

Friend City Council Meeting  
Tuesday, October 3, 2023 7:00 PM

City Hall  
235 Maple Street  
Friend, NE 68359

## **Agenda**

ROLL CALL

ANNOUNCEMENTS: Open Meetings Act

PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

TREASURER'S REPORT

APPROVAL OF CLAIMS AND PAYROLL

APPROVAL OF HOSPITAL FINANCIAL REPORTS

MAYOR COMMENTS

PUBLIC COMMENTS:

NEW BUSINESS

Discussion/Possible Action Brad Slaughter Bond options

Discussion/Possible Action Jake Clouse New insurance policy changes

Discussion/Possible Action Update on 220 W 3rd St

Discussion/Possible Action Bobby Mercier Unite Private Networks

Discussion/Possible Action Building Permit fees

Discussion/Possible Action SDL for American legion post #183 on Nov 11,23

Discussion/Possible Action approve Schrock Subdivision plat map,

Discussion/Possible Action renewal of street superintendent contract with Kirkham Micheal.

DEPARTMENT REPORTS

Friend Community Healthcare Systems

Building Inspector Report

Fire Department Report

Police Report

Public Works Report

Clerks Report

ADJOURNMENT

The Mayor and the Board reserve the right to enter into Executive Session

The Council will review all items above and will take action as deemed appropriate

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**NEBRASKA OPEN MEETINGS ACT**

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**84-1407. Act, how cited.**

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

**Source:** Laws 2004, LB 821, § 34.

**84-1408. Declaration of intent; meetings open to public.**

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.

**Source:** Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

**Annotations**

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

**84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or

advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

**Source:** Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11.

**Annotations**

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

**84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**Source:** Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

**Annotations**

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

**84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.**

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

- (ix) The Nebraska Brand Committee;
- (x) A local public health department;
- (xi) A metropolitan utilities district;
- (xii) A regional metropolitan transit authority;
- (xiii) A natural resources district; and
- (xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

**Source:** Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510,

§ 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12.

### **Cross References**

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.

### **Annotations**

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that

plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

**84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**Source:** Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13.

**Annotations**

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

**84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be

satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

**Source:** Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14.

**Annotations**

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the

truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).

- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of

the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Source:** Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

#### **Annotations**

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information

obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: [http://nebraskalegislature.gov/laws/display\\_html.php?begin\\_section=84-1407&end\\_section=84-1414](http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414)

Date: July 2021



**I pledge allegiance to the Flag  
of the United States of America,  
and to the Republic for which it stands,  
one Nation under God, indivisible,  
with liberty and justice for all.**

# MINUTE RECORD

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## FRIEND CITY COUNCIL MINUTES-REGULAR MEETING September 5, 2023

Mayor Knoke called the regular meeting of the City Council to order at 7:00 p.m. at the City Hall. Advanced notice of the meeting was given by publication in The Sentinel, the appointed method for giving advanced notice. All proceedings shown were taken while the meeting was open to the attendance of the public.

Mayor Judith Knoke presided, and City Clerk John R. Schwab recorded the proceedings. The following Councilmembers were present: Kristen Milton, Jeremy Collier, David Sladek, & Phyllis Schwab. A quorum being present, and the meeting duly convened, the following proceedings were had and done.

Mayor Knoke led the meeting in reciting the Pledge of Allegiance.

As required by the Nebraska Open Meetings Act, Mayor Knoke announced that a copy of the Nebraska Open Meetings Act has been posted on the south door of the City Hall meeting room for all in attendance to review.

Motion by Milton, seconded by Schwab to approve the minutes from August 1st regular meeting. On roll call voting aye Collier, Sladek, Schwab, and Milton. Nays none.

Motion by Schwab, seconded by Collier to approve the minutes from August 29<sup>th</sup> emergency meeting. On roll call voting aye Milton, Sladek, Collier, and Schwab. Nays none.

Motion by Collier, seconded by Sladek to approve the August Treasurer report. On roll call voting aye Schwab, Milton, Collier, and Sladek. Nays none.

Motion by Schwab, seconded by Sladek to approve the claims and payroll. On roll call voting aye Milton, Collier, Sladek, and Schwab. Nays none.

Motion by Schwab, seconded by Collier to approve the Hospital financials. On roll call voting aye Sladek, Milton, Schwab and Collier. Nays none.

The claims approved were as follows: Aug Payroll, 49015.43; EFTPS, 12679.17; NE Dept of Rev SWH, 2147.96; Addison L. Lehr, re 75.00; Aliscia Alley, su 210.95; Ameritas, 5321.18; Aqua-Chem Inc., su 102.23; Ashley Cruz, re 9.75; Axline Lawn & Landscaping, se 15750.00; Baker & Taylor Books, su 69.11; Barco Municipal Products Inc, su 715.05; Beaver Hardware, su 32.36; Black Hills Energy, fe 510.20; Blue Cross Blue Shield, fe 4443.18; Leigha Buresh, re 11.00; Center Point Large Print, su 93.48; Jacob & Johnathan Clouse, fe 850.00; Community Redevelopment Authority, fe 369.81; Criminal Addiction Inc, fe 300.00; Culligan Water Service, su 211.00; Cutting Edge Landscapes LLC, fe 800.00; Danko Emergency Equip Co, su 453.44; Diode Communications, fe 46.45; Donis Painting LLC, se 1680.00; Drake Refrigeration, su 224.00; Dysten B. Collier, re 75.00; Eakes Office Solutions, su 570.24; Emergency Medical Products Inc, su 39.89; FES, se 2000.00; Farmer's Union Cooperative Co., su 809.02; Ferno-

# MINUTE RECORD

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Washington Inc, su 8988.72; First Wireless Inc., su 286.77; Gabrielle Theis, re 75.00; Gale, su 94.46; Isabel C.S. Weber, re 75.00; Jill Milton, re 48.75; Kate Vossler, re 34.50; Kianna Bachle, re 75.00; League of NE Muni./Utilities Sec, fe 737.00; League of NE Municipalities, fe 2894.00; LillyAnn Ellison, re 75.00; Mastiff Systems, se 100.00; Momar, se 1037.03; Mutual of Omaha fe 517.56; NE Public Health Environmental Lab, se 460.00; Nickel Automotive, se 61.80; Diane Odoski, re 407.28; Qwik 6, su 2321.27; Reagan Bartley, re 75.00; Sandry Fire Supply, su 8942.00; Schindler Elevator Corporation, fe 191.46; Seward County Independent, fe 1020.98; Sid Dillon Chevrolet Buick, se 959.39; Marvin Slepicka, fe 2000.00; Aliscia Stutzman, su 45.41; Summit Fire Protection, se 90.00; Taylin B. Schluter, re 75.00; US Cellular, se 366.00; Vincent A. Warner, re 75.00; Warren Memorial Hospital Foundation, 150000.00; Amy Weber, re 17.75; Young's Welding, se 41412.63; Total Claims Approved: 323174.66

Proposed Ordinance# 23-800 was introduced and read by Mayor Knoke. Third and final reading.

## **ORDINANCE NO. 23-800**

AN ORDINANCE TO AMEND CHAPTER 150: BUILDING REGULATIONS AND CHAPTER 154 ZONING REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE WHEN BUILDING PERMITS ARE REQUIRED AND TO ALLOW FOR THE CONSTRUCTION OF ACCESSORY BUILDINGS AS A PRINCIPLE USE, CONSTRUCTION OF DWELLING UNITS, SPECIAL TYPES, AND TO REGULATE SINGLE FAMILY DWELLINGS IN B-1 OR B-2 BUSINESS DISTRICTS, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Motion by Collier, seconded by Schwab to adopt Ordinance No. 23-800. On roll call voting aye Sladek, Milton, Schwab, and Collier. Nays none.

Motion by Schwab, seconded by Sladek to close Maple St and the alley between First St. to Seconded St. Oct 1, 2023, from 11 am to 3 pm for Binzebo celebration. On roll call voting aye Milton, Collier, Sladek, and Schwab. Nays none.

Mary Ann Losh, Friend Historical Society was present to present fact about the grant they are applying for. Kelly Gentrup From SENND was present to explain the rules of the grant.

Motion by Collier, seconded by Sladek to approve the Historical Society's request and move forward with the grant process. On roll call voting aye Schwab, Milton, Collier, and Sladek. Nays none.

The item of SENND contract was moved up as it coincided with the previous topic. Motion by Schwab, seconded by Sladek to renew the contract with SENND. On roll call voting aye Collier, Milton, Sladek, and Schwab.

Bobby Mercier was not present. No action taken.

# MINUTE RECORD

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Motion by Milton, seconded by Schwab to table the discussion of employee raises. On roll call voting aye Sladek, Collier, Schwab, and Milton. Nays none.

The owner of 220 W 3<sup>rd</sup> ST was present to discuss his position with the Council. Officer Hampton Smith gave findings of the report. Motion by Sladek, seconded by Collier, to extend for 30 days to the next council meeting October 3<sup>rd</sup>. On roll call voting aye Schwab, Milton, Collier, and Sladek. Nays none.

Friend Community Healthcare Systems- Mayor Knoke reported for the hospital.

Building Inspector- No report

Fire Department – Fire Chief Brent Milton reported on progress of land purchase. Stated they would like to buy another parcel of land. Motion by Sladek, seconded by Collier to allow the Fire Department to sign purchase agreement for 1 ½ acres of land from Sean McMorris for \$15000.00. On roll call voting aye Milton, Schwab, Sladek, and Collier. Nays none.

Motion by Milton, seconded by Schwab to enter into executive session to discuss employee raises. On roll call voting aye Collier, Sladek, Schwab, and Milton. Nays none Entered executive session 7:57 pm.

Motion by Collier, seconded by Sladek to exit executive session. On roll call voting aye Sladek, Collier, Schwab, and Milton. Nays none. Exited executive session at 8:22 pm.

Motion by Milton, seconded by Collier to approves the raises as presented. On roll call voting aye Schwab abstaining on John Schwab, Sladek, Collier, Milton, and Knoke. Nays none. Schwab Abstain regarding John Schwab.

No further business to come before the City Council, motion was made by Schwab, seconded by Milton, to adjourn the meeting. On roll call voting aye Collier, Sladek, Schwab, and Milton. Nays none. Meeting adjourned at 8:30 p.m.

