NEBRASKA MUNICIPAL REVIEW

Official Publication of the League of Nebraska Municipalities

NOVEMBER 2019

- Downtown North Platte could be added to National Register of Historic Places
- How Lincoln weathered the Great Recession
- Generous spirits: Lohr inspired by late father, event proves successful again

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Top right: Ribbon-cutting ceremony at Costco poultry plant in Fremont.

Lower left: Fremont processing plant.

Lower right: Aerial shot of Fremont site.

Photos were taken in August and provided by Jessica Kolterman, External Affairs at Lincoln Premium Poultry.

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CALENDAR

Utilities/Public Works Section Annual Conference .....Jan. 15-17, 2020, Embassy Suites, Lincoln
Midwinter Conference.....Feb. 24-25, 2020, Cornhusker Marriott Hotel
NLC Congressional City Conference.....March 7-11, 2020, Washington, D.C.
IIMC Annual Conference .....May 17-20, St. Louis, Missouri
Municipal Accounting and Finance Conference .....June 17-19, 2020, Holiday Inn, Kearney

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

JANUARY 2020

CITIES OF THE FIRST CLASS

Each month	Clerk publishes ordinances passed within 15 days after passage. (16-405)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
First Regular Meeting	Mayor and Council appoint member of Park Board. (16-696)
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. (16-318)
On or before January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Each Quarter	Report from depository banks due. (16-714)
Reminder	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2020. Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

CITIES OF THE SECOND CLASS

Each month	Clerk publishes ordinances passed within 15 days after passage (17-613)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
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 January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Reminder	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2020. Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

VILLAGES

Each month	Clerk publishes ordinances passed within 15 days after passage (17-613)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from Trustees' 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 January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Reminder	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2020. Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

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As legislative session approaches, we honor public servants, public service

BY DWIGHT LIVINGSTON, NORTH PLATTE MAYOR AND LEAGUE PRESIDENT

Abraham Lincoln once said: "When you reach the end of your rope, tie a knot and hang on."

There are times when those of us in public office, as either elected or appointed officials, can appreciate Lincoln's advice. Contentious issues and the focus of public scrutiny can be intense. While public service is not for the timid, it remains a worthwhile and rewarding pursuit that should attract the best and brightest of citizens.

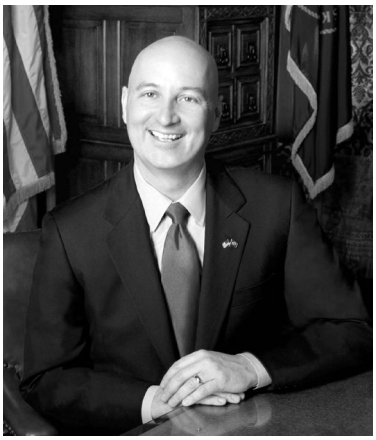
At the local level, we understand the rigors and demands of public life. Everything from the mundane to the gratifying and all that falls in between comes under the scope of those who work in local government. Given the experience of municipal officials, we understand fully and remain grateful to our citizen lawmakers who are willing to sacrifice time away from their families and professional or personal pursuits to serve in the Legislature. Our state Senators confront many complex issues while serving on committees and sitting through lengthy hearings and floor debate. Although they are considered citizen lawmakers, the public asks them to work all year for far too little compensation. We give them our thanks.

A key priority of the League of Nebraska Municipalities is to work with the state Legislature and others to effectively represent the interests of member cities and villages. While the pace intensifies when the Legislature is in session, work on legislative issues takes place all year and it always depends on you. Municipal officials who serve on the League's Smaller and Larger Cities Legislative Committees consider legislation throughout the year. It also is an ongoing process for those who serve on the League Executive Board whose members prioritize the League's legislative package each fall and meet several times, often on short notice as issues arise, as they often do.

There is little question that as municipal officials, we work at the level of government that is closest to the citizens. We are in a unique position to help lawmakers understand how legislation may affect our communities and constituents. We have the experience and access to information that is helpful to our state Senators, as they consider pending legislation.

As the 2020 session begins in January, League staff will call upon you to make those vitally important contacts with your state lawmakers by writing letters, sending emails and making phone calls. We also may request that you attend meetings or committee hearings. For some of you, this involves a considerable sacrifice because you may have to drive a great distance to participate in a meeting at the League office or testify at a committee hearing. Many of you are experienced at testifying at public hearings, which take place during the first few weeks of the legislative session. In Nebraska, every bill, except for a few technical bills, receives a public hearing by one of the Legislature's committees, usually one of the 14 standing committees. If you are coming to Lincoln for a hearing, we ask that you please contact League staff so that we can coordinate testimony for the hearing. If you have written testimony, it is helpful to bring enough copies to distribute to all committee members, the two committee staff members, the media and the transcribers' office. Typically, 15 copies will be adequate.

Your hard work in making your voices heard on issues is often the difference in passing an important bill or defeating a bill that would harm local government. Your communities are better places because of your efforts and leadership. Thank you for all you do. ■



A fair deal with China

BY GOV. PETE RICKETTS

Like many Nebraskans, I'd like to see the United States and China make progress on an agreement to remove barriers to trade. It's important for the negotiations to result in a fair deal that puts American farmers and manufacturers on a level playing field when doing business in China.

Nebraska and China have shared an important trade relationship for many years. Over the years, China has been a major market for Nebraska's agricultural products. In 2017, China purchased 46.9 percent of soybeans exported from Nebraska and 81.6 percent of our sorghum exports. In addition, Chinese companies invest in our state.

While China has been a significant buyer of Nebraska ag products in the past, the country has been an inconsistent trade partner. From 2012 to 2018, China's annual imports from Nebraska fell by over $1 billion. President Xi Jinping aspires for his country to be the world's second superpower by 2049. To achieve this goal, his government – the People's Republic of China (PRC) – has a coordinated plan to dominate 10 high-tech industries. In recent years, the PRC has engaged in cyber attacks, intellectual property theft and espionage all with the aim of gaining the upper hand over the U.S. The PRC has stolen everything from trade secrets to confidential military information to university research. In August, the U.S. Treasury Department declared that China's government also has been manipulating currency values to gain an unfair economic edge. The PRC's economic aggression has undeniably benefited Chinese companies. For example, in 2000 all five of the largest companies in the world were American. In 2019, three were state-owned Chinese companies and only one was American.

We want to work with China to advance our shared economic interests. But it would be irresponsible to overlook the ways the PRC has seized unfair advantages. The People's Republic of China thinks in terms of decades and centuries. In America, we tend to think in terms of our two- and four-year election cycles.

