

# NEBRASKA MUNICIPAL REVIEW

■ City of Alliance establishes  
Utility Assistance Program

■ More than 200 attend Emerson's  
National Night Out

■ Ribbon-cutting ceremony held  
for Arapahoe's newly renovated library

Official Publication of the League of Nebraska Municipalities

**AUGUST 2021**



Omaha street musician in Old Market. © iStock.com

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*Omaha street musician in Old Market.* © iStock.com

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<b>Randy Peters</b>	Loss Control Assistant
<b>Elizabeth Becker</b>	Executive Administrative Assistant/ Customer Representative

## CALENDAR

Utilities/Public Works Section Annual Conference .....Jan. 12-14, 2022, Embassy Suites, Lincoln

## Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

### OCTOBER 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)
First Day.....	Fiscal year begins. (16-701)
After start of fiscal year.....	Treasurer makes annual report to Mayor and Council. (16-720)
Oct. 9.....	A vote to exceed levy limits must be approved by this date (77-3444)
Oct. 13.....	Final Property Tax Request Certified and forwarded to County Clerk. (77-1601.02)
Oct. 31.....	1 and 6 year plan certification forms filed with the Board of Public Roads Classifications and Standards (39-2115 to 39-2121)
Within 20 days after end of month.....	Treasurer files monthly financial report. (16-318)
Within 60 days after close of fiscal year.....	Treasurer publishes Statement of Receipts and Disbursements./Semi-annual financial statement published. (16-318) (16-722) (19-1101)
* *.....	Clerk must prepare agenda prior to next Council meeting. (84-1411)
Within six months after close of fiscal year.....	Audit of city's accounts completed. (19-2903)

#### CITIES OF THE SECOND CLASS

Within 10 days following meeting or before next meeting (whichever is sooner).....	Clerk to have minutes available for public inspections. (84-1413)
Within 15 days of Passage.....	Clerk publishes ordinances passed. (17-613)
Within 30 days of Council meeting.....	Clerk publishes official proceedings of meeting including claims. (19-1102)
First Day.....	Fiscal year begins. (17-701)
Oct. 9.....	A vote to exceed levy limits must be approved by this date (77-3444)
Oct. 13.....	Final Property Tax Request Certified and forwarded to County Clerk. (77-1601.02)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
Within 60 days after close of Fiscal Year.....	Treasurer publishes Statement of Receipts and Disbursements. (17-606) (19-1101)
* *.....	Clerk must prepare agenda prior to next Council meeting. (84-1411)
Within six months after close of fiscal year.....	Audit of city's accounts completed. (19-2903)

#### VILLAGES

Within 10 days following meeting or before next meeting (whichever is sooner).....	Clerk to have minutes available for public inspections. (84-1413)
Within 15 days of Passage.....	Clerk publishes ordinances passed. (17-613)
Within 30 days of Board of Trustees' meeting.....	Clerk publishes official proceedings of meeting including claims. (19-1102)
First day.....	Fiscal year commences. (17-701)
Oct. 9.....	A vote to exceed levy limits by election or by townhall meeting must be approved by this date (77-3444)
Oct. 13.....	Final Property Tax Request Certified and forwarded to County Clerk. (77-1601.02)
Oct. 31.....	1 and 6 year plan certification forms filed with the Board of Public Roads Classifications and Standards (39-2115 to 39-2121)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
Within 60 days after close of Fiscal Year.....	Treasurer publishes Statement of Receipts and Disbursements. (17-606) (19-1101)
* *.....	Clerk must prepare agenda prior to next Board meeting. (84-1411)
Within six months after close of fiscal year.....	Audit of Village's accounts completed unless audit requirement waived by State Auditor. (19-2903) (84-304)

#### ALL MUNICIPALITIES

On or before November 1.....	Each municipality which offers a defined benefit plan pursuant to section 401(a) of the Internal Revenue Code which was open to new members on January 1, 2004, shall submit written notification to the Nebraska Retirement Systems Committee of the Legislature that it offers such a plan. (13-2402)
October 15.....	Each municipality that offers such a defined benefit retirement plan shall file with the committee a copy of the most recent annual actuarial valuation of the retirement plan. The valuation report shall be filed electronically. (13-2402)
October 15.....	Each municipality that offers such a defined benefit retirement plan shall file a report with the committee if either of the following conditions exists as of the latest annual actuarial valuation of the retirement plan: (i) The contributions do not equal the actuarial requirement for funding; or (ii) the funded ratio is less than eighty percent. (13-2402)
October 15.....	Each municipality which offers such a defined benefit plan shall conduct an experience study at least once every four years to review the actuarial assumptions used to determine funding needs for its defined benefit plan. Each such political subdivision shall electronically file a copy of the most recent actuarial experience study with the committee by October 15, 2016, and shall electronically file a copy of each study completed pursuant to this subsection by the next October 15 after completion of the study (13-2402)
By October 31.....	Project and Expenditure Report submitted to Treasury on ARPA funds

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## Thanks to Geitner Simmons for another exceptional editorial!

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

*"The editorial page of the paper should begin where the rest of the paper leaves off." – Vermont C. Royster, 1953 Pulitzer Prize Winning Editorial Writer*

It is said the newspaper is the "voice" of the community and an editorial is the "voice" of the newspaper. There are at least three types of editorials that reflect the opinion of the newspaper or editorial board. Editorials that simply **educate** rather than argue a point of view certainly are important. Editorials that try to **persuade** by offering solutions to resolve real or perceived problems also play an important role in creating a community conversation. Notwithstanding, the best editorials are those that **inform, inspire and motivate** others to take positive action to benefit their neighborhood, municipality, state and/or country.

**Dennis DeRossett, Executive Director of the Nebraska Press Association**, recently underscored the significance of editorials. *"An important responsibility of a local newspaper is to help foster dialogue and debate among readers on the issues of importance within that community. Those are important community conversations to have so that the issues are thoroughly analyzed, questioned and commented upon. Signed opinion columns, guest editorials and letters to the editor are also important components to the discussion. Democracy depends upon active, civic engagement and the editorials should be a fuel source that helps to ignite interest and action to move issues and communities forward."*

Thanks to the *Omaha World-Herald* for granting permission to publish on page 5 of the *Review* one of many such inspiring editorials written by **Geitner Simmons**, Editorial Page Editor of the *Omaha World-Herald*. This outstanding editorial commends the municipal officials and leaders in **Grand Island, Laurel, Nebraska City, Norfolk, North Platte, Scottsbluff, Valentine** and **York** for continuing

to address their respective community needs with transformational projects and initiatives, despite COVID and other challenges. Geitner spent countless hours visiting each community and identifying the major themes and strategies of these successful civic collaborations.

**There is no better editorial writer than Geitner Simmons!** Although Geitner has been a professional journalist since 1985, he became a full-time editorial writer in 1991. Geitner joined the *Omaha World-Herald* as an editorial writer in 1999, focusing on the Legislature, University of Nebraska System, state government, economic development, agriculture, history and civic vision across the state.

If Geitner contacts you to visit about issues or projects in your city or village, his southern accent is as noticeable as his passion for his job and the State of Nebraska. Geitner is a North Carolina native; he received a BA in History from the University of North Carolina – Chapel Hill and a Master's Degree in International Relations from the School of Foreign Service from Georgetown University. It is not surprising that he is the recipient of numerous editorial writing awards in Nebraska and North Carolina. The North Carolina Bar Association presented him with an award in 1997 for his compelling newspaper series on race, Supreme Court rulings and North Carolina congressional redistricting. Geitner's 1999 newspaper series on a Spanish Expedition through the Carolinas in the 1560s is part of an online history of North Carolina. He also has written a great deal about Great Plains culture and Southern culture.

