

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 27, 2020

City Building
55 South State Street
Clearfield City, Utah

No physical meeting location was available for the public due to the statewide public health emergency which might present a substantial risk to the health and safety of others. The meeting was held for the public electronically via Zoom Meeting address:

Zoom Meeting
<https://us02web.zoom.us/j/84203232974>
Meeting ID: 842 0323 2974

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush Nike Peterson Vern Phipps Tim Roper	Councilmember Councilmember Councilmember Councilmember
PRESENT VIA ZOOM:	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen Summer Palmer Stuart Williams Kelly Bennett Adam Favero Eric Howes Spencer Brimley Brad McIlrath Trevor Cahoon Nancy Dean Wendy Page	City Manager Assistant City Manager City Attorney Police Chief Public Works Director Community Services Director Community Development Director Senior Planner Communications Coordinator City Recorder Deputy Recorder
STAFF PRESENT VIA ZOOM:	Rich Knapp	Finance Manager

VISITORS: Mark Becraft – North Davis Fire District, John Taylor – North Davis Fire District

VISITORS VIA ZOOM: Mrs. Brimhall, Cheryl Phipps, Ryan Hales – Utah Transit Authority (UTA), Ken Shields – Hamilton Partners, Timothy Merrill – UTA, Doug Thimm – Arch Nexus, Bruce Bingham – Hamilton Partners, Trevor Evans – Stack Real Estate, Andrew Bybee – Stack Real Estate, Nathan Ricks – Stack Real Estate, George Arnold – Hamilton Partners

Mayor Shepherd called the meeting to order at 6:02 p.m.

DISCUSSION ON FUTURE OF PARAMEDIC SERVICES IN DAVIS COUNTY

JJ Allen, City Manager, stated in Davis County, there were currently three providers of paramedic services:

- South Davis Metro Fire (serving Centerville, Bountiful, North Salt Lake, West Bountiful, and Woods Cross)
- Layton City
- Davis County Sheriff (serving all other parts of the County)

Mr. Allen explained the model of having law enforcement officers double as paramedics was very unusual. He indicated Davis County was one of only two agencies in the entire nation with this approach the other was in Florida. He pointed out the current model had been in place with the Davis County Sheriff's Office for a few decades. Mr. Allen acknowledged it was apparent to the stakeholders throughout the County that there was a better way given the County's growth and capabilities of the various public safety agencies.

Mr. Allen stated the effort to make a change or transition had been attempted over the decades but currently things were aligning with the necessary support. He stated in early 2019, discussions began between the city managers, Sheriff Sparks and other Davis County officials, as well as the fire chiefs about transferring paramedic services from the Sheriff's Office to cities and/or fire districts.

Mr. Allen pointed out funding could be challenging. He reviewed how the County collected a voter-approved property tax that was dedicated to paramedic services. He mentioned South Davis Metro Fire and Layton City both had licensed paramedic units; so, the County distributed 50 percent of the tax revenue to those two entities (25 percent to each), leaving 50 percent for the Sheriff's Office. Mr. Allen explained that this property tax did not even come close to covering the full cost of providing paramedic services; consequently, those entities were making up the difference with other revenue sources. He noted the levy was quite complicated and the clerk for Davis County had spreadsheets that could help for the transition. It likely would result in a tax increase to the taxpayer and the net result would be an increase as well.

Mark Becraft, Fire Chief for North Davis Fire District (NDFD), commented it appeared after reviewing the rough math, the shift would result in an amount almost double the current levy.

Mr. Allen acknowledged there were two sub committees working on the time frames and logistics because recruitment and retention were a real concern. He noted the other subcommittee would work on the messaging aspect so that each city was sharing the same information. He stated January of 2023 was the tentative projected date for the transfer of services to occur.

Mr. Allen indicated the discussion was meant to update the Council about the pending changes. He mentioned the Council could see an interlocal agreement in the future intended to join all participants and set the path forward, but it had not been drafted yet.

Mayor Shepherd expressed his opinion it made great sense to make the change.

Chief Becraft indicated the NDFD responded to several calls on the north end of Davis County and it would make sense to locate the paramedics at the station in Clearfield. He mentioned almost half of the calls received by the NDFD necessitated a paramedic's attendance during transports to the hospital.

Councilmember Thompson arrived at 6:12 p.m.

Mr. Allen stated as the fire chiefs reviewed the number of calls within the County, it was identified there should be a north end coverage area which would include the NDFD, Syracuse and Clinton. He indicated with the current configuration of the fire stations there could be the possibility of three separate paramedic units in the north end rather than one.

