

# NEBRASKA MUNICIPAL REVIEW

■ New law limits arbitration agreements for sexual harassment and assault claims

■ Nebraska Attorney General asks local officials to join public awareness campaign to fight rise in meth addiction

■ Ft. Calhoun honored for leading partnerships geared toward energy, recreational growth

Official Publication of the League of Nebraska Municipalities

**MARCH 2022**



## 2022 Midwinter Conference Highlights



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**MARCH 2022**

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*Middle left: U.S. Rep. Don Bacon.*  
*Middle: Thomas Warren, Sr., Chief of Staff, Mayor Jean Stothert.*  
*Middle right: Attorney General Doug Peterson.*

*Bottom left: Speaker of the Legislature Mike Hilgers.*

*Bottom right from left: Jaala Johnson, Deputy Clerk, Hickman; Kelly Oelke, City Administrator, Hickman; Erin Saathoff, Clerk, Beatrice; Emily Bausch, City Administrator, Plattsmouth.*

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## 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)

### MAY 2022

#### CITIES OF THE FIRST CLASS

Within 10 days following  
meeting or before next meeting  
(whichever is sooner) ..... Clerk to have minutes available for public inspection. (84-1413)  
Within 15 days of Passage..... Clerk publishes ordinances passed. (16-405)  
Within 30 days following  
Council meeting ..... Clerk publishes official proceedings of meeting, including claims.  
(19-1102)  
First Day ..... Automatic renewal of beer and liquor licenses (except Class C).  
(53-124, 53-135)  
Within 20 days after end of month .. Treasurer files monthly financial report. (16-318)  
\* \* ..... Clerk must prepare agenda prior to next Council meeting. (84-1411)

#### CITIES OF THE SECOND CLASS

Within 10 days following  
meeting or before next meeting  
(whichever is sooner) ..... Clerk to have minutes available for public inspection. (84-1413)  
Within 15 days of Passage ..... Clerk publishes or posts ordinances passed. (17-613)  
Within 30 days following  
Council meeting ..... Clerk publishes official proceedings of meeting, including claims.  
(19-1102)  
First Day ..... Automatic renewal of beer and liquor licenses (except Class C).  
(53-124, 53-135)  
Within 20 days after end of month.... Treasurer files monthly financial report. (17-606)  
\* \* ..... Clerk must prepare agenda prior to next Council meeting. (84-1411)

#### VILLAGES

Within 10 days following  
meeting or before next meeting  
(whichever is sooner) ..... Clerk to have minutes available for public inspection. (84-1413)  
Within 15 days of Passage ..... Clerk publishes or posts ordinances passed. (17-613)  
Within 30 days following  
Board meeting..... Clerk publishes official proceedings of meeting, including claims  
(19-1102)  
First Day ..... Automatic renewal of beer and liquor licenses (except Class C).  
(53-124, 53-135)  
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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***U.S. Rep. Bacon, U.S. Sen. Fischer honored at Midwinter Conference for voting for Bipartisan Infrastructure Bill, the largest financial infrastructure commitment in nearly a century***

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

Thanks again to **Nebraska Congressman Don Bacon** for voting on Nov. 5, 2021, for the **Infrastructure Investment and Jobs Act** and **U.S. Sen. Deb Fischer** for her vote in favor of this historic bipartisan bill the Senate approved in August 2021.

As League President Paul Lambert, Mayor of Plattsmouth, stated: "It is hard to understand why such a bill with bipartisan support would be controversial; it is important to underscore that these votes, nonetheless, took courage and separate leaders from followers. The **National League of Cities (NLC)** also has long advocated for infrastructure funding contained in this transformative legislation that President Biden signed into law."

Thanks to the White House for providing the following information regarding how the **Infrastructure Investment and Jobs Act** will address needs in Nebraska:

- **Repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians.** In Nebraska there are 1,302 bridges and over 1,125 miles of highway in poor condition. Since 2011, commute times have increased by 6.6 percent in Nebraska, and on average, each driver pays \$461 per year in costs due to driving on roads in need of repair. The Infrastructure Investment and Jobs Act is the single largest dedicated bridge investment since the construction of the interstate highway system. **Based on formula funding alone, Nebraska would expect to receive \$2 billion for federal-aid highway apportioned programs and \$225 million for bridge replacement and repairs under the Infrastructure Investment and Jobs Act over five years. Nebraska can also compete for the \$12.5 billion Bridge Investment Program for**

**economically significant bridges and nearly \$16 billion of national funding in the bill dedicated for major projects that will deliver substantial economic benefits to communities.**

- **Improve healthy, sustainable transportation options for millions of Americans.** Nebraskans who take public transportation spend an extra 82.5 percent of their time commuting and non-White households are 4.7 times more likely to commute via public transportation. 19 percent of transit vehicles in the state are past useful life. **Based on formula funding alone, Nebraska would expect to receive \$186 million over five years under the Infrastructure Investment and Jobs Act to improve public transportation options across the state.**
- **Build a network of EV chargers to facilitate long-distance travel and provide convenient charging options.** The U.S. market share of plug-in electric vehicle (EV) sales is only one-third the size of the Chinese EV market. The President believes that must change. The bill invests \$7.5 billion to build out the first-ever national network of EV chargers in the United States and is a critical element in the Biden-Harris Administration's plan to accelerate the adoption of EVs to address the climate crisis and support domestic manufacturing jobs. **Under the Infrastructure Investment and Jobs Act, Nebraska would expect to receive \$30 million over five years to support the expansion of an EV charging network in the state. Nebraska will also have the opportunity to apply for the \$2.5 billion in grant funding dedicated to EV charging in the bill.**
- **Help connect every American to reliable high-**

