NEBRASKA MUNICIPAL REVIEW

FEBRUARY 2017

Gov. Ricketts, Attorney General Peterson launch statewide campaign intended to raise awareness about opioid abuse









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February 2017

No. 1,102 ISSN 0028-1906

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Photos by Lynn Marienau.

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Larger Cities Legislative Committee

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CALENDAR II

IIMC Annual Conference . .May 21-24, 2017, Montreal, Quebec June 14-16, 2017, Holiday Inn, Kearney Municipal Accounting and Finance Conference Annual Conference.... .Sept. 20-22, 2017, Cornhusker Marriott Hotel, Lincoln

(All statute citations to Revised Statutes of Nebraska)

FEBRUARY 2016

CITIES OF THE FIRST CLASS

Within 15 days of Passage	Clerk publishes ordinances passed. (16-405)
Within 10 days from meeting or before	, , ,
next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
On or before second Monday	Annual Library Board report due. (51-213)
Within 30 days from Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
End of month	Clerk files monthly report. (16-317)
Within 20 days after end of month	Treasurer files monthly financial report. (16-318)
On or before March I	One and six year plans are due at the Nebraska Department of
	Roads, Board of Public Roads, Classification and Standards,
	March 1, 2016. Legal notice is required 10 days before the
	hearing. (39-2115 through 39-2117)
**	"Clerk must prepare agenda prior to next Board meeting (84-1411)

CITIES OF THE SECOND CLASS

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or before next meeting	
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On or before second Monday	Annual Library Board report due. (51-213)
Within 30 days from	
Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month	Treasurer files monthly financial report. (17-606)
On or before March I	One and six year plans are due at the Nebraska Department of
	Roads, Board of Public Roads, Classification and Standards,
	March 1, 2016. Legal notice is required 10 days before the hearing.
	(39-2115 through 39-2117)
**	Clerk must prepare agenda prior to next Council meeting. (84-1411)

VILLAGES
Within 15 days of PassageClerk publishes ordinances passed. (17-613)
Within 10 days from meeting or before
next meeting
(whichever is sooner)
On or before second MondayAnnual Library Board report due. (51-213)
Within 30 days from
Trustees' meeting
Within 20 days after end of monthTreasurer files monthly financial report. (17-606)
On or before March IOne and six year plans are due at the Nebraska Department of
Roads, Board of Public Roads, Classification and Standards, March 1,
2016. Legal notice is required 10 days before the hearing. (39-2115
through 39-2117)
** Clerk must prepare agenda prior to next Board meeting (84-1411)

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

The NEBRASKA MUNICIPAL REVIEW is the official publication of the League of Nebraska Municipalities, an association of the cities and villages of Nebraska, published at 1335 L St., Lincoln, Nebraska 68508 — Telephone 402-476-2829; FAX 402-476-7052; Website: www.lonm.org. Periodicals postage paid at Lincoln, Nebraska. Views of contributors, solicited or unsolicited, are their own and not to be construed as having the endorsement of the League unless specifically and explicitly stated by the publisher.

The NEBRASKA MUNICIPAL REVIEW is a nonprofit publication administered and supervised by the League of Nebraska Municipalities. All revenue derived from the publication is used by the association to defray publication costs The **NEBRASKA MUNICIPAL REVIEW** is published monthly. Subscription rates are \$5 per single copy — \$50 plus tax

POSTMASTER: Send address changes to NEBRASKA MUNICIPAL REVIEW, 1335 L Street, Lincoln, Nebraska 68508.



Past League President Joe Hampton left a legacy as an extraordinary servant leader and community builder

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

"Joe Hampton helped build Lincoln into the thriving, vibrant city that it is today. That sentence can be taken literally and figuratively. There are parts of Lincoln that Hampton built with his own hands." Lincoln Journal Star, Feb. 7, 2017

ikewise, Joe Hampton helped build and transform the League of Nebraska Municipalities, literally and figuratively! Our dear friend, Joseph R. Hampton, passed away at age 91, on Jan. 30, 2017, leaving a legacy as an extraordinary servant leader and community builder. Joe was on the Lincoln City Council from 1977-1989, serving as Chair of the City Council from 1981-1987. Before, during and after his service on the Lincoln City Council, Joe continued providing leadership, guidance and financial support to many local and statewide organizations. Since his passing, several individuals who received financial assistance during critical times in their lives have come forward to express their gratitude after learning that the anonymous gift was from Joe Hampton. Joe's many random acts of kindness are legendary!

Joe Hampton was elected President of the League of Nebraska Municipalities in 1982. As President, he worked hard with the staff and membership to strengthen the League's legislative efforts to preserve and enhance local control. Joe also recognized and supported directing more resources in the League budget for additional training opportunities for municipal officials. He consistently emphasized the many benefits and value of actively participating in League conferences, training programs and the League's legislative initiatives to empower local officials to be effective catalysts for change within their respective city or village. Joe was a change-agent who led by example, with the integrity, dedication and vision characteristic of all transformational leaders. During his year as President, Joe never missed an opportunity when speaking at con-

ferences to encourage participation by saying that "those who choose not to participate, will be governed by those who do!" Another one of Joe's favorite sayings was that "life is short, and if you are just a taker, it is a lot shorter. Give back by getting involved, being informed and making a positive difference for your community!" Joe lived his life accordingly.



1981 League President Joe Hampton

JOETO THE RESCUE

Joe had been on the League Executive Board for several years before he was elected President in 1982. In 1981, other Executive Board Members and the League staff learned first-hand that Joe Hampton was a truly remarkable servant leader. Hampton Enterprises, like other big construction companies in Lincoln at the time, was extremely busy and committed to major projects. However, when Joe was informed that the first floor of the League building was destroyed by fire, caused by the toner in the IBM copier exploding, he pulled as many crew members as possible off other projects and immediately sent them to the League Building to help mitigate damages. Joe personally came with his construction crew, day after day, to help the League staff haul out important records and documents, as well as anything else that could be salvaged, from charred law books to charred tables and chairs. The upper two floors of the League Building were significantly damaged, but the first floor and basement had to be completely gutted.

