Point of the Mountain State Land Authority Board

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**Meeting**

**April 12, 2022**

U**MINUTES**

**Members in Attendance:**

Representative Lowry Snow -- Chair

Lt. Governor Deidre Henderson

Representative Steve Handy

Senator Lincoln Fillmore

April Cooper

Mayor Troy Walker

Commissioner David Woolstenhulme

Dan Hemmert

Jim Russell

Mayor Dawn Ramsey

**Staff and Consultants in Attendance:**

Alan Matheson POMSLA

Scott Cuthbertson POMSLA

Steve Kellenberg Kellenberg Studio

Erin Talkington RCLCO

Muriel Xochimitl X-Factor Communications

Colton Stock X-Factor Communications

Jacey Skinner Ballard Spahr

Representative Jefferson Moss USHE

Carrie Byles SOM

Aaron May SOM

Peter Kindel SOM

Cee Cee Niederhauser DFCM

James Zboril

Don Whyte

**Members of the Public in Attendance:**

Approximately 150 members of the public attended the meeting.

On Tuesday, April 12, 2022 the Point of the Mountain State Land Authority Board held a meeting in the Senate Building, Room 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:

[bit.ly/thepointyoutube](http://bit.ly/thepointyoutube)

The meeting was called to order at 9:03 am.

* **WELCOME**

Chair Lowry Snow welcomed the board, consultants and staff members to the meeting and recognized Lt. Governor Deidre Henderson who was in attendance. The Chair reviewed the significant progress accomplished since our last meeting in March.

* **PUBLIC COMMENT**

Members of the public who would like to speak were invited to comment subject to the board’s procedures and rules. Individual comments were heard from: Cindy Cromer, Paul Hewitt, Steve Burton, James Evans and Kevin Walkenhorst, who requested the board review the preservation of various historical structures at the prison property, the creation of an iconic landmark at the site and a sustainability model of the property.

Chair Snow expressed appreciation for comments given from the public and indicated the board will take these under consideration.

* **APPROVAL OF MINUTES FROM THE MARCH 8, 2022 MEETING**

Chair Snow asked if there were any corrections to the minutes. None were brought forward.

## MOTION: Jim Russell moved to approve the minutes of the March 8, 2022 board meeting. The motion was seconded by Commissioner Dave Woolstenhulme and approved unanimously.

* **DESIGN GUIDELINES**

Chair Snow explained the Point’s design guidelines are critical to achieve the board’s vision for the property and includes standards for developers as they plan and implement the project and include elements such as street design, architectural elements, building materials, colors, streetscapes and signage. Steve Kellenberg reported consultants had worked on the guidelines for the past 6 months to provide rules of engagement with developers and consistent high level of design excellence.

Consultant Peter Kindel explained that the framework master plan established a specific vision for the property with the design guidelines being the next step to move that vision forward. He gave a brief overview of some of the key components of the guidelines which included:

* Design Guideline Goals
  + Unity of overall project
  + Differentiation among places
  + Design elements that strengthen community character
  + Walkable, pedestrian-friendly environment
* Elements that Create Character of a Place in….
  + Public Realm – land use, density, paving, enhancement zones
  + Architecture – buildings, building heights and furnishings
  + Signage – color, materials, business retail and signage programs

Steve Kellenberg commented on the design review process and the multiple steps involved

* Pre-design Meetings
* Preliminary Design Review Submission
* Final Design Review Submission
* Pre-Construction Conference
* Variance for Excellence
* Documents Required for Design Submittals

There were questions concerning LEED certification requirements and the forthcoming recommendations for sustainability guidelines, smart community plans and smart mobility guidelines. A board member requested that minimum and maximum building height standards be increased in the standard so that there are iconic structures at The Point. Another board member questioned whether the master developer should be hired before these design guidelines are adopted.

Executive Director Alan Matheson and Jim Russell requested that the board approve the draft of design guidelines in order to move forward with the selection process; indicating timing is critical in order to provide valuable input to the developers. The document will evolve over time into its final form as we work with development partners. There was additional discussion concerning office building heights and traffic management.

## MOTION: Jim Russell moved that the board approve the preliminary draft of the design guidelines in order to pursue our conversations with developers and that the board receive periodic reports on the evolution of the guidelines as it progresses with the opportunity to approve the document in the final stage. The motion was seconded by Representative Steve Handy.

## Discussion to the Motion:

Mayor Walker asked that the motion would include a minimum height so that we are not locking ourselves into specific heights. Steve Kellenberg commented that developers can request greater building heights by demonstrating appropriate engineering and design. Jim Russell agreed to a friendly addition to the motion that the building heights mentioned in the draft would be subject to amendment after further discussion and not a limiting requirement.

April Cooper expressed concern with the height requirements in the draft design guidelines and suggested that the height be established immediately so developers are aware of what we are requiring.

Senator Fillmore questioned the intention of the board adopting a preliminary draft if it does not contain the requirements the board is seeking. He felt that adopting the document even in draft form is premature. Jim Russell responded to these concerns explaining there is value in putting this document in front of developers right now to get their feedback. The motion requires the design guidelines return to the board for final approval and amendments can be made to the document in the future; however, this is an opportunity to keep the process moving forward with our proposed development partners. Mr. Russell felt it would be premature to modify the document presently.

Commissioner Woolstenhulme questioned if the portion of minimum and maximum building height requirement could be taken out so that developers do not interpret this as a direction from the board especially considering that the traffic study has not been completed. He is supportive of moving forward but does not want to give developers inaccurate information that would lead them to make incorrect assumptions. He supports removing portion concerning building heights.

