

NEBRASKA MUNICIPAL REVIEW

■ Prime Time reading program helps
Grand Island children succeed in school

■ APPA recognizes Fremont Utilities
Department for achieving
exceptional electric reliability

■ League President Wendall Gaston
visits Mitchell, Lyman, Gering, Morrill,
Dix and Bushnell

APRIL 2018

2018 Nebraska Legislature adjourns sine die



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2018 Nebraska legislative chamber.

Photo by Lynn Marienau.

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CALENDAR

Municipal Accounting and Finance Conference June 20-22, 2018, Graduate, Lincoln
Annual Conference..... Sept. 19-21, 2018, Holiday Inn, Kearney

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

APRIL 2018

CITIES OF THE FIRST CLASS

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

CITIES OF THE SECOND CLASS

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

VILLAGES

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

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Thanks to Sen. Schumacher for his dedication, insights and thoughtful leadership during the last 8 years!

In closing comments, Sen. Schumacher offers view of storm clouds on the horizon

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

The eight Senators who are either leaving the Legislature because of term limits or who have chosen not to seek a second term gave farewell remarks April 18, on the last day of the 2018 session, in keeping with a longstanding legislative tradition. In the view of many seasoned legislative observers, the remarks of Columbus Sen. Paul Schumacher were anything but typical. Spoken against the backdrop of recurring state budget shortfalls, unrest over property taxes and a property tax petition drive already underway, the League staff and I thought it might be worthwhile to print his remarks for municipal officials who are affected by the issues about which Sen. Schumacher spoke. Although, we do not agree with everything he said (and certainly not what was said about municipalities), his edited remarks are thoughtful and worth reading.

After he thanked his constituents, legislative staff, family and business associates, he told colleagues that he was sorry to leave them with "such a mess" and said that he regretted he couldn't stay to help clean it up.

In his parting observations, he said that barring some cataclysm, Nebraska's future can be predicted with a high degree of certainty.

"It will continue to be dominated by

*the evolution of agriculture. It will see unprecedented bounty in grain and livestock produced by corporate genetics, chemistry, technology, finance, data, transportation and food processing. Traditional paradigms focusing on land ownership and physical labor will continue to diminish in importance. With few exceptions, smaller communities will wither, middle-sized ones will trudge along, and the few larger ones will endeavor with uncertain results in the international competition of geography, climate and culture. **Today, the state faces a financial crisis fueled by the ease of winning elections simply by telling people that they are overtaxed and abused by bloated government.***

"Our rhetoric causes people to expect government to perform; prisons to be reformed; mental health to be addressed; preschoolers to be taught fundamentals while both parents work for low wages; quality education to be provided for all; public pension plans to be bailed out; local government debt to be retired; penniless baby boomers to be cared for; highways to be four-laned and the working poor to be provided with subsidized training, housing and health care. Well, maybe not health care.

"In order to facilitate the profitability



Columbus Sen. Paul Schumacher

of capital incentive to be deployed here, we've led people to expect that and more and the people trusted us, believed what they were told. That the tab for all that would be paid for by tax cuts; eliminating waste; running the state like a business; withering away government; an influx of people that look like us and the elusive butterfly of growth.

"But, we face a stark reality of our rainy-day fund approaching dangerously low levels, more than halved while the sun was shining; unstable and volatile revenue sources; [and] extraordinary measures taken to dramatically slashed, previously approved state budgets because there

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simply was no money. State vendor payments manipulated; necessities deferred; retirement vacancies unfilled; hundreds of millions of dollars in business incentive obligations locked into a decade or more; sophisticated accounting maneuvers employed to produce the illusion of a constitutionally mandated balanced budget and an accelerating plunge into a financial abyss. Faced with that reality, people have every right to hold us accountable to pandering to the human psyche's affinity for easy solutions and quick fixes that serve only to perpetuate ideologies that are the antithesis of the adaptations necessary for a viable future.

"In modern democracies, it is far too easy for the patently ignorant or unconscionably ambitious to cleverly exploit the latent proclivity for simplicity and order. In the not too distant future, this great chamber will be filled with debates about the consequences of austerity, about closing state colleges, curtailing the four-lane highway program, selling public power assets, consolidating university departments with those in neighboring states, transitioning paved roads into gravel in depopulating counties and abandoning the notion that every homestead is entitled to daily, physical access to a state-operated K-12 system. So much of my time here was focused on taxation strategies that I now leave you in the quicksand of [\$750 million] three-quarters of a billion dollars a year in reduced revenue and hearing only demands for more quicksand.

"When I became county coroner, I received some good advice from my predecessor. When you have terrible

news to deliver, spit it out. Don't hem-haw around. Use a sharp knife and thrust swiftly.

"So, here it is when it comes to rural property taxes. There can be no property tax reduction for the agricultural estates because there is no accessible place to get the money. The urban population generally has small estates, maybe a house and a modest pension. And, all of that is exposed to the ravages of the nursing home and final medical expenses. Many live paycheck-to-paycheck with no equity to borrow against. Most urban heirs can expect to inherit little or nothing.

"In contrast, the agricultural estates that stand to gain more from property tax manipulations are worth millions, sometimes tens of millions. The heirs, many of whom live out of state, stand to inherit those millions virtually tax free. It is hard for those estates to get much sympathy. To be sure, there is a sinful amount of special deals, perks, exemptions and incentives, which reduce the income and sales taxes paid by the special folks. Such perks are guarded like Fort Knox and protected by nothing less than extortion. The unabashed threat – we will just leave the state. Even if Fort Knox were to be successfully raided, there would be a long waiting list ahead of doling out to the more rural estates on top of the 25 percent valuation decrease they already receive. There can be no property tax reduction for the rural estates because there can't be. All that there can be [are] shell games, smoke and mirrors and packs of lies. Our people deserve more honesty than that. Nor can there be some refuge in a petition drive. The simple truth is that the Legislature, caught between a rock and a hard place, has the people's

express permission to nullify a petition with no more votes than it takes to end a filibuster.

