

NEBRASKA MUNICIPAL REVIEW

■ U.S. Supreme Court review
for local governments – 2020-21

■ FEMA accepted, approved Plattsmouth
plan to build new wastewater facilities

■ Fullerton opens new pool that includes
lazy river, family water slide

Official Publication of the League of Nebraska Municipalities

JULY 2021



***City of Papillion celebrates
ribbon cutting for Papillion
Landing Softball Complex***



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JULY 2021

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CALENDAR

Annual Conference..... Sept. 22-24, 2021, Cornhusker Marriott Hotel, Lincoln

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

SEPTEMBER 2021

CITIES OF THE FIRST CLASS

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....	Clerk publishes ordinances passed. (16-405)
Within 30 days of Council meeting	Clerk publishes official proceedings of meeting, including claims. (19-1102)
On or before September 1	City Council determines final allocation of levy authority for its subdivisions (77-3443)
On or before September 20.....	File adopted annual or biennial budget statement with County Clerk and State Auditor's Office. (13-508)
	File information on tradenames and interlocal agreements with State Auditor's Office (13-513)
Within 20 days after end of month.....	Treasurer files monthly financial report. (16-318)
Last Day.....	End of Fiscal Year (16-701)
* *	Clerk must prepare agenda prior to next Council meeting. (84-1411)
No later than 90 days after end of fiscal year	Report on collection and use of occupation taxes (18-1208)

CITIES OF THE SECOND CLASS

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....	Clerk publishes ordinances passed. (17-613)
Within 30 days following Council meeting	Clerk publishes official proceedings of meeting, including claims. (19-1102)
On or before September 1	City Council determines final allocation of levy authority for its subdivisions (77-3443)
On or before September 20.....	File adopted annual or biennial budget statement with County Clerk and State Auditor's Office. (13-508)
	File information on tradenames and interlocal agreements with State Auditor's Office (13-513)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
Last Day.....	End of Fiscal Year (17-701)
* *	Clerk must prepare agenda prior to next Council meeting. (84-1411)
No later than 90 days after end of fiscal year	Report on collection and use of occupation taxes (18-1208)

VILLAGES

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....	Clerk publishes ordinances passed. (17-613)
Within 30 days following Trustees' meeting.....	Clerk publishes official proceedings of meeting, including claims. (19-1102)
On or before September 1	Village Board determines final allocation of levy authority for its subdivisions (77-3443)
On or before September 20.....	File adopted annual or biennial budget statement with County Clerk and State Auditor's Office. (13-508)
	File information on tradenames and interlocal agreements with State Auditor's Office (13-513)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
Last Day.....	End of Fiscal Year (17-701)
* *	Clerk must prepare agenda prior to next Council meeting. (84-1411)
No later than 90 days after end of fiscal year	Report on collection and use of occupation taxes (18-1208)

Nebraska Municipal Review Editor and Advertising Sales: Lynn Marienau, 402-476-2829 or lynnm@lonm.org

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*Paul Lambert, Mayor of Plattsmouth
League President*

Municipal interests heard because of effective communication with your Senator

PAUL LAMBERT, MAYOR OF PLATTSMOUTH
LEAGUE PRESIDENT

It is hard to believe that the 2022 legislative session will convene in a few, short months following a special session of the Legislature scheduled to begin Sept. 13 to address redistricting.

Legislative work is an ongoing process not limited to the time the Legislature is in session even though that is when our attention is most focused on it. The League of Nebraska Municipalities represents the interests of municipalities and preserves local control by working with State Senators, the Governor and others to promote passage of legislation and proposed constitutional amendments that benefit cities and villages. The League also opposes passage of legislation detrimental to the interests of municipalities.

Working on 2022 legislation

League staff members have been working on the League's 2022 legislative package since before the end of the 2021 session. (*Major legislation can take several years to pass.*) Lynn Rex, the League's Executive Director, Christy Abraham, the League's Legal Counsel, and Lash Chaffin, the Utilities Section Director, coordinate the League's lobbying efforts with elected and appointed municipal officials to effectively advocate on behalf of member cities and villages.

Legislators and their staff are conducting interim studies, drafting new legislation and creating amendments for bills that are being carried over to the 2022 session, which begins Jan. 5. The interim months, while busy, provide a good opportunity for municipal officials to stay in touch with State Senators without the daily pressures of the legislative session. Besides, it is always good to visit with your Senator when you are not asking him or her to act on a particular proposal.

Grateful for service

Our State Senators, while called citizen legislators, are expected to respond to questions and provide various services on behalf of their constituents all year and for their

efforts, they are paid a meager \$12,000 a year, a sum that has remained unchanged since 1988. This small salary does not, of course, begin to cover the time our lawmakers spend away from their businesses or professional and personal pursuits. As municipal officials, we are familiar with the demands of public life and are grateful for our State Senators' public service.

The success of the League's legislative efforts, in large part, depend on us. As a former State Senator, I know the most effective lobbyists are a Senator's own constituents. We appreciate the time, energy, phone calls, emails and thoughtful letters municipal officials send to State Senators and their staff. On behalf of the League Executive Board and staff, thanks to those municipal officials who take time to serve on the Larger or Smaller Cities Legislative Committees, which make recommendations to the League Executive Board on requests for legislative action.

Hard-working board

The League's Executive Board develops the legislative package each year and meets in person or via telephone conference call at crucial times on short notice throughout the year to address legislative issues.

The kind of hard work and commitment to getting the message delivered often makes the difference in passing important legislation or stopping a bill that might harm cities or villages. Municipal officials work at the level of government that is closest to the citizens and are uniquely situated to help lawmakers understand how pending legislation affects our communities. We have the facts, figures and real-life examples to illustrate the effects of a bill or an amendment. Your dedication and efforts ensure that the interests of cities and villages are heard. Communities are better places in which to live because of your leadership. Thank you for all that you do. ■



Aerial view of Papillion Landing Softball Complex. Photo provided by City of Papillion.

City of Papillion celebrates ribbon cutting for Papillion Landing Softball Complex

■ **BY TRENTON ALBERS**
COMMUNICATIONS MANAGER
CITY OF PAPILLION ■

The City of Papillion and Papillion Recreation Department held a ribbon cutting for the Papillion Landing Softball Complex July 22. The complex, built by Sampson Construction, features four softball fields with 225-foot fences, shaded bleachers and dugouts, full concessions and restroom building, batting cages, warmup mounds, wireless scoreboards and controlled gated access for tournaments. The complex can host all-ages softball and 10-and-under baseball.

Play began on the fields June 1, and so far, the complex has already hosted more than 80 games and one tournament.

