

NEBRASKA MUNICIPAL REVIEW

■ Hastings adopts grass buffers
for environmental health

■ Federal earmarks to fund programs
in La Vista, South Sarpy County,
Omaha and South Sioux City

■ City of Lincoln releases immigrant
welcoming and belonging plan

Official Publication of the League of Nebraska Municipalities

APRIL 2022



***Governor signs key law
enforcement bills to
expedite reciprocity
process and allocate \$47.7
million for Grand Island
training center***



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APRIL 2022

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Top from left: Bennington Sen. Wendy DeBoer; Omaha Sen. Steve Lathrop; Gering Sen. John Stinner (speaking); Gov. Pete Ricketts and Elmwood Sen. Robert Clements.

Middle left from left: Omaha Sen. Steve Lathrop; Bennington Sen. Wendy DeBoer (speaking); Gov. Pete Ricketts.

Middle right from left: Bennington Sen. Wendy DeBoer; Omaha Sen. Steve Lathrop; Gov. Pete Ricketts.

Bottom from left: Scottsbluff Police Chief Kevin Spencer, President of PCAN; Hastings Sen. Steve Halloran; Grand Island Sen. Ray Aguilar; Bennington Sen. Wendy DeBoer; Omaha Sen. Steve Lathrop; Gov. Pete Ricketts; Elmwood Sen. Robert Clements; Gering Sen. John Stinner; Buffalo County Sheriff Neil Miller, President of NSA; Omaha Police Officer Jim Maguire, President of FOP.

Photos by Jimmy Rash.

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Randy Peters	Loss Control Assistant
Drew Cook	Customer Service Specialist
Elizabeth Becker	Executive Administrative Assistant/ Customer Representative

CALENDAR

Municipal Accounting & Finance Conference..... June 15-17, 2022, Younes Conference Center South, Kearney
Annual Conference..... Sept. 14-16, 2022, Cornhusker Marriott Hotel, Lincoln

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

JUNE 2022

CITIES OF THE FIRST CLASS

Within 10 working 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)

As determined by the Mayor
and CouncilBoard of Equalization meets. (16-707)

Within 30 days following
Council meeting.....Clerk publishes official proceedings of meetings,
including claims. (19-1102)

Within 20 days after end of month.....Treasurer files monthly financial report. (16-318)

* *Clerk must prepare agenda prior to next Council
meeting. (84-1411)

CITIES OF THE SECOND CLASS

Within 10 working 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)

* *Clerk must prepare agenda prior to next Council
meeting. (84-1411)

VILLAGES

Within 10 working 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
trustees' meeting.....Clerk publishes official proceedings of meeting,
including claims. (19-1102)

Within 20 days after end of month.....Treasurer files monthly financial report. (17-606)

* *Clerk must prepare agenda prior to next Board
meeting. (84-1411)

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LBs 1241E and 1014E: Thanks to Gov. Ricketts for signing historic law enforcement bills in Grand Island to expedite reciprocity process and allocate \$47.7 million of ARP Act funds for COVID-related infrastructure improvements at NLETC

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

At an April 21 ceremonial signing of LB 1241E and LB 1014E at the Nebraska Law Enforcement Training Center (NLETC) in Grand Island, **Gov. Pete Ricketts**, joined by several State Senators, numerous law enforcement officers and other officials, celebrated the passage of both bills. **League President Paul Lambert**, Mayor of Plattsmouth, Grand Island **Mayor Roger Steele** and Grand Island **City Administrator Jerry Janulewicz** also attended the historic signing ceremony. Thanks to the many state and local officials who took time from their busy schedules to participate in this meaningful ceremony. It was a privilege for the **League** to help organize the event with the Governor's office and host the luncheon at the NLETC following the ceremony.

Thanks to **Gov. Ricketts**, **Speaker Mike Hilgers** of Lincoln, Omaha **Sen. Steve Lathrop** and Gering **Sen. John Stinner** who met with representatives of a coalition comprised of the Police Chiefs Association of Nebraska (PCAN), Nebraska Sheriffs Association (NSA), Police Officers Association of Nebraska (POAN) and the **League prior to the session** to discuss our coalition requests for: 1) \$50 million of **American Rescue Plan (ARP) Act** Coronavirus State and Local Fiscal Recovery Funds (CSFRF) to make needed COVID-related infrastructure repairs and improvements at the NLETC; and 2) legislation to expedite reciprocity applications of officers from other states to help address increasing vacancies in law enforcement due to several issues, including COVID, elevated caseloads, increased violence and criminal activity. These meetings resulted in the development and introduction of **LB 1241** to expedite the reciprocity process for law enforcement officers from other states wishing to work in Nebraska and the unprecedented amount of \$47.7 million for COVID-related infrastructure improvements at the NLETC as

provided in **LB 1014**.

Hastings **Sen. Steve Halloran** also was thanked during the ceremonial signing for amending **LB 1273** to include his bill, **LB 1272**, to increase the tuition waiver for law enforcement officers from 30% to 100% of the resident tuition charges of any state university, state college or community college. LB 1273 allows a retired certified law enforcement officer to deduct the cost of health insurance premiums for Nebraska income tax purposes; such individuals must have served full-time for at least 20 years and must be at least 60 years of age to qualify for the deduction. The deduction will take effect for tax years beginning or deemed to begin on or after Jan. 1, 2023. The **League, Nebraska Association of County Officials (NACO)** and statewide organizations representing law enforcement supported LB 1273 and LB 1272. **Thanks to Speaker Hilgers for selecting LB 1273 as a "Speaker Priority Bill."** LB 1273, introduced by Lincoln **Sen. Eliot Bostar**, passed on Final Reading with 47 ayes, 0 nays, and 2 excused and not voting (Pahls, Wayne); the Governor signed LB 1273 April 18.

LB 1241E (Reciprocity for Law Enforcement Officers): Thanks to Sen. Lathrop, Chair of the Judiciary Committee, for introducing LB 1241 and his steadfast advocacy in explaining the provisions of the bill as it was debated throughout the legislative process – from the committee hearing Feb. 10 to passage of the bill April 12. LB 1241 passed with the emergency clause on Final Reading with 46 ayes, 0 nays, 1 present and not voting (McKinney), and 2 excused and not voting (Pahls, Wayne); the Governor signed LB 1241E April 18.

Representatives of PCAN, POAN, NSA, FOP, NACO, Omaha Police Officers Association (OPOA), United Cities

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From left: Scottsbluff Police Chief Kevin Spencer, President of PCAN; Hastings Sen. Steve Halloran; Grand Island Sen. Ray Aguilar; Bennington Sen. Wendy DeBoer; Omaha Sen. Steve Lathrop; Gov. Pete Ricketts; Elmwood Sen. Robert Clements; Gering Sen. John Stinner; Buffalo County Sheriff Neil Miller, President of NSA; Omaha Police Officer Jim Maguire, President of FOP. Photo by Jimmy Rash.

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of Sarpy County and the League testified at the hearing on Feb. 10 in support of LB 1241 about the statewide crisis facing law enforcement agencies in retaining officers, attracting applicants certified in other states and processing reciprocity applications in a timely fashion. Until passage of LB 1241, it was far easier for a Nebraska law enforcement officer to become an officer in another state than it was for a certified officer in another state to become certified in Nebraska. Previously, Nebraska only had two five-week reciprocity courses available annually at the NLETC. LB 1241 is based, in large part, on Utah's reciprocity law and "waiver process" which allows applicants to apply and be tested throughout the year.

LB 1241 streamlines the process for out-of-state officers to gain certification to work in Nebraska. The bill requires that an applicant needs to be eligible for admission to a training academy, pass a physical fitness test as well as a reciprocity test approved by the Police Standards Advisory Council (PSAC). Applicants also need to have a certificate or diploma attesting that he or she has completed a training program equivalent to a Nebraska academy. The reciprocity test now will be offered at least once per month if an applicant is qualified to take the test. PSAC is required to take action on a completed application within 45 days and publish a study guide for the reciprocity test by July 1, 2022. Applicants will be allowed to serve as noncertified conditional officers (NCOs). In addition, LB 1241 provides that a law enforcement officer may retire from service in good standing without meeting the continuing education requirements in the calendar year of the officer's retirement.

LB 1241 also revises the definition of "**training academy**" to include another PSAC-approved law enforcement training facility which is operated and maintained by a law enforcement agency or by multiple law enforcement agencies pursuant to the Interlocal Cooperation Act; such academies already are required to offer certification training that meets or exceeds the certification training curriculum of the NLETC. In supporting LB 1241 at the hearing before the Judiciary Committee, La Vista Police **Chief Bob Lausten** explained the need to add the language in LB 1241 to the definition of "training academy" so that the Sarpy Douglas Law Enforcement Academy would NOT be held to the exact curriculum of the NLETC. The academies that train police officers in Omaha, Lincoln and the State Patrol are not held to the same curriculum as the NLETC. The NLETC trains all police officers except for those from Omaha, Lincoln, Bellevue, Papillion and La Vista. OPD and LPD train their officers at their own academies. The officers of the other three cities are trained at the Sarpy Douglas Law Enforcement Academy.

