

**Citizens' Open Space Advisory  
Committee  
(COSAC IV)  
Council Chambers, 445 Marsac Ave.  
August 26, 2014**



## **AGENDA**

MEETING CALLED TO ORDER - 8:30 a.m.

ROLL CALL

### **REGULAR AGENDA**

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

PUBLIC INPUT

### **Old Business:**

1. Review of City Council Staff Report/Meeting August 21, 2014- Gambel Oak Work Session Discussion- Report/Verbal Update

### **CLOSED SESSION**

### **ADJOURN**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Sustainability Department at 435-615-5201 24 hours prior to the meeting.

## **COSAC Staff Report**



**Subject: August 21, 2014 City Council Work Session**

**Discussion- Gambel Oak Easement**

**Author: Heinrich Deters**

**Department: Sustainability**

**Date: August 26, 2014**

**Type of Item: COSAC Discussion**

**Topic/Discussion:**

Review of City Council Work Session Staff Report/Discussion on Gambel Oak- Staff Report Provided/Verbal Update on Council Direction

**Attachment I August 21, 2014 City Council Staff Report**

## **City Council Staff Report**



**Subject: Possible Preservation Easement on  
Gambel Oak/Hope Parcels**

**Author: Heinrich Deters**

**Department: Sustainability**

**Date: August 21, 2014**

**Type of Item: Administrative**

**Topic/Discussion:**

COSAC recommendation of preservation tool on Gambel Oak/White Acre and Hope Parcels.

**Staff Recommendation:**

Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a 'conservation easement', consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White Acre and Hope Open Space parcels.

**Background**

At the July 30<sup>th</sup> COSAC meeting, (Exhibit A minutes) the Committee reviewed information associated with the acquisition, funding, historical uses, existing conditions, existing restrictions and easements associated with the approximately 223 acre Gambel Oak/White Acre and Hope parcels. The discussion centered primarily on 'values' associated with the parcels, appropriate permitted uses, definition of passive recreation and if a 'conservation easement' was appropriate for the parcels. Specific notice was taken on the existing conveyance restrictions placed on the Gambel Oak/White Acre parcels via the Congressional Act. Additionally, the Committee discussed omitting the portion of the Gambel Oak parcel which is located to the south of Mellow Mountain Road due to it being within the residential area of Deer Valley Drive because the area does not contain any conservation values.

The Committee ultimately passed a motion, which recommends Council consider a 'conservation easement', consistent with the existing deed restrictions and funding mechanisms and subject to language and details.

Staff surveyed the parcels as part of the landowner due diligence. Summit Lands expects to address the need for additional funding associated with conservation easement costs is following Council's direction to proceed or not.

## **Analysis**

### *Gambel Oak/White Acre Parcels (Exhibit B-shown in green)*

The Gambel Oak and White Acre parcels were both acquired by Park City Municipal from the Bureau of Land Management (BLM)/Department of Interior and subsequently Congress in September 2009. (Attachment I-Conveyance document) The Congressional bill that authorized the conveyance of the parcels to Park City required that the City place a deed restriction on the property: (2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

The parcels were initially part of a long term Recreation and Public Parks lease agreement, initiated in 1985, between PCMC and the BLM to create trails, park facilities and public access. Subsequent negotiations with the Air Force regarding a military recreation facility paved the way for the ultimate conveyance of the property to PCMC, which included the City buying out mining rights associated with the parcels with open space bond funds and placement of the required recreational and open space deed restrictions placed on the parcels.

### *Hope Parcel (Exhibit B- shown in yellow)*

In December 2004, City Council agreed to purchase the Hope parcel, which consisted of several patented mining claims, most notably, the Emily and Hope claims. The purchase price was \$1.1M for the 112 acres and funded by open space bond proceeds. Deed restrictions were placed on Hope parcel and the language is attached. (Attachment II)

### *Permitted Uses*

If Council directs staff to proceed, drafting of the permitted uses language should be consistent with preservation goals, deed restrictions, future and existing utilities and the funding source.