Additionally, three high school soft-

ball tournaments are scheduled for the complex this fall. The softball complex sits adjacent to the Papillion Land-

ing Community Recreation Center and Field House, which opened in 2020. ■



City of Papillion celebrates ribbon cutting for Papillion Landing Softball Complex. Papillion Mayor David Black on far right. Photo provided by City of Papillion.



Creating opportunity for all Nebraskans

BY GOV. PETE RICKETTS

Over the past year, Nebraska has been enjoying rapid growth, creating lots of great-paying job opportunities here in the Good Life. We have the second lowest unemployment rate in the nation at 2.6 percent. That's the lowest rate our state has seen since 1999. Right now, we have more than 40,000 jobs available on the State of Nebraska's jobs site: NEworks.nebraska.gov. These are some of the reasons why WalletHub recently ranked Nebraska as the number two state in the nation to find a job.

Whether you're just starting out or have lots of experience, you can find rewarding work. Every area of our state, rural and urban, has an unemployment rate below 3 percent.

All backgrounds

To help people of all backgrounds make the most of the great opportunities we have to offer, we're building better broadband infrastructure, investing in affordable housing and making job opportunities at the state more accessible to everyone.

With the help of the Legislature, we're investing \$20 million annually in matching grants to expand broadband infrastructure to thousands of new households. This builds on about \$30 million in CARES Act money we invested in broadband infrastructure

last year. The enhanced service will equip more of our rural communities with the technology needed to conduct business online, make virtual health visits and participate in remote education.

Meet housing needs

We're also investing to meet housing needs across the state. We recently awarded more than \$9 million of Rural Workforce Housing Fund grants to help local communities construct new homes. We also awarded \$9.6 million to non-profits through our Middle Income Workforce Housing Fund to help them build affordable residences in Douglas, Lancaster and Sarpy Counties. We want to make sure there's an ample supply of reasonably priced, high-quality housing to keep our graduates here in Nebraska and to recruit top talent to the Good Life.

Additionally, we've taken steps to improve access to great job opportunities in state government. For example, to ensure that we are fair and making decisions without regard to background, we automatically move qualified candidates to the next round of the employment process when we hire. In the past year, we also joined the Department of Defense SkillBridge Intern program and launched the Military Spouses Transition network to better integrate

veterans and military families into our workforce. To better reach the best and brightest talent in our state, we've advertised state jobs in a broader range of publications, such as the *Black EOE Journal*, *Hispanic Network Magazine* and *U.S. Veterans Magazine*.

By getting the word out more broadly, people from a wider variety of backgrounds are taking jobs with the state. In December 2014, the month before I took office, about 7.3 percent of our teammates at the state came from a minority population. That number has now risen to 11.8 percent. That's a 61.6 percent increase in six years.

Procurement process

We've also looked at our state procurement process to see how we can grow Nebraska while creating jobs for small businesses from across our state. Our vendor concierge program provides a dedicated professional to walk businesses through the request for proposal (RFP) process. This shortens the learning curve for businesses when they first apply for state contracts. We've also listed all services contracted by the state – including prospective services – on our Department of Administrative Services website (das.nebraska.gov). Previously, firms wouldn't learn about an opportunity to do business with the

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state until an RFP was posted. This gave an advantage to larger businesses with the resources and administrative support to quickly submit a bid after seeing a new job announced. We're now listing the prospective services the state anticipates needing in the near term. This gives smaller businesses more lead time to develop a competitive bid.

By prioritizing high-speed broadband internet connectivity, we're growing every corner of our state. By investing in quality housing, we're helping communities all across Nebraska

build attractive, affordable homes for working families. By improving the accessibility of jobs and contracts, we're delivering an excellent level of service at the state with a workforce

that more closely resembles the general population.

As we move forward, we'll continue to grow every part of Nebraska, for everyone in Nebraska. ■

Legislative information for interim

The 107th Legislature, second session, will convene Jan. 5, 2022. For information about interim hearings and the upcoming special session on redistricting, access the legislative calendar at NebraskaLegislature.gov/calendar/calendar.

The Nebraska Legislature also provides an easy way for you to locate your district and Senator at the Legislature's website at NebraskaLegislature.gov.

Enter your full address into the "Find Your Senator" search field located on the right side of the home page. This opens a map that shows your legislative district and a picture of your Senator and a link to that Senator's web page, which includes contact information and links to a biography and photos. ■

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Improvements, upgraded infrastructure earn Utica recertification in Leadership Certified Community

Downtown façade improvements and upgraded infrastructure in the Village of Utica over the past five

years have resulted in continued recognition from the state. The Nebraska Department of Economic Development (DED) recently announced the village's recertification as members of the state's Leadership Certified Community (LCC) program. DED Central Nebraska Business Development Consultant and LCC Program Director Kelly Gewecke honored village officials during a special presentation.

Utica is one of 30 Nebraska communities to qualify for DED's LCC program, created in 2011 to help municipalities adapt to ongoing changes and opportunities in economic development. The Village of Utica earned LCC designation in March 2016 and was recertified in July 2021.

Local leaders have spearheaded downtown revitalization efforts since Utica's original LCC designation five years ago. Stakeholder meetings, be-

ginning in 2017, helped determine a strategy for façade improvements with assistance from the Seward County Chamber & Development Partnership (SCCDP) and the Utica Foundation. Project efforts were completed with help from local and state-administered funding, including a Community Development Block Grant (CDBG) awarded by DED. The CDBG Public Works program bolstered downtown street and sidewalk improvements with a \$146,250 investment in the project, which also was completed with the help of grassroots fundraising efforts.

The village has invested in major infrastructure improvements of utilities, roads, parks and sidewalks to enhance quality of life for its community members. Utica's Local Option Municipal Economic Development Act (LB

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From left to right: Gregory Ohlsen, Utica Village Board; Jodi Micek, Utica Village Board; Jonathan Jank, Seward County Chamber and Development Partnership Director; Jim Swanson, Utica Village Board Chairman; Nathan Baack, Utica Village Board; Sharon Powell, Utica Village Board. Photo provided by DED.

LARM – ‘No tolerance for violence’

▮ **BY DAVE BOS, EXECUTIVE DIRECTOR, LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

Hopefully, you don't, but you may have municipal employees that are known to have "hot tempers" or are apt to "lose it" if things don't go their way. We can use all sorts of terms to describe the personalities of people who actually have real anger problems. It might even be part of the office culture to overlook employees who regularly lose their temper and get unreasonably angry at the slightest provocation. Although managers sometimes think they are doing that person a favor by ignoring the doors these employees slam or kick open, it's not helping them or any of their coworkers to ignore signs of any type of violence in the workplace.

