

NEBRASKA MUNICIPAL REVIEW

■ 2021 Virtual Midwinter
Conference Highlights

■ Village of Stratton moves offices
into new building

■ Fox Theater holds its grand opening
in Cozad's historic Allen's Opera House

Official Publication of the League of Nebraska Municipalities

FEBRUARY 2021



Omaha sunset during winter

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Omaha sunset during winter.
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CALENDAR

Municipal Accounting and Finance Conference June 16-18, 2021, Cornhusker Marriott Hotel, Lincoln
Annual Conference..... Sept. 22-24, 2021, Cornhusker Marriott Hotel, Lincoln

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

APRIL 2021

CITIES OF THE FIRST CLASS

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage	Clerk publishes ordinances passed. (16-405)
Within 30 days following Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
End of each quarter	Report from depository banks. (16-714)
Semiannually.....	Mayor and Council publish a statement of receipts and expenditures (16-722)
Within 20 days after end of month	Treasurer files monthly financial report. (16-318)
April 30	Liquor licenses (other than Class C) expire unless renewed. (53-124)
* *	Clerk must prepare agenda prior to next Council meeting. (84-1411)
On or before May 1	Annual report to governing bodies regarding redevelopment projects (TIF) (18-2117.02)

CITIES OF THE SECOND CLASS

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....	Clerk publishes or posts ordinances passed. (17-613)
Within 30 days following Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month	Treasurer files monthly financial report. (17-606)
April 30	Liquor licenses (other than Class C) expire unless renewed. (53-124)
**	Clerk must prepare agenda prior to next Council meeting. (84-1411)
On or before May 1	Annual report to governing bodies regarding redevelopment projects (TIF) (18-2117.02)

VILLAGES

Within 10 days following meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 15 days of Passage.....	Clerk publishes or posts ordinances passed. (17-613)
Within 30 days following Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month	Treasurer files monthly financial report. (17-606)
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On or before May 1	Annual report to governing bodies regarding redevelopment projects (TIF) (18-2117.02)

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

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LB 83: Thanks to the Government Committee for selecting League-supported bill to amend the Open Meetings Act as a Priority Bill

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

Thanks to **Sen. Mike Flood** of Norfolk for introducing and advocating for passage of **LB 83** as the Legislature debates the bill during the various stages of consideration this session. Thanks to **Sen. Tom Brewer**, Chair of the Government, Military & Veterans Affairs Committee, and other committee members for unanimously adopting a League-supported negotiated amendment (AM127) before advancing the bill to General File as reported on Feb. 16 on an 8-0 vote. **Thanks to Sen. Brewer and Government Committee members for selecting LB 83 as one of two Committee Priority Bills to help assure the bill's passage this session.** Thanks to **Dick Clark**, Legal Counsel for the Government Committee, and **Jesse Ferguson**, Sen. Flood's Legislative Aide, for the countless hours spent working with League staff and other stakeholders on this landmark legislation.

LB 83, as amended, would alter the Open Meetings Act in Chapter 84, Article 14. **First, LB 83 would modernize the provisions in section 84-1411(2) in which "regional" public bodies (i.e., solid waste management agencies, ESUs, League Association of Risk Management and Municipal Energy Agency of Nebraska) currently hold public meetings by "virtual conferencing."** Such meetings would be subject to similar requirements as those which now apply to "videoconferencing" and telephone conference calls. Provisions of the Open Meetings Act on videoconferencing and telephone conference calls would be combined into one section. Instead of using the terms videoconferencing and telephone conference calls, "virtual conferencing" would encompass both.

LB 83 defines **"virtual conferencing" as "conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412"** which allows the public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking and recording at the virtual meeting.

Secondly, LB 83 would create a statutory framework for

all public bodies ("regional" public bodies and "local" public bodies like city councils and village boards) to hold meetings by "virtual conferencing" during a declared emergency by the Governor. In addition to any formal action taken pertaining to the emergency, public bodies holding a meeting by "virtual conferencing" during a declared emergency by the Governor would be authorized to hold

such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. Such meetings could be held after giving reasonable advance publicized notice, including information regarding access for the public and news media, as well as adhering to a list of provisions in the bill that current law mandates for other public meetings.

LB 83 is the result of months of negotiations and work by **League staff** with other members of the **"Open Meetings Act Coalition"** comprised of nine statewide organizations and numerous local, regional and state entities subject to the Open Meetings Act. On behalf of the Coalition, the League staff negotiated an agreement with **Media of Nebraska** requiring consensus by the Coalition and Media of Nebraska on any amendments to the bill. **Thanks to Gov. Pete Ricketts** for supporting LB 83 following negotiations of acceptable amendments. We know of no opposition to LB 83 at this time. LB 83 has the emergency clause so the bill would take effect when passed and approved, except for those provisions about posting agendas and minutes for certain public bodies, which would have an effective date of July 31, 2022. **Please encourage your Senator(s) to support LB 83 as amended by AM127! ■**



Sen. Mike Flood

Government, Military and Veterans Affairs Committee Members



Sen. Tom Brewer, Chair



Sen. Matt Hansen, Vice Chair



Sen. Carol Blood



Sen. Steve Halloran



Sen. Megan Hunt



Sen. John Lowe



Sen. John McCollister



Sen. Rita Sanders



Connecting every corner of Nebraska

BY GOV. PETE RICKETTS

Nebraska is a national leader in the quality of our state highway system. This is no accident – Nebraskans take pride in building high-quality infrastructure and understand the importance of connecting our communities to grow our state. For example, Nebraska’s farmers and ranchers led the charge for rural electrification in the 1930s. With their backing, Nebraska Sen. George Norris co-sponsored the Rural Electrification Act, which was key to bringing electricity to rural communities throughout the state. Today, we have the opportunity to build next generation infrastructure by expanding reliable, high-speed broadband networks to every corner of Nebraska.

High-speed internet required

Nebraskans depend on high-speed internet for education, telehealth, precision agriculture, entertainment, e-commerce and a host of other activities. In our digital world, broadband connectivity is basic infrastructure. It’s critical to ensuring that every community has a chance to grow and thrive. A couple of stories will illustrate this point. Like many Nebraskans, Riley Kessler – a 2020 graduate of Mullen High School – had to finish his final months of high

school remotely last spring during the pandemic. Completing assignments online was anything but easy for Riley, given the lack of adequate broadband options on his family’s ranch. To do his schoolwork, Riley had to travel 10 miles to a hilltop where he could finally make a connection to join Zoom sessions and do homework.

Allowed expansion

Jason Kvols farms near Laurel and raises pigs. The high-speed internet services at his farm have allowed him to build a new pig barn to double his capacity so that his son can return home to farm.

