



COSAC V: Citizens Open Space Committee
March 22, 2016
Park City Municipal Corporation, Council Chambers
445 Marsac Avenue
Park City, UT
Summit County

I. Meeting Called to Order at 8:38 am by Steve Joyce

II. Roll Call

a. City Council & Staff:

- i. Heinrich Deters
- ii. Nate Rockwood
- iii. Elizabeth Quinn Fregulia
- iv. Polly Samuels McLean: joined at 9:14 am

b. Commission Members:

- i. Jan Wilking
- ii. Bill Cunningham
- iii. Cara Goodman
- iv. Andy Beerman
- v. Carolyn Frankenburg
- vi. Kathy Kahn
- vii. Rhonda Sideris
- viii. Bronson Calder (in place of Susanne Sheridan)
- ix. Steve Joyce
- x. Cheryl Fox
- xi. Tyler Dustman
- xii. Jim Doilney (via teleconference: joined at 8:50 am)
- xiii. Rick Shand: Alternate for Park City Board of Realtors

c. Members of the Public

- i. Mellie Owen
- ii. Sharon Christensen
- iii. Ed Parigian

III. Adoption of Minutes of February 23, 2016

- a. Motion to Approve: Bill Cunningham
- b. Seconded: Bronson Calder
- c. Motion approved.

IV. Staff & Board Communications:

Mr. Joyce spoke about the commission's presentation to Council that summarized recommendations for Clark Ranch parcel. Mr. Beerman stated that the group did a great job. He said Council is waiting to see what the Recreation Board will say regarding the Recreation Master Plan. When asked about

demands for affordable housing, Mr. Beerman said no requests for that use have been made in reference to the Clark Ranch parcel, but “give it a week.”

Ms. Fox asked about the process of finalizing recommendations and uses for the Clark Ranch parcel. “Should we just wait until Council is ready, or should we check in with them,” she asked. “This happened with the Gambel Oak proposal.” Mr. Beerman said this is a good question, and reminded the group that they are waiting for recommendations on both the Recreation Master Plan and Transportation (slip ramp). Mr. Wilking asked if the housing board is aware of the parcel and Mr. Beerman said no. Council also does not think it’s an appropriate spot to site housing. If members are concerned, they should speak with their council member.

V. Public Input:

Ed Parigian spoke first. He said he lives in Old Town, and represents a group called Save the Library Field. Members came to the meeting in December and are here again to ask COSAC to put Library Field on the easement matrix. They waited for the commission to get through Clark Ranch, would like the group to pick this up as one of next projects. Ninety percent of the letters they receive are in support of creating an easement. “Any open field is a target. A lot of people feel strongly about this.” Mr. Parigian said. He said he isn’t concerned about the current Council, but worries about Councils down the line. Preserving this field would be a “win-win”: Park City can market it, would it look great for the city, Mr. Parigian said.

Ms. Christensen echoed Mr. Parigian’s comments: “It’s really important to have open space in town so that people don’t have to drive to it,” she said. “With all of the proposed building around it, this open space will be all the more important.”

Ms. Owen said that she lives at 1030 Norfolk and she is here to represent the children of Park City. Over 18 children live in the neighborhood, with more on the way. “We want to hold on to their playground,” she said. “The field is different from many play spaces in City Park: it is an organic space. There are organized sports are at City Park. The children are past the point of using swing sets. We talk about diversity in Park City, but our children are at risk of going bye-bye because we are talking their places.”

Mr. Joyce thanked the group for their time and said their timing is right: the commission is working on the prioritization list right now. The commission thanked members of the public for their presentation and interest.

VI. Presentation on Funding for Open Space Nate Rockwood, Capital, Debt & Grants Manager

Mr. Rockwood reviewed a presentation that he had given to Council in January regarding the resort city sales tax. Current allocation for open space comes from the resort city sales tax in 2012. It went into effect in April 2013.

Proposed Budgeted Use for the Revenue:

- Main Street
- Storm Drains
- Open Space
- Old Town Streets & Utility (OTIS)
- Others projects as directed by Council: The city received a grant from the state for Main Street, so they put some funding toward Deer Valley Drive, Phase II, as well as asset management for Main Street (physical, not staff, resources).

When the plan was originally put together, the total funding allocation for the 10-year period was \$15M for open space. \$5.25M was put toward affordable housing since sales tax dollars have come in a little higher than the forecast. Council has directed staff to prepare the storm drain enterprise fund, so this may be freed up for other things.

Mr. Rockwood presented a table showing the following:

1. Total Allocated Funding Adding Deer Valley Drive and Housing
2. Amount Extended to Date
3. Estimated Potential Need

The storm drain reallocation will free up capacity, not necessarily funding in the bank.

