

NEBRASKA MUNICIPAL REVIEW

■ 'Best Practices' and some information
for Village Boards related
to financial records

■ Imperial flourishing with pool,
locker rooms, skate park and library

■ 2018 general election results
for municipalities, Legislature

Official Publication of the League of Nebraska Municipalities

NOVEMBER 2018

Omaha Land Bank projects transform neighborhoods and communities



3155 Meredith Avenue, Omaha

Contents

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Omaha Land Bank projects transform neighborhoods and communities.

Top left: House in Omaha at 3155

Meredith Ave. before work is done to rehabilitate the property.

Top right: 3155 Meredith Ave., Omaha property after work has been done.

Bottom left: Kitchen at 3155 Meredith Ave., Omaha property before work to restore it.

Bottom right: Kitchen at 3155 Meredith Ave., Omaha property after restoration work.

Photos provided by the Omaha Land Bank.

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CALENDAR

Utilities/Public Works Section Annual ConferenceJan. 16-18, 2019, Embassy Suites, Lincoln
Midwinter Conference.....Feb. 25-26, 2019, Cornhusker Marriott Hotel, Lincoln
Municipal Accounting and Finance ConferenceJune 12-14, 2019, Graduate, Lincoln
Annual Conference.....Sept. 18-20, 2019, Cornhusker Marriott Hotel, Lincoln

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

NOVEMBER 2018 CITIES OF THE FIRST CLASS

First day.....Class C liquor license year begins. (53-124)
Within 15 days of Passage.....Clerk publishes ordinances passed. (16-405)
Within 10 days from meeting
or before next meeting
(whichever is sooner)Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from
Council meeting.....Clerk publishes official proceedings of meetings including claims. (19-1102)
End of month.....Clerk files monthly report. (16-317)
Within 20 days after end of month.Treasurer files monthly financial report. (16-318)
* *Clerk must prepare agenda prior to next Council meeting. (84-1411)
ReminderI and 6 year plans are due at the Nebraska Department of Roads no later
than March 1, 2019. (39-2115 to 39-2119)

CITIES OF THE SECOND CLASS AND VILLAGES

First day.....Class C liquor license year begins. (53-124)
Within 15 days of Passage.....Clerk publishes ordinances passed. (17-613)
Within 10 days from meeting
or before next meeting
(whichever is sooner)Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from Council
or Board meeting.....Clerk publishes official proceedings of meetings including claims. (19-1102)
Within 20 days after end of month.Treasurer files monthly financial report. (17-606)
* *Clerk must prepare agenda prior to next Council or Board meeting. (84-1411)
ReminderI and 6 year plans are due at the Nebraska Department of Roads no later
than March 1, 2019. (39-2115 to 39-2119)

Nebraska Municipal Review Editor and Advertising Sales: Lynn Marienau, 402-476-2829 or lynnm@lonm.org

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League Executive Board passed Resolution opposing term limits

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

On Sept. 20, 2018, the League Executive Board unanimously passed Resolution No. 3 (page 5 of the *Review*) stating that the League strongly opposes limiting who voters can elect based on arbitrary term limits for municipal elected officials, whether the restriction on the number of terms is applied prospectively or is unfairly applied retroactively by changing the rules in an election cycle. There is no legitimate or compelling reason to limit how many times a voter can choose to re-elect a municipal official. The historic four-year term of office for a municipal elected official in Nebraska already enables voters to evaluate his or her performance in office and hold his or her mayor, council member or village board member accountable on a regular basis by voting at an election every four years. For these reasons and others, **term limits simply are not necessary!**

Resolution No. 3 was passed by the League Executive Board in response to an initiative petition drive placing a proposal on the November ballot to amend Lincoln's City Charter to **RETROACTIVELY** limit a Lincoln Mayor to three consecutive terms in office. (*Lincoln Mayor Chris Beutler chose not to participate in the discussion or vote on Resolution No. 3.*) Unfortunately, Lincoln citizens voted 52-47

percent to approve this arbitrary amendment to Lincoln's City Charter precluding Mayor Beutler from seeking a fourth term of office in the spring of 2019. It has been reported that a number of citizens who signed the petition were confused about the intent of the proposal and many who voted for the Charter Amendment did not realize that Mayor Beutler could not run for a fourth term.

Due to Mayor Beutler's effective leadership, the impressive growth in Lincoln, especially in the Haymarket area, has forever changed the landscape of the city. His consensus building with stakeholders on important issues and projects has strengthened the fabric of Lincoln! **Even those civic leaders who have disagreed with Mayor Beutler contend that he has been the most effective mayor in Lincoln in the last 50 years.**

Mayor Beutler announced in March that he was running for a fourth term of office. The petition drive in Lincoln targeting Mayor Beutler, a prominent Democrat, was announced in July and organized by three state Republican leaders. However, **Omaha Mayor Jean Stothert**, a prominent Republican, who joined Mayor Beutler and me at a press conference in Lincoln on Oct. 4, stated that the proposal was not supported



Lincoln Mayor Chris Beutler

by the state GOP or Gov. Pete Ricketts, who informed her that he was not involved. In encouraging Lincoln voters to reject the "so-called" term limit proposal, Mayor Stothert emphasized that proponents of the ballot question were using term limits to target Mayor Beutler rather than field a competent candidate to try to unseat him. Mayor Stothert said, "The message here today is that this is wrong. Don't make it retroactive; don't make it to punish the officials in office now."