*Continued on page 5*





U.S. Rep. Don Bacon



U.S. Sen. Deb Fischer

*Continued from page 4*

**speed internet.** Broadband internet is necessary for Americans to do their jobs, to participate equally in school learning, health care, and to stay connected. Yet 13 percent of Nebraska households do not have an internet subscription, and 2 percent of Nebraskans live in areas where, under the FCC's benchmark, there is no broadband infrastructure. **Under the Infrastructure Investment and Jobs Act, Nebraska will receive a minimum allocation of \$100 million to help provide broadband coverage across the state, including providing access to the at least 33,650 Nebraskans who currently lack it. And, under the Infrastructure Investment and Jobs Act, 449,000 or 24 percent of people in Nebraska will be eligible for the Affordability Connectivity Benefit, which will help low-income families afford internet access.**

- **Prepare more of our infrastructure for the impacts of climate change, cyber attacks, and extreme weather events.** From 2010 to 2020, Nebraska has experienced 23 extreme weather events, costing the state up to \$20 billion in damages. **Under the Infrastructure Investment and Jobs Act, based on historical formula funding levels, Nebraska will expect to receive \$16.8 million over five years to protect against wildfires and \$12.7 million to protect against cyberattacks. Nebraskans will also benefit from the bill's historic \$3.5 billion**

**national investment in weatherization which will reduce energy costs for families.**

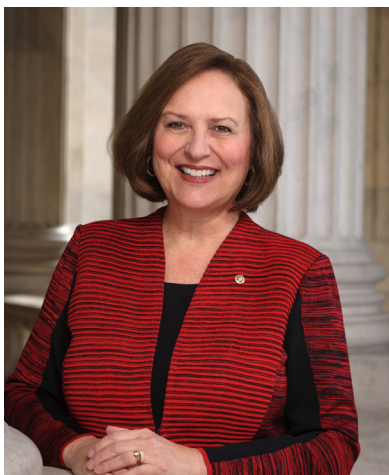
- **Deliver clean drinking water to every American and eliminate the nation's lead service lines and pipes.** Currently, up to 10 million American households and 400,000 schools and child care centers lack safe drinking water. **Under the Infrastructure Investment and Jobs Act, based on the traditional state revolving fund formula, Nebraska will expect to receive \$358 million over five years to improve water infrastructure across the state and ensure that clean, safe drinking water is a right in all communities.**
- **Improve our nation's airports.** The United States built modern aviation, but our airports lag far behind our competitors. **Under the Infrastructure Investment and Jobs Act, airports in Nebraska would receive approximately \$111 million for infrastructure development for airports over five years**

Over the coming months, we expect to receive additional data on the impact of the Infrastructure Investment and Jobs Act in Nebraska. ■

**Please note:**

*These values are estimates and may change based on updated factor data each fiscal year.*

*Transit formula funding amounts are subject to changes resulting from the 2020 census or from annual transit service data reported to FTA's National Transit Database.*



## ***Postal Service Reform Act on track to pass through bipartisan vote***

BY U.S. SEN. DEB FISCHER

Americans all across the country rely on the U.S. Postal Service to deliver mail and packages in a timely and efficient manner. The Postal Service is especially important to people who live in rural areas and to our seniors, for whom mail service is often a crucial connection to the rest of the world.

The Postal Service has a budget of about \$80 billion a year. But for more than a decade now, the agency has suffered regular losses. In the 2021 fiscal year alone, the Postal Service reported a net loss of \$4.9 billion. And over the 14 years before that, the Postal Service lost nearly \$90 billion.

One reason for this is a sharp decline in mail volume, as more and more people adopt email instead. The Postal Service also is required to prefund health care benefits for its retirees well into the future – something no other federal agency or private company is required to do.

There is no denying that the Postal Service is in desperate need of reform. Congress is slated to pass a bipartisan, common-sense bill that will go a long way toward fixing the Postal Service's problems.

The Postal Service Reform Act eliminates the Postal Service's burdensome requirement to prefund health care

for its more than 600,000 employees, around 4,600 of whom call Nebraska home. Instead, it will integrate future Postal Service retirees into Medicare, which all of their employees already pay into and it will allow those who are already retired to decide if they want to switch. This change is estimated to save the Postal Service nearly \$50 billion over the next 10 years.

The bill also will make the Postal Service's six-day delivery schedule permanent, giving the agency much-needed flexibility to deliver its wide range of products more effectively. Nebraskans depend on the Postal Service to run smoothly and important mail like prescription drugs often has to be received on time.

In addition to these much-needed changes, the Postal Service Reform Act will require the the Postal Service to publish weekly performance data on an easy-to-use online dashboard. The Postal Service also will have to give regular reports to Congress about its operations and financial health. Transparent government is good government and these updates will help elected officials hold the Postal Service to a higher standard in the coming years.

Finally, the bill also gives the current Postmaster General, Louis De-

Joy, the breathing room he needs to implement his 10-year strategic plan, "Delivering for America." Started last year, this plan already is helping the Postal Service align its services with the needs of today's consumers through investments in new technologies, more modern post offices and more streamlined processing. It has the potential to set the Postal Service on even firmer footing going forward.

The Postal Service supports this bill and so do many organizations with a presence in Nebraska, like Mutual of Omaha and Pitney Bowes. Without the reforms it will make, the Postal Service could become insolvent in the next few years. We can't allow that to happen. Too many people rely on their local post office to keep them connected to friends, family and businesses.

