## NEBRASKA MUNICIPAL REVIEW

■ 2020 Virtual Annual Conference — Highlights

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Amazon to build new facility ——
in Papillion

Official Publication of the League of Nebraska Municipalities

NOVEMBER 2020



# "With Opportunities, Good People Do Great Things."

League President,Plattsmouth MayorPaul Lambert



### Paul Lambert League President, 2020-2021 Plattsmouth Mayor

# League of Nebraska Municipalities 2020 Annual Conference

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No. 1,147 ISSN 0028-1906

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Each month.

Within 10 working days from meeting

### 

(All statute citations to Revised Statutes of Nebraska)

#### JANUARY 2021

#### CITIES OF THE FIRST CLASS

Each month	. Clerk publishes ordinances passed within 15 days after passage. (16-405)
Within 10 working days from meeting	
or before next meeting (whichever is sooner)	. Clerk to have minutes available for public inspection. (84-1413)
First Regular Meeting	. Mayor and Council appoint member of Park Board. (16-696)
Within 30 days from Council meeting	. Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month	. Treasurer files monthly financial report. (16-318)
On or before January 31	Provide county assessor each new lease or changed preexisting lease which
	went into effect during the previous year and a listing of previously reported
	leases that are still in effect. (77-202.11)
Each Quarter	. Report from depository banks due. (16-714)
Reminder	. Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder	. One and six year plans are due at the Nebraska Department of Roads, Board of
	Public Roads, Classification and Standards, March 1, 2021.
	Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

### CITIES OF THE SECOND CLASS Clerk publishes ordinances passed within 15 days after passage (17-613)

or before next meeting	
(whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from	
Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month	Treasurer files monthly financial report. (17-606)
, ,	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Reminder	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2021.

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Clerk to have minutes available for public inspection. (84-1413)
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The NEBRASKA MUNICIPAL REVIEW is the official publication of the League of Nebraska Municipalities, an association of the cities and villages of Nebraska, published at 1335 L St., Lincoln, Nebraska 68508 — Telephone 402-476-2829; FAX 402-476-7052; Website: www.lonm.org. Periodicals postage paid at Lincoln, Nebraska. Views of contributors, solicited or unsolicited, are their own and not to be construed as having the endorsement of the League unless specifically and explicitly stated by the publisher.

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The NEBRASKA MUNICIPAL REVIEW is a nonprofit publication administered and supervised by the League of Nebraska Municipalities. All revenue derived from the publication is used by the association to defray publication costs.

The NEBRASKA MUNICIPAL REVIEW is published monthly. Subscription rates are \$5 per single copy — \$50 plus tax for 12 issues.

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



#### Paul Lambert, Mayor of Plattsmouth League President

## 'With Opportunities, Good People Do Great Things,' Mayor Paul Lambert

BY LYNN MARIENAU, COMMUNICATIONS DIRECTOR, LNM

If local officials are the first responders of government and those held accountable for a community's most fundamental problems, Plattsmouth Mayor Paul Lambert has experienced it all or at least most of it.

The affable Lambert's easy manner and hearty laugh have served him well during a lifetime of public service that goes well beyond his work for the city he has lived in for nearly 40 years, including serving on the Offutt Advisory Council, working as a TeamMates mentor and donating more than 14 gallons of blood to the American Red Cross. On a warm and sunny day in early November, Mayor Lambert visited about his approach to public service and the wide range of challenges that can confront local elected officials.

For example, in the mid-1990s, Plattsmouth city officials were aware that the city was in violation of the federal Clean Water Act. When the city's National Pollution Discharge Elimination City (NPDES) permit was up for renewal in 2005, city officials were told that the sewer separation project needed to be completed by 2015. The project to separate their single combined sewer overflow (CSO) would cost millions.

"I can still remember that feeling in my stomach when I opened that letter from the Environmental Protection Agency (EPA) and we had to separate our storm and wastewater," Mayor Lambert said. (The City of Omaha received a similar notice.)

#### Tackle problem in the right way

He told Erv Portis, longtime Plattsmouth City Administrator, that they would tackle the problem the right way and that the project would afford them an opportunity to rebuild the city's historic main street and downtown area. Good mayors bring together a value system that includes

"Know that you are making a positive difference in your community and in the State of Nebraska and how important that is. Every little thing that we do - it all adds up to something really great."

a love for the community, good government and a vision, Portis said.

"Paul (Mayor Lambert) has all three," he said.

Mayor Lambert was elected President of the League of Nebraska Municipalities at the virtual Annual Business Meeting Oct. 22. He has served on the League Executive Board since 2016. Mayor Lambert's theme for his tenure will be - With Opportunities, Good People do Great Things. The League offers much in education and training for communities and its work with the Legislature is important, he said.

### Take pride in public service

Mayor Lambert encourages his colleagues and all city officials to take pride in what they do.

"Know that you are making a positive difference in your community and in the State of Nebraska and how important that is. Every little thing that we do - it all adds up to something really great," he said.

To illustrate his philosophy, the sewer separation project for this city of 6,500 was completed in two phases and the second phase was finished in 2013, two years ahead of schedule.

The downtown improvement project was part of the first phase of the project. Mayor Lambert and the Plattsmouth City Council determined that, since it was necessary to tear up Main Street for the sewer separation project, they would remake the downtown streetscape.

It was the voters' support who made it possible, he said. In November 2009, voters approved a half-cent sales tax for street and sidewalk improvements.

"They passed the half-cent sales tax and that gave us the opportunity to rebuild our downtown," he said. "We have a beautiful downtown here." The streetscape and sewer separation phase one began in early 2010 and both were completed by October 2011.

Nebraska Lt. Gov. Mike Foley called the city's downtown area "a jewel," during a stop to honor Plattsmouth city officials with the city's recertification in the Economic Development Certified Community program this past October.

### Raised in rural Murray

A native Nebraskan, Lambert and his brother, Ralph, were raised in rural Murray, about eight miles from Plattsmouth. He attended Nehawka High School and played eight-man football until his senior year, when the team played 11-man ball. The son of a teacher and a farmer who helped establish the Cass County Rural Water District 1, Mayor Lambert learned early about the value of education and public service. It was his mother, he said, who probably had the most influence on him. She taught elementary school for 42 years, beginning her career in a one-room country school and eventually teaching in Plattsmouth for more than 20 years.

"She taught me a lot about the value of people," he said. She loved teaching kindergarteners and first-graders and to her, they were never kids or students. They were "little people" and she thought it was important that young Paul learn about children.

"They have feelings," he said. "What you say to them has the same effect on them or more than it does on adults sometimes. You value them."

After Lambert graduated from high school, which at the time was one of the largest graduating classes at 29 students, he attended Wayne State College where he played football for a year before transferring to the University of Nebraska-Omaha.

During this time, Lambert was working at Beaver Lake providing security on weekends while it was being de-

veloped. He was going to school with the intention of pursuing a career in law enforcement when the people for whom he worked suggested that he find a job in sales.

He obtained his real estate license, which began a career in sales that included working for Firestone, Goodyear and Michelin and covering sales territories where he talked with dealers and large users of tires. Currently, he works in business development for Gregg Young Auto Group.