Councilmember Phipps asked if it was envisioned there would be a need to build another facility to support a new model. Chief Becraft responded he was participating in workshops with the Board and had rolled out a Capital Improvement Plan (CIP) for the district. He mentioned it was helpful to put a pencil to the possibility of a future station and upgrades for current facilities within the next two to four years.

Mr. Allen asked if there would need to be changes done to the buildings or mostly with equipment to support a paramedic unit. Chief Becraft answered there would be some initial capital outlay to accommodate the truck, but the NDFD already had most of the necessary equipment. He said the building would need to be upgraded to staff the personnel necessary to service a paramedic unit. He continued the station could handle the extra unit until the District was able to expand.

Mr. Allen wondered what the expected dollar amount had been calculated to be for staffing and equipping a paramedic unit annually. Chief Becraft replied it would be about \$900,000 initially depending on how it was rolled out and approximately \$700,000 annually for ongoing costs.

There was a discussion about coverage, logistics, start-up costs, impacts for the Sheriff's Office, and the efforts made thus far towards making a shift from paramedics being provided by the County to fire districts. Mr. Allen pointed out that the County and the NDFD accounting was disjointed; therefore, there were several technical issues that were still unknown and would need to be resolved to ease the transition. He expressed appreciation for the support from County Commissioners and Chief Sparks in working towards a transition.

Councilmember Phipps commented it seemed like a great idea; however, was concerned about any unanticipated costs. Mr. Allen stated it would be important to have consistent messaging throughout the County the discussion was meant to keep the Council updated as to the direction things were heading. and as things progress having consistent messaging throughout the County would be a focus.

DISCUSSION ON THE CONSOLIDATION OF DISPATCH SERVICES IN DAVIS COUNTY

Kelly Bennett, Police Chief, stated the four agencies with dispatch centers throughout the County had been meeting to discuss the best way to provide services to the residents. He highlighted the four centers that currently existed in Davis County and the services provided by each.

Chief Bennett explained that new legislation mandated dispatch centers to reduce all call transfers to other dispatch centers to two percent by 2022. He explained the City's dispatch center had a high rate of transfers currently at 22 percent. He explained drastic changes were made and staff had been trained and was able to reduce the transfer calls by 12 percent last month. He mentioned dispatchers were using a lot more radio communication efforts, but those options would not be possible with Weber County.

Chief Bennett indicated many dispatch agencies were using a CAD2CAD system which allowed different Computer Aided Dispatch (CAD) servers to communicate. He noted the City had problems with its system and the IT Division was working on resolving the problem. He explained using CAD2CAD communication was not a good long-term solution due to the associated challenges with each center having different servers and methods of data input.

Chief Bennett mentioned a virtual consolidation was being considered but it would require every law enforcement agency and emergency or fire service provider in Davis County to use the same CAD and Records Management System (RMS) server as well as software programs. He explained switching to this method would allow for seamless communication; however, there would be financial impacts for many agencies. He explained if the virtual consolidation were agreed upon, the City would have fiscal impacts associated with system maintenance costs, and costs for transferring historical data to a new system.

Chief Bennett stated there were still some logistics to discuss for regarding a virtual consolidation. He pointed out that eventually a physical consolidation may be inevitable. He noted meetings would continue and if virtual consolidation occurred the timeline would likely be within the next 18 months to two years.

Councilmember Phipps asked if Davis County could pattern after Weber County's similar consolidation. Chief Bennett answered Weber County consolidated its dispatch centers and merged into one center about five years ago. He explained it was possible the State may mandate all to model that approach. He indicated Davis County was very similar to Utah County where there were currently five dispatch centers, but those had moved to a virtual consolidation.

Councilmember Phipps wondered in choosing a software system if it would be possible to coordinate with Weber County so the communications could continue without transfers. Chief Bennett responded Weber County currently used Spillman which was the software option Davis County was considering for its virtual consolidation. He pointed out that if Weber and Davis Counties used Spillman it would allow for a CAD2CAD interface but limits with communications would remain due to the lack of sharing a server.

Chief Bennett mentioned despite the challenges inherent with a virtual consolidation, the service provided for residents throughout the County would be improved. He pointed out that it would also aid in communications for paramedic services as it transitioned away from the Davis County Sheriff's Office to fire districts.