Continued from page 4

When the Executive Board approved the expenditure of the insurance proceeds to begin the restoration and rebuilding effort, Hampton Enterprises was selected to continue doing the work.

With Joe's personal involvement, Hampton Enterprises has helped maintain the League Building since 1981 after remodeling and repairing the damage caused by the fire. Joe repeatedly pulled members of his talented crew off other projects, at all times of the day and night, to promptly and efficiently secure and/or repair the League Building following: two flooding incidents due to broken pipes; a drunk driver crashing a car through the front of the building; someone throwing a brick through the front window after a night football game at UNL, shattering the glass all over Lynn's office; a series of break-ins and thefts that occurred; several incidents of graffiti on the white brick on east side; and the surprising need to install structures and more cameras to prevent tenants in the former apartment building west of the League Building from jumping to the roof of the League Building to drink and party.

In addition, from 2010-2014, Joe worked behind the scenes to facilitate and help the League successfully negotiate the purchase of the building and land owned by the Lincoln Woman's Club. This is the building on the corner which is adjacent and directly east of the League Building. Previously, the League did not own any land to provide parking for the employees of the League and the League Association of Risk Management (LARM). The League rented parking spaces on the west side of the building for League and LARM staff. The League also rented parking spaces on the east side from the Lincoln Woman's Club to have guest parking. Thanks to Joe, in 2014, the League was



Adam Olson, Joe Hampton's dedicated, longtime personal assistant, standing in front of the Joe Hampton Conference Center.



From left: Joe Hampton receiving check from then-League President Marlene Johnson, Mayor of West Point, to repay loan.

the highest bidder by only \$10,000 more than the second highest bidder; a purchase agreement was finally signed with the Lincoln Woman's Club, subject to the League obtaining financing.

The League Executive Board and staff were so surprised and appreciative when Joe volunteered to provide a lower interest loan to the League than we could obtain from a financial institution. We were shocked to learn that Joe Hampton wrote the check from his personal account to provide the League a low-interest loan. The League paid off the loan to Joe within a year.

League Executive Board Members and staff wanted to convey our heartfelt appreciation for his years of assistance and generously providing us such a low interest loan. Thanks to Joe Hampton, the League secured parking for League and LARM employees and can make plans on how to develop these two valuable properties located so close to our State Capitol. Joe personally helped the League, not just with our building issues, but with his leadership, advice and assistance in contacting Senators, Governors and other key leaders across the state at critical times to help advance the League's top priority legislation, from CIR reform to economic development initiatives.

In honor of his decades of dedication and servant leadership, the League Executive Board voted unanimously in 2015 to name the League Conference Room the "Joe Hampton Conference Center," with large plaques placed on the double doors into our current conference room. These same plaques will be transferred to the doors of our new conference room in the years to come when we can



Celebrating Nebraska's 150th birthday

BY GOV. PETE RICKETTS

roken Bow is nestled in the foothills of Nebraska's picturesque Sandhills in the middle of everything - our state and our country. In many ways, it's a community that represents a cross section of the Cornhusker State. It's a rural town where Main Street is thriving thanks to the state's largest industries: agriculture and manufacturing. Employers ranging from feedlots to a major medical supplier provide good-paying jobs for families in Broken Bow and the surrounding area. They've opened a new hotel, new restaurants and a new judicial center in the last few years. It's a shining example of a community on the move. None of this happened by accident. It happened because people are engaged in their community, local schools and churches.

March 1, 2017, marks the 150th anniversary of President Andrew Johnson signing the presidential proclamation declaring Nebraska's statehood. From the early days when Native Americans roamed the plains in search of buffalo and pioneers broke the prairie sod to build shelter, Nebraska has long been a land of abundance and great opportunity. In recent years, the innovative work of many Nebraskans has led to exciting economic success. In 2015, Nebraska reached a historic

job creation level with one million non-farm jobs. This is due, in part, to one of the highest labor force participation rates in the nation. Our population also has flourished. Last year, Nebraska's population growth reached a record 1.9 million for the first time, outpacing national trends.

Nebraska's top three industries – agriculture, manufacturing and tourism - have been key to growing our state. In the area of agriculture, Nebraska has been leading in the areas of valueadded agriculture, biotechnology and food processing. Nebraska's manufacturers export equipment worldwide, and are helping producers feed the world with cutting-edge ag and irrigation technology. While we may not have mountains or oceans, Nebraska has worked tirelessly to develop other tourism opportunities with one of the top zoos in the world, agri-tourism attractions and wine and craft brewery industries.

This work has resulted in national recognition. *Forbes* magazine ranks Nebraska the third best state in the nation for business, in part, because we have the best regulatory climate. Our business-friendly environment has attracted entrepreneurs, who have helped create "Silicon Prairie," the Midwest hub for tech startups.

Nebraska is not only a great state for business, but also for families. Just recently, the American Conservative Union ranked Nebraska fourth best in the nation in their Family Prosperity Index, which measures several economic and social health indicators.

My wife, Susanne, along with a group of dedicated Nebraskans, have been working hard planning events and initiatives to help the entire state celebrate the sesquicentennial birthday throughout the year. In addition to activities at the state Capitol on Statehood Day, several other programs are underway. The Nebraska 150 Challenge is encouraging Nebraskans to do 150 miles of physical activity throughout 2017. The Nebraska Impact Initiative is building teams to volunteer for causes around the state. One of my personal favorites is Now You Know Nebraska, a series of videos designed to help students learn more about our state's rich history.

For full details on these initiatives and much more, please visit www.ne150. org. If you have any questions about the 150th anniversary celebration or any other matter, you are always welcome to contact my office by emailing pete.ricketts@nebraska.gov or by calling 402-471-2244. Happy birthday, Nebraska!

City of Lincoln bans cardboard from landfill beginning April 2018

Compromise reached to increase city's recycling rate

he Lincoln City Council voted to ban corrugated cardboard from the landfill beginning April 1, 2018. Lincoln Mayor Chris Beutler, Lincoln City Council Members and recycling advocates in January announced that they had reached a compromise on a new recycling ordinance to increase the city's recycling rate.