LB 1241 was amended on Select File by Elmwood Sen. Robert Clements to adopt the **Law Enforcement Attraction and Retention Act** which he originally introduced as LB 1270. **Sen. Clements' amendment (AM2485) creates three tiers of law enforcement officer retention incentive payments based on service after July 1, 2022.** The Law Enforcement Attraction and Retention Act also establishes a program for hiring bonuses at agencies with fewer than 150 officers and agencies, which do not meet recommended staffing levels. The act sunsets **June 30, 2028.**

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Front row seated from left to right: Don Arp, Executive Director of the Nebraska Crime Commission; Jerry Janulewicz, Grand Island City Administrator; Grand Island Mayor Roger Steele; League President Paul Lambert, Plattsmouth Mayor; Brenda Urbanek, Director of the NLETC; Dustin Antonello, Policy Advisor, Governor's Policy Research Office.

Back row from left to right: Hall County Sheriff Rick Conrad; Hall County Chief Deputy Josh Berlie; Grand Island Police Chief Robert Falldorf, 1st Vice President of PCAN; Broken Bow Police Chief Steven Scott, President of POAN; Plattsmouth Police Chief Steve Rathman, Nebraska Crime Commission Member, Region 3 Director of PCAN; Scottsbluff Police Chief Kevin Spencer, President of PCAN; Omaha Sen. Steve Lathrop, Judiciary Committee Chair, who introduced LB 1241; Hastings Sen. Steve Halloran; Grand Island Sen. Ray Aguilar; Bennington Sen. Wendy DeBoer, who prioritized LB 1241; Gov. Pete Ricketts, who embedded \$47.7 million for the NLETC in LB 1014 introduced on his behalf; Elmwood Sen. Robert Clements; Gering Sen. John Stinner, Appropriations Committee Chair, who advocated for the \$47.7 million for the NLETC; Omaha Police Officer Jim Maguire, President of FOP; Buffalo County Sheriff Neil Miller, President of NSA; La Vista Police Chief Bob Lausten, Former Member of PSAC; Captain Greg Miller, Nebraska State Patrol; Captain Jeff Roby, Nebraska State Patrol; Washington County Sheriff Mike Robinson, Past President of NSA; Custer County Sheriff Dan Osmond, Past President of NSA, Board Member of PSAC; Jon Canon, Executive Director of NACO; Doug Hanson, Public Engagement Specialist of Olsson (The League contracted with Olsson to prepare documentation regarding needed COVID-related infrastructure improvements at NLETC.); Joe Wilcox, Nebraska Administrative Services - Budget Division. Photo by Jimmy Rash.

LBs 1241E and 1014E: Thanks to Gov. Ricketts for signing historic law enforcement bills

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At the ceremonial signing of LB 1241, the following officers emphasized the increasing number of vacancies in law enforcement and thanked **Sen. Lathrop** for introducing LB 1241 and successfully advocating for its passage to **expedite the reciprocity process** to help recruit law enforcement officers from other states to work in Nebraska: Scottsbluff Police **Chief Kevin Spencer**, President of Police Chiefs Association of Nebraska (PCAN); Buffalo County **Sheriff Neil Miller**, President of the Nebraska Sheriffs Association (NSA); and Omaha Police **Officer Jim Maguire**, President of the Fraternal Order of Police (FOP). These officers also thanked Omaha **Sen. Wendy DeBoer** for co-introducing LB 1241 and selecting it as her **personal priority bill** to enhance consideration of the measure this session. Chief Spencer, Sheriff Miller and Officer Maguire also thanked **Sen. Clements** for amending LB 1241 to include his incentive pay bill (**LB 1270**). Omaha **Sen. Terrell McKinney** amended LB 1241 on Select File to preclude officers who are essentially “bad actors” from receiving benefits under the Law Enforcement Attraction

and Retention Act.

Thanks again to **Sen. Lathrop** for introducing LB 1241 and **Speaker Hilgers** and Lincoln **Sen. Patty Pansing Brooks** for co-sponsoring the bill, as originally introduced. Subsequently, the following Senators added their names as co-introducers: **Blood, Bostar, DeBoer, Flood** and **Morfeld**.

LB 1014E (\$47.7 Million of ARP Act Funds Allocated to the NLETC): Thanks to Sen. Stinner, Chair of the Appropriations Committee, for successfully advocating that the committee members support the Governor's recommendation to provide \$47.7 million of ARP Act funds for COVID-related infrastructure improvements at the NLETC when LB 1014 was advanced to General File. During the ceremonial signing of **LB 1014E** on April 21, the Governor underscored key investments made this session in law enforcement training and resources with passage of several bills. **Gov. Ricketts** and **Sen. Stinner** explained the importance of the provisions in LB 1014 which allocate \$47.7 million for COVID-related infra-

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Sen. Wendy DeBoer



Sen. Steve Lathrop



Sen. John Stinner

LBs 1241E and 1014E: Thanks to Gov. Ricketts for signing historic law enforcement bills

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structure improvements at the NLETC.

Due to COVID-19, officers in Nebraska are dealing with serious challenges, including: reduced community policing and engagements, increased violence and criminal activity, elevated caseloads, lost training opportunities and COVID-19 related deaths. The \$47.7 million will make transformational changes to expand and improve facilities at the NLETC to provide training now and in the future to compete with other states for top talent while reducing the spread of disease among trainees. For example, these improvements include: an indoor weapons training facility, improvements to an outdoor shooting range, land acquisition for an up-to-date and safe vehicle training track, expanded cafeteria and food prep areas and new technology rooms. *The January 2022 Nebraska Municipal Review included a six-page handout, prepared on behalf of the League by Olsson, outlining necessary COVID-related infrastructure improvements inside and outside at the NLETC.*

At the hearing on LB 1014 before the Appropriations Committee on Jan. 25, the following officers and organizations thanked the Governor for including \$47.7 million for the NLETC when testifying in strong support of the bill: Scottsbluff Police Chief Spencer on behalf of the **Scottsbluff Police Department**, **PCAN**, **POAN** and the **League**; Sheriff Miller on behalf of the **Buffalo County Sheriff's Department** and **NSA**. Their testimony was critically important since there was more than \$4 billion of requests for funding competing for the \$1.04 billion of ARP Act funds the state will receive. Jon Cannon, Execu-

tive Director of **NACO**, also testified in support of the bill.

LB 1014 passed on Final Reading April 7 with 40 ayes, 4 nays (Albrecht, Clements, Erdman, Friesen), 4 present and not voting (Geist, M. Hansen, Hughes, Linehan), and 1 excused and not voting (Pahls). The Governor signed LB 1014E on April 13. *As noted on pages 8-9, LB 1014 included funding requests from other legislation introduced.* LB 1014 passed with the emergency clause appropriating \$779,812,800 of the \$1.04 billion of federal funds allocated to the State of Nebraska from the ARP Act (CSFRF).

During the ceremonial signing of LB 1014 on April 21, **Chief Spencer**, **Sheriff Miller** and **Officer Maguire** thanked **Gov. Ricketts** for including the **\$47.7 million** in LB 1014, as originally introduced on his behalf by **Speaker Hilgers**. It would have been extremely difficult to obtain this important funding for the NLETC if it was not embedded in the Governor's ARP Act budget in LB 1014 as originally introduced on his behalf. All three officers also thanked **Sen. Stinner** and other members of the Appropriations Committee for including the \$47.7 million allocated for the NLETC in LB 1014 when advancing the bill to General File.