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Judith K. Knoke, Mayor

ATTEST

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# MINUTE RECORD

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John R. Schwab, City Clerk

I, the undersigned, City Clerk of the City of Friend, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on September 5, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted and were in written form and available for public inspection within ten working days; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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City Clerk

## **NOTICE OF MEETING CITY OF FRIEND, NEBRASKA**

Notice is hereby given that the City Council of the City of Friend, Nebraska will meet at 7:00 p.m. on **Tuesday October 3, 2023**, at the City Hall, which meeting will be open to the public. Agenda for said meeting is kept current and is available in the City Clerk's office during regular business hours. Request to be on the agenda must be in the City Clerk's office 24 hours prior to the start of the meeting.

John R. Schwab, City Clerk

# MINUTE RECORD

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**FRIEND CITY COUNCIL  
SPECIAL MEETING  
September 13, 2023**

Mayor Knoke called the special meeting of the City Council to order at 6:34 p.m. at the City Hall. Advanced notice of the meeting was given by posting notice at three places in town, one method for giving advanced notice. All proceedings shown were taken while the meeting was open to the attendance of the public.

Mayor Judith Knoke presided, and City Clerk John R. Schwab recorded the proceedings. The following Councilmembers were present: Kristen Milton, Phyllis Schwab, and David Sladek. Absent Jeremy Collier. A quorum being present, and the meeting duly convened, the following proceedings were had and done.

As required by the Nebraska Open Meetings Act, Mayor Knoke announced that a copy of the Nebraska Open Meetings Act has been posted on the south door of the City Hall meeting room for all in attendance to review.

Mayor Knoke led the pledge of Allegiance.

Mayor Knoke gave her recommendation to hire for the Maintenance position,

Motion by Sladek, seconded by Schwab to Nathan Hanneman for the Maintenance position. On roll call voting ayes, Sladek, Schwab, and Knoke. Milton Abstain. Nays none. Absent Collier.

No further business to come before the City Council, a motion was made by Schwab, seconded by Milton, to adjourn the meeting. On roll call voting aye Sladek, Milton, and Schwab. Nays none. Absent Collier. Motion carried and meeting adjourned at 6:36 p.m.

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Judith Knoke, Mayor

ATTEST

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John R. Schwab, City Clerk

# MINUTE RECORD

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## FRIEND CITY COUNCIL Tax Request Hearing September 25, 2023

Mayor Knoke called the Tax Request Hearing of the City Council to order at 6:00 p.m. at the City Hall. Advanced notice of the meeting was given by posting notice at three places in town, one method for giving advanced notice. All proceedings shown were taken while the meeting was open to the attendance of the public.

Mayor Judith Knoke presided, and City Clerk John R. Schwab recorded the proceedings. The following Councilmembers were present: Kristen Milton, Phyllis Schwab, David Sladek, and Jeremy Collier. A quorum being present, and the meeting duly convened, the following proceedings were had and done.

As required by the Nebraska Open Meetings Act, Mayor Knoke announced that a copy of the Nebraska Open Meetings Act has been posted on the south door of the City Hall meeting room for all in attendance to review.

Mayor Knoke led the pledge of Allegiance.

Motion by Milton, seconded by Schwab to open the hearing at 6:06 pm. On roll call voting aye Sladek, Collier, Schwab, and Milton. Nays none.

Motion by Schwab, seconded by Sladek at 6:21 p.m. to close the hearing. On roll call voting aye Milton, Collier, Schwab, and Sladek. Nays none.

Motion by Schwab, seconded by Collier to pass Resolution 23-05. On roll call voting aye Sladek, Milton, Collier, Schwab. Nays none.

No further business to come before the City Council, a motion was made by Schwab, seconded by Milton, to adjourn the meeting. On roll call voting aye Collier, Sladek, Schwab, and Milton. Nays none. Motion carried and meeting adjourned at 6:25 p.m.

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Judith Knoke, Mayor

ATTEST

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John R. Schwab, City Clerk

# MINUTE RECORD

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**FRIEND CITY COUNCIL  
Setting of Budget Meeting  
September 25, 2023**

Mayor Knoke called the special meeting of the City Council to order at 6:25 p.m. at the City Hall. Advanced notice of the meeting was given by posting notice at three places in town, one method for giving advanced notice. All proceedings shown were taken while the meeting was open to the attendance of the public.

Mayor Judith Knoke presided, and City Clerk John R. Schwab recorded the proceedings. The following Councilmembers were present: Kristen Milton, Phyllis Schwab, David Sladek, and Jeremy Collier. A quorum being present, and the meeting duly convened, the following proceedings were had and done.

As required by the Nebraska Open Meetings Act, Mayor Knoke announced that a copy of the Nebraska Open Meetings Act has been posted on the south door of the City Hall meeting room for all in attendance to review.

Mayor Knoke introduced and read Ordinance 23-801.

**ORDINANCE NO. 23-801**

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Motion by Sladek, seconded by Schwab to waive the 3 readings of Ordinance. On roll call voting aye Collier, Milton, Sladek, and Schwab. Nays none.

Motion by Sladek, seconded by Schwab to approve Ordinance 23-801. On roll call voting aye Collier, Sladek, Schwab, and Milton. Nays none.

No further business to come before the City Council, a motion was made by Sladek, seconded by Schwab, to adjourn the meeting. On roll call voting aye Sladek, Schwab, Milton, and Collier. Nays none. Motion carried and meeting adjourned at 6:30 p.m.

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Judith Knoke, Mayor

ATTEST

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John R. Schwab, City Clerk

## Treasurers Report September 2023

City of Friend

Account	Fund Name	Beginning Balance	Receipts	Disbursements	Net Change	Ending Balance
100-1000.0	General	(\$128,637.02)	\$56,687.96	\$63,762.27	(\$7,074.31)	(\$135,711.33)
105-1000.0	Police	(\$291,582.16)	\$23,551.03	\$10,182.45	\$13,368.58	(\$278,213.58)
113-1000.0	Community Center	(\$49,358.16)	\$50.00	\$639.44	(\$589.44)	(\$49,947.60)
210-1000.0	Street	\$118,357.03	\$72,719.00	\$6,920.99	\$65,798.01	\$184,155.04
220-1000.0	Waste Management	\$9,478.51	\$8,241.36	\$7,922.90	\$318.46	\$9,796.97
310-1000.0	Fire Maintainence	\$22,392.63	\$5,226.66	\$1,829.16	\$3,397.50	\$25,790.13
315-1000.0	Fire Equipment	\$91,551.79	\$6,376.84	\$9,228.77	(\$2,851.93)	\$88,699.86
340-1000.0	Cemetery Oper	\$59,127.42	\$5,202.99	\$18,262.11	(\$13,059.12)	\$46,068.30
350-1000.0	Cemetery PC	\$1,411.84	\$0.00	\$0.00	\$0.00	\$1,411.84
370-1000.0	Ambulance	\$72,274.35	\$100.00	\$9,846.68	(\$9,746.68)	\$62,527.67
420-1000.0	Park/Pool	(\$139,299.19)	\$33,403.88	\$5,811.34	\$27,592.54	(\$111,706.65)
440-1000.0	Library	\$65,000.28	\$6,362.33	\$2,483.47	\$3,878.86	\$68,879.14
	<b>Total</b>	<b>(\$169,282.68)</b>	<b>\$217,922.05</b>	<b>\$136,889.58</b>	<b>\$81,032.47</b>	<b>(\$88,250.21)</b>

112-1000.0	Sales Tax	(\$4,344.69)	\$0.00	\$763.07	(\$763.07)	(\$5,107.76)
240-1000.0	Water	\$625,255.51	\$39,902.73	\$8,911.44	\$30,991.29	\$656,246.80
250-1000.0	Light	\$805,055.33	\$294.31	\$6,409.88	(\$6,115.57)	\$798,939.76
260-1000.0	Sewer	\$127,956.97	\$23,005.20	\$12,315.09	\$10,690.11	\$138,647.08
	<b>Total</b>	<b>\$1,553,923.12</b>	<b>\$63,202.24</b>	<b>\$28,399.48</b>	<b>\$34,802.76</b>	<b>\$1,588,725.88</b>

430-1000.0	Pool Bond	\$150,175.40	\$40,267.82	\$0.00	\$40,267.82	\$190,443.22
650-1000.0	Street Bond	(\$51,909.81)	\$0.00	\$0.00	\$0.00	(\$51,909.81)
660-1000.0	Hwy Allocation Bond	(\$10,770.01)	\$1,960.38	\$0.00	\$1,960.38	(\$8,809.63)
670-1000.0	Dist/St Imp Bond	\$9,395.23	\$0.00	\$0.00	\$0.00	\$9,395.23
680-1000.0	Improvement Bond	(\$71,923.81)	\$19,513.61	\$0.00	\$19,513.61	(\$52,410.20)
850-1000.0	Wastewater Bond	(\$56,525.00)	\$0.00	\$0.00	\$0.00	(\$56,525.00)
	<b>Total</b>	<b>(\$31,558.00)</b>	<b>\$61,741.81</b>	<b>\$0.00</b>	<b>\$61,741.81</b>	<b>\$30,183.81</b>

500-1000.0	Social Security	\$5,235.69	\$0.00	\$0.00	\$0.00	\$5,235.69
510-1000.0	NE State Tax	(\$10,671.95)	\$0.00	\$0.00	\$0.00	(\$10,671.95)
520-1000.0	Fed Withholding	(\$11,302.08)	\$0.00	\$0.00	\$0.00	(\$11,302.08)
530-1000.0	Garnishment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
540-1000.0	Insurance	(\$152,294.91)	\$0.00	\$4,960.74	(\$4,960.74)	(\$157,255.65)
	<b>Total</b>	<b>(\$169,033.25)</b>	<b>\$0.00</b>	<b>\$4,960.74</b>	<b>(\$4,960.74)</b>	<b>(\$173,993.99)</b>

