CITY-COUNTY COMMON

County-City Building ●555 S. 10th Street●Lincoln, NE 68508

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AGENDA

CITY COUNTY COMMON
MONDAY, JUNE 4, 2007
COUNTY-CITY BUILDING
555 SOUTH 10TH STREET
ROOM 113
8:30 A.M.

1. APPROVAL OF COMMON MEETING MINUTES OF TUESDAY, MAY 8, 2007.

2. PRESENTATIONS

8:30 a.m. **Lincoln Fire Department 5 Year Review Update** - Dale Michels, M. D.; Joan Anderson, EMS, Inc.

8:50 a.m. **City-County Consolidation Working Group Update** - Ray Stevens, County Commissioner

9:10 a.m. **East Beltway Corridor Protection** - Don Thomas, County Engineer; Roger Figard, City Engineer

CITY-COUNTY COMMON
MEETING MINUTES
JUNE 4, 2007

Common Members Present: Dan Marvin, Chair; Ray Stevens, Vice-Chair; Mayor Chris Beutler, Jon Camp; Doug Emery; Robin Eschliman (8:35 am); Bernie Heier; Larry Hudkins; Deb Schorr, John Spatz; Ken Svoboda; and Bob Workman.
Common Members Absent: Jonathan Cook

Others Present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Trish Owen, Mayoral Aide; Joan Anderson, LCMS/EMS, Inc.; Dr. Dale Michels, EMS; Todd Gilkison, EMS, Inc.; Coby Mach, LIBA; Rick Peo, City Law Department; Mike DeKalb, Planning Department; Marvin Krout, Planning Department Director; Roger Figard, City Engineer; Karl Fredrickson, Public Works Director; Ann Harrell, Mayoral Aide; Doug Ahlberg, Emergency Management Director; Mary Meyer, County Commissioners/City Council Clerk and other interested parties.

The Nebraska Open Meeting Act posted on back wall of Room 113.

Chairman Marvin opened the meeting at 8:30 a.m. and introductions of Common members made. Marvin stated the next meeting, on Tuesday, July 17, 2007, will be the County-City Common Budget Meeting and Meyer has sent out a tentative schedule.

Approval of Common Meeting Minutes of Monday, April 2, 2007
Heier moved, Svoboda seconded, that the minutes of the City-County Common meeting of Tuesday, May 8, 2007 be approved. With no discussion or corrections the minutes were approved by acclamation.

Lincoln Fire Department 5 Year Review Update Dr. Dale Michels, EMS, Inc.; Joan Anderson, LCMS, EMS, Inc. (ATTACHMENT A)

Anderson introduced Dr. Michels, Chair of EMS. Dr. Michels stated normally they would present the annual report from EMS, Inc., and will mail, but felt this topic was higher priority. Dr. Michels then gave outline of report. Tab 2 is issue of response times; Tab 3 is Operational Study; Reference Articles, Tabs 4 & 5, are response times and developing ideas for dealing with Alpha calls, the low acuity calls.

Dr. Michels stated the summaries, Tab 1, include Midwest Medical, a private ambulance provider which EMS does need access to their dispatch recordings for quality improvement followup. Also, the year end report and implementing an evaluation of system response times. The articles contain numerous items, i.e., response time from the call, unit dispatched, or site arrival? In some cities it's arrival at the door, not to the floor where needed. Then, new methods which may improve our ability to provide quality services. Do work with Lincoln Fire and Rescue, but believe some items can improve to provide better reporting and information.

Dr. Michels said a significant budgetary item is the automatic vehicle locator technology, allowing dispatch of the closest available unit. The dispatchers may find the closest ambulance, however the ambulance may be doing something else, and therefore try to find the next closest. With vehicle locator technology it is not an issue. You know where they are, and locate them. Not cheap but beneficial for the patients.

Then departmental review of services, strategic planning. To qualify you deal with finances, receiving a report and recommendations, which may affect union negotiations. Talked about staffing patterns and decisions. The issue has been, and continues to be, the quality of care provided. This quality of care costs but we continue to improve. An example, added twelve (12) legal field electrocardiograms. Had monitored one lead, but with twelve (12) can really identify if a patient is having a heart attack. If so, can transport, alerting emergency room, and he/she could be in the cardiac lab in 20 minutes.