### *Public Utilities, Access and Easements*

There are several existing utilities associated with the parcels. While the previous BLM recreational lease and subsequent right of way easements granted to the City, were cancelled by the BLM as part of the conveyance, because they became moot once of the ownership transfer three existing easements are underground: sewer, water, and gas; and three are above ground: road, water (access) and power. Public access to both parcels was secured through the April Mountain Development Agreement and formalized on the subsequent plat. Permitted uses should be consistent with these existing easements.

### *Contemplated City Needs and Concerns*

- *Existing Protection in the form of the Gambel Oak/White Acre Conveyance Patent*  
Staff finds that the existing restrictions placed on the Gambel Oak/White acre parcel, in the form of a Congressional Land Patent and the deed restrictions placed on the Hope parcels are sufficient 'perpetual protection' for the parcels. However, COSAC's recommendation focused on ensuring protections regardless of what the federal government may do in the future and wanted to be consistent with their goal of setting a 'high bar' through assigning a third party oversight and the ability to annually monitor the properties, as representative of the communities

expectations in approving the bonds.

Staff believes the same goals could be achieved simply through a contract to annually monitor the properties, however, staff has chosen to not oppose COSAC's recommendation.

- *Future and Existing Utilities*

The City has an existing water tank and approved appurtenances located on the Hope parcel. This tank provides water for approximately 5,300 'hook ups' within the adjacent area and will need to be upgraded, replaced and/or expanded in the future. Additionally, access to the tank through the Hope parcel is required and may need to be modified.

*If Council directs staff to proceed with drafting a conservation easement, staff would like Council to be cognizant of specific language within the easement that would secure the ability for the City to address concerns associated with securing permanent access to the water tank, in addition to the future need to expand and maintain the tank and appurtenances.*

Cost

Costs associated with the drafting of the easement and baseline for the properties has already been addressed as part of a previously approved contract for services with Summit Lands Conservancy (2009-2012). If Council chooses to forego an easement, staff would invoice SLC for reimbursement of these monies. If Council chooses to proceed with an easement, SLC, consistent with previous requests, will likely seek funding for a 'stewardship endowment', in the amount of \$500/acre\* or \$111,500 for the approximate 223 acres.

*\*Previously provided per acre endowment quote from SLC.*

Next Steps

If Council directs staff to proceed with an easement, staff and Summit Lands Conservancy will work in conjunction to draft the language for the easement and return to Council at a later date. Additionally, Summit Lands Conservancy may proceed with fundraising for the stewardship costs.

**Significant Impacts:**

|   | <b>World Class Multi-Seasonal Resort Destination<br/>(Economic Impact)</b>                      | <b>Preserving &amp; Enhancing the Natural Environment<br/>(Environmental Impact)</b>            | <b>An Inclusive Community of Diverse Economic &amp; Cultural Opportunities<br/>(Social Equity Impact)</b> | <b>Responsive, Cutting-Edge &amp; Effective Government</b>  |
|---|---|---|---|---|
| Which Desired Outcomes might the Recommended Action Impact?               | + Accessible and world-class recreational facilities, parks and programs                        | + Abundant preserved and publicly-accessible open space   |   | + Well-maintained assets and infrastructure   |
| Assessment of Overall Impact on Council Priority (Quality of Life Impact) | Positive<br> | Positive<br> | (Select from List)  | Positive<br> |
| <b>Comments:</b>  |   |   |   |   |

**Alternatives:**

**Approve:** Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a 'conservation easement', consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White Acre and Hope Open Space parcels. **(Staff Recommendation)**

**Deny:** Do not recommend a 'conservation easement' on the Gambel Oak and Hope Parcels.

**Continue the Item:** The Council may choose to continue the item because more information is required.

**Funding Source:**

Funding associated with the easement and baseline study for the parcel has been addressed; however, monitoring and/or stewardship endowment costs have not. Staff recommends that Council, if it provides direction to move forward with an easement, provide Summit Lands, the proposed easement holder permission to move forward with fund raising efforts for the stewardship endowment.

**Consequences of not taking the recommended action:**

The properties will remain protected by deed restrictions, subject to utility easements of record.

**Recommendation:**

Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a 'conservation easement', consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White acre and Hope Open Space parcels.