720-1000.0	Keno Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
730-1000.0	Keno	(\$178.71)	\$0.00	\$0.00	\$0.00	(\$178.71)
760-1000.0	TIFF	(\$173.51)	\$68,191.43	\$68,191.43	\$0.00	(\$173.51)
770-1000.0	Johnson Trust	\$7,226.99	\$0.00	\$0.00	\$0.00	\$7,226.99
800-1000.0	Retirement	(\$3,103.73)	\$0.00	\$0.00	\$0.00	(\$3,103.73)
900-1000.0	Fire Trunk Sinking	\$100,096.84	\$1,852.41	\$0.00	\$1,852.41	\$101,949.25
	<b>Total</b>	<b>\$103,867.88</b>	<b>\$70,043.84</b>	<b>\$68,191.43</b>	<b>\$1,852.41</b>	<b>\$105,720.29</b>

<b>Grand Total</b>	<b>\$1,287,917.07</b>	<b>\$412,909.94</b>	<b>\$238,441.23</b>	<b>\$174,468.71</b>	<b>\$1,462,385.78</b>
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Cash Balance Investments Acct# 705115	\$22,464.09
<b>Bank Balance as of October 3, 2023</b>	<b>\$1,468,448.55</b>

I hereby certify that this report is true & correct to the best of my knowledge.  
John R. Schwab, City Clerk/Treasurer

INVESTMENTS/CD'S		
Friend Rescue 9848		\$6,181.10
Friend Ambulance Service 9537		\$6,536.35
Friend Rescue 1359		\$5,208.90
Keno Reserve Savings		\$9,073.01
Keno-Comm Betterment Sav		\$20,925.45
<b>Total</b>		<b>\$47,924.81</b>

Light Fund 1 (0652)		\$15,379.40
Light Fund 2 (1614)		\$8,265.25
Light Fund 3 (1945)		\$25,290.66
Light Fund 4 (2310)		\$18,733.07
Light Fund 5 (4000)		\$2,537.86
Light Fund 6 (0247)		\$50,676.69
Light Fund 7 (1491)		\$30,522.67
<b>Total Light</b>		<b>\$151,405.60</b>

Street fund 1 (1946)		\$10,116.19
Street fund 2 (5187)		\$2,563.23
<b>Total Street</b>		<b>\$12,679.42</b>

Street Improvement Bond (8334)		\$51,664.87
Street Improvement Bond (8335)		\$51,587.29
<b>Total Street Improv Bond</b>		<b>\$103,252.16</b>

Swimming Pool Bond 5229		\$121,829.68
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Street Improvement 0227		\$60,240.24
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Water Bond 3998		\$10,252.94
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Gilbert Library 5103		\$32,903.06
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Andrew Cemetery 1050		\$15,000.00
Cemetery Fund 0321		\$10,000.00
Cemetery Fund 2037		\$10,000.00
Andrews Cemetery PC 0979		\$5,301.35
Andrews Cemetery PC 0980		\$25,507.29
Andrews Cemetery PC 0981		\$63,838.97
<b>Total Andrews Cem PC</b>		<b>\$129,647.61</b>

<b>Total CD &amp; Bond</b>	<b>\$670,135.52</b>
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# Paycheck Register September 2023

## City Of Friend

Date	Employee	Amount
9/13/2023	Roger Dean Hanneman	\$640.48
9/13/2023	John R Schwab	\$1,609.32
9/13/2023	Heather L. Varney	\$904.89
9/13/2023	Ryan K. Yoder	\$1,303.87
9/13/2023	Kevin Barnard	\$546.67
9/13/2023	Billy Baugh	\$1,733.98
9/13/2023	Dennis Haakenson	\$1,455.72
9/13/2023	Douglas Welch	\$1,330.33
9/13/2023	Lori E Sizer	\$29.09
9/13/2023	Diane P. Odoski	\$520.94
9/13/2023	David Sladek	\$277.05
9/13/2023	Shawn A.R. Gray	\$1,606.46
9/13/2023	Grady Smith	\$1,189.91
9/13/2023	Phyllis Schwab	\$262.05
9/13/2023	Jeremy Collier	\$277.05
9/13/2023	Kristen Milton	\$277.05
9/13/2023	Judith K Knoke	\$415.57
9/27/2023	John R Schwab	\$1,589.56
9/27/2023	Heather L. Varney	\$908.38
9/27/2023	Ryan K. Yoder	\$1,216.22
9/27/2023	Kevin Barnard	\$1,040.71
9/27/2023	Billy Baugh	\$1,758.78
9/27/2023	Dennis Haakenson	\$1,589.98
9/27/2023	Douglas Welch	\$1,423.81
9/27/2023	Lori E Sizer	\$144.48
9/27/2023	Diane P. Odoski	\$413.38
9/27/2023	Shawn A.R. Gray	\$1,606.46
9/27/2023	Grady Smith	\$1,186.54
	<b>Total</b>	<b>\$27,258.73</b>

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**Mayor Judith Knoke**

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**Kristen Milton**

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**Jeremy Collier**

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**Phyllis Schwab**

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**David Sladek**

<b>CLAIMS APPROVAL CUSTOMER DEPOSIT REFUND LIST SEPTEMBER 2023</b>	
<b>CITY OF FRIEND</b>	
<b>NAME</b>	<b>AMOUNT</b>
Slater Wells	\$250.00
Theresa Price	\$100.00
Sandry Cochran	\$65.00
Mike & Marla Weber	\$50.00
<b>GRAND TOTAL</b>	<b>\$465.00</b>

**These claims totaling \$465.00, Were received prior to October 3, 2023, City Council Meeting.  
 Authorization for payment of these claims is hereby given by the Friend City Council.  
 Approved and allowed October 3, 2023.**

\_\_\_\_\_  
**Kristen Milton**

\_\_\_\_\_  
**Mayor Judith Knoke**

\_\_\_\_\_  
**David Sladek**

\_\_\_\_\_  
**Jeremy Collier**

\_\_\_\_\_  
**Phyllis Schwab**

**Blank Claims List SEPTEMBER 2023**

**CITY OF FRIEND**

<u>Vendor Name</u>	<u>Account Description</u>
Bruning Law Group	Legal Fees
Community Redevelopment Authority	Tif receipts from County
Culligan Water Service	Water Service
Farmer's Union Cooperative Co.	Operating Supplies
NE Dept. of Revenue ST	Sales & Use Tax
NE Public Health Environmental Lab	Water Analysis
Norris Public Power District	Purchase of Electricity
One Billing Solutions, LLC	Billing Service
Postmaster	Postage for Utility Bills
Qwik 6	Misc Charges
Visa	Operating Supplies
Waste Connections of Nebraska	Garbage Service
Windstream	Phone Service

Authorization for payment of these claims, upon receipt of invoice, is hereby given by the

**Approved and allowed October 3, 2023**

\_\_\_\_\_  
**Mayor Judith Knoke**

\_\_\_\_\_  
**Kristen Milton**

\_\_\_\_\_  
**Jeremy Collier**

\_\_\_\_\_  
**David Sladek**

\_\_\_\_\_  
**Phyllis Schwab**

**CLAIMS APPROVAL LIST SEPTEMBER 2023**

**CITY OF FRIEND**

<u>Vendor Name</u>	<u>Invoice</u>	<u>Account Description</u>	<u>Amount</u>
34 Electric, LLC	10107	Running Electric to Binzebo	\$6,049.75
AMGL CPA's & Advisors	24792	Audit & Budget Services	\$14,600.00
Ameritas Life Ins. Corp.		RETIREMENT	\$3,508.56
Angela Osborne		Correction for utility Deposit	\$62.34
Aqua-Chem Inc.	00203964	Grease Ban, Sand & Silt remover	\$2,174.31
Baker & Taylor Books	2037801627	1 Adult hardback book	\$17.57
Barco Municipal Products, Inc.	IN-247312	Traffic paint- Blue	\$1,121.00
Beatrice Concrete Co., Inc.		Purchase of road material	\$1,948.86
Beaver Hardware		Operating Costs	\$175.81
Black Hills Energy		Purchase of Natural gas Sept 23	\$314.84
Blue Cross Blue Shield of Nebr	3435846	Health Insurance	\$4,443.18
Blue Valley Door Co., Inc.	38337	New door opener	\$1,500.00
Brother's Equipment	0268328-IN	Hand Sparayer 1.7 gal	\$24.40
Center Point Large Print	2037040	4 large print hardback Christian books	\$93.48
Jacob & Johnathan Clouse		Building Rent	\$850.00
Coast to Coast Solutions	IVC0110154	Halloween Coloring Totes	\$611.71
Creative Product Source, Inc.	CPI100674	Glow Bracelets	\$383.46
Cutting Edge Landscapes LLC	1175	Landscaping at Binzebo Project	\$43,451.15
DHHS - Accounting		Refund for unused LIHWAP-Juan Estrada	\$409.61
Danko Emergency Equipment Co.		Invoice # 130942 and 131351	\$1,226.98
Diode Communications		Internet	\$46.45
EFTPS		Federal Withholding	\$7,386.81
Eakes Office Solutions		Office Supplies	\$1,108.75
Gale	82639341	4 large print hardback western books	\$94.46
HD Arms, LLC		Ammunition 5.56 NATO 55 Grain	\$780.00
HGTV Magazine & Food Network Magazine		1 year magazine subscription	\$12.00
Hometown Leasing	30	Smart Print Agreement	\$93.01
J&C Cemetery Repairs	009170	Stone repairs	\$5,000.00
Joyce Nickel		Reimbursement for IHDE rental	\$100.00
Kirkham Michael	94456	Supertintendent Services	\$1,250.00
Mastiff Systems	INV-1655	Online Backup, Server Maintainance	\$100.00
Chris Michl		Cleaning Service Q3	\$445.20
Midwest Laboratories Inc	1153888	Water Analysis	\$30.55
Miller Seed & Supply Co., Inc.	00270319	Grass Seed	\$56.75
Mussman Excavating LLC	550213	Move Telehandler	\$250.00
Mutual of Omaha		Life, AD&D, STD, & LTD	\$1,096.02
NE Dept. of Revenue SWH		State Withholding	\$578.46
NE Law Enforcmt Train. Ctr.	12676	Patrol Rifle Instructor Recertification Course	\$80.00
Nickel Automotive	13215	Repairs to 2013 Chevy Impala	\$61.80
Nickel Automotive	13312	Repairs to 2013 Cheverolet Impala	\$919.76
Diane Odoski		16 adult fiction books, paper bags, popcorn & treats, Milage	\$407.28
Diane Odoski		4 books, candy, popcorn & treats	\$143.43
One Call Concepts, Inc.	3090132	Locate Requests	\$11.58
Paper Tiger Shredding	186218	Shredding	\$30.00
Postmaster		Postage for Utility Bills Sept 23	\$199.40
Sandry Fire Supply	INV-030261	Pump Tests	\$971.50
Susan Schrock		IHDE rental refund	\$100.00
Seward County Independent		Publication Fees	\$628.27
Marvin Slepicka		Dump Rental/Fee	\$2,000.00
The Pioneer Woman Magazine	0898232202	2 year magazine subscription	\$48.98
US Cellular	060298038	Cellular service	\$609.02
Verizon Wireless	4552271540	Phone Service Sep 23	\$123.13
<b>TOTAL</b>			<b>\$107,929.62</b>