"Taxes are one of the mechanisms of organizing capital to do what a society expects done. And, sometimes, they are the only mechanism. Economies will adjust to a stable and predictable tax system. Anomalous favors to one group or another serve only to disrupt that process. Death and taxes are certainties. Nothing in this chamber can change that. One final observation. We live in a time when increasingly the past is cherished and the future is not welcome. In analyzing the pathology of our present predicament, our lack of candor with the public may be a consequence of a greater force. At the core of our democratic failure may be a university system that has failed in the mission of educating, of bringing forth that greatness that was within an aspiring peasant population fleeing the heavy hand of royalty and archbishops in search of freedom and opportunity.

"Can a university that shudders at the prospect of controversy and is panicked by the thought of its brand being weakened by a losing football season be relied upon to convey to the present the message of the future? The blessing and the curse of term limits bar me from further exploring that issue in this chamber.

"It may come to pass that from time to time I will speak on these and other issues at voiceofnebraska.com, but for now, in this fleeting moment, time draws to a close and I must take leave of this chamber. A sunset, a snowflake, a cloud formation, the gods give a limited ration to touch a soul, to warm a heart, to last but a moment and then forever depart." ■



What counts as work time under the FLSA when employees travel for work

BY JERRY L. PIGSLEY, WOODS & AITKEN LLP,
LONM LABOR AND EMPLOYMENT LAW COUNSEL

On April 12, 2018, the U.S. Department of Labor's Wage and Hour Division (WHD) issued a new opinion letter addressing what counts as work time under the Fair Labor Standards Act (FLSA) when employees travel for work. FLSA 2018-18. The opinion letter is an official, written opinion on how a particular law applies in specific circumstances presented by the person or entity requesting the letter. Opinion letters represent official statements of agency policy.

BACKGROUND

WHD responded to an employer's request for an opinion letter concerning the compensability of travel time for its hourly employees under the FLSA. WHD found the FLSA requires compensation for much, but not all, of the employees' travel time.

The employees did not work at a fixed location, but rather at varying job sites each day. The employees had no fixed daily schedule and often worked between eight and 12 hours per day. They may, at times, work up to 16 hours per day. The employees may need to stay in a hotel overnight and return in the morning to complete the job. The employees usually start at 7 a.m., but may be required

to arrive at work earlier than 7 a.m. The employees generally perform maintenance and repair work from 7 a.m. to 3:30 p.m. On occasion, the employees will travel out of town for training courses. The employer provides the employees with vehicles, which they may use for both work and personal purposes. The employer covers all fuel and maintenance costs for the vehicles.

TRAVEL TIME SCENARIO I

The employee travels by plane from home state to New Orleans on a Sunday for a training class beginning at 8 a.m. on Monday at the employer's office. The class generally lasts Monday through Friday, with travel home on Friday after class is over, or, occasionally on Saturday when Friday flights are not available.

WHD Opinion: Travel away from the employee's home community "is clearly worktime when it cuts across the employee's [regular] workday," as "[t]he employee is simply substituting travel for other duties." WHD does "not consider as worktime that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile." However, WHD recognizes the central issue in this sce-

nario is how to determine what travel time is compensable when there is no regular workday.

When the employees' time records do not reveal work patterns sufficient to establish regular start and end times, WHD proposes the employer look to the employee's time records during the most recent month of regular employment, and if that does not indicate any "normal" working hours, the employer may choose the average start and end times for the employee's workdays or the employer and employee (or employee's representative) may negotiate and agree to a reasonable amount of time or time frame in which travel outside of employees' home communities is compensable. Accordingly, using any of these methods to determine normal working hours, WHD will not find a violation for compensating employees' travel time only during those working hours. The exception being when the employee is required to perform work while traveling and then such hours will be counted as hours worked regardless of whether it falls within the regular workday.

If the employee chooses to forego travel by plane and instead travels by

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car, WHD cited its regulation which states: “if any employee is offered public transportation but requests permission to drive his [or her] car instead, the employer may count as hours worked either the time spent driving the car or the time he [or she] would have had to count as hours worked during working hours if the employee had used the public conveyance.”

As to compensability of travel time for an employee’s commute between a training site and the hotel in which he or she spends the night, WHD stated that when an employee is temporarily working at a fixed remote location, “generally, the travel time from the hotel to the worksite and back would be considered ordinarily home-to-work travel, and, as such, need not be compensated.”

TRAVEL TIME SCENARIOS 2 AND 3

The employee travels from home to his or her home office to get a job itinerary and then travels to the job site. The travel time from home to office varies depending on where the employee lives and can range from 15 minutes to one hour or more. The employees also may drive from home to multiple different job sites on any given day. All of this travel is in an assigned company vehicle.

WHD Opinion: Compensable worktime generally does not include time spent commuting between home and work, even when the employee works at different job sites. The exception being when the time involved is “extraordinary,” such as four hours, and then WHD would consider the greater portion of the travel time compensable. WHD

found travel between job sites after arriving at work is compensable. “Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day’s work, and must be counted as hours worked regardless of contract, custom, or practice.” Finally, WHD addressed the issue of whether use of an employer vehicle makes otherwise noncompensable travel time compensable. According to the WHD with respect to commuting time, the law specifies that use of an employer-provided vehicle does not, alone, make an ordinary commute compensable, provided that “the use of such vehicle for travel is within the normal commuting area for the employer’s business or establishment and the use of the employer’s vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee.”

SUMMARY

Municipalities are encouraged by the WHD to submit their request for opinion letters and can visit its website to learn whether there is existing agency guidance already addressing your questions. ■

Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of

this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpigsley@woodsaitken.com, or at Woods & Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.

