

**CITY COUNCIL ORGANIZATIONAL MEETING  
MONDAY, SEPTEMBER 17, 2012  
FOLLOWING DIRECTOR'S MEETING  
555 S. 10<sup>TH</sup> STREET, ROOM 113**

**I. MINUTES**

1. Director's Meeting minutes of September 10, 2012.
2. Organizational Meeting minutes of September 10, 2012.

**II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES**

1. Information Services Policy Committee - Carroll
2. Public Building Commission - Carroll, Cook
3. Parks and Recreation Advisory Board - Cook
4. Railroad Safety Transportation District - Emery, Hornung, Schimek
5. Board of Health - Emery

**III. APPOINTMENTS/REAPPOINTMENTS**

**IV. REQUESTS OF COUNCIL FROM MAYOR - TBA**

**V. MISCELLANEOUS**

1. Open Mike Procedures and Topic Decisions.

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS**

See Invitation List

**VIII. ADJOURNMENT**

**MINUTES  
CITY COUNCIL ORGANIZATIONAL MEETING  
MONDAY, SEPTEMBER 17, 2012**

**Present:** Adam Hornung, Chair; Carl Eskridge, Vice Chair; Doug Emery; Gene Carroll; DiAnna Schimek; Jonathan Cook; and Jon Camp

**Others:** Denise Pearce, Senior Policy Counsel; and Rod Confer, City Attorney

Chair Hornung opened the meeting at 2:16 p.m. and announced the location of the Open Meetings Act.

**I. MINUTES**

1. Director's Meeting minutes of September 10, 2012.
  2. Organizational Meeting minutes of September 10, 2012.
- With no corrections the above minutes were approved.

**II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES**

**1. Information Services Policy Committee - Carroll**

Carroll stated the meeting was canceled as Commissioner Schorr couldn't attend.

**2. Public Building Commission - Carroll, Cook**

Carroll stated everyone probably noticed and enjoys the art in this building. The Art Walk held on the first Friday of September went well.

Carroll added they discussed the agreement for the solar rooftop on the R - 27<sup>th</sup> Police Station, and approved standard contracts which will come in front of the City, for miscellaneous items. Talked about hiring a full time building and campus security guard. Right now have two part-time people and the Chair wants to change to one full-time person. Hardly a change in costs. The part-time staff is having a hard time becoming certified security guards.

**3. Parks and Recreation Advisory Board - Cook**

Cook stated the meeting was very short, in order to attend the Union Plaza grand opening.

**4. Railroad Safety Transportation District - Emery, Hornung, Schimek**

Emery stated they approved seven inter-local agreements for quiet zones, etc., for some of our small towns. Approved the budget with \$200,000 added back in to look at the 35<sup>th</sup> & Adams, and 33<sup>rd</sup> & Cornhusker crossings. The County brought the motion forward to add back, with no discussion.

Schimek added there was a question if that was enough to cover the amount of the study, and Figard had said, probably not but he could come back to the RTSD if necessary.

Camp stated the study is \$200,000, it adds up. Even though it was the County making the motion, why even do the study when we know? Our representatives voted for it. Emery replied he voted for it but he had no idea they were going to take out in the first place, and no idea they were going to put it back. The place to have that discussion is not on the dias.

Schimek stated she seconded the motion. Happy to explain.

### **5. Board of Health - Emery**

Emery stated they received a health update and discussed a problem property which is being removed. Also in the process of wrapping up the rock removal.

The Board is going through the ten essential services of a public health group. This month discussed, Enforced Laws and Regulations that Protect Health and Ensure Safety.

### **6. Multicultural Advisory Committee - Eskridge**

Eskridge stated the Committee mainly discussed the executive director position needing to be re-advertised. The advertising is happening with the choice to be accomplished. Confer stated they have five candidates which they will interview and now setting up.

## **III. APPOINTMENTS/REAPPOINTMENTS**

None.

