

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 25, 2000 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of Sept. 18, 2000, reported having done so, found same correct.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

Chairman Jerry Shoecraft recognized two Cub Scout Groups, Pac 30, Den 3 from Grace Lutheran Church, 4th Graders from Prescott School and Troop 13.

APP. OF HINKY DINKY LINCOLN #11 LLC DBA SUN MART #731 FOR A CLASS D LIQUOR LICENSE AT 2600 S 48TH ST.;

MAN. APP. OF THOMAS K. TAYLOR FOR HINKY DINKY LINCOLN #11 DBA SUN MART #731 AT 2600 S. 48TH ST. - Thomas K. Taylor, 6228 Skylark Ln., took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF HINKY DINKY LINCOLN #9, LLC DBA SUN MART #738 FOR A CLASS D LIQUOR LICENSE AT 2145 S. 17TH ST.;

MAN. APP. OF TIMOTHY BRIAN WEIXELMAN FOR HINKY DINKY LINCOLN #9 DBA SUN MART #738 AT 2145 S. 17TH ST. - Timothy Weixelman, 1331 N. 79th St., took oath & came forward to answer any questions.

This matter was taken under advisement.

SPECIAL PERMIT 1840 - APP. OF ANGIE MUHLEISEN, ON BEHALF OF UNION BANK, FOR A PARKING LOT ON PROPERTY LOCATED AT 4717, 4723, & 4731 HILLSIDE ST. (7/31/00 - HELD OVER DUE TO LACK OF MAJORITY VOTE) (8/7/00 - PLACED ON PENDING INDEFINITELY) (9/18/00 - REMOVED FROM PENDING FOR PUB. HEARING & ACTION ON 9/25/00) - Peter Katt, 1045 Lincoln Mall, Suite 200: To my right is Dan Muhleisen (Olsson Assocs., 1111 Lincoln Mall). We'll make a combined presentation in connection with this special permit & will expect to be under 10 minutes. This is the second time this item has been on your agenda. The public hearing was continued. We lacked a sufficient number of Council people last time & we made an abbreviated presentation. We want to make a slightly longer presentation. With regard to Councilperson Seng's questions with regard to the use of the homes, I believe all of the members of the Council received a letter in terms of the efforts that we've made to find a use for those homes & would be glad to answer any questions with regard to that in the letter. A little bit about Union Bank, Union Bank, with the completion of the NBC/Wells Fargo merger has become the largest locally owned bank in the City of Lincoln. That's based upon market share. This success translates into an expanding operation, expansion that has occurred generally around 48th & Calvert which has been the historical roots. These roots & the close ties to the College View Neighborhood have made Union Bank an excellent corporate citizen in this neighborhood. Union Bank acquired the particular building south of the proposed parking lot in the mid-to-late 1980's when Nebhelp relocated to Downtown. Prior to Nebhelp's ownership & the addition of the three story addition to the west side of the building, the structure had been used as a post office. Union Bank takes considerable pride in improving & providing a high level of maintenance & care of its facilities in this neighborhood. As a result of Union Bank's success & continued growth in employees, there's a need to provide additional parking for its facilities in the neighborhood. Current overflow parking periodically spills out into the adjoining neighborhood where on-street parking is permitted. This is not a long term satisfactory situation for either the surrounding residential neighborhood or Union Bank's employees & customers. The intrusion into the neighborhood, whether this parking lot is approved or not, will continue because the existing facility is of a certain size resulting in a certain amount of use. The analysis. The

Planning Staff's recommendation is generally accurate but it's incomplete. In Planning Staff's report of the special...identifies the special permit requirements & I believe that those requirements are satisfied by our proposal. Then in terms of making its recommendation, Planning Staff concludes based solely upon comprehensive plan goals that the proposal for this parking lot should be denied. Comprehensive Plan recognizes that our neighborhoods...the neighborhood should not be so narrowly construed to imply only residential components. Rather existing commercial districts are to be recognized as a component of our social fabric. I'll identify a few of the phrases that are found in our Comp. Plan that I think support this position if we pick & choose language out of the Comp. Plan. I think those relating to commercial districts also are important. The health of Lincoln's very neighborhoods & districts depends on implementing appropriate & individualized policies. It should guide decisions that will maintain the quality & character of the community's established neighborhoods. Again, in Chapter 3, Land Use Plan, page 37, Lincoln & Lancaster County will provide a variety of settings for community activities & employment. This variety is essential to building a City that continues to meet the needs of its residents. These facilities should be integrated into the fabric of the community. Community growth & development is a changing, dynamic process. Similarly, a land use plan must have the ability to respond to change in order to remain a vital, relevant tool that guides community decision making. With regard to the specific commercial district that this property is located in, these are generally called traditional business districts & this would be the College View Traditional Business Dist. Page 62 of the Land Use Plan, I'm quoting, "Traditional Business Districts are vital to their surrounding neighborhoods. They also provide an important economic function for the City providing relatively inexpensive space for small business. Yet, these districts are challenged by a lack of parking, limited exposure & competition from competing auto oriented commercial districts. Strategies for investment should recognize the vital role that these districts play as special places in the City & the image centers of their neighborhood." And there's additional language but I'll skip that. I think it suffice it to say that maintaining the health of traditional business districts is as important as maintaining the health of residential districts. And now with regard to the existing conditions, & Dan, do you have the overall map? Photograph 1 is the neighborhood looking east on Hillside. Here's a sketch of where the parking lot is located. Photograph 1 shows the view if you were from that location. Photograph...

Mr. Muhleisen: Can we go back one second?

Mr. Katt: Sure.

Mr. Muhleisen: All those existing trees that you see along Hillside & the one pine tree will remain. So, we're trying to maintain a lot of that existing screen that's along Hillside.

Mr. Katt: This big spruce tree we'll maintain & these street trees. Again, the street looking west along Hillside. Again, all of the street trees would remain. Photograph 3 shows existing conditions in the alley looking west. And you'll notice that there's already some off-alley parking. Photograph 4 shows the north-south alley. It's current condition is minimal & is a part of the conditions that would require Union Bank to pave this. Photograph 5...

Mr. Muhleisen: These are just more pictures of the parking lot on the other side of Calvert St., it'd be the south side of Calvert showing how Union Bank is currently landscaped, they're existing parking facilities & they planned to do at least this much if not more on this parking facility.

Mr. Katt: So, this is 5, 6, & 7 showing the existence, maintenance level & care that Union Bank does to parking lots in the neighborhood. The Union Bank has agreed to all of the conditions recommended by the Planning Commission & we would ask that you support this special permit action & affirm the recommendation given to you by the Planning Commission. Happy to answer any questions.

Mr. Shoecraft: Any questions from Council members?

Coleen Seng, Council Member: Tell me where all you talked in regard to the houses.

Mr. Katt: With regard to your question, we contacted or the client contacted 4 agencies: Neighborhoods, Inc., Urban Development, the Lincoln Housing Authority, & Habitat for Humanity. And the offer to those agencies was that we would donate the houses to them & also provide them with \$5,000 per house if the agency would remove them. And all of those agencies said thank you very much, but we are unable to find any use along those lines.

Mr. Muhleisen: And, Coleen, I would go one step further. We will

still continue to look for someone until those houses either are demolished or they remain or not but still continue to look for someone that will move that house or maybe there's some people...& we've already had been contacted by several people that would like to go in & salvage some of the materials from those homes.

Jeff Fortenberry, Council Member: Can you speak to the issue of the houses abutting to the east that would front 48th St.? It's my understanding that those are not owned by Union Bank.

Mr. Muhleisen: No. The one house that is directly north of the convenience store, at one point, the...Union Bank did try to purchase that property. Because of the frontage onto 48th St. & the fact that that owner felt that they could combine that with the convenience store, there was a very high price set on that property. Probably about 3 times the amount that were used to buy the other properties along Hillside. And, you know, if we bought all three of those, I think there's three lots in there from the convenience store north. If we do that, we're still back out on Hillside again &, at a minimum, we would need that amount of property to get the amount of parking that we would need. And with the setbacks off of 48th, we would probably be somewhere in the neighborhood of 30 stalls on that piece of property where we're at 50 on the current location.

Mr. Fortenberry: One of the concerns is...it may be evident from the discussion but given the potential for the parking lot behind those houses that then those houses would very rapidly turn to commercial. Now the desirability of that or not would be another issue before the Council. Perhaps you could issue your opinion on that.

Mr. Muhleisen: I think it'd be very difficult to have a commercial use there, number one. There is a...I believe that median extends down from the intersection of 48th & Calvert, past almost clear down to Hillside so that you would not be able to get access other than coming from the north onto that location. You know those are currently zoned residential, I mean it'd be up to the Council to grant a different zone there.

Mr. Katt: Does that answer the question? Let me offer my two cents worth I guess on that question. I think it is a rather difficult stretch to develop commercially with existing setbacks, the likely requirement for dedication if that were ever changed in a use to a commercial use, that the amount of land available for any type of intensive...any intensity of all of commercial development is remote. The more likely thing that you might see if it were to change to some commercial would be what would be compatible with this parking lot, some kind of R-T Residential Transition with some type of office or some type of use like that & that would appear to be compatible with the neighborhood. Those are a little bit challenged with the unique circumstance of the north-south alley directly opposite the 48th St. right-of-way & ultimately the decision of what goes in there will be up to the Council if it changes from anything other than the currently allowed R-2 District.

Mr. Fortenberry: One other question for you. I assume you designed this parking lot as a footprint using the template of your other one straight to the south. Did you give any consideration to widening the medians within the parking lot there & then, again, since there is an intrusion into the neighborhood here, seeing if that can't be buffered a little bit or that transition made a little bit better by some additional plantings in those medians that would break up the spanse of concrete a little bit more than it currently does?

Mr. Muhleisen: You're talking in the center?

Mr. Fortenberry: Yes.

Mr. Muhleisen: You know, we could look into...I mean we could definitely do something like that. I mean we would lose...if you're looking to expand both of those medians, we'd probably lose two stalls but, I mean, if that's an issue to you, yeah, we would do that.

Mr. Fortenberry: It would help me a lot, obviously, in a lot of circumstances, this is not a desired goal given Union Bank's long history with the area & I assume the Council wants to try to help with the parking situation.

Mr. Muhleisen: The reason there isn't any...we're not showing any landscaping in those two islands at this point is that's where the light poles will be to light this facility. We still wouldn't want to have any, you know, I don't think we'd put a tree in there just for the fact that that tree would cause difficulty with making adequate lighting for the parking. If you look at the existing screening that we have along Hillside, those existing trees I think are probably in the neighborhood of 35' to 40' tall so there is a canopy that's up high. That grade goes up from the sidewalk up to that parking lot. We're not going to change that

grade. It comes up about 4 feet. In fact, we're going to take it up a little further with some berms & then depress the parking lot somewhat on that side & then we have a 100% screen then along the rest of Hillside down low. So, we've got the high screen. We're trying to fill in the low screen so that from the existing neighborhood to the north, hopefully, they won't have any visual effect from that parking lot.

Mr. Fortenberry: If I could have Planning speak to that issue right quick, thank you. Do you see what I propose there that those medians in the middle of the parking lot be...

Ray Hill, Planning Dept.: Be widened?

Mr. Fortenberry: Be widened & then we have...if it would be effective, if it's perfilous then I don't think it's necessary but...

Mr. Hill: Well, unless they provide some type of tree or plant material in that area, I don't know what effect it would have on the surrounding area. A tree would be best to sort of help break up the parking lot more with some trees. The fact that there are light poles there, maybe the light pole could be moved to the center, away from the median, & in the center of that row of parking to provide lighting also. One of the things that we are concerned about & the design standard referred to that the lighting of parking lots...there shouldn't be no-glow onto the adjacent property. And one of the...another way of doing that is maybe to locate the lights on the outside edge & have them directed inside rather than on the outside going out. So, that may...that would possibly open up those islands for some trees.

Mr. Muhleisen: If that is important to you, Jeff, we can do that. We can go with a smaller pole, put more fixtures around the outside, direct all the light in, & we'd be glad to put...widen those islands & put some trees in there.

Mr. Fortenberry: I hate to do design work in a public meeting but...

Mr. Muhleisen: No, that's fine.

Mr. Fortenberry: There's just an issue of concern & perhaps if you speak with Planning about it, there are some creative ideas that might leave everybody more comfortable.

Jon Camp, Council Member: If I could on that issue & speaking of my colleague, I like the fact that what you're doing with the berm & the maintenance of the trees that are there is quality. And if you...I'd almost tend, Jeff, to pull pack a little on that. I just don't know that you'd make as big a statement there that if there's some areas on the perimeter to help protect & buffer the neighborhood, I'd almost rather see the efforts put into that. I think with some of the trees that you've got there & the lighting in the center of the lot, you've got the safety there plus you aren't going to have the light shining into the neighborhood. And so the more green that's on the perimeter, it is a proposed parking lot & so to me the appeal is not when I'm in the parking lot. The appeal's when I'm walking down the sidewalk, I'm driving by & so any embellishments I would surely like to see on the peripheral. I think that we get the best mileage there. And then its easier to maintain & we'll have quality (inaudible) area.

Mr. Katt: May I provide just one comment, the landscaping in the parking lot was designed after meetings with the neighborhood. If you look at the fact sheet that came up with this...these materials to you from the Planning Commission, one of the neighbors across Hillside St. to the north testified & I'm reading from his...the minutes from that meeting, there was a meeting with all of the neighbors on the north side of Hillside, at the neighborhood meeting, all neighbors on the north side were present or represented & it was concluded that the properties there are not concerned with the parking lot & that they liked the landscaping plan as presented & modified provided that the alley was paved. And so, I guess the question is, for us, we're happy to accommodate landscaping requests & our goal, so far, has been to accommodate the people that would be most affected, i.e. the neighborhood & they've reviewed & approved this plan. Obviously, you have the final say on what it may look like but we would, you know, I don't know whether...how comfortable they feel with the change & so I guess that should be factored into the decision.

Mr. Fortenberry: Mr. Chair, if I could make a quick recommendation. You heard my testimony, Council Member Camp's testimony, perhaps you could speak with Planning right now & see if there's a way to integrate those two concepts if there is by the time we vote on the resolution we can offer an amendment & vote on that.

This matter was taken under advisement.

COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE "GREATER ARNOLD HEIGHTS AREA NEIGHBORHOOD PLAN" - Tim Keelan, Hannah Keelan Assocs., 3275 Holdrege: I'm proud to have been a participating planner & development of the Greater Arnold Heights Area Plan. Hopefully, each of you have got a copy of it & had an opportunity to take a look at it. I'm here tonight to answer any question you have. I think that I might make a few comments if I could please. The Neighborhood Plan is a very comprehensive plan. One which took about a year & a half to complete with a very committed Steering Committee made up of area residents as well as local interested persons within the community involved in this process, meeting close to 12 times throughout the year & a half to discuss a variety of neighborhood issues. The document itself identifies clearly the character of the neighborhood. It identifies the neighborhood planning process itself who we had involved, survey's to over 200 households within the neighborhood as well as getting participation from employees of businesses within the area, close to a hundred surveys. The document also identifies a scope of plan & looks at the neighborhood in a regional approach to allow to address a variety of issues associated with the neighborhood on a regional approach due to its unique location. We also talk about in the plan & using the plan itself as a tool for change preparing the community for the next decade, looking at the opportunities associated with public facilities, opportunities associated with housing, proper infrastructure & recreation & so forth. There's also a very strong history section in there & most of you are aware of the unique history involved with the Arnold Heights Area. There is a very quantitative description & analysis section which deals with population & income & economics within that neighborhood area. A land use & zoning section, which I...lays out in detail the specific existing land use as well as some discussions about future land use. There's a housing section. A section on neighborhood facilities, social & human services, transportation & public utilities. We also have a section which deals specifically with neighborhood goals for the area. Some highlights of this section deals specifically with community survey highlights as well as descriptions of areas of focus for the neighborhood itself. There are recommendations within the plan which I think I believe are very appropriate for this area. It's recommendations which deal with neighborhood land use & development. Recommendations which deal with housing & you're all familiar with the fact that there's numerous developers interested in developing housing in that area. There's also specifically an urban design plan as well as important to the neighborhood themselves as it relates to their involvement & being empowered to be directly involved in implementation, we've also included like a matrix of action strategies for over the next 5 yrs. that they can become involved in. Again, it was a very qualitative process in the sense that we had lots of input from the neighborhood, input from local businesses & business owners. And very quantitative in the sense that we did a lot of statistical work & field work & I think we've put together a very workable plan. One that can be easily adapted or amended to the Comp. Plan & definitely address & participate in some of those issues of quality of life for the neighborhood area itself. There are a number of Steering Committee members here this evening that I know would like to say a couple words about this. And so, I can come back for some specific questions if you like or I can answer them now.

Mr. Shoecraft: Well, if there's any questions, we'll call you back up. Thank you for coming, appreciate it.

John Wood, Executive Director, Lincoln Airport Authority: And we are here in opposition to a portion of the Neighborhood Plan as recommended. The portion we're in opposition to is the portion that deals with Airport Authority land in Lincoln Airpark West. Lincoln Airpark West is now & has been for well over 30 yrs. zoned as an industrial area. It is operated as an industrial area. The drawing I passed out before you is a sketch of the staff recommended...it was changed at the Planning Commission hearing, the staff recommended changes to Airpark land. The green being parks & green space, the red being commercial space, that is Airport Authority land. We want it to remain...the Airport Board would like it to remain zoned the way it is. We are told that this Comp. Plan does not change the zone if there is no intention to change the zone by adopting the Comp. Plan, there is no desire to change the zone on the part of the land owner which is Airport Authority, then we would ask that this be changed & the property remain & shown in the Comp. Plan as industrial property.

Mr. Shoecraft: Specifically, why, Mr. Wood?

Mr. Wood: Specifically why? Well, once again, we operate the Airpark West as an industrial piece of property. It's got light manufacturing & warehousing in it. The board feels that as an elected

body it's their decision what tenants to put on the land as those opportunities come along. We're not in the parks business. We're not in the real...commercial business. The two strips as you see here, the green is shown as parks, the red is shown as commercial. Quite frankly, the chances of an operator for a strip mall or some sort of commercial coming to us to lease property to do that is probably pretty remote. And we understand that the Ashley Heights Subdivision which is being platted just south contains about 15 acres for a commercial development. So, I think the private sector is beginning to take care of that. We're not in the parks business. The City, itself, leases Bowling Lake on a year to year basis. If the City ever decides not to lease Bowling Lake & run it as a park, we're not going to run it as a park. We don't have a Parks Dept. so why show it as park land. Glad to answer any questions.

Annette McRoy, Council Member: Mr. Wood, the strip currently is open space right now?

Mr. Wood: For the most part. There's a couple of small buildings in there. I think there's a telephone exchange building & maybe an electrical substation in that strip. They're pretty small facilities so as you drive by, you probably don't see them but, for the most part, it is entrance...

Ms. McRoy: It's a long open space, yeah.

Mr. Wood: It is entrance into Airpark West. There's some signage, there's some trees & plantings that the Airport Authority's done over the years in there. That is correct.

Ms. McRoy: It's very well maintained. And in my reading of the Comp. Plan it's just a recommendation. They couldn't change it. I think we understand, at least my understanding, it is the Airport Authority's land & that during the...with the whole overall picture, with the Arnold Heights thing, is to show some improvements but not to take over & tell you what to do with what's rightfully yours & stuff. And so I guess...& it's open space. You're showing it as open. I don't think there's any intent to tell...to take your land or change it or tell you what you can & can't put on there. I like the way it is now &, you know, the green open space is very well maintained. You've taken very good attention to detail but I guess, you know, I guess I don't understand your opposition a little bit since it's currently open space & they're recommending that.

Mr. Wood: I think probably we're more concerned with the red area that's shown on the Comp. Plan to be commercial.

Ms. McRoy: That's more of a concern?

Mr. Wood: I think that's a greater concern between the two. Again, I think the chances of it ever becoming commercial, being leased land only, is pretty slim. That's really not what we're about & I think the private sector's beginning to handle that in the area.

Ms. Seng: Would you like it to be green?

Mr. Wood: No, we'd like it to remain industrial as it is today.

Beverly Fleming, 334 S. Cotner Blvd.: I'm here tonight to speak as a representative of the Lincoln Housing Authority where I serve as Planning & Development Manager. And I would like to convey to you all that the Housing Authority fully supports the recommendations that are in this plan. As a major property owner in the area, we've very pleased to be involved in this planning process & are very excited about some of the things that are starting to happen already as a result of the involvement on the part of the community & neighborhood residents & some of the activities that they've already started to undertake. Thank you.

George Hancock, 2340 Woodsdale: Which is not anywhere near the Arnold Heights District. I don't have a personal interest out there except when this process first began, I found that I was interested because I had some property, as a real estate broker, listed nearby, not quite in the process. So, I went out to find out what was going on & I got kind of fascinated by the process which the Housing Authority was partly instrumental in getting started & hosted all of our meetings & as I got acquainted with the people & the neighborhood which certainly was new to me, I found that just as if you'd look at a map, you'll see that the neighborhoods involved are...well, I can't quite call them an island but at least a peninsula that kind of gets forgotten about I think in the City. They're too big to be ignored but it's not a big enough neighborhood to carry enough weight of its own to cause all of the things to happen that ought to happen out there probably. Can't think of a neighborhood that I think needs the attention of the City any more than the combined Neighborhood Associations that are now referred to as Arnold Heights Area Neighborhood. The small objections on the Airport Authority I'm familiar with. That's a minor thing. For one thing, the Airport Authority I don't believe can be building buildings for commercial or industrial use or rentals or things like that. Certainly not likely to

expand Airport operations that far west. Short of a retaking of the property for military purposes which would mean a world war, I guess, or something, I can't see that that section of land along there would be put to much other use. I think that a little bit of fine tuning with the objective of having the east side of NW 48th St. be an attractive buffer type of strip along there. The commercial...I don't care if they take that away. If it remains industrial, I know that's not a deal killer. That can...we can live with that. I think that everybody can be made happy on those minor little points. I urge your favorable consideration by the Council. Thank you very much.

Jeanette Fangmeyer, 5401 Wilkins Cir.: I've lived in...Arnold Heights is an older, moderate to low income neighborhood. We have been without a place in the Lincoln-Lancaster County Comp. Plan while man newer neighborhoods are represented. It is time for a change. Much thought, discussion, research & compromise has gone into this document. It may not be a perfect document but it can be amended in the future as many have been. In the 20+ years that I've lived in Arnold Heights area, [break in tape] for improvements. The Greater Arnold Heights Area will be greatly impacted by any decisions made concerning traffic in this area. I urge you to vote for this addition to the Comp. Plan.

Rich Wiese, 730 Pier 3: I'm here to support the Arnold Heights plan they present before you & I guess the biggest reason is I met with their association & it's a very good association. I chair West "O" Area Business Assoc. & I can see a relationship between the two of us since much of the traffic goes south on 48th St. down to "O" St. into the City of Lincoln. The other reason I want to talk a little bit about it is my wife & I purchased 80 acres just off of W. Superior St. & the reason we purchased that 80 acres, it's all in native prairie grass. And it's been that way for years. And it's very native & the bluestem & the short-stem grasses are out there in abundance & its nice to be out in the wild. We plan on building a home there but, above all, someday we hope that that'll become part of the City & it can be turned over to the City. With that in mind, I'd like to ask you that there is a gate there on W. Superior right at the City limits going into the County & then the county road starts immediately there. That iron gate is there primary for the City of Lincoln to go to that water tower that's out there for the maintenance. If that gate was removed, my wife & I, as we build our home there, we could then drive out W. Superior & we'd be within a quarter mile of our home. Otherwise, we have to drive out W. Adams to 70th, a mile north on a dirt road & then back east three-quarter mile to get to our property. Yes, we knew this at the time we bought it but our intent was to try to save that prairie land & that's what our intentions are. So, if you could put that in the back of your mind as your making this decision, I would appreciate it & someday looking forward to work all you people on the gate removal. Thank you very much.

Terry Schwimmer, 5142 W. Kent St.: I'm here in support of the Greater Arnold Heights Neighborhood Plan. I've lived in the area since 1992 when I moved to Lincoln from New York. Arnold Heights is one of Lincoln's best kept secrets. What attracted me to the area was its small town atmosphere. Unfortunately, it lacks a lot of the services that you would normally find in most small towns. This plan addresses that problem. Being a native New Yorker I can tell you that a City will rise or it will fall one neighborhood at a time. The process of developing the Greater Arnold Heights Neighborhood Plan has helped to strengthen our neighborhood, bringing our neighbors & their families together in a common cause. There are many issues facing our area, one being the widening of NW 48th St. to a four-lane roadway. This brings with it, traffic & safety issues. The Neighborhood Plan addresses those issues. As the City grows, we would like everyone involved in the process to remember that this is a neighborhood. We live there with our families. We are impacted by every road project & every new development in the area. We do not live in a vacuum. We are part of the City of Lincoln & I ask for your support.

Jeff Schwebke, 4230 NW 54th St.: As a 13 yr. resident of Arnold Heights & homeowner in the area, I have seen & heard many things said & happen in our small community, within our community, both from residents & outside of the locale. The opportunity to develop this neighborhood plan helped identify the real problems within our neighborhood & motivate the community into action appealed to me so I became a member of the Arnold Heights Steering Committee. Many people took part in many different ways in the development of this plan but the key factor with all those was a sincere appreciation for the value of life in the Greater Arnold Heights Area. Many went on to show a willingness to help to better the quality of life by formulating this document to indicate the needs & desires of those who enjoy our small town atmosphere. Many rewrites to

the document were imposed as the Steering Committee rallied to attempt to indicate not only the wants & desires of the residents yet also the business community & governmental agencies with interests within our study area. We hope that with approval by you, the City Council, along with the incorporation into the Comp. Plan, these ideals will have an opportunity to flourish & change one of Lincoln's underserved neighborhoods into a neighborhood complete with all amenities due to a neighborhood in the great City of Lincoln. Thank you.

Karen Kotschwar, 5000 W. Hughes: I've been a homeowner out in Arnold Heights for nearly 20 yrs. but I really haven't been involved in our neighborhood association until the past year. The neighborhood plan process was nearly complete when I woke up & took a look around to see what was going on in my own neighborhood. What I learned surprised me & concerned me & encouraged me. I came from McCook in Western Nebraska, a city of 7500 people & I was surprised to learn that Arnold Heights is approx. two-thirds of that with about 4500 people. Yet the services available in Arnold Heights aren't even what you would find in a town of a few hundred people. The planned development & growth of this area would enable our area to grow & become a vital center of the northwestern edge of Lincoln so I urge you to approve this amendment. Thanks.

James Garman, 5407 W. Hughes: I've lived in Arnold Heights for almost 8 yrs. & it is one of the best kept secrets in Lincoln 'cause we don't have the problems that a lot of the communities have. We're out by ourself. But this Steering Committee & all has brought out some of the better parts of our community & with your help, we'd like to keep it growing. Thank you.

Ms. Seng: Planning. The Airport Authority has a concern about...& I assume it's that alternate plan that came out of planning, right?

Steve Henrichsen, Planning Dept.: That's correct. If we put this into the Comp. Plan then can they still make some decision, they have the voting authority to make some decision?

Mr. Henrichsen: Well, first off, as Mr. Ward had stated the property's still zoned I-1 today & so this would not change the zoning for it.

Ms. Seng: Would not change.

Mr. Henrichsen: It more goes along with some of the other recommendations that are included in the text itself in terms of proper land use within the area. And the main reason both the Neighborhood Assoc., as I understand it, & the Health Dept. & Planning had all still recommended that the commercial area be on the east side of NW 48 was more having to do with the transition from the industrial area to the residential area which is immediately west of NW 48th. So, that was the main item. But, yes, certainly, the Housing Authority, under the I-1 zoning, could continue to develop that property for industrial use.

Ms. Seng: The Airport Authority, you mean.

Mr. Henrichsen: I'm sorry, the Airport Authority, thank you.

Ms. Seng: They will not lose their voting rights?

Mr. Henrichsen: In terms of, I mean, the zoning would remain the same for it.

Ms. Seng: Okay.

Mr. Shoecraft: The zoning would remain the same but their authority to make decisions regarding that would remain

Mr. Henrichsen: It wouldn't be changed...the Comp. Plan is a guide.

Mr. Shoecraft: Okay.

Mr. Henrichsen: The zoning is really the...still governing rules for it.

Ms. Seng: Still zoned I-1?

Mr. Henrichsen: That's correct.

Mr. Fortenberry: This is a great thing, obviously, if people are excited about the plan for the neighborhood out there & that's wonderful to see but it's regrettable we have a tension at this point between a very important neighbor in Lincoln Airport Authority & the planning process. So, where did that go wrong? What can we do to fix it?

Mr. Henrichsen: Well, actually, this plan was submitted to the Planning Dept. in January of 2000 & we routed it to various agencies for comments, Public Works, Parks & Rec., Lincoln Public Schools is also a property owner out in the area & in routing that to the Airport Authority they had responded back in March that they had several concerns. Actually, at one point, I think there was 6 or 7 concerns. So, Jeff Schwebke & several of the Steering members, myself, Beverly Fleming with the Housing Authority met at the Airport Authority twice to try to work out some compromises & many of the points compromises were reached. But these two points were still outstanding points where the Steering Committee & the Airport Authority did not agree & so I think they, after

meeting several times, agreed that this was one point the two of them could not agree on. So, to some degree, I think there has been a real attempt between the two parties to this point to reach some compromises which they did. It's just on these two points that they could not agree.

Mr. Fortenberry: It's a little bit difficult though to say, & I hope you understand the concern that it doesn't impact them, it doesn't have meaning to them & yet you're trying to do something with the document to have real meaning to help the neighborhood. So, how do we resolve that set of issues? I mean hopefully this just isn't symbolic, it actually is a planning guide & would hopefully bring about some market response to give relief to the people in the area who are looking for these type of commercial services. But if that can't be imposed on the...on an unwilling neighbor, then perhaps we shouldn't be pushing this. We ought to find another way to look at the issue.

Mr. Henrichsen: Well, I think, certainly, it's a matter of trying to be guide to different property owners within the area who will certainly have to deal within the rights of their existing zoning or future change of zones as they may be proposed. In addition, there was some compromise language in here about the Air Park area itself. Initially, the neighborhood had requested a much larger area shown as a commercial buffer just to the east of the open space. They also wanted that shown as commercial & through their discussions they were able to work out some language in the plan that talked about encouraging the Airport Authority to develop that area with office or a lighter industrial or warehousing storage, that type of thing so that they wouldn't have the industry closest to the neighborhood. And that is certainly what the Health Dept. had recommended as well. On this one particular parcel on the northeast corner of NW 48th & Adams, where that green open space buffer has not been planted today, unlike the rest of the area, that was, I think an important point to the neighborhood while symbolic that that be shown for commercial, they still felt it was important that that be a recommendation from the plan as adopted by the City if that were the case. That should be a commercial transition area. And so, certainly, while it will remain under the ownership of the Airport Authority, I think they are trying to say they would desire the City to send a message at least that that property should be a commercial & while maybe not retail maybe that's, again, warehouse or storage or something that is not necessarily industrial.

Jonathan Cook, Council Member: I understand the interest in the green space area there. I think that's a good designation except that if we don't have control over ultimately what goes there because there's already industrial zoning in place, is it misleading in any way to put that kind of designation in the Comp. Plan? Maybe people would look at that plan & say hey, that's what's hoped for there but, in reality, we're kind of stuck. We can't enforce that in any way & it won't affect what goes there because the zoning's already in place. We don't be holding up some zoning change in the future most likely to enforce that particular element. What's your thought on that?

Mr. Henrichsen: I mean certainly you have a good point. We usually try to encourage people to look at both what is the zoning for a property & the Comp. Plan as a guide for the future. And so you're correct that if somebody were to be looking to purchase property along NW 48th & called, hopefully, they would find out that it is shown as both an open space buffer germane but is zoned I-1 Industrial & could be developed for industrial uses if the Airport Authority came forward with that. But, again, I think part of what the Comp. Plan is to be is a guide of what the community would like to see there. A Comp. Plan is not a certainty by any degree as to this is exactly what will happen on any one piece of property but I think it's more a statement of the community's intent & to guide future actions.

Mr. Cook: Do we have this in very many places in the Comp. Plan where we have a designation that is not in keeping with the underlying zoning or do we usually, you know, make a little spot on the map that shows yellow or something for commercial if that's what happens to be at that spot.

Mr. Henrichsen: Well, public...right now, we have about 20 sq. miles that are outside of the City limits that are inside our Future Service limit & probably most of that 20 sq. miles is zoned agricultural but we would show in the Comp. Plan for Urban Residential, Commercial, or Industrial so we do have quite a bit of land in the Comp. Plan that projects for the future what it should be but the zoning today may be agricultural.

Mr. Cook: Okay, that's right. I was thinking more about the reverse case though where you have zoning in place for a use whether it be

residential or whether it be commercial & yet we still show on the map that it's low-density residential or AG. I'm talking about the reverse case. I know certainly we have an idea of what we'll do ultimately when we develop in an area that's undeveloped but in an area that is developed...

Mr. Henrichsen: We probably have fewer cases of the opposite where it is zoned for industrial but we show on the Comp. Plan a category less than industrial. And that partly has to go with how the plan was developed in '94 with using GIS. You could be a little more specific to pieces of property.

Mr. Camp: On this, Steve, the map we were given here, the schematic shows this green belt. Do you know how wide that is proposed to be?

Mr. Henrichsen: Generally the area is one block wide, reflecting the area between NW 48th & NW 47th. So, that's generally about 300' wide. The area for Bowling Lake would be much wider. It is probably about 4 blocks wide, again, the northern portion of it, which is for Bowling Lake. This portion in here is Bowling Lake, that'd be about 4 blocks wide & then the one block area wide would be where the existing buffer is in this area. This is probably about 600' wide where it would've shown as red the commercial.

Mr. Camp: In looking at this, & I do appreciate the ability to create something of a corridor here is there something of a compromise & I guess I say that in a tone that as I look at our airport & the entryway to that, there's been a tremendous amount of landscaping done over the last several years & does this beautify it so there's some open spaces. And I guess what I'm wondering is has there been much discussion on ways to create open spaces but perhaps give some flexibility should the need arise for the Airport Authority & encouraging some development down the road to infringe upon that but maybe that it creates still the desired affect but maybe isn't as rigid as a 300' buffer.

Mr. Henrichsen: No, probably...& the meetings I met with the Steering Committee & the Airport Authority, a lot of their discussion on the compromise had to do with the area that is to the east of this open space area that exists so the compromise initially when the neighbors wanted a much larger area of commercial in here that was eliminated to remain industrial & the existing 300' wide buffer is what is shown. Certainly, I mean one other potentials would be to show that open space buffer continuing & not the commercial area. There may be other alternatives for that.

