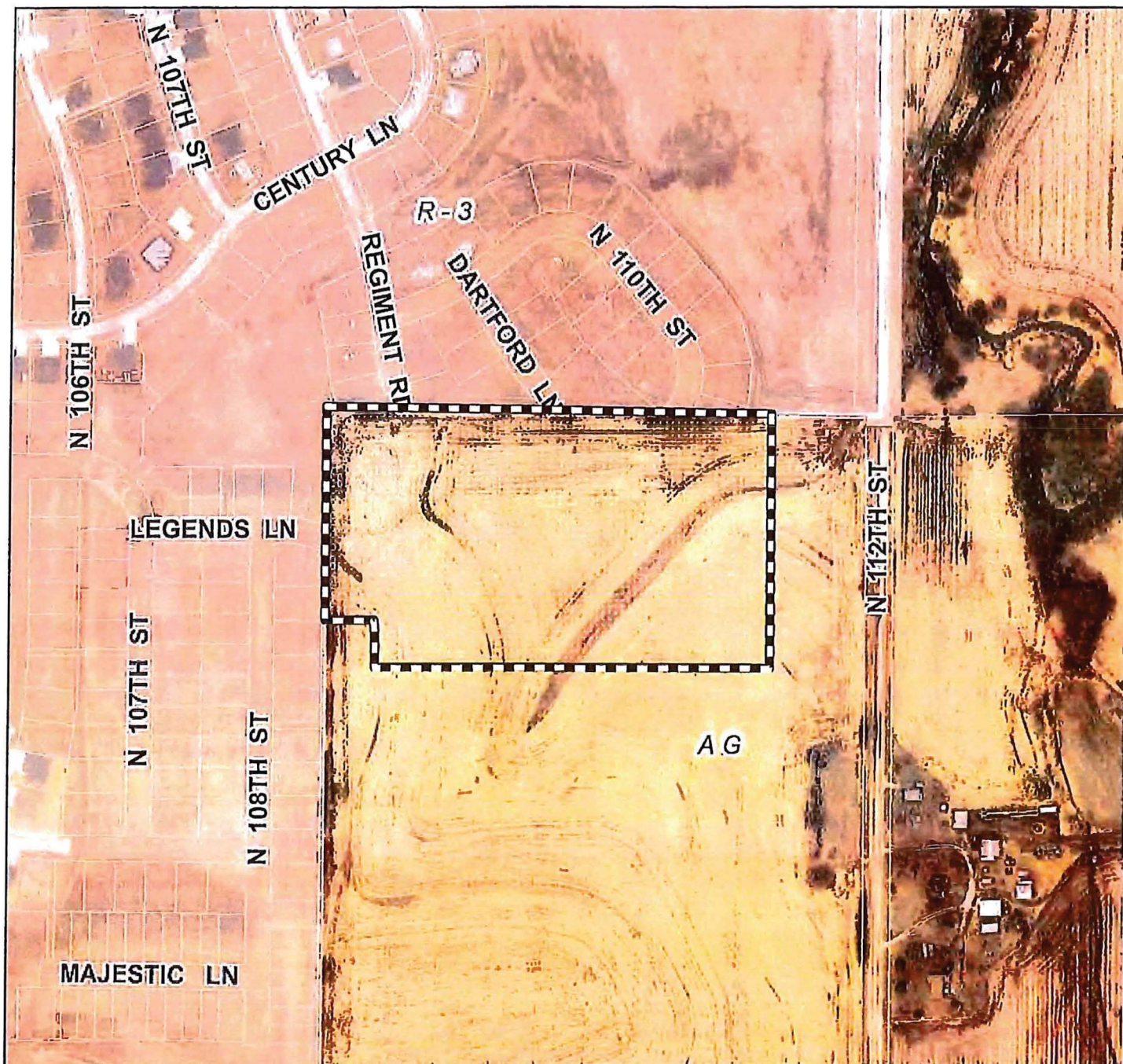




Directors Meeting

Monday, March 13th, 2023
555 S 10th Street Luxford Studio

- I. **Approval of Directors Minutes from March 6th, 2023**
- II. **City Council Agenda & City Clerk Advisories**
 - i. Public Comments will be held on March 13th & March 27th.
 - ii. Mayor's Award of Excellence presented to Jerry Pietzyk, Tina Baker, and Jeffery Lacey from LTU.
- III. **Directorial Advisories**
 - i. BP230302 - Annexation Map 22013 - Shelli Reid
- IV. **Boards, Committees, and Commission Reports**
- V. **Constituent Correspondence**
 - i. submitting a noise complaint with in the city of Lincoln - Leslie Andersen
 - ii. Do The Right Thing - Tom Haley
 - iii. Lincoln Bold Project - Amy Dishman
 - iv. My Opposition to Lincoln Bold's Skyscraper Proposal - Maureen Harvey
 - v. 48th & A Street intersection - David Brady
 - vi. opposition to 9th and P street project - Bob Reeves
 - vii. Opposed - Bold Hay Market Project - David Strom
 - viii. Lincoln bold - Armando Perez
 - ix. January - Joel Schossow
 - x. Oppose the high-rise building - Alan & Donna Hersch
 - xi. 48th & A Street intersection - David Brady
 - xii. Lincoln Bold - Rita Parris
 - xiii. Lincoln Bold - Jeff Cunningham
 - xiv. Lincoln Bold Project - Bob Peters
 - xv. WHC NE LLC dba zTrip complaint - Zackary Yost
- VI. **Adjournment**