**These claims totaling \$107,929.62, Were received prior to October 3, 2023, City Council Meeting.**  
**Authorization for payment of these claims is hereby given by the Friend City Council.**  
**Approved and allowed October 3, 2023.**

**Kristen Milton**

**Mayor Judith Knoke**

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**David Sladek**

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**Jeremy Collier**

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**Phyllis Schwab**

# WMH dba Friend Community Healthcare System (FCHS)

## Board of Directors Tuesday September 26<sup>th</sup>, 2023 @ 6:00pm

Annual Public Auditor's Presentation

Monthly Public Meeting: The Pour House or Virtual via Microsoft Teams

President: Jen Stutzman VP/Secretary Nick Svehla Mayor: Judith Jewels Knoke Members: Phyllis Schwab & Emmett Beckler

Committees: Building & Maintenance – Nick & Phyllis Finance: Emmett & Medical – Jen & Jewels

### Agenda:

- Roll Call
- Public Comments:
- **Review/Approve** August 29<sup>th</sup> Meeting Minutes..... ATTACHMENT A

### System Sustainability led by John Wilson, CEO

- REH application

### Patient Centered Quality led by Amy Thimm, VP Clinical Services & Quality

- Patient Centered Care Measures ..... ATTACHMENT(s) B
- Avel eCare Utilization - Emergency Department Encounters by John Wright, DON & Becky Shafer, ADON
- Stroudwater Analytics Swingbed Program
- Review/Approve Quality Report

### Pharmacy Reports by Kristi Keller, PharmD)

- **Antimicrobial Stewardship**
  - Review only: 1<sup>st</sup> Quarter in April/2<sup>nd</sup> Quarter in July/3<sup>rd</sup> Quarter in Oct/4<sup>th</sup> Quarter in Jan

### Cost Effectiveness led by Jared Chaffin, CPA; CFO

- Grant Funded - USDA/NRHA “Technical Assistance via Eide Bailey, CPA firm contractor
  - Assessment of Market/Productivity/Strategic Planning/Governance & Leadership/Telehealth
    - PLUS Rural Emergency Hospital Financial Assessment
- Wipfli 2<sup>nd</sup> Uniform Guidance Audit (on Covid funding) - \_\_\_\_\_
- Wipfli site visit for Cost Report Optimization - \_\_\_\_\_
- Utilization Review by **Amanda Gardner**, Director Revenue/Compliance ..... ATTACHMENT C
  - Days in Revenue Cycle compared to Goal of 30
  - Outstanding A/R Balance/TruBridge deployment
- **Review/Approve** August Financials
- **Review/Approve** August Payroll
- **Review/Approve** August Checks

### Credentialing Review/Approve Privileges: by Amy Thimm until hand off to Amanda Gardner

- Temporary (none)
- Appointments: (none) Re-Appointments: (none) Inactivation (none)

### New Business:

- Discussion of job description and contract renewals
- Bank Authorization Signatures

### Old Business:

- 

### Open Discussion:

### Closed Session:

### Adjourn:

FCHS/WMH Board Meetings - handled in accordance with *Open Meetings Act*

Agendas posted in advance at Hospital entrance/Friend City Hall/Friend Post Office – copies available from FCHS Admin.



## BOARD OF DIRECTORS

Tuesday, August 29th, 2023 @ 6:00PM  
Hospital – Meeting Room

Meeting was called to order at 6:00 pm by Jennifer Stutzman

***Rules for Open Meetings Act posted in Conference Room & available by email if needed.***

**Roll Call:**

Present: Nick Svehla, Phyllis Schwab, Emmitt Beckler, Jennifer Stutzman, Jewels Knoke

Absent: NONE

Motion by Schwab to approve July 25th Meeting Minutes; Seconded by Beckler.

**Voting:** Knoke – Yes; Schwab – Yes; Beckler – Yes; Svehla – Yes; Stutzman – Yes; -

**Motion Carried.**

**HEALTH SYSTEM SUSTAINABILITY: JOHN WILSON**

-CEO Transition announcement 5/21 for 9/31

-Sustainability Development Brainstorming w/ Clairrant Partners

-REH designation vs. CAH

Initial Financial Assessment b Eide Bailey

Avel e Care 2 clients in TX referral

-CPSI Thrive Electronic Health Records Software

-Fire Marshall Annual Visit 7/17 Susan Linder approval 8/21 thanks to Alex Titov, Director of Facilities

-Outpatient Initiatives: Osteo Chronic Care, Sleep Study re-certification, Genetic Testing

**PATIENT CENTERED QUALITY: AMY THIMM**

Patient Centered Care Graphics

Stroudwater Swingbed Analytics Program Mid Year Update

Average Daily Inpatient Census reviewed

Avel 100% Utilization Tracking (26/26)

Motion by Knoke to approve Quality Report; Seconded by Schwab.

**Voting:** Knoke – Yes; Stutzman – Yes; Schwab – Yes; Beckler – Yes; Svehla – Yes; -

**Motion Carried.**

**PHARMACY REPORTS: KRISTI KELLER, PharmD**

NONE this month.

**COST EFFECTIVENESS: JARED CHAFFIN**

Wipfli 2<sup>nd</sup> Uniform Guidance Audit

Wipfli site visit for Cost Report Optimization

Grant Funded – Eide Bailey – kick off meeting 6/30 for REH designation

Utilization Review by Amanda Gardner

**FINANCIALS:**

Motion by Knoke to approve July Financials; Seconded by Beckler.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -

**Motion Carried.**

Motion by Knoke to approve July Payroll; Seconded by Beckler.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -

**Motion Carried.**

Motion by Beckler to approve July Checks/Disbursements; Seconded by Schwab.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -

**Motion Carried.**

**CREDENTIALING OF MEDICAL STAFF: AMY THIMM**

Re-Appointments: David Kiple, MD & Todd Kumm, MD (AMI Radiologists)

Motion by Knoke to approve Re-Appointment for the noted above; Seconded by Schwab.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -

**Motion Carried.**

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**OPEN DISCUSSION:**

Rick Blum – 65 patients have transferred records from Beatrice plus more coming

Lockdown 8/29 ended peacefully, everyone applauded for their work

**EXECUTIVE SESSION:**

Motion by Schwab to enter executive session to discuss personnel; Seconded by Beckler.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -  
**Motion Carried.**

Motion by Knoke to exit executive session and resume meeting until the conclusion of the city council meeting; Seconded by Schwab.

**Voting:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes; Svehla – Yes -  
**Motion Carried.**

**NEW BUSINESS:**

Motion by Knoke to approve the appointment of Ron Te Brink, Amy Thimm, and Jared Chaffin as “Interim CEO Administrative Team; Seconded by Beckler.

**Roll Call Voting Called:** Stutzman – Yes; Knoke – Yes; Beckler – YES; Schwab – Yes;  
Svehla – Yes - **Motion Carried.**

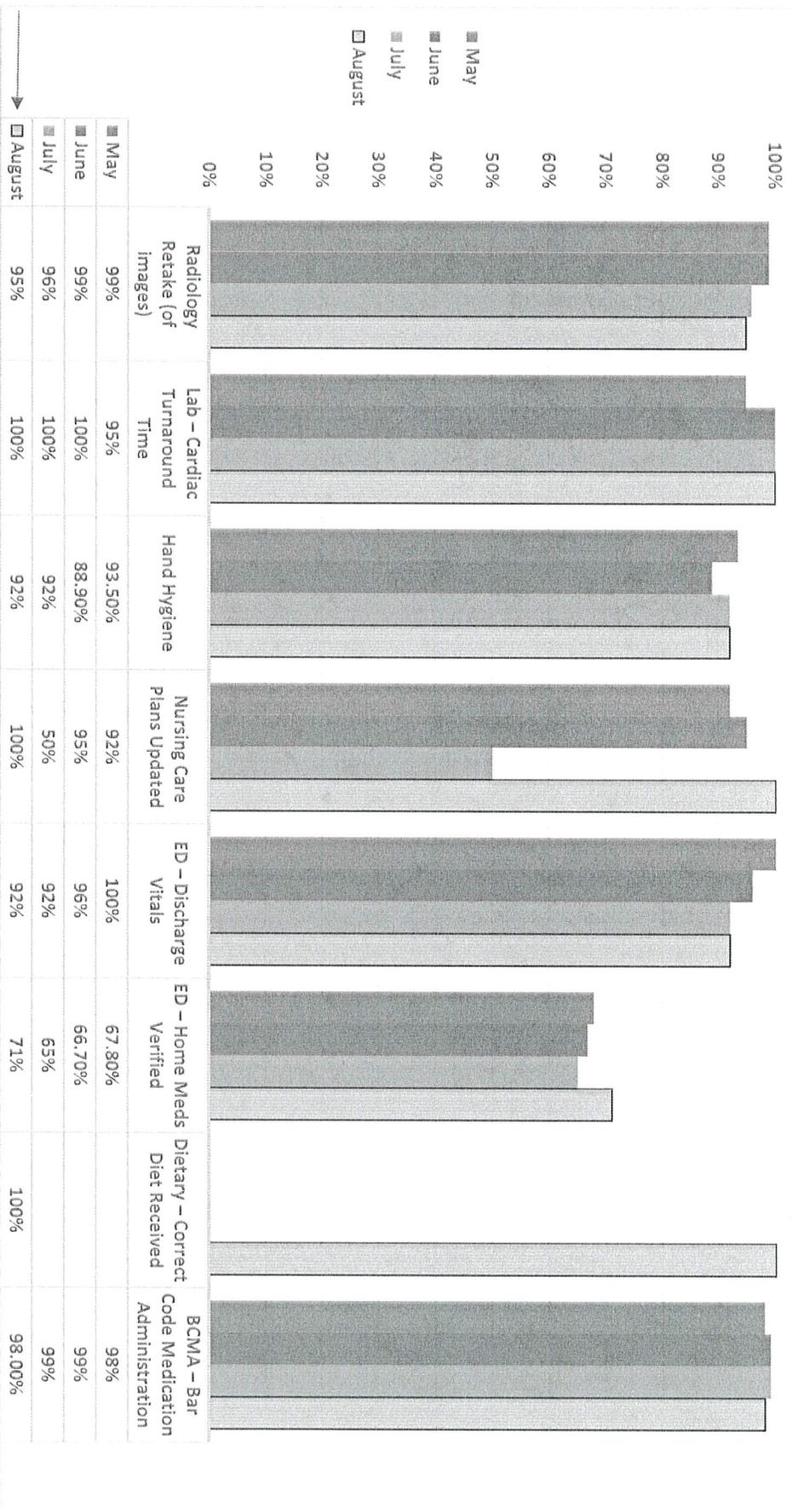
**ADJOURN:**

Motion to Adjourn Meeting at 10:47 pm by Knoke , Seconded by Schwab

**Voting:** Stutzman – Yes; Knoke – Yes; Schwab- Yes; Svehla; Beckler – Yes; – Yes - **Motion Carried.**

*Next monthly meeting September 26th, 2023 @ 6:00pm  
Meeting Minutes to be approved at next meeting.*

