

NEBRASKA MUNICIPAL REVIEW

■ Stromsburg proud of its heritage
as 'Swede Capital'

■ Retiring Wayne administrator
recognized for his leadership

■ Plattsmouth pays tribute to its past
while looking to the future
with riverfront development

AUGUST 2017

State Highway 133 ribbon-cutting ceremony marks completion of four-lane divided highway between Omaha and Blair



From left: Blair City Administrator Rod Storm; Department of Transportation Director Kyle Schneweis; Bancroft Sen. Lydia Brasch; U.S. Sen. Deb Fischer; Gov. Pete Ricketts; and, Blair Mayor James Realph. Completion of this divided highway is the first project to be accelerated by the Build Nebraska Act (LB 84), which was passed in 2011 with the strong support of the League, Nebraska Expressways for Economic Development (NEED) and other members of the highway lobby. Photo provided by the Nebraska Department of Transportation.

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Larger Cities Legislative Committee

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CALENDAR

Annual Conference.....Sept. 20-22, 2017, Cornhusker Marriott Hotel, Lincoln
Utilities/Public Works Section Annual ConferenceJan. 17-19, 2018, Cornhusker Marriott Hotel, Lincoln
Midwinter Conference.....Feb. 26-27, 2018, Cornhusker Marriott Hotel, Lincoln

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

AUGUST 2017 CITIES OF THE FIRST CLASS

Within 10 days following
meeting or before next meeting
(whichever is sooner)Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....Clerk publishes ordinances passed. (16-405)
Within 30 days of Council
meeting.....Clerk publishes official proceedings of meeting, including claims. (19-1102)
August 1Political subdivisions subject to city levy submit preliminary request for levy
allocation to City Council. (77-3443)
Prior to Notice of Budget Hearing..Proposed annual or biennial budget statement available to public. (13-504) *
Before August 15.....Job titles and salaries of employees shall be published. (19-1102)
On or before August 20.....Should have received the current taxable value of all property subject to levy
from the County Assessor. (13-509)
On or before September 1.....City Council determines the final allocation of levy authority for
its subdivisions (77-3443)
On or before September 20File adopted budget statement with County and State Auditor's Office (13-508)*
Within 20 days after end of month .Treasurer files monthly financial report. (16-318)
* *Clerk must prepare agenda prior to next Council meeting. (84-1411)

CITIES OF THE SECOND CLASS

Within 10 days following meeting
or before next meeting
(whichever is sooner)Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....Clerk publishes ordinances passed. (17-613)
Within 30 days of Council meeting..Clerk publishes official proceedings of meeting, including claims. (19-1102)
August 1Political subdivisions subject to city levy submit preliminary request for levy
allocation to City Council. (77-3443)
Prior to Notice of Budget Hearing..Proposed annual or biennial budget statement available to public. (13-504) *
Before August 15.....Job titles and salaries of employees shall be published. (19-1102)
On or before August 20.....Should have received the current taxable value of all property
subject to levy from the County Assessor. (13-509)
On or before September 1.....City Council determines the final allocation of levy authority for its subdivisions
(77-3443)
On or before September 20File adopted annual or biennial budget statement with County and State
Auditor's Office (13-508) *
Within 20 days after end of month .Treasurer files monthly financial report. (17-606)
* *Clerk must prepare agenda prior to next Council meeting. (84-1411)

VILLAGES

Within 10 days following meeting
or before next meeting
(whichever is sooner)Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....Clerk publishes ordinances passed. (17-613)
Within 30 days of Board of Trustees'
meeting.....Clerk publishes official proceedings of meeting, including claims. (19-1102)
August 1Political subdivisions subject to village levy submit preliminary request for levy
allocation to Village Board. (77-3443)
Prior to Notice of Budget Hearing..Proposed annual or biennial budget statement available to public. (13-504) *
Before August 15Job titles and salaries of employees shall be published. (19-1102)
On or before August 20.....Should have received the current taxable value of all property subject to levy
from the County Assessor. (13-509)
On or before September 1.....Village Board determines the final allocation of levy authority for its
subdivisions (77-3443)
On or before September 20File adopted annual or biennial budget statement with County and State
Auditor's Office. (13-508) *
Within 20 days after end of month .Treasurer files monthly financial report. (17-606)
* *Clerk must prepare agenda prior to next Village Board meeting (84-1411)

* Does not apply to cities with a biennial budget that are in the second year of the biennial budget period.

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

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Thanks to those who help shape League's legislative package each year

— **BY ALAN MICHL**, CHAIRPERSON OF EXETER VILLAGE BOARD
AND LEAGUE PRESIDENT

During warm summer days, it is hard to imagine that winter is coming and that the 2018 Legislature will convene in a few months. The 2018 session, which begins Jan. 3, will be a 60-day, or short, session. As many municipal officials already know, legislative work takes place year round. It is an ongoing process not confined to the months the Legislature is in regular session.

In fact, League staff members have been working on the League's 2018 legislative package since before the 2017 session ended. Major legislation can take several years to pass.

Later this month, the League's Smaller and Larger Cities Legislative Committees will hold the first of three meetings where legislative recommendations will be made and submitted later to the League's Executive Board, which reviews them carefully to craft the League's legislative package of proposed bills for the upcoming session. During this time, legislators and their staffs are conducting interim studies, drafting new legislation and creating amendments for bills that are being carried over into the 2018 session. Although the interim is a busy time, it provides a good opportunity for you to stay in touch with state Senators without the time constraints of the legislative session. It's also good to visit with your Senator when you are not asking him or her to act on a particular proposal.