Annexation #: AN22013 and
Change of Zone #: CZ22036 (AG to R-3)
East Dominion Estates
N 112th St & O St

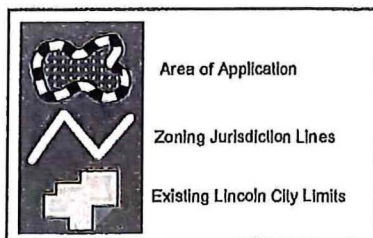
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

PDF: F:\Boards\PC\Internet\out



One Square Mile:
Sec.24 T10N R07E



From: [Leslie Andersen](#)
To: [Council Packet](#)
Subject: submitting a noise complaint with in the city of lincoln
Date: Wednesday, March 1, 2023 9:50:28 PM

Dear City Council Members, I am a Lincolnnite and I have lived in lincoln all my life, I am writing this evening of March 1st 2023 Wednesday, I have lived in other parts of lincoln in apartment buildings! and this issue I am writing is the neighborhood I live in now is the havelock area, there is a firestation in front of the apt building and a gas station in back of my building! the area is between North 70th and North 48th the street I live on is Touzalin Ave, and then there is another street of Fremont street! I have lived in the Apartment Building for almost 7years! I like the management I deal with and the apartment! I also deal with a business in lincoln called: Lincoln Housing Authority! they help me with my rent! I pay a certain amount and they pay the rest of it! I can't move at this time because I don't Have the money! even if ask my management about wanted to move they would need a deposit and rent from me! the reason why I am writing is that the area I mentioned above it has alot of noise in the area Most of it is very noisy from Cars that like to race down the streets and are very noisy and loud and sometimes there are people with Cars that what they call music and that music is very much of an irritation and aggitation to me and it is on a day to day basis that I get tired of listening too! I have a form of Autsim that I was diagnosed in my 40's! called Aspergers Syndrome and I have issues with loud noises and odors also! this area is again very noisy on a day to day basis! and so I just wanted to write to ask what the City Council Members can do to help me with this issue!

Thank You! hope to hear from somebody soon! Leslie Andersen My email is:
justen22u@gmail.com

From: [Tom H](#)
To: [Tammy J. Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Michelle R. Suarez](#); [Sandra J. Washington](#); [Bennie R. Shobe](#); [Council Packet](#)
Subject: Do The Right Thing
Date: Thursday, March 2, 2023 8:17:09 AM

Council Members:

I own a condominium in the Lincoln Historic Haymarket District at 803 Q Street, Unit 202.

I am writing to urge you to do the right thing:

- Vote AGAINST the Lincoln Bold development project,
- Vote AGAINST granting Lincoln Bold any TIF funding, and
- Send the Lincoln Bold project back to the Planning Commission so a legitimate process can be followed including those most significantly impacted by this proposed project.

In its proposed location, Lincoln Bold is a BAD project for several reasons including:

1. The project has insufficient parking. Parking is already a problem in the Haymarket. Parking for Lincoln Bold will crowd out parking for Haymarket businesses. Saying the problem will be solved by valet is disingenuous at best. Valet to where? The Lincoln Bold project must ADD all of its parking needs. I've seen estimates that it will cost Haymarket businesses more than \$14 million just during the construction period. Several Haymarket business people say their businesses will fail. This amounts to "taking," which I'd like to see challenged with legal action if you move this project forward.
2. The Lincoln Bold design is an egregious violation of the historic design, nature, and character of the Historic Haymarket District. I've seen a Lincoln development plan document that includes words such as "appropriately placed," "available capacity," "respect historical patterns," and "preservation and renewal of historic buildings." The Lincoln Bold project fails every one of those stated objectives. The City Planning Commission has failed us. World-class university towns thoughtfully manage development to enhance their architecture and character. Why wouldn't Lincoln, NE, aspire to be such a place? Today's Historic Haymarket District could be a solid base for such development if its historic character isn't ruined by projects like Lincoln Bold.
3. Lincoln Bold is a terrible use of public funding (TIF). It does not add a single square foot of affordable housing. As a substantial taxpayer, I resent my money being given to such an abominable project that will destroy the aesthetics of the Historic Haymarket District, and destroy some of the small businesses in the Haymarket. It amounts to taking from the little people and giving their money to million-dollar condo developers. Shame on you if you approve a single dollar of public money for this project.
4. The process has been inappropriate, and I believe illegal. Evidently, there was a Planning Commission public hearing on this project on November 2, 2023. I never received notice of

that hearing, and I've talked with dozens of other residents and businesses in the Historic Haymarket District who also did not receive proper notice. I understand no one showed up at the November 2 hearing. I did not find out about Lincoln Bold until December. And now there's an organized Save the Historic Haymarket effort, including a petition against this project signed by more than 2,400 individuals and businesses, plus a GoFundMe site to help with legal fees to fight this project. That should tell you a lot about the lack of proper notice for the November 2 hearing.