On Oct. 10, 2018, the *Omaha World-Herald* published a thoughtful editorial asking Lincoln voters to oppose in November the "ballot-measure ploy" that would restrict their choices of candidates to be their leaders in the

Continued on page 20

RESOLUTION NO. 3

WHEREAS, the 529 cities and villages in Nebraska are typically among the largest corporations or businesses in their respective communities; and

WHEREAS, cities and villages must comply with a countless number of complex, ever-changing state and federal laws and regulations, including numerous state and federal unfunded mandates; and

WHEREAS, a significant amount of time is required for newly elected municipal officials to acquire the necessary skills and expertise to properly govern, provide essential public services and effectively address the needs of citizens; and

WHEREAS, there is no legitimate or compelling reason to limit how many times a voter can choose to re-elect a municipal official; and

WHEREAS, the historic four-year term of office for a municipal elected official in Nebraska already enables voters to evaluate his or her performance in office and hold his or her mayor, council member or village board member accountable on a regular basis by voting at an election every four years; and

WHEREAS, Nebraska state law allows for the recall of a municipal elected official for any reason if a citizen initiates a recall petition and obtains the necessary number of signatures to require an election before the municipal official has served his or her full four-year term of office; and

WHEREAS, in some municipalities, there are sometimes no residents even willing to file for the office of mayor, city council or village board; and

WHEREAS, in other municipalities, voters have exercised their right to re-elect a municipal official to multiple terms of office on a nonpartisan basis; and

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE BOARD OF THE LEAGUE OF NEBRASKA MUNICIPALITIES (League) that the League strongly opposes limiting who voters can choose to elect based on arbitrary term limits for municipal elected officials, whether the restriction on the number of terms is applied prospectively or is unfairly applied retroactively by changing the rules in an election cycle.

Adopted the 20th day of September, 2018.

Attest:



League President Wendall Gaston
Sidney City Council Member





Military leave expanded

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

Do you have employees who are also serving in the National Guard or military reserve? If so, Nebraska state law provides: “All employees, including elected officials of [Nebraska municipalities], who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve, shall be entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States.” Neb. Rev. Stat. § 55 160.

LB 1003

Effective July 19, 2018, military leave was expanded to provide that “[m]embers who normally work or are normally scheduled to work one hundred fifty nine [159] hours or more in three consecutive weeks and scheduled to work twenty-four [24] shifts shall receive a military leave of absence of one hundred sixty eight [168] hours each calendar year.” Laws 2018, LB 1003, § 1 (amending Neb. Rev. Stat. § 55 160(1)). Prior to passage of LB 1003, military leave for “members who normally work or are normally scheduled to work one

Effective July 19, 2018, military leave was expanded to provide that “[m]embers who normally work or are normally scheduled to work one hundred fifty nine [159] hours or more in three consecutive weeks and scheduled to work twenty-four [24] hour shifts shall receive a military leave of absence of one hundred sixty eight [168] hours each calendar year.”

hundred twenty [120] hours or more in three consecutive weeks received a military leave of absence of one hundred twenty [120] hours each calendar year.” Now these same employees will receive a military leave of absence of one hundred twenty (120) hours if they work or are normally scheduled to work one hundred twenty (120) hours or more “but less than one hundred fifty nine [159] hours” in three consecutive weeks. Laws 2018, LB 1003, § 1.

PART-TIME EMPLOYEE ENTITLEMENT

The law has remained unchanged for those members who normally work or normally are scheduled to work less than one hundred twenty (120) hours in three consecutive weeks. For those employees, they are to receive a “military leave of absence each calendar

year equal to the number of hours they normally work or would normally be scheduled to work, whichever is higher, in three consecutive weeks.” Neb. Rev. Stat. §§ 55 160(1). State law further provides that “such military leave of absence may be taken in hourly increments and shall be in addition to the regular annual leave of the persons named in this section.” Id.

LEGISLATIVE HISTORY

LB 1003 when introduced on Jan. 16, 2018, by Omaha Sen. Mike McDonnell, who served as a fire chief, would have increased the number of hours for a military leave of absence from 120 to 360 hours in a calendar year for all employees who work or are normally scheduled to work 159 hours or more and who work 24-hour shifts three consecutive weeks.

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The 360 hours equated to 24-hour shifts times 15. The prior 120 hours equated to eight hours a day for 15 days. The legislation was amended to reduce the 360 hours contained in the original bill to 168 hours. LB 1003 was approved by Gov. Pete Ricketts on April 17, 2018. The Fiscal Note on the legislation provides interesting guidance: "The Military Department indicates that Appendix 24 of the Master Cooperative Agreement authorizes 100 percent federal reimbursement for a 56-hour work week and grants up to 168 paid military leave hours per year for firefighters."

NEBRASKA FAMILY MILITARY LEAVE

Municipal employees who: (1) are either the spouse or the parent of an individual who is called to military service lasting 179 days or longer with the state or the United States pursuant to the orders of the Governor or the President; (2) have been employed for at least 12 months by the City; and (3) have worked at least 1,250 hours in the preceding 12 months and are

eligible for Nebraska Family Military Leave Act leave. Neb. Rev. Stat. § 55 502. Cities who employ more than 50 employees are to provide eligible employees up to 30 days of unpaid military leave during the time state or federal deployment orders are in effect. Neb. Rev. Stat. § 55 503(2). Cities who employ between 15-50 employees are to provide up to 15 days of unpaid military leave. Neb. Rev. Stat. § 55 503(1). Eligible employees must provide at least 14 days advance notice if they intend to take military leave for five or more consecutive work days. Neb. Rev. Stat. § 55 503(3). Otherwise, eligible employees must provide as much advance notice as practical. Id. In addition, the municipality may require documentation verifying an employee's eligibility for leave. Id. ■

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.

Village of Eagle launches new website

In October, the Village of Eagle announced that it launched a new website focused on transparency, ease of access and community interaction.

The new, user-friendly design allows citizens to easily access municipal codes, meeting agendas and minutes, a calendar of events and much more.

From the new site, users also can subscribe to receive community news and emergency text alerts, allowing residents to stay up-to-date on village happenings.

Incorporated in 1891, Eagle is a community of about 1,100 people located on the western edge of Cass County. Over the last two years, Eagle has experienced substantial growth both commercially and residentially. The community boasts a great elementary school, affordable housing and a friendly sense of community.