**ATTACHMENTS**

**Attachment I- Gambel Oak/White Acre Conveyance Patent Document # 43-2009-0004**

Form 1860-9  
(April 1988)  
Serial No. UTU-87568

**Fee Exempt per Utah Code**  
Annotated 1953 21-7-2

Recorded at the request of and return  
to: Park City Municipal Corp.  
Attn: City Recorder  
P.O. Box 1480, Park City, UT 84060

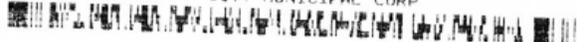
**ENTRY NO. 00881581**

09/02/2009 04:43:54 PM B: 2000 P: 1153

Patent PAGE 1/5

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORP



**The United States of America**

To all to whom these presents shall come, Greeting:

**WHEREAS,**

**Park City Municipal Corporation**

is entitled to a land patent pursuant to Section 2609(a) of Public Law 111-11, for the following described land:

Salt Lake Meridian, Utah

T. 2 S., R. 4 E.,

Sec. 9, lot 1;

Sec. 10, lots 17 – 18, inclusive;

Sec. 15, lots 15 - 16 and 20 – 22, inclusive.

containing 112.27 acres

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with said Act of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said Park City Municipal Corporation, the land above described for public recreation purposes and open space; TO HAVE AND TO HOLD the same, together with all rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the same, Park City Municipal Corporation, forever; and,

**EXCEPTING AND RESERVING TO THE UNITED STATES:**

A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

**SUBJECT TO:**

1. Valid and existing rights, if any, in lode mining claims UTMC 34466, UTMC34467, and UTMC258878, also referred to as the FIR #4, FIR #5 and FIR Fraction #8, located in Section 10; and UTMC258879, UTMC258880, UTMC34464, UTMC34465, UTMC34467, UTMC34468, and UTMC 34469, also referred to as, FIR Fraction #9, FIR Fraction #10, FIR #2, FIR #3, FIR #5, FIR #6, and FIR #7, located in Section 15.

Patentee, by accepting this patent, acknowledges that the land is encumbered by said lode mining claims, filed pursuant to the mining laws of the United States, 30 U.S.C. 21, et seq. The conveyance of the property by this patent is made subject to those claims and to any and all rights that the holders thereof may have pursuant to the laws of the United States and the State of Utah.

Patentee, by accepting this patent, further acknowledges that the rights of the holders of said lode mining claims include the right to prospect for, mine and remove locatable minerals and use both the surface and subsurface of the property and, upon compliance with applicable laws of the United States and the State of Utah, to obtain mineral patent fee title to the property. The United States of America by this conveyance does not intend to preclude the grantee herein from challenging the validity of any lode mining claim or other encumbrance on the land conveyed.

2. Those rights for a pipeline, granted to Questar Gas Company, its successors assigns, by Right-of-Way Serial No. UTU-80419, pursuant to the Act of February 25, 1920, as amended (30 U.S.C. 185).
3. Those rights for a road, granted to Jorman Group, its successors or assigns, by Right-of-Way Serial No. UTU-51496, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).
4. Those rights for a power transmission line, granted to the PacifiCorp, its successors or assigns, by Right-of-Way Serial No. UTU-79668, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).
5. Those rights for a waste water line, granted to the Snyderville Basin Water Reclamation District, its successors or assigns, by Right-of-Way Serial No. UTU-53723, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

Pursuant to Section 2609(a)(2) of Public Law 111-11, the above described lands are conveyed with the restriction and requirement that the land be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

By accepting this patent, patentee agrees to indemnify, defend, and hold the grantor harmless from any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the patentee, his employees, agents, contractors, lessees, or any third party arising out of or in connection with patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, his employees, agents, contractors, lessees, or any third party, arising out of or in connection with the use and/or

occupancy on the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations which are now, or may in the future become, applicable to the patented real property; (2) Judgments, claims, or demands assessed against the grantor; (3) Costs, expenses, or damages incurred by the United States; (4) Releases or threatened releases on or into land, property and other interests of the grantor by solid waste and/or hazardous substances(s) as defined by federal or state environmental laws; (5) Other activities by which solid or hazardous substances or wastes, as defined by federal and state environmental laws were generated, released, stored, used or otherwise disposed on the patented real property, and any clean-up response, natural resource damage, or other actions related in any manner to said solid or hazardous substances or wastes. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah, the twenty-first day of August in the year of our Lord two thousand and nine and of the Independence of the United States the two hundred and thirty-fourth.