DISCUSSION ON THE FUNDING OF A RESTROOM FACILITY FOR THE STEED PARK PICKLEBALL COURTS

Eric Howes, Community Services Director, stated the pickleball courts opened in July of 2020 and the usage was greater than anticipated. He indicated the funds to install a new restroom facility had been planned for the 2022 fiscal year budget; however, due to increased demand staff was proposing to re-allocate money currently in the budget so restrooms could be built in the spring of 2021. He explained the current budget included \$90,000 for a new restroom at Central Park and \$100,000 for restroom renovations at Steed, Island View, and Kiwanis parks. Mr. Howes noted if the funds could be re-allocated for those projects, then a larger restroom could be installed sooner to meet the demand at Steed Park for the pickleball courts and the FY22 budget could include funding to complete the other restroom projects.

Mr. Howes pointed out the restroom would be prefabricated, and the sewer line would need to be extended. He mentioned if there were any funds remaining staff recommended adding a small ten by twelve foot storage unit on site.

Councilmember Bush wondered if the estimated cost for the restroom project was about \$190,000. Mr. Howes indicated the prefabricated restroom would be approximately \$150,000 and the cost for the sewer line was not completely known; however, some of the operations budget could be used if necessary. He acknowledged there would only be a small cost for the storage shed, but it could be installed only if there were any funds remaining.

Councilmember Bush asked where the storage shed would be placed. Mr. Howes responded it would go near the corner of the northern pickleball courts on the west side.

Councilmember Peterson asked how much the restroom facility at Cornerstone Park totaled because it had been underbudgeted. Mr. Howes answered the restroom at Cornerstone Park cost about \$75,000. He explained the increased cost for the larger restroom at Steed Park would be for the extension of utilities. JJ Allen, City Attorney, asked what drove the cost up with the restroom project at Cornerstone Park. Mr. Howes responded it was not the restroom and most things were close to budget; however, the engineering costs were higher than anticipated and totaled about twenty percent of the overall project's cost.

Councilmember Peterson acknowledged the need for the restrooms but expressed her concern the estimated amount might not be within the amount budgeted. Mr. Howes responded the design for the parking lot was underway and it should not cost much more to include the restroom project. He continued the excavation work could also be done internally to help keep the costs within budget. He stated the budget should be sufficient to do the project, but he was unsure if there would be any remaining funds to add the storage shed.

Councilmember Peterson expressed her hesitance with delaying the other projects. Mr. Howes responded the other facilities were used less frequently than the new one would be. He acknowledged if modifications were made to the budget, the new restroom could be in place early spring.

Councilmember Phipps wondered if there was any one-time fund balance that could be used if the Council felt it was a priority. Mr. Allen answered typically December was a time to review the budget and amend it when necessary. He indicated it would be possible to review those items from the budget that were on the “cut now, restore later” list and then determine if there was any one-time money available to restore the other restroom projects in the FY21 budget. There was a discussion about the upgrades planned for restroom renovations and funding options for the pickleball court restrooms.

Councilmember Roper expressed his opinion a restroom was needed near the pickleball courts especially with increased demand for use. Mr. Howes pointed out the City had received a large amount of interest in the pickleball facility for tournaments and it had tentatively been booked for time in August of 2021 to be a location site for the Jr. Olympics.

The consensus of the Council was to have staff move forward with the restroom at the pickleball courts as proposed by re-allocating funds and during future budget discussions it could be determined if any funds would be available to restore the other restroom projects to the FY21 budget. Mr. Allen commented staff would move forward as directed and it would become official later in the form of a budget amendment.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:44 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The meeting reconvened at 7:40 p.m.

DISCUSSION ON THE CLEARFIELD STATION MASTER DEVELOPMENT PLAN AND AGREEMENT

Spencer Brimley, Community Development Director, expressed appreciation for the time and efforts of the Planning Commission and Council to date on the Master Development Plan and Agreement. He summarized the background to date and reviewed the following highlights pertaining to the Clearfield Station Master Development Plan and Agreement:

- The City Code required approval of a Master Development Plan (MDP) for the properties to be rezoned, as well as the approval of a Master Development Agreement (MDA).
- The City and the property owner, Utah Transit Authority (UTA), worked together on the creation of a Station Area Plan to facilitate the request of having approximately 56 acres rezoned to MU (Mixed-Use) from its previous designations.
- The Station Area Plan was completed in February 2019, along with the requested rezone to MU for the approximate 56 acres, owned by UTA, that was commonly referred to as the Clearfield Station project.
- Starting in May 2019 through July 2019, City staff and UTA worked on the request for proposal qualifications (RFPQ) and completed the required selection process for the development partner.
- Staff, UTA and the development team had been working for about a year and discussing the project approach, objectives, and requirements for submittal. The applicant followed

the procedures outlined in Section 11-11F of the City Code and submitted both an MDP and MDA on September 30, 2020 for review by the Planning Commission and Council.