Visit EagleNE.gov. ■

Source – Village of Eagle, Travis Moore, Board Chair

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'Best Practices' and some information for Village Boards related to financial records

■ **BY NEBRASKA AUDITOR
OF PUBLIC ACCOUNTS**
OCT. 17, 2018 ■

Village Boards should appoint the Village Clerk/ Treasurer.

- Neb. Rev. Stat. § 17-204 (Supp. 2017) requires Village Boards to appoint officers:
All trustees elected to office shall qualify and meet on the first regular meeting of the village board of trustees in December thereafter, organize, elect a chairperson of the board of trustees, and appoint the officers required by law.
- Neb. Rev. Stat. § 17-208 (Supp. 2017) allows for the appointment of a Village Clerk, Treasurer, and other officers:
(1) The village board of trustees may appoint a village clerk, treasurer, attorney, engineer, overseer of the streets, and chief of police and other such officers as shall be required by ordinance or otherwise required by law.
* * *
(4) The village clerk, treasurer, attorney, engineer, overseer of the streets, members of the board of health, and other appointed officers, except regular police officers, shall hold office for one year unless removed by the chairperson of the village board of trustees with the advice and consent of the village board of trustees.
- Village Boards should document in Board proceedings, and may wish to memorialize in a written employment agreement with the Clerk, the rights, responsibilities, rates of pay, and other employment information for that position. We also recommend the Board require the Clerk, as well as all Village employees, to complete timesheets or otherwise document the actual hours worked.

Make sure Village officers, especially those handling public funds, are protected by a security bond.

Most of the Villages recently victimized by thefts did not have sufficient insurance to cover their



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losses. Neb. Rev. Stat. § 17-604 (Supp. 2017) says the following regarding surety bonds:

A city of the second class or village may enact ordinances or bylaws to regulate and prescribe the powers, duties, and compensation of officers and to require from all officers, elected or appointed, bonds and security or evidence of equivalent insurance for the faithful performance of their duties. The city or village may pay the premium for such bonds or insurance coverage.

Ensure Clerk/Treasurer understands the duties of the office.

- Neb. Rev. Stat. § 19-1102 (Supp. 2017) sets out the primary duties of the Village Clerk:
It shall be the duty of each village or city clerk in every village . . . to prepare and publish the official proceedings of the village or city board, council, or commission within thirty days after any meeting of the board, council, or commission. The publication shall be in a newspaper in or of general circulation in the village or city, shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll

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claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in section 23-122. (Emphasis added.)

- Neb. Rev. Stat. § 17-605 (Supp. 2017) sets out additional duties of the Village Clerk:
The city clerk or village clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the city council of a city of the second class or village board of trustees. . . . He or she shall also perform such other duties as may be required by the ordinances of the city or village.
- Among the various duties and responsibilities of a Village Treasurer, as set out in Neb. Rev. Stat. § 17-606(1) (Supp. 2017), are the following:
The treasurer of each city of the second class or village shall be the custodian of all money belonging to the city or village. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt for such money, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports, and he or she shall, at the end of every month, and as often as may be required, render an account to the city council or village board of trustees, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which

warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the clerk's office. . . . (Emphasis added.)

- Neb. Rev. Stat. § 19-1101 (Supp. 2017) requires the Village Treasurer to prepare and publish an annual statement of the Village's receipts and expenditures:
The treasurer of each city or village that has a population of not more than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall prepare and publish annually within sixty days after the close of its municipal fiscal year a statement of the receipts and expenditures of funds of the city or village for the preceding fiscal year. The statement shall also include the information required by subsection (3) of section 16-318 or subsection (2) of section 17-606. Not more than the legal rate provided for in section 33-141 shall be charged and paid for such publication.

Recommendations for Village Boards related to financial records.

- We recommend the Village implement procedures to prevent one person from being in a position both to perpetrate and to conceal financial errors or irregularities. This would include ensuring the following:
 - A Board Member, or a separately designated individual, reviews the monthly bank statements, obtained directly from the bank, for any discrepancies with approved claims. (This may be done via electronic access to bank statements online.)
 - All claims are adequately documented with receipts, invoices or reason for payment. Neb. Rev. Stat. § 17-714(1) (Supp. 2017) sets out the following claim requirements for the Village:

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‘Best Practices’ and some information for Village Boards related to Financials Records

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All liquidated and unliquidated claims and accounts payable against a city of the second class or village shall (a) be presented in writing, (b) state the name and address of the claimant and the amount of the claim, and (c) fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances giving rise to the claim.

- All claims are approved by the Board prior to payment. Neb. Rev. Stat. § 17-614(1) (Neb. Laws 2018, LB 865, § 4) sets out the proper method for the appropriation or payment of money by the Village, as follows:

All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council or board of trustees. . . .

- All warrants/checks bear two signatures before payment. Neb. Rev. Stat. § 17-711 (Supp. 2017) requires the Village’s warrants to be authorized by two signatures, as follows:

All warrants drawn upon the city treasurer of a city of the second class or village treasurer must be signed by the mayor or chairperson of the village board of trustees and countersigned by the city clerk or village clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon such warrants so drawn. Each warrant shall specify the amount included

in the adopted budget statement for such fund upon which it is drawn and the amount already expended of such fund.

- Each actual claim amount paid agrees to the claim amount approved by the Board, and no adjustment is made to such payment without formal Board approval.
- Village purchase/credit cards are used only by specifically named and authorized municipal personnel. Receipts should be maintained, reviewed and reconciled to the monthly charge card statements to establish that all expenditures are reasonable, having been made by those authorized individuals for official purposes only, and no personal or other inappropriate expenses are included.
- Signature cards on file at all banks used by the Village are current and list only active municipal officers, including the Clerk and at least one Board Member – preferably the Board Chair.
- A periodic review is performed with local banks to confirm that the Village’s Federal Taxpayer Identification Number (FTIN) is being used only for financial accounts authorized by the Board to contain Village funds.

