



OFFICIALS

Joe Stear, Mayor
Briana Buban-Vonder Haar, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
Greg McPherson, Council Member

CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634
City Hall is closed to the public.

City Council Meeting
MINUTES
(Verbatim)
Tuesday, May 5, 2020

2:00 P.M. REGULAR CITY COUNCIL

Under authority of the Governor’s partial Open Meeting Law Suspension Proclamation dated March 13, 2020:

*Council Chamber is closed to the public.
Public Attendance Option is Live Streaming*

Instructions:

Members of the public may watch the May 5, 2020 Council Meeting via Facebook Live. Live feed will start at 2:00 P.M. on the City of Kuna Idaho Facebook page linked below:
<https://www.facebook.com/CityofKunaIdaho/>

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President Briana Buban-Vonder Haar - Via Zoom
Council Member Richard Cardoza - Via Zoom
Council Member Warren Christensen - Via Zoom
Council Member Greg McPherson - Via Zoom

CITY STAFF PRESENT:

Chris Engels, City Clerk
Bill Gigray, City Attorney – Via Zoom
Paul Stevens, City Engineer
Bobby Withrow, Parks Director
Nathan Stanley, Deputy City Clerk

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

Mayor Stear: Alright, so I think we’re going to go ahead and bypass the Pledge of Allegiance and those things just because we’re having some issues here.

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk’s Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:00:17)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

- A. Regular City Council Meeting Minutes Dated April 21, 2020
- B. Accounts Payable Dated April 30, 2020 in the amount of \$219,396.78
- C. Resolution No. R25-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE” WITH TOLL ID I LLC. FOR WINFIELD SPRINGS NO. 5; AND AUTHORIZING THE MAYOR TO SIGN SAID DOCUMENT.

Mayor Stear: First item on the agenda is the consent agenda. Any questions or comments?

Council President Buban-Vonder Haar: If there are no questions, I move we approve the consent agenda.

Council Member McPherson: Second

Mayor Stear: Motion is made to approve by Council Member Buban-Vonder Haar and second by Council Member McPherson. Is there any further discussion? All those in favor say “Aye”.

All Council Members: Aye

Mayor Stear: Is there anyone opposed. That motion carries.

Council President Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Motion carried: 4-0.

5. Community Reports or Requests: None

6. Public Hearings: None

7. Executive Session:

(Timestamp 00:01:03)

Convene Executive Session pursuant to:

Idaho Code Section 74-206 (1)(d)

- (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; and to communicate with the City Attorney to discuss the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated.

Mayor Stear: At this point we need to go to an executive session. If we could have a motion for that.

Council President Buban-Vonder Haar: I move we convene an Executive Session pursuant to Idaho Code Section 74-206(1)(d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; to communicate with the City Attorney to discuss the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated.

Council Member McPherson: Greg McPherson second

Mayor Stear: Chris will you poll the Council.

City Clerk Chris Engels: Council Member Cardoza

Council Member Cardoza: Yes

City Clerk Chris Engels: Council Member Christensen

Council Member Christensen: Yes

City Clerk Chris Engels: Council President Buban-Vonder Haar

Council President Buban-Vonder Haar: Yes

City Clerk Chris Engels: Council Member McPherson

Council Member McPherson: Yes

Council President Buban-Vonder Haar moved to convene an Executive Session pursuant to Idaho Code Section 74-206(1)(d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; to communicate with the City Attorney to discuss the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar, and McPherson

Voting No: None

Absent: None

Motion carried 4-0.

Mayor Stear: For this session we need myself, Council, City Attorney Marc Bybee, Bill Gigray, City Engineer Paul, and Bob Bachman, Kent Gigrich, and Chris Engels. Chris, does everybody know what we are doing here for this? We are going to have to bounce off this call.

City Clerk Chris Engels: Yes, we will close out of this meeting and log into this other meeting for confidentiality. Once executive session has concluded then we will come back to this session with the login and links that were provided in your packet.

Mayor Stear: Ok, we will adjourn.

Executive Session City Council Regular Meeting of May 5, 2020 – The City Council, upon a unanimous roll call vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206(1)(d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; to communicate with the City Attorney to discuss the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated. The executive session was convened at 2:04 p.m. In attendance, were Mayor Joe Stear, Council President Briana Buban-Vonder Haar, Council Member Richard Cardoza, Council Member Warren Christensen, Council Member Greg McPherson, City Attorney Marc Bybee, City Attorney Bill Gigray, City Engineer Paul Stevens, Bob Bachman, Kent Gigrich, and City Clerk Chris Engels. Ms. Engels acted as special clerk to take the minutes of this executive session. Information was then provided and discussed regarding the subject of the executive session. No action was taken. At 2:40 p.m. Council President Briana Buban-Vonder Haar moved and Council Member Richard Cardoza seconded to come out of executive session and to reconvene into open session which motion passed unanimously.

Open session resumed.