On Oct. 11, President Trump announced a phase one agreement with China as part of ongoing trade negotiations. As part of the trade deal, China would purchase between $40 and $50 billion of U.S. agricultural products. The agreement also addresses U.S. concerns about the PRC's theft of intellectual property. But even with this recent development, our relationship with China calls for a healthy measure of prudence. China's one-party system of communist rule has a track record of persecuting ethnic and religious minorities and of suppressing political dissent.

We're not sitting on our hands, hoping for fast resolution to all of our trade issues with China. Instead, we're working tirelessly to grow Nebraska by diversifying our export markets – especially in Asia. In January, Congressman Bacon and I met with trade ministers from Indonesia, the world's fourth largest country and they agreed to buy more Nebraska soybeans. In July, I met with a trade delegation from the Philippines interested in purchasing Nebraska-grown wheat. In September, I conducted a trade mission to Japan and Vietnam to explore new opportunities to export Nebraska beef, ethanol and other goods. I also sat down with leaders from Taiwan. Together, we signed letters of intent that outline Taiwan's agreement to buy more than $2.1 billion in U.S. soybeans, corn, and distillers grains from now through 2021.

I believe that a more stable, certain trade relationship with China is possible. We continue to patiently support the President's negotiations and diversify our export markets to strengthen his negotiating position. ■

HR and benefits tips and resolutions for 2020

BY HENRY L. WIEDRICH AND TARA A. STINGLEY,
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.

With the end of another calendar year approaching, employers are busy completing end-of-year tasks and planning for 2020. Within the human resources area, such tasks often include:

- Reviewing employee policies;
- Updating job descriptions;
- Conducting employee evaluations;
- Completing open enrollment for benefit plans;
- Reviewing and adjusting employee compensation;
- Budgeting;
- Addressing benefit plan checklists and notices;
- Assessing immigration law compliance; and
- Reviewing and modifying organizational structure.

It is a fun time of the year (say the lawyers), and a challenging time, too, with less work time to complete more-than-usual work and budgets dwindling, depleted or spoken for. We cannot address all of these issues, but we hope the following tips and reminders will aid your efforts for a successful new year.

Review of Employment Policies

A new calendar year is a great opportunity to roll out an updated employee handbook and related HR policies – assuming union bargaining is not required. In reviewing your employee handbook and policies, remember that:

- The introduction to the handbook should provide in bold language that the handbook is not a contract, that employment is at-will (unless modified by a contract, statute, or ordinance), and that only a designated representative has the authority to execute a written agreement for a fixed term of employment.
- The handbook should have a separate at-will employment section.
- The policies covering at-will employment, equal employment opportunity, anti-harassment, and reporting protocols should be at the front of the handbook to emphasize their importance.
- Ensure your anti-harassment policy is sufficiently broad to cover all unlawful harassment and not just sexual harassment.
- If you have an introductory or probationary period, make it clear that successful completion of such period does not alter the at-will employment relationship.
- Ensure flexibility and ability to bypass steps in any progressive discipline policy.
- The PTO or vacation policy should be reviewed for clarity on accrual, payment on termination, and avoiding forfeiture. If you are still using a "use it or lose it" system or if you are not paying accrued vacation or PTO at termination (or place conditions on doing so), stop doing so immediately. Such accrued benefits are considered wages under Nebraska law and must be paid.
- Ensure the presence of a strong information systems policy to cover computer/email usage.
- Check dress code policies for outdated/sexist language.
- Ensure your safety policy addresses the immediate reporting of workplace accidents and injuries, the completion of an incident report and arrangements for medical care.
- Eliminate policies that provide for wage deductions without a written agreement from the employee and remember that deduction rules are different for exempt and non-exempt employees.
- Ensure the presence of clear policies on recording all work time,

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barring working off the clock, and requiring approval to work overtime, where so desired.

- The handbook should have a strong receipt and acknowledgement form that provides that the employee has reviewed and understands the policies, agrees to comply with the policies, agrees that discipline may result if policies are not followed, agrees that his/her employment is at-will (unless modified by a contract, statute, or ordinance), agrees the policies are non-contractual and can be changed at any time, and consents to monitoring and searches, as appropriate to your workplace and in accordance with applicable law.

Employee Benefits Issues

The end of the year is a particularly busy time for employee benefit tasks. Please keep the following tip and reminders in mind:

- Retirement plans that use a calendar year plan year and have a safe harbor for nondiscrimination testing, a qualified default investment alternative, or an automatic contribution arrangement must provide the corresponding notices to participants by Dec. 2.
- For cafeteria plans, the law generally requires participant elections to be in place before the beginning of a plan year (Dec. 31 for calendar year plans). Many employers use an earlier deadline to facilitate open enrollment. Proactive human resources departments should consider contacting those who have not yet submitted an election a couple of weeks before the deadline.
- Applicable large employers (generally, those with more than 50 full-time employees) should prepare to meet Affordable Care Act reporting requirements for the 2019 reporting year. Please check the IRS's website prior to filing to confirm whether it has offered to extend the deadlines. Generally, employers must provide Form 1095-C to employees by Jan. 31, 2020 and must file a copy and related forms with the IRS by Feb. 28, 2020, if filing on paper, or by March 31, 2020, if filing electronically.

Some employers handle these compliance tasks in-house, while others rely on a third-party administrator or insurer. Either way, employers should confirm that the responsible party has completed the task.

Immigration Compliance & Internal I-9 Audits

Immigration policy changes and compliance issues continue to create challenges for employers of all sizes. Regular internal audits of Forms I-9 are helpful to ensure ongoing compliance with the Immigration and Nationality Act and to permit the employer to address any deficiencies found on Forms I-9. Additionally, an internal I-9 audit can assist the employer in identifying those I-9s that need to be purged. The employer can purge any expired I-9s either one year after an employee is terminated *or* three years after the start date of the terminated employee, whichever is longer.

An employer may choose to review all Forms I-9 *or* a subset of Forms I-9 selected based on neutral and nondiscriminatory criteria. If a subset of Forms I-9 is audited, the employer should consider carefully how it chooses Forms I-9 to be audited to avoid discriminatory or retaliatory audits, or the perception of discriminatory or retaliatory audits.

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How Lincoln weathered the Great Recession

BY SPENCER WAGNER
NLC – CITIES SPEAK

© *iStockphoto.com*

Ten years after the Great Recession, some cities have rebounded, others have not. Amid decelerating property, sales and income tax revenue growth, it's likely that another recession is right around the corner. We just don't know when.

While many Americans are fearful of this unknown fate, there are a lot cities that can learn from the experiences of their peers during the previous downturn. Lincoln, Neb. is a great model. While many Midwestern cities have seen stagnant growth or decline in recent years, Lincoln (population - 285,000) has been touted recently as "recession proof."