Violence in the workplace – no matter who commits or starts it – can't be tolerated. Almost two million workers report being the victim of violence every year and many cases go

unreported. Take a moment and think about it. Can you think of someone right now working in your village or city who has been known to "fly off the handle?" Do you and/or their coworkers take extra measures so not to anger this person in any way? If so, you need to take a hard look at how you are handling a potentially violent atmosphere.

Every workplace should have a workplace violence policy that includes reporting procedures. Everyone in the workplace should know the policy, the reporting procedures and should follow them to the letter. Recognizing warning signs before a violent incident happens is crucial and these can include:

- Hypersensitivity to criticism
- Hostility toward co-workers
- Unexplained changes in behavior
- Focus on recent violent incident(s) or current event(s)
- Outbursts of anger
- Obsession over a grievance with a supervisor or co-worker

There are times when people might



Dave Bos, LARM Executive Director

get angry, but it is not acceptable if a person resorts to yelling as a common form of communicating their feelings. As a leader in a village or city, you may not be the recipient of the regular verbal tongue lashing that the recreation director gives to the teenage lifeguards or the street superintendent gives to the snowplow drivers. Creating a culture of trust between you, employees and citizens in your community is important so everyone knows they can come to you and other leaders with concerns.

It's been a stressful time for all employees who have worked through the pandemic and now, some might feel overworked because of a lack of workers. Even so, it is important to keep on top of any situation where an employee has shown a consistent behavior of anger or aggression toward others. If you can help an employee resolve any issues that are causing patterns of negative behavior, you'll not only help your community and other employees, but you'll also ultimately help that individual lead a happier life. ■

Utica earns recertification in Leadership Certified Community

Continued from page 8

840), which authorizes cities and villages to collect and appropriate local tax dollars for economic development, has helped support area business expansions. The village also used Tax Increment Financing (TIF), which helps fund development efforts in designated blighted and substandard areas.

"Utica citizens should be very proud of the community's accomplishments

over the last five years. We are excited to see that the progress we have made over that time has led us to become recertified as a Leadership Certified Community," said Jim Swanson, Chair of the Utica Village Trustees. "Thanks to the Seward County Chamber & Development Partnership for their leadership to guide us through the recertification process." ■

Source – DED

Fullerton opens new pool that includes lazy river, family water slide

Living the city's motto of *Pulling Together for Progress*, the residents of this community of 1,300 celebrated the opening of the Fullerton Community Pool in June. The new pool, is 2,000 square feet larger than the old pool and was built on the same location. The old pool was built in 1956.

Special features for swimmers include five lanes for lap swimming, a lazy river, zero dept entry, bubblers and fountains, a family waterslide and a shaded bench in the zero dept water area. It also offers one-meter and three-meter diving boards and a bath-house and concession area.

To build the pool, voters in 2018 overwhelmingly passed a \$3.6 million bond issue on a 348-71 vote. In addition, the city received about \$500,000 in grants and raised about \$425,000 through donations, bake sales, raffles, a banquet and volunteer labor. The city also provided about \$150,000 from tax revenues to build the pool. ■

Source – City of Fullerton



Fullerton's new pool. Photos provided by James Kramer, City Administrator, Fullerton.



Longtime Kearney City Manager to retire in early 2022

Kearney City Manager Michael Morgan has announced his intent to retire in early 2022.

Morgan has served as Kearney's City Manager since January 2005. Morgan, during his 36-year career in local government has served in various local governments, including Salina, Kansas, Delaware, Ohio and Dallas, Texas.

This early retirement notice will allow the Kearney City Council ample opportunity to develop the hiring process, recruit and hire a new city manager.

The early notice also ensures an adequate transition period, which includes bringing in the new City Manager before Morgan's departure. ■

Source – City of Kearney



Mike Morgan, Kearney City Manager

Hastings Fire and Rescue receives new Quint fire apparatus

Quint 1 makes maneuvering in residential areas easier

Hastings Fire and Rescue (HFR) in July added a new apparatus to its fleet that will improve fire response efforts across the city.

The new Quint 1 fire apparatus comes with the HFR's tallest aerial device at 110 feet, with the capability to pump 1,500 gallons of water per minute. The truck itself is shorter and lighter than other models, making maneuvering in residential areas easier for fire crews.

"It was tested in places like dead ends and cul-de-sacs and it was able to maneuver through those areas without any trouble," Fire Apparatus Operator Jarred Hackler said.

It gets its name from the five functions it provides: pump, water tank, fire hose, aerial device and ground ladders.

The additional truck means HFR will be able to respond to fires with both the new Quint 1 and the older Quint 2 to use two aerial devices at once for larger structure fires.

"That's something that you don't often see at many fire departments, so we're very fortunate to have that," Fire Chief Brad Starling said.



Quint 1 fire apparatus comes with the HFR's tallest aerial device at 110 feet, with the capability to pump 1,500 gallons of water per minute. Photo from City of Hastings Fire and Rescue.

Quint 1 also has a platform on its aerial device, making it more versatile for rescues and fires. It will be equipped with new battery-powered hydraulic extrication tools.

The purchase was approved as part of last year's budget, at a cost of \$993,000, including necessary addons. Wisconsin-based Pierce

Manufacturing began production of the apparatus in March and it was delivered to Hastings July 14.

With the new addition, a 1985 ladder truck and a 1991 fire engine will be retired from Station 1.

Quint 1 will be placed into service with a public pushing-in ceremony to be announced later. ■

Source – City of Hastings

League magazine available on website

The League of Nebraska Municipalities places the *Nebraska Municipal Review* on the League's website at <http://www.lonm.org/> under the "News" and then the "Publications" tabs.

As always, we encourage you to share news from your city or village

with fellow municipal officials by sending information for the *Nebraska Municipal Review* to the League of Nebraska Municipalities, Attn: Lynn Marienau at 1335 L Street, Lincoln, NE 68508, 402-476-2829 by phone or lynnm@lonm.org by e-mail. ■

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U.S. Supreme Court. © iStock.com

U.S. Supreme Court review for local governments – 2020-21

■ **BY LISA SORONEN**, STATE AND LOCAL LEGAL CENTER, WASHINGTON, D.C. ■

The SLLC filed an amicus brief in all of the cases discussed below.

The U.S. Supreme Court's 2020-21 term produced a bumper crop of local government cases. Chicago, Philadelphia, Baltimore, San Antonio and San Francisco were all named parties in SCOTUS cases. Unfortunately, victories for local governments were few and far between. This article covers four of the most important cases for local governments decided this term. The cases involve a wide range of constitutional issues from Fourth Amendment seizures to First Amendment Free Exercise of religion to Fifth Amendment takings.

In a 5-3 decision in *Torres v. Madrid*, the Supreme Court held that a person may be "seized" by a police officer per the Fourth Amendment even if the person gets away.