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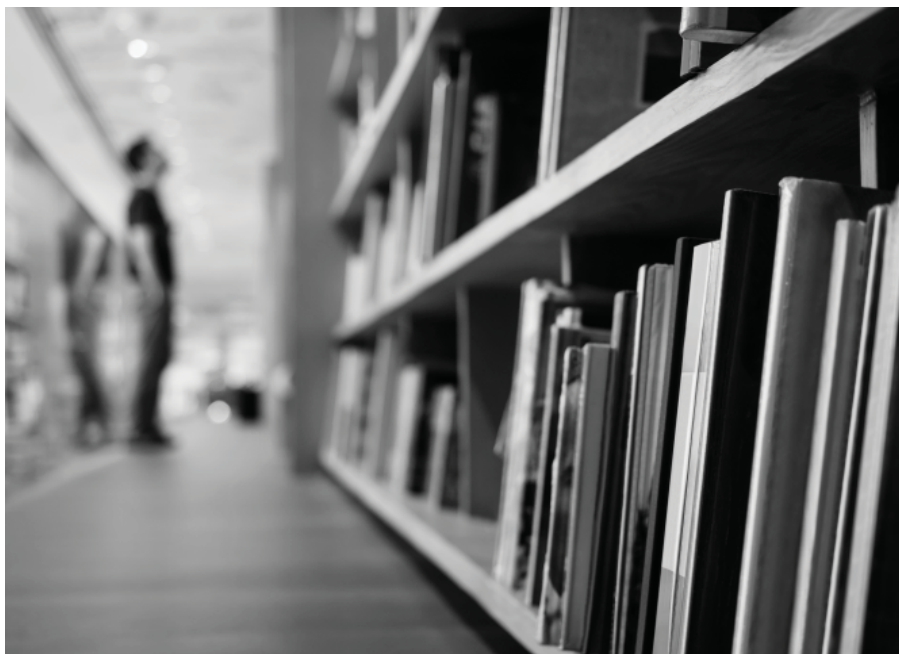
Six Nebraska public libraries receive project funding

Six Nebraska public libraries recently received project funding, thanks to the generosity of a lifelong educator, the late Shirley Kreutz Bennett of Lincoln. Each year, the Kreutz Bennett Donor-Advised Fund, an affiliated fund of Nebraska Community Foundation (NCF), accepts proposals for matching grants for public libraries in communities with populations under 3,000.

Following Ms. Kreutz Bennett's wishes, a Fund Advisory Committee composed of her nieces and nephews recommends grants in three areas: planning grants leading to accreditation; enhancement grants to improve library services; and facilities grants for new construction or the renovation, restoration or rehabilitation of current libraries.

All grants require a one-to-one match in local funding and evidence that the project has broad community support. About \$80,000 in grant funding is available each year. Grant seekers are encouraged to review the guidelines and application procedures at NebraskaHometown.org/give/kreutz-bennett-donor-advised-fund.

"I would definitely recommend that library directors in eligible Nebraska communities take the time to apply for grants through the Kreutz Bennett



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Donor-Advised Fund," said Dawnn Tucker, director of Lied Pierce Public Library.

"The grant funding that we received in Pierce has made a tremendous impact on the children's programming in our library. We were able to purchase new books, movies, crafts, games and musical instruments to add to our children's activities. These items have added new excitement, which in turn has increased the number of children involved."

For more information, contact Reggi Carlson, NCF communications specialist, 402-323-7338 or rcarlson@nebcommfound.org.

The following libraries received grants in 2018:

Dundy County Library

A grant of \$12,000 will help complete renovation of a building, which will serve as a new library facility and nearly double the space of the former building.

Dvoracek Memorial Library in Wilber

This library is located on a highway where parking is not permitted. The library received a grant of \$6,250 to match funds for construction of additional parking spaces close to the main entrance for increased accessibility for library patrons.

Genoa Public Library

This library applied for and received two separate grants. The first grant in the amount of \$1,000 will be used to purchase materials and supplies needed to incorporate a STREAM focus (science, technology, reading, arts, math) into children's library programs.

A second grant for \$5,000 will help with repairs to the library's exterior brick mortar and to complete additional façade renovation on the historic building that houses the library.

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MEAN presents City of Burwell with LED Commercial Lighting Program Merit Award

The Municipal Energy Agency of Nebraska (MEAN), the wholesale power supply entity of NMPP Energy, presented the City of Burwell with a merit award for the community with the most lighting projects during the fiscal year in MEAN's Commercial LED Lighting Program.

The award was presented to Jeremy Tarr, Burwell Electric Department Foreman, at the NMPP Energy Annual Conference in Lincoln March 27.

MEAN's Commercial LED Lighting Program includes cash incentives paid to commercial customers in MEAN's long-term wholesale electric communities to help cover the cost of lighting upgrades and replacements. The MEAN Board of Directors approved \$75,000 for the program for its fiscal year, which ran April 1,



Jeremy Tarr, left, Burwell Electric Department Foreman, accepts a merit award for the City of Burwell from Bob Poehling, NMPP Energy Executive Director, at the NMPP Energy Annual Conference March 27. Burwell received the award for its efforts in Nebraska's LED Commercial Lighting Program. Photo courtesy of Kevin Wickham, Communications Specialist, NMPP.

2017-March 31, 2018.

Burwell had 26 projects during this time and 48 projects completed under the program's duration, which included more than \$59,000 in incentives. The estimated annual savings from

the projects because of more efficient lighting is 250,000 kilowatt-hours of energy and 90 kilowatts of electric demand, which ultimately reduces the community's wholesale power costs. ■

Source – Kevin Wickham, NMPP

Six Nebraska public libraries receive project funding

Continued from page 8

Howells Public Library

The entrance to this library was damaged by flooding several years ago. A grant of \$6,000 will match funds to replace the front doors with automated doors, which will increase accessibility for library patrons.