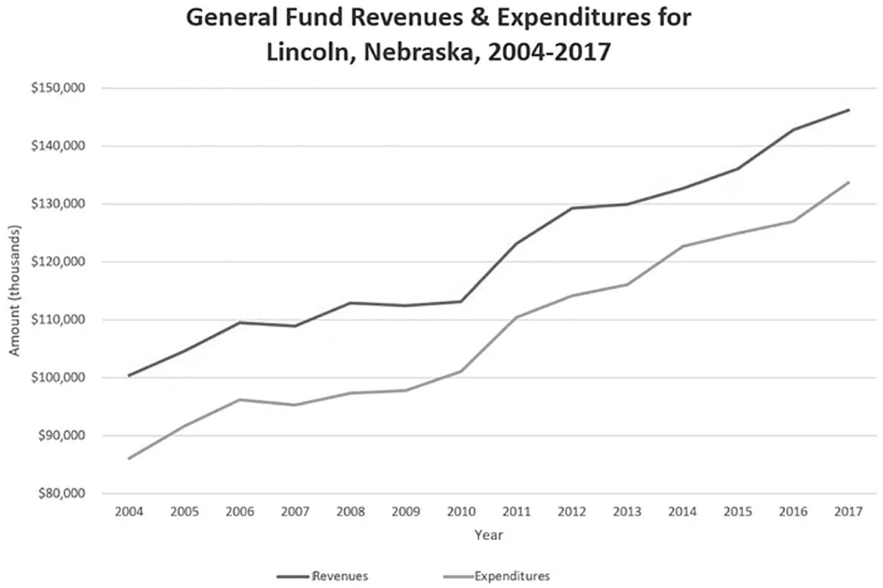
On the face of it, Lincoln looks quite average compared to the rest of the nation. Its job growth over a 10-year period is 8 percent and population growth is 12 percent, on par with the national average.

But what has made the city more economically resilient than other cities is its access to stable university and government jobs.

Additionally, the city's millennial population is slightly higher than average, at 46 percent. There's no doubt that some of those folks are driving Lincoln's nationally-recognized start-up success. By making lives easier for athletes, traveling business people and real estate professionals, the city has proven to be a disruptive tech leader.

Finally, Lincoln has been resilient to the typical fiscal pressures faced by many cities. That's because Lincoln has maintained a stable surplus between its revenues and expenditures (see chart on this page).

Even throughout the recession, home prices in Lincoln remained steady and began increasing well before other cities in the nation. This enabled the city to maintain its property tax revenue stream during the Great Recession and even generate a general fund surplus (see chart on page 9). Since property



Source – NLC - Cities Speak

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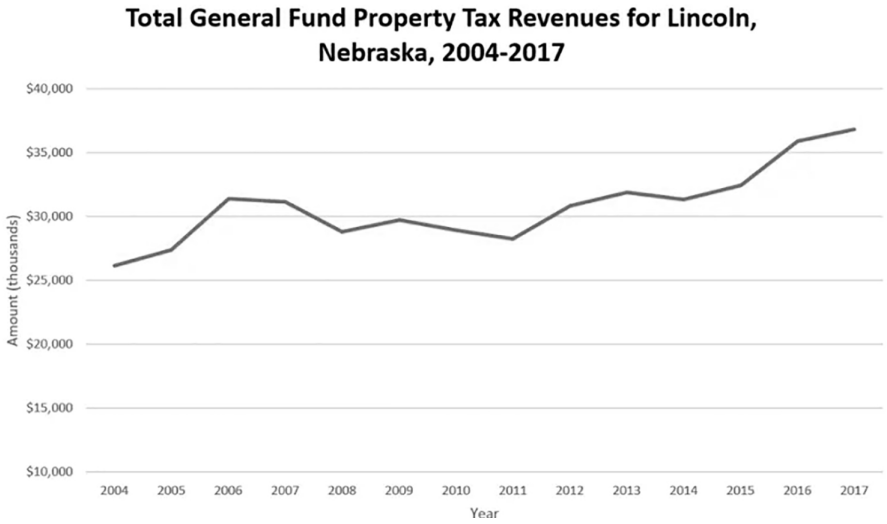
taxes from residential and commercial property are the number one source of revenue for cities, at nearly 32 percent (sales taxes are next at 18 percent and income taxes lag behind at 8 percent), this is a great sign that Lincoln will continue to do well fiscally, even in the face of another recession.

We already know cities faced some uncertainty in 2018. But what does the rest of 2019 hold? Cities, towns and villages continue to tell that story. Fortunately, as with Lincoln, local leaders have lessons to learn and steps they can take to ensure their communities are resilient in the face of downturns, recessions and anything else they may encounter on the road ahead. ■



Source – NLC - Cities Speak

Scottsbluff City Manager elected NCMA President

Scottsbluff City Manager Nathan Johnson this fall was elected president of the Nebraska City/County Management Association (NCMA). Johnson, who will serve a one-year term, is the first city manager from Scottsbluff elected to the position of president since Linda Witko in 1989. NCMA members vote for their representatives.

"The appointment is an honor for me and for the City of Scottsbluff," Johnson said. "It is an honor to represent the members of the Nebraska City/County Management Association (NCMA) on a national and international stage through the International City/County Management Association (ICMA)."

NCMA, through a program with the University of Nebraska-Omaha, created a Nebraska-Norwegian Manager Exchange Program. Norwegian representatives visited Nebraska in 2016 and will return in 2020, during Johnson's term as president. The Norwegian delegates last visit included attending the League of Nebraska Municipalities annual conference in Lincoln and an International City/County Management Association (ICMA) meeting.

Johnson said: "We are hoping to host them (the Norwegian visitors) in western Nebraska so we can show them life on the Oregon Trail and natural landmarks, such as Scotts Bluff National Monument, Chimney Rock and Agate Fossil Beds. We want to share the history of the western part of the state, along with various agricultural components that make the economy in western Nebraska – from sugar beets, dry edible beans to cattle and other commodities."

Language is not a barrier, he added,

Nathan Johnson
City Manager, Scottsbluff

because the Norwegians know many different languages and can speak fluent English.

Johnson said that part of what NCMA is working on is learning from each other, but the organization also is addressing a need arising as many

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Ribbon-cutting ceremony at Costco poultry plant in Fremont. Photo was provided by Jessica Kolterman, External Affairs at Lincoln Premium Poultry.

About 5,000 people attend ribbon-cutting ceremony, open house for Costco poultry plant in Fremont

Fremont processing plant. Photo was taken in August and provided by Jessica Kolterman, External Affairs at Lincoln Premium Poultry.

On a warm and sunny day in October, about 5,000 people attended a ribbon-cutting ceremony and open house for a Costco poultry plant in Fremont. The poultry operation processes Nebraska-grown broilers into Costco's rotisserie chickens and provides other chicken products.