Mr. Camp: Would it be possible, while Steve's here, to have Mr. Wood come back? Would you prefer to wait for other testimony?

Mr. Shoecraft: You can ask Mr. Wood a question.

Mr. Camp: Mr. Wood, would you please come forward? And I'm going to sort of ask in the tone or framework what I was just suggesting & not knowing what all discussions you've had but in this green belt & trying to envision in the future from the Airport Authority's standpoint is there some way to accommodate both needs to create a buffer for the residents there in Arnold Heights &, at the same time, give you latitude to...you know, if there's some need arise X, Y, Z Entity wants to do something & perhaps you do some tradeoffs so that there's still...maybe it's not a 300' buffer in one spot but you go back 600' or something with some additional landscaping & I'm not even sure if that's agreeable to the neighbors but I'm just trying to see...somehow, I don't think in reality this is going to be too far off of what you might ultimately do. At the same time, I appreciate the fact that you & the Airport Authority may want some flexibility should an unusual case arise.

Mr. Wood: I think that's exactly right. He mentioned language that's in other parts of the plan that encourages the board or the Airport Authority to think about uses in certain ways & that would be acceptable as far as this green strip goes. We've always been an entity that kind of takes opportunities as they come along & evaluates them & says yes or no & I mean that's the way it's been. So, it's hard to sit here & guess what opportunities may show up & what the nature of those might be even next year much less five or six years out. As I said, the greater concern for us is the commercial area because of its...it's not likely that it would happen given the nature of retail industry to lease land. I think we just need the flexibility. They talked about a green strip & they're using our land yet south of us where there's other land they're not showing any green strip south. Why is it so important to show the green strip in Air Park & not the buffer farther south in the study area. And, again, Bowling Lake's an issue. Bowling Lake, the City uses that as a park. If for some reason, at some point in the future the City decides to drop that for whatever the City's own reasons might be for us to show it as parks, we don't operate a park. I don't know what we'd do with it but it

wouldn't be a park. If the City doesn't operate it as a park, we're not going to operate it as a park. So, why show it. And as John said, if everybody's issue here is this doesn't change anything, then why show it. If the intent is not to change anything & it's zoned industrial & we want it left industrial then why show it differently. Our concern is that I think the City, because of the Comp. Plan, wants to follow it as closely as possible. Why have a Comp. Plan if you're not going to follow it? And our concern is that at some point in the future, we're going to have an opportunity come along that may be very good for the community & we're going to get into an argument over that shouldn't be industrial, it shouldn't be a light warehousing operation. It should be a commercial strip. We shouldn't have to get into that.

Mr. Keelan: Quickly rebuttal, I want to speak on behalf of the neighborhood & some of my beliefs about this planning & zoning. Right now we have a situation that was created by probably no one in this room where you have residential on one side of the street zoned & industrial on the other side. And this neighborhood planning effort has been a sincere effort by the neighborhood to protect their neighborhood, to try to avoid as many non-conflicting land use or development activities that might occur & there's been a tremendous amount of compromise by the neighborhood organization. What we have now is just simply a buffer strip &, as indicated earlier by Steve, there was much more commercial requested of the neighborhood on the east side of the buffer in an effort to make a gradual tendency or direction towards a lesser density of development so there's been a tremendous amount of flexibility by the neighborhood, in my opinion, & compromise by the neighborhood & now we're down to a situation where we just have simply a nice, green buffer space & one area which is designated for commercial & the reason why is to try to make one effort there to separate the densities of the different types of land uses that from industrial & residential. It's an excellent location for commercial. You could say, unfortunately, the zoning's not going to be changed but the zoning's not going to be changed. But what it is is it delivers I think it's a message in the Comp. Plan by virtue of this neighborhood plan but possibly that would be a good area for some type of neighborhood commercial which as this area continues to grow, & as our survey's indicated by the residents living there as well as the people who worked in that area, they would like to see more types of commercial in the Arnold Heights Area.

Ms. McRoy: Ordinarily, I'd wait until the end of the meeting before we vote to make these remarks but considering how long our agenda is & we have other lengthy items that may take up time, I want to speak to the neighbors of the Arnold Heights Area before they left. I came into office at the tail end of your process last summer & I attended three or four of the planning meetings as they went through this with Tim & some of the partners that were involved with them along with the Lincoln Housing Authority & I can tell you these are some hard working people. There are a lot of residents, board members there that met two or three times a week & then toward the end kept meeting, kept drafting. Tim's right. They made lots of compromises. There were some things that they desired that wouldn't work in the Comp. Plan that didn't belong in there & they were willing to give those up in order to make a document that would pass the scrutiny. And I guess I'm a little disappointed now that we're at the final stage of the year & a half hard work that they've done to be hung up on, you know, 600' of red commercial area. I guess that's disheartening knowing how hard they worked & Jeff is just a phenomenal guy, board president, attends every neighborhood meeting that I'm at & then meetings that I'm not at he calls me & tells me what happened. It's almost like having an assistant that I'm not paying for that area. And I appreciate the work. Jeannette calls me quite a bit & gives me her two cents on some issues & keeps me abreast on what's going on not just in Arnold Heights but they've gotten involved in other community boards. And so they are a neighborhood that's not asking for a handout. They're very involved in the Mayor's Roundtable, a couple of other boards I know that I've recommended names from their groups to go forward with & so I guess I'd ask my colleagues on the Council that in light & with all due respect to the Airport Authority & what they would like to do with their land & the neighborhood that we try to work out a compromise between now & the end of the meeting so that we can move forward because I would hate to see a plan that's been worked on this hard, hung up on 600 sq. ft. just point blank. I understand what their intent was, they need commercial...more commercial/retail out there. I know that the Mayor's Office & Parks & Rec. were working on a school to change that Rec. Center away from the other side of NW 48th to put it on the more safer side for the kids to utilize & so I know the City has plans that we're going to put more money

in there with some basic things with the Rec. Center & schools & libraries but we want the Comp. Plan. We need the Comp. Plan to be passed so that we can do the rest of it. And so I'd ask that we look favorably on this & that we work out a compromise because, you know, with all due respect to the partners, too much work's been done to give up now.

This matter was taken under advisement.

SPECIAL PERMIT 1825A - AMENDING THE PRAIRIE VIEW ESTATES C.U.P. CREATE 34 LOTS & ONE OUTLOT; A WAIVER OF THE LANDSCAPE SCREEN ALONG THE WEST BOUNDARY; A REDUCTION OF THE FRONT YARD SETBACK ALONG W. "A" ST. FOR LOTS 3, 4, & 5, BLOCK 2; & ALLOWING APPROVAL BY THE PLANNING DIRECTOR OF ADMINISTRATIVE FINAL PLATS, ON PROPERTY GENERALLY LOCATED AT S.W. 10TH & W. "A" ST. - Tom Cajka, Ross Engineering, 650 J St., Suite 210, representing developer: Basically, we're asking for amending a previously approved C.U.P. that the Council approved on May 8th. The main changes to this C.U.P. than what was previously approved is just an extension of the lot lines & the building envelopes to get them closer to the streets. We've also changed from previously there was 11 townhouse units on the west side that has been changed to 9 single-family units & on the north side, there was a 4 unit townhouse that's changed to 5 & a previously 3 unit townhouse on that northeast corner that's changed to 4 with the option of that being single-family if so desired. As of date, most of the infrastructure is in. The utilities are in place. Curb & gutter, streets. All the grading has been done. Basically, that's pretty much it. So, if you have any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3268 - APP. OF GARNER INDUSTRIES FOR A CHANGE FROM I-2 INDUSTRIAL PARK TO I-2 INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 98TH ST. & CORNHUSKER HWY. (9/18/00 - PUB. HEARING CONT'D W/ACTION TO 9/25/00) - Mark Hunzeker, 530 S. 13th St., Suite B, representing applicant: Thank you very much for the courtesy of extending us a little time this evening. We've been here before with this plan. I think you're all very familiar with it. Garner Industries is a thriving Lincoln business that is seeking to expand at 98th & Hwy. 6 & you may have seen the pictures in the paper of the groundbreaking that took place last week. What I've passed around to you are some color renditions which I think don't quite do justice to the building that we're about to construct at that location. It'll be a tilt up concrete building & one which I think when constructed will represent a very attractive addition to the Hwy. 6 entrance to the City. I'll put this on the overhead so it can be put up on the monitors. The east elevation is what you'll see as you're coming into Lincoln from the east. The west & north elevations are going to be visible along Hwy. 6. Both of those are much more heavily landscaped with a landscape plan that was approved along with this by the Planning Commission. But, as you can see, it's a tilt up building that does have some break up in the facade. There will be more windows in the building when it's actually constructed than these renderings show. We will have a pond out in front similar to the look that Novartis has down the highway a ways. We've had some amount of discussion over the issue of moving some dirt around in the flood plain & we have...we're happy to report to you. Originally when we came through this process, we thought that there would be as much as 20,000 cu. yds. of fill that would have to be placed in the floodplain in order to get the building & parking the way we needed them to be. Our goal was to get that down to 16,000 cu. yds., I believe we're down below 12,000. So, we've gone quite a distance in terms of minimizing the amount of fill that is going to be placed & that will accommodate not only the original phase of the building but the expansion which will double the size of the building. We've also had some discussions that've resulted in some delays here about the water line in 98th St. When we came through this process the first time, we'd all been in agreement that there would be some grading & paving of 98th St. abutting the Garner property. As we got a little further into it, in the P.U.D. process, that we discovered that the 54" water main in 98th St. presented a bit of a problem in that taking the grade down would result in inadequate cover for that pipe so we're going to need to lower that pipe & we've been talking for the last 2 or 3 weeks with, actually longer than that, about a month, with the County Board & the City with respect to how we go about financing the cost of moving that water line. If this were a County project, it would be no doubt it would be the City's responsibility to move it. The County & the City have agreed that the two respective entities will split that cost & we are still in agreement with Garner Industries paying the cost of grading & paving of 98th St. So, we've got a ways to go. We have...I believe there's an amendment that was sent out with your packet from the Law Dept. that puts that into the ord...or the

resolution. There is one other item that I would like to just touch on & that is in your...attached to your resolution, is a set of development plan regulations & I believe it's item 2e., I could be mistaken about that. Dana, is that the right letter? That talks about receiving a 404 Permit for well undisturbance & NOINPDES & floodplain permits. All those are under the heading of "Before receiving building permits:". We would like to move that particular condition to the next section which is "Before receiving occupancy permits:". Our 404 Permit is for the purpose ...is already applied for but often times the Corp. of Engineers doesn't like to act on those while you have an application pending before the City. They like to wait & make sure that the permit application is still in compliance with what the City actually approves. So, it'll take us at least another 30 days, possibly as much as 90 days before we actually have a 404 permit in hand. We really need to get under construction with a...did I just run out of time? [Break in tape] If we can just move that down & make that Item 4.c, that will enable us to get under construction right away. I have talked with Mike Dekalb & Dana Roper out in the hall prior to the meeting to discuss this. They've indicated no objection to it.

Mr. Shoecraft: Okay, is there a motion to do that?

Ms. Seng: Um, yes, I would that. Do we need to also move the Substitute Motion?

Dana Roper, City Attorney: Yes.

Ms. Seng: Ok, I would move the substitute amendment & moving 3.e. to 4.c.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Mr. Hunzeker: Thank you very much. Phil Mullen, President of Garner, is here if you have any questions of either of us. But we really appreciate all the extra time & effort everybody's been to. We've had a lot of cooperation from staff here & we do appreciate it.

Cindy Johnson, Council Member: I have a question for Staff. With everything that's going on out there, has annexation even been considered?

Mike Dekalb, Planning Dept.: Annexation was part of the discussion early on & involved a lot of people. I know Mark talked to the neighbors & so on. I think it was jointly decided that this time, for all parties involved, it was inappropriate to extend annexation out at this point. There are conditions here that when they hook up to water or sewer, at that point in time, annexation will be required. But it was certainly discussed.

Ms. Johnson: As we start redeveloping, I think that needs to be a consideration that should be taken seriously.

Danny Walker, 427 E St.: I'm referring to the article that was in the Lincoln Journal, 9/21/00, in regards to portions of this property being in the floodway & floodplain. I've heard Mr. Hunzeker state that the fill...projected amount of fill has been shrunk down to, I believe he said, 12,000 to 14,000 ft. Recently, I've been told, that the City of Lincoln still does not keep track of the amount of fill that's being installed in the floodplain. That, I think, is totally ridiculous. We have City Council members running around these town hall meetings blatting their mouths off about we're going to go for no net rise, they don't even how much fill is going in the floodplain? I think we should get serious. I do have a couple questions. I would imagine Mike will be the one that'll have to answer. I would like to know what portions of this property is in the floodway, how much elevation is involved & what portion of the actual structure is in the floodplain. Thank you.

Mr. Shoecraft: Mike, you want to come & answer those two questions real quick & then we'll move forward.

Mr. Dekalb: Let me give this to you in a couple parts. First off, the application, as submitted, meets or exceeds all of the subdivision requirements & the zoning requirements relative to floodplain. We were shooting for no net loss. We couldn't quite make it. And in all actuality, we've got a little over 10,000 sq. ft. of net fill. None of this area, the building or the fill, occurs in the floodway. The map I've got is page 10 of 12 on the drawing shows the floodway on it & none of the building is in the floodway. Other than that, the rest is going to be determined by the engineers to be backwater where there will be some...where the displacement will occur. Roger, can you help me on that any more?

Roger Figard, Pub. Works: I think that's an accurate description of it there. Were there other specific questions, Jerry?

Mr. Shoecraft: The elevations, was that right, Mr. Walker?

Mr. Figard: The elevation of what, Danny?

Mr. Walker: The basic structure. What part of the basic structure

is in the floodplain & amounts of elevation?

Mr. Shoecraft: Is that something you want to research real quickly, Roger, & you can get an answer to Mr. Walker?

Mr. Figard: Yes.

Mr. Shoecraft: Alright.

Mr. Hunzeker: Just a bit of rebuttal, Mr. Chairman. I don't know that we can get you exact numbers on that tonight but I do think it is clear, as Mike indicated, we are well within the regulations. We have had conversations dating back to last August about that project. A lot of which had to do with floodplain. We are not in any part of the build...none of the building is within the floodway, of course, & we have gone over & over the issues of floodplain with not only City but State Officials relative to the impact on the floodplain in that location. It is so low & so close to the creek that the FEMA people have said, it has absolutely no impact.

This matter was taken under advisement.

PROPOSED USE OF GRANT MONEY FROM LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM - LINCOLN POLICE DEPT. - Chief Tom Casady, LPD: The Lincoln Police Dept. has received two Federal Local Law Enforcement Block Grants for Federal FY '98-'99 & for '99-2000. As in the past, we asked the City Council to help us fulfill one of the requirements of the grant which is a requirement for a public hearing by placing this item on your regular agenda for any public comment. The provisions of the grant require that the jurisdiction hold at least one public hearing to solicit any input on the proposed use of the funds. And that's the purpose of my being here tonight. We are also required by the provisions of the grant to form an advisory committee to give us advice on the use of the funds. We have done that for each of these grants. That Advisory Committee must include a representative of the Law Enforcement Agency in the jurisdiction, the prosecutor's office, the court system, the school system, & a non-profit group. During this period, we have used the Chief Deputy County Attorney as a member of that group, one of our County Court Judges, a representative of the Lincoln Public Schools & of Cedars Youth Services as our Advisory Committee. We are proposing to use the funds from these two Federal Block Grants, which is a total of \$665,217 in Federal funding to underwrite a long-term project that's been underway at the Police Dept. for about the past 4 yrs. It's a project that we refer to as Mobile Data which is a project on our part to bring computer technology to the front seat of Lincoln Police cruisers. This project is well underway. In fact, it's ending...it's nearing it's end stages right at the moment. There are some prohibited uses of the funds. Local Law Enforcement Block Grants cannot be used to purchase tanks or armored vehicles, fixed wing aircraft, limousines, real estate, or yachts. Having ruled out all the fun stuff, we decided that the next best thing we could do with these funds several years ago was to underwrite this project that's been near & dear to our hearts for some time. We have built the radio backbone necessary for mobile data. We have worked through all of the technical details necessary to bring it about. Last year, we began installing mobile data docking equipment & mobile data computers in Lincoln Police Cruisers. Today, we have approx. 60 mobile data computers installed & operational in those cruisers. That number continues to grow as we add additional cars to our fleet. We intend to continue to use Local Law Enforcement Block Grant funds to complete this project. There are a number of steps still left to be done. We are involved right now in a project to mate the computer system to our 911 Centers Computer Aided Dispatch System so that officers will be able to receive dispatch information on-line, real-time from the 911 Center on their computer terminals. We are also involved in a project to increase the total number of mobile data computers until it reaches the total number of marked Lincoln Police cruisers which, right now, is 125. Additionally, we are retro-fitting cruisers that have not been acquired since we began this project. We'll start that with Block Grant '99 funds. These will be vehicles that are not scheduled for replacement in the year 2002. And we're also in the process of interfacing our mobile data system with on-line instant reports for officers & even an interface to our mugshot system so that officers will be able to receive mugshots in their cruisers. It's been a marvelous addition to our capability. One of the other provisions of the block grant is that none of the funds be used for consultants. And we have carried off a project here that many cities have tried & few have succeeded in bringing to fruition. We're very pleased with that. As we speak today, there are probably 15-18 officers out there on the street that have computer terminals. They're able to look up from their cars current calls for service that are being handled by the department, records of people that they are contacting, their past police

contacts, past arrests, intelligence information about both vehicles & persons. They're able to run national checks on their own of persons that might be wanted or license plates or serial numbers from potentially stolen property. It's being used & used extensively every day. Our only problem right at the present time is the demand for these computer terminals is exceeding somewhat our capacity to get them acquired & installed. This is largely due to the very good work of our technical resources staff including Sgt. Todd Beem(?) & Mr. Clair Linquist(?) & I'm happy to report to you that this is one example where federal grant money has been put to excellent use without creating a substantial encumbrance for the City in future years. I'd be happy to answer any questions.

Mr. Shoecraft: Yeah, um, thank you for your presentation. I know it was about 3 or 4 yrs. ago when I was researching Mobile Data, I think I had a conversation with you & County Sheriff about it & I met with one of your Assistant Chiefs & we met with the representative out of Kansas City & we started talking about Mobile Data & two products, one was Suspect I.D. & Vehicle I.D. & I briefed the Council on that 3 or 4 yrs. ago. You mentioned Suspect I.D. which I'm happy to see coming on board. Vehicle I.D., is that going to have that capability also?

Mr. Casady: We have both of those software products & use them on a regular basis now.

Mr. Shoecraft: And then we had a local business that was in some aspect...some type of that aspect, are we going to be able to utilize them as far as getting some of that additional equipment or software product?

Mr. Casady: No, to date, we have not. The vendor on our software product is a company called Cerulean. I can't even tell you where Cerulean is but I'm thinking they're in Massachusetts or Connecticut & our hardware is Panasonic. We're using Panasonic hardened laptop computers that were represented at the right price break in terms of their durability & their price.

Mr. Shoecraft: Very happy to see this come forward.

Mr. Casady: Thank you very much for hosting this hearing. We certainly appreciate it. I think it's a really good opportunity for the citizens of Lincoln to hear a little bit about how their Federal tax dollars are being used in a very productive way. So, we certainly appreciate the opportunity.

This matter was taken under advisement.

CREATING ORNAMENTAL LIGHTING DIST. 283 IN WOODS AVE. FROM 33RD ST. EAST TO S. 38TH ST. - Steve Schwab, 3510 Woods Ave.: I would like to, if I may, I have three letters here from several property owners on Woods Ave. who are in favor of the creation of an Ornam. Lighting Dist. & I would like to read these letters for the record, if I may. One is date Sept. 18th to City Council Person Coleen Seng & other Members of the Council Members. [This letter was read into the record. A copy of the letter is on file with the legislation in the City Clerk's Office.] It was signed Rick & Korby Gilbertson, 3515 Woods Ave., Don & Mary Swing, 3324 Woods Ave., Steve & Mary Schwab, 3510 Woods Ave., & Steve & Sara DeLair, 3412 Woods Ave. A letter dated Sept. 16, 2000, this letter from the property owner who resides at 3429 Woods Ave., a Mrs. Irene Thomassen to a Mr. Steven DeLair who resides at 3400 Woods Ave. [This letter was read into the record in support of the District. A copy of this letter is on file with the legislation in the City Clerk's Office.] And the third letter, dated 9/24/00, from John Clabuagh, 3433 Woods Ave. [This letter was read into the record in support of the District. A copy of this letter is on file with the legislation in the City Clerk's Office.]

Korby Gilbertson, 3515 Woods Ave.: I just came up because my name is on a lot of the letters that you've gotten & I would like to invite all of you to come drive down Woods Ave. It's only three blocks off of "O" St. so it's a easy place to come travel down. But come & look at night time. It is extremely dark on the upper portion of the street from about 35th up to 33rd & this lighting would add a lot below the tree canopy that we have. We are lucky enough to have those trees but it would be really beneficial to have some pedestrian level lighting. We'd answer any questions if you have them.

Glen Ogg, 3747 Woods Ave.: I just would like to support the ornamental lighting project as well. It just seems to dovetail real nicely with the task force that Lincoln Police are underway now with some of the break-ins to automobiles & Korby touched on the need for that lighting right now to be under those mature trees. Right now the few poles we have are the very tall one's & it casts shadows & I would just hope that you'd support it.

Mr. Fortenberry: Chairman, Mr. & Mrs. Whitesall were here, they could not stay. However, they were opposed to this district. I promised

I would convey that to the Council.

This matter was taken under advisement.

CREATING ORNAMENTAL LIGHTING DIST. 284 IN 25TH ST. FROM VAN DORN TO HIGH STS. - Heidi Burklund, 2936 S. 25th St.: I live right in the middle of this proposed area. I have lived there since 1989 & I've almost completely supported the Neighborhood Association's efforts in our neighborhood. They have done...for a volunteer organization, they've done a lot of good. They collect money from their volunteers & I just think in this instance, they're overstepping their bounds as a volunteer organization in deciding that each of our homeowners should pay over a thousand dollars so that we can have prettier lighting on our street. Our street is, I think, very well lighted. And actually this came up about a year & a half ago &, at that time, they failed to get the number of signatures required, was my understanding, & this was suppose to have gone away as a plan because they failed to get the number of signatures to get this to move forward. And then a year & a half later I get a letter from the City stating oh, by the way, this will be your portion of it. So, I'm not sure how that can happen when it didn't achieve the number of signatures required. I'd also like to point out that I think that the majority of the people supporting it come from two-income households. On my street, there are 12 houses if you just drive down the street & count each side. Five of those homes are supported by single-incomes & two of those are retirees who've been living on their retirement income for about 30 yrs. now. So, in my neighborhood, I see a lot of, you know, big fancy cars & then I see average peoples cars & I think that the people with the big fancy cars tend to forget the people with the average size cars & I would just like to remind the Council that there are other types of neighbors in this neighborhood that would not find it so easy to cough up a thousand dollars so that we can have prettier lighting. Thank you.

Mr. Cook: I just want to clarify something because it was brought up that this is something that the Neighborhood Assoc. is doing. I know from my involvement that that is not the case. While I'm not on the Board now & do not want to speak for, I do know that the position has been, of the Neighborhood Assoc. Board, that the ornamental lighting is left up to the neighbors. If individual neighbors want to come forward on their street, that's their choice & that's what's happening here but it's not a function of the Neighborhood Association.

Bob Ammon, 2825 S. 25th St.: I certainly do appreciate your time. And I am formally petitioning the Council to form an ornamental district for S. 25th St. That'd be Van Dorn on south to High St. We made announcements in the Neighborhood Newsletter four or five times. Also, we had an informational seminar meeting. We've done our very best to make sure that everybody has the facts on this. About a year ago, there was a somewhat informal petition that went around to see what the residents felt about it. And unlike what was just mentioned, it did pass. We had votes to spare. So, I did want to clear that up. We're hoping the Council will, in fact, form this very needed vehicle. Several reasons, first, it is quite dark, we have a total of three pole lights for the 5 block span. That's far less than the City average. Also, they'd be a great deterrent to crime like was mentioned over on Woods Ave. since we had that brought home rather graphically not too long ago, in fact, within the last two weeks a car was stolen off of Cedar Ave. which is just a block away. Also, the proposed lights are somewhat shorter than the current pole lights so we're getting under that leaf umbrella that was mentioned earlier & that's very important especially when it comes to pedestrians taking walks in the evening. That one's very vital because we are blessed with a great number of trees. Also, it would make for safer evening walks, again, not that we have a high crime area by any means, quite the opposite. But we do have some older people in the area too so they would benefit especially from this. Also the enthusiasm level is quite high over the neighborhood. I had 8 contacts. Out of those eight, six wanted the district. The only two "No" votes, fortunately for them benefitted from the 1996, I believe it was, upgrade of the Van Dorn lighting system so I guess in a way who can blame them. I'm a bit envious. I would've liked to have had that also. Anyway, I do have a number of signatures in favor of the district. Will certainly be glad to provide those. They were received all over the weekend so they're very fresh. And would encourage you to form the district & we'll take a vote & see how it goes. I very much appreciate your time.

Mr. Camp: Could you leave a copy of the supporters, please, with us?

Mr. Ammon: Sure.

Valerie Moser-Bergo(?), 2901 S. 25th St.: And I, like my neighbor

Heidi, was under the impression that this had gone away. I have a letter that I will leave with you. I'm just frustrated. Financially, it would be hardship for me. My home currently is my only savings. I feel very proud that I've been able to maintain it on my own for some time. And I'm asking that you strongly consider opposing this.

Susan Barratt, 2800 S. 25th St.: You should have a letter I hand-delivered to the City Clerk Friday. As you can see 18 owners or 56.25% are against the lighting district, 11 are for, & 3 I could not contact.

Tara Muir, 3123 S. 25th St.: I own one of those regular cars on 25th St. & we just moved into the neighborhood a year ago when there were leaflets left in our door about getting ornamental lighting & we were relieved to find out that they...what we had heard was they had not gotten enough signatures & I believe as the last speaker said that 56% don't want it. I'm one of those who do not want it. We can barely afford to update our cars let alone add ornamental lighting. We actually like the lighting in our neighborhood. It's nice to be tucked away in that corner & not have a lot of super bright street lights. All the houses are well lit plenty enough & as the last group asked, take a drive down there, it's not that dark. Thank you.

Linda Wibbels, 2740 Royal Ct.: I am here neither as an opponent nor a proponent of the ornamental lighting district for S. 25th St. I do not live on this street, therefore, I do not have any right to say yes or no as to what the neighbors should do but merely they have a choice. What I would like to do, however, at the request of many of the neighbors is to go ahead & just give you some insight as to what was all involved. The Neighborhood Assoc. for S. 25th St., as they said, is purely a voluntary Neighborhood Assoc. As neighbors come to us, & I'm a past officer of the association, as they come to us, we go ahead & try to, you know, research their requests & then turn...go ahead & give back information & ultimately any decision or choices that they make are theirs. After the summer storm, I believe, in '94/'95 & the October storm of '97, the neighborhood was left totally in the dark. It was at that point in time that one person went ahead & had a Lumen Study done for the neighborhood. And this Lumen Study which followed the Federal guidelines showed that it failed miserably the minimum Lumen Guidelines for the area. That is what pretty much started everything. What I have for you is a packet & it emphasizes over & over in here two things. One, the Neighborhood Assoc. is merely a purveyor of information. The Neighborhood Assoc. does not have the right nor the ability to go ahead & force anybody to do everything. And all of the information that you see in here states that specifically. The other thing that it goes ahead & states in here & gives you copies of the number of times it was in newsletters, the postcards, the fliers that were put on the doors, that everybody throughout the area & it was 24th, 25th, 26th St., Cedar, LaFayette, High, Woodsdale, on that section south of Van Dorn & west of 27th St. & then other neighbors too. Five blocks have already gone ahead & they did put in their lights. But what I...I feel very badly for the people who spoke this evening. I wish I had had an opportunity to visit with them, to clarify some information for them. I respect tremendously their right to say no &, as a matter of fact, I have to compliment my neighborhood because everybody is either one way or another & they just don't sit down & they get up & they speak & I think that's very healthy & I appreciate it very much. I know there was a lot of misinformation that a light would cost...it was going to be \$4,000 a household, it's going to be a cheap, plastic pole & that we had to cough up the money, you know, immediately. I do not remember meeting any of these people who spoke. Otherwise, I'm sure they would've had some of their information clarified such as the cost could be put over a payment plan period of about 5 yrs. to make it more affordable should they choose to go that route. The Neighborhood Assoc. also has a charitable foundation where we have a letter from the foundation stating that if you wished to go ahead & make your payments through the foundation, it could be considered a charitable donation therefore tax deductible whereas a special assessment is not. I mean there is probably more information in this packet that I will give you than you could ever possibly want. The only point behind it is & as you know you try very, very, very hard to make sure that everybody has accurate information, everybody has an opportunity & ultimately it's their choice to do with it, you know, what they want. So, thank you very much. Any questions?

Ms. McRoy: Could you give one of those packets to the people that spoke so they would have the same information?

Ms. Wibbels: Yes, I would love to go ahead & do that. It was made available to absolutely everybody on numerous occasions but I would be happy to go ahead & give it to them again.

Ms. McRoy: Okay, so that way they would have the same information

then they could evaluate if they so chose to re-evaluate so that way...

Ms. Wibbels: Absolutely. And the people on 25th St. should they choose, you know, depending upon what the Council does next Monday, if you create the district which in no way obligates anybody & there's a whole information sheet in here that everybody had as far as, you know, the creation of the district & then it's not, you know, obligatory to anybody until the district is ordered constructed & the whole process that you have to go through & I appreciate them, you know, wanting to go through the process but, oh, yes, I'll give you everything you could possibly want. This is for all of you. Councilman Cook, I started writing your name so you can give that to Mr. Cook & then everybody else & then any of the others who wish to have that information, if they would give me their names I'll go ahead & make sure that they have it. Thank you.

Mr. Shoecraft: Can Staff come up please?

Roger Figard, Public Works: I'm not sure...for clarification purposes, it's been alluded to a couple of times they thought that signatures hadn't been received, enough signatures to bring this forward. I guess at any point in time a citizen living on a street can bring forward a request for petition for a special assessment district both of the requests that were before you & particularly Dist. 284 that would be a...the petition that's before would be to create the district. It still would require a majority petition which the petitioner would have to go out & get the signatures which would then have to be verified by Law to have a majority, more than 50% of the frontage on the district before it would come back to you for consideration of being ordered.

Mr. Shoecraft: So, next week when we vote, that is just creating. That is not obligating anybody until you come back with the verified signatures.

Mr. Figard: That's correct.

Mr. Cook: So, the threshold, in order for you to come back to the City Council for the possibility of having it ordered constructed is more than half of the residents.

Mr. Figard: Yes.

Mr. Cook: But does that obligate us in any way or even if 70% of the people came forward, the Council still has the final say in whether it's constructed?

Mr. Figard: I was suppose to ask that question of Law ahead of time but I need to research that to see if the Council would be obligated to a vote affirmative if you have a majority petition in front of you.

Mr. Shoecraft: So, you're saying 51% versus 49.

Mr. Figard: Right. And I think we need to be careful too. It's not always the number of people, it is the frontage along the street. So, one home with a larger lot has more frontage than a home with a smaller lot.

Mr. Shoecraft: Can you clarify that to us by next week, please?

Mr. Figard: Yes. Is this a resolution or an ordinance?

Mr. Shoecraft: It's an ordinance.

Mr. Figard: Alright.

Deputy Clerk: We received a letter from Lisa Fusilio who could not be here tonight & she wished that we read this into the record & I'll do that. [The letter was in opposition, was read for the Council & placed on file with the Legislation in the Office of the City Clerk.]

This matter was taken under advisement.

AMENDING SEC. 14.70.040 OF THE LMC TO REMOVE THE REFERENCES TO SIDEWALKS FROM THE AREA THE CITY PUBLIC WORKS DEPT. IS REQUIRED TO BACKFILL FOR CUTS, TRENCHES, OR EXCAVATION - Mr. Figard: I'm here to answer any questions you might have about that action. Primarily, this would simply have the plumber & the excavator doing the work that's outside of the street pavement itself & reserve the City to do the backfilling & the paving underneath the street.

Mr. Cook: One quick question, is there some reason it was previously the City's responsibility? Was there some concern that perhaps the backfilling wasn't being done properly or it wasn't packed down well enough?

Mr. Figard: I think all of those, wanting to assure that the backfill was compacted to meet standards. Typically, a lot of the plumbing operations didn't have mechanical backfill equipment, used a flushing mechanism which didn't do the mechanical tamping the way it should. Over time, the standards have changed, more & more of them have the equipment & we believe they're capable of doing the work in the continued effort to try to privatize & let the private sector do what they can do & continue to keep us doing the priority work which is that underpaving itself. We would still help & offer the opportunity to pour

back the sidewalk for those areas where plumbers didn't have the ability to pour the sidewalk in.

Ms. Johnson: Roger, talk to me a little bit about the Plumbing Committee & the Building & Safety that I've gotten some calls & I've even got a letter sitting here of people who are really questioning this & I don't understand it well enough to know how to answer them & I'm debating whether or not we should have a 10 minute pre-Council to get up to speed on that before we vote on it or if you can answer those questions now.

Mr. Figard: We could try to clarify next week, if you want, but the bottom line is as we continue to grow, Public Works has always done the backfilling. Our lane miles have increased 80% over the last 20 yrs. & short of hiring more people [break in tape] the work isn't done in front of the home, there may be barricades in the street so we just simply don't have the staff & resources to get there any more &, you know, I'm sure there are some of the plumbers that would prefer still not to do that backfill & the tamping but they are capable. We've got a transition period till the first of the year to do that. We'll continue to take care of the pouring back the concrete but it's just an effort to continue to reduce the encumbrance on Public Works & stay focused on what we need to do. And we think by & large most of the plumbing community can do that work.

Ms. Johnson: I was just curious, in many cases whenever anything's coming up through the Plumbing & Heating Industry, it's gone through that Committee & they have been able to work out all the arrangements & stuff. Have you visited with this Committee?

Mr. Figard: I, personally, have not. This was instigated out of street maintenance, Rick Haden. All of the plumbers & utility contractors received a letter on Sept. 15th. I'm not aware that we've received many calls. Rick did say call us if you've got concerns &, as always, we're willing to work with people through that transition period but we think this is just a better way & it's time to make that change now.