"The compromise with the council passes the most critical parts of the Recycle Lincoln ordinance," Mayor Beutler said. "Cardboard will be diverted from the landfill, curbside recycling will be available to those who choose to have it and data will be collected to measure our progress on increasing the recycling rate."

Mayor Beutler was joined at a news conference by Lincoln City Council Chair Leirion Gaylor Baird, Council Member Jane Raybould, Chelsea Johnson of the Nebraska League of Conservation Voters and recycling supporters.

Free recycling expanded

Under the ordinance, all refuse haulers will have curbside recycling service available to any home or business that chooses to subscribe. The city will expand capacity at the free recycling drop-off sites. Recycling centers and haulers will report annually on materials collected and customers served. The ordinance does not include penalties for those who violate the ban.

A recycling ordinance that was introduced last summer also called for newspaper and other paper products to be diverted in future years. The Mayor said that step would not take place until the cardboard ban had been reviewed. The city council passed a recycling ordinance without the cardboard ban last year, but the Mayor vetoed it because he said it eliminated key elements of the plan. He said the compromise is a "big victory for Lincoln," which buries 19,000 tons of cardboard in the City landfill every year.

"In doing so, we use up expensive landfill space for a product that the market is eager to recycle," Beutler said. "That is bad for the environment and bad for the economy. Instead, shouldn't we be spending our money to divert this cardboard back into the market to be recycled into new products? And at the same time, reduce the pressure to invest millions to expand the landfill? It just makes good sense."

Petition drive continues

A petition drive has gathered thousands of signatures to put the Recycle Lincoln Initiative on the ballot. Drive organizers say they will continue to gather signatures until the new ordinance is signed and will reconsider the continuation of the drive at that point. Raybould said the petition drive has received "overwhelming and enthusiastic support" from the community. "This message of support was heard loud and clear by all of us on the city council, so I am grateful to my colleagues for standing with us in moving our city forward on the very important issue."

"These changes do more than improve Lincoln's recycling rates – they enable us to take a big step forward as a community," said Gaylor Baird. "They



Lincoln Mayor Chris Beutler

empower us to be better stewards of our environment and taxpayer dollars. They support the smart, sustainable growth of our city. Put simply, they achieve progress. Credit for this progress goes to the thousands of Lincoln citizens who called for change and to the Recycle Lincoln volunteer leaders who galvanized them. They devoted their time, energy, creativity, and talents to the cause, and they're the reason we're getting this done."

 $Source-City\ of\ Lincoln$





Trump Supreme Court nominee limits EEOC's scope of 'reasonable' accommodation

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

ust a municipality allow its employees more than a sixmonth leave of absence to accommodate their disability? President Trump's nominee for the U.S. Supreme Court, Tenth Circuit Judge Neil Gorsuch, answered the question in the negative in a case involving an assistant professor at Kansas State University. Hwang v. Kansas State University, Case No. 13 3070 (10th Cir. May 29, 2014).

BACKGROUND

Grace Hwang was a teacher at Kansas State University. Before the fall term began, she received news that she had cancer and needed treatment. She requested and the University gave her a six-month paid leave of absence. As the six-month period drew to a close, Hwang's doctor advised her to seek more time off. In her complaint, she claimed the University refused her request, telling her that it had an inflexible policy allowing no more than six months' sick leave. The University did arrange for Hwang long-term disability benefits, but Hwang alleged it effectively terminated her employment. She filed a lawsuit contending that by denying her more than six months' sick leave, the University violated the Rehabilitation Act. The Judge Gorsuch recognized Hwang had a "terrible problem, one in no way of her own making, but it's a problem other forms of social security aim to address."

district court went on to dismiss her complaint and she appealed to the Tenth Circuit.

TENTH CIRCUIT'S DECISION

Judge Gorsuch in the Tenth Circuit's opinion found Hwang was not able to establish the following essential element for her claim of discrimination: "that she can perform the job's essential functions with a reasonable accommodation for her disability." Judge Gorsuch found there is "no question she wasn't able to perform the essential functions of her job even with a reasonable accommodation. By her own admission, she couldn't work at any point or in any manner for a period spanning more than six months."

Judge Gorsuch, in concluding that an employer must not allow employees more than six months' sick leave as a reasonable accommodation, stated:

It perhaps goes without saying that an employee who isn't

capable of working for so long isn't an employee capable of performing a job's essential functions — and that requiring an employer to keep a job open for so long doesn't qualify as a reasonable accommodation. After all, reasonable accommodations — typically things like adding ramps or allowing more flexible working hours — are all about enabling employees to work, not to not work.

Judge Gorsuch recognized Hwang had a "terrible problem, one in no way of her own making, but it's a problem other forms of social security aim to address." The Rehabilitation Act, according to Judge Gorsuch, was "not to turn employers into safety net providers for those who cannot work" citing an Eighth Circuit decision ruling that a six-month leave request was too long to be a reasonable accommodation.

Past League President Joe Hampton left a legacy as an extraordinary servant leader and community builder

Continued from page 5

afford to move into a new building. At the League's 2015 Midwinter Conference, then-League President Mayor Marlene Johnson of West Point presented Joe with the first "Joe Hampton League Legacy Award for Outstanding Servant Leadership."

Joe's memorial service included a description of how Joe grew up during the Great Depression. Although he was enrolled at Chadron State College in 1934, Joe ran out of funds and became an apprentice electrician, working for 70 cents an hour. At age 22 and with \$40 in his pocket, Joe moved to Lincoln in 1947 when he found out he could get 20 cents an hour more. He built a house in his spare time, intending it to be his own home, but ended up selling it before it was finished for a profit of \$800. This

was the beginning of the construction and real estate empire that Joe and his wife, Marge, built. Joe and Marge incorporated Hampton Enterprises in 1954. Although Hampton Enterprises initially focused on building homes in the early years, they began commercial construction in 1964. Joe considered being selected as the local construction partner to build Pinnacle Bank Arena as the capstone of his remarkable career.