The State and Local Legal Center (SLLC) files Supreme Court amicus curiae briefs on behalf of the Big Seven national organizations representing state and local governments.

In this case, police officers intended to execute a warrant in an apartment complex. Though they didn't think she was the target of the warrant, they approached Roxanne Torres in the parking lot. Torres got in a car. According to Torres, she was experiencing methamphetamine withdrawal and didn't notice the officers until one tried to open her car door. Though the officers wore tactical vests with police identification, Torres claimed she only saw the officers had guns. She thought she was being car jacked and drove

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away. She claimed the officers weren't in the path of the vehicle, but they fired 13 shots, hitting her twice. Torres drove to a nearby parking lot, asked a bystander to report the attempted carjacking, stole another car and drove 75 miles to a hospital.

Torres sued the police officers claiming their use of force was excessive in violation of the Fourth Amendment's prohibition against "unreasonable searches and seizures."

The officers argued, and the lower court agreed, that Torres couldn't bring an excessive force claim because she was never "seized" per the Fourth Amendment since she got away.

The Supreme Court, in an opinion written by Chief Justice Roberts, disagreed. Relying on common law, the court held that "application of physical force to the body of a person with intent to restrain is a seizure, even if the force does not succeed in subduing the person."

Four-page opinion

In a four-page opinion, the Supreme Court held unanimously in *Caniglia v. Strom* that police community caretaking duties don't justify warrantless searches and seizures in the home.

During an argument with his wife, Edward Caniglia put a handgun on their dining room table and asked his wife to "shoot [him] now and get it over with." After spending the night at a hotel, Caniglia's wife couldn't reach him by phone and asked police to do a welfare check.

Caniglia agreed to go to the hospital for a psychiatric evaluation after officers allegedly promised not to confiscate his firearms. The officers went into his home and seized his guns regardless.

Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment.

Warrantless search

In *Cady v. Dombrowski* (1973), the court held that a warrantless search of an impounded vehicle for an unsecured firearm didn't violate the Fourth Amendment. According to the court in that case, "police officers who patrol the 'public highways' are often called to discharge noncriminal 'community caretaking functions,' such as responding to disabled vehicles or investigating accidents."

The First Circuit ruled in favor of the police officers in Caniglia extending Cady's "community caretaking exception" to the warrant requirement beyond the automobile



Lady Justice. © iStock.com

and to the home. Justice Thomas, writing for the Court, rejected the First Circuit's extension of Cady. Justice Thomas noted the Cady opinion repeatedly stressed the "constitutional difference" between an impounded vehicle and a home.

Justice Kavanaugh, in a concurring opinion, offered a view helpful to local governments: "the Court's exigency precedents, as I read them, permit warrantless entries when police officers have an objectively reasonable basis to believe that there is a current, ongoing crisis for which it is reasonable to act now."

Unanimous opinion

The Supreme Court held unanimously in *Fulton v. Philadelphia* that the City of Philadelphia violated the First Amendment when it refused to contract with Catholic Social Service (CSS) to certify foster care families because CSS refuses to work with same-sex couples.

When the city discovered that CSS wouldn't certify same-sex couples to become foster parents because of its religious beliefs, the city refused to continue contracting with CSS. The city noted CSS violated the non-discrimination clause in its foster care contract. CSS sued the city claiming its refusal to work with CSS violated the Free Exercise and Free Speech Clauses of the First Amendment.

Chief Justice Roberts, writing for the court, concluded that the city violated CSS's free exercise of religion rights.

He noted that in *Employment Division, Department of Human Resources of Oregon v. Smith* (1990), the court held that "laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so

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Supreme Court review for local governments – 2020-21

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long as they are neutral and generally applicable.” But, the court held, Smith didn’t apply in this case because the city’s non-discrimination clause allowed for exceptions, meaning it wasn’t generally applicable. Because Smith didn’t apply, the city’s refusal to contract with CSS had to be evaluated under strict scrutiny.

The city cited three interests in ensuring non-discrimination when certifying foster families: maximizing the number of foster parents, protecting the city from liability, and ensuring equal treatment of prospective foster parents and foster children.

According to the court: “Maximizing the number of foster families and minimizing liability are important goals, but the City fails to show that granting CSS an exception will put those goals at risk. If anything, including CSS in the program seems likely to increase, not reduce, the number of available foster parents. As for liability, the City offers only speculation that it might be sued over CSS’s certification practices.”

Equal treatment

As for equal treatment of prospective foster parents and foster children, Chief Justice Roberts wrote: “We do not doubt that this interest is a weighty one, for ‘[o]ur society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth.’ On the facts of this case, however, this interest cannot justify denying CSS an exception for its religious exercise. The creation of a system of exceptions under the contract undermines the City’s contention that its nondiscrimination policies can brook no departures.”

In *Cedar Point Nursery v. Hassid*, the Supreme Court held 6-3 that a California regulation allowing union organizers access to agriculture employers’ property to solicit support for unionization up to three hours a day, 120 days a year is a per se physical taking under the Fifth and Fourteenth Amendments.

The Fifth Amendment Takings Clause, applicable to the states through the Fourteenth Amendment, states: “[N]or shall private property be taken for public use, without just compensation.”

In this case agriculture employers argued California’s union access regulation “effected an unconstitutional per se physical taking . . . by appropriating without compensation an easement for union organizers to enter their property.” The Supreme Court agreed.

According to Chief Justice Roberts, writing for the ma-



U.S. Supreme Court Chamber - Washington DC. © iStock.com.

jority, “[w]hen the government physically acquires private property for a public use, the Takings Clause imposes a clear and categorical obligation to provide the owner with just compensation.” But when the government “instead imposes regulations that restrict an owner’s ability to use his own property” the restrictions don’t require “just compensation” unless they go “too far.”

The court held the access regulation “appropriates a right to invade the growers’ property” and therefore constitutes a per se physical taking rather than a regulatory taking. “Rather than restraining the growers’ use of their own property, the regulation appropriates for the enjoyment of third parties the owners’ right to exclude.”

Local government officials routinely go onto private property temporarily to do police work and conduct inspections, among many other reasons. Importantly, the court stated that “government searches that are consistent with the Fourth Amendment and state law cannot be said to take any property right from landowners” and “government health and safety inspection regimes will generally not constitute takings.”

Conclusion

Many of the Supreme Court decisions this term were narrow. Caniglia, Fulton and even Cedar Point Nursery are examples of that trend. So while all three of these cases were losses for local governments (as was Torres), they could have been worse. While Caniglia and Fulton were unanimous, they were probably two of the narrowest decisions of the term. Local governments could not have expected to have won either of those cases. ■

Special attention should be given to skatepark safety

— **BY DAVE BOS**, EXECUTIVE DIRECTOR, LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) —

Skateparks are located throughout Nebraska and enjoyed by citizens ranging from those trying out a new skateboard to those who compete in skateboard competitions. As with any facility that a city or village provides and maintains, staff and elected officials must give special attention to safety at the skatepark.

