65% of the range is recommended to be implemented and a *meeting expectations cap* is set at 80% of the range which will slow down mobility. An employee exceeding expectations for two consecutive review periods (or years) can advance to 100% of the pay grade. Employees truly exceeding expectations will be able to move past that cap after two years.

Another option is to replace the 2% pay range increases for FY2012 with a 3% lump merit increase which is about the same cost. She added that lump merits aren't guaranteed, are tied to performance reviews, and allows managers more flexibility to determine and reward high performance. The inflationary factor is eliminated. Ms. Moss explained another recommendation changing benchmarking to the average of the top seven (less 1 and 7). In FY2013, it is suggested to allow for more pay grades so jumps aren't so big and more specific.

The Mayor asked if members agree with the original benchmarking approach in terms of comparing cities along the Wasatch Front and ski towns. Candace Erickson stated that she is still comfortable with it and pointed out that comparing positions with other cities in Utah is helpful because they represent the competition in attracting City employees. It is important to learn what the market bears. Cindy Matsumoto believed the Salt Lake Valley or the Wasatch Front is our competition and probably more so than other ski towns. Aspen's data is probably skewing results but it is used only 12% of the time. She stated that gathering information from Colorado towns is not as important to her as the Wasatch Front. Joe Kernan indicated that it is very helpful to have information from other cities, admitting that he doesn't like to be locked into formulas on how to apply the information. The cities that are ranked in the top most frequently are the bigger areas in Salt Lake and in many cases the pay information is relevant for a variety of positions. However, management positions may be higher-paying in larger cities and managers should have the discretion to make recommendations on pay based on responsibility levels. The Mayor stated that he supports the process but spoke about not knowing if comparables are paying for performance or tenure.

Tom Bakaly explained that employees meeting expectations are paid at 80% of the range but exceeding expectations will result in being paid at a higher level. Currently employees are paid at the top for meeting expectations. Alex Butwinski felt this is a good idea. Bret Howser explained the theory of taking three years to reach 100% and referred to an illustration of pay grades and the results in terms of reaching 100% with hiring at 50% or 65% of the pay range. Mr. Butwinski expressed confusion about the 2% proposal. Tom Bakaly clarified that a 2% across-the-board raise has historically been made to keep up with the market, but staff is now recommending that the amount be transferred to the bonus pool. Bonuses were 6% in the past and dropped to 4% in July and from a policy standpoint, bonuses or pay for performance should be the focus. If the 4% is bumped to 7%, the cost of increasing the bonus pool would be the

same as a 2% across-the-board increase. Members may want to look at the 2% wage increase again in 2014. Mr. Howser emphasized that the 2% is not intended to be a cost of living increase, but is in place in the off years to keep grades relevant.

Liza Simpson believed that staff has done a great job of addressing many of Council's concerns. She felt that the comparable cities being used are valid and it is important to know what other ski towns are doing. Throwing out the top and bottom numbers, spreading the ranges and comparing with other cities are three important components. Ms. Matsumoto expressed that she wants assurances that this new system will not pay employees more. Mr. Howser felt it would be unlikely that positions in the new plan will be reclassified to a higher grade than they otherwise would be because a lower target point in the market is being used. It used to be the average of the top five but now it is the average of the top two to six. He again explained the 80% and 100% plan with regard to meeting expectations and raises. Discussion ensued on exceeding expectations in at least three areas before a 7% bonus is considered.

In response to a question from Joe Kernan about a wider pay grade, Ms. Moss explained that it allows the managers more discretion in attracting employees. He expressed concerns about this and felt that if 85% of employees are already paid at the top because of meeting expectations, that there won't be much opportunity for savings. He believes in being generous to employees but is more comfortable making sure employees are paid the average or above and peak performers at the top. Having 85% of employees paid at the very top is more generous than is reasonable or normal. Brooke Moss stated that the City is still benchmarking from mid-points and the top of our market is a mid-point so Park City's market is not the highest paying. Comparisons are not ever going to be even. With regard to the three year period to reach the top of the pay grade, Mr. Kernan expressed that he would feel more comfortable with the manager having more discretion. It was explained that three years is the fastest an employee can move to the top. He reiterated his concern about 85% of employees exceeding expectations and most everyone getting paid at the very top. The Mayor explained that our top is still the mid-point and Mr. Kernan insisted that Park City is paying everyone at the top.