Geitner and his wife, Jackie, reside in Omaha and have two grown children. ■



# Communities demonstrate civic vision

BY GEITNER SIMMONS, EDITORIAL PAGE  
EDITOR, OMAHA WORLD-HERALD

*Reprinted by permission from Aug. 29, 2021 Omaha World-Herald*

Look around Nebraska and you'll find that many cities and towns are doing something impressive: They're not letting COVID stop them from addressing key civic needs and moving their communities forward.

Here are just a few of the examples: A transformative riverfront project in downtown Norfolk. Landmark progress in Valentine on universal broadband and Main Street revitalization. A new community center and a new Fire/EMT building in Laurel, in northeast Nebraska. Manufacturing expansions in Scottsbluff and Grand Island. Progress in meeting housing needs in North Platte. Resolute work by businesses in York to move ahead with investments for downtown revitalization.

Nebraska's future depends, in large part, on a positive community spirit and vision. Examples of civic collaboration and success provide inspiration and guidance for other communities. Nebraska's well-being depends on nurturing vitality in all parts of the state. And that effort starts at the local level.

Since June, we've worked with eight Nebraska communities to learn about ways in which they've been striving for progress during the COVID era. These communities (**Scottsbluff, North Platte, Grand Island, Valentine, York, Laurel, Norfolk and Nebraska City**) have no monopoly on good ideas, and they haven't magically solved every challenge they face. But each one, in its own way, has shown a spirit of determination to identify key local needs and address them.

Several major themes arose when we looked at the strategies these communities are pursuing. Here are some examples from each.

**Importance of vision.** Norfolk is in the final \$2.5 million leg of fundraising for its far-ranging \$11 million Riverfront Trail Project downtown, with key leadership from the Aksarben Foundation; the project will include fishing access, observation points, pedestrian bridges, an amphitheater, festival spaces, playground elements and fountain/water features. Broadband expansion to rural communities remains one of Nebraska's most difficult challenges, but Valentine didn't let that get in the way of achieving a public-private partnership that has brought gigabit service to every property in the city. North Platte



*Geitner Simmons, Editorial Page Editor  
Omaha World-Herald*

is pursuing plans for a rural rail park enabled by recent state legislation. Nebraska City is continuing its work to complete a sports complex and restore Veteran's Memorial Building as community meeting space.

**Outreach to young people.** A set of students at Wayne State College will live in downtown Norfolk and work for area businesses their senior year through Growing Together Scholars program. Wayne State also is working with Grand Island on internships, and CHI St. Francis hospital and Grand Island Public Schools are developing an academic initiative to help young people pursue careers in the health profession.

**Collaboration with partners.** Nebraska City is pursuing collaborative initiatives to boost child care services and training and to address housing needs. JBS, the largest employer in Grand Island, has donated \$400,000 to create a 50,000-square-foot early childhood learning center. Partnerships are a key tool as Scottsbluff works to boost its housing supply.

**Size needn't be an obstacle.** Laurel, a Cedar County community with a population of 1,100, provides a sterling example of a small community that's achieved big results. Among the highlights: Revitalization of downtown streets, sidewalks and sewer system. A new community center and new Fire/EMT building. A new child care center. Approval of an \$18.5 million school bond issue. It's no wonder that this year, Laurel received two Nebraska awards for outstanding community achievement.

*Continued on page 12*



Tara A. Stingley

## Documenting and holding employees to legitimate performance expectations

BY TARA A. STINGLEY, CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.

A recent decision by the U.S. Court of Appeals for the Eighth Circuit (the federal appeals circuit in which Nebraska is located) emphasizes the importance of documenting job expectations and employees' performance issues in demonstrating a legitimate, non-discriminatory basis for employment decisions.

### A. *Vinh v. Express Scripts Services Co.*: Factual Background

In *Vinh v. Express Scripts Services Co.*,<sup>i</sup> Michael Vinh, an employee with over 13 years' experience with the company, began to develop numerous performance issues. These deficiencies were documented in Vinh's annual reviews across several different supervisors. One of the employee's supervisors, Ashly Huber, also contemporaneously documented instances of poor performance during weekly one-on-one meetings with Vinh from January to June 2015. Huber took maternity leave from June through August 2015, during which time another manager supervised Vinh. In mid-2015, Vinh's mid-year ranking placed him as the lowest rated employee among his peers.

During this same period, Vinh began experiencing severe neck pain that required him to take intermittent leave from work, which the company

approved. In mid-July 2015, Vinh was diagnosed with complex cervical dystonia, a degenerative condition that causes uncontrollable spasms in the neck muscles and for which there is no known cure. However, Vinh testified that he did not recall his condition having any impact on his work in 2015 apart from his approved leave and that the company never expressed any objection to him taking time off for his condition.

When Huber returned to work from maternity leave, she resumed supervision of Vinh and contacted Vinh to discuss his mid-year performance review and the need to place him on a performance improvement plan (PIP). Huber told Vinh that he may be terminated if he did not follow the PIP.

Following the call, Vinh notified Huber of his diagnosis and that he might need a longer leave of absence from work. This was the first time Vinh disclosed his diagnosis to the company. The company granted Vinh's request for an extended leave of absence in September 2015, before Vinh was formally placed on the PIP.

Vinh returned to work in February 2016 with restrictions, which the company accommodated. Following Vinh's return to work, Huber discussed Vinh's 2015 annual review as

well as the previously-referenced PIP. The PIP noted Vinh's performance deficiencies and included four objectives, all relating to accuracy and avoiding discrepancies in Vinh's work. The company ensured the PIP conformed with Vinh's restrictions and was viable despite Vinh's limitations. Vinh and Huber met throughout the duration of the PIP to discuss the poor quality of his written communications and other continued deficiencies.

In April 2016, Vinh was cleared to return to work full-time with no restrictions and the PIP period was drawing to a close. Huber provided a detailed summary of Vinh's performance, noting that while Vinh had demonstrated some improvement, he still fell short of the goals outlined in the PIP. Huber ultimately sought and received permission in May 2016 to terminate Vinh based on his failure to satisfactorily improve his performance deficiencies and his failure to complete the PIP.

### B. The Eighth Circuit's Decision

Following his termination, Vinh sued the company asserting claims for disability discrimination and failure to accommodate his disability. The district court granted summary judgment in favor of the company.

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On appeal, the Eighth Circuit Court of Appeals affirmed judgment in the company's favor.

**First**, the court held the company had established a legitimate reason for Vinh's termination: that being, his history of deficient performance and his failure to satisfactorily complete the PIP. The court noted there was significant evidence of Vinh's poor performance predating his disclosure of a disability. In addition, the PIP was discussed with Vinh before his extended leave of absence and did not conflict with his work restrictions upon Vinh's return to work.

**Second**, the court held Vinh failed to present sufficient evidence to demonstrate the company's stated reason for Vinh's termination was merely a pretext for discrimination. The Eighth Circuit cited to the longstanding principle that "federal courts do not sit as a super-personnel department that reexamines an entity's business decisions," but rather limit the inquiry to "whether the employer gave an honest explanation of its behavior."<sup>ii</sup>

**Finally**, the court held Vinh's failure to accommodate claim lacked merit, as the record did not support a conclusion that Vinh's performance issues were linked to his disability or that an accommodation would have allowed Vinh to effectively perform the essential functions of his position. The court noted, "the record is replete with evidence that Vinh's communication capabilities and his grasp of the strategic and critical thinking skills necessary for his position were deficient, and that these deficiencies predated the onset of his disability and persisted after his leave."<sup>iii</sup>

### C. Best Practices for Employers

The Eighth Circuit's recent deci-

sion in *Vinh v. Express Scripts Services* highlights several important lessons for employers.