Mr. Brimley indicated the MDA and MDP were discussed with the Planning Commission at its meeting on October 21, 2020. He noted there were a few minor edits and language clarification changes but nothing definitive or substantive was recommended. He reviewed the project site's boundary area. He explained the purpose of the MDA was for it to be the administrative document that would oversee how the project came to fruition. He added the MDP was in essence the regulatory document which would govern the components of the project and align it with the City Code.

Mr. Brimley acknowledged the development partners and UTA were participating in the meeting. He reviewed the following highlights from the MDA:

- 1,000 units would be permitted for the development on the station site and include apartment buildings and townhomes. The density was intended to be accommodated by increases to height, rather than a larger outward area footprint.
- Development would be focused on the vicinity of the Station Square which would include an "anchor commercial tenant" and a private open space area.

Councilmember Peterson remarked the unit count had previously been a point of discussion. She expressed her surprise to see it now increased to 1,000 units from its prior count of 800. JJ Allen, City Manager, indicated during a prior discussion with the Council, feedback was shared by some of the Council requesting a cap or maximum unit count for the project rather than an approximate 800 units. He stated staff met with the development team to negotiate a maximum unit count for the project. He continued the development team expressed a desire to have room for adjustment; consequently, requesting the project be capped at 1,000 units. He noted there was discussion back and forth but ultimately it was determined to leave the hard cap at 1,000 units and let the document continue through the review process. Mr. Allen acknowledged if there was a difference in unit count, it would need to remain within the same footprint as contemplated and not have any encroachment into the other areas designated for office or commercial/retail uses. Mr. Allen indicated if the Council felt that number should be different it would need to be addressed.

Councilmember Thompson asked if development for additional units would only be allowed vertically. Summer Palmer, Assistant City Manager, answered yes. Mr. Brimley mentioned the Planning Commission had not provided any feedback or concerns about the unit count.

There was a discussion about the impacts associated with an increased unit count.

Councilmember Phipps voiced his concern it would be unwise to have a 25 percent increase in units and not consider the impacts to parking, infrastructure, and traffic if 600 more people were brought into the area. Councilmember Roper pointed out that the increased count would be located within a transit-oriented development (TOD) where there would be a push to encourage transit rather than vehicles. Councilmember Bush commented it would be challenging to have enough parking for the increased amount of people. Councilmember Peterson acknowledged if density increased, the additional impacts would be realized in every aspect at the rate of increased magnitude, even if the increased density was only allowed vertically. She pointed out

that it was highly anticipated the unit count could change and the developer might request additional units in the future. She expressed her concern that adequate language was needed in the agreement to address the impacts associated with additional housing.

Councilmember Peterson pointed to the document which stated the parking needs would be addressed with on-street parking. She voiced her concerns related to winter parking at the site and not wanting to have a double standard in the City related to that issue. She expressed her worry about having unintended consequences with a parking deficit at the onset of the project. She wondered what the development team was offering in exchange for the increased unit count. She felt the numbers had been increased before vetting what impacts would be associated with increased density for the project.

Councilmember Thompson asked if the project was in an opportunity zone. Mr. Allen answered yes.

Mr. Allen stated the developer was not offering a concession for the increased unit count. He mentioned the Council had wanted a cap in unit count for the project; consequently, the developer felt more comfortable in capping it at 1,000 units rather than at 800 units. He indicated the increased density for the project should create more value for the project which in turn might support the economics for building a parking structure, but it was never a guarantee. Mayor Shepherd stated the parking structure was intended for the office and ridership and not intended to support residential parking. Mr. Allen mentioned wrapped residential around the parking would be worth considering. Councilmember Peterson responded that type of parking might be amendable but none of the discussions held thus far had even considered a parking structure for residential. She stated the Council had previously been told that type of parking would not work financially for the project. Councilmember Peterson acknowledged that density supported economic viability; however, the impacts related to infrastructure were something the City would need to absorb. She wondered how the developer felt the site could carry the extra capacity and address the impacts to the additional residents if so, then had the language been adequately represented in the document.