Thanks to Grand Island **Sen. Ray Aguilar** who joined other Senators in successfully opposing an amendment to LB 1014 offered on General File which would have significantly reduced this funding for the NLETC. **Speaker Hilgers** and **Sen. Stinner** also were prepared to defend this essential funding which will be transformational for the NLETC. ■

LB 1014E (line 43), LB 805 (line 44), LB 1024 (line 45), LB 1068 (line 46) and LB 376 (line 47)

**\$1,032,812,800 of the \$1.04 Billion of ARP Act (CSFRF) Funds Allocated to the State
as Passed by the Legislature and Signed by Gov. Ricketts (without any line-item vetoes)**

State of NE's Coronavirus State Fiscal Recovery Fund (CSFRF)		Final	Final Reading		
Row	Bill & Item	Section	FY 2021-22	FY 2022-23	Total
Public Health Response					
1	LB 1014 Rural Health Complex	38	10,000,000	50,000,000	60,000,000
2	LB 1014 Child Welfare Case Counts & Provider Rates	21	10,000,000	15,000,000	25,000,000
3	LB 1014 Healthcare Facility Capacity Expansion	45	10,000,000	30,000,000	40,000,000
4	LB 1014 Replace Aging Rural Ambulances	29	0	20,000,000	20,000,000
5	LB 1138 DHHS, funds for local public health departments	24	0	10,000,000	10,000,000
6	LB 760 DHHS, grants to emergency medical services programs	30	0	5,000,000	5,000,000
7	LB 1159 DHHS for a model system of care, COVID 19	26	0	5,000,000	5,000,000
8	LB 1075 DHHS, pediatric mental health services technology	16	0	1,800,000	1,800,000
9	LB 1100 DED, feasibility study relating to nuclear reactors	47	0	1,000,000	1,000,000
10	LB 867 DHHS for Health Aid (HIV surveillance and prevention)	25	500,000	0	500,000
11	LB 1269 Repayment of health professionals educational debts	17	5,000,000	0	5,000,000
Negative Economic Impacts					
12	LB 1014 Shovel-Ready Capital Projects	46	50,000,000	50,000,000	100,000,000
13	LB 1014 Workforce Housing	42	21,500,000	18,000,000	39,500,000
14	LB 1014 Community College: Workforce Development	36	25,000,000	35,000,000	60,000,000
15	LB 1014 Law Enforcement Training Center (NLETC) in Grand Island	48	47,700,000	0	47,700,000
16	LB 1066 DHHS & University, behavioral health care services	39	0	25,500,000	25,500,000
17	LB 1014 Meat Processing Plant Grant	44	0	20,000,000	20,000,000
18	LB 1201 DHHS for nonprofit organization food assistance grants	19	0	20,000,000	20,000,000
19	LB 1087 Aid to Community Colleges for dual enrollment	50	0	15,000,000	15,000,000
20	LB 1014 Small & Medium Meat Processors	14	10,000,000	0	10,000,000
21	LB 1167 Internships and expanding and retaining workforce	15	0	10,000,000	10,000,000
22	LB 1066 DHHS & University, behavioral health care services	31	0	2,500,000	2,500,000
23	LB 1161 NDE, services to students who are deaf or hard of hearing	13	0	1,000,000	1,000,000
24	LB 1254 Services for youth who have aged out of the foster care	22	0	1,000,000	1,000,000
25	LB 1162 Rural in-person interpreting and legal communication access	49	0	500,000	500,000
26	LB 1195 Grants for international competitions in Nebraska	43	500,000	0	500,000
27	LB 1255 University for an updated climate change report	40	0	150,000	150,000
28	LB 1014 Behavioral Health and Nursing Assistance	18	5,000,000	0	5,000,000
29	LB 1203 DHHS for various child care programs	20	0	4,000,000	4,000,000
Premium Pay					
30	LB 1089 Licensed and medicaid-certified nursing facilities	28	0	47,500,000	47,500,000
31	LB 1172 Rate increases certain developmental disabilities providers	23	0	47,500,000	47,500,000
32	LB 1014 Salary Increases 24-Hour Facilities	12	36,700,000	0	36,700,000
33	LB 996 Payments to assisted-living facilities	27	0	5,462,800	5,462,800

LB 1014E (line 43), LB 805 (line 44), LB 1024 (line 45), LB 1068 (line 46) and LB 376 (line 47)

**\$1,032,812,800 of the \$1.04 Billion of ARP Act (CSFRF) Funds Allocated to the State
as Passed by the Legislature and Signed by Gov. Ricketts (without any line-item vetoes)**

State of NE's Coronavirus State Fiscal Recovery Fund (CSFRF)		Final Section	Final Reading		
Row	Bill & Item		FY 2021-22	FY 2022-23	Total
Water, Sewer, Broadband		--			
34	LB 1014 Ft. Laramie-Gering Canal	32	23,100,000	0	23,100,000
35	LB 1014 State Fair Sewer Upgrades	52	0	20,000,000	20,000,000
36	LB 1014 Wastewater System Projects	35	0	8,100,000	8,100,000
37	LB 1014 State Colleges Facility & Equipment Upgrades	37	0	8,000,000	8,000,000
38	LB 1160 Grants for reverse osmosis systems	51	0	4,000,000	4,000,000
39	Hearing request- Wyuka Cemetary Stormwater Project	41	0	1,800,000	1,800,000
40	LB 1014 Drinking Water Projects	53	1,000,000	6,000,000	7,000,000
Funds Administration					
41	LB 1014 ARPA Fund Administration (including DHHS OCIO)	34	10,000,000	5,000,000	15,000,000
Bills in Other Committees					
42	LB 1081 Grants for water transport infrastructure	33	20,000,000	0	20,000,000
43	LB 1014 - ARPA Coronavirus State Fiscal Recovery Fund (CSFRF)		286,000,000	493,812,800	779,812,800
44	LB 805 Changes, prioritize applications Noxious Weed Control Act	--	0	2,000,000	2,000,000
45	LB 1024 Economic Recovery Act	--	0	250,000,000	250,000,000
46	LB 1068 Changes, Behavioral Health Education Center (UNMC)	--	0	1,000,000	1,000,000
47	LB 376 Family support program waiver, developmental disability		0	subtitle J	subtitle J
47	Total - ARPA Coronavirus State Fiscal Recovery Fund (CSFRF)		286,000,000	746,812,800	1,032,812,800
48	Total Available				1,040,000,000
49	Remaining Available				7,187,200

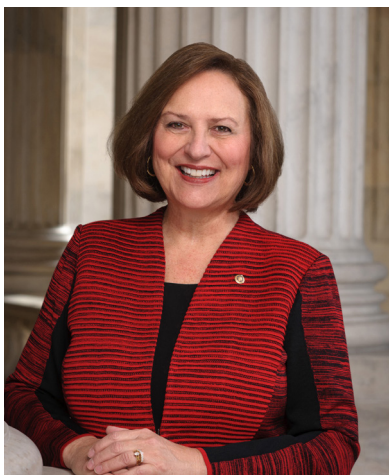
Interim study resolutions

Eighty-five interim study resolutions were introduced in the waning days of the legislative session. These resolutions are referred to the appropriate committees for consideration before the next regular legislative session.

The committees, typically in late summer and early fall, will begin to hold meetings and public hear-

ings on these interim studies. The League will keep municipalities updated on when those hearings are scheduled. If you would like to check the Legislature's website at <https://nebraskalegislature.gov/>, you will find a complete list of the interim studies.

The 2023 Legislature, which is a 90-day session, will convene Jan. 4. ■



Saving moms' lives through better broadband

BY U.S. SEN. DEB FISCHER

In an era of partisanship and polarization, compromise can be hard to come by. Bills that can garner enough support to clear the U.S. Senate's 60-vote threshold for legislation are the exception, not the norm. It is even more rare to find a bill that all 100 members of the Senate can get behind, but we recently did just that when the Senate voted unanimously to pass my Data Mapping to Save Moms' Lives Act.

I introduced this bill last year, along with one of my colleagues on the other side of the aisle, U.S. Sen. Jacky Rosen of Nevada. In both Nebraska and her home state of Nevada, there are large areas where expectant mothers do not have access to the maternal care they need. In Nebraska, for example, more than 4,000 babies are born each year to parents who live in counties with no OB-GYN or certified nurse-midwife. In these mostly rural parts of our states, health outcomes for moms and their children often suffer as a result.

According to the Centers for Medicare & Medicaid Services, as many as 40 percent of women do not visit their doctor for a checkup after giving birth, often because they live too far away. And women who give birth in rural areas suffer from "higher rates

of life-threatening complications during or after childbirth than mothers in urban cities," reported a 2019 study by the University of Michigan.

All women should have access to the health care they and their babies need, no matter where they live. Thankfully, innovative new technologies can bring potentially life-saving health care and checkups into the homes of even the most isolated patients – but you need a reliable internet connection.

The Data Mapping to Save Moms' Lives Act would direct the Federal Communications Commission (FCC) to map the areas in our country that lack broadband service and have high rates of poor maternal health outcomes. After incorporating this data into a broadband health mapping tool they already use, the FCC will be able to see which communities stand to benefit most from expanded access to broadband. Congress and the FCC will then be able to target resources for broadband deployment with this in mind.

Telehealth services have surged in popularity in the past few years, partly as a result of the pandemic, but we have only scratched the surface of their potential. Beyond checkups for expectant moms, the future of telehealth is allowing doctors to look at x-rays,

diagnose illnesses and monitor their patients' vital signs, all from hundreds of miles away. But for those who live in areas without a reliable broadband connection, none of this is possible.