**First**, employers should clearly articulate the essential functions of a position, such as in a written job description. Job descriptions should be reviewed periodically to ensure that the *written* identification of job functions aligns with *actual* essential job functions.

**Second**, employers should address performance deficiencies with employees in a timely manner. The primary goal of providing performance-based coaching or counseling to employees is to help the employee identify the performance issue at hand and to improve or correct the deficiency. Addressing performance deficiencies in a timely manner, in a writing reviewed and signed by the employee, helps employers work toward this goal to avoid termination of employment and employee turnover.

**Third**, documentation regarding performance issues (such as performance evaluations) should be clear and accurate. If employees are not meeting their employer's expectations, the performance evaluation should address that. A performance evaluation that is "Nebraska nice" but that wholly ignores performance deficiencies may undercut or cast doubt on an employer's later assertion that the employee was not meeting the employer's legitimate expectations.

**Fourth**, employers who are covered by applicable federal, state and local disability discrimination laws have a duty to engage in an interactive process with qualified individuals with a disability. This interactive process, or dialogue, between the employer and employee is essential to determine

whether the individual is able to perform the essential functions of a position, *with or without reasonable accommodation*.

**Fifth**, in meeting this duty, employers may still address an employee's failure to meet expectations. If an employee does not meet legitimate performance expectations, those deficiencies should be clearly addressed and accurately documented with the employee, separate and apart from unrelated accommodation issues.

**Finally**, in addressing performance issues and taking any adverse employment action (including discipline and termination of employment), employers should be mindful of their own policies and procedures. For example, what does the organization's employee handbook state regarding certain processes or actions? What have employees been told regarding expectations and job requirements? And, how has the organization handled comparable situations involving similarly-situated employees? Viewing employment decisions through this lens at the outset will assist the employer in making employment decisions in a fair, consistent and non-discriminatory basis. ■

*Editor's Note: This article is not intended to provide legal advice to its readers. Rather, this article is intended to alert readers to new and developing issues. Readers are urged to consult their own legal counsel or the author of this article if they wish to obtain a specific legal opinion regarding their particular circumstances. The author of this article, Tara A. Stingley, can be contacted at Cline Williams Wright Johnson & Oldfather, L.L.P., 12910 Pierce Street, Suite 200, Omaha, NE 68144, (402) 397-1700, [tstingley@clinewilliams.com](mailto:tstingley@clinewilliams.com) or [www.clinewilliams.com](http://www.clinewilliams.com).*

<sup>i</sup> 7 F.4th 720 (8th Cir. 2021).

<sup>ii</sup> *Id.* at 727-28.

<sup>iii</sup> *Id.* at 728.





*Photo (from left): Carrie Magorian, Library Board Member; John E. Koller, Mayor; Patrick Magorian, Treasurer of Library Board; Jennifer Einspahr, Library Director; Jill Snyder, library staff; Ella Wilson, granddaughter of Jill Snyder; Jeanne Paulsen, Library Foundation Member; Benita Adams (holding ribbon), Library Board President; Shari Mues, library staff member. Photo courtesy of the Department of Economic Development.*

## Ribbon-cutting ceremony held for Arapahoe's newly renovated library

After three years of hard work, planning and fundraising – on top of a global pandemic – Arapahoe's newly-renovated public library opened Aug. 7, to a joyous ribbon-cutting celebration and the glorious smells of paperbacks and fresh plaster.

### Community fabric

"When you think about it, a library is a part of the community fabric, especially in a small town like Arapahoe," said library director Jennifer Einspahr. "This project has been years in the making, and is something our town

really needed and deserved. Today is the culmination of a lot of people coming together in a show of support to make this project happen."

### Finishing touches

With finishing touches added last month, the new renovation features 1,200 square feet of major enhancements and a 1,700 square foot addition to the existing structure, which began its life as a church in 1959 before being converted to a library in the 1980s.

"Other than replacing the roof and

a few minor changes to the interior, the building really hadn't seen updates over the past 40 years," Einspahr said, highlighting electrical upgrades, ADA accessibility issues and general deterioration as just a few of the items the Arapahoe Public Library Foundation had listed on the agenda.

To get the ball rolling, Arapahoe sought a grant from the Nebraska Department of Economic Development, under the Civic and Community Center Financing Fund (CCCCF)

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*Continued from page 8*

Project Planning category. CCCFF grants are designed to help communities like Arapahoe tackle projects that enhance their quality of life.

In this case, CCCFF Planning funds enabled project leaders to hire an architect for an official design blueprint and to come up with that all-important price tag.

"In the beginning we had a wish list, a dream and a vision, but nothing on paper. Once we had a concrete plan, we then could take our vision to the community and say, 'Hey, we know we can accomplish this with your help.'"

### Launched campaign

With a plan in hand and the community's blessing, the foundation launched a capital campaign in 2018, orchestrating fundraisers like an annual gala dinner and silent auction, which drew confidence-inspiring crowds and substantial donations. They also secured the help of organizations like the Ethel S. Abbott Charitable Foundation, the Kreutz Bennett Donor-Advised Fund, Peter

Kiewit Foundation, the Arapahoe Area Foundation and an anonymous donor.

That outpouring of support, Einspahr said, was what strengthened Arapahoe's second application to the CCCFF program, this time for capital construction funding. The subsequent successful result is what truly enabled the library project to enter the realm of non-fiction.

"That second CCCFF award was the difference-maker," Einspahr said of the city's \$372,172 grant from DED. "The day we learned our application was successful, we knew it was really go-time."

Today, the new-and-improved public library is fresh, functional and more user-friendly than ever.

Pull up, for example, and you'll notice the new drive-through service lane, which gives patrons the option to drop off or even check out materials without leaving the safety of their vehicle. You'll also find improved accessible parking with a wheelchair ramp leading all the way to the front entrance, now push-button equipped.

### Wider entryways

The entryway/exits are wider and more prominent than before. And once inside, the entire flow of the library has changed: clearly-defined children's and adults' areas put more distance between Clifford the Big Red Dog and War and Peace; the relocated circulation desk is more convenient and spacious; fresh, bright coats of paint complement cushier, comfier furniture; guests will appreciate the new bathrooms, now larger and wheelchair accessible. Even the WiFi has been improved.

The icing on the cake is the new Community Room – a space custom-

tailored for community gatherings, ideal for after school Mad Science Mondays and Lego Club, but also available to the public-at-large for meetings and private events.

"Every time someone walks in, they are blown away by just how much the space has been transformed," Einspahr said. "It's like a brand new library. We're so excited for what this means to the community, who will have this building that is so much more functional for their use."

### Grand opening

Though construction has been complete for a month, the ribbon-cutting marked a grand opening that gave everyone involved – from local officials, to project leaders, to everyday citizens who have shown their support since page one of this success story – a chance to come together in celebration and appreciation for what is ultimately a gift to the community. A new chapter and part of its binding.

"We are so thrilled and happy," said Einspahr. "It was several years in the making, but we were able to make this wish come true. Now it will be here to serve future generations for a long time to come." ■

*Source – DED*

## 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](mailto:lynnm@lonm.org) by e-mail. ■



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# LARM – Are your AEDs up-to-date?