Nebraska state Senators are called citizen lawmakers, but they are expected to answer questions and attend events and meetings year round. Regrettably, for all their efforts, they are paid a paltry \$12,000 annually, a sum that has been in place since 1988. This meager salary does not, of course, begin to cover the time lawmakers spend away from their businesses or professional and personal pursuits. As municipal officials, you are aware of the demands of public life and I know that we are all grateful for our state Senators' public service.

As much time as the League spends on new legislation,

*Your dedication and effort ensures
that the interests of cities and villages
are heard.*

even more time is spent opposing the passage of bills and constitutional amendments that are detrimental to municipalities.

The success of the League's legislative efforts, in large part, depends on you. The time, energy, phone calls, emails and thoughtful letters that you write to state Senators and their staff often make a critical difference in passing important legislation or stopping a bill that might harm local government. You work at the level of government that is closest to the citizen and you are uniquely situated to help lawmakers understand how pending legislation affects your community.

We are especially grateful for those municipal officials who agree to serve on the Smaller and Larger Cities Legislative Committees. League Executive Board members also dedicate many hours during the session studying issues and participating in conference calls as issues arise, often with little notice. It is due to the quality leadership of League Executive Board members that the League has been effective in advocating municipal interests before the Legislature.

Your dedication and effort ensures that the interests of cities and villages are heard. Communities are better places in which to live because of your leadership. Thank you for all you do. ■

Developing Nebraska's workforce

BY GOV. PETE RICKETTS



Nebraska is the best place in the world because of our people. Over the years, smart, hardworking, loyal Nebraskans have transformed the prairie where buffalo roamed to a growing state that leads the world in ag biotechnology, medicine, and manufacturing. I know from experience that when you hire a Nebraskan, you are getting someone with a great work ethic and strong character. While character is the foundation of our strong workforce, it is also important that we take the long view on developing skills to connect the next generation of Nebraskans to good-paying careers. By equipping the next generation with the tools they need to find a great opportunity and career here in the good life, we can ensure that our state remains the best place in the world to live, work and raise a family.

As I travel the state, I hear from many job creators and business owners about skills gaps. The biggest gaps most communities are working to address are in the areas of manufacturing and information technology. Manufacturing is our state's second biggest industry and many firms have faced challenges hiring welders and electricians. Nebraska is also home to the Silicon Prairie, the startup community in the Midwest which has a big need for coders and designers. While many view a four-year degree as the path to a career, communities across Nebraska are working to put a focus on vocational education opportunities as another path to good-paying job opportunities. For example, Lincoln and Grand Island have established independent programs that are successfully graduating students to help fill these skills gaps and connect young Nebraskans to great careers.

I worked with the Legislature to launch the Developing Youth Talent Initiative (DYTI) in 2015 to inspire support for additional public-private partnerships to address the skills gap. DYTI is a program that connects young Nebraskans to careers in the manufacturing and technol-

My team continues to identify strategies to help connect young Nebraskans to good careers.

ogy sectors. This program helps to foster partnerships between private industries and public schools that promote engagement in hands-on career exploration and relevant workplace learning for 7th and 8th grade students. By focusing on middle school students, these schools are exposing students to opportunities early on and giving them the option to continue to pursue their interests into high school and beyond.

Over the past two years, we have already seen success stories in programs supported by DYTI. Hastings High School increased enrollment 16 percent in skills and technical sciences classes for incoming freshman who participated in a full year of DYTI programs in 8th grade. DYTI metrics from previous grant recipients, such as Flowserve in Hastings, have indicated a significant increase in student interest and participation in IT and manufacturing. Distefano Technology & Manufacturing in Omaha saw an increase in students who indicated an interest in manufacturing careers. Fifty-three point eight (53.8) percent of students indicated interest before exposure to the mobile manufacturing trailer compared to 100 percent of students after experiencing the trailer.

My team continues to identify strategies to help connect young Nebraskans to good careers. As we work to grow and develop our state's workforce, I would like to hear from you. If you have ideas to share, please consider contacting my office by emailing pete.ricketts@nebraska.gov or by calling 402-471-2244. ■



New federal form required for all new hires

BY JERRY L. PIGSLEY, WOODS & AITKEN LLP,
LONM LABOR AND EMPLOYMENT LAW COUNSEL

Do you have a Form I 9 for each employee you have hired after Nov. 6, 1986? Since 1986 when Congress amended the U.S. immigration laws, employers, including all municipalities, are required to hire only individuals who may legally work here: U.S. citizens, noncitizen nationals, lawful permanent residents, and aliens authorized to work here. Accordingly, municipalities are mandated to verify the identity and employment authorization of each person they hire by completing and retaining a Form I 9 (Employment Eligibility Verification) from the U.S. Citizenship and Immigration Services Department of Homeland Security.

ALL MUNICIPALITIES COVERED

The requirement to complete the Form I 9 applies to employees hired by the municipality after Nov. 6, 1986. Municipalities are not required to complete the Form I 9 for employees hired on or before Nov. 6, 1986. Employees may complete Section 1 of the form before the time of hire and after accepting a job offer from the municipality, but no later than the first day of employment. A municipality's authorized representative must then

While municipalities may continue to use the current Form I 9 until Sept. 17, 2017, it is recommended that municipalities switch over to the newest version right away as failure to comply by the Sept. 18 deadline can result in fines ranging from \$216 to \$2,156 per I 9.

complete and sign Section 2 of the form within three business days of the employee's first day of employment. The municipality's representative must physically examine one document from List A or a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents."