Dr. Michels stated as the County representative to EMS one issue is to work with agencies outside the city, to provide appropriate emergency medical services. As the city expands it becomes more of a city problem, but people in the county appreciate services. Then, an obvious item is reimbursement, particularly Medicare and Medicaid. Can charge an ambulance run amount, but if Medicare only pays a certain amount the solution is to try providing a more effective reimbursement level for the services. The same with Medicaid, more on the State level. The recommendations are in the booklet.

Camp stated appreciation to Dr. Michels and Anderson, and asked if summarizing what are the top three improvements we should make to our EMS ambulance system? Dr. Michels said the automatic data locator is probably at the top. Significant improvements for knowing where equipment is, at all times, to respond.

Anderson said the second, and third, would be the area of Alpha and Bravo calls, the non-acute calls. The study shows a large number of Alpha calls, some needing ALS. Could handle differently and see basically two options. One, Lincoln Fire finds a way to staff a basic life support ambulance, or a different mechanism, and sending the front line ALS unit on non-acute calls. It is costly, but income was $480,000, and if Lincoln Fire has a staffing pattern to maybe keep this revenue? If not, it probably makes sense to see if the private sector is willing to partner on those calls, a negotiation with the Fire Chief, as it is a staffing pattern.

Anderson said another is Bravo calls, and recommend doing nothing from a medical standpoint. Until we see how Alpha calls are handled don't want the Bravo calls in as they are higher acuity. Another concern was the dry runs number. We don't know if man down calls, and could be handled differently. Looking more in-depth to Bravo calls, and a different way to handle Alpha calls, internally or outsourcing.

Camp stated appreciation for the articles. Then asked for opinions on systems data management for Lincoln. Staffing, reporting, statistically when there are the most calls and allocating resources accordingly. Dr. Michels stated from the system's perspective seems fairly flat in call numbers. You look at where you need, and don't need to be, and that is the statistical section. An amount of time you may need less, in terms that the system need not be at this level all the time. Improvements can be made but need negotiation, and we see as significant benefits which could be obtained. The articles contain debates on systems data management, and how best to accomplish.

Marvin said it states peaks and valleys, but thought it was fairly flat. Dr. Michels responded our overall utilization is flat. In Section 3 there are periods of time we have more service than needed. But in the health care business there are times it will be peaks and then valleys. Unfortunately not predictable and always run the risk if you par too thin you don't have enough at the peak. If too full we spend money for services not needed. Overall the number of calls have been fairly flat.

Spatz asked for definition of Alpha calls. Anderson said Alpha calls are the non-acute calls. Sending an engine and ambulance, but no lights/sirens. Not acute, and do not have to be there immediately. Dr. Michels said Bravo calls are defined as being the engine/ambulance, dispatched with lights/sirens. The engine is usually first to arrive. The ambulance can become lights/sirens, changing the level of call. If an EMC and fire fighters there determine they need more help, can change the call status. But is anticipated when they go on the call they won't need the ambulance in true emergency fashion. Emergency fashion calls do put some people at risk, not only those on the apparatus but people who didn't hear the siren.

Camp said he's looked at the situation over time, with the 5-Year Review Committee 1½ years ago. In the evaluation it was looked at from a medical standpoint, not economic. We might want, but have to make decisions economically and as a result there are recommendations which could be made from a business standpoint.

Anderson believes they identified those, and it is the Boards decision. For example, knew they would not need ambulances 24/7, or 5 ambulances 24/7. How you do that is beyond their recommendations. It is negotiations with union, fire administration, all. Thinks they made clear areas open from a business standpoint. Alpha calls makes good business sense and comfortable from a medical standpoint to look at two options. Having LFR find a way to change response times, and maybe decrease, or keep, the revenues. If not possible recommend negotiation with the private sector. Hopefully identified areas of business decisions.