Along with pictures of Joe snow skiing and water skiing, the following statement appeared in his memorial service: "Life should not be a journey to the grave with the intention of arriving safely in a pretty and well-preserved body, but rather skid in broadside, thoroughly used up, totally worn out, and loudly proclaiming, 'WOW, what a ride!"

Thanks to Joe Hampton for the privilege of knowing and working with him during his incredible ride!

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Trump Supreme Court nominee limits EEOC's scope of 'reasonable' accommodation

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Finally, Judge Gorsuch rejected Hwang's argument that the University's "inflexible" six-month leave policy was inherently discriminatory. To the contrary, Gorsuch found such a policy can "serve to protect rather than threaten the rights of the disabled – by insuring disabled employees' leave requests aren't secretly singled out for discriminatory treatment, as can happen in a leave system with fewer rules, more discretion and less transparency."

CONCLUSION

Judge Gorsuch's opinion runs counter to EEOC's push during the recent administration, which argued against "inflexible leave policies" in the ADA reasonable accommodation context. Such a stance as to what is a "reasonable accommodation" would be favorable for municipalities if Gorsuch is able to be a part in deciding such issues as a U.S. Supreme Court Justice.

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.

Sen. Clements, Elmwood banker, appointed to fill legislative seat vacated by Sen. Kintner's resignation

Robert Keith Clements of Elmwood was sworn into office Feb. 6 to fill a vacancy created in Legislative District 2 when embattled former Sen. Bill Kintner of Papillion resigned in January. Nebraska Supreme Court Chief Justice Mike Heavican conducted the swearing in ceremony at the Capitol.

Gov. Pete Ricketts praised Sen. Clements experience. "Rob's significant background in economics and actuarial science will bring additional fiscal expertise to the Unicameral (Legislature). His perspective on the ag economy and rural vitality, as well as his conservative principles, will represent the values of his district well and I look forward to working with him on ways to grow Nebraska."

Honored to have opportunity

Sen. Clements said: "I am honored to have this opportunity to represent the people in my district. I know the state is facing difficult budget decisions and I believe my background and experience will be of service during this process."

Clements, 66, and his wife, Peggy, have been married for 44 years and are high school sweethearts, both graduating from Elmwood High School. Clements graduated with honors in 1973 from the University of Nebraska-Lincoln as a math major, with minors in economics and actuarial science.

After graduation, he went to work as an actuary at Businessmen's Assurance Company in Kansas City. In 1978, he returned to Elmwood to work at the American Exchange Bank, following in the footsteps of his father and grandfather who also ran the bank. Clements' twin brother, Rick, is the President of American Exchange Bank



Sen. Robert Clements of Elmwood speaks after being sworn in by Chief Justice Mike Heavican, standing on the far right. Gov. Pete Ricketts stands behind Sen. Clements and Peggy Clements, Sen. Clements' wife, stands on the far left. Photo courtesy of the Governor's office.

and his son, Andy, is a bank officer.

Rob and Peggy have five grown children, Andy (40), Tom (38), Mary (35), Sarah (32), and Debbie (29), and 10 grandchildren, as well as one on the way. Clements' great-great grandfather, John Clements, homesteaded in Elmwood in 1868 and was one of the community's founders when it was incorporated in 1886.

Memberships

Clements is a member of the Society of Actuaries, President of the Bess Streeter Aldrich Foundation, a member of the Sons of the American Legion, an alumni member of the Cornhusker Marching Band and a former chairman of the Cass County Republican Party.

Former Sen. Kintner faced criticism in January after retweeting a comment about the recent Women's March that appeared to make light of sexual assault.

Last summer

Last summer, the Nebraska Accountability and Disclosure Commission fined Sen. Kintner \$1,000 for the misuse of state property when he used a state-issued computer to engage in cybersex with a woman he met online. Sen. Kintner reported to the State Patrol that the woman tried to extort money from him to keep their exchange private. Gov. Ricketts, several state Senators and others had called for him to resign.

Source – Governor's office

Kearney officially signs on to \$11 million solar array project

BY MIKE KONZ, KEARNEY HUB MANAGING EDITOR

Reprinted by permission from the Kearney Hub.

earney Mayor Stan Clouse said Feb. 1 that he's ready to go green at home by signing up for solar-generated electricity, and he's betting many of Kearney's residential, commercial and institutional energy consumers also will want to do the same when Nebraska's largest solar energy array is online in the fall. "I'm not overly concerned about

"I'm not overly concerned about getting it fully subscribed," Clouse said. He is fielding questions about the \$11 million solar project SoCore Energy of Chicago is planning here.

Nebraska's largest array

When it's complete, the solar array in northeast Kearney will be Nebraska's largest. On perfect sunny days, it will generate 5.8 megawatts of electricity – about 5 percent of Kearney's peak demand.

Formal signing ceremonies were planned at city hall by solar project partners: SoCore, Nebraska Public Power District and the City of Kearney.

Although the SoCore panels won't come close to meeting Kearney's power demands, they will allow people and companies who are environmentally minded to fill at least some of their electrical needs with green energy.

"We have some large energy-using customers that have a renewable standard in their portfolio, and this will be of interest to them," said Clouse, an account manager in Kearney for NPPD.

Clouse believes having green energy will supercharge Kearney's recruitment of high-tech firms. Kearney came close in its bid a few years ago for a \$1 billion Facebook data center. An extremely low electrical rate was offered, but Facebook opted for an Iowa location because wind energy was part of the bid.

Clouse and other Kearney leaders believe the availability of green energy will be an attraction for Kearney's Tech oNE Crossing, bringing jobs and broadening the local tax base. Xpanxion already is planning to build at Tech oNE and was scheduled to formally commit to that project.

Competitive rate

Clouse said the solar energy rate in Kearney will be very competitive. His all-electric home uses about 1,000 to 1,200 kilowatt hours per month. Consumers could buy up to 80 percent of their electricity from the solar array at 150 kilowatt hours per share at 86 cents per share per month.