NEW I-9 FORM

On July 17, 2017, the U.S. Citizenship and Immigration Services (USCIS) released a revised version of the Form I 9, used to verify employment eligibility. The new Form I 9 becomes mandatory on Sept. 18, 2017. While municipalities may continue to use the current Form I 9 until Sept. 17, 2017, it is recommended that municipalities switch over to the newest version right away as failure to comply by the Sept. 18 deadline can result in fines ranging from \$216 to \$2,156 per I 9. It is available for download at [https://](https://www.uscis.gov/i9)

www.uscis.gov/i9.

While this may seem like a minor issue, municipalities should not underestimate its importance. The Trump administration has announced that compliance with verification of employment eligibility is a priority. Municipalities should note that the old Form I 9 will not look as if it has expired – it contains an expiration date of 8/31/2019 just as the new Form I 9. Additionally, the forms themselves do not look that different. To verify that you're using the proper form, look at the bottom left hand corner, which will contain the date 7/17/17 N.

FORM CHANGED

The most significant changes in the new Form I 9 include revisions to the form's instructions and the USCIS's Lists of Acceptable Documents. The new form modifies the instructions

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by removing “the end of” from the phrase “the first day of employment” in reference to completing Section 1. This change was likely made to ensure consistency with federal regulations that indicate that Section 1 must be completed “at the time of hire,” without any reference to the time of day. A similar change was made with regard to completion of Section 2 for employees who are hired for less than three business days. With that in mind, municipalities must take steps to ensure that the Form I-9 is completed no later than when the employee starts work. In addition, the new version modifies the documents on List C by merging two categories relating to certificates of birth issued by the Department of State and add-

ing the Consular Report of Birth Abroad.

RETENTION REQUIREMENT

Municipalities should not keep the I 9 in the employee’s personnel file. Separate the I 9s in two files: “current employees” and “terminated employees” so they can be presented after the three-day notice of an inspection request from federal officers. Municipalities must retain the I 9 for each person hired for either three years from date of hire, or one year after the date employment is terminated, whichever is later. ■

Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own

legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpigsley@woodsaitken.com, or at Woods & Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.



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2017 U.S. Supreme Court review for local governments

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

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

**Indicates a case where the SLLC has filed or will file an amicus brief.*

When it comes to big cases, the most recent Supreme Court term was its quietest in at least half a decade. For local governments though, the Court's term was business as usual. The court decided a number of police and First Amendment cases which affect local governments directly and indirectly, respectively. Local governments were named parties in a number of cases this term. The biggest Supreme Court cases for local governments are discussed below.

In a unanimous opinion in *County of Los Angeles v. Mendez*,* the Supreme Court rejected the "provocation rule," where police officers using reasonable force may be liable for violating the Fourth Amendment because they committed a separate Fourth Amendment violation that contributed to their need to use force.

Without warrant

Police officers entered the shack Mendez was living in without a warrant and unannounced. Mendez thought the officers were the property owner and picked up the BB gun he used to shoot rats so he could stand up. When the officers saw the gun, they shot him resulting in his leg being amputated below the knee.



U.S. Supreme Court. © Thinkstock.com.

The Ninth Circuit concluded that the use of force in this case was reasonable. But it concluded the officers were liable per the provocation rule – the officers brought about the shooting by entering the shack without a warrant.

Court rejected rule

The Court rejected the provocation rule noting that its "fundamental flaw is that it uses another constitutional violation to manufacture an excessive force claim where one would not otherwise exist."

In *Manuel v. City of Joliet*,* the Supreme Court held 6-2 that even after "legal process" (appearing before a judge) has occurred a person may bring a Fourth Amendment claim challenging pretrial detention.

Elijah Manuel was arrested and charged with possession of a controlled substance even though a field test and a lab test indicated his pills

weren't illegal drugs. A county court judge further detained Manuel based on a complaint inaccurately reporting the results of the field and lab tests.

Unlawful detention case

Forty-eight days later, Manuel was released when another laboratory test cleared him. Manuel brought an unlawful detention case under the Fourth Amendment. The Seventh Circuit held that such a case had to be brought under the Due Process Clause, which Manuel failed to do.

The Court explained pretrial detention after legal process can be challenged under the Fourth Amendment where, as in this case, legal process has gone forward but "nothing [has been done] to satisfy the Fourth Amendment's probable-cause requirement." In *Bank of America v. Miami*,* the Supreme Court held 5-3 that local

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governments have “standing” to bring Fair Housing Act (FHA) lawsuits against banks alleging discriminatory lending practices. But to win these claims local governments must show that their injuries were more than merely foreseeable.

Miami claims that Bank of America and Wells Fargo intentionally issued riskier mortgages on less favorable terms to African-American and Latino customers than similarly situated white customers in violation of the FHA. Miami further claims these discriminatory practices caused foreclosures and vacancies which harmed the city by decreasing property values, reducing property tax revenue and increasing costs to the city.

Financial injury claims

The Court concluded, based on precedent, that Miami’s claims of financial injury are sufficient to meet the FHA’s standing requirement.