I am glad to say that the Postal Service Reform Act is on track to pass through a bipartisan vote with my support. I look forward to President Biden signing it very soon. ■

## North Platte's Mike Jacobson appointed to fill legislative vacancy resulting from Groene's resignation

Mike Jacobson of North Platte will fill the legislative seat left vacant by the resignation of former Sen. Mike Groene, also of North Platte. Jacobson will complete Groene's term, which ends in January 2023.

Gov. Pete Ricketts announced the appointment at a press conference Feb. 23. Five people were interviewed for the position, he said, including the three announced candidates for the Legislative District 42 seat. Jacobson said he intends to run for a full term in the 2022 general election.

Ricketts said he chose Jacobson for his conservative values and as a representative of a "fantastic American success story." Jacobson, founder and principal shareholder of NebraskaLand National Bank in North Platte, is a native Nebraskan who graduated from

the University of Nebraska-Lincoln.

"[He] is a conservative who will reflect the values of the people of District 42," the Governor said. "He's going to be an advocate for efficient and effective government, family values and for making sure we're creating opportunities for families here in the State of Nebraska."

Jacobson and wife, Julie, have two children and have lived in North Platte for 27 years.

He was sworn in by Nebraska Supreme Court Chief Justice Michael Heavican after the announcement and his term began immediately. ■

Source – Unicameral Update



Sen. Mike Jacobson

### City of Arapahoe to raise city sales tax

The City of Arapahoe will increase its city sales and use tax from 1 percent to 1.5 percent, effective April 1.

The current list of all the cities and counties that impose a local sales and use tax as of April 1, 2022, is available at the Nebraska Department of Revenue's website at [revenue.nebraska.gov](http://revenue.nebraska.gov). ■

Source – Nebraska Department of Revenue



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Tara A. Stingley

## New law limits arbitration agreements for sexual harassment and assault claims

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

On Feb. 10, 2022, Congress passed HR 4445, entitled the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (the Act). The Act amends the Federal Arbitration Act (FAA) and invalidates mandatory arbitration agreements that preclude a party from filing a lawsuit in court involving sexual assault or sexual harassment claims, at the election of the party alleging such conduct. President Biden signed the bill into law March 3, 2022. The Act will be effective for any disputes or claims that arise on or after March 3, 2022.

By invalidating mandatory arbitration clauses regarding sexual assault and sexual harassment claims, the Act provides employees who are parties to arbitration agreements with their employers the option of bringing their sexual assault or sexual harassment claims in court or in arbitration. According to a statement from the Biden Administration, this bipartisan, bicameral legislation will empower victims of sexual assault and sexual harassment by giving them a choice to go to court instead of being forced into arbitration.

### A. Background

The FAA provides that agreements to arbitrate (including arbitration

clauses) are “valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.” The FAA is the main source of federal arbitration law and reflects a liberal federal policy favoring arbitration.

In view of its purpose promoting arbitration, federal courts historically have interpreted the scope of the FAA broadly. In the areas the FAA covers, courts have generally stated that the FAA preempts any state law that conflicts either with its express provisions or its intent of promoting arbitration.

### B. Key Provisions of the Act

The new Act amends the FAA in several key aspects.

**First**, the Act defines the claims at issue:

Notwithstanding any other provision of this title, at the election of the person alleging conduct constituting a sexual harassment dispute or sexual assault dispute, or the named representative of a class or in a collective action alleging such conduct, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under Federal, Tribal, or State law and relates to the sexual assault dispute or the

sexual harassment dispute.

**Second**, the Act applies “to a case which is filed under Federal, Tribal, or State law and relates to the sexual assault dispute or the sexual harassment dispute.” This means that otherwise valid arbitration agreements remain valid and enforceable regarding *other* types of claims that are not related to sexual assault or harassment.

**Third**, the Act applies to any dispute or claim that arises on or after the date of the Act’s enactment, March 3, 2022. This means that the Act’s invalidating provisions do not affect claims that arose or accrued under arbitration agreements before the Act’s implementation.

**Fourth**, the Act invalidates *mandatory* arbitration clauses regarding sexual assault and sexual harassment claims, but it leaves open to an employee the *choice* of proceeding. The Act, therefore, makes clear that the choice of forum – that being arbitration or a judicial proceeding – is up to the employee, not the employer.

On this point, it appears that even if an arbitration agreement was open to the employee at the time of signing the agreement (i.e., the employee had the ability to choose then whether they would subject themselves to

*Continued on page 9*

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mandatory arbitration, or leave the issue open), if the employee at that time elects mandatory arbitration, the agreement would have no effect if an occurrence of sexual assault or harassment arose later. This means that the employee, even if provided the option at signing, could still choose to pursue his or her claim in court because the mandatory arbitration provision would be invalidated by the Act.

**Fifth**, the Act provides that any question as to applicability of the FAA, as amended by the Act, is to be determined under federal law by a court, rather than an arbitrator. Under the Act, questions on applicability are reserved for the court regardless of whether the party resisting arbitration challenges the arbitration agreement specifically or any other terms in the arbitration agreement to the contrary. In the past, a party seeking to enforce an arbitration provision would be entitled to move to stay a court proceeding and allow an arbitrator to make the determination of whether the arbitration agreement is enforceable. Now, the Act makes clear that duty is vested with the court.

#### **C. Considerations for Employers**

Given the changes brought by the Act, employers should keep several key considerations in mind.

**First**, arbitration agreements mandating arbitration with regard to sexual assault and sexual harassment claims should be revised in a manner consistent with the Act. Otherwise, employers may be exposed to litigation involving non-compliance with the Act or may be caught off-guard when a potential victim of a sexual assault or sexual harassment files his or

her claim in court pursuant to the Act. There likely will be litigation over the scope of the Act's application, which employers ought to consider when evaluating their arbitration agreements.

