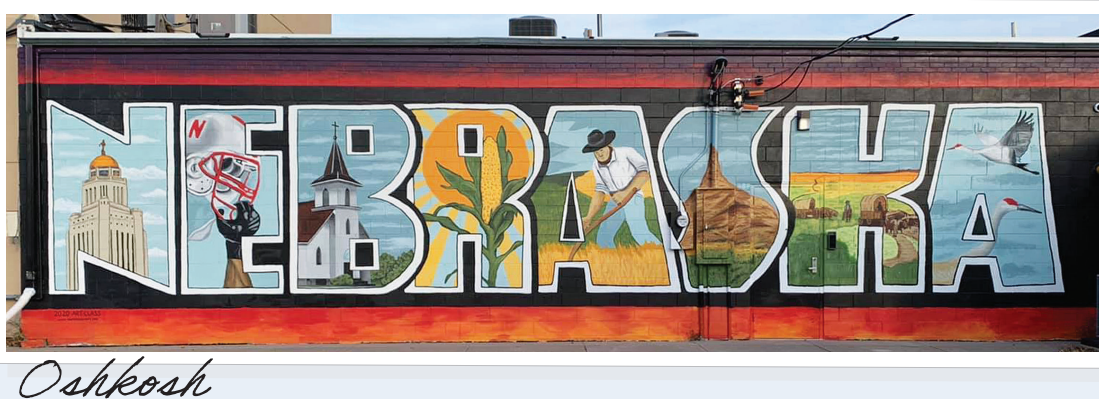


# NEBRASKA MUNICIPAL REVIEW

Official Publication of the League of Nebraska Municipalities

JUNE 2023

- The Director's Message: Provisions of 291 bills passed in the 2023 session —
- Tracking trees - A tree inventory can offer a wealth of information —
- City of Sidney creates jobs, economic momentum through partnerships —



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**JUNE 2023**

**No. 1,178**  
**ISSN 0028-1906**

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<b>James Kelley</b>	Loss Control Specialist

# Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

## AUGUST 2023 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 of Council meeting .....Clerk publishes official proceedings of meeting, including claims. (19-1102)  
 On or before August 1 .....Political subdivisions subject to city levy submit preliminary request for levy allocation to City Council. (77-3443)  
 Prior to Notice of Budget Hearing Proposed annual or biennial budget statement available to public. (13-504) \*  
 Before August 15 .....Job titles and salaries of employees shall be published. (19-1102)  
 On or before August 20 .....Receive the current taxable value of all property subject to levy from the County Assessor. (13-509)  
 On or before September 1 .....City Council determines the final allocation of levy authority for its subdivisions (77-3443)  
 On or before September 30 .....File adopted budget statement with County and State Auditor's Office (13-508)\*  
 On or before September 30 .....File information on trade names and interlocal agreements with State Auditor's Office (13-513)  
 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)  
 On or after September 17 and prior to September 29 .....Joint public hearing if increasing property tax request by more than allowable growth percentage (77-1633)  
 By September 5 .....Provide information to county if participating in joint public hearing (77-1633)

## 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 ordinances passed. (17-613)  
 Within 30 days of Council meeting Clerk publishes official proceedings of meeting, including claims. (19-1102)  
 On or before August 1 .....Political subdivisions subject to city levy submit preliminary request for levy allocation to City Council. (77-3443)  
 Prior to Notice of Budget Hearing Proposed annual or biennial budget statement available to public. (13-504) \*  
 Before August 15 .....Job titles and salaries of employees shall be published. (19-1102)  
 On or before August 20 .....Receive the current taxable value of all property subject to levy from the County Assessor. (13-509)  
 On or before September 1 .....City Council determines the final allocation of levy authority for its subdivisions (77-3443)  
 On or before September 30 .....File adopted annual or biennial budget statement with County and State Auditor's Office (13-508) \*  
 On or before September 30 .....File information on trade names and interlocal agreements with State Auditor's Office (13-513)  
 Within 20 days after end of month Treasurer files monthly financial report. (17-606)  
 \* \* .....Clerk must prepare agenda prior to next Council meeting. (84-1411)  
 On or after September 17 and prior to September 29 .....Joint public hearing if increasing property tax request by more than allowable growth percentage (77-1633)  
 By September 5 .....Provide information to county if participating in joint public hearing (77-1633)

## 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 ordinances passed. (17-613)  
 Within 30 days of Board of Trustees' meeting .....Clerk publishes official proceedings of meeting, including claims. (19-1102)  
 On or before August 1 .....Political subdivisions subject to village levy submit preliminary request for levy allocation to Village Board. (77-3443)  
 Prior to Notice of Budget Hearing Proposed annual or biennial budget statement available to public. (13-504) \*  
 Before August 15 .....Job titles and salaries of employees shall be published. (19-1102)  
 On or before August 20 .....Receive the current taxable value of all property subject to levy from the County Assessor. (13-509)  
 On or before September 1 .....Village Board determines the final allocation of levy authority for its subdivisions (77-3443)  
 On or before September 30 .....File adopted annual or biennial budget statement with County and State Auditor's Office. (13-508) \*  
 On or before September 30 .....File information on trade names and interlocal agreements with State Auditor's Office (13-513)  
 Within 20 days after end of month Treasurer files monthly financial report. (17-606)  
 \* \* .....Clerk must prepare agenda prior to next Village Board meeting (84-1411)

\* Does not apply to cities with a biennial budget that are in the second year of the biennial budget period.