More than 50,000 women suffer from severe complications related to pregnancy each year and those who live in rural areas are especially at risk. During pregnancy and postpartum, minor symptoms can turn into life-threatening situations if they are not caught soon enough. When something as basic as broadband access can make the difference between life and death for these mothers, it is clear that we need to do something to help.

This bill is just common-sense and it would make a real difference for so many women who don't live near their doctors. I look forward to working with Sen. Rosen to make sure the Data Mapping to Save Moms' Lives Act is signed into law soon. ■

2022 Interim Study Resolutions of interest to municipal officials

As the Legislature wraps up the 2022 session, the focus turns to the interim – the months between legislative sessions. Lawmakers introduced 85 Interim Study Resolutions, many of which relate to municipalities. For example, there are studies about conditional use permits, how to incorporate new municipalities, administration of the Nebraska Broadband Bridge Act, funding of emergency communications in Nebraska and fulfilling public records requests. Albion Sen. Tom Briese also introduced an interim study about cemeteries after an issue was raised at the League's Legislative Committee meetings.

After the Legislature adjourns, standing committees will hold meetings and public hearings on these interim studies, usually in late summer and fall. The League will keep municipalities updated on when those hearings are scheduled.

Below is a list of interim studies that may be of interest to municipal officials. To review all the Interim Study Resolutions introduced, please visit the legislative website at nebraskalegislature.gov.

Urban Affairs Committee:

LR 276 (Blood) Interim study to examine circumstances in which conditional use permits can be approved or revoked.

LR 347 (Urban Affairs Committee) Interim study to examine the statutes governing metropolitan utilities districts.

LR 348 (Urban Affairs Committee) Interim study to review occupational regulations for master plumbers.

LR 349 (Urban Affairs Committee) Interim study to examine issues within the jurisdiction of the Urban Affairs Committee.

LR 377 (Hansen, M.) Interim study to examine statutes relating to the incorporation of new municipalities.

LR 413 (Dorn) Interim study to evaluate the potential transition to a statewide professional license for heating, ventilation and air conditioning technicians.

LR 422 (Wayne) Interim study to examine issues related to the Middle-Income Workforce Housing Investment Act.

Transportation and Telecommunications Committee:

LR 401 (Friesen) Interim study to review administration of the Nebraska Broadband Bridge Act.

LR 398 (McDonnell) Interim study

to examine issues about funding emergency communications in Nebraska.

Natural Resources Committee:

LR 394 (Cavanaugh, J.) Interim study to examine potential changes to Nebraska's net metering policy.

Government, Military and Veterans Affairs Committee:

LR 376 (Hansen, M.) Interim study to determine whether reports of resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or if they represent isolated incidents.

General Affairs Committee:

LR 339 (Briese) Interim study to examine matters relating to cemeteries in Nebraska. ■



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Tara A. Stingley

Department of Labor guidance on prohibited retaliation under FLSA, FMLA

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

Both the Fair Labor Standards Act (FLSA) and the Family and Medical Leave Act (FMLA) prohibit retaliation against employees for exercising their rights under these federal laws. The U.S. Department of Labor (DOL) Wage and Hour Division is responsible for enforcing these laws. On March 10, 2022, the DOL issued guidance on situations that may give rise to retaliation claims under the FLSA and FMLA.¹ According to the DOL:

Anti-retaliation protections safeguard the basic rights afforded to workers in the United States. These protections hold the promise that workers can complain to the government or make inquiries to their employers about violations of the law without fear that they will be terminated or subject to other adverse actions as a result. Too often, retaliation, or the fear of it, prevents the most vulnerable workers including those making the lowest wages, immigrant workers, workers of color and women from exercising their workplace rights and ensuring they are paid the wages they are owed and afforded other protections under the law. Accordingly, it continues to be of paramount importance that WHD

fully enforce the anti-retaliation provisions of the laws it administers to prevent and stop retaliation as early as possible.

The DOL's guidance sets forth several hypotheticals to highlight when certain conduct may rise to the level of retaliation. This article addresses the DOL's guidance in further detail.

A. Defining Retaliation

Retaliation may occur when an employer takes an "adverse action" against an employee *because* they engaged in a "protected activity." A finding of retaliation requires a causal connection between the protected activity and the adverse action. Understanding each of these terms is essential to avoiding unlawful retaliation.

Examples of "protected activity" include making a complaint to a manager, employer or administrative agency; cooperating with an investigation; requesting payment of wages; complaints by a third party on behalf of an employee; exercising rights or attempting to exercise rights, such as requesting certain types of protected leave; and testifying at trial.

According to the DOL, an "adverse action" is any action that could dissuade an employee from raising a concern about a possible violation or engaging in other protected activity,

such as filing a complaint or cooperating in a DOL investigation. An adverse action can include termination, but it also includes less severe actions, such as: disciplinary actions; threats to employees, their families or co-workers; reduction of work hours or wages; shift changes or elimination of premium pay; and demotion.

As the DOL notes, adverse actions can be subtle, such as excluding an employee from a regularly scheduled meeting. They also can be more obvious or overt, such as intimidating employees to return back wages owed, threatening an employee with deportation or terminating an employee.

B. Retaliation Under the FLSA

The FLSA establishes minimum wage, overtime pay, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and non-profit sector and in federal, state and local governments. Under Section 215(a)(3) of the FLSA, it is a violation for any person "to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to the FLSA, or has testified or is about to testify in any such proceed-

Continued on page 9

Continued from page 8

ing, or has served or is about to serve on an industry committee.”

The DOL’s first example addresses prohibited retaliation under the FLSA. Suppose “Nelson” works as a cook and contacted the DOL’s Wage and Hour Division confidentially to ask about overtime pay. Nelson then told a co-worker what he learned from the DOL and his co-worker told someone on the waitstaff. Later that day, their manager overheard two waitstaff employees talking about Nelson’s call to the DOL and fired him.

In the scenario, terminating Nelson’s employment because he contacted or was suspected of contacting the DOL is prohibited. Given this unlawful conduct, Nelson may pursue an FLSA claim against his employer. If he prevails, the employer may be required to reinstate Nelson or pay lost wages and liquidated damages.

In the DOL’s second example, “Aisha” is a new mother who works for a call center. She asks for additional break time to express breast milk for her newborn child. She uses her lunch break to express breast milk and needs extra time to finish pumping before she is able to return to her duties. However, Aisha’s boss complains when she is late returning from her lunch break, telling her she cannot use time beyond her lunch break for “personal stuff.” When Aisha asks if she has a right to take another break for pumping later in the day, her boss sends her home for the rest of her shift without pay.

Under the FLSA, employers must provide requisite time and space for nursing mothers to express breast milk. Specifically, the FLSA requires that employers provide “reasonable break time for an employee to express

breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk.” The FLSA also requires that employers provide “a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.”

In this example, Aisha was sent home for trying to exercise her rights under the FLSA and her employer’s conduct is unlawful. If Aisha prevails in a lawsuit against her employer, she may be able to recover back pay and liquidated damages for wages she lost when her boss sent her home.

C. Prohibited Retaliation Under the FMLA

The DOL’s guidance also provides examples of prohibited retaliation under the FMLA. The FMLA provides eligible employees of covered employers with job-protected leave for specified family and medical reasons. Once the leave period is concluded, the employer is required to restore the employee to the same or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The FMLA prohibits employers from interfering with, restraining or denying an employee’s exercise of or attempt to exercise any FMLA right.ⁱⁱ Interfering with the exercise of an employee’s rights includes an employer’s refusal to grant FMLA leave, discouraging an employee from taking FMLA leave, or manipulation by an employer to avoid its FMLA responsibilities (e.g., changing essential functions of the job in order to preclude the taking of leave).ⁱⁱⁱ The FMLA also prohibits employers from discharging or in any other way discriminating against any

person for opposing or complaining about any unlawful practice under the FMLA.^{iv}

In the DOL’s first example, an employee named “Jaime” takes approved FMLA leave to care for his daughter when she is in the hospital overnight recovering from surgery. Under his employer’s “no-fault” attendance plan, employees are charged points for every absence from work, regardless of the reason for the absence, and employees who accrue more than 10 points in a calendar year may be terminated. Following his absence to care for his daughter, Jaime returns to work as scheduled, but is charged three negative attendance points for the days he used FMLA leave.

According to the DOL, assigning attendance points to Jaime’s FMLA leave days is prohibited. The DOL notes that following an investigation, it would likely require Jaime’s employer to remove the attendance points from Jaime’s employment record for the days he used job-protected FMLA leave to care for his daughter.

In the DOL’s second FMLA example, “Deborah” is employed as a hotel desk clerk. Deborah had migraine headaches that made it impossible for her to work and she used three FMLA leave days in January, one day in February and two days in April. When she returned to work after taking FMLA leave, Deborah’s employer reduced her schedule from 40 hours to 20 hours per week, saying it needed workers who will show up every day.