He discovered that he enjoys working with people.

"I enjoy people. They give me energy," he said, noting that his wife has said that his mood brightens if he is among people.

He and his wife, Patty, have been married since 1992. He has one stepdaughter, Lisa, and four grandchildren, the youngest of whom is in high school.

#### Began serving on city council in 1999

Lambert began serving on the Plattsmouth City Council in 1999. The council elected him president and when the Mayor at the time died in 2003, Lambert became Mayor. He was re-elected to the office twice, serving from 2003-2011. On Oct. 7, 2011, Gov. Dave Heineman appointed him to represent Legislative District 2 to replace Louisville Sen. Dave Pankonin, who resigned.

Sen. Lambert served in the Legislature from 2011-2012 and sat on the General Affairs, Health and Human Services, Nebraska Retirement Systems and Urban Affairs Committees. State Senators cast dozens if not hundreds of votes, most of which go unremarked upon, but one issue in 2012 proved to be pivotal in Sen. Lambert's legislative career.



Plattsmouth Mayor Paul Lambert (on right) presents plaque to outgoing Mayor Mike Bowman. Photo courtesy of the City of Plattsmouth.

### 'With opportunities, Good People do Great Things,' Mayor Lambert

Continued from page 5

LB 357 gave local voters the right to decide whether their municipalities should increase the local option sales tax by up to .5 cents to fund designated infrastructure projects or reduce other taxes. While the bill passed with 30 votes, Gov. Heineman vetoed it. Sen. Lambert voted for the override motion and that vote was widely believed to have cost him his legislative seat.

Lambert remains untroubled by the vote and the consequences of it, adding that he has seen the opportunities that municipal officials have had and how they can better the lives of their citizens because of the legislation.

"I see that in my own community and how important it is," he said. "It's a small price to pay for the good that it did for the state and for communities."

#### Became Mayor again in 2014

When the door on his legislative service closed, he said that he was excited for another door to open. In 2014, he became Mayor of Plattsmouth again and continues to serve as mayor.

Much awaited him and the good people of Plattsmouth. After his return to office as Mayor, he stood by a city staff member, who was being criticized by those seeking a recall. Those seeking to recall never gathered enough signatures for it to proceed.

"That's what you're supposed to do in my eyes. You support your people," he said. "If they are wrong, you tell them privately. You support them and stand behind them. A leader's job is to be with his people and stand alongside them."

In the spring of 2019, catastrophic flooding struck Nebraska in March, including Plattsmouth. Water surrounding the Plattsmouth Water Treatment Plant was at least 10 feet deep. Both wastewater plants were out of service. The city is still dealing with the effects of the disaster, Mayor Lambert said.

"It's going to be a \$90-\$100 million issue before we are done with it," he said. "We're going to have to relocate our wastewater and water treatment plants. We're working with the Federal Emergency Management Agency (FEMA) on it and moving forward."

Both Mayor Lambert and Portis emphasized that FEMA and state agencies have been good to work with during recovery from the flooding disaster.

In 2020, COVID-19, the virus that caused a once-in-a-century worldwide pandemic, struck, resulting in massive illness, disruptions in daily life and economic hardship.



From left: Gov. Pete Ricketts; Plattsmouth Mayor Paul Lambert and, in the background, is Sen. Robert Clements of Elmwood, standing in front of the surplus high-water military vehicle Plattsmouth purchased to enable utility workers to access the treatment plant after the 2019 flood. Photo courtesy of the City of Plattsmouth.

"It's hard and I know people are tired of the restrictions. I'm tired of it," he said. "We have to continue to fight. We will never get back to the way things were if we don't fight and do what needs to be done."

The virus has underscored the importance of Plattsmouth going from a volunteer Emergency Management System to a full-time paid paramedic service, a vital benefit to the community, and an initiative in which Mayor Lambert expressed pride. Plattsmouth, he noted, does not have a hospital and its residents go to nearby Bellevue, Papillion, or the University of Nebraska Medical Center (UNMC). The paramedic service handles about 1,000 calls a year, he said.

"It really improved the welfare of the community," Mayor Lambert said. "Without a hospital in the community, it is nice for people to know they are just a few minutes away by ambulance from a (medical facility)."

### What does the Mayor do for fun?

What does the Mayor do for fun? He says he enjoys nature and being outside, watching the turkey and deer that roam near his house. He collects firearms and is an avid Nebraska sports fan and enjoys watching football at every level.

He also said he gains great satisfaction from serving on the Offutt Advisory Council.

"When I am on the base and I see these young people – 19-20 years old – so responsible and so respectful, it really invigorates me. To see the military leaders we have now, is reassuring," he said.

Besides his work with the city and the Offutt Advisory Council, Mayor Lambert is a member of the First Presbyterian Church where he served as a deacon and an elder, and a member of the Scottish Rite and the Tangier Shrine. He also is an Honorary Civilian Co-Commander Offutt 55<sup>th</sup> Wing Support Group and serves on the Cass County Merit (Civil Service) Commission. He served as its chair from 2019-2020.

"I feel good about the opportunities I have been given to serve the community in different ways," he said, pausing before he added: "I guess when my time on this earth is over, I hope that I've made a little positive difference somewhere, especially in someone's life."

### League Executive Director: Mayor Lambert exemplifies profiles in courage

Lynn Rex, League Executive Director, stated, "If there ever is a book entitled 'Profiles in Political Courage: Nebraska's State and Local Leaders,' League President Paul Lambert will be in it! Mayor Lambert is an extraordinary servant leader who has committed decades of his life to help his community and state successfully address the many challenges presented during the 'best of times' and the 'worst of times'! As a dedicated municipal official and former State Senator, Mayor Lambert's public service is best characterized by countless, selfless acts of political courage and integrity which elevate him from being an excellent leader to a transformational hero. At several League conferences, I've had the privilege of asking Mayor Lambert to stand in the audience so I can introduce him as my hero. There is not enough space to elaborate on all of Mayor Lambert's initiatives and his accomplishments. I forever will be indebted to him for being the deciding vote necessary to override then-Gov. Dave Heineman's veto of LB 357 in 2012, a League bill enabling citizens to vote on whether to increase their local option sales tax up to a maximum 2 percent. Although a lifelong Republican, then-Sen. Lambert knew, in no uncertain terms, he would jeopardize his legislative

seat by casting a vote to override the Governor's veto. I NEVER will forget when he walked from the Governor's office into the Capitol Rotunda and said, 'Don't worry. You have my vote to override the veto. Giving citizens the right to vote on this is the right thing to do.' As anticipated, a Republican challenger was recruited to run against him because of that one vote. In voting to override the Governor's veto and risking his legislative seat, he empowered citizens in the following 29 municipalities to authorize a 2 percent local option sales tax to improve and shape the destiny of their communities for years to come: Alma, Beatrice, Cambridge, Chadron, Chappell, Crete, David City, Decatur, Fairbury, Fullerton, Geneva, Grand Island, Gretna, La Vista, Loup City, Minden, Nebraska City, Ord, Oshkosh, Papillion, Pawnee City, Paxton, Sargent, Sidney, Tekamah, Wahoo, Waterloo, Wisner and Wymore."