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

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

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

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



## Provisions of 291 bills passed in the 2023 session including many bills of municipal interest such as LB 727E with important changes to CCCFF grants for FY 23-24

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

After a difficult and tumultuous session like none other, Senators adjourned sine die on June 1, 2023, “Day 88” of the 90-day session. As **Speaker John Arch** of Papillion stated in his closing remarks to colleagues: *“This session has tested the legislature on every level. Relationships, processes, rules, and our individual commitment to the goal of passing good legislation to govern our state. I stand here today to tell you and those listening, we have done the work we were sent to do in spite of all of the challenges before us... While we weren’t able to have a consent calendar, we utilized a different strategy this year and that was the committee packages. My guidance to the chairs of each standing committee was to identify those bills that had committee member consensus, that had high impact, were non-controversial, and had a low fiscal note. Each committee presented its package to the legislature with those bills they believed fit that criteria. If you take a look at these committee packages and who sponsored the bills in those packages, you will not see any partisan trend, but you will see senators from all over our state putting forth good ideas-good governance bills. These packages all passed with broad support.”*

Speaker Arch encouraged committee packages to limit the amount of time available to those filibustering

legislation this session. Senators could filibuster a bill for eight hours on General File, four hours on Select File and two hours on Final Reading before a “cloture vote” could be taken to end the filibuster with 33 of the 49 Senators voting in the affirmative. Following a successful cloture motion, Senators then could vote on amendments and whether to advance the bill. Almost all the filibusters this session were in opposition to LB 574, the **Let Them Grow Act**, relating to medical care for transgender youth below the age of 19.

**Although only 52 bills passed this session, the provisions of 239 bills were amended into these**

**52 bills (for a total of 291 bills passed).** Gov. Jim Pillen line-item vetoed two of the 52 bills (LBs 814E and 818E). Committee packages included **LB 814E**, a budget bill introduced by Speaker Arch at the request of the Governor, incorporating provisions of 37 other bills. **LB 727E**, a Revenue Committee Priority Bill, included an additional 28 bills. On June 1, LB 727E passed on Final Reading; Gov. Pillen signed LB 727E on June 6.

*Continued on page 5 / See Session*

**“Congratulations to the following municipalities which have “Certified Creative Districts” approved by the Nebraska Arts Council: Ashland, Beatrice, Brownville, Cozad, Fremont, Norfolk, North Platte, Red Cloud, Scottsbluff, and Sidney.”**



## Session

*Continued from page 4*

Thanks to Elkhorn Sen. Lou Ann Linehan, Chair of the Revenue Committee, and other members of the Committee for including several League-supported bills into LB 727E with adoption of various amendments as reported in numerous *League Legislative Bulletins*. The July issue of the *Nebraska Municipal Review* will include a summary of the most significant bills of interest to cities and villages in LB 727E and other legislation.

Thanks again to Lincoln Sen. Eliot Bostar and other members of the Revenue Committee for including in LB 727E the provisions of a negotiated agreement between the League and the Nebraska Arts Council to provide maximum flexibility to the Nebraska Arts

Council in distributing funds from state turnback tax to municipalities with “certified creative districts,” including the Civic and Community Center Financing Fund (CCCCF) grants in FY 23-24. Due to passage of LB 927 in the 2022 session, only municipalities with “certified creative districts” are eligible to receive CCCCCF grants in FY 23-24; this eligibility requirement for CCCCCF grants relating to “certified creative districts” will not apply after FY 23-24. In addition to cities of the first class, the amendments also expand municipalities eligible to receive funds under the *Support the Arts Cash Fund* to include cities of the second class and villages.

Congratulations to the following municipalities which have “Certified Creative Districts” approved by the Nebraska Arts Council: Ashland,

Beatrice, Brownville, Cozad, Fremont, Norfolk, North Platte, Red Cloud, Scottsbluff, and Sidney.

Mike Markey, Executive Director of the Nebraska Arts Council, indicated many other cities and villages are in the process of establishing “Certified Creative Districts.” Creative Districts emphasize the arts as an economic driver to elevate communities in Nebraska by conveying their stories and emphasizing the value of the arts. The Nebraska Arts Council advocates and strongly supports Creative Districts which have several sources of funds available for grants. Thanks to Rachel Morgan of the Nebraska Arts Council for providing ongoing training at League conferences on how municipalities can receive grants and benefit from establishing “Certified Creative Districts.” ■

## Governor Pillen announces new executive director to Nebraska Crime Commission

On June 8, Gov. Jim Pillen announced his appointment of former Nebraska State Patrol (NSP) Supervisor and Nebraska Emergency Management Agency (NEMA) Director Bryan Tuma as the next executive director of the Nebraska Crime Commission. He replaces current director Don Arp, who submitted his resignation to Gov. Pillen this week, to pursue career interests outside of state government.

“Bryan has extensive experience in public safety, particularly in law enforcement and in the area of emergency management,” said Gov. Pillen. “He is a five-star recruit for this role – someone who has leadership, administrative, and strategic planning skills that will greatly benefit the Crime Commission and its work in supporting other

agencies tasked with protecting the public.”

Lt. Gov. Joe Kelly echoed Gov. Pillen’s confidence in Tuma, noting that he has worked with him over many years.

“Bryan Tuma is a perfect fit for this position. He has earned an outstanding reputation in the law enforcement and emergency management fields, said Lt. Gov. Kelly. “We are very pleased that he answered the call again to serve the citizens of Nebraska.”

Tuma has nearly four decades of experience in state government. Thirty-two of those years were with the NSP. In 2005, Tuma was appointed by then-Gov. Dave Heineman to serve as superintendent of NSP, a position he held until his retirement in 2011. After that, he was safety coordinator for DuPont Pioneer. In 2014, he returned to state service as the assistant director for the NEMA. His most recent experience with the state has been as the safety and



Bryan Tuma

*Continued on page 20 / See Tuma*



*Lauren Olson and a group of youth artists work on a mural in Oshkosh. Olson has spent many hours sharing her talents in painting and helping create a more vibrant community. Photos shared courtesy of Lauren Olson.*

# LEAVING HER MARK

— **BY ASHLEY WOLFE**  
MARKETING & COMMUNICATIONS DIRECTOR, LNM —

**Lauren Olson is a visionary. To her, a blank wall with a good viewing from the street is the ideal canvas.**

**“I am a true believer that paint is the cheapest way to improve a space,” Olson said.**

Driving along in the streets of Oshkosh you cannot miss her work—it is everywhere. Whether it is the mural designed to look like an old-school Nebraska postcard painted on the side of the bank or the 12-foot sandhill crane resting under the water tower—Olson’s vibrant art is brightening the community and it is often where one would least expect it.