(Timestamp 00:03:41)

Mayor Stear: Alright, we are back in session. We have been in executive session under Idaho Code Section 74-206 (1)(d). Information was received and no action was taken.

City Clerk Chris Engels: Mayor please hold.

Mayor Stear: Mayor holding.

City Attorney Bill Gigray: Hi Jon!

City Clerk Chris Engels: Thank you Mayor. We're ready to go.

Mayor Stear: Ok, very good. That brings us to Business Items 8A.

8. *Business Items:*

A. Prospector Gravity Sewer Project - Paul Stevens, City Engineer (Timestamp 00:04:44)

I. Consideration to approve \$19,902 from contingency for Prospector Lift Station Demolition and Gravity Mainline Construction – ACTION ITEM

City Engineer Paul Stevens: We had a budgeted item of \$400,000 for this project. Low bid is \$419,902. In order to move forward we request contingency funds for \$19,902.

Mayor Stear: Ok, so it looks like that's the amount we need just to carry on with this project.

City Attorney Bill Gigray: Mr. Mayor, Bill Gigray with your permission.

Mayor Stear: Yes

City Attorney Bill Gigray: You might ask the City Engineer to make a recommendation specifically as to who they find as the lowest responsible bidder on this project.

City Engineer Paul Stevens: Mr. Mayor, Council, this is Paul, City Engineer. We received 4 bids. They ranged from \$419,902 to \$757,627. The references (*unintelligible - bad feedback*) were found out (*unintelligible - bad feedback*) Cougar and we discovered they are the lowest responsible bidder and recommend them as the successful bidder.

Mayor Stear: Alright, very good.

Council President Buban-Vonder Haar: I move we approve the expenditure of \$19,902 from the contingency fund for Prospector Lift Station demolition and gravity mainline construction.

Council Member McPherson: Second

Mayor Stear: Motion is made and seconded to approve \$19,902 from the contingency for the Prospector Lift Station demolition and gravity mainline construction. Is there any further discussion?

Council Member Cardoza: Mayor, this is Rich Cardoza, I just want to confirm the contingency is coming from the sewer fund.

City Engineer Paul Stevens: Yes, Richard that would be correct. This is Paul.

Council Member Cardoza: Thank you Paul.

Mayor Stear: Alright, very good. Anything further? Alright, we have a motion and a second. All those in favor say “Aye”.

All Council Members: Aye

Mayor Stear: Is there anyone opposed? That motion carries.

Council President Buban-Vonder Haar moved to approve the expenditure of \$19,902 from the contingency fund for Prospector Lift Station demolition and gravity mainline construction. Seconded by Council Member McPherson. Motion carried 4-0.

Mayor Stear: So, I have next....

2. Consideration to approve Resolution No. R26-2020 – ACTION ITEM

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING AND AWARDING THE BID FOR THE 2020 PROSPECTOR GRAVITY SEWER PROJECT TO COUGAR EXCAVATION IN THE AMOUNT OF \$419,902.00; DIRECTING EXPENDITURE OF FUNDS FROM THE SEWER FUND FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID BIDDER.

Council President Buban-Vonder Haar: Based upon the recommendation of the City Engineer, the lowest responsible bid is from Cougar Excavation so I move we approve Resolution No. R26-2020.

Council Member McPherson: Second

Mayor Stear: Motion is made and seconded to approve Resolution R26-2020. Is there any further discussion? All those in favor say “Aye”.

All Council Members: Aye

Mayor Stear: Is there anyone opposed? That motion carries.

Council President Buban-Vonder Haar moved to approve Resolution No. R26-2020. Seconded by Council Member McPherson. Motion carried 4-0.

Mayor Stear: That brings us to item B.

B. Consideration to approve Resolution No. R27-2020 – Chris Engels, City Clerk ACTION ITEM

(Timestamp 00:09:02)

City Clerk Chris Engels: Thank you Mayor and Council. Resolution R27-2020 is just confirmation of authority to be conducting virtual meetings with the potential of public virtual access for all members of the public. I stand for any questions.

Mayor Stear: So, one of the biggest issues here is public hearings and this also allows us to take comments and hear comments from the public in the matters of public hearings when City Hall has to be closed in a situation such as this. They spent a lot of time working on this and making it establish the guidelines and getting legal advice on that so I think this'll help put us in good shape.

Council President Buban-Vonder Haar: Agreed. If there are no questions, I move we approve Resolution No. R27-2020.

Council Member McPherson: Second

Mayor Stear: Motion is made and seconded to approve Resolution No. R27-2020.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- SETTING FORTH CERTAIN PURPOSES, AND
- ESTABLISHING A CITY OF KUNA VIRTUAL MEETING ATTENDANCE POLICY; AND
- AUTHORIZING THE MAYOR AND CITY CLERK TO ESTABLISH AND IMPLEMENT A PROCESS AND PROTOCOL THAT PROVIDES NOTICE TO AND AFFORDS MEMBERS OF THE PUBLIC VIRTUAL ACCESS TO ALL CITY MEETINGS AND HEARINGS; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

Is there any further discussion? All those in favor say "Aye".