■ **BY DIANE BECKER**  
COMMUNICATIONS/MARKETING  
DIRECTOR, LARM ■

Automated external defibrillators (AED) have proven to be lifesaving equipment in our public spaces. Many Nebraska municipalities have them in their community centers, auditoriums, baseball complexes, swimming pool areas and city/village offices. Since they're portable and designed for a layperson to use, they're vital for assisting a person who is experiencing cardiac arrest. Hopefully, every citizen in Nebraska could easily find an AED in time of need in a public space. If your community building is without an AED, prioritize putting it into your budget or finding a possible grant to purchase one. It's not an inexpensive piece of equipment as you can plan on paying from \$900-\$1,200 for one AED. There are some essential points to remember when buying and maintaining an AED.

## FDA approved

First of all, an AED must be FDA approved, so consult the manufacturer before purchasing to make sure it meets all federal requirements. In 2015, the FDA required that all

AEDs be approved by them and, as of February 2022, all AED accessories must also be approved by the FDA. The reason for these requirements is that in 2013, the FDA found that many AEDs installed at facilities were inoperable. Even now, you may have an AED that isn't going to work when you pull it off the shelf to assist a victim. Check now to make sure the AEDs you have purchased and placed in your community buildings are ready to do the job they were made to do. Manufacturers have made AEDs easy to use for the average bystander, but they can still malfunction because of lack of maintenance or even just because of a dead battery.

## Check expiration date

The first thing you need to do is check the AED and its accessories for an expiration date. There should be at least two sets of AED pads in sealed packages with expiration dates on the packages. Check those to make sure they're not out of date.

Any AED purchased before 2015 will more than likely not be approved by the FDA and should be replaced. It also may be time to replace the AED if the factory warranty has expired. There should be a status/service light



*Golf Course Superintendent, Jacob Feuhrer, holding new defibrillator that LARM helped purchase with a Lean on LARM Safety grant. Photo provided by LARM.*

that alerts you as to whether the AED is operable. It's a good safety practice to look for an operational light when you walk by any AED. It might need a new battery, but you don't want to wait for an emergency to find out. You also need to check the AED to ensure it doesn't show signs of cracks or damage (an errant basketball could have damaged the case).

Most importantly, to keep an AED in working order, refer to the manufacturer's manual for information about maintenance on your particular AED.

It's great to have an AED in your public building or area, but you can't just put it on the wall and forget it. Keep easily accessible records as to when it was purchased and what maintenance has been done to it. ■

## 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](mailto:lynnm@lonm.org) by e-mail. ■



# Emerson's National Night Out draws more than 200 people

Emerson's National Night Out, Aug. 3, drew more than 200 children to the event, which was hosted by the Emerson Police Department, the Emerson Village Board and village office personnel.

Members of area police departments were on hand to mingle with the au-

dience and the volunteer fire department grilled hot dogs for everyone. Games, demonstrations and a petting zoo were offered for kids.

The National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie

to make neighborhoods safer and more caring places to live. National Night Out events were held across the state and nation. ■

*Submitted by Beth Bonderson, Clerk, Village of Emerson*



*Pictured Police: left to right: Shelley Perez, Thurston County Sheriff; Derek Herron, Thurston County Deputy; Chuck Chinn, Emerson Police Chief; State Patrolman Daniel Orsuna-Salazar; Jarrod Junge, Dakota County Deputy; Dixon County Deputies: Jose Casillas, Jake Jones and Thomas Gill; and, Dixon County Sheriff Tom Decker. Photo submitted by Beth Bonderson, Clerk, Village of Emerson.*



*Fire Department: left to right: Kevin Heeney, Mark Anderson, Ryan Beacom, Dena Bartels, Tarry Daum, Terry Eriksen, Kelley Stallbaum and Don Fuchser. Photo submitted by Beth Bonderson, Clerk, Village of Emerson.*

## Lexington receives 'Friend of Tourism' award

The City of Lexington received a prestigious honor at the annual banquet of the Lexington Area Chamber of Commerce.

The "Friend of Tourism" award was presented in recognition of the array of "wayfinding" signs placed around Lexington. The signs are meant to help visitors find their way to important destinations in Lexington. As such, they improve the navigation experience for tourists.

Assistant City Manager Dennis Burnside was on hand to accept the award. ■

*Source – City of Lexington, City Happenings, August 2021.*

*Left: Assistant City Manager Dennis Burnside accepts Friend of Tourism award from Chamber of Commerce President Zach Blessin. Photo courtesy of City of Lexington.*



# Communities demonstrate civic vision

*Continued from page 5*

**Regional vision/cooperation.** Panhandle leaders often think regionally, and Nebraska City is doing the same as it pursues overall economic development. Norfolk, this year, hosted a virtual town hall that examined child care issues in northeast Nebraska.

**Addressing housing needs.** North Platte's "Shot in the Arm" housing incentive program is now in Phase III. Valentine is finalizing work for water/sewer extensions to a 40-acre city-owned site for new housing. Grand Island is pursuing multiple housing projects.

**Downtown strength.** North Platte has taken a variety of steps to boost its historic Canteen District. In Scottsbluff, the majority of downtown buildings now are purchased or rented/leased, and businesses have seen a significant increase in pedestrian traffic. Valentine is partnering with the Nebraska Department of Transportation for a complete Main Street renovation in what looks to be the city's largest infrastructure project ever. Norfolk has put particular emphasis on community appearance including facade

improvements and murals.

**Persistence.** Leaders and organizations in Nebraska City have stayed the course in moving ahead on projects even though slowed by the 2019 flood and COVID. As York pursues the final phase of its downtown revitalization initiative, "we are seeing a continued commitment of property owners to invest in their buildings," said Madonna Mogul, the Chamber of Commerce executive director.

Civic vision in Nebraska communities has long been a focus of our editorial page, and in coming months, we will look to the work in additional communities and talk to a range of Nebraskans about sound overall strategies.

Even in the face of COVID, Nebraska communities are reaching for progress. The more we understand strategies for success and embrace a spirit of resolve, the stronger our state's future will be. ■

(The above highlights only a sampling of these communities' projects and strategies. The *Omaha World-Herald* has placed a full listing online in the Opinion section of the *Omaha World-Herald's* website.)





# 10 unique things about Nebraska government

■ BY LEAGUE STAFF ■

There are many things unique to the great State of Nebraska, such as the sandhill crane migration or the Ogallala Aquifer, but this article focuses on 10 unique things about Nebraska government.

**1. Unicameral Legislature.** Nebraska is home to the only unicameral, nonpartisan Legislature in the nation. There are 49 members of the Nebraska Legislature with each lawmaker serving a district of about 35,000 citizens. The Senators, as they are called, serve four-year terms and are limited to two terms. Nebraska also is the only nonpartisan Legislature in the nation, which means that candidates for the Legislature are not identified by political party on the ballot. They also are not organized along partisan lines in the Legislature. Nebraska voters adopted the Unicameral Legislature system in 1934. The effort was championed by George W. Norris and John Norton, who served in the Nebraska House of Representatives. Norris, who served in the U.S. House of Representatives and the U.S. Senate, also was known for sponsoring the Tennessee Valley Authority Act and the Rural Electrification Act bringing power to unserved areas. Long ago, former Clerk of the Nebraska Legislature Hugo Srb was asked why other states did not adopt the Unicameral Legislature system. As popular lore has it, Srb said that the Unicameral Legislature is like the large lady at the circus: “Everyone comes to see her, but no one takes her home.”