## **Developing a passion**

In 2005, as a junior in high school, Olson painted her first indoor mural and during her senior year, with the support of her art teacher, Olson was gifted the opportunity to paint multiple murals within the halls of Garden County High School.

Following graduation, Olson ventured away from Oshkosh to attend the University of Nebraska-Lincoln, studying architecture, before changing her focus of study to art education.

## **Coming back home**

After college, Olson’s plan was to find a job in Colorado, but it was not panning out as she anticipated. Olson moved back home to Oshkosh and accepted a position teaching art to kindergarten through twelfth grade students at Garden Public schools.

In addition to teaching, coming back home presented Olson with a new opportunity:

“It was my goal to make Oshkosh a place that I wanted to live—not a place I HAD to live,” Olson said. And she envisioned this happening through art.

In the summer of 2013, Olson created her first outdoor mural in the Oshkosh city park.

But Olson did not tackle the project alone. At the time, she was serving as a Girl Scout leader





Chappell



within the community and one of the troop's badge requirements was to paint on a non-traditional surface. Olson saw this as the perfect opportunity to not only engage youth, but also give back to the community through beautification and build youth confidence in their work.

The first mural features a silhouette of a windmill and a colorful aerial view of Oshkosh.

### Giving back

Growing up in Oshkosh is something Olson sees as a cornerstone in her journey. "Since I grew up in Oshkosh, there were

lots of opportunities for giving back to my community." Olson credits Oshkosh teachers for giving students many ways to get involved and said that really rubbed off on her as an adult and as a future teacher. "Kids and family members have more of a sense of community knowing they get to participate in a project together," Olson said.

*Continued on page 10 / See Art*

### Learn more!

If you are interested in talking with Lauren about commissioning a piece in your community,

Visit:

[www.laurenolsonart.com](http://www.laurenolsonart.com)

Or email:

Laurenolson88@gmail.com







Tara A. Stingley



Sydney M. Huss

## Independent contractor or employee? Mitigating legal risk associated with the classification of workers

BY TARA A. STINGLEY & SYDNEY M. HUSS,  
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. ■

Employers and workers continue to navigate their obligations, preferences, and business needs in the aftermath of the COVID-19 pandemic. Workers' demands for flexibility and alternative work arrangements remain strong.<sup>i</sup> In some contexts, independent contractor status may work well for both workers and employers. When using workers properly classified as independent contractors, companies generally are not required to comply with minimum wage or overtime pay requirements under the Fair Labor Standards Act; to pay unemployment tax, state or federal income tax, Social Security, or Medicare taxes for independent contractors; or to include independent contractors in retirement and benefits plans.<sup>ii</sup>

However, employers should be aware of increasing government scrutiny of independent contractor classifications, the legal standards governing classification of workers, and the penalties and risks associated with misclassification. This article will discuss each of these issues in turn.

### I. Properly classifying the working relationship

Currently, there is no universal definition to determine whether a worker is an employee or an independent contractor. Rather, this determination requires consideration of several factors. While such grey areas can be frustrating to companies looking for clear guidance in their business practices, the relevant factors may grant flexibility in organizing a workforce. In properly classifying working relationships, Nebraska employers and their attorneys should be aware of three distinct, but interrelated, legal tests.

#### A. The Common Law Test

The United States Supreme Court, the Eighth Circuit Court of Appeals, and the Nebraska Supreme Court all have adopted a non-exhaustive list of factors derived primarily from the Restatement (Second) of Agency.<sup>iii</sup> The Nebraska Supreme Court in particular uses these factors in evaluating working relationships under the Nebraska workers' compensation statutes.<sup>iv</sup> In determining whether a worker is an employee or an independent contractor under a "common law" test,

the following factors are considered:<sup>v</sup>

1. Extent of control which the business exercises over the worker
2. Whether the worker is engaged in a distinct occupation or business
3. The kind of occupation, with focus on whether work is usually done with or without supervision and direction
4. The skill required in the particular occupation
5. Who supplied the instrumentalities, tools, and place of work
6. Length of time for which the worker is engaged
7. Method of payment—whether by the time or by the job
8. Whether the work is part of the regular business of the employer
9. Whether the parties believed they were creating an agency relationship
10. Whether the worker is or is not in the same business

In weighing these factors, one must consider all characteristics of the working relationship, with no one factor being decisive or conclusive.<sup>vi</sup> Such an inquiry "requires more than simply tallying factors on each side and selecting the winner on the basis of a point score."<sup>vii</sup>

Notably, while not determinative in itself, the "right to control" is generally the most important factor to be considered in determining whether a worker is more properly classified as an employee.<sup>viii</sup> "However, even the employer of an independent contractor may, without changing the status, exercise such control as is necessary to assure performance of the contract in accordance with its terms."<sup>ix</sup>

#### B. The Internal Revenue Service

The Internal Revenue Service ("IRS") uses a three-factor test that considers those facts providing evidence of the degree of control over and independence of the worker:

1. *Behavioral*: Does the company control or have the right to control what the worker does and how the worker does their job?

*Continued on page 9 / See Legal*

# Legal

Continued from page 8

2. *Financial:* Are the business aspects of the worker's job controlled by the payer, such as how the worker is paid, whether expenses are reimbursed, and who provides the tools and supplies?
3. *Type of Relationship:* Are there written contracts or employee type benefits (i.e., pension plan, insurance, vacation pay, etc.)? Will the relationship continue, and is the work performed a key aspect of the business?<sup>x</sup>

Like the common law test, the IRS test focuses primarily on the "right to control" and recognizes there is no "magic" number of factors that makes a worker an employee.<sup>xi</sup>

If worker status is unclear, the IRS authorizes filing of a "Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding."<sup>xii</sup> This form can be filed by either the business or the worker. Following the filing of a Form SS-8 and review of the facts and circumstances surrounding the employment relationship, the IRS will issue an official determination of the worker's status.