Effective Jan. 1, 2021, there will be 249 municipalities and 2 counties with a local option sales tax. The number of municipalities and their percentage of local option sales tax are as follows: 0.5 percent − 3; 1.0 percent − 89; 1.5 percent − 127; 1.75 percent − 1; and 2.0 percent − 29. ■



### Staying healthy before vaccines arrive

BY GOV. PETE RICKETTS

There is an old saying, "it's always darkest before the dawn." It has two meanings. The first is that, despite difficulties, there is hope on the horizon. The second meaning is that circumstances can be at their very worst right before things get better. As we enter the winter months, an effective vaccine will be available soon - on a limited basis even this month. At the same time, we may be entering the toughest stretch of the pandemic this winter as people head indoors. It's time for all of us to put our trademark Nebraska grit and determination to work as we buckle up for the coming months of the pandemic.

#### **Operation Warp Speed**

On May 15, 2020, the Trump Administration announced Operation Warp Speed to rapidly develop a coronavirus vaccine. The program appears to be making remarkable progress. Two vaccines, one from Pfizer and one from Moderna, have proven to be highly effective in clinical trials. Both of the vaccines were reviewed by regulatory agencies. Each of them was authorized for emergency use. Manufacturers have already produced millions of doses. Perhaps as many as 40 million doses will be available this month.

Initially, vaccinations will be limited

to priority groups, such as healthcare workers at hospitals and long-term care facilities. As manufacturing ramps up in 2021, availability will expand to more groups. Vaccines are expected to be widely available to the public by late spring. The State of Nebraska has posted its vaccination plan on the Department of Health and Human services website at dhhs.ne.gov/Documents/COVID-19-Vaccination-Plan. pdf.

#### Coronavirus spreading

While the vaccine development offers hope, it's not time to relax our guard. The coronavirus is still spreading throughout our communities. In fact, the winter could be very challenging. As the weather gets colder, Nebraskans will be spending more time indoors. Typically, viruses spread more easily this time of year as people stay inside. Over the next several weeks, it will be extremely important to avoid the "Three Cs." This means avoiding crowded places, close contacts and confined spaces.

The season means friends go ice skating or singing together. Folks go to the movies to see newly released blockbusters.

We'll need to adjust our traditions in 2020 in light of the pandemic. Consider postponing parties at work

or inviting over fewer friends. Be thoughtful about family get-togethers to protect at-risk family members.

As Nebraskans shop Main Street to support local retailers, it will be especially important to use tools to slow the spread of the virus. When you go out, wear a mask. Shop alone instead of taking the kids with you. Follow the six-foot rule when shopping. When possible, shop online.

### Stay home when sick

This isn't the year to fight through a cold or cough while keeping with your usual routine. Stay home when sick. Quarantine immediately if you've been exposed to someone who has tested positive or shown symptoms of the coronavirus. Take advantage of the opportunity for free testing. Test Nebraska will be in operation during the holiday season. Go to TestNebraska.com to fill out a short health assessment and schedule a time to get tested. In November, Test Nebraska delivered results 24-48 hours after the initial swab.

Nebraska's coronavirus hospitalizations have stabilized, but our hospitals continue to care for high numbers of patients. It's important that we all take responsibility for slowing the spread of the virus to protect our healthcare sys-

tem and support our healthcare workers. As I've announced, if Nebraska reaches 25 percent of staffed hospital beds with coronavirus patients in them, we'll move into the "red" phase of our pandemic response plan. If this happens, additional restrictions will take effect to help protect our hospital capacity. These restrictions include, but are not limited to:

- Returning to the 10-person rule for indoor gatherings and wedding/funeral receptions.
- Limiting outdoor gatherings to 25 people.
- Bars moving to carry-out, delivery, and drive-thru only.
- Only licensed restaurants offering dine-in services with restricted hours.

Nebraskans should prepare for the possibility of these restrictions taking effect before the end of the year if hospitalizations grow.

If you have questions about Nebraska's coronavirus phases or vaccination plan, please email pete.ricketts@nebraska.gov or call 402-471-2244. Progress on the vaccines is reason to hope, but I want to remind everyone that it will still be several months before widespread vaccination can take place. Until then, it's critically important for all of us to stay focused on doing what's right to protect ourselves, our families, and our communities.

If you have questions about Nebraska's coronavirus phases or vaccination plan, please email pete.ricketts@nebraska.gov or call 402-471-2244. Progress on the vaccines is reason to

hope, but I want to remind everyone that it will still be several months before widespread vaccinations can take place.

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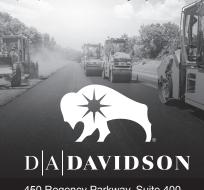
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## City of Lincoln receives wastewater management awards

Lincoln Transportation and Utilities (LTU) in November announced it has received two awards in the area of wastewater management.

Lincoln Wastewater System received the 2020 Nebraska Water Environmental Association Scott Wilber Award for its commitment to excellence in facility operation and maintenance of large and medium advanced municipal facilities while maintaining environmental compliance.

Lincoln Wastewater System's Theresa Street Facility received the Special Innovation Award for its work with biogas recovery and the generation

of renewable natural gas to be used as vehicle fuel.

"I am so proud of our Lincoln Wastewater System team," said Donna Garden, Assistant Director of Utilities. "These facilities are outstanding examples of resilience, excellence in safety, operations and maintenance, and forward-thinking technology."

Lincoln Wastewater System's two facilities implement innovative programs to effectively recover and treat approximately 32-million gallons of wastewater each day.

Source - City of Lincoln



Tara A. Stingley

## COVID-19 vaccination policies: Important considerations for employers

**T**n 1964, the Disney *Mary Poppins* **▲** featured an English nanny singing an endearing tune entitled "A Spoonful of Sugar." The song conveyed a message that an unpleasant situation can become a bit more tolerable when accompanied by something more pleasurable. The genesis of this song was the songwriter's young son telling his father that he had received the polio vaccine that day. When his father (assuming the vaccine was administered by a shot) asked him if it hurt, the son replied that the vaccine was simply put on a sugar cube for him to eat. The next day, the song "A Spoonful of Sugar" was born.

As promising vaccines develop and are administered in response to CO-VID-19, employers should consider how a vaccine rollout will impact their workplaces and what kind of vaccination policy is most appropriate. Mandatory COVID-19 vaccination as a condition of employment will likely be permissible, but several factors indicate that a softer "spoonful of sugar" approach of encouraging vaccination may be more effective for many employers. No matter the terms, any vaccination policy should be carefully drafted and consistently applied. This article discusses issues relating to vaccination policies in the workplace

as well as strategies for employers who are considering requiring employees to be vaccinated.

### A. Mandatory Vaccination Policies in General

Can an employer require employees to take a vaccine as a condition of employment or before returning to the workplace? Generally speaking and subject to a few exceptions, yes. The two main legal exceptions from a mandatory vaccination requirement include reasonable accommodation of disabilities and sincerely-held religious beliefs.<sup>1</sup>

### 1. Reasonable Accommodation Because of a Disability

First, employees may be entitled to an exemption from mandatory vaccination because of a disability that prevents them from taking the vaccine. In this context, employers must keep in mind both the Americans with Disabilities Act (ADA) as well as applicable state and local laws prohibiting disability discrimination.