“I wouldn’t have even considered building this new barn if it wasn’t for the fact that I have access to high-speed and high-quality internet service at the barn’s location,” Kvols said. “Because I have good internet, I’m able to use new technology that will allow me to better manage the barns, giving me 24-7 access to monitor and manage feed, water and climate control remotely. Broadband access played a major role in being able to provide this opportunity to grow our operation and bring my son back to the farm.”

These examples show the importance of connecting every community in

Nebraska to broadband. Having great internet service opens up opportunities not just for students, but also for ag producers and entrepreneurs.

We have work to do to build out our broadband network in Nebraska. More than 80,000 households in our state lack broadband speeds that meet the Federal Communications Commission benchmark of 25 mbps download speed and 3 mbps upload speed (25/3). As technology improves, the flow of data is increasing. 25/3 is already insufficient for many online activities. As we expand broadband, we don’t just want to meet today’s internet standards. We want to build for the future. In Nebraska, 150,000 households do not have internet speeds of 100 up, 20 down (100/20).

Federal assistance directed

To address our need for more widespread internet access, we directed nearly \$30 million of federal coronavirus assistance to begin connecting 17,600 households with broadband. This was essential during the pandemic as many services went online. This session, **LB 388** can continue the momentum we have built up using the CARES Act resources. As part of LB 388, Sen. Curt Friesen

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of Henderson, Speaker Mike Hilgers of Lincoln, and I are proposing that we invest \$20 million in each of the next two years to help another 30,000 households get broadband connectivity.

Prioritizing unserved areas

We're prioritizing unserved areas and those with slower broadband speeds. All of these projects require the applicant to provide 50 percent of the total development costs. To be eligible for funding, projects must be completed within 18 months.

Any company who receives state funding will be required to build to speeds of 100 up and 100 down so that the broadband networks will meet our future needs. We're measuring speeds upon completion to ensure this standard is met. When we invest

taxpayer resources into infrastructure, we need to make sure we are providing a high-quality product. Settling for lower quality infrastructure won't allow people the kind of flexibility they need to work from home or to pursue online education. We need to make sure we are building to a standard that will meet the growing needs of our digital world.

Creating opportunities

My vision is to grow Nebraska, and this means creating opportunities in every part of our state – whether urban, suburban or rural.

If you have questions about LB 388, email pete.ricketts@nebraska.gov or call 402-471-2244. If you want to see better broadband throughout Nebraska, contact your State Senators to make your voice heard. You can find their contact information at www.nebraskalegislature.gov.

nebraskalegislature.gov. LB 388 will move us closer to bringing broadband coverage to every corner of the state so that geography doesn't limit opportunity in Nebraska. ■

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Access to this database is available remotely with a Kearney Public Library card or from within the library building. For more information, visit www.kearneylib.org or call the reference desk at 308-233-3256. ■

Source – City of Kearney

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Poor information security practices led to hack at Florida water plant

BY RICK JEFFRIES, CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.

Recently, a water treatment plant in Oldsmar, Fla. was the victim of cybercrime. Hackers gained control of the systems that manage the water treatment process and increased one of the chemical inputs to a level that made the water supply unsafe to drink. As frightening as this is, the descriptions in the press of information security practices of the utility that allowed this to happen are even more frightening. Managers of municipalities delivering life-critical services should make sure they are not making the same mistakes.

A. Operating Systems

The computer that allowed access to criminals in Oldsmar ran Windows 7. Microsoft no longer supports Windows 7. Like it or not, operating system manufacturers will not provide security updates for their products after they have been in service for a long time. This is how they get you to buy the newest hardware and software. Be that as it may, every day that we use an unsupported operating system, that system becomes more vulnerable to attack. Every computer under municipal control must have an up-to-date operating system with all security patches installed.

B. Software

News reports indicate that the util-

ity had recently changed its software for giving remote access to the water treatment systems. For reasons that were unexplained at the time of this writing, however, the utility had not removed the outdated software it was supposed to replace. This is like building a heavy steel door on a vault, but not removing the rickety screen door next to it: It doesn't matter how strong the steel door is.

The lesson is not only to keep all of your software up to date, but to remove any software that is no longer in service or serves a legitimate purpose. Even software that seems to have innocuous functions can be exploited to gain access to the system, particularly as it ages. Computers used for municipal purposes must use only software that is approved, tested and up to date.

C. Passwords

The remote connection software used at the water plant had one set of login credentials shared by all the employees. This creates several vulnerabilities. First, shared credentials inevitably get written down, passed to people for whom they are not intended, and otherwise live outside the brains of those for whom they are entrusted. Very often, when employees leave, shared credentials are not changed. Also, using one set of credentials for all

people deprives you of any meaningful ability to conduct an investigation as to what happened and who might be responsible, because you literally cannot exclude anybody as a suspect.

No matter how minor the system, every individual user must have a distinct set of login credentials and a strong password. Most experts agree it's no longer necessary to change passwords on a regular schedule, if there's been no evidence of systems being compromised.

Passwords should never be written down. For this reason, I always suggest that passwords be long, but that the famous mix of character types, such as symbols and numbers, is counterproductive. This way, a nonsense phrase like "thefutureisbaconpants" can serve as a strong password, memorable to the user that never needs to be placed on a sticky note.

Speaking of which, you may remember that a few years ago, authorities in Hawaii inadvertently sent out an alert that a ballistic missile strike was inbound to the islands. In the PR blitz that followed to reassure the public that the agency knew what it was doing, the agency director posed in front of monitors, stuck to which were Post-It notes with passwords on them.

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A password that is written anywhere is secure nowhere.

D. Remote Connections

The Florida authorities explained that it was necessary to allow remote connections to the water plant to investigate alarms and take other action without requiring the physical presence of an employee. That's understandable. But systems that control utilities and other life-supporting functions fall into the category of industrial control systems (ICS). Some people believe that every ICS should be "airgapped" – that is, not on the internet but only accessible from a computer in a secure location. That may increase costs of administration, but for life-critical systems, it may be the only way to approach total security. If a system must be connected to the internet, obviously that connection must be secure. Here, the outdated computer with the outdated software and shared passwords was connected directly to the internet, without the

benefit of the simplest firewall or other device that would limit inappropriate attempts to login.

If they must be connected to the internet, municipal systems should be in a secure network environment. This may require the use of networking professionals, but a little expense now will help prevent significant loss later.

E. Beware of Homebrew Remedies

Particularly in smaller municipalities without dedicated IT departments, users may be tempted to download unvetted tools off the internet to make their jobs easier. While understandable, this is dangerous. The news reports describing the Oldsmar situation suggest a security regime that was either severely deficient or totally non-existent. This in turn, suggests that remote access was set up by non-technical people with no idea of the risks they were running. Municipalities must know what is on the computers that operate their systems, and to do this, they must periodically inspect every device on which city

business is conducted. There are tools to do this remotely, but they must be administered by trained individuals.