Fremont Mayor Scott Getzschman; Gov. Pete Ricketts; Walt Schafer, Chief Operations Officer of Lincoln Premium Poultry; and Jessica Kolterman, External Affairs at Lincoln Premium Poultry; spoke at the ribbon-cutting ceremony.

Mayor Getzschman said it was "an

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amazing day for Fremont" and recounted how the journey to build the $450 million plant began more than four years ago. He praised the number of people at all levels of government and within the community and various business leaders who worked together during the years to bring the project to fruition.

About 600 people are employed currently, but that number is expected to grow as the plant becomes fully operational. At full capacity, the facility will process more than two million chickens each week.

In addition, Costco has formed partnerships with hundreds of farmers who will provide the chickens, corn and soybeans.

According to Gov. Ricketts, Costco sells 90 million rotisserie chickens at its stores annually and the plant in Fremont will help meet this demand.

Overall, the Governor said, Costco's $450 million investment in the state could have an annual financial impact of $1.2 billion or 1 percent of Nebraska's Gross Domestic Product (GDP).

Kolterman told those attending the ceremony that Costco had looked for four things when searching for a location to build a poultry complex: water, abundant grain, farmers who would be willing to raise poultry and an available workforce.

"They found all those things here in Nebraska," she said, "but they also found one other thing - the spirit of collaboration and cooperation...". ■

Feed mill at Fremont plant. Photo was taken in August and provided by Jessica Kolterman, External Affairs at Lincoln Premium Poultry.

Aerial shot of Fremont site. Photo was taken in August and provided by Jessica Kolterman, External Affairs at Lincoln Premium Poultry.

Generous spirits: Lohr inspired by late father, event proves successful again

BY MATT LINDBERG
COLUMBUS TELEGRAM
mlindberg@columbustelegram.com

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From left: Tyler, Renee Mueller; Hollie Olk and John Lohr, co-chairs of the 19th Annual Taste of Columbus, pose for a photo during a quick break from greeting guests as they entered the function held at the Ramada Hotel and River's Edge Convention Center. Photo by Matt Lindberg of the Columbus Telegram. Reprinted with permission.

Taste of Columbus Co-Chair John Lohr said it best when summing up the night's 19th annual event.

"It's going well … It's bigger and prettier now … but the intent is the same," said Lohr, while greeting guests coming into the Ramada Hotel & River's Edge Convention Center banquet area. "I'm glad to see people turn out and support it."

Lohr should know. He co-chaired the annual event approximately 17 years ago, then representing the Columbus Community Hospital Foundation. But this time out, he was sharing those co-hosting duties with Hollie Olk, as well as Renee and Tyler Mueller. He and Olk represented NeighborWorks Northeast Nebraska, while the Muellers did the same for the Columbus Area Chamber of Commerce. The chamber and NeighborWorks were this year's Taste Of Columbus beneficiaries. Funds raised are split between the chamber for its operations programming and services, as well as a nonprofit that changes annually.

Hundreds of area residents showed up at the venue dressed to the nines to taste what food and beverage vendors had to offer, while also bidding on a variety of items and enjoying good company. Despite the variety of options, all of it was about helping support the community everyone calls home.

"I was thrilled with the response from the businesses and the community," said Chamber President Jeanne Schieffer, who attended the event for the first time representing the entity. "Everyone who came out to attend the event seemed to have a good time … I'm humbled by the generosity of this community ... Our expenditures are not final yet, but we are hopeful this year was a good year, and we'll be able to share between $50,000 and $60,000 with our beneficiary."

Attendees were wined and dined by some Columbus and statewide favorites. Applebee's, CCH's Prairie Wind Café, Daniels Farms, Fair Park Grille, Hilger Agri-Natural, Hy-Vee, the Ramada, Shadow's Restaurant & Pub, Subway, The Broken Mug, Wendy's and Wunderlich's Catering & Barley Shoppe provided all sorts of food.

Beverage vendors included Eagle Distributing, Feather River Vineyard, James Arthur Vineyards, Johnson Brothers, Mac's Creek Vineyard, Miletta Vista Winery, Premier Midwest Beverage Company, Prairie Creek Vineyard, Republic National Distributing and Sterling Distributing Company.

Residents didn't hold back when it came to the auctions either, unafraid to bid on various prizes that saw all proceeds go toward NeighborWorks and the chamber.

But arguably nobody was luckier than Dale Sell, who turned out to be the winner of the raffle for a 450X Automower, a top-of-the-line GPS-assisted navigation tool that has a retail price of $3,499.95.

The four co-chairs were all smiles as they appeared to enjoy partaking in the tradition of greeting the hundreds of guests who came in.

"I think the crowd is amazing," Renee Mueller said, noting she and her husband loved seeing so much support for an event that benefits two important organizations. ■

Lt. Governor, Schuyler residents hold ribbon-cutting ceremony on housing development

Lt. Gov. Mike Foley visited Schuyler in October to cut the ribbon on the latest housing development in Nebraska to be built with funding from **LB 518**, the Rural Workforce Housing Investment Act.

The 24-unit Eastview Apartments are not only Nebraska's first multi-family apartments to be funded by LB 518 – they're also Schuyler's first new apartment development in more than 20 years.

"The Rural Workforce Housing Investment Act is doing exactly what it was intended to do: give vibrant communities like Schuyler a financial tool to invest in their housing stock and accommodate an expanding workforce," Lt. Gov. Foley said. "This is an outstanding achievement that will have a tangible effect on Schuyler's economic growth for years to come."

From left to right: Jon Knutson, Mayor, City of Schuyler; Brian Bywater, Community Housing Specialist, Schuyler Community Development; Don Meister, Cargill; Lt. Gov. Mike Foley; Dan Hoesing, Superintendent of Schools, Schuyler Community Schools; Brainard Sen. Bruce Bostelman; Cliff Mesner, Mesner Development Co.; Kathy Mesner, Mesner Development Co.; Kelby Herman, Progressive Builder Co.; Aaron Purvis, Branch President, Cornerstone Bank, Central City; Jackie Farrell, Economic Development Coordinator, Schuyler Community Development; Tony Goins, Director, State of Nebraska Department of Economic Development; Kevin Beune, Branch President, Pinnacle Bank, Schuyler; Bryce Meyer, Property Manager, Schuyler Eastview Apartments, LLC; Dylan Eckstron, Perry Reid Construction.

Law passed in 2017

Signed into law by Gov. Pete Ricketts in 2017, LB 518 was designed to address an increasing need for affordable workforce housing options in rural Nebraska. The act channeled about $7 million from the Nebraska Affordable Housing Trust Fund into a new fund dedicated to rural workforce housing development.