**Second**, employers should understand that any potential future disputes on sexual assault and sexual harassment claims likely will be addressed in a judicial forum, rather than in private arbitration. Promptly responding to such claims by employees when they arise and taking effective remedial action to address the underlying conduct remain of utmost importance in the employment context.

**Third**, employers should monitor developments regarding both the Act as well as similar legislation in other areas. This Act may be used as a template for future legislation invalidat-

ing mandatory predispute resolution agreements in other contexts, such as with regard to discrimination claims. If such changes occur, employers should reconsider their positions on mandatory arbitration agreements on other social justice issues.

For more information regarding this new law and to listen to a podcast discussion of its impact on employers, please visit: <https://www.ela.law/podcasts/361-forced-arbitration-of-sexual-harassment-and-assault-claims-recently-banned-in-the-us>. ■

*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 author 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, [stingley@clinedwilliams.com](mailto:stingley@clinedwilliams.com) or [www.clinewilliams.com](http://www.clinewilliams.com).*



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*From left: Alicia Koziol, City Clerk; Dave Honz, Nebraska Department of Economic Development; Mitch Robinson, Mayor; Nick Schuler, City Council Member; Deb Sutherland, Community Coordinator; Robert Prieksat, City Council President; John Kelly, City Council Member; Andy Bowser, City Council Member.*

## Ft. Calhoun honored for leading partnerships geared toward energy, recreational growth

The City of Ft. Calhoun, home to a groundbreaking solar partnership with Omaha Public Power District (OPPD), has earned ongoing recognition from the state for recent economic growth. The Department of Economic Development (DED) in March announced the city's recertification in Nebraska's Leadership Certified Community (LCC) program. DED Southeast Nebraska Business Development Consultant, Dave Honz, honored local leaders during a special presentation March 21.

### 32 communities

Ft. Calhoun is one of 32 communities to have earned status in the LCC

program. DED created the program 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.

### Requirements

Qualifying LCCs 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. The city

qualified for its first LCC designation in December 2016 and achieved recertification in January 2022.

### Solar community

Ft. Calhoun joined Nebraska's solar community in 2020 following the completion of a 5-megawatt facility in rural Washington County. The project was established by city leaders and OPPD and resulted in the construction of 17,500 solar panels. Nearly 900 local customers currently use the solar array, which was the first of its kind in Nebraska.

Voters recently reinstated Ft. Calhoun's city sales-and-use tax following

*Continued on page 11*



*Continued from page 10*

a 2016 vote to increase the community's sales tax by 1.5 percent. Since its inception, the program has preserved nearly 10 percent of generated revenue for annual road and street projects. The fund also assists in projects focused on community and economic development, including recreation and tourism activities.

### **Celebrated additions**

The city celebrated the addition of the Adams Street Plaza splash pad and community gathering park in 2021. A group of 10 ambitious local mothers led fundraising efforts for the splash pad and park project, which includes a toddler play area, a walking trail, shade shelter and landscaping and infrastructure for future development. The city works consistently with the Nebraska Game and Parks Commission and the Fort Atkinson State Park Steering Committee on additional recreational improvement efforts.

Local leaders say Nebraska's LCC program helped initiate Ft. Calhoun's efforts to plan strategically for economic progress.

"Our residents appreciate living in a

small town, but also understand that in order to have a thriving community, we must continue to be progressive in our efforts to support tourism, downtown growth and community enhancement projects," said Ft. Calhoun Community Coordinator Deb Sutherland. "Becoming an LCC has been a rewarding process and will help us in our future endeavors."

### **Summerfest**

The Ft. Calhoun Summerfest attracts hundreds of visitors to its annual craft and vendor event and encourages community volunteerism. Sutherland and her team continue to focus on drawing former students back to the region through the revitalization of Fort Calhoun's Alumni Foundation.

"Recent planning efforts envisioning Ft. Calhoun's further development have encouraged the community to focus on growing future generations in Washington County," said LCC Program Coordinator Kelly Gewecke. "As development in the community continues to evolve, the State of Nebraska looks forward to learning about what's next for this innovative and philanthropic community."

Ft. Calhoun welcomed three new businesses in 2021, including a Fam-

ily Dollar store, Jeda's Pizza restaurant and the Northern Lights venue hall. ■

*Source – Nebraska Department of Economic Development*

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## **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](mailto:lynnm@lonm.org) by e-mail. ■



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## Curtis Utility Superintendent receives service award

The Municipal Energy Agency of Nebraska (MEAN) presented Tanner McCall, Curtis Utility Superintendent, with its Rudy Hultgren Dedicated Service Award March 23 at the NMPP Energy Annual Conference.

The award is presented annually to an individual of a MEAN member utility who has displayed commendable efforts in promoting the use of public power and its ideals. MEAN, the wholesale power supply organization of NMPP Energy, serves wholesale power supply and related services to 69 communities in Colorado, Iowa, Nebraska and Wyoming. The award is a memorial tribute to Rudy Hultgren, a utility consultant and well-known and respected citizen of Lyons, Colo., who played an active role in community service and leadership.

McCall has been instrumental in looking at ways to help improve the city's electrical system capacity, reliability while minimizing expenses to the overall system. He has led efforts to add services to the northern-most section of the city and through his leadership, the city's utilities have overcome numerous challenges to ensure new commercial business areas are attached to the city's utilities.

His award nomination cited his willingness to work with customers and his dedication to work after-hours to ensure the city is meeting the needs of its citizens.



