

# NEBRASKA MUNICIPAL REVIEW

■ All of Omaha's living mayors agree —  
on one thing: a streetcar

■ Scott Cordes appointed State Fire —  
Marshal

■ NLC: Federal funding for resilient —  
affordable housing

Official Publication of the League of Nebraska Municipalities

**FEBRUARY 2023**



Skyview Park in Norfolk glistens under a thin sheet of ice



*See more photos of winter across the state on page 22*



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**FEBRUARY 2023**

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*Ice coats the trees at Skyview Park in Norfolk following a winter storm in January.*

*Photo by Diane Becker, LARM*

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<b>Drew Cook</b>	Customer Service Specialist
<b>Kyla Brockevolt</b>	Executive Administrative Assistant
<b>James Kelley</b>	Loss Control Specialist

## CALENDAR

Midwinter Conference.....	Feb. 27-28, 2023, Cornhusker Marriott Hotel, Lincoln
NLC Congressional City Conference.....	March 24-28, 2023, Washington, D.C.
Municipal Accounting and Finance Conference.....	June 21-23, 2023, Cornhusker Marriott Hotel, Lincoln
LONM Annual Conference.....	Sept. 27-29, 2023, Cornhusker Marriott Hotel, Lincoln

## Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

### APRIL 2023

#### 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 following Council meeting.....	Clerk publishes official proceedings of meeting. (19-1102)
End of each quarter.....	Report from depository banks. (16-714)
Semiannually.....	Mayor and Council publish a statement of receipts and expenditures (16-722)
Within 20 days after end of month .....	Treasurer files monthly financial report. (16-318)
April 30 .....	Liquor licenses (other than Class C) expire unless renewed. (53-124)
** .....	Clerk must prepare agenda prior to next Council meeting. (84-1411)
On or before May 1 .....	Annual report to governing bodies regarding redevelopment projects (TIF) (18-2117.02)

#### 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 or posts ordinances passed. (17-613)
Within 30 days following Council meeting.....	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month .....	Treasurer files monthly financial report. (17-606)
April 30 .....	Liquor licenses (other than Class C) expire unless renewed. (53-124)
** .....	Clerk must prepare agenda prior to next Council meeting. (84-1411)
On or before May 1 .....	Annual report to governing bodies regarding redevelopment projects (TIF) (18-2117.02)

#### 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 or posts ordinances passed. (17-613)
Within 30 days following Council meeting.....	Clerk publishes official proceedings of meeting. (19-1102)
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Gov. Jim Pillen signed a proclamation declaring February 'Nebraska Mentoring Month' and announced a \$5 million mentoring grant program. Photo courtesy of the Office of the Governor

## Gov. Pillen proclaims February 'Nebraska Mentoring Month' and announced \$5 million mentoring grant program

### DIRECTOR'S MESSAGE



**BY L. LYNN REX,**  
EXECUTIVE DIRECTOR, LNM

*"We make a living  
by what we get, but  
we make a life by  
what we give"*

- Winston Churchill

**G**ov. Jim Pillen invited former Congressional Representative **Tom Osborne**, his former football coach and mentor, to join him at the podium during a press conference on Feb. 7 to underscore the importance of mentoring, especially K-12 students. Gov. Pillen noted, "We know the hope that mentoring gives to kids. There is nothing as rewarding as being a mentor to a young person."

The Governor announced a \$5 million competitive grant initiative available annually to organizations that have provided mentoring opportunities and services for at least 15 years; the \$5 million in grants will be provided to mentoring organizations based on the number of children they serve. Representatives from the following mentorship programs attended the press conference and are eligible to apply for this new competitive grant initiative: Mentor Nebraska, 100 Black Men of

Omaha, Big Brothers Big Sisters of Central Nebraska, Big Brothers Big Sisters of Lincoln, Big Brothers Big Sisters of the Midlands, International Council for Refugees and Immigrants, Kids Can Community Center, Partnership 4 Kids, TeamMates and the Bloc.

Initially, Gov. Pillen stated the primary focus of the mentoring grant program would be to increase the number of volunteers and facilitate mentorships in elementary schools to help students improve their reading skills. The Governor also emphasized that an extra hour of reading every week would help the 25-30 percent of students who are behind in reading proficiency due to the pandemic and other issues. The Governor said, "Every kid doesn't need a mentor, but every kid in Nebraska deserves a mentor."

Coach Osborne highlighted mentoring as "an investment in the future, because

*Continued on page 10*



## THE COMMENTARY:

# All of Omaha's living mayors agree on one thing: a streetcar

Editorial written by:

**OMAHA MAYOR JEAN STOTHERT AND FORMER MAYORS  
PJ MORGAN, HAL DAUB, MIKE FAHEY AND JIM SUTTLE**

Collectively, the five of us signing this editorial have been fortunate to serve as mayors of the City of Omaha since 1989.

Consider for a moment some of the major projects propelling our community forward during those 34 years: A transformative downtown arena and convention center. A world-class performing arts center. Charles Schwab Field Omaha. A revitalized Gene Leahy Mall and soon-to-be-unveiled Heartland of America Park, Lewis and Clark Landing and Kiewit Luminarium, all at The RiverFront. Thriving neighborhoods and business districts. Growing universities.

A world-renowned zoo that gets better each and every year. We could — and should — continue adding to that list.

Though each of us brought a different viewpoint and a different focus to the office of Mayor, we unite today because all five of us agree: Omaha's streetcar plan is a critical investment that will take us into the next 34 years and well beyond.

Moving Omaha forward is not always easy. The five of us can attest to that. We have our differences but all agree that Omaha is able to envision the kind of city it wants to be and then do the hard work — together, as a community — to create that city.

A strong downtown and midtown

Omaha is essential for the health of our growing community. It is how we retain and attract large employers. It is a critical factor in how we keep the next generation of Omahans here. Losing our talent is a losing proposition. On that, we wholeheartedly agree.

We got here carefully. More than three decades have gone into studying the impacts of a streetcar, learning about streetcars, hearing from Omahans and considering all of the different ways such a monumental project could be financed.

Each of us had our own version of the streetcar idea. That's because streetcars bring significant economic

development to their communities and greater opportunities to the cities that build them. We believe a streetcar would create a more vibrant and prosperous Omaha. It would move us toward an Omaha that makes our young people want to stay here — and urges other people to build their lives here.

Last year, Omaha's Urban Core committee developed and shared an Urban Core Strategic Plan that works as a roadmap to getting there. The streetcar is a key component to the plan. That's because it frees space devoted to parking and replaces those empty lots with jobs, housing, cultural amenities and recreational spaces and much more.

This streetcar plan cracks the code: It is designed to literally pay for itself. The plan requires no city-wide tax rate increase, but instead generates funding to pay off the necessary infrastructure bonds through tax increment financing. Developers who are building in Omaha's urban core have voiced support for the Urban Core Strategic Plan and this financing plan. We've found great success using this model in other parts of Omaha; Aksarben Village, for example, was built using this model. And yes, all five of us feel comfort knowing the model has been assessed and reviewed by independent advisors using the most conservative terms.