For Clouse, buying 900 kilowatt hours of solar energy per month will add about \$5.15 to his monthly bill, which is \$157.

"If I buy six shares (of solar power) my bill would go up by \$5.15," he said.

About 84,000 shares of capacity will be available from the SoCore project. Clouse said consumers would pay an up-front enrollment fee of \$50, and each share would cost 86 cents per month. Clouse said that because the solar rate isn't much more than NPPD's standard rate, he anticipates a lot of interest, so much so, he said, that the challenge could be deciding how to reserve some solar capacity for businesses that want to be in Tech oNE Crossing.

"How much do we set aside so we can use it as a recruiting tool?" Clouse said. At a signing ceremony at city hall,



Kearney Mayor Stan Clouse

participants included SoCore President Rob Schuermann, NPPD President Pat Pope, Xpanxion Vice President Kelly Barnes, Kearney City Manager Michael Morgan, Economic Development Council of Buffalo County President Darren Robinson and Kearney City Council Vice President Randy Buschkoetter.

Ready to build

"Xpanxion is getting ready to build, and Darren Robinson is going to be recruiting the heck out of things," Clouse said. "Xpanxion brings in big companies to Kearney. When they've seen Kearney, we may have some companies who want to move here to be closer to Xpanxion."

Tim Polz of SoCore Energy worked with the city and NPPD on the Kearney project. He anticipates construction will begin in late March and conclude before September.

SoCore operates solar projects in 17 states, including Kansas, and is developing other projects in Nebraska, Colorado, Kansas and South Dakota.

mike.konz@kearneyhub.com

Former Mayor Sue Fuchtman honored as Norfolk Area Person of the Year

BY MIKE BUHLER NORFOLK DAILY NEWS

"What an outstanding choice."

That was the overwhelming response after the *Daily News* revealed late last year that Sue Fuchtman had been selected as the 2016 Norfolk Area Person of the Year.

"The selection committee did a terrific job," said Kent Warneke, editor of the *Daily News*.

Aaron Otten, vice president of Elkhorn Valley Bank & Trust – the cosponsor of the recognition program with the *Daily News* – echoed that sentiment.

"I can't think of anybody who would be more deserving than Sue," Otten said. "She's been part of Norfolk her entire life. I know that it (the award) is mainly to recognize the last year's accomplishments, but I'll tell you that Sue's had a lifetime of accomplishments in serving this community, both professionally and privately."

Afternoon reception

At a reception attended by about 75 people in the Norfolk city council chambers, Fuchtman was officially presented her award – a framed and matted copy of the *Daily News* front page that announced her selection.

Fuchtman, who served as Norfolk's Mayor from 2008-2016, said she was humbled by the honor.

"This in itself is truly very humbling, but to have been able to be mayor of this community is even more so," Fuchtman said.

At the reception, Fuchtman was praised for her eight years of service as mayor, including her efforts to communicate with area mayors to ensure



Sue Fuchtman visits with Sister Hermsen after being presented the 2016 Norfolk Area Person of the Year award at a reception in the Norfolk City Council chambers. Photo by Norfolk Daily News/ Jake Wragge. Reprinted by permission.

that Norfolk and the area see itself as one unit. She also was lauded for her service during her final year in office where she demonstrated leadership in guiding the city through several challenging issues.

Unofficial ambassador

Warneke also praised Fuchtman for her work as the city's unofficial ambassador in which she welcomed people and made them feel like a part of the community in Norfolk – a role that Fuchtman herself said she enjoyed.

"I loved every moment of that because I could talk about the great things that go on here and the people who are so supportive and involved in what goes on," Fuchtman said.

When Fuchtman spoke at Monday's presentation, she had words of praise for her family and also her work fam-

ily at Daycos, where she serves as the company's president.

"Without them supporting me 110 percent all the time, I never would have been able to do this and yet hold that same position there," Fuchtman said.

Praised city staff

Fuchtman also praised Norfolk's elected officials and the city staff, including City Administrator Shane Weidner, who served under Fuchtman for much of her term as Mayor.

"It's been truly an honor to work right next to him," Fuchtman said. "There is nobody's heart that is bigger than his and nobody that wants to see this community do better than he does." Fuchtman is a lifelong resident of Norfolk and has deep roots in the city

Continued from page 12

- her uncle founded Prenger's Restaurant and her father worked there. She graduated from Norfolk Catholic in 1970 and married her husband, Glen, the following year. They have four children.

Fuchtman went to work for Northwestern Bell Telephone Co. shortly after graduating from Norfolk Catholic, working there until the company left town in 1981. From there, she went to work for John Day and Associates now known as Daycos - in 1982 and has worked there ever since.

Planning commission

Before becoming Mayor in 2008, Fuchtman served more than a decade on the planning commission - including a stint as chairwoman of the commission – before announcing her candidacy for Mayor in 2007.

Also recognized at the reception were the runners-up for the 2016 Norfolk Area Person of the Year - Randy Stingley of the Norfolk Lions Club and Sister Kevin Hermsen and Sydney Hurley, both representing the Animal Shelter of Northeast Nebraska. mbuhler@norfolkdailynews.com

Editor's note: Former Mayor Fuchtman served on the League's Executive Board from September 2014-September 2017.

Look at the League's Facebook page at www.facebook.com/ leaguene Be sure to "Like" us

► Lutheran High, Norfolk High both win / SPORTS

UP FRONT

NORFOLK

Reception planned



An eye on the future



Sue Fuchtman

This year's



As mayor, Fuchtman sought to bring community together

Free time spent with her six grandchildren

Nebraska Power Association, League join others to oppose public power bills on retail choice

Measures would create costly, cumbersome regulatory system

ebraska Power Association (NPA) members and the League of Nebraska Municipalities joined others for a Feb. 16 press conference in the state Capitol rotunda to oppose two bills, LBs 657 and 660, before the Natural Resources Committee public hearing. Public utilities representative, Fremont City Administrator Brian Newton, Stromsburg Clerk/Treasurer Nancy Bryan and Grand Island Utility Director Tim Luchsinger were among city officials and others who testified against the measures during a well-attended and lengthy hearing.

