

PLATTSMOUTH CITY COUNCIL

SPECIAL MEETING

May 26, 2020

A Special Meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:00 o'clock p.m. on May 26, 2020 at the City Hall in Plattsmouth Nebraska. Present were: Mayor R. Paul Lambert-On Site and Council Members: Wanda Wiemer-virtual via ZOOM Meeting, Steve Riese-virtual via ZOOM Meeting, Morgan Muller-On Site, Sean Minahan-virtual via ZOOM Meeting, Terry Kerns-On Site, Bryan Clark-On Site, Doug Derby-Telephonically and Jeanie Brookhouser-On Site. Absent: None. Also present: City Administrator Ervin Portis-On Site, City Clerk Sandra J. Meyer-On Site and City Attorney Stephen Q. Preston-virtual via ZOOM Meeting. A recording of the ZOOM Meeting was made.

Notice of this meeting was given in advance by posting at City Hall, Plattsmouth Public Library and Cass County Courthouse on May 21, 2020. Proof of posting along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor Lambert publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

The Pledge of Allegiance was recited.

ITEM 5 - CONSENT AGENDA

ITEM 5 A

Motion by Brookhouser seconded by Muller to approve the May 18, 2020 Plattsmouth City Council Minutes as presented. ROLL CALL: Yes-Minahan, Kerns, Muller, Clark, Riese, Derby, Wiemer and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 6 – UNFINISHED BUSINESS

ITEM 6 A

Ervin Portis, City Administrator referenced RESOLUTION NO. 20-007 and the attachments and exhibits. Portis also stated there was a substitution for page two (2) of the License Agreement. There has been contact with Jill Dasher, Plattsmouth Baseball Parent Association representative, for the better part of a week regarding this very unique situation. Steve Preston, City Attorney reviewed RESOLUTION NO. 20-007: outlined purpose of the attachments and exhibits and is one layer of liability protection for the city. The License and Management Agreement and the Waiver and Release were drafted following the Nebraska League of Municipalities samples and are designed to have the Licensee have all forms completed and submitted prior to use of the fields and other amenities on City Property. It would be good practice to use these forms for all such activities/sports at any time.

Insurance requirements were discussed and questioned if coverage was available which expressly includes coverage for claims related to COVID-19, Novel Coronavirus, and related issue. Following further discussion,

Motion by Clark seconded by Brookhouser to adopt RESOLUTION NO. 20-007 by title only:

RESOLUTION NO. 20-007

A RESOLUTION TO APPROVE THE USE OF CERTAIN MUNICIPAL PROPERTY BY BASEBALL AND SOFTBALL ORGANIZATIONS AND THEIR INVITED PARTICIPANTS FOR THE PURPOSE OF CONDUCTING YOUTH BASEBALL AND SOFTBALL GAMES, PRACTICES, AND RELATED ACTIVITIES; TO REQUIRE EACH SUCH LICENSEE TO ENTER A LICENSE AGREEMENT WITH THE CITY PRIOR TO USING MUNICIPAL PROPERTY FOR BASEBALL OR SOFTBALL ACTIVITIES; TO CONDITION EACH LICENSEE'S CONTINUED USE OF MUNICIPAL PROPERTY FOR BASEBALL OR SOFTBALL ACTIVITIES UPON SUCH LICENSEE'S STRICT COMPLIANCE WITH ALL APPLICABLE COVID-19-RELATED HEALTH DIRECTIVES AND OTHER APPLICABLE LAWS, REGULATIONS, AND GUIDANCE; TO REQUIRE EACH PERSON PARTICIPATING IN BASEBALL OR SOFTBALL ACTIVITIES PURSUANT TO A LICENSE AGREEMENT TO ACKNOWLEDGE THE COVID-19-RELATED RISKS OF PARTICIPATING IN BASEBALL OR SOFTBALL ACTIVITIES AND TO WAIVE AND RELEASE THE CITY FROM CLAIMS RELATED TO SUCH RISKS; AND TO WAIVE THE FEE SET FORTH IN THE FEE ORDINANCE FOR THE 2020 BASEBALL AND SOFTBALL SEASON FOR EACH LICENSEE WHO ENTERS A LICENSE AGREEMENT WITH THE CITY

Ervin Portis, City Administrator read RESOLUTION NO. 20-007 in to the record by title only. ROLL CALL: Yes-Brookhouser, Derby, Clark, Kerns, Wiemer, Riese, Muller and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7

7:25 p.m. Motion by Brookhouser seconded by Clark to adjourn. MOTION CARRIED.

R. Paul Lambert, Mayor

ATTEST:

Sandra J. Meyer, City Clerk