With its first streetcar line, Omaha opens opportunities to develop extensions to North Omaha, South Omaha, Council Bluffs, Eppley Airfield and beyond. The streetcar system, working in alignment with Metro Transit's expansion plans and thoughtfully managed parking, becomes part of a total mobility system. And so Omaha's downtown becomes more accessible and easier to navigate.

So consider this: Five mayors, representing a range of political perspectives, personalities and styles, are here together as a united front behind one great idea: a modern streetcar system for Omaha.

*- PJ Morgan, Hal Daub, Mike Fahey,  
Jim Suttle and Jean Stothert*

*This column was originally printed in the February 5 issue of the Omaha World Herald. It is being reprinted courtesy of the City of Omaha.*

*"Though each of us brought a different viewpoint and a different focus to the office of Mayor, we unite today because all five of us agree: Omaha's streetcar plan is a critical investment that will take us into the next 34 years and well beyond."*

# Breaking ground & realizing a city's vision

## Mutual of Omaha begins construction on new headquarters

Mutual of Omaha has officially started construction of a new 44-story headquarters tower in downtown Omaha that will support the insurance and financial services company's future growth while contributing to the economic vitality of the city's urban core.

Mutual Chairman and CEO James Blackledge was joined by Omaha Mayor Jean Stothert and other dignitaries for a ceremonial groundbreaking to kick off construction of the 677-foot tall office tower, which is slated to open in 2026.

"Back in 1909, Mutual of Omaha got its start in downtown Omaha. Today, we are inspired by the energy here, and we are excited to be part of it," Blackledge said. "Our investment in a downtown headquarters tower provides a rare opportunity to create a dynamic workplace for our associates while contributing to the strength of our downtown."

Mayor Stothert said the Mutual of Omaha headquarters helps realize the city's vision for downtown Omaha.

"Mutual of Omaha is part of our promising vision for downtown Omaha as a center for business and commerce, urban living, entertainment and recreation," Stothert said. "We applaud Mutual's investment, which will create more development, grow our economy, and draw innovative employers and talent to the urban core."



*This rendering, shared courtesy of Mutual of Omaha, shows the anticipated view of the new Mutual of Omaha headquarters tower from Gene Leahy Mall. The construction of the 677-foot tall office tower kicked off with a groundbreaking ceremony in January. Rendering provided by the City of Omaha.*

Blackledge said the state-of-the-art headquarters tower is designed to support flexible work arrangements, including in-person, remote and hybrid work modes.

"We are creating a hub for work at

Mutual of Omaha – a dynamic and inviting place where our associates come together to work, to collaborate, to innovate, to serve our customers and to build on the culture that makes Mutual of Omaha such a special place,"



he said. “That’s why we are calling our new headquarters Project Beacon. It will be a beacon inviting our employees to a new, modern workplace from which to fulfill our noble purpose of helping our customers protect what they care about and build their financial futures. It also will be a beacon for vitality, development and investment in our downtown.”

Joining Blackledge and Stothert in breaking ground for the tower were Mutual Board of Directors member Rodrigo Lopez, developer Jason Lanoha of Lanoha Real Estate Co., lead architect Jon Pickard of the architecture firm of Pickard Chilton, and Greater Omaha Chamber of Commerce President and CEO Veta Jeffrey.

At 677 feet, the building will feature 44 floors and approximately 800,000 square feet of office, meeting, collaboration and amenity space. It will include parking for 2,200 vehicles in a garage used by Mutual associates during business hours and the community during evening and weekend hours.

Highlighting the structure will be an inviting street-level lobby featuring conference space as well as an “experience center” spotlighting Mutual’s history, brand and impact on customers and the community.

The building will also feature a “sky lobby” that will welcome associates from the parking facility. A multi-level concept on the 16-20<sup>th</sup> floors, it will feature food services with diverse culinary offerings, a fitness center, employee wellness services, concierge technical support services as well as flexible conference and meeting spaces. Highlighting the sky lobby floors are landscaped outdoor terraces with sweeping views and outdoor dining, meeting and fitness spaces for Mutual associates.



*Mutual of Omaha Chairman and CEO James Blackledge, Mayor Stothert, and Mutual of Omaha Board Member Rodrigo Lopez broke ground on at the location of the new headquarters for Mutual of Omaha. Photo provided by the City of Omaha.*

The 44<sup>th</sup> floor will feature conference facilities highlighted by expansive views from a two-story atrium. Senior leaders will be positioned near their teams, eliminating the need for an executive floor.

At 800,000 square feet, the building is sized for a hybrid work model. Mutual’s current headquarters has approximately 1.7 million square feet. “As a customer-focused company, we worked closely with our design team to create a headquarters that is appropriately sized, adaptable to ways of working that may emerge in the future and able to serve our policyholders in an effective and efficient manner,” Blackledge said.

The redevelopment of Mutual’s current home office complex is a key component of the company’s downtown move. “Continued development in Midtown is part of our vision for this project, and the redevelopment of our current home office is an important aspect of our plan,” Blackledge said. “From the University of Nebraska Medical Center

to the Riverfront, linked by the modern streetcar, the potential for development is virtually unlimited.”

“The streetcar will connect people with jobs and housing, access to services, sports, entertainment and recreation,” said Mayor Stothert. “The financial health of our city relies on continued growth and the streetcar will support our strong development pipeline. The momentum we have to forever change our urban core is undeniable.”

The company’s headquarters project is being developed by Lanoha Real Estate Co. Mutual is also working with a design team that includes global architecture firm HOK for interiors; design architect Pickard Chilton of New Haven, CT; architect of record Kendall/Heaton Associates of Houston; and Omaha’s Alvine Engineering. Mutual is also collaborating with Mayor Jean Stothert, the Omaha City Council and various City of Omaha departments on the project.

*Continued on page 11*

# Scott Cordes appointed State Fire Marshal

After serving the City of Norfolk 26 years, Cordes prepares for new chapter

Scott Cordes, Assistant City Administrator and Public Safety Director, has announced his resignation from the City of Norfolk as he has been appointed Nebraska State Fire Marshal by Gov. Jim Pillen.

Cordes was named assistant city administrator and public safety director back in August 2021 after serving as the Norfolk Fire Division's fire chief since 2011.

"Scott has served Norfolk in countless ways over his long career with the City, both in the Fire Division and Administration. He approaches his work with honor and compassion. He will be missed by me and all of Norfolk City staff," said Andy Colvin, City Administrator. "We wish him and his family the best as he moves to a new chapter as Nebraska State Fire Marshal. Nebraskans can rest easy with Scott and his leadership at the helm."

Cordes began his career with the City of Norfolk in 1996 as fire marshal. Soon after, he was promoted to assistant chief before ultimately being named chief.

Among his multiple contributions as fire chief, Cordes assisted in the launch of PulsePoint, a mobile app connected to the City of Norfolk's emergency 911 dispatch center which alerts CPR-trained bystanders when a sudden cardiac arrest occurs near them to provide quicker life-saving efforts. In 2013, Cordes was honored with the Edward I. Vrzal Outstanding Citizen

*"Scott is an exemplary public servant. He devoted his career to making Norfolk a safe and welcoming place to live. He treated everyone with dignity and respect."*

- Mayor Josh Moenning



Norfolk Assistant City Administrator and Public Safety Director Scott Cordes has been appointed Nebraska State Fire Marshal by Gov. Jim Pillen. Cordes has served the City of Norfolk for 26 years. Photo provided by the City of Norfolk.