All Council Members: Aye

Mayor Stear: All those opposed. That motion carries. Thank you.

Council President Buban-Vonder Haar moved to approve Resolution No. R27-2020. Seconded by Council Member McPherson. Motion carried 4-0.

9. Ordinances: *None*

10. Mayor/Council Announcements:

(Timestamp 00:11:09)

Mayor Stear: For Mayor and Council Announcements I'll just kind of give you an update on what's going on right now with the COVID-19. We obviously came out of the Stay-At-Home Order and are now under a Stay Healthy Order. That doesn't change a whole lot. It has opened a few more businesses. We're going to see how that all works out. They're using a two-week time period in between stages of reopening Idaho because two weeks is kind of what it takes to really see what happens as far as number of cases that come in, and exposure, and that type of thing so that's why that two weeks is key in all of this.

We met with business, Lisa Holland put together, when this first came out I saw there were some disconnects that were probably going to happen so I had Lisa contact, she worked with

the Chamber of Commerce and the Clerk's Office to come up with all the business licenses and contact as many local businesses as we could so we could have a phone conversation and talk about what was required of them by the state to get opened back up. And then also evaluate some needs and see what we could do to help so that everybody could be on the same page and make that process a little easier for everyone. It went pretty well. Throughout the process I think we only had one person that called us a Nazi. Everybody else was pretty receptive and wanting to do their part. I will say for the record that we have a very great community of business owners that really do care about not only themselves but their employees and their customers and that made that process very easy. I think that it was just a good thing that we all communicated and stayed on the same page. That's where we're kind of at with that.

The number of cases in Idaho have been slowly declining so we're in good shape. The hospitals have been able to stock up on some things that they need in case we do have a reoccurrence of cases that come. Idaho is pretty low on the totem pole when it comes to priority because we don't have a large number of cases. However, Federal Reserves are doing pretty well and they're pretty strong so should the need arise we should be able to come up with what we need for PP&Es and ventilators and that type of thing for the hospitals. The hospital capacities are good and ready for anything if it does happen. We're in good shape there.

If you do happen to notice any differences in the numbers coming from the Ada County Coroner's Office and also the Central District Health as far as the number of deaths go; the Ada County Coroner's Office uses a death that occurs in Ada County and it's listed as an Ada County Death whereas Central District Health uses addresses so if someone from Mountain Home was hospitalized in Boise and they passed away in Boise they would be counted as an Ada County Death and Central District Health would count them as a different county. That's kind of why you would see a discrepancy there if there is.

Everything is moving along pretty well. We've got pretty good or we live in a really good community and I'm really proud to be a member of this community because we have less problems than the others. Things are going pretty well. That's kind of all I have for that.

Council Member Christensen: Hey Mayor can I ask you a quick question? Apologies, this is Warren Christensen and I feel like I should know this answer but as far as City parks are concerned do you know what phasing it occurs in where we can un-tape playground equipment and stuff for the families out here? I've just gotten a few questions about that just with the kids of my own and their parents but I don't know if we know an answer to that yet or not.

Mayor Stear: Sure, so actually some of the cities have actually already started doing that. I don't know if that's in response to protests or what it is really. I'm still relying heavily on the health officials' recommendations. It looks like probably here in the next phase we'll be able to go ahead and open those things up. The splash pad, that's one that we've been talking about. I've asked for clarification on the transmission in water and the water as it gets treated and what the possibilities are there. I haven't gotten back a response yet from Central District Health but I think that they are making some of those determinations and it looks like it's

probably going to be a pretty good chance that the splash pad can open fairly soon. The only other issue we would have there as far as parks is the public restrooms and that one I really can't answer as to what we're going to need to do to be able to get those opened back up and running again. We should be getting pretty close on all of that kind of stuff.

Council Member Christensen: Ah wonderful. Thank you.

Mayor Stear: Thank you.

City Attorney Bill Gigray: *(Jokingly)* Yeah you'll have to put Jon on toilet paper theft if they open the restrooms. *(laughing)*

Mayor Stear: Alright is there anything further. Oh, I have one other thing that I guess I better mention. We haven't been, we put this in place here today for public hearings. We haven't been having those obviously and so what that's gonna to do is some of the public hearings that were actually scheduled for this month will move on to the next month and so we're trying to shift those in to where it's gonna push everybody out a little more. Some that were right now we've got scheduled up to the end of July for public hearings. That isn't necessarily what some of the developers and some of their representatives wanted to hear but we're trying to do this as fair as we can and get everybody back into line and get things going again. It should work out pretty smoothly. We didn't want to stack to many all at once. It's harder to make a good and informed decision when you have a 12,000-page packet. We'll get those all up and coming and that'll all start up again here soon. Other than that, that's all I have. If there is anybody else has anything if not we will adjourn. Alright, thank you everyone.

Everyone: Thank you.

11. Adjournment: 2:57 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 05.19.2020