Regarding causation, the lower court concluded that the banks’ alleged discriminatory lending practices proximately caused the city’s economic injuries because they were the foreseeable result of the banks’ misconduct. The Supreme Court concluded foreseeability isn’t enough to prove causation. Instead, proving proximate-cause under the FHA requires “some direct relation between the injury asserted and the injurious conduct alleged.”

In *Murr v. Wisconsin*,* the Supreme Court concluded 5-3 that no taking occurred where state law and local ordinance “merged” nonconforming, adjacent lots under common ownership, meaning the property owners could not sell one of the lots by itself.

The Murrs owned contiguous lots E

and F, which together are .98 acres. Lot F contained a cabin and lot E was undeveloped. State law and a St. Croix County merger ordinance prohibit the individual development or sale of adjacent lots under common ownership that are less than one acre total.

The Murrs claimed the ordinance resulted in an unconstitutional uncompensated taking.

Single parcel

According to the Court, the question in this case was whether the lots should be viewed as a single parcel when concluding whether a taking took place. The Court applied a three-factor test which lead it to conclude that the lots should be viewed as one parcel. First, state law and local ordinance treat the property as one for

a “specific and legitimate purpose.” Second, the physical characteristics of the property in this case indicate the parcels should be combined for purposes of takings analysis. Third, the “special relationship of the lots is further shown by their combined valuation.” Lot E appraised at \$40,000; lot F at \$373,000; but the combined lots appraise at \$689,300.

No compensable taking

Looking at the parcels as a whole, the Court concluded no compensable taking occurred in this case. The Murrs could still build a bigger house on the combined lots, and they cannot claim they “reasonably expected to sell or develop their lots separately given the regulations which predated their acquisition of both lots.” ■



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Stromsburg proud of its heritage as ‘Swede Capital’

■ **BY CHRISTY ABRAHAM**
LEGAL COUNSEL, LNM ■

Stromsburg, known as the “Swede Capital of Nebraska,” is located 20 miles north of Interstate 80 on Highway 81 in Polk County. Stromsburg, with a population of 1,171, is the largest of four communities in Polk County. ■



Stromsburg was given the title of the “Swede Capital of Nebraska” by Gov. Frank Morrison in 1966 at the Swedish Festival. Photo by Christy Abraham, Legal Counsel, LNM.



The City Square Park is the centerpiece of Stromsburg’s quaint downtown. The Square is the center of the annual Swedish Festival held every June. The city council currently is considering remodeling the city square to include an updated building and stage. Other events held at the Square include outdoor concerts in the summer, Downtown Boo at Halloween and decorated trees during the holidays. Photo by Christy Abraham, Legal Counsel, LNM.



Stromsburg has two beautiful parks including Two Parks Trail and Buckley Park. The parks include hiking, ball fields, playground equipment, picnic facilities, disc golf, camping and RV spaces, and a new water park which opened in 2012. Photo by Christy Abraham, Legal Counsel, LNM.

Plattsmouth pays tribute to its past while looking to the future with riverfront development

■ **BY CHRISTY ABRAHAM**
LEGAL COUNSEL, LNM ■

Founded in 1854, Plattsmouth is one of Nebraska's oldest cities. Plattsmouth is situated near the Platte and Missouri Rivers and has a beautifully renovated Main Street. The city's history includes the passage of the Lewis and Clark Corps of Discovery just north of what is now Main St. ■



The Plattsmouth Senior and Recreational Center serves more than 1,000 local area citizens. One of the amazing features of the recreation center is a four-lane, 25-meter heated pool with two children's play features. Plattsmouth also has an outdoor water park which includes zero-depth entry, several water fountains, diving area with diving board, and spiral water slide. Photo by Christy Abraham, Legal Counsel, LNM.



Plattsmouth City Hall. Photo by Christy Abraham, Legal Counsel, LNM.



One of Plattsmouth's latest projects is a riverfront development that will include 151 pads for recreation vehicles. Using tax-increment financing and economic development loans, this new development will offer campers beautiful views of the river including a marina and other services. Photo by Christy Abraham, Legal Counsel, LNM.

Retiring Wayne administrator recognized for his leadership

■ **BY JERRY GUENTHER**
NORFOLK DAILY NEWS
regional@norfolkdailynews.com

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WAYNE – The city administrator position requires a person to have thick skin.

With the structure of how most municipal governments are operated, everything from street conditions to recreational opportunities come back to city administration.

Usually the city administrator or city manager answers to both a mayor and city council, guiding city department supervisors and telling them what priorities should be, based on elected officials' input. All the this must be accomplished while keeping budgets in order.

It can result in high stress, with a high turnover rate for the position in many cities.