Ravenna Public Library

A grant of \$20,000 will help support the fundraising campaign for construction of a new library in Ravenna.

Scribner Public Library

This library is using its \$1,500 grant to incorporate a makerspace in the

library and provide science-based kits, mechanical sets and sewing machines for its after-school and summer programs.

The Kreutz Bennett Donor-Advised Fund has provided 45 grants to Nebraska libraries since it began making annual grants in 2012. Christa Porter, Nebraska Library Commission Director of Library Development, said this grant program is perfect for libraries that are not yet accredited. "Libraries can use grant funding to gather information for their Community Needs Response Plan. This might include

paying for a professional to facilitate focus groups or to conduct personal interviews or surveys," Porter said.

Other possibilities for non-accredited libraries may include one-time, or first time, costs to help libraries earn points on the Accreditation Application. For example, help with purchasing an Integrated Library System, subscribing to online library databases, joining regional or statewide consortia and expenditures for start-up technology purchases and services. ■

Source – Nebraska Community Foundation

2018 Nebraska Legislature adjourns sine die

For 8 Senators, it is the last regular legislative session

The second session of the 105th Legislature adjourned sine die on April 18 and for eight Senators, it was their last regular session. Six lawmakers are leaving the Legislature because of term limits, which limits a state Senator's service to two consecutive terms. Those six include: **Sen. Lyndia Brasch** of Bancroft; **Sens. Burke Harr** and **Bob Krist** of Omaha; **Sen. Tyson Larson** of O'Neill; **Sen. Paul Schumacher** of Columbus; and, **Sen. Jim Smith** of Papillion. Two Senators – Lincoln **Sen. Roy Baker** and Heartwell **Sen. John Kuehn** – decided not to seek reelection to a second term. It is possible that the Legislature will lose two more lawmakers because Sen. Dan Watermeier of Syracuse is seeking a seat on the Public Service Commission and Sen. John Murante of Gretna is running for State Treasurer.

Ricketts thanks Senators

During the waning moments of the session, Gov. Pete Ricketts thanked Senators for their public service and for working together to pass legislation to prevent opioid abuse, increase speed limits on the state's highways and remove what he described as "onerous" occupational licensing regulations.

The Governor praised lawmakers for passing a bill designed to prevent a nearly \$200 million tax increase on

Nebraskans because of changes in the federal tax code last year. However, he said, the Legislature failed to pass a bill that would provide property tax relief despite support from the public and various agricultural and business groups. Looming on the horizon is a petition drive that, if successful, could result in a mandated property tax cut that would leave an enormous hole in the state budget.

It is a tradition on the last day of session for lawmakers leaving the Legislature to make farewell comments. Their remarks were at times funny, touching and interesting. (*Sen. Schumacher's comments have been separated from the others and appear on pages 4-5 of this edition.*)

Besides thanking his constituents, colleagues and legislative staff, **Sen. Baker**, thanked the lobbyists and reporters covering the Legislature for keeping people informed and the role they play in the process.

"I never cease to appreciate the opportunity to walk into this building, probably one of the most majestic buildings in the state of Nebraska," he said. "I feel like we are part of history."

He said he and his wife would be moving to Minnesota for the summers and Arizona for the winters to be near his children and grandchildren.

Quoted Dr. Seuss

Besides thanking her colleagues, legislative staff, family and friends, **Sen. Brasch** quoted Dr. Seuss. "Sometimes, you will never know the value of a moment until it becomes a memory." She said her eight years of service went quickly and "will become a humbling memory of the honor and the privilege it is to serve..."

In his final remarks, **Sen. Harr** remembered visiting the Capitol as a fourth grader and wanting to work there.

"I've enjoyed and loved the work and the people here."

He thanked those whom he said made it possible for him to serve, including his constituents, colleagues, legislative staff and family.

"It has been a privilege, no matter how short, to be a steward of this unique institution, the Unicameral [Legislature]," he said.

In a brief address, **Sen. Krist** said: "Today is the day for me to give thanks." He thanked his legislative staff and others who work in the Legislature and the Capitol for their help during his tenure.

An honor to serve

Sen. Kuehn said that it had been an honor to represent the citizens of his district and he thanked his legislative staff.

"I truly want to thank all of the family and friends who have made it possible for me to serve. I've got family and friends who have put cattle in that were running down the road while I was here [and] who have done late night checks," he said. "My service would not have been possible without the sacrifice of many, many people who may not even realize the role that they have played in my service."

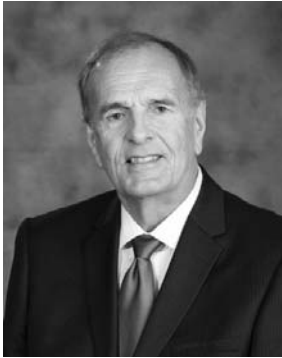
In his remarks, **Sen. Larson** thanked his legislative staff and said he couldn't have done the job without them. He also thanked his constituents who elected him when he was only 23 and reelected him four years later.

"This place has given me many

Continued on page 11

**Check out the
League's website
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Thanks for your years of service!



Lincoln Sen. Roy Baker



Bancroft Sen. Lydia Brasch



Omaha Sen. Burke Harr



Omaha Sen. Bob Krist



Heartwell Sen. John Kuehn



O'Neill Sen. Tyson Larson



Columbus Sen. Paul Schumacher



Papillion Sen. Jim Smith

Continued from page 10

memories and lessons, ones that I look forward to passing onto my children,” he said. “Hopefully, they will get to serve their communities as I did and hopefully, they will get paid a little more for doing it.”