By Kent Hoffman  
Kent Hoffman  
Deputy State Director, Lands and Minerals





A. Open Space Deed Restriction. The following restriction shall appear on the deed conveying the property to Buyer:

The property described in this deed is conveyed subject to a restrictive covenant effective as of the date of this deed; that the above-described property shall be maintained in perpetuity as open space, in perpetuity as an undeveloped park and recreational land; that no improvements be placed on the property except those which are consistent with the preservation and protection of the natural amenities; and that the conditions of the above-stated restrictions may be enforced by any person or organization consistent with the maintenance of open space and the objectives set out in this restrictive covenant.

## Exhibit A- July 30 COSAC meeting minutes

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

COSAC members in attendance: Charlie Sturgis, Suzanne Sheridan, Stewart Gross, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Jim Doilney, Judy Hanley, Erin Bragg. Megan Ryan arrived at 8:55 a.m.

Excused: Cheryl Fox, Jan Wilking, Wendy Fisher, Andy Beerman

Public and Alternates: Bronson Calder, Bill Cunningham, Carolyn Frankenburg, and Kate Sattelmeier

Staff: Heinrich Deters, Mark Harrington, ReNae Rezac

#### **CALL TO ORDER**

Vice chair Henney called the meeting to order.

#### **PUBLIC COMMUNICATIONS**

Vice chair Henney called for public input for any items not on the agenda. There was none.

#### **ADOPTION OF JULY 2, 2013 MINUTES**

Ms. Hanley said both she and Jim Doilney were in attendance at the July 2<sup>nd</sup> meeting and they are both listed as excused. Heinrich said Ms. Fox had contacted him to say it was her belief there had been a vote to have a conservation easement document drawn up for Risner Ridge. Heinrich noted that after discussing with ReNae, the recording did not verify a formal vote, but rather committee consensus.

**Motion:** Mr. Doilney moved approval of the minutes as amended. Ms. Hanley seconded the motion.

**VOTE:** The motion carried.

#### **STAFF AND COMMITTEE DISCLOSURES/COMMENTS**

Heinrich gave a brief overview of his family's evacuation from the Stanley, Idaho area due to wildfire.

#### **REGULAR AGENDA**

##### **Proposed Conservation Easement on Gambel Oak, White Acre and Hope Parcels**

The Gambel Oak/White Acre is a collective conveyance by Congress. The Hope parcel is an open space purchase. The parcels are named for historic mining claims. Heinrich showed a map and pointed out the parcels for discussion. Because of the Federal government involvement with the Gambel Oak parcel, there may be some restriction as to what kind of conservation document should be used. There would be costs associated with stewardship of the property. The stewardship charges would be determined by the type of stewardship chosen. Chair Ryan asked if the funding source

**COSAC IV**  
**Minutes - Page 2**  
**July 30, 2013**

for obtaining open space could be used for stewardship of property acquired with the current funding source. City Attorney Harrington said that is an issue to be researched further.

Heinrich commented it is preferable to make perceived, necessary funding decisions to a parcel at acquisition.

Mr. Doilney asked what COSAC was trying to achieve with respect to the parcels. Evaluating the specifics of an easement? Preclude the Federal government from doing to us *again* what they did before? Heinrich responded that City Council had asked that COSAC weigh in as to what type of preservation instrument should be used. This is one of the parcels they are interested in hearing feedback about. Mr. Doilney said the main focus should be to honor the existing deed; i.e., "maintenance as open space solely for public recreation purposes". Vice chair Henney said COSAC is tasked with performing due diligence on the property and going to City Council with a recommendation. Ms. Sheridan added COSAC's job is deciding which preservation tool to use. Mr. Doilney suggested putting a conservation easement on the parcel that has language consistent with the deed. To make sure the purpose for conservation is clear.

