

**COSAC IV Meeting Minutes
City Council Chambers
March 26, 2013, 8:30 a.m.**

COSAC members in attendance: Charlie Sturgis, Cheryl Fox, Wendy Fisher, Jan Wilking, Suzanne Sheridan, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Megan Ryan, Jim Doilney (by phone), Judy Hanley, Erin Bragg, Brooke Hontz, Carolyn Frankenburg

Excused: Stew Gross

Staff: Heinrich Deters, Thomas Eddington, Andy Beerman, ReNae Rezac

Chair Ryan welcomed the group and said it is her intention to constructively use and respect the committee's time. She outlined the chair and vice chair roles as being facilitators, along with Heinrich.

PUBLIC COMMUNICATIONS

Chair Ryan called for comments from the public for items not on the agenda. There were none.

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Motion: Rhonda Sideris moved to approve the minutes as written; Jan Wilking seconded the motion.

Vote: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Heinrich announced there will not be a meeting on April 23. The next meeting will be May 7. Committee member Sideris said she would not be in attendance at the May 7 meeting. Heinrich noted a three-day notice is required for anyone not being able to attend a meeting. He is the person folks should inform if they cannot attend a meeting. There was a question about what the conference phone's number is. Jim, who was participating via phone, said the caller ID shows it as 615-5081.

Chair Ryan called the committee's attention to the materials in the packet; i.e., Park City Officials' Handbook, Section 52-4-207 of the Municipal Code: Electronic Meetings – Authorization, - Requirements, and the rules governing the Public Art Advisory Board electronic participation at meetings. She opened the discussion to the group and commented this is the time to set policy relating to absences, electronic meeting participation, and meeting participation by alternates. Heinrich stated cell phones are to be turned off during meetings.

Jan asked what happens if the regular committee member is participating via phone and their alternate is also participating . . . who gets to vote? Vice chair Henney said it is a different issue for stakeholder alternates vs. at-large alternates. Chair Ryan stated at-large representatives have alternates who can attend the meetings, but they cannot

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vote unless one of the regular members is absent. Stakeholders are responsible to keep their alternates up to speed. If the regular member cannot be at the meeting, the alternate should attend. If both the alternate and regular member are in attendance and the meeting goes into closed, the alternate is required to leave, since they would be considered a member of the public.

Another issue to be addressed is if a committee member is participating electronically, are they considered to be present and voting? Committee member Wilking preferred that the alternate stay in the room, but not participate. Committee member Sheridan asked if it was acceptable for the regular at-large committee member *and* their alternate to attend the same meeting. It was decided that both the regular member and the alternate can attend a meeting, but the alternate is attending as a member of the public and cannot vote. The Legal Department has set this policy. From a legal standpoint, alternates are not allowed to be in a closed session.

Council member Beerman added it was more an issue of keeping the group a manageable size. It is preferred that stakeholder alternates not attend since the regular members are tasked with keeping them up to speed *and* it is in keeping with City Council's wish to keep the group a manageable size. Brooke Hontz, COSAC alternate from the Planning Commission, commented the wording in the document approved by City Council specifically says alternates shall not "participate". There was nothing in the document prohibiting stakeholder alternates from attending a meeting. Council member Beerman reiterated it was Council's objective to keep the group a manageable size. He offered to go back to his fellow Council members for clarification. Heinrich interjected limiting the size of the group helps keep the confidentiality of properties discussed intact.

Closed sessions are recorded and notes are taken, but they are neither official minutes nor are they part of the public record. Committee member Fox recommended that individual committee members take notes during closed sessions to prevent wasted time in bringing members who may have not been at a particular meeting up to speed. Vice chair Henney said that is a good motive for alternates to attend meetings to stay current on discussions. Committee member Doilney stated if you are absent from a meeting, you wouldn't vote. If your alternate is attending in your absence, but not current on relevant discussions, that person should not vote either. Vice chair Henney supported alternates attending all meetings (even closed sessions) so they are up to speed on discussions, but only participating as a member of the public during public sessions if the regular committee member is there.