In his final remarks, **Sen. Smith** recognized family members, who were present in the chamber for the last day. “We’ve had a great experience and we will forever remember our time here,” he said, thanking his legislative staff and committee staff for their service.

“I did not enter into this office with

the expectation of any specific accomplishment,” Sen. Smith said. “Rather, I came with the purpose to represent the business men and women of our state and the entities that create the jobs and the quality of life for our families. And, though that purpose continues on for others in this Legislature to pick up and to carry, I’m satisfied that I, nonetheless, made progress in my eight years.”

Speaker **Jim Scheer** told lawmakers they had accomplished much during the 60-day session, but left several

issues, such as property tax reform, for future lawmakers to resolve. The Speaker urged Senators to spend the interim reaching out to other Senators on big issues.

The first session of the 106th Legislature is scheduled to convene Jan. 9, 2019. It will be a 90-day session, which means it will likely end in late May or early June. ■

League President Wendall Gaston visits Mitchell, Lyman, Gering, Morrill, Dix and Bushnell

In his role as League President, Wendall Gaston, Sidney Council Member, is serving as the League's ambassador and is in the process of visiting several cities and villages this year. Thanks to the many municipal officials who have extended a warm welcome to League President Gaston. These photos also appear on the League's Facebook page at www.facebook.com/leaguene. Be sure to like us.



League President Wendall Gaston, Sidney City Council Member, is on the road to the City of Mitchell, which is a member of the League and the Utilities Section. Pictured from left: Nancy Serres, Assistant Clerk; Ronda Hnasky, Clerk/Treasurer; League President Wendall Gaston; Jeff Sprock, City Administrator; Police Chief Mike Cotant.

League President Wendall Gaston, Sidney City Council Member, visited Gering. From left to right: Gering City Council Members Pam O'Neal, Dan Smith, Julie Morrison; League President Wendall Gaston; Mayor Kaufman; Council Members Michael Gillen, Ben Backus, Susan Wiedeman and Troy Cowan. Gering is a member of the League and the Utilities Section.





As League President, Wendall Gaston, Sidney City Council Member, visited the Village of Morrill, which is a League and Utilities Section Member. Deputy Clerk Tracey McMackin is pictured here.



League President Wendall Gaston, Sidney City Council Member, visited Bushnell. He is pictured here with Clerk/Treasurer Joyce Vrbka. Bushnell is a member of the League.



As League President, Wendall Gaston, Sidney City Council Member, visited the Village of Dix, which is a League and Utilities Section Member. From left: Dix Clerk/Treasurer Sharon McKinney and League President Wendall Gaston.



Wendall Gaston, League President and Sidney City Council Member, visited the Village of Lyman, which is a League and Utilities Section Member. Pictured is Betty Wilson, former Deputy Clerk, who was filling in for the Administrator/Clerk/Treasurer, Kim Robb.

New home for Pilger's fire trucks and equipment

BY LARAYNE TOPP, CORRESPONDENT,
NORFOLK DAILY NEWS

On a warm day two firefighters en route to a call turned back to warn residents here that a tornado was about to slam into the town.

They saved an untold number of lives but couldn't do anything to stop the destruction of more than 70 homes and other buildings. And while it was at it, the tornado also flattened the village's fire hall.

Today, that fire hall has been replaced with an impressive structure – a joint venture of Pilger Volunteer Fire and Rescue and the Stanton County Rural Fire District.

Easy access to highway

The 8,800-square-foot building wasn't built on the location of the previous hall, but rather at a site with easy access to Highway 15. The dirt work for the building project and placement of water lines was completed already last year.

The building itself was finished this February with room for the department's five fire trucks and two ambulances. In addition to space for vehicles, the facility also boasts a kitchen, meeting room, EMS storage rooms, office and work rooms, with a second-story mezzanine for storage.

The new hall will be open for public viewing with a ribbon-cutting ceremony during this summer's Pilger Days celebration on July 21. The event's annual BBQ and dance will be held at the hall as well.

"We're planning a special blow-out just for this year," said Kim Neiman, Pilger's Public Information Officer, on the plans to showcase the building.

Stored in outbuildings

For 15 months after the tornado hit, Pilger Fire and Rescue was out of business, according to Fire Chief Kory Koehlmoos. Trucks were stored in outbuildings at area farms, and Wisner and Stanton fire and rescue departments covered any calls.

**Look at the League's Facebook page
at www.facebook.com/leaguene
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A new firehall at Pilger is one of the latest additions to the town after a tornado hit on June 16, 2014. Pictured in the spacious new facility are, from left: Rescue Captain A.J. Kluthe, Fire Chief Kory Koehlmoos and Public Information Officer Kim Neiman. Photo by LaRayne Topp, Norfolk Daily News. Reprinted with permission.

A temporary hall was then erected on a lot owned by Randy Oertwich. The department drew up a contract between Oertwich and its insurance carrier to erect and lease the building, with plans for Oertwich to purchase the building once it was vacated by the fire department.

Funding from various sources

The \$976,000 price tag for the new hall was funded through insurance payments, FEMA and NEMA disaster funds and Stanton County Rural District tax funds, plus private funds from the Louie and Abby Faye Dinklage Foundation, the Ronnie Gemelke estate and the Cooper Foundation. In addition, various smaller individual contributions were received, along with support from neighboring fire departments. ■

South Sioux City's Hedquist receives Innovative Service Award

Lance Hedquist, City Administrator, City of South Sioux City, received the Bob Arraj Innovative Service Award at the Nebraska Municipal Power Pool (NMPP) annual conference in Lincoln.

The award is presented annually to an official or employee of a NMPP member utility system who has excelled in service and/or used innovative technological changes in the utility industry. The award is a memorial tribute to Bob Arraj, former city administrator and utilities superintendent of Kimball. Arraj's years of knowledge, insight and expertise in the energy field allowed NMPP members to benefit from numerous innovative energy and service projects.