The Eastview Apartments, spearheaded in partnership between Schuyler Community Development, Inc. (SCD) and a private developer, feature six one-bedroom, 12 two-bedroom and six three-bedroom units priced at the market rate of $700-$1,150 per month.

"The Eastview Apartments are a game-changing opportunity for Schuyler to attract and retain employees at its local businesses and industries," said Brian Bywater, Community Housing Specialist for SCD. "Studies have shown that there is less absenteeism from work and people are more likely to participate in local activities when they actually live in the community. We are excited for the continued housing growth in Schuyler and intend to keep the ball rolling."

$1.7 million fund created

The Nebraska Department of Economic Development (DED), which administered LB 518 on behalf of the state, awarded the crucial $810,000 in Rural Workforce funding to SCD last year. SCD matched that amount with more than $950,000 in public-private investments. Combined, this created a fund of more than $1.7 million for workforce housing investments.

The ribbon-cutting is only the latest in a series of workforce housing victories brought on by LB 518. DED estimates that nearly 600 rental and owner-occupied units have already been planned, built or rehabilitated in 12 communities across the state with LB 518 support, with total project costs valued at more than $71 million. Even more investments, the Department says, are coming.

DED Director Anthony L. Goins said: "Communities have truly embraced this opportunity to address their workforce housing needs and challenges and there's real forward momentum and progress happening throughout the state." ■

Source – Nebraska Department of Economic Development

See professional directory on page 22

Downtown North Platte could be added to National Register of Historic Places

BY TODD VON KAMPEN
NORTH PLATTE TELEGRAPH

Reprinted by permission.

With its 1970s awnings now in its past, North Platte's historic downtown has a strong chance of joining the National Register of Historic Places wholesale, local and state historic preservation officials say.

RDG Planning & Design of Omaha won the City Council's blessing to study the downtown area and prepare a formal nomination by next summer.

It's too early to know the exact boundaries North Platte's district would include, but they could extend to both sides of the Union Pacific tracks, said a Nebraska Historic Preservation Office official and two members of the city's Historic Preservation Commission.

A new sign sits on the front of Brown's Shoe Fit on North Dewey Street on Friday. After a construction project removed downtown awnings, new facade improvements have either been installed or are on the way, store owners say. Photo by Tammy Bain / The North Platte Telegraph. Reprinted by permission.

Final approval

Final approval by the U.S. National Park Service, which oversees the National Register, would open up federal and state tax incentives for owners of historic buildings to rehabilitate them.

"If you can get the whole district on the register, it saves the individual property owners a lot of headaches," said local commission member Jim Griffin, director and curator of the Lincoln County Historical Museum.

If all goes as expected, the Park Service could decide whether to add downtown North Platte by next fall, said Kelly Bacon, Certified Local Government coordinator for the Nebraska Historic Preservation Office.

Four downtown buildings

Four downtown buildings already appear on the National Register: the Fox Theater and the Hotel Pawnee (both 1985), the Lincoln County Courthouse (1990) and the Prairie Arts Center in the 1913 U.S. post office building (2009).

The current effort began earlier this year when a couple of downtown property owners asked North Platte's Historic Preservation Commission about applying individually for the National Register, said Griffin and fellow local commission member Kaycee Anderson.

Local commission

But Bacon and two of her colleagues urged a downtown-wide nomination when they came to North Platte and discussed the matter with the local commission.

"Really, it's been in the back of our minds anyway to (try to) put the whole district on the register," Griffin said.

Besides, Bacon said Friday, the Park Service "would rather see a district nomination." But "part of the reason we talked to North Platte about listing the downtown was because they removed the awnings."

City officials in early 2018 tore out

Continued on page 15

NebraskaLand Days receives Outstanding Event Award

Nebraskaland Days, the official state celebration, received the Outstanding Event Award for cities with populations of 10,000 or more at the annual Nebraska Tourism Conference banquet in October, according to the *North Platte Telegraph*. *Nebraskaland Days* has been hosted by North Platte since 1968 and drew nearly 100,000 people to June's 2019 event, which lasted 11 days, according to the *Telegraph*. ■

Continued from page 14

the half-block-long roofs, which obscured older and newer buildings alike, over North Dewey Street's sidewalks from Fourth to Sixth streets.

That kicked off an ongoing series of face-lifts to downtown storefronts, which will be followed by utility and street upgrades that include removal and re-laying of the streets' historic bricks.

The 1970s awnings' presence "wasn't a major reason, but it was one of the reasons" state officials didn't suggest a downtown-wide nomination before, Bacon said.

"Subgrant"

The state Historic Preservation Office gave North Platte a Certified Local Government "subgrant" to cover 60 percent of RDG's estimated $15,895 cost to prepare the National Register nomination. In-kind city services will cover the rest.

North Platte is one of eight Nebraska cities with a historic preservation commission with CLG status. The state Historic Preservation Office must share 10 percent of its federal historic preservation funds with those cities, Bacon said.

Individual buildings or districts nominated for the National Register must show a "high level of integrity" in location, design, setting, materials, workmanship, feeling and historic association, according to the state office's History Nebraska webpage.

In general, buildings 50 years old or older are worthy of National Register consideration, Bacon said. North Platte's downtown has plenty of those, she added, even with a sprinkling of buildings from the 1970s or later.

Such "non-contributing" buildings could be included in the district, she said, even if they wouldn't be eligible for a few years for the federal and state tax incentives a district-wide National Register listing would enable.

Owners of historic buildings within the district would be eligible for separate 20 percent federal and state income tax credits if they pursue rehabilitation projects, Bacon said.

Incentive program

They'd also qualify for Nebraska's Valuation Incentive Program, which freezes a qualified building's taxable value for eight years if its owners finish a rehabilitation project within two years worth one-fourth or more of its value.

"As long as that work doesn't involve altering the external historic character, it'd qualify," Griffin said.

The VIP program's concept differs somewhat from tax increment financing, which keeps tax payments flowing to local governments at a project's original taxable value, but sets aside taxes from the increase in its valuation so a developer can gradually recover certain eligible project costs.

No property taxes would be set aside during the eight-year freeze, but the property owner would continue to pay taxes at the original taxable value, Bacon said.

Gradual rise

The property's valuation then would gradually rise to its new enhanced level over the following four years, according to the state Historic Preservation Office website.

Downtown buildings already on the National Register already enjoy the same federal and state tax incentives. They wouldn't gain additional ones if the entire district is listed, Bacon said.

The North Platte and state historic preservation commissions must recommend the nomination in turn before it goes to the Park Service. Final action at that level shouldn't take long if both sign off, Bacon and Griffin said. ■

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NLC: Net neutrality gives cities some flexibility

BY ANGELINA PANETTIERI
NLC – CITIES SPEAK

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You may have seen headlines that a federal court handed a partial victory to advocates for net neutrality recently. But what exactly did the court do and what does that mean for cities?

