Point of the Mountain State Land Authority Board

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**Meeting**

**November 21, 2023**

U**MINUTES**

**Members Present:**

Lowry Snow, Chair

Rep Jordan Teuscher, Chair

Rep Jeff Stenquist

Mayor Troy Walker

April Cooper

Mayor Jenny Wilson

Mayor Dawn Ramsey

Senator Lincoln Fillmore

Commissioner Geoff Landward

Senator Jerry Stevenson

Ryan Starks

**Members Absent:**

(none)

Jim Russell

**Staff, Consultants, and Presenters in Attendance:**

Alan Matheson POMSLA

Don Willie POMSLA

Cee Cee Niederhauser DFCM

Jacey Skinner Ballard Spahr

Steve Mehr Ballard Spahr

Erin Talkington RCLCO

Steve Kellenberg Kellenberg Studios

Kamron Dalton GOED

David Clark Statue of Responsibility Foundation

Steve Cohen Statue of Responsibility Foundation

Gary Lee Price Statue of Responsibility Foundation

Leesa Clark-Price Statue of Responsibility Foundation

Val Hale Statue of Responsibility Foundation

Bill Fillmore Statue of Responsibility Foundation

Governor Spencer Cox Office of the Governor

**Members of the Public in Attendance:**

Dina Blaes

Hayden Felt

Michelle Larsen

Ryan Loose

Brett Millburn

Holly Robbins

Sherrie Burnham

Jeff Bird

Amber Bird

Richard Contreras

Becky Mackintosh

Scott Mackintosh

Nicci Renouard

John Renouard

Mike Anderson

Jeffery Olsen

Kimberly Rusgrove

Daina Angus

Janae Evans

Brandie Winegar

Rachael Lofgran

Holly Ziegenhorn

Jeff Fay

Karen Willmore

Ed Conder

Jennifer Nelson

Merrillyn Clark

Kent Clark

Sage Sagers

Jeff Caron

Erik Busath

Rachael Price

Cort Harris

Charlotte Harris

Caston Spear

Jameson Spear

Jessica Spear

Tom Holdman

Robert Oakes

Nancy Oakes

Angie Brady

Ian Brady

John Gullo

Madison Frederick

Celeste Gleave

Sue Meike

Melanie Walton

James Stiely

Ellie Meadows

Diane Dick

Byron Davis

Connie Thomas

Jeannine Young

Sue Brenchley

Phillip Goffredson

Scott Swain

Leann Swain

Josh Cerny

Karolee Williams

Debbie Straley

Cynthia Langford

Lauren Langford

Brian Langford

David Dobbins

Tiffany Morris

Rob Beck

Chris Coutts

On Tuesday, November 21, 2023 the Point of the Mountain State Land Authority Board held a meeting in Senate Building 210 at the Utah State Capitol Complex. A virtual meeting option was available for those who attended remotely via the Zoom Meeting platform:

<https://zoom.us/webinar/register/WN_11t67FdJTpC2Y5Eu7F_lAQ>

A video of the meeting can be found on The Point’s YouTube channel:

[https://youtube.com/@ThePointUtah](https://youtube.com/%40ThePointUtah)

The meeting was called to order at 9:09 AM.

* **WELCOME**

Chair Lowry Snow convened the meeting, extending a welcome to both in-person and virtual board members, consultants, and the public. Given the significant turnout, he noted the availability of overflow seating in Rm 215 for those unable to find seating and urged attendees to sign in to the meeting. The Chair reviewed the meeting agenda.

* **PUBLIC COMMENT**

Chair Snow opened the meeting for public comment and expressed the importance of input from the community. None came forward.

* **MINUTES OF THE OCTOBER 17, 2023 BOARD MEETING**

Chair Snow asked for a motion from the board to approve the minutes of the October 17, 2023 meeting.

##  MOTION: Mayor Walker moved to approve the minutes of the October 17, 2023 board meeting. The motion was seconded by April Cooper and passed unanimously.

* **FINANCIAL REPORT**

Don Willie conveyed gratitude to The Point Finance Committee for their guidance, ensuring transparency in the use of public funds. Providing a financial update to the board, he highlighted that current spending is below projections, with all categories remaining under budget. Willie noted adjustments were made to accommodate unforeseen expenses like in-state and out-of-state travel, as well as printing costs. The board received the detailed financial report in their meeting packet.