During the press conference, opponents of the bills said they would create a costly, cumbersome and unnecessary regulatory system in Nebraska with the costs borne by taxpayers.

Reliable electricity

NPA Chair and Nebraska Rural Electric Association General Manager Troy Bredenkamp said: "Because we were created for the communities we serve, public power focuses on providing affordable, reliable electricity to customers rather than profits to remote, out-of-state shareholders. Nebraskans enjoy some of the lowest costs for electricity in the country, ranking 15th lowest in the nation for overall retail electrical rates."

LB 657 would adopt the Retail Electricity Transparency Act, requiring retail electric suppliers to unbundle retail electric rates on or before July 1, 2018.

Bredenkamp said unbundling a bill



Nebraska Rural Electric Association General Manager Troy Bredenkamp speaks at public power press conference before committee hearings. Staff photo.

would tell customers that a change in an energy charge occurred, but not why it occurred. Public power uses a variety of communications to help customers understand what is impacting rate changes, including public meetings, open houses, bill stuffers, brochures and websites, not to mention face-to-face discussions.

"One of the most important attributes of public power is local control – the ability for customers to interact with their local utility and its governing body in developing utility policies and practices that work for the community," Bredenkamp added.

Provides retail choice

LB 660 would adopt the Nebraska Retail Electricity Choice Act, which would provide retail choice in the state and allow private electric suppliers to serve retail customers. Opponents said the bill directs the Nebraska Public Service Commission (PSC) to hold public hearings and adopt the rules and regulations needed to implement retail choice and allow private electric suppliers to serve retail customers.

Kevin Wailes, CEO of Lincoln Electric System, said it would be improper for the Legislature to give the PSC a blank sheet of paper to develop a retail choice program, especially since the PSC has limited experience with the electric industry in Nebraska.

Costs to implement bill

Wailes also said it would cost hundreds of millions of dollars or more to implement the bill depending on how transitional and stranded costs might be addressed, which would be an expense paid by Nebraska taxpayers.

Nebraska Public Power District (NPPD) President and CEO Pat Pope said that public power works closely

Continued from page 14

with customers and communities.

"Competitive rates are important to our customers. NPPD's economic development rate played a significant role attracting Monolith Materials from Redwood City, Calif. They chose Nebraska and NPPD because of our exceptional energy infrastructure, economic development rate, business model and innovation," he said.

Not lowered

About one-third of states have adopted retail electric choice, predominantly in high-cost states. However, retail choice has not effectively lowered electric rates in those states. For example, Nebraska residential rates are currently 31 percent below the average residential rate of the retail choice states and, according to a report by Wisconsin-based Christensen Associates Energy Consulting, eight states have suspended, rescinded or reduced the customers with access to retail choice. No state has required retail choice of its public power or consumer-owned electric utilities.

"Not only would the regulatory costs of this bill add to the tax burden of Nebraskans, this bill also would deter additional generation investment by the public power utilities, especially renewable energy generation," Wailes said, adding that it "seems like a solution in search of a problem."

At press time, the Natural Resources Committee had taken no action on either bill.

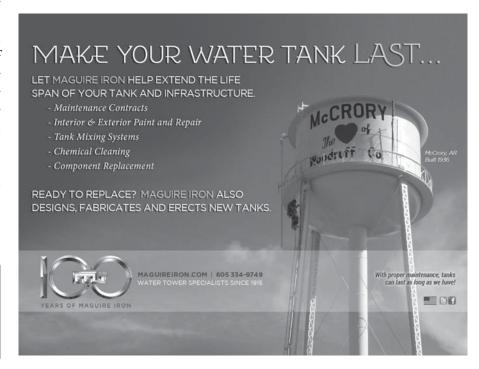
Check out the League's website at www.lonm.org



Stromsburg Clerk/Treasurer Nancy Bryan testifies before Natural Resources Committee Feb. 16.



Fremont City Administrator Brian Newton testifies before Natural Resources Committee Feb. 16.



State officials launch 'Dose of Reality' to prevent prescription painkiller abuse in Nebraska

League of Nebraska Municipalities is part of campaign

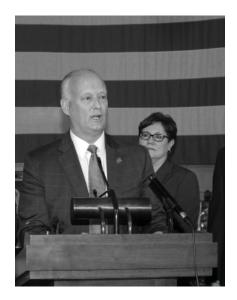
ov. Pete Ricketts and Nebraska Attorney General Doug Peterson Feb. 13 launched a statewide campaign to raise public awareness about the dangers of misusing opioid pain medications. The campaign is called a "Dose of Reality, Prevent Prescription Painkiller Abuse in Nebraska." The Governor and the Attorney General were joined during a press conference at the state Capitol by U.S. Attorney Deborah Gilg and Dr. Jeffrey Gold, University of Nebraska Medical Center Chancellor (UNMC), to announce the campaign's launch.

The Nebraska Department of Health and Human Services reported that 149 Nebraskans died of drug overdoses in 2015, of which at least 54 were opioid-related. The rate of opioid-related deaths in the state rose slightly from 2.4 per 100,000 people in 2005 to three per 100,000 in 2015. Nebraska's rate of drug overdose deaths is about half the national average.

League joins other groups

The League of Nebraska Municipalities joined several organizations to support the campaign, including the Nebraska Broadcasters Association (NBA) and the Nebraska Press Association (NPA). The NBA pledged to air \$312,000 in public service messages statewide for a year and the NPA board voted to support efforts by urging members to engage in the public information campaign.

Gov. Ricketts said the goal is to prevent opioid abuse from becoming



Attorney General Doug Peterson speaks at Feb. 13 press conference on curbing opioid abuse. League staff photo.