F. Conclusion

The Oldsmar incident demonstrates that no municipality is too small to be a target for attackers. In fact, the lack of resources the Oldsmar plant deployed to protect its water control system made it an excellent target. Also, had the attacker's motive not been discovered, the evidence certainly admits the possibility that someone local may have committed the crime.

Because municipalities must deliver vital services, they must be sure that the systems that control those services are secure and properly maintained. ■

Rick Jeffries is a partner in, and the general counsel of, Cline Williams Wright Johnson and Oldfather, L.L.P. He practices in commercial litigation and information security privacy. He can be reached at (402) 397-1700 or at rickjeffries@clinewilliams.com. This article is not intended to serve as legal advice, but as information that may be relevant to readers of this publication. If you require legal advice, please contact Rick or another licensed lawyer.

4 communities to begin or increase their local sales tax

Nebraska Tax Commissioner Tony Fulton in February announced the following changes in the local sales and use tax that will be effective April 1, 2021.

- Fordyce will start a city sales and use tax rate of 1 percent,
- Spalding will start a city sales and use tax rate of 1.5 percent,
- Gibbon, Guide Rock, and Hartington will each increase

its rate from 1 percent to 1.5 percent, and,

- Upland will increase its rate from 0.5 percent to 1.5 percent.

A current list of cities and counties that impose a local sales and use tax as of April 1, 2021 is available on the Revenue Department's website at revenue.nebraska.gov, under the Local Government page. ■



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The grand opening of the Fox Theater in Cozad was held Feb. 19, returning the movies to the 100th Meridian for the first time in over a decade. Photo by Dan Voris, Lexington Clipper-Herald. Reprinted by permission.

Fox Theater holds its grand opening in Cozad’s historic Allen’s Opera House

BY BRIAN NEBEN
LEXINGTON CLIPPER-HERALD

Reprinted by permission

For the first time in over a decade, residents of Cozad once again have access to a movie theater in their community. The Fox Theater, located in the historic Allen’s Opera House, held its grand opening Feb. 19.

3-year project

The Cozad Development Corporation, (CDC), led by Executive Director Jennifer McKeone, has been

working to bring a theater back to Cozad for three years.

Previous theater closed in 2008

Cozad previously had been served by the Rialto Theatre, which opened in 1921. It was a staple in the community for decades, but by 2008, the building had fallen into disrepair and closed. The City of Cozad acquired the property in April 2015 and chose to demolish the building.

The CDC found in a community needs survey that demand for a movie theater in Cozad was high. The op-

tions were weighed on whether or not to build a brand new building, but then the CDC decided to purchase the historic Allen’s Opera House on the corner of 8th St. and Meridian.

After a structural survey, the CDC applied for a grant from the Civic and Community Center Financing Fund from the state, which was awarded. Funding also came from citizens in the 100th Meridian community.

In October 2020, the theater received a \$40,000 donation from The Home

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Agency and BHA Real Estate.

Now, 12 years after the closing of the Rialto, the Fox Theater has opened, once again providing entertainment access for the community. The theater features three different screens on which to show movies.

The first movies to be shown in the new theater were the *Croods 2*, *News of the World* and *Wonder Woman 1984*.

While the CDC owns the theatre, it will be leased to Stewart Fox of Broken Bow. His family has operated the Tiffany Theater for more than 15 years. They will run the day-to-day operations of the theater.

Open 7 days a week

The theater is open seven days a week, from 6:30-8:30 p.m. People can check out its Facebook page or www.watchthefox.com to see what movies are being offered.

The renovations done to the historic building were major; there was no electrical, plumbing, heating or access to the second story.

The theater features state-of-the-art laser projection and sound equipment, the first of its kind equipped in any theater in the country. Laser projection is an emerging technology in movie projection which allows for more vivid colors.

Helps attract people

McKeone said access to family entertainment is important and can help attract people to the community. The theater, along with the other redevelopment in Cozad, makes the town an appealing place to live.

She said Cozad has a great downtown area, with places to eat, shop and visit.

People have a choice on where they want to live and these amenities create a community people want to be a part

of, McKeone said.

Cozad Area Chamber of Commerce Executive Director Karmen Morse said the theater is a notable addition to the downtown Cozad area and it is

unique among the other theaters in the county for having three screens to show movies.

“It will be a huge benefit to the com-

Continued on page 12



The Fox Theater concessions. Photo by Dan Voris, Lexington Clipper-Herald. Reprinted by permission.



The Fox Theater features three different movie screens, all equipped with state-of-the-art projectors which are the first of its kind to be installed in a movie theater in the country. Photo by Dan Voris, Lexington Clipper-Herald. Reprinted by permission.

Arapahoe, Omaha offer mobile apps

Arapahoe, with its population of 1,026 and Omaha, the state's largest city at 460,000, have something in common. Both cities have developed mobile apps recently for their citizens.

The City of Arapahoe officials were renovating the city website when they added the mobile app to help keep residents better informed. When citizens download the app, they have access to recent news, a community calendar, a direct link for paying utility bills, golf or pool memberships and other services. Besides those benefits, the city can send out Push Notifications with urgent information.

The City of Omaha officials stated that "Mobile Omaha" includes links to the most popular features on the city's website, such as the Mayor's Hotline, Park Omaha, Wasteline.com and Keepomahamoving.com. Users can access city news, job openings and dozens of social media sites managed by city department staff.



© iStockphoto.com

The app also includes a link to COVID-19 vaccination information and appointment schedules and it offers a feature for users to receive alerts from city departments, which could include traffic announcements and road closings, trash collection notices and public meetings schedules.

"The mobile app is another way for the city to provide convenient access to information and services," Omaha Mayor Jean Stothert said. "Taxpayers benefit from timely, accurate communications." ■

Source – Cities of Arapahoe and Omaha

Cozad theater has grand opening

Continued from page 11

munity," Morse said.

The Allen's Opera House was built by Charles Hart and a Mr. Shanholt in 1906 for Charles E. Allen, a business man and banker who co-owned the Cozad State Bank and the Allen's General Store, both businesses were located on the first floor of the building, according to the National Register of Historic Places.

The building has been listed on the National Register of Historic Places since Sept. 28, 1988. Its construction is consistent with most Nebraska opera houses built in the 20th century, the façade lacks ornamentation, aside from stone ledges above and below the windows, according to the building's historic registration form.

