

AGENDA
CITY COUNCIL ORGANIZATIONAL MEETING
MONDAY, AUGUST 3, 2009
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

REVISED - See V. Miscellaneous

I. MINUTES

- *1. Minutes from Directors' Meeting of July 20, 2009.
- *2. Minutes from City Council Organizational Meeting of July 20, 2009.
- 3. Pre-Council Meeting Minutes - Executive Session - RE: Labor Negotiations - July 20, 2009.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. District Energy Corporation Board Meeting (Camp)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

***V. MISCELLANEOUS - ***

- 1. Discussion on closed session executive procedure. (Requested by Spatz)
- *2. Discussion & Vote to set time of final Budget Vote Meeting on August 12th. (Requested by Cook)*

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS

- 1. Farewell Dinner for Adjutant General for Nebraska, Major General Timothy J. Kadavy, as he leaves to become Deputy Director, Army National Guard on Friday, August 7, 2009 at Memorial Hall, 220 County Road A, Building 50, Camp Ashland, NE - 5:00 p.m., Social; 6:00 p.m., Dinner - Cost: \$13.50/person - RSVP by Aug. 3rd to Terri Kattes at 402-309-7107 or by e-mail - (See Invitation)

2. Gallup-The Fallbrook Interviewing Center Open House & Ribbon Cutting Ceremony on Wednesday, August 12, 2009 from 4:30 p.m. to 6:00 p.m. at 425 Fallbrook Blvd. - (See Invitation)
3. Lincoln Chamber of Commerce special presentation on Health Care Reform: How will it Impact Your Business? On Tuesday, August 4, 2009 from 8:00 a.m. to 9:30 a.m. at Lincoln Chamber of Commerce - RSVP - (See Invitation)
4. Lincoln Chamber of Commerce "Savor the Star City" on Thursday, August 27, 2009 from 4:30p.m. to 6:30 p.m. at The Cornhusker Marriott Hotel Ballroom - \$10/person - RSVP by Aug. 26th - (See Invitation)
5. Community Health Endowment - Public Meeting-H1N1 Community Engagement Meeting on Saturday, August 8, 2009 from 9:00 a.m. to 3:00 p.m., Registration & breakfast begin at 8:00 a.m. at Embassy Suites, 1040 "P" Street - RSVP to 1-866-276-6485 - (See Invitation)
6. Lincoln Chamber of Commerce invites you to attend the following Ribbon Cuttings: - Please RSVP to Kathy Hale at 436-2385 or E-Mail: -
 - A.) The Carriage House, 5800 Hidcote on Thursday, July 30, 2009 at 11:30 a.m. (Forward to Council on 07/29/09)
 - B.) Gallup, 425 Fallbrook Blvd. on Wednesday, August 12, 2009 at 4:30 p.m.
 - C.) Hampton Inn, 7343 Husker Circle on Wednesday, August 26, 2009 at 4:00 pm
 - D.) Residence Inn Lincoln South (Ribbon Cutting during Business After Hours), 5865 Boboli Lane on Thursday, September 24, 2009 at 4:30 p.m.,
7. Change of Command Ceremony as Major General Timothy J. Kadavy passes command of the Nebraska National Guard on Sunday, August 23, 2009 at 10:30 a.m.(10:00 a.m, VIP Check-In) Reception to follow - at the Nebraska Air National Guard Base, Parade Grounds, 2420 West Butler Avenue - RSVP by Aug. 15th to 402-309-7500 - (See invitation)
8. Lincoln Literacy Council Husker Breakfast on Friday, September 4, 2009 from 7:00 a.m. to 8:00 a.m. at The Cornhusker Hotel Ballroom - \$25/ individual ticket - Please RSVP - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM JULY 27, 2009.**

MINUTES
CITY COUNCIL ORGANIZATIONAL MEETING
MONDAY, AUGUST 3, 2009
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

REVISED - See V. Miscellaneous

Council Members Present: Doug Emery, Chair; John Spatz, Vice-Chair; Eugene (Gene) Carroll, Jayne Snyder, Jonathan Cook, Adam Hornung - - **Absent:** Jon Camp

Others Present: Rick Hoppe, Mayor's Office; John Hendry, City Attorney; and Tammy Grammer, City Council Secretary

Mr. Emery opened the meeting at 2:12 p.m. Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room.

I. MINUTES -

- *1. Minutes from Directors' Meeting of July 20, 2009.
- *2. Minutes from City Council Organizational Meeting of July 20, 2009.
- 3. Pre-Council Meeting Minutes - Executive Session - RE: Labor Negotiations - July 20, 2009.

Chair Doug Emery by acclamation approved the minutes. No objections offered.

[Note: After the Organizational Meeting Mr. Hornung stated to Tammy Grammer that Mr. Camp reviewed the Directors' minutes from July 20th. The minutes did not list his comments to Rick Hoppe requesting the Mayor attend their Directors' Meetings. Mr. Camp request these comments be added to the July 20th minutes.]