The skatepark should be inspected weekly and more often during the year when there is heavy use. It always is good to document when a city employee has checked a skatepark and what they did to ensure it met minimum safety standards. A checklist can show what parts of skatepark safety were evaluated, when it was assessed and by whom. **Items on the list could include:**

- Are all surfaces smooth and without cracks or debris?
- Is the structure in good condition with no panels, bolts, etc., missing?
- Are all grind rails properly fixed and all end caps in place?
- Are there any sharp edges or projections anywhere near or on the skating surface?
- Are guard rails in good condition with no damage and no bars missing?
- Are transition plates between ramps and ground flush with no projection more than five millimeters?
- Does vegetation need to be trimmed or removed to prevent injury at the skatepark?
- If the skatepark is operated after dark, is there proper lighting?
- Does adequate drainage ensure



The photo was taken at the LP Stewart Family Skate Park in Hickman. LARM photo.

there isn't standing water?

- Is there proper signage (*see below*)?
- Is there sufficient room for emergency vehicle access?

If problems are found during an inspection, don't hesitate to temporarily limit access to the skatepark until the issues are resolved.

Nebraska Revised Statute 13-927 states that *"A political subdivision shall post and maintain a sign at each skatepark and bicycle motocross park sponsored by the political subdivision containing the following warning notice: Under Nebraska law, a political subdivision is not liable for an injury to or the death of a participant in recreational activities resulting from the inherent risks of the recreational activities pursuant to section 13-910."*

Ensure clear signage if your city or village requires safety gear, including helmets and padding. If your city or village doesn't require safety gear, consider placing signage that recommends using these items and other safety practices when using the skatepark.

The City of Fremont posts these following rules for using Miller Park Skate park:

- Bicycles or motorized vehicles are not allowed. Only roller skates, in-line skates and skateboards are allowed on ramps.

- Call 9-1-1 for emergencies.
- Drugs, glass containers, smoking, profanity, fighting, horseplay, destroying or defacing public property are prohibited. Violators will be prosecuted.
- Food or beverages are not allowed on the skate area.
- Help keep the skate park clean. Put trash in receptacles, even if it is not yours.
- No one under the age of 8 is allowed without adult supervision.
- No spectators are allowed on the skate area.
- The City of Fremont reserves the right to revoke the use of the skatepark to individuals who violate the rules and regulations of the skatepark.
- The use of safety equipment such as helmets, gloves, knee pads, wrist guards and proper shoes is highly recommended.
- This is an unsupervised skatepark and its use is free of charge.

A good rule of thumb for any municipal recreational facility, including skateparks, is to practice due diligence in inspecting and maintaining the facility.

For more information about coverages for Nebraska municipalities, go to www.larmpool.org. ■



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City of Hastings completes renovations on Fisher Fountain

*Six-month project
restores fountain for visitors*

Renovations and repairs for Fisher Fountain in Hastings are complete after nearly six months of work.

The fountain was tested on the Fourth of July before being turned back off for finishing touches and programming. It is now back on and operational for the public to visit.

During daytime hours, the fountain operates with its perimeter nozzles and filtration system, with enhanced technology to reduce drifting spray on windy days. The main water and light show will turn on at 8 p.m. and continue until midnight each evening.

Council approved renovation

The Hastings City Council unanimously approved a renovation contract for Fisher Rainbow Fountain in January, awarding the contract to Farris Construction Co., Inc. in the amount of \$385,591.

Share news from your city or village

Share your city or village's news with fellow municipal officials across the state by sending information for the *Nebraska Municipal Review* to the League of Nebraska Municipalities, Attn: Lynn Marienau at 1335 L Street, Lincoln, NE 68508, 402-476-2829 by phone, 402-476-7052 by fax, or lynnm@lonm.org by e-mail. ■



City of Hastings restores Fisher Rainbow Fountain. City of Hastings photo.

The need for renovations was first presented to the Utility Advisory Board in October after several mechanical failures throughout 2020. The failures eventually caused the fountain to shut down early for the season last fall.

The Utilities Department outlined several issues with the fountain including a cracked fountain floor, corrosion on mechanical equipment, pump malfunction and other electrical issues.

Fence replaced

The fence surrounding the fountain had been painted over several times to maintain its appearance, and the department recommended it be replaced with a maintenance-free fence material. The fence also was found to be too close to the water source given the electrical equipment that is attached to it. The new fence was installed at the proper distance and is white to combat the appearance of water deposits.

The water pump and other electrical equipment were previously accessed through a confined space underneath the fountain, making it dangerous to reach. The presence of chlorine vapors in the access room also posed a hazard. During the renovation, all mechanical equipment was moved out from under the fountain and into an existing utility building near the fountain, with added ventilation for the chlorine vapors.

Security cameras included

The renovation also included new security cameras to better protect the fountain from vandalism.

The funding for the project came from the Utilities Administration budget. ■

Source – City of Hastings

**League of Nebraska
Municipalities**

Phone: 402-476-2829

Web site: www.lonm.org

FEMA accepted, approved Plattsmouth plan to build new wastewater facilities

— **BY ERV PORTIS**
CITY ADMINISTRATOR
PLATTSMOUTH

Apply named, Plattsmouth, incorporated in 1854, is located near the confluence of the Platte and Missouri Rivers. Plattsmouth's early development was heavily influenced by the two rivers and railroads. The Plattsmouth Water Company was founded in the late 19th century and facilities were built east of the community near the Missouri River. Years later, the municipality accessed federal, state and local funds to construct a potable water treatment plant (1972) and wastewater treatment plant (1978) near the Missouri River floodplain.

Flooded multiple times

Both plants have flooded multiple times. A photograph used to hang in the office of the water treatment plant. The photo depicted the 1984 Missouri River flood surrounding the wastewater plant and included a handwritten phrase "June 13, 1984, worst flood so far." Flood stage on the Missouri River at Plattsmouth is 26 feet. In 1984, the river reached 34.66 feet. Since 1984, the river went above flood stage 37 times with the highest crest of 40.62 feet on March 16, 2019.