The law on this issue primarily has developed through the lens of the annual seasonal flu shot. In this context, the U.S. Equal Employment Opportunity Commission (EEOC) has stated that if an employee refuses to take a required influenza vaccine because of a covered disability, the

employer must engage in an interactive process with the employee to consider the employee's condition, the nature of the employee's request or objection and whether a reasonable accommodation exists that would enable the employee to still perform the essential functions of his or her position. For example, potential accommodations may include having the employee work from home, work from a more isolated location or wear a mask and other personal protective equipment (PPE) while being physically present and around other people in the workplace.

The employer may refuse to provide a reasonable accommodation exempting the employee from mandatory vaccination if the employer can establish *undue hardship* or a showing that the accommodation would result in significant difficulty or expense. This can be a difficult hurdle for employers to overcome. Regardless, like all ADA accommodation requests, employers must individually assess employees' requests for exemption from a vaccine mandate and potential accommodations on a case-by-case basis.

The ADA's application to a mandated COVID-19 vaccine is less clear. The EEOC takes the view that the decision

regarding vaccination involves the employer making a medical inquiry to its employees. Under the ADA, an employer may only undertake covered medical inquiries if they are *job-related and consistent with business necessity.*ii For example, healthcare employers who require employees to take a flu shot clearly fit within these parameters. Ordinarily, it may be more difficult for non-healthcare employers to meet the "job-related and consistent with business necessity" standard, but the COVID-19 pandemic presents a unique scenario.

Courts and the EEOC may be more willing to allow employers to mandate a COVID-19 vaccine because of the nature of the global pandemic. The EEOC has stated that the CO-VID-19 pandemic meets the ADA's "direct threat" standard, which allows employers to make more extensive medical inquiries in the workplace than the ADA typically permits. iv For example, in light of the COVID-19 pandemic, the EEOC recognizes that non-healthcare employers may take employees' temperatures - which is clearly a medical inquiry - before allowing them to enter the workplace, based on the EEOC's position that the pandemic meets the ADA's "direct threat" standard.

The EEOC currently advises that ADA-covered employers "should consider simply *encouraging* employees to get the influenza vaccine rather than requiring them to take it." Although it is unclear how the EEOC will ultimately address this issue for COVID-19 vaccinations, many legal practitioners expect similar guidance that *will allow* employers to mandate COVID-19 vaccinations with limited exceptions, but *express a preference for* 

simply encouraging vaccination.

### 2. Reasonable Accommodation for Sincerely-Held Religious Beliefs

Second, employers who require employees to take a vaccine must allow for reasonable accommodations if taking the vaccine would violate an employee's sincerely-held religious beliefs. Under federal law, Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits employers from discriminating against employees on the basis of religion. Many state and local anti-discrimination laws contain similar prohibitions and govern an employee's religious objections to vaccination.

An employee can request an exception to mandatory vaccination if taking the vaccine would violate the employee's sincerely-held religious beliefs, observances and practices. Once an employee requests such an exception, employers should engage in a three-part analysis, considering the following:

- a. whether the employee's belief is religious in nature;
- b. whether the employee's belief is sincerely-held; and
- c. whether providing a reasonable accommodation would impose an undue hardship on the employer.

The EEOC takes the position that religious beliefs typically concern ultimate ideas about life, purpose and death, but generally do not include personal preferences or social, political or economic philosophies. in addition, employers generally should assume an employee's request for religious accommodation is based on a sincerely-held religious belief, unless the following factors exist:

a. the employee has behaved in a manner noticeably inconsistent

- with the employee's professed belief;
- b. the accommodation is sought for particularly desirable and likely secular (non-religious) reasons;
- c. the timing of the employee's request is suspect; or
- d. the employer otherwise has legitimate reason to believe the employee does not seek accommodation for religious reasons. vii

However, this assumption in favor of employees is not without reasonable limitation. For example, in a 2017 case from the Third Circuit Court of Appeals, an employee requested an exemption from a mandatory flu shot based upon religious grounds. The court held that the employee's belief that he should not harm his body and that a vaccine was potential harm was not a *religious* belief. Viii Still, antivaccination beliefs can be protected as sincerely-held religious beliefs *if* they are associated with religious adherence.

### B. Additional Legal Considerations1. Occupational Safety and Health Administration (OSHA)

OSHA has not yet issued guidance related to COVID-19 vaccination. However, OSHA's past pandemic-specific approaches suggest that OSHA will allow employers to mandate vaccination, but recommend merely encouraging vaccination.

Specifically, in a 2009 Interpretation Letter addressing H1N1 vaccines, OSHA stated that it does not require employees to take vaccines, but an employer *may* require vaccination. <sup>xi</sup> More recently, in a 2014 guidance document aimed at protecting workers during a pandemic, OSHA noted that, if a vaccine is available to protect people from illness in a given pan-

## COVID-19 vaccination policies: Important considerations for employers

Continued from page 11

demic, "employers may offer appropriate vaccines to workers to reduce the number of those at risk for infection in their workplace." OSHA also has encouraged employers to develop a pandemic preparedness plan that encourages employees to get a seasonal flu vaccination.

### 2. National Labor Relations Act (NLRA) and Related Laws

Employers with unionized workforces should review their current collective bargaining agreements. Requiring employees to take a vaccine may affect the terms and conditions of employment, which may require bargaining with the union. To avoid allegations that the employer has engaged in an unfair labor practice, employers seeking to require employee vaccination should address this issue with the relevant union group *before* implementing such a requirement.

### 3. Workers' Compensation and Insurance Policies

If an employee has an adverse reaction to an employer-mandated vaccine, the employer may find itself responding to and defending against a workers' compensation claim. The viability of a workers' compensation claim arising from an employermandated vaccine policy will vary based upon applicable state law and the specific facts of the case. Before implementing a mandatory vaccination policy, employers should reach out to their workers' compensation insurance carrier (and consult with legal counsel, if warranted) to discuss workers' compensation coverage in the event of an employee's adverse reaction to a mandated vaccine.

Similarly, employers should review current insurance policies, including

employment practices liability insurance (EPLI), to contemplate coverage and potential claims should an employee have an adverse reaction to an employer-mandated vaccine.

### C. An Important Employee Relations Decision

Until federal agencies publish more definitive guidance, vaccine policies seem best handled as an employee relations issue with specific consideration of the following.

First, employers should reflect on their own work environments and circumstances, including the proximity of workers, the frequency of close contact and the risk of disease transmission. In circumstances where the risk of transmitting disease among employees may be low (e.g., remote workforces, physically distanced employees, etc.), a vaccination requirement might have little practical impact compared to circumstances with a high risk of transmitting disease among employees and third parties (e.g., healthcare facilities/workers, employees in close proximity with one another, etc.).

**Second**, employers should consider the potential advantages of a vaccination policy, including preventing employees from spreading disease, protecting high-risk employees and customers, returning to normal operations in a shorter timeframe and advancing the overall goal of providing a safe workplace.