Ms. Johnson: Maybe if we can talk a little bit about it next week prior to voting I can have an opportunity to visit with some of these people too at length.

Mr. Figard: Anyone that contacts you that have questions or concerns, if they would call Rick or myself, we'd be glad to try to work through those.

This matter was taken under advisement.

**** 7:32 p.m. - Council took a break.**

7:55 p.m. - Council reconvened. **

CHANGE OF ZONE 3276 - AMENDING CHAPTER 27.33 OF THE LMC TO REQUIRE FENCES TO SCREEN AUTOMOBILE LOTS, SERVICE STATIONS, APPLIANCE SALES, & REPAIR OPERATIONS IN THE B-3 ZONING DIST. WHEN LOCATED WITHIN 100' OF ANY RESIDENTIAL USE OR DISTRICT; TO MAKE THOSE USES CONDITIONAL USES; & TO PROHIBIT THOSE AS NEW USES WITHIN 100' OF RESIDENTIAL USES OR DISTRICTS - Wynn Hjermstad, Urban Development: I'm here tonight, though, also representing the Problem Resolution Team. One of the responsibilities given to the PRT when we first started 4 yrs. ago was to identify what we call systemic problems that could contribute to long-term properties & long-term problem properties & then to recommend solutions. By systemic problems, what we're referring to are policies or laws that inadvertently contribute to problems continuing. We have run into some cases that are really land use problems that have contributed to continuing blight in areas & that is the main reason why we are bringing this before you tonight is to require that there be some buffering. In many cases in this B-3 Zoning Ordinance or Zoning Districts, there is literally no buffer. It's used car lot & a yard. There's no alley, no street, nothing. So, what we are requesting here is that there be some buffering installed. We're looking at fences, is what we would prefer to see. We're looking at this as a retroactive or that it would be retroactive, that nobody would be grandfathered in, that there would be three years for existing facilities to erect fences & that no more of these uses would be permitted within 100' of a residential use or zoning area. And I think a key here is that we're looking at residential uses as well as the zoning. Oftentimes we find in these older areas that areas are zoned commercial but there's still residential properties. And along 27th St., for example, that's been one of the problems that we've encountered. Most of these districts are only one lot deep & so there is no opportunity for buffering. We have a lot of support for this. The N. 27th St. Business & Civic organization supported it & did send a letter to Planning Commission that I assume got forwarded on to you. We have some businesses along 27th St. that have supported it & also the Malone & Clinton Neighborhood's have also gone on record with Planning Commission as supporting it. And normally, I would've suggested that they

come down & testify but given your agenda tonight, I thought perhaps the letters would be sufficient. We have had one discussion since this was introduced & that pertains to the gas stations. Most of the problems...all of the problems that we have had through the Problem Resolution Team are either with used car lots or appliance...used appliance & repair stores. Gas stations we included in there because it was a logical thing to include, that they be buffered or screened. Mark Hunzeker has had some conversations with me this evening & pointed out that by doing that, by limit...if we say that they can't do it within a hundred feet that limits anybody that has a current service station or convenience store from improving it so we certainly don't intend to...we're trying to revitalize these areas. We don't want to do anything that would prevent that from happening. So, we would like to propose an amendment that we bring back to you next week. I would like to run it by the neighborhoods again in the N. 27th St. Business Assoc. but they would still be required to be screened but not the one hundred feet.

Ms. Seng: Are the current uses then grandfathered in right now or not?

Ms. Hjermstad: No. They'd be given...well, as far as the hundred feet, they are. But the screening requirements they'd have three years.

Ms. Seng: Three years?

Ms. Hjermstad: Three years to put in screening. And the Planning Dept. looked at a number of different methods for the screening & came up with the fence as the best one. A lot of people don't think it goes far enough but.

Ms. Johnson: In the B-3's today, all of these are acceptable uses, is that correct?

Ms. Hjermstad: Um, hm.

Ms. Johnson: Are we downzoning in a certain way by doing this? And I'm concerned because we have lost that in court so I just was curious as is this considered a form of downzoning or how does that play out?

Ms. Hjermstad: I wouldn't think so. I guess we'd have to yield to Planning & because they can still be there. But they...just with certain conditions.

Kathleen Sellman, Planning Director: I would concur. This still permits those uses. It does set place & manner requirements on those uses. The uses themselves have been identified by the Problem Resolution Team as providing situations that may endanger a fragile neighborhood. And so in terms of looking at the public health, safety & welfare, these uses, if they meet certain conditions, still will be allowed but 100' farther back than they would have before. The screening acts to buffer the existing neighborhoods.

Ms. Hjermstad: We'll bring an amendment back to you next week.

Glen Cekal, 1420 C St.: I am really excited to hear things like this by the City. If you do anything, you're going to make mistakes. But if you gotta play, whether you're playing football, basketball or City politics, if it doesn't work you change it. And we've got some mistakes that we've, you know, we need to clean up. Talking...this reminds me of this NW 48th. That's going to become an extremely important street now that the City is developing as they are & "O" St. & Hwy. 34 & that whole thing so we've gotta go back in & fine tune. Not everything fits mass production. And I think you're right, Annette. And I think if it wasn't for the people there wouldn't be any Airport Authority & if it wasn't for the people, there wouldn't be any Arnold Heights & it just so happens they're two quite different entities slammed in together through nobody's fault but if we don't handle these things right, we can end up having some of those crazy problems like they're having over in Europe. And where they get in these crazy feuds & problems. And don't think this doesn't cause people's quality of life to be reduced greatly because it does. We know when we're being discriminated against. And we know when we're trying to do, you know, therefore, let me compliment the City. I think this is tremendous. Let's do more of this. Thank you.

Danny Walker, 427 E St.: I think if you haven't realized by now if you would drive around town or walk around town or bike around town, you would be surprised how many service stations, gas stations, whatever you want to call them are sitting right on top of residential properties. That is totally ridiculous. Why the City ever allowed something like this to take place I don't know. So, I would use some caution as far as catering to businesses in regards to putting amendments & etc., etc. on the gas station bit & if any of you want to know where some of these gas stations are located I can tell you right off the top of my head without getting too elaborate. So, I would appreciate it if you'd do keep that in mind on the service station facilities.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: As Wynn has stated, we're in support of this. Our neighborhood has an over abundance of some of these type properties. We've worked very well with getting some of the properties cleaned up with grass cut & that & some proper screening, I think will help out, especially with 27th St. with all the building. That way it's going to be backing up to the alley's & some of the residents so I think a proper screening & working with the businessmen will really do well in a lot of these older neighborhoods & to help out with some of the visual effects. So, once again, we reiterate our support for this. Thank you.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Whitehead Oil Co.: As Wynn indicated, we have had a little discussion about the provisions of this ordinance. Our concern...we have no objection to the screening requirement even on existing stations. I think that's perfectly legitimate change to make. Our concern is with existing stations that are in need of upgrade & the hundred foot buffer that's required under the new ordinance. In order to expand an existing station to come up to the current model or the current business model of convenience stores versus the old one or two bay service type station with one pump island, it's often necessary to acquire additional land to do that. Unfortunately, in the B-3 Dist., if you look at the map that I think came with your Fact Sheet, those districts are almost uniformly one-half block wide on either side of an arterial street. It is virtually impossible to use any of that property & provide a hundred foot buffer from any residential use or zoning district & if you were to put that kind of restriction in, it makes it very, very difficult to have reinvestment in those areas. We have a lot less filling stations or service stations than we used to. We don't know when the next change will come that will change the business model of that particular type of business the way it did in the 1980's. But virtually all of the existing older stations are either in the process of being converted or will be at some point in the foreseeable future, it seems to me, & to say to those folks you cannot upgrade accomplishes really two things. One, they are assured that there will never be any competition in their vicinity because the area virtually prohibits it under this ordinance. And, secondly, they can't expand or modernize even if they want to because the ordinance would prohibit it so we want to come up with something that's acceptable to both Urban Development & the Problem Resolution Team to hopefully be able to continue to reinvest in those areas & provide the services that people generally like. I mean there are a lot of these...a lot of good examples of stations that've been upgraded in the past 10 yrs. or so where we have real improvements in some of these B-3 Zoning Dists. so we'll try & work with Wynn in the next week or so & come back with an amendment next week.

This matter was taken under advisement.

VACATING THE NORTH/SOUTH ALLEY FROM SEWARD AVE. NORTH TO THE EAST/WEST ALLEY IN BLOCK 95, HAVELOCK ADD., GENERALLY LOCATED BETWEEN N. 62ND & N. 63RD STS.
- Deputy Clerk: I might advise the Council that we may want to play that on Pending. There has been a sale on one of the properties & the new property owner (inaudible).

Ms. Seng: So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO. (2/22/00 - PLACED ON PENDING UNTIL A SUPREME COURT CASE DECISION) (9/18/00 - REMOVED FROM PENDING; TO HAVE 2ND READING & 3RD READING ON 9/25/00) (ON 3RD READING) (ITEM 22);

CHANGE OF ZONE 3280 - AMENDING TITLE 27 OF THE LMC TO DEFINE & ALLOW SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS AS A PERMITTED SPECIAL USE IN THE H-1, H-2, H-3, H-4, I-1, I-2, & I-3 ZONING DISTS. (9/18/00 - TO HAVE 2ND & 3RD READING ON 9/25/00) (ON 3RD READING) (ITEM 23) - Deputy Clerk: Would someone like a motion to call these two items together for public hearing?

Mr. Cook: So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Mr. Shoecraft: For those who may be viewing at home, some of the language used in this testimony possibly may be offensive so just want to put that out.

Ken Semler, 222 W. Lakeshore Dr.: I've been in Nebraska all my life. I've been in Lincoln for about 28 yrs. & I own the Night Before

Lounge. The Night Before Lounge has been there 30 years. I've owned it for about 18 yrs. of that thirty. The zoning law that you're putting in makes total sense. It's very logical. It stops the proliferation of topless bars. I got no problem with it all. The nudity part I'm...you're losing me on this once again. The moral fiber of Lincoln has somehow in the last 3 weeks gone. I'm not sure where it went to. We're having secondary effects of a crime way or blighted areas or whatever this is. If there's a crime wave on 11th & M, somebody forgot to send me a memo because I haven't seen it. The area in the last 15 yrs., we put a \$25 million hotel a block away. The church put a \$3 million addition. Every old building's been torn down or totally renovated in the last...2 to 3 square block area. As far as the moral issue, I know you won't do it but put it to the vote of the people. Fremont did it several years ago. The City Council had the honesty & the courage to put it to the vote of the people. You know what happened? Eighty-some percent said leave 'em be, leave 'em alone, they're not doing anything, if you don't want to go in the door, don't go in there. They put it to a vote in Fremont. I know this won't happen here but it would be nice just to have that done. The moral minority in this town is either they can't stand it...people don't understand why people want to come into my place. White collar, blue collar, the judges, lawyers, Senators, Legislators, they all come in. I'm not saying that they're coming in for the performing arts. I'm not saying they're coming in for the theater. They want some entertainment. It's just fun. They want to have some fun. Famous people come in all the time. They fly in. Once in a while, the press catches them & once in a while, they don't. But 99% of them they don't catch. You know what? They're not terrible people. They just want to have some fun. They're not bringing in body guards, nobody's tearing the place apart. There's just no problem, they're just having fun. You know there's nothing you don't see in my place you're not going to see on HBO or Showtime or whatever. You go to an R rated movie on a Saturday night, you still go to Church on Sunday. I mean what have you seen there that you haven't seen in my place? I don't...you know as far as exploiting women, I mean, have you ever seen a fat ole bald guy at Fredericks of Hollywood or Victoria's Secrets selling lingerie? Are they exploiting that woman 'cause she's good looking or at the Dillard's or Younkers counter? You know there's expl...I pay them \$9 an hour, they're working. If they want to quit, they can quit. Almost every motel in town...you can go to almost every one & go to a room, you can open up the pamphlet & my name's in there, Night Before Lounge, Get in Free with a Room or something like that. You know what, I have not one time gone to any of them motels, they come to me. They don't...I don't go to them, they come to me & want to know if I'll advertise in the magazine in their hotel room. Why? Because they want the customers, they want the businessmen to have some fun. I'm not talking about, you know, Lied South. I'm talking about going in & have some fun. Nothing more, nothing less. You know, if you really think that covering up a few square inches of flesh is going to somehow bring a rainbow over the City & white doves are going to fly around & you can layoff half the police force, & I really don't think you think that & I don't think that you want the City of Lincoln to think that you think that. It's embarrassing. I know everybody doesn't run a business like mine. And...but if you push out the legitimate ones or whatever, & you send them out of town, you send 'em on the road, you send 'em down to here or this town or that town, you know, that's fine but they're just going to leave the City. They're not going to not go there. Just like, you know, you could outlaw HBO, I guess, but they're just going to buy a satellite & see it. It's not a horrible thing. It's just a fact of life. It's not really that dirty. And if you'd just check it out & see it. But thank you for your time.

Steve Mann, 1401 D St.: I'm against it because I work & some customers are my friends. I have seen other customers have come in & not paid for it & another person (inaudible). I told that to Cindy before the meeting tonight so before you vote make sure you know...have the information.

Bill Vocasek, 1903 W. Mulberry Ct., representing the West "A" Neighborhood Assoc.: I'm going to just visit about Item 23, that's the one that we really have followed up on a little bit more as far as the change of zoning. Rather than have a number of people come up & speak, what I'd like is just for them to stand to be represented [approx. 25 people stood]. What...we are supporting the zoning change. We don't want to see any part of the City to be, you know, somewhat blighted because of those type of establishments coming in to the City. We'd like to see quality of life in the City continue as it is. Thank you.

Mr. Shoecraft: Appreciate you coming.

Wayne Giebelhaus, 4000 Folsom St.: I'm not sure you should've tied the two together, Jonathan. I'm speaking for the Yankee Hill Neighborhood Assoc. & we're really opposed to 23, the zoning ordinance...

Mr. Shoecraft: That's just a formality. You can come up & talk to which one you want to talk about.

Mr. Giebelhaus: Because we just think that there are certain areas that this type of business should not be in & there's probably areas that it could be in. But it shouldn't be in neighborhoods or near neighborhoods. Go ahead, Jonathan.

Mr. Cook: Well, I wanted to ask for clarification. Are you opposed or are you for the spacing requirements & zoning ordinance?

Mr. Giebelhaus: I'm for the amendment...

Mr. Cook: To the zoning code.

Mr. Giebelhaus: For the zoning, yes.

Mr. Shoecraft: Continue on with your presentation.

Mr. Giebelhaus: Because with the zoning change it would not allow, for example, that type of business in our neighborhood in Yankee Hill. There's been information on the web that shows when this type of business is introduced into a neighborhood, that the undesirable events go up 65 percent. I'm talking about robberies, indecent exposure, sexual molestation, that type of thing. And that's what we want to prevent in the Yankee Hill area. The other amendment, 22, we really have no opinion on. That's to every persons morality judgment of their own. What we want to see is a zoning ordinance passed. Thank you. Any questions about it?

Mr. Shoecraft: Thank you for coming.

Mr. Cook: Thank you.

Deb Vocasek, 1903 W. Mulberry Ct.: And this is my 14 yr. old daughter, Stephanie, & brought her with me. We've done a lot of work on this, as you all know, & we would like Number 23 to pass 'cause there are appropriate places for this type of establishment & there are non-appropriate & we feel that the family neighborhoods, with our churches, schools, day cares, you know, being right out there in the neighborhoods is not an appropriate place. So please consider this.

Stephanie Vocasek, 1903 W. Mulberry Ct.: It makes me kind of nervous with that in place, where it is, to go walking with friends & things like that because men could go there & get sexually aroused & then come by & see me &, you know, two or three other girlfriends & what are they going to think then.

Mr. Shoecraft: Thank you very much for coming, appreciate it.

Joyce Champoux, 840 W. Stockwell, Pres. of Yankee Hill Neighborhood Assoc.: I'm just asking for your support for this ordinance & to help our neighborhood & all the neighborhoods so that we don't have these kind of things moving in like we've had in our neighborhood recently. Thank you.

Mr. Shoecraft: Thank you for coming.

Danny Walker, 427 E St.: I'll speak in favor of the zoning changes. I think, as most of you know, we have problems in my neighborhood with various zoning changes & loopholes & etc., etc. Fortunately for us, we don't have the strip clubs or the nuddie bars. Currently, I should say. So, I would appreciate your utmost concern on this issue & the vote for the changes. Thank you.

Mr. Camp: Danny, if I may, because you testify for us a lot, what's your opinion on Item 22, on the nudity definition?

Mr. Walker: Well, I have mixed emotions. Because...I'll tell you why & boy I imagine I'm going to get thrown out of this Conference Room when I tell you this. But when I was 17 & a half yrs. old, I hit New Orleans, Louisiana & Bourbon St. & believe me, I'm sorry to say, but I thought I was in heaven. Now, this...like I say, this might not be the answer you were looking for but I am being very honest. But, as time went on, I was stationed there, Security Service, which is high tech. I was stationed approx. 90 miles out of New Orleans which is very convenient but, you know, as time went on & I seen what they called at that time, I don't know what they call them now or what reference they use & I'm not saying that any of the clubs that are here tonight have this situation going on, at that time, they called them "B Girls". What that was they would get the watered down drinks & they would bring in some poor peon airmen from one of the air bases there & that guy would blow his whole paycheck on those watered down drinks. And believe me, he didn't even get a decent feel. They made sure of that. Now that's very blunt, Jon, but that is an actual fact. After I seen what transpired over this time period, well, then I started changing my mind. I think there's a point & a case & a situation for nudity just as there is a point against it. However, I think some discretion should be used. If they want to get down to the bare necessities which I don't think Lincoln, Nebraska wants. I don't think you want a Bourbon St. in the middle of Lincoln, Nebraska.

And I think it goes hand in hand with the zoning. I think a certain amount of nudity, which you know, whether there's...there's definitions of nudity about that thick. It all involves personal opinion. But I do believe in giving locations a certain amount is satisfactory & justified. And now I'm not saying this extreme lap dancing which I have seen in Oklahoma City & I think that's very iffish & I think it's absolutely border line. So, I think...there...I leave it up to you people to draw the line because I'm not going to. I know what my personal tastes are & I've raised my son in that same manner. So, I probably didn't answer your question, Jon, but that's how I was brought up & I...probably not that many people in this room that had that immediate exposure, some little punk, bow legged kid with corn growing out of his ears winding up in the middle of Bourbon St., 17 & half years old. But that's what happened & that's where my opinions changed over the time period that I was there & had access to that type of entertainment.

Mr. Shoecraft: Thank you very much.

Christie Bailey, 2925 SW 6th St.: We've been there about 16 years. Some people don't know where we live. We're kind of confined back in the area there. It's right up the street on a little dirt road behind there. We have lots of little kids in the area. Bus goes by there. I have two children of my own, one 13 & one 9 & I'm hoping that you support us on the amendment.

Mr. Shoecraft: Thank you for coming, appreciate it.

Mike Stroup, 6921 Orchard: And I come to you tonight & I would like to think & want you to think about image. And when I speak to you about image, I'm referring to the zone change of Item #23. And what concerns me about the zone change & I guess in a way I'm opposed to this just for the simple fact that it seems like we're funneling this to a certain area of town. And if you look at this, you see that the zone change puts most of the...

Mr. Shoecraft: Want to enlarge that on that screen, please?

Mr. Stroup: What's that?

Mr. Shoecraft: Would you want to enlarge that, please, or move it down?

Mr. Stroup: Okay, if you look at this, you see the majority of the zoning is going to occur on Cornhusker Hwy. & I do most of my work for a living on Cornhusker Hwy. & what I really do not like about this is the fact that if you look at where the zone would change...the changes would occur would be on "O" St. & Cornhusker Hwy. And if you look at that, that is some of the major entryways into the City. And when you talk about image, & I've been here...I've lived in this town a lot of years, & this is something I don't want. I don't want people coming from out of town from the west, coming on "O" St. seeing nude dancing. I do not want people coming off of Interstate 80, coming up E. Cornhusker, nude dancing. I do not want people coming from N. 56th in Lincoln, nude dancing. And I want you to...if anything, I want you to do...I'm not opposed to these people that do not want it in their residents. I support that. What I want you to do is send this back to the Planning Commission & tell them that they did not do a good enough job for you & to get down a little tighter. Because this is an image. I mean I do not want nude dancing all over Cornhusker Highway. I do a lot of business out there, my kids & I travel up & down that stretch when I do business at work. And it just doesn't make any sense. I mean what do we really want for our City. If you're going to...let's really think about this. Send it back to them, this is not a good idea. Let's make them make the idea better because you're just opening it up for every rental property that might be home for someone if some business moves out of there we could have this pop up there. We've already got...we've got nude dancing occurring right there at 56th & Cornhusker Hwy. & we've got nude dancing at NW 5th or somewhere in there, nude dancing. I mean we don't need any more. I mean if you really want to do something good, send it back to the Planning Commission, make them do it again. I mean one quote in here from the Lincoln Journal Star is one commissioner said I feel sorry for Cornhusker Hwy. but yet he turns around & votes for this. I mean stand for something for crying out loud, stand for something. If you don't like the plan, why does this commissioner turn around & vote for it? That does not make any sense to me. Please consider this. Send it back to 'em, make 'em do it again & that's all I'm asking. This is not a good idea, let's do it again. Thank you.

Mr. Shoecraft: Coleen.

Ms. Seng: First of all, I think you need to know the map you are using is not the map that we have now.

Mr. Stroup: Okay.

Ms. Seng: And, Kathleen, the map he's using is the one that was in the newspaper, right? That's where you're taking that from, isn't that correct?

Mr. Stroup: Yeah, it is.

Ms. Seng: And there's a different map now.

Mr. Stroup: Okay. [Break in tape.]

Ms. Seng: Give him one. You'll see that yes, there is industrial zoning on Cornhusker. There's also on W. "O" & in the downtown area & there is some to the southwest.

Mr. Stroup: Okay. Yeah, I've got it.

Ms. Seng: And then there's a large area out to the northwest.

Mr. Stroup: Right.

Ms. Seng: Now, all of that has to be put into the context of how far it is from those sensitive areas. So, if you have a hou...residential or if you have schools or if you have churches, all of those are figured in. And it is somewhat different from what...& I had the exact same reaction that you did the first time I looked at a map & I had a lot of calls on that. Because Cornhusker Hwy. was really going to get hit. But it is not quite that simple if you take a look at where the residential units are & where the churches are or the schools.

Mr. Stroup: Right.

Ms. Seng: And then you figure the amount of space between any such location. It does change that somewhat.

Mr. Stroup: In the next few weeks, from what we've been reading, the City Council's going to face a number of moral things that are coming across. Everything from nudity to gambling. All I'm asking for the City Council to consider is be thorough. What are we going to allow as moral & what are we not. And think real hard on this before you just...since this issue has come up, there's been a lot of passing of the buck & now the buck has come to you & it depends on whether the buck stops here or we pass it along. Let's make sure if we're going to do something, let's do it right & let's take care of the City. Let's take care of the image. 'Cause that is your job to take care of the image that we're presenting. And that's all I'm asking you to do.

Mr. Shoecraft: Thank you. Jon.

Mr. Camp: Mike, I had a question. Again, much like with Danny, you addressed primarily the zoning. Do you have thoughts for us on Item 22 which is the definition of "nudity"?

Mr. Stroup: Yeah, I do. Good or bad or whatever, I've been in these establishments & sometime & I can't say that I've been in one recently & I don't plan on it. The only thing that I think that you really need to consider is that everybody has a right to make a decision on their own behalf. And before we go determining what citizens can see & what they cannot see, I think you really need to look at the bigger picture & possibly, like one person suggested, let the people vote on it. I mean that might be a good idea. Before you go making a big decision on this, I think you need to consider where we've come. I watched the Council meeting prior on when this came up in the past & you had a gentleman that came up from the armed services that said that they, you know, they represented their country, they fought for their country & they want the right to be able to go into these establishments & be entertained. And I think you gotta think about that a little bit because there's a lot of people that are in the United States, past & present, that fought for the rights that we enjoy today. And before you got taking some of those rights away, you gotta think real hard this is...you gotta think real hard what you're doing here. You're taking a right away. And think about that before we start making a hasty decision on what's right & what's wrong. But the only thing I'm going to add, & I'm getting a little pasty mouth here, but the only thing I'm going to add is when you start talking morals, let's be thorough about it because I know there's going to be an issue coming up here shortly dealing with gambling that I am not happy with & that's another fight. And if you're going to be thorough on morals, be thorough right down the line. Thank you.

Mr. Shoecraft: Excuse me, sir, how can you get up here & talking about wanting us to do something about Cornhusker Hwy. which is an image issue with you & then get up here & say when it comes to nudity, everybody has an individual right? I mean, that doesn't make sense to me.

Mr. Stroup: I'm looking down the road & I don't know if you do that or not.

Mr. Shoecraft: I do so.

Mr. Stroup: That's good 'cause I'm looking down the road at this & I don't have anything against the existing establishments. There's nothing you can do about that. There's nothing you can do. Whether you

ban nudity or not, they're going to be there. And so, they're going to be there. And no matter, whether they have to put some clothing or not they're going to be there. And it's about the future & letting these establishments come in down the road. Now, if you really want to get down to business on it, you can allow these nudity bars on Cornhusker Hwy. You can do that. Well, down the road then, if we're going to open up Cornhusker Hwy. to nudity, we gotta open it up to maybe one or two of your Keno bars. Then if we open up Cornhusker Hwy. to Keno bars, maybe the Mayor might find it useful to throw a Casino boat in the Salt Creek & make gambling legal in the City of Lincoln. So, let's look down the road here a little bit at what's right & what's wrong before you start questioning my judgment.

Mr. Shoecraft: I'm not questioning your judgment.

Mr. Stroup: Yes, you are.

Mr. Shoecraft: I'm stating...you're asking us...

Mr. Stroup: That's right.

Mr. Shoecraft: Regulate Cornhusker Hwy. which we are very in supportive of & then we ask your opinion of the nudity but it's a different situation.

Mr. Stroup: You're not regulating Cornhusker Hwy. You're funneling the business to Cornhusker Hwy.

Mr. Shoecraft: Thank you for coming, appreciate it.

Mr. Stroup: (Inaudible). Deputy Clerk: Would like to have a motion to call these two items together?

Mr. Shoecraft: Is there a motion?

Ms. Seng: Yes, I'll move that we hold 24 & 25 together.

Mr. Shoecraft: Is there a second?

Mr. Cook: Second.

Mr. Fortenberry: I'm sorry, Mr. Chairman, are we moving on from the Agenda?

Mr. Shoecraft: Yeah. Hold on a minute. Jeff has a comment on 22 & 23.

Mr. Fortenberry: I'd like to ask the City Attorney to come forward, please. Dana, if you could, what I'd like for you to do is to trace the history of the Council's involvement with this. Sorry to ask you to do this on the spot, I mean to tell you...pre-warn you earlier. Because I think there's a lot of confusion out there as to why the Council or as to how the Council got to this point starting with the public nudity ordinance that was originally considered, which was then split into a nudity portion then a no touching portion which was passed, the other put on pending pending the outcome of a Supreme Court decision & then in the interim, because of the special set of circumstances, this new zoning ordinance coming about to offer an alternative for an added measure of protection for our community from these establishments. Maybe I just reviewed the...

Mr. Roper: Yeah, you may have done it for me & I appreciate that 'cause I'm not sure...I think we started out...

Mr. Fortenberry: If you could fill in the gaps in there with the Court cases that've been handed down over the summer & why the Council's considering both of these items.

Mr. Roper: I think the original request was to, in some fashion, deal with nudity in the various establishments around Lincoln & the Council was faced with the predicament that while they may be able to make a requirement inside of liquor establishments, that would totally prohibit nudity of any sort. Outside of a liquor establishment the First Amendment came into some play more or less that there were First Amendment rights outside of the liquor establishment which allowed people to, for example, to produce "Hair" or some of the other shows that had some nudity. And I think as the discussion progressed what was foremost was the touching that was going on in the juice bars, the non...the touching was prohibited inside the liquor establishment but at the juice bars there were couch dances & lap dances &...where the tapes indicated in Federal Court a gentleman would essentially strip down to his shorts & a naked woman would sit on top of him & gyrate. And that was what the Council chose to outlaw in the no contact ordinance & that's what we're in court over now on the restraining orders. The Council then took up the issue of nudity & zoning. I think zoning was proposed & Planning...the Planning Commission did a study on it & identified the industrial & the highway zones as appropriate, H-1, H-2, H-3, H-4, & the I-1's, I-2 & I-3 as appropriate locations for this & that would, of course, also allowed in the downtown area in the B-4. We then went to trying to write a nudity ordinance & to keep the playing field level between the liquor establishments & the non-liquor establishments. The nudity ordinance, & that's for lack of a

better word, allows for pasties & G-strings. And that would be true in both liquor & non-liquor then.

Mr. Fortenberry: The Supreme Court recently heard a case from a municipality trying to regulate in such a manner & would you review that for us.

Mr. Roper: Well, there are actually two. One started out in Indiana & it was the Barnes decision & this, for the first time, gave City's the ability to regulate nudity in a non-liquor establishment. And the most recent case is Eerie, Paps A.M. vs. the City of Eerie, out of Pennsylvania & they had essentially the same thing. It's worded a little bit differently but the Court, once again, reaffirmed that even if it's not a liquor establishment, you can require pasties & G-strings. How much further you can go & what else you can require is unknown. We haven't had those...enough of those cases to get a sense of what the court may have allowed. I think the Supreme Court has said that topless dancing is on the outer fringes of the First Amendment & that certainly the contact is afforded less protection.

Mr. Fortenberry: In other communities, there have been businesses such as topless car washes spring up. I understand there's topless drive-thru in some place now. Would our ordinance pre-empt such an establishment?

Mr. Roper: Yes. It would require them to have on pasties & G-strings. This is...

Mr. Fortenberry: The reason I say that is a lot of times it looks...it's so intertwined with the specific application at the moment, which is these live entertainment establishments, both liquor serving & non-liquor serving that it...but it does have other applications as well.

Mr. Roper: The ordinance in front of you deals with public nudity & it provides that it is unlawful for any person to knowingly or intentionally, in a public place, or in any place open to the public, to appear in a state of nudity. And then we have a definition of what that consists of.

Mr. Fortenberry: Could you trace how Omaha has dealt with this issue?

Mr. Roper: I'm going to say over 20 yrs. ago, topless dancing first started appearing in the bars in the City of Lincoln & the...Omaha was faced, about the same time, with the same situation & they adopted an ordinance that prohibited...required a fully opaque covering on the top of the female & on the bottom & they...that ordinance was litigated in both State Court & Federal Court, probably a half dozen cases. And the City of Lincoln, the City Council, considered the same ordinance but chose only to adopt the portion that applied to the bottom. In other words, they allowed topless dancing & then put some restrictions on where the...what must be the covering on the bottom part.

Mr. Fortenberry: Regarding other establishments outside of liquor serving establishments in Omaha's regulation (inaudible) in terms of regulating those establishments has been aggressive. Would you explain that as well?

Mr. Roper: Omaha has used a couple of ordinances. I think they have their indecent exposure & a lewd activity ordinance that they use to enforce. And, basically, I think they have a strong history of outlawing this, pursuing...their County Attorney pursues & the City Attorney pursue movies at the movie rentals, & so people know that if they do this...engage in this kind of activity, they're going to be in for litigation.

Mr. Cook: Well, since this was brought up regarding the possibility of topless car washes & whatnot, we do have two ordinances that have been on the books for a long time. We have an indecent exposure ordinance. We also have a disturbing the peace ordinance. The indecent exposure ordinance covers exposure of the bottoms so that is, in & of itself, actionable by prosecutor under that ordinance. As far as topless, if it was topless in public, generally, if someone complained there would possibly be a disturbing the peace issue, is that correct?

Mr. Roper: Yes.

Mr. Cook: Okay. So, I just wanted to make it clear that we do deal with some of these things under existing ordinances if they are problems. If they are something within an enclosed building & people pay to get in, that's where what we're talking about today would more likely be brought into play because that generally wouldn't be covered by disturbing the peace or indecent exposure.

Mr. Roper: Disturbing the peace may not be our best charge in this kind of a situation. That's a...that can be a difficult prosecution.

Mr. Shoecraft: Thank you, Dana.

This matter was taken under advisement.