The building played host to a variety of performing arts including musical concerts, home talent, high school productions, the actor Eugene Moore, touring stock companies, dialect plays, minstrel shows and the performance of classic plays. ■




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Grand Island library offers more than 3,000 magazines for download

The Grand Island Public Library announced that more than 3,000 popular magazines are now available to download and read on any device 24/7. Grand Island Public Library users with a library card can read digital magazines alongside ebooks and audiobooks on Libby, the award-winning one-tap reading app from OverDrive, or by visiting www.gilibrary.org. There are so many magazines for all ages, different languages and other popular publications supplied by ZINIO (previously available through the RBDigital app).

Celine Swan, library director said that she was “overwhelmed with joy that there are so many, many different magazines available and easy to read with the Libby app!” Some that caught her eye were Old House Journal, Raspberry Pi for Kids, Photoshop Elements, 3D Make and Print, Start Your Own Business and many more.

Digital magazines have no wait lists or holds, do not count toward checkout limits and provide readers the option to renew their selections. Grand Island Public Library patrons also can download magazines to Libby for offline use. Readers can browse lists of magazines within the app and search by format to find available titles.

Named one of *PCMag's* Best Free Software of 2019 and one of *Popular Mechanics'* 20 Best Apps of the Decade, Libby seamlessly connects first-time users and experienced readers with the popular digital collections of libraries. These tailored collections offer ebooks, audiobooks and magazines including bestsellers and new releases in a variety of topics. OverDrive is the leading digital reading platform for libraries and schools

worldwide. The company strives to create “a world enlightened by reading” by delivering the industry’s largest catalog of ebooks, audiobooks,

magazines and other digital media to a growing network of 50,000 libraries and schools in 78 countries. ■

Source – City of Grand Island

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Alliance City Council approves proposal for crosswalk artwork

BY KATHRYN KELLAR
ALLIANCE TIMES-HERALD

Reprinted by permission from the *Alliance Times-Herald*.

New artwork will soon be spotted around town at pedestrian crosswalks as part of the Activate Alliance crosswalk program. The Activate Alliance committee is focused on implementing strategies to promote citizens to walk, bike and roll as active community members.

The program is heading toward the next phase after the Alliance City Council Members voted to approve the proposal, donation of materials and volunteer hours during a regular meeting.

Improve walkability

Box Butte General Hospital Wellness Coordinator and Activate Alliance Member Daniel Newhoff said: “Essentially, the whole purpose of that is to improve walkability in the community of Alliance. Essentially, this specific crosswalk initiative is a project that grew. We’re trying to really increase the safety, so we want people to be active in the City of Alliance.”

Earl Jones, Activate Alliance Member, said in a document shared at the council meeting: “With the U.S. obesity rate over 40 percent, the highest ever



Photo by © iStock.com.

recorded, it is important to find policy solutions that create more opportunities for people to be physically active. As a public official and member of Activate Alliance, I feel like we make a real difference in our community by making outdoor recreation safer and making people more aware of locations where people may be walking or riding bicycles.”

Locations proposed

Current proposed locations for decorated crosswalks include 10th Street on the path, Box Butte Avenue and 16th Street (which has four crosswalks), Emerson Avenue by the Berean Church and by schools (specifically near the Alliance Middle School). The committee also has proposed new crosswalk locations on Emerson Avenue by Laing Lake and the corner of Box Butte Avenue and 21st Street. According to the document, “Creative crosswalks highlight marked pedestrian crossings and are a low-cost, traffic-calming mechanism to reduce traffic speeds and volume. In addition to being fun, they can raise awareness of pedestrian safety. Research shows

drivers tend to notice patterns and bright colors more than the standard white paint on asphalt. Cities report since upgrading crosswalks, vehicles slow down and pedestrians feel that the street is not just for vehicles, it’s for pedestrians as well.”

Each pedestrian crossing sign is estimated to cost \$52.64 or \$119.95 for a fluorescent type, with oil-based paint estimated to be at \$45 per gallon and a total of about \$500 per crosswalk.

Grant awarded

The Nebraska Department of Health and Human Services will pay for the project through a Walkable Communities grant that would be awarded to the Panhandle Public Health District (PPHD). According to the document, PPHD has committed \$2,000 to initial expenses associated with the project with funds anticipated in 2022 as well.

Community members and local artists Kathy Worley and Kyren Gibson have agreed to help paint the crosswalks. Gibson has had experience with a similar project that was done in Lincoln. ■

Checkout the League’s
Facebook page at www.facebook.com/leaguene

Be sure to “Like” us

\$6.7 million awarded to waste and litter reduction, recycling, scrap tire grants to support 144 projects across state

Nebraska Department of Environment and Energy Director Jim Macy announced Feb. 5 the award of \$6,686,369 in grants to support 144 projects across the state. These grants will help fund litter and waste reduction projects, recycling programs, and pay costs for scrap tire cleanups and collections for household hazardous waste, electronic waste and pharmaceuticals.

“There were many outstanding applications submitted to NDEE this year,” Macy said. “These grants will assist many important local efforts to promote litter and waste reduction and help handle the costs of proper disposal of many materials, such as household hazardous waste and scrap tires.”

Waste Reduction and Recycling In-

centive funds are generated by a fee on solid waste disposed of in landfills, an annual retail business sales fee and a fee assessed on the sale of new tires. Grants are provided to local integrated waste management projects and can include recycling systems, household hazardous waste collections and composting. For 2021, 31 projects totaling \$3,067,101 were funded under the Business Fee and Disposal Fee categories.

Also included in the Waste Reduction and Recycling Incentive program are Scrap Tire funds, which are generated from a \$1 fee on new tires purchased in Nebraska. In 2021, 60 grants totaling \$1,535,068 were awarded. These grants will fund 13 scrap tire cleanup events across Nebraska. Enough funding was awarded to clean up 3,925 tons of scrap tires. Funds will be used to partially reimburse the cost of many products made from recycled scrap tires, such as artificial turf football, soccer, baseball, and softball fields, athletic running tracks and playground surfacing.

Litter Reduction and Recycling funds are generated from a fee charged to certain manufacturers, wholesalers, and retailers of products that commonly contribute to litter. The program has provided grants annually since 1979. In 2021, 53 litter grants totaling \$2,084,200 were awarded in the public education, cleanup and recycling categories. Public education programs educate citizens on litter reduction and recycling through a variety of school and community activities. Cleanup grants provide funding for Nebraska residents of all ages who pick up litter and debris along Nebraska’s highways, waterways, recreation lands, urban areas



Photo by © iStock.com.

and other public use areas within the state. Not only are the public areas improved through the removal of litter, but much of the material collected is recycled. Recycling programs provide an alternative to the disposal of solid waste in Nebraska’s landfills. Priority is given to programs that promote markets for recycled materials or purchasing products made from recycled materials.