*NMPP Energy Executive Director Bob Poehling (right) presents the City of Curtis Utility Superintendent Tanner McCall (left) with the Municipal Energy Agency of Nebraska's Rudy Hultgren Dedicated Service Award during the NMPP Energy Annual Conference March 23. Photo courtesy of NMPP.*

As the recipient of the award, McCall received \$350 which will be designated to go to a community project or group. ■

*Source – Kevin Wickham, NMPP Energy*

## City of South Sioux City receives \$5 million grant to support construction of its wastewater treatment plant

Under a \$1.5 trillion bill cleared March 14 by the U.S. Senate - Division L - Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, the City of South Sioux City received a \$5 million grant for its \$40 million wastewater treatment plant on the city's south side to support housing and business growth.

Mayor Rod Koch said: "I would like to thank Sen. Adrian Smith and his Deputy Chief of Staff Joshua Jackson for their assistance in obtaining these much needed funds to support our wastewater treatment plant. These funds come at a critical time as the city upgrades and expands its ability

to meet the growing demands of the city."

In addition to this grant award, the project capitalizes on a \$12.199 million U.S. Department of Commerce

- Economic Development Assistance grant and on a Nebraska Department of Environmental and Energy State Revolving Loan Fund. ■

*Source – City of South Sioux City*

### Reviews available on League website

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

As always, we encourage you to

share news from your city or village with fellow municipal officials by sending information for the *Review* to the League of Nebraska Municipalities, Attn: Lynn Marienau at 402-476-2829 by phone or [lynnm@lonm.org](mailto:lynnm@lonm.org) by e-mail. ■



## Lyman, Franklin, Sidney receive 2022 Project of the Year awards

ACE (Public Alliance for Community Energy), the community-owned natural gas supplier, presented Project of the Year awards to three of its member communities at the NMPP Energy Annual Conference March 23 in Lincoln.

Through its revenue return program, ACE returns funds to its 75 Nebraska member communities. These funds are used by each community for various community betterment projects. Earlier this year, ACE returned \$200,000 to its Nebraska member communities. Since forming in 1998, ACE has returned more than \$3.3 million to its Nebraska member communities.

Communities submitted project nominations and winners were determined through voting on ACE's Facebook page. The awards were presented in three community population categories. The projects listed below were awarded a plaque and \$200 to be used toward future community betterment projects:

**Village of Lyman Mantis Zip Line Project** – The village's utility staff installed a zip line at its local park to encourage more use of the park and promote family togetherness and outdoor activity. The equipment, which is used by kids of all ages, has attracted more park visitors, including bringing more rural residents to town.

**City of Franklin Fill the Theatre Project** – The result of this fund-raising project added 200 new seats to Franklin's local Rosebowl Theatre. The Franklin City Council approved using ACE funds toward the purchase of the new seats. Franklin moviegoers now can enjoy a comfortable experience in the new seating.

**City of Sidney Youth Baseball Field Lights Project** – The city used its ACE funds to upgrade its lighting to one of

its baseball fields at Legion Park. The existing lights, including wood light poles, became obsolete. ACE funds allowed for the upgrade to galvanized steel poles with pre-cast concrete bases and new HID (High Density Discharge) lighting fixtures. Benefits of the new lighting include reduction

of energy and maintenance costs of more than 60 percent, reduction of spill light and glare by 50 percent or more, improved field visibility and the allowance for remote on/off control operations including dimming and scheduling of operation. ■

*Source – Kevin Wickham, NMPP Energy*



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# 2022 Midwinter Conference Highlights

Municipal officials from across the state attended the 2022 Midwinter Conference Feb. 28-March 1 at the Cornhusker Marriott Hotel in Lincoln. About 260 delegates attending the conference heard speakers conduct sessions on a variety of topics ranging from the *Bipartisan Infrastructure Investment and Jobs Act* to *Opportunities for Grants and More Grants to Transform your Municipality*. There also were sessions on broadband grants and initiatives, municipal landbanks and Nebraska Accountability and Disclosure laws.

During the conference, the League honored U.S. Sen. Deb Fischer and U.S. Rep. Don Bacon for their support of the Bipartisan Infrastructure Investment and Jobs Act. Allen Beermann, former Nebraska Secretary of State and former Executive Director of the Nebraska Press Association, also was honored for more than 50 years of servant leadership. In addition, Nebraska Attorney General Doug Peterson gave a special presentation about methamphetamine and asked local officials to help launch a public awareness campaign across the state about the harmful effects of the drug on communities.

Another highlight of this conference was the Senators Appreciation Luncheon. Speaker of the Legislature Mike Hilgers introduced lawmakers attending the luncheon. ■



*League President Paul Lambert, Mayor of Plattsmouth, addresses delegates as Midwinter Conference gets underway.*



*Speaker Mike Hilgers at Senator Appreciation Luncheon.*



*U.S. Rep. Don Bacon discusses Bipartisan Infrastructure Investment and Jobs Act.*



Top left: Attorney General Doug Peterson.  
 Top right from left: Jeni Mattern, Clerk, Terrytown; Janine Schmidt, Clerk/Treasurer, Morrill.  
 Middle left: Tony Kaufman, Mayor, Gering.  
 Middle right: Joey Spellerberg, Mayor, Fremont.  
 Bottom from left: Allen Beermann, former Nebraska Secretary of State and former Executive Director of the Nebraska Press Association; League President Paul Lambert, Mayor of Plattsmouth. Mayor Lambert presented Beermann with a special decanter to honor his years of public service.