Bret Howser stated that Park City ranks 3.5 out of 14 cities or on average 14 cities have positions reported within a benchmark. If pay is calculated at 80% of the range, Park City would be 5.5 out of 14 which staff feels is more in line with the above-average level described by Council members rather than towards the top. Mr. Kernan continued to argue that Park City employees are paid higher.

Cindy Matsumoto expressed her appreciation of staff moving the pay plan in the right direction. She likes giving managers more discretion with bonuses and is okay with expanding the bonus cap however she would like to see some kind of inflationary cap and assurance that a 7% bonus is not given to everyone. Candy Erickson felt that pay plan growth will be controlled by comparing with seven cities and arriving at a better average. Not providing the 2% across-the-board this year arrests the first inflation and the decision on the adjustment in the future needs to be made based on benchmarking. Ms. Matsumoto believed there should be an overall cap or control. Tom Bakaly stated that the reason a cap is not recommended is because the City is committed to rewarding performance and paying based on performance. He felt a cap is limiting and he again discussed the changes associated with meeting and exceeding expectations. He believed that a high performing organization means 85% of employees should be exceeding expectations. Liza Simpson stated staff needs to be paid well. Her expectations of staff are higher and she hoped these changes will foster good performance.

Alex Butwinski asked the definition of *caps* and/or *savings* mentioned by Ms. Matsumoto and Mr. Kernan. Cindy Matsumoto stated that she would like to *cap* the overall growth of personnel costs which is a cap on total payroll costs. Joe Kernan stated that staff would have to estimate what savings would be expected based on department goals. Council does not have the time to micro-manage but could set some sort of a cap to make sure that cost per person is not growing any faster than the cost of the position growing in the state of Utah or in the country. Pressure should be placed on managers to maximize performance. The 5% cap on moving within a range was discussed and Candace Erickson pointed out that the actual dollar amount should be controlled by the 5%. Mr. Bakaly pointed out that the City has no control over medical insurance or retirement costs but can implement a policy goal of slowing the inflationary nature of the pay plan. There was discussion that positions could move more than 5% a year based on the market but employees can not move more than 5% per year. Joe Kernan stated that that gives him some comfort but it is hard for him to imagine that enough people could grow at the 5% cap every year to make the whole City grow at near 5%. The national average is 3.5% but he would still like to give the managers more discretion and budget a 2% across-the-board every other year. During the years of pay grade adjustments, have the 5% overall so someone could receive up to 10% and stay within the 5% average.

Ms. Erickson expressed her appreciation of staff listening to them and producing this plan. Liza Simpson felt this was a good although painful learning exercise. Mr. Kernan believed the plan accomplishes some of the overall inflationary caps. Cindy Matsumoto stated that she is comfortable with the proposal and would like to see how it plays out.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 6, 2011**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 6, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Thomas Daley, Deputy City Attorney; Wade Carpenter, Chief of Police, Kirsten Whetstone, Planner; and Michael Kovacs, Assistant City Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Candace Erickson thanked the Utah Highway Patrol for regularly monitoring the crosswalk by Fresh Market on SR224. Repainting Bonanza Drive was discussed. Alex Butwinski acknowledged the great job Public Works has done on snow removal.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

ATV Taxi Service - Garry Moss, Trigger Taxi, felt that he should share his individual discussions with Council members and requested that his case be brought up next week for voting. He stated that he met with two Council members regarding the approval of his business who felt there should be more discussion on liability. If he is approved, he asked if the number of his ATVs would be limited and/or if other ATV taxi businesses could be limited. Cindy Matsumoto asked about liability and Tom Daley indicated that if these vehicles are approved the City's immunity would stay in tack. She asked about limitations and Tom Bakaly explained that consistent with discussions on taxis that the City can not limit the number without at least a study which Council directed staff not to perform for taxis. In addition to the public safety issue that the Police Chief has raised, there is concern of adding more taxis in the mix or ATVs which requires an ordinance change to allow.