Grant applications for 2022 will be available in early July 2021. Please check the website or contact ndeq.wastegrants@nebraska.gov for more information. ■

Source – Nebraska Department of Environment and Energy

Special Session on redistricting likely in fall

A special session of the Legislature will likely take place in the fall, according to press reports, to accommodate a later arrival of U.S. Census data, which has been delayed because of the pandemic. Census data is necessary to redraw legislative districts and other boundaries such as for the congressional districts and districts for the Public Service Commission, State Board of Education and State Board of Regents. This process is done every 10 years. ■

Source – Area news reports



STATE OF NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

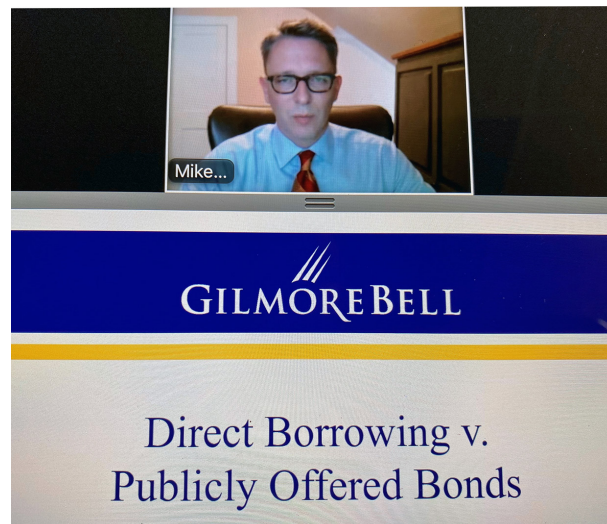
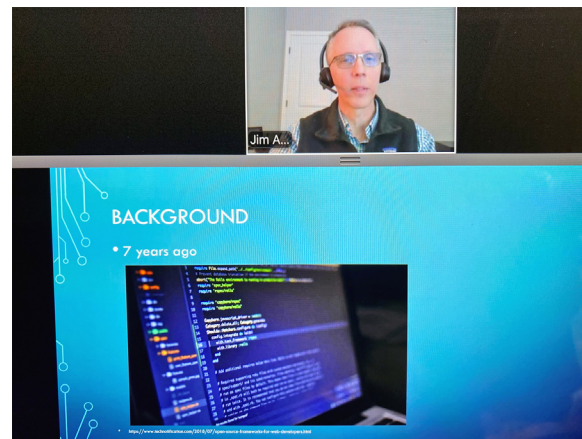
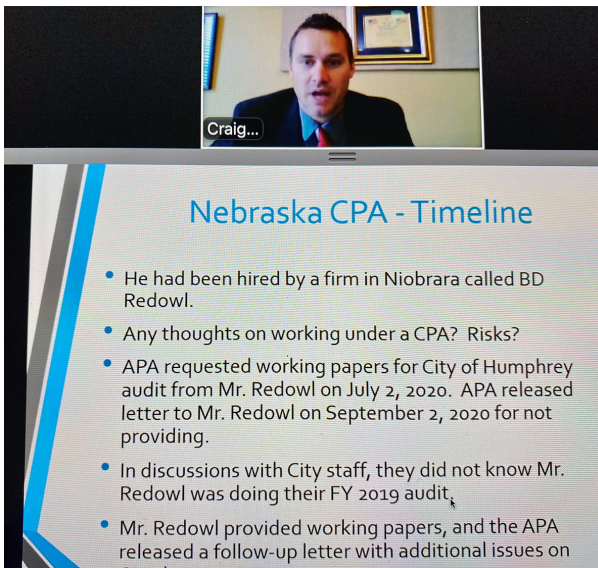
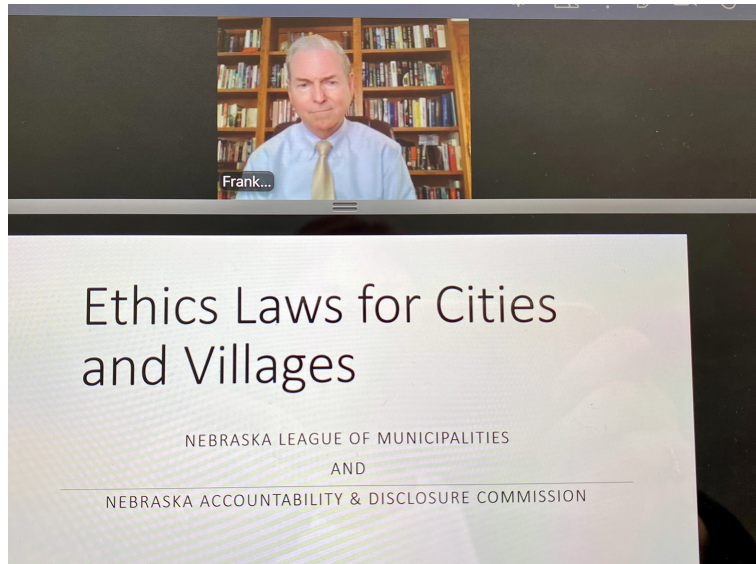
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2021 Virtual Midwinter Conference Highlights

The 2020 Midwinter Conference was the last conference the League of Nebraska Municipalities held in person before the global pandemic changed everything for everyone.

In 2021, the Midwinter Conference was a virtual event, but offered the same valuable information as in past conferences through several webinars, including those on the state's conflict of interest laws, budgeting, the Open Meetings Act, social inflation and understanding municipal finance, accountability and fiduciary duties.



Top: Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission, outlines the ethics laws for cities and villages.

Middle left: Craig Kubicek, CPA, CFE (Assistant Deputy) Nebraska State Auditor's Office, conducts session on understanding municipal finance, accountability and fiduciary duties.

Middle right: Jim Anderson, Information Security Officer, City of Lincoln/Lancaster County.

Bottom: Mike Rogers, Attorney, Gilmore Bell, compares direct borrowing with publicly offered bonds.

am is talking

Lash...

Christ...

ADOPTION OF BUDGET

- Budget statement should be adopted by ordinance

Craig...

LB 781 - Continuing Education

Treasurers will now be required to complete continuing education through a program approved by our office. This will include Counties, Cities, and Villages. It also includes Clerks serving as both Clerk/Treasurer.

Relevant 84-304(12) language:

In consultation with statewide associations representing (a) counties and (b) cities and villages, to approve annual continuing education programs for county treasurers, city treasurers, and village treasurers as required by sections [14-553](#), [15-317](#), [16-318](#), [17-606](#), and [23-1601](#). The cost of attending such programs shall be at the expense of the county, city, or village. The auditor shall maintain records of program attendance and notify each county board, city

PUBLIC RECORDS

Transparency in Government

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Kristin...

Mark...