Award and also received a Lifesaver Award from the Norfolk Fire Division after performing lifesaving CPR while shopping in Omaha with his wife. In 2021, Cordes also was presented the Distinguished Alumni Award representing Southeast Community College from the Nebraska Community College Association.

"I am deeply honored with Governor Pillen's decision to appoint me to the position of State Fire Marshal. My commitment is to do everything I can to lead the agency in a quality manner that it deserves. I am very much looking forward to working together with the Nebraska Fire Service as a whole to support their mission and service to the

citizens of this great state," said Cordes.

"Scott is an exemplary public servant. He devoted his career to making Norfolk a safe and welcoming place to live. He treated everyone with dignity and respect. While we hate to see him go, we are excited to see him step into this important state role," said Mayor Josh Moenning.

"This decision does come with an element of sadness and loss, as the City of Norfolk has been good to me and to my family. I have been blessed to work with some amazing people over the past 26 years and have developed relationships that will last a lifetime. I wish the City of Norfolk and this wonderful community nothing but the very best going forward," Cordes added.

Cordes' last day with the City will be Feb.10. ■

Source – City of Norfolk





Henry L. Wiedrich



Nathan T. Heimes

## **State v. Nebraska Association of Public Employees: Highlighting the importance of ensuring compliance with collective bargaining agreements**

**BY NATHAN T. HEIMES & HENRY L. WIEDRICH,  
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.**

Arbitration can provide an expedient and cost-effective avenue for the resolution of disputes, outside of the normal litigation process. Accordingly, arbitration has become an oft-used form of alternative dispute resolution by contracting parties. This process necessarily involves submitting the dispute to a neutral third-party arbitrator for resolution.

In a recent case, *State v. Nebraska Assn. of Pub. Employees*, 313 Neb. 259 (2023), the Nebraska Supreme Court considered the authority and deference arbitrators are entitled to when resolving disputes submitted to arbitration. In doing so, the Court outlined some of the key factors employers should be aware of regarding an arbitrators authority and review of an arbitrator's award.

### **General Legal Principles**

The Nebraska Uniform Arbitration Act (NUAA) is the primary body of law governing arbitration in the State of Nebraska, and applies to arbitration agreements between employers and employees or between their respective representatives. Although contract provisions agreed to by the parties control over contrary provisions of the NUAA, in the absence of a contrary contract provision, the provisions of the NUAA control.

Under the NUAA, judicial review of an arbitrator's award is circumscribed,

and grounds for vacating or modifying an arbitrator's award are limited. Accordingly, and in furtherance of the purpose of arbitration—the quick resolution of disputes, and the avoidance of the expense and delay that is often associated with litigation—Nebraska courts give strong deference to arbitrators because when parties agree to arbitration, they agree to accept whatever reasonable uncertainties might arise from the process.

Consequently, in deciding whether an arbitrator exceeded his or her powers, the focus is on whether the arbitrator acted within the bounds of contractual authority because it is the parties' agreement from which the arbitrator's power is derived. A court's task is limited to deciding whether the arbitrator (even arguably) adhered to contract interpretation in his or her decision.

### ***State v. Nebraska Assn. of Pub. Employees: Factual Background***

In *State v. Nebraska Assn. of Pub. Employees*, the Nebraska Supreme Court considered the issue of whether an arbitrator exceeded their authority when resolving a dispute between the State of Nebraska, Department of Health and Human Services (DHHS) and the Nebraska Association of Public Employees, Local #61 of the American Federation of State, County, and Municipal Employees (NAPE).

In April 2019, the State of Nebraska and NAPE entered into a labor contract, and DHHS was one of the state agencies bound by the contract. In relevant part, the labor contract provided a grievance procedure through which aggrieved employees can raise allegations of any violations of the contract and provided the employee the ability to submit the final decision of DHHS to arbitration as a final step in the process. The contract further provided limits on an arbitrator's authority and scope of review. Most notably, the arbitrator had no authority to add to, subtract from, or in any way modify the terms of the contract.

The dispute arose in December 2019, when DHHS advised its employees that it was implementing a new dress code in 2020, in place of a previous, long-standing dress code. The new dress code included two substantive changes relevant to the parties' dispute: (1) it removed the discretion provided to administrators and managers to define appropriate attire, and (2) the possible definitions of appropriate attire no longer included "casual," requiring at least business casual attire.

In response, the affected employees filed a grievance alleging violations of two articles of the contract. First, the grievance alleged that DHHS' implementation of the new dress code

*Continued on page 17*

# Mentoring

*Continued from page 4*

the future of this state is young people.” TeamMates, founded by Tom and Nancy Osborne in 1991, has mentored over 45,000 kids to date. Dr. Osborne stated TeamMates began when he asked members of the Nebraska football team to spend time with kids by taking them to movies, reading and other activities. Although at the time he did not realize that he started a “movement,” 18 of the initial 22 students attended college with the money eventually raised by what is now known as the organization “TeamMates” which has expanded to hundreds of school districts throughout Nebraska, Iowa, Wyoming, Kansas and other states.

Former Husker football player **DeMoine Adams**, TeamMates CEO, said during the press conference his organization has a waiting list of over 1,500 students needing a mentor. **Melissa Mayo** of Mentor Nebraska also stressed the need for additional mentors to help young people face the challenges and social issues they

are confronting which seem insurmountable to them. **Jason Jackson**, Director of the Nebraska Department of Administrative Services, announced at the press conference that in addition to the grant program, state employees again will be encouraged to volunteer to mentor in local schools during work hours. Although state employees first began doing so in 2019 after passage of a bill introduced by State Sen. Tom Brewer of Gordon, the pandemic essentially stopped the program which now is being relaunched.

As Winston Churchill stated, **“We make a living by what we get, but we make a life by what we give.”** Gov. Pillen and Dr. Tom Osborne strongly encourage everyone to consider being a mentor. As Dr. Osborne stated, **“We are not tutoring; we are building relationships.”** A mentor simply needs to “show up” with weekly visits to inspire students to focus on their strengths and give them hope for a bright future. ■



*Gov. Jim Pillen*



*Dr. Tom Osborne*

## Minatare welcomes new City Clerk



*City of Minatare welcomes new City Clerk, Angie Hernandez to the team. Photo provided.*

**T**oward the end of 2022, the City of Minatare welcomed a new City Clerk to the team. Angie Hernandez is a 3-year breast cancer survivor. Although this fight was a very tough one for Angie, she credits her family for the love that kept her going. She said she was thinking of them every minute and that was where she got the strength to keep pushing and moving forward. “I feel that after the fight with cancer I can and will be able to do anything I set my eyes on,” Hernandez said.

Angie has worked for Regional West Hospital, a local Mortgage company and Scottsbluff County Court house. She states she saw the ad for the City Clerks position and decided to apply, and is so glad she did.