Mayor Shepherd acknowledged a 25 percent increase in density was a significant impact. He expressed his desire to add language to the agreement that if the increased density, which was intended to go vertical, was allowed it could not displace any commercial components for the project. Mr. Allen responded the language had been tightened so any increases in residential units would require the explicit consent of the Council and would not be allowed to overtake the office or commercial components. There was a discussion about leaving the unit count capped at 800 units unless there was compelling economic growth that might warrant a future request for increased density that included how to address parking options. Mr. Allen acknowledged there appeared to be consensus from the Council to change the cap for residential units from 1,000 to 800.

Councilmember Peterson commented the document addressed overlay zones and felt it was used as an interesting tool. Mr. Brimley responded the developer had identified the commercial areas within the residential buildings as an overlay zone, but it was not used in the typical sense as defined in the City Code where overlay zones related to standards and covenants.

Councilmember Peterson point to the section of the document that addressed overlay zones as a tool for development of the site. Mr. Brimley explained the proposed overlay zone was not meant to be the same type as mentioned in the City Code, but rather a way for the developer to identify the commercial areas within a residential building. Councilmember Peterson expressed her concern with using an overlay zone as a mechanism to identify those areas. She expressed her opinion that allowing an overlay would create confusion for what mixed-use should look like and how it might be phased. She expressed concern about the overlay zones creating a perception that the project was a residentially driven project at the expense of office and commercial uses, especially along State Street and with the recent shifts being seen in the market. She continued that the overlays would create small sections and fractions of commercial buildings within the project. She stated she supported the project but acknowledged her concern that the wording in the document created doubt the office and commercial development would ever materialize.

Mr. Allen shared his interpretation of the language on sequencing which indicated the developer could build an apartment complex first, but an anchor tenant was required before any other residential component would be allowed. Councilmember Peterson expressed her concern the project would not see the second building due to the shifts in the market. She stated her concern was not an effort to disparage the development partners, but rather concern about the potential for further shifts in the market that prevented the development of commercial uses. She commented that even one residential building without commercial hurt the City and damaged the Council's trust with residents and the ability to continue to be backed as policy makers negotiating those types of projects on their behalf. She was not comfortable with the level of risk being assumed by the City.

Councilmember Bush suggested alternative language be considered that would allow for the project to be developed with residential and commercial/office components tied to occupancy or to be done in tandem. Mr. Allen asked if there were other proposed or desired changes in the language.

Councilmember Peterson expressed her appreciation for the design and felt the street layout and renderings were very well done. She expressed her desire to put a shovel in the ground come spring and get the project moving; however, the way the project was structured left a lot of risk for the City, especially with its needed investment into the infrastructure upfront. She felt the risks should be universally shared and that the investment and risk should be shared between all parties of the agreement. Councilmember Peterson voiced her concern the City was accepting a significant risk in bonding for \$15 million for the needed infrastructure when the repayment of those funds was directly tied to the tax increment generated by the project's development. She suggested the development partners should have additional responsibility in developing an office component or the anchor tenant so both residential and commercial/office could move forward together, and all parties were mutually invested.

Councilmember Peterson expressed her concern with super-padding a project without some assurances from the developer. Mr. Brimley pointed out that the language on page seven required an anchor tenant be installed prior to construction step two which would be the vertical development of residential buildings. He continued the language indicated the developer would

need to have an anchor tenant contractually obligated before it could begin construction of the residential component. Councilmember Peterson expressed her desire the vertical construction of the anchor tenant begin before construction be allowed on the residential component. Mayor Shepherd said the developer's contractual agreement with an anchor tenant would demonstrate a serious commitment. Mr. Allen asked if Councilmember Peterson was desirous to have an anchor tenant secured before the City bonded for the needed infrastructure. She responded yes either an anchor tenant or office/commercial building.

Councilmember Thompson understood the document needed flexibility but wondered why the selected anchor tenant had not been identified specifically, especially since one had been identified for the site. He stated an anchor tenant should be strong and resilient if it were the project's anchor component for the site. He questioned if a climbing gym was a good fit. Mayor Shepherd responded the anchor tenant should be strong and it would be a central piece for the development. He invited comments from the development team.