**Third**, employers should consider the impact of an employer-mandated vaccine requirement on employee morale. Recent surveys indicate that many Americans are skeptical about the effectiveness of COVID-19 vaccines and, in light of politicization, many may refuse vaccination for reasons unrelated to disability or sincerely-held religious beliefs.xii An employer-mandated vaccine policy that requires employees to vaccinate or be terminated from employment may significantly adversely impact morale in already-challenging circumstances. Enforcing such a termination policy could be devastating to employers' resources and employee pushback may spur concerted protected activity, such as mass communications, complaints, petitions and employee walk-offs or protests.

Fourth, employers should establish a clear, robust process for reviewing and documenting employees' requests for accommodations of disabilities and sincerely-held religious beliefs. Potential accommodations for employees exempt from vaccination may include working from home, masking/wearing other PPE and using social distancing measures.

Finally, although a vaccine mandate may be suitable for those employers who deal with a high risk of disease transmission (e.g., healthcare employers), other employers should consider simply adopting a policy expressing a strong preference for employees to be vaccinated and the reasons for doing so. Employers should begin crafting a plan to maximize effectiveness of such a policy, such as offering incentives or administering vaccines at the workplace (as many employers do with the seasonal flu shot) if possible.

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,

### Staking your claim - best practices when filing a claim

BY FRED WIEBELHAUS
LARM FIELD ADJUSTER
SUPERVISOR/LOSS CONTROL
ASSISTANT DIRECTOR

V/hether you're a member of a **V** risk management pool like LARM or you purchase your insurance through a traditional insurance company, there's a pretty good chance that your municipality will need to file a claim for a loss. This could be a workers' compensation claim, a property claim or possibly a liability claim. Villages and cities depend on their risk management providers and insurance companies to help protect community assets but there is a certain degree of responsibility on the part of the municipal staff, especially when filing a claim.

It's important to remember a number of things when an accident or other possible cause for a claim occurs. They include the following:

The first priority is to make sure anyone involved in the incident is all

**right**. Administer first aid if necessary or call an ambulance ensuring that everything possible is being done to assist individuals with injuries.

In the event of a vehicle accident or losses resulting from criminal activity, **contact law enforcement** so there is a report concerning the incident.

Municipal staff need to **document as** many details as they can including taking lots of photos (a phone camera is adequate) and taking notes from all the parties involved. Get names, addresses and notes of eye-witness accounts. Remember the "W" questions. Where did it happen? Who was involved? What time did it happen? Why did it happen? Do not accept responsibility, let the claim investigation determine who or what is responsible.

Once you have proper documentation, take steps to secure the site. Cover up the hole in the roof, move debris off a traveled area, place barricades around the site if necessary, taking steps to ensure safe and clean working conditions.



Fred Wiebelhaus, LARM

Contact your agent as soon as possible. The League Association of Risk Management (LARM) will help its members with the process of filing a claim. The sooner they know about the claim, the more quickly they can get an adjuster on site and get the claim rolling. LARM has the claim forms online for easy accessibility.

Last, but not least, is to take steps to prevent the incident or one like it from happening again. Review employee practices and revise as needed. Update work policies or make needed repairs/adjustments to equipment. A claim is a good time to make appropriate changes so that the chance of a reoccurrence is greatly reduced.

Make sure your municipal staff members are prepared when an accident occurs and are knowledgeable of the steps to make the process of filing a claim a smooth one.

## COVID-19 vaccination policies: Important considerations for employers

Continued from page 12

(402) 397-1700, tstingley@clinewilliams.com or www. clinewilliams.com.

<sup>†</sup> U.S. EQUAL EMP'T OPPORTUNITY COMM'N, EEOC-NVTA-2009-3, PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE AMERICANS WITH DISABILITIES ACT (2020).

"See U.S. EQUAL EMP'T OPPORTUNITY COMM'N, EEOC-CVG-2000-4, ENFORCEMENT GUIDANCE ON DISABILITY-RELATED INQUIRIES AND MEDICAL EXAMINATIONS OF EMPLOYEES UNDER THE ADA (2000).

iii See Hustvet v. Allina Health Sys., 910 F.3d 399 (8th Cir. 2018).

ix See PANDEMIC PREPAREDNESS, supra note 1.

<sup>v</sup> Id. (emphasis added).

" See U.S. EQUAL EMP'T OPPORTUNITY COMM'N, EEOC-NVTA-2008-2, QUESTIONS AND ANSWERS: RELIGIOUS DISCRIMINATION IN THE WORKPLACE (2008).

vii U.S. EQUAL EMP'T OPPORTUNITY COMM'N,

EEOC-CVG-2008-1, SECTION 12 RELIGIOUS DISCRIMINATION (2008).

viii See Fallon v. Mercy Catholic Med. Ctr., 877 F.3d 487, 492 (3d Cir. 2017).

\*\* OCCUPATIONAL SAFETY AND HEALTH AD-MIN., OPINION LETTER ON OSHA'S POSITION ON MANDATORY FLU SHOTS FOR EMPLOYEES (Nov. 9, 2009). This vaccination requirement is subject to employees' reasonable beliefs that they have medical conditions that create a real danger of serious illness or death.

\* OCCUPATIONAL ŠAFETY AND HEALTH ADMIN., PROTECTING WORKERS DURING A PANDEMIC (2014).

xi OCCUPATIONAL SAFETY AND HEALTH ADMIN., OSHA 3327-06R, GUIDANCE ON PRE-PARING WORKPLACES FOR AN INFLUENZA PANDEMIC (2009).

xii Kwame Opam, Americans Are More Willing to Take a Coronavirus Vaccine, Poll Suggests, N.Y. TIMES (Nov. 17, 2020), http://www.nytimes.com/2020/11/17/health/ gallup-poll-coronavirus-vaccine.html. League of Nebraska Municipalities

Phone: 402-476-2829 Web site: www.lonm.org

### 2020 Virtual Annual Conference Highlights

In a year when everything is different, the Annual Conference was no exception. A Virtual Annual Conference in 2020 began offering webinars Oct. 7 and ended with the League Annual Business Meeting Oct. 22.

Topics of the webinars ranged from regional land banks to effective media relations and understanding municipal finance and fiduciary duties.

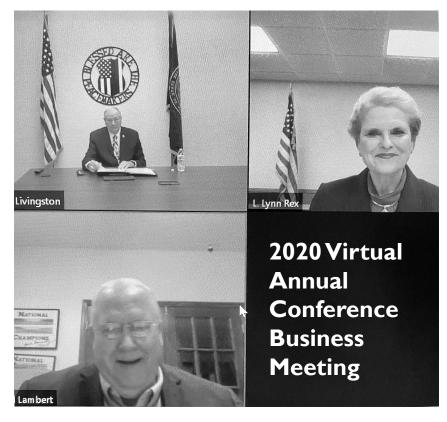
Plattsmouth Mayor Paul Lambert is serving as the President of the 2020-2021 League Executive Board. Gibbon Mayor Deb VanMatre was elected President-Elect of the organization's board and Aurora Mayor Marlin Seeman was elected Vice President. Dwight Livingston, North Platte Mayor, will remain a member of the board as Immediate Past President.

Officials elected to the League Executive Board for three-year terms are Tony Kaufman, Mayor of Gering; David Black, Mayor of Papillion; Eric Kamler, Mayor of Geneva; and, LeAnn Brown, Clerk/Treasurer of Oshkosh.