## **IV. REQUESTS OF COUNCIL FROM MAYOR**

None

## **V. MISCELLANEOUS**

### **1. Open Mike Procedures and Topic Decisions**

Emery stated he sent Council an email received from a constituent several months ago. The idea, or recommendation, was to ask the person, when they come up to speak, what they intend to discuss, making a decision whether it's germane, or not, and go forward based on the discussion. Emery said he told the constituent Council would discuss. Think it has the potential to try, if Council agrees.

Camp stated the idea has merit. What is our position on time or topics? Emery replied it still reads any topic not on, or may be on, the agenda.

Hornung said Council could go with the Chair's discretion for the meaning. Emery stated we would always have the right to appeal the decision. Could ask for a vote. Not a large deal, but thought to get out in the open. If you don't want to, fine. Also fine if you want to. We could try and if it doesn't work to drop and go back.

Camp reiterated the idea has merit. But if people don't know the rule, they might sit through a meeting, get up, and have the Chair say no. Inconvenient for the constituent. An observation, not right or wrong.

Carroll thought a good idea to have the person state their name, address, and topic. Go from there. Cook asked if they would need to stick to the topic? Emery replied, in the ballpark. Hornung wasn't as concerned with constituents sticking to the topic as discussing items which will be on future agendas. He thought this may have come up in response to the day the lady was at open mike and made insensitive comments. The Boy Scout troop was attending that day. Hornung added he felt very uncomfortable. Emery wasn't sure those comments were more insensitive than the ones made by the gentleman immediately after her. Hornung stated they were less child friendly. She talks about these subjects constantly, and have thought we might be off pace.

Confer stated the idea is to keep from talking about items which will be on future agendas. But, if they want to talk about Nazi party benefits, you can't tell them not to speak on that topic. You cannot censor people.

Hornung stated we could eliminate open mike. Confer agreed. Hornung added, not suggesting, but stating. Sometimes it's a paradox when we have to let people speak. Confer stated if you make an open forum it has to be open. If you have a restricted forum then you can force the restrictions. But you can't decide whether or not they're allowed to speak, or on the content of their speech.

Hornung stated as he previously said, children were present. He wouldn't purposely put them here to hear what she was saying.

Schimek asked if the Chair could tell someone they're out of order when they make personal attacks on someone, who isn't even under Council jurisdiction? The attack on the County Assessor. Confer replied he didn't think one could. Schimek thought inappropriate, and asked, what is Council going to do? Hornung made the statement that Council opened the floor. Emery added the attack was an ad, he had five minutes to have an ad for his opinion.

Camp said when he was Chair they had one individual who swore a lot. As Chair told him he could not swear anymore. Confer agreed. Camp added, after he caught himself several times he stopped. On this situation there are certain elements. Don't think it is the appropriate forum. From the Chair's standpoint possibly have suggestion to keep open mike at a level of decorum, respect for other people, the constituents in the audience. Camp stated on the personal attack think we could state, they may have their opinion, but at this forum would appreciate if it was rephrased. People shouldn't be able to be belligerent. If they want to make those comments, go outside and have a camera. Confer stated you can't prevent people from making those kinds of statements unless you restrict them to the agenda. But with an open forum, where people are not restricted to a topic, then you have to allow.

Hornung stated Council shouldn't take action, because we need an opportunity for all. It is too bad people are so insensitive. Cook added the attack was on an elected official but if someone were to come in and make slanderous comments about a private citizen, would it be appropriate to stop in that case? This is televised and a person might not have knowledge of being filmed. People can't just come in and accuse their neighbor of being, or doing, wrong. Confer disagreed, saying they can. Emery added then would be up to the neighbor to fix. Confer stated that person would be liable.

Hornung reiterated he thought a good idea. Emery added one thing it would help with is at least you would know what you're going into, not a third of the way through and thinking, is this appropriate? The decision could be made earlier. Hornung added, when he's asked people in the past what they're going to continue speaking about, they have very vague answers. Cook thought if done ahead of time it might help them focus.

## **VI. CITY COUNCIL MEMBERS**

None

## **VII. MEETINGS/INVITATIONS**

See Invitation List

## **VIII. ADJOURNMENT**

Chair Hornung adjourned the meeting at 2:32 p.m.