AMENDING THE LMC BY CREATING A NEW TITLE 7, AMBULANCE TRANSPORTATION CODE, TO ESTABLISH A PROCESS BY WHICH PERSONS MAY APPLY FOR & RECEIVE A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE, TO ESTABLISH EMERGENCY AMBULANCE SERVICE TO BE PROVIDED BY THE CITY, & TO ESTABLISH A PROCESS FOR THE PROVISION OF STAND-BY AMBULANCE SERVICE BY ADDING SECTIONS 7.04.010 TO 7.04.210 WHICH SECTIONS SET FORTH DEFINITIONAL TERMS INCLUDING AMBULANCE, AMBULANCE SERVICE, AREA OF CITY SERVICE, EMERGENCY AMBULANCE SERVICE, EMERGENCY CALL, EMERGENCY MEDICAL SERVICES, EMERGENCY MEDICAL SERVICES OVERSIGHT, EMERGENCY MEDICAL TECHNICIAN (EMT), EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-1), EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P), LICENSE, MEDICAL CARE PROTOCOLS, MEDICAL DIRECTOR, 911 CENTER, OPERATOR, PATIENT, PERSON, ROUTINE AMBULANCE SERVICE, STAND-BY AMBULANCE SERVICE, TRIP RECORD, TO BE USED IN TITLE 7; SEC. 7.06.010 PROVIDING THAT NO PERSON SHALL OPERATE WITHIN THE CITY OF LINCOLN A ROUTINE AMBULANCE SERVICE WITHOUT FIRST HAVING OBTAINED A LICENSE THEREFOR; SEC. 7.06.020 ESTABLISHING A PROCESS BY WHICH A PERSON MAY MAKE APPLICATION FOR A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE; SEC. 7.06.030 PROVIDING A PROCESS BY WHICH A LICENSE FOR OPERATION OF A ROUTINE AMBULANCE SERVICE MAY BE ISSUED; SEC. 7.06.040 SETTING FORTH THE TERM OF SUCH LICENSE; SEC. 7.06.050 SETTING FORTH THE FORM & CONTENT OF A LICENSE; SEC. 7.06.060 SETTING FORTH THE STANDARDS FOR AMBULANCE EQUIPMENT IN THE OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.070 SETTING FORTH THE STANDARDS OF OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.080 REQUIRING INTERCONNECTION BETWEEN THE 911 CENTER & A ROUTINE AMBULANCE SERVICE; SEC. 7.06.090 SETTING FORTH DISPATCH REQUIREMENTS; SEC. 7.06.100 SETTING FORTH THE RIGHT OF THE CITY TO AUDIT & INSPECT RECORDS OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.110 SETTING FORTH RECORDS & REPORTS WHICH SHALL BE KEPT BY A ROUTINE AMBULANCE SERVICE; SEC. 7.06.120 SETTING FORTH THE INSURANCE REQUIREMENTS FOR A ROUTINE AMBULANCE SERVICE; SEC. 7.06.130 SETTING FORTH THE PROCESS BY WHICH THE CITY MAY SUSPEND OR REVOKE A LICENSE FOR THE OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.140 SETTING FORTH THE PENALTIES FOR OPERATING A ROUTINE AMBULANCE SERVICE WITHOUT FIRST OBTAINING A LICENSE THEREFOR; SEC. 7.08.010 SETTING FORTH THE FIRE DEPT.'S AUTHORITY TO PROVIDE AMBULANCE SERVICE NECESSARILY INCLUDING EMERGENCY AMBULANCE SERVICE & SETTING FORTH THE PROCESS BY WHICH FEES FOR SUCH SERVICE WILL BE SET BY CITY COUNCIL; SEC. 7.08.020 ESTABLISHING THE AMBULANCE FUND; SEC. 7.08.030 SETTING FORTH THE CITY'S AUTHORITY TO ENFORCE THE COLLECTION OF FEES FOR AMBULANCE SERVICE PROVIDED BY THE CITY; SEC. 7.08.040 MAKING IT UNLAWFUL FOR ANY PERSON OTHER THAN THE CITY OF LINCOLN TO FURNISH EMERGENCY AMBULANCE SERVICE, DEFENSES TO SUCH PROSECUTION & EXCEPTIONS, & THE PENALTIES UPON CONVICTION THEREOF; SEC. 7.08.050 SETTING FORTH THE MAXIMUM DESIRED RESPONSE TIME IN THE PROVISION OF EMERGENCY AMBULANCE SERVICE;

AMENDING CHAPTER 2.20 OF THE LMC RELATING TO THE FIRE DEPT. BY AMENDING SEC. 2.20.010 TO BROADEN THE FIRE CHIEF'S DUTIES TO INCLUDE THE MANAGEMENT OF A CITY AMBULANCE PROGRAM TO PROVIDE EMERGENCY AMBULANCE SERVICE, & TO PERFORM RECORD KEEPING & REPORTING DUTIES ASSOCIATED THEREWITH, INCLUDING FINANCIAL RECORDS, TRIP RECORDS, & DAILY LOGS; AMENDING SEC. 2.20.080 TO BROADEN THE FIRE CHIEF'S OR THE OFFICER'S IN COMMAND AUTHORITY TO DIRECT SUCH OPERATION AS MAY BE NECESSARY TO PROVIDE OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES INCLUDING TRANSPORTS AT THE SCENE OF A FIRE OR OTHER EMERGENCY INVOLVING THE PROTECTION OF LIFE OR PROPERTY - Deputy Clerk: We need a vote on the motion. [Seng moved to combine; seconded by Cook.]

Mr. Shoecraft: Yeah, there's a motion & a second to combine 24 & 25. Call for the vote please.

Roll called & motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

George Leonard, attorney from Shugert, Thompson & Kilroy, Kansas City, Missouri: I've been asked by the Lancaster County Medical Society to come up here tonight. After reviewing the proposed ordinance that's on your agenda.

Mr. Shoecraft: Excuse me, I'm sorry sir, I made a mistake, an error. I think before you begin, & I apologize, Connor Reuter, from our Legal Dept., was first going to do an overview to my colleagues on both items & then she was going to sit down & afterwards, if there were going to be questions for her after the testimony, she would then come back. I apologize, sir, but you'll be first.

Mr. Leonard: That's okay.

Mr. Shoecraft: Connor will come up & do an overview, quick overview on both of these items first & then we will open up to the public because there's some amendments too. I apologize to you.

Connor Reuter, Law Dept.: Do you want the amendments before or

after public comment?

Mr. Shoecraft: Why don't you explain 24 & 25 & then we will put the amendment...make a motion to put the amendments on the floor & then explain those & then everybody has the information & then comment, please.

Ms. Reuter: Okay. Twenty-four & twenty-five consists of two separate ordinances, one of which would create a Title 7 which would be a new ambulance code. That would be designed to replace & in the passage of Title 7 repeal Chapter 8.08 which is the current ambulance code. Essentially, Title 7 sets up two distinct but related types of ambulance service. One being emergency & one being routine. Title 7 is drafted such that the City, as a government function would provide emergency ambulance service. Title 7 is drafted so that private companies could become licensed to provide routine ambulance service. The City, in its provision of emergency ambulance service, could contract with routine ambulance service license holders for backup or, actually, theoretically, for primary provision of the emergency care as the City desired from time to time to contract. Emergency ambulance service includes transport via ambulance & stand-by at special events, law enforcement & fire fighting activities. Stand-by typically involves an event or gathering of people in a way that there appears to be a higher likelihood that there may be an emergency so they want to have an ambulance standing by. It is part of the emergency ambulance service that would be the obligation & responsibility of the Fire to provide were this Title 7 to pass. Title 7, in addition to setting up those two different sorts of ambulance service makes it a crime for somebody other than the City or somebody within the City has a contract to provide emergency service for...to provide emergency ambulance service so if a private company that didn't have a contract with the City to provide emergency service, in fact, did provide emergency service that would be a crime under Title 7. Likewise, it would be a crime for somebody to provide routine ambulance service without first having obtained a license to provide that service. Chapter 2.20 is a chapter in the code that deals generally with the duties of the Fire Dept. & the responsibility of the Fire Dept. & the Fire Chief, in particular, & the amendments to Chapter 2.20 basically just relate to Title 7 to make those two sort of jive so that where the Fire Chief, under Title 7, has some responsibilities to the Mayor & to the Council & to Emergency Oversight...Independent Oversight group. Those duties are reflected, again, in 2.20 where the Fire Chief's duties are initially set out in the ordinances. That's basically an overview of what the two separate ordinances provide. And they, again, were drafted in response to the Council's request of June 26th in which you all voted & showed your intent to make emergency ambulance service a governmental function. And so it was in that vein that this was drafted & it's hoped that that goal is accomplished.

Mr. Shoecraft: Okay, thank you.

Ms. Reuter: Do you want to go through the amendments or do you need a motion first?

Mr. Shoecraft: Let's put the...let's have a motion & second to put the amendments on the floor & then she can explain them so that they're actually on the floor, please.

Ms. Johnson: So moved.

Ms. Seng: Second. I wanted to ask something first.

Mr. Shoecraft: Okay. There's a motion & a second, Joan, to put the amendments also on the floor. Coleen has a question.

Ms. Seng: I guess...I guess I want to make sure that it's understood by everybody we have quite a few amendments here so, Connor, I want you to be real clear about this because maybe not everyone has it.

Mr. Shoecraft: Okay.

Ms. Reuter: Does the rest of Council have a copy of them?

Deputy Clerk: It'd be helpful if we did.

Ms. Reuter: Well, I think I'm out of copies unless somebody wants to make a copy.

Mr. Shoecraft: Here, here. Go ahead, Connor, please.

Ms. Reuter: Two amendments to Chapter 2.20, the first would be found at page 3 of the ordinance at line...well, subparagraph 8, line 8, there's a reference to the "ambulance fund". That should be changed to read instead of "ambulance fund", EMS Enterprise Fund. That's just a change to reflect a fund that was created in the last...or in this year's budget. I didn't know that when I first wrote in "ambulance fund" that there was already fund that had been established. The second amendment to Chapter 2.20 would be, again, on page 3, at the next paragraph down, paragraph "i.", line 20, there are...you'll see there are five subparagraphs to section "i." that required different reportings by the Fire Chief to the Finance Director. This would add a sub. "6" which would

read, "And Sub. 6 collection rate of billable services rendered. And that was just simply to reflect a request that be yet another statistic to be reported. The amendments to Title 7 start on page 4 of that ordinance, Section 7.04.020, the definition of ambulance would be amended to read on line 9, the sentence just going from line 9, says "maintained or operated for the overland transportation of patients." The amendment would insert there a comma ",in a reclined position," & then continue on with the ordinance as is. That's an attempt to make it clear that the sorts of transport vehicles that some providers use such as a wheelchair van, um, where there's no sort of treatment actually being provided, that that would not be included in the definition of "ambulance" & would not be regulated by this ambulance code. The next amendment would be on page 8 of the Title 7 ordinance, Section 7.04.140, there is a reference in that first sentence of that provision on line 16 to a physician being employed through EMSOA, the oversight agency. This amendment would strike the word "employed" & replace it with "contracted for or otherwise engaged by" simply to make it clear that we don't need this person to be an employee for various personnel matters it might be implicated where we would use that word. Could be but wouldn't have to be. The next set of amendments all relate to page 11, to the routine ambulance service license required. It's purely a form amendment & would change line 9. Instead of putting the colon after the word "vehicle", where it says "for any person operating the ambulance or other vehicle:" instead of a colon being there, it would say "or other vehicle when:" & then under A, B, & C, instead of starting each of those paragraphs with word "when", it would begin each paragraph with the word "Such". Apparently once people read through they were stopping too early & didn't understand A, B, & C carried on the thought that was begun at the beginning of that paragraph. That's an attempt to clarify that for people who are reading it. Page 18, at line 10, is a change to subparagraph "d.". Subparagraph "d" would read...actually I think the first two sentences would change & it would now read "No ambulance shall transport any patient within the City unless such ambulance is occupied by at least one certified out-of-hospital emergency care provider." that sentence stays the same. "Such requirement shall be met if any of the individuals providing the transportation is a licensed physician, registered nurse, licensed physician assistant, licensed practical nurse" & the change is here you would insert ", EMT, EMT-I, or EMT-P" & carry on with "functioning within the scope of practice of his or her state issued license." That is a change that was requested, again, there was some confusion as to whether or not the litany including nurses & doctors somehow precluded the inclusion of EMT's. That was an attempt to clarify that, in fact, those people would serve to meet that requirement. The next is at page 20, line 15, this is a section that deals with the reporting requirement by a person holding a license for a routine ambulance service, "It shall report to the Fire Chief the following information" after "the Fire Chief" would be included "and EMSOA" meaning the oversight agency. They also would be privy to the information that the Fire Chief would get from the routine operators. That's some aggregate raw numbers with regard to the numbers of transports & types of transports. Page...I guess I'm going backwards, page 11, there's a definition of "trip record". "Trip record" use to be very short & was later referred to on page 21. I took the description of "trip record" from page 21 & moved it to the definitional section so that it flowed & was more easily to be referenced. "Trip record" would now read "Trip record shall mean a record of each person transported & shall include at lease the following information: the patient's name, age or date of birth, sex, address, time ambulance was first requested, time ambulance arrived at the scene or address, time ambulance reached its destination, to what destination the patient was transported, the condition of the patient upon arrival at the scene & upon arrival at the destination, whether or not medical treatment was administered, the names of the ambulance personnel that were dispatched, & then the next amendment would be page 21, where it use to read basically that under what was required to be kept as a report, would not restate that but rather would read "Operators shall create a trip record for each call to which personnel are dispatched & in which a transport occurs. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. The City may require the use of standardized forms in the keeping of the trip record & daily log." The last amendment that I have, at this time, is page 26, at line 6, there's a litany here of things that need to be included in what the Fire Chief submits to the City Council as part of our proposed budget. Line 6 reads "Including but not limited to personnel, equipment, vehicle, material,.". The amendment would be to insert after "material" "oversight" & then carry

on with the rest of that sentence. Most of those amendments were things that came up as we distributed the ordinance for comment among EMS Oversight, the medical community, & the Fire Dept., those sorts of people who came back with those comments after we had already submitted the ordinance.

Mr. Shoecraft: Okay, now what we'll do here, excuse me, is Connor's gave her overview of the two pieces of legislation. We put the...there's a motion & a seconding made in regards to the amendment. We still will vote on those & then from there, we'll open up to the public & sort of if you're for or against, sort of rotate so there's some balance here. And then after that, if Council has questions for Connor in regards to her overview or some of the amendments we can do so at that time too or for administration or Fire Chief. So, there's been a motion & a second in regards to the amendments. Call for the vote, please.

Motion carried by the following vote: AYES: Camp, Cook, Forten-erry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Mr. Leonard: Thank you, Mr. Chairman. As Yogi Berra said, "I feel like deja vu all over again." [stated his name, etc. again] I was asked by the Lincoln County Medical...Lancaster County, excuse me, Medical Society to come up after having reviewed the draft of an ordinance. Briefly, I have over the last 20 yrs. drafted City ordinances & other contracts & agreements for probably 15 to 20 cities City-wide. I limit my practice in that area to representing municipalities or public governmental, some times counties, public governmental entities. And I always advise my clients that there are only two reasons to change whatever current ambulance system you have. One is if you're going to save money & the second is if you're going to improve the quality of care. Because the City of Lincoln does not subsidize its ambulance service currently at all, I assume that you are undoubtedly changing this ordinance in order to try to improve the quality of care that your citizens get from the current ambulance provider. But after reviewing your ordinance, I can tell you that there's one thing a lawyer hardly ever gives a guarantee but I can guarantee you folks, as you sit here, & your voters, that you're going to degrade the quality of service over the next several years that's delivered to your patients in your city. And I'm sorry to say that. There are four principle reasons I want to touch on briefly. Your current ordinance requires four things. It requires a response time of 8 minutes on every life threatening emergency that comes into the 911 center. That requirement on your current provider will be dropped. There will be a best efforts which means whatever the provider who is going to provide the service wants it to mean. Hey, we tried but traffic was bad or the road was closed or whatever else or we were busy fighting fires following our most important primary mission of fire suppression. The Fire Dept.'s main mission in this city I'm sure they will agree is to suppress fire's. If they're busy fighting fire's, who's going to respond. They don't have to under your new proposed ordinance. It's a 6 minutes best efforts & when you abandon your 8 minute requirement to go to a 6 minute best efforts, you're taking a giant step backward. One in which I am not familiar with any city in the country, & I follow this very closely, I'm not familiar with any city in the country that has ever gone from requirement of 8 minutes to a best efforts. Of any kind. That's one problem with the proposed ordinance. The second is that under the new ordinance, the Fire Dept. is not going to be required to respond to every 911 call. There's nothing in the ordinance that requires them and, in fact, it basically & implicitly assumes that they won't be able to respond to all of them because it does provide that the Fire Dept. may contract with these routine ambulance transport providers that are going to be granted licenses. A routine ambulance transport normally is during business hours, 8 a.m. to 6 p.m., Monday to Friday, basically people being discharged from hospitals to either to their home or to nursing homes. There's no reason to have, as your ordinance does provide, that they have to be on duty 24 hrs. a day, 7 days a week unless there is a recognition & there has to have been, I believe, a recognition by whoever drafted this ordinance or someone advising that person that the Fire Dept. is not going to be able to make it to all of the emergency calls & they're certainly not required to & what you're going to end up with sooner or later, if you go to this new ordinance, is a situation where on a 911 emergency, life-threatening call, the Fire Dept. is not going to be available to respond. They're going to send one of these routine transport providers who could be staffed by as little as licensed practical nurse instead of a paramedic, which is what you currently have, & patients lives are going to be put at risk. There's call screening. Call screening is going to be clear on page 10, lines 8 through 10, on page 10, recognizes that the 911 Center's assessment, call is not an emergency call means that a routine

transport can be sent. In Kansas City, Kansas, there was a famous incident of bad dispatching as a result of that kind of a situation. And, finally, your current ordinance, as proposed, will do away with independent medical control. Read the language on page 8, in section 1...point 140 that the Medical Director may be "employed by a State Certified Emergency Medical Service". The Fire Dept., of course, is a State Certified Medical Service as is your current provider Rural Metro. The new ordinance, as proposed, will allow those entities, whether the Fire Dept. or a private provider to hire their own medical director means he's not...he or she's not going to be independent. Thank you for your attention.

Mr. Shoecraft: Appreciate your coming up. Any questions for this gentleman?

Ms. Johnson: Do you want us to ask questions now or do you want to wait till later?

Mr. Shoecraft: If you want to ask a question of this gentleman, please do so.

Ms. Johnson: I was just curious, what kind of examples are you talking about? You said you've done things in Kansas City, Overland Park & you've taken a look at our ordinances but what kind of issues here we talking about that could happen if our ordinance is passed.

Mr. Leonard: Well, you're talking about life & death that can happen.

Ms. Johnson: Do you have examples?

Mr. Leonard: Yeah, well, I do. I referred to Kansas City, Kansas. In Kansas City, Kansas, they had exactly the kind of system that you're planning on putting in. Fire Dept. responded to 911 Emergency Calls. A private provider responded to routine, non-emergency calls. Call came in one day, dog bite, child was bitten by a dog. Clearly non-emergency so it was referred to the non-emergency transport provider. Because it was not an emergency, they didn't hurry to get there. They got there in about 20 minutes. Which wasn't a bad time for a non-emergency transport. It was a four-year old boy, who had been ripped apart by a huge weimaraner or some kind of dog, I forget what, the boy had bled to death before the ambulance got there. [Break in tape.] We did a study in Kansas City, Kansas, parenthetically, in Kansas City, Missouri, excuse me, the medical community did, about 10 yrs. ago that even on presumptively carefully dispatched non-emergency routine calls. Basically, as I said earlier, the kind that are discharges of elderly patients either to a nursing home from a hospital or some times even to home. And this was 10 yrs. ago &, of course, we know now that with HMO's & everything, they're pushing patients out sicker & sooner than they did 10 yrs. ago. Even on those calls, almost 12% required paramedic service. You're not going to have that kind of protection with this new ordinance for those people who are being discharged. The elderly are going to be put particularly at risk by your new ordinance, particularly at risk.

Ms. Johnson: Thank you.

Mr. Shoecraft: Jon.

Mr. Camp: It's kind of awkward but I would kind of like to ask George & Connor some joint questions if I could. I don't know if that's appropriate.

Mr. Shoecraft: How many questions do you have of both of them?

Mr. Camp: Well, I've got initially at least 2 main ones. And Connor had been so good to go through the ordinance with me a week ago & I...we talked about (inaudible)...

Mr. Shoecraft: If you have a question of this gentleman, why don't you ask him his & then he can sit down, then we can call back Connor (inaudible).

Mr. Camp: That'll be fine. Mister Leonard, you'd talked about the standards in the ordinance & where we've got our current Chapter 8 which is going to be totally replaced by Chapter 7.

Mr. Leonard: Yes, I understand that.

Mr. Camp: And I guess I want to ask this carefully because there's some concern that we don't put the City of Lincoln in a liability situation. What are other cities doing on standards?

Mr. Leonard: By standards are you referring to things such as response time standards, for example?

Mr. Camp: Like right now, we have an 8 minute response time.

Mr. Leonard: Eight minute response time...that's right. We have had an 8 minute response time, 8 minutes & 30 seconds actually. Your's is a little bit more stringent than Kansas City, Missouri's. We've had that for 20 yrs. Liability? The City got sued one time in 20 yrs. because it failed to meet the response time standard of 8 minutes & 30 seconds. That suit was kicked out on summary judgement, the City's never been sued

since. The agency that is set up in Kansas City to oversee the provision of ambulance service in turn hires a subcontractor who actually provides the service. A company that would be a competitor of the current guy here, Rural Metro, or AMR, for example. That company is required to carry millions of dollars in liability insurance for any kind of malpractice, bad driving, or medical malpractice & the City has never had to pay a dime because of a violation of standards in Kansas City, in 20 years. Does that answer your question?

Mr. Camp: Okay, how about other areas?

Mr. Leonard: Oh, there are a lot of cities, not a lot, I would say there are at least 15 or 20, the one's that I've drafted ordinances for that all have response time standards in the ordinance. The rest of those medical standards are set in the ordinance. It's delegated to the medical community to set those standards. You currently have that under your Chapter 8. I believe that the County Medical Society, as I read it, does have the responsibility to set medical protocols, including response times. I would certainly think that it is a step backwards to drop response times, number one, & I am concerned that the medical direction will not be independent. So, I do not really see that...I think that it's a very distinct possibility that you may end up with no medical standards or medical protocols that are effective under the proposed ordinance. I would be concerned about that.

Mr. Camp: You've read our current ordinance?

Mr. Leonard: Yes, I have.

Mr. Camp: Okay. There we have the current system with EMS, Inc. overseeing the standards in the ordinance.

Mr. Leonard: Yes.

Mr. Camp: Which...for the actual...the 8 minute standard, 90% of the time.

Mr. Leonard: Yes.

Mr. Camp: And EMS then would look at the actual experience, take appropriate action. Under the new ordinance or the proposal, as you said earlier, there's a best efforts at 6 minutes but no standard. Without a standard, we accumulate this information, what...does that negate oversight...medical oversight?

Mr. Leonard: Well, I think...as I say, I think it could. I think if the independent medical oversight can be selected by the provider, then I do not think you have independent medical oversight. You can have somebody's brother-in-law who happens to have a degree in medicine from Granada University where we went down & invaded 10 yrs. ago or something like that & he could be the medical director for that company or that provider. So, I think you are definitely going to lose independent medical oversight which, in fact, then will, I think, clearly result in losing medical standards. I would be very worried about that.

Mr. Camp: You're talking from the medical direc...

Mr. Leonard: Yeah.

Mr. Camp: Medical directors standpoint. Then we also have EMS, Inc. but would EMS, Inc. be able to or EMSOA, whatever the organization is, still have that?

Mr. Leonard: I don't think it...I don't believe it's going to have the authority over the medical director for the providers as I read that ordinance. But, the people that drafted them may have a different view of that.

Mr. Shoecraft: I'm going to change something here & then I'll let you finish but I think I'm going to, as people come up & testify, I'm going to...to get the people up here to testify then we write down some questions if we have them so we can get this moving because each person could be up here for 20-30 minutes at a time so...to get it moving...I appreciate you coming, though, sir. To get it moving, I want to hear from the public & then if we have questions of Chief or anybody else or legal, we'll call you back up for those questions. Is that okay? So, we can keep this moving & hear from you.

Mr. Camp: So, we can call other people back up then? Just to keep them...so we hear from everybody?

Mr. Shoecraft: Yeah, if you had a quest...I think you had something for Connor.

Mr. Camp: Well, then I had one more for Mr. Leonard but can I call him up later if it doesn't get answered?

Mr. Shoecraft: Right, yeah, if it doesn't get answered, yeah. But I don't want to have someone called up & they're up here for 40 minutes, you know, throughout the night. That's not fair to anybody. So, as I said earlier, just keep it moving, one side or the other & we'll hear from you, then if we have questions, we'll ask.

Dr. Joseph Stoffard, 5909 S. 118th Plaza, Omaha, Nebraska: I one of

those paid medical directors that you have to worry about. I work for the Omaha Fire Dept. My check comes through the City, through their Payroll Dept. & I direct the Omaha Fire Dept. when it comes to medical things. It's interesting that what we have to do when we talk about whether or not you're going to trust the Fire Dept. to do the right thing, if you look at recent polls that have looked at what are the most respected professions in the country, number one happens to be the Fire Dept. It's interesting how lawyers don't make the top ten. It's interesting how doctor's don't do as well as the Fire Dept. And the reason is you trust your lives to these people. You trust your lives to these people. Now, across the country, Fire Dept.'s run EMS services. And they do what they can to protect the populace. As a matter of fact, in Omaha, the system that I work in, it's my job to tell the Fire Chief when things aren't going right. And I tell the Fire Chief when things aren't going right & I tell him medically this is what we need to do. He listens to me & then he goes to the City Council or the Mayor & if we can afford to it, we do it in order to protect the populace. What you need is a strong medical director. A strong medical director doesn't necessarily hinge on where their check comes from or who pays them or who they work for. It depends upon the ethics of the individual involved. If you pick an ethical person, an ethical medical director to be in charge of medical care, to be assisted by a board or a group of concerned citizens, you're going to get the best possible system in the world. The reason I like the Fire Dept. is I have 608 people at my beck & call that I can use on a daily basis if the need arises. Six hundred & eight in Omaha. You have 254 Firefighters that are already salaried in Lincoln that are there to protect your life, your property, & hopefully, to transport you to the hospital & to care for you during transport in the near future. The benefits of the Fire Dept. are prodian. They are there, they're willing to help, they'll die for you if they have to. These people can care for you when they're taught appropriately, can do the right thing when they're directed appropriately, & they will markedly increase the ability of the ambulance service in Omaha & Lincoln to care for the populace. I recently went to the Fire Chief & showed him our response times & our response times, again, aren't dictated by ordinance or by contract. We've been doing it for 25 yrs. & I showed him a number of areas where we're not protecting the populace as well as we should based on our statistical analysis. And recently, in fact, just last week, they put another ambulance into service which will start in January. Not that we can afford. Money has nothing to do with it. But it's the right thing to do. And the Fire Dept. will always do the right thing when the City Council & the Mayor feels they need to. Thank you very much.

Mr. Shoecraft: Thank you for coming, appreciate it.

Dr. Dan Noble, 6920 Van Dorn St.: I am President of the Lancaster County Medical Society & a practicing spine surgeon here in Lincoln. I want to thank Mr. Leonard for coming on our behalf & addressing many issues that we feel are important & actually agree with. The Medical Society, among others in the community, have grave concerns about the ordinance. This includes independent medical oversight, medical direction, City Council...City-County routine ambulance service, affects the ordinance on patient care, the fiscal issues, as well as, continuation of some of the same things we saw in the RFI process. We've seen promises & assurances of things that were suppose to occur that we all thought were going to occur, that the City signed off on with our IMO contractual agreement that have now disappeared in this ordinance. And I feel that this is really bait & switch type tactic which we don't appreciate. First & foremost has been our intent on maintaining strict medical oversight & the highest level of patient care which is independent of the provider. And Dr. Stoddard from Omaha said the last time he was here he picks his battles. I don't want our medical director having to pick his battles. This ordinance narrows, weakens & dilutes independent medical oversight &, therefore, by extension, we'll have an adverse outcome on patient care. In meeting with the City Attorney's, Connor Reuter & Dana Roper, as well as the Mayor's representative, Jennifer Brinkman, last week to discuss our concerns, we're told that the changes in the ordinance which contradict, supercede, or actually change the IMO agreement which we're...the City's signatory to, were placed to protect the City. My question to you is who, then, is protecting patient care. We otherwise were met with vague or non-responsive answers to our concerns. We, therefore, had no recourse but to bring our concerns to you, to your attention tonight, as well as the public's attention in hopes that you will, indeed, do the right thing. Thus far in the RFI process, as well as now the switching between our IMO agreement with the City & what the ordinance, I'm not encouraged. As you may recall, we went through countless discussions with all parties

concerned, who despite major differences, agreed that independent oversight would be guaranteed & that it would oversee all pre-hospital medical care. This is not in the ordinance. The pre-hospital...I mean the routine ambulance care is done under a separate medical director. There's no routine...there's no independent medical oversight of that if you read the ordinance. Now, at the same time, the City was a signatory to the agreement that we made for our IMO & now the City Attorney office has written an ordinance which supercedes the EMS agreement. And effectively creates an end run around the intent of the agreement. The duties & obligations of the Emergency Medical Sight...Oversight Agency are being funded by a contribution of \$100,000 by the City along with contributions of \$110,000 by Bryan LGH as well as St. E's, Saint Elizabeth Medical Center, in the tune of \$55,000. Now, why are we going to put all that money in if we're then going to give away half the oversight to a different medical director which is going to further fragment things. If we delete or reassign those functions, we weaken patient care & also waste valuable tax dollars & increase the cost of service by duplication of those services. More importantly, we'll compromise patient care. I'd like to refresh your memories that Independent Medical Oversight was endorsed & supported by a wide range of public & private entities including all medical centers in the City, the Mayor's Office, the City Council, the County Health Dept., the County Commissioners, LIBA, EMS Inc., & the Journal Star. Now, that was Independent, that means independent of the provider & yet I was given a copy of something off the Fire Dept. web site which says "Who provides Medical control?", this is dated Sept. 24th, "Medical control provided by a physician hired by the City." That's incorrect. It's incorrect as it stands now. And it's going to be incorrect or it's suppose to be incorrect as put into the agreement. And it says "He, as a board certified Emergency Medical Specialist", which I guess eliminates females, "who works in one of the City's Emergency Departments." That's on a web site currently.

Mr. Shoecraft: I'll give you about another 30 seconds.

Mr. Noble: Okay. If this ordinance passes as written, LCMS will vigorously oppose it through any remaining avenues that we have available to us. My sincerest hope is that you listen carefully to the physicians who follow me, they have an aggregate over 150 yrs. of clinical experience & ask questions which can further clarify the issues & provide the highest level of care for everyone in Lincoln. We are here tonight as patient advocates & I strongly emphasize that. Our membership comprises 95% of all physicians in this County & through our medical practices & by virtue of our training experiences, confront life & death experiences on a day-to-day basis. You are dealing with no less in confronting ordinance which, by our review, & by review of an expert in the field, lowers the bar of emergency medical service in Lincoln and, therefore, puts patients at risk. Thank you.

Mr. Shoecraft: Thank you, Dr. Noble, appreciate your comments.

Dave Engler, 5631 Milkweed Cir.: I serve as Vice-President of the Lincoln Professional Firefighters representing the 255 firefighters, paramedics, EMT's employed by the Lincoln Fire Dept. I'm testifying in favor of the ordinances. Again, I stand before you to discuss the benefits of a Fire Dept. Ambulance Service for the citizens of Lincoln. We feel our service will be better. There will be one agency responding to medical emergencies. Under our system, all responders will be trained by the same agency & we'll be operating under the same rules as well as the same command structure. Every call will be overseen by a supervisor who has the authority to command & discipline all personnel at the scene. This will eliminate the conflicts that we see on a daily basis. Our service will be faster. The Fire Dept. has always exceeded the industry's standards to better serve our citizens. We respond to fires, medical emergencies & other emergencies in less than 3.5 minutes on the average. The faster we arrive at the scene of a fire means less property damage & it decreases the chance of fire deaths. According to the American Heart Assoc. early oxygenation & defibrillation in conjunction with rapid administration of the appropriate medications saves lives. We do not respond rapidly because there is an ordinance that requires us to do so or because we'll be fined if we don't. We do it because that is what is in the best interest of the people we protect. When we brought forward our ambulance proposal, we decided to present an average response time of 6 minutes. Our medical direction requires Lincoln's paramedics to exceed State & National Registry Standards to ensure that the sick & injured receive the highest quality care. We felt that our customers deserve better than the 8 minute standard & we could provide a 6 minutes response for less than a patient...for less than what a patient is currently charged for ambulance service today. That means that critically injured

trauma patients will see a surgeon faster, patients lying in the snow with a hip fracture will lay in the cold for less...for two minutes less, & patients who's medical conditions can only be treated in the hospital will arrive there sooner. We did this by dedicating more ambulances than is currently available & we did it at less than the current cost. Speaking of cost, we will be returning money back to the City in the General Fund & we will create an enterprise fund to improve emergency ambulance service in the future. Our competitors claim that after lowering their price, we are now comparing apples to apples. Now that we are comparing apples to apples, where in their proposal do they plan to return a significant amount of money to the taxpayers on a yearly basis? We will do this...we will do all of this without increasing taxes. All of our equipment, training, personnel & other costs of providing ambulance service will be paid for through user fees. The Fire Dept.'s proposal will be more efficient. Our firefighters, paramedics & EMT's will take on more duties & responsibility for the same pay. It is surprising for me to hear many of the same people who've preached the concept of City employees increasing productivity are the same people opposing the firefighters effort to do just what they are preaching. We want to provide more service at no additional cost to the taxpayer. I'd also like to clarify some of Mr. Leonard's conversa...or testimony. Our ambulances, I think y'all were in on the Spec. controversy, will not carry hose & water &, therefore, they will not be busy fighting fires instead of responding to medical emergencies. As a former employee of the Kansas City, Kansas Fire Dept., I would also like to point out that the dispatch protocols that were a problem with the dog bite incident are the same dispatch protocols that we use in this City today & have for over a year, I believe. And that was the Claussen System. I ask that you vote in favor of the ordinances tasking the Fire Dept. with providing emergency ambulance service to the citizens & visitors of Lincoln. Your support on these ordinances will guarantee a better, faster, cheaper & more efficient response to medical emergencies. Thank you.

Dr. Steve Carveth, 6200 Old Cheney Rd.: I rise, basically, to speak against the ordinance, the way it is currently written. These comments have nothing to do with the current emergency service provider at the present time or the concept of the Fire Dept. taking it over in the future. These comments are directly related to the ordinance as it is written. First, my opinion, it may not be very much but I would not want to be the medical director of the system the way the ordinance is currently written. It's very loose. It's very vague. It does not speak specifically to some points that I will reiterate that were made to me by some people that I talked with today who are recognized leading authorities in the country on emergency medical services. One is Dr. Roger White from Rochester, Minnesota, the current medical director of the EMS system in Rochester, Minnesota. I tried to give him the best & I read some sections of the ordinance to him & I tried to give him a synopsis. There was a long pause after I had read that. He said, "You have a disaster." He said, "You no longer have what you've had in Lincoln, Nebraska, for many years, independent medical oversight." Then, well, Roger, how do you have things in Rochester there? And he said, "Well, the City of Rochester has contract, ordinance, whatever legal term you want to use with the Mayo Clinic to provide independent medical oversight, overview, supervision." This is the practice of medicine in the streets of Lincoln, Nebraska the way we should be writing the ordinance. It has to have strong independent medical oversight. So, then I called Dr. Leonard Cobb, of Seattle, Washington. Basically did the same thing, gave him a synopsis & read him certain segments of the ordinance as it is currently written. He said, I think something like "You've got a real problem." He said you no longer have one of your strong aspects of your Lincoln system, independent medical oversight. I said well, Leonard, how are things in Seattle? King County or the City of Seattle, depending on the hospital in a specific geographic area has a contract with Harbor View Hospital or the University Hospital. The City or the County pays them for independent medical oversight. I've been involved in emergency medical services aside from my practice at which I'm now retired from for some 35 yrs. We've had, in Lincoln, Nebraska, almost 30 yrs., 29 yrs. to be exact, strong independent medical oversight. To me, Seattle is the gold standard. There isn't another City or County in the country or the world that reports successful out-of-hospital resuscitation rates that Seattle does up to 40%, at least in the high 30's. In Lincoln, Nebraska, we've had anywhere from the high teens to 1 yr. ourselves, high 40.