Contributions

Year	Contributions (Thousands)
2014	\$7,726
2015	\$6,770
2016	\$6,831
2017	\$8,214
2018	\$6,926
2019	\$7,688
2020	\$8,526
2021	\$8,264
2022	\$8,328
2023	\$8,887

Top left from left: Lash Chaffin, Utilities Section Director, LNM; Christy Abraham, Legal Counsel, LNM; discuss understanding the law and process involved in building a budget.

Top right: Rachel Wittler, CPA, CFE (Senior Auditor In-Charge), Nebraska State Auditor's Office, discusses municipal finance, accountability and fiduciary duties.

Lower left: Public Records presentation slide.

Lower right from left: Kristin Smolek, Vice President, Sedgwick Pooling; Mark Weaver, Director of Finance, Sedgwick Pooling, conduct session on social inflation.



Hastings ballfield improvements nearly complete for spring ball

Baseball players in Hastings will see new improvements at some of the city ballfields just in time for spring ball.

Construction of the ballfield improvements began in December at the North and South Recreation Fields along North Saunders Avenue and at Carter Park Field on West E Street. Improvements include new scoreboards, backstop fencing and enclosed dugouts.

Construction for the entire project is expected to be completed by April 1.

The \$120,000 project was funded by the parks and recreation sales tax fund. ■



Hastings Parks and Recreation baseball dugout, 2021. Photo courtesy of the City of Hastings.

Source – City of Hastings

Thanks to these sponsors of the 2021 Virtual Midwinter Conference

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- RJN Group, Inc
- T&R Electric Supply Co., Inc.
- USDA Rural Development

Village of Stratton moves offices into new building

The Village of Stratton moved its offices into a new building in late November and early December. The new building replaces a 1930s-era bank building, which had a poorly functioning furnace, according to Tara Hedrick, Stratton's Clerk/Treasurer. Besides being more energy efficient, the new office has more usable storage areas.

Construction costs totaled about \$682,000 for the building, which houses the clerk's office, the village board meeting room and the local library, Hedrick said.

Construction on the new building began in March 2020 and was financed by a CDBG and private, individual donations and, while no tax dollars were used, a bond was issued for remaining costs. ■



Village of Stratton and village library building exterior. Front view. Photo courtesy of Tara Hedrick, Stratton Clerk/Treasurer

League magazine available on website

The League of Nebraska Municipalities places the *Nebraska Municipal Review* on the League's website at <http://www.lonm.org/> under the "News" and then the "Publications" tabs.

As always, we encourage you to share news from your city or village with fellow municipal officials by sending information for the *Nebraska Municipal Review* to the League of Nebraska Municipalities, Attn: Lynn Marienau at 1335 L Street, Lincoln, NE 68508, 402-476-2829 by phone or lynnm@lonm.org by e-mail. ■

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Considerations when using safety barricades

BY DIANE BECKER
COMMUNICATIONS/MARKETING
DIRECTOR, LARM

Traffic control on public streets, sidewalks and other municipal property is a critical city government responsibility. Safety barricades are commonly used to keep citizens and property protected when a public by-way needs to be closed for repairs or events. For this reason, the barricades must be in good condition and set up correctly. A municipality may be subject to liability and lives may be at risk if barricades are used that are either in disrepair or are placed improperly.

Check barricade condition

It's essential to check the condition of your barricades as they deteriorate with time and use. If the reflective tape or paint on the barricades is faded or missing or if the barricades no longer stay upright, they need to be repaired or discarded.

Many types of barricades can be used. In choosing the best type for your village or city, consider the size of the areas that you need to block off. For instance, when restricting traffic from a downtown area during an event, you will need several wide barricades that are highly visible in the day and night. Barricades with lights are particularly useful for high-traffic areas. Use sandbags at the base of the barricades to prevent them from toppling over. Smaller-sized barricades can be used for blocking off sidewalks, trails or small work areas near city buildings or in parks. Various sizes of barricades give municipal staff flexibility when restricting foot or vehicle traffic to a site.

Reflective stripes required

Reflective stripes are required on barricades and should alternate orange and white with the stripes at a 45-degree angle. Barricades indicate the direction for traffic to take accord-



Diane Becker, LARM

ing to which direction the stripes slant toward. If traffic is allowed to turn in both directions, the barricade should have stripes facing both directions from the middle to the outside edge. If there are no turns available, as at a dead end, the stripes should slope towards the middle indicating that there is not a place to turn around.

Continued on page 21

Ryan VanPelt, Utility Assistant for Indianola, stands in front of city truck and barricade. The barricade was purchased as part of the LARM Safety Grant program of \$500 for safety items for LARM members. Photo by Diane Becker, LARM.



Continued from page 20

Most barricades in a municipality will only be used temporarily. If permanent barricades are necessary to block traffic from a no-longer-used road or other areas, consult with a highway engineer as to the best permanent barricades to use.

Give ample room

Realize that placing barricades won't wholly stop accidents from happening. Distracted driving is a persistent problem and people commonly drive their vehicles into or around barricades. Give ample room between the barricades and the area you want to

protect. It may be necessary to use another row of barricades 10 or more feet in front of the first line of barricades to give vehicles plenty of reaction time to slow down and change course.

Control traffic

Barricades are meant to control traffic so don't be hesitant to use them to divert traffic after a vehicle accident or if there's any repair work to be done on municipal streets or parks. You may not regret setting up barricades, but you very well may regret not setting them up. Any safety practice or equipment you use that decreases the risk of injury or death is worth considering.

The League Association of Risk Management (LARM) provides \$500 in Lean on LARM Safety Grants for members who are purchasing safety items such as barricades. Go to www.larmpool.org for more information. ■

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*. ■



From left to right: City of Sargent maintenance workers Reece Jensen, Tim Divine, and Earl Drake holding up one of the old wooden barricades replaced by the plastic barricades in the foreground purchased with Lean on LARM Safety Grant funds. Photo by Diane Becker, LARM.

Scribner recertified in state's Economic Development Certified Community program

The City of Scribner received ongoing recognition from the State of Nebraska in February, with Lt. Gov. Mike Foley announcing the city's recertification in the state's Economic Development Certified Community (EDCC) program during a special presentation. The Lt. Governor honored local leaders on behalf of the Nebraska Department of Economic Development (DED) for achievements ranging from recreational development to growth in the business community.

Scribner one of 40

Scribner is one of 40 Nebraska communities to earn membership in the EDCC program, sponsored by the Nebraska Diplomats and administered by DED. State officials established the program in 2005 to recognize communities for preparedness to attract new industries and efforts to grow existing businesses. As part of the certification process, qualifying communities must identify a well-defined program that actively engages with the current business community and offers a supportive environment for welcoming new economic development projects. This includes documenting available sites and buildings, implementing local financing and incentive programs and creating a strategic plan for economic development. The City of Scribner received program certification in 2010 and earned its first recertification in 2015.