Other directors continuing to serve on the board are the following: Jean Stothert, Mayor of Omaha; Doug Gaswick, Council Member of Imperial; Jeanette "Jae" Fintel, Council Member of Deshler; Leirion Gaylor Baird; Mayor of Lincoln; and, Bryan Bequette, Mayor of Nebraska City.

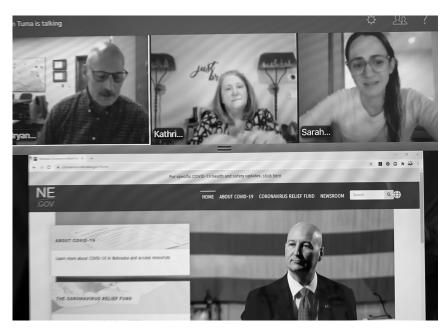
Representatives on the board are Tom Goulette, City Administrator/Utility Superintendent, West Point, and one vacancy.

See professional directory on page 26

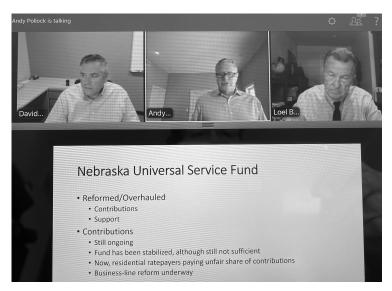


Top left: North Platte Mayor Dwight Livingston, outgoing League President; Top right: Lynn Rex, Executive Director, LNM.

Bottom left: Incoming League President Paul Lambert, Mayor of Plattsmouth. Photo taken during League Business Meeting Oct. 22.



Update on COVID-19 reimbursements from CARES Act Funds. Top left, speaking is Bryan Tuma, Assistant Director, NEMA.





Webinar on leadership. At top: Don Wilson, Chief Client Officer, SafeStart Division of Electrolab LTD.

Charles Kettering



Webinar on ImagiNE Nebraska Act. At top: Jennifer Creager, Senior Director – Public Policy, Omaha Chamber of Commerce.



Mike Flood, attorney, former Speaker of the Nebraska Legislature; Founder, Flood Communications and News Channel Nebraska, speaks about effective media relations. Flood won election to the Legislature this fall and will be serving again beginning in the 2021 session.

### Amazon to build new facility in Papillion

1,000 jobs available at state-of-the-art facility

The tech giant, Amazon, announced that Papillion will be home to a new robotic fulfillment center during a late October virtual press conference,

Gov. Pete Ricketts said during the press conference: "It's a fantastic opportunity for the folks here in Nebraska and we're really excited about it."

Mike Flannery, regional director of operations at Amazon, said the 700,000-square-foot fulfillment center, which will open in 2021, will combine workers with robots to fill orders.

"It will be a state-of-the-art operation where employees will work alongside Amazon robotics to pick, pack and ship customer orders," he said, noting



Papillion Mayor David Black

that the new facility will offer 1,000 jobs that will pay a minimum of \$15 an hour and offer benefits.

Many factors go into the company's process to determine where to locate a facility, he said, adding that a key factor is the workforce and that they were excited about the abundance of



Gov. Pete Ricketts

talent in the greater Omaha area.

Flannery also said company officials evaluate how they can better serve customers, adding that the new site in Papillion will help Amazon expand its prime service and deliver shipments faster.

Continued on page 17

### Thanks to these Annual Conference sponsors

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"Amazon's ability to open this new facility is not something that can be done without the strong support of (the) local community," Flannery said. "Thank you to everyone who was involved and supported us throughout the process."

Papillion Mayor Black said, "We're excited about the project. It is a highly efficient Amazon robotics fulfillment center." The facility is located inside the City of Papillion at Nebraska Highway 50 and Nebraska 370.

Mayor Black praised Papillion city staff members who have "already pitched in, rolled up their sleeves and done some of the heaviest lifting."

"We are proud of the spirit of collaboration that brings new business to our community; and we're equally proud of the talented workforce that we have at our disposal to fill the technical jobs that Amazon is going to provide."



This artistic rendering shows what the new Amazon fulfillment center will look like when completed. The site is at the intersection of Nebraska 50 and Nebraska 370 in Papillion. This image was presented during a virtual press conference Oct. 27.

## League magazine available on website

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

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



### City of Bellevue featured in Business in Focus magazine

National magazine article focuses on city's economic development efforts

"Situated in the heart of the Great Plains, the City of Bellevue, Nebraska enjoys an ideal location along rolling hills overlooking the Missouri River with easy access to Omaha. From a thriving economy and highly ranked schools to over 600 acres of parkland and plenty of

# 3 communities raise local sales tax rate

Effective Jan. 1, 2021, the local sales and use tax rate for Gordon, Greeley and Juniata will each increase from 1 percent to 1.5 percent. The current list of all cities and counties that impose a local sales and use tax as of Jan. 1, 2021 is available on the Department of Revenue's website at revenue.ne-braska.gov.

Source - Nebraska Department of Revenue

## 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 <a href="mailto:lynnm@lonm.org">lynnm@lonm.org</a> by e-mail.■

Midwestern hospitality, the community ticks all the boxes!" This was the way the City of Bellevue was described in a recent national publication.

The new economic development efforts of the City of Bellevue were discussed in a feature article that has been published in the October 2020 edition of *Business in Focus* magazine. *Business in Focus* is a national publication with about 500,000 subscribers that aims to provide a comprehensive view of North American business through its monthly online and print editions that bring together the country's top

businesses and potential clients.

Bellevue Mayor Rusty Hike, City Administrator Jim Ristow, Community Development Director Mark Elbert and Bellevue Chamber of Commerce President Kevin Hensel were interviewed for the publication and discussed their bold plans to take Bellevue in a "new direction" when it comes to economic development in the community. An online edition of the article can be found at: https://www.businessinfocusmagazine.com/2020/10/welcoming-business/

