

**SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
August 20, 2020**

SPECIAL MEETING

AGENDA

SPECIAL SESSION AT 12:00 P.M.

CONSENT CALENDAR

- | | | |
|------------------------------|--|-------------|
| 1. <u>ACTION ITEM</u> | Resolution of Findings for Broadband Grant Award | Mark Mitton |
| 2. <u>ACTION ITEM</u> | Broadband Contract with ETS | Mark Mitton |

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August 20, 2020**

COMMENCE MEETING

Council met in special session at 12:00 p.m. with Mayor Ormond presiding. Council members present were Jon Anderson, Casey Andersen, John Craner, Janet Hansen, Bryce Morgan- joined by phone and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton – joined by phone, City Clerk Ellen Maier, Attorney Dave Shirley, Engineer Bryan Reiter, Electrical Supervisor Brent Wallin and HR Manager Carol Anderson.

RESOLUTION OF FINDINGS FOR BROADBAND GRANT AWARD

City Administrator Mark Mitton stated that in 2017 the city put out an RFP (Request for Proposal) for the air fiber network for the city. This was awarded to Eminent Technical Solutions. He presented Council with a resolution declaring Eminent Technical Solutions as our sole source provider. Mr. Mitton said that under the Cares Act of COVID19 we have been declared in a state of emergency. This allows the Burley City Council to declare an emergency and because of public interest and necessity it allows expenditure of public money without compliance with formal bidding procedures. This project must be completed by December 15, 2020.

A motion was made by Council member Casey Andersen and seconded by Council member Craner to approve Resolution No. 8-20 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

RESOLUTION No. 8-20

**CITY COUNCIL AFFIRMATION OF LOCAL EMERGENCY DECLARATION
COVID19, DECLARING SOLE SOURCE PROVIDER AND AWARDED CONTRACT**

WHEREAS, the President of the United States and the Governor of the state of Idaho have declared a health emergency related to the threat of Covid-19, and

WHEREAS, pursuant to Idaho Code § 46-1011 the Mayor of the city of Burley has declared a local disaster emergency on the 18th day March, 2020 due to the threat of Covid-19; and

WHEREAS, said declaration sets forth legal and factual considerations in support of such declaration, and

WHEREAS, the City Council of the city of Burley recognized the imminent threat of widespread and severe harm to the health of residents and visitors to the city of Burley as addressed by the Centers for Disease Control and by actions of the Governor of the state of Idaho, and

WHEREAS, such declaration activated the response and recovery aspects of applicable local or intergovernmental disaster emergency plans for the furnishing of aid and assistance; and

WHEREAS, the emergency referenced herein exists because the contagious nature and potentially serious consequences of the COVID-19 virus for residents and visitors to the City of Burley and requires state emergency assistance to supplement local efforts to protect life, health and property; and

WHEREAS, Idaho Code § 67-2808 authorizes the Council of the city of Burley to declare an emergency and that the public interest and necessity may demand the immediate expenditure of public money without compliance with formal bidding procedures; and the City Council of the City of Burley has declared and affirmed the emergency as declared by the Mayor; and

WHEREAS, an emergency declaration was filed with the county recorder's office and "given prompt and general publicity."

NOW THEREFORE, the City Council of the City of Burley does hereby affirm and declare:

That a Local Disaster Emergency exists and that all efforts will be made to protect the citizens and property of the City of Burley through activation of all local disaster emergency plans and state emergency assistance; and

That this Local Disaster Emergency shall continue until the Centers for Disease Control and the Governor of the state of Idaho sound an end to the emergency and the City Council expressly authorizes the discontinuance of such Declaration; and

Pursuant to this Resolution the following steps are hereby taken for the following reasons:

The City of Burley has been awarded a broadband grant in the amount of \$1,000,000.00 for the City to construct new broadband internet facilities that will, among other things, aid City staff and the public to better maintain social distancing and increase the safety, security and wellbeing of the city staff and public. It has been represented to the City that delaying the award of the contract to construct the facilities will result in a decrease of public and staff safety and may result in the inability to complete the project due to the fact that the funding is contingent upon having the project complete and operational by December 15, 2020, and that a delay may prevent the contractor from receiving the components for the facilities and to perform the construction in time to complete the project by the deadline. Therefore, The City Council hereby declares ETS to be a sole source provider for constructing the project due to the fact that the applicable competitive solicitation procedure would be impractical, disadvantageous and unreasonable under the circumstances, and that the project is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property. ETS is the current provider of internet support and maintenance for the City and provided similar services to the City for a related prior project. The current contract with ETS provides that ETS may also provide services requests for unscheduled projects which may include emergency situations. Further, The City Council hereby approves the attached contract with ETS Communications, LLC, and authorizes the signature of the contract by the Mayor.

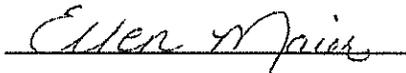
Approved by the City Council of the city of Burley this 20th day of August, 2020.



Mayor

Date: August 20, 2020

ATTEST:



City Clerk

Date: 8-20-2020

BROADBAND CONTRACT WITH ETS

City Administrator Mark Mitton presented Council with a copy of the Service and Construction Agreement for their approval. He said as mentioned in previous meetings this grant will provide for Wi-Fi to be installed in public areas, free to the public, that will allow for the social distancing needed due to the pandemic. This will also allow for security cameras and security entry measures to be installed in public areas along with city sites. He stated the grant is for one million dollars and the total cost will be at one point three million dollars. The overage will be paid by the departments with an internal loan to be paid back over time. It was mentioned that ETS has agreed to not bill \$301,000.00 until the end of the contract.

Jacob Johnson, Chief Technology Engineer, from ETS gave a list of all sites they will provide new service to along with existing sites that they will be providing enhancements to. He stated he is a little concerned with the time tables but is willing to commit an immense amount of resources into getting this project done. He mentioned that this puts the city four to five years ahead of the plan that has been discussed about implementing security for the public safety for the city and its residents. Mr. Johnson said that he believes this can be done if the City works longer hours if and when needed, puts in the same effort as his team and works with them as a team like they have done in the past.

City Attorney Dave Shirley said the main risk is not completing the work on time. He said there is a clause in the contract that if any of the government agencies make a determination that the program is not legal, we can then terminate the contract and ETS is willing to forgive most of the labor. Mr. Shirley said in the contract there are two separate contract prices, one if we get funded that will be for the full amount and an alternative contract price which is the amount that we pay if the grant does not give us our money.

A discussion followed. It was mentioned that a couple of parks names were spelled wrong. City Engineer Bryan Reiter said these are not new plans, they were just working on how to phase this project into the city over time. It was mentioned that ETS needs to start this project quickly because they will be dealing with inclement weather during this project. Also that they need city staff to be available 24 hours a day as needed because of the risk it poses to both parties. Electrical Supervisor Brent Wallin stated that as mentioned they have poles to install and will do what it takes to get the project done on time.

A motion was made by Council member John Craner and seconded by Council member Casey Andersen to enter into a service and construction agreement with ETS Communications, LLC. from Utah, for the installation of the internet services as discussed and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

A motion was made by council member Casey Andersen and seconded by Council member Jon Anderson to adjourn the meeting at 12:50 P.M.

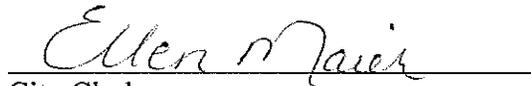
All "Aye."
Motion carried.

City of Burley



Mayor Ormond

ATTEST:



City Clerk