## **C. The Employment Security Law, Neb. Rev. Stat. § 48-604(5)**

Finally, for purposes of determining whether an individual is an "employee" entitled to unemployment compensation, Nebraska employers must utilize the statutory analysis set forth under Nebraska's Employment Security Law, codified at NEB. REV. STAT. § 48-604(5) (Reissue 2021). The Employment Security Law is not (and was never intended to be) a codification of common law.<sup>xiii</sup> Furthermore, unlike the common law and IRS tests, the Employment Security Law does not adopt a "totality of the circumstances" analysis. Rather, under this statute, services performed by an individual for wages, including wages received under a contract of hire, *shall* be deemed to be "employment" *unless* the hiring party satisfies each of the following three factors:

1. The individual has been and will continue to be free from control or direction over the performance of services – both under the contract of service and in fact;
2. The individual's service is outside the usual course of the business for which such service is performed, or such service is performed outside of all the places of business of the enterprise for which such service is performed; and
3. The individual is customarily engaged in an independently established trade, occupation, profession, or business.<sup>xiv</sup>

## **D. Common Elements of Classification Inquiries**

Notwithstanding their somewhat distinct nature, these tests share several common elements. Businesses seeking compliance with these various legal and regulatory requirements should focus on the following factors to properly classify the working relationship:

- *Nature, degree, and extent of control over the worker:* Consider whether, and to what extent, the business actually controls or has a right to control the worker and the performance of the job. What kind and amount of instruction or commands does the business give the worker? Greater control suggests an employment relationship, whereas little or no control leans in favor of an independent contractor relationship.
- *Duration or permanency of the relationship:* How long will the company engage the worker? The longer or more permanent the relationship, the more likely the worker is an employee.
- *Financial considerations:* Consider who bears the risk of loss in the working relationship. Does the worker face opportunity for profit, with no corresponding potential for loss? If so, the worker is more likely to be an employee. Also consider the method of payment. While independent contractors are usually paid a flat fee or paid by the job, as opposed to by the hour, this may vary among industries, professions, and jobs.
- *Level of skill required:* Consider the level of skill and independent judgment utilized by the worker. The greater the amount of initiative, independent judgment, or skill required or used by the worker, and the less training required by the worker, the more likely the worker is an independent contractor.
- *Integration of business and worker:* Consider how closely the businesses and work of the principal and worker are integrated. If the worker is dependent on this work or business for their continued livelihood, the worker is more likely to be an employee. In contrast, if the worker performs work for several companies and is less dependent on any single company or job, the worker is more likely to be an independent contractor.
- *Training:* Consider whether the worker required training from the company before they could perform their work. The more training required or necessitated, the more likely they are an employee. In contrast, independent contractors generally require little or no training.
- *The parties' intent:* Finally, what kind of relationship did the parties intend to create? Written contracts describing the relationship generally provide the best evidence of the parties' intent. However, consideration also should be paid to the types of benefits provided to the worker, the supplier of the worker's "tools" and place of work, the location of the worker, and the subjective intent of the parties themselves.

Continued on page 16 / See Legal

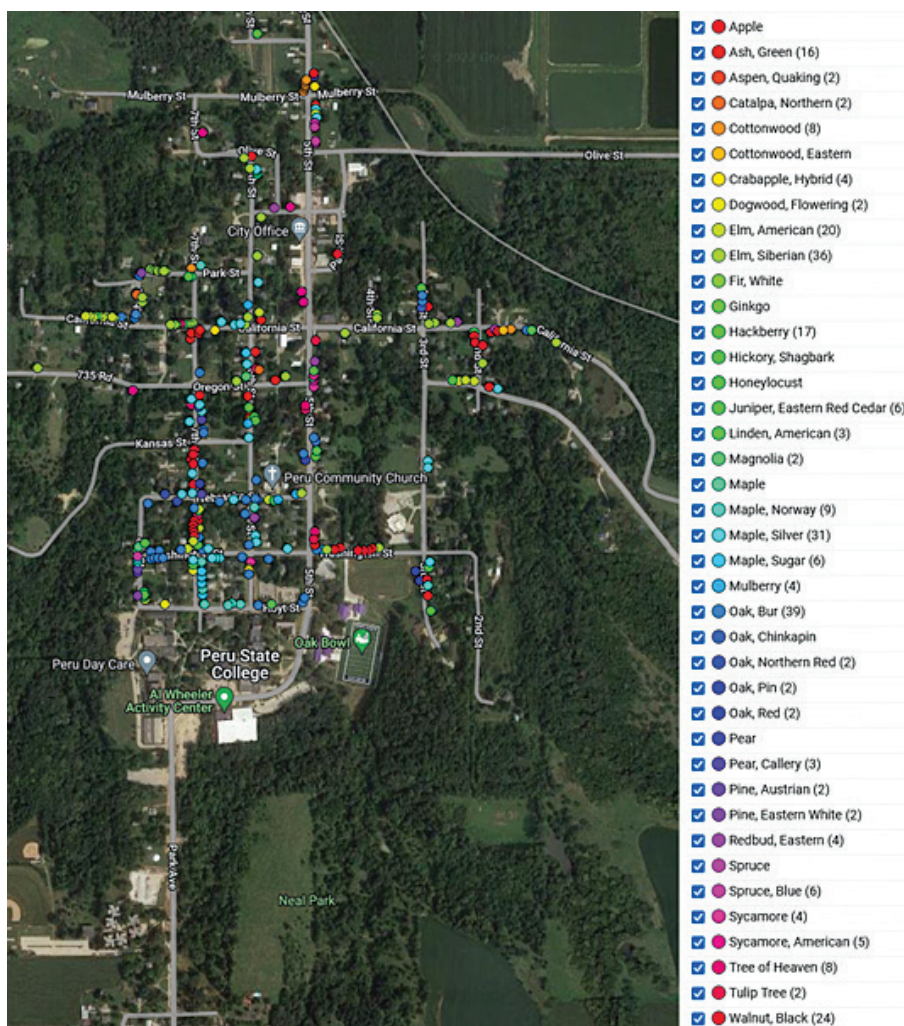


# Keeping track of trees

*A tree inventory can offer your community a wealth of important information that will benefit everyone.*