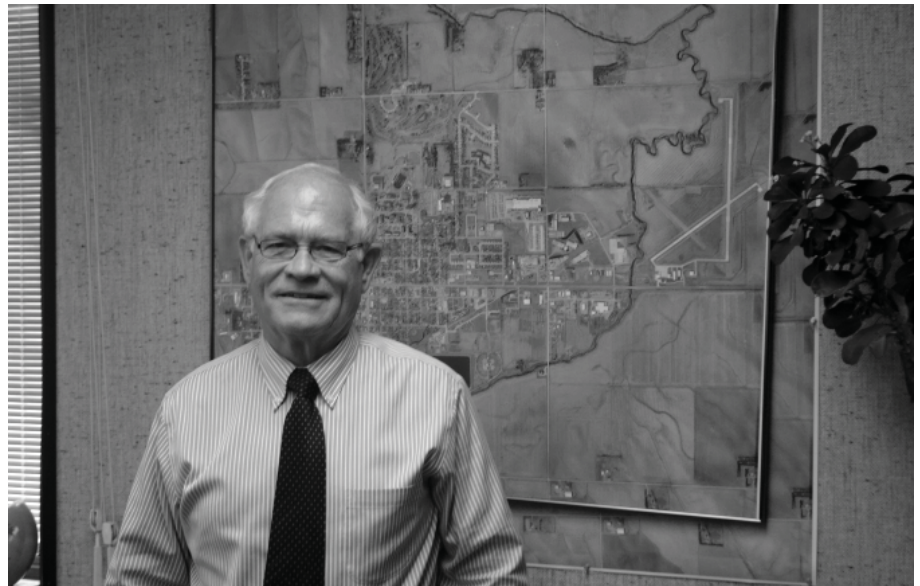
Longer-serving administrators

Lowell Johnson of Wayne, who has announced his retirement that will take place at the end of the month, is one of the longest-serving city administrators or city managers in the state.

He began as Wayne city administrator in 2000, although he previously worked in the same position at Wakefield. He has served under three mayors – Sheryl Lindau, Lois Shelton and now Ken Chamberlain.

Lynn Rex, executive director of the League of Nebraska Municipalities, said Johnson is one of the last “old school” type managers in the state.

“Many times, the newer city managers/administrators and graduates getting out of universities with bachelor's degrees in (policy or administration) will go from city to city, knowing they



Wayne City Administrator Lowell Johnson. Photo by Jerry Guenther, Norfolk Daily News.

only intend to stay for up to five years and then move on. I so admire Lowell because, like a rare few administrators left in Nebraska, he has made Wayne his home. He has made Wayne basically a better city because of his commitment to it,” she said.

Adapted well to change

Rex said Johnson isn't afraid to try new things and has always adapted well to change.

“He looks at every issue as a new endeavor and how to make things better. It is evident in how he interacts with other communities. He has a focus and a mindset of thinking outside the box. Wayne is taking advantage of everything it can. The easier path is to do what has been done before and not address questions or policy choices. Lowell always moves the ball forward. He isn't afraid of new ways. And he isn't just for the city of Wayne but for the state.”

Johnson said he has been fortunate to work under three strong mayors and city councils. They haven't been afraid to try new things.

“People here are willing to operate for long periods of time outside of their comfort zone. There have been many business start-ups here that were successful and are still growing,” Johnson said.

Great communicator

Chamberlain, who has served as mayor for seven years, said Johnson is a great communicator and keeps elected officials informed.

“He likes to be involved and when he makes a decision to get involved, he gets informed and gets to be an expert,” Chamberlain said.

The mayor said Johnson is held in high regard, not only around Wayne, but across Nebraska.

“Around the state, maybe there are

Continued on page 13

Continued from page 12

a half-dozen city administrators who come to mind when people start thinking about city administrators to call. Lowell is one of five or six that are held in high regard,” Chamberlain said.

Johnson will sit down with mayors and keep them informed with what is happening and progress on the goals.

“He is an expert at putting together a package to put together those things (we want to accomplish),” Chamberlain said.

Tornado response

Johnson said one of the highlights was how the community responded and came back following a tornado in October 2014. The tornado destroyed much of the community’s industrial park and airport.

“Tornadoes always catch you off guard and nobody ever thinks it is going to happen,” Johnson said, “but every square foot of Nebraska will have a tornado sometime.”

Johnson said two things about Wayne’s tornado were fortunate. The first was that it veered to the east at the last minute, missing heavy residential areas and the college. The second was that it struck just after work finished for most people on a Friday, so many people already had left for the day.

“Those businesses that were hit with people in them managed to survive,” Johnson said. “They had places where people could hide.”

One of the things he remembers most is that no matter how much a community prepares, there are things that occur that a person doesn’t even think about until it happens, Johnson said.

He credited Chamberlain with remaining calm, along with the Ne-

braska State Patrol and law enforcement searching for victims.

“He (Chamberlain) handled it very well and never got excited,” Johnson said. “There were some communication failures between the assisting agencies, but he remedied that quickly.”

Another challenging time was in 2011 and the aftermath after the Wayne police chief and a lieutenant were suspended and later fired.

“It was tough for the council as well and really tough for the mayors,” Johnson said. “It was difficult for them at first because the Nebraska Legislature took away all their authority to deal with personnel problems with police departments. Only city administrators in first class cities can do that, so they had to sit on the sidelines. There was no legal role for the mayor and council.”

Other highlights include all the housing being built in Wayne now that took years of planning.

Johnson will be succeeded in the administrator’s post by Wes Blecke, who is currently the executive director of Wayne Area Economic Development.

Johnson said one of the strengths of the city council has been that it is made up of people who are in business themselves.

Independent, self-sustaining

Wayne, which has a population of 5,600, has just enough people to be independent and self-sustaining, Johnson said.

Most of the businesses are locally owned. The businesses also take care of each other.

Since the mid-1960s, Wayne has almost always had a spec building available and lots available. If any busi-

ness or somebody walks in and wants to relocate, these places are available, Johnson said.

Some of the businesses that got started this way include Heritage Homes, Sand Creek Post & Beam, William’s Form Engineering, Ameritas Call Center and First National Bank Call Center.