U.S. Attorney Deborah Gilg speaks at Feb. 13 press conference at state Capitol. League staff photo.

an epidemic in Nebraska, as it has become in Ohio, New Hampshire and other states. Governors and attorney generals in other states with worse opioid abuse problems urged Nebraska's state officials to be proactive and help educate people about the dangers of misusing these drugs.

Chance to prevent problem

Gilg said Nebraska has a chance to get ahead of the opioid abuse problem before it grows worse. She praised the leadership of the Governor and the Attorney General on the issue and said the Nebraska Opioid Summit at UNMC last October, which brought together media, law enforcement and health care providers to prevent opioid abuse from growing in Nebraska, was a positive step forward.

"Last year, nationally, there were more deaths from opioid overdoses than there were from gun deaths," she said. "That is remarkable."



Dr. Jeffery Gold, University of Nebraska Medical Center Chancellor, at press conference. League staff photo.

Dr. Gold said the UNMC has 48 different programs to educate health care providers about opioid misuse.

"There is very little question that if

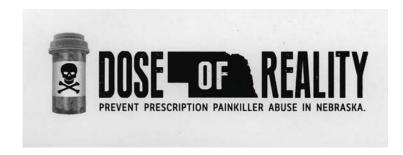
Continued from page 16

we don't take a proactive and a forceful step of modality today ... we will struggle mightily," Dr. Gold said, adding that the public information campaign is critical in tackling the problem.

Typical progression

Peterson said a typical progression is that people with an addiction start by taking or stealing drugs from family members or friends. After that, they go to the street and eventually transition to heroin. The drug that is causing the most concern among law enforcement is fentanyl because it is stronger than heroin.

The problem strikes all economic classes, ages and regions, he said, adding that young people, in particular, may suffer from the misconception that if the medication is in a brown



bottle, a doctor prescribed it and it can't be dangerous. The public service campaign will raise awareness among people in this age group that may not realize the dangers of misusing opioid medications.

The Attorney General urged people to dispose of old prescriptions of pain-killers that people may have forgotten in their bathroom cabinets so that they cannot be misused.

Finding treatment centers for people with addictions is a big challenge, Peterson said, especially in rural Nebraska.

A prescription drug monitoring program took effect Jan. 1, but Peterson said it was too early to assess its impact. In addition to the public service announcements, the campaign includes a new website, www.doseofreality.nebraska.gov.



Gov. Pete Ricketts at Feb. 13 press conference flanked by supporters of campaign to fight opioid abuse. League staff photo.

Jane Morgan, longtime Gordon city official, retires

Morgan served as League President from 1988-89

ordon Mayor Nancy Russell presented retiring Vice-Mayor Jane Morgan with a commemorative clock to recognize Morgan's many years of service to the city.

Morgan served on the council from May 1974-December 1990 and then again from December 1992-December 2016. She served as Mayor from June 12, 1975-Dec. 13, 1990. Morgan was elected President of the League of Nebraska Municipalities from 1988-89. She served on the League's Executive Board from 1984-1991.

League Executive Director Lynn Rex said: "I wish Jane the very best during her retirement. For decades, Jane Morgan has been an extraordinary servant leader and outstanding representative for the City of Gordon and the League of Nebraska Municipalities. She was an excellent



From left: Gordon Mayor Nancy Russell presents retiring Vice-Mayor Jane Morgan with a commemorative clock. Photo courtesy of City of Gordon.

League President and as Past League President, Jane continued to serve on the League Nominating Committee, encouraging municipal officials from across the state to serve on the League Executive Board. She will be missed by her friends and colleagues, especially League staff."

State announces change in mileage reimbursement rates

Effective Jan. 1, 2017, the mileage rate at which elected and appointed officials, employees, or volunteers may be reimbursed will be 53.5 cents per mile. The 2016 standard mileage rate was 54 cents per mile.

The Local Government Miscellaneous Expenditure Act provides that local units of government may approve mileage at the rate allowed by Section 81-1176. This section requires the state Department of Administrative Services to set the mileage rate. Effective Jan. 1, 2001, the state created a state policy that the state mileage rate will be set at the prevailing standard mileage rate as established by the Internal Revenue Service through its Revenue Procedures. Portions of Act, Section 13-2203, provide as follows: "In addition to other expenditures

authorized by law, each government body may approve: (1)(a) The expenditure of public funds for the payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers

by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the boundaries of the local government, if the governing body gave prior approval for participation or attendance at the event and for payment or reimbursement either by the formal adoption of a uniform policy or by a formal vote of the governing body. Authorized expenses may include: (ii) Mileage at the rate allowed by section 81-1176 or actual travel expense if travel is authorized by commercial or charter means."

City of McCook has new mobile app

The City of McCook announced that it has a new mobile app available to download in both the Apple and Google Play stores. This app creates a direct connection between the city and our citizens, businesses and visitors. Features include:

- Pay My Water Bill conveniently access the payment portal and pay your water bill right from your mobile device.
- **Jobs** check out current job openings with the City of McCook.
- Report a Concern report issues and concerns back to the city departments, such as pot holes, street lights out, broken playground equipment and more. ■

Source - City of McCook

Auburn airport, Beatrice airport win awards

At the 25th Aviation Symposium and 46th Maintenance Seminar, the Department of Aeronautics awarded the Project of the Year to Auburn's Farington Field with Engineering Consultant Olsson Associates and contractor Hawkins Construction.

The 2016 Nebraska Airport of the Year was awarded to the Beatrice Municipal Airport. ■

Source – PIREPS, Nebraska Department of Aeronautics

Recycling equipment grant funds available

The Nebraska State Recycling ■ Association (NSRA) has grant funds available in the 2016-17 grant cycle for municipalities, other government entities, non-profits and recycling companies and haulers who wish to purchase recycling equipment. Grants can help fund up to \$15,000 for the purchase of recycling trailers, semi-trailers, carts, dumpsters, balers, lift-gates, forklifts, trucks, recycling bins and more. Equipment may be new, used or in need of refurbishing. A cash match is required. The deadline for applications is the 15th of each month.