If you ask any public works director how many electrical poles they have throughout town, the condition of a particular sewer line or what type of light bulb is needed for their traffic lights, they can find that information easily. Being able to track and monitor the infrastructure they maintain is critical for their job. In much the same way and for similar reasons, cities around the world now are beginning to manage the green infrastructure of their communities. Data collected about the community forest (trees that grow on public property) offers city managers a clearer picture of its condition, diversity and distribution — information that then can be used to plan budgets, minimize risk, and guide planning decisions while maximizing public benefits.

## Data Collection



*An example of a tree report for the City of Peru. Photo courtesy of the Nebraska Forest Service.*

At minimum, there are four types of information recorded for each public tree: genus or species, size, condition and GPS coordinates.

The most common data collected for tree size is the trunk diameter at 4.5 feet above the ground, but height

and average canopy width are often measured as well. The condition of a tree (typically excellent, good, fair, or poor) is subjective, so it's important that all data collectors have a similar understanding of the criteria for each

*Continued on page 11 / Trees*

## Art

*Continued from page 7*

All but one of Olson's more-than 50 Oshkosh murals have been community service and she says this has given her a bit more leverage in choosing what she wanted to paint because she was not being paid.

In addition to donating her time to help with community beautification,

Olson has continued to engage and work with area youth on public art installations in Oshkosh.

### Thinking outside the box

Olson is always searching for ways to take her talent and students outside of the classroom. She sees the value in education beyond those four walls.

"When I am not teaching, I am

looking for creative ways to improve my community. I believe community is only as strong as its leaders and small changes can change the way we perceive the environment as-a-whole. When I create a piece of art, I want to remind people of the past while reviving the charm of living in a small town," Olson said. ■



# Trees

*Continued from page 10*

category. Additional information can be collected either initially or later on, including photographs of the tree, observed defects, or work that has been done to the tree or needs to be done.

The data collection process takes some time but is relatively simple. Data collectors typically will enter the information onto a tablet or smart phone using “point and click” drop-down menus for their selections. The tree’s location either is entered manually by clicking on the tree in a satellite image or calculated digitally by the device.

## **Tree Inventories as a Management Tool**

Once the task of entering the data is done, an inventory becomes a powerful management tool. Since each tree has a GPS location, the community forest inventory can be aligned with the city’s grey infrastructure. So, for example, city planners can see how many trees would be impacted by the path of a proposed sewer line. They can calculate the storm water and energy savings benefits provided by a stand of trees. Experts also can analyze tree diversity to refine tree planting priorities, and detailed response plans can be crafted before a devastating tree pest is introduced in the community.

Tree inventories are useful not only for those who care for public trees, but also for non-profit organizations, neighborhood associations, other city agencies, and environmentalists. As Francis Bacon and numerous others have said, “Knowledge is power.” Tree inventories are one way communities can increase their knowledge of green infrastructure, which in turn will help them make better-informed

decisions that can potentially improve communities and the lives of residents. ■

*Graham Herbst is the Nebraska Forest Service’s Community Forester Specialist for Omaha/eastern Nebraska.*



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*Freedom Yurt Cabins is a local business that took advantage of both local LB 840 job creation funds to get started and later State DED site development funding to expand into a larger space. Photo courtesy of the City of Sidney*

## Funding at work

City of Sidney creates hundreds of jobs, economic momentum through public-private partnerships

Unique incentives programs, community collaboration and locally led partnerships with the State of Nebraska have elevated development efforts in the City of Sidney (pop. 6,409). This week, the Department of Economic Development (DED) honored the city for continued success in Nebraska's Economic Development Certified Community (EDCC) program. DED Business Development Consultant Brittany Hardin recognized local leaders during Sidney's City Council meeting on April 25.

Sidney is one of 40 communities to earn EDCC certification in the program, which is sponsored by the Nebraska Diplomats and administered by DED. State officials established the EDCC program in 2005 to recognize communities for preparedness to attract new industries and expand existing businesses. Qualifying communities must demonstrate well-defined programs that encourage a supportive environment for economic growth.



*Higby Outdoors used both LB 840 job creation funds and the façade and signage grant program to get up and running in downtown Sidney. They recently have expanded by adding a café in the space next door. Photo courtesy of the City of Sidney.*

Successful EDCC's consistently promote available sites and buildings, create local development incentives and implement strategic planning. The City of Sidney earned EDCC program certification in 2008 and was recertified in 2012 and 2018.

Over the past five years, local leaders assisted in the creation of 15 new Sidney businesses through various

forms of financial assistance, including the city's LB 840 program. Nebraska's Local Option Municipal Economic Development Act (LB 840), adopted in 1991, allows communities—upon voter approval—to utilize a portion of local tax dollars for community development. Sidney's LB 840 program has generated 377 jobs since 2018.

*Continued on page 18 / See Sidney*



# Taking a look at safety on *municipal campgrounds*



*The municipal campground in Stapleton. Photo by Diane Becker/LARM*

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

**M**any municipalities offer a campground for recreational vehicles and tent campers, which promotes economic development as visitors spend time and money in the community. Campgrounds are also a service for those who come to the area for events or to visit friends or relatives.

For these reasons, municipalities should take steps to ensure the municipal campground is safe and inviting.

There aren't many campgrounds open in the winter months of Nebraska; however, many people traveling north to Canada or the Dakotas from winter stays in the south will take advantage of campgrounds that open in early spring. Although some campgrounds cannot open their outdoor restrooms until after the last freeze of the season, it may be a good idea to open the campground for the occasional camper who needs a place to park for the night.

