SPECIAL MEETING OF THE CITY COUNCIL

**TUESDAY JUNE 2, 2020**

A meeting of the Mayor and Council of the City of Plainview, Nebraska, was held at the Council Chambers in said City on the 2nd day of June at 6:30 o’clock P.M.

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Roll call was held and present were: Mayor Schlote; Council Members: Smith, Brookhouser, Yosten and Sanne. Absent: None

The Pledge of Allegiance was then recited.

Mayor Schlote opened the meeting and announced to individuals in attendance that a full copy of the new Nebraska Open Meetings Act was posted on the east wall of the Council Chambers.

Notice of the meeting was given in advance thereof by Posting in three places for designated method for giving notice. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Curt Hart was present as City Superintendent.

Discussion was held on the opening of the swimming pool for the summer. The pool board had met previously to go over directed health measures and created guidelines that will be used to ensure the safety of staff and patrons. It was stated that the guidelines are subject to change during the summer as directed health measures regulations are adjusted. Brookhouser moved to approve the pool board guidelines for opening the swimming pool. Smith seconded the motion. Motion carried 4-0.

Directed Health Measures in regards to youth and adult summer ball programs were discussed. The League of Municipalities had previously sent forms that towns could adopt to for use of municipal facilities. All participants in baseball and softball, along with spectators, will be required to sign a waiver. The City will also sign a License Agreement with organizations using the facilities. Regulations for practices, games, concession stands and restrooms were also presented. Brookhouser moved to approve the guidelines for summer ball programs. Sanne seconded the motion. Motion carried 4-0.

Dr. Jim Thor presented on the Highway Twenty HotRod Association Car Show to be held on June 13, 2020. After conversations with NCDHD in O’Neill, an event plan will be submitted by the car show committee that states all guidelines the car show will follow to be in compliance with directed health measures. A License Agreement will also need to be completed for the event. Brookhouser moved to approve the car show. Smith seconded the motion. Motion carried 4-0.

Council member Sanne introduced the following resolution and moved for its adoption:

 **RESOLUTION #602**

**COVID-19: Resolution of the City of Plainview Regarding Use**

**of Municipal Property for Sports or Other Recreational Activities**

A Resolution of City of Plainview, Nebraska, Regarding the Risk of Exposure to COVID-19 Through the Use of Municipal Property for Sports or Recreational Activities.

**Recitals**

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures are in effect for every County in the State of Nebraska through May 31, 2020, and are likely to be extended by the Governor in some form for most or all Counties after May 31, 2020;

WHEREAS, on May 21, 2020, the Governor announced that the directed health measure prohibiting all organized team sports, youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020, in order to permit the planned reopening of certain adult and/or youth team sports;

WHEREAS, a copy of the *June 1st Statewide Sports Reopening Guidelines* is attached to this Resolution and incorporated herein as part of these Recitals;

WHEREAS, it is anticipated that future guidance from the State of Nebraska will permit additional team sports and other recreational activities;

WHEREAS, players, coaches, officials, and others who participate in such games, practices, or other recreational activities, and spectators who attend such activities risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily entering the municipal property and/or facilities on which such activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such games, practices, or other recreational activities; and

WHEREAS, it is the intent of City of Plainview to permit the resumption of adult and/or youth team sports and other recreational activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska, including, but not limited to, the *June 1st Statewide Sports Reopening Guidelines* and such further laws and guidance that may be issued in the future, provided that every individual, organization, or group sponsoring such activities, and all participants and spectators, fully assume the health risks associated with these activities, including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska, and provided that participants in such activities sign an agreement that releases City of Plainview, its elected and appointed officials and employees, and all other participants in adult and/or youth team sports or other recreational activities from liability associated with exposure to COVID-19 in the course of such activities.

NOW, THEREFORE, BE IT RESOLVED by the City of Plainviewthat any individual, organization or group sponsoring adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds, and/or other facilities of City ofPlainview for games, practices, or other recreational activities will be required to enter into the *COVID-19: License and Management Agreement for Use of Municipal Property for Sports or Other Recreational Activities*attached hereto. These License Agreements will be maintained by the Municipal Clerk and shall constitute an addendum to any other contract, license agreement, lease, or agreement allowing the use of the municipal property and/or facilities of City of Plainview by the same individual, organization, or group.

BE IT FURTHER RESOLVED that, in order to enter the playing or practice fields, courts, grounds, and/or other facilities of City of Plainviewto participate in games, practices, or other recreational activities, all players, coaches, officials and other participants must sign the agreement titled *COVID-19: Participants Agreement for Sports or Other Recreational Activities* in substantially the same form as attached hereto. Each team wishing to participate on or use the municipal property and/or facilities of City of Plainviewmust provide copies of signed *Agreements* for all participants affiliated with the team, together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. Copies of these documents must be provided to and shall be maintained by the Municipal Clerk.

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by participants and spectators, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the *June 1st Statewide Sports Reopening Guidelines*, shall be posted on all practice and playing fields, courts, grounds, and/or other facilities where adult and/or youth practices and/or games or other recreational activities occur. If the *June 1st Statewide Sports Reopening Guidelines*, are subsequently modified or updated, the applicable provisions of the modified or updated guidelines shall be posted in the same manner.

 BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by City of Plainviewrelating to COVID-19 or other safety or hygiene precautions while present on municipal property and/or facilities, understanding that the City of Plainviewmay elect to deny entrance to its playing or practice fields, courts, grounds, and/or other facilities to any non-complying participant or spectator, or to require a non-complying participant or spectator to leave the premises at any time.

BE IT FURTHER RESOLVED that officials and employees of City of Plainvieware authorized to execute the directives set forth in this Resolution.

Council member Brookhouser seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Sanne, Brookhouser, Smith and Yosten. Nay: None. Whereupon the Mayor declared said motion carried and Resolution #602 is passed

and adopted.

It was moved by Brookhouser, seconded by Smith to adjourn the meeting. Motion carried 4-0.

TIME: 6:55 P.M.

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Brian Schlote, Mayor

(SEAL)

ATTEST:

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Courtney Retzlaff, City Clerk/Treasurer

I, the undersigned, City Clerk for the City of Plainview, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on 6/2/2020; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Courtney Retzlaff, City Clerk/Treasurer (SEAL)