Net neutrality requires internet service providers to treat all Internet communications the same and not block, speed up or slow down any content. Net neutrality was federal policy until the Federal Communications Commission's (FCC) 2018 order striking it down. The National League of Cities (NLC) and U.S. Conference of Mayors (USCM) both opposed the order when it was issued.

Challenged legality

Numerous states and local governments challenged the legality of the order. In an October decision on *Mozilla Corporation v. FCC*, the D.C. Circuit upheld most of the FCC's 2018 order retreating from net neutrality. That means that the federal government will not mandate that internet service providers abide by net neutrality. However, the court struck down the portion of the order preempting states and local governments from adopting their own net neutrality measures.

The technical legal question in the case was whether broadband Internet is a "telecommunications services" under Title II of the Telecommunications Act of 1934 or an "information services" under Title I. In the 2018 order, the FCC classified broadband Internet as the latter. Title II entails common carrier status, while Title I does not. Notably, Title II "declar[es] . . . unlawful" "any . . . charge, practice, classification or regulation that is unjust or unreasonable."

The D.C. Circuit held that classifying broadband Internet access as an "information service" is a "'a reasonable policy choice for the [Commission] to make.'" The court relied on a 2005 Supreme Court decision, National Cable & Telecommunications Association v. Brand X Internet Services, upholding the FCC's refusal to classify cable broadband as a "telecommunications service."

The D.C. Circuit likewise upheld the 2018 order's classification of mobile broadband as a "private" mobile service and not commercial, which is subject to common carrier status.

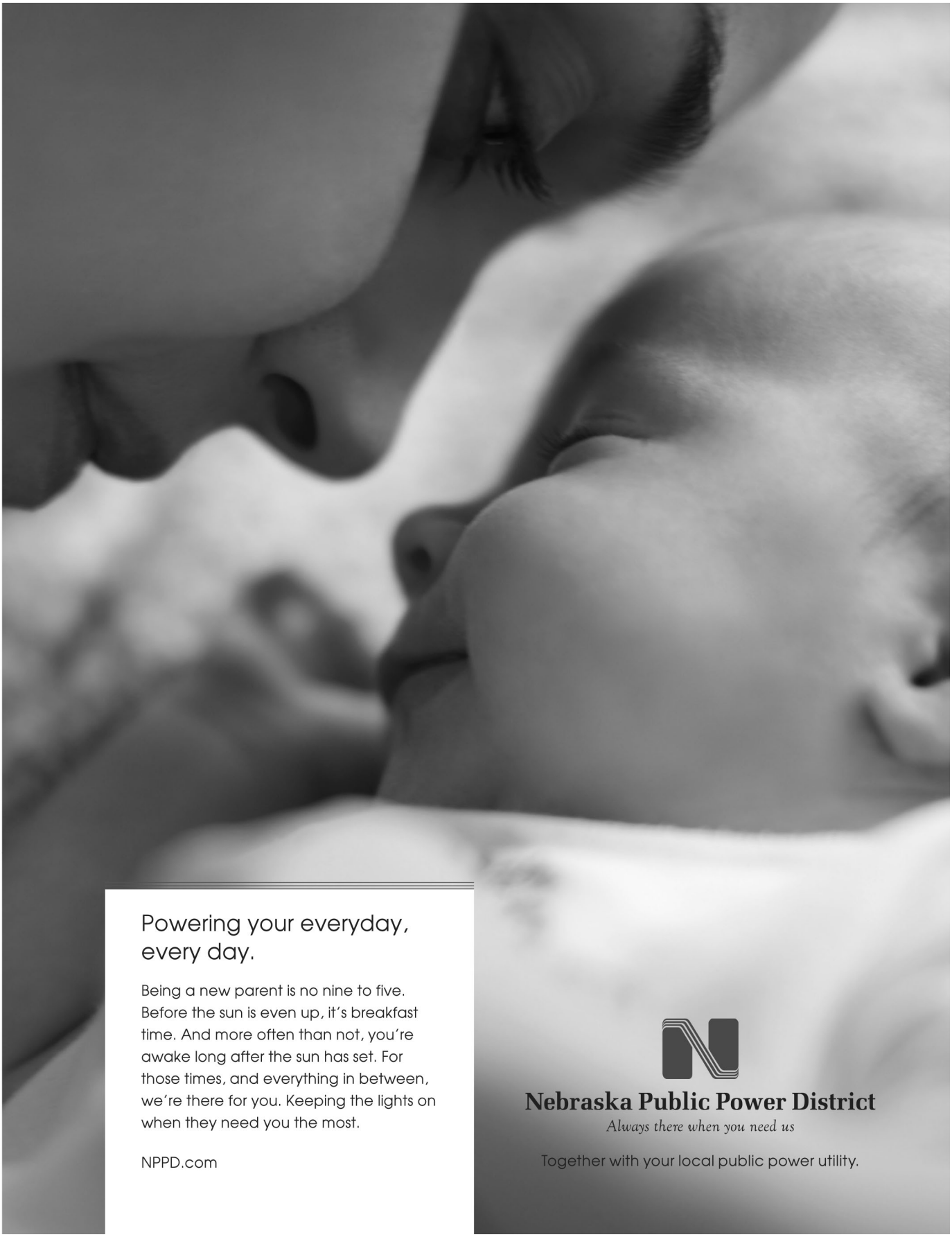
Didn't entirely lose case

The state and local governments challenging the order didn't entirely lose the case. The D.C. Circuit described the 2018 order's Preemption Directive as "invalidat[ing] all state and local laws that the Commission deems to 'interfere with federal regulatory objectives' or that involve 'any aspect of broadband service . . . address[ed]' in the Order." The court concluded the Directive exceeded the FCC's statutory authority. The D.C. Circuit also instructed the FCC to "adequately consider" the 2018 order's impact on public safety, pole-attachment regulation, and the Lifeline Program.

7 states enacted legislation

According to the National Conference of State Legislatures, seven states – California, Colorado, Maine, New Jersey, Oregon, Vermont and Washington – have enacted legislation or adopted resolutions regarding net neutrality. The authority of local governments to enact their own net neutrality policies will depend on state policy and whether or not they are preempted by state government.