Main Street: Council is currently determining the scopes for some Main Street plazas: they tend to cost more than what was budgeted. The sidewalks have come in as projected.

The plan was created in 2014 and has been adjusted each year. The resort city sales tax brings in \$4.5M/year. The Budget staff is using some of this for cash purposes, and mixing with 15-year bonds. So far, they have issued two of these, which equate to a fourth of the revenue for the next 15 years. The rest has been programmed out. Storm water was stretched out. Going forward each year, the Budget Department will bring the data back to Council with the total budget capital picture. Mr. Rockwood said that every time he goes through this process, he looks at *all* of the needs of the city to see if there is a specific project that would match the funding source. If so, he would then take it to the CIP committee for vetting and approval.

Mr. Beerman said that Council has felt that they want to stick to the outlines of what was originally presented to the public when they were pitching. Mr. Rockwood said the same thing goes for the CIP committee: stick to recommended projects. Housing is a bit of an outlier, but similar. Mr. Beerman added that future open space purchases could dovetail with housing. Mr. Rockwood said this was the case with Clark Ranch: it was bought with open space funds. It could be used for another use, but the city would have to buy back this portion and return it to the fund.

Mr. Joyce asked if there was additional money sitting out there for open space, and Mr. Rockwood responded that all other bond funds have been spent.

Outline of Council Budget Meetings over Next Few Months:

- The budget process is currently in staff committee meetings; next they will present to the City Manager. Once she has weighed in, they will put together the final document, which will be issued May 1.
- Council meetings for the next six weeks after this will be dedicated to the budget. One meeting will be dedicated entirely to capital projects, one to operating, and one to enterprise.

Mr. Wilking asked if the CIP committee is public, and Mr. Rockwood responded it is just staff. He also said there will be a CIP preview for Council at the end of April. Council can give their recommendations here.

Mr. Beerman said the committee has \$4.5M-\$5M, which can be used for a few small pieces or one mid-size parcel. If a great opportunity came up, the city would then go to the public for a bond. Ms. Sideris asked how far out the Budget Department forecasts to receive the resort city sales tax: Mr. Rockwood responded 15-20 years, depending on the model. It also depends on bonding itself and

whether we would have to wait that time for new money. The city could also possibly issue new bonds. This is not ideal, but if the projects make sense, we could do this. The city currently does this with water bonds: they put off the debt repayment until the end, instead of raising rates. Mr. Rockwood suggested to Council that we issue a bond for the entire amount. What if a key open space parcel came up? We would want to delay the debt repayment. Council responded we would want to go out for a general obligation bond. It would be about \$35M (and we would need to put all other projects on hold). Ms. Sideris asked if houses on Park Avenue were sold whether they would go to the RDA. The majority of housing is being done with the RDA, so the majority of money would go here. Because affordable housing always loses money, the city never gets a full return on the land cost. With the additional resort sales tax going toward land, there would probably not be money coming back into this fund.

Mr. Beerman said the good news is that with the resort city sales tax coming in higher, this puts more money into this fund. Mr. Rockwood said he's always going to be conservative on the bonding, and if there is more unanticipated cash, we can then spend it. When you look at cities like Vallejo or Stockton that went bankrupt during the recession, it was all due to their debt loads. Mr. Doilney asked if there were indeed an appetite for a large open space parcel, where would the funds come from. Mr. Rockwood responded it would be a project-specific general obligation bond.

The commission thanked Mr. Rockwood for his time.

VII. Open Meetings Training, Polly Samuels McLean

Ms. Samuels McLean introduced herself and explained the reason for her presentation. She summarized COSAC's charge and said the commission members should be familiar with the city's code of ethics and sign a disclosure affidavit. Mr. Deters confirmed that the commission members had signed one. Ms. Samuels McLean said it is the commission member's responsibility to update the document if they move or change jobs. This is very important to eliminate perceived conflict of interest.

Open Meetings Act: Ms. Samuels McLean explained that one of the big complaints in the state is Republicans caucusing behind closed doors, and that this undermines our democracy. The public should know what we are talking about. Because COSAC is talking about land acquisition, this is even more important. She also said the commission members are welcome to ask her or City Attorney Harrington any questions at any time.

Ms. Samuels went over the basic rules for holding a meeting:

- Eight people constitute a quorum and under state law a meeting cannot be held without one. The group cannot talk about any COSAC-related business, and the meeting does not convene.
- Convening: this occurs when the group is together to talk about the business of COSAC. Chance meetings do not count. Be careful at social events (e.g., Running with Ed team). Be careful, also, of meetings after official meetings. Bottom line: deliberations need to happen in public and recorded.
- Emails should only be used to gauge quorums for meetings and other logistics. Substantive discussions should not occur over email. Conference calls are also not OK.
 - If emailing about substantive items, these emails are subject to GRAMA.
 - State law says members can email each other, just not during a meeting.