You must decline any public funding of Lincoln Bold and send the project back to the Planning Commission. They must obey the law and deliver proper notice to give voice to the public including those most affected by this project. And then a legitimate process must be followed that includes the little people – the small businesses trying to survive in the Historic Haymarket District and the residents living there – not just million-dollar condo developers. To be a legitimate project, it must truthfully and meaningfully address the concerns of the current businesses and residents.

I have joined more than 2,500 other people in signing a petition against the Lincoln Bold project. I have donated generously to Save the Historic Haymarket to help fund legal fees to fight this project.

I spent 35 years in industry. I am generally pro-development. This is just a bad project in a bad location. I'm told there are alternate sites just 2-3 blocks to the south/southeast where Lincoln Bold could be constructed along with all of its parking needs, and without ruining the Historic Haymarket District's character and charm. Bold's residents could still easily walk to the Haymarket. Maybe there's a win-win in finding an alternate location. We'll never know if you don't send this project back to the Planning Commission, demand a legitimate process that gives voice to the people you are supposed to represent, and demand the developers genuinely address their concerns.

Do the right thing.

Tom Haley

From: [Amy Dishman](#)
To: [Tammy J. Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Michelle R. Suarez](#); [Sandra J. Washington](#); [Bennie R. Shobe](#); [Council Packet](#)
Subject: Lincoln Bold Project
Date: Thursday, March 2, 2023 11:20:02 AM

Elected Officials of the City Council,

As a resident of District 3, I would like to voice my concern over the proposed Lincoln Bold Project for several reasons:

1. While the proposed corner site is not legally zoned to be part of the Historic Haymarket District, the community certainly views it that way. The scale of this building is frankly absurd for this location. The proposed design shockingly ignores basic principles of context, scale, and site planning. This building won't make Lincoln special, because there is nothing special in the design that references Lincoln. People want to live, work, and be patrons of downtown and the Haymarket because of its unique character, but this building could be plopped anywhere. It has no absolutely no contextual reference, adding nothing to the beauty and fabric of this historic area. We have lost so many buildings that contribute to the character of downtown already. Do we really need to degrade it more? Do we want to be a city like Omaha, that destroys the fabric of what makes it special in the name of "progress" only to look back with regret?
2. Aside from being an eyesore, I am deeply concerned about the proposed project's environmental impact. Nothing in the rendering suggests the use of passive strategies for the reduction of energy consumption. Whether or not you're a trained architect or engineer, I think we all know by now that a glass box with zero design strategies for shading to reduce heat gain and energy loads, is ethically irresponsible in the era of climate change. The carbon footprint of this building, both in energy use and embodied carbon, is unacceptable if Lincoln truly cares about its Climate Action Plan. The built environment generates 40% of annual global CO2 emissions. This percentage is larger than any other industry, including transportation and manufacturing. The energy use of the built environment must be addressed if we have any hope of reducing greenhouse gas emissions and keeping our planet in a condition that is habitable for human life.

How does this project incorporate resilient design? How will it negatively impact flooding and storm water management of the area? How will this glass box increase the temperature of the area? Is the glass designed to prevent bird strikes? Will this skyscraper contribute to light pollution, the degradation of habitat, and negatively impact nocturnal animals? There are endless questions, and I have seen zero answers in the way of studies or public disclosures over the impact this building would have on the ecosystem of the area and the city at large. Design that takes zero resiliency measures into account, will be a financial liability to the city when an unforeseen extreme weather event strikes.

3. This is luxury housing designed for the wealthy. Lincoln needs diverse, affordable housing. This does nothing to address the affordability or equality issues Lincoln is experiencing in

its available housing stock. This is for wealthy people and developers, who do not need TIF funding. If this business model was viable, and the demand were present, the proforma wouldn't need government funding to be successful. TIF should be reserved for projects that use existing buildings and repurpose them, infill blighted areas with contextually appropriate structures, create affordable housing and rentable space for local businesses, and/or are high performing buildings that reduce carbon emissions, protect water, and increase the resiliency of the city. Along with no environmental impact study, there has been no economic impact study of this proposed project, yet the developer is asking for public funds. The citizens of Lincoln deserve to know what they are spending \$23 million dollars on. The owners of small business in the area deserve to know how this building will affect their livelihoods during construction and beyond. You deserve to know what you're voting for.

I'm all for infilling areas and increasing density in the urban fabric. But this should be done in a way that benefits the community and environment. No one wants this project but the developer. Every single letter the council has received on record is against this project. An online petition, at the time of this letter, has 2,461 signatures opposing this development. Building up our community in an informed, sensitive, and thoughtful way means listening to what citizens are asking for. This project does none of those things, and so I am asking for you to oppose this development plan and the use of tax dollars in the form of TIF as part of its funding.