## SUBSTITUTE MOTION: Commissioner Woolstenhulme moved that the original motion for the draft design guidelines be accepted with a modification that the board remove the standard height criteria for buildings. The motion was seconded by Mayor Troy Walker.

**Discussion to the Substitute Motion**:

Mayor Dawn Ramsey expressed support for the substitute motion and agreed the guidelines should move forward in order to give direction to developers but questioned if we were giving them enough information to move the design guidelines forward.

Jim Russell asked for clarification on the information being removed from the draft design standards. Is it removal of the criteria for all building types or just the criteria for high-rise buildings? Commissioner Woolstenhulme clarified his motion to include all building types.

Jim Russell made a final plea to board members stating that the removal of this criteria is a mistake and will impact the type of information we receive back from developers and not give us the results we are looking for.

**Summation of the Motion**:

Commissioner Woolstenhulme expressed a desire that the board could have a discussion with the developers on the types of buildings they are proposing and the expectations from the board. He feels that eliminating the criteria will allow more flexibility once the studies are complete. He requested the motion move forward.

**VOTING ON SUBSTITUTE MOTION:**

Aye: Rep. Snow, Lt. Gov. Henderson, Rep. Handy, April Cooper, Mayor Walker, Com. Woolstenhulme, Mayor Ramsey

Nay: Jim Russell, Sen. Fillmore

2 Nay and 7 Aye

Motion Approved

* **SUPPLEMENTAL STUDIES: IMPLEMENTATION ROADMAP**

Scott Cuthbertson reported on the progress with supplemental studies and presented a roadmap which identified the strategies to move forward toward the POMSLA’s goals. Talking points of his presentation included:

* Visioning and Process
* Smart Mobility – Recommended Scenarios
* Water Strategies
* Building Energy Strategies
* Waste Strategies
* Smart Systems -- Smart District
* Program Scenario Comparison
* The Supplemental Studies Identified the Strategies to Deliver on POMSLA’s Goals
* How do we Operationalize the Strategies?
* Focused Next Steps – “Prove the Model”
* Implementation Plan Roadmap
* Focused Working Group to “Prove the Concept”
* Implementation Plan Roadmap – Next 6 weeks

The Chair expressed support for the proposed working group who will study these processes for the next 6 weeks to determine feasibility and return with a report to the board. There was discussion concerning the level of investment from the state and the LEED benchmark for the plan, an ESCO (Energy Service Company) involved in the plan and any state liability. There were also comments on the geothermal resource in the area.

## MOTION: Jim Russell moved that we authorize the roadmap as presented by Scott Cuthbertson and move forward with a working group to look at sustainability options and return to the board with recommendations. The motion was seconded Mayor Troy Walker.

## Discussion to the Motion:

Jim Russell emphasized he does not want the board to become a constraint to the process. We need to keep the process moving forward and trust our consultants who are providing recommendations. Chair Snow agreed we should continue the outreach process and take feedback from those who are deeply involved.

## The motion passed unanimously.

* **CONTRACT ACTIONS**

Alan Matheson presented a series of contract actions for board approval which will provide adjustments or additional scope of work with some of our consultants to provide further studies. Highlights of the presentation include:

* Budget Forecast – POMSLA FY22 Operating Budget Forecast
* AECOM – Sustainability and Tech – increase to scope with proposed cost of $95,000
* SOM – Design Guidelines – Additional scope of work – proposed contract adjustment $40,000
* Fehr & Peers – Traffic Analysis – Study and update model – proposed cost $39,478
* Sam Schwartz – Smart Mobility – develop implementation strategy and identify grant opportunities – proposed costs $30,000
* Mecham & Richards – Energy Regulatory Structure – scope to participate in working group process – proposed new contract cost $10,000

There was discussion concerning the geothermal options and the geotechnical evaluation that should be performed. It was noted that the national experts on geothermal resources are located at the University of Utah. There were additional comments concerning the preliminary work from AECOM and the extension of their contract. Representative Handy will help facilitate the geothermal discussion.

Mayor Ramsey expressed appreciation for the work performed by SOM but questioned the additional work needed beyond the scope of their contract indicating that funding for scope increase can be difficult. Director Matheson explained that initial directions were given to SOM but changes along the way created the increase in scope. He reinforced the need for fiscal discipline and good relationships with our consultants. Dave Woolstenhulme suggested a policy be provided which would give Alan some flexibility on contracts so the work is not stalled in the future with possibly an hourly cost agreed upon with vendors for any work beyond the initial scope.

## MOTION: Commissioner Woolstenhulme moved to approve the contract actions as discussed. The motion was seconded by April Cooper.

**Discussion to the Motion**:

Jim Russell expressed support for the contract actions and felt the scope and proposed costs were reasonable.

## Motion passed unanimously

* **PROJECT FINANCE UPDATE**

Chair Snow explained that Utah Code 52-4-205(1)(d) allows a public body to go into an executive session for the purpose of discussing a financing proposal for a state development project and requested a motion from the board to do so.

## MOTION: Representative Steve Handy moved that the board move into an executive session for the purpose of receiving an update on RCLCO’s financing proposal for the project. The motion was seconded by Mayor Dawn Ramsey.

**VOTING ON THE MOTION:**

April Cooper Aye

Senator Fillmore Aye

Representative Handy Aye

Mayor Ramsey Aye

Jim Russell Aye

Representative Snow Aye

Commissioner Woolstenhulme Aye

The motion carried with required votes by law.

The board moved into executive session to hear the finance update from Consultant Erin Talkington.

* **ADJOURN**

The Board returned from the executive session. Chair Snow moved to adjourn. The vote was unanimous and Chair Snow adjourned the meeting at 11:58 am.