Angie started with the City of Minatare as City Clerk in November in 2022. Angie sees herself as a visionary who enjoy challenges and is very organized. Angie hopes these attributes, in addition to others, will help her to be an asset to the community.

In addition to her daytime job as a City Clerk, Angie also works a part-time job in the evenings— a routine she has maintained over the past 30 years. She also keeps herself busy through serving as a dorm parent for Western Nebraska Community College for the last 12 years and hosting families for the Pioneer Baseball team, and Special Olympics. She has met a variety of special children from Brazil, Peru, Australia, New Zealand, Puerto Rico, Colorado, Utah, New Mexico and California. ■

*Original content provided by Minatare Council President, Celeste Sanchez.*



*Continued from page 7*

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*Source - City of Omaha*

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*The female mayors in attendance at the 91st Winter Meeting of the United States Conference of Mayors in Washington, D.C. on Jan. 20. Photo provided by the City of Lincoln.*

## U.S. mayors at the White House hear praise from Biden on rebuilding post-pandemic

Topics included rebuilding local economies and reducing barriers for mayors to access American Rescue Plan funding

**W**ASHINGTON — President Joe Biden hosted more than 200 of the nation's mayors at the White House on January 20, highlighting economic growth and the effectiveness of their bipartisan leadership as the country moves on from the COVID-19 pandemic.

"I want to thank the mayors across the country for doing everything they can do to recover and rebuild," Biden said in his speech to the 91st Winter Meeting of the U.S. Conference of Mayors. "More than any other group of people in the world, mayors know that the measure of success isn't how many points you score, but how many problems you fix."

Biden spoke to the ongoing recovery

of American cities and towns under his administration, in light of challenges faced during the pandemic.

He noted that two years ago, 80 million people were unemployed and 70% of mayors across the nation planned to cut jobs in critical industries, including teachers and transit workers.

Two years later, the president said that the effects of the American Rescue Plan and the CARES Act are beginning to bear fruit. Biden said that the unemployment rate is at a 50-year low, fewer than 1.6 million people are unemployed, and the economy has added 11 million jobs since 2020.

"It is clearer than ever that our plan

*Continued on page 16*



*Lincoln Mayor Leirion Gaylor Baird, was among the more than 200 attendees of the 91st Winter Meeting of the United States Conference of Mayors in Washington, D.C. on Jan. 20. Photo provided by the City of Lincoln.*

# Federal funding for resilient affordable housing

**R**esilient housing, homes that are built or retrofitted to be energy efficient and withstand extreme weather events, have numerous benefits.

Resiliency upgrades to housing increase long-term housing stability, improve human health, benefit the local economy, and are essential to ensuring the long-term stability of our communities.

While it is imperative to transition all housing to become more resilient, a special focus is required for resilient affordable housing. Resilient affordable housing is a key component to environmental justice: low-income households and households of color are more likely to live in environmentally vulnerable locations, are least likely to have the resources to relocate or rebuild after a disaster event, and are more likely to be renters who receive disproportionately less federal disaster aid. For households already in financially precarious situations, an extreme weather event can be a breaking point, resulting in the loss of essential employment or homelessness. Amid a nationwide affordable housing shortage, the further loss of affordable housing stock from extreme weather events compounds an existing crisis.

Targeted investment in resilient affordable housing is also essential to reach the housing stock most in need of weatherization and maintenance, as affordable housing stock often consists of older and more vulnerable homes. This presents an opportunity for larger gains in energy efficiency, carbon emissions reduction, safety and structural integrity improvements from retrofits and thus is an effective and fiscally responsible use of city funds and staff time.



*Adobe stock image*

## Federal Funding

Federal funding opportunities exist through the American Rescue Plan Act (ARPA), the Bipartisan Infrastructure Law (BIL), and the Inflation Reduction Act (IRA). Below are some opportunities available to local leaders that support resilient investments in affordable housing.

- ARPA State and Local Fiscal Recovery Funds (SLFRF) – eligible uses include home weatherization upgrades and retrofits for affordable housing.
- IRA Green and Resilient Retrofit Program (GRRP) at the Department of Housing and Urban Development (HUD). Programs are for HUD-assisted properties. Read more about the GRPP in the IRA Guidebook, referenced below.
- Grants and Loans – “improve energy or water efficiency; enhance indoor air quality or sustainability; implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies; or make the properties more resilient to climate impacts.”

- Benchmarking – “energy and water benchmarking ... provide associated data analysis and evaluation at the property and portfolio level.”
- IRA Home Weatherization and Home Energy Upgrades loans, grants and tax incentives – some programs are geared toward multifamily buildings and low-income households.
- Energy Efficiency and Conservation Block Grants (EECBG) – can be used by local governments to create programs for energy efficiency upgrades and renewable energy installations or financing. Read about other eligible uses here.

## Resilient Affordable Housing Implementation

While accessing this once-in-a-generation funding is one critically important step that local leaders can take to increase the availability and longevity of affordable housing stock, there are other critical actions city leaders are taking to create an enabling environment in their communities for resilient affordable housing.



## Programmatic

Develop local programs eligible for federal grants, such as energy efficiency upgrades and structural retrofits for low-income residents and affordable housing developments; strategies to increase resiliency include floodproofing, insulation upgrades, elevated living spaces, stormwater management, and distributed energy. For example, San Antonio's Under 1 Roof Initiative provides funding for residents to retrofit old roofs with new, energy-efficient cooling roofs to lower utility costs and combat heat.

Provide technical assistance to residents and homeowners applying directly for federal loans and tax incentives.

Communicate online and at public meetings the federal, state, and local funding and assistance opportunities available to residents and homeowners.

## Social

Use community land trusts, rent control, housing trust funds, renter protections, zoning reform, and other policy measures to minimize displacement of current residents. In Florida, the Florida

## Learn More

For more information and technical assistance on applying for federal funding, visit the Local Infrastructure Hub at: [localinfrastructure.org](http://localinfrastructure.org)

Keys Community Land Trust helps ensure that low- and middle-income residents can remain in their communities in the wake of increasingly frequent and destructive hurricanes.

Encourage or require Community Benefits Agreements (CBA) with developers. The Union Square Neighborhood Council's CBA with developers in Somerville, MA created more affordable housing, workforce development, and resilience infrastructure alongside new development.

Focus efforts on areas that are the most socially vulnerable, defined by FEMA as "the susceptibility of social groups to the adverse impacts of natural hazards, including disproportionate death, injury, loss, or disruption of livelihood."

## Regulatory

Enact resiliency requirements in building codes and zoning ordinances, such as Norfolk, VA's flood resilience zoning ordinance.

Enact Solar Ready ordinances for new and/or renovated affordable homes/multifamily buildings, like Stearns County, MN solar ordinance, which met local community priorities, secured a pollinator habitat, and provided stormwater management benefits. A model solar-ready code can be found here.