Amy Dishman LEED
INTERIOR DESIGNER
SHE/HER/HERS

bnim

From: [Maureen Harvey](#)
To: [Council Packet](#); [Mayor](#)
Cc: [David R. Cary](#); [Daniel K. Marvin](#); [Tammy J. Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Michelle R. Suarez](#); [Sandra J. Washington](#); [Bennie R. Shobe](#)
Subject: My Opposition to Lincoln Bold's Skyscraper Proposal
Date: Thursday, March 2, 2023 12:39:28 PM

March 2, 2023

I hope all Council members and the Mayor read Jon Camp's op-ed "A better place to be Bold" in today's Journal Star. Mr. Camp knows the Haymarket better than most of us and I am in 100% agreement with his thoughts including his proposal to build this skyscraper in a different location. Mr. Camp's parking concerns are valid.

Steve Glenn's proposal to utilize valet parking during the building process would simply exacerbate a bad situation, create traffic jams, and endanger the large amount of pedestrian traffic so often present in this area. As an aside, Mr. Glenn also believes his building may be the most beautiful between Denver and Chicago. Has he forgotten our State Capitol?

In addition to Mr. Camp's concerns, I am opposed to this building at this site as its architecture is out of place with the character and atmosphere of the area. Simply, it is the wrong building in the wrong place. Further, I am in disagreement with utilizing TIF to finance this luxury building.

I hold out hope my comments will merit your serious consideration even though I rarely, if ever, have received any response from past contacts, let alone one which addresses my articulated questions. I have serious concerns including my impression that this project has for some inexplicable reason been green lighted for this location which is questionable at best. And, this is happening despite the obvious and valid concerns of the businesses and community members who will be negatively impacted in such a destructive way.

Please explain to me how this proposal makes sense and why another location seemingly can't be considered. I really want to know. I am not opposed to progress but I believe that it is possible for our city to do so and still maintain and protect some of the treasured areas in our city, the Haymarket being one example. Further, I would like to believe our elected officials care about the interests of all Lincoln's citizens, not just a few.

Sincerely, Maureen Harvey

From: mbrady@neb.rr.com
To: [Council Packet](#)
Subject: 48th & A Street intersection
Date: Thursday, March 2, 2023 4:22:21 PM

Dear council members:

I just read with astonishment what the new 2023 street paving plan is. It does NOT include the above listed intersection. Do any of you drive 'A' street or 48th street and encounter this intersection? If not, i suggest you give it a try. It is absolutely horrible. This is a tie for worst street in the City of Lincoln with 56th and Van Dorn, yet nothing is ever done about it.

I asked 2 years ago when they were Paving South Cotner if they could just run a Profiler (like they did in 70th) over this intersection to smooth it out. The traffic people said no. It's slated for a round a bout? In 2024????

In the mean time we have to tippy toe through this intersection. I think my tipping point occured when i saw that Sumner from 56th to 70th and other various streets is this high income neighborhood got overlaid last summer. I use those streets as well and i can assure you they were NOT in need of resurfacing. Who ever is in charge of street repair/resurfacing should be replaced.

What do we have to do to get this intersection smoothed out? I believe it is becoming a liability issue and desperately need to be addressed... Let me know and i will get on it.

Cordially
David Brady
1527 Ridgeway Rd
68506

From: [Bob Reeves](#)
To: [Council Packet](#); [Tom Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Michelle R. Suarez](#); [Sandra J. Washington](#); [Bennie R. Shobe](#)
Subject: opposition to 9th and P street project
Date: Saturday, March 4, 2023 7:21:06 AM

Dear City Council members:

I am very much opposed to the 22-story luxury high rise proposed for 9th and P streets. This will cause traffic and ongoing parking and traffic problems for the Haymarket, and it's inappropriate in terms of scale with the rest of that area. But my main opposition is that this does nothing to meet the real housing needs of Lincoln.

We have lots of apartments being built for college students, and downtown housing is already being expanded in existing buildings and/or smaller buildings. Some of the apartments being built include a small number of "affordable" units but most of the new construction isn't being built or marketed with families in mind. The biggest need is for more decent, clean, safe housing for low-income families. Until I see a guarantee that this need will be met--both through better code enforcement of existing properties and through incentives to provide family-friendly housing--I will not be in favor of more high-rent apartment complexes.

Bob Reeves
3236 Dudley St.
Lincoln, NE 68503
402-464-1803
bobreevesg6@gmail.com

From: [David Strom](#)
To: [Council Packet](#)
Subject: Opposed - Bold Hay Market Project
Date: Saturday, March 4, 2023 5:40:11 PM

From: David Strom

I am a concerned community member opposing the Bold 22-story skyscraper on the edge of the Haymarket. I hold a Masters Degree in Community and Regional Planning and find this project to be irresponsible when considering the future of the HayMarket and the plans that have been proposed in the LNK2050 strategy plan. I have worked as a bartender in my early years and served as a police officer, serving the downtown district. I feel that I have a firm grasp of the area and the social culture. This project is not what the Hay Market needs. I am not opposed to development but I am opposed to the location of this proposed project.