Council member Beerman said one of the reasons to keep the group small is to avoid a breach of confidentiality. Vice chair Henney asked Committee member Wilking for his input. Mr. Wilking added it depends on whether there is going to be a vote at a meeting as to whether or not an alternate needs to be brought up to speed. Mr. Doilney feels if a regular committee member cannot be in attendance for a vote, they

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should bring their alternate up to speed and direct the vote. Carolyn Frankenburg clarified that if an at-large member were unable to attend a meeting, it would be his/her responsibility to bring the at-large alternate up to speed, but not persuade the alternate regarding which way to vote. The group agreed. The distinction was made that when a stakeholder is unable to attend a meeting, the stakeholder alternate should attend in his/her stead. An at-large alternate would step in *only* if the at-large regular member resigned from the committee.

Heinrich stated the group consensus as being that alternates are permitted to attend meetings to stay up to speed. Council member Beerman pointed out that policy would definitely have to go back to Council.

Chair Ryan summarized the discussion as follows. At large alternates, which are different than the stakeholder alternates, can come and participate (not vote) in meetings and would step in as a voting member if an at-large member resigns from the committee. Vice chair Henney felt they should not participate, but could attend. He continued it was his opinion every alternate should be able to attend, but not participate. Committee member Sheridan agreed. Chair Ryan added an alternate attending a meeting where the regular member is in attendance could comment as a member of the public. Vice chair Henney stated the issue of who can participate becomes more complicated when the committee goes into closed session.

Chair Ryan asked Vice chair Henney to sum up the discussion. Mr. Henney stated any alternate regardless of whether they are an at-large or a stakeholder alternate should be able to attend closed sessions, but not participate. Chair Ryan added in an open meeting, they can participate as a member of the public. It is not the intent to have at-large *alternates* stand in for at-large *members* for one meeting only, but to replace the member if he/she resigns. The committee members agreed this explanation was an accurate representation of their discussion. Heinrich said he would include the information in his manager's report to Council.

Electronic Participation at Meetings

Chair Ryan asked the committee to address two issues: 1) If they wish to allow electronic meeting participation; and, 2) If it is permitted, the electronic participation must be for the entire meeting. Council member Beerman felt the committee is in opposition to electronic meeting participation overall. Chair Ryan asked if the committee wanted to put restrictions on how many meetings a person can participate electronically. The group was in support of allowing electronic participation with the caveat that committee members are expected to be in attendance as is possible. Committee member Kahn added if a regular committee member has problems attending meetings, they should resign and have their alternate resume their regular committee member responsibilities. Heinrich recommended limiting the number of electronic participants to two. Committee member Sideris suggested that up to two

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members can attend electronically, and any more than that are observers only. The group agreed.

Chair Ryan reiterated what Committee member Sturgis said earlier: the expectation is that members will be in attendance. Council member Beerman proposed a policy that if a member has three consecutive absences, their membership on the committee will be reviewed by the Chair, Vice Chair, and Heinrich.

Staff will bring the electronic participation policy as well as the limited absence policy to the next meeting for ratification.

General Plan

The Planning Department is currently revising the general plan including the definition of open space. Planning Director Eddington updated the committee at the first March meeting regarding the General Plan re-write. Chair Ryan said there would be need to be some integration between the Planning Department and COSAC members as it relates to the open space definition. Ms. Ryan also noted Planning Commission alternate, Brooke Hontz, could provide insight.

Mission Statement

“COSAC’s mission is to make timely recommendations to the Park City Council on acquiring open spaces in the greater Park City area.”

Chair Ryan said City Council has tasked COSAC with thinking creatively as it relates to policy. The criteria used by previous COSAC committees focuses on property acquisition. Ms. Ryan noted that wording should be added to the mission statement noting their expanded policy duties. Since funding is ongoing for open space acquisition, attention to policy related go managing/maintaining open space is necessary. City Council will review the policies COSAC creates.

Vice chair Henney led a discussion about the difference between the mission statement and the criteria objectives. The mission statement is the broad policy vision. The criteria elements are the implementation tools to attain the vision. Committee member Sturgis agrees separating the mission statement from the criteria is a good idea.