- State law dictates that the group hold the meeting where it is convened, with the exception of site visits.
- Electronic meetings are allowed; rules specific to this were adopted in 2013. Some boards and commissions have electronic meetings, others don't.
 - The issues with electronic meetings are as follows: if someone is not in the room, they can't see who is talking. This room (Council Chambers) does not yet have Skype technology in this room. If you are happy with policy, keep as-is.
- Closed Meetings: COSAC closes meetings pretty regularly, mostly due to sale of real property. The process to close is as follows: always need to be in open session first, then vote to close. Then open again when adjourn. Adjourn closed, then reopen. Also state why closing. Taking minutes during closed session is permitted. These are protected documents, so cannot be GRAMAed. The information people learn is also protected; it is protected for so long as there is a need, but there is a gray area in terms of how long they say it needs to be protected—either a certain amount of time or after the transaction has closed.
 - We are required to record closed meetings. OK to play this back. Can also have transcribed.
 - Staff takes notes, but these are not minutes since they are not approved by the commission.
 - Mr. Deters is very careful about distributing anything related to a closed session, such as maps. This is why he does not want to disseminate closed meeting notes.
 - Mr. Beerman asked if we end up in a long negotiation, could we start taking minutes during this. Ms. Samuels McLean confirmed this. She also said staff could hand out minutes in paper form, then go through and collect the copies at the end.
 - Everyone is allowed to take their own notes, but these are protected; they are also not the official minutes.
- Noticing: Post agenda 24 hours beforehand. There is no law that says can't have a special meeting. This may happen with COSAC.
- If something is not on the agenda, we can discuss at the meeting, but cannot take action such as a vote. Should put on agenda for next time.
- Public comment: the public can watch open session but there is no requirement that we hold meetings. Would be up to us to take public comment.
- Minutes & Recording: these are required for all public meetings, except for site visits: no recording, but minutes. Do not hold discussion at site visit. Summarize what saw. Recordings are unedited; should just run during short breaks.
- Alternates: if a sitting at-large member is missing, the alternate can vote. Alternates don't count toward the quorum if the other person is there.
- Voting membership not counting alternates: 14
- At open meeting:
 - Reason for holding closed
 - Reason
 - Members who voted for or against
- Keep recordings permanently.
- Open Minutes: need to make sure these are accurate
- Closed Minutes or Recordings: may be released at date certain
- It is a crime to knowingly violate the Open Public Meetings Act (OPMA) or release closed portions to the public.

Ms. Samuels McLean thanked the group for their service, and the commission thanked her for their time.

VIII. Attendance & Electronic Meetings

Whoever will be next chair should sign the documentation for COSAC V.

Mr. Cunningham asked if these rules are citywide. Mr. Deters said they are for our committee, but he has adopted them from others. The rules outline the background process of how someone would be removed if they are absent from successive meetings. We want to communicate with this person to make sure there were no extenuating circumstances before taking action.

IX. Mission Statement & Criteria Review

Mr. Deters said the group developed a mission statement three years ago but asked if we should revisit it now. He will sit down with Ms. Crosby and Ms. Hontz to review this. Mr. Joyce said this was fine.

X. COSAC Chair & Vice-chair Election

Mr. Deters said he agendaized this item to give people a chance to think about it. He said he prefers to have whoever is interested throw their hat in the ring. He prefers that they be an at-large person, rather than a representative from a stakeholder group. Mr. Deters asked who was interested. Mr. Deters said that Mr. Doilney expressed interest. Mr. Deters asked that we put this off until the next meeting.

Ms. Fox thanked Mr. Joyce for his service.

XI. Closed Session

Mr. Joyce offered that we move this to the next meeting. Mr. Wilking asked for a brief overview of properties.

- a. Motion to Move into Closed Session: Jan Wilking
- b. Mr. Cunningham seconded.
- c. Motion approved.

XII. Meeting Reopened

- a. Motion to Reopen Meeting: Jan Wilking
- b. Second: Bill Cunningham
- c. Motion approved.

XIII. Meeting Adjourned 10:15 am

- a. Motion to Adjourn Meeting: Jan Wilking
- b. Second: Bill Cunningham
- c. Motion approved.

These minutes were recorded and prepared by Elizabeth Quinn Fregulia, Community Affairs Associate. The meeting for which these minutes were prepared was noticed at least 24 hours in advance by posting to www.parkcity.org, Utah Legals, and at the meeting location.