Audit Information

- In accordance with Neb. Rev. Stat. § 19-2903 (Cum. Supp. 2016) and § 84-304(4)(b) (Supp. 2017), Villages may request audit waivers. Starting this year, when requesting an audit waiver for fiscal year 2018, the Village will be required to provide copies of its bank statements for the year, the Sept. 30 bank reconciliation, a completed audit waiver form and a copy of the Board meeting minutes recording the formal decision to request a waiver. Details are available on the Nebraska Auditor of Public Accounts’ website: <http://www.auditors.nebraska.gov/>.

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City of Norfolk receives 10 trees from the Free Trees for Fall ReTree Planting program

Thanks to the Free Trees for Fall ReTree Planting program, an effort of the Nebraska Forest Service and the Nebraska Statewide Arboretum, the City of Norfolk received 10 free trees to plant along the North Fork Riverfront Trail.

Despite providing a wide range of social, economic and environmental benefits, most Nebraska community forests have been in steady and sometimes dramatic decline. Many challenges contribute, including extreme weather, insects, disease and lack of diversity. The emerald ash borer is the latest major challenge added to the list.

In an effort to stop this decline and increase community forest resilience, the Free Trees program grants up to 10 high-quality trees for tree-related educational events and community celebrations promoting trees and fall planting.

In addition to simply planting more trees, the program goals include increasing appreciation and awareness of the value of community forests in Nebraska. Special emphasis is placed on species diversity and higher-impact projects, especially street tree planting and projects in neighborhoods of highest need.

Free Trees for Fall ReTree Planting is



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supported by the Nebraska Statewide Arboretum's Trees for Nebraska Towns Initiative funded by the Nebraska Environmental Trust and by the Nebraska Forest Service's Landscape Scale Restoration grant funded by the U.S. Forest Service.

The trees that the City of Norfolk received were planted in late September along the North Fork Riverfront Trail between Johnson Park and Elm Avenue. The tree species that were planted include: Swamp White Oak, Bur Oak, Northern Red Oak, Triumph Elm, Northern Catalpa and Amur Maackia. ■

Source – City of Norfolk

Check the Legislature's website

The 2019 Legislature begins Jan. 9 and will be a 90-day session that probably will adjourn in June. A great resource is the Legislature's website for all

kinds of information about your state Senators and the legislative process. The web site address is <http://nebraskalegislature.gov/web/public/home>. ■

'Best Practices' and some information for Village Boards related to Financials Records

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- The Nebraska Auditor of Public Accounts may audit any village when it is deemed necessary to do so. In light of several recent frauds, thefts and instances of financial abuse among Nebraska's municipalities, this office will be undertaking a process to examine Villages on a rotational basis. Neb. Rev. Stat. § 84-304(4)(a) (Supp. 2017) authorizes the Auditor of Public Accounts to do the following:

To examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of . . . any village, . . . any political subdivision with the authority to levy a property tax or a toll, or any entity created pursuant to the Joint Public Agency Act. ■

Land banks use a combination of funding methods to save taxpayer dollars

■ **BY MARTY BARNHART**
EXECUTIVE DIRECTOR
OMAHA MUNICIPAL
LAND BANK ■

The Dilemma

Vacant, empty, and tax-delinquent lots and structures drag down property values, create safety hazards in neighborhoods and often attract crime. A variety of issues, from missing owners to liens on properties, make it difficult to transition these sites to new owners. When these problems are not actively addressed, properties continue to deteriorate, neighborhoods suffer and cities lose tax revenue.

The Solution

A land bank is an organization that acquires abandoned, dilapidated or tax delinquent properties for redevelopment. By acquiring properties that have been neglected and rejected by the open market, eliminating their li-

abilities and transferring them to new owners, a land bank serves as a catalyst for transforming distressed properties into community assets – places where people want to live, work and play.

In 2013, the Nebraska Legislature, acknowledging the dilemma of vacant, abandoned and tax-delinquent properties and recognizing land banks as a solution, passed the Nebraska Municipal Land Bank Act. This legislation allowed the City of Omaha to create the Omaha Municipal Land Bank (OMLB) as a governmental nonprofit organization the following year.

Unfortunately for cities across Nebraska with distressed properties, the Nebraska Municipal Land Bank Act only allows certain counties with municipalities to establish land banks. Under Nebraska law, a city or village is considered a municipality when it is 1) within the same county as a metropolitan class city (a city with a

population of 300,000 or greater) or 2) within a county in which there are at least three first class cities (cities with a population between 5,000 -100,000). Therefore, only Douglas and Sarpy Counties presently are eligible for a land bank.

The Facts

Distressed and abandoned properties can be found everywhere in Nebraska and the most remote rural areas can benefit from the services provided by a land bank. Around the country, and now in Omaha, land banks have proven to be an effective tool to address distressed properties and reinvigorate communities. Land banks are focused on a single mission and can devote the time, energy and staff to successfully address distressed properties compared to a city or village municipality.

As non-profits, land banks can use a combination of funding methods

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Continued from page 12

to save taxpayer dollars. We work to remove obstacles to redevelopment, whether those be missing owners, city or county liens or clouded titles. Land banks don't compete with the free market; rather, they can help get a property to the market, preparing property for redevelopment and offering it for sale at a reasonable price. We can be responsive to community needs and ensure that properties are redeveloped strategically to fit the vi-

sion of elected officials, neighborhood associations, local businesses and individual stakeholders. Land banks can ensure that developers adhere to the development standards and guidelines set by the community.