Hedquist was honored for his work in creating numerous partnerships with public and private agencies resulting in cost-savings in taxes and utility rates for South Sioux City residents. Under Hedquist's leadership, South Sioux City has various partnerships in housing, infrastructure, renewable energy, public safety and general quality of life to advance the community.

These partnerships have resulted in improved services to South Sioux City's citizens, an enhanced environment and provided a focus for the community's future.

As the recipient of the award, Hedquist received \$350,



NMPP Energy Executive Director Bob Poehling, right, presents Lance Hedquist, City Administrator, South Sioux City, with the Bob Arraj Innovative Service Award at NMPP Energy's Annual Conference in Lincoln. Photo courtesy of Kevin Wickham, Communications Specialist, NMPP.

which will be designated to go to the South Sioux City Public Library Foundation. ■

Source – Kevin Wickham, NMPP

Lincoln community coalition supports creation of JPA to ensure funding for school safety and student enrichment programs

Lincoln Mayor Chris Beutler and Lincoln Public Schools Superintendent Steve Joel in April said that establishing a Joint Public Agency (JPA) is the most effective way to ensure that school safety and student enrichment programs continue to be funded long term. Mayor Beutler and Joel joined members of the new Safe and Successful Kids Community Coalition to outline a comprehensive plan that includes the addition of School Resource Officers and a threat assessment officer. The JPA also would provide more funding for student mental health services and for programming at the Community Learning Centers (CLCs).

JPA composition

The JPA would consist of three school board members, the Mayor and two city council members. It would be able to levy up to one cent of property tax. Mayor Beutler and

Joel said the city and LPS would both work through their respective budget processes with the intent of lowering their tax rates. The goal is to ensure residents do not see an increase in their property tax levy to fund the safety and student achievement improvements. A one-cent levy would bring in about \$2 million the first year.

Comprehensive community approach

Beutler said an issue as complicated as student safety and achievement must be addressed with a comprehensive community approach that can be sustained long term. "The JPA's mission will be the safety and success of our kids, and we believe these issues are important enough to have this singular focus," Beutler said.

The creation of a JPA would require majority approval by both the City Council and the School Board. ■

Source – City of Lincoln

APPA recognizes Fremont Department of Utilities for achieving exceptional electric reliability

Fremont Department of Utilities has received national recognition for achieving exceptional electric reliability in 2017. The recognition comes from the American Public Power Association (www.PublicPower.org), a trade group that represents more than 2,000 not-for-profit, community-owned electric utilities.

The association helps members track outage and restoration data through its subscription-based eReliability Tracker service and then compares the data to national statistics tracked by the U.S. Energy Information Administration for all types of electric utilities.

Earned recognition

Fremont has earned recognition for its low System Average Interruption Duration Index (SAIDI). SAIDI is defined as the average interruption

duration (in minutes) for customers served by the utility system during a specific time period. SAIDI is calculated by dividing the sum of all customer interruption durations within the specified time frame by the average number of customers served during that period. For example, a utility with 100 customer minutes of outages and 100 customers would have a SAIDI of 1.

SAIDI is 10 minutes

Fremont's SAIDI is 10 minutes. The national average is 129 minutes. These numbers do not include major outages or scheduled events. Here is the best part; Fremont's SAIDI, including major events and scheduled outages is 104 minutes, which is still well below the national average that doesn't include major events.

"We are proud to receive this recognition. It is a testament to the hard

work of all our staff to ensure that the lights stay on for all our customers," said Mike Royuk, Electric Distribution Superintendent. Royuk speaks highly of and gives credit to the staff involved; which not only includes the lineworkers, who are on the forefront of outages, but also the tree crew, the metering and service staff and the electrical engineering staff.

First time recognition

This is the first time Fremont has earned this type of recognition. Royuk also credits the implementation of consistent preventative maintenance on both above and below ground distribution systems in our community.

"This recognition helps demonstrate public power's commitment to reliable electric service," said the association's Senior Vice President of Engineering Services, Michael Hyland.

Public power has a strong track record of reliability, Hyland said. Nationwide, the average public power customer has his or her lights out for less than half the time compared to other types of utilities. ■

Source – City of Fremont



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Prime Time reading program helps Grand Island children succeed in school

Primetime Family Reading Time is returning to the Grand Island Public Library. The six-week program is free and open to families and children, ages 6-10, who struggle with reading. Beginning mid-March, the Thursday evening sessions will include a light meal at 6 p.m. and continue with storytelling and discussion based on award-winning children's books.

Prime Time is a Humanities Nebraska family literacy program that helps strengthen participants' interest and skills in reading and talking about books. A definitive 10-year analysis published by the creators of Prime Time Family Reading Time found that children who attend Prime Time show a 95-100 percent improvement on achievement tests in elementary school and 81 percent improvement on high school exit exams.

All sessions are offered without cost to families thanks to generous statewide sponsors, including the State of Nebraska, Nebraska Cultural Endowment, Carol Gendler and an anonymous donor.

Humanities Nebraska has offered Prime Time since 2002, reaching more than 15,000 Nebraskans in one or more of the 238 Prime Time series that have been held throughout the state. Seventeen public libraries, 18 elementary schools, one Head Start program and five community centers have hosted Prime Time in communities where student reading scores do not meet Nebraska state standards.

For more information about Prime Time in Nebraska, visit the Humanities Nebraska web site, www.HumanitiesNebraska.org, and select

"Prime Time" from the programs list. For more information about the library, visit www.grand-island.com/library, or go to www.facebook.com/

www.twitter.com/GIPLibrary, or follow the library on Twitter at www.twitter.com/GIPLibrary. ■

Source – City of Grand Island



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MEAN presents service award to Oxford's Duane Hoffman

The Municipal Energy Agency of Nebraska (MEAN) announced Duane Hoffman, Village of Oxford Utilities Superintendent, as the recipient of its Rudy Hultgren Dedicated Service Award March 27 at the Annual NMPP Energy Meeting and Conference.