Chair Ryan commented eminent domain is a high bar for a reason since public trust is involved. Vice chair Henney agreed and is supportive of the high bar since condemnation of property could not occur without public process.

Committee consensus was to address Gambel Oak, White and Hope parcels together. Ms. Ryan asked if the conservation easement was sufficient for these parcels or if a deed restriction should be utilized. Committee consensus was to use a conservation easement.

**Motion:** Mr. Doilney moved that staff draft a conservation easement consistent with the deed restriction and reflecting the sentiment of COSAC relating to uses and maintenance. Stewart Gross seconded the motion.

After discussion, a vote was taken. The motion failed.

**Motion:** Vice chair Henney moved placing a conservation easement on the Gambel Oak, White and Hope parcels subject to language and details. Mr. Doilney seconded the motion.

**Vote:** The motion carried.

Ms. Kahn asked what the definition of passive recreation is. It is her feeling that in the future the definition of non-motorized transportation is going to change with the use of battery-operated mountain bikes and similar transportation becoming available.

**COSAC IV**  
**Minutes - Page 14**  
**March 25, 2014**

Erin Bragg gave a PowerPoint presentation relating to the Gambel Oak, White, and Hope parcels and indicated the categories on the COSAC matrix that correlate to the property. The conservation values include: passive recreation/multiple uses, wildlife habitat, and critical view sheds. Mr. Doilney felt that when 99.9% of the open space in the area has been acquired, the funding will be available for stewardship. Heinrich commented maintenance of open space is very expensive. City Attorney Harrington recommended separating open space acquisition from stewardship.

Chair Ryan summarized the issues to be considered in the conservation easement per the discussion are:

Definitions

Passive recreation  
Multiple uses  
Wildlife  
Critical view sheds  
Infrastructure  
Public uses  
Utilities

Other component

Financial

Ultimately, there will be a two-part recommendation: 1) Easement; 2) Financing

Ms. Ryan noted it was time to adjourn the meeting and outlined two choices for COSAC:

- 1) Ask staff to draft a conservation easement; or,
- 2) Continue discussion at another meeting to flesh out the details

Mr. Doilney voiced his support that staff draft an easement for discussion. Ms. Sheridan felt it would be helpful for COSAC to supply staff with specific definitions to reduce the amount of time it would take to draft the document. Outlined definitions would help avoid the possibility that the document in its entirety could change.

Ms. Ryan added putting a conservation easement on the properties adds another layer to enhance what is already in place. City Attorney Harrington felt there was enough direction for staff to work with Summit Land Conservancy on a draft, providing a starting place for a point by point discussion.

The meeting adjourned at 10:07 a.m.

EXHIBIT B- Gambel Oak/White Acre and Hope Map



**COSAC IV Meeting Minutes  
City Council Chambers  
February 25, 2014, 8:30 a.m.**

COSAC members in attendance: Charlie Sturgis, Cheryl Fox, Wendy Fisher, Jan Wilking, Suzanne Sheridan, Rhonda Sideris, Kathy Kahn, Meg Ryan, Jim Doilney, Judy Hanley, Dick Peek, Bill Cunningham

Excused: Andy Beerman, Stew Gross, Cara Goodman

Public (alternates): Bronson Calder, Carolyn Frankenburg, Jeff Ward, Kate Sattelmeier

Staff: Heinrich Deters, ReNae Rezac, Mark Harrington

**CALL TO ORDER**

Meg called the meeting to order. She congratulated Judy on being voted as Vice Chair.

**ADOPTION OF JANUARY 14, 2014 MINUTES**

**MOTION:** Rhoda Sideris moved approval of the minutes as written; Suzanne Sheridan seconded.

**VOTE:** The motion carried.

**STAFF AND COMMITTEE DISCLOSURES/COMMENTS**

Heinrich introduced Council member Dick Peek to the Committee. He is the City Council alternate liaison.

Heinrich congratulated COSAC and the Summit Land Conservancy on obtaining approval from City Council for the Risner Ridge preservation easement.

**PUBLIC COMMUNICATIONS**

Meg called for public comment on items not included on the agenda. There was none.