Mr. Shoecraft: You have one minute, sir.

Mr. Carveth: Okay. I'll just leave you with the fact & be very happy to answer any questions at some point in time but we've enjoyed

strong independent medical oversight. That needs to be in the ordinance. Thank you.

Mr. Shoecraft: Thank you, sir, appreciate it.

David Hunter, 1023 Lincoln Mall: Having served on the last task force that looked at this debacle, I think there was a conclusion that we needed to come down to one provider & I think that decision's been made. And that's the end of the issue. However, I think we should cut through the questions that are coming up tonight & get to the bottom of it & answer the question & make the question from the Council to the City Attorney very simple. This City has entered into a contractual agreement of independent medical oversight. The simple question that needs to be asked does this ordinance negate that contract? Period. That's it. Nothing else, nothing more, nothing less. If it does negate it, then clean it up. Cite the independent medical oversight contract by reference if that's possible without putting the City at risk. That's all the Lancaster Medical Society has concerned itself with. That's what the Fire Dept. has concerned itself with. Our task force concerned ourselves with that. And it's over. Everybody wants it. And everybody seems to be happy with the IMO contract. Don't negate it, don't void it. If it does, clean it up. That's it. There's no sense in going through a four hour harangue over this thing because you have the contract & it's all been agreed to. Just answer the simple question, does it negate it? The other issue is these scare tactics that've been going on. I want to give you a quick history lesson. Mayor Wesely, when he was a Senator, at the Legislature, introduced legislation numerous times allowing ancillary medical professions to perform more duties. And all the soothsayers, the Medical Society's came forward & said basically there were going to be people dying in the streets as a result of this. I don't think that's come to fruition. The gentleman from Kansas City has brought up his opinion. That's all it is, his opinion. And I want to emphasize that we do use the priority dispatch & it's the Claussen System which I even questioned. Some people felt like this gentleman walked on water. I seriously questioned if he did. But that's the system we use. And there are going to be some problems with it. But that's what this City & the 911 Center has adopted & if we so elect to change that then I suggest that the Independent Medical Oversight which goes into effect change that. But the Independent Medical Oversight, which we've had in this City before, implemented it & agreed to it & thought it did walk on water. So, I assume it continues to. But that's what this is all about. If you play all the tapes back, the previous testimony when this whole fiasco was blowing up from here to kingdom come, the one item that the medical society was concerned with was independent medical oversight. That's all this boils down to. Cut through it, make sure it happens. Take the City Attorney's advice, you take it on everything else, take it on this. And if it's wrong, we'll pay the price. Thank you.

Mr. Camp: Jerry, I've gotta ask a question of David. I can't let him sit down. Two questions. I appreciate your trying to simplify it so we can go home early 'cause that's very appealing. As I read this & when I discussed this with Connor Reuter, I'd like to hear other testimony, & I do appreciate the fact that Dr. Carveth said that his testimony is about the ordinance not the provider. And I think that's where this issue has gotten so clouded over the past several months is there's been an unfortunate denigration of this issue to try to say it's one faction against another. And, at least from my perspective, it's process, pure & simple, not who drives the ambulance but the process to get there. And there's three tiers to that process. You've addressed one of them & that's the independent medical oversight. And I think you've pointed out a good question that, from my standpoint, you know, I want to hear that answer too. But I also ask where, in the ordinance proposed, is the financial oversight to protect the taxpayers of Lincoln? Where are the standards? And I want to hear testimony tonight on that because I have questions on that. Another big issue I have is why do we want an ordinance that restricts us. Just like the medical oversight is broad so that it covers whichever provider, whatever provider does the ambulance service & the review thereof, why not continue our ordinance in a vein that we've had it that gives the City the flexibility. And I guess one of the concerns I have is why was this ordinance drafted to go & lock us into one provider when we can just make it general & then pick it. Again,

we're focusing this process in a way toward an end. We just went through a doggone, well, never mind, & so I just...I think there are some other questions, David. And so, I'd like to hear more testimony on that from all sides.

Mr. Hunter: Well, to answer your question on the financial oversight, I read that. In considering government, let's compare with the School Board a minute. This probably one of the finest financial oversight processes I think that governments ever implemented both in the City...

Mr. Camp: Can you tell me what the standards are?

Mr. Hunter: Standards are standard accounting procedures that spells it out in there & I'm not going to get in a big argument...

Mr. Camp: Show me where! Show me where it is.

Mr. Hunter: It talks about it. It says that there will be an independent...there will be a separate set of books, etc., etc.

Mr. Camp: That's fine. I'm not worried about the money being spent. I'm concerned about the economic way in which it's spent. Is it wisely spent?

Mr. Hunter: Well, I can't respond to that.

Mr. Camp: I mean we've gone through a whole process...

Mr. Shoecraft: You're asking the wrong person that question.

Mr. Camp: Well, that's true, he's not a CPA.

Mr. Shoecraft: Could we please just get...if you have a particular question that you can answer, answer it & then we're going...we had a Council member make a request for a break. And then we'll do so. But there's some questions he has...

Mr. Camp: I know, Hunter can't do it.

Mr. Hunter: I think...Jon, unless you've got four votes, you're not going to change the process. It's that simple. And the bottom line is we've argued this process...just a minute, it's my turn...we've argued this process for a long time. The votes were taken. Now all we gotta concern ourselves with, listen to the Medical Society, listen to it. They're not talking process. They're talking independent medical oversight period.

Mr. Camp: That's the medical process...

Mr. Hunter: But that's it. The rest of the process is finished. The votes have been taken, the juries in, it's over. You can't beat the horse any more. Let's deal with the patient. Let's deal with the public & let's deliver the best process. With all due respect to the Fire Dept., nobody has more at stake than they do. Nobody. Fumble this ball & they're finished. I guarantee you. But I don't think that's going to happen & I think you're going to see service superior to any service we've ever had. Get the independent medical oversight over with & quit beating this horse. And let's move forward. There's no sense in going any farther with this.

Mr. Shoecraft: Okay. We're taking a break.

**** 9:45 p.m. - Council took a break. 10:00 p.m. - Council Reconvened. ****

Mr. Shoecraft: Connor, address 4 points real quickly in regards to the response times, not required to respond to all 911 calls, call screening & doing away with independent medical oversight. Would you tackle does our current ordinance negate independent medical oversight or make it disappear?

Ms. Reuter: It does not.

Mr. Shoecraft: I didn't hear you, what?

Ms. Reuter: It does not. I think it was last week, it may have been two weeks ago, the City Council voted to adopt or execute a contract between the hospitals, EMS Inc. & the City that would provide for 4 additional years of independent oversight. That contract is not negated should you pass the ordinance before you as Title 7 & Chapter 2.20. There are changes that would need to be made to reflect the new verbage used in this code, in Title 7, that could not previously have been written into the contract because they didn't exist. For instance, prior to this, there was a certificate holder that would not...there would not be a certificate holder any more because we would have repealed Chapter 8.08 which called for a certificate holder so references to that would have to be removed. There are references to liquidated damages that the current Title 7 would not refer to liquidated damages. There are some clean-up provisions that would have to be made that would make the terminology between Title 7 should it pass & the contract so that...to make them jive. It would not in any way negate the fact that the City has agreed to be bound for 4 yrs. to independent medical oversight provided by EMS Inc., in this case. I would note for you the fact that, currently, under Chapter

8.08, there is no provision in that chapter, that I can recall at least, that specifically requires you to enter into any kind of a contract with EMS Inc. in particular or anybody. In fact, the language in Title 7, that defines E-M-S-O-A, or EMSOA, on page 6. As I recall, is pretty much taken exactly out of the current Chapter 8.08 which simply provides we anticipate & we want to contract with some entity, although we're not going to name it by name, EMS Inc. by name, as we wouldn't name Rural Metro by name if we were going to give them a certificate. We'd call them a certificate holder. Here we call it an Oversight Agency. Nothing currently requires that we have the contract that is currently in face... in place the same language that allowed us to enter into that contract, however many years ago we first hooked up with EMS Inc. is the same language that would appear in the new Title 7. You have already expressed more than your intent, you've done so. You've already bound us to another 4 yrs. At the time that negotiations as to how that contract, that 4 yr. contract, would read took place, it was known to all the parties that this ordinance was in draft form, that there would likely be some changes were you to stick with your intent of June 26th to change this over to a governmental service. It was known that there would be language that I'm referring to now, this clean up language, to make the terminology jive. It was known, you know, that there's an election. Let's face it, there's going to be an election in November & it could yet, again, change it. So, we might well go back in & change the terminology of the agreement & in November have to go do something else altogether. This ordinance being before you was a known fact, was known it might prompt changes, & it was outside the control of the parties. The parties at that time wanted to go forward & show the commitment to independent oversight & everybody did so knowing full well we might have to revisit it depending on how the wording of Title 7 ended up. And, again, knowing also out of our control that we might have to go [break in tape].

Mr. Shoecraft: ...oversight, we enter into a 4 yr. contract. It is here. It is here to stay. We do have to do some cleanup language in regards for that to jive with Title 7, is that correct?

Ms. Reuter: The City's down for 4 years.

Mr. Shoecraft: Thank you.

Mr. Camp: Mr. Chair, if I may ask a question.

Mr. Shoecraft: Yeah, Mr. Camp.

Mr. Camp: Connor, on that, let's assume what you say is correct. By what standards does the Independent Medical Oversight review performance?

Ms. Reuter: When you say review performance, if you mean response times, I can answer that. If you mean some other things I'd probably need you to be more specific.

Mr. Camp: Any of them. Let's start with response time.

Ms. Reuter: Okay. Response times in the contract as to emergency providers which, again, should Title 7 pass would be the City either through the Fire Dept. or through somebody we contract with, they are monitoring it based on I think it reads an 8 minute response time. They can actually provide any kind of information they want to to the Council. It calls in the contract for 8 minute, they could pare it down & show 6, 7, 8, 5, whatever kind of matrix they wanted to show but they are specifically required to report to Council, I think quarterly, with data as to how, in fact, the emergency service is being provided within the Lincoln communities so that Council & the Mayor's administration can act to make changes if that's deemed appropriate as the data flows in. So, although there's not a response time maximum in the ordinance, again, because it's a government service & not a private as we currently have where we mandate the response time, we are asking somebody to look at it from the same standpoint that they are the current provider & that is the 8 minute mark. Nothing would stop them from also giving us a 6 minute mark & I assume we would want to have both actually given the (inaudible).

Mr. Camp: Chapter 7 doesn't have a response time in it.

Ms. Reuter: Chapter se...

Mr. Camp: Your proposed Chapter 7 has no response time, is that correct?

Ms. Reuter: Title 7 has an indication in it that there will be every effort made to re...let me try & find it, I think it was left at 6 minutes, page 28 indicates the objective that within 6 minutes & no seconds of dispatch on an emergency call arrival be...

Mr. Camp: Would you read that for us?

Ms. Reuter: This is Section 7.08.050, "In the provision of emergency ambulance service, in which medical care protocols require lights and/or sirens be used by the ambulance, every reasonable effort shall be made to arrive at the site of the patient within 6 minutes & no

seconds of dispatch by the 911 Center pursuant to an emergency call. In so responding, however, the driver is to drive with due regard for the safety of all persons using the roadway." That indicates a 6 minute goal. I think that that can act as a guide as the Fire Chief deploys the resources & administers & manages his personnel, figuring out where to put the ambulances, when to request additional ambulances, how many people to have on staff at a given time, that is to be his goal. The Independent Oversight Agency is contract for 4 yrs. & they are required to provide you periodic information & the Mayor's Office which it will act in large part to administer the process as, you know, the Fire Chief serves at the pleasure of the Mayor, would provide you & the Mayor & the Fire Chief constant input as to how, in fact, that goal is being met. Whether it's being met, with what frequency, & giving them an opportunity to make adjustments as required per the data coming in.

Mr. Camp: Okay, well, you said a lot there but what's the difference between a goal & an 8 minute standard in the current law. Tell me what a goal is.

Ms. Reuter: Well, I don't think there's any difference on patient care. I don't think it matters what's written. What matters I think (inaudible).

Mr. Camp: Would you mind using the current law & just using it here?

Ms. Reuter: Chapter 8.08 or the Title 7?

Mr. Camp: Chapter 8.08.

Ms. Reuter: Chapter 8.08 is...

Mr. Camp: Well, Chapter 8. Why...if what's we have...to me there is a difference between a goal & then when you add the sentence "In so responding, however, the driver is to drive with due regard for the safety of all persons using the roadway." I mean if you're an attorney looking at this & someone says gee, had an 8 minute average & you're suppose to have a goal of 6 minutes, & the other party comes back & says well, gee, I was driving along in the due regard of safety & the highway or the roadway. I mean you can drive a truck through this, I guess. You can drive a fire truck or an ambulance through it.

Ms. Reuter: I think what needs to be understood is that when the private carrier was responsible for emergency as we've had in Lincoln forever, as far as I know, what was required was that we tell them up front, before we give them the certificate, these are the ground rules. And if we wanted to maintain control over the way that they provided the emergency service in Lincoln, they needed to know if you're not there in 8 minutes, X, Y or Z is going to happen. We're going to revoke you, we're going to fine you, you know, bad things are going to happen to you.

Mr. Camp: That's my point. Why not...why do we expect the private sector to adhere to that but not ourselves as government? Why should we not have to appear to that or X, Y, or Z will happen.

Ms. Reuter: You have absolute ability to expect your government to live by that & you, as the City Council, as the Mayor can make that happen. Not having it in the ordinance does not change your authority to make it happen. Whereas, not having it in the ordinance with a private provider does change your authority to make it happen. I ask you, I guess, to consider what you want the penalty to be if it's not met. Would you like the Fire Dept. to be fined? I mean that doesn't really make a lot of sense. Would you like them to be imprisoned? That doesn't really make a lot of sense. Would you like to revoke their ability to provide service? You've made it a government service. You've made it an obligation of the City to provide, that really doesn't make a lot of sense. All of those things make a lot of sense when you're talking about a private provider running the service where we've said please come into our community, please serve us, & we're basically at their mercy on how they serve it, unless we write out ahead of time what has to happen for them to retain that authority. That is not at all the case when it's a government service. When it's a government service, you get to pick how it's run. The Mayor gets to pick how it's run & if you don't like the 6 minutes, you want 4 minutes, you all can make it happen to get 4 minutes if you want to invest the resources in that. If you don't like 7 minutes, if that's what they're at, you can ask Mike Spadt, hey, reposition some of those ambulances & let's get this down to 6 minutes like we want. You don't have that same ability over a private. You have it on a day-to-day, minute-by-minute basis over this as a governmental service. There should be no effect on patient care, there should be nothing...no less of a standard by its void in this ordinance. You have the ability to make that happen. Writing it in there doesn't make it so, it's how you deploy the resources & allocate the personnel & that's what you have ultimate authority over as the City.

Mr. Camp: Well, but what I...what really concerns me here, Connor, is that...& it gets back to the process here, you keep injecting Fire Dept. or whatever & that's not where I'm at. I'm looking at what is it we are expecting of our pre-hospital emergency care system. I don't care who drives the ambulance, I want to know what is our expectation. And if it...and...and we're taking this system we had & we say well we expect this of the private sector because if it's us, we don't delineate a standard because we can't penalize ourselves. Well, I think we need to have standards set there so that no matter who does it, that that entity meets the same standards.

Ms. Reuter: Or what?

Mr. Camp: Pardon me?

Ms. Reuter: Or what? That's the missing element.

Mr. Camp: Or there are consequences. Then let...

Ms. Reuter: What would the consequences be to the City is the question?

Mr. Camp: Well, see, that's where...

Ms. Reuter: You have to ask that for the private.

Mr. Camp: Then where do we have independent medical oversight if you have no ability to enforce it. Where do you have independent medic...financial oversight that I was trying to get across to David Hunter if we have no way of evaluating it. As the taxpayers here, we need to have that. But we do not have that here.

Ms. Reuter: What you have in this case, by virtue of Title 7 & the contract that you've already signed up for four years is an independent person monitoring what the response time is. You tell them what to do if you don't like the response times which is the same thing...

Mr. Camp: We're just saying we have a goal of 6 minutes, a goal.

Ms. Reuter: You have a goal of 6 minutes, you can make that goal as you vote from...

Mr. Camp: Why don't we say it's a stand...

Ms. Reuter: Day to day 4 minutes if you choose to. I mean you can deploy the resources in any way you want to to make that time whatever time you want it.

Mr. Camp: Well, we can spend more & then we're blamed on causing more (inaudible). I just want standards here in the process...

Mr. Shoecraft: I'm not cutting you off, Mr. Camp, I'm trying to make sure you two don't throw on no gloves here.

Mr. Camp: Oh, no, we're not there.

Mr. Shoecraft: I know, I understand that so I'm going to only intervene from the standpoint of having decorum within these chambers & you two can do this all night long. I asked her to respond to a question, you did, she did. You want to ask her additional questions, you can do so.

Mr. Camp: I think she had three other questions of yours to answer so I'll wait on (inaudible).

Mr. Shoecraft: And then, Connor, now we're going to come back with the public but you can call Connor back up for some additional questions. I'm not cutting you off on that.

Mr. Camp: Thanks, Jerry.

Mr. Shoecraft: I'm just trying to keep this going right...the right way. Thank you, Connor. I know you can talk all night but you can sit down now, too. Appreciate it.

Mr. Camp: Did she answer your other three questions?

Mr. Shoecraft: The only one she didn't answer was the call screening but I can get on that...call screening, I got that marked. Ma'am.

Karen Dahlstrom, 2825 Woodsdale Blvd.: I'm a Lincoln resident & I'm the Chair of the Vote NO to Save Lives Committee. We're a citizens group that has come together to support our local Firefighters in their bid to become emergency ambulance service providers in Lincoln. First off, I want you to know that I've spoken with hundreds of people, spoken to & spoken with hundreds of people in Lincoln, citizens who support the Council's decision to make the firefighters the new emergency ambulance providers. You won't see a parade of them tonight. They're common, ordinary people who are interested, interested enough & they're average citizens who do not spend a lot of time in the Council or in halls of power. Many of the elderly are elderly people & people with young families who have experienced emergencies & the care that they've been given. They all want the best care as solutions for their family. They support the firefighters & it doesn't come from a dislike of Rural Metro or anyone else. That's not the issue. But they all wonder why the firefighters aren't the ambulance providers when they arrive on the scene before ambulances two-thirds of the time. The Fire Dept. responds to

calls within 6 minutes, 90% of the time, two minutes faster than the current providers. Please understand that when a loved one's life is at stake & their health is in danger, Lincoln citizens are most concerned about one thing. And that thing is who can get their quickest to stabilize them, to be there for them. But their support is only...is not only about fast response, the firefighters proposal will keep the ambulance revenues in Lincoln & for the first year, as a minimum, will save \$162,000. Good sum. The first year alone. Now an agreement has been reached on Independent Medical Oversight I think. The new proposal allows firefighters & paramedics to work side by side, accountable to the same authority. In closing, I want you all to know that the citizens of Lincoln support your plan. Your plan to make the firefighters & extra emergency ambulance providers, they will provide faster, better, more efficient & less expensive service. They'll do it with the same commitment & pride that they show every single day when they're in service. We ask you, as a group, to pass those ordinances tonight & get on with it. Thank you very much for your time & we appreciate all of your help.

Mr. Shoecraft: Thank you.

Ms. Dahlstrom: You have many behind you in your decisions, many, many, many. Trust me. Thank you.

Mr. Camp: Jerry, I have 10 seconds of questions for her, if I could? Karen, could I ask you three quick questions?

Mr. Shoecraft: You said ten seconds.

Mr. Camp: Well, it takes her ten seconds to answer.

Mr. Shoecraft: I'm just teasing.

Mr. Camp: What's your address?

Ms. Dahlstrom: Twenty-eight Twenty-five Woodsdale Boulevard.

Mr. Camp: Okay. Do you know what the QRT is?

Ms. Dahlstrom: Pardon?

Mr. Camp: Do you know what QRT is?

Ms. Dahlstrom: No, explain it to me.

Mr. Camp: The Quick Response Team.

Ms. Dahlstrom: Well, yes, okay.

Mr. Camp: Okay.

Ms. Dahlstrom: You're using initials.

Mr. Camp: Well, I'm sorry. And can you save \$162,000 with red ambulances or white ambulances?

Ms. Dahlstrom: Does it really make any difference at all, Mr. Camp?

Mr. Camp: Thank you for answering. Thank you.

Ms. Dahlstrom: You're certainly...

Dr. Chuck Gregorious, 2220 The Knolls: Members of the City Council, & Mr. Shoecraft, in particular, I want to thank you for trying to keep this thing rolling. I'm Dr. Chuck Gregorious. I'm an anesthesiologist. I reside at 2220 The Knolls. And I'm here as a patient advocate more than anything else 'cause that's what I've been trained to do. Before I get into my presen...prepared remarks, I would like to respond to the last presenter as well as Mr. Engler. There's a consistent...I don't want to call it misrepresentation but a confusion between first responder & ambulance transport. They are not the same. Firefighters & their first responding trucks are always going to be there first. And in 90% of the lifesaving emergencies that we have in this town, first responder is all they need. And that includes the oxygen. That includes the intubation. That includes a defibrillation & all those things take time & that time is when two minutes later, the ambulance...the transport shows up. They are different & what this ordinance is about is the transport that comes along later. Let's not confuse those. The medical community has never had anything but praise for the Fire Dept. in it's first responder role. Never. They have done a marvelous job as long as they've been around. There's no two ways about it. Tonight I'm here to talk about standards again. Because standards & independent medical oversight go hand in hand, you can't have one without the other (inaudible) the new provider of emergency medical transport has agreed to the standards as established previously by EMS & the independent medical oversight, the proposed new ordinance establishes a second layer or a second tier of care that will not be held to those same standards. In that sense, we are fragmenting our system. This is not acceptable for two reasons. First, according to the new providers own plan, the provider of the non-emergent, inter-facility transport could be called upon to back up the Fire Dept. at times of high demand. If they are potentially going to be doing emergency transport, the same standards should apply to them as it applies to the main emergency provider, whoever that might be. Second, some of our inter-facility transports, as we've already heard, can be critically ill these days. And they deserve no less highly qualified personnel than

those served by the emergency transport teams. I'd like also to address standards for our paramedics. The Fire Dept. has a web site that we've already heard about & on that web site are the qualifications of their paramedics & they are accurately presented. To be a paramedic requires completion of classroom work & infield training that takes approximately 1 year. Following successful completion of the course work, there are written & practical tests that must be passed. Then the paramedic is national registered & state certified. To maintain that certification & registry, the paramedic needs to do one of three things: needs to retake the state test, needs to complete 48 hrs. of classroom work or it needs to be signed off by the medical director. Does anything in there say anything about hands on experience in the interim? Not one word. A paramedic can maintain certification & registry, & that's any paramedic, I don't care who they work for, a paramedic can maintain certification & registry for years & never touch a patient. That's why the Lincoln Medical Community established standards years ago to require experience that is current. There is no substitute for experience. Last time I made this presentation, I was challenged by one of the firemen who came up & said that the medical community expected more of the paramedics than we expected of ourselves & that could not be any further from the truth. (Inaudible) paramedic when I got out of medical school, I was trained & I was ready to go & I was certified by the State. I wasn't certified, I was licensed. I'm fresh out of medical school & according to the State, I can operate on your heart, turn around & deliver your sister's baby, then take care of that pre-term baby & take care of that baby on up through high school, also do plastic surgery on your face after you fall off a ladder. I can do that fresh out of medical school according to the state & my license. There's no way on God's green earth that I would ever do that, that would be absolutely stupid & there's no way on God's green earth that I could do it because there is no medical society & there is no hospital in this entire country, not even in some poor town that hasn't had one for 10 yrs., would accept me into their hospital with those kinds of qualifications. Only with extensive training & residency, which is hands-on direct patient care, for a minimum of 4 yrs. & for some specialties, as many as 9 to 11 yrs. (Inaudible) we come up with enough experience to hang up our shingle & start working. We hold ourselves to the same standards as we hold our paramedics? No, we hold ourselves to higher standards but we expect no less for our patients. This is a continuum of care. This is medical care that starts in the street. And there should be a standard for experience, ongoing experience, in order to account for that. The most dangerous health care provider whether that's an M.D., Registered Nurse, or a paramedic, most dangerous health care provider is the one who does not recognize, admit, or allow for the fact that they are not experienced, that they have limitations.

Mr. Shoecraft: One minute, sir.

Mr. Gregorious: When such individuals are allowed to practice, lives are placed at risks & that's why we insist on standards. Finally, I see no teeth in this ordinance as Mr. Camp has been getting at. (Inaudible) standards to be applied to our provider? No standards, no teeth. (Inaudible) consequences as a failure to perform, either clinically or economically. In the absence of standards, maybe we don't need any teeth.

Mr. Shoecraft: Thank you for coming, appreciate your comments.

Mike Spadt, Fire Chief, 1801 Q St.: Based on Dr. Gregorious' testimony, with all respect, I need to get up & discuss a couple things with the Council. Council just recently passed an agreement between EMS Inc. that ensures that you'll have independent medical oversight for our community. Inside of EMS Inc. there's a contract or a relationship with the medical director that is part of the Lancaster County Medical Society. That practices in this community. They & the Lancaster County Medical Society's Medical Directions Board create & initiate medical protocols that I'm bound to follow through the agreement between EMS Inc. who the Medical Director works for. I have no choice. And within that, I have to follow the letter of the law. There are standards in there that my paramedics have to meet on a quarterly basis to be able to perform in the Lincoln system. I've pared the number of paramedics that the Lincoln Fire Dept. had for this community from 60 down to 24 at the desire of the Lancaster County Medical Society. The remainder of those people are called Quick Response Team paramedics that are held to a lesser standard but the people that will be assigned to the transport unit are full-range, full-functioning, state certified, nationally registered paramedics that've been signed off by the medical director of this community. So, I'm at a loss to hear all the testimony that's coming up that I'm not & we don't, as a City, have independent medical oversight. It's there. It's

in the contract. I'm bound to follow the rules. That's what I'm going to do. I've pared the number of paramedics down. I can't believe for a second that anybody thinks that I want to put a system up there for the citizens of this community is anything less than excellent. I mean it's just ludicrous. We're going to follow the rules of the Lancaster County Medical Society through the Medical Director & EMS Inc. I mean that's the short & sweet of it.

Mr. Shoecraft: Thank you.

Mr. Spadt: Thank you.

Mr. Camp: Jerry, could I ask...Mike, if I could real quickly, & I appreciate your statement & I don't think anyone's suggesting that there would be less than what it should be but, at the same time, it's a lot easier to set the rules up first...

Mr. Spadt: They're already there, Councilman. With all respect, the rules are there.

Mr. Camp: Okay, show me where in proposed....

Mr. Spadt: Read the agreement between EMS Inc. & the protocols that I have to follow, it's all there.

Mr. Camp: Do you know the difference between a contract & an ordinance?

Mr. Spadt: Well, I'm not an attorney, I'm a Fire Chief.

Mr. Camp: Which supercedes the other?

Mr. Spadt: I would imagine that the ordinance does.

Mr. Camp: Right. Okay. Thank you.

Mr. Spadt: But within that, if you have an agreement with EMS Inc. which has the medical dir...I don't need to go all through that, I'm bound to follow that. In the City of Lincoln, we have an agreement with them. Now if they're concerned about the non-emergent provider then we need to deal with that or they need to deal with that. I mean there are issues with state law that need to be corrected. Maybe they ought to go to the State house & try to change some of the things up there to get it corrected. I mean...thank you.

Mr. Shoecraft: Thank you, appreciate it.

Danny Walker, 427 "E" St.: I'm going to give you an example of the standards I've contended with since the Medical Society seems to me that's the only word they know of. Unfortunately for me it seems, I'm a patient of the V.A. medical care. The V.A. medical system has an Ask-A-Nurse. The only trouble is when you call Ask-A-Nurse the majority of the time the Ask-A-Nurse is not available. There is a recording if you're sick call 911. Now, here's what I ran into. Instead of calling 911, as you know, I was transported to the hospital previously. There was a \$500 transport fee & then there was another \$500 transport fee tacked onto that. This latest situation where I couldn't get a hold of anybody &, keep in mind, the operator not the Ask-A-Nurse at the V.A. Center, the operator, finally came on the line & said why do you keep calling. I said because I'm suppose to call Ask-A-Nurse if there's an emergency situation. He tried, he could not get a hold of Ask-A-Nurse. I'm on the elevator & red faced probably like I am now & a gentleman that's employed there says looks, like you're upset & I said yeah, I've never heard of such a screwed up damn mess in my life. You know what he told me, oh, he says, you think that's something, you call after midnight, there's no one on duty at all. Well, needless to say, my situation wound up in the V.A. Headquarters in Washington, D.C. They kicked back all my bills originally, had a collection agency on my tail for not paying my bills & that's why everything wound up in Washington D.C., also in Senator Bereuter's office. Washington D.C. got the mess straightened out.

Mr. Shoecraft: Washington?

Mr. Walker: That's right. Now, keep...now keep...keep in mind...that's alright, Jerry, they want to play game, I've played games with the damn railroad & Union Pacific lawyers, Burlington lawyers for 25 yrs. so I'm used to game playing okay. Anyway...anyway, I would appreciate it & I think maybe this would fall in Dana Roper's realm, I don't know, but I think someone should talk to that Veterans Administration here in Lincoln. I'm surprised that there is...as far as I know, unless I don't have this total agreement, but as far as I know there's been no discussions with them. And, believe me, that is very important. Keep in mind, Veterans can now sue. Previously, they could not. But there is provisions for lawsuits & I would hate to see the City of Lincoln get drug into something that they haven't researched & gotten some kind of a commitment. The Veterans Hospital here in Lincoln, keep in my mind they're talking about selling out, & if they go in the laboratory service, right now, Rural Metro's the sole provider of that ambulance service here in Lincoln. Now, I don't know if there's been any contact between the Fire Dept. & them or not but I think...the City, I think, you

talk about responsibilities, I think they're, the City Council & the Legal Dept., has the responsibility to contact them. And just see what is going on here & then if any of you want proof to this, I have copies of everything. Last, but not least, & I'm not criticizing you people, what I don't like is the statement that the City Council will set the rates. I'm sorry but after I've seen \$10 million grow in the back yard of the Mayor's Office for a ballpark & a few other things & this Antelope Valley bit that's gone to Washington & taxpayers have been bled for money for the Antelope Valley Proj., I would like to see a citizen committee appointed to those rates. And I think in all fairness, I think, I'm not...like I say, I'm not being critical of you people but I think in order to keep the faith, I think there should be some citizens on this committee if I understand the agreement right & I think the agreement does state that you will have the final say. And I'd appreciate it if there's at least one or two at large people (inaudible).

Mr. Shoecraft: Thank you.

Mr. Walker: Thank you, Jerry.

Kent Reckewey, 2406 Ridge Rd.: I'm the current EMS Medical Director but soon to be the former EMS Medical Director and, in fact, in approx. a week my replacement will assume his new roles & responsibilities & I think the thing that I'd say is that over the past 18 yrs. that I've served as Medical Director, we've certainly had a certain amount of argument & strife surrounding EMS & some of you have participated in some of those arguments. So, to my new replacement, I'd like to wish God speed & good luck because I think he's going to have some tough issues to face but, even having said that, I hope he enjoys the opportunities & experiences as much as I've enjoyed mine. It's truly been an extraordinary experience. I bring that up & say that in no small part so that you recognize that really on my way out, I have no real personal bias or professional ax to grind on this issue but I really feel after the 18 yrs. of experience I've had in the community that this ordinance is just not a good fit for our community. To quote or to misquote Ronald Reagan, & I am no Ronald Reagan, but it feels like here we go again.

Mr. Shoecraft: You sounded like him.

Mr. Reckewey: Well, thank you. Thank you, Jerry, I appreciate that. (Inaudible) say that's a good thing. But the point is I think Dr. Dan Noble well described that. I think that EMS Inc. & the Lancaster County Medical Society really felt in good faith that when they negotiated with the City that the new independent oversight agreement would allow for a comprehensive oversight of all aspects of EMS care in Lincoln. And I really feel like this ordinance contradicts that. I think it's important to recognize that whatever the roles & responsibilities of that oversight committee that the real authority or power of that, the conduit, is directly through the medical director. So that if you have more than one, you have two, you have several, that responsibility is shifted then from that oversight agency to the other medical director & so instead of a consensus of Medical Society, EMS Inc., you, instead are with one physician & one agency. And I clearly don't think that that was the intent of the agreement. And it's different. You might have independent oversight but you won't have the authority. And without the authority, I think our new Medical Director's really going to have a more difficult time & I think that's a very important point for you to recognize. I think most of you recognize that during the past 18 yrs. we've operated under one set of protocols. But we have had two agencies & they tend to argue every now & then. And I'm really afraid that if you add another Medical Director to that, you've just fanned the fire rather than somehow diminishing this. And I thought that's part of what all this was about. And it just doesn't make any sense to me. It would seem that what would be better is one protocol set, one agency oversighting, it's cleaner & it just makes more sense. I've got this image I conjure up of the base physician as he answers a call & as he grabs for his library, he didn't know which policy, procedure or standard of care, protocol set to grab 'cause he doesn't know what provider's going to role up & distinguish what protocols he's suppose to answer to. And we really don't need that set of confusion. But it's more than just about protocols because it's also about a philosophy of care & it's about behavior & discipline & education & standards & standards. One of the things that was always important to me was a consistent theme throughout those, you know, five, ten, fifteen years or so, one of the things that I believe very much in was a conservative approach to paramedic care. I thought it was important that we deliver no more care than was absolutely necessary but when we did that we did it in a very professional & excellent & in a way in which I think we could all be proud that our paramedics represented us. Now, that may change with a multiplicity of Medical Directors. Or at least the argument

may stop or start somewhere. And I was blessed with a tremendous amount of support from the Lancaster County Medical Society & I see no reason to have two or three medical directors all arguing over protocols & somehow distracting that consensus of support that I was so fortunate to have. So, again, I think it's important to have consistent themes & it's hard to do that with more than one medical director. I'll be done soon, Jerry. The other thing that I want to mention is some value added that has been a real theme of EMS Inc & Lancaster County Medical Society. You know you can adhere to the state protocols & I think that's good & it's adequate & you get some protection from liability with that. But in Lincoln, one of the things that has been important to us as physicians is that we enhance that. That good wasn't quite good enough. We wanted to be outstanding and, in fact, in many or at least some areas, we've had to expand those protocols to have that enhanced level of care. Now, to do that, EMS Inc. had to, in fact, partake in a several thousand dollar professional liability insurance policy so that we're enabled to do that. And I'm not sure any new Medical Director's going to have that same opportunity. And I don't think Lincoln or the citizens is going to be satisfied with just adequate or standard. I think it really wants to be good or excellent. So, I'd tell you Council people, I just don't think the ordinance...it doesn't work. I don't think it's good for the City. I know it's not supported by EMS Inc. The physicians don't support it. And I don't think it's good for the patients. So, I'd ask you just to reload, take a look at it again & resolve to get something better. So, with that, thanks.