According to the DOL, upon completing an investigation, it likely would require the employer to restore Deborah to her previous full-time schedule, to pay Deborah an additional 20 hours for each week she

Continued on page 15

Support for growth in Ravenna reaches across generations, leads to state honors for business development

Revitalization efforts downtown and extensive development work from volunteers, business owners and students in the City of Ravenna have earned continued accolades from the state. The Department of Economic Development (DED) recently announced the city's recertification in Nebraska's Leadership Certified Community (LCC) program. LCC Program Coordinator and Central Nebraska Business Development Consultant, Kelly Gewecke, honored local leaders during a special presentation April 4.

One of 32 communities

Ravenna is one of 32 Nebraska communities to qualify for DED's LCC program, created in 2011 to help municipalities adapt to ongoing changes and opportunities in economic development. Certified communities must demonstrate an understanding for and preparedness in strategic planning and display readiness in technological development to help new and existing businesses grow. Qualifying LCC's earn status in the program for five years and are required to maintain community websites to market local development, which may include information on available sites and buildings and regional employment opportunities. Ravenna officials earned LCC certification in 2015 and recertification in late 2021.

Local leaders have prioritized downtown improvement efforts since the city's original LCC designation. Ravenna received federal Community Development Block Grant (CDBG) funding from its Downtown Revitalization (DTR) program, which is awarded and administered by DED. The city's current DTR project will



From left: Ravenna Mayor Peg Dethlefs, City Clerk/Treasurer Kellie Crowell; Economic Development Director Zach West. Photo courtesy of the Nebraska Economic Development Department.

include work on commercial rehabilitation and updated sidewalks. Local officials estimate the project's completion in 2022. In addition, the city finished a CDBG public works grant project for street improvements and storm drainage in 2017. The project resulted in new asphalt and storm drains on 10 blocks in the community.

Grocery store reopened

Efforts to reopen Ravenna's grocery store, which closed in 2019, were made possible through new store ownership and volunteer work from a variety of supporters. Veronica and Jamie Morse own MNO Hometown Market in Wood River and purchased

the former Ravenna Super Foods, which led community and chamber members, business owners, retirees and Ravenna's high school football team to assist in the store's remodeling efforts. Ravenna's MNO Hometown Market opened in 2021.

Medical services recruited

Community members helped recruit medical services in Ravenna following the closure of its former clinic. Grand Island's Heartland Health Center expanded in Ravenna and opened its doors in 2020.

Ravenna Economic Development Corporation (REDC) Executive Di-

Continued on page 15

Continued from page 14

rector, Zachary West, said the city's work as an LCC has encouraged and inspired overall support for community growth.

"Hard working, sacrificial citizens are the backbone of Ravenna, and I am in awe of our people's dedication to ensure that our community continues to grow by providing a wonderful place for our residents to live and thrive for years to come," West said. "I am honored to have played a part in helping with the city's LCC recertification, which reflects the hard work, sacrifice and dedication of Ravenna's citizens."

New library

Community members celebrated the completion of a new library, which was dedicated and opened for public use in 2018. The ADA (Americans with Disabilities Act) accessible building has become the central point for many patrons, along with future innovators. Several grants have contributed to the library's evolving development, including assistance from the Ne-

braska Library Commission's Youth Grants for Excellence program. The grant assisted in the construction of learning stations. Additional improvements include a Maker Space with machinery for budding entrepreneurs.

Housing and recreational improvements have emerged as additional community priorities in Ravenna, including the construction of two new subdivisions made possible by the city council, Community Redevelopment Authority and REDC.

Ravenna's solar subdivision includes 14 lots in the northwest corner of the community and is located near the school, parks and ballfields. The Pavia Heights subdivision consists of nine available lots located near a park and church. Construction on the housing developments began last month.

New emergency building

Community leaders saw the need for a new emergency building, which was constructed near Ravenna's existing fire hall. The facility is home to a new 4-wheel drive ambulance, which

was purchased in 2021. In addition, Ravenna residents currently are raising funds to create a 1.68-mile hiking and biking trail, which will be constructed with crushed limestone.

"The LCC program is a tool to help Ravenna develop within many areas of our community," said City Clerk/Treasurer Kellie Crowell. "I am extremely proud to have helped with the original certification and now the recertification. I believe this designation shows Ravenna's commitment to grow by creating opportunities for new businesses, housing and recreation."

New businesses in Ravenna in the last year include a signage and lighting company, a coffee shop and new ownership of the local feed store.

"The City of Ravenna and REDC continue to work together to improve our community," said Ravenna Mayor Peg Dethlefs. "Recertifying as an LCC is a great achievement for us and I am excited for Ravenna's future." ■

Source – Nebraska Department of Economic Development

Department of Labor guidance on prohibited retaliation under FLSA, FMLA

Continued from page 13

worked the reduced schedule and to pay an amount equivalent to her lost wages in liquidated damages.

D. Conclusion

The DOL's guidance provides a detailed analysis defining prohibited conduct under the FLSA and FMLA, as well as the risks of taking adverse employment actions against employees trying to exercise their rights. Employers should examine their policies

and procedures in light of the DOL's guidance to ensure compliance with these federal laws. For more information about avoiding retaliation under the FLSA and FMLA, visit DOL's website at <https://www.dol.gov/sites/dolgov/files/WHD/fab/fab-2022-2.pdf>. ■

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. Readers are urged to consult their own legal counsel or the au-

thor of this article if they wish to obtain a specific legal opinion regarding their particular circumstances. The author of this article, Tara A. Stingley, 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 or www.clinewilliams.com.

Endnotes

See <https://www.dol.gov/sites/dolgov/files/WHD/fab/fab-2022-2.pdf>

See 29 U.S.C. § 2615(a)(1); 29 CFR § 825.220(a)(1).

See 29 CFR § 825.220(b).

See 29 U.S.C. § 2615(a)(2); 29 CFR § 825.220(a)(2).

Hastings adopts grass buffers for environmental health

The City of Hastings has adopted grass-growing practices on some of its property with a focus on environmental health.

When grass on city property is allowed to grow to between 12-inches and 24-inches in height this promotes deeper roots and allows for more stormwater infiltration during rain events. Allowing the grass to grow longer and decreasing mowing frequency will allow what are known as grass buffers to establish. Grass buffers can reduce localized flooding, reduce soil erosion and improve downstream water quality.

Promote water quality

Native Pollinator Sites and Urban Best Management Practices (BMPs) are ways that the city is working to promote water quality and natural aesthetics. Grass buffers and swales are just two examples of urban BMPs. Grass buffers and swales play a key role in water quality and low impact development, enabling infiltration and slowing runoff. Native grasses, such as buffalograss, grama grasses, Big and Little Bluestem and Indiangrass provide a more natural aesthetic and require less water once established. Bird enthusiasts know that many native grasses produce seeds that are an important local food source for songbirds.

The city's environmental department created the native pollinator program in 2019 with the creation of the Hastings Community Solar Farm, which has an approximate 10-acre native pollinator habitat. Following that, the city established native pollinator habitat around the Aquifer Storage and Recovery lagoon off N. Baltimore Avenue. In 2021, the city partnered with Pheasants Forever and the Hastings

Economic Development Council to establish native pollinator habitat over 21 acres of floodplain property that borders Osborne View Estates and Trail Ridge residential subdivisions. The city's streets, parks and stormwater management departments created a few grass buffers with decreased mowing frequencies in 2021.

A few of those grass buffers can be observed at the following locations:

- Lake Hastings Silting Basin
- Drainage easements surrounding Lake Hastings
- Watercourse upstream of Lake Hastings (along N. Baltimore Avenue)
- Hastings Dog Park (S. Elm Avenue)
- Heartwell Lake influent drainage ditch (along East Side Boulevard)

An additional grass buffer along the concrete drainage channel of the Indian Acres, Crane Circle and Colonial Estates Subdivisions are planned for 2022.

State recommendation

This urban BMP comes as a recommendation from State Lakes Coordinator Michael Archer at the Nebraska Department of Environment and Energy. Archer grew up in Hastings and performed a site visit at this drainage way in late February along with the city streets department and stormwater management department. Archer recommends decreasing the mowing frequency and keeping the grass along the side slopes of this drainage course long. This could help provide filtration and cleanse the urban and agricultural runoff that passes through the drainage way during large storm events. This best management practice is one of a handful of practices the city is implementing to improve water qual-

ity at Lake Hastings. Additional BMPs include custom installed sediment-catching baskets in area storm sewer inlets. ■

Source – City of Hastings

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LARM – Are you still using Plexiglass barriers?

■ **BY DIANE BECKER**
COMMUNICATIONS/MARKETING
DIRECTOR, LARM ■

Are you still using Plexiglass barriers?