To apply, visit the NSRA Recycling Equipment Grants web page, http://recyclenebraska.org/2016-17_recycling_equipment_grants and contact

Julie Diegel at 402-436-2384 x1000 or jdiegel@recyclenebraska.org for more information.

Also available this year: Recycling review/consulting on existing or new recycle programs, ranging from a general to in-depth review, by phone or on-site. Reviews can be conducted independent of an equipment grant.

The Nebraska State Recycling Association received one of 118 grants totaling \$18.8 million in grant awards from the Nebraska Environmental Trust in the 2016-17 grant cycle. The trust has awarded more than \$250 million to over 1,900 natural resource projects in Nebraska since 1993, funded by proceeds from the Nebraska Lottery.

Source - Nebraska State Recycling Association



Governor, First Lady, Union Pacific unveil 'Nebraska I 50 Express' tour

7 communities selected as stops for Aug. 4-6 tour

even communities were selected as stops along the route for the "Nebraska150 Express" tour Aug. 4-6, 2017, according to Gov. Pete Ricketts, First Lady Susanne Shore and Union Pacific Chair and President and CEO Lance Fritz. A Union Pacific Streamliner locomotive will traverse the state during a three-day "Whistle Stop Tour," a rare event harkening back to the early 19th century.

Communities across state

"The Nebraska 150 Express will provide the opportunity for communities across Nebraska to celebrate in our state's sesquicentennial," Gov. Ricketts said. "I appreciate Union Pacific, a company that has had such an important and positive impact on Nebraska,

taking such a vested interest in our state's celebration of its great history." After departing from Omaha, the locomotive will travel to Columbus, North Platte, Ogallala, Sidney, Gering, Kearney and Grand Island, where each community will host a rally or festival to welcome the train's passengers. The Nebraska150 Celebration has extended invitations to a select group of Nebraska native celebrities and notable figures it hopes will be part of the tour. These individuals will disembark to give speeches, take photos and/or sign autographs for audiences.

Grateful to Union Pacific

"The Nebraska150 Celebration is incredibly grateful to Union Pacific for its generous support of this event and commitment to our state," said First Lady Shore. "Our histories are inextricably linked. We have, in many

ways, grown up together. I can't think of a more fitting way to celebrate this historic occasion than with a fun train tour that harkens back to days gone by."

"Union Pacific is thrilled to be part of our home state's sesquicentennial celebration, visiting communities along the original transcontinental railroad route with our proudly restored, decades-old heritage equipment," Fritz said. "We value our long-standing relationships with communities along UP lines, many of which were developed as a result of the railroad. We look forward to celebrating with them and other Nebraskans in August."

Exciting for Gering

Gering Mayor Tony Kaufman said,

"Today's announcement is exciting for the City of Gering and our residents. Now we begin the process of brainstorming ideas and organizing our whistle stop event: food, flags and entertainment featuring local musicians will set the stage for us to welcome dignitaries and showcase Gering's history and hospitality in celebration of Nebraska's 150th birthday."

Kearney Mayor Stan Clouse said, "Nebraska's 150 Celebration is a tremendous opportunity to showcase our state and communities and, as such, Kearney is excited to participate in all of the events, but especially the Whistle Stop Tour. Kearney exists today because of the historical migration of settlers utilizing trails and railroads as they settled the west. We are proud of our heritage and our outstanding committees and volunteers are working hard to ensure the Whistle Stop Tour will long be remembered." ■



Source - Gov. Pete Ricketts' office

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

Electric Journey Line Worker. City of Gering is accepting applications for the position of full-time Electric Journey Line Worker. This individual will perform skilled line work in the operation, construction, maintenance and repair of overhead and underground electric distribution and transmission systems. The city also will accept applications for Electric Apprentice Line Worker, using the City of Gering's Apprenticeship Program. Applications with resumes will be accepted until the position is filled. Specific duties, responsibilities and desired qualifications are available with the application form. Apply at the City of Gering, 1025 P St., Gering, NE 69341 or at www.gering.org. Applicants are asked to include any training and/or educational certificates they may have to their application. Application deadline is 4:30 p.m., March 31, 2017.

Budget Officer. City of Lincoln, Nebraska. Salary: \$80,512 - \$134,817 For a complete position profile and to apply online, visit Prothman at http://www.prothman.com/ and click on "Current Searches." For questions, call 206-368-0050.

The City of Lincoln operates under the Mayor-Council form of government and employs 2,127 FTEs, and has a total operating budget of \$356,949,040 for 2017-2018. The Finance Department is composed of seven divisions, including Administration, Budget, Accounting, City Clerk, City Treasurer, Purchasing, and Information Services, employs 72

Positions

FTEs, and has a 2017-2018 budget of \$10,902,574.

The Budget Division includes four staff, including the Budget Officer, two Budget Analysts and a Grant Administrator. Under the direction of the Finance Director, the Budget Officer directs and coordinates the activities of the Budget Division. Responsibilities include conducting and implementation of research findings which would lower costs and increase the effectiveness of city operations. The Budget Officer accomplishes this task by coordinating the construction and administration of the biennial city budget, and managerial, administrative, and program analysis in order to ensure the most economical and efficient use of all resources available. A bachelor's degree in Business, Public Administration, Public Finance, Accounting, Economics, or related field is required, plus extensive experience in public budget, management, administrative and program analysis, as well as finance, accounting and fiscal operations in a responsible supervisory capacity. Candidates may possess any combination of relevant education and experience that demonstrates their ability to perform the essential duties and responsibilities. First review: March 26, 2017 (open

See page 22 for

Professional Directory

until filled).

Mark your calendar for these League conferences

Municipal Accounting and Finance Conference June 14-16, 2017 Holiday Inn, Kearney

Annual Conference Sept. 20-22, 2017 Cornhusker Marriott Hotel, Lincoln

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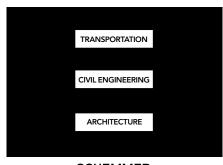
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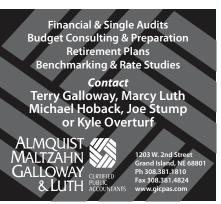


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