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -

- *1. District Energy Corporation Board Meeting (Camp) - Camp absent, No Report

OTHER MEETINGS REPORTS: - None

III. APPOINTMENTS/REAPPOINTMENTS -

Rick Hoppe reported they have the Planning Commission two reappointments and one appointment coming next week for 1st Reading and the following week for action.

The Mayor has made a decision on the Public Building Commission to (inaudible) and talk about it in terms of timing. The Mayor has chosen to appoint Mr. Carroll and he believes Mr. Camp wanted to be involved in the discussion on it but he is gone until after the 17th. Do you want us to delay putting in the Resolution or should they go ahead with it? Mr. Emery stated he thinks Mr. Camp needs to be here for that discussion. Mr. Hoppe stated okay.

IV. REQUESTS OF COUNCIL FROM MAYOR - None

***V. MISCELLANEOUS - ***

1. Discussion on closed session executive procedure. (Requested by Spatz). -

Mr. Spatz commented he had a discussion with Judge Hendry about this issue. Question comes up when you go into closed sessions there are only two reasons: - 1.) protection of the public interest and 2.) protection of the reputation of an individual. They had a situation come up during a meeting the other day dealing with potential litigations and they thought it maybe be best to go into closed session at that time. He was under the impression they could do that, he still thinks they can but Judge Hendry made a wise observation that they should at least discuss it at a meeting like this one. To get it on the record to say that they are not violating any kind of internal procedure protocol by doing something like this.

Judge Hendry stated as he understood it in talking with some of his colleagues in the Law Department, it has been the custom that they would give publicized notice of executive sessions. However, there are instances during sessions which are properly notice in the courts with the Open Meetings Act where issues will come up that were not anticipated that would involve discussions that are proper for a closed session. Under the statute it talks about the organization in its minutes giving information as to how they are going to handle such situations. So, he suggested to Councilman Spatz that he thinks the cleanness way to do this is a motion that appears in the minutes. That in those instances in which a session is occurring which has been properly noticed and relevant to the proceeding that if an issue comes up proper for a public hearing that it can occur at that time without prior notification.

MOTION - Mr. Spatz made motion that during any public meeting noticed in accordance with the Nebraska Open Meetings Act, that if an issue arises during the course of the meeting that is relevant to the topic noticed, and is the proper subject of a closed session, that a closed session may be held notwithstanding that an executive session was not specifically noticed in conjunction with the public meeting being conducted.

Motion seconded by Mr. Cook. On a roll call vote, the motion carried 6-0. AYES: Cook, Spatz, Snyder, Carroll, Hornung, Emery; NAYS: None; Camp-absent.

- *2. Discussion & Vote to set time of final Budget Vote Meeting on August 12th.
(Requested by Cook)*. - - -

Mr. Cook stated he brought this issue up with Mr. Emery, he wanted to make sure everybody is okay with it. The budget vote time on August 12th says 9:00 a.m. This time is just something Steve Hubka picked, he's fine with any time they pick. He knows some of them expressed an interest in a later time. Mr. Cook stated perhaps 3:00 p.m. would be a time that lines up with their current meetings and it's at the end of the day, instead of the being of the day.

MOTION - Mr. Cook made a motion that they have the final budget vote meeting on August 12th at 3:00 p.m.

Motion seconded by Ms. Snyder. On a roll call vote, the motion carried 6-0. AYES: Cook, Hornung, Spatz, Snyder, Carroll, Emery; NAYS: None; Camp-absent.

VI. CITY COUNCIL MEMBERS -

JON CAMP - Absent

EUGENE CARROLL - No Comments

JONATHAN COOK - No Comments

DOUG EMERY -

Mr. Emery stated procedurally they have always passed the Ordinances and Resolutions down to be signed by somebody different every week. If you feel uncomfortable with it just ask somebody else to sign it. Evidently this happened last week, unbeknown to him, there was a dust up over it. He was approached and wanted to know why don't they just assign it to one person and have them do it every week. He sees

no reason to change procedures from what they've always done. So, he would like the procedure just to be that if you don't feel comfortable signing take it to who ever the Vice-Chair is and they can sign it. Their roll as the Vice-Chair they can disavow it, if they so desire and go forward from that, if that's okay with everyone. That way they don't have to go back and change what has been a long standing procedure. The rest of the Council was comfortable with doing it that way. Mr. Emery commented if it goes to the Vice-Chair it will fall to somebody different every year.

ADAM HORNUNG - No Comments

JAYNE SNYDER - No Comments

JOHN SPATZ - No Comments

Mr. Hoppe commented since they got the times a little messed up and were not at the Directors' Meeting was there anything the Council needed them to follow up on. Council did not have anything for him.

Mr. Emery stated they will go into their executive session meeting now.

VII. MEETINGS/INVITATIONS - Listed on the Attend Sheet for August 3rd.

VIII. MEETING ADJOURNED - Approximately at 2:26 p.m.

***HELD OVER FROM JULY 27, 2009.**