Conduct a risk assessment of current and planned locations for affordable housing and other low-income residential districts; use results to inform Planning Department decisions to incorporate results; communicate results to residents and developers. New York City's Learning Collaborative for Multifamily Housing is one good example of conducting vulnerability assessments of affordable housing stock to prepare for disasters. ■

*Source – This story was originally published by the National League of Cities. To view the full span of links and resources from the article, visit [this link](#).*

## LES partners with Habitat for Humanity to provide low-income households with renewable energy savings

Habitat for Humanity of Lincoln and Lancaster County recently announced that two low-income households in the Lincoln area have been gifted subscriptions through their new Saving with Solar program. This program is expected to save each household \$320 a year, reducing their electricity bills by nearly 25% and displacing 46% of their electricity consumption.

This program consists of a unique partnership between Habitat, Lincoln Electric System – Lincoln's municipal utility – and the Leon Lowenstein Foundation, facilitated by World Resources Institute. Using grant funding from the Leon Lowenstein Foundation, Habitat purchased panels from LES's community solar program and assigned them to two households in need. The credits from the solar panels' production will provide electricity bill savings to these households without the

upfront or monthly costs that such subscriptions typically require – providing these households with electricity savings on day one.

The National Community Solar Partnership (NCSP) has established a goal of providing at least 20% electricity bill savings for residential community solar subscribers. This partnership represents one more step towards this goal. As the spike in energy costs and the impacts of record inflation continue to disproportionately impact low-income households, this program helps alleviate the crisis of energy affordability for Lincoln-area households while supporting clean energy.

This pilot is a preview of the power of collaboration, partnership and innovative solutions. With more funding, Habitat will be positioned to help even more low-income Lincoln-area households save on their electricity bills. ■

*Source – Habitat Humanity of Lincoln and Lancaster County*

# Mayors

*Continued from page 13*

is working — we're rebuilding the economy from the bottom up and the middle out," the president said.

Biden explained that the general framework of this spending reflects his administration's aims to rebuild local economies across the country.

He said he reduced bureaucratic barriers for mayors to access billions of dollars in the American Rescue Plan, so cities can extend more mental health services, law enforcement resources and skilled trade programs.

"What we're trying to do is not just rebuild the economy," Biden said. "But bring back the pride, that sense of belonging, the sense of 'I want to stay where I live.'"

Tennessee, Arizona mayors cited Biden specifically highlighted the work of several individual mayors in using federal funding to pay for community safety improvements during the pandemic.

The president called attention to the work of Mayor Indya Kincannon of Knoxville, Tennessee, who provided premium pay for police officers and firefighters to retain staff during the pandemic.

He also commended Mayor John Giles of Mesa, Arizona, who purchased ambulances and hired behavioral health clinicians for crisis calls with American Rescue Plan dollars.

Biden also mentioned ongoing efforts to rebuild America through the bipartisan infrastructure law, working with Sen. Mitch McConnell, a Kentucky Republican, to provide funding to build a bridge over the Ohio River, and with mayors Andre Dickens of Atlanta and Buddy Dyer of Orlando, Florida, to reconstruct airport terminals.

Biden said more than 20,000 infrastructure projects funded through the law will be underway by the end of 2023.

Biden further touched on the talent of American manufacturing work-

ers and the success of the Chips and Science Act, praising the work of Mayors Kate Gallego of Phoenix and Andy Ginther of Columbus, Ohio, in locking down major contracts to build large manufacturing plants.

"The economy rewards work where we don't need a college degree to provide for your family," Biden said.

"The Chips and Science Act will ensure the United States, not China, is leading the development of new technology," Ginther said during his introductory speech for the president. "It has the potential to turn the old Rust Belt into the new Silicon Valley."

Fentanyl, opioid epidemic The president then talked about current challenges in immigration and the opioid epidemic, noting that more than 100,000 Americans died from fentanyl overdoses over the past two years.

Biden cited more than \$5 billion provided by the federal government for state and local mental health and substance abuse treatment programs. Biden also vented frustrations over the partisan

standstill in Congress over immigration reform, in discussing his trip to the U.S.-Mexico border two weeks ago.

"They (members of Congress) can keep using immigration to try to score political points, or we can try to solve the problem," Biden said.

Biden also alluded to political posturing surrounding the national debt in response to a question from St. Louis Mayor Tishaura Jones, who asked how mayors could support Biden's agenda.

"Be realistic and don't confuse the national debt with debt reduction on a yearly basis," Biden said. "Focus on the things that make your city unique and make you grow."

In his concluding remarks to the mayors, Biden touted the abilities of the United States when the country works as a unit, from the individual mayor up to the top.

"We're the United States of America," Biden said. "When we work together, there's nothing beyond our capacity. Nothing, nothing, nothing." ■

*Source — Nebraska Examiner;  
www.nebraskaexaminer.com*

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*Continued from page 9*

violated Article 1.4 of the contract because (a) the changed definition of appropriate work attire constituted a change in the terms or conditions of employment, (b) this was a mandatory subject of bargaining, and (c) DHHS had not met to bargain with NAPE before implementing the new dress code. Second, the grievance alleged that DHHS violated Article 1.5 because the new dress code was neither reduced to writing nor furnished to NAPE seven days in advance of its effective date, and because the February dress code was not established or amended in a reasonable manner. The grievance sought rescission of the new dress code to allow either the affected employees to be treated as they were before the change or DHHS to meet and bargain with NAPE.

In March 2020, DHHS issued its initial decision on the grievance, concluding that neither Article 1.4 nor 1.5 applied to the new dress code change and denied the relief requested. NAPE then elected to appeal DHHS' decision, and submit the grievance to arbitration. The arbitrator ultimately agreed with the employees' allegations that DHHS violated both Articles 1.4 and 1.5, and directed DHHS to reactivate the long-standing dress code previously in place.

DHHS then filed an application to the district court to vacate the award on the grounds that the arbitrator exceeded their powers under the NUAA. The district court ultimately denied application for vacatur, and confirmed the arbitration award. DHHS then appealed the district court's decision to the Nebraska Supreme Court.

### ***State v. Nebraska Assn. of Pub. Employees: Legal Analysis***

On appeal, DHHS argued the district court erred in concluding that the arbitrator acted within his authority by (1) finding that the arbitration decision included enough findings of fact and

conclusions of law to comply with the contract and (2) finding that the arbitrator did not add to or modify the contract. The Nebraska Supreme Court disagreed with DHHS, concluding the district court did not err in either respect.

The Nebraska Supreme Court began by rejecting DHHS' first assignment of error, holding that in determining whether an arbitrator exceeded his or her powers, a court's review is limited to whether the awarded relief exceeded the limits of the arbitrator's powers as defined by the contract, including explicitly referenced materials or documents.

In so holding, the Court emphasized extensive limitations on a court's review of arbitration awards, and highlighted the strong deference given to arbitrators in fashioning appropriate remedies. Chiefly, a court may not overrule an arbitrator's decision simply because the court believes that its own interpretation of the contract, or of the facts, would be the better one. Rather, an arbitrator's award will likely be confirmed as long as it even arguably construes the contract.