### Patient Centered Care Measures 2023



Avel eCare Utilization for August = 21/28; Intubation 1<sup>st</sup> pass success rate = 100% (benchmark = 81%); 100% for Any Pass success rate.

Avel eCare Chest Pain – Median Time to EKG (Benchmark 7 min.) FCHS = 8 minutes – 3 encounters

21/28 on Avel eCare Utilization = 75% for the Month of August.

2<sup>nd</sup> Mock Drill = September 28<sup>th</sup>, Clinical Response Team Trial Call – See Draft Policy



**Utilization Review**  
**August 2023**

**August 2023**

Pending Month End	\$ 33,683.29
Average Days in AR	33
Denial Rate	13.00%

**July 2023**

Pending Month End	\$ 82,957.46
Average Days in AR	58
Denial Rate	14.00%

**Encounters**

Patient Class	Total Visits
Behav. Health	0
Clinic	139
Emergency Dept.	28
Inpatient	1
Meals on Wheels	11
Outpatient	70
Observation	3
Pain Mngmt	4
Recurring	3
Orthopedics	0
Podiatry	4
Swing Bed	6
Physical Therapy	5
Health Fair	3
<b>Total</b>	<b>277</b>

**Claims Submitted**

Patient Class	Total \$ AMT
Behav. Health	\$ 63,109.85
Clinic	\$ 121,671.90
Emergency Dept.	\$ 59,964.07
Inpatient	\$ 2,704.00
Meals on Wheels	\$ 92,919.00
Outpatient	\$ 25,194.54
Observation	\$ 3,447.02
Pain Mngmt	\$ 25,498.10
Recurring	\$ -
Orthopedics	\$ 306.95
Podiatry	\$ 265,457.44
Swing Bed	\$ 30,292.00
Physical Therapy	\$ -
Health Fair	\$ 690,564.87
<b>Total</b>	<b>\$ 1,542,384.30</b>

**Chart Deficiencies**

Patient Class	Total PYMT
Behav. Health	\$ -
Clinic	\$ 42,684.42
Emergency Dept.	\$ 44,521.98
Inpatient	\$ 56,997.39
Meals on Wheels	\$ 1,040.00
Outpatient	\$ 54,717.66
Observation	\$ 7,123.95
Pain Mngmt	\$ 1,243.73
Recurring	\$ 4,792.65
Orthopedics	\$ -
Podiatry	\$ 694.55
Swing Bed	\$ 60,064.23
Physical Therapy	\$ 30,393.99
Health Fair	\$ 190.00
<b>Total</b>	<b>\$ 304,464.55</b>

**Payments Received**

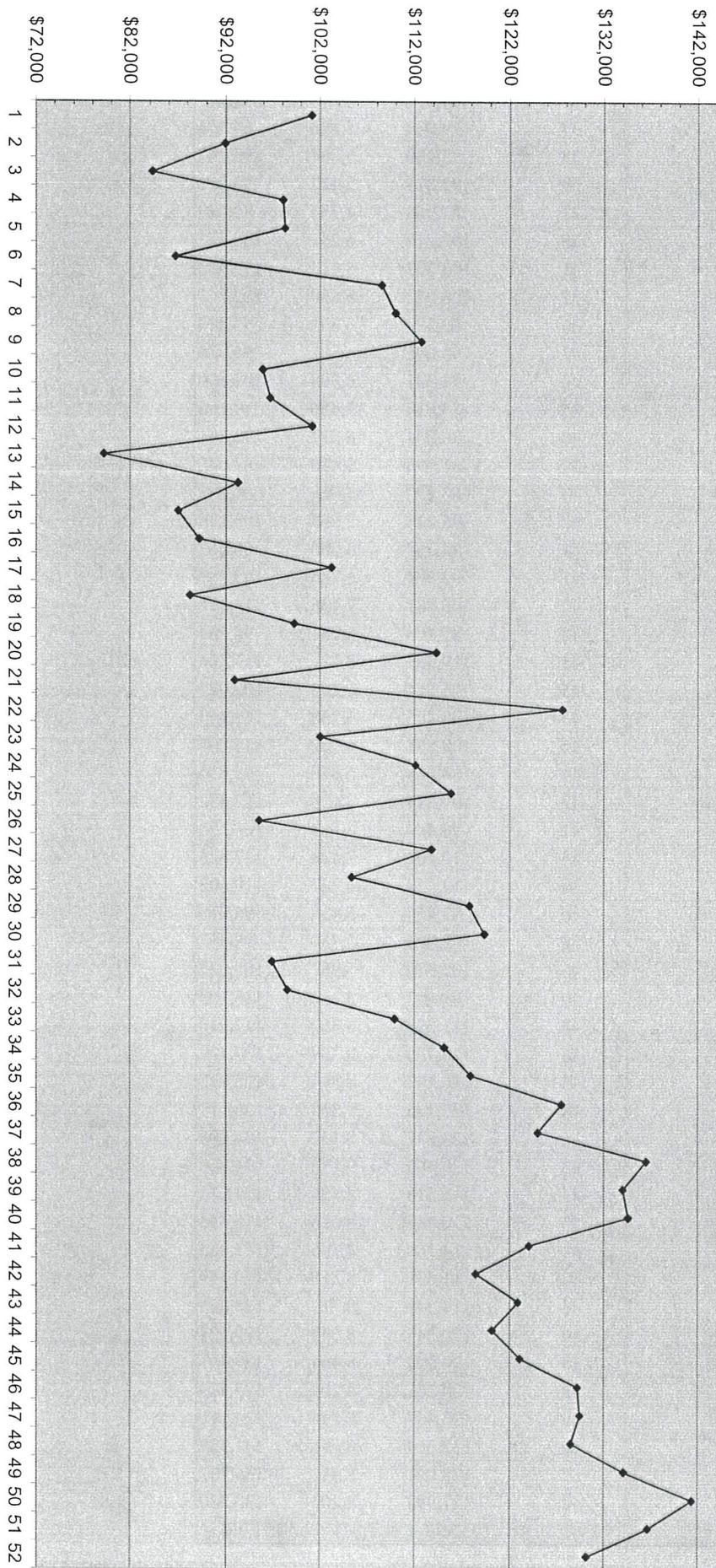
Patient Class	Total PYMT
Behav. Health	\$ -
Clinic	\$ 42,684.42
Emergency Dept.	\$ 44,521.98
Inpatient	\$ 56,997.39
Meals on Wheels	\$ 1,040.00
Outpatient	\$ 54,717.66
Observation	\$ 7,123.95
Pain Mngmt	\$ 1,243.73
Recurring	\$ 4,792.65
Orthopedics	\$ -
Podiatry	\$ 694.55
Swing Bed	\$ 60,064.23
Physical Therapy	\$ 30,393.99
Health Fair	\$ 190.00
<b>Total</b>	<b>\$ 304,464.55</b>

**Outstanding AR**

Financial Class	01-30 Days	31-60 Days	61-90 Days	91+ Days	Totals	Percentage
Blue Cross	\$ 27,553.86	\$ 6,050.27	\$ 800.79	\$ 6,708.64	\$ 41,113.56	2%
Commercial	\$ 9,448.74	\$ 27,558.19	\$ 8,232.21	\$ 139,143.29	\$ 184,382.43	9%
Liability	\$ 3,882.07	\$ -	\$ -	\$ 32,612.51	\$ 36,494.58	2%
MCR Advntg	\$ 66,826.75	\$ 52,509.82	\$ 3,121.15	\$ 75,704.66	\$ 198,162.38	10%
Medicare	\$ 116,575.65	\$ 148,680.00	\$ 56,739.32	\$ 308,104.90	\$ 630,099.87	32%
Medicaid	\$ 13,320.19	\$ 20,940.73	\$ 15,474.24	\$ 152,822.61	\$ 202,557.77	10%
United Healthcare	\$ 5,594.18	\$ 13,332.25	\$ 1,021.91	\$ 113,502.03	\$ 133,450.37	7%
Work Comp	\$ -	\$ 1,270.13	\$ 1,364.73	\$ 7,924.46	\$ 10,559.32	1%
Veterans Affairs	\$ 10,207.35	\$ 6,882.63	\$ 2,208.42	\$ 21,941.86	\$ 41,240.26	2%
Outside Collections	\$ -	\$ -	\$ -	\$ 56,061.51	\$ 56,061.51	3%
Medigap (2ndary)	\$ 68.80	\$ 2,544.87	\$ 4,982.21	\$ 56,727.88	\$ 64,323.76	3%
Self-Pay	\$ 21,417.24	\$ 22,464.60	\$ 31,206.07	\$ 286,642.35	\$ 361,730.26	18%
Payment Arngmts	\$ -	\$ -	\$ -	\$ 35,089.30	\$ 35,089.30	2%
Bad Debt	\$ -	\$ -	\$ -	\$ 4,369.64	\$ 4,369.64	0%
<b>Grand Totals</b>	<b>\$ 274,894.83</b>	<b>\$ 302,233.49</b>	<b>\$ 125,151.05</b>	<b>\$ 1,297,355.64</b>	<b>\$ 1,999,635.01</b>	
<b>Percentage</b>	<b>14%</b>	<b>15%</b>	<b>6%</b>	<b>65%</b>		