Mr. Shoecraft: I want to say, I've only gotten to know you on a limited basis but I appreciate everything that you've done serving as Director.

Mr. Reckewey: Well, thank you.

Angie Meyer, no address given: I'm proud to be a part of the Vote NO to Save Lives effort. I'm here today to support our Lincoln Firefighters & their proposal to provide ambulance service in the City of Lincoln. In Lincoln we do take pride in our firefighters. They put their lives on the line to protect us every day & in every situation. That dedication & pride in service to our community is what makes Lincoln such a great place to live. Many people across the community feel that our firefighters will bring the same dedication to our emergency ambulance service. It just makes sense to put the emergency care of our loved ones in the hands of our dedicated public servants, the firefighters. After all, they are on the scene of an accident first before our current provider a majority of the time. Today, you debate the specifics of a contract & many will & have stood up & talked about legal details & process. That's all fine but in the final analysis this is about health care, not process. And our firefighters have put forward a proposal that ensures a faster response in an emergency at a lower cost to the vast majority of local citizens, this is what matters most. I encourage you to move forward & make our firefighters the emergency ambulance provider for Lincoln. Thank you.

Darrell Stock, 1115 K St., Suite 104, Pres. of EMS, Inc.: I guess it seems like these days both Kent & I are on farewell tours. At least I'm certainly hoping this is a farewell appearance. Let me try to, you know, it wasn't that long ago that we were...I was up here & we were passing the contract & we were that close to a group hug. And, you know, & then the ordinance showed up & it kind of took a little bit of the shine off the accomplishment. And I guess I gotta tell you, I mean I'm going to contradict some of the statements that've been made because, in fact, this ordinance does diminish medical oversight. And I'm going to explain to you why that's the case. But I...you know, I think two comments need to be made & for all the viewers at home who don't maybe aren't looking at the ordinance like we are, I mean, first of all, people have to understand problems with this ordinance is not an anti-fire position. I mean, in fact, most of my comments are directed at the routine ambulance provisions. So, I mean, one of the things people have to understand is you can be unhappy with this ordinance & think its not very good & its not an anti-fire position. It is about having a good system & not...& having things not be chaos in the street & making sure that, in fact, you're getting medical oversight on a consistent basis. And that's what we want to accomplish. And I guess the second thing is, as far as the EMS Board, this Council made a decision that the Fire was going to be the transport & we have operated under that assumption since you made that decision & my comments to this thing are directed with that assumption. We're assuming that they will be the transport agency. And, in fact, part of my problem with this is I don't think it gives the Fire enough transports & I'll explain that in a little bit but...so, I mean the premise is, at this point, I think what we're looking at is is a system that we can monitor

oversight. When I say we, it'll be them. That we can be monitored. There can be oversight on it & there won't be chaos out in the street as to who's going to do what & how they're accountable & that's not...that's not accomplished in this document. I mean let me tell you I guess the first thing is with the whole backup role. That's not addressed in this ordinance. And I can...I mean I'm not going to read off...I listed off 7 or 8 questions of things, I look at the document, you know, you look at this professionally & you try to...contracts & so forth & you try to dig up all the what if's. I mean there's just a whole bunch of questions that aren't answered here. Are there standards for the backup agency? I mean they do reports but it doesn't say they're mon...monitored? Are they subject to any penalties if they don't produce? Who's going to do the backup? I mean it says there's going to be routine but they're not necessarily the backup? Okay. I mean there's just all kinds of things that just potentially can create chaos in deciding who's going to do what & are they accountable. And I don't know...I mean, in this...I don't know what...who's going to come in & do this but I don't know why we're blowing them such a big kiss by...with this...with this ordinance. They oughta be...have their feet held to the fire & they oughta come in & know how they're going to have to perform & that has nothing to do with Fire. I'm talking about whoever's going to come in & do the backup. And so, I guess...I mean...& I guess it's disappointing we had a certificate review team that met, made a lot of suggestions & they've been ignored & we though from the EMS, Inc. Board's position that a lot of those addressed a lot of those issues. Now, it didn't address the backup business but we're willing to work through some of that & try to sort that out & produce an ordinance that makes it clear how it's going to work. I mean right now the response is well, you have to trust us. Well, guys, you know, we all the know answer. The trust is gone. Okay. And let's admit it, the trust is gone. And so what you have to do is say, not trust us, is just say let's change the ordinance, let's just tell people what it's going to be, how things are going to be structured & go from there. And I'm going to use more than 5 minutes, Mr. Chairman, & I'm going to ask for more.

Mr. Shoecraft: You have two minutes.

Mr. Stock: Okay. Well, I'm going to ask for more 'cause I got a couple other...'cause you need to hear, I think, what the Board's concerns are about this.

Mr. Shoecraft: I'm not disagreeing with that but then I have to ask the Council. Wait a second. Technically you have 1 minute left, does Council wish to give Mr. Stock more time? Okay. Give him 3 minutes.

Mr. Stock: Okay.

Mr. Shoecraft: How's that?

Mr. Stock: Well, not enough. But that's...but I'm...hopefully I'm trying to lead through what...out of this morass & how we can create some solutions.

Mr. Shoecraft: Okay.

Mr. Stock: I mean here's the other thing & the reason that we're concerned is you look at the ordinance & the routine ambulance provider does not use EMS, Inc. Okay? It does not use EMS, Inc. It does not require it to use EMS, Inc. And I tell you what, this whole thing can be remedied. The Chief certainly has no problem from their point of view. Is you take the definition of "medical director" & strike out the word "certified service agency" or whatever it is & just say the "medical director" is the EMSOA. Okay? Then it's taken care of. That means that anybody who operates in the entire system has to use EMS, Inc. Okay? I mean it's just that simple. And why have multiple medical directors when we worked so hard to bring everything under one roof, to have a consistent. Who could've said it better than Kent, the practical matter is, at the hospital, which set of manuals are they going to pull off the shelf when the base physicians trying to make a decision. I mean it's clearly a patient issue & to do anything else is just irresponsible. Here's...I'm going to have a concern about the definitions of "emergency call" & "non-emergency call". As I read it, as we study it, there are a whole bunch of calls that can be diverted to the routine ambulance provider that potentially may be emergency calls & George Leonard alluded to that. That's 12% of those calls. We need to define all of those calls as emergency calls & send the Fire Dept. on those. I mean, they're going to be the best at it, they're going to be the most experienced. They oughta go on those calls. Why give those people any less than service than anybody else? And so I think that's a potential hole in the definition of they oughta be going on those calls because historically a certain percentage of those calls are emergencies. I guess what I'd suggest to you is that, at this point, I think we need to take a deep

breath, step back, take a hard look at it, find out, you know, look at the questions & try to clear up where all the holes are at & have this...I mean, have this be something that when we're done, two months later we aren't going oh, wow, that was dumb. And, frankly, you pass this...we've got...you know, from the Board's point of view, you got chaos. We have no way of figuring out just where we fit in. Thank you.

Mr. Camp: Darrell, while you're on the subject of the ordinance, what's wrong with Chapter 8? Why couldn't we just tweak it?

Mr. Stock: I guess I...I will tell you, I even looked at Chapter 8 for a while, that's being repealed, is that right?

Mr. Camp: Well, there's a proposal on the table that Connor had written is that Chapter 7 would totally replace Chapter 8.

Mr. Stock: Right. I haven't looked at it in a while, Jon, I'd have to...I mean...it could...I don't know why it couldn't be adapted. I mean I'm willing to work on this part & adapt it to it. I mean I don't know that we have to start all over with this. I mean I think there's some pretty subtle things that we can do that'll change a lot of the core meaning of this thing. Okay. I don't think you have to necessarily be a wholesale change of it but certainly change some key provisions that will assure that we've got one medical oversight & that the best people are getting to the emergencies.

Ginny Miller, no address given: I'd like to say one word to that gentleman, don't call the ambulance on Saturday or Sunday or you'll get an answering machine that says our office hours are from 8 to 4, Monday thru Friday. So there. And I have proof. I was going to read a letter that I had written to the Journal. But Bill Johnston refused to print it. So, I sent it to Lee Enterprises in Davenport, Iowa. So, I'm going to read you a letter that Joe & I had talked about before he passed away. Instead of going to tell you about Joe & my conversations & about how he came home from the hospital earlier. He said let's write about all the people, the one's that have been so extra special good to us, the Firemen first. They are always there first. They have always been there within 3 to 4 minutes. Talk about the people at Bryan in TCU & the home health care people, the nurses, the bathers, the therapists. Matter of fact, he loved 'em all. And they helped him & they got him back on his feet & he was going for his walks & we were going for rides. But he said in between, don't forget that there was one caregiver that was the best. And that was Ginny. And her name is Ginny Miller & there are a lot of Virginia Miller's in Lincoln, Nebraska so be sure that you say Ginny. But don't let's forget those great guys, the Firemen, that came to help me many, many times. They were always there first to help. They took care of me for everything that they possibly could do. One evening, he slipped out of bed & I could not lift him back in. So, at 12:02 a.m. I called 911. And the Firemen came. And the Captain looked down at him & he said, what are you doing down there fella? Joe said, I guess I fell out of bed. So, they picked him up, they put him back to bed, they checked him, checked his vitals, they covered him up, told him to have a good night's sleep & then they went back to their station. And I can never, never thank them enough or do enough for them. Never repay them for the care that they showed to each & every...everyone that I ever knew. So, for Joe Miller, I am going to do everything I can to get the Firefighters as our ambulance providers. And I will work doing that. I will stand on the corner & I will pass out pamphlets that say Vote No to Save Lives, Vote No to the Charter Amendment. And I mean that. And I am asking you, all of you, that for all of the people that the Firemen have saved their lives, because they were there first & they did their job but in this last few months, they could only do so much. They were allowed to do only so much & that is not right. So, I am saying the Firemen should be running the ambulances.

Mr. Shoecraft: Thank you for coming, appreciate your comments.

Dr. Rob Rhodes, 4501 S. 70th St., Suite 140: I'm a Board Certified Family Physician here in Lincoln & I have the honor of speaking tonight as the President-elect of the Lancaster County Medical Society. And appreciate the words earlier from this fine lady from the citizens group & I also want to not beat a dead horse as it's been said & I also want to just point out some concerns I have with the ordinance. And, first of all, I'm proud to stand up here as a physician. I'm proud to stand up here as a young physician. I look behind myself & see, like Dan said, a lot of years of experience, a lot of dedicated years of medical service to the community & to the County. And as a member of the Lancaster County Medical Society, I would like to point out a couple concerns I have about the ordinance. I practice in Southeast Lincoln. I have patients that live in the southeast part of the City & outside of the City limits. I'm not going to debate the issues of interlocal agreement. I would just like

to point out some issues I have as far as concerns within the County. As it stands now, there's 17 rural fire districts in Lancaster County. In order for them to provide emergency transport or, for that matter, emergency services such as an automatic external defibrillator, they have to have a signed agreement with that transport company. Currently, Rural Metro provides that. And in the event of a new agreement, we would hope & implore that Fire Chief Spadt & his supporters would also go out to those 17 districts to actually enter in an interlocal agreement. The concern I have is, again, for the non-emergency transports in the County area also. If you are under the auspices of say one of the many providers that could be existing in the County or the City, excuse me, the ordinance, as it stands, can have unlimited ambulance providers. Again, I wish everybody the best in the application process & I wish the Fire Dept. well & I wish Rural Metro well on their continued support of the community & the County as they continue. But the concern is for say, Joe's Ambulance Service. What type of medical direction are they going to have? What type of standards, you know, are they going to support? And in those non-emergency transports, of which it's been documented & the EMS data from March, excuse me, June of '99 showing that there are approx. a thousand Alpha calls in the County or in the area. And, of those, if we correlate that with the 10% or 12% of the Kansas City review, that would be a significant amount of calls that are actually more than just Alpha. They're Bravo or Charlie. And the dog bite example is one. I would just like to give you two more that I know have been pertinent in my practice. One would be an example of a patient with a headache. Seems simple. Doesn't go out as any more than just an Alpha call. But what if a LPD or an EMT, & I'm glad to hear that the Fire Chief agrees with the support of having trained paramedics on that routine ambulance service, what if that headache patient becomes unresponsive. It's immediately ascended to a Delta call. Another example would be someone who has a history of chronic seizures. Patient is maybe on medication, they've had a seizure, goes out as an Alpha call but in the process of transporting with a routine ambulance service, what if that patient becomes, again, ictal or post-ictal, that means having a seizure or after having a seizure. Again, that becomes a Delta call. These are just concerns that I have as a physician practicing in this community & in this county that I think are somewhat left out of the verbiage of the ordinance. The RFI proposed & it'll be talked to later about the fact that we had a primary provider with a backup &, again, the backup right now is in limbo. And if we have multiple backup providers or routine ambulance providers we have multiple medical directors again, I'm concerned about the quality of care that'll entail. The other thing I mentioned is the County issue & I'm sure the County Commissioners & the County Board will have a say in this & they'll have an interest in this because these are also their constituents. So, I implore you to consider some renovations, if you will, to the ordinance. I also support patient care. I support the patients of mine that are going to be affected by this. I support the Fire Dept., they're patients of mine. I support Rural Metro & I will support Joe's Ambulance Service.

Mr. Shoecraft: Thank you for coming, appreciate it.

Greg Fischer, no address given, representing the Southwest Rural Fire/Rescue Dist., came forward & presented a letter in support of the Fire Dept. which he proceeded to read. [A copy of this letter is on file with the legislation in the Office of the City Clerk.]: This is from myself as Fire Chief of the Southwest Fire Dist. & the Board of Directors. A couple of other issues that was just brought up by Dr. Rhodes in reference to the 17 other agencies within the County. We all fall under a signed agreement to the mutual aid process so he was wanting to know if the Fire Dept. was willing to go out & make arrangements with those other Fire Dept.'s. I believe that's already in place with the mutual aid agreement.

Mr. Shoecraft: You have one minute.

Mr. Fisher: Okay. Another thing that was mentioned earlier is how the system has been clouded, how this process has been clouded, flawed, if you want to say it, to me, making the system flawed or this process flawed is the SAVE group. It is obvious what their plan is & what their intentions are. I have been approached by an individual who told me when they were asked to sign the referendum, it wasn't explaining the referendum, it was this is to keep Rural Metro in service for 2 more years. They didn't explain that it was to redo the process & all of that. Now, to me, that's telling me one thing. They're not out there telling the public what this referendum is about. And that's what needs to be out there. You, as the City Council, are voted in by the public, the citizens of Lincoln, Nebraska & you're there to make these decisions & you have

made these decisions. And its unfortunate that we have to go through all this pain & agony to get to a point after the first of the year, let's move on, let's get it done right. If the ordinance still needs some changing & some wording, get it done, as David Hunter said. Don't sit on the horse, get it done, get it over with, let's move on. There's a lot of issues out there that need to be taken care of, let's get on with. Thank you.

Mr. Shoecraft: Thank you for coming.

Dr. Bill Griffin, 2012 Greenbriar Ln.: Everything I was going to say has already been said except that I joined the EMS with the thought in mind that I wanted to become...that I wanted to continue in my activity as a patient advocate. I want to be sure that the patients of Lincoln, in an emergency situation, lying on the floor, get the best care possible. You people, sitting here, are also patient advocates. That's why you're here. You're trying to figure out how you, too, can best assure that the patient on the ground is being cared for properly. How can you do it without standards? How can you do it without int...emergency...independent medical oversight? How are you going to measure what's happening out there unless you have independent medical oversight? Yes, you say you've had it but the ordinance, to my reading, has eliminated that. The ordinance is flawed. The ordinance should be revised. Sure there may be other things which have been stated but they can be overturned by this particular ordinance as I see it. I want you to look at yourself as I look at myself as a patient advocate. Somebody who has the patients concept, the patients desires, patients needs in mind. And I don't care who does it just so you come up with the right situation so that when a patient's lying on the ground, the people that you send out to take care of him or her are the one's that you want to take care of you too. Thank you very much.

Mr. Shoecraft: Thank you for coming, appreciate it.

Mr. Camp: May I ask Dr. Griffin one question? Bill, why is the EMS Inc. Board being asked to resign?

Dr. Griffin: I'd like to know myself. That's...it's an organization that has done a great job for a long period of time & in the past, in my experience, has identified reasons to suspend or alter the treatment capabilities of individuals whether they were working for Rural Metro or for the Fire Dept. There have been instances that I'm aware of that I'm not going to talk about except there are times when it's absolutely necessary that people be evaluated & how you going to evaluate them if you don't have standards? I have worked in the hospital for 30 yrs. & you say, well, doctor's don't have standards, yes, they do. I have looked at people as the Chief of Surgery of both Bryan & also St. Elizabeth's & said there are people who are not performing properly, they are not allowed to operate in this hospital. You need those kind of standards. We had standards. We said you have to have various certificates, various degrees in order to operate in this hospital. Doctor Gregarious/Gregorious, however you pronounce his name, laid the concepts out. He said what I needed to say. Everybody has recorded all these concepts that need to be looked at & handled. Independent medical oversight is necessary if you're going to perform as a patient advocate.

Mr. Shoecraft: Thank you, sir.

Mr. Camp: Why is the Board being asked to resign?

Dr. Griffin: Why is it being asked? I don't know. I can't figure that out.

Mr. Shoecraft: Jeff.

Mr. Fortenberry: If I could just offer some thoughts before it gets too much later. I wonder if there's a way to close a loop here. Perhaps I should direct these comments to Dr. Noble or someone else who might want to represent the Medical Society but, um, it seems like there's several layers of concern & you're frustrated, others are frustrated, 'cause it did seem like cooperation was so good just till recently & now something has broken down. Is there a way to delineate, based on your comments, Dr. Gregorious' comments, Mr. Stock's comments, the separate set of issues. I've heard 3 core issues come out of tonight & one is some blurred lines of confusion that now exist between the contract that we have for independent medical oversight, the Medical Director's position that's now being created, & the appearance anyway in the ordinance that gives that might be overriding some of those previous agreements, at least in some of your opinions. The second issue being how are those standards to be promulgated or how any standards would be promulgated on the non-emergency transport provider. Then Dr. Rhodes brought up some issues with the County as well. I'm just trying to get a handle on the one, two, three, four of the issues so that if there is an opportunity to do this, that you & perhaps Chief Spadt & perhaps other representatives from the

administration can figure this out. You've gone through talking to us a couple of times. You know your Council is ill-equipped to deal with the level of technicalities that you guys work through on a daily basis & we really depend upon you, the Fire Chief, & the Administration & the other experts who are employed to get us all on the same page. It's seriously important, obviously.

Dr. Dan Noble: That's been our desire. And that's why we're disturbed by the wording in the ordinance about the delusional effect on the independent oversight.

Mr. Fortenberry: I understand that but if we simply just have it before a vote for the Council, I'm not sure any of those issues will be furthered. Is there another opportunity that we have to discuss all of those things? Were they discussed? Has it broken down? Is it just impossible? Is it now before your political body simply to make a decision? That's an awkward decision to put your political representatives or an awkward position to put us in given the types of technical & serious medical issues that are at stake.

Dr. Noble: We'd hope with all the discussions & they're just hours & hours & being here all night tonight was not, after 10 hrs. of surgery, the last thing I wanted to do, but, you know, it's important. And that's why we're here. We had...we tried to have a meeting last Thursday & we met with Dana Roper & Jennifer Brinkman & Connor Reuter about these very same issues. Darrell Stock was there, as well. Bill Griffin was there. I was there. Our Executive Director was there. Rob Rhodes was there. We had lots of questions but, you know, basically, we did not get very good responses. I asked Connor this evening when she brought the amendments up, I said Connor does this change...tell me if this changes the fact that we can end up with another Medical Director. She said no. So, we said well, does it change the standards? Is there going to be a stand...a maximum response time promulgated? No. So, I mean, those are the issues we raised. They were...we were rebuffed in trying to get those addressed & so we don't have any alternative but to come here & lay it before you.

Mr. Fortenberry: Please don't take my comments as denigrating your appearance. I didn't mean that at all. I'm greatly appreciative of (inaudible).

Dr. Noble: No, no, no, I don't, I don't. I'm just saying you know we have done everything we could do to hammer an agreement which we thought we had with the City that although we weren't happy with all aspects, we would've liked to see, you know, a doctor on the EMS Board because we feel like that's really important. But we did have the medical direction part of it as part of that. So, you know, you give & take. And we weren't happy with the RFI process but that went through & we tried to make the changes that we'd like to have seen in that. So, I mean there's...we've studied this in great detail. We brought Mr. Leonard up here at our own expense because he's an expert in the field because Connor brought forth legal issues that we couldn't address as physicians. We thought it behooved us to bring somebody here who's written ordinances for 15 different municipalities which is what you all are trying to do. So, I think the concerns that we raised are the one's that we want addressed in this ordinance & I think it's pretty simple that if you put a, like Dr. Reckewey said, a single medical director. Well, that solves that problem.

Mr. Fortenberry: Maybe that's the point. If we could have a clear delineation of if this was changed, this might be enacted & then the Administration, the Fire Chief, the rest of everyone who's been involved could respond to those things & then we have it clearly before us rather than trying to sort through the collection of varied testimony &, again, that's difficult for your Council 'cause we really depend & I'm very grateful you came forward because these are serious issues & it's...I don't want to cast a vote to...it would be much better for us to, if possible, work these out...

Dr. Noble: We would be happy...

Mr. Fortenberry: Rather than have some kind of split vote that falls more in the political realm rather than the medical care realm. That's just not good process.

Dr. Noble: We'd be happy to discuss those issues further. We've made attempts to discuss those further &, you know, as I said we weren't happy with the responses we've received &, obviously, the changes have been made & some of them were just foundational, they weren't structural. We feel they're structural changes that need to be made to make this work & we'd be happy to meet with whatever parties to try to work this out further. We've done a lot of work on this. We met with 12 people last night for 3 hrs. discussing this. So, it's not a lack of effort on our part to try to be inclusive & try to...

Mr. Fortenberry: I'm not suggesting it is. Please don't take my comments the wrong way. I'm looking for an exit strategy so that these...your comments can be given serious consideration or the reason that they're not put in the ordinance can be clearly explained to the Council members who have that concern.

Dr. Noble: We'd be happy to.

Mr. Fortenberry: I'm not sure (inaudible).

Dr. Noble: I don't know what mechanism can be put in place 'cause you have to vote at some point. It is a complex ordinance. You can sit there for hours & find additional things & I'm not an attorney but yet not being an attorney I can still find glaring errors in the medical oversight that maybe an attorney couldn't see because they don't understand the medical oversight.

Mr. Fortenberry: Well, again, we, you know, we got to the point where we had a very fruitful effort regarding the oversight contract & now we seem to have....

Dr. Noble: Well, the trouble is the ordinance supercedes our agreement. And that's a real problem for us.

Mr. Shoecraft: Thank you, sir. Thank you. Okay, next...we're going back & forth or as they come up.

Mr. Fortenberry: If I could call the City Attorney forward?

Mr. Shoecraft: City Attorney. (Inaudible) He had another question for the City Attorney.

Mr. Fortenberry: We just talked about a mechanism by which to get some of the serious concerns that've been raised looked at & responded to or potentially incorporated into the ordinance change. (Inaudible) change of the ordinance, would you have any suggestions in that regard?

Ms. Reuter: Well, I could sure address...you listed off three, I was writing down five that I saw as core areas that I thought should be readdressed either with you or if you're suggesting that take place some place outside this meeting, I don't know. I came up with County, which I can speak to now or we could...you know, I don't what you're...

Mr. Shoecraft: Go ahead & speak to it, please.

Ms. Reuter: With regard to the County Care, the definition of area of City service was specifically drafted to allow that the City would be providing emergency medi...I'm sorry, emergency ambulance service outside the corporate limits of the City should portions or all of the County decide that they wanted to enter into an interlocal agreement with us for us to provide that service. That is not something that we could have entered into before we came here today for instance. We couldn't come with interlocals in hand saying we are prepared to serve these fire districts or Lancaster County as a whole. The County is provided for to the extent that we could in anticipation of passage of the ordinance & that, again, was defining area of City service such that it could expand to include those areas we have an interlocal with to provide service on the emergency side of it. I don't think we have any authority to dictate that a private provide service in the County but certainly nothing in the ordinance prevents that on either the emergency or the non-emergency side. Those were my comments on County & I guess if you had...anybody had any questions about that, I could elaborate. The second point that I had down as I was listening was I think that there's some confusion in the testimony & I want to make it clear to Council what I believe the intent of the ordinance or I know what the intent was, what I believe the ordinance provides for with regard to the medical director of the routine provider or providers. It is the legal opinion of our office that we lack the statutory authority to require a private, non-emergency provider to use a specific medical director. Doctor Reckewey or Dr. whomever is apparently slated to come in. What I think we can do under the state statute & what we have provided for in the ordinance, Title 7, is that whatever medical director they choose, & they could certainly choose to use ours, but regardless of the name of their medical director, they are bound as they provide routine ambulance service in the field to follow the protocols when it comes to medical care protocols that our medical director has set out so that there will not be two protocol books on the shelf to choose from, there will be one. They are bound to follow our protocols but the discipline will be meted out by their medical director. Their medical director will oversee them for the State's purposes. But when it comes to, again, the care in the field, it is designed to be consistent with the care that our [break in tape]...emergency side which is causing us to pull back a little bit from what some of these people are suggesting. I would note that a change of the State statute would enable all of these things to be written into the ordinance.

Mr. Fortenberry: Does the emergency...is the medical director bound to the protocols set by the emergency medical service oversight agency as

they work those out with the Lancaster...Lincoln-Lancaster Medical Society?

Ms. Reuter: Is the City's medical director bound by that? The way that it's written there's a medical director for the City that EMS Inc.

...
Mr. Fortenberry: See this is where we start to get a little layering & I think that's where there's some confusion & concern.

Ms. Reuter: Okay. The way that it's written, there's EMS Inc. whom we have a contract with. They are pursuant to the terms of that contract to engage or contract with or otherwise employ a medical director. We have to have a medical director to operate any emergency medical service. We have to from...according to the State. And we provided for our medical director to be hired by or whatever, employed by EMS Inc. That medical director sets the protocol. EMS Inc. hires him, he works in concert with the Lancaster County Medical Society & whoever else he chooses to but ultimately that medical director not the Medical Board of Directions & not EMS Inc. makes the protocols. So when that Medical Director for the City through EMS Inc. writes a protocol, the routine providers in the field under Title 7 would be bound to follow these protocols even though they may have employed a separate medical director because they are a distinct emergency medical service & under the statutes they can do so. And, again, I don't think the state has given us the amount of authority necessary for us to mandate who their medical director would be but because of the close tie to the way that emergency medical service would be affected if we had two sets of protocols, I think we were allowed under the grant of authority to require them to follow our protocols.

Mr. Fortenberry: I understand. But going back to the larger philosophical issue, do you see a core issue here being that the medical director is not necessarily bound by the set of guideline recommendations protocols that are set by the Lincoln-Lancaster Medical Society working in cooperation with EMS Inc.?

Ms. Reuter: Which Medical Director do you mean?

Mr. Fortenberry: City.

Ms. Reuter: City? The state statute is very clear that the authority to write the protocols lies with a physician medical director. We cannot give a Board of Directors of, or whatever, of EMS Inc. or a medical directions board of Lancaster County Medical Society the authority to draft protocol for us. By State statute it must vest in a physician medical director.

Ms. Johnson: Just a quick question, Connor, so according to the current ordinance, the taxpayers are going to be paying for two medical directors?

Ms. Reuter: No.

Ms. Johnson: Okay. How...why?

Ms. Reuter: The routine provider could choose to hire their own medical director.

Ms. Johnson: But we approve that routine provider & we approve their rates & their rates are paid by our constituents & those rates then go back to pay for that medical director if it's truly a business that we are doing as a provider (inaudible).

Ms. Reuter: Routine provider would be a private. We would not set their rates.

Ms. Johnson: We have no control over their rates?

Ms. Reuter: No.

Ms. Johnson: Like we did with the prior?

Ms. Reuter: The prior we set the emergency & we would set the current emergency. We do not set the routine, again, because of what our office views as a limited grant of authority.

Ms. Johnson: But their customers & our constituents are the same people and so, technically, regardless of whether it's through tax dollars or through their charges, they're paying for two directors, technically.

Ms. Reuter: The private provider...all I can do is tell you that the private provider would have an option. They can hire their own or they can enter into a contract or whatever with EMS Inc. & choose to use less of their own resources to piggyback our arrangement with EMS Inc. & whatever Medical Director EMS Inc. has provided for us. That would be their choice under the ordinance.

Mr. Camp: First, Connor, I want to thank you for all the work you've done on this because you had a very big task &, as we discussed last week, really the direction that the Council gave you was fairly broad, was go write an ordinance & all so I think it's really natural that a lot of questions come up. One key element that I would ask is, & you just mentioned how it's the City Attorney's office opinion that state law allows this, are you willing to consult with other people, other

attorneys, to maybe see if there's some different interpretations of that.

Ms. Reuter: I have no doubt that there are other interpretations. We, in fact, hired a consultant from a firm in Pennsylvania that bills itself as an EMS law firm. They, too, write systems for other cities, help cities to craft systems, review things from an anti-trust standpoint, things of that nature. Their law practice is geared toward EMS law.

Mr. Camp: Who was that attorney?

Ms. Reuter: The attorney that we worked with was Steve Worth, who has a background both as a paramedic &, obviously, then went & got a law license & now works in the EMS field as an attorney.

Mr. Camp: Is he a partner with Jim Page?

Ms. Reuter: Yes.

Mr. Camp: Who referred you to that law firm?

Ms. Reuter: Um, initially, I heard the name through Bill Madison & confirmed with Ron Schwartz that that was, in fact, a nationally renowned, respected player in EMS law.

Mr. Camp: What did Ron Schwartz say?

Ms. Reuter: What did he say? I think what I just said. I pitched the name & he agreed that that was somebody who was well known in the industry & seemingly was one of many that were respected.

Mr. Camp: That's what he said?

Ms. Reuter: Yes, sir.

Mr. Shoecraft: Thank you, Connor. I mean...yeah, go ahead, I'm sorry.

Mr. Cook: One question since there seems to be a lot of...at issue here about what State law allows & so on, is it possible to give us a list of things that we'll need to ask to be changed in State law to clean this up because clearly there are some issues maybe if we are unable to solve them at this time, hopefully, we can solve them in the next legislative session & come back & fix the things that are of most concern. And so, I guess I'd like to know a little more about what we're going to be asking for & what the likelihood is of getting those changes made in the next legislative session.

Ms. Reuter: You want me to tell you that now or later?

Mr. Cook: Well, I guess you can maybe send us a memo later regarding this, the particulars. I'm just wondering do you see this as something that can be addressed in the next legislative session or are there some issues here that will affect other cities & how they do things that'll cause trouble for us getting it through?

Ms. Reuter: Um, the prevailing view as I talked to people on the State level who are interpreting & using the statute I'm referring to to regulate emergency medical care providers think that that is an unintended result of the language that was chosen in 1997. There appears to be a consensus that that which we want to do or at least many of the people who gave testimony they want to do with regard to more strict regulation on the private side, seems to be in keeping with how they hope to be interpreting the statute. Just that when we're starting anew, in looking at the legal standpoint, I think that we need to recognize that the language in the law is very unclear and, again, it's our advice that it's too grey. Certainly you can write whatever you want to write but we would need to advise you that we think that what you're risking is breaking the law & committing some anti-trust violations to further regulate the routines over & above what this Title 7 provides for. Changes seem to me, from who I've talked to, to be welcomed by the State. I can't imagine that anybody...again, I think it was unintended so if somebody wants it to read like it currently reads, they didn't make that known & prompt the changes, it's just the way that the wording worked out as we look at this anew at this point in time, it's really made it difficult to say that we have full authority over the routine or non-emergency side of it.

Mr. Shoecraft: Was there some other points you were going to quickly address & then we'll continue on?

Ms. Reuter: I think I got to number two. And number three I had was I've heard several people indicate that there's no requirement that the City answer every emergency call. I cannot honestly say that I know where in the ordinance that was (inaudible) but what I can tell you is that this clearly sets up an obligation on the part of the City to respond. It is absolutely incumbent upon the City to respond to each & every emergency call or suffer through litigation or (inaudible) it's not optional. It's not giving the Fire Dept. or the City the authority to provide service, it's requiring it to the exclusion of all others. Another area that I think...oh, I'm sorry....

Mr. Fortenberry: I thought we might be out of time.