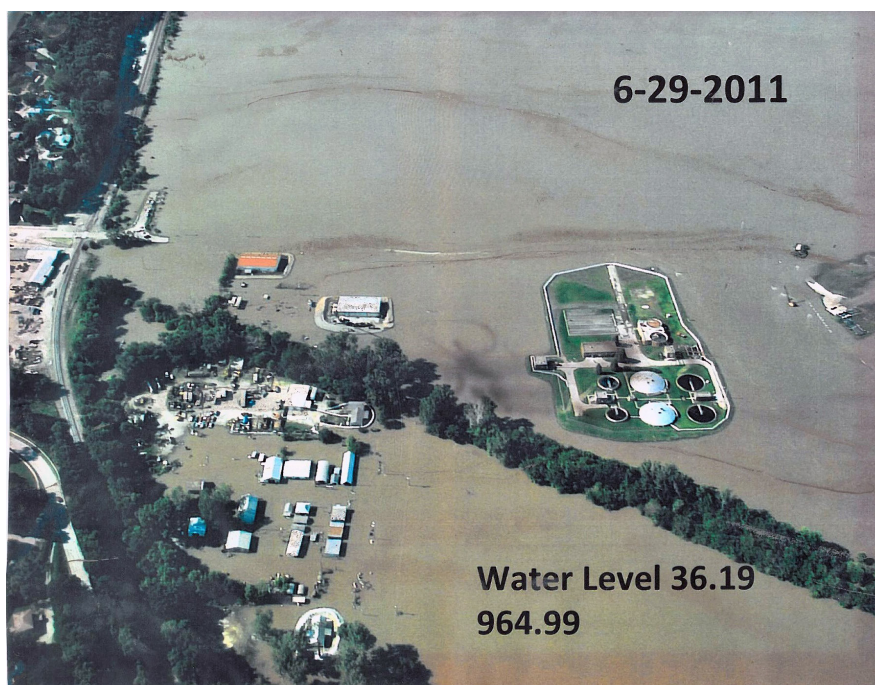
2019 flood decimated plants

The March 2019 flood event completely decimated Plattsmouth's drinking water and wastewater plants. Both facilities were off line for many months. The drinking water plant was off line from March 14 through Labor Day of 2019. The wastewater plant was not fully operational until

Continued on page 19



The above photo of the city wastewater plant is from June 13, 1984. Photo provided by Erv Portis, Plattsmouth City Administrator.



The above photo is of the city wastewater plant from 2011. Photo provided by Erv Portis, Plattsmouth City Administrator.

Continued from page 18

November 2020.

Like so many other Nebraska communities affected by that flood event, Plattsmouth was eligible for disaster assistance under the federally declared disaster DR 4420 NE. Working with the Federal Emergency Management Agency (FEMA) and the Nebraska Emergency Management Agency (NEMA), Plattsmouth's first actions were to get both plants operational. While doing so, city staff and Olmsted & Perry Consulting Engineers and Fox Engineering Associates began studying long-term options. For wastewater, permanent repairs and flood proofing the existing plants was determined not feasible. As originally designed, the existing structures and floor slabs were not designed to withstand the buoyant forces of the current 500-year flood elevation. To remain at this location, the entire wastewater facility would have to be deconstructed, raised and rebuilt with new flood protection walls three feet above the historic crest. Repairs of this magnitude were estimated to be \$39,919,500 and the facility would have remained in the floodplain.

Another option

Another option was studied and presented to FEMA: relocate new facilities out of the floodplain. This alternative would involve construction of a new wastewater treatment plant, onsite sludge storage tanks, a sludge loadout station, 4.2 miles of 18-inch diameter sewage force main, two pump stations and a new discharge pipe to Fourmile Creek rather than discharging to the Missouri River. Estimate of construction costs is \$60,393,422. An environmental



The above photo is of the city wastewater plant from March 17, 2019. Photo provided by Erv Portis, Plattsmouth City Administrator.

assessment conducted for the city by Terracon Consultants clearly proved the new facility was the best option for eliminating repetitive flood events and best environmental solution for the Missouri River at Plattsmouth.

After months of study, discussion and research on mitigation options, FEMA has accepted and approved Plattsmouth's plan to construct the new wastewater facilities. Multiple stage regulatory entities, particularly NEMA, the Nebraska Department of Environment and Energy (NDEE),

and Nebraska Department of Health and Human Services, played key roles in gaining FEMA approvals and securing financing.

As with other DR 4420 approved projects, FEMA will fund 90 percent of the cost. The remaining 10 percent will be shared equally by the State of Nebraska and City of Plattsmouth. With long-term SRF financing provided by the state, cost to the customer will be approximately \$3 per month for 30 years. ■

About the League

The League of Nebraska Municipalities is a nonprofit service association formed in 1909 to serve as a voice for Nebraska municipalities at the Nebraska Legislature.

Governed by a 15-member Execu-

tive Board comprised of municipal officials, the League has 392 member cities and villages. It represents municipalities whose population totals 98 percent of Nebraskans who live in municipalities. ■

Bird scooters land in Columbus this summer

The City of Columbus is partnering with the Los Angeles, California based, shared electric scooter company, Bird Rides, to bring e-scooters to the city this summer.

The scooters are available through a mobile phone application and riders pay to use the scooter per minute, at no cost to the city. The city is happy to welcome Bird to the community and we look forward to having the scooters available for citizens and visitors to use around town.

The electric scooters can be used on roads and have a maximum speed of 15 mph. Scooters must be parked out of the way of pedestrians and never blocking driveways or sidewalks. Riders are required to be 18 years old and above to access the scooters. They also are encouraged to wear a helmet on every ride and required to obey all standard rules of the road.

Bird offers the following programs that are available for those who qualify:

Community Pricing. Bird's Community Pricing Program offers a 50 percent discount to low-income riders, Pell grant recipients, select local nonprofit and community organizations, veterans and senior citizens. It's designed to be the most inclusive micromobility discount program available anywhere. To sign up for the Community Pricing Program, potential riders download the Bird app, create an account and email their proof of eligibility to access@bird.co.

Free Rides for Healthcare Workers and Emergency Personnel. Bird is proud to offer free rides to healthcare workers and emergency personnel. To sign up, simply email a copy of a medical identification card along with a name and phone number to together@bird.co. Eligible riders will receive two free 30-minute rides per day for as long as it takes to help our communities to recover from this global health crisis.



Image by © iStock.com.

Community Mode. Community Mode allows anyone with a Bird account to report or provide feedback on vehicle-related issues such as poorly parked or damaged vehicles in their area. When a report is submitted, a member of the Bird team is assigned to correct the issue. Anyone can access Community Mode by tapping the yield sign on the bottom left of the Bird map.

If a resident has questions or concerns about the e-scooters, the company can be reached directly at 1-866-205-2442 or hello@bird.co. More information about the company can be found on their website (www.bird.co) and on their blog (www.bird.co/blog). ■

Source – City of Columbus



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Lincoln Fire and Rescue show city's success in cardiac arrest emergencies

Survival rates above national averages in several categories

Lincoln Fire and Rescue (LFR) in July released its latest cardiac arrest survival statistics, which show Lincoln survival rates ranking above national averages in several categories.