With mask mandates no longer in effect and risk dials in the non-dangerous green zone, many offices are taking down the Plexiglas barriers set up between staff and members of the public at the height of the pandemic. Should these barriers be removed? There are arguments for both taking them down and leaving them up.

Additional protection

Many workplaces, especially those with workers who need to interact with the general public, are choosing to keep the barriers in place. Having the barrier up protects workers from the many germs that can be spread by those who cough or sneeze, distributing thousands of respiratory droplets within six feet.

Although the danger of getting a COVID-19 variant has decreased, many viruses are circulating that can be spread through droplets in the air. Plexiglass barriers also can limit hand transmitted germs and bacteria when exchanging checks or documents. With a Plexiglass barrier, these documents are often slid under the barrier limiting, physical contact.



Plexiglass barrier in office. Photo courtesy of LARM.

Many workers also appreciate the perceived security that a plastic barrier provides by creating a physical distance between them and members of the public. The barrier can provide a physical and also a psychological barrier that may de-escalate an angry customer's demeanor.

Reasons for removing barriers

There also are reasons that an organization may want to take down barriers. Although the Plexiglass barriers have proven to be helpful in preventing the transmission of the droplets from germs and bacteria, recent studies suggest that the barriers do not help prevent the spread of COVID-19 variants. It's been proven that COVID-19 is transmitted as an aerosol and good circulation is necessary to dissipate the

particles. The plastic barriers, rather than preventing the transmission of these particles, are likely to trap the aerosols in the area. Airflow is the key to dissipating the aerosols and the Plexiglass barriers have been proven to restrict that airflow.

Difficult to hear

Many complain that it's difficult to hear when the Plexiglass sits between staff and the public. The barrier may be unpopular with citizens who perceive it as an unnecessary separation between them and those behind the barrier. The plastic barrier may take up valuable space needed to sign or share documents. It also is essential to routinely disinfect the Plexiglass to allow clear viewing and a clean workspace. So what is an organization to do about Plexiglass barriers?

Although the CDC has recently removed its recommendation to use plastic barriers, organizations will need to consider the various implications of using the barriers. All staff may want to weigh in on the advantages and disadvantages of continuing to use plastic barriers in the workplace. ■

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*. ■



CCCFF: Eight municipalities receive funds for planning, capital construction projects

The Nebraska Department of Economic Development (DED) in April announced this year's recipients under the Civic and Community Center Financing Fund (CCCFF).

Eight communities will receive a portion of the \$1,233,415 up for award, representing five planning and three capital construction projects.

CCCFF funding supports the development of civic, community and recreation centers. Buildings listed on the National Register of Historic Places that are intended for conversion, rehabilitation or reuse also are eligible under the program.

CCCFF is funded through a turn-back of 30 percent of state sales tax generated by arenas and nearby retailers. Due to the impact of COVID-19 on these venues, the amount available for award for 2022 was less than usual.

"Our department's job was extremely difficult this year because so many quality applications were submitted," said DED Director Anthony L. Goins. "We wish to thank everyone who applied. Meanwhile, we are proud to announce the CCCFF recipients for 2022 and applaud their vision and commitment."

This year's award recipients are listed below. For more information on the CCCFF program, visit opportunity.nebraska.gov. For questions, contact Mackenzie Martin Waldron at mackenzie.waldron@nebraska.gov or 402-547-1864.

2022 Civic and Community Center Financing Fund - Planning Recipients

- City of Bayard: \$15,000 Community Center planning
- City of Gretna: \$15,000 Public

Library planning

- City of Ponca: \$15,000 Community Center planning
- City of Wisner: \$15,000 Dinklage Park Municipal Swimming Pool planning
- Village of Callaway: \$15,000 Callaway Pool planning

2022 Civic and Community Center Financing Fund - Capital Construction Recipients

- City of Bellevue: \$483,415.30 Bellevue Public Library construction project
- City of Lexington: \$600,000 Lexington Racquet Center construction project
- City of Pawnee City: \$75,000 Cornerstone Community Building construction project. ■

Source – Nebraska Department of Economic Development, Jamdan Clang.

Waterloo offers new website, radio read water meter system

The Village of Waterloo offers a new website with an updated design. The village also announced the approval of a new radio read water meter system. Meter reading will be sent directly to the village office through cellular signals, which village officials say will lead to more accurate and consistent readings. For most locations, this eliminates the need to have a device installed on the exterior of a home or business. The village also will offer an app for users to monitor their usage and set notifications at specific limits. ■

Source – Village of Waterloo

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Waverly men receive awards for rescuing man from burning truck

BY SAM CRISLER
WAHOO NEWSPAPER

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WAVERLY – On his morning commute, Joe Cockerill usually drives through Eagle and takes Highway 63 to get to Interstate 80 and head east toward Omaha. But on a September morning, he couldn't have known that a trip into Waverly to pick up a pair of his daughter's forgotten volleyball shorts would lead to him saving a man's life.

After picking up the shorts, Cockerill turned east onto Highway 6 toward Omaha. He'd driven less than a mile past Waverly before he noticed a big rig pulling two rock-filled dump trailers careening onto the westbound shoulder at full speed.

"I was like, 'Ooh, this guy needs to wake up,'" Cockerill said. "As I passed him, he just kept going into the ditch."

He thought the driver must have been having a heart attack or some kind of medical episode, so he quickly made a U-turn and pulled up behind a woman who was outside of her car, calling 911.

Took off running

Cockerill got out of his car and took off running toward the truck cab. Another man was sprinting from across the road in the direction of the truck, which had coasted about 100 yards in the ditch before coming to a stop.

Cockerill reached the truck first, but when he got to the driver's side door, he froze.

"I was like 'What's going to be in this cab when we open the door?'" Cockerill said.

But a voice behind Cockerill shouted



HEROES: Matt Verkamp and Joe Cockerill received the Waverly Heroes Award for saving a man from a burning truck on the morning of Sept. 23, 2021. They were recognized in front of the Waverly City Council at the March 8 and Feb. 22 meetings. (Photo by Sam Crisler, Wahoo Newspaper.) Reprinted by permission.

at him to get inside. In the cabin was an unconscious man still sitting in the driver's seat, slumped over toward the passenger side. Flames began coming up through the floorboard as the second man climbed up to pull out the driver, whose foot had gotten lodged between the seat and the dash.

Needed second hand

The man needed a second hand to try to free the driver's foot and he called down to Cockerill to jump back up and work the foot free.

"I started tugging on his leg, and I couldn't get him free," Cockerill said, as he started to panic and flames began

to surround the passenger's side of the cab. The voice behind him called again: "Joe, we've got to get this dude out of here."

Longtime friend

Cockerill hadn't taken a look at the man's face yet, but he looked back to see who was shouting his name and saw his friend Matt Verkamp – whom he had known since they played fifth-grade basketball together – staring up at him.

"And I thought, 'Okay, I'm not going to die. He's going to yank me out if this truck starts to engulf in flames,'"

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Cockerill said. “Matt’s going to at least grab me, so I can just relax and figure out how to get (the driver’s) leg out.”

“I yanked as hard as I could and twisted and popped it free,” Cockerill said. “I remember we got him down and carried him down to the ditch and sat him down. As soon as we laid him down, that first tire exploded.”

Needed to move driver

The two friends decided they might need to move the driver a little farther away. Verkamp said the driver wasn’t a big guy, but he wasn’t small either. Still, they lifted him across the road and laid him in the grass next to the shoulder. Verkamp and Cockerill were relieved to hear the driver moan during the transport – neither was prepared to give life-saving CPR. The driver was still unconscious, but Verkamp and Cockerill could tell he was coming to.

Cockerill said it was less than five

minutes between when he left his car to when he and Verkamp could celebrate what they had just done.

“Best bro hug ever,” Cockerill said. “That was like every ounce of energy we had.”

“I just remember being gassed, like 100 percent gassed,” Verkamp said.

Both Verkamp and Cockerill carried on with their days like normal, but Verkamp said he took a photo of the burning truck to explain to his boss why he was going to be late for work.

Five months later

Five months later, Cockerill and Verkamp received the Citizen Certificate of Merit from the Lancaster County Sheriff’s Office on Feb. 15 and received the Waverly Heroes Award from Mayor Bill Gerdes in front of the Waverly City Council on Feb. 22.

The recognition is nice, they said.

“But we didn’t do it for any awards,” Cockerill said. “If roles were reversed,

I’d hope people would stop and do the same thing for me.”

The truck driver called Cockerill and Verkamp later that week to express his gratitude.

‘Very thankful’

“He said after he saw his truck, he knew how serious it was just by seeing how bad his truck was,” Verkamp said. “He said he was very thankful.”

Cockerill and Verkamp said it dawned on them sometimes how coincidental the situation was. Cockerill wouldn’t have been leaving from Waverly if his daughter hadn’t forgotten her volleyball shorts the night before. Verkamp had only been driving to Omaha for work for about a week. And that night, Cockerill and Verkamp’s wife coached their daughters’ soccer team like nothing had happened.