The HayMarket is currently built to human scale (max 4-5 stories) and brings the best balance between the built & human space. The Bold project's height will cause the HayMarket to be within shadow during certain times of day and year. It potentially will impact the Tavern on the Square, a unique gem to the HayMarket and the place I was married because of its unique charm. The proposed design does not blend with the Hay Markets brick-Warehouse charm and will change the dynamic of the area, in my opinion in a negative way. This project will also hamper newly arrived people to our great city a view of the HayMarket, constricting their view of what the city has to offer immediately coming into the downtown area. I can list many other negative impacts but these are all things the Lincoln Planning Department should be including in their report and if they are not, shame on them.

We need to look past just the "development" but look to the holistic picture of what we want Lincoln to look like, feel, and become. Some of my most favorite places to visit are planned with this mindset... Washington D.C. and Historical Charleston are only a few examples.

I ask you to vote "NO" - in opposition of this project... maintain the historical charm of the HayMarket.

Your concerned community member,
David Strom

From: [armando.perez](#)
To: [Council Packet](#)
Subject: Lincoln bold
Date: Monday, March 6, 2023 10:56:16 AM

Let the lincoln bold project come into fruition. I as many other young professionals want lincoln to become a true city with a beautiful skyline. This keeps many young professionals in the lincoln area as well as bring more tourism. Many want the urban feeling downtown. Lincoln does a great job keeping parking costs so low compared to other cities. With urban development, walking or other transportation other than a car is expected. It would be nice to see lincoln with more high rises and get a feeling of a big city.

From: [Joel Schossow](#)
To: [Council Packet](#)
Subject: January
Date: Monday, March 6, 2023 7:20:21 PM

January is by far the slowest business level month of the year. Our revenues in January are almost half what they are on September.

Joel Schossow
402-440-1513

From: [Alan Hersch](#)
To: [Council Packet](#)
Subject: Oppose the high rise building
Date: Tuesday, March 7, 2023 7:34:32 AM

Dear Council members,

We urge you to oppose the Lincoln Bold high rise building at the proposed site. It is a good project at the wrong location. It will ruin the historic concept of the Haymarket forever. We also oppose using taxpayer money to help fund this private project.

Alan & Donna Hersch

From: mdbrody@neb.rr.com
To: [Council Packet](#)
Subject: 48th & A Street intersection
Date: Thursday, March 2, 2023 4:22:21 PM

Dear council members:

I just read with astonishment what the new 2023 street paving plan is. It does NOT include the above listed intersection. Do any of you drive 'A' street or 48th street and encounter this intersection? If not, i suggest you give it a try. It is absolutely horrible. This is a tie for worst street in the City of Lincoln with 56th and Van Dorn, yet nothing is ever done about it.

I asked 2 years ago when they were Paving South Cotner if they could just run a Profiler (like they did in 70th) over this intersection to smooth it out. The traffic people said no. It's slated for a round a bout? In 2024????

In the mean time we have to tippy toe through this intersection. I think my tipping point occured when i saw that Sumner from 56th to 70th and other various streets is this high income neighborhood got overlaid last summer. I use those streets as well and i can assure you they were NOT in need of resurfacing. Who ever is in charge of street repair/resurfacing should be replaced.

What do we have to do to get this intersection smoothed out? I believe it is becoming a liability issue and desperately need to be addressed... Let me know and i will get on it.

Cordially
David Brady
1527 Ridgeway Rd
68506

From: [Rita Parris](#)
To: [Council Packet](#)
Subject: Lincoln Bold
Date: Tuesday, March 7, 2023 11:23:35 AM

To the Lincoln City Council Members:

I strongly oppose the location of the Lincoln Bold luxury high-rise in the Historic Haymarket and urge you to vote against it.

1. It would not be as offensive if it was designed similarly to the old buildings in the area in order to appear a part of Lincoln's historic buildings;
2. Do we really need another luxury apartment in Lincoln? The average Lincolnite can't afford the rent, and I assume the condos will be for sale, but at what "luxury" price?
3. Please find a location further away From the Haymarket that has plenty of parking.
4. And consider an ordinance or Zoning code to have any future buildings in the Haymarket conform to the remaining historical architecture.

Thank you for your consideration,
Rita Parris
1321 S 37th St
Lincoln, NE 68510
402-483-0528
rita.parris2@gmail.com

From: [Jeff Cunningham](#)
To: [Council Packet](#)
Subject: Lincoln Bold
Date: Tuesday, March 7, 2023 1:19:36 PM

Hello City Council members.

Quick question. Where is councilperson Tammy ward? She does represent our district.. I feel all council members need to be present for the vote next Monday. If full council is not available, I ask to delay the vote until all members can be present. I am very concerned about this vote.