Camp said it was mentioned the primary focus of the medical community is the medical side, but at the same time it is helpful knowing we meet medical standards, assuring citizens of the health and safety factor. He reviewed studies of fire and ambulance departments and they seem to suggest because the ambulance calls, the EMS calls, are substantially outnumbering fire calls, a number of systems are going more to dispatching ambulances. Not worrying about fire trucks.

Dr. Michels said the issue is providing the level of service in ambulances. What level/ kind of accountability? Even with 5 ambulances do not think they'll necessarily keep up the response time the way it should be. An example is an accident with first response from a policeman. The accident was outside the city limits, so the police would not have had to respond. There are situations where we wouldn't need LFR to be first response, but it is a conscious decision about the stationing of ambulances, to get there when needed within the necessary response time, and the reason to define the level of calls.

Anderson said historically the reason Lincoln has great quality of care is in part to advanced life support, but really the quick fire response team. Medically know basic life support outcomes are our focus regarding response time. Dr. Michels added one article points out for cardiac events it is 4 ½ minutes till basic life support, making a difference in terms of having LFR be the first to arrive. We say 8 minutes, 90% of the time, but with survival the less time the better.

Anderson said some cities are innovative, staffing small, fuel economy trucks going out with basic life support. Different ways to look at restructuring, but requires everyone to be on the same page. Camp said basic life support is key. Doesn't require a full pledged para-medic or doctor. With our police officers there may be a way to dispatch and provide quick response in a more economic way, but still keep the medical standards.

Stevens asked with what degree of accuracy can you tell the level of 911 calls? Dr. Michels replied it is a system of series developed nationally and continually improving. Fairly accurate to start and the first responder always can change immediately to bring the level up, or down. Anderson stated accuracy is difficult as the consumer is emotionally involved, but are still asked various questions. Staff accuracy in the 911 Center is very good with an ongoing training program.

Marvin asked if in some way need the number of sirens, and EMS phone calls? Anderson replied they didn't know, but the response time did not include evaluations for how long it takes the 911 dispatcher to have someone out. The dry runs need looking at, through the 911 Center and Lincoln Fire, as there are variables and we haven't had the data. But, with 1700 calls in just over a year, and sending all resources, time and fuel, with no revenues attempted, don't know why. Maybe nothing can be done, but need to investigate. Dr. Michels said patients refuse some dry runs, with the caller deciding not to go, or the staff determines. Part of the issue is not really sure where it fits.

Hudkins came upon an accident where the Raymond Ambulance had the person loaded, and waiting when the Lincoln Fire Department ambulance arrived. Raymond could have gone on, but reloaded the person. Better coordination needed, and the two operators could have radioed. So, when they arrived, and since he was on a stretcher, maybe the ambulance could have been turned around quicker. A personal observation and think better communication is needed. Hudkins, after seeing this, tried to inquire and received the feeling from 911 that until they know for sure they send everything.

Eschliman stated with the automatic vehicle locator the system probably has a screen, but you still use the radio? Dr. Michels replied he hasn't seen the actual system, but understands it provides various information. They should determine whether a particular unit is in service, ready to go, out of service, at a hospital. May involve radio contact to find out if ready to leave, and never take away the communication.

Heier asked Ahlberg to speak about reimbursements from County agencies and more to services received out of the city, as some are not paying their fair share, with Ahlberg negotiating and would like the City to hear.

Ahlberg stated they looked at reimbursement costs for going into the County, and took several steps to reduce. One

is on Alpha and Bravo, and internal responses. Rural departments are the initial responders on most calls. If they find an ambulance service is needed it is dispatched at that point in time. With Delta and Echo, the more severe or ALS calls for service, it is automatic for LFR to be dispatched into the county. If we find it is a dry run, or intercept, any of the transportation costs are split, 60-40. Forty (40) percent to Lincoln Fire, even if called off the particular call. There are steps being taken. Camp said if a dry run, and split 60-40, there's no revenue and so splitting zero. Ahlberg responded he had mis-spoken.

