

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:30 P.M. WORK SESSION  
July 10, 2012

PRESIDING:	Mark Shepherd	Mayor Pro-Tem
PRESENT:	Kent Bush Mike LeBaron Bruce Young	Councilmember Councilmember Councilmember
EXCUSED:	Don Wood Kathryn Murray	Mayor Councilmember
STAFF PRESENT:	JJ Allen Brian Brower Scott Hodge Eric Howes Greg Krusi Bob Wylie Nancy Dean	Assistant City Manager City Attorney Public Works Director Community Services Director Police Chief Administrative Services Director City Recorder
EXCUSED:	Adam Lenhard Kim Read	City Manager Deputy City Recorder

VISITORS: There were no visitors.

Mayor Pro Tem Shepherd called the meeting to order at 6:30 p.m.

DISCUSSION ON THE RADIO TOWER AT THE FREEPORT CENTER

Brian Brower, City Attorney, informed the Council that there was a radio tower in Freeport Center next to building A-15. He indicated ATK, formerly known as Hercules, donated the tower for the City's use in 1994. He explained the City recently received a call from Freeport Center disputing the City's ownership of the tower and discussions about the ownership ensued. Mr. Brower continued the City never contended ownership to the land where the tower was placed. He explained the settlement agreement on the policy session agenda was the result of the discussions with the Freeport Center. He stated Freeport's contentions were that the tower was an improvement that belonged to the property owner and Hercules did not have authority to transfer ownership to the City; therefore, it was the intent of Freeport to seek damages for the use of the tower or minimally for use of the land where the tower was located. Mr. Brower indicated the City did not necessarily agree with Freeport's contentions but believed it to be in the best interest of the City to settle the dispute. He stated the City did not have a current need for the tower but had tried to negotiate a future use for public safety purposes but was unsuccessful.

Adam Lenhard, City Manager, added it was likely Freeport would pursue litigation if the Council chose not to approve the agreement. He stated the staff believed the City's documentation on the

tower ownership was credible but wanted to work with Freeport amicably on the issue. He reiterated the City was not currently using the tower for its purposes and there did not appear to be a need for it in the near future either.

Councilmember LeBaron asked if the City were creating a precedent with its handling of the issue. Mr. Brower expressed his opinion that the way the City handled this issue would not set precedence for other cases that might arise in the future.

#### DISCUSSION ON THE AWARD OF BID FOR THEATRE SEATING

Eric Howes, Community Service Director, informed the Council that the bid for theater seating closed on Thursday, July 5, 2012. He explained that each bidder was required to measure the little theater and then make a recommendation for seating based on the measurements. He stated each bidder recommended a different number of seats for the theater so the total cost for each bid was different based on the number of seats. He explained the bid also required the bidders to breakdown the cost for supplies and installation which assisted the City in determining a cost per seat price to better analyze the equity of the bids. He continued the bids were also based on compliance with specifications, the need for a local installer and warranty. He stated Academic Specialties had the bid with the lowest cost per seat based on the bid criteria. He recommended the bid be awarded to Academic Specialties based on the per seat cost because the final price could vary depending on the seat configuration determined to be best for the theater. Mr. Howes also suggested the City consider an option to have a removable base that would better accommodate wheelchairs. He stated allowing that option would maximize seating capacity.

Councilmember LeBaron asked how many seats were originally in the theater. Mr. Howes stated previously there were about 98 seats and six were pulled for ADA compliance. Councilmember LeBaron asked if it would be possible to oversell the theater because of ADA needs. Mr. Howes stated a certain number of seats would be reserved for sale until the end in an effort to avoid overbooking any performance.

The Council liked the idea of including the base that provided the option to accommodate wheelchairs when necessary.

The meeting adjourned at 6:47 p.m.

**APPROVED AND ADOPTED  
This 14<sup>th</sup> day of August, 2012**

**/s/Don Wood, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 10, 2012.

/s/Nancy R. Dean, City Recorder