"Scribner's continued efforts to retain its EDCC certification helps enhance the opportunities our town has to offer to area businesses, residents and organizations, both current and potential," Scribner City Administrator



Lt. Gov. Mike Foley stands with Scribner Economic Development Director Elizabeth Anna Valla. Photo courtesy of Nebraska Department of Economic Development.

Elmer Armstrong said. "This certification helps us keep the focus on our future development and expansion."

Over the past five years, local leaders have prioritized development efforts to enhance recreational opportunities within the community. The city recently received a \$60,000 Civic and Community Center Financing Fund (CCCCFF) grant from DED for infrastructure upgrades at Mohr Auditorium, which will include handicapped-accessibility improvements regulated by the Americans with Disabilities Act (ADA).

Qualified for CDBG assistance

The City of Scribner also qualified for Community Development Block Grant (CDBG) assistance for ADA barrier removal at two shelters in the city park. The project included installation of ADA-certified ramps in the park with access to streets, park shelters and restrooms. A recently completed walkway improved accessibility

between the Scribner swimming pool and the Dodge County Fairgrounds. In addition to park improvements, the city invested in two bio-diesel powered generators to strengthen Scribner's electrical infrastructure. The \$1.75 million project was completed in September 2020.

Strong leadership

"Strong, progressive leadership has always played an important role in creating economic opportunities in Nebraska's communities, especially as new challenges emerged in 2020," Lt. Gov. Mike Foley said. "Scribner's city officials and philanthropists have developed creative ways to support local business sustainability and prioritized projects to enhance quality of life throughout the pandemic. By doing so, local leaders have exhibited confidence in their community and its ability to evolve as part of our EDCC program."

Continued on page 24

City of Lincoln biogas project turns natural gas into vehicle fuel

Sustainability initiative is major accomplishment for city, Mayor Leirion Gaylor Baird

Lincoln Mayor Leirion Gaylor Baird in February announced the successful completion of a project to use the biogas from a city wastewater facility to produce vehicle fuel. The Lincoln Transportation and Utilities Department (LTU) began the biogas sustainability initiative at the Theresa Street Water Resource Recovery Facility in 2017.

“This sustainability initiative is a major accomplishment for the city as our team continues to upgrade our infrastructure in ways that also protect our environment and quality of life,” Mayor Gaylor Baird said. “With this project completed, we are now actively creating vehicle fuel that is currently being sold on the national market. This upgrade is estimated to generate \$2.6 million every year, recouping our costs in just 3.3 years. The revenue will help to fund operations and further system improvements.”

Methane produced

The digestion of solids in the wastewater that goes to the facility produces methane, a powerful greenhouse gas. Instead of flaring this gas, the city has used the biogas to generate electricity for the treatment plant since 1991.

See professional directory on page 26

When the generators reached the end of their useful lives a few years ago, Lincoln Wastewater System decided to upgrade the technology to make even better use of that biogas. The new process treats, cleans and transforms the renewable natural gas into quality vehicle fuel.

The city’s partners in the project include HDR Engineering, Building Crafts Incorporated and Black Hills Energy, which built the infrastructure needed to connect the renewable natural gas to the national natural gas pipeline system.

“Last year, Black Hills Energy announced its commitment to creating a cleaner energy future, building on our commitment to safe, reliable and affordable energy and our history of advancing sustainability in Lincoln,” said Kevin Jarosz, Vice President of Nebraska Operations. “This is our third renewable natural gas project in Nebraska and the volume produced in Lincoln is enough to transport football fans on 718,857 one-way trips from SouthPointe Pavilions to Memorial Stadium each year.”

Reduces greenhouse gas

LTU Assistant Director Donna Garden said: “LTU anticipates this project will produce 100 billion British thermal units of renewable natural gas annually, the equivalent of about 875,000 gallons of gasoline. Natural gas vehicles can operate on the type of non-fossil fuel we are producing, reducing greenhouse gas emissions by up to 75 percent compared to gasoline or diesel vehicles.”

To get the renewable natural gas on the marketplace, the city also is partnering with Bluesource, a national energy management company.



Photo by © iStock.com.

The Theresa Street facility received the Special Innovation Award for the project from the Nebraska Water Environmental Association in 2020. It also received the organization’s Scott Wilber Award for its commitment to excellence in facility operation and maintenance while maintaining environmental compliance.

Latest innovation

This biogas project is the latest environmental innovation at the city’s two Water Resource Recovery Facilities. The Theresa Street facility sends millions of gallons of treated effluent to UNL’s Innovation Campus to heat and cool its buildings every year. Effluent from the Northeast facility is used at the Lincoln Electric System Terry Bundy Station for cooling.

More information is available at lincoln.ne.gov/wastewater. ■

Source – City of Lincoln

Scribner recertified in state's Economic Development Certified Community program

Continued from page 22

Scribner's economic development programs continue to encourage growth within its business community. Scribner's Improvement and Industrial Corporation Revolving Loan Fund provides financing for startups and existing businesses and encourages job creation and retention for low-to-moderate income employees. Scribner's Local Option Municipal Economic Development (LB 840) program, which was approved by voters in 2009, funds the community's economic development program through a portion of proceeds from a 1.5 percent sales tax.

During the past 15 years, the program has generated more than \$1.6

million for local economic development projects.

"We are extremely grateful for the decision made by the Nebraska Diplomats, in once again designating Scribner as an EDCC," said Scribner Economic Development Director Elizabeth Valla. "Our town has so many amazing opportunities for residents and businesses alike, and in this day-and-age, it's about knowing how to get the word out. We are very proud of our town; not only with where we've been, but with where we are going."

Scribner's 50-member business community recently welcomed a new entrepreneur to Main Street. Vacha Warrior Training Branch, a martial

arts school established by local teenager Sophia Vacha last year, is now located in what was one of Scribner's last vacant storefronts. The school serves as a branch of the Fremont-based Rosenbach Warrior Training.

"Securing our EDCC certification has assured us that Scribner is going in the right direction, and it inspires us to keep growing," said Scribner Mayor Kenneth Thomas. "Our past successes make us the town we are today, and the faith the Nebraska Diplomats and DED have in our community encourages us to keep building on our history." ■

Source – Nebraska Department of Economic Development

Meet Tracy Juranek

Tracy is a Nebraska native who graduated from Shelby High School. She and her husband raised their two kids in Nebraska City and they now live in Syracuse.