As with any municipal property, trash must be picked up and trash receptacles emptied often in a municipal campground. Trash is not only unsightly, but it also provides habitats for rodents and other wild animals. It can be a health hazard, especially if items such as old food or used diapers are left behind at a campsite.

Municipalities should regularly monitor the activity at a campground. It's ideal if

law enforcement would drive through a campground at least once daily to ensure there is no unlawful activity and to deter those who might prey on unattended campsites.

Clear signage is a must at municipality-owned campgrounds. Campers need to know where to set up camp, where the restrooms/showers are, the fees, how to pay them, and any other directions that might be particular to that park or campground. Rules about pets, all-terrain vehicles, and maximum nights of stay must be spelled out clearly.

Every camper wants a campfire, so if feasible, provide fire rings so there is a safe place to make a fire. Make sure the fire rings are a safe distance away from where the recreational vehicles will be parked. When the fire danger is high, restrict campfires on the campground.

If possible, provide campers with maps of area trails and directions to recreational features such as swimming pools and tennis

courts. The local Chamber of Commerce might be interested in providing information about local businesses. Having Wi-Fi available at a campground is always a great amenity. When signing in, campers could be given information such as who to contact in case of an emergency or the location of the nearest medical facility.

Storms are common in Nebraska, so it is a good idea to supply campers with safe shelter information if there is a severe storm warning. Keep camping pads away from areas prone to high water if flooding occurs.

It's estimated that nearly 26 million people in the United States will take at least three camping trips this summer; some of those visits will probably be in a Nebraska municipality-owned campground. Municipalities can make sure their campgrounds are welcoming to visitors and provide them with a safe and pleasant stay. ■



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Continued from page 9

## II. Recent action by the Federal Government

As previously noted, governmental agencies have indicated their intent to more closely monitor companies to ensure proper classification of workers. Among these agencies is the U.S. Department of Labor (“DOL”), charged with enforcing the FLSA.

The DOL has traditionally used an “economic realities” test to determine the degree to which the worker is economically dependent on the employer. In October 2022, the DOL issued a notice of proposed rule entitled *Employee or Independent Contractor Classification Under the Fair Labor Standards Act*.<sup>xv</sup> As justification for the rule, the DOL argues that “the misclassification of employees as independent contractors remains one of the most serious problems facing workers, businesses, and the broader economy.” The DOL further asserts that a clarified rule is necessary to reduce confusion and accommodate changing work arrangements.<sup>xvi</sup>

The rule broadly proposes utilizing a totality of the circumstances factor test similar to the common law test, with a “focus on whether each factor shows the worker is economically dependent upon the employer for work versus being in business for themselves . . .”<sup>xvii</sup> These factors include:

1. *Opportunity for profit or loss depending on managerial skill:* whether the individual can exercise their own “exercise of initiative (such as managerial skill or business acumen or judgment).”
2. *Investments by the worker and the employer:* whether the worker makes investments particular to a specific job, or otherwise makes investments that support an independent business.
3. *Degree of permanence of the work relationship:* whether the relationship is “definite in duration or sporadic” which favors independent contractor status, or “by design indefinite in duration or continuous” which favors an employee status.
4. *Nature and degree of control:* whether the employer or worker retains substantial control of their own projects, schedule, and workload.
5. *Extent to which the work performed is integral to the employer’s business:* whether the work the worker performs is central to the employer’s production processes.
6. *Skill and initiative:* whether the work requires specialized training or skill that is not normally provided by the employer.<sup>xviii</sup>

The comment period for the proposed rule closed in December 2022, and as of this writing, a final rule has not yet been issued. A prior refinement of the rule was issued, delayed, and ultimately withdrawn, all while being subject to

litigation in federal court.<sup>xix</sup> Early indications suggest that the new rule could make it more difficult for workers in certain industries to be classified as independent contractors. Accordingly, the DOL’s final rule is likely to be challenged as well.<sup>xx</sup>

## III. Penalties and Risks Associated with Misclassification of Workers

The importance of properly classifying the working relationship is bolstered by the significant penalties and risks associated with misclassification. Misclassifying workers can lead to numerous violations of federal, state, and local laws and regulations impacted by the employment relationship.<sup>xxi</sup> In addition, workers can generally bring suit for any rights of which they were deprived by the improper classification. Practitioners should be aware of the following risks and penalties associated with misclassification:

- *Vicarious liability:* Generally, employers are subject to vicarious liability for all torts committed by their employees acting within the scope of their employment.<sup>xxii</sup>
- *Liability for unpaid wages and overtime payments*
- *Liability for failure to withhold taxes:* This includes payment of back taxes for taxes not withheld or paid, as well as related federal and state penalties. The federal government may impose substantial penalties for misclassifications based upon “reasonable cause”<sup>xxiii</sup> and “willful neglect.”<sup>xxiv</sup>
- *Unpaid state unemployment insurance contributions*
- *Workers’ compensation benefit payments*
- *Contributions to employee benefit plans for reclassified individuals*
- *Potential liability under anti-discrimination and other federal statutes such as Title VII,<sup>xxv</sup> ADA,<sup>xxvi</sup> ADEA,<sup>xxvii</sup> and ERISA.<sup>xxviii</sup>*
- *Exposure in the franchise arena:* Franchisors should proceed with caution to ensure proper classification of franchisees as independent contractors and to avoid the significant financial penalties associated with misclassification. For example, in *Roman v. Jan-Pro Franchising International, Inc.*,<sup>xxix</sup> a putative class of janitors alleged that the franchisor, Jan-Pro, had misclassified them as independent contractors. The court agreed, using a retroactive application of California’s narrow test for independent contractor status, and then approving the certification of the class as misclassified workers with claims for wages, overtime, and various business-related deductions and fees.<sup>xxx</sup>

## IV. Mitigating Risks Associated with Misclassification

To minimize the legal risks associated with misclassification of workers, businesses should assess each situation individually, considering their organization’s needs, the services to be provided, and the extent of control over the proposed worker. Following consideration of these issues, steps should be taken to ensure that the relationship fits the desired classification under all applicable tests. In doing so, however, it is important to remember that actual

Continued on page 17 / See Legal



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facts trump mere labels. Simply because a worker is dubbed an “independent contractor” does not make them so.