The State and Local Legal Center, NLC and other state and local organizations will continue to monitor this issue. NLC will host a State and Local Legal Center webinar in December to explain the facts of the case, how it will impact cities, and what avenues are open for local governments to pursue net neutrality for their residents. ■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South Sioux City receives 2019 Nebraska Recycling Council's Commonwealth Award

On behalf of the City of South Sioux City, Gene Maffit, Parks/Facilitates Director, accepted the 2019 Nebraska Recycling Council's Commonwealth Award at its Annual Awards Luncheon Oct. 4. Through funding by the Nebraska Environment Trust, the Nebraska Recycling Council Commonwealth Award recognizes a business or organization or individual that gives its time, talent and treasure to the community in which it operates to improve the natural environment or health, welfare and common good for all stakeholders through better materials management.

South Sioux City has long supported recycling activities that improve the natural environment while maintaining the health and welfare of its residents through more effective and efficient materials handling processes. These recycling efforts include, but are not limited to:

- Renewable Energy Storage Project – (NET 19-207) – first of its kind in the 14-state South West Power Pool to operate solar energy storage battery system, 21 acre, 2.3 megawatt capacity solar system
- Use of electric cars for city transport, use of Express Power stations. Application pending for piloting use of electric police motorcycle
- Oil burner for use in public works building using recycled oil to heat the buildings
- Implementation of 64-gallon recycling carts replacing totes, increasing usable recycling materials
- Use of wood chipper to create mulch used in city parks, community garden
- Use of recycled tires, crumb rubber used in six city parks
- Bio-char for community garden
- Composting leaves and small twigs for use in community orchard and two community gardens
- Environmental efforts - recharge areas (3) rain gardens (15) with additional ones planned
- Planting and replanting for an annual goal of 500 trees and supporting Tree City for 23 years
- State's first cross-laminated timber project in the Community Orchard giving energy to area and building used for classroom
- Smaller efforts used by city staff includes office recycling coffee grounds used on the community orchard in addition to usual efforts (recycle cans, waste). ■

Source – Cardinal Pride

Classified positions

Director of Environmental Services, Sanitation. City of Gering. Working management position responsible for operation and maintenance of solid waste collection services, baling facility, and landfill operations. Preferred qualifications include five years of heavy equipment operation & maintenance; five years' experience with management of solid waste collection; baling facility and landfill experience. Salary commensurate dependent upon qualifications and experience. Application and job description can be picked up at the City of Gering Administration building or at www.gering.org. Return application in sealed envelope marked "Director of Environmental Services Applicant" to Tammy Cooley, Director of Human Resources at City of Gering, P O Box 687, Gering, NE 69341. Position open until filled. EOE

Street Maintenance Worker/Operator. Village of McCool is accepting applications for full-time Street Maintenance Worker/Operator. Position will participate in variety of tasks including maintaining streets and parks, assisting in operating and maintaining village-owned water/sewer system. Must obtain state certification for water operator license within 12-months of employment. Must have valid driver's license. Benefits include paid health insurance, retirement plan. Wage negotiable. Application, full job description can be obtained by contacting the Village office at 323 East M Street, McCool Junction, NE 68401. Applications accepted until position filled. EOE

More classifieds listed on page 21.

Ralston offers food for library, parking ticket fines program

The Ralston Police Department and the Ralston Bright Public Library once again will team up for the Food For Fines Program. From Nov. 1-Dec. 20, both departments will waive parking ticket fines or overdue book fines with donations of canned or boxed food. All food proceeds will go to the Ralston High School "R-Pantry" that serves Ralston families. The Police Department will waive one parking ticket for five donated items. The library will waive $2 in overdue fines for every one item donated. Citizens can drop off the food items at either the police department or the library. ■

Source – City of Ralston

Scottsbluff City Manager elected NCMA President

Continued from page 9

older city management professionals are reaching retirement age.

"The organization is developing a talent pipeline through the University of Nebraska – Omaha's Master of Public Administration (MPA) program to help fill the gap of manager openings," Johnson said. "Many cities in the eastern part of the state have taken advantage of our partnership with UNO and have had the ability to host an intern. What we're seeing, especially in our organization, is that we have an aging demographic that is to the point of retiring or getting close to retiring. We want to make sure that there is professional management in these communities across the state and help develop the next line of professional managers."

Johnson said that while city management is not an easy profession, he commends his colleagues across the state for their "continued professionalism, willingness to learn and their strong desire to make their communities better."

"Every day I am honored and humbled to be affiliated with a genuine group of individuals working tirelessly for the betterment of their communities," he said. ■

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HR and Benefits Tips and Resolutions for 2020

Continued from page 7

If errors or omissions are discovered, remember that:

- Only an *employee* may correct errors or omissions in Section 1 of the Form I-9. If an employer discovers an error or omission in Section 1 of an employee's Form I-9, the employer should ask the *employee* to correct the error by having the *employee*:
- draw a line through the incorrect information;
- enter the correct or omitted information; and
- initial and date the correction or omitted information.
- NOTE: there are specific procedures to follow if the employee requires a preparer/translator to assist them in making corrections.
- Only an *employer* may correct errors made in Section 2 or Section 3 of the Form I-9. The best way to correct Section 2 or Section 3 of the form is to have the *employer*:
- draw a line through the incorrect information;
- enter the correct or omitted information; and
- initial and date the correction or omitted information.

An employer should not conceal any changes made on the Form I-9 (i.e., by erasing text or using correction fluid), nor should the employer backdate the Form I-9.

With these practical tips in mind, employers should be well-prepared to head into 2020. ■

Editor's Note: This article is not intended to provide legal advice to its readers. Rather, this article is intended to alert readers to new and developing issues 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 authors of this article, Tara A. Stingley and Henry L. Wiedrich, as well as other members of Cline Williams' Employment Law Section, can be contacted at Cline Williams Wright Johnson & Oldfather, L.L.P., 12910 Pierce Street, Suite 200, Omaha, NE 68144, (402) 397-1700, tstingley@clinewilliams.com, hwiedrich@clinewilliams.com, or www.clinewilliams.com.

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League Association of Risk Management (LARM)

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

Building Inspector/Zoning Administrator. City of Waverly seeks applicants for Building Inspector/Zoning Administrator.

Performs skilled on-site inspections of building construction and repair work to assure compliance with building, plumbing, electrical and mechanical codes; implements and administers flood plain, zoning and subdivision regulation; coordinates and assists in review of flood plain applications, subdivision plats, zoning amendments and comprehensive plan updates; responsible for periodic on-site observation of public infrastructure upgrades to ensure compliance with plans and specs; and performs other duties as required.

Four-year college degree in Construction Management, engineering or similar construction training, or high school graduate/GED with equivalent training and work experience. Must be certified by International Code Council as one of following: Building Inspector (Commercial or Residential), or Plan Examiner (Commercial or Residential) or be able to take a certification exam within six months from date of employment.

For full job description, contact Waverly City Office at 402-786-2312 or email Stephanie Fisher, City Administrator, at stephanief@citywaverly.com. Position open until filled. EOE.