Substitute teach

Johnson said he and his wife, Kathy, plan to work with Habitat for Humanity and he would like to substitute teach. Before becoming involved in municipal government, Johnson served as a high school teacher. He also plans to attend his six grandchildren’s activities.

“I know I will have more to do than I will ever get done,” he said. ■

Share news from your city or village

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

State Highway 133 ribbon-cutting ceremony marks completion of four-lane divided highway between Omaha and Blair

We thank Blair City Administrator Rod Storm for his contributions to this story.

More than 200 people gathered on a warm and windy July day for a ribbon-cutting celebration marking the completion of construction on the four-lane divided road on Highway 133 between Omaha and Blair.

The City of Blair and the Nebraska Department of Transportation organized the ribbon-cutting ceremony that was attended by state and local dignitaries, including U.S. Sen. Deb Fischer, Gov. Pete Ricketts, State Sen. Lydia Brasch of Bancroft, Blair Mayor James Realph and Washington Coun-

ty Board Chairman Carl Lorenzen.

Blair City Administrator Rod Storm said the construction of Highway 133 making it into a four-lane divided highway was the first project to be accelerated by the Build Nebraska Act (LB 84), which the Nebraska Legislature passed in 2011. Storm said the Build Nebraska Act was made possible because of the vision and leadership of then-state Sen. Deb Fischer of Valentine, her legislative staff and the hard work of the many supporters of improved, safer highways and transportation for all of Nebraska, including League of Nebraska Municipalities Executive Director Lynn Rex and other

League staff who worked for passage of LB 84.

Blair Mayor James Realph said: "The completion of the four lanes between Blair and Omaha has been on the top of the City of Blair's highway needs for over 25 years. Although we believe the improved highway will present improved economic vitality for Blair, Washington County and the other communities in this area, safety has always been the city's number one issue. This section of state highway was one of the most dangerous sections of highway in the state and we lost far too many of our citizens to traffic

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From left: Former Blair Mayor, Past League President and former state Sen. Mick Mines; Gov. Pete Ricketts; U.S. Sen. Deb Fischer; Bancroft Sen. Lydia Brasch; Blair Mayor Jim Realph. Photo courtesy of the Nebraska Dept. of Transportation.



From left: Gov. Pete Ricketts; U.S. Sen. Deb Fischer; Blair Mayor James Realph; Bancroft Sen. Lydia Brasch; Sam Harmer, a Tekamah resident who worked on the road as a teenager; and, Dept. of Transportation Director Kyle Schneeweis. Photo courtesy of the Nebraska Dept. of Transportation.



Blair City Administrator Rod Storm before ribbon-cutting ceremony. Photo courtesy of the Nebraska Dept. of Transportation.



Blair VFW Post 1251. Photo courtesy of Nebraska Dept. of Transportation.

Integrated DHHS drinking water, DEQ wastewater efforts intended to streamline services to communities

The Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services (DHHS) in July announced a Memorandum of Agreement to improve coordination of Safe Drinking Water Act and Clean Water Act programs. Through the agreement, 24 DHHS staff will move to shared office space with NDEQ wastewater staff effective Aug. 1, 2017, and seven DHHS field staff will begin working with NDEQ field staff. Gov. Pete Ricketts said the agreement is an effective means of ensuring improved services to Nebraska's communities.

"Customized and coordinated community assistance will improve our commitment to protecting public health and great water quality," Gov. Ricketts said. "I commend the efforts of NDEQ and HHS to find efficiencies in their operations and to enhance

services to Nebraska communities."

NDEQ Director Jim Macy and DHHS Director of the Division of Public Health, Dr. Tom Williams, said that the purpose of the agreement will be to provide more effective, more efficient and customer-focused state government services to Nebraska by unifying similar environmental programs related to wastewater treatment and drinking water systems.

"Locating staff together will better serve our communities in addressing their water infrastructure needs by enhancing state agency coordination," Macy said. "The agencies intend to cross-train staff to ensure complete and timely review of applications and coordinated site assistance. This avoids needless duplication in applications."

Macy and Williams emphasized that the staff from NDEQ will remain employed by NDEQ and the DHHS employees will remain employed by

DHHS. However, by having the two groups working together as an integrated team, communities will benefit by a more coordinated approach in long-range water infrastructure planning.

"By integrating staff, we can ensure that the state's focus on safe drinking water is coordinated with other state programs, streamlining our interactions with communities and keeping public safety in the forefront," Williams said. "This approach will also result in enhanced technical assistance and coordination of the financial assistance programs that are available to communities."

Both agencies' field offices will remain at their current locations, but under the agreement, both NDEQ and DHHS field office staff will be cross-trained on drinking water and wastewater programs. This move will not affect DHHS staff responsible for water well contractors, construction standards, and programs such as swimming pool and home loan inspections, as these are separate and distinct activities. ■

Source – Nebraska Dept. of Environmental Quality



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State Highway 133 ribbon-cutting ceremony marks completion of four-lane divided highway between Omaha and Blair

Continued from page 14

accidents on this stretch of highway.”

Storm said the project was long overdue.

“Too many of our citizens were touched by the tragic loss of life and disabling injuries to family and friends,” he said. He applauded Mayor Realph, Blair City Council members (current and past) and former Mayor and state Sen. Mick Mines all of whom worked tirelessly to keep the project moving forward.