The award is presented annually to an individual of a MEAN member utility who has displayed commendable efforts in promoting 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.

Always responsive

Hoffman and his staff maintain and operate the Oxford power plant and are always responsive when requested to run Oxford's electric generating units, said Tim Cervený, manager of resources and transmission for MEAN.

"Duane is an excellent example of an individual that goes above and beyond in order to ensure the success of his community and MEAN," Cervený said.

The Oxford Electric Department recently installed individual fuel gas meters on generating units, providing accurate heat rate calculations, which are key in determining operational costs of the units.

Innovative solution

Cervený noted Hoffman also implemented an innovative solution to cold weather issues affecting power plant units. Hoffman designed, fabricated and installed a water recirculating/heating system that warms each engine while in standby mode during cold weather. This improves start reliability and reduces heating requirements of the power



Nebraska Municipal Power Pool (NMPP) Energy Executive Director Bob Poehling, right, presents Duane Hoffman, Oxford Utilities Superintendent, with the Municipal Energy Agency of Nebraska's Rudy Hultgren Dedicated Service Award at the NMPP Energy Annual Conference March 27. Photo courtesy of Kevin Wickham, Communications Specialist, NMPP.

plant building, providing potential savings in heating costs.

Hoffman is active in the MEAN organization by serving on the MEAN Board of Directors, Management Committee, Services Committee and Power Supply Committee.

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

■

Source – NMPP Energy

Interim committee hearings to begin in late summer, early fall

Interim Legislative Committee Hearings will begin in late summer and early fall. You may find the schedule for hearings listed at <http://nebraskalegislature.gov/session/interim.php>. ■

What address do I use to write my state Senator?

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District number
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Most Senators also have email addresses. The web site address is <http://nebraskalegislature.gov>. ■

Omaha's street budget grows to \$18 million

Omaha Mayor Jean Stothert authorized in April additional funds to be spent on street repair this summer.

About \$3 million will be added to the current budget for new projects, bringing the current total to \$18.5 million. Budget projections for 2018 show the additional funds are available in the Public Works budget. These projects will be primarily concrete panel repairs throughout the city. The locations are being determined.

In the State of the City speech in February, Mayor Stothert announced 58 initial street resurfacing projects for 2018 at a cost of \$15.5 million. Contracts already have been awarded for 15 projects at a cost of \$3.9 million. Work will begin soon.

This month, the Omaha City Council will consider a contract for residential and major street resurfacing, which includes 24 projects for a total cost of \$5.8 million.

A third package (Major Street Resurfacing) will be bid later in the year.

"We have made street repair a priority," Mayor Stothert said. "We will continue to look for opportunities to increase funding for effective, long-term repairs."

Resurfacing projects are selected based on traffic volume, history of maintenance and related costs, current or upcoming utility work, and the condition of the street using the PASER (Pavement Surface Evaluation and Rating) rating system. PASER is a national average developed by the University of Wisconsin-Madison Transportation Information Center. PASER uses a 1-10 scale to rate the street condition, 1=failed, 10=excellent. The average PASER rating is 7.8 for major, secondary and connector streets in Omaha. Streets with a PASER rating of 4 or lower are prioritized



Omaha Mayor Jean Stothert

for resurfacing.

In addition to asphalt resurfacing, Mayor Stothert budgeted \$600,000 to continue the brick street repair program.

Source – City of Omaha

League magazine available on website

The League of Nebraska Municipalities is pleased to announce that the *Nebraska Municipal Review* is available on the League's website at <http://www.lonm.org/> under the "Publications" tab. As always, we encourage you to share news from your city or village with fellow municipal officials by sending information for the *Nebraska Municipal Review* to the League of Nebraska Municipalities, Attn: Lynn Marienau at 1335 L Street, Lincoln, NE 68508, 402-476-2829 by phone or lynnm@lonm.org by e-mail. ■

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NLC – City priorities shine through in FY18 omnibus spending bill

The House and Senate have reached a deal on the omnibus appropriations bill (H.R. 1625), a \$1.3 trillion spending proposal that maintains or increases funding for key programs that cities use to fund infrastructure, economic development and public safety, among others. The bill comes after more than 1,000 city leaders lobbied Congress over the past year to save Community Development Block Grants (CDBG), TIGER grants, workforce development and education programs and energy efficiency and renewable energy programs.

“The spending bill before Congress shows that our federal partners have heard the thousands of city leaders urging them to reject the severe budget cuts proposed by the administration and that were required under sequestration,” said NLC President Mark Stodola, Mayor of Little Rock, Ark. “This bill makes clear that city leaders are part of the solution to our country’s greatest challenges. It’s a victory not only for America’s 19,000 cities, towns and villages, but for the more than 250 million residents that rely on safe and reliable infrastructure and strong local economies that contribute 91 percent of the nation’s GDP.”

The bill also includes additional funding for water infrastructure through the U.S. Environmental Protection Agency, including for lead testing and lead reduction in schools, which NLC has been calling for in its Rebuild With Us infrastructure campaign. NLC also supports the bill’s reauthorization of the brownfields redevelopment program, which helps cities clean up contaminated properties, the expansion of Low-Income Housing Tax Credits to make up for losses in affordable housing stemming from tax reform,



U.S. Capitol. © Thinkstock.com

and the extension of the National Flood Insurance Program until July 31, 2018.