Tom Bakaly understood that wasn't a majority consensus to discuss this request before but in February after Sundance, a work session will be scheduled on taxis and this issue can be revisited. He again explained that taxi businesses can not be limited unless a study provides information on capacity. Joe Kernan suggested an ordinance with a sunset provision and Mr. Moss suggested issuing a temporary permit without an ordinance. Tom Bakaly explained that an ordinance is needed to allow ATVs. Liza Simpson stated that she is not in favor of discussing this proposal but if other members want to discuss it, it should be considered as part of the taxi work session. Joe Kernan felt it should be tested rather than discussed and an ordinance should be adopted which expires in April. In response to a question from Alex Butwinski, Tom Daley explained that the state defines different types of ATVs and in order to meet the City's for-hire requirements, they must be street legal. There is no distinction for a street-legal ATV acting as a taxi so the streets may be opened up to all street-legal ATVs. Mr. Moss stated that his vehicles are not straddled and can accommodate up to six passengers. Candace Erickson stated that she is a no. Alex Butwinski and Cindy Matsumoto felt it should be discussed in work session.

Gary Moss stated that an issue of liability is created by the Council's discrimination against his business because of the other ATVs operating (illegally) in the City. The ordinance is being

imposed on him and not other businesses. He respects the decision to discuss this in work session but every week is costing him \$2,000 to \$3,000 in lost revenue as he applied for a license in October. Police Chief Wade Carpenter stated that most of the photographs Mr. Moss showed Council illustrating illegal ATV operations were in the County. Gary Moss argued that the ordinance is not being enforced. He spoke about golf carts crossing the road and again complained about enforcement of the ordinance directed at him but not at other businesses. He stated that he is not here to be discriminated against and the Mayor encouraged him to have his attorney contact the City's legal staff.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF DECEMBER 2, DECEMBER 9 AND DECEMBER 16, 2010

Liza Simpson relayed one small correction to the December 2, 2010 work session notes regarding snow clean-up by the Town Lift. Joe Kernan and Alex Butwinski disclosed that they will not be voting on the minutes of December 9, 2010 as they were not in attendance. Candace Erickson, "I move approval of the December 2 and 16, 2010 work session notes and minutes (as corrected)". Alex Butwinski seconded. Motion unanimously carried. Candace Erickson, "I move approval of the work session notes and minutes of December 9, 2010". Liza Simpson seconded. Motion carried.

	<u>12/02</u>	<u>12/09</u>	<u>12/16</u>
Alex Butwinski	Aye	Abstention	Aye
Candace Erickson	Aye	Aye	Aye
Joe Kernan	Aye	Abstention	Aye
Cindy Matsumoto	Aye	Aye	Aye
Liza Simpson	Aye	Aye	Aye

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items"*)

Joe Kernan, "I move we approve Consent Agenda Items 1 and 2". Alex Butwinski seconded. Motion unanimously carried.

1. Consideration of a Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2011 – Unanimously approved.

2. Consideration of a Service Provider/Professional Services Agreement with Stanley Consultants, Inc. for consultant services related to the Storm Water Master Plan study in the amount of \$154,327, in a form approved by the City Attorney – Unanimously approved.