For those businesses wishing to create an independent contractor relationship, the following safeguards should be considered and implemented.

**First**, businesses should draft and execute a written agreement with the independent contractor. Written agreements are instrumental in articulating the parties’ intent and in defending against a misclassification claim. The agreement should: (a) define the relationship as one between businesses, (b) reinforce the independence and separateness between the business and the contractor, (c) state with reasonable particularity the services to be performed, (d) identify the fee to be paid to the contractor, and (e) define the length of the parties’ relationship and the manner in which the relationship can be terminated by either party.

**Second**, independent contractors should have their own workers’ compensation coverage and be responsible for their own income tax obligations. The business should consider requiring proof of compliance on these points.

**Third**, independent contractors should invoice the business for their work. If practicable, depending upon the nature of the profession and work performed, independent contractors should provide their own transportation, supplies, and tools necessary to perform the work.

**Finally**, the independent contractor’s independence should be respected. Specifically, businesses should not attempt to prohibit independent contractors from working for or with others through the use of non-competition clauses. Simply put, if workers are truly “independent” contractors, they should be treated as such.

## V. Conclusion

In light of increased government monitoring of the workforce to ensure proper classification of workers, practitioners should apply increased scrutiny to arrangements whereby businesses engage individuals as independent contractors. In these circumstances, practitioners must be particularly cognizant of the rules governing proper classification of workers, the legal risks associated with misclassification, and the steps necessary to minimize risks associated with misclassification.

*Editor’s Note: This article is not intended to provide legal advice to its readers. Rather, this article is intended to alert readers to new and developing issues. Readers are urged to consult their own legal counsel or the author of this article if they wish to obtain a specific legal opinion regarding their particular circumstances. The authors of this article, Tara A. Stingley and Sydney M. Huss, can be contacted at Cline Williams Wright Johnson & Oldfather, L.L.P., 12910 Pierce Street, Suite 200, Omaha, NE 68144, (402) 397-1700, tstingley@clinewilliams.com, shuss@clinewilliams.com, or [www.clinewilliams.com](http://www.clinewilliams.com).*

\* Reprinted and shared with permission from the authors and the Nebraska State Bar Association, The Nebraska Lawyer (May/June 2023). Special thanks to Kevin M. Freudenburg for his assistance in the research and preparation of this article.

**Note:** To request the citations for this article, please email Ashley at [ashleyw@lonm.org](mailto:ashleyw@lonm.org).

## Waste, litter, and scrap tire grant applications being accepted June 28 - Aug. 9

Grant applications for the Nebraska Department of Environment and Energy (NDEE) 2024 Waste Reduction and Recycling Incentive, Litter Reduction and Recycling, and Scrap Tire programs can be submitted between June 28 and Aug. 9, 2023 (4 p.m. CST). The grant term will be Jan. 1 through Dec. 31, 2024. Grant decisions will be announced in Dec. 2023. An estimated \$3 million will be available for litter grants and \$4.5 million for waste grants.

A grant application guidance document to aid grant applicants in the preparation of an application can be found at: <http://dee.ne.gov/publica.nsf/pages/WAS075>.

A technical guide with instruction on how to use the Waste and Litter grant application software can be found at: <http://dee.ne.gov/publica.nsf/pages/WAS066>.

The link to the NDEE application is: <http://ecmp.nebraska.gov/DEE-WGS/>. Please see the technical

guide for instructions. Eligible grant projects include, but are not limited to:

### Waste Reduction and Recycling Incentive Grants:

- Recycling systems and equipment – Equipment used in integrated solid waste programs and projects, such as balers, shredders, densifiers, and trucks/trailers to collect recyclables
- Food and yard waste composting – brush chippers, tub grinders, compost turners, and compost screens
- Household hazardous waste, electronic waste, and pharmaceutical collection events
- School chemical cleanouts
- Market development for recycled materials
- Deconstruction of abandoned buildings owned by the city/county (available to cities of the first class, cities of the second class, villages, and counties of 5,000 or fewer in population)

### Scrap Tire Grants:

- 50% reimbursement of crumb rubber for rubber modified asphalt, manufacturing, landscaping, or playground mulch
- 25% reimbursement of mats or tiles for playgrounds, poured-in-place playground surfaces, athletic tracks, and artificial turf

- football, soccer, and baseball fields
  - 100% reimbursement of the cost of scrap tire cleanup events (political subdivisions, only)
  - 50% reimbursement of capital costs for processing, manufacturing, collection, and transporting scrap tires
  - Cost-sharing for civil engineering uses (\$20/ton)
- ### Litter Reduction and Recycling Grants:
- Public Education – funding to promote recycling and litter reduction awareness through educational activities and programs
  - Cleanup – funding for cleanup activities on public spaces and roadways
  - Recycling – funding for equipment and operating expenses

### Illegal Dumpsite Cleanup Program:

- Available year-round to political subdivisions for illegal dumpsites along a road right-of-way. There are no deadlines for applications. The applications are currently received on paper. ■

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# Sidney

*Continued from page 13*

Sidney's Signage and Facade Enhancement program allows for aesthetic improvements to downtown brick-and-mortar businesses, and has provided \$134,654 in assistance over the past several years. The city invested \$66,145 to assist 24 new businesses through its Rental Assistance program, which encourages economic growth within the community's expanded Historic Downtown District. The program provides \$500 per month in assistance, for up to six months, to business owners who choose downtown rental space for their storefronts. The Nebraska Arts Council recently designated Sidney as a Creative District, which supports cultural and innovative development in designated areas. Sidney is one of nine communities to be designated as a Creative District in the new program.