Source - City of Bellevue, Phil Davidson

### Lexington to operate solar farm

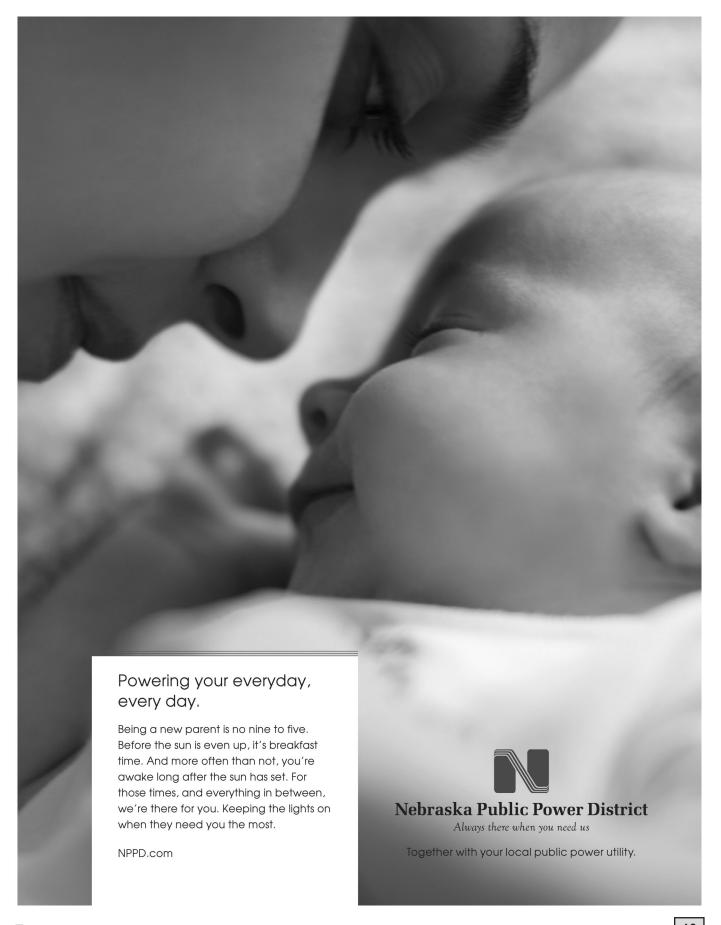
The many poles sticking up out of the ground at the northeast corner of the Jim Kelly Field (Airport), across from the Lexington Fieldhouse, will soon be operating a one megawatt solar farm. The City of Lexington will purchase all electricity generated from the new solar farm to provide additional renewable energy for the community and help reduce total carbon emissions in Nebraska. Together with the existing 3.6 megawatt solar farm completed in 2017 in southeast Lexington near

the intersection of E. Commerce Road and S. Taft Street, the City of Lexington will have renewable solar energy capacity to represent just over 10 percent of the peak energy demand in the community. The city will continue to expand cost effective renewable energy options into the future. Currently in Lexington, the electricity being supplied to homes or businesses is estimated to be from an energy mix that is 64 percent carbon-free.

Source - City of Lexington, City Happenings



Poles sticking up out of the ground at the northeast corner of the Jim Kelly Field (Airport) for solar farm. Photo by City of Lexington.



### Recommended safety practices in confined spaces

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

A tragedy at the McCook Waste Water Treatment Plant this summer was a grim reminder to municipalities across the state that gases in an enclosed space can be deadly. Though an official report has not been released concerning the exact cause of death of two city workers who were found at the plant, preliminary reports are that they were overcome by toxic gas in the sludge pumphouse.

Dylan Wiemer, Village of Utica Maintenance Worker, knows how quickly a disaster like this can happen. He is one of thousands of city staff across the state who enter lift stations, manholes and other enclosed areas during the course of their jobs.

"There is always the risk of things going bad when you're working in a confined space. We're trained not to go into an enclosed area to help a downed co-worker but, in that situation, I can see how it would be very hard not to do so," Wiemer said.

A review of the recommended safety practices when working in confined spaces is below:

- A plan of the purpose for entering should be established with a time estimate as to how long that task will take. The person entering the space needs to know the exact work to be done, the location and the hazards involved. They should be knowledgeable about the precautions they need to take before, during and after they've completed the task.
- There always should be a "buddy system" when
  work needs to be in done in a confined area that
  includes the entrant and an attendant. Workers
  should be equipped with protective equipment and
  a way to communicate with each other during the
  course of the work project.
- Before entering the confined space atmospheric conditions need to be identified. Before entering,

### 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*. ■



Dylan Wiemer, Village of Utica Maintenance Worker. Photo by Diane Becker.

Wiemer uses a gas detector that will give a reading as to the amount of oxygen in the air of a confined space. Too little or too much oxygen can prove deadly. The gas detector also will measure the concentration of toxic gases in the air and alert the user when conditions are too dangerous to enter. If the air is identified as unsafe, the area must be barricaded to prevent entry.

- Ventilate the space as much as possible as the work is being done. Be aware that work being done in the area, including welding or cutting, will change the quality of the air in the enclosed area and possibly make it too dangerous to work in.
- The attendant should conduct periodic testing of the air while the entrant is working in the space.
   Wiemer noted that the gas detector used to measure the amount of gas in the area needs to be calibrated yearly.

The key safety points to remember when working in a confined area are to **be properly trained** in working in enclosed spaces; **have a specific plan** of the task to be done in the area; **work with another person** who is available close outside of the enclosed area; **have a method of communication** while working in the area; and **monitor the conditions** of the air quality while working in the space.

Wiemer stresses that every community should have a properly working gas detector. Utica purchased Utica's through a Lean on LARM Safety Grant from the League Association of Risk Management. The grant is available to all LARM members. For more information, go to www. larmpool.org.



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### Reverse Auctions under the Nebraska Universal Service Fund

■ BY ANDY S. POLLOCK

PARTNER, REMBOLT LUDTKE LAW

FIRM LLP

hen the Legislature enacted LB 994 in 2018, it set in motion the most significant policy change since the Nebraska Telecommunications Universal Service Fund Act (NUSF) took effect in 1997. The bill was introduced by Sen. Curt Friesen of Henderson, who still serves as Chair of the Transportation and Telecommunications Committee of the Nebraska Legislature. While the bill established the Rural Broadband Task Force, <sup>1</sup> it also directed the Nebraska Public Service Commission (PSC or Commission) to establish rules and

regulations designing a reverse auction program for NUSF support.<sup>2</sup>

The purpose of a reverse auction is to expedite broadband deployment. The bill, as well as the rules and regulations the PSC has adopted (202 Rules),<sup>3</sup> create a two-step process for redirecting NUSF support allocated to an Incumbent Local Exchange Carrier (ILEC):

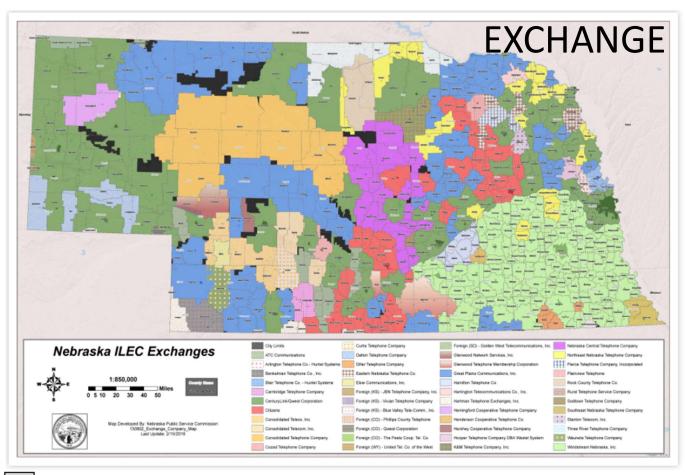
- Withhold support allocated to an ILEC that is not providing reliable, affordable voice and broadband services; 4 then
- 2. Auction the support to the lowest bidding Eligible Telecommunications Carrier (ETC), which will be subject to PSC regulation of rates and service.

The Commission has expressed a preference for redirection of support at an *Exchange* level. Most rural exchanges currently receiving support include at least one city or village. A map from the PSC (below) gives one a picture of what an Exchange looks like.

After the Commission's 202 Rules are effective, rural residents, farmers, ranchers and businesses can petition the Commission to withhold NUSF support from an ILEC that is not providing adequate service in an Exchange and put it up for auction to an ETC.