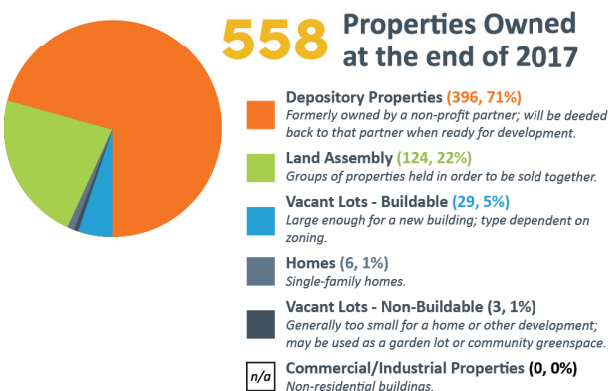
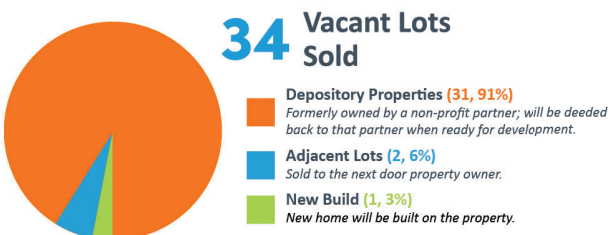
The Omaha Municipal Land Bank can share many resources with land banks throughout Nebraska, helping to jump-start them quickly and keep the number of staff members low. We had a successful first year in 2017, including a total of 42 properties

sold, 3 properties transformed, almost \$300,000 in property sales, and many satisfied community stakeholders (please see the charts below).

Resources

- Omaha Municipal Land Bank: www.omahalandbank.org
- Center for Community Progress: www.communityprogress.net
- HUD Land Banking Toolkit: <https://www.hudexchange.info/programs/nsp/nsp-land-banking-toolkit/#program-setup>. ■

Omaha Municipal Land Bank: 2017 By the Numbers



League testifies in favor of statewide land banking

■ **BY CHRISTY ABRAHAM**
LEGAL COUNSEL, LNM ■

In preparation for the Urban Affairs Committee hearings on **LR 400** (*Interim study to examine issues related to the Nebraska Municipal Land Bank Act*), introduced by **Sen. Dan Quick** of Grand Island, the League requested that our members send us pictures of their dilapidated, vacant and tax-delinquent properties. We asked for pictures of properties where no utilities were being provided to the property, that were unfit for human habitation, that were exposed to the elements causing deterioration, where the property was boarded up, or had presence of vermin or uncut vegetation.

We had a great response to our request. More than 160 pictures from 18 municipalities were sent to the League office. (*A few are included with this article.*) With these pictures, the League prepared a presentation that started with municipalities on the eastern edge of the state, such as the City of Plattsmouth and moved west all the way to the Village of Morrill.

Along with the pictures, many of the

municipalities sent commentaries on the properties in their communities. Because their words are so much more powerful than mine, I will quote extensively from them.

City of Osceola

City of Osceola staff reported that, to the best of their knowledge, “there are 14 vacant houses (unoccupied with no utilities and not in the process of selling) out of approximately 356 houses (in Osceola) which represents 4 percent of the total.” For nine of these properties, they are “eye-sores to the neighborhoods and may prevent others moving into those areas.”

Osceola municipal staff goes on to say that “although some of the pictures of the exteriors do not look shockingly bad, the insides of most of these houses are uninhabitable due to water issues in basements, caving foundations, damage from storms, etc. The City of Osceola is actively attempting to purchase a few of these properties for demolition and then sell the cleared lots; but the city will be unable to purchase as many as it would like because of financial restraints. City of Osceola staff recognize that it

must take an active role in “cleaning up” the town. Over the years, several neighborhoods have been cleaned up by neighbors purchasing and demolishing dilapidated houses, but unfortunately there are not many residents able to purchase the properties for the prices being asked. Osceola is a city of the second class and could greatly benefit from provisions of the original **LB 854** (the bill to expand land banking statewide).”

City of Stromsburg

City of Stromsburg staff state that they are “lucky as their town is fairly clean but they do have problem properties, too. We have already demolished one house and filed a lien for the cost” but the city “does not anticipate the property getting sold any time soon so the taxpayers can recoup(erate) the cost.”

City staff currently have 19 properties they are “working on with various degrees of issues from just needing to mow the lawn, to picking up debris/trash, to licensing vehicles and trailers, to needing major renovation or demolition. There are others the city

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Property in Milford. Submitted by City of Milford.



Property in Morrill. Submitted by Village of Morrill.

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could work on, but it is very difficult to manage administratively.”

There are “slum lords in Stromsburg” and their properties need a lot of work. More than five years ago, the previous owner of a property “had to move out as she did not have the money to fix the basement wall/foundation that fell in. The house went into foreclosure and sat empty for a number of years (and had kids having parties in it) before the current owner purchased with plans to eventually fix it up. The current owner has been contacted but he is unable to give the city a time frame as to when he might get to this property because he does not have the time or money now to fix it up. The foundation is bad in more places than where it fell in, has boarded up windows, bad windows, overgrowth, etc.”

In one of the properties, there is a “basement window that is open so who knows what is or who has been living in it. The window with the air conditioner is partially boarded up. The siding is bad. The wood under the eaves is bad. This house has not had utility service for many years.

The basement flooded seven-10 years ago so it cannot be lived in. The city is currently trying to get the owner to have it taken down.”

City of Grand Island

Grand Island sent the League pictures of some of the problem properties the City’s Problem Resolution Team has been working on for the last several years, in some cases six or seven years.

Village of Ansley

The Village of Ansley emphasized that “communities all over the state grapple with this problem and hoped the pictures of vacant and dilapidated properties would push the Legislature to make the process a little more community friendly when we have to deal with these properties.”

City of Harvard

City of Harvard staff estimated that around 15-20 percent of properties in their city are tax delinquent.

City of Nelson

Of the 281 houses left in Nelson, 45 are empty, 22 are delinquent, seven are empty and delinquent. That equates to 16 percent of the houses in Nelson being empty, 8 percent tax-delinquent

and 3 percent both empty and delinquent.