Nathan Ricks, stated the development partners had been working with the City for balance and compromise for the development of Clearfield Station area for over a year. He reviewed each of the parties' commitments to the project which included the City's commitment to super pad the site so it was ready for development; the developers' commitment to inject capital for vertical build out; and UTA's commitment to provide the land. He explained the developer had invested significant funds in design and engineering costs assuming the City would move forward with its commitment. Mr. Ricks commented the development partners would have expected the Council to have worked through its concerns about them before the current discussion. He reminded the Council that the development partners had a vision for smart communities, understood the process, and had worked with UTA previously. He acknowledged they could not change the market but were moving forward to the best of their ability given the conditions of the current pandemic. He suggested it would be a real tragedy for the Council to shelve the project after all the work from all the involved parties to this point. He stated residential development was not a bad thing. He continued the residential component created viability for the commercial and retail opportunities at the site. He requested the Council not let their fears derail the entire project.

Councilmember Roper expressed confidence in the abilities of the development team to create a successful project. He suggested the risk was similar to risks the City was taking by investing in the redevelopment of the downtown corridor.

Councilmember Phipps acknowledged the multi-faceted nature of the proposed development was a positive aspect. He described his hesitancy with allowing 1,000 apartments and the parking issues associated with those because he hoped for the vision of a multi-faceted, thriving development and its regional impact. He expressed concern that the City would invest \$15 million in the project and only get a residential component.

Bruce Bingham, Hamilton Partners, urged the Council not to let the current fears associated with the COVID-19 pandemic influence the future for the site. He suggested the parties were in the process of creating a community. He indicated the development partners would be investing millions of dollars in the project from the beginning. He acknowledged there was a commitment to not overbuild the residential component of the project. He stated there was a commitment to

provide office buildings, commercial and retail facilities at the site. He commented the project would have to be built in phases. He asked the Council to be cautious in dictating the sequence for construction.

Councilmember Thompson recognized the investment already made and proposed to be made by the developer in relation to the site. He also noted the zoning for the property created opportunities for deferment and incentive on that investment; however, given that the project would be developed in phases there needed to be balance and imagination with those returns and an intentional effort to pursue smart growth and economic development. He commented he was not worried about allowing 1,000 residential units at the site if those developed vertically. He expressed his concern with focusing on the investment related to residential units rather than a balanced approach to the development of the entire site. He added the City's residents would need to see commercial and office development being a tangible component.

Councilmember Roper expressed his confidence in the development partners. He stated he had taken the time to look at projects created by them and felt confident in their abilities to deliver a quality product. Councilmember Peterson expressed her appreciation for the development partners and her confidence in their abilities. She clarified that her questions and concerns were not an effort to impugn them. She explained her concern was with making sure that the details in the documents were vetted thoroughly. She emphasized her focus was on the best interest of the community and whether a residential lead off was in the best interest given the current uncertainties in the market.

Mayor Shepherd acknowledged there being trepidation from the Council given the City's anticipated \$15 million investment in infrastructure. He stated the City was committed to the project. He continued that commitment acknowledged there being risks in the initial portions of the development with the first buildings to go vertical. He assured the Council that increment would follow the initial investments in the development and the developer was limited by the agreement in further residential development until commercial development took place.

Tim Merrill, Assistant Attorney General representing UTA, pointed out that the unique feature of the development was its true partnership working toward creating a first-class transit-oriented development (TOD). He commented Clearfield would be one of the first to have that type of TOD in Utah. He acknowledged UTA's interest in the site was ridership and believed the public's best interests were served by a variety of transportation options. He continued that transit was driven by where one lived and where one worked. He continued that commercial was important for a fully functioning first-class TOD, but the residential and office components were key to creating the needed synergy for transit. He cautioned over-emphasizing commercial at the expense of the TOD. He acknowledged concerns over the commercial were well received but a TOD looked for something different. Mr. Merrill explained the development partners were seeking entitlements through the MDA so there was confidence for the parties to move forward with development; however, entitlements did not always result in actualities. He added that staff had done a masterful job in navigating the disparate interests of all parties in relation to the bond gap stop and what was eventually negotiated required sacrifice from all the parties. He referred to the agreement and stated if the Tax Increment Financing (TIF) generated by the site did not

service the debt for the infrastructure bonds, the development partners and UTA were required to separately fund the stop gap of the bond deficit.

Mayor Shepherd reiterated the stop gap was crafted to ensure the City was protected if there was a delay in generating sufficient TIF funds to meet the debt service of the bonds. He stated all parties wanted to see both commercial and residential go vertical simultaneously but mandating that might be difficult. Councilmember Peterson commented she would trust Mayor Shepherd's expertise on the matter.