During the ceremony, Gov. Ricketts recognized Sam Harmer of Tekamah, whose “bucket list” included working one more time on improvements to Highway 133. Harmer worked on the paving crew when he was 17, about 58 years ago when Highway 133 was converted from a gravel road to a paved highway. Department of Transportation staff had given Harmer a hard hat and safety vest the previous week so that he could help them put the final touches on the project.

In recognizing the merger of Nebraska’s Department of Roads and Nebraska Department of Aeronautics into the new Nebraska Department of Transportation on July 1, Mayor Realph said: “Blair appreciates the past working relationships the City of Blair has had with the Nebraska Department of Roads and Nebraska Department of Aeronautics and looks forward to working with the new Department of Transportation to continue improving the transportation needs of the state and region, so that Blair and Washington County can continue to be part of the economic engine that will keep Nebraska moving forward, while providing our citizens, businesses and industries with the safest

and most efficient transportation infrastructure possible, both on our highways and through our airports.”

After the ribbon-cutting, those in

attendance made the inaugural first drive on the new highway lanes to Blair. ■

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Scottsbluff turns solid waste into landscape mulch

■ **BY DIANE BECKER**
COMMUNICATIONS DIRECTOR
LARM ■

The landscape mulch that controls weeds and retains moisture around the plants at the City of Scottsbluff City Hall doesn't come from a garden center. The city's state of the art compost facility has been upgraded in the last few years to take residents' yard and solid waste from the wastewater treatment plant and turn it into Class A rated compost – perfect for protecting and fertilizing plants.

"We have a football field size concrete pad where our pre-treated solid waste is combined with yard waste and put into windrows to be periodically turned. The compost facility screens out the trash and leaves the organic material that is rich in nutrients. Area farmers load semi loads of the compost for their fields," said Nathan Johnson, Scottsbluff City Manager.

Twelve city sanitation trucks pick up residents' grass clippings, tree branches and brush each week – the same day as trash collection. The city currently handles about 2,600 cubic yards of bio-solids and about 30,000 cubic yards of yard waste per year.

"We also take yard waste from the City of Gering Environmental Services Departments and provide rollouts that pick up yard wastes at no charge. The compost is free at this point but we may start charging for it. It's a good way to reuse waste products," Johnson said.

The City of Scottsbluff has been a League Association of Risk Management (LARM) member since 2003. ■



Scottsbluff City Manager Nathan Johnson shows some of the Class A rated compost the City produces from bio-solids and yard waste. Photo by Diane Becker, Communications Director, LARM.

League magazine available on website

The League of Nebraska Municipalities is pleased to announce that the *Nebraska Municipal Review* is available on the League's website at <http://www.lonm.org/> under the "Publications" tab. As always, we encourage you to share the news from your city or village with fellow

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

Local citizens celebrate opening of Omaha's Spring Lake

"Spring Lake is a real success story for taxpayers and the neighborhood advocates who had a vision for this park," said Mayor Jean Stothert.

More than 80 years ago, the lake in Omaha's Spring Lake Park was drained. In July, local citizens celebrated the return of the park's namesake.

"Spring Lake is a real success story for taxpayers and the neighborhood advocates who had a vision for this park," said Mayor Jean Stothert. "The environmental, financial and neighborhood benefits are tremendous."

Janet Bonet has worked for years, 25 years to be exact, to put the lake back in Spring Lake. In 1992, she formed the "Spring Lake Park Team."

Old lake bed

The old lake bed had become an ugly make-shift dumping ground. Bonet and the team raised money, designed plans and called mayors and city council members to look for support.

Retired City Councilman Garry Gernandt, a south Omaha resident and longtime champion of this project

answered one of those calls, "I wasn't even in office my first hour and Janet called me about putting the lake back in Spring Lake."

Then along came Omaha's CSO project; the unfunded federal mandate that requires Omaha to separate the sewer system.

Bonet called it a miracle, where the practical and the dream came together. "I am proud, pleased and happy," Bonet said. "I've been through five mayors on this and it's great to see it come to fruition. There's a great deal that can be accomplished through community activism and working with your local government."

The City of Omaha is now in the ninth year of the 18-year, \$2.2 billion construction project. Most of the projects completed and planned have some type of green component. Spring Lake is one of the most significant.

Smaller pipes used

By rebuilding the lake to hold storm-water runoff, smaller pipes could be installed underground at a savings of \$5 million.

The total project cost at Spring Lake will be \$16.5 million. The Nebraska Environmental Trust provided more than \$1 million in grants. "We are providing urban habitat and a place for neighbors to enjoy," Executive Director Mark Brohman.

"Our goal was to keep nature in the city," Bonet said. "We wanted to keep as much wildlife as possible."

The Spring Lake Park Team is now



Omaha Mayor Jean Stothert

raising money for a fountain to be installed in the lake and for educational programs.

Citizen engagement

"Persistence, hard work and good timing made it possible to return this public space to its original purpose and beauty," said Mayor Stothert. "This story illustrates the importance of citizen engagement. Great things can happen when citizens and city leaders work together." ■

Source – City of Omaha

Municipal Legal Calendars also available in Clerks Newsletter

Municipal Legal Calendars are available in the *Nebraska Municipal Clerks Newsletter* in addition to the *Nebraska Municipal Review*.