Ms. Reuter: The other thing that I think needs to be cleared up on

the emergency calls is that some people have indicated as they testified that some of the calls & there's talk about an 11% or 12% of calls that may screen as an Alpha but are properly deemed emergency calls & should be answered by a Fire Transport Vehicle as opposed to a routine in a lesser urgent mode, the Medical Director would have full control over that the way that this is written. The Claussen system which is a system that this...that you all have voted for, has a call screen or screen a call. If it screens out as an Alpha, Bravo, Charlie, Delta, that's unchangeable on the local level. The colors answers to questions will indicate an A, B, C or a D on a card. The way that we respond in terms of a QRT vehicle & a transport vehicle whether they go hot with lights & sirens or cold without, is dictated by the Medical Director. So if, in fact, there are Alpha calls as they appear on the card from Claussen that should get a response with lights & sirens, or that should be deemed an emergency, the medical director has two ways to make sure that Fire goes instead of the routine private. He can either require lights & sirens or he can require a QRT vehicle & it seems to me like if it's an emergency, either one of those would be something that the medical director would want to be doing any way & either of those happening despite its classification as an Alpha would require Fire to transport. So, there is, in fact, control over what is defined as an emergency call to that extent by the Medical Director who can pick & choose which Alpha's get Fire & which Alpha's are appropriately responded to by a routine. Any of them that are appropriately called emergency need to be answered by the City or caused to be answer by the City through backup contracts. Which brings me to the fourth point that I got out of the testimony & that's backup. The ordinance specifically provides that there can be contracts for backup for the emergency service in part of in whole. Again, that's not something we could do before we came before you today. We don't even know who the routine would be. We certainly can't have a contract in place. Until we know how many there are, I think it would be difficult for you to choose whether you're going to do some sort of a round robin where they share the backup or whether you're just going to have a bid process & have one permanent on-call backup. At any rate, the backup is provided for. It can be contracted for. But the problems with regulating the privates in the non-emergency side that I just indicated, by virtue of the change in the statute in 1997, no longer exists when we're talking about the emergency side. So, if we're contracting with them for backup a) I think by virtue of the fact that we're entering into a contract with them gives us greater authority to regulate the terms of that & we can talk about response times that they would have to have, again, because we don't have control over them like we do over Fire. We would probably...we would want to put a response time in for them. We would want to put in what happens if you don't meet your response time. We would want to mandate that you have paramedics on there & that they would provide the same level of emergency care that we would if our Fire guys were actually going. The backup will be addressed largely in the contract because that's where we're able to control the terms of it. We are not able, is the law advice I'm giving you, to require them to do backup as a prerequisite to getting a license to provide routine. If they want to provide backup for us, they can freely enter into a contract & we can be quite stringent in the terms. If all they want to do is come in & provide routine, I don't think we can stop them by mandating that they stick around & do backup on our terms. So, I think that the backup is well provided for in the ordinance. The response time, again, is my final point & not to return to the same comments that I made other than to indicate like any of these things, you all can change the language of the ordinance & can put in a response time. What I can tell you at this point is that it is the best advice of your legal department & I think that...well, I know that our attorney's in Pennsylvania would concur that to put it in an ordinance for the City just isn't good legislation. You don't dictate in an ordinance when a Police Officer has to respond to an armed robbery. You don't tell the Fire Dept. when they have to get to a burning building. You don't tell LES they're going to get fined if the lights go out & we don't have 24 hr. a day electricity, you don't tell the water department what happens if a problem occurs with the water system & a main breaks. You strive in every area of City service to do what's best for your constituents & having a response time in there doesn't change the response from the City workers that you can require. You don't do it in any other way & it's the advice of the Law Dept. that, in this case, you wouldn't do it either. Certainly you can change that but to do so, I believe, would subject the City to great risk in terms of litigation. I may be that litigation rarely happens &, apparently, Mr. Leonard has been quite lucky or maybe not lucky. Maybe that's par for the course. I don't know. But I do know that when it does

happen, if you have a response time in there, it's going to be a much harder burden for the City to overcome if our response were as reasonable but, nonetheless, 10 seconds, 2 seconds, 20 seconds later than whatever time is picked to be in the ordinance. Um, and again, having it in there, it seems to me, provides nothing in terms of actual patient care. They're going to get there when they get there based on the resources that you've allocated & based on the overwhelming desire to provide good patient care which is the point of the whole thing just like the Police Dept., just like the Fire Dept., just like LES, all of those other city services. It's the same modus operandi for all of them. Those were the comments that I had & the five. I guess if you're asking if there's some other place that this can be discussed, we're open to whatever the Council wants us to do with regard to revisiting these issues.

Mr. Shoecraft: Thank you very much.

Mr. Camp: Jerry, if I could while Connor's here on that last point, I just still, Connor, among a number of questions...

Mr. Shoecraft: Coleen had her hand up next.

Mr. Camp: Oh, I'm sorry, that's fine.

Mr. Shoecraft: You can get to your question but she had her hand up so long so then we'll go to you.

Ms. Seng: Connor, we've heard a lot of testimony where people are unhappy with what is not in the ordinance & I think you've been telling us that that is the wrong place for most of that. And I had about 6 or 7 points down. I think you had it condensed down to six. But when it comes down to it, the medical director is the final answer on almost all of these. And is...like that would be Kent Reckewey, soon to be replaced or has just been replaced. But that's where it all stops. Am I correct?

Ms. Reuter: He can't set response time but other than that, yes. As Chief Spadt pointed out, they do get to set the standards. We've delegated that to them in a contract that's already been signed.

Ms. Seng: Otherwise, we get the EMS Inc. Medical Director has it, right?

Ms. Reuter: The other area to make sure that everybody's clear is they cannot abolish priority dispatch. That would have to be a decision by the Council.

Ms. Seng: All of us are trying to do what is the correct thing for the patients. That is what we're after is that good patient care. It's very difficult for us when we hear medical personnel tell us that there is something lacking in this ordinance. But I think what you're saying is that's not the proper place for this. Am I correct? That that will follow. Additional legislation will come along to pick up some of the additional pieces here.

Ms. Reuter: Some of it will be picked up in a contract for backup. Some of it is already addressed in the EMS Inc. contract. Some of it would require a state legislative change to the statute which, again, were that to occur, nearly everything that they've asked for could be accomplished in the ordinance with the blessing of the Law Dept. I guess it could all be accomplished now if that's what you chose to vote for but...& some of it, again, I mean I think it would always be my advice that setting a response time for the City Fire Dept. would...doesn't serve any purpose & it exceedingly increases the risk to the City in litigation.

Ms. Seng: The other piece that I have wanted since June 26th when we took our informal vote to get us to this point is to have some sort of a oversight on the financial situation & is that addressed? No one has mentioned that. I see Ron Ecklund maybe is trying to get up here to talk about it but that is in the ordinance, correct?

Ms. Reuter: As to the Fire Dept., there are extensive reporting requirements & audit requirements that are built into the ordinance both reporting to Council, the Mayor & to the emergency medical oversight agency.

Ms. Seng: Okay. That's all.

Mr. Shoecraft: Jon?

Mr. Camp: Well, to continue on what Council member Coleen Seng just said on financial oversight, there are audit requirements but is there financial oversight?

Ms. Reuter: I guess I'd have to ask you to tell me what you mean when you ask the question is there financial oversight. I mean that's...

Mr. Camp: I'll defer to Ron Ecklund as a CPA in a minute on that. I have another question for you though.

Mr. Shoecraft: I think she needs to answer that question with our government system. Her or Don Herz. Ron can come up & talk about his opinion on it but do we have financial oversight, we, in our proposal, we need to answer that question. In regards to our proposal, that's what I'm saying. To help you to answer your question...you asked the question, do

we have financial oversight in our proposal. He needs to answer that question.

Don Herz, Finance Director: Well, I guess my response would be that you're going to be overseeing their budget. The City has a state-of-the-art financial system. We are going to be required a separate audit in the ordinance of that enterprise fund & I think that because of the fact that we're...their budget process will go through the City Council that you do have that financial oversight.

Mr. Camp: What standards do we use though?

Mr. Herz: Well, we're using generally accepted accounting principles to report their financial activity.

Mr. Camp: Report their financial activity but how do we gauge the financial element? I'm not talking about fraud. I'm talking about the financial ability of it. You know if it's a third party, we have no problem. But how do we gauge from the taxpayer's standpoint that this is financially being operated properly?

Mr. Herz: I think no different than the way the Council gauges whether the water system or any other of its enterprise activities are performing & (inaudible) comparing their rates with other entities & I suppose you'd do the same type of thing when you look at the rates charged by our other enterprise funds.

Mr. Camp: Well, for example, it's very difficult to know how there's an allocation of expenses whether it's for the Fire Dept. itself & it's current activities or in the new activities.

Mr. Herz: That's clearly something that would...that an auditor would be looking at to see if there's proper allocation of expenses in that particular fund.

Mr. Camp: In your mind do we have it defined enough then where we're headed?

Mr. Herz: In my mind, yes.

Mr. Camp: Connor, I had one other thing I guess if I may. I know you have a concern about putting, for example, the response time in the statute. Mister Leonard said in 20 yrs., he's seen no problems. Do you have examples where you see that as a vulnerability to the City?

Ms. Reuter: Well, there's a case...I mean, I don't know, do you want to hear about individual cases? None of them would necessarily mean that it would happen here.

Mr. Camp: Well, I guess I'm concerned, as a lawyer myself, that there's the implication of having a standard that we're willing...that in the past we've required it of the private sector & we're willing to do it there but we're not willing to do it of ourselves. And I just think that's hypocritical. If we're going to have a standard, it shouldn't matter who the provider is.

Ms. Reuter: What I can tell you is that it is my belief that if there's a standard in the ordinance, no matter what it is, & that standard is exceeded, that patient has a very good lawsuit against the City. That patient receives no better or worse patient care because that sentence was in the ordinance yet, should something happen, as reasonable as it may be in that given set of circumstances, it seems to me that is a very difficult case to win.

Mr. Camp: Why should we have a standard for the private sector then?

Ms. Reuter: I guess it's up to you whether or not you should. I can tell you the risk that I think you expose the City to. I have tried to explain the difference in the need for a standard where you don't have the day-to-day control of the operation like you don't on a private but you do on the City. Ultimately, at that point, you need to balance the benefit to putting it in versus the risk & decide, as a Council, what you want to do with regard to the response time.

Mr. Camp: One last thing I'd ask you right now is in the draft that you put forth on Chapter 7, you have liability limits in there for the routine ambulance service provider, as I recall, when they get the certificate of public convenience.

Ms. Reuter: We require them to get a license & to get a license they have to have a minimum amount of insurance. That's not a liability cap.

Mr. Camp: I apologize. No, I didn't say cap, I said a minimum of liability insurance.

Ms. Reuter: Okay. Yes, we require them to have a certain amount of insurance to receive a license.

Mr. Camp: Do you remember what that was? Maybe five million...

Ms. Reuter: A million & ten million, I think.

Mr. Camp: Five & ten. What's the...& the City, with the Fire Dept. providing emergency care, what's our liability?

Ms. Reuter: We would be sued under the Political Subdivision Tort Claim Act, more than likely, & that would have a cap of a million dollars per person per incident or an aggregate total of \$5 million per incident.

Mr. Camp: So, the City has less...lot risk than the private sector.

Ms. Reuter: By statute, we're capped at a million & five million.

Mr. Camp: Why not require the same of the routine ambulance provider? Why have them go to that added expense which in turn, as Council Member Johnson said, would relate to higher fees?

Ms. Reuter: Well, in part, because they don't have a cap statutorily. They're could be a higher judgment against them & we want to ensure that if that were to happen, they would be able to pay it.

Mr. Camp: That makes sense.

Ms. Reuter: I guess you'll have to decide that.

Mr. Camp: Thank you.

Mr. Shoecraft: Thank you, Connor. I think finish up & continue on, please.

Dr. Regina Robinson-Noble, no address given, came forward & made a presentation in opposition to the Fire Dept. [A copy of this statement is on file with the legislation in the Office of the City Clerk.]: Can I just add that if there's any question regarding the medical dispatch, the priority dispatch, & how that relates to what Mr. Leonard said, I believe that those...what's been quoted is incorrect. He's not talking about our Claussen medical dispatch system. You may want to ask him or Darrell Stock to clarify that further for you. He's talking about a different situation between emergency & routine service. Thank you for your attention.

Mr. Shoecraft: Thank you for your comments, appreciate it.

Ron Ecklund, 5944 Vandervoort Dr.: I'm here tonight to speak against the ordinance. We currently have a system in place that's working. It's pretty good from a medical standpoint. It's good from a medical standpoint & it doesn't put any taxpayer dollars at risk. Tonight we're looking at considering putting a system in place that if it is put in place may leave many questions unanswered, may put the taxpayers at risk &, as we've heard, may be a medical reasons to change this ordinance. Basically what we're looking at doing is pulling the emergency medical transports of the...in the City out of the current system giving them to the Fire Dept. & I think we all agree the Fire Dept. can handle those but then look at what they're leaving behind, the many unanswered questions. One of which is the areas of service. As I look at the ordinance & the areas of service as they're defined, we're still up in the air, we have not answered at this point in time who will perform the non-emergency City transport. We haven't looked at who will perform the County emergency transport other than we're saying that we can enter into a local agreement. And, as I understand it, there are 17 other entities that we would have to enter into interlocal agreements with in order to get the whole county & then some under the same system. It's conceivable to me, I guess, that you could have two cars at a collision at a country road intersection, have one go this way & one go that way, & you could have two different ambulances that would be required to respond because they could be in two different jurisdictions. That's happened in this county before where that has happened. I think we need to look at some of those situations & get them resolved before adopting a resolution such as this. I'd also like to go back to one of the ordinance sections that Gina just read to you. Looking at page 26 of the ordinance...proposed ordinance, under the EMS Enterprise Fund, there's a statement in there that says "Such fees collected & other revenue shall be used exclusively for the operation, maintenance, & administration of the City ambulance program including but not limited to personnel, equipment, maintenance, oversight, & expenditures relating to billing & collections". I'd like to make 3 quick comments about that section & why I think that section is lacking. Number one, we've heard the statement tonight that we're going to make money on the system & we got \$162,000 of the budget that's available for the general fund. This section of the ordinance prevents this from transferring that profit if it materializes into the general fund. There's also an amount in the budget, as I understand it, \$50,000 to reimburse the general fund for a disbursement last year which was made to consultants who put together the Fire Fighter proposal...[Break in tape] the County Medical Society has information indicating those calls were probably closer to 7400 assuming that we get all the calls in the County. So we're overstating our revenue. I think we're understating our expenses. And I would, again, go back to the City budget, & this goes back to your auditing question that you were addressing, I'm looking at the City budget that we just adopted & I'm looking under the Emergency Services Division of the Fire Dept. which is the traditional Quick

Response Team that we've had & I'm looking at compensation...average compensation for a Firefighter Apparatus Operator, it's a classification 3006 in our personnel system, average compensa...I'm sorry 3005...3003 is a Firefighter Paramedic, average compensation in the Emergency Div., \$46,457 base compensation, \$46,457. If we go to the EMS Transport Div., the same job description, 3003 Firefighter Paramedic, their average compensation is \$41,381. Five thousand dollars per employee less in the EMS Transport Div. than it is in the regular Fire Div. And when it comes to the audit requirements that we have in place here, if we want truly to account for the costs of the EMS operation in the EMS fund, you have to understand we have to allocate wages according to which people are working in which fund & we have to be able to explain that \$5,000 differential. There's also differentials in other wage categories & it always seems like the lower compensated category's the one that's in the EMS Div. If we got 28 employees at \$5,000 per employee, that's \$140,000 less wages in the EMS Div. out of a proposed \$162,000 profit. I think we need to look at those cost allocations very carefully. (Inaudible) situation different from an LES where LES employees are not working in other City departments where you might have Firefighters working some days in the Firefighter Div. & some days in the EMS Transport & we've got a real cost allocation problem that this ordinance does not address because all they require is a general audit & some of these things may need to be looked at closer.

Mr. Shoecraft: Thank you.

Mr. Ecklund: Other questions or comments?

Mr. Shoecraft: Thank you. Chief Spadt & Finance? You want to comment real quickly on the calls & also the claim of overstating revenues & understating expenses, please.

Chief Spadt: Which one you want first? You want the number of calls?

Mr. Shoecraft: Calls first.

Chief Spadt: As you remember, our consultant was here last time & the methodology that was used to arrive at the number that we ran our projections off of was back engineered out of Rural Metro's budget & we had a number of 8800. We've utilized call records that we have with the response to emer...with respect to emergency calls. Also have captured much information with respect to ambulance only or calls that go from the nursing home to the hospital with lights & sirens. And that's a...that's a portion of the call volume that wasn't addressed last time before the Council. If you take the call volume that we've captured to the 911 system plus the recorded ambulance only, we end up with 8814 calls. So, there was a discrepancy of 1400 between what our consultant said by back engineering the budget & then what we actually took off footage that was captured at the 911 Center & compiled. There was a call differential of 14. So, we have 8814 calls that we're dealing with. Is that satisfactory?

Mr. Herz: Yeah, I think, John, would you address the salary differential question.

John Huff, Fire Dept.: With respect to Ron's question about the salary, when we proposed the budget for the RFI & actually costed the employees, obviously, we're planning on hiring new employees & we used the base salary for the new employees rates. At this point in time, we still don't know exactly who's going to be on those units because we are, in fact, going through the process of screening for applicants. There may be some that have experience that are maybe even more experienced than the one's that we've already selected or identified. So, in order to appropriate or to allocate those costs, we can't really do that until we have all of the employees on board.

Mr. Shoecraft: Mister Herz, could you address the claim of overstating revenues/understating expenses please?

Mr. Herz: Well, obviously, the revenue figure is going to be based upon the number of calls. I mean that's the key to determine it & I've looked at the numbers of calls & I still feel comfortable with what the Fire Dept. has come up with, with that as the basis that I am comfortable with...with the revenue.

Mr. Shoecraft: And then in correlation, you have expenses.

Mr. Herz: Yeah. And that...the expenditure numbers I have looked at very closely & I think those numbers have been generated very accurately. In my estimation, the concern that I had was the call volume because that dictates the amount of revenue & I think based upon the analysis that has been going on, that those call volumes are accurate.

Mr. Shoecraft: Thank you. Mister Cook?

Mr. Cook: In regard to section 7.08.020, the EMS Enterprise Fund, is there any value in having certain flexibility here & the use of the fund. I'm thinking of two things. One, if there is any kind of start-up

money that goes into this fund, is that, essentially, a loan to the fund that can be reimbursed? Is that a problem?

Mr. Herz: Well, I don't know if there...I mean that certainly was the intent that if...that at start-up, there was going to be a deficit cash balance & so, in a sense there would be a loan from the General Fund until such time as the cash began flowing & that would be repaid with interest.

Mr. Cook: And so the language of this doesn't need to be changed to address that. That's just a normal issue of your accounting in a case like this?

Mr. Herz: That would be correct.

Mr. Cook: Okay. The other issue is if this fund were to accumulate money based on the projections we've been talking about, there's sort of the question of how does that affect the general fund, how do we benefit from that from a general fund perspective. I guess my question is, are there related areas such as the Quick Response Team other what have been currently taxpayer financed areas being brought into this & having this money be used to finance those areas, essentially saving taxpayer money, saving general fund money. Is that something that would...could be addressed through any language changes here or...

Mr. Herz: I think it could. And, obviously, the other option would be to adjust the rates so that if there was an over collection, you would just adjust the rates.

Mr. Shoecraft: Reduce the rates?

Mr. Herz: You would reduce the rates.

Mr. Shoecraft: So as we...are you trying to say as we...the projections indicate a significant savings for profit, etc., I don't know how you want to term it, but over time then you can continually reduce the rates?

Chief Spadt: We've based our predictions on the call number, the new (inaudible) for regulations which were set down on Sept. 12th with respect to what rate charges & how you blend those rates when you plug them into your call volume & we end up with a positive for 4 yrs. So, yes, the Council could make a decision at that point in time if they wanted to reduce the rates if you had an excess of money in the enterprise fund, that's correct.

Mr. Shoecraft: Alright. I think I saw you or Jon, I don't know.

Mr. Camp: Go ahead, Coleen. I'll go after you.

Ms. Seng: Back in June, I was really concerned because our numbers were not the same that were coming in. The numbers from you, the numbers from Rural Metro & you've just gone through that rather quickly but that's what everything's going to be based on. Correct?

Chief Spadt: Correct.

Ms. Seng: Is on those numbers. So, will you go through those one more time real carefully? So you had to go back & pull this out of 911? Correct?

Chief Spadt: Correct. We capture every call that the Lincoln Fire Dept. goes on in the City of Lincoln. That's the majority of the calls in this system. We respond to those with the QRT which would be a fire engine. We capture that data. The elusive piece of data that we didn't have in our hands readily available to us because we don't have communication with the incumbent provider that you have today was with respect to ambulance only calls that go from the nursing home, Lancaster Manor, Milder Manor, to the hospital which is a Bravo, Charlie or a Delta call that gets an ambulance only response & eliminates the QRT. Now, if we are granted the service & take over January 1, those calls will be the Lincoln Fire Dept. & that equals to two or three calls per day, sometimes up to six, that are ambulance only that are categorized as Bravo, Charlie or Delta. So, that's an additional thousand plus calls that weren't shared with the Council in June that, yeah, they make a difference in our revenue projections. And if you forget about those, if you forget about a thousand calls, & run the projects, yeah, it has a significant impact on the numbers.

Ms. Seng: Thank you.

Mr. Shoecraft: Jon.

Mr. Camp: Thank you. Um, couple questions. Chief Spadt, you mentioned the rates came out Sept. 12th. How did those come out versus your projections? Have you...it sounds like you plugged them in...you said something about up to 4 yrs.

Chief Spadt: As I mentioned before, we ran the projections based upon the calculation methodology that the Federal government has given us with a blending of the old rate & the new rate & some factors that you had to use & we are still in the positive. We will be in the positive for 4 yrs. out.

Mr. Camp: How much in the positive are you projecting you would be?

Chief Spadt: I don't have that information with me at this time but I know it's to the positive.

Mr. Camp: Do you have a general feel? Just a ballpark figure of what that would be?

Chief Spadt: It's at least three to four hundred thousand the first year.

Mr. Camp: So, it exceeds what you've been projecting?

Chief Spadt: It's...at three to four hundred thousand dollars to the positive in the first year. In other words, it's a 80/20 split with respect to the old rate & the new rate in the first year.

Mr. Camp: Is 80 the new or 80 the old?

Chief Spadt: Eight percent of the old, twenty percent of the new.

Mr. Camp: Do you recall what happens the second year?

Chief Spadt: It diminishes 50/50. Fifty old, fifty new. I should let John talk to this actually. He did the spreadsheet.

Mr. Camp: Well, and I think maybe I don't want to belabor that & I'd be curious to see if this...I didn't know how the rates came out. John, you had mentioned on the paramedics that you were assuming you'd hire new. Why wouldn't we give our Fire Dept. paramedics first priority who have the experience (inaudible) for these 24 positions? I would think they would go to experience.

Mr. Huff: I think that's probably what we're wanting to do but the fact is when we built the budget for the RFI proposal, we took the starting salary as the salary for the medics on the transport units for the Enterprise Fund because that's just where we started them. Obviously, we've got new employees in the Firefighter Paramedic classification, Business Manager's position, an Office Assistant III, & they're all starting at the basic starting entry level.

Mr. Camp: But, realistically, wouldn't you want experience there? I mean if I were a paramedic &, goodness, this is my...one of those 24 positions is what I would want. And so...

Mr. Huff: Actually, because of the progression in the pay ranges, not every Firefighter Paramedic that works for the City is at the top of the range &, in fact, they're scattered across all the pay ranges. We could've just as easily taken a portion of each but for the RFI we did, in fact, use the base salary.

Mr. Camp: But wouldn't the base...even if you took a scattered range it's going to be higher than the base 'cause the base is the lowest.

Mr. Huff: That's true.

Mr. Camp: So, that really understated that expense.

Mr. Huff: It did but we also overstated other expenses. For example, well, there are several examples but we did overstate.

Mr. Camp: How...and this was really collectively all three of you, there was a gentleman here, Todd Blaum, I think was his name, he's a CPA that did an independent audit of Rural Metro & so he apparently, as I understand the independent audit, he would've looked at their figures of calls & so forth which would've been some of that proprietary information that you had to kind of guess at, & I appreciate that. And he came up with hundreds of thousands of dollars lost the first year. How do you resp...

Chief Spadt: He didn't have all the data to work with. The data that we had to pull off the tapes in the 911 Center proved that there are another...there are an additional thousand calls in the system that weren't addressed that evening or that the CPA had in their hands to address when they made their analysis. What information that they had in their hands at the time & what calculations they made are probably accurate & when you sign an affidavit to that, that's probably correct. They probably did everything correctly. Only that there were a thousand calls that weren't accounted for.

Mr. Camp: And I'm not disputing anyone's figures, I'm just concerned that there's a variance here. Would it be good for our community to sit down & now that we've got (inaudible) & everything else to say, you know, there's no reason not to lay our numbers on the table & compare & contrast & just see to make sure we're on the right wavelength as we start this out. Is there anything to...I mean it seems like we would gain a whole lot there & then that would sure answer questions I would have because there were three different accountants who questioned it &, you know, I'm not saying...I think each individual, including yourselves, was, you know, felt that you were correct & now John has studied this tremendously & so, I just want to see, you know, make sure we're on the right wavelength & that's where I come up with all the financial standards & so forth.

Chief Spadt: Okay.

Mr. Camp: Could we do that?

Chief Spadt: You & I? Yeah, we can sit down & discuss this.

Mr. Camp: Well, I think really...well, get the accountant types together, I'm not an accountant but so they can compare. Okay. Thank you. Thanks, Jerry.

Mr. Shoecraft: Thank you. There's been a request for another break.

**** 12:10 a.m. - Council took a break. 12:16 a.m. - Council reconvened. ****

Mr. Shoecraft: Unless there is something new that I haven't heard, um, this public hearing is about to come to a close at the wish of several Council members. So, you want to say something? Is anybody new out there that wants to say something? Okay. Three people? Two people? Then we're going home after this. Just to let everybody know. Then we vote next week & there's a week for anybody that wants to add something or change something. 'Cause this has been the same as June 26th. Go ahead, sir.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward & presented a statement. [A copy of this statement is on file with the legislation in the Office of the City Clerk.] So, I just wanted to bring some information forward to you. It was new, it was refreshing & I wasn't going to follow on the same lines that everybody else is following on. And, Mr. Camp, this is for you.

Mr. Camp: Thanks, I'm glad you haven't seen my signatures.

Mr. Morosin: Well, I pull them for you. Thank you.

Dr. Larry Bausch, 6724 Forest Lake: Sitting through 6 hrs. of this tonight I guess is some...could be viewed as from the physician standpoint as some form of penance for all of our patients who, for many years, have sat in our waiting rooms waiting for something good to happen. And I kind of liken it to that & I think I've done my penance for the...for a long time. I've had the privilege of being a physician in our community for 32 yrs. in the care of critical...or the critical care of infants & children. I've served on the medical direction board as the Chair, State Board, Emergency Medical Systems Board, State Board of Paramedics for many years. And I've taught many paramedics including both Fire & Rural Metro paramedics that are represented here tonight. I wanted...I suppose I should really mention a personal issue then you wonder why in the world would any physician want to take the time to do something like this but on a dark & dreary night in about 1973 is my first year in practice when I was going north on Superior St. & a couple imbibers came out of Little Bo's going north & I hit them broadside. One died. I tried to resuscitate the other but couldn't 'cause my shoulder was separated & the first one to arrive was someone from the City who said well, I can't help you because the cars are on the County side, we'll have to call the County. And that, as a citizen & as an individual, did something very, very disheartening to me & I said, we really have to work to make this system better, something is really, really wrong. And as I sit here tonight, I had no agenda. I am a member of the County Medical Society but I'm a loose cannon. And I'll say what I think is best for our community & for the people involved. I don't like this ordinance. I...some of the issues that have been brought up I think are very, very serious one's, the issue of complex medical directors. I served as one of the people who was...had the privilege, I guess, to work with Kent Reckewey when we had unresolvable issues that came up time & time again. And they're not simple. There are always people looking for loop holes, finding ways to get out of systems & out of circumstances. It's not easy. And these decisions are not easy. And I can tell you that to have a situation where with multiple medical directors is going backwards from where we've been having come through the Bryan nurses where we may have probably had the best opportunity for care in our community that we've ever had in our lives, we'll never have that again. Things are just marching down in a somewhat negative way. And that's concerned me. The response time issue is very important. Doctors & lawyers look at it differently. Lawyers look at it from the standpoint of liability. I know. I live with one. At the same time, the physicians perspective is different. The physicians perspective says if the minute or two makes a difference in someone's life to save, it's worth it. To heck with this business of the liability. We'll have to deal with that later. But we deal with the patient now. And that's critical. So, & the response time essentially translates into dollars because if you say if you want to go from 8 minutes to 6 minutes, what do you have to do? You have to fund it.

Mr. Shoecraft: One minute.

Dr. Bausch: So, that really becomes kind of an economic issue of

sorts based on good medical information that's available to us from other large services as some of the other doctors tonight have spoken to. Lastly, I want to address the EMS. A lot of pro's & con's on that. Having been there & done that, I can tell you that the EMS does service as a nice sounding board for being able to get everybody's input. We hear things from outside the County that we didn't anticipate as problems & so forth so it was kind of a nice melting pot. At times it seemed like it was unrewarding from the standpoint of not being able to make a lot of decisions but it gave us a lot of insight into some of the complex problems that exist. I fear that if you...if we can't put together an ordinance that will address some of these specific needs that the medical profession feels are critically important, we're going to take another giant step backwards.

Mr. Shoecraft: You have about 30 seconds.

Dr. Bausch: I see...what I see happening is a lot of us who have volunteered, who are professors, volunteer professors at the Medical Center, who have worked to develop protocols to try & help the people in the community turn & walk. And I think that would be tragic for our community. And the sum & substance of what I have to say is tighten this thing up. The ordinance needs to redone, the parties need to sit down & refine it much more than it is at its present state. There are too many loopholes. And with that, I will close & thank you for your time.

Mr. Shoecraft: Thank you.

Mr. Camp: Jerry, could I ask Dr. Bausch one question? Doctor, one quick question, would you be willing...I've never met you before...is it Bausch?

Dr. Bausch: That's correct.

Mr. Camp: Are you a professor then or...

Dr. Bausch: Yes, I am. At both here & University of San Diego, California.

Mr. Camp: Would you be willing to help sit down with the attorney's & other doctors to do that?

Dr. Bausch: Yes, I would.

Mr. Camp: Thank you.

Susan Ferris, 6411 Concord: Not too long ago, I stood up in the back & if any of you would like to stand, it's fine with me, it kind of felt good to stretch. I did come with prepared notes for tonight &, as you can see, I've been here for a little while & I had time to scribble all over them so I hope I'm clear. I've been following this issue for quite a long time. My husband is a local physician. I'm real active in the local Lancaster County Medical Alliance & I am one of those people that follows local politics & I talked to my friends & neighbors about issues all the time. My father-in-law was formerly the Mayor of South Sioux City so local politics are just what we do. My personal observations are that the rumblings out there over this ambulance provider issue, & I'm speaking to you as a citizen tonight, are not longer Fire Dept. or Rural Metro but rather a whole host of questions. Like what is going on here? Why does the Medical Society have to hold press conferences to be heard? Why hasn't the Medical Society been welcome & had a call from each & every one of you in the last few months as decisions are being made? Why didn't the City Council ask for an independent outside consultant to give you objective information on this whole ambulance issue? And why, when the last time I stayed with you at home watching on television & you went all night, why did you ignore the independent consultant that was here to help? Why did the City Council so readily dismiss the local CPA's & their warnings that the Fire Dept.'s predicted finances might be very wrong. Which is it? A hundred sixty-two thousand in the red, or, excuse me, in the black of \$500,000 in the red? Or \$700,000 in the red? Mister Camp, when you speak to fiscal accountability, I hear you. Why didn't the City Council take even one week to look at the two separate independent accountants carefully prepared reports before voting? Remember the man that stood before you with the polaroid photos of our neighborhood Fire Stations showing us that there isn't room to park an ambulance inside any one of them? Didn't the Fire Chief say on the radio with John Baylor that we wouldn't be buying ambulances, we would be leasing them. And now we're buying a half a million dollars worth. And is that for five of them & is five of them enough? Who believes for a minute that this isn't going to cost the taxpayers a lot of money when we are rewriting all the rules & there's such poor apparent accountability included? Where is the financial accountability? What if the numbers are wrong? Chief Spadt said, I'll be responsible. I don't think he understood the question. You asked him, you asked everyone that made a proposal that night, you said who's responsible if you're numbers are wrong & the other people said well, my

company is responsible. Well, if the Fire Dept. numbers are wrong, the taxpayers are responsible. And if you had an independent consultant, you would have independent means to evaluate the numbers. Are we suppose to just trust you the way we are all trusting the school board to give us high schools at under one hundred million dollars? The public trust has been eroded. Who says cheaper, faster, better? I would propose that we need a new soundbite for the media. We need it's now time to earn back the people's trust. The citizens will hold you accountable. There are still many questions that are not answered. Please do not be in a hurry to rush this through & do it...you're not going to do it in a sloppy manner, & I know you're all public servants & you're all trying to do your best but when we get in a hurry, we make mistakes & there are questions that need to be answered. Thanks.

Mr. Shoecraft: Thanks for coming.

Bob Reynolds, 4700 S. 47th St.: I'm not a CPA but I'd like to put a little common sense into this whole thing about finances. You had vendors sitting out here a while back fighting for this service, right? It's not good business to fight for something that there's no money in. And if those vendors weren't out there, what would you be doing right now? You'd be mandating the Fire Dept. to take over this service. It stands to reason that there's money to be made or they wouldn't be here. Thank you.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Platte County Ambulance Service: This'll be quick. We're here in a rather neutral capacity. We're glad to see that the ordinance has been drafted in such a way that it does not provide for exclusive provision of routine ambulance services. I've had some conversation with Connor about some minor amendments that we may wish to ask be made but I think those can be worked out without having to discuss them here this evening or this morning or whatever it is. But, again, we appreciate the opportunity to attempt to provide what is defined in this ordinance as routine ambulance service. We have no problem with using EMS Inc. as our medical director. We do not wish to get in the middle of that argument. To the extent that you choose to say that EMS Inc shall be the medical director, we will certainly abide by that. I think Connor has some fairly good legal points as to whether or not that's something you can do under your current statute. But for our purposes, we are willing to have EMS Inc. serve as the medical director & (inaudible)ply with the ordinance as adopted.

Mr. Shoecraft: Thank you.

Mr. Hunzeker: Thank you.

Doug Wyatt, 927 N. 86th: I'm sorry. I thought there was only 2 so & since there were some other folks that came up I'm going to belabor you here just a little bit longer so I beg your indulgence here. I wasn't going to get up & talk because a lot of the points that I had written down have been covered tonight. But, on behalf of the 80+ employees at Rural Metro who are currently, & have been in the past, compliant with all of the rules & regulations that you've heard tonight, I thought it was...I owed them the respect of getting up here & being their spokesman. When we talk about the ordinance, excuse me, Doug Wyatt, Rural Metro, Market General Manager. This ordinance is another outwardly flawed component of the ambulance choice & I'll just have to call it what it is, a fiasco. The RFI stated, when we received it, that the City wanted a "at minimum, the same level of service currently enjoyed". This ordinance that you have before you does not come close to that objective. The Council chose the Fire Dept.'s RFI because according to the Mayor it was faster, cheaper & better. This ordinance does not set a standard for response times. It even states that response time criteria will not be a part of the medical protocol & makes it a best effort ordinance. Again, contrary to the RFI document. It does not set any limits to the rates. Even the rates set... even though the Council will set the rates dependent on expenses. I take into account the ambulances that've been discussed recently. Ninety-seven thousand dollars, that's double what our cost is for an ambulance. And I think it's an example of cost conscious...how cost conscious the Fire Dept. will be. So, the question is cheaper. Give ambulance providers the option of using independent medical oversight or hiring their own medical director. In essence, giving better luxury of having their own medical director & their own standards. Better? I don't think so. In summary, I guess I would say that there was...I received a letter back in March 9th from the Certificate Review Team which included: Jay Upright, was the Chair; Ed Perry, attorney; Joseph Guard, M.D.; Darrell Stock, attorney; Jerry Shoecraft, City Council; Dale Gruntorad, CPA; Gina Dunning in the Mayor's Dept. And I just want to tell you that they sent this letter & this report to the EMS Board because they were commissioned by the Board to come up with better accountability under the new certificate regardless of what...who the provider was. I'll just read one paragraph that exists

in here, "The citizens of Lincoln & Lancaster County are fortunate that as a result of the extensive efforts of many individuals over the last three decades, they have an effective, efficient & fiscally sound emergency medical system. The current system appropriately medically directed & under the control of qualified, experienced & dedicated medical personnel & allows for a County-wide transport service. The system integrates the various governmental agencies with a private provider & provides the emergency care & ambulance transport for those in need of those services. The Lincoln-Lancaster County System may be improved or enhanced but a great deal of care must be exercised to avoid adversely affecting the present system." What you have before you is fragmentation of the system. It's the reason they provided us a certificate back in 1979. I was here when they did that because there were multiple providers at that time & there was utter chaos & they did that for a reason. So, please be careful as you produce the document, the ordinances as you go forward. I thank God, & I thank the 4600 people that signed the petition signature that we will take this to the vote of the people. And I appreciate passing the resolution to do so. So, on November 7th, the people have the opportunity to speak. Thank you.