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Mayor Pro Tem and Alternate Mayor Pro Tem – Candace Erickson, "I move we appoint Joe Kernan Mayor Pro Tem and Cindy Matsumoto as the Alternative". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of the appointment of a Member and an Alternate to the Employee Transfer and Discharge Appeals Board – The Mayor requested a motion on appointing Liza Simpson and Cindy Matsumoto as members and Joe Kernan as the Alternate. Liza Simpson, “I so move”. Alex Butwinski seconded. Motion unanimously carried.

VII NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of an Ordinance amending the Land Management Code of Park City, Utah to provide clarification and consistency between Sections; streamlining of process and procedures for subdivision plats, conditional use permits, master planned developments, and plat amendments; clarification of and new definitions; and consistency with the General Plan and City Council goals, specifically amending Sections 15-1, 15-2.13, 15-2.16, 15-5, 15-6, 15-7, 15-11, 15-12 and 15-15 – Planner Kirsten Whetstone explained that a motion to continue is recommended because the Planning Commission is still reviewing this project. The Mayor opened the public hearing; there were no comments from the audience. Alex Butwinski, “I move to continue to January 27, 2010”. Joe Kernan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the first amended Village at Empire Pass, Phase I, Subdivision, located at 8680 Empire Club Drive, Park City, Utah – Kirsten Whetstone explained that this affects Lot 9 and private Village Way Drive. It memorializes the parking easement currently used by a number of residents at the Village at Empire Pass and a trail easement that will facilitate different condominium projects. The Planning Commission forwarded a positive recommendation on December 8, 2010 to the Council and the conditional use permit was discussed. The Mayor opened the public hearing; there were no public comments and the public hearing was closed. Liza Simpson, “I move we approve the first amended Village at Empire Pass Ordinance Phase 1 Subdivision located at 8680 Empire Club Drive”. Cindy Matsumoto seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the first amended Hotel and Residences at Empire Canyon Resort Record of Survey Plat, located at 9100 Marsac Avenue, Park City, Utah – Planner Kirsten Whetstone stated that this request is basically a clean-up of The Montage as-built drawings reflecting utility easements, square footage of a unit, relocation of the ADA unit and renumbering of units. The Planning Commission forwarded a positive recommendation. The Mayor opened the public hearing; there was no input and the hearing was closed. Alex Butwinski, “I move that we approve Item 3 under New Business”. Candace Erickson seconded. Motion unanimously carried.

4. Consideration of the award of an Economic Development Grant in the amount of \$12,500 to the Miller Business Resource Center – Salt Lake Community College – Michael Kovacs reported that Summit County has committed to match the \$12,500 award from the City. The Mayor opened the public hearing; there was none and the public hearing was closed. Liza Simpson, “I move we approve an Economic Development Grant in the amount of \$12,500 to the Miller Business Resource Center”. Cindy Matsumoto seconded. Motion unanimously carried.

5. Consideration of a Resolution approving a Letter of Intent for partnership on the Park City Business Resource Center Between Park City Municipal Corporation and Summit County – Mr. Kovacs indicated that the Letter of Intent clarifies the financial commitment of Park City and Summit County. Liza Simpson, “I move we approve a Resolution approving a Letter of Intenet”.

for partnership on the Park City Business Resource Center between Park City Municipal Corporation and Summit County". Alex Butwinski seconded. Motion unanimously carried.

6. Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs referred to emails sent to Council members and to staff regarding this proposal. The HPCA has reviewed the draft and does not agree with the current approach providing for a more lenient delivery period allowing for deliveries to begin at midnight due to the Sundance Film Festival activities. It was felt that there is a lot of bar activity and associated noise in the Main Street core and delivery noise would be secondary. He recommended striking the section of the Code relating to prohibition on deliveries and enacting some clarifying language for times in the parking code allowing for deliveries to take place on Main Street. He emphasized that Main Street will be closed in the event of emergency snow removal operations and the e-notify feature on the website could be utilized. He referred to a performance measurement analysis comparing other ski towns. Breckenridge, Vail and Jackson allow a higher decibel level for trucks. The HPCA has requested that the Council hold off considering the ordinance.