NLC launches local climate solutions engagement program

■ **BY DANIEL BARRY, PATH TO POSITIVE COMMUNITIES, PROGRAM DIRECTOR & COOPER MARTIN, SUSTAINABLE CITIES INSTITUTE PROGRAM DIRECTOR NLC** ■

The National League of Cities (NLC) Aug. 2 announced a new program aimed at elevating local climate engagement activities by its members and affiliates in nearly 19,000 American cities and towns.

In light of the need to prevent pollution while also preparing for adverse impacts we anticipate in our changing climate, NLC is partnering with ecoAmerica, a national climate communications and engagement group, to provide tools and resources to all its members.

One of the most important skills for local elected officials is the ability to lead their communities in productive and civil debate, particularly in today's political environment. City leaders need to communicate with residents

using messages that are clear, positive, inclusive and relevant to their concerns. Nowhere is this more challenging than on issues related to climate and environmental policy.

Through local climate action, cities can improve the environment and boost local economies, employment and energy independence at the same time. They can create jobs, build climate-smart transportation and spur investments in solar and wind power that slash utility bills, give residents choices about where they get their energy and broadly increase their communities' livability.

However, to build support for local climate solutions, cities must more effectively engage residents and stakeholders. Local governments and the services they provide contribute only a small percentage of a community's climate pollution. Since the majority comes from the private sector and other institutions (homes, businesses, churches, schools, hospitals,

etc.), successful community climate solutions require broad community participation.

A key step is ensuring that you are equipped to communicate local climate solutions to leaders and residents. The guides released on NLC's website provide effective communication tools. They include:

- *Let's Talk Communities & Climate: Communication Guidance for City and Community Leaders*
- *Let's Talk Climate: Messages to Motivate Americans*
- *15 Steps to Create Effective Climate Communications*
- *American Climate Values: Psychographic and Demographic Insights*

These guides feature research-proven practices for successful climate communication. In the future, NLC and ecoAmerica will regularly release new resources, host informative webinars, and provide additional climate-related programming for NLC members. ■

Source – NLC

Directory of Municipal Officials

Position/Information Changes

City or Village	Position/Information	Delete	Add
Clarks	Board Chairperson	Jim Kava	Norm Manstedt
	Board Member	Norm Manstedt	James Parsons
Dalton	Board Member	Anita Rushman	Brittany Cleveland
Geneva	Council Member	Todd Boller	Jim Donovan
Norfolk	City Administrator	Shane Weidner	Andrew Colvin
	Public Safety Director	N/A	Shane Weidner
Palmyra	Clerk/Treasurer	Lois Ikenberry	Lin Jones
Wayne	City Administrator	Lowell Johnson	Wes Blecke

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

Positions

Utility Worker. City of Franklin has opening for full-time utility worker. Experience in an electrical distribution system or electrical field preferred. Duties include skilled labor for new construction, operation and maintenance of electric, water and sewer systems. Perform skilled operation of equipment, maintenance of other municipal facilities and assisting in street and public property maintenance. Must be willing to obtain grade 4 water operator's license and have high school diploma or equivalent. Wage based on experience including excellent benefit package with insurance, vacation, holidays and retirement. Applications may be obtained at city office at 619 15th Ave, Franklin, NE 68939. Or by e-mail at: rfelzien@cityoffranklin.net. Applications accepted until position filled. For more information, call (308) 425-6295.

Journeyman Lineworker. City of Broken Bow/Broken Bow Municipal Utilities is accepting applications for Journeyman Lineman. Applicants should have 2 years experience working as lineman on electric transmission and distribution systems. Journeyman Lineman certification is preferred. Duties include operation and maintenance of City of Broken Bow electrical distribution system. Starting pay based on experience and certifications. Applications and Job Descriptions available at Broken Bow Municipal Building at 345 South 10th Ave in utility office and should

Positions

be returned to utility office with applicable resume. Applications taken until job is filled. City of Broken Bow is an EOE. For more information, call (308)872-6884.

Village Superintendent. Village of Arnold, (pop. 597 – Custer County), seeks Village Superintendent. Individual to coordinate, oversee, manage and ASSIST in operations of all departments. Departments include General (General Government, Pool, Parks, Community Center), Street, Electric, Water, Sewer, and Solid Waste. Requirements include graduation from high school or equivalent, and a valid Nebraska driver's license. Applicant must have or be able to obtain a CDL within 6 months of hire and have knowledge of electric distribution system. Certification in wastewater and water are desired but Village willing to train. Wage based on experience. Please contact Village of Arnold, PO Box 70, Arnold, NE 69120; 308-848-2228; arnoldvillage@gpcom.net for application, job description and list of benefits. Resume and references must be attached to application. Position open until filled. EOE.

Utility Worker. City of Red Cloud has an immediate opening for a full-time utility worker. Experience in an electrical distribution system and/or formal training in the electrical field is preferred. Duties include skilled labor for new construction, operation, and maintenance of the electric, water, and sewer systems.

Positions

Perform skilled operation of equipment, maintenance and repair or energized and deenergized electric lines. Other duties include operation and maintenance of other municipal facilities and assisting in street and public property maintenance. Having a grade 4 water operators' license or willing to obtain one is a must. Wages based on experience including an excellent benefit package with insurance, vacation, holidays and retirement. Applications may be obtained at the City office at 540 N. Webster Street, Red Cloud, NE 68970. Or by email: citysuper@gpcom.net. Applications will be accepted until the position is filled. For more information call (402) 746-2215 or 2214

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