Glen Cekal, 1420 "C" St.: I swore I wasn't going to get up 'cause I don't have very much to say but after that last remark, the last sentence I just heard I couldn't sit down. I'll quick read this. Upon during further in-depth research on the ambulance process, additional questions needs to be raised & answered. One, why have the real facts been covered up? I'll say it again, covered up by public officials, corporate heads & ignored by the media. Two, when will the City Council, Mayor, & other interested parties including the newspaper, TV, radio address, & radio, excuse me, address these real facts, all the facts & not just paid for advertising. I hope the meaning of this is real clear & I hope that somebody is listening. Thank you.

Mr. Shoecraft: Joan, let's move to Executive Session.

Mr. Camp: Wait, Jerry, I'd like to call Mr. Leonard back if I may. I have a few other main questions.

Mr. Leonard: I'll be brief. What's the question? Again, like Yogi Berra, I really feel like deja vu all over again.

Mr. Camp: Well, I appreciate your coming from Kansas City. With your legal background & because we're dealing with an ordinance that's being proposed here & we've had our legal department & then there's been input from another law firm, I guess [break in tape]...can we have standards for ourselves as government & not create unnecessary liability? I don't care about the liability...can we have standards for ourselves? What's being done out there? I think you said is it 16 cities, 14 cities you work with?

Mr. Leonard: It's in excess of 15. I don't know, I've never sat down & counted them all. Let me seek to the anti-trust one first, if I may. I tried the first anti-trust case defending the City of Kansas City on exactly the claim that would probably be made here & that is an excluded, non-emergency provider who was excluded from Kansas City by our single-provider ordinance. We won that case on summary judgment after a hearing on the preliminary injunction at the District Court level. It as appealed to the 8th Circuit Court of Appeals. We won it there. They applied for cert. to the Supreme Court, it was denied. The 8th Circuit controls not only Missouri but also Nebraska. I think it is still good law...I know it's still good law. I tried two more cases in two different Federal circuits thereafter, defending the same kind of a system. I am very comfortable in saying that from an anti-trust perspective, you have virtually no exposure. Now, with regard to standards & liability, the systems that I have written ordinances for do not have the City being the direct provider. I don't think that that is a good idea. Our city in Kansas City, we have two Fire Unions, oddly enough, one Fire Union are the Firefighters that are engage in fire suppression. The other Fire union, IAFF members, have...are the paramedics. They incorporated themselves, took their pension & profit-sharing plan, came up with the working capital, formed a company, they are the contracted provider. They put up their own money so that if there is a response time failure, there is a mechanism by which they pay the City money because of their violation of the response time standard. So, it can be done. I certainly am sure that the Fire Dept. can respond in 8 minutes if that's a standard that is set on 90% of the calls. They've said they could, I have no reason to doubt them. I think it should be a standard that you put into effect & require of any provider. Does that answer your question?

Mr. Shoecraft: Thank you, sir. Joan, move to the executive session, please.

This matter was taken under advisement.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3268 - APP. OF GARNER INDUSTRIES FOR A CHANGE FROM I-2 INDUSTRIAL PARK TO I-2 INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 98TH ST. & CORNHUSKER HWY. - Prior to reading:

SENG Moved to amend Bill 00-158 in the following manner:

That condition 2.d. set forth in the Development Plan (Exhibit "A") be and the same is hereby amended to read as follows:

d. The Developer shall prepare design plans for and reconstruct the 54" water main in 98th Street at Developer's own cost and expense. To help defray the cost of said reconstruction, the City shall contribute \$40,000 to the Developer, payable within thirty (30) days following completion of the construction of the 54" water main. The preparation of the design plans for and the reconstruction of the 54" water main in 98th Street shall be performed under the City of Lincoln's executive order process. Unless otherwise approved or directed by the Director of the Department of Public Works and Utilities reconstruction of the 54" water main must commence and be completed between October 1, 2000 and December 25, 2000 or between March 15, 2001 and April 15, 2001. The timing of the reconstruction of the 54" water main in 98th Street shall be coordinated with the City's peak water demands and with the City's rehabilitation of its pump station at 51st and Cornhusker Highway in order to assure that the Northeast Pump Station is not out of service during a period of peak water demand and to further assure that the Northeast Pump Station and 51st Street Pump Station are not out of service at the same time.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SENG Moved to amend Attachment A of Bill 00-158 by moving Condition 3.e. down to Condition 4.c.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, changing the boundaries of the districts established & shown on said City of Lincoln Zoning Dist. Maps as provided in Sec. 27.05.020 of the LMC & approving the designation of the area hereinafter described as a planned unit development, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17728**, is recorded in Ordinance Book 24, Page

NAMING THE PRIVATE ROAD IN THE AIRPORT WEST OF N. PARK RD. AS "W. SUPERIOR ST." - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, to name the recently constructed private road in the airport, west of N. Park Rd., as "W. Superior St.", as requested by the Lincoln Airport Authority & recommended by the Street Name Committee, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17729**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO. (2/22/00 - Placed on Pending until a Supreme Court Case Decision) - PRIOR to reading:

COOK Moved to place Bill 00-35 on Pending.

Seconded by Seng & **LOST** by the following vote: AYES: Cook, McRoy, Seng; NAYS: Camp, Fortenberry, Johnson, Shoecraft.

DEPUTY CLERK Read an ordinance, introduced by Jeff Fortenberry, whereas, the City Council recognizes and believes the public health, safety, and welfare of the community to be adversely effected by public nudity, not only as an offense to the protection of order and morality in the community but also due to secondary adverse effects of public nudity including, but not necessarily limited to, prostitution, assaultive behavior, and other related criminal behavior, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Fortenberry, Johnson, Seng, Shoecraft; NAYS: Cook, McRoy.
The ordinance, being numbered **17730**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3280 - AMENDING TITLE 27 OF THE LMC TO DEFINE & ALLOW SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS AS A PERMITTED SPECIAL USE IN THE H-1, H-2, H-3, H-4, I-1, I-2, & I-3 ZONING DIST. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC to define & allow sexually oriented live entertainment establishments as a permitted special use in the H-1, H-2, H-3, H-4, I-1, I-2, & I-3 Zoning Dists., the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **17731**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1840 - APP. OF ANGIE MUHLEISEN, ON BEHALF OF UNION BANK, FOR A PARKING LOT ON PROPERTY LOCATED AT 4717, 4723, & 4731 HILLSIDE ST. - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-199 by adding a new section 3.2 in the Conditions of Approval as follows:

3.2 The Landscape plan shall be revised to show:

- A. The addition of two flowering crabapple trees on the north side of the parking lot;
- B. The addition of a low maintenance ground cover to the west side of the parking lot between the parking lot & the fence; and
- C. The addition of a seedless green ash shade tree to the southeast corner of the parking lot.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80435 WHEREAS, Angie Muhleisen, on behalf of Union Bank and Trust Company, has submitted an application designated as Special Permit 1840 for authority to construct a parking lot on property located at 4717, 4723, and 4731 Hillside Street, and legally described to wit:

Lots 2 - 4, Block 1, Boston Addition to College view, located in the Northwest Quarter of Section 5, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Angie Muhleisen, on behalf of Union Bank and Trust Company, hereinafter referred to as "Permittee", to construct a parking lot, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot.
2. Before receiving building permits, the construction plans must conform to the approved plans.
3. Before occupying the parking lot all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements including the landscaping shall be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of

acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1825A - AMENDING THE PRAIRIE VIEW ESTATES C.U.P. CREATE 34 LOTS & ONE OUTLOT; A WAIVER OF THE LANDSCAPE SCREEN ALONG THE WEST BOUNDARY; A REDUCTION OF THE FRONT YARD SETBACK ALONG W. "A" ST. FOR LOTS 3, 4, & 5, BLOCK 2; & ALLOWING APPROVAL BY THE PLANNING DIRECTOR OF ADMINISTRATIVE FINAL PLATS, ON PROPERTY GENERALLY LOCATED AT S.W. 10TH & W. "A" ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80441 WHEREAS, KK&G, Inc. has submitted an application designated as Special Permit No. 1825A for authority to amend the Prairie View Estates Community Unit Plan to create 34 lots and one outlot with the option of nine attached townhouse units and 25 unattached single family units or 34 unattached single family units; and requesting an adjustment of the front yard setback along West "A" Street for Lots 3, 4, and 5, Block 2; a waiver of the requirement of §26.27.020 of the Lincoln Municipal Code that sidewalks be installed along the east side of S.W. 11th Street between West Washington and West Grassland Lane, along the south side of West Grassland Place, and along the south side of West Washington Street west of S.W. 11th Street; for a waiver of the requirement of Design Standards that sidewalks be located four feet from a private roadway to allow sidewalks located on the east side of S.W. 10th Street south of Grassland Place and the east side of S.W. 11th Street south of Grassland Lane to be constructed adjacent to the roadway; on property located at S.W. 10th Street and West "A" Street, and legally described to wit:

Lots 149, 151, and 230 Irregular Tracts, located in the Northwest Quarter of Section 34, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of KK&G, Inc., hereinafter referred to as "Permittee", to amend the Prairie View Estates Community Unit Plan to create 34 lots and one outlot with the option of nine attached townhouse units and 25 unattached single family units or 34 unattached single family units on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 34 dwelling units.
 - b. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of the streets within Prairie View Estates is hereby waived along the east side of S.W. 11th Street between W. Washington and W. Grassland Lane, along the south side of W. Grassland Place, and along the south side of W. Washington west of S.W. 11th Street.
 - c. The requirement of the Design Standards that sidewalks be located four feet from a private roadway is waived to allow sidewalks located on the east side of S.W. 10th Street south from W. Grassland Place and along the east side of S.W. 11th Street south from Grassland Lane to be constructed adjacent to the roadway.
 - d. An adjustment to the front yard setback along West "A" Street for Lots 3, 4, and 5, Block 2, as shown on the site plan.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies of the approved plans.

- b. The construction plans must conform to the approved plans.
- c. Final plats within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. This approval voids and rescinds Special Permit No. 1825.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

THE FOLLOWING ARE TO BE REFERRED TO THE PLANNING DEPT.:

- Change of Zone 3282 - App. of Livingston Investments, Inc. For a change from agr to b-5 on property at Hwy. 2 & Pine Lake
- Change of Zone 3284 - App. of Planning Director for a text change to LMC Sec. 27.58.
- Special Permit 1865 - App. of Qwest Wireless for wireless transmission from a new communicator pole at 1012 N. 25th St.
- Special Permit 1854 - App. of US West to allow wireless transmission equipment on the roof facade of church belltower at the Zion Church at 848 D St.

VETO LETTER FROM MAYOR DON WESELY OF ORD. 17727, CHANGE OF ZONE 3207 @ 84TH & OLD CHENEY RD., PASSED SEPT. 18, 2000. (PREVAILING VOTE: CAMP, FORTENBERRY, JOHNSON & SHOECRAFT) - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

CAMP Moved to reconsider Ord. 17727 for further consideration on Oct. 2, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

BILL 00-164, ORNAM. LIGHTING DIST. 284: RECEIVED THREE LETTERS IN OPPOSITION & ONE LETTER RECEIVED IN NEUTRAL POSITION - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

BILL 00R-257, AUTHORIZING LOREN PRESCOTT DBA JIMMY JOHN'S TO OCCUPY A PORTION OF THE PUBLIC R-O-W AT 101 N. 14TH ST. FOR USE AS A SIDEWALK CAFÉ: RECEIVED MEMO. FROM CAROLE EDDINS, URBAN DEV. & A LETTER FROM MIKE KORSAKAS, IN SUPPORT OF THIS ITEM - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPT. 11, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80445 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until

maturity unless otherwise directed by the City Council. (Investments beginning 09/15/00)

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF AUG., 2000 FROM: Nextel West Corp., Trans National Comms. Internat'l, Primus Telecomms., Viatel Services, Touch America Services, Phoenix Network, Atlas Comms., Qwest Comms., Topp Telecom, LCI Internat'l Telecom - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

FRANCHISE FEE REPORT FROM UTILITCORP UNITED AKA PEOPLES NATURAL GAS FOR THE MONTH OF AUG., 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM URBAN DEVELOPMENT OF THE CONSOLIDATED PLAN FY2000-2003 FOR HUD ENTITLEMENT PROGRAMS - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

OTHER RESOLUTIONS

APP. OF HINKY DINKY LINCOLN #11 LLC DBA SUN MART #731 FOR A CLASS D LIQUOR LICENSE AT 2600 S 48TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80431 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Hinky Dinky Lincoln #11 L.L.C. dba "Sun Mart #731" for a Class "D" liquor license at 2600 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF THOMAS K. TAYLOR FOR HINKY DINKY LINCOLN #11 DBA SUN MART #731 AT 2600 S. 48TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80432 WHEREAS, Hinky Dinky #11 L.L.C. dba "Sun Mart #731" located at 2600 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Thomas K. Taylor be named manager;

WHEREAS, Thomas K. Taylor appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas K. Taylor be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF HINKY DINKY LINCOLN #9, LLC DBA SUN MART #738 FOR A CLASS D LIQUOR LICENSE AT 2145 S. 17TH ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption for approval:

A-80433 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Hinky Dinky Lincoln #9 L.L.C. dba "Sun Mart #738" for a Class "D" liquor license at 2145 South 17th Street, Lincoln, Nebraska,

for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF TIMOTHY BRIAN WEIXELMAN FOR HINKY DINKY LINCOLN #9 DBA SUN MART #738 AT 2145 S. 17TH ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption for approval:

A-80434 WHEREAS, Hinky Dinky #9 L.L.C. dba "Sun Mart #738" located at 2145 South 17th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Timothy Brian Weixelman be named manager;

WHEREAS, Timothy Brian Weixelman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Timothy Brian Weixelman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING NICOLE SIMON TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JAN. 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80436 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Nicole Simon to the Lincoln-Lancaster Women's Commission to fill an unexpired term expiring January 1, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGRMT. BETWEEN THE CITY & THE STATE OF NEBRASKA DEPT. OF MOTOR VEHICLES FOR RENEWAL OF THE CITY'S COMMERCIAL MOTOR VEHICLES THIRD PARTY TESTER CERTIFICATE TO ALLOW THE CITY TO CONDUCT EXAMINATIONS FOR COMMERCIAL DRIVERS LICENSES - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80437 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the contract between the State of Nebraska, Department of Motor Vehicles, and the City of Lincoln for renewal of the City's commercial motor vehicle Third Party Tester Certificate for a two-year term commencing on November 1, 2000, upon the terms and conditions set forth in said contract, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute said contract on behalf of the City.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING RESO. A-79846 TO AUTHORIZE CERTAIN CITY EMPLOYEES' PARTICIPATION IN THE POST EMPLOYMENT HEALTH PLAN - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80438 WHEREAS, the City Council of the City of Lincoln, Nebraska, on November 8, 1999, adopted Resolution No. A-79846 authorizing the City's participation in the Post Employment Health Plan (PEHP) provided by the Public Employees Benefit Services Corporation pursuant to §§ 106 and 501(c)(9) of the Internal Revenue Code for employee positions in classifications preceded by "DSS", "M", or "E"; and

WHEREAS, it is necessary to amend and supercede Resolution No. A-79846 to authorize various other employee position classifications to participate in the PEHP; and

WHEREAS, it is for the mutual benefit of the City of Lincoln and the specific classes of employees designated herein to participate in

the PEHP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That Resolution No. A-79846, adopted by the City Council of the City of Lincoln, Nebraska, on November 8, 1999, authorizing the City to make contributions to the Post Employment Health Plan on behalf of specific classes of employees who are not represented by bargaining units is superceded and amended to provide authority for participation of all employees who hold positions in classifications preceded by the letter "X" and any employee in any position classification who works more than 30 hours per week whether or not such 30 hour employee is represented by a bargaining unit.

2. That in all other respects the provisions of Resolution No. A-79846 authorizing the City to make contributions to the PEHP on behalf of its employees shall remain in full force and effect.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AUTHORIZING LOREN PRESCOTT DBA JIMMY JOHN'S TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 101 N. 14TH ST. FOR USE AS A SIDEWALK CAFÉ - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80439 WHEREAS, Loren Prescott dba "Jimmy John's" has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way at 101 N. 14th Street as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Loren Prescott dba "Jimmy John's", hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way at 101 N. 14th Street is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of 16 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of 36" but not greater than 60" except for necessary pedestrian ingress and egress as shown in the application.

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.

6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

9. Such space shall be used for business purposes by Permittee only between the hours of 10:30 a.m. to 2:00 a.m. Monday through Sunday.

10. The Permittee shall comply with all health and sanitation regulations.

11. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

12. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

13. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

14. No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

15. Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

16. The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

17. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

18. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (262 square feet) for an annual rental of \$65.50; provided, however, said rental may be increased for future years by action of the City Council.

19. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT NO. 94-45 - AMENDING THE 1994 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE "GREATER ARNOLD HEIGHTS AREA NEIGHBORHOOD PLAN." - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-258 by replacing Attachment A with a new Attachment A.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80440 WHEREAS, the Planning Director has made application to amend the 1994 Lincoln City-Lancaster County Comprehensive Plan to incorporate the

"Greater Arnold Heights Area Neighborhood Plan" to guide public and private programs and actions as an official component of the Comprehensive Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 1994 Lincoln City-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Appendix A, Part I, "Approved Subarea Plans" to add the following to the list of approved subarea plans:
#. The Greater Arnold Heights Area Neighborhood Plan -- approved by the City Council by Resolution No. A-_____ on _____, 2000.
2. Amend Figure 16, "Lincoln's Land Use Plan", page 39, to reflect the land uses as shown on Figure 3, "Alternative Land Use Plan", a copy of which is attached hereto marked as Attachment "A", except that the Multi-family which will be displayed as Urban Residential.
3. Amend the Greater Arnold Heights Neighborhood Plan, a copy of which is attached hereto marked as Attachment "B", as follows:
 - a. Revise page 4.2, to reflect the land uses as shown on Figure 3, Alternative Land Use Plan."

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 9, 2000 AT 1:30 P.M. ON THE APP. OF LORABELLE, INC. DBA THE GRAPEVINE FOR A RETAIL CLASS I LIQUOR LICENSE AT 2620 STOCKWELL - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80442 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 9, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Lorabelle, Inc. dba The Grapevine for a Retail Class I Liquor License at 2620 Stockwell.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 9, 2000 AT 1:30 P.M. ON THE APP. OF DLLR, INC. DBA CITY SPIRITS FOR DELETION OF AN AREA MEASURING 42' X 28' TO THE SOUTH FROM THEIR LICENSE PREMISE AT 2620 STOCKWELL - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80443 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 9, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of DLLR, Inc. dba City Spirits for deletion of an area measuring 42' x 28' to the south from their license premise at 2620 Stockwell.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 9, 2000 AT 1:30 P.M. ON THE APP. OF LAZLO, INC. DBA EMPYREAN ALES/LAZLO'S/JABRISCO'S FOR A LIQUOR CATERING LICENSE AT 700-710 P ST. & 729 Q ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80444 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 9, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Lazlo, Inc. dba Empyrean Ales/Lazlo's/Jabrisco's for a Liquor Catering License at 700-710 P St. & 729 Q St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

- CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 RESIDENTIAL & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.
- CREATING ORNAM. LIGHTING DIST. 283 IN WOODS AVE. FROM 33RD ST. EAST TO S. 38TH ST. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, creating Ornam. Lighting Dist. 283, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, & repealing all ordinances & parts of ordinances in conflict herewith, the second time.
- CREATING ORNAM. LIGHTING DIST. 284 IN 25TH ST. FROM VAN DORN TO HIGH STS. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, creating Ornam. Lighting Dist. 284, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, & repealing all ordinances & parts of ordinances in conflict herewith, the second time.
- AMENDING SEC. 14.70.040 OF THE LMC TO REMOVE THE REFERENCES TO SIDEWALKS FROM THE AREA THE CITY PUBLIC WORKS DEPT. IS REQUIRED TO BACKFILL FOR CUTS, TRENCHES, OR EXCAVATION - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 14.70.040 of the LMC to delete references to "sidewalk" which will allow plumbers & utility contractors to backfill areas under sidewalks; & repealing Sec. 14.70.040 of the LMC as hitherto existing, the second time.
- CHANGE OF ZONE 3276 - AMENDING CHAPTER 27.33 OF THE LMC TO REQUIRE FENCES TO SCREEN AUTOMOBILE LOTS, SERVICE STATIONS, APPLIANCE SALES, & REPAIR OPERATIONS IN THE B-3 ZONING DIST. WHEN LOCATED WITHIN 100' OF ANY RESIDENTIAL USE OR DISTRICT; TO MAKE THOSE USES CONDITIONAL USES; & TO PROHIBIT THOSE AS NEW USES WITHIN 100' OF RESIDENTIAL USES OR DISTRICTS - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.33 of the LMC by amending Sec. 27.33.020 to delegate service stations & automobile & appliance sales & repair facilities as permitted uses in the B-3 Zoning Dist.; amending Sec. 27.33.030 to require fences to screen service stations & automobile or appliance sales & repair facilities in the B-3 Zoning Dist. when located within 100' of any residential use or district, to make those uses conditional uses, & to prohibit those as new uses within 100' of residential uses or districts; & repealing Secs. 27.33.020 & 27.33.030 of the LMC as hitherto existing, the second time.
- VACATING CHARLESTON ST. BETWEEN I-180/N. 6TH ST. & SUN VALLEY BLVD. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, vacating Charleston St. between I-180/N. 6th St. & Sun Valley Blvd., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.
- VACATING THE NORTH/SOUTH ALLEY FROM SEWARD AVE. NORTH TO THE EAST/WEST ALLEY IN BLOCK 95, HAVELOCK ADD., GENERALLY LOCATED BETWEEN N. 62ND & N. 63RD STS. - PRIOR to reading:
- SENG Moved to place Bill 00-169 on Pending.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
- DEPUTY CLERK Read an ordinance, introduced by Jonathan Cook, vacating the north/south alley running from Seward Ave. north to the east/west alley in Block 95, Havelock Add., generally located between N. 62nd & N. 63rd

Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RENAMING SPECIFIC STREETS WITHIN NORTH HILLS PRE. PLAT GENERALLY LOCATED AT N. 14TH & MORTON STS. AS FOLLOWS: SHOOTING STAR DR. WEST FROM 15TH ST. RENAMED AS "PEGRAM DR."; SNOWFLAKE DR. RENAMED AS "KENNEDY DR."; SNOWFLAKE CT. RENAMED AS "KENNEDY CT."; & PATRICK CT. RENAMED AS "MAZE CT." - CLERK read an ordinance, introduced by Jonathan Cook, changing the name of specific streets in North Hills Pre. Plat generally located at N. 14th & Morton Sts., as recommended by the Street Name Committee, the second time.

AMENDING SEC. 21.56.170 OF THE LMC TO ALLOW REFUSE & GARBAGE REMOVAL SERVICE ONCE A WEEK WHEN CERTAIN RECEPTACLES OR CONTAINERS FOR THE STORAGE OF GARBAGE ARE PROVIDED - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 21.56.170 of the LMC relating to refuse & garbage handling within a mobile home court or trailer court to allow refuse & garbage removal service once a week when certain receptacles or containers for the storage of garbage are provided; & repealing Sec. 21.56.170 of the LMC as hitherto existing, the second time.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO. (2/22/00 - Placed on Pending until a Supreme Court Case Decision) - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, whereas, the City Council recognizes and believes the public health, safety, and welfare of the community to be adversely effected by public nudity, not only as an offense to the protection of order and morality in the community but also due to secondary adverse effects of public nudity including, but not necessarily limited to, prostitution, assaultive behavior, and other related criminal behavior, the second time. **(See further Council Action under "ORDINANCES - 3RD READING".)**

CHANGE OF ZONE 3280 - AMENDING TITLE 27 OF THE LMC TO DEFINE & ALLOW SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS AS A PERMITTED SPECIAL USE IN THE H-1, H-2, H-3, H-4, I-1, I-2, & I-3 ZONING DIST. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC to define & allow sexually oriented live entertainment establishments as a permitted special use in the H-1, H-2, H-3, H-4, I-1, I-2, & I-3 Zoning Dists., the second time. **(See further Council Action under "ORDINANCES - 3RD READING".)**

AMENDING THE LMC BY CREATING A NEW TITLE 7, AMBULANCE TRANSPORTATION CODE, TO ESTABLISH A PROCESS BY WHICH PERSONS MAY APPLY FOR & RECEIVE A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE, TO ESTABLISH EMERGENCY AMBULANCE SERVICE TO BE PROVIDED BY THE CITY, & TO ESTABLISH A PROCESS FOR THE PROVISION OF STAND-BY AMBULANCE SERVICE BY ADDING SECTIONS 7.04.010 TO 7.04.210 WHICH SECTIONS SET FORTH DEFINITIONAL TERMS INCLUDING AMBULANCE, AMBULANCE SERVICE, AREA OF CITY SERVICE, EMERGENCY AMBULANCE SERVICE, EMERGENCY CALL, EMERGENCY MEDICAL SERVICES, EMERGENCY MEDICAL SERVICES OVERSIGHT, EMERGENCY MEDICAL TECHNICIAN (EMT), EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-1), EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P), LICENSE, MEDICAL CARE PROTOCOLS, MEDICAL DIRECTOR, 911 CENTER, OPERATOR, PATIENT, PERSON, ROUTINE AMBULANCE SERVICE, STAND-BY AMBULANCE SERVICE, TRIP RECORD, TO BE USED IN TITLE 7; SEC. 7.06.010 PROVIDING THAT NO PERSON SHALL OPERATE WITHIN THE CITY OF LINCOLN A ROUTINE AMBULANCE SERVICE WITHOUT FIRST HAVING OBTAINED A LICENSE THEREFOR; SEC. 7.06.020 ESTABLISHING A PROCESS BY WHICH A PERSON MAY MAKE APPLICATION FOR A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE; SEC. 7.06.030 PROVIDING A PROCESS BY WHICH A LICENSE FOR OPERATION OF A ROUTINE AMBULANCE SERVICE MAY BE ISSUED; SEC. 7.06.040 SETTING FORTH THE TERM OF SUCH LICENSE; SEC. 7.06.050 SETTING FORTH THE FORM & CONTENT OF A LICENSE; SEC. 7.06.060 SETTING FORTH THE STANDARDS FOR AMBULANCE EQUIPMENT IN THE OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.070 SETTING FORTH THE STANDARDS OF OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.080 REQUIRING INTERCONNECTION BETWEEN THE 911 CENTER & A ROUTINE AMBULANCE SERVICE; SEC. 7.06.090 SETTING FORTH DISPATCH REQUIREMENTS; SEC. 7.06.100 SETTING FORTH THE RIGHT OF THE CITY TO AUDIT & INSPECT RECORDS OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.110 SETTING FORTH RECORDS & REPORTS WHICH SHALL BE KEPT BY A ROUTINE AMBULANCE SERVICE; SEC. 7.06.120 SETTING FORTH THE INSURANCE REQUIREMENTS FOR A ROUTINE AMBULANCE SERVICE; SEC. 7.06.130 SETTING FORTH THE PROCESS BY WHICH THE CITY MAY SUSPEND OR REVOKE A LICENSE FOR THE OPERATION OF A

ROUTINE AMBULANCE SERVICE; SEC. 7.06.140 SETTING FORTH THE PENALTIES FOR OPERATING A ROUTINE AMBULANCE SERVICE WITHOUT FIRST OBTAINING A LICENSE THEREFOR; SEC. 7.08.010 SETTING FORTH THE FIRE DEPT.'S AUTHORITY TO PROVIDE AMBULANCE SERVICE NECESSARILY INCLUDING EMERGENCY AMBULANCE SERVICE & SETTING FORTH THE PROCESS BY WHICH FEES FOR SUCH SERVICE WILL BE SET BY CITY COUNCIL; SEC. 7.08.020 ESTABLISHING THE AMBULANCE FUND; SEC. 7.08.030 SETTING FORTH THE CITY'S AUTHORITY TO ENFORCE THE COLLECTION OF FEES FOR AMBULANCE SERVICE PROVIDED BY THE CITY; SEC. 7.08.040 MAKING IT UNLAWFUL FOR ANY PERSON OTHER THAN THE CITY OF LINCOLN TO FURNISH EMERGENCY AMBULANCE SERVICE, DEFENSES TO SUCH PROSECUTION & EXCEPTIONS, & THE PENALTIES UPON CONVICTION THEREOF; SEC. 7.08.050 SETTING FORTH THE MAXIMUM DESIRED RESPONSE TIME IN THE PROVISION OF EMERGENCY AMBULANCE SERVICE - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending the LMC by creating a new Title 7, Ambulance Transportation Code, to establish a process by which persons may apply for & receive a license to provide routine ambulance service, to establish emergency ambulance service to be provided by the City, & to establish a process for the provision of stand-by ambulance service by adding Sections 7.04.010 to 7.04.210 which sections set forth definitional terms including Ambulance, Ambulance Service, Area of City Service, Emergency Ambulance Service, Emergency Call, Emergency Medical Services, Emergency Medical Services Oversight, Emergency Medical Technician (EMT), Emergency Medical Technician - Intermediate (EMT-1), Emergency Medical Technician - Paramedic (EMT-P), License, Medical Care Protocols, Medical Director, 911 Center, Operator, Patient, Person, Routine Ambulance Service, Stand-by Ambulance Service, Trip Record, to be used in Title 7; Sec. 7.06.010 providing that no person shall operate within the City of Lincoln a routine ambulance service without second having obtained a license therefor; Sec. 7.06.020 establishing a process by which a person may make application for a license to provide routine ambulance service; Sec. 7.06.030 providing a process by which a license for operation of a routine ambulance service may be issued; Sec. 7.06.040 setting forth the term of such license; Sec. 7.06.050 setting forth the form & content of a license; Sec. 7.06.060 setting forth the standards for ambulance equipment in the operation of a routine ambulance service; Sec. 7.06.070 setting forth the standards of operation of a routine ambulance service; Sec. 7.06.080 requiring interconnection between the 911 Center & a routine ambulance service; Sec. 7.06.090 setting forth dispatch requirements; Sec. 7.06.100 setting forth the right of the City to audit & inspect records of a routine ambulance service; Sec. 7.06.110 setting forth records & reports which shall be kept by a routine ambulance service; Sec. 7.06.120 setting forth the insurance requirements for a routine ambulance service; Sec. 7.06.130 setting forth the process by which the City may suspend or revoke a license for the operation of a routine ambulance service; Sec. 7.06.140 setting forth the penalties for operating a routine ambulance service without second obtaining a license therefor; Sec. 7.08.010 setting forth the Fire Dept.'s authority to provide ambulance service necessarily including emergency ambulance service & setting forth the process by which fees for such service will be set by City Council; Sec. 7.08.020 establishing the ambulance fund; Sec. 7.08.030 setting forth the City's authority to enforce the collection of fees for ambulance service provided by the City; Sec. 7.08.040 making it unlawful for any person other than the City of Lincoln to furnish emergency ambulance service, defenses to such prosecution & exceptions, & the penalties upon conviction thereof; Sec. 7.08.050 setting forth the maximum desired response time in the provision of emergency ambulance service, the second time.

AMENDING CHAPTER 2.20 OF THE LMC RELATING TO THE FIRE DEPT. BY AMENDING SEC. 2.20.010 TO BROADEN THE FIRE CHIEF'S DUTIES TO INCLUDE THE MANAGEMENT OF A CITY AMBULANCE PROGRAM TO PROVIDE EMERGENCY AMBULANCE SERVICE, & TO PERFORM RECORD KEEPING & REPORTING DUTIES ASSOCIATED THEREWITH, INCLUDING FINANCIAL RECORDS, TRIP RECORDS, & DAILY LOGS; AMENDING SEC. 2.20.080 TO BROADEN THE FIRE CHIEF'S OR THE OFFICER'S IN COMMAND AUTHORITY TO DIRECT SUCH OPERATION AS MAY BE NECESSARY TO PROVIDE OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES INCLUDING TRANSPORTS AT THE SCENE OF A FIRE OR OTHER EMERGENCY INVOLVING THE PROTECTION OF LIFE OR PROPERTY - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.20 of the LMC relating to the Fire Dept. by amending Sec. 2.20.010 to broaden the Fire Chief's duties to include the management of a city ambulance program that will provide emergency ambulance service, & to perform record keeping & reporting duties associated therewith, including financial records, trip records, & daily logs; amending Sec. 2.20.080 to broaden the Fire Chief's or the

officer's in command authority to direct such operation as may be necessary to provide out-of-hospital emergency medical services including transports at the scene of a fire or other emergency involving the protection of life or property; & repealing Secs. 2.20.010 & 2.20.080 of the LMC as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CREATING SEWER DIST. 1174 IN OLD DAIRY RD. FROM 27TH ST. WEST APPROX. 600'.
(5/30/00 - PLACED ON PENDING):

JOHNSON Moved to remove Bill 00-106 from Pending & to Withdraw it.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4345 & was placed on file in the Office of the City Clerk.

SENG Moved to extend the Pending List for 1 week.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

SENG Moved to approve the resolutions to have Public Hearing on Oct. 2,
2000.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

1:14 A.M.

CAMP Moved to adjourn the City Council Meeting of Sept. 25, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III