

CITY OF MILFORD
SPECIAL MEETING
FEBRUARY 14, 2000
MINUTES

A special meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Fire Station in said City on the 14th day of February, 2000 at 5:00 o'clock p.m. for introduction and adoption of ordinances pertaining to alcohol consumption at Fire Station and appointments to standing committees. Present were: Mayor Dean Bruha; Councilmembers Dorothy Bockoven, Scott Burroughs, Gary Cooper, Rick Fortune; Attorney Robert Blevens; City Clerk Jeanne Hoggins. Also present: Bob & Joan Smejkal, Dale Bruha, Gleason Grimes, Gary TeSelle, Maury Hansen, Burdette Boshart, Ryan Roth, John & Stephanie Melena, Bob Bruha and Connie Feronaro, Al Havener, Glenn Weaver, Matt Cunningham, Al Carter, Scott Bashore, Forrest Siebken, Ron Bell, Ron Erb, Don Yeackley, Joe & Sandy Troyer, Doug & Mary Hershberger, Don Eberspacher, Marcy Grace, Brent Schweitzer, Terry Buchli, Dan Pickerill, Gerry Dunlap, Bob & Irene Boshart, Stan Geertz, Larry TeSelle, Rich Rardin, Sharon & Chris Hull, Keith Johnson, Sue Swedlund, Sue Fortune, Jim Barker and Todd Neeley with the Milford Times.

Notice of the meeting was given in advance thereof by posting in three public places; a designated method for giving notice, as shown by the Certification of posting attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. 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.

CALL TO ORDER: Mayor Bruha called the meeting to order. Mayor then asked if there was any member of the Council that objected to the calling of this special meeting. No objection, the meeting proceeded.

Introduction and Adoption of Ordinance: Alcohol Consumption at Fire Station – Fortune felt it was evident for several months that this item be brought to the public forum. Fortune placed item on the March agenda however other members of the board felt it needed to be addressed sooner. Fortune commented on the attendance of the meeting and stated he felt that a special meeting was in order and did not want to elongate the March meeting. Fortune welcomed public input and the fact that the Ordinance was

present he felt the Council should proceed. Mayor Bruha noted his objection with calling the meeting on such short notice and given the fact that normal notification through the local newspaper was not given to the general public. Bruha mentioned he had talked with several people that did not know the meeting was going to be held and because of other commitments were not able to attend. Bruha advised Council to proceed. Blevens was informed to read the Ordinance for the public. Public comments were welcome at this time: Members of the Milford Vol. Fire Dept. spoke in regards to the seriousness of calls made by the Dept.; the concern for having a private place to talk about the calls they make; the unity of their group and policing of the organization from within the Dept.; the concern of some of the comments made towards the Dept. (Sneaky, Private Bar, Inappropriate, Unethical, Impairment of Fire members); less than 50% of members do not drink alcohol; amount of time spent on training, upkeep of equipment, calls made, some members feel the Fire Station is their second home; alcohol has been in the building for years and it may be time to give the public a choice and a place to hold events with alcohol present; a professional service is being made to the community from a Dept. that cares.

The general public in attendance felt the Fire Dept. does an excellent job for our community.

Additional public comments: Liability of the City was discussed at length. If something did occur and alcohol was allowed within the building it could be a prime target in creating a legal issue. A question arose of how appropriate it was to have alcohol housed at the Fire Station. Keeping the high standard of the Dept. in the community. What funds are being used to purchase the alcohol and if donated money is being used, public should be told. Passing the ordinance would open the door for alcohol usage in other public buildings and parks. Why the Dept. would want to legalize alcohol within the Fire Station when they are aware of the accidents that happen due to alcohol consumption. Make a final decision for the good of the community.

Mayor Bruha commented on the statements made in the paper and no way were the comments directed towards the Fire Dept. His comments were directed to the members of the Governing Body who called the special meeting. Bruha sent a letter to the Fire Dept. president asking the Dept. to come to the Council with a policy on the smoking and alcohol issue. The item was to be placed on the March agenda to give the public ample notice. Fortune noted that this situation has been going on for 6 months, the public is well aware of it and that somewhere down the line someone has decided that 3 days is ample notice. Fortune's opinion was, there were no improprieties on the Council's part.