**NEW BUSINESS**

**Summit Land Conservancy's Stewardship Endowment Request**

Meg thanked Heinrich for his detailed staff report. She framed the focus of the Committee's discussion. City Council has asked COSAC to provide a recommendation on the use and form of conservation easements; the Summit Lands Conservancy stewardship request; and the proposed Gambel Oak easement.

City Council has asked COSAC to consider whether there should be a funding mechanism for stewardship of open space parcels. The funding source identified in the staff report is the Resort City Sales Tax.

Heinrich: At a high level the request is for an endowment. Summit Land Conservancy is asking for a donation for services that have been and will be provided. The current Council direction for stewardship fees, funds are covered by the seller or are they covered as part of the negotiation. City and the Conservancy's goals are the same . . .

**COSAC IV  
Minutes - Page 17  
March 25, 2014**

**COSAC IV  
Minutes - Page 2  
February 25, 2014**

having an independent 3<sup>rd</sup> party to provide oversight. The Conservancy's position is that the stewardship should be outside the political process. The City cannot use public funds to pay for stewardship. The recommendation was to fund the endowment in the amount of \$1.5 million. Council direction was to place it in the CIP. COSAC's recommendation is to provide a negative recommendation.

Cheryl addressed the committee and explained the difference between stewardship and management of lands and how monitoring fits into that. The stewardship goal from SLC's perspective is for a professional independent 3<sup>rd</sup> party to oversee the use of open space. The City is responsible for management. The Conservancy is responsible for making sure proposed uses are in line with the easement. The critical aspect is finding the funding source for stewardship that is independent from the landowner.

If stewardship had been funded at the time of transactions, it would have been done in much smaller chunks and the funding would have been set aside. \$1.5 million is a lot of money, but it is to provide stewardship for 14 ½ easements, 1,994 acres. Actual costs in 2013 were a little over \$40,000.

After Cheryl's presentation, Wendy and Cheryl left the room while the committee discussed their options.

Megan asked the committee to first discuss whether they feel the City should fund stewardship on the 14½ easements designated as open space.

**Motion:** Jim Doilney moved the City should fund stewardship to protect the 14½ open space easements. Bill Cunningham seconded the motion.

There was discussion on the motion. Judy stated there are some people who do not support stewardship funding coming from the City. She recommended making sure the community had a chance to weigh in on any recommendations. Megan clarified that COSAC would be making a recommendation to City Council and that Council would have the final vote on the matter.

**Vote:** Motion carried unanimously.

Megan outlined the next discussion point as relating to the funding mechanism for stewardship. Should the City use the Resort City Sales Tax (RCST), or the Open Space Maintenance Fund (OSMF)? Staff has recommended an RFP with a 10-year life as a possible option.

**Motion:** Suzanne Sheridan made a motion that the funding source be from the OSMF, not the RCST, and that staff explore other funding options as well. Jan Wilking seconded the motion.

**COSAC IV**  
**Minutes - Page 18**  
**March 25, 2014**

**COSAC IV**  
**Minutes - Page 3**  
**February 25, 2014**

There was discussion on the motion. Some ideas were to find a funding mechanism that was long term (not annual) that meets SLC's objectives. Another thought was for staff to work with Summit Lands Conservancy to investigate ways a long-term agreement using the OSMF could be reached that did not require an RFP and also provided a balanced partnership, to the best extent possible, between the City and Summit Lands Conservancy.

Mark suggested maybe there is a way to get the HOA that controls the other half, as owner of the Empire easements, to directly contract with Summit Lands and the City rebates ½ or \$40,000 back to them out of our half, but their contract is with Summit Lands.

Suzanne amended her motion to include a recommendation to explore options of a permanent contract or at a minimum, a 10-year contract. This is in addition to what is stated above.

Megan summarized the discussion to be the City and SLC will work together to see if they can agree on the mechanism for funding. The committee wants further time to look at all the opportunities to make a deal work for the 14½ easements using OSMF. It was also clear that the policy from now on is to address stewardship in each upcoming deal to cover those costs. Further, SLC has should continue to solicit private funds for stewardship.

Jan called for the question.

**Vote:** Unanimous.

The next meeting will be March 25.