Total Insurance A/R \$ 1,542,384.30 77%  
 Total Self-Pay A/R \$ 457,250.71 23%  
 = \$ 1,999,635.01

<b>Bi-weekly payroll</b>					
<b>2 Year Overview</b>					
				<b>Hospital</b>	
	<b>Number</b>	<b>Gross</b>	<b>Share</b>	<b>Total</b>	
<b>Pay Period Ending</b>	<b>of Checks</b>	<b>Pay</b>	<b>of FICA</b>	<b>Payroll</b>	
September 2, 2021	41	95,416	5,704	101,120	
September 16, 2021	37	86,679	5,242	91,921	
October 1, 2021	37	79,035	5,198	84,233	
October 15, 2021	38	92,480	5,587	98,067	
October 29, 2021	39	92,814	5,437	98,251	
November 12, 2021	37	81,966	4,733	86,699	
November 26, 2021	38	102,219	6,251	108,470	
December 10, 2021	41	103,509	6,413	109,922	
December 24, 2021	37	106,923	5,850	112,773	
January 7, 2022	36	89,329	6,551	95,880	
January 21, 2022	43	90,095	6,581	96,676	
February 4, 2022	40	94,241	6,898	101,139	
February 18, 2022	36	73,830	5,336	79,166	
March 4, 2022	40	86,944	6,337	93,281	
March 18, 2022	39	81,095	5,910	87,005	
April 1, 2022	43	83,120	6,065	89,185	
April 15, 2022	42	96,117	7,059	103,176	
April 29, 2022	41	82,267	6,000	88,267	
May 13, 2022	41	92,504	6,783	99,287	
May 27, 2022	42	106,881	7,435	114,317	
June 10, 2022	43	87,193	5,741	92,934	
June 24, 2022	43	119,385	8,181	127,566	
July 8, 2022	43	95,824	6,203	102,027	
July 22, 2022	43	105,405	6,738	112,143	
August 5, 2022	45	108,881	6,922	115,803	
August 19, 2022	44	88,668	6,868	95,536	
September 2, 2022	42	107,214	6,668	113,882	
September 16, 2022	41	98,469	6,884	105,353	
September 30, 2022	43	110,402	7,424	117,826	
October 16, 2022	40	112,478	6,927	119,405	
October 30, 2022	40	91,450	5,428	96,878	
November 14, 2022	38	92,826	5,730	98,557	
November 28, 2022	40	103,870	5,957	109,827	
December 9, 2022	40	108,857	6,252	115,109	
December 23, 2022	45	111,398	6,550	117,948	
January 6, 2023	46	118,723	8,769	127,492	
January 20, 2023	45	116,183	8,844	125,027	
February 3, 2023	48	127,186	9,330	136,517	
February 17, 2023	46	124,872	9,133	134,005	
March 3, 2023	45	125,403	9,156	134,560	
March 17, 2023	44	115,318	8,755	124,073	
March 31, 2023	43	110,440	8,056	118,496	
April 14, 2023	44	114,160	8,703	122,863	
April 28, 2023	43	111,631	8,518	120,149	
May 12, 2023	45	114,347	8,711	123,058	
May 26, 2023	46	120,545	8,649	129,194	
June 9, 2023	48	120,993	8,464	129,457	
June 23, 2023	49	120,266	8,209	128,475	
July 7, 2023	49	125,467	8,644	134,111	
July 21, 2023	50	132,364	8,996	141,359	
August 4, 2023	52	128,021	8,686	136,707	
August 18, 2023	49	121,997	8,203	130,200	
<b>Average</b>	<b>43</b>	<b>103,994</b>	<b>7,071</b>	<b>111,065</b>	



# Friend Community Healthcare System

## Disbursement Report

For the Month of August 2023

<u>Reference</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
325	08/24/23	PEPSI COLA OF HASTINGS	195.13
330	08/09/23	TAMCO CAPITAL CORPORATION	335.00
331	08/02/23	DAKOTA DRUG	401.95
332	08/07/23	Norris Public Power District	5,206.90
333	08/07/23	WESTWAYS STAFFING SERVICES, IN	1,000.00
335	08/08/23	DAKOTA DRUG	0.30
336	08/09/23	WESTWAYS STAFFING SERVICES, IN	1,000.00
337	08/08/23	PENSION PLAN	5,446.03
338	08/02/23	DAKOTA DRUG	66.77
339	08/02/23	DAKOTA DRUG	368.71
340	08/02/23	DAKOTA DRUG	215.40
341	08/16/23	WESTWAYS STAFFING SERVICES, IN	500.00
342	08/01/23	UNUM LIFE INSURANCE	138.60
343	08/15/23	WASTE CONNECTIONS OF NEBRASKA	110.45
344	08/15/23	BLACK HILLS ENERGY	666.69
345	08/01/23	UNUM LIFE INSURANCE	581.14
346	08/09/23	UNUM LIFE INSURANCE	287.64
347	08/15/23	DAKOTA DRUG	56.72
348	08/17/23	NEBRASKA DEPT OF REVENUE	280.70
349	08/21/23	SHARE STAFF	1,000.00
350	08/21/23	WESTWAYS STAFFING SERVICES, IN	500.00
351	08/21/23	PENSION PLAN	4,706.20
353	08/16/23	AIRGAS USA LLC	626.31
354	08/22/23	DAKOTA DRUG	95.12
355	08/25/23	BIO-RAD LABORATORIES	483.88
356	08/29/23	DAKOTA DRUG	423.89
357	08/09/23	UNUM LIFE INSURANCE	1,163.26
359	08/31/23	RAD SOURCE	8,333.34
360	08/31/23	SYSCO LINCOLN	(17.37)
360	08/31/23	SYSCO LINCOLN	12,136.65
363	08/30/23	DAKOTA DRUG	64.92
364	08/18/23	CARDINAL HEALTH 110, Inc.	7,420.48
364	08/21/23	CARDINAL HEALTH 110, Inc.	848.06
49683	08/04/23	WPS GHA	(25,600.00)
49752	08/02/23	CARDINAL HEALTH 110, Inc.	35,000.00
49753	08/02/23	ORTHO-CLINICAL DIAGNOSTICS, IN	1,630.84
49754	08/02/23	QUIDEL CORPORATION	1,570.50
49755	08/03/23	Heather Probasco	28.17
49756	08/07/23	MD PAIN LLC	2,000.00
49757	08/07/23	SHARED MEDICAL SERVC	1,000.00
49758	08/10/23	TMS DESIGN SERVICES, INC	15,000.00
49759	08/11/23	MD PAIN LLC	1,500.00
49760	08/11/23	YORK PHYSICAL THERAPY	4,670.24
49761	08/14/23	WPS GHA	6,421.85
49762	08/15/23	TRANE U.S. INC.	137,250.00
49763	08/15/23	Trent Ries	1,272.78
49764	08/15/23	BEAVER HARDWARE	483.98
49765	08/15/23	DIRECT TV	259.25
49766	08/15/23	PAPER TIGER	60.00
49767	08/15/23	SHARED MEDICAL SERVC	1,375.00
49768	08/15/23	TMS DESIGN SERVICES, INC	5,981.26
49769	08/16/23	Jaime Dodge, MD, LLC	7,220.57
49770	08/17/23	Windstream	511.67
49771	08/21/23	WPS GHA	4,333.29
49772	08/21/23	MAXIM HEALTHCARE SERVICES INC.	1,000.00
49773	08/21/23	MD PAIN LLC	1,000.00
49774	08/21/23	TMS DESIGN SERVICES, INC	2,000.00

49775	08/28/23 MACRO HELIX	29.06
49776	08/30/23 WPS GHA	19,917.00
49777	08/31/23 BLUE CROSS BLUE SHIELD OF NEBR	33,698.71
10000000	08/04/23 Paycor Net Pay	90,719.42
10000001	08/04/23 Paycor Tax Fund	34,317.09
10000002	08/18/23 Paycor Net Pay	87,008.46
10000003	08/18/23 Paycor Tax Fund	32,419.14
		<hr/>
		558,721.15

**Friend Community Healthcare System**  
**Balance Sheet**  
**August 31, 2023**

	<b>8/31/2023</b>	<b>8/31/2022</b>
<b>ASSETS</b>		
Current Assets		
Cash and Equivalents	\$ (112,775)	\$194,274
Patient Accounts Receivable - Net	\$ 481,906	\$3,186,413
Inventory & Prepaid Expense	\$ 94,855	\$131,062
Total Current Assets	\$ 463,985	\$3,511,749
Assets Limited to Use - Debt Service Reserve	\$ -	\$0
Property, Plant, & Equipment - Net of Depreciation	\$ 4,088,427	\$4,264,035
Due from Third Party	\$ 33,076	\$24,000
Other Receivables	\$ -	\$ -
<b>Total Assets</b>	<b>\$ 4,585,488</b>	<b>\$7,799,784</b>
<b>LIABILITIES AND NET POSITION</b>		
Current Liabilities		
Current Portion of Long Term Debt & Capital Lease	\$ 308,722	\$371,290
Notes Payable - Citizen's State Bank	\$ 410,000	\$413,000
Accounts Payable	\$ 1,545,151	\$976,446
Accrued Expenses		
Salaries, Wages, and Benefits	\$ 277,230	\$240,953
Interest	\$ 237,518	\$167,325
Amounts Payable to 3rd Party Payors - CURRENT YEAR	\$ 225,000	\$0
Amounts Payable to 3rd Party Payors - PRIOR YEARS	\$ 927,263	\$1,825,000
Unearned Revenue - Covid	\$ 0	\$1,313,026
Total Current Liabilities	\$ 3,930,884	\$5,307,040
Long Term Debt and Capital Lease Obligation Less Current Portion	\$ 1,985,899	\$2,151,561
Total Liabilities	\$ 5,916,783	\$7,458,601
Net Deficit Beginning of Year	\$ 720,412	\$ (12,190)
Change in Net Position Current Year (Loss)	\$ (2,051,707)	\$ 353,372
Total Net Position (Deficit)	\$ (1,331,295)	\$ 341,184
<b>Total Liabilities and Net Position</b>	<b>\$ 4,585,488</b>	<b>\$ 7,799,784</b>