Committee member Sheridan asked if the wording “acquiring and permanently preserving” is too narrow. Committee member alternate Hontz stated the ultimate goal is acquisition/ownership. Sometimes that is unattainable because the current owner may not want to sell the land until after his/her death, creating a different situation or *future* acquisition. Vice chair Henney commented putting a conservation easement on a piece of property may preserve the land, but it isn’t an acquisition. Committee member Sturgis added when Summit Lands buys development rights on a parcel, that is a different preservation tool.

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Chair Ryan suggested adding "all tools to permanently preserve open space". Committee member Fox proposed adding "tools to permanently preserve and manage open space". Vice chair Henney recommended adding "strategies and tools". There was more discussion with committee members brainstorming about words to delete or add.

After input, discussion, and fine-tuning, the final version of the mission statement reads as follows:

"COSAC's mission is to make timely recommendations to City Council on acquiring and permanently preserving public open spaces by wisely leveraging public funds and other resources as available and entering into appropriate partnerships. The Citizens' Open Space Advisory Committee will employ a variety of innovative strategies and tools to accomplish this goal in an expeditious manner."

Chair Ryan said the criteria would be discussed at a future meeting and asked the group to be thinking about what they would like included.

General Plan Update (Open Space)

Planning Director Thomas Eddington addressed the group and explained the Planning Department is working on a definition of open space for the General Plan. The department is trying to identify the different kinds of open space. There is public open space, private open space and quasi-public open space. There is active open space . . . trails, recreation playing fields. There is passive open space . . . view sheds and/or the preservation of hillsides. Types of open space include what does it feel like, what are the materials, pervious open space, impervious surface, pervious surface, plaza open space, and green garden space in an urban environment. The Planning Department is reviewing it from a public and private perspective and from a master planned development perspective. Planning Director Eddington said Planning would work with COSAC to determine how they define open space, passive or active. There is a legal perspective, a user experience, a type of open space and materials for open space.

Vice chair Henney said it sounds like the General Plan is being written to plan for open space rather than react to planning that incorporates open space. Planning Director Eddington said they plan to pay greater attention to open space in Round Valley, the areas that tie into Deer Valley Resort and PCMR, connectivity, wildlife corridors and view sheds.

Committee member Sheridan asked if there is a designation between active/passive, ballpark/trail. Mr. Eddington replied there is and that this is the time to define it.

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Committee member Fox said a few years ago, representatives from Utah Open Lands, BOSAC and the Summit County Commission met to draft open space definitions with the goal of preventing driveways and backyards from being counted as open space. She offered to provide copies for anyone interested.

Chair Ryan said the criteria available from previous COSAC groups that were governed by a different funding source are not a good fit for *this* COSAC's mission. She acknowledged the committee needed definitions, and that a more manageable concept might be to focus on *criteria*. She continued that at the next meeting there will be a discussion on deed restrictions and conservation easements. Finalizing the criteria may take a few discussions.

Committee member Fisher commented the mission of this COSAC as it relates to policy has an additional layer since there may be some open spaces that are exacted through the process that are not acquired through public funding and may need protection. She feels the criteria should be broken down into subsets moving forward. Committee member Goodman wondered if there should be an overarching objective of what open space means to the Park City community and visitors.

Heinrich asked committee members to think about the purpose for and goals relating to open space. He said one of the obvious goals is to prevent development in open spaces. Committee member Fox asked if the City has a vision statement that encompasses open space and land use. She said a vision statement would help define criteria. Heinrich said the Council vision right now is to "keep Park City, Park City". Planning Director Eddington said there are additional filters that drill down to the City Council's core values of: sense of community, natural setting, small town feel, and historic character. Heinrich added if COSAC keeps the four core values in mind as they create new criteria and make recommendations to Council, they will be well-received.

Chair Ryan reiterated that the criteria are a work in progress and asked the committee members to review and consider previous versions as they come to the next meetings with their ideas for future criteria. She announced that Nancy McLaughlin, a professor at the University of Utah School of Law and a nationally recognized expert on Conservations Easements, will address COSAC at the April 9th meeting.

Committee member Sideris asked Ms. Fox to send copies of the open space definitions she had mentioned earlier.

The meeting adjourned at 10:07 a.m.