In 2020, LFR responded to 148 non-traumatic cardiac arrest cases (cardiac arrest caused by a medical event not due to a traumatic injury). Lincoln's survival rate for these emergencies is 16.9 percent compared to the 9 percent national average. This means that of the 148 non-traumatic cardiac arrest cases, Lincoln affords a 7.9 percent higher opportunity for patients to leave the hospital to continue a normal life with little to no physical deficit.

Civilian bystanders

The report also shows that when a person experiences cardiac arrest in Lincoln, civilian bystanders are more likely to perform CPR until LFR arrives. Of the 148 non-traumatic cases, bystanders performed CPR 70.9 percent of the time before LFR arrival compared to the national CPR rate of 40.2 percent. This resulted in a 35 percent survival rate compared to a national survival rate of 29.2 percent.

"Lincoln Fire and Rescue has worked closely with our medical director, Lincoln hospitals and the 911 communications center to ensure we provide the absolute best chance for survival from pre-hospital cardiac arrest," said Fire Chief David Engler. "Attention to performance, developing solid relationships and continual outcome-based improvement has resulted in one of the best performing EMS systems in the country."



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Engler said the best outcome for a patient in cardiac arrest includes four aspects combining for the best result: early detection of a person in cardiac arrest and activation of EMS, early CPR (chest compressions), early defibrillation (AED) and early Advanced Cardiopulmonary Life Support (ACLS).

Methodology

To ensure that LFR is accurately measuring performance to allow comparable methodology, LFR is a member of the CARES (Cardiac Arrest Registry to Enhance Survival) Registry. Each year, approximately 300,000 persons in the United States experience an out-of-hospital cardiac arrest (OHCA), with approximately 92 percent of those medical events having fatal outcomes.

Lincoln Fire and Rescue is a combined fire and emergency services department. LFR responds to all 911 calls in the City of Lincoln and responds to contracts to serve commu-

nities outside of Lincoln. Lincoln Fire and Rescue has received the Mission Lifeline Award from the American Heart Association for six consecutive years – the last four being Gold Plus Awards. ■

Source – City of Lincoln

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Embassy Suites, Lincoln

Governor, Economic Development, NIFA announce Middle Income Workforce Housing Fund recipients

In July, Gov. Pete Ricketts, the Nebraska Department of Economic Development (DED) and the Nebraska Investment Finance Authority (NIFA) announced 10 nonprofit organizations were selected to receive funds totaling more than \$13.6 million through Nebraska's Middle Income Workforce Housing Fund (MIWHF) and NIFA's Urban Workforce Housing Match (NUWHOM) program.

"After recently announcing grants under the Rural Workforce Housing Fund, the state is issuing awards to help build affordable homes in our urban communities," Gov. Ricketts said. "Increasing the availability of high-quality, affordable homes will grow our workforce as we continue to create great-paying jobs in Nebraska."

Created under the 2020 Middle Income Workforce Housing Investment Act (LB 866), the MIWHF provides matching grants to Nebraska nonprofits for investments into older neighborhoods and higher minority areas within parts of Douglas, Lancaster and Sarpy Counties.

The awards will enable recipients to invest in revolving housing funds and initiate projects – from new construction or rehabilitation to upper-story development – that add to the quantity of owner-occupied workforce housing options in their service areas.

"Supporting the organizations who are out there, with boots on the ground, building stronger neighborhoods and better communities is one way we will achieve our goals

Continued on page 23

2021 Middle Income Workforce Housing Fund Recipients and Awards

Recipient Organization	Award	NIFA Match
Southside Redevelopment Corporation dba Canopy South	\$825,000	\$402,781
Habitat for Humanity Omaha, Inc.	\$1,000,000	\$269,536
Holy Name Housing Corporation	\$1,000,000	\$179,536
Nebraska Housing Resource, Inc.	\$1,000,000	\$666,667
Neighborhoods, Inc. dba NeighborWorks Lincoln	\$1,000,000	\$666,667
Omaha Economic Development Corporation	\$1,000,000	\$569,536
Seventy-Five North Revitalization Corp.	\$1,000,000	\$489,536
South of Downtown Community Development Organization	\$1,000,000	\$666,666
Spark Capital	\$1,000,000	\$519,539
Omaha 100	\$776,990	\$569,536
Total	\$9,601,990	\$5,000,000

Continued from page 22

for housing in our state,” said DED Director Anthony L. Goins. “Our congratulations and appreciation go out to each of the recipients for the outstanding work they do to grow Nebraska.”

The state contributed \$9,601,990 to the awards, with NIFA supplying another \$5 million in matching dollars through its NUW-HOM program. Each recipient also is required to contribute at least a 1:1 match.

“In furtherance of NIFA’s mission to sustainably increase affordable housing stock, we are pleased to partner with the Nebraska Department of Economic Development and provide matching funds through our NUW-HOM program,” said NIFA Executive Director Shannon Harner. “We look forward to collaborating with them and the award recipients to create additional homeownership opportunities for moderate-income households in our core urban neighborhoods.”

Meanwhile, Nebraska has continued to see the results of a similar program – the Rural Workforce Housing Fund (RWHF) – come to fruition. Signed into law by Gov. Ricketts in 2017, the RWHF has since generated a greater than 15:1 return on state investment in the form of more than 800 new units in rural areas, valued at more than \$30.3 million in project costs.

“We, as a state, are going to continue to work side-by-side with community stakeholders to get the job done when it comes to workforce housing,” said DED Director Goins.

A list of recipients can be found on page 22. For more information about the MIWHF – or the RWHF – visit opportunity.nebraska.gov. Information about NUW-HOM and other NIFA programs can be found at www.nifa.org. ■

Source – Nebraska Department of Economic Development

Meet Tracy Juranek

Tracy is a Nebraska native who graduated from Shelby High School. She and her husband raised their two kids in Nebraska City and they now live in Syracuse.

She is LARM’s Customer Service Specialist who can help you with all of your coverage questions.

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Attorney General Peterson announces \$26 billion agreement with opioid distributors/manufacturer

Attorney General Doug Peterson in July announced a historic \$26 billion multistate agreement that will help bring desperately needed relief to people across the country who are struggling with opioid addiction. The agreement includes Cardinal, McKesson and AmerisourceBergen – the nation’s three major pharmaceutical distributors – and Johnson & Johnson, which manufactured and marketed opioids. The agreement also requires significant industry changes that will help prevent this type of crisis from ever happening again.