The Court further noted that the arbitrator's job was to determine whether the terms of the contract had been violated. In his award, the arbitrator determined that DHHS violated Articles 1.4 and 1.5 based on the issues presented in the original employee grievance. Thus, the Court found the award reflected that the arbitrator acted within the bounds of his contractual authority, stating that even though the parties may have contracted for a decision that included findings of fact and conclusions of law, it cannot be said that the arbitrator exceeded his powers or materially erred by failing to include sufficient detail in his accompanying decision.

In its underlying reasoning, the Court noted that because an arbitrator is charged with resolving the parties' dispute before him or her by interpreting the contractual rights of the parties,

an arbitrator can only exceed his or her powers by making an award that violates the negotiated rights of the parties with respect to one another. Furthermore, because a court does not revisit an arbitrator's factual findings or conclusions of law, a court's review is of the arbitrator's award, not the arbitrator's reasoning, explanation, decision, or the presence thereof.

The Court then quickly disposed of DHHS' second assignment of error, rejecting DHHS' contentions that the arbitrator's award added a substantive requirement to the parties' contract. DHHS' main argument, in this regard, was rooted in language from the parties' contract that provided the arbitrator had no power to add to, subtract from, or otherwise modify the agreement between the parties.

The Court concluded that the arbitrator acted well within his powers in fashioning the remedy placed in his award, reemphasizing the limitations on the court's review—whether the arbitrator even arguably interpreted the contract when fashioning his award.

In so holding, the Court noted the contract mandated that DHHS only establish or amend work rules in a reasonable manner, and found that it was an arguable interpretation of Article 1.5 that the article requires DHHS' procedures in establishing or amending work rules to be guided by reason. Thus, the arbitrator's decisions detailed in his award were all arguable interpretations of the contract because all were tied to the fact that DHHS failed to act reasonably. As a result, the court found the arbitrator arguably interpreted the contract, and did not add any substantive requirement thereto.

The Court further supported its holding with the reasoning that the second assignment of error was immaterial to the award, noting that an arbitration

*Continued on page 26*

# Nebraska Tourism announces tourism grant recipients

Nebraska Tourism recently announced grant awards totaling \$769,334 in the combined application cycle of the Community Impact and Tourism Marketing Grant programs. The Commission received a total of 88 applications this grant cycle requesting \$1,450,200.61 in funding.

**Who won?**  
The full list of awardees can be found on [VisitNebraska.com](http://VisitNebraska.com).

“The grant programs are designed to encourage communities in all corners of the state to market their destination or event to potential visitors. Increasingly, people are considering Nebraska as a travel destination, so it is important to demonstrate everything our state has to offer,” said John Ricks, executive director of the Nebraska Tourism Commission. “It was exciting to see some new events and places apply or try out something new this year and we are eager to see what impact it has on tourism in Nebraska.” ■

*Source – Nebraska Tourism Commission*



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# Nebraska Game & Parks Commission approves LWCF, RTP grant awards

Numerous communities to implement improvement projects with funding

The Nebraska Game and Parks Commission approved grant awards for the Land and Water Conservation Fund Stateside Assistance Program and the Recreational Trails Program at its meeting Jan. 20 in Lincoln.

Commissioners approved the following grant awards totaling nearly \$1.2 million for the Land and Water Conservation Fund Stateside Assistance Program:

- Wisner, \$299,825 for the Central Park Splash Pad/Restroom Renovation Project;
- Lincoln, \$399,725 for the Mahoney Park Outdoor Inclusive Playground;
- Minden, \$64,313.25 for the Chautauqua Park Splash Pad;
- Coleridge, \$155,000 for the Coleridge Park Improvement Project;
- South Sioux City, \$178,150 for the South Sioux City Recreation Park Improvements; and
- Prague, \$103,184 for the Village of Prague Family Park Improvement Project.

Funding from the LWCF comes from the U.S. Department of the Interior and federal oil and gas leases on the



Adobe Stock image

Outer Continental Shelf.

Commissioners also approved the following recreational trail projects for federal funding through the Recreational Trails Program:

- Fort Calhoun, \$250,000 to build two 8-foot-wide concrete trails totaling 2,475 feet in length that connect existing parks to Fort Atkinson State Historical Park;
- Wausa, \$250,000 to build an 8-foot-wide, 4,484-foot-long concrete recreational trail around the swimming pool and through the city park to serve as a connection between the two;
- Lexington, \$250,000 to build a

10-foot-wide, 4,368-foot-long concrete trail in four segments to close gaps in a loop trail started years ago; and

- Randolph, \$92,256.28 to build an 8-foot-wide, 4,000-foot-long concrete trail within its city park that will connect to another trail under construction.

Funding from the RTP comes from the Federal Highway Administration and is made possible by a portion of the federal motor fuel excise tax paid by users of off-road recreational vehicles. ■

Source – Nebraska Game and Parks Commission



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# LARM: Keep heart healthy

... in February and beyond

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

February is Heart Month and serves as a great reminder that heart health should be a priority for everyone. Here are some ways to keep your heart healthy.

**1. Get your cholesterol checked.**

Levels of 160 or higher mg/dL of low-density lipoprotein (LDL) are considered unhealthy and put you at risk of having a heart attack. If you have high cholesterol, take steps to control it with doctor-recommended lifestyle adjustments or medications.

**2. Another condition that affects heart health is high blood pressure.**

It's estimated that one in two adults in the U.S. has high blood pressure, but only one in five controls it. Any reading over 130/80 mmHg is evidence that the person is at increased risk of stroke or heart disease. Again, your doctor can recommend changes to your diet or lifestyle and decide if and what blood pressure medications are required.

**3. Quit smoking.** According to the U.S. Food and Drug Administration, smoking cigarettes causes damage to the heart and blood vessels. Smoking also causes other serious health issues besides hurting your heart, so look for resources to help if you struggle to quit.



*A sunny day in downtown Valentine. Photo provided courtesy of LARM.*

**4. It's a proven fact that stress physiologically affects heart health.**

Make it a priority to manage your stress with these tips from Harvard University. A.) Stay positive B.) Make time to meditate C.) Exercise D.) Unplug from T.V. news or other stress triggers E.) Find your own techniques to relieve stress

**5. Your weight affects your heart health.**

According to the Centers for Disease Control, over 35% of Nebraskans are obese, and another 35% are overweight, meaning a majority of Nebraskans will have to be concerned about heart disease. Go to <https://www.bmi-calculator.net/> to see if your weight falls in the overweight or obese category. If so, take steps to lose weight. Being overweight increases the chance of becoming diabetic, and research has shown that people with diabetes have triple the risk of having a heart at-

tack. According to a recent study from John Hopkins University, obesity can lead to heart failure—even if a person doesn't have high blood pressure, diabetes, or high cholesterol.

**6. Reduce salt intake.** Research from the New England Journal of Medicine shows that reducing salt intake dramatically reduces the risk of coronary heart disease. Try using lemon pepper or other spices instead of salt.

**7. Brush your teeth.** It may seem crazy, but researchers have proven that the bacteria that causes gum disease can also increase the risk of heart disease. Keeping your mouth clean helps your heart, too.