Nelson also sent the League a detailed timeline of one of its nuisance properties to demonstrate how long it can take to deal with the situation. The time line begins with a letter from Nelson to clean up the property on July 24, 2012 and ends in December 2016. In between, there were four letters sent to the owners, eight dates of Nelson taking pictures of the property, two meetings of the health board and nine city council meetings to deal with this one property.

City of Ord

Of the three properties the City of Ord sent pictures to the League, two of the properties have been vacant for approximately 20 years. The city admits “the yards of the properties look pretty good because the city has been mowing them for 20 years. The city has been trying to acquire these two properties for approximately eight-10 years. Tax certificates were purchased by out-of-town companies that have never seen the properties in person. The County Attorney has hesitated

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Property in Ord. Submitted by City of Ord.



Property in Osceola. Submitted by City of Osceola.

League testifies in favor of statewide land banking

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to go through with the foreclosure process because of the cost. The City Attorney volunteered to do the foreclosure work and the county board agreed, so the city was able to acquire the second property” and closed recently.

“The company that purchased the tax certificate worked with the city and waived some of the interest, so it made it feasible for the city to acquire it. The city still has not been able to acquire the other property which has been vacant for approximately five years.”

Village of Morrill

The Village of Morrill has been fighting to get its dilapidated and vacant properties cleaned up for years.

The city has “two properties that have burned and have not been cleaned up. One happened about 10 years ago and there is still food on the shelves. There are rats and other rodents infesting the area and whenever the city gets close to getting it through the process to clean up – they sell it or transfer the title and

the city starts all over again.”

The properties in the pictures shared with the League have “yearly taxes of \$244.43 average – and the village only collects an average of \$48.89 per property on all of those dilapidated properties. That greatly hurts the village’s property tax income because if the city were forced to clean up the property, the values

would go up as well, increasing the village’s tax dollar income.”

The village reports it has such issues because “it is so hard to enforce the nuisance ordinances to the property owners and the judges here don’t seem to care – so the village spends hundreds of dollars on attorney fees, employee time, serving people and the judge gives them a \$10 fine and the village is back to square one.”

The pictures and testimonials provided to the League demonstrate in a powerful way the need for land banking across the state. At the hearings in Grand Island and Ord, many municipalities came forward to share their compelling stories of dealing with vacant and dilapidated properties in their communities and asking that the Legislature give them the opportunity to use land banking to alleviate these problem properties.

Thanks, again, to all the municipalities that took the time to submit pictures and written comments to the League. They were invaluable in our presentation to the Urban Affairs Committee! ■



Property in Wilcox. Submitted by Village of Wilcox.



Property in Stromsburg. Submitted by City of Stromsburg.

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Imperial flourishing with pool, locker rooms, skate park and library

■ **BY CHRISTY ABRAHAM**
LEGAL COUNSEL, LNM ■

Imperial, the county seat of Chase County, is in the southwest corner of Nebraska, just 24 miles east of the Colorado border and 39 miles north of the Kansas border. The population of Imperial is about 2,000 residents. Homesteader Thomas Mercier, who donated the town site, named the city. The city boasts a new skate park, which opened this summer.

The Imperial Skate Park was started by boys who wanted a place to skate in their own community. The city committed \$100,000 toward the project and the boys matched that amount in private donations to ensure the park's completion. Lemonade stands, the selling of breakfast burritos and other fundraisers were held to raise funds for the park.

The City of Imperial and Chase County Schools joined together to build a new pool and locker rooms on school property. The school then built



Photo of colorful mural in Imperial. Photo by Christy Abraham, Legal Counsel, League of Nebraska Municipalities.

a new athletic field adjacent to the facility. The cooperative effort saved hundreds of thousands of dollars. The complex was completed in 2009 and

is used almost year-round.

Part of Imperial's economic development program includes the

Continued on page 19



Imperial swimming pool. The City of Imperial and Chase County Schools joined together to build a new pool and locker rooms on school property. Photo by Christy Abraham, Legal Counsel, League of Nebraska Municipalities.

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Cornerstone project, which used tax-increment financing (TIF) for public infrastructure, along with Affordable Housing Trust Funds to build 20 new homes. All the homes in this project have been sold.

The beautiful Lied Imperial Public Library offers plenty of reading and study space, a young adult section, a children's library, a computer lab and a conference room. The library holds more than 35,000 items including newspapers, magazines, large print books, videos, audio books, reference and genealogy materials. ■



The beautiful Lied Imperial Public Library offers plenty of reading and study space. Photo by Christy Abraham, Legal Counsel, League of Nebraska Municipalities.



Part of Imperial's economic development program includes the Cornerstone project, which used tax-increment financing (TIF) for public infrastructure, along with Affordable Housing Trust Funds to build 20 new homes. Photos by Christy Abraham, Legal Counsel, League of Nebraska Municipalities.



The Imperial Skate Park was started by boys who wanted a place to skate in their own community. Photo by Christy Abraham, Legal Counsel, League of Nebraska Municipalities.