The three distributors collectively will pay up to \$21 billion over 18 years. Johnson & Johnson will pay up to \$5 billion over nine years with, up to \$3.7 billion paid during the first three years.

Opioid treatment

The majority of the money is to be spent on opioid treatment and prevention. Each state’s share of the funding has been determined by agreement among the states using a formula that takes into account the impact of the crisis on the state, the number of overdose deaths, the number of residents with substance use disorder, the number of opioids prescribed and the population of the state.

This settlement comes as a result of investigations by state attorneys general into whether the three distributors fulfilled their legal duty to refuse to ship opioids to pharmacies that submitted suspicious drug orders.

In 2016, the Nebraska Attorney General’s Office, the University Nebraska Medical Center, the Nebraska Department of Health and Human Services, along with the Nebraska

State Patrol, the U.S. Attorney’s Office and DEA officials, formed the Nebraska Coalition to End Opioid Misuse. Since its inception, the coalition has been focused on opioid abuse treatment, prevention efforts and law enforcement issues. The coalition has taken several progressive steps to address opioid abuse in Nebraska including, changes in pain management training at medical education institutions, greater rural access for treatment through the ECHO program, state professional guidelines for issuing opioid prescriptions and prevention education. However, with the anticipated settlement funds, Nebraska will be able to have greater ability to expand services, especially in the area of treatment programs.

Attorney General Peterson said: “I have greatly appreciated the significant efforts given in the last five years by the members of the Nebraska Coalition to End Opioid Misuse. As a result of those efforts, we have been able to reduce the impact of opioid misuse in our state. However, with the anticipated settlement funds, we should be able to make a significant impact in treating every Nebraskan who suffers from an opioid addiction.”

Outstanding leadership

Lynn Rex, Executive Director of the League of Nebraska Municipalities said: “On behalf of municipal officials across the state, we sincerely appreciate the outstanding leadership, collaboration and advocacy by Attorney General Peterson and his team in effectively representing the interests of all Nebraskans throughout the years of litigation and negotiations with the major companies that manufactured and distributed opioids. Following



*Doug Peterson
Nebraska Attorney General*

hundreds of thousands of overdose deaths due to the opioid epidemic, these settlement agreements will help save countless lives by providing significant funds to treat, prevent, educate and pay for related costs to continue the fight against opioid abuse.”

Opioid Prevention Act

In 2020, the Nebraska Legislature enacted the Nebraska Opioid Prevention and Treatment Act with state, county and municipal officials, and subject-matter experts in public health and addiction treatment throughout Nebraska. The Nebraska Opioid Prevention and Treatment Act is deferential to the particular terms of any settlement with any opioid defendant.

A separate lawsuit has been filed against Purdue Pharma, the largest manufacturer of prescription opioids. Purdue is in bankruptcy proceedings. The bankruptcy court is currently evaluating a proposed settlement with the states. ■

Source – Nebraska Attorney General’s office

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Building Inspector. Performs a variety of routine and complex technical work to ensure that the International Building Code, International Residential Code, International Existing Building Code and other related codes and standards are met. Reviews building plans and specifications and inspects buildings and structures in all stages of construction, alteration and repair. Enforces codes and ordinances regulating zoning, land use, signs and property maintenance.

Qualifications: Any combination of a Bachelor's degree with at least 35 semester hours in the physical sciences, civil or architectural engineering, construction management or building technology. Training, education and experience equivalent to graduation from high school plus four years' experience in general construction experience or related field.

Special Requirements: Possession of a valid driver's license. Must obtain one or more ICC Building Inspector certifications within six months of employment. Must obtain NPDES Storm water training – CSI for construction & development and municipal personnel within six months of employment. 40 hours per week, Monday-Friday, day hours. \$24.43 - \$33.85 per hour with excellent benefits.

Deadline to apply: Open until filled.

Application and additional information available at: www.cityofhastings.org/BldgInspector

EOE/M/F/D; Veteran's Preference Applies; Drug & Alcohol-Free Workplace; E-Verify Participant

Parks & Recreation Director. City of Norfolk, NE (Pop. 24,434). Under direction of City Administrator, plans, directs and manages the activities and operations

Positions

of the Parks and Recreation Department, including care and maintenance of all city parks, public grounds, recreational facilities and buildings within city parks and those areas designated as publicly maintained. Manages all Parks and Recreation staff including maintenance, aquatics, forestry and recreation, full-time and seasonal. Salary range \$70,824 - \$98,748 annually dependent upon qualifications and education. Excellent fringe benefit package. Position is subject to Veteran's preference. For more information, contact Sheila Schukei 402-844-2010. Applications available at Human Resource Office, 309 N 5th St, Norfolk, NE or online at www.norfolkne.gov/HumanResources. First review of applications beginning Sept. 1. Open until filled. The City of Norfolk does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services. EOE.

Electric Lineman. City of Kimball, NE for the position of Electric Lineman 1 or 2. Work duties include but not limited to testing, repair, building and maintenance of the municipal electric system. Lifting, construction, general labor and upkeep of the electric system is expected. Must have valid Nebraska driver's license, be insurable under the City of Kimball's automobile policy and be able to obtain CDL. Pre-employment drug test is required. Salary is based on experience and knowledge. Application may be obtained at City Hall, 223 S. Chestnut Street, Kimball, NE 69145 or at www.kimballne.org. Applications will be accepted until position is filled.

City Attorney. City of Nebraska City, home of Arbor Day and the famous Apple-Jack Festival, seeks to hire a qualified and

Positions

talented individual to become the next City Attorney. The City Attorney is a professional position responsible for conducting, coordinating, and monitoring legal matters on behalf of the City. Under the supervision of the Mayor and City Administrator, the City Attorney provides complex professional legal services to the Mayor, City Council, City Administrator, Staff, Boards and Commissions. Qualifications include a Juris Doctorate Degree from an accredited law school, be a member in good standing of the Nebraska State Bar Association, admitted by the State Supreme Court to practice law in the State of Nebraska, and be able to regularly attend court and council meetings. Three (3) years of experience as a municipal law attorney preferred. Please review the job description prior to applying at www.gonebraskacity.com and www.nebraskacityne.gov. Must be able to report to work from residence within thirty (30) minutes from the time of notification. This is a full-time exempt position with an excellent benefit package. Annual salary is on an 8-step pay plan, ranging from \$72,180 to \$96,562. The application and Job Description can be accessed at nebraskacityne.gov or by contacting City Hall. To apply, send a cover letter, resume, and complete application to Lou Leone, City Administrator, labeled "City Attorney Search", 1409 Central Avenue, Nebraska City, NE 68410, or electronically to lleone@nebraskacity.com. EOE. Review of applications will begin Sept. 7, 2021. Position open until filled.

See professional directory on page 26-27



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