Mayor Shepherd understood the fear created by the uncertainty in the current market. He commented it was understood that the development would not happen overnight. He hoped the challenges of the pandemic were mitigated quickly and the market became more certain. He shared his confidence that in time businesses would be attracted to Clearfield as an optimum site given its proximity to Hill Air Force Base and other key employment opportunities.

Councilmember Bush left the meeting at 8:43 p.m.

Mr. Allen acknowledged the concerns expressed by Councilmember Peterson, which had been consistently expressed and communicated to the developer. He stated the language in the agreement was often modified to address those concerns. He applauded the development teams' efforts to try and find ways to mitigate the concerns of the Council. He expressed his opinion that every compromise available had been met and there would likely be no further concessions from the developers. Mr. Hamilton agreed. Mr. Allen acknowledged the risk made the Council uncomfortable; however, every effort had been made to reduce that risk. Mayor Shepherd reminded the Council about the efforts made by Ogden City to redevelop an area just as the market took a hit. He commented its efforts and patience had paid off.

Councilmember Bush returned to the meeting at 8:47 p.m.

Mayor Shepherd pointed to the Council's goal to recreate the City and change its image. He suggested the Clearfield Station project was a key component for that vision to materialize. He acknowledged he hoped to see the anchor tenant constructed first so the residents would experience a positive impact to the community. He stated if there was a pause in development at the site after constructing only a residential component residents might potentially be frustrated. He hoped the infrastructure, which included a street network, would help to mitigate the negative perception and change the vision of the residents.

Mr. Brimley continued with the review of the MDA. He reviewed the exhibits for the agreement that included diagrams of the street network and the Master Development Plan (MDP). He explained the MDP contained the specifics of the development's design.

Councilmembers Phipps observed the agreement indicated the City was obligated to bond for the infrastructure and committed to using eminent domain if necessary. He referred to Exhibit E of the agreement and expressed concern there were areas that were not readable, and no total value was identified. He expressed the need to have that information prior to approving the agreement so a thorough review of the liability and impacts could be understood. Mr. Allen indicated the

Council would be provided a copy that could be read more easily. He added the numbers in the exhibit were estimates. He explained the work done so far was about fifteen percent of the design for the project. He continued that after the agreement was approved the City would move forward with selecting an engineer for final design and the project would be bid. He stated the quantities and materials had been verified by Public Works. He noted the City also applied for Third-quarter Sales Tax funding from Davis County to assist with the project. Mayor Shepherd announced the City had received funding from Davis County to assist with the infrastructure project.

Councilmember Phipps asked that the exhibit specifically indicate the projected costs for the project were estimated. He expressed the importance of having reasonable numbers available for the Council given the long-term commitment being considered. Mr. Allen acknowledged it was an important exhibit to get right and staff had paid significant attention to the details of it.

Mayor Shepherd left the meeting at 8:59 p.m.

Councilmember Phipps also expressed concern related to the parking section and its reference to the south parking structure. He indicated the drawing looked like it was designed to be merely a parking lot not a structure. Mr. Brimley pointed out that the drawing appeared that way, but the legend called it out as a structure and provided level counts.

Mayor Shepherd returned at 9:01 p.m.

Councilmember Phipps referred to language on page 19 about the south parking structure. He asked for clarification on the funding projection for the south parking structure. Mr. Allen explained that the first bond was meant to cover horizontal infrastructure only. He stated the agreement acknowledged that the south parking structure would be needed at some point in the future and the hope was that enough tax increment would be generated by the site to pay for it through a second bond. He added the agreement acknowledged if that was not the case the parties would work together to find a strategy to construct the needed structure. Councilmember Phipps commented there had been a discussion about the first floor of the structure being designed for commercial use. Mr. Allen acknowledged the MDP recognized that option.

Councilmember Phipps referred to the agreement's call out of 343 on-street parking stalls. He expressed his frustration with counting on-street parking in the parking totals. He said he was opposed to on-street parking at the site. Councilmember Bush added one statement indicated on-street parking was required. Mr. Allen explained that on-street parking was a component of place making; however, there was an ordinance regarding street parking in the winter. He acknowledged the two ideas ran contrary to each other. Councilmember Phipps expressed concern with individuals using the on-street parking all day long at the site. Councilmember Bush stated he was okay with daytime on-street parking but not overnight parking because it violated the winter parking ordinance and interfered with snow removal.