Wastewater Treatment Plat Supervisor. City of Aurora is accepting applications within Public Works Division for position of Wastewater Treatment Plant Supervisor. Duties include but are not limited to; performing technical and supervisory work as head operator; participating in operation and maintenance of sewage treatment plant; perform sampling, laboratory testing and reporting of necessary wastewater tests, including, daily, weekly and monthly readings; monitor sludge use, according to EPA regulations, and work with Nebraska Department of Environmental Quality to comply with requirements of NPDES permit.

Experience preferred in field of wastewater treatment, including laboratory analysis and education.Must have valid Nebraska Driver's License. Salary is DOQ, with excellent benefit package. Applications can be obtained at: Aurora City Offices, 905 13th Street, Aurora, Nebraska, 68818; website at www.cityofaurora.org or via email at utlysupt@cityofaurora.org. Position open until filled. City of Aurora is an EOE.

Municipal Clerk/Treasurer. Under appointment, supervision and direction of Chairman and Board, position performs technical supervisory, and administrative work in accomplishing functions of Municipal Clerk/Treasurer and of Municipal Clerk/Treasurer duties and related work as required.

Qualifications: Person occupying position should have, as a min., ability to maintain effective working relations with employees and officials; ability to organize and present effective oral and written reports; thorough knowledge of bookkeeping and accounting methods; knowledge of computer usage; knowledge of automated accounting and office systems, ability to project positive public relations with citizens. Must be able to be bonded. Training and Experience: Any combinations of training and experience to graduation from high school, supplemented by coursework in Municipal Administration, bookkeeping, accounting, or business administration and office experience. Send resume and letter of interest to Village of Sutherland Office, 1200 1st Street, PO Box 277, Sutherland NE 69165

Deputy Clerk/Treasurer. Position assists Municipal Clerk in performance of duties of Municipal Clerk as directed by Municipal Clerk or Board of Trustees.

Qualifications: Person occupying position should have, as a minimum, ability to maintain effective working relations with employees and officials: ability to organize and present effective oral and written reports; thorough knowledge of modern office practices and procedures, knowledge of bookkeeping and accounting methods; knowledge of computer usage; knowledge of automated accounting and office systems, ability to project positive public relations with citizenry. Must be able to be bonded. Examples of duties: Assists Municipal Clerk with any of Clerk's duties or responsibilities as delegated by Clerk or directed by Board and acts as Clerk/Treasurer in Clerk's absence.

Submit resume and letter of interest to Village of Sutherland Office, 1200 1st Street, PO Box 277, Sutherland NE 69165

Village Superintendent. Under supervision and administrative direction of governing body, position supervises and coordinates operation of departments, division and services of Village of Sutherland Government, except where limited by ordinance or laws; acts as agent for governing body. Examples of Duties: Plan, organize and direct activities of department, division, and services of village (except noted above); where administrative authority is exempted by ordinance or law; provides assistance to governing body any changes necessary to improve effectiveness or efficiency of any department under his/her authority; recommends personnel activities such as appointment or dismissal to governing body for approval or disapproval; completes performance review evaluations on all employees under his/her supervision; attends meetings of all organization elements as directed by governing body; maintains and keeps current inventories of real and personal property and other public property owned by village; acts as purchasing agent for minor purchase for departments under his/her authority and obtains prior approval from the Governing Body for all purchases over $500; serves as public relations officer and cooperates with community organizations to advance best interests of village; reviews, evaluates and adjusts complaints filed against village that are within his/her authority; position may serve in capacity of department head as need arises; maintain records of inspections (IE: water, sewer); perform all required sampling as determined by state health department; answer write ups or conflicts with state agencies; keep governing body informed as to changes in regulations and consequences of such violations. Responsible for light plant operations and swimming pool maintenance and operations. Any other duties required to complete job. Qualifications: Thorough knowledge of municipal administration; thorough knowledge of principles of supervision; knowledge of report writing and principles of accounting and bookkeeping for departments under his/her authority; ability to plan and supervise work of personnel; operation and maintenance of equipment used in village services; ability to establish and maintain effective work relationships with subordinates, public officials and citizens; ability to organize and present effective oral and written reports; certified water operator, be able to obtain backflow certifications with in 1 year; possess CDL. Submit Resume and letter of interest to the Village of Sutherland Office, 1200 1st Street, PO Box 277, Sutherland NE 69165.

Police Officer. Ord Police Department is accepting applications for position of Police Officer.

Applicants must be a U.S. Citizen, at least 21 years of age, have a high school diploma or GED and be of good moral character, with no felony or serious misdemeanor convictions. Nebraska Certification is preferred but not required. Applicants must pass a background check.

Interested applicants can contact the Ord Police Department at 308-728-5991. Position remains open until filled.

City of Ord/Ord Police Department is an EOE. Position subject to veteran's preference pursuant to Neb. Rev. Stat. 48-227.

Maintenance Position. Village of Cody is accepting applications for full-time maintenance position to oversee village's maintenance needs. Duties include oversight of water and wastewater system, streets, snow removal, equipment care, weekly trash pick-up and disposal, up-keep of village public areas (park, ball field, arena) and some seasonal requirements (Christmas decorating, July 4th, etc.). Successful applicant must be able to obtain a grade 4 water license (we will provide training to right applicant if not licensed at hiring). Valid Nebraska driver's license is a must and a CDL will be required if hired. Wage commensurate with experience. North central Nebraska is great place to live for outdoor person. We are a small town of about 150 population located in Sandhills of Cherry County. High school and middle school are located in Cody and grade school located nearby. We have a grocery, restaurant, banking, post office, fuel, repair and service shops as well as other services. We are about half-way between Valentine and Gordon on Highway 20. Applications available by calling clerk at 402-823-4118 or writing to Village of Cody, POBox 118, Cody, NE 69211. Applications accepted until position filled. EOE

City Administrator. City of Syracuse is seeking City Administrator. Syracuse, in southeastern Nebraska, is a Second-Class City with pop. of 2,000. Person will be responsible for daily operation, administration of city government through oversight and performance of relevant supervisory, administrative, and financial functions within oversight of Mayor. Applicant should have strong skills in areas of budget, finance, organizational management, public safety, human resource management and grant writing. 3 years of experience as City Administrator/Manager, Assistant City Administrator/Manager or similar management and supervisory roles in municipal government is highly preferred. Annual salary range starts at $60K to $80K. Full benefits package. Position remains open until filled. Candidates must mail cover letter, resume and 3 letters of reference to City of Syracuse, P.O. Box F, Syracuse NE 68446 or email to cityclerk@syracusene.com. Please contact Kelly Farmer at 402 269 2173 for more benefit information and detailed job description. City of Syracuse is an EOE.

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