**2. Credit of the State.** In Nebraska, the state constitution prohibits the credit of the state from being loaned or given to any private entity. This provision is enshrined in the constitution in Article XIII-3: “The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state.” This issue arises periodically in the state Legislature. For example, in the 1980s, some Senators searched in vain for a way to reimburse depositors of the Commonwealth Savings Co. of Lincoln for their losses



*Nebraska Legislature, 2021 session. Staff photo.*

when the company collapsed. Because of the credit of the state provision, the Nebraska Constitution had to be amended to allow for tax-increment financing (TIF) and LB 840 economic development programs which are described below.

**3. Tax Increment Financing (TIF) and Local Option Economic Development Act (LB 840) – Two prominent economic development programs.**

**The Local Option Municipal Economic Development Act** (LB 840, 1991) authorizes incorporated cities and villages to collect and appropriate local tax dollars – including sales and/or property tax, if approved by the local voters – for economic development purposes.

The Act involves the formulation of the local economic development program plan. The plan forms the foundation for the collection and expenditure of local tax revenues for economic development and, if the voters approve the plan, the provisions of the local plan become the basis under which the municipality’s program operates. All Nebraska cities and villages, as well as any group of two or more cities acting under the Interlocal Cooperation Act, are eligible to seek local voter approval and participate in this Act. More than 75 municipalities have LB 840 programs. **Tax Increment Financing (TIF)** in Nebraska is primarily designed to finance the public costs associated with a private development

*Continued on page 14*



# 10 unique things about Nebraska government

*Continued from page 13*

project. Essentially, the property tax increases resulting from a development are targeted to repay the public investment required by the project. The Nebraska Legislature is constantly changing and updating the TIF laws. The most recent and significant change of the TIF laws was in 2018 with LB 874.

#### 4. MEF, Highway fund allocations and loss of “state aid.”

Before “aid to municipalities” was eliminated in 2011, municipalities received some aid from the state as reimbursement for property tax exemptions that was based on population; the “state aid” (originally only \$17.9 million) was a partial, though totally inadequate reimbursement for the revenue municipalities lost due to exemptions. Since its elimination, there only are two programs that provide state funds: the Municipal Equalization Funds and highway allocation funds. The Municipal Equalization Fund was enacted by the Legislature in 1996 (LB 1177) with an effective date of July 1, 1998. The Municipal Equalization Fund includes the money from the Insurance Premium Tax and the 3 percent state administrative fee imposed on local option sales taxes collected by the state. The payments are calculated by the Department of Revenue based on a statutory formula that compares population and property tax valuation with the statewide average municipal population and valuation. It is intended to equalize state payments and as-

sist some municipalities because of the levy limits imposed in 1996. The Municipal Equalization Fund payments are distributed on or before the first day of October, January, April and

July. Municipal Equalization Fund payments are considered “restricted funds” under the current lid. For highway allocation funds, all proceeds from the

*Continued on page 15*

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*Continued from page 14*

motor fuel tax and all state sales taxes collected on motor vehicles are deposited in the Highway Trust Fund. Twenty-three and one-third percent of the revenue in the Highway Trust Fund is distributed to incorporated municipalities through a formula. The municipal distribution formula is based on three weighted factors:

- 1) Population - 50 percent.
- 2) Vehicle registrations - 30 percent.
- 3) Lane miles - 20 percent.

Those portions of the tax flowing to municipalities are required to be spent building, repairing or maintaining city and village streets.

**5. Public records.** Nebraska's public records statutes begin with the premise that "except as otherwise expressly provided by statute, all citizens of this state and all other persons interested in the examination of the public records ...are hereby fully empowered and authorized to examine such records, and make memoranda, copies using their own copying or photocopying equipment... all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and except if federal copyright law otherwise provides, obtain copies of public records...during the hours the respective offices may be kept open for the ordinary transaction of business."

What may be noteworthy of this language is that it is clear that records are open to citizens of Nebraska and

all interested persons. Nebraska does not require a person be a resident of this state to view or obtain copies of public records. Some states do not provide records to persons out of state or charge additional fees to anyone living outside the state.

Also, Nebraska's public records laws have a broad definition of what is considered a public record. The state law states that "public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing." Basically, nearly every record a municipality possesses or should possess is considered a public record.

With these broad principles in mind, the public records statutes provide that there are certain records that MAY be withheld from the public. The statute does not require these records be withheld but allows the custodian to withhold them if they are specifically listed in state law. Currently, there are 23 types of public records that may be withheld from the public.

**6. Open Meetings.** Like public records in Nebraska, the state Legislature has provided for a great deal of transparency when public entities meet. State law states: "It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public

bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act."

Recently, there have been some up-  
*Continued on page 16*

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# 10 unique things about Nebraska government

*Continued from page 15*

dates to the Open Meetings Act by LB 83, passed in the 2021 legislative session. With these changes, municipalities are able to meet virtually when there is an emergency declared by the Governor. Allowing municipalities to hold virtual meetings even when there is not a declared emergency remains a highly debated policy question with some municipalities arguing that meetings should be in person so the public can see their elected officials face to face while other municipalities argue that allowing more flexibility in virtual meetings provides greater chances of getting a quorum and increased public participation if the public is allowed to attend virtually.

## **7. Publicly owned electric utilities.**

In the United States, Nebraska is the only state where residents and businesses receive electricity from a public entity or rural electric cooperative rather than a private, for-profit corporation. Nebraskans pay among the lowest rates for electricity in the country and revenues are used to strengthen infrastructure to ensure that energy is reliable and inexpensive.

## **8. Broadband limitations.**

In Nebraska, there are statutory barriers to municipalities wanting to provide broadband on a retail or wholesale basis.

The current barriers to public entities leasing publicly owned dark fiber unless broadband service is provided at levels below 25/3 include:

- The lease rates be a published fair market rate subject to being contested by another carrier.
- Fifty percent of the profit earned

by the public entity under a lease of dark fiber needs to be remitted to the State Treasurer. Profit earned by the public entity means the lease price less the cost of infrastructure deployment.

- Speeds of 25 megabits per second download and 3 megabits per second upload are inadequate to meet the broadband needs of most municipalities which need to have the tools and authority to ensure that adequate speeds are available.

Legislation recently has been introduced to allow public entities to work directly with broadband providers in public/private partnerships to use publicly owned broadband infrastructure. The League will continue to advocate for the removal of these barriers for municipalities.

## **9. Lots and lots of political subdivisions.**

Nebraska has many political subdivisions that range in governance over natural resources, schools, fire protection districts and public power. For example, Nebraska has 529 municipalities and 93 counties. There are 19 educational service units (ESUs) and more than 270 school districts comprising close to 1,100 schools. There are 23 natural resources districts (NRDs) and a half dozen community colleges throughout the state. Also, within Nebraska are four sovereign Native American tribes that have democratic forms of government.

There also are multiple public power districts and 29 rural electric retail distribution systems, 26 of which are public power districts and the remaining

three are membership cooperatives. Other political subdivisions in the state include airport authorities, cemetery districts, community college areas, drainage districts, fire protection districts, groundwater conservation districts, hospital districts, irrigation districts, reclamation districts, road improvement districts, rural water districts, sanitary and improvement districts and townships.

## **10. Different classes of cities and types of government.**

There are five different classes of municipalities in Nebraska. The largest municipalities are metropolitan class cities with a size of 300,000 or more residents. Currently, the only metropolitan class city is Omaha. The only primary class city is Lincoln. Primary class cities range from 100,001 to 299,999 in population. There are currently 30 cities of the first class in Nebraska which range in population from 5,001 to 100,000. Cities of the second-class range in population from 801 to 5,000 residents. There are 117 cities of the second class. Finally, there are villages that range in population from 100 to 800 residents. They are the smallest size of municipality and the most numerous with 380 villages in the state. State law has provisions to allow municipalities to move into a different class depending on population changes from the census. There also are state laws that allow municipalities to stay in their same classes after population changes.