Selected provisions from the bill include:

- CDBG: First meaningful increase since 2010, from \$3 billion to \$3.3 billion.
 - Transportation Investment Generating Economic Recovery (TIGER): Increased by \$1 billion.
 - Airport Discretionary Grants Targeting Small and Rural Airports: Increased by \$1 billion.
 - Clean Water and Drinking Water State Revolving Loan Funds: Increased by \$300 million each
 - Transit Infrastructure Grants: Increased by \$834 million (including \$400 million to help communities modernize their bus systems and \$400 million for capital assistance to transit systems).
 - Rural Broadband Infrastructure: \$600 million in new funds.
 - State and Local Law Enforcement Grants: Increased by \$1.2 billion for a total of \$2.9 billion in 2018.
- This includes a total of \$446.5 million, an increase of \$299.5 million more than fiscal year 2017 in DOJ grant funding to help state and local communities respond to the opioid crisis.
- State Opioid Response Grants: \$1 billion in new funding for grants to states to address the opioid crisis (this funding is in addition to the \$500 million provided in the 21st Century Cures Act).
 - National Pre-disaster Mitigation Fund: Pre-disaster mitigation funding increased from \$149 million to \$249 million to build infrastructure that prevents loss of life and mitigates risks, reduces damage from future disasters, and lowers flood insurance premiums.
 - HUD-VA Supportive Housing (HUD-VASH) Vouchers: Increase funding of \$40 million for new vouchers, while also protecting VA resources providing case management for homeless veterans. ■

This column is provided, free of charge, for use and reference by Nebraska municipal officials and employees. All others pay 55 cents per word to place ads. Closing date is the first of the month of publication. Ads are subject to editing and will appear once unless otherwise requested. Classified ads also can appear on the League's website at www.lonm.org.

Positions

Electric Lineman. City of Fairbury has two openings for an Electric Lineman position. Applicants must have high school diploma. Individuals with a degree in electrical power and distribution are strongly preferred. Position involved in installation, maintenance and repair of underground and overhead electric distribution and service lines, transformers, meters, metering equipment and related equipment. Operating variety of equipment including but not limited to digger truck, bucket truck, backhoe, skid steer, etc. will be necessary. Position will assist other city operations and perform other duties as required. Finalists must possess valid driver's license with acceptable driving history. Individual must be able to obtain a Class B, CDL within the probationary period. Post-Offer Employment Testing (POET), including but not limited, to drug screening, criminal background check and a Physical Capacity Profile will be required. Position to remain open until filled. Candidates must submit completed job application to Collin Bielser, City Administrator, P.O. Box 554, Fairbury, NE 68352. Job application form available at City Hall or at www.fairburyne.org. Please contact Electric Superintendent, Jim Morehead, at jmorehead@diodecom.net for more information and detailed job description. City of Fairbury is an EOE.

Lineworker. City of Mitchell accepting applications for position of Lineworker for Electric Department until opening is filled. Salary commensurate on experience. Successful applicant must establish residency within 15-minute response time, must be able to obtain a Nebraska Commercial Driver's License upon hire and is subject to random drug testing as required by DOT regulations. Applications and complete job descriptions available at Mitchell City Offices, 1280 Center Avenue, Mitchell, NE 69357, 308-623-1616, or cityadmin@mitchellcity.net. AAA/EEO.

Positions

Electric Department Foreman. City of Mitchell is accepting applications for position of Foreman for the Electric Department until opening is filled. Salary commensurate on experience. Successful applicant must establish residency within a 15-minute response time, must be able to obtain a Nebraska Commercial Driver's License upon hire, and is subject to random drug testing as required by DOT regulations. Applications and complete job descriptions available at Mitchell City Offices, 1280 Center Avenue, Mitchell, NE 69357, 308-623-1616, or cityadmin@mitchellcity.net. AAA/EEO.

Utility Superintendent. City of Yutan seeks full-time person to perform duties in the operation and maintenance of streets, sewer and water system, storm drainage, parks, city equipment, public buildings, building inspection and other tasks as assigned for the City of Yutan, an EOE. Candidate must be in good physical condition and possess a valid Nebraska driver's license with a clean driving record. State Certification as a Grade 4 Water Operator and Grade 1 Lagoon Wastewater Operator preferred, but applicants who display willingness and ability to obtain above certifications will be considered. Competitive pay based on experience and certification. Job description and applications available at the Yutan City Office: 112 Vine Street, Yutan, NE 68073. 402-625-2112.

City Clerk-Treasurer. City of Yutan seeks full-time person to fill appointed position of City Clerk-Treasurer. Responsible for preparing and maintaining official municipal records; Responsible for preparing, filing and processing of budget; acts as a custodian for city funds; manages and develops accounting and utility activities for city; able to react to change productively and to handle other tasks as assigned by City of Yutan, an EOE; and has authority over office personnel. High School diploma or

Positions

equivalent. Experience and/or training in an office, in accounting procedures and methods including computerization, business administration and supervision. Prior municipal experience preferred. Experience with Quickbooks and Microsoft Office software preferred. Competitive pay based on experience and certification. Job description and applications are available at the Yutan City Office: 112 Vine Street, Yutan, NE 68073. 402-625-2112.

Assistant Utility Superintendent. City of Ord seeks applications for full-time Assistant Utility Superintendent. Under direction, the successful applicant will perform a variety of supervisory, administrative, skilled, technical, and maintenance work in the planning, construction, operation, repair, and maintenance of city's electrical system, light plant, water and wastewater systems, and streets. State certification is preferred for operation of drinking water and waste water systems and must be obtained within a timeframe set by the City Council. Drug testing and valid Nebraska driver's license are required. Person must be able to work in extreme weather conditions, and be on call after hours for emergencies. This person will be required to work with other city departments when needed. This individual must have a minimum of 5 years experience in utility services. City of Ord offers an excellent benefit package. Application may be obtained at the Ord City Office, 201 S. 17th Street, Ord, NE 68862 or by calling 308-728-5791. Applications are due in the City Office by 5 p.m. on June 15, 2018. EOE

**See page 22- 23 for
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