City-Consolidation Working Group Update Ray Stevens, County Commissioner
(ATTACHMENT B)
Stevens stated discussion started last month. Basically is a study to determine how to achieve greater degree of efficiency within City and County governments, with thoughts on what we might look at and how we might accomplish. To reiterate, if looking at a merger of City/County government, feel it would be several years away, and probably require legislation. But believes with a working group of knowledgeable and concerned community citizens perhaps come up with areas where we could improve, not only being more cost efficient but providing a better service level to citizens in the community. Looking for efficiency, economy, and better ways of accomplishing. This hasn't been done on a comprehensive County wide basis for quite some time. On the attachment outlined several areas of study which we might ask the committee to look at. Initially the committee would be a core group of 8 to 12 people, to formulate a plan, resulting in ideas. They could recruit additional members as they saw fit. We would give them the ability to draw on any City or County agency they wanted to work with. Also, look at any legislation which may be required to move to the path of a higher degree of cooperation.

Stevens thinks the committee could operate on an 8 to 12 month basis. Would ask them to be as thorough as possible within this time. Then we would have the opportunity to try and implement their recommendations, as appropriate, in the City/County. Would request, a year or so after their report, to come back and critique. Did we accomplish items and what needs to be next? They would not actually say, necessarily, how we're going to merge, if we ever merge, but give a direction, ideas, guidelines as to what we would have to do if we were ever to merge City and County government.

Stevens said approximately 17 counties/cities have merged and we would want to look at those. Also, this probably will require funding, and don't want the committee to operate without any outside resources. They may need a facilitator, coordinator, and suggest perhaps the City could allocate up to $35 thousand, with the County doing the same, and possibly have others in the community participate in this financial standpoint. Thoughts, ideas and suggestions welcome. Also, names of individuals who may be willing to serve.

Camp stated last month several people and past studies were mentioned. Even if not to the level proposed, does it help attain a higher level to start? And, proposing to use those people and those studies? Stevens responded we can probably ask people who served on past committees and have talked to a few who indicated a willingness to serve. One thing is to accumulate from the County Board office the studies, reports, and legal requirements done in the past, and include a comprehensive list. Should have all the documents together, available to the committee. This was done in the past, a starting point, and areas to look at.

Workman stated a couple of names suggested include the past fiscal officer, Dave Kroeker, who has a good handle on our finances and perhaps Cathy Campbell. We call on her often but she is a proponent of consolidation. Stevens said Campbell has agreed to serve. Hudkins said a name he would forward is Trish Owen. We had an opportunity, years ago, with a vacancy in the City Clerk's office and a deputy vacancy in the County Clerk's office to look at the synergy there. The County Board requested the City and County look at a possible interlocal between the two offices, but it never came before the City Council. With Trish Owen having served as County Clerk, and now part of the Mayor's staff ,believe she would be an excellent resource person. Marvin agreed adding if the Mayor could find time for her to devote to this, it would be great.

Stevens added to forward suggestions to Marvin or him. He has developed a list of people who volunteered, and said they would consider serving. This is one item, and he and Marvin took it upon themselves to run the list of names past the City Council, the County Board, and the Mayor. Camp stated a heavy concentration of business

community individuals would help to get improved efficiency, connectiveness and economy. Believes the community will step up with suggestions. Would mention Jim Strand as a key individual for the committee.

Hudkins stated he has brought up before but to reiterate the interlocal agreements are a good way to start the process. Usually an interlocal agreement gives synergy for cooperation, and has served very well in the Health Department since 1947. We have 26 or 27 interlocal agreements in Lancaster County working very well.

East Beltway Corridor Protection Don Thomas, County Engineer, Roger Figard, City Engineer (ATTACHMENT C)
Thomas stated he and Figard wanted to raise their concerns. One is the way landowners could be notified if trying to get a building permit. The City Attorney provided an opinion saying basically within the three (3) mile limit the City does not require building permits on farmsteads, or is not allowed to establish. So, it leaves possibilities, especially when looking at the map, which shows 90 to 95 percent is within the three (3) mile limit. This is an attempt to realize how many years, and money, we've invested in the beltway, and that it is potentially at risk if we don't catch people before they construct.

Schorr asked what was the legal opinion basis and could it be corrected by a change in the City statute? Thomas replied either through administration, the Mayor, the Council, the Attorney's Office we need to figure out what to do. Whether a building permit, or an official notice of construction which was suggested by Peo.