Liza Simpson pointed out that King Avenue should read King *Road*. The Mayor expressed his confusion about the midnight starting time in the draft ordinance when Council previously discussed 3 a.m. Mr. Kovacs agreed but it was felt that there would be conflicts during Sundance and midnight accommodates this specific event. The Mayor recognized that Sundance is somewhat of an anomaly, but understood the goal to be to facilitate access to businesses by getting trucks in by 3 a.m. and out by 7 a.m. Ms. Simpson also recalled a starting time at 3 a.m. consistent with the time of key drop deliveries. She didn't feel getting delivery trucks off Main Street by 7 a.m. is realistic. Ms. Matsumoto asked if Sundance can be exempted. Police Chief Carpenter pointed out that the ordinance has to be enforced when there is a complaint. Tom Bakaly felt that the ordinance could include something about Sundance or there could be a reference in the Master Festival License. It was clear from the previous work session discussion that there is non-compliance before 3 a.m. and the draft was an attempt to manage non-compliance. The Mayor opened the public hearing.

Stephanie Johnston, General Manager of Marriot Summit Watch, relayed that many of her owners and guests would be affected if deliveries started at 3 a.m. She stated that she already receives numbers of complaints about noise. They are not concerned about UPS or Fed-Ex who have lifts and no back-up beepers. Allowing earlier deliveries would truly be a nightmare. The Marriott does not allow deliveries before 7 a.m. and that should be the case for all of Main Street and trucks should be off the street by 10 a.m. She understands Sundance but the noise from deliveries happens every day of the week. Liza Simpson asked if there is a time when there are more complaints and Ms. Johnston said not really. Ms. Simpson asked how many complaints she has received over the years. Ms. Johnston commented on bar and snow removal noise complaints and felt she receives a dozen noise complaints about every six weeks. Slamming and back-up noise are the worst.

Alison Butz, HPCA, referred to a letter submitted earlier to members and suggested that Council consider a trial period acknowledging the concerns of the lodging properties. She understood that delivery companies can direct drivers to turn off engines and refrigeration units and she spoke with Sysco about the delivery situation at Zooms which has been contentious. She suggested avoiding lower Main Street until 7 a.m. Rather than enacting an ordinance, conduct a trial and monitor decibel levels. She clarified that this would allow deliveries on upper Main

Street beginning at 3 a.m. and deliveries on lower Main Street where the higher concentration of lodging units and complaints exist at 7 a.m.

Justin Dalton, Sysco, stated that his drivers were pulled off Main Street on December 28th and 29th, resulting from a complaint and the other was police enforcement of the ordinance. Because of these actions, additional employees were needed to deliver in the afternoon and restaurants did not have needed items because they were four hours off schedule. Many establishments do not have storage capacity in the busy season and it is imperative to deliver groceries on time. He added that Sysco has contracts with many clients similar to the Marriott's about delivery times but they have to plan for a start and completion target in every community. To physically deliver a truck in three hours is impossible. He described another *wild* service to Park City after the early deliveries are made for emergency orders. Because customers were not getting their initial orders until 3 p.m. he relayed that Sysco was running five trucks until 8:30 p.m. on December 29th and pointed out the snowball effect when deliveries are do not occur earlier. Refrigeration units are shut down and they do not bring lift gates into Park City. Drivers are educated about not slamming the ramp. Mr. Dalton understood that there has been only one complaint from the Zoom's dock from a continual complainant who deliberately left his window open so he could hear a delivery truck arrive so he could call in a complaint to the police. Sysco was removed from Main Street as was Nicholas. On the second day, he recalled all distributors were removed from Main Street. He believes by not allowing deliveries to lower Main Street until later will work. Justin Dalton again detailed the December 28 and 29th incidences in response to a question. He explained that four trucks are used to service Park City six days a week for a total time of 9.5 to 11 hours per day. Main Street trucks are there roughly six to seven hours and deliveries are tailored to consider noise concerns or customer requests. Sysco rolls into town about 2 a.m. for Sundance but on a normal day, arrives at about 3:30 a.m. and delivers first to areas where there are no residents.