* **PROJECT PROPOSAL REVIEW PROCESS**

Don Willie presented adopting a defined process to review third-party project proposals for which the board has authority under the proposed development agreement. This process should be used for future proposals. Stages in the process include:

* Stage 1 - Project Screening – Information request and review to determine if legislative guidance and vision elements have been included.
* Stage 2 - Project Refinement – detail, understanding return on investment, and benefits
* Stage 3 - Approval from the Board – with final plan for the project.

##  MOTION: Rep. Stenquist moved to adopt the project proposal review process as presented. The motion was seconded by Ryan Starks.

**Speaking to the Motion**

Rep. Stenquist, Ryan Starks and Mayor Ramsey expressed appreciation for the work and documentation provided to the board and expressed their support for the process.

 The motion passed unanimously.

* **PROJECT PROPOSAL: STATUE OF RESPONSIBILITY**

Representatives of the Responsibility Foundation presented on their initial project proposal for The Point. Highlights of their presentation included comments from:

David Clark, Board member and former Speaker of the Utah State House:

* House concurrent resolution (Feb. 2010)
* Dr. Victor Frankl encouraged the Statue of Liberty be supplemented by a Statue of Responsibility on the west coast.
* Recurring resolution

Steve Cohen, CEO and chairman of the board

* Responsibility -- Codes to live by
* History
* Statute of Responsibility -- Gift to the world

Gary Lee Price, Designer and sculptor of Statue of Responsibility

* Why a Statue of Responsibility?
* Approval of Dr. Ellie Frankl (2004)
* Last additions to the statute – colors in crescent form extended creates a giant globe

Governor Spencer Cox arrived at the meeting and shared his vision for The Point, emphasizing the need for a notable attraction to draw attention to the area. He discussed the Statue of Responsibility, expressing his belief in the importance of individual responsibility in uplifting and inspiring others. The governor emphasized that we are a nation of builders and stressed that government alone should not bear the burden of societal upliftment. He sees the Statue of Responsibility as a powerful symbol to remind people of their duty to one another, envisioning it as a global attraction that will inspire visitors from around the world to Utah.

Leesa Clark-Price, Board member

* Its more than a monument, it’s a movement
* The project will inspire responsibility and change the world for better

Val Hale, Board member

* Previous discussions with Governor Cox concerning iconic feature
* The statute was created in Utah and needs to stay here

Bill Fillmore, Legal counsel and board member

* Victor Frankl endorsement
* Relationship with Steven Covey
* Focus on the west coast
* The opportunity and values in Utah

Chair asked for a motion

##  MOTION: Rep. Teuscher moved to solicit the project proposal concept submission from the Responsibility Foundation Board and have our staff move forward with stage 1 of the screening process. The motion was seconded by Mayor Walker.

**Speaking to the Motion:**

Rep. Teuscher, Ryan Starks, April Cooper and Mayor Walker thanked the group for their presentation and expressed support for the project.

Chair Snow emphasized the historical context that the property was initially occupied by a prison. He highlighted the significance of establishing the statue of responsibility as a fresh monument and a new standard for the area.

 The motion passed unanimously.

* **EXECUTIVE SESSION**

Chair Snow suggested the board move into a closed executive session pursuant to Utah Code 52-4-205(1)(a) and (d) to discuss the character and professional competence of an individual and a development agreement. The board plans to return to open session to take any formal action on these matters.

##  MOTION: Mayor Walker moved that the board go into closed executive session. The motion was seconded by Jim Russell.

 **Roll call vote for executive session:**

 Chair Snow Aye

 Chair Teuscher Aye

 Rep Jeff Stenquist Aye

Mayor Walker Aye

April Cooper Aye

Mayor Wilson Aye

Mayor Ramsey Aye

Sen. Lincoln Fillmore Not present during voting

Com Geoff Landward Aye

Sen. Stevenson Aye

Ryan Starks Aye

 Jim Russel Aye

 The motion passed unanimously

The board moved into executive session at 10:13 AM.

At 11:02 AM the board reconvened from executive session. The motion to end the closed portion of the meeting and return to an open meeting was unanimously approved by the board in the closed session.

Chair Snow asked for a motion concerning the personnel issue discussed in closed session and announced that the board is not considered as a state agency and as such our employees do not receive general compensation increases provided to state employees. The board has decided to put a mechanism in place for discussing this issue without having to have an executive session. He asked Jim Russell to provide a motion that would address the issue.