League Executive Board passed Resolution opposing term limits

Continued from page 4

future. **“If a political party doesn’t like that a particular Mayor is in power, then recruit a capable challenger and make a strong case at the next election, based on the merits.”**

The *Lincoln Journal Star* published several editorials opposing the proposed charter amendment, including the following quote from an editorial dated Oct. 20, 2018. **“...applying it (term limits) retroactively changes the rules in the middle of the game, making the qualifications for holding office different from when Beutler’s candidacy began. The patent unfairness of this should appall Lincolniters.”**

As a non-profit, non-partisan organization, the League has consistently opposed term limits, including the constitutional amendment that Nebraska voters approved in 2000, restricting State Senators to no more than two consecutive four-year terms. Apparently, a majority of Nebraskans who voted were persuaded by the 30-second television and radio ads to support this arbitrary and flawed concept of limiting their ability to decide who they can elect to the state Legislature in the future. **The implica-**

tion is that as voters, we cannot trust ourselves to make the right choice in the future regarding who we want to elect. Almost all of the predictions about the negative effects of imposing legislative term limits have come true, including the following: 1) due to the loss of Legislators who served several terms in office and the resulting loss of institutional memory, new State Senators have an increased reliance on lobbyists and legislative staff, instead of other State Senators, for insights and different perspectives on policy choices; 2) some State Senators and others have witnessed a willingness of certain State Senators to vote differently in their second term of office than their first term of office since they know they cannot run again in the next election; 3) the balance of power has been disrupted among the three branches of government; and, 4) regrettably, there is also a lack of recognition by the public of the serious effects of term limits on governance issues. As former State Sen. **David Landis** once said, most citizens will never recognize any difference or negative effects from legislative term limits because they have busy lives and will think it is “business as usual” since

the media will still report that bills are introduced and passed every session. In addition, longtime lobbyist **Walt Radcliffe** of Radcliffe & Associates stated that due to term limits, “the cost of campaigning for the Legislature has dramatically increased and the role of money from special interest groups has become much greater.”

Ironically, many proponents of term limits and others state that “government should be run like a business.” Although, there are many business practices that are transferrable to governance on the state and local levels, government cannot always be “run like a business” due to federal and state laws and regulations. Notwithstanding, no successful business in the private sector would place an artificial term limit on the amount of time that its CEO could work for the company, regardless of his or her job performance. Term limits are a flawed solution in search of a nonexistent problem.

Citizens of Nebraska are fortunate to have dedicated municipal officials who commit countless hours and do unbelievable things in their communities every day.■

Directory of Municipal Officials

Position/Information Changes

Alvo
Chappell
Fairmont

Clerk/Treasurer
Email
Board Member
Utilities Superintendent

Connie Carlton
chappellcityhall@embarqmail.com
Selina West
Lynn West

Christina Vidlak
chappellcityhall@hotmail.com
Larry Klipp
Dan Slocum

NLC commends Congress for passing legislation to address opioid crisis

While local governments are making progress in reducing opioid related overdoses, other drug-related deaths ... are once again on the rise...

After President Trump's signature in October of the support for Patients and Communities Act (H.R. 6), National League of Cities (NLC) released the following statement:

"City leaders applaud the president for signing this wide-ranging bipartisan bill to address the opioid crisis that is ravaging cities of all sizes. However, we are concerned that this bill does not go far enough to address our nation's overall substance abuse and addiction

problem. While local governments are making progress in reducing opioid-related overdoses, other drug-related deaths from methamphetamine and cocaine are once again on the rise in many of our communities. In fact, according to the Centers for Disease Control, there was a 40 percent increase in cocaine-related deaths and a 42 percent increase in meth-related deaths in 2017.

Substance abuse disorder and addiction is one of our nation's biggest health problems. If we only tackle one drug addiction at a time, we will never get ahead of what is devastating our communities and killing so many of our young people. We urge the administration and Congress to do more to make sure local leaders have the funding and resources they need to establish comprehensive substance

abuse disorder prevention, intervention, treatment and recovery programs for their communities.

Additionally, NLC calls on Congress to require states that receive a federal block grant for substance use prevention, intervention, treatment and recovery services to pass through at least 80 percent of the funding to local governments and programs or require federal agencies to allocate at least 20 percent of the appropriated funding towards competitive grant funding to support local efforts. We are pleased to see funds bring appropriated and supported, but if they aren't being spent and reaching the local level, then they aren't doing their job. We look forward to continuing to work with Congress and the administration on these important next steps." ■

Source – NLC

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 "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 lynnm@lonm.org by e-mail. ■



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2018 general election results for municipalities, Legislature

In the Nov. 6 general election:

- Residents in the **City of Gering** voted to extend the city's local option half-cent sales tax for economic development for another 10 years. The sales tax generates at least \$300,000 a year. The economic development plan also was approved.
- **Grand Island** residents voted 57-42 percent to increase the local sales tax rate from 1.5-2 cents, which would generate an estimated \$5.5 million annually for 10 years. The additional revenue would be spent for infrastructure projects and public safety equipment.
- **Laurel** voters approved 71-28 percent a 1 percent local option sales tax for the next 10 years. Funds would be used for city infrastructure, including streets, water, sewer and electrical. The sales tax would generate an estimated \$110,000-\$115,000 annually.
- In **Coleridge**, voters approved, by a 48-41 percent margin, a 1 percent local option sales tax for 10 years, which will be used for



© iStock.com

streets and other infrastructure projects.

- In **Lincoln**, residents voted 52-47 percent to approve an amendment to the city charter that limits the Lincoln Mayor to three consecutive terms. The term-limits amendment applies retroactively, which means that current Mayor Chris Beutler is unable to run for a fourth term this coming spring.
- In **Columbus**, voters approved,

by a 66-33 percent margin, a proposal to authorize the reallocation of one-tenth of the existing 1 percent sales and use tax currently being imposed by the city to fund a city economic development program to a maximum amount of \$425,000. The program begins in April 2019 and continues until April 2032.

- In the **Nebraska Legislature**, 10 new state Senators were elected. In addition, former Sen. Steve Lathrop of Omaha, who could not seek reelection in 2014 because of term limits, won election in 2018. Only Omaha Sen. Ernie Chambers and Lathrop have been reelected to by their constituents after being term-limited out of the Legislature. The 106th Legislature, First Session, will convene Jan. 9. A tentative schedule has the 10-day bill introduction period ending Jan. 23. The 90-day session is will likely end in early June. ■

Forecasting board raises revenue projections

The Nebraska Economic Forecasting Advisory Board voted to raise revenue projections for the current fiscal year during an Oct. 26 meeting at the Capitol. The board provides an advisory forecast of general fund receipts that is used by the Legislature to craft the state's budget.