*Continued on page 17*



## Lincoln Mayor to Chair EPA's Local Government Advisory Committee

U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan has appointed Lincoln Mayor Leirion Gaylor Baird as Chair of its Local Government Advisory Committee (LGAC). The LGAC was chartered in 1993 under the Federal Advisory Committee Act to provide independent policy advice to the EPA Administrator on a broad range of issues affecting local governments.

Gaylor Baird was one of 34 new appointments to the LGAC. The 39-member group now includes 20 women, 16 people of color and representation from 30 different states, tribal nations and U.S. territories,

from a diverse cross-section of cities, counties, towns, and communities across the United States.

"I'm honored to welcome this diverse, highly qualified group of local leaders who will bring valuable insight and experience to the Agency," Regan said.

Mayor Gaylor Baird said: "Through service on this important committee, I look forward to advancing climate security, infrastructure development, economic opportunity, environmental justice and quality of life for people here in Lincoln and across our country,"

The LGAC plans to hold its first meeting this fall. For more informa-



*Lincoln Mayor Leirion Gaylor Baird*

tion about the LGAC, visit [epa.gov](https://epa.gov). ■

*Source – City of Lincoln*

## 10 unique things about Nebraska government

*Continued from page 16*

State law also allows for five different forms of municipal government. The first is the village form of government which is used by villages. It includes five village board members and no mayor. The village board members elect a village board chairperson. In the Mayor-Council Form of Government, voters elect both a mayor and several city council members. The number of city council members varies between cities. In the City Manager Plan of Government, voters elect city council members. The city council members then elect one of its members as president, which serves as an ex-officio mayor and a vice president. Finally, there is the Commission Form of Government where the voters elect commissioners who are in charge of various departments, such as: public affairs and safety; streets, public improvements and property; public accounts and finances; public works; and parks and recreation. The Commissioner of the Public Affairs and

Safety Department serves as mayor and the Commissioner of the Public Accounts and Finances Department services as vice-president of the council. Nebraska City currently is the only city operating under the commission form of government.

(For more information about Nebraska, the *Blue Book*, which is the state's official reference manual, is a great source of information about the state's government and its geography, economy, history and culture. ■

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# Kearney councilman spends July 4th at White House with President Biden

BY MIKE KONZ  
KEARNEY HUB

*Reprinted by permission from Kearney Hub.*

KEARNEY – Randy Buschkoetter expected a once-in-a-lifetime experience and that's what he got on the White House lawn in Washington, D.C.

President Joe Biden posed for a selfie with Buschkoetter and First Lady Jill Biden also posed with Buschkoetter for a photo.

Buschkoetter and his wife, Kim, were among guests on the White House lawn for the annual Fourth of July fireworks.

## Salute to military, health care workers

This year's event was a salute to the U.S. military and to front-line health care workers, who logged thousands of hours of emotionally draining hours caring for coronavirus patients during the pandemic.

"It was a once-in-a-lifetime experience. Actually I've been fortunate twice," said Buschkoetter, a history teacher and member of the Kearney City Council. He said his first presidential encounter was in December 2000, when President Bill Clinton visited Kearney. It was the first and only time Clinton set foot in Nebraska.

The Buschkoetters might not have been rubbing elbows with President Joe and First Lady Jill Biden if Buschkoetter hadn't encouraged a friend to accept an invitation to the White House event.

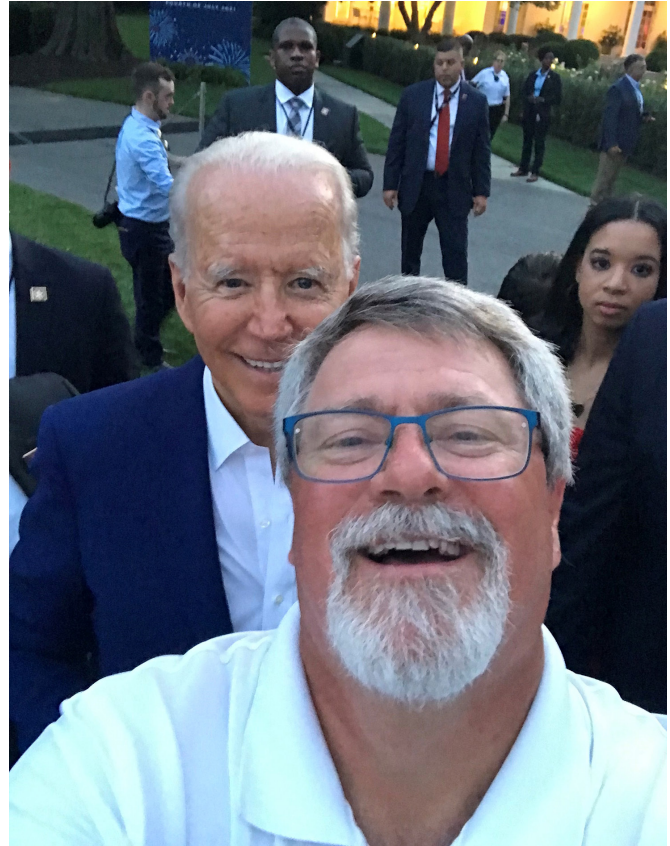
## Rare opportunity

Buschkoetter's friend, former Harlan County Health Care Services employee Manny Banner, had received four invitations to the White House fireworks, but Banner already had made plans for the Fourth of July. Buschkoetter talked her out of the other plans by reminding Banner what a

## Charitable gaming activity

The Nebraska Department of Revenue, Lottery and Charitable Gaming Division reported in August that total dollars wagered on charitable gaming activities for April-June 2021 were \$93.8 million, which is 1.3 percent less than the previous quarter, when \$95 million was wagered. ■

*Source – Department of Revenue*



*With President Joe Biden directly behind him, Randy Buschkoetter snapped a photo from the White House lawn before the fireworks display. Photo courtesy of Randy Buschkoetter, Kearney City Council Member.*

rare opportunity it would be to experience an authentic White House event.

Following her stint at the Alma hospital, Banner now is the CEO of the Memorial Community Hospital & Health System in Blair. Recently, she hosted the husband of Vice President Kamala Harris, Douglas Emhoff, who came to the Blair hospital for a fact-finding visit.

## 4 invitations sent

After the visit, Emhoff – the second gentleman of the U.S. – sent four invitations to Banner. There was one invitation for her along with three additional invitations for her guests, so she invited her husband Gary, and Kim and Randy Buschkoetter.

"One of my great philosophies of life is when someone offers you a cookie you take it, and this is a pretty good cookie," Buschkoetter said. ■



## Former Bellevue Mayor, League Past President Inez Boyd passes away in August

Inez Boyd, former Bellevue Mayor and Council Member and Past President of the League of Nebraska Municipalities, passed away Aug. 28 in Columbia, Mo. Boyd was 85.

Bellevue Mayor Rusty Hike, City Administrator Jim Ristow and the entire City of Bellevue offered their condolences and heartfelt thoughts and prayers to Boyd's family.

Mayor Boyd started her public service by serving on the Bellevue City Council for 10 years beginning in 1972. In 1986, she became the first female elected to serve as the Mayor of Bellevue and she held that office until 1998. Additionally, she served as a Sarpy County Commissioner for eight years after leaving the Mayor's office.