**Friend Community Healthcare System**  
**Statement of Changes in Net Position Budget**  
**For the 11 Months Ending August 31, 2023**

	8/31/2023	MTD Budget	Variance	YTD 8/31/2023	YTD Budget	Variance
<b>REVENUE</b>						
Net Patient Service Revenue	\$ 229,368	\$ 422,516	\$ (193,148)	\$ 3,156,492	\$ 4,779,557	\$ (1,623,065)
Other Operating Revenue	\$ 3,127	\$ 7,342	\$ (4,215)	\$ 62,202	\$ 80,758	\$ (18,557)
Total Revenue	\$ 232,494	\$ 429,858	\$ (197,364)	\$ 3,218,694	\$ 4,860,316	\$ (1,641,622)
<b>OPERATING EXPENSES</b>						
Salaries and Wages	\$ 222,448	\$ 259,418	\$ (36,970)	\$ 2,797,220	\$ 2,730,425	\$ 66,795
Employee Benefits	\$ 52,644	\$ 43,162	\$ 9,482	\$ 485,351	\$ 600,707	\$ (115,355)
Outside Services	\$ 129,816	\$ 102,687	\$ 27,129	\$ 1,573,425	\$ 1,156,161	\$ 417,264
Supplies and Materials	\$ 45,363	\$ 32,365	\$ 12,998	\$ 405,984	\$ 352,035	\$ 53,950
Depreciation	\$ 43,335	\$ 41,500	\$ 1,835	\$ 476,684	\$ 456,500	\$ 20,184
Total Operating Expenses	\$ 493,605	\$ 479,132	\$ 14,474	\$ 5,738,665	\$ 5,295,828	\$ 442,838
<b>Net Income (Loss) from Operations</b>	<b>\$ (261,111)</b>	<b>\$ (49,274)</b>	<b>\$ (211,837)</b>	<b>\$ (2,519,971)</b>	<b>\$ (435,512)</b>	<b>\$ (2,084,459)</b>
<b>NON OPERATING</b>						
Interest Income	\$ 189	\$ 108	\$ 81	\$ 2,712	\$ (2,383)	\$ 5,095
Interest Expense	\$ (13,677)	\$ (9,450)	\$ (4,227)	\$ (119,739)	\$ (103,950)	\$ (15,789)
Non Capital Grants and Contributions	\$ 158,502	\$ 30,667	\$ 127,835	\$ 585,292	\$ 337,333	\$ 247,958
<b>Increase (Decrease) in Net Position</b>	<b>\$ (116,097)</b>	<b>\$ (27,949)</b>	<b>\$ (88,148)</b>	<b>\$ (2,051,707)</b>	<b>\$ (204,512)</b>	<b>\$ (1,847,195)</b>
<b>Operating Margin</b>	<b>-112.3%</b>	<b>-11.5%</b>		<b>-78.3%</b>	<b>-9.0%</b>	
<b>Total Margin</b>	<b>-49.9%</b>	<b>-6.5%</b>		<b>-63.7%</b>	<b>-4.2%</b>	

**Friend Community Healthcare System**  
**Statement of Changes in Net Position YOY**  
**For the 11 Months Ending August 31, 2023 and 2022**

	8/31/2023	8/31/2022	Variance	YTD 8/31/2023	YTD 8/31/2022	Variance
<b>REVENUE</b>						
Net Patient Service Revenue	\$ 229,368	\$ 235,909	\$ (6,542)	\$ 3,156,492	\$ 4,582,358	\$ (1,425,867)
Other Operating Revenue	\$ 3,127	\$ 7,074	\$ (3,947)	\$ 62,202	\$ 79,160	\$ (16,958)
Total Revenue	<u>\$ 232,494</u>	<u>\$ 242,983</u>	<u>\$ (10,489)</u>	<u>\$ 3,218,694</u>	<u>\$ 4,661,518</u>	<u>\$ (1,442,824)</u>
<b>OPERATING EXPENSES</b>						
Salaries and Wages	\$ 222,448	\$ 228,627	\$ (6,179)	\$ 2,797,220	\$ 2,265,882	\$ 531,338
Employee Benefits	\$ 52,644	\$ 46,367	\$ 6,277	\$ 485,351	\$ 399,804	\$ 85,547
Outside Services	\$ 129,816	\$ 120,956	\$ 8,860	\$ 1,573,425	\$ 1,503,335	\$ 70,090
Supplies and Materials	\$ 45,363	\$ 93,453	\$ (48,090)	\$ 405,984	\$ 421,746	\$ (15,761)
Depreciation	\$ 43,335	\$ 32,743	\$ 10,592	\$ 476,684	\$ 341,080	\$ 135,604
Total Operating Expenses	<u>\$ 493,605</u>	<u>\$ 522,146</u>	<u>\$ (28,541)</u>	<u>\$ 5,738,665</u>	<u>\$ 4,931,847</u>	<u>\$ 806,818</u>
<b>Net Income (Loss) from Operations</b>	<u>\$ (261,111)</u>	<u>\$ (279,163)</u>	<u>\$ 18,052</u>	<u>\$ (2,519,971)</u>	<u>\$ (270,329)</u>	<u>\$ (2,249,642)</u>
<b>NON OPERATING</b>						
Interest Income	\$ 189	\$ 123	\$ 66	\$ 2,712	\$ 1,142	\$ 1,569
Interest Expense	\$ (13,677)	\$ (15,334)	\$ 1,658	\$ (119,739)	\$ (136,501)	\$ 16,762
Non Capital Grants and Contributions	\$ 158,502	\$ (1)	\$ 158,503	\$ 585,292	\$ 759,061	\$ (173,769)
Increase (Decrease) in Net Position	<u>\$ (116,097)</u>	<u>\$ (294,375)</u>	<u>\$ 178,278</u>	<u>\$ (2,051,707)</u>	<u>\$ 353,372</u>	<u>\$ (2,405,080)</u>
Operating Margin	-112.3%	-1.18%	-78.3%	5.76%		
Total Margin	-49.9%	-1.94%	-63.7%	20.72%		

**Friend Community Healthcare System**  
**Statement of Cash Flows**  
**For the 11 Months Ending August 31, 2023**

	MONTH 8/31/2023	YTD 8/31/2023
<b>OPERATING ACTIVITIES</b>		
<b>Increase (Decrease) in Net Position - CURRENT OPERATING YEAR</b>	(116,097)	\$ (2,051,707)
LESS: Items that consumed current year cash	-	\$ 1,711,418
ADD Depreciation - DOES NOT USE CASH	43,335	\$ 476,684
LESS Recognition of Previous Unearned Revenue	-	\$ (306,538)
Sub Total	\$ (72,762)	\$ (170,143)
(Increase) / Decrease in Patient Accounts Receivable - NET	27,778	\$ 110,889
(Increase) / Decrease in Inventory / Prepaid	11,563	\$ (37,856)
(Decrease) / Increase in Accounts Payable	(97,062)	\$ 879,358
(Decrease) / Increase in Accrued Expenses	(8,439)	\$ 312,904
(Decrease) / Increase in Amounts Payable to 3rd Party Payors	-	\$ 820,821
<b>Total Cash Generated (Used) by Operating Activities</b>	<b>\$ (138,922)</b>	<b>\$ 1,915,973</b>
<b>INVESTING ACTIVITIES</b>		
Net (Purchase) or Sale of Net Property, Plant, & Equipment	-	\$ (2,849,082)
(Increase) / Decrease in Other Receivables	-	\$ 11,509
<b>Total Cash Generated (Used) by Investing Activities</b>	<b>\$ -</b>	<b>\$ (2,837,573)</b>
<b>FINANCING ACTIVITIES</b>		
Net Advance (Paydown) of Debt and Capital Lease Obligation	651	\$ 650,129
(Increase) / Decrease in Debt Service Reserve Funds	-	\$ 114,760
<b>Total Cash Generated (Used) by Financing Activities</b>	<b>\$ 651</b>	<b>\$ 764,889</b>
<b>NET INCREASE / (DECREASE) TO CASH</b>	<b>\$ (138,271)</b>	<b>\$ (156,711)</b>
Cash Balance Beginning of Period	25,495	\$ 43,936
<b>Cash Balance End of Period</b>	<b>\$ (112,775)</b>	<b>\$ (112,775)</b>

## APPENDIX L

### PERMIT FEES

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

**User note:**

*About this appendix: Appendix L is intended to provide guidance to building departments in their efforts to set fees for building permits. This appendix provides examples that may be used as a reference when setting fee schedules and are not intended to be literally applied.*

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, up to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof

**Special Designated License  
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

American Legion DBA Friend Ford / Banka Post 183  
Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

136 Maple Friend NE 68359  
Retail Liquor License Address or Non-Profit Business Address

47-6034001  
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only  
Event Date(s): 11-11-2023

Event Start Time(s): 5:00 PM

Event End Time(s): 1:00 AM

Alternate Date: None

Alternate Location Building & Address: None

Event Building Name: Friend Ford / Banka Region Hall

Event Street Address/City: 136 Maple Friend

Indoor area to be licensed in length & width: 60 X 20

Outdoor area to be licensed in length & width: \_\_\_\_ X \_\_\_\_ (Diagram Form #109 must be attached)

Type of Event: Fundraiser Estimate # of attendees: 75

Type of alcohol to be served: Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Brian Brahmstedt Event Contact Phone Number: (402) 641-8288

Event Contact Email: bvbrahmstedt@hotmail.com

\*Signature Authorized Representative: [Signature] Printed Name Brian V. Brahmstedt

*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.*

\*Retail licensee – Must be signed by a member listed on permanent license  
\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves  
the issuance of a Special Designated License as requested above. (Only one should be written above)

\_\_\_\_\_  
Local Governing Body Authorized Signature Date

September 28, 2023

RE: Contract for Professional Engineering Services  
Street Superintendent  
Friend, Nebraska

John Schwab, City Clerk  
City of Friend  
235 Maple Street  
Friend, Nebraska 68359

Dear John:

Kirkham Michael is pleased to submit this letter agreement to provide professional engineering services relative to the completion of Street Superintendent Services as required by the Nebraska Board of Classifications and Standards. We have consolidated the best talent possible for this project and each member of the Kirkham Michael team is committed to ensuring the success of this project.