“I’ll definitely remember this for the rest of my life,” Verkamp said. ■

Share news from your city or village

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



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U.S. Rep. Don Bacon, R-Neb., secured \$5 million in earmarked funds to improve pedestrian access to parks and a new mixed-use development called La Vista City Centre. (Aaron Sanderford/Nebraska Examiner) Reprinted by permission.

Federal earmarks to fund programs in La Vista, South Sarpy County, Omaha and South Sioux City

Nebraska got \$17 million in earmarked funds as part of \$1.5 trillion spending bill

— **BY AARON SANDERFORD,**
NEBRASKA EXAMINER

Reprinted by permission.

Southern Sarpy County will get \$3.5 million closer to completing a massive sewer project that opens the less developed part of the county to new housing, businesses and jobs.

North Omaha and the people who visit, shop and dine in its historic 24th Street corridor will see \$3 million in improvements for new sidewalks, traffic signals, roundabouts, parking,

bus stops and bike lanes.

La Vista walkers and cyclists near the site Walmart once occupied near 84th and Harrison Streets will get \$5 million for two new trails and a path underneath 84th Street. The tunnel will connect both sides of La Vista Central Park, east and west of 84th Street, to the new \$300 million La Vista City Centre redevelopment project.

South Sioux City residents should be able to flush toilets with confidence come June 2023 because the city's planned new wastewater treatment

plant is getting a \$5 million infusion.

And people hospitalized because of gang violence will get counseling from peers about services they might need to find a way out, through \$527,000 in funds for a program of the University of Nebraska Medical Center and University of Nebraska at Omaha.

These projects represent Nebraska's \$17 million slice of earmarked funds, secured as part of the \$1.5 trillion spending bill Congress passed to keep the government running.

Continued on page 23

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Congressional leaders revived earmarks — what they now call member-directed spending — last year, and Republicans and Democrats alike requested funding for thousands of projects.

Only two members of Nebraska's five-member congressional delegation got earmarks approved in the omnibus spending bill: 2nd District Rep. Don Bacon of Omaha and 3rd District Rep. Adrian Smith of Gering.

Bacon secured \$12 million in projects for the Omaha area. He said he tried to spread projects throughout the district after getting input from city, county and Chamber of Commerce leaders.

He said he wishes Congress would vote on spending in a normal process instead of lumping it into Christmas-tree bills that include vital operations that need immediate funds.

"I'm not a fan of earmarks, but once part of the process, I did not want to leave NE02 out of consideration," he said.

Smith, who represents the state's most conservative district, declined to comment about his \$5 million earmark. But in South Sioux City, City Administrator Lance Hedquist celebrated it.

The Smith earmark, on top of a \$12.2 million federal grant in 2020, offset more than a third of the \$45 million cost of building a new sewage treatment plant.

The northeast Nebraska city has sent

its waste to a plant run by Sioux City, Iowa, since the 1960s. But Sioux City leaders recently gave its Nebraska neighbors four years to build a plant of their own.

South Sioux City aims to have the new plant up and running by June 2023.

"This helps ratepayers in town move through this crisis," Hedquist said. "It's a great help to the project." ■

<https://nebraskaexaminer.com/2022/03/14/federal-earmarks-to-fund-programs-in-lavista-south-sarpy-omaha-and-south-sioux-city/>



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City of Lincoln releases immigrant welcoming and belonging plan

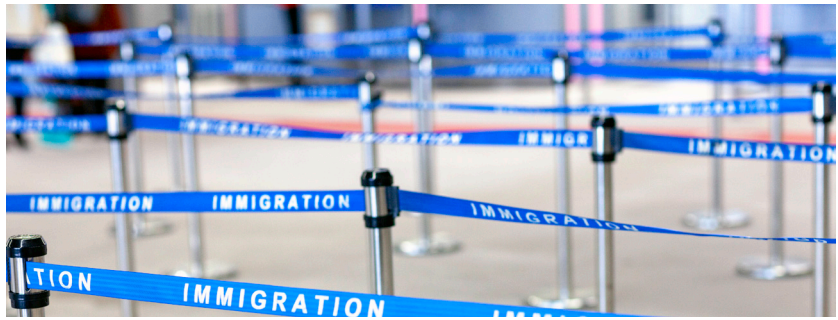
The City of Lincoln and Lancaster County March 31 released a new community plan on the role that new Americans will continue to play in local and regional growth. The Welcoming & Belonging Strategic Plan to guide the successful integration of immigrants and refugees into the region includes six key action steps to provide:

- **equitable access** to services for all residents,
- **civic engagement** and community connections,
- **access** to education,
- **economic** opportunity,
- **safe and healthy** communities, and
- **affordable** and quality housing.

“This plan that we are releasing today underscores the vital role that new Americans have played and will continue to play in the economic success and cultural vibrancy of our community,” Lincoln Mayor Leirion Gaylor Baird said. “This collaborative work strongly aligns with our One Lincoln initiative to create a culture of equity, inclusion and belonging for every Lincoln resident.”

“For decades, immigrants have contributed to the cultural vibrancy and economic prosperity of our community,” said Christa Yoakum, Lancaster County Commissioner. “Today, people who are immigrants and refugees build our homes, provide medical services and care for our loved ones, work in our manufacturing and in food production and most of all, they are our neighbors.

The Welcoming & Belonging Strategic Plan is available at lincoln.ne.gov/onelincolin. It grew out of Lincoln-Lancaster County being selected as one of 19 localities for the Gateways for Growth Challenge in



© iStock.com

2020. That program provided the community with access to research support and technical assistance from the American Immigration Council and Welcoming America to improve immigrant integration. The plan was developed over the past year with input from community members, immigrants, refugees, stakeholders and local organizations.

Mo Kantner, Director of State and Local Initiatives at the American Immigration Council, said: “Lancaster County and the City of Lincoln continue to show a clear commitment to ensuring the region is welcoming and inclusive for all and the local community and economy will reap those benefits.”

The Welcoming & Belonging Strategic Plan was released in conjunction with a new report, *New Americans in Lancaster County*. It was released by New American Economy (now the American Immigration Council) in partnership with the City of Lincoln and Lancaster County. The report is included as an appendix to the plan, and its findings include the following:

- **Between** 2014-2019, the county’s population increased by 6.5 percent, while the immigrant population grew by 16.2 percent, meaning more than 18 percent of the total population growth was

attributable to immigrants.

- **In 2019 alone**, immigrants in the region held \$455.7 million in spending power and paid \$89.2 million in federal taxes and \$60.1 million in state and local taxes.
- **Despite** making up 8.2 percent of the area’s overall population in 2019, immigrants represented 11.7 percent of STEM (science, technology, engineering and math) workers; 21.1 percent of manufacturing workers; 11.8 percent of hospitality workers; 11.7 percent of education workers; 9.9 percent of essential food service workers; 9.3 percent of essential construction workers; and 8.2 percent of essential healthcare workers.
- **As of 2019**, immigrants are 29.7 percent more likely to be of working age than those born in the United States, helping Lancaster County to meet its labor force demands.
- **In 2019**, immigrant households contributed \$70.4 million to Social Security and \$17.2 million to Medicare.

Immigrants helped preserve or create 1,200 local manufacturing jobs that would have otherwise vanished or moved elsewhere by 2019. ■

Source – City of Lincoln

Columbus Fire Department received \$100,000 donation from ADM Cares

The Columbus Fire Department is excited to announce a donation from ADM Cares in the amount of \$100,000 toward the recent purchase of a new engine for the Columbus Rural Fire Protection District.

ADM Cares helps sustain and strengthen communities where ADM colleagues work, live and operate by directing funding, volunteerism and industry knowledge to initiatives and organizations that drive meaningful social, economic and environmental progress worldwide. ADM Cares focuses its efforts primarily in three areas: Advancing Sustainable Agriculture; Increasing Food Security; and Investing in Education.

In February 2022, the Columbus Rural Fire Protection District placed an order for a new engine. The unit is being manufactured by Alexis Fire Equipment Company out of Alexis, Illinois and is projected to be delivered in the first quarter of 2023. This apparatus will feature a 2,000-gallon water tank and be able to serve in dual capacity as a pumper for fire attack and a tender for water supply. This ap-

paratus will be stationed at the Charlie Louis Fire Station.

The Columbus Fire Department and the Columbus Rural Fire Protection

District thanked ADM Cares for its generosity and continued support. ■

Source – City of Columbus

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Ansley, Atkinson, Omaha Clerks receive Outstanding Clerk of the Year Awards



Ansley Village Board Members Scott Rehfeld, Rob Henry and Chris Hogg; Clerk/Treasurer Lanette Doane; Village Board Chairperson Cathie Jo Mills; Coworker Todd Grant. Doane is holding the award that was presented to her during the Nebraska Municipal Clerks Institute and Academy banquet.