Jim Russell read the resolution to the board as follows:

***Delegating Authority for Board Co-Chairs to Authorize Compensation Adjustments for Point of the Mountain State Land Authority Staff***

***Resolution 2023-02*.**

**WHEREAS**, Utah Code Annotated 11-59-301provides that the Point of the Mountain State Land Authority (“the Authority”) is governed by a board, which shall manage and conduct the business and affairs of the authority and shall determine all questions of authority and policy;

**WHEREAS**, the Authority Executive Director, Alan Matheson, operates and executes the daily business of the Authority; and

**WHEREAS,** the Authority desires to periodically adjust the compensation and benefits of its Executive Director consistent with cost of living and market changes;

**NOW, THEREFORE**, the Board of the Point of the Mountain State Land Authority, by the authority vested to it by the laws of the State of Utah, does hereby resolve the following:

The Authority Board delegates authority to the Co-Chairs of the Board, V. Lowry Snow and Jordan Teuscher, to approve adjustments to the compensation and benefits of the Executive Director, Alan Matheson, consistent with cost of living and market changes.

##  MOTION: Jim Russell moved that the board adopt resolution 2023-02. The motion was seconded by Mayor Walker and passed unanimously.

Chair Snow asked for a motion concerning the development agreement.

Mayor Walker read the resolution to the board as follows:

***Approving the Disposition and Development Agreement for Phase One of the***

***Point of the Mountain State Land***

***Resolution 2023-01***

**WHEREAS,** consistent with Utah Code Annotated 11-59-202(1)(o) the Point of the Mountain State Land Authority (“the Land Authority”) is authorized to enter into a development agreement for some or all of the Point of the Mountain State Land, as defined in Utah Code Annotated 11-59- 102(6);

**WHEREAS**, the Land Authority, by and through the Utah Division of Facilities Construction and Management, initiated a competitive multi-stage RFQ/RFP process in December 2021 with the intent of selecting a master developer for the Point of the Mountain State Land, who would also receive certain development rights for the first phase of development of the Point of the Mountain State Land with mixed-use development rights for commercial and multi-family uses (“Phase One”);

**WHEREAS**, on July 12, 2022 the Land Authority Board completed its selection process and announced that the Land Authority would be moving forward with exclusive negotiations with LPC West, Inc, (“Lincoln”), Colmena Capital, Inc. (“Colmena”), and Wadsworth Development Group, LLC (“Wadsworth”), (collectively, the “Development Candidate”) in anticipation of confirming the Development Candidate as the Land Authority’s Development Partner, subject to finalizing a development agreement;

**WHEREAS,** the Authority Board created a Phase One Negotiation Executive Committee and that Committee consisting of April Cooper, Jim Russell, Lowry Snow, Troy Walker, and later Ryan Starks to represent the Board in approving and providing input to the potential development agreement through the negotiation process in order to reach an agreement for final approval by the Authority Board;

**WHEREAS**, since the selection of the Development Candidate, Lincoln, Colmena, and Wadsworth, have formed CLW Point Partners, LLC; and

**WHEREAS**, Utah Code Annotated 11-59-301(3) provides for the Board, through resolution, to delegate powers to Authority Staff and “designate an authority officer or employee to execute on behalf of the authority acts to lease, transfer, or otherwise dispose of the land that is part of the point of the mountain state land;”

**NOW, THEREFORE**, the Board of the Point of the Mountain State Land Authority, by the authority vested to it by the laws of the State of Utah, does hereby resolve the following:

1. The Land Authority Board approves for signature the Disposition and Development Agreement for Phase One of The Point of the Mountain State Land (“DDA”) between the Authority and CLW Point Partners, LLC, in the form substantially presented to the Land Authority Board, authorizing final clarifying drafting and conforming and technical edits with approval from the Phase One Negotiation Executive Committee; and
2. The Authority Board delegates authority to execute the final version of the DDA for Phase One to Executive Director, Alan Matheson.

##  MOTION: Mayor Walker moved that the board adopt resolution 2023-01. The motion was seconded by Rep. Jeff Stenquist.

## Speaking to the Motion:

Mayor Walker expressed his support for the resolution and The Point project and expressed appreciation for everyone who has helped this come together. He is excited to see the project move forward.

##  The motion passed unanimously.

Chair Snow expressed appreciation to the legal team who worked on the resolution and board staff who have moved the negotiation process forward. This document will be the foundation for this project going forward and for future phases.

* **ADJOURNMENT**

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##  MOTION: Mayor Walker moved to adjourn the meeting. The motion was seconded by April Cooper and passed unanimously.

The meeting ended at 11:34 AM.