**8. Drink moderately.** According to John Hopkins University, heavy drinking is linked to high blood pressure, heart failure, and cardiomyopathy, a heart muscle

*Continued on page 22*





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*Frosty trees at the horse arena in Howells.*

# FROSTY & TREES SNOWY DAYS

Photos by:  
Diane Becker - LARM



*Above: The Shelter House cabin Ta-Ha-Zouka Park in Norfolk. Left: Fresh snow at the Village Hall in Malcolm.*

## Heart

*Continued from page 20*

disorder. Moderate drinking is defined as 12 ounces of beer or four ounces of wine in one day.

Cardiovascular disease is the leading cause of death in the U.S. Taking care of yourself and your heart can give you a longer life and a better quality of life. It's Heart Month, but any month is a good time to benefit from heart-healthy practices. ■



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## Positions

**Full-time and part-time police officers, Mitchell.** Hiring full-time and part-time police officer, preferably certified at the City of Mitchell Nebraska. Full time position will have full benefit package: Send resume to: [cityclerk@mittchellcity.net](mailto:cityclerk@mittchellcity.net).

**Police Officer, Cozad.** The City of Cozad has a current job opening and is accepting applications for the position of Police Officer. Certified applicants will be required to complete the field training program. Non certified applicants will be attending basic training at the Nebraska Law Enforcement Training Center with full pay and benefits. Applicants must be at least 21 years of age, possess a high school diploma or equivalent, be of good moral character, have no felony or serious misdemeanor convictions, so they will be eligible to attend the Nebraska Law Enforcement Academy. Applicants must have a valid driver's license. All probationary officers must satisfactorily qualify for and complete a course at the Nebraska Law Enforcement Training Center as required by Nebraska Statute.

Responsible for patrol and investigation work in protecting life and property and enforcing laws and ordinances in Cozad, Nebraska. Will work a variety of shifts and some weekends.

For an application contact Nikki Schwanz, City Administrator at

[cityadmin@cityofcozad.com](mailto:cityadmin@cityofcozad.com). Applications are also available online at <https://cozadne.net/employment-application>.

The salary range for this position is \$48,880 - \$52,750 annually; placement within the range is dependent on qualifications and experience of the selected individual. The City of Cozad also offers a comprehensive benefits package, including fully paid medical insurance for employee and family, retirement plans; Life, AD&D, and Disability Insurance; and paid leave time. The City of Cozad is EOE and Veteran Preference. Applications will be accepted until the position is filled.

**Electric Operator, Cozad.** The City of Cozad is accepting applications for the position of full-time Electric Operator. Salary dependent on skill category placement, such as Apprentice, Journeyman, or Lineman. This individual will perform tasks in the construction and maintenance of the City's electric distribution system as well as help with the mechanical operations of the department facilities, equipment, and inventory. The position includes an excellent benefit package including health insurance, retirement, vacation, sick leave, and paid holidays.

Applications will be accepted until the position is filled. The City of Cozad is an Equal Opportunity Employer and job vacancies are subject to Veteran's preference.

A complete job description and application is available by contacting the City Administrator office at [cityadmin@cityofcozad.com](mailto:cityadmin@cityofcozad.com) or 308-784-3906. Applications are also

available at <https://cozadne.net/employment-application>.

**Power Plant Mechanic/Operator, Wayne.** Power Plant Mechanic/Operator, Wayne. Electric Production Department – Power Plant Mechanic/Operator I for the City of Wayne, Nebraska. Wage rate \$18.64 to \$25.05 per hour, plus excellent fringe benefits including group health and accident insurance, life insurance, retirement plan, and vacation and sick leave. Duties will include performing complex maintenance and repair activities associated with the overhaul of the City's power plant generators, and also assisting in operator duties.

Requires valid Nebraska driver's license. Salary commensurate with experience. Applications available by writing to the Personnel Manager or phoning 402-375-1733. Send completed applications with references to Personnel Office, 306 Pearl Street, PO Box 8, Wayne NE 68787. Applications will be received until position is filled and should be returned to Betty McGuire, City Clerk, with applicable resume. City of Wayne is EEO/AEE.

**Water/Wastewater Operator, Cozad.** The City of Cozad is accepting applications for the position of full-time Water/Wastewater Operator. This individual will perform tasks in the construction and maintenance of the City's water distribution and sewage collection system as well as help with the mechanical operations of the wastewater treatment facilities.

A complete job description and application are available by contacting

*Continued on page 24*

This column is provided, free of charge, for use and reference by Nebraska municipal officials and employees. All others pay 55 cents per word to place ads. Closing date is the first of the month of publication. Ads are subject to editing and will appear once unless otherwise requested. Classified ads also can appear on the League's website at [www.lonn.org](http://www.lonn.org).

## Positions

Nikki Schwanz, City Administrator at [cityadmin@cityofcozad.com](mailto:cityadmin@cityofcozad.com). Applications are also available online at <https://cozadne.net/employment-application>.

The salary range for this position is \$41,600 - \$45,760 annually; placement within the range is dependent on qualifications and experience of the selected individual. The City of Cozad also offers a comprehensive benefits package, including fully paid medical insurance for employee and family, retirement plans; Life, AD&D, and Disability Insurance; and paid leave time. The City of Cozad is EOE and Veteran Preference. Applications will be accepted until the position is filled.

**Chief of Police, Neligh.** The City of Neligh, NE (Population 1,536) an Equal Opportunity Employer is accepting applications and resumes for the position of Chief of Police. To receive an application, request one through the email listed below. Neligh is located in Northeast NE 35 miles west of Norfolk, NE and is the count seat of Antelope County. All applicants must be able to meet the eligibility requirements of the Nebraska Law Enforcement Training Center to include the following: must be a U.S. Citizen, at least 21 years of age, possess a high school diploma or equivalent. Possess a valid driver's license with good driving record. Be of good moral character with NO FELONY or serious misdemeanor convictions. Be willing to sign a release of information from all previous employers including military as a background investigation will be conducted. Pre-employment drug/

alcohol screen is required. Nebraska Certified Officer is preferred but is not required. Applicants must be willing to relocate to Neligh, NE upon start date. All uniforms and duty equipment provided including take home patrol vehicle with in-car laptop, Glock 9mm handgun, AR-15, less lethal shotgun, ballistic vests, Taser X2, In-Car and body worn camera. Benefits include health, life and vision insurance, optional dental insurance, paid vacation, paid holidays, sick leave and retirement. Position will remain open until filled. If you believe you can accept the challenge that law enforcement presents and want to serve and protect the citizens of Neligh by joining the Neligh Police Department and become part of a great community, request an application from the email listed below: [dana@neligh.org](mailto:dana@neligh.org)

**Police Officer, Neligh.** The City of Neligh, NE (Population 1,536) an Equal Opportunity Employer is accepting applications and resumes for the position of police officer. To receive an application, request one through the email listed below. Neligh is located in Northeast NE 35 miles west of Norfolk, NE and is the count seat of Antelope County. All applicants must be able to meet the eligibility requirements of the Nebraska Law Enforcement Training Center to include the following: must be a U.S. Citizen, at least 21 years of age, possess a high school diploma or equivalent. Possess a valid driver's license with good driving record. Be of good moral character with NO FELONY or serious misdemeanor

convictions. Be willing to sign a release of information from all previous employers including military as a background investigation will be conducted. Pre-employment drug/alcohol screen and physical standards test are required. Nebraska Certified Officer is preferred but is not required. Non-Certified candidates must be able to pass admission requirements for the NLETC. Applicants must be willing to relocate to Neligh, NE upon start date. All uniforms and duty equipment provided including take home patrol vehicle with in-car laptop, Glock 9mm handgun, AR-15, less lethal shotgun, ballistic vests, Taser X2, In-Car and body worn camera. Benefits include health, life and vision insurance, optional dental insurance, paid vacation, paid holidays, sick leave and retirement. Position will remain open until filled. If you believe you can accept the challenge that law enforcement presents and want to serve and protect the citizens of Neligh by joining the Neligh Police Department and become part of a great community, request an application from the email listed below: [dana@neligh.org](mailto:dana@neligh.org).