Peo said two (2) different statues involved and thinks under a Corridor of Protection Act there is a provision for a notice to be sent to landowners regarding City jurisdiction to regulate building construction within the three (3) miles, where State law did not grant us jurisdiction on farmsteads, with a gap under our jurisdiction requiring City zoning. We were given authority by State law on the beltway, and by filing a Corridor Map can require people to submit a request for zoning permits on construction. If the County or City does not individually regulate the land, then require to send to the County Clerk, with a process of a person actually making an application. If we file a Corridor of Protection map, and provide notice under State law, there is some protection the corridor is preserved. But not as clean as getting building permits on farming jurisdiction.

Thomas added concerns will continue. We won't be acquiring the right-of-way within the next few years and wonder how many different land owners might be on a single property, with the third or fourth not realizing to make this notice. Not sure things can be worked out.

Mayor Beutler asked if this solution could be implemented without changing State law? Peo replied the solution would change state law with respect to a primary class city, allowing us to regulate the construction on farmsteads, within the three (3) miles, which would be the first solution. During the interim, under existing law, we can require the notification process be implemented. As mentioned, if there is a change of owners, we are to send a letter to the existing owners, like the first time we filed the map. If we don't acquire the property within a certain period of time ownerships change and we have to advise new owners of the same responsibility. Our jurisdiction changes and we have probably adequate protection in the short interim.

Camp asked if it would be possible to file a memorandum on the title? A title search would have the memorandum and give them notice in that regard, even if not a legal ordinance? Peo answered it would be an additional expense, but might be a protection when a notification letter is sent to the property landowners. Camp replied it couldn't be too expensive. Peo said each person gets an individual letter, and has to have a property description and doesn't know the cost.

Hudkins would predict now it is going to be hard to pass this type of legislation. We have a group of county residents, outside the city limits, who cannot vote for City Council members who are responsible for the rules and regulations. One is the enforcement of the County Trailer House policy. The County is adamant about enforcing, but cannot within the three mile limit. The people there have gone to the Legislature saying if the County, or City, has jurisdiction we want the right to vote for them. Agree if notification could be made to each property owner, as they pass title, may be a good way to go. Hate to wait and not inform people of what may happen until we get a Legislative solution. If there is a legal solution, a way to start protecting this corridor through existing laws it

would be very good.

Heier thought the process had been on going for ten years, and doesn't speak often as he owns corridor land. People are concerned about defining the exact highway routes. Now difficult to plant trees, or make noise pollution protection. Ten years ago could have planted trees and doesn't think there would have been a problem with the Belt location. But now have not defined exactly where it should be. The County put $300,000 on the table to have this done, and have not heard a thing with a definition to the exact route. We should have limits of construction, which we don't have. It is difficult as you have a corridor a ½ mile to 3/4 of a mile wide, to put restrictions on. Again, when we don't know the exact route it has been really frustrating.

Figard said this is part of why we're here. Thomas and he have been at this more than twelve (12) years. The corridor was laid in, contracted, the City signed in March, and calls for two step corridor protection. We are ready to file letters this week with Planning, Building and Safety, County Clerk, and follow up with individual letters to property owners. The corridor is a little larger, and a little more lenient at this point. The consultants schedule would be by the end of the calendar year to have completed work, to narrow the corridor closer to the limit of construction. More exacting so people would know and be able to plant trees, and do berm work. Figard said another reason they came today is if they take this step would put in motion the need to follow through, if our goal. If we file the Corridor Protection and someone desires to go ahead with a building permit, and the permit comes in, we have sixty (60) days to evaluate the permit and determine whether or not to let the property owner move ahead, or begin negotiations. We have six (6) months to successfully negotiate a sale, purchase, on the property. So the point is if someone files we have money to do the Corridor Protection. Thomas and he have each earmarked money with a little additional for this fiscal year. If someone comes in believe the respective bodies need to know there has to be resources available to go buy the right-of-way. It is foolish to go through the Corridor Protection and file, and then allow construction to occur in the corridor without trying to buy the right-of-way as they come forward.