During Mayor Boyd's term, the city maneuvered through some trying times and her leadership helped provide the necessary direction to take the city on a smoother and directed course, a city press release stated. During her time in office, Bellevue became the third largest city in Nebraska; advanced economic progress by bringing new businesses and industry to the city; oversaw the completion of the Kennedy Expressway and brought

new energy and interest to the community.

Even after her career in public service came to an end, Mayor Boyd continued to give back and support the Bellevue Community. Mayor Boyd was one of the founding members of the Bellevue Community Foundation in 2012 that has become very active in supporting projects, organizations and events within the community, including a partnership with the City of Bellevue to make the large fountain at American Heroes Park and other improvements a reality.

In 2017, then-Mayor Rita Sanders and the Bellevue City Council dedicated the large fountain at the American Heroes Park Lake in honor of the significant contributions Mayor Boyd made to the city by enhancing the quality of life and well-being for the city and its citizens.

According to the October 1979 *Nebraska Municipal Review*, Inez was a graduate of Kansas State University where she received a Bachelor of Science degree in home economics in 1956. She also served as President of the Great Plains Girl Scout Council and was active with the Salvation



*The late Inez Boyd, former Bellevue Mayor and League Past President*

Army, United Way and the Nebraska Literacy Association.

She is survived by her children, Kristen Boyd-Sullivan and husband, Neil; Curtis Boyd and wife, Louisa, and Victoria Boyd-Kenney and husband, Bradford; four grandchildren and her sisters, Waneta Jones of Loring, Kan., and Virginia Poin-dexter of Overland Park, Kan. ■

*Source – City of Bellevue, area press reports*

## Grand Island Public Library welcomes crane sculpture

The Grand Island Public Library Foundation and Library announced in August that the cranes are coming! Grand Island native artist, Gary Staab and his parents Ken and Rosemary Staab from Staab Management, have generously donated the "New Heights" crane sculpture to the library. Gary Staab was at the library to apply the wash on the pedestal. The crane sculpture will be placed in front of the library on the west side.

Celine Swan, Grand Island Library Director said: "The library would like to thank Gary Staab and (his) family for

this generous and beautiful addition to the library! The library also would like to thank the Grand Island Public Library Foundation members who were instrumental in receiving the gift from the Staabs and for their support with costs of the addition to the library. Grand Island and Hall County residents of all ages truly are fans of our beautiful sandhill cranes. This artwork is a chance for patrons and others to make our Library a premier stop when visiting Grand Island and crane migration." ■

*Source – City of Grand Island*



# LARM – The value of safety training

— **BY FRED WIEBELHAUS,**  
LEAGUE ASSOCIATION OF RISK  
MANAGEMENT (LARM) LOSS  
CONTROL AND CLAIMS  
MANAGER

As a former elected official, I appreciate the importance and savings of providing a quality safety training program for municipal staff. The better trained the team is, the less likely you'll get a call that a maintenance worker rammed a municipal truck into an electrical pole. If safety training is a priority, your village or city will have less risk of having a valuable employee become sidelined for weeks or even months because of an on-the-job injury. Safety training will enhance your employees' skills, capabilities and knowledge – one of the essential services you can provide for your community.

## Important responsibility

Ensuring employee safety while at work in your village or city is an important responsibility and should be taken seriously by municipal leaders, management and employees alike. Quality workplace training plays a vital role in this objective.

Continuous training of employees

is as important as training a new employee. Those employees who have been working for years and have developed half-hearted safety practices are as much at risk of having an accident as the new employee who hasn't yet learned safety practices. Without a clear understanding of current or changing safety practices related to a specific job or task, any employee will always be at a higher risk for workplace injury, illness or death.

## Safety committee meeting

An excellent place to start safety training is at a safety committee meeting. According to Nebraska law, cities and villages must have safety committees that hold regular meetings. At least one safety topic should be discussed at each meeting. Safety meetings are an excellent opportunity for employees to review fire extinguisher use, cyber safety and other valuable safety information. Make sure that the meetings and any additional training by the city/village staff are documented.

Of course, you'll need to provide opportunities for safety training above and beyond what would be entailed in a safety meeting. With the pandemic, many safety-based trainings were



*Fred Wiebelhaus, LARM*

posted online, making them readily available to staff anywhere.

Proper safety training will help employees become proficient in understanding and – if necessary – adjusting safety policies. If your city or village is safety-minded, staff will learn from workplace accidents that occur. They will make it a habit of investigating and studying each incident and near incident no matter the seriousness. They then will make necessary changes to policies, procedures and training to prevent similar accidents in the future.

## Lead the way

City and village officials need to lead the way when it comes to the safety of city and village employees. Let everyone know through the decisions that you make that safety training is a priority. Keep open lines of communication and receive input from all employees, which will significantly assist with identifying what particular safety training is needed.

No matter what the task, training should be part of it. Learning about safety doesn't ever end as there is always some new equipment or new safety procedures. ■



*Cedar Creek Fire Department. Photo courtesy of LARM.*

## Longtime Plattsmouth City Administrator to join Nebraska Emergency Management Agency

Longtime Plattsmouth City Administrator Erv Portis joined the Nebraska Emergency Management Agency (NEMA) in September as its next assistant director. Portis, who has served as Plattsmouth's City Administrator since 2007, was named to the NEMA position by Major Gen. Daryl Bohac, Nebraska Military Department adjutant general. He will replace Bryan Tuma, who is retiring in late September.

"Erv Portis brings a blend of experiences to the position of assistant director of the Nebraska Emergency Management Agency that will ensure a smooth transition," said Bohac, who as the Nebraska Military Department adjutant general, also serves as the director of NEMA. "I am impressed with his knowledge and experience in working with the Federal Emergency Management Agency and his appreciation for the value of relationships at the



*Erv Portis, Plattsmouth City Administrator. Staff photo.*

local level. I look forward to working with Erv in serving the citizens of the state."

Portis is a native of Walton and graduate of Waverly High School. He holds a Bachelor of Science in criminal justice from the University of Nebraska Lincoln and Omaha and a Master of Arts in Political Science

from UNL. Portis has worked as a police officer and Lieutenant with Lincoln Police Department and Chief of Police in Papillion.

"I am looking forward to working for the staff at NEMA as well as the citizens of Nebraska," Portis said. "I am excited about the opportunity. Having worked through multiple disasters here in Plattsmouth, I have come to appreciate the NEMA team and the important role it plays in recovery and resilience of communities. I want to be a part of that team."

In following Tuma as assistant director, Portis will assume the senior leadership role at NEMA. As the assistant director of NEMA, he will be responsible for the day-to-day operations of the agency and overseeing the state's response to state and federally declared disasters and emergencies. ■

*Source – NEMA*

### Kearney airport sets all-time monthly passenger record

A record-high number of passengers made July 2021 the busiest month in history at the Kearney Regional Airport. This past month, 3,214 passengers left on a jet traveling to Denver or Chicago and beyond.

Flight fares with SkyWest Airlines from Kearney to Denver or Chicago remain competitive. ■

*Source – City of Kearney*



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*Project leaders, local residents gather in Cozad for the official groundbreaking of Gatewood Village, LLC. State Sen. Matt Williams of Gothenburg stands in center. Photo provided by Nebraska Department of Economic Development.*

## Cozad transforms former school grounds into new rental development

With a little imagination and a big dose of determination, you can accomplish just about anything. Just ask housing leaders in Cozad, where land that once contained the local middle and high school became the site of the official groundbreaking for Gatewood Village – 15 new triplex apartments that address a need for affordable housing to support economic growth.