Rhonda Sedaris, R&R Properties, stated that her property management company receives lots of complaints and she doesn't call City Hall or the Police Department. Sometimes guests have to be moved or there are refunds. Noises complaints are City-wide but the majority of them are from the Main Street corridor. She understood that 18 wheelers are not allowed on upper Main Street which should also be the case for lower Main Street. She suggested limiting delivery trucks to single axle vehicles. Other ski towns may not be good comparables because they are not close to a metropolitan area like Park City is to Salt Lake. The ordinance needs more review.

Robert Wilcox stated that this has been going on actually for about a year and a half as far as the Zoom dock. He spoke to the Aspen and Jackson Police Departments who said that there was never an issue as far as any delivery vehicle. There have been complaints made and he believes the citations have just started. 7 a.m. is extremely early and the loading dock at Zooms Restaurant is 50 feet away from his master bedroom on the second floor. The decibel readings go up to 114 and there is a 65 db limit before 7 a.m. He has called the Police Department a few times but Sysco keeps violating the ordinance and he has taken videos of violations. He asked why lower Main Street has the big rigs while upper Main Street does not. The only reason Sysco is trying to comply is because it received citations and he spoke about the lack of delivery vehicles on Main Street at 8:30 a.m. which he filmed on his iPhone. Diesel trucks make a lot of noise. He reiterated his issues several times and the Mayor asked him to summarize. Mr. Wilcox stated that the ordinance should remain at 7 a.m. but there can be exceptions for Sundance.

Teak Brenner, U S Food Service, stated that he has serviced Park City for about 35 years and detailed the process for planning and loading trucks the evening before a delivery at 3 a.m. to 3:30 a.m. Diesel trucks are efficient and 70 restaurants need to be serviced on Main Street. He suggested beginning at the top of Main Street and going downhill so there is less noise. There are solutions but there has to be some give and take and a decision should not be based on one particular area. Look at a 60 day trial period and he emphasized the number of delivery trucks on the street, not just the three big distributors. He discussed the high volume of business during the winter season and the need to deliver early. In response to a question from Liza Simpson, Mr. Brenner explained that three sizes of trucks are used and he detailed different scenarios.

Jim Sidensky, U S Food Service Operations Manager, stated that drivers are instructed to turn off their engines and reefers and backing up to docks is avoided as much as possible. He volunteered to participate on a committee. The company makes deliveries day and night and deliberately plans to limit conflicts. A diesel engine will make the same amount of noise regardless of the size of the truck. Lower Main Street can be avoided and U S Food Service begins delivering about 2:30 a.m. during Sundance. He asked to be contacted if there are problems or concerns. Park City's business is important to them. The storage capacity in historic buildings can be very limited and these businesses require a high level of service.

Kathy Sly, property manager, read a letter authored by Colleen Webb stating that the ordinance should be reconsidered. Lower Main Street is primarily residential and upper Main Street is mainly commercial and most of the condominiums in both areas are occupied by tourists. Tourists are our main business in Park City. It is the obligation of Park City to give these guests the best possible experience. Tourists don't know to call the police when there is a noise disturbance and shouldn't be expected to do so. The City may not be aware of the noise complaints. Residents on lower Main Street should have the same protections as upper Park Avenue residents. The letter from Ms. Webb urged Council to vote against the proposed ordinance, actively enforce the existing ordinance prohibiting deliveries before 7 a.m., and pass an ordinance prohibiting 18 wheelers at any hour of the day on Main Street.