**Director of Communications, Hastings.** Exercises supervision of and coordinates operations of the Emergency 911 Center. Performs a variety of administrative and technical duties in supports of the department.

Qualifications: High school diploma or GED. Prior experience within a 911 Center or equivalent is preferred. Supervisory experience preferred. A Bachelor's degree from an accredited college or university is preferred.



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## Positions

Must possess, obtain and maintain a valid Nebraska Driver's license. Must obtain NCIC and Telecommunicator certification within 12 months of date of hire.

FLSA exempt position, Monday-Friday, day hours. \$55,660 - \$78,769 per year plus excellent benefits. Full job description and application available at: [www.cityofhastings.org/DirCommunications](http://www.cityofhastings.org/DirCommunications). Deadline to apply: 5:00 pm CST, February 24, 2023. EOE/M/F/D/SO/Veteran Preference/Drug-Alcohol-Free Workplace/ E-Verify Participant.

**Electric Commissioner, St. Paul.** The City of St. Paul, Nebraska is accepting applications for a full-time Electric Commissioner. The position comes with a competitive wage and benefit package. For more information regarding the job application or job description, please contact the City Office at 704 6th Street, St. Paul, NE 68873 or call (308)754-4483. Resume can be forwarded to [mhelzer@cityofstpaulne.org](mailto:mhelzer@cityofstpaulne.org). The City of St. Paul is an Equal Opportunity Employer.

**Police Officer, Kearney.** The City of Kearney is recruiting for the position of Police Officer. Interested candidates must be 21 years of age, a U.S. citizen and have a high school diploma or GED, plus one year work experience involving public contact or equal college level coursework and a valid driver's license with no Felony, Domestic Violence, or Serious Misdemeanor convictions. Must possess good moral character as determined by thorough background investigation and meet the Nebraska

Law Enforcement Certification Standards. A 60 minute residency response time is required.

Both Certified and Non Certified are encouraged to apply. Certified Law Enforcement Officers \$61,276 - \$85,506 DOQ; \$6,000 sign-on bonus with 2 years sworn law enforcement experience and 40 hours of sick and vacation available on first day. Non-Certified \$57,687 and 40 hours of sick and vacation available on first day.

Deadline is Thursday, February 22, 2023. Application available at [www.cityofkearney.org](http://www.cityofkearney.org). We do not discriminate on the basis of race, religion, color, sex, age, national origin or disability. EEO with Veteran's preference.

**City Administrator, Fairbury.** City of Fairbury is seeking qualified candidates for position of City Administrator.

With a population just under 4,000, Fairbury is a 2nd class city with a Mayor-Council form of government with an annual budget more than \$30 million. The city is a full-service, offering water, wastewater, sanitation, and electric, as well as library, museum, street, and park departments. Law enforcement is provided by the Jefferson County Sheriff's Department and fire is provided by the RFD.

The city seeks candidates with strong interpersonal & communication. Applicants should have a bachelor's degree in public administration or a related field, master's degree preferred. Work experience may be substituted for education. The successful candidate must be able

to competently create and manage budgets, oversee & develop personnel.

The City of Fairbury offers a competitive salary, DOE and qualifications. Benefits package including medical, dental/vision and paid vacation and sick leave. Employees may also participate in a matching 6% retirement plan. [www.fairburyne.org](http://www.fairburyne.org)

Please apply by submitting a resume, cover letter, & contact info for three professional references to:

Erin Reimer, City Clerk, P.O. Box 554 Fairbury, NE 68352

or email [ereimer@fairburyne.org](mailto:ereimer@fairburyne.org)

Position is open until filled; City of Fairbury is an EOE.

**Police Officer, Beatrice.** The City of Beatrice, Nebraska, is accepting applications for the position of police officer. Prior experience and certification by the Nebraska Law Enforcement Training Center preferred but not mandatory. Applicants must be at least 21 years of age, possess a high school diploma or equivalent, have no felony or serious misdemeanor convictions and possess a valid Nebraska driver's license. Benefits include health and life insurance, retirement, vacation, sick leave, personal leave, paid holidays, and uniforms. Salary wage range is \$21.97-\$29.88. Personal History Statement is online on the City's website. Return Personal History Statement to City of Beatrice, % Erin Saathoff, City Clerk, 400 Ella Street, Beatrice, Nebraska 68310 or [esaathoff@beatrice.ne.gov](mailto:esaathoff@beatrice.ne.gov). ■

# State

Continued from page 17

award will not be vacated on grounds immaterial thereto. The Court found that under the contract, the arbitrator's scope of review was to determine whether the terms of the contract had been violated, and whether DHHS' action was taken in good faith or for cause based on the issues presented in the employee's written grievance. The employee's grievance in this regard alleged a violation of the timing requirements for a written notice prior to the effective date of any newly established rules. The Court reasoned that because the arbitrator found that DHHS violated these notice timing requirements, in that it failed to provide said notice, it was immaterial whether the arbitrator added a substantive requirement to the contract.

## Practical Takeaway & Lesson Learned

For employers, the *State v. Nebraska Assn. of Pub. Employees* case illustrates an important lesson. Employers who are subject to collective bargaining agreements containing grievance procedures and arbitration provisions should be diligent in ensuring their

compliance with the agreement. This proactive attitude can ensure the avoidance of adverse arbitration awards or remedies at the outset. Failure to do so, as the Court's opinion reveals, may result in the remedy for that grievance being placed in the hands of an arbitrator whose ultimate decision enjoys a vast amount of deference, and very limited options for vacating or modifying that decision. As the Court noted various times throughout its opinion, arbitration is far different from adjudication, and when parties agree to arbitration, they agree to accept whatever reasonable uncertainties might arise from the process. ■

*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 authors of this article, Henry L. Wiedrich and Nathan T. Heimes, can be contacted at Cline Williams Wright Johnson & Oldfather, L.L.P., 12910 Pierce Street, Suite 200, Omaha, NE 68144, (402) 397-1700, [hwiedrich@clinewilliams.com](mailto:hwiedrich@clinewilliams.com), [nheimes@clinewilliams.com](mailto:nheimes@clinewilliams.com) or [www.clinewilliams.com](http://www.clinewilliams.com).*

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