Strings will be attached to the redirected support. First, the ETC will

Continued on page 23



not receive support until deployment of broadband infrastructure is completed.<sup>5</sup> After completion, the ETC must:

- Meet rigorous voice service quality regulations.
- Offer affordable voice and broadband services.
- Offer broadband services at speeds of at least 25/3.
- Be committed to service of the long term, providing support continues in high-cost locations.

While not currently required, a recipient ETC would be well-advised to assist with broadband deployment in neglected municipalities within the Exchange as soon as feasible. Consideration should be given to innovative variations of private-public

partnerships to accelerate deployment and reduce costs. Community input should impact deployment priorities and strategy. Local and other sources of financing should be explored.

The last point is critical. NUSF support, under the present model, is not alone sufficient to cover the costs of deployment. It pays roughly 18 cents on the dollar towards actual deployment costs. Filling the remaining gap through subscriber rates is infeasible in rural areas where population density is low. All sources of other funding and finding should be explored from the federal level to the local.

returned them on October 8, directing the PSC to remove sections that gave rural communities more say in the process of redirecting support, because it was beyond the "wide discretion" granted the Commission to establish a reverse auction programs. The Commission has signaled an interest in restoring that portion of its rules through Legislation. In the meantime, it removed the problematic sections, and re-adopted the rules and regulations on November 4. See In the Matter of the Commission, on its own Motion, seeking to amend Title 291, Chapter 16, to adopt Reverse Auction and Wireless Registry rules and regulations in accordance with Nebraska Legislative Bill 994 [2018] Order Issuing Amended Certificate of Adoption (November 4, 2020). <sup>4</sup> NEB. REV. STAT. § 86-1101 establishes the current definition of broadband as minimum download speeds of 25 megabits per second (Mbps) and upload speeds of 3 Mbps. This standard has been criticized as too low. Arguments have been made that it should be symmetrical. <sup>5</sup> See footnote 4.

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<sup>&</sup>lt;sup>1</sup> NEB. REV. STAT. § 86-1102.

<sup>&</sup>lt;sup>2</sup> NEB. REV. STAT. § 86-330.

<sup>&</sup>lt;sup>3</sup> The Commission adopted the rules and regulations on July 14, 2020, but the Attorney General

## 5 communities receive 2020 CDBG Downtown Revitalization funding

Crete, Hebron, Plainview, Ravenna, Stanton receive grants

Pive communities across the state are set to receive grants from the Nebraska Department of Economic Development (DED) under the Downtown Revitalization (DTR) funding opportunity of the Community Development Block Grant (CDBG) for 2020. The awards total \$2.2 million.

A federal program provided by the Department of Housing and Urban Development (HUD) and administered by DED on behalf of Nebraska's non-entitlement communities (i.e., communities other than Lincoln, Omaha, Bellevue or Grand Island), CDBG provides funding to help communities tackle a wide array of local objectives, from tourism and economic development to public health and safety improvements – and everything inbetween.

DED currently administers nine CDBG funding opportunities. DTR can help communities make improvements to help spark commerce, enhance the appeal and promote vibrancy within local downtown districts.

A list of this year's DTR recipients is as follows:

- **Crete**: \$445,000 (commercial rehabilitation)
- **Hebron**: \$445,000 (commercial rehabilitation)
- **Plainview**: \$435,000 (commercial rehabilitation and clearance and demolition)
- **Ravenna**: \$435,000 (commercial rehabilitation and sidewalks)
- Stanton: \$435,000 (commercial

rehabilitation, clearance and demolition, and sidewalks)

Total: \$2,195,000.

For more information, contact Steve

Charleston at steve.charleston@ nebraska.gov or 402-471-3757. ■

Source – Nebraska Department of Economic Development



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### **Positions**

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

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

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

The salary range is regionally competitive and dependent upon background and qualifications of the successful candidate. The City will negotiate an employment agreement and offers an attractive benefit package consisting of health, dental, vision and life insurances, flexible spending account, vacation, sick leave and holiday pay and retirement.

To learn more about the community and position, please view the City Manager Position

### **Positions**

Profile at www.cityofalliance.net. Email your application, resume and cover letter to jobs@ cityofalliance.net. For questions, contact Carla Mayhew at 308-762-5400. City of Alliance is an Equal Opportunity Employer.

Applications will be reviewed and considered upon receipt. Second Review: Open until filled.

Chief of Police. Village of Coleridge, Neb., an EOE provider and employer, is accepting applications for the full-time position of Chief of Police. Candidate must be a certified police officer within the State of Nebraska, possess a valid driver's license and pass all applicable background checks. Preferred candidates will have at least three years of law enforcement management experience, an associate's degree or higher education.

Starting salary is dependent on qualifications and experience. Benefit package includes uniform allowance, health insurance allowance, retirement, paid holidays, sick leave and vacation leave.

To apply for the position, obtain an application from the Village Clerk's Office. The position remains open until filled.

Applications accepted in person during regular business hours at:

Village Clerks Office

111 S Main St.

Coleridge, NE 68727

Applications by mail:

Village of Coleridge

Attn: Police Chief Search

PO Box 276

Coleridge, NE 68727-0276

Web address: http://coleridge-ne.com/

Email address: villageofcoleridge@gmail.com

City Administrator. City of York (pop. 8,000) is seeking an engaging City Administrator. Located about half way between Lincoln and Grand Island, Nebraska along Interstate 80, and intersecting Highway 81 connecting the north and south route.

The City maintains its small-town appeal and high quality of life while balancing growth and progress. The area has been recognized for its livability and family-friendliness, great school systems and quality of life.

The City has a workforce of more than 70 FTE employees, plus part-time and seasonal employees. York is a full-service city including police, fire

#### **Positions**

/ ambulance, public works, sewer and water utilities, parks, recreation, library, airport, landfill, convention center and administrative services.

The City Administrator serves as chief administrative officer of the City and is responsible for the effective and efficient administration of all city services through the supervision of administrative staff and department heads. The City Administrator is in charge of the City's dayto-day operations and oversees an overall budget in excess of \$28 million of which \$8 million is in the General Fund. The City Administrator works closely on economic development efforts, including maintaining a close working relationship with the City's business community.

Ideal candidates will possess:

- A Master's degree in public administration or related field;
- At least eight years of increasingly responsible local government management experience;
- Proven leadership, managerial, and interpersonal skills:
- A team-oriented, strategic-thinking approach toward leadership;
- · Strong communication and collaboration
- Financial, analytical and budget management skills to lead a financially fit organization.

The City Administrator is appointed by, and reports to the Mayor and eight Council Members. The City of York offers a competitive comprehensive benefits package which includes a market competitive salary commensurate with education and experience. The city offers a full range of benefits including deferred compensation and health insurance.

The current Administrator is retiring. Applications will be accepted until the position

is filled, with a first review of resumes on Feb. 15, 2021.

Send resume, a completed City of York application, and references to: City Administrator, City of York, PO Box 276, York, NE 68467 or submit electronically to jfrei@cityofyork.net.

The full job description and application for employment can be found on the City of York website at www.cityofyork.net or by contacting the City office at 402.363.2600

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