# 2022 Midwinter Conference Highlights



*Top left: Pat Pope, former CEO of NPPD.*

*Top right: Stan Clouse, Mayor, Kearney.*

*Middle left from left: League President Paul Lambert, Mayor, Plattsmouth, with Allen Beermann, former Nebraska Secretary of State.*

*Middle right: League President-Elect Deb VanMatre, Mayor, Gibbon.*

*Bottom from left: Mark Dreiling, Chief of Staff, U.S. Rep. Don Bacon; U.S. Rep. Don Bacon; Allen Beermann, former Nebraska Secretary of State; James Wright, District Director, U.S. Rep. Don Bacon.*







*Top left: Randy Peters, Loss Control Specialist, League Association of Risk Management (LARM).*

*Top right from left: Frank Arens, Council Member, Norfolk; Kory Hildebrand, Council Member, Norfolk.*

*Middle left: Connie Jo Beck, Clerk/Deputy Treasurer, St. Paul.*

*Middle right: Thomas Warren, Sr., Chief of Staff, Mayor Jean Stothert.*

*Bottom: Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission.*

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# 2022 Midwinter Conference Highlights



*Top left: Eric Melcher, City Administrator, Aurora.*

*Top right: Greg Schmall, Mayor, Bayard.*

*Middle left: Marty Barnhart, former Executive Director, Omaha Municipal Land Bank.*

*Middle right: Mark Montgomery, Police Chief, Cozad Police Department.*

*Bottom: Stephanie Fisher, City Administrator, Waverly.*







*From left to right: Mike Burge, Valentine City Economic Development Director; Lt. Gov. Mike Foley; unidentified person; Judy Petersen, Central Nebraska Economic Development District (CNEDD); Trevor Bukaske; Amber Ross, CNEDD; Dodi Osburn; Kerry Bukaske; Tim Hale. Photo courtesy of Nebraska Department of Economic Development.*

## Lieutenant Governor visits Valentine to celebrate workforce housing accomplishment

Lt. Gov. Mike Foley joined project leaders in Valentine March 11 to cut the ribbon on two new homes made possible by the Rural Workforce Housing Fund (RWHF).

Lt. Gov. Foley said that since its enactment, the RWHF has empowered communities to plan and build over 800 affordably priced homes and rehabilitate dozens more.

“And that’s just the beginning of what this program can achieve,” he said. “Today is further proof that though there is more work to be done,

we have demonstrated a successful blueprint for working together, as a team, to address rural housing needs and grow Nebraska.”

Signed into law in 2017, the RWHF provided an initial \$7 million in state funding in 2018 to help communities in counties of less than 100,000 address an ongoing need for quality, affordably priced homes to grow the workforce. The fund is administered by the Nebraska Department of Economic Development. Given the program’s success, the Legislature

allocated another \$10 million to the fund last year.

By design, the rural workforce housing investment funds supplied by the RWHF are intended to revolve; as communities invest the funds into new rental or homeowner units or substantial home rehabilitations, the recouped investments can be applied toward the development of additional units. The lieutenant governor visited O’Neill last October to cut the ribbon

*Continued on page 21*

*Continued from page 20*

on two more units made possible by the same RWHF award. Additional investments in both communities are expected to follow.

Central Nebraska Economic Development, Inc. (CNEDD) was one of 14 recipients of RWHF funding in 2018, which it slated for housing development in Valentine and O'Neill. Both communities contributed matching funds to create the resulting Workforce Housing Investment Fund that supplied new builds, with an additional match contributed by the Nebraska Investment Finance Authority.

"This has really been a team effort between our rural communities and the state, NIFA and the nonprofit development organizations that are out there making a housing impact in their service areas, in partnership with great local leadership," said CNED Executive Director Judy Petersen.

## 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. ■

"Housing is a central part of our mission," said DED Deputy Director Dan Curran. "The Rural Workforce Housing Fund has been an incredible program whose impact will only grow with time. We're excited to be a part

of the strides our rural communities across the state are making on the housing front." ■

*Source – Nebraska Department of Economic Development*

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## Nebraska Attorney General asks local officials to join public awareness campaign about top drug threat in state – meth

Nebraska Attorney General Doug Peterson at the Midwinter Conference luncheon Feb. 28 asked municipal officials in attendance to join a statewide public awareness campaign to alert communities and citizens to the number one drug threat in Nebraska – methamphetamine.

In response to the rise of meth use in the state, federal, state and local law enforcement agencies have formed a coalition to help sound the alarm. The *It's a Matter of Life or Meth* campaign intends to raise awareness about the scourge of methamphetamine, improve treatment options and strengthen law enforcement's response.

Attorney General Peterson said that, in the past, law enforcement officials made progress in their battle against meth by cracking down on individual meth labs across the state. Today, he said, foreign drug cartels are produc-

ing large amounts of dangerous and cheap meth that affects communities across Nebraska.

The coalition to fight meth in Nebraska is comprised of the U.S. Attorney's Office, Nebraska State Patrol, FBI of Omaha, Drug Enforcement Administration (DEA) Omaha Division and the Nebraska Attorney General's Office.

The meth problem in Nebraska is growing, Peterson said, noting that law enforcement seized 293 percent more meth in 2021 than in 2016. In 2021, 768 pounds of meth were seized in Nebraska, which means that, if Memorial Stadium were full, each person would have 65 doses. Meth addiction contributes to about 75 percent of the state's criminal prosecutions as addicts commit crimes to buy the drug.

The Attorney General asked local officials to carry the message to citizens of "both harm and hope." Local



officials can promote education and understanding by using material on the website listed below in newsletters or they can invite someone from a prevention group to make a presentation. The DEA and Nebraska State Patrol will be in communities in the coming months and in schools to speak about the threat of the drug and how to get help.

The Attorney General's website with information about meth and the public awareness campaign is <https://ago.nebraska.gov/life-or-meth>. ■

## City offices begin moving back into newly renovated Papillion City Hall

City of Papillion staff in March began moving back into the newly renovated Papillion City Hall. The move-in process is happening in phases over the next few weeks.