Thanks for your time.

Jeff Cunningham,
Executive Director

Lincoln Haymarket Development Corp.
335 N. 8th Street
Suite B
Lincoln, NE 68508
P 402.435.7496
[@HaymarketLNK](#) | lincolnhaymarket.org

From: [Bob Peters](#)
To: [Council Packet](#)
Subject: Lincoln Bold Project
Date: Tuesday, March 7, 2023 1:23:55 PM

Dear Lincoln City Council Members:

Regarding the Lincoln Bold project now before you for consideration, I would like you all to consider the following:

Image that a builder wants to construct a 4 story glass house in your neighborhood in and amongst the brick and sided one and two story homes like yours. This project would stand out like a sore thumb. The current Lincoln Bold project stands out like a sore thumb. Given its location it is a monstrosity.

The developer was on TV saying that the project will invite East and West coasters to move to Lincoln and live in this glass tower. Maybe we should encourage native Nebraskans to remain in the state? We do not need to build million dollar condos to attract the rich. We need housing that is affordable to the masses.

Parking in the area of this project is poor at best. This project will make it even worse. My wife and I rarely go down to the Old Market area because the parking is so poor. This project will only make the situation worse. No parking – no come.

Please deny the permit for this horrible project.

Sincerely yours,

Robert Peters
1745 S. 25th St.
Lincoln, NE 38502

From: [Zach](#)
To: dan.watermeier@nebraska.gov; [Council Packet](#)
Subject: WHC NE LLC dba zTrip complaint
Date: Wednesday, March 8, 2023 6:52:48 PM
Attachments: [image001.png](#)

Good evening,

My name is Zachary Yost. I am a licensed taxi operator in Lincoln, NE. My license number is TX - 1290. I am writing to file a complaint regarding zTrip, the company I contract with to operate a taxi. In the past month I have experienced some unethical actions from zTrip. On 02/07/2023, at approximately 1517 hours, I checked out cab no. 337. The inside of the vehicle was extremely dirty with what I believed to be vomit on the front passenger door. The tablet in the cab (used to operate the dispatch application and meter) was loaded with games, social media applications, and streaming applications. I deleted the prohibited applications and notified Dianne Kool, General Manager. It should be noted this is not the first time I have been issued an extremely dirty vehicle, nor was it the first time I have received a tablet loaded with unauthorized applications. In the past, Dianne Kool offered a credit to my lease account to compensate me for cleaning the dirty vehicles I was issued. I received no concession this time.

On 02/08/2023, at approximately 0320 hours, I sent an email to Dianne Kool informing her that the tablet/application/meter crashed on trip no. 39370489, a Bryan LGH account trip. I was able to "flat rate" the fare and charge the account the correct amount. I included pictures of the trip details in the email.

On 02/09/2023, at approximately 1812 hours, cab 337 broke down due to what turned out to be a faulty/improperly assembled shift linkage. The vehicle completely lost power and would not move in drive or reverse. Luckily, there was not a passenger in the vehicle and the breakdown did not occur on a highway or busy street. The vehicle was towed to 1000 Oak Street and repaired the next day. It should be noted zTrip was made aware of the tablet malfunctions prior to going in for repair.

On 02/15/2023, the tablet/application/meter crashed on another trip. I notified Dianne Kool by email. The message I sent is as follows;

From: zman13188 <zman13188@aol.com>
Date: 2/15/23 5:42 AM (GMT-06:00)
To: Dianne Kool <dkool@ztrip.com>, Aja Durrin <adurrin@ztrip.com>
Subject: Zachary Yost 2473 tablet crash/trip history deleted

Good morning,

My name is Zachary Yost driver no 2473. My tablet crashed on a CHI trip from 575 south 70th to 5007 west kent st. I called Robert in dispatch and notified him of the problem as the drop off location was different when the tablet started working again. At the completion of the trip, at 5007 west kent, I tried to flat rate the trip, 14 miles, $14 \times 2.5 = 35 + 3.50 = \38.50 . The tablet glitched and would not let me adjust the fare. I restarted the tablet and my trip history is deleted. I called dispatch and notified them of the problem. I had one other account trip from Bryan, it is not showing up on my end but dispatch could see it. Dispatch advised me to make you aware of the situation and to request the CHI trip to be adjusted to the correct amount of 38.50. All that is showing up on my tablet is No Jobs, canceled and rejected trips.

Kind regards,
Zachary Yost 2473

On 02/15/2023, at approximately 0709 hours, the tablet in cab no. 337 crashed on a street hail, trip no. 39477538. It took a considerable amount of time for the tablet to come back up so I could "flat rate" the fare to the correct amount. Thankfully the passenger was a regular customer and was patient. I "flat rated" the fare to the correct amount and attempted to accept payment by card, on the terminal, in the back of the cab. The card came back declined. I manually entered the credit card information and the transaction went through. The passenger signed the receipt and I headed home. I ran the meter to test if I had resolved the issues with the tablet. I got home and attempted to run my personal debit card on the terminal in the backseat, the card came back declined at \$.01. I manually entered my card information on the tablet and the transaction was approved. I was not paid for either of those transactions at 1630 hours "cashiering" that day.