Mayor Bruha's concern with the liability issue is not just at the Fire Station, but includes the entire City. Cities are being sued for issues that could have been avoided. According to the Alcohol, Tobacco Coordinator at the State Liquor Commission, any situation where alcohol is used could be a liability issue. Blevens was asked by Council to comment on liability issues. Liability becomes a factor if fire personnel respond to calls in an intoxicated or partially intoxicated state, wherever alcohol is consumed.

Cooper had contacted Dale Parkening an underwriter from Employers Mutual, who carries the liability insurance for the City of Milford. It was his opinion that having alcohol on the premises increases the chance for negligence on the part of the Fire Dept. This makes it harder to defend claims and more of a chance of loss if a claim is made. Possibly increasing cost of premium.

Cooper also presented Council with information from Continuum, an Employee Assistance Program from Lincoln. The information showed statistics on the small amount of alcohol that is needed to have an effect on an individual. Alcohol attacks the central nervous system and is the most widely abused drug. It also mentioned that about half of all auto accident fatalities are alcohol related. Cooper felt this is where the liability issue comes in.

Sandy Troyer, local agent for EMC, checked into legal liability regarding alcohol and to see if an exclusion was in place within the policy. There is not an exclusion in place unless you are selling alcohol from the premises.

Mayor Bruha stated provisions in the ordinance allowing persons renting the Fire Hall for private gatherings may consume alcoholic beverages in compliance with all State liquor laws, City ordinances and Fire Dept. By-laws or regulations. He was informed by Martin Costello, Alcohol and Tobacco Coordinator that a liquor license would need to be obtained in this case even if dispensing alcohol.

Bruha urged the Council not to move forward with the issue. He feels this is a major public issue and proper notification in the paper is important as to allow comments from the public. Fortune noted that alcohol has been allowed in this building, maybe not by ordinance, but it has been here and the public is aware of it.

Burroughs commented that the liability issue is a concern of his and feels that our insurance covers the liability issue as well as possible. Burroughs also made recognition of the Fire Dept. membership present asking for passing of the ordinance, their track record, what they have done for the community and the way they will continue to serve the community. This issue is not new, it has been going on for years and because the

ordinance/resolution can be changed he feels the situation can be monitored. The public can comment to the Council if they are against it. Burroughs felt the vote should take place so Council could move on. Discussion was held to add a clause to the ordinance regarding violation by any party would automatically revoke privilege of alcohol in the building. Opposition was made to such a strict clause. Burroughs felt Council could keep an eye on things and if it gets out of hand they can act quickly on the matter. Milford is not establishing new ground, other communities have dealt with the same issue and have ordinances in place. A larger damage deposit for rental of the Fire Station was an issue that may need to be addressed at a later date. The use of alcohol at the Fire Station whether for public or private gatherings must abide by the State liquor laws.

Bruha felt they owed it to the public to allow them one more chance to voice their opinion.

Fortune made a motion to table the issue until the March meeting seconded by Cooper. Roll call vote: Fortune yes, Cooper yes, Bockoven no, Burroughs no. Tie being established Mayor Bruha voted yes. Motion carried.

Introduction and Adoption of Ordinance: Appointment to Standing Committees – Attorney Blevens read the Ordinance for the record. Bockoven made corrections by deleting Board of Health, Board of Adjustments and Planning & Zoning, also moving cemetery to the 1st page as item (i). Fortune introduced the following ordinance as corrected:

ORDINANCE NO. 701

AN ORDINANCE TO AMEND ARTICLE 1, CHAPTER 2, SECTION 101 AND THE ADDITION OF SECTION 102, FOR COUNCILMEMBERS AND STANDING COMMITTEES; TO PROVIDE FOR APPOINTMENT OF COUNCILMEMBERS AND STANDING COMMITTEES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

ADJOURNMENT: A motion was made by Bockoven and seconded by Burroughs to adjourn the meeting. Roll call vote: Bockoven yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried and meeting adjourned at 6:15 p.m.

Jeanne Hoggins, City Clerk

Dean A Bruha, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 14, 2000; 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.

(SEAL)

Jeanne Hoggins, City Clerk