The following departments are located in city hall:

- Administration
- Building Department
- Communications
- Human Resources

The departments not yet moved

back into city hall include:

The Finance Department is currently located at 2nd and Adams streets in downtown. That location houses walk-in functions such as paying water bills. (A drop box for payments is located in the building's drive-through lane.)

The planning and legal departments currently are located on the corner of Halleck and Jackson Streets. ■

Source – City of Papillion



Papillion City Hall. Courtesy of City of Papillion.



## Cozad's Fales receives NMPP service award

The Nebraska Municipal Power Pool (NMPP) awarded Jerry Fales, Cozad Electric Commissioner, with the Bob Arraj Service Award at the NMPP Energy Annual Conference March 23.

The award is presented annually to an official or employee of a NMPP member utility system who has excelled in service in the utility industry. The award is a memorial tribute to Bob Arraj, former Kimball city administrator and utilities superintendent.

Fales was named the city's electric commissioner in April 2021 and since then has brought strong leadership and vision to the electric department. He previously worked for the city for eight years as an electric lineworker and, most recently, as electric foreman.

Through Fales' leadership, the Cozad Board of Public Works and City Council have a clear vision for the electric department with a high priority placed on the safety of his employees. Among Fales' accomplishments include:

- Leading the city's efforts to transition the city's electric system underground;
- Working with the city administrator and economic development director on development of subdivisions for industrial and residential use;
- Facilitating the installation and programming of a new citywide



*NMPP Energy Executive Director Bob Poehling (right) presents Cozad Electric Commissioner Jerry Fales with a Project of the Year Award at the annual NMPP Energy Conference March 23 in Lincoln.*

metering system;

- Overseeing the construction of a two-megawatt solar project;
- Implementing new policies on small commercial and residential projects; and
- Using an intern scholarship program to assist students with college tuition with a commitment to return to Cozad upon graduation.

His award nomination cited his proactive management style to successfully tackle projects to keep the city moving forward.

As the recipient of the award, Fales received \$350, which will be designated to go to a local project or program of his choosing. ■

*Source – Kevin Wickham, NMPP Energy*

### 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*. ■

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# Local agencies awarded \$12 million for workforce development in Lincoln, Lancaster County

*Funding from American Rescue Plan granted to six agencies*

The City of Lincoln, Lancaster County and community partners in March marked the one-year anniversary of the American Rescue Plan Act (ARPA) by awarding about \$12 million in grants to six local agencies for workforce development over the next three years:

- Bryan Health will receive over \$1 million for 125 participants a year to receive Certified Nursing Assistant or Phlebotomy training.
- The Center for People in Need will receive almost \$600,000 to train 40 students a year in the Google Career Certificate Program.
- Community Action will receive about \$1 million to provide Child Development Associate Credential training to 30 participants a year.
- Lincoln Manufacturing will receive about \$2 million to provide two types of classes. Fourteen Manufacturing Certification 1 classes will be offered to 225 participants over three years. Twelve Manufacturing Certification 2 classes will be offered to 200 participants.
- Rabble Mill will receive about \$2 million for its Workforce Readiness Program and to fund building improvements.
- Southeast Community College will receive about \$4.5 million for a new STEM center to provide training in information technology, manufacturing and weld-

ing and to develop an innovative approach to rapid retraining of the community's workforce.

Exact figures are not yet available. The \$12 million includes contingency funds as well as administrative and audit costs.

## Top priority

"Ensuring workers have access to rewarding and financially secure careers that enable them to provide for themselves and their families is a top priority," said Lincoln Mayor Leirion Gaylor Baird. "Ensuring businesses and organizations can secure the workforce they need to be successful and grow our local economy is an equally important priority. Backing these priorities with significant funding from the American Rescue Plan is a win-win for Lincoln's workers and employers."

Deb Schorr, Chair of the Lancaster County Board of Commissioners: "The Lancaster County Board is proud to partner with the City of Lincoln to continue to drive our local economic recovery through this historic allocation of funding from the American Rescue Plan Act that will prepare our local workforce for the opportunities of today and beyond.

"Our investment in workers at all stages of professional development, including a substantial commitment to our youth, will pay future dividends for generations of local families and will guarantee the continued and sustained growth of Lancaster County."

A Nebraska Department of Labor study and a business survey conducted by Mayor's Economic Recovery Task Force identified a lack of applicants and need for employment experience as needs in the community and state.



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The Task Force recommendations include providing opportunities for upskilling and reskilling workers displaced by the pandemic.

Mayor Gaylor Baird thanked the committee that reviewed all 19 grant applications received and made recommendations for approval.

Whenever possible, training participants will be co-enrolled with Workforce Investment and Opportunity Act programs for other services, including job placement. Mayor Gaylor Baird said this will make the administration of the ARP Act funds more efficient and effective.

## Part of overall plan

This funding is a part of an overall strategic plan by the city and Lancaster County to deploy ARP Act funds, which must be spent in the next three years and may not be used for tax relief or pension funding. To date, ARP Act funds have provided nearly \$7 million in assistance to over 250 small businesses, representing over 2,800 employees. County dollars have provided funding to 30 nonprofits to help meet basic needs like food, housing, utilities, mental health, childcare, racial equity and victim safety. Additional funding will be used to enhance public health, rural water service and broadband development. ■

Source – City of Lincoln

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](http://www.lonm.org).