On 02/17/2023, at approximately 0607 hours, I notified Dianne Kool and Aja Durrin, accountant, my credit card transactions were not carrying over to my Nexus account to be paid out. I completed two more credit card trips that I was not paid for; 39505943 \$6.00 and 39505405 \$6.00. Passenger signed receipts for both transactions.

On 02/20/2023 at approximately 0731 hours, I informed Dianne Kool the tablet/application/meter was continuing to crash. I sent photos of the malfunctions on the tablet. It should be noted at this time I still had not been paid for the adjustment to the CHI trip nor the 4 credit card transactions I processed in cab no. 337. Having had issues with cab no. 337 and the tablet inside of it since checking it out, and receiving no help or relief from Dianne Kool or Aja Durrin, I turned in cab no. 337 on 02/20/2023 at approximately 0735 hours, clean, and with the same amount of fuel as issued. I completed a temporary separation form showing me separated from 02/20/2023 through 03/03/2023. I was told by Robin Hart, dispatcher, I would not be charged for that day's lease as I turned in the vehicle before 0800 hours. I was ultimately charged \$80.00 that day for the cab, even though I turned it in prior to 0800 hours as instructed, to avoid being charged for the day. I was charged \$80 for the cab, a \$20 bond, and credited \$25.00 for a driver referral, resulting in an incorrect balance owed to zTrip of \$75.00. I should have had \$5.00 payable for direct deposit at 1630 hours that day.

I contacted Dianne Kool multiple times to receive payment for the trips I completed and to correct the balance on my Nexus account. Dianne Kool stated multiple times she was working on it and mentioned reactivating me in the system for a brief time to pay me and correct my Nexus balance. I contacted Dianne Kool and Aja multiple times inquiring when I would be receiving the payment and when my account would be corrected.

On 02/23/23 Aja Durrin stated they were having system issues. On 02/24/2023, at approximately 1659 hours, Dianne Kool stated the payment issues were due to me hitting a "login button" twice. I told Dianne Kool the tablet had not ran properly since the CHI trip it crashed on. I also sent a video of the tablet crashing and photos of the tablet/application/meter malfunctioning.

On 02/27/2023 I sent another email inquiring when I would be paid. Dianne Kool and Aja Durrin ignored my phone calls.

On 02/28/2023 I attempted to call Dianne Kool to discuss the issues with my account and

trips I had not been paid for. She sent a text message she was on the phone and asked if she could call me back. I again sent the trips I had not been paid for via text message.

On 03/01/2023 I again asked Dianne Kool if she had any luck pushing the credit card payments to my account. She stated she was trying and mentioned over the phone she may have to reactivate me in the system to push the payment and correct the balance on my account. I still was not paid and my account still showed, incorrectly that I owed \$75.00.

On 03/02/2023, I contacted Dianne Kool again regarding the unpaid trips, adjustment and lease credit. She referred me to Aja Durrin again. Aja Durrin stated "I am unsure, I have no new info on this as of yet." At approximately 1614 hours I expressed my frustration with the amount of time it had taken to be paid and resolve the issues. I asked Aja Durrin for a timeframe on when I would be paid and the issues corrected. I also stated I would be extending my temporary separation to that date. At approximately 1616 hours I received an email from Dianne Kool stating "I will leave the \$9.34 at the office for you tomorrow. Sorry for the inconvenience." This email told me Dianne Kool was deliberately indifferent to my complaint and the amount of money zTrip owes me. At approximately 1725 hours I sent an email to Dianne Kool to inform her I would be extending my temporary separation to 03/07/2023

On 03/03/2023 I texted Dianne again to check on the status of the money I was owed. At approximately 2206 hours Dianne Kool sent me a text message that reads as follows; "There is no way we can push a credit to you or your credits will go through until you're active in our system again. Which will not happen until we have a car available for you. Which may be several weeks." I found this text message to be concerning due to the time of night and demeanor of Dianne Kool. Dianne Kool had mentioned paying me in cash or activating my profile briefly to resolve the issues. At this point she was outright refusing to pay me for work I had completed and was holding the money I was owed until I returned to service, at the time of her choosing. I have taken temporary separations throughout my time as a contractor with zTrip. This allowed me to be able to rest and to attend to personal business without paying for a cab I was not using. I take safety very seriously while operating a taxi. I have usually not waited more than a week or so for a vehicle when ready to return. I feel this text message was sent in retaliation for insisting I be paid for the work I performed and for insisting I receive a refund for my lease the day I turned in the car.