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Positions

City Clerk/Human Resources Director. \$5,083-\$7,056. Seward. Performs managerial work in municipal government; supervises and manages operations and personnel in the City Clerk Office; prepares and maintains official municipal records; conducts or reviews wage and benefit survey work and calculations; responsible for the administration of the city's personnel system; assists City Administrator with employee performance evaluations; performs the duties of Civil Service Secretary/Chief Examiner and Secretary to the Community Redevelopment Authority. Evening meetings required. Applications accepted until filled. Job description and application: www.CityofSewardNE.gov. Seward City Hall, 537 Main St.; P.O. Box 38; Seward NE 68434 (402-643-2928). Reasonable accommodations available for persons needing assistance in completing application & should be made at time of application. All positions with the city are subject to a Veteran's Preference. EOE.

City Manager. Alliance (8,000 pop.) City of Alliance is looking for a City Manager. With a broad range of responsibilities and exposure to a full-service local government operation, managing our community will allow you to utilize your wide-ranging talents and skills. Alliance is an affordable medium size community close to big city amenities in Denver, Cheyenne and Rapid City. There is an abundance of outdoor recreation available year round.

Alliance provides an extensive range of services, including police and fire protection, transportation, airport, bus service, sewer, water, refuse, landfill, 18-hole golf course, electric utility, parks and recreation, planning, building and safety, public improvements, and general administration. City employs 108 FTEs of which 25 are assigned to the Police Department and 4 to the Fire Department. Alliance has a 2020 all funds budget of approximately \$54.5 million, with a reserve in the General Fund of \$3 million. City of Alliance uses the council/manager form of government. Five council members are elected to four-year, overlapping terms, and a mayor is elected by a majority council vote. Serving at the pleasure of the City Council, the City Manager is responsible for implementing City Council policy, and for planning, organizing, directing, and controlling the activities and operations of the city. City Manager also develops policy recommendations for City Council action and provides highly responsible and complex administrative support to the City Council.

A bachelor's degree in business administration, public administration, or political science and progressively responsible administrative or staff experience in municipal government with three years of high-level administrative responsibility at a department head or Assistant City Manager level is desirable.

The salary range is regionally competitive and dependent on background and qualifications of successful candidate. City will negotiate an employment agree-

Positions

ment and offers an attractive benefit package consisting of health, dental, vision and life insurances, flexible spending account, vacation, sick leave and holiday pay and retirement.

To learn more about the community and position, please view the City Manager Position Profile at www.cityofalliance.net. Email your application, resume and cover letter to jobs@cityofalliance.net. For questions, contact Carla Mayhew at 308-762-5400. City of Alliance is an EOE. Applications will be reviewed and considered upon receipt. Open until filled.

Utility Superintendent. Village of Bradshaw is hiring a utility superintendent. Job duties include, but are not limited to: operate light to heavy construction and maintenance equipment. Perform maintenance on streets, sewers, sidewalks, etc. Any combination of experience and training equivalent to graduation from high school. Ability to lift a minimum of 50 pounds and work 14-hour shifts in cold weather when snow removal is needed. Special requirements: must become certified in Class IV Water Operator and Waste Water. Classes will be paid by the village to receive these certifications. Salary will be based on experience. Benefits include: insurance stipend, retirement match, PTO and vacation. To apply, contact the Bradshaw Village office at 402-736-4634 for an application or email resume to villageofbradshaw@windstream.net.

Utility Superintendent. Village of Ansley is accepting applications for a Utility Superintendent. Job responsibilities include but are not limited to operation of the generating plant, maintenance, repair and upgrades of electric distribution system, maintenance and repair of the water system, taking water samples, and maintenance of the lift station and sewer system. This is a management position, but must be willing to work with other departments when needed. Successful candidate must be willing to work after hours in emergency situations and must live within 20 minutes of Ansley. Applicants must possess a valid Nebraska driver's license with a clean driving record, must have or the ability to obtain a Nebraska Class B CDL, be willing to become a certified water operator, be able to obtain a Nebraska lagoon wastewater license within the first year of employment. (Village will pay for training/certifications.) Electrical, lineman and bucket truck experience is preferred. Pre-employment drug screening is required. Wages negotiable and will be based on experience and qualifications.

Benefits include health insurance, matching retirement plan, vacation, sick leave, and paid holidays.

Resume and references can be mailed to: Village of Ansley, PO Box 307, Ansley, NE 68814, delivered to Village Office at 217 Nile Street, Ansley, NE, or emailed to villageofansley@nctc.net. Please call 308-935-1467 with any questions. Applications accepted until position is filled. Village of Ansley is an EOE.

General Laborer. Village of Ansley is accepting applications for a full-time position to assist in the

Positions

daily operation of all aspects of city departments. This will include street, parks and sanitation departments. Work will be under guidance of the Street/Park/Trash Foreman. Job will vary from day to day, consisting of trimming trees, street repair, mowing and maintenance of city owned property, trash pick-up, snow removal, reading meters, and assisting in basic utility work. Ideal candidate for job is someone with municipal work experience, or the capability and desire to learn the position. Experience with heavy equipment is a plus. Successful candidate must be willing to work after hours in emergency situations when necessary and must live within 20 minutes of Ansley.

Applicants must possess a valid Nebraska driver's license with clean driving record and must possess or be able to obtain a Class B CDL. Pre-employment drug screening required. Wages are negotiable based on experience and qualifications. Benefits include health insurance, matching retirement, paid holidays, vacation and sick pay. Resumes can be mailed to Village of Ansley, PO Box 307, Ansley, NE 68814; delivered to the Village Office at 217 Nile Street, Ansley, NE; emailed to: villageofansley@nctc.net. Please call 308-935-1467 with any questions. Applications accepted until position is filled. Village of Ansley is an EOE.

The City of Auburn, Nebraska is seeking applications for the position of City Administrator/Economic Developer. Auburn (population 3,460) is located in the southeast corner of Nebraska at the junction of U.S. Highways 75 and 136.

City Administrator/Economic Developer. Auburn. City Administrator/Economic Developer will be responsible for the overall coordination of activities among the governmental departments along with planning, designing, and implementing economic development strategies in conjunction with the Auburn Development Council.

Candidates should possess a bachelor's degree in public administration or related field and a minimum of four years of municipal government experience as a City Administrator, Assistant City Administrator, Economic Developer, or similar executive level position. Strong skills in financial management, strategic planning, business development and retention, human resource management, public relations, team building, written and verbal communication, policy development, organization, and multi-tasking are essential.

The position of City Administrator/Economic Developer is a full-time, exempt position that includes employee benefits. Salary is negotiable based on qualifications and experience. Qualified and interested applicants should submit a letter of application, resume, three verifiable references, salary history, and other support items to: Mayor Dan White, City of Auburn, 1101 "J" Street, Auburn, NE 68305.

Auburn is an EOE. Position remains open until filled.



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