## Positions

**Police Chief.** Village of Coleridge is accepting applications for position of Police Chief. Position is for approximately 25 hours per week. Applicants must be 21 years of age, possess a high school diploma or equivalent, a valid driver's license and be in good physical condition and of moral character, have no felony or serious misdemeanor convictions and be a U.S. citizen. Nebraska Law Enforcement Certification is required. Send resume and references to: Village of Coleridge PO Box 276 Coleridge, NE 68727 402-283-4464. EOE Position open until filled.

**Park Foreman/ Facility Maintenance.** City of Bridgeport has immediate opening for a Park Foreman/ Facility Maintenance person. Applicants must have a strong background in building maintenance and park department operations and maintenance and must be able to perform all duties with regard to operation and maintenance of park system. Will also be responsible for maintenance items at Prairie Winds Community Center that Center staff is unable to perform.

Must be willing and capable to assist electric, water, wastewater, and street operations. Must be or able to become a Grade 3 water operator and Class L wastewater operator, if so required. Must live or be willing to live within 30 minutes of Bridgeport, comply with on-call requirements as required and possess and comply with Nebraska CDL regulations.

Paid Vacation, Sick Days, Holidays, 401K, and employer-paid health insurance are included with benefits package. To obtain position description and an application, contact City Hall at 809 Main Street (308.262.1623) or visit [www.cityofbport.com](http://www.cityofbport.com). Salary negotiable depending on qualifications. Resumes and applications will be accepted until position is filled and may be emailed to [lheinrich@cityofbport.com](mailto:lheinrich@cityofbport.com). City is EOE and Veteran Preference. Applications accepted until position is filled.

Send resume and completed application to  
City of Bridgeport Nebraska  
809 Main Street  
P.O. Box 280  
Bridgeport, NE, 69336  
or to [lheinrich@cityofbport.com](mailto:lheinrich@cityofbport.com)  
NO phone calls, please

**Journey Lineman/Electric Foreman.** Bridgeport Municipal Utility System has immediate

## Positions

opening for Journey Lineman/Electric Foreman. Applicants must have strong journeyman rating and must be able to perform all duties with regard to overhead and underground electric line construction and maintenance.

Must be willing and capable to work on water, wastewater, and street operations. Must be or able to become a Grade 3 water operator and Class L wastewater operator if so required. Must live or be willing to live within 15 minutes of Bridgeport, comply with on-call requirements and possess and comply with Nebraska CDL regulations.

Paid Vacation, Sick Days, Holidays, 401K, and employer-paid health insurance are included with benefits package. To obtain position description and an application, contact City Hall at 809 Main Street (308.262.1623) or visit [www.cityofbport.com](http://www.cityofbport.com). Salary negotiable depending on qualifications. Resumes and applications will be accepted until position is filled and may be emailed to [lheinrich@cityofbport.com](mailto:lheinrich@cityofbport.com). City is EOE and Veteran Preference. Applications accepted until position is filled.

Send resume and completed application to  
City of Bridgeport Nebraska  
809 Main Street  
P.O. Box 280  
Bridgeport, NE, 69336  
or to [lheinrich@cityofbport.com](mailto:lheinrich@cityofbport.com)  
NO phone calls, please

**Planning and Zoning Administrator.** City of Ogallala is accepting applications until position is filled for Full-time Planning and Zoning Administrator. Benefits include health and vision insurance, paid vacation, sick leave and retirement plan. Detailed job description and application may be picked up at 411 East 2nd Street Ogallala, NE 69153 or by calling 308-284-6001. Email requests for applications to [coletta.clouse@ogallala-ne.gov](mailto:coletta.clouse@ogallala-ne.gov). Valid driver's license required. EOE. Fair Housing City.

**Deputy Village Clerk/Treasurer.** Village of Ansley is accepting applications for Deputy Village Clerk/Treasurer position. Interested individuals must be self-starter, attentive to detail, able to multitask, have excellent oral and written communication skills, and the ability to maintain confidentiality of sensitive information. Minimum qualifications include associate

## Positions

degree in accounting or GED equivalent and 2 years related work experience in accounting, previous experience in an office environment, and general computer skills. Time management, ability to meet deadlines and organization skills are required. Wage will be negotiated based on qualifications and experience. Applications accepted until position is filled. Please submit your resume and 3 references to Village Clerk, PO Box 307, Ansley, NE 68814, OR email to: [villageofansley@nctc.net](mailto:villageofansley@nctc.net). For questions contact Lanette Doane at 308-935-1467. Ansley is an EOE.

**Utilities Superintendent and/or Assistant Utilities Superintendent.** Village of Stratton is accepting applications for full-time Utilities Superintendent and/or Assistant Utilities Superintendent. Successful candidate must possess or be able to obtain within one year a class A CDL as well as a grade IV water operator license through the State of NE. Benefits included. Responsibilities include water and sewer system operations, street repairs, maintenance of electrical service, mowing and maintenance of village parks, snow removal, mosquito spraying, tree dump maintenance and other duties as assigned. A complete list of duties is located at Village office. Must have valid driver's license. Drug test required. Mechanical and large equipment experience a plus. Wage negotiable and based on experience. Applications can be found at Village office. For more information, contact Village Clerk at 308-276-2184 or [stratton@gpcom.net](mailto:stratton@gpcom.net) or submit resume to PO Box 332 Stratton, NE 69043. Position open until filled. EOE

**Street Superintendent.** City of Ogallala is accepting applications until position is filled for a Full-time Street Superintendent for Street Department. Benefits include health and vision insurance, paid vacation, sick leave, and a retirement plan. Detailed job description and application may be picked up at 411 East 2nd Street Ogallala, Nebraska 69153 or by calling 308-284-6001. Email requests for applications to [coletta.clouse@ogallala-ne.gov](mailto:coletta.clouse@ogallala-ne.gov). Valid driver's license required. EOE. Fair Housing City.





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