Jason Nichols, Nicholas & Company, stated that he has been servicing Park City for 24 years. He pointed out that food service delivery services are getting a bad rap as there are snow removal, garbage, and other noisy activities in the area. Deliveries need to reach restaurants on Main Street and to limit deliveries from 7 a.m. to 10 a.m. will require Nicholas to send 25 trucks to Park City. Nicholas has many key drop accounts and lower Main Street deliveries are made later in the morning after 7 a.m. Nicholas is trying to operate as efficiently as possible and he suggested a 90 day trial run.

Jeff Turner, Director of Operations Roseno LTD, spoke about his catering business. There are occasions when he is unloading at 2 a.m. on Main Street and he has to do his job too like other vendors.

Clint, Squatters, stated that they have a key drop arrangement in the early morning with Nicholas because food needs to be prepped by 7 a.m. due of their huge volume. As an Old Town resident, he is used to hearing truck noise which is a concession made by residents in choosing to live there. Having delivery trucks on Main Street later in the day should be avoided.

Mike Sweeney, lower Main Street property owner, believed that there will always be noise on Main Street but there is a way to work together with neighbors to make things acceptable. It is important to talk to each other. Upper Main Street is different than lower Main Street where there is more bed base which was intentional.

With no further input, the public hearing was closed.

Mayor Williams spoke about the choice in living in an active area and believed that Main Street has always been noisy. He agreed with Mr. Sweeney's comments and believed that lower Main Street should have a later delivery time and it might be worthwhile to conduct a trial of earlier deliveries on upper Main Street. He doesn't feel that prohibiting 18 wheelers on lower Main Street is realistic. Ms. Simpson thanked the public for attending and acknowledged the many emails she has received. She commented on the obvious problem at Zooms' loading dock and noted that she lives on Main Street. The impetus for this discussion was not necessarily to facilitate the businesses but to recognize current practices like key drops which have been done for years. She asked for feedback from the lodging community about noise complaints but the reality is that Main Street is a commercial street and the commercial core of Park City. Liza Simpson believed there is a solution that will work for everyone and supports a trial period for upper Main Street but not changing times north of Heber Avenue. There is a different problem in the winter than in the summer and establishing different times may be appropriate.

Candace Erickson commented that she understands both sides of the issue and Alex Butwinski supported all parties working together and if that doesn't work, to pursue a noise ordinance that is enforceable. He believed the issue is not time of deliveries but noise. Cindy Matsumoto supported a trial period and a noise ordinance, if necessary. Joe Kernan agreed that problems relate to noise which will never be solved completely, but with some cooperation between people, operations may work a little better. There are other problems besides the noise like traffic and congestion. He agreed with the suggestion of starting at the top of Main Street and working toward the bottom. Discussion ensued on staff returning with a draft ordinance next week including consideration of Sundance. Liza Simpson spoke about the importance of getting feedback from stakeholders in a couple of months.

Robert Wilcox interjected that this affects more than just Main Street and more people should be noticed about the ordinance. Mayor Williams talked about the responsibility of citizens to keep informed on issues. Joe Kernan, "I move we continue New Business Item 6 to next week, January 13th". Alex Butwinski seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and Redevelopment Agency, Municipal Building Authority and Water Service District Meetings were held.

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Phyllis Robinson, Public Affairs Manager; Diane Foster Sustainability Manager; Heinrich Deters, Trails Analyst; Kirsten Whetstone, Planner; Dave Stewart, Legal Counsel; and Bret Howser, Budget Manager. Liza Simpson, "I move to close the meeting to discuss property". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Candace Erickson, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 8 p.m. with the Summit County Council. City Council members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. City staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster Sustainability Manager; and Karin Nobbs, Legal Counsel. Summit County Council members Claudia McMullen, Chris Robertson, David Ure, John Hanrahan, and Sally Elliott were in attendance. County staff present was Dave Thomas County Attorney and Bob Jasper, County Manager. Liza Simpson, "I move to close the meeting to discuss property". Joe Kernan seconded. Motion carried unanimously.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