On 03/07/2023 I emailed zTrip and informed them I was ready to come back to service and to receive payment for the money they owed me. Robin Hart stated there was a car available for me, showing Dianne sent the text message on 03/03/2023 to retaliate against me for pursuing the money zTrip owed me. I stated I would like to be paid and at a zero balance prior to completing more work for zTrip. It should be noted the most recent contract I had signed expired on 02/27/2023 and zTrip had not sent me another contract to sign. I received the following email from Dianne Kool;

Dianne Kool (dkool@ztrip.com)

To: you + 2 more Details

Zachary,

When you're active in the system the credits will hit your account. I can not hold the

car for you for another day. Please let me know if you'll be back in the morning to pick up a car or not.

Also, our contract has changed. When you sign your 60-day contract you are committing to a full 60 days driving with us. If you're not prepared to be in the car for the full 60 days, please adjust your return with zTrip when you'll be able to commit to the full contract period.

Thank you,

Dianne Kool
General Manager
WHC NE, LLC dba zTrip
6125 L Street, Omaha
Direct: 402-516-5050 | dkool@ztrip.com



I then requested a copy of the new contract to review prior to making a decision. Dianne emailed me today and stated one had been sent. I explained to her that I never received it. As of 1752 hours today I have not received the contract to review and have not heard from Dianne Kool since this morning. I believe the new contract terms are in retaliation for pursuing the money zTrip owes me. zTrip is holding my money until I come back to service and forcing me to drive for 60 days straight, or pay them for the car on days I am resting and not using it. I don't feel a driver should have to choose between their rest and losing money. I believe all of this stems from the fact I was not willing to continue completing credit card trips without being paid or park the car and continue to pay zTrip a lease for faulty equipment, and the fact I declined account trips between 02/16/2023-02/20/2023 when it became apparent that zTrip was indifferent to the fact I wasn't being paid for credit card trips. In the last contract I signed it states directly no punishment or adverse consequences shall result from driver's refusal of a dispatched call.

I wanted to make you aware of the business practices of zTrip. I take pride in my work, enjoy serving customers, and pride myself on my integrity and safety. Also, I wanted to bring to your attention the retention manager, Heather Collier, has been intermittently operating taxis. I am not sure if she has a valid taxi license or not. She was a full time operator in the past, but has been in the office since at least 01/2021. I believe zTrip is letting her operate a cab on nights of events and when I was on temporary separation. I do not feel it is fair they're letting her operate a taxi without paying a lease and possibly not having a taxi license, cutting into the earnings of drivers who are licensed and paying a lease each day. I enjoy operating a taxi but I wanted to bring these issues to your attention as zTrip has been indifferent and I have no other recourse. I also wanted to inform you I would be happy to send you email and text message conversations between myself and zTrip staff, as well as the pictures and video mentioned. I have included the email containing the itemized list of the items zTrip has not paid me for below, it should also be noted zTrip is currently holding my \$400.00 bond.

zman13188 (zman13188@aol.com)

Mon, Feb 20, 2023 7:16 pm

To: you (Bcc) + 2 more Details

20230220_073805.jpg (2.2 MB)

Good evening,

My name is Zachary A. Yost, driver number 2473. I am writing regarding 4 credit card transactions that I have not been paid for. The trip numbers are as follows;

02/15/23 39477538 \$12.46

02/15/23 39477695 \$0.01

02/16/23 39505943 \$6.00

02/16/23 39505405 \$6.00

Also, I completed trip number 39476117 on 02/15/23 for CHI. As mentioned in previous emails the tablet crashed in the middle of the trip going down O street. The tablet continued to malfunction at the end of the trip and I was not able to flat rate the fare to the correct amount to reflect the actual miles I drove on the trip. The tablet would not let me flat rate the fare so I charged the account \$34.86 and sent an email on 02/25/23 at 0542 hours requesting the fare be adjusted to the correct amount of \$38.50.

I have not received payment for the previously mentioned credit card transactions nor the \$3.64 adjustment for the CHI trip.

I also went on temporary separation today. I turned the car in at 0735 hours, clean, without new damage and with the same amount of fuel as when I checked it out. I was told previously and today, turning in the vehicle prior to 8am would result in me not being charged for the day. I turned in cab no. 337 on 03/20/2023, at 0735 hours and was still charged \$80 for the car today, (2/20/23 ending 2/21/23). I paid the lease in full yesterday and had a zero balance as of last night.

I am writing to request payment for the following credit card trips totalling \$24.47;

02/15/23 39477538 \$12.46

02/15/23 39477695 \$0.01

02/16/23 39505943 \$6.00

02/16/23 39505405 \$6.00

I am also writing to request payment for the adjustment to the correct amount for trip 39476117 in the amount of \$3.64 (\$3.46 after fee).

I am also writing to request an \$80.00 lease credit for lease 2/20/23 ending 2/21/23 as I turned the vehicle in on 02/20/2023, before 0800 hours.

With a current Nexus balance of \$75.00, accounting for the previously mentioned payments and credit, I should have a direct deposit in the amount of \$32.93.

Thank you for your time and help.

Kind regards,

Zachary A. Yost, 2473

Kind Regards,
Zachary Alan Yost

4981 North 32nd St.
Apt. 2B
Lincoln, NE 68504

402-601-8834