The board's projections for fiscal year 2018-19 were raised based on anticipated increases in revenue receipts across all categories, in-

cluding \$27 million in corporate income tax and \$24 million in individual income tax.

Total projected revenue receipts for FY 2018-19 were raised to \$4.8 billion, an increase of \$69 million.

The board also set the forecast for total revenue receipts at \$4.89 billion for FY 2019-20 and \$5 billion for FY 2020-21. The next board meeting is scheduled for Feb. 28, 2019. ■

Source – Unicameral Information Office

Sources – Grand Island Independent, Scottsbluff Star-Herald, Kearney Hub, Lincoln Journal Star, Columbus Telegram

Heartland B-Cycle to add dozens of bike stations in Omaha

Hearthland B-Cycle will expand in November, adding 34 new bike stations in 20 Omaha neighborhoods. Omaha Mayor Jean Stothert and Heartland Bike Share Executive Director Ben Turner made the announcement.

The new stations, which will be owned by the city, will be purchased using the unique application of federal transportation funds made available by the Nebraska Department of Transportation and the Federal Highway Administration. The Nebraska Environmental Trust provided matching grant funds. Heartland Bike Share will operate the system for the city at no charge.

“Without Mayor Stothert’s personal support for this project, we never would have been able to deliver the bigger, better bike share system our city deserves,” Turner said.

“We have a good and growing partnership with Heartland B-Cycle to

increase the number of bikes, stations and riders,” Mayor Stothert said. “The city strives to provide a reliable, safe, efficient and well-managed transportation system using a full range of

options including bicycles, vehicles, pedestrians and transit. Bike sharing is an important part of a vibrant, thriving, and healthy community.” ■

Source – City of Omaha

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La Vista street named in honor of longtime city attorney

The La Vista City Council unanimously approved an ordinance renaming a portion of Cottonwood Avenue in the City Centre development to Barmettler Drive.

The renaming is in honor of La Vista's longtime City Attorney Joe Barmettler, who passed away two years ago. Barmettler served as the City Attorney for more than 40 years and was a key figure in the city's early history.

Barmettler's family, including his wife Jeanne, were on hand for the vote. An on-site ceremony will be held when the roadway is opened to traffic and signage is installed. ■

Source – La Vista citywise publication



Jeanne Barmettler, widow of Joe Barmettler, gives a hug to La Vista Mayor Doug Kindig after the ordinance was approved. Photo courtesy of La Vista citywise publication.



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e. Total Nonrequested Distribution (Sum of 15d (1), (2), (3) and (4))	55 55
f. Total Distribution (Sum of 15c and e)	3,473 3,473
g. Copies not Distributed (See Instructions to Publishers #4, (page #3)) ▶	27 27
h. Total (Sum of 15f and g)	3,500 3,500
i. Percent Paid and/or Requested Circulation (15c divided by 15f times 100) ▶	98.4 98.4

* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

PS Form 3526-R, July 2014 [Page 1 of 4]

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

Part-Time Economic Development Director. The Creighton Economic Development Board is seeking a dynamic individual to promote the City of Creighton, Nebraska and its surrounding rural area. This individual will be responsible for: attracting new businesses; encouraging current business retention and expansion; promoting youth retention and attraction; maintaining collaborative working relationships with, among, and between various community organizations; and providing leadership to an eager volunteer group. A complete job description is available upon request.

Qualifications: Experience in Economic Development or related areas preferred. Strong consideration will be given to the candidate possessing leadership skills and a vision for the future of Creighton.

Wages: Based upon qualifications. Up to 30 hours per week. Laptop provided.

Residency: Creighton or its surrounding area

How to Apply: Cover letter and resume with at least three professional references may be sent;

by mail to:

Creighton Economic Development Board

PO Box 188

Creighton, NE 68729

or by e-mail to:

ccreigh@gpcom.net

Positions

Public Works Director. Plattsmouth, NE seeks qualified applicants for Director of Public Works. Department head with responsibility for fiscal management, administration, and operational direction of the city's public works and utilities activities and functions; provides expert professional assistance to city management in areas of expertise, including engineering, municipal water, wastewater collection, and street and landscape maintenance; and performs related duties as required. Job description and applications available at www.plattsmouth.org. Open until filled. EOE with veteran's preference.

City Administrator. The City of Grand Island seeks an innovative, visionary, dynamic and proven leader who is a superior manager and communicator to serve as City Administrator. Grand Island, a community of more than 52,400, is a growing community that fosters cultural and economic opportunities for its residents. The current overall city budget is \$204.2 million in total appropriations including a \$35.9 million general fund budget. The city employs approximately 518 full time city employees. The ideal candidate would have previous experience in a senior administrative and managerial capacity in a municipality or other government entities. A bachelor's degree with major course work in Public Administration, Business Administration, Economics, Finance or a related field is required.

The salary range is \$150,943.20 -

Positions

\$176,242.55 annually commensurate with experience and qualifications. An outstanding benefit package is included. For more information about this exceptional opportunity, please visit www.grand-island.com/jobs.EEO/AE/M/F/D/V/G

Utility Worker. Village of Arcadia is looking for a full time utility worker to help with garbage route, mowing, weed eating, snow removal and other duties as specified by Utilities Superintendent. Must be at least 18 years old and have valid Nebraska driver's license. Competitive wage based on experience. References required. Pick up application at Village Office, 110 W Bridge Street, Arcadia. Applications accepted until position is filled. EOE. Call 308-789-6552 for questions.

Nebraska Municipal Review

The Nebraska Municipal Review magazine is sent to more than 385 Nebraska communities and 3,500 municipal officials every month. It is a cost-effective strategy to promote your products/services. Advertising space is limited. For more information, call Lynn Marienau at 402-476-2829.

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