Mr. Brimley suggested the City shouldn't look at the TOD like other areas of the City meaning suburban areas. He agreed there could be an approach that improved function, but the MDP was the ordinance governing the site and was drafted to stand out and be different than ordinances

governing other areas of the City. He explained that the TOD created a community within the community and the approach had to be different. Mr. Allen reminded the Council that the winter parking ordinance addressed overnight parking on public streets. He added daytime parking on the street was allowed year-round. Mr. Bingham mentioned there was no on-street parking for the multi-family uses. He stated the parking for those units was found within the development component. He also added there would be no overnight parking. Brad McIlrath, Senior Planner, added commercial and/or office parking was not allowed to be counted toward residential parking requirements. Councilmember Bush commented the MDP allowed on-street parking in the low density areas. Mr. Brimley explained those areas were on private streets. Mr. Bingham acknowledged the developer was willing to work with the City on how parking was allowed in those areas.

Councilmember Phipps asked for clarification on page eleven of the MDA, section five. Mr. Allen explained the agreement referenced the fact that the City would sell bonds to pay for the infrastructure, but capitalize interest for three years. He continued that section addresses the first payment being due the fourth year. He stated the agreement detailed each party's respective share of the debt payment if the tax increment available at that time was insufficient.

Councilmember Phipps referred to page nine of the MDA where the section talked about future changes to City law not being applicable to the development. He suggested that any changes to the state or federal law would be beyond the City's scope; therefore, compliance might still be necessary in those cases. Stuart Williams, City Attorney, said he would look at that language with the other attorneys and address any inconsistencies.

Councilmember Phipps also expressed concern that the agreement talked about the option of future amendments but did not create a detailed process for that event. Mr. Allen asked if the ordinance detailed process for the MDA and/or MDP. Mr. Brimley explained that any amendments to the MDP were subject to the requirements of the MU (Mixed-Use) zone. Mr. Allen asked if the MDA should be referenced as following those same requirements. Councilmember Phipps suggested the language be changed to indicate it could be amended in accordance with the MU (Mixed-Use) zone requirements.

Councilmember Bush suggested a few minor word changes to the document. Mr. Brimley asked him to forward those changes so they could be addressed.

Councilmember Bush asked for clarification on the difference between the MDA and the MDP. Mr. Brimley explained the MDP was the legal binding document and part of the MDA, which was the legal contract between the parties. The MDP acts as the ordinance governing the development standards.

Councilmember Bush asked if the North Davis Fire District was satisfied with the street design. Mr. Brimley explained there had been discussion about the street design with the Fire District. He said he would follow up to make sure there were no concerns remaining.

Councilmember Bush asked if the City wanted to require a minimum of five stories for the office buildings. Councilmember Peterson suggested leaving that detail to the development team because of their expertise in knowing what the tenant would need.

There was a discussion about setbacks, streets, and alleys. Mr. Brimley stated those issues would be revisited and verified. Mr. McIlrath explained the developer was asked to conform as much as possible with the Form Based Code (FBC).

Councilmember Bush expressed concern with requiring walls around parking lots to be a minimum of 42 inches in height. He was concerned people could hid and not be seen by the police in those areas. Mr. Brimley explained the City required the parking lot to be screened and the police had no concerns with the wall requirement.

Councilmember Bush referred to page eight of the MDP and asked if the representation that the City had a daytime population of one million people was accurate. Mr. Brimley stated that was not accurate and it would get fixed.

Councilmember Bush also referenced page fourteen, third paragraph, which addressed the spacing of street trees. Mr. McIlrath stated another part of the plan addressed the spacing as no less than thirty feet but no greater than fifty feet. He explained the spacing allowed for the alternating of street trees and streetlights/street furniture. Mr. Brimley suggested the language be adjusted to match the other section of the MDP requiring not less than thirty feet and not greater than fifty feet.

Councilmember Peterson wanted to make sure there was language addressing the buffering needed on the north side of the development. She asked for the requirement that the northern most buildings be no greater than two or three stories high to create a buffering between uses.

Councilmember Peterson also asked for attention to the language that addressed flexible residential alternative and the conversion of commercial to residential alternative. She also asked to address the ambiguity in some of the language about parking, phasing, and amendments. She mentioned giving those items to Mr. Allen for review.

Councilmember Thompson mentioned he could not find any inclusion about the use of future technologies. Councilmember Peterson commented it was addressed at the beginning of the document. Councilmember Thompson asked what impact the wording would have to bind the development to those considerations. Mr. Allen explained the wording committed the City to go through the process to revise the plan if there was a technology identified that would be important for the development and everyone agreed to its inclusion.

Councilmember Bush moved to adjourn at 9:55 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.