Congratulations to the 2022 Village Clerk of the Year Lanette Doane of Ansley

Lanette Doane, Village Clerk/Treasurer, Ansley, received the Nebraska Municipal Clerks Association's 2022 Outstanding Clerk of the Year Award in the village category. The award was presented to Doane March 17 at the annual banquet of the Nebraska Municipal Clerks Institute and Academy. The association presents outstanding clerk awards to one clerk in the village category, one in the city of the second class category and one in the city of the first class or larger city category.

Doane, who has worked for the village for 38 years, received the award previously in 2015. She is a member of the Midlands Municipal Clerks Association and the International Institute of Municipal Clerks and she participates in numerous civic activities. ■



Atkinson City Council Member Ron Krysl; Nancy Kopejtka's husband, Stan Kopejtka; Clerk/Treasurer Nancy Kopejtka; Mayor Paul Corkle, Council Member Gary Lech. Kopejtka is holding the award that was presented to her during the Nebraska Municipal Clerks Institute and Academy banquet.

Congratulations to the 2022 Second Class City Clerk of the Year Nancy Kopejtka of Atkinson

Atkinson's City Clerk/Treasurer Nancy Kopejtka was named the 2022 Outstanding Clerk of the Year in the second class city category March 17 during the annual Municipal Clerks Institute and Academy banquet.

Kopejtka has served as the Atkinson City Clerk/Treasurer for 40 years.

She is a member of the Northeast Area Clerks' Association and has served as the treasurer and vice-chairperson. She participates in League of Nebraska Municipalities conferences and is involved in her church.

Kopejtka previously received this award in 2001. ■



From left to right: Omaha City Council Members Juanita Johnson, Vinney Palermo and Pete Festersen; Elizabeth Butler's husband, Jim, and children, Charlie, Westley; Omaha City Clerk Elizabeth Butler; Council Members Aimee Melton, Brinker Harding and Don Rowe. Butler is holding a proclamation presented to her during an Omaha City Council meeting.

Congratulations to the 2022 First Class City Clerk of the Year Elizabeth Butler of Omaha

At the beginning of the March 29, 2022 City Council meeting, Omaha City Clerk Elizabeth Butler was recognized for receiving the Outstanding Clerk of the Year Award with a city proclamation declaring March 29, 2022, as Eliza Butler day.

Butler received the Nebraska Municipal Clerks Association's 2022 Outstanding Clerk of the Year

Award in the first class city or larger category at the annual banquet of the Nebraska Municipal Clerks Institute and Academy March 17.

Butler has served as Omaha City Clerk since 2017. Previously, she was the Papillion City Clerk from 2009-2017. Currently, she serves as 1st Vice-President of the Nebraska Municipal Clerks Association. ■

Kearney Regional Airport breaks March enplanement record

In the month of March, Kearney's daily non-stop jet service to Denver and Chicago with United Express served 2,435 passengers. This is an all-time monthly record for the month of March.

The success of the airport is important to Kearney and surrounding communities. We

would like to thank everyone who has supported the local airport by choosing to fly with convenience and comfort out of Kearney Regional Airport. Visit www.united.com to book your next trip. ■

Source – City of Kearney

Tips for working effectively with the news media

Remember these tips as you prepare for your next media interview.

When the media calls

- Find out what information they need.
- Ask about deadlines.
- Refer reporter to appropriate spokesperson.
- Learn what you can about the reporter.
- Call back when you say you will.

Preparing for the interview

- Develop three-four key message points.
- Prepare supporting facts, statistics, materials.
- Prepare note cards if necessary.
- Practice out loud, especially tough questions.

Control the interview

- Know your rights.
- Set an objective for doing the interview.
- Control the environment and surroundings.
- Plan how the interview will end.
- Make your key points – use “bridging techniques” if necessary.

Saying the right thing

- State your answers in positive terms.
- Use a prepared statement if appropriate.
- Tell the truth.
- Don’t speculate – stick to the facts you know.
- Don’t repeat negatives.
- Speak in concise “sound bites.”
- Avoid technical or industry jargon.
- Better to say too little than too much.
- Never become hostile or argue with reporter.
- Never say “no comment” and never go “off the record.”

Appearing on television

- Dress conservatively and appropriately for your position.
- Avoid complex or distracting patterns.



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- Minimal jewelry – nothing large or shiny.
- Look at the interviewer, never the camera.
- Appear relaxed, yet alert and interested.
- Use minimal gestures – hands at sides.

Radio interviews via telephone

- Avoid distractions and keep your focus.
- Shut your door to keep things quiet.
- Concentrate on good enunciation, pacing and vocal quality.
- Avoid long pauses or “dead air.”
- Turn off your radio when you speak on a call-in show.
- Keep your guard up – you are on the record as soon as you say hello.

In-studio radio interviews

- Arrange for callers to a call-in show – they may give you your only chance to make your points.

Source – Nebraska Section AWWA

Nebraska Legislature’s website offers feature to find your Senator and District on updated maps

Lawmakers in September approved bills that established new district boundaries for several Nebraska governmental bodies for the next 10 years.

Those changes are reflected on the Legislature’s website under the “Find your Senator and District” feature at

https://nebraskalegislature.gov/senators/senator_find.php.

You only need to type in your street address, city and zip code for the name, photo and district number of your State Senator to appear on the computer. ■

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.lnm.org.

Positions

City Administrator. City of Gibbon is seeking qualified candidates for the position of City Administrator.

Gibbon is a progressive community experiencing steady and sustainable growth. Basic economic activities include manufacturing, retail, agriculture, and transportation. Gibbon is a City of the Second Class with a Mayor-Council form of government. With a population just under 2000, Gibbon offers an excellent workforce, high quality of life, and low cost of living. Friendly citizens, local businesses, parks, ball fields, swimming pool, public library, heritage center, volunteer fire and rescue squad, K-12 public school, churches, and nearby municipal golf course, Windmill State Recreation Area and Rowe Sanctuary all combine to make Gibbon an excellent place to live, work and play.

City Administrator directly oversees the following departments: city hall, wastewater, streets, parks & recreation, cemetery, code enforcement, zoning, and finance, with an annual operating budget of \$9 million. Staff consists of 10 full-time employees, supplemented by part-time and seasonal employees, and professional service consultants and providers in the areas of law enforcement, legal, engineering, and economic development.

Qualified candidates should possess a bachelor's degree in Public Administration, or Business Administration, or a closely related field. Candidates should have at least 3 years of progressive municipal management experience and be familiar with all aspects of municipal operations. Ideal candidate will demonstrate excellent organization, project management, and time management skills, with an emphasis on professional team leadership, progressive attitude, effective communication, public rela-

Positions

tions, financial management and planning/development.

Applications to include resume, work and salary history, experience in municipal administration, and references should be mailed to the Mayor of Gibbon at P.O. Box 130, Gibbon, Nebraska 68840 or emailed to gibboncityhall-mayor@nctc.net. Salary dependent on experience and will be negotiated with successful candidate at the time an offer is made. Please respond to this request by April 15, 2022 to be considered for this position. Applications for Interim City Administrator also will be accepted. Position will remain open until filled.

The City of Gibbon is an EOE.

Finance Director/Treasurer. Salary Range (\$62K - \$85.5K) City of Alliance, Nebraska (8,000 pop.) is looking for its next Finance Director/Treasurer due to an upcoming retirement. City is seeking an innovative and collaborative professional with proven managerial and leadership experience, as well as strong interpersonal and customer service skills. Finance Department's divisions include Accounting, Utility Billing, Payroll, and Meter Reading. The Department operates with 7 FTE. To qualify for this position, the successful candidate should possess a bachelor's degree from an accredited college or university in Accounting and have six (6) years of related financial experience. To learn more about the community, position including other qualifications that will be considered, and access the supplemental questionnaire visit <https://www.cityofalliance.net/Jobs.aspx?UniqueId=71&From=All&CommunityJobs=False&JobID=Finance-DirectorTreasurer-131>.

To be considered for this position, please Email your resume with three

Positions

professional references, a cover letter, and a response to required questions to: jobs@cityofalliance.net. For more information, please contact Carla Mayhew, Human Resources Director at 308-762-5400. Position open until filled.. Apply early to be considered! City of Alliance is an Equal Opportunity Employer.

About the League

The League of Nebraska Municipalities is a nonprofit service association formed in 1909 to serve as a voice for Nebraska municipalities at the Nebraska Legislature.

Governed by a 15-member Executive Board comprised of municipal officials, the League has 394 member cities and villages. It represents municipalities whose population totals 98 percent of Nebraskans who live in municipalities. ■

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