Heier asked how closely can the Corridor be defined? Figard said their intention in the final is to be within the limits of construction and able to define whether or not with a property we would buy the whole thing, or if there is a remainder which can stay and still be economical. Heier stated it appears to be very confusing, at times thinks it is a mile, sometimes a half mile on each side of the line. What is it now? Thomas thought 600 feet. Figard said 600 feet at the least. Heier asked each side? Figard and Thomas replied total. Heier said he is curious about the $300,000 to define, which should have done.

Thomas replied the preliminary, the 600 feet, is going to be defined this week. Figard said the current contract, the way laid out, is approximately a $656,000 contract. To date have about $265,000 of federal money available, and the City and County, in the contract, each have an obligation of approximately $200,000. Over the next two (2) fiscal years should be an additional $200,000 from the federal government which we'll use to reimburse ourselves and then some of the cash the City and County spent will be paid back, and available to deal with some right-of-way issues. Figard feels the minute we file there are some folks waiting. Figard said he and Thomas worked closely with the City and County trying to preserve a footprint near Waverly for the interchange. Suspects they will be interested in moving ahead, probably desiring and requesting the City move ahead with the purchase of some right-of-way in that corner. Do not want this body caught short, and thinks if we file could have requests for purchases of right-of-ways fairly soon.

Heier asked if talking about the East, South, or both? Figard said East, with the South Beltway currently being managed, designed, and carried forward by the Nebraska Department of Roads. They filed Corridor Protection, with the City having some local participation, but they are moving ahead. Stevens asked at what point would the State possibly pick up some responsibility for the East Beltway? Figard couldn't answer saying they continue to suggest to them that at some point the East Beltway should be part of the State system. Need to move ahead and protect the corridor, and as we finish up the South continue with those conversations. We are committed that it should be a State route.

Camp asked if there were lessons learned from the 1950's Federal Interstate System built? Then had thousands on thousands of highway miles, to a equal standard, and here we have been approaching for twelve (12) years.

Thomas replied one advantage with the interstate was it was a separate program, and funded, under the Federal Highway Act. There is no recognition of the East Beltway, except through earmarks, and if the earmarks go away, it goes away. The reason the South Beltway is getting funded is the State has adopted and approved as part of their Expressway System, eligible for Expressway funds.

Figard said we need to keep working on this as the State wasn't interested in the South Beltway to start with. We need a similar set of circumstances allowing us to negotiate with the State on why the East Beltway should be part of their system, not part of the County or City. Wanted everyone to know the letters are ready, and may start some inquiry. The other question is, if this body is interested in trying to bring forward legislation and work on the gap, perhaps being a twenty (20) mile building permit issue?

Eagan stated the County has legislation passed about two years ago. It's 23114, allowing building permits for farmstead residences, but not all farm structures require a building permit. The City had legislation which paralleled this in the three (3) miles, but for some reason did not go through. We tried together one year but it became too complicated. He's asked, and thinks the City Attorney said no, that with a joint public agency, if one entity has the power if it can be used by both entities? Doesn't know if there is a possibility the City could, in that agreement, use the County's authority to require residents to have building permits. The City Attorney's opinion is we can not in that situation, but do think it needs to be looked at.

Motion: Eschliman made motion to submit to the Law Department and ask for additional research on Corridor Protection, with return opinion presented to the respective bodies. Seconded by Hudkins.

Discussion: Hudkins stated as they bring forth their studies, think in the future, when the engineers and Public Works Director feel it would be timely and necessary, write a letter from this body to the Highway Commissioners, asking the State to take over the East By-Pass. As we research problems it may be something we would want to follow up on. Did you want the City Law, or the County Attorney's Office involved too? Eschliman responded she imagines the City would confer with the County. She doesn't see why there is no institutional memory of why nothing ever happened.

Role: Ayes: Marvin, Stevens, Mayor Beutler, Camp, Emery, Eschliman, Hudkins, Schorr, Spatz, Svoboda, and Workman.
Abstain: Heier due to conflict of interest.
Absent: Cook.
The motion passed by a vote of 11-1-1.

Stevens motioned the meeting be adjourned, seconded by Heier. Adjourned by acclamation at 12:55 pm.

Mary Meyer
Clerk

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