### ***Scope of Services***

The following services will be provided in connection with this project.

#### ***Street Superintendent Services***

1. Review & Update the Lane Mile Report
2. Preparation of or the assistance with the Standardized System of Annual Reporting (SSAR) forms
  - NBCS 1a and 1e – Budget & Expenditure Report
  - NBCS 2 – Financial Report
  - NBCS 3 – Material & Inventory Report
  - NBCS 4 – Machinery & Equipment Inventory Report
  - NBCS 5 – Equipment Cost Report
  - NBCS 6 – Certification
  - Review & Update the Lane Mile Report
3. Preparation of the Annual Reporting of One- and Six-Year Plans
  - NBCS 7 – One- and Six Year Plan Highway & Street Improvement Plan
  - NBCS 8 – Summary of the One Year Plan
  - NBCS 9 – Summary of the Six Year Plan
  - NBCS 10 – Notification of Revision of One Year Plan
  - NBCS 11 – Report of Previous Year Highway or Street Improvement
  - Preparation of the One- and Six-Year Plan Sheets



4. Provide information for the Public Hearing on the One- and Six-Year Plan.
5. Highway Superintendent will visit up to four times throughout the calendar year upon request by the City. Visits may consist of project review, council meeting attendance, or other purposes as requested by City personnel.

### ***Other Conditions***

***Equal Opportunity.*** In the performance of this Contract, Kirkham Michael and its subconsultants shall not discriminate against any employee, or applicant for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions, or privileges of employment, on the basis of race, color, religion, sex, disability, marital status, national origin or age.

***Compliance with Laws.*** Kirkham Michael and all its subconsultants shall comply with all laws and regulations enacted and promulgated by the United States, the State of Nebraska, or any political subdivision thereof which govern the conduct of the consultant or subconsultants during the performance of their obligations under this Contract, and they shall be deemed to be included in this Contract as though written out in full in this Contract.

***Amendments.*** This Contract shall not be amended or modified except by written amendment executed by both parties hereto.

***Binding Effect.*** This Contract shall be binding upon the parties, their successors, and assigns.

***E-Verify.*** All consultants performing work hereunder shall be required to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

### ***Fee Proposal***

Compensation to complete the task described above will be charged at an hourly rate of \$225.00 per hour for Highway Superintendent and \$86.00 per hour for Clerical, plus direct project related expenses, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). You will be invoiced monthly for services rendered during the preceding month.

Work items not addressed in the scope of work included in this contract shall be considered extra work, and may be completed if required, at additional cost, to be negotiated at the time the work is found necessary.



The Terms and Conditions (Exhibit A) that are attached to this Agreement shall be considered incorporated herewith and shall become an integral part of this Agreement.

If the above-described items are satisfactory to the City, please sign, date, and return this letter agreement. Receipt of this letter contract will be considered our notice to proceed with the work.

Sincerely,

KIRKHAM, MICHAEL & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Daniel L. Sitorius'. The signature is fluid and cursive.

Daniel L. Sitorius, P.E.  
Project Manager

DLS/seb

Copy to: J. Frederiksen – Kirkham Michael Omaha

**ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

\_\_\_\_\_  
City of Friend

\_\_\_\_\_  
Date

# Exhibit A



## General Terms and Conditions

- 1. AUTHORIZATION TO PROCEED**

Signing of the accompanying agreement for engineering surveying or related services shall be authorization by the Client for Kirkham Michael & Associates, Inc. (Kirkham Michael) to proceed with the work described, unless otherwise stated in the agreement form.
- 2. STANDARD OF PRACTICE**

Services performed by Kirkham Michael under this agreement will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in the agreement or in any report, opinion, document, or otherwise.
- 3. INVOICING AND PAYMENT**

The client, recognizing that timely payment is a material part of the consideration of this agreement, shall promptly pay Kirkham Michael for services performed in accordance with the rates and charges set forth herein. Invoices will be submitted by Kirkham Michael on a monthly basis and shall be due and payable upon receipt. The client shall pay an additional charge of one and one half percent (1.5%) (or the maximum percentage allowed by law, whichever is lower,) of the invoiced amount per month for any payment received by Kirkham Michael more than thirty (30) calendar days from the invoice date. Payment thereafter shall first be applied to accrued interest and then to principal unpaid amount.

If the client for any reason fails to pay the undisputed portion of Kirkham Michael's invoices within thirty calendar days from the invoice date, Kirkham Michael may cease work on the project and the client shall waive any claim against Kirkham Michael and shall defend and indemnify Kirkham Michael from and against any claims for injury or loss stemming from Kirkham Michael's cessation of services. Client shall also pay Kirkham Michael the cost associated with premature project demobilization. In the event the project is remobilized, client shall also pay the cost of remobilization and shall renegotiate appropriate contract terms and conditions such as those associated with the budget, schedule or scope of services.

If the client objects to all or a portion of the invoice, the client shall so notify Kirkham Michael in writing within ten calendar days of the date of the invoice in question, and shall pay that portion of the invoice not in dispute. In the event any bill or portion thereof is disputed by the client, client shall notify Kirkham Michael within ten (10) calendar days of the date of the invoice in question. Client and Kirkham Michael shall work together to resolve the matter within sixty (60) calendar days of its being called to Kirkham Michael's attention. If resolution of the matter is not attained within sixty (60) calendar days, either party may terminate this agreement.
- 4. ADDITIONAL SERVICES**

Any services beyond those specified in the agreement will be provided for separately under an additional agreement or a supplemental agreement.
- 5. CONSTRUCTION COST ESTIMATES**

Construction cost estimates provided by Kirkham Michael are prepared from experience and judgment. Kirkham Michael has no control over market conditions or construction procedures and does not warrant that proposals, bids or actual construction costs will not vary from Kirkham Michael estimates.
- 6. LIMITATION OF LIABILITY**

In order for the client to obtain the benefits of a fee which includes a lesser allowance for risk funding, the client agrees to limit Kirkham Michael's liability arising from Kirkham Michael's professional acts, errors or omissions, such that the total aggregate liability of Kirkham Michael shall not exceed Kirkham Michael's total fee for the services rendered on this project, or the amount of fifty thousand dollars (\$50,000), whichever is less.
- 7. CONSEQUENTIAL DAMAGES**

The client shall not be liable to Kirkham Michael and Kirkham Michael shall not be liable to the client for any consequential damages incurred by either party due to the fault of the other, regardless of the nature of this fault or whether it was committed by the client or Kirkham Michael, their employees, agents, or subcontractors. Consequential damages include, but are not limited to, loss of use and loss of profit.
- 8. INDEMNIFICATION**

Client and Kirkham Michael, their respective officers, employees, agents, and representatives, each agree to indemnify and hold the other harmless, from and against liability for claims, losses, damages and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. IN the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Client and Kirkham Michael, they shall be borne by each party in proportion to its negligence.
- 9. OWNERSHIP OF DOCUMENTS**

All plans, drawings, reports, notes, calculations, estimates and other documents prepared by Kirkham Michael as instruments of service shall remain the property of Kirkham Michael, and copies will be provided at the request of the client.
- 10. TERMINATION**

In the event termination becomes necessary, the party (client or Kirkham Michael) effecting the termination shall so notify the other party and termination will become effective fourteen (14) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination or the cause of termination, the client shall within thirty (30) calendar days of termination remunerate Kirkham Michael for services rendered and costs incurred up to the effective time of termination, in accordance with Kirkham Michael's prevailing fee schedule and expense reimbursement policy.
- 11. GOVERNING LAW**

This agreement is to be governed by and construed in accordance with the law of the principal place of business of Kirkham Michael.
- 12. CONTROLLING AGREEMENT**

The agreement and these terms and conditions express the entire agreement between the parties. These terms and conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, notice to proceed, or like document regarding Kirkham Michael's services. If any one or more of the provisions contained in this agreement shall be held unenforceable, the enforceability of the remaining provisions shall not be impaired.



### Items Needed for SSAR Forms

1. Beginning Street Fund balance as of October 1, 2022.
2. Ending Street Fund balance as of September 30, 2023.
3. Supply a detailed breakdown of the Actual 2022-2023 Expenditures for the Street Fund. Include such items as: Salaries, Street Lights, Insurance, Equipment Parts, Equipment Fuel, Gravel, Snow Removal, Equipment Purchases and Street Improvements.
4. Supply a breakdown on the Actual 2022-2023 Revenue for the Street Fund. Include such items as: Property Tax, Transfers from other funds, Misc. Revenue, Highway Allocations and Incentive Pay you received.
5. Supply a copy of your 2023-2024 Street Fund Department Budget.
6. Estimated Local Option Sales Tax revenue from motor vehicles for next fiscal year (if applicable).
7. Inventory of any street material & supply inventory on hand and the unit price as of September 30, 2023. Include only **large** amounts of gravel, culverts, etc.
8. List any street machinery & equipment inventory changes from last year's report. Include make, model, serial number, costs, etc.
9. Street equipment costs for the year, including gas, tires, and repairs on each piece of equipment used on the streets and hours or miles operated, if available.



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## 1&6 Report

Here is the general timeline of the 1 & 6 report for before, during, and after your meeting.

Although the filing of the One- and Six-Year Plan is no longer required, municipalities must still develop, adopt, and annually update and maintain a One- and Six-Year Plan, as a public record, and must annually certify compliance with the "Municipal Annual Certification of Program Compliance" form.

It is now recommended that the One- and Six-Year Plan be adopted at the time of the finalization of the budget, but no later than September 30th of each year.

### Before your meeting:

You are required by Nebraska Law to:

1. Post three copies of the Notice of Hearing around your community.
2. Publish the Notice of Hearing in the newspaper which serves your town. Post and publish this Notice at least 10 days prior to the date of the hearing.

### During your meeting:

1. Hold a public hearing for a period of no less than one hour.
2. Pass a resolution accepting the One- and Six-Year Plan as submitted or revised, signed by the proper officials. The enclosed resolution may be used.

### After the meeting:

Keep the following for your files:

1. Certificate of Posting
2. Notice of Hearing
3. Resolution - must be signed by both the clerk and chairperson.
4. Proof of publishing