### Living options

Pat Hosick is executive director of the Cozad Housing Authority, a nonprofit that's on a mission to create living options for low-to-moderate income individuals and families in Cozad. Supplying homes that are accessible to working families, she says, is a key piece for ensuring the city lives up to its economic potential.

“If we want to see Cozad continue to grow and thrive, we have to keep working to create housing that can appeal to working families of a variety of income levels,” Hosick said.

When the old middle school was demolished in 2018, the agency saw an opportunity. After obtaining the vacant land, they teamed up with Cozad Development Corporation (CDC) and Mesner Development to draw up a blueprint leading to today's future builds.

### 15 apartments

The result? Fifteen three-bedroom apartments – five buildings in all, priced for households at or below 60 percent of the area median income – that will not only add to the housing inventory, but could potentially free up space for new families by creating

an attractive option for residents who are ready to downsize.

“These new units are ideal for seniors, small families or anyone looking for something low-cost and low-maintenance but with great amenities,” Hosick said. “When they move, that becomes a new option for another family or young professional coming to town.”

### Project financing

To obtain project financing, the Housing Authority worked side-by-side with Cozad Development Corporation to apply for \$500,000 in HOME Investment Partnerships funding through the Nebraska Department of Economic Development. A federal program, HOME is the nation's largest funding source for

*Continued on page 23*



*Continued from page 22*

rental development targeting low-to-moderate income households.

### **DED help**

“Cozad probably couldn’t have gotten this project off the ground without the support of the Department of Economic Development and the HOME program,” said Jennifer McKeone, Cozad Development Corporation executive director, whose agency leads an array of programs and partnerships designed to spur the city’s growth and quality of life. “HOME and other state resources have played a major role in our community in terms of helping us pursue our vision for economic growth.”

Meanwhile, Mesner Development was able to obtain Low-Income Housing Tax Credit support (LIHTC) to offset the cost to build. The LIHTC

program – administered by the Nebraska Investment Finance Authority – offers a financial tool that, since its inception, has helped dozens of communities across the state, like Cozad, achieve their goals for quality housing development.

### **Investing resources**

“The state has done a terrific job investing resources to allow progressive communities like Cozad, where there are a lot of job openings and economic potential, tackle the financial challenges associated with housing growth,” said Kathy Mesner, whose firm has a track record of innovative design-and-builds in rural Nebraska, including those involving creative reuse.

With today’s new apartments slated to be ready next summer, Hosick says there’s already more brewing on the

housing front, with new projects in the early planning stages in collaboration with the Development Corporation.

“It’s good to see progress,” said Hosick. “Now there’s more work to do. In a community like Cozad, housing will always be an important economic issue. Seeing what we were able to do today is an inspiration for us to keep moving forward.” ■

*Source – Nebraska Department of Economic Development*

**See classified ads  
on page 25**

## ***Directory of Municipal Officials***

### **Position/Information Changes**

<b>Municipality</b>	<b>Title</b>	<b>Delete</b>	<b>Add</b>
Allen	Board Member	Scott Williams	Judy Nice
Alma	Council Member	vacant	Larry Casper
	Clerk	Jessica Miller	CeeAnn Affolter
	Treasurer	vacant	Susie Janssen
Hamlet	Address	480 Main	410 Main Street
Kenesaw	Clerk/Treasurer	Cindy Kiefer	Shelley Dick
Newman Grove	Council President	vacant	Bryon Flood
	Council Member	Bryon Flood	Tom Bagley
	Clerk/Treasurer	Cris Elznic	Shari Auge'
Pilger	Email	VOPilger@cableone.net	clerk@villageofpilger.com

## City of Alliance establishes Utility Assistance Program

The City of Alliance established the City of Alliance Utility Assistance Program to provide residents a voluntary opportunity to contribute to other Alliance residents who need assistance paying their utility bills. All donations provided through the City of Alliance Utility Assistance Program will be used to help residents of the City of Alliance service area to pay their delinquent city utility bills.

**DONATING:** Utility customers of the City of Alliance utilities may add a recurring one-time and/or recurring donation to their monthly utility bill. If residents elect to participate, they complete the bottom portion of a form and return it to the city utility customer service office so that donation(s) may be added to their

utility bills.

**RECIPIENTS:** To be eligible for assistance under this program, applicants must:

1. Complete an application form;
2. Reside in the City of Alliance utilities service area;
3. Be a current utility customer of the City of Alliance;
4. Have a delinquent residential utility bill, subject to disconnect; and
5. Provide proof of income to the agency administering the program. If a resident wants to apply for assistance, please contact the Northwest Community Action office at 308-762-4523 for application assistance.

**DISTRIBUTION:** Northwest Community Action Partnership shall act as

Hometown Alliance



*Neighbors helping Neighbors*

the Utility Assistance Program Service Provider and shall hold all donations in a designated fund and administer the City of Alliance Utility Assistance Program and the distribution of assistance to eligible recipients. Donations may be tax-deductible and a statement of your gift will be provided at year-end as appropriate. ■

*Source – City of Alliance*

### *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.

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## Positions

### **Power Plant Production Manager.**

The Auburn BPW ([www.Auburnbpw.com](http://www.Auburnbpw.com)) is looking to hire a Power Plant Production Manager. This position will be Responsible for the Operation, Maintenance and Repairs of the Auburn BPW Diesel/Gas Generation Plant and Substation Equipment. Duties will include repairs maintenance, operation, monitoring and control of the Power Plant Generation Equipment, Monitoring of the Electrical Distribution and SCADA systems.

For a full job description please contact Auburn Board of Public Works 1600 O Street Auburn NE 68305, email [dhunter@auburnbpw.com](mailto:dhunter@auburnbpw.com) or call 402 274 4981.

Interested applicants can send Resume to the above address, Attention General Manager, or email. Position Open until filled.

**Public Works Director.** City of Papillion, Nebraska seeks to hire a full time Public Works Director for our Public Works Department.

Job information: The Public Works Director is responsible for the daily operations of the Public Works department through the development, coordination, direction and administration of maintenance, repair and

## Positions

operational activities for all functions relating to public works. The Public Works Director will be required to perform duties on an on-call basis, as needed; however, work generally takes place from a state of the art Public Works facility built in 2015. Under the general supervision of the City Administrator, the duties of this position are carried out with wide latitude, judgment, and discretion. This position is salaried/exempt with a starting salary range of \$81,915 - \$112,294 DOQ. Your opportunity to enroll yourself and your family in our excellent benefits package starts on Day One of full time employment.

Our City: Papillion is a rapidly growing community located in the Omaha-Council Bluffs Metropolitan area. Papillion is the economic engine of the fastest growing county in Nebraska. Papillion has become well known nationally as a great place to live, work and play. At the heart of what makes Papillion such an attractive community is our City's mission to ensure a high quality of life for our residents. Our community's success is your opportunity!

How to Apply: Interested applicants should apply online on the City of Papillion's website page at [www.papil-](http://www.papil-)

## Positions

[lion.org](http://lion.org) under Human Resources, Applicant Portal. Position open until filled. EOE

**City Manager.** Ogallala, NE (4,737). Salary: \$86.5K - \$129.8K DOQ. 5-member council. Performs high-level administrative, technical & professional work in directing and supervising the administration of city government & works under the broad policy guidance of the City Council. Complete job description may be viewed at [www.ogallala-ne.gov](http://www.ogallala-ne.gov). Resume with cover letter may be submitted to: Jane Skinner, City Clerk, at 411 East 2nd Street, Ogallala, NE, 69153; or electronically at [citymanagerapplications@ogallala-ne.gov](mailto:citymanagerapplications@ogallala-ne.gov). The position will remain open until filled.

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## Endnotes