"As Sidney's business community diversifies, we continue to look for creative ways to offer homegrown entrepreneurs an opportunity to put down roots in western Nebraska," said City Manager David Scott. "In addition to supporting the city's industrial and manufacturing industries through LB 840, our rental assistance program encourages investments for our retail and hospitality sectors."

Local and state partnerships have fostered consistent growth within Sidney's manufacturing industry. Nebraska's Site and Building Development (SBDF) program allows for property purchases, construction and renovations for new and expanding businesses. Sidney's LB 840 program and SBDF have invested in several companies over the past five years, including the relocation of animal feed manufacturer Vitalix and New Freedom Yurt Structures' expansion project.

"The City of Sidney appreciates the opportunity to build relationships with business owners and economic developers across Nebraska," said Mayor Brad Sherman. "As our community continues to learn about developmental resources, various programs have solidified the importance of private investments, city incentives, and state and federal programming as project investors."

Sidney is one of just eight Nebraska communities to qualify for design grant funding through the Safe Streets and Roads for All program. The federal Bipartisan Infrastructure Law (BIL) was passed in 2021 and allows funding for redesigned roads and updated sidewalks and crosswalks. The program designated \$300,000 for improvements in Sidney. Nebraska's eight designated communities are among 445 national program recipients.

Scott pointed to the importance of local, state and federal partnerships for developmental success in Sidney and Cheyenne County.



*Charlotte & Emerson is a women's clothing boutique that used Rental assistance and façade/signage grants to get started in 2021 and has been successful since. Photo courtesy of City of Sidney.*

## More info

To learn more about EDCC, contact Ashley Rice-Gerlach at 308-655-0919, or [ashley.gerlach@nebraska.gov](mailto:ashley.gerlach@nebraska.gov), or visit <https://opportunity.nebraska.gov/programs/community/edcc/>

"The EDCC program sets a precedent for growth within our communities through a variety of resources, which has sparked excitement about future developmental opportunities in Sidney," Scott said. "We are excited to continue establishing these great connections with investors and developers to ensure Sidney remains in a position to grow for many years." ■

*Source – Nebraska Department of Economic Development*



## Six Nebraska communities awarded grants for historic preservation

A 98-year-old flour mill and a ballroom in Schuyler are among the recipients of federal grants for preserving structures on the National Register of Historic Places.

Six projects will share in \$328,000 worth of grants allocated by History Nebraska for communities of populations under 30,000.

The Paul Bruhn Historic Revitalization Grants will be used for:

- Repairs and accessibility construction to the porch of the Alfred H. and Sarah Frahm House in Fort Calhoun.
- Repair and replacement of the roof of the community school in Mason City.
- Repair and restoration of the front porch and trim of the J.L. Miner House in Red Cloud.
- Repair and replacement of degrading windows of the Ponca Tribe Self-Help Community Building and Caretaker's Cottage in Niobrara.
- HVAC replacement, roof replacement and interior and exterior repairs at the Oak Ballroom in Schuyler.
- Roof replacement for the Wauneta Roller Mills, which closed, reportedly temporarily, a year ago.

Nebraska was among 12 applicants to receive the Paul Bruhn grants, named for a former executive director of the Preservation Trust of Vermont. A total of \$7 million was awarded nationwide. ■

*Source – The Nebraska Examiner.  
Read more from the Examiner at  
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# RECENT DIRECTORY UPDATES

For the 2023 Nebraska Directory of Municipal Officials

The list below reflects updates to the Directory received since the Directory was released in April. Updates are listed each month in the magazine. To order a Directory, visit [LONM.org/news](http://LONM.org/news).



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Ponca	Clerk/Finance Director	vacant	Jaime Schweers

## Tuma

*Continued from page 5*

emergency preparedness coordinator for the Nebraska Department of Health and Human Services (DHHS).

Tuma has a bachelor's degree in criminal justice from the University of Nebraska–Lincoln (UNL). He will assume his new duties for the Crime Commission on June 12.

Arp has served as director of the Crime Commission since his appointment in 2019. Gov. Pillen thanked Arp for his years of public service and wished him well in all future endeavors. ■

Source – Office of the Governor




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—Thom Harnett, *Former State Legislator and Mayor, Gardiner, Maine*

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# Department of Economic Development announces Rural Workforce Housing Fund recipients

In May, the Nebraska Department of Economic Development (DED) announced the recipients of \$22,825,000 in awards through the 2022 round of Nebraska's Rural Workforce Housing Fund (RWHF).

Authorized by the Rural Workforce Housing Investment Act of 2017, the RWHF helps communities create quality, affordable housing to accommodate growth.

For the 2022 funding cycle, RWHF awards were available to eligible non-profit development organizations who supplied at least a fifty percent match (that is, fifty cents for every one dollar of RWHF funds awarded). In many cases, local financial institutions and employers partnered with the primary applicant in providing the local match. Combined, today's recipients contributed more than \$12.1 million in matching funds.

DED administers the RWHF program on behalf of the State of Nebraska through a competitive application process. The department then partners with recipients to provide input regarding project design, development, and implementation.

"Growing rural Nebraska is a priority for our agency," said DED Interim Director Joe Fox. "The RWHF supports job creation and helps attract residents to our rural communities through strategic investments in affordable, high-quality housing. We had an outstanding batch of applicants for this cycle of RWHF awards. Congratulations to the awardees!"

These awards were made possible by a general fund allocation authorized by the Nebraska Legislature in 2022. ■

Source – Nebraska Department of Economic Development

Recipient	Project Area	Local Match	RWHF Award
Albion Economic Development Corp.	Albion	\$566,000	\$1,000,000
Arcadia Safety and Preservation Fund, Inc.	Valley County, primarily Arcadia	\$500,000	\$1,000,000
Aurora Housing Development Corp.	Hamilton County	\$500,000	\$1,000,000
Box Butte Development Corp.	Alliance	\$375,000	\$750,000
Columbus Area Chamber of Commerce	Columbus	\$500,000	\$1,000,000
David City Development Corp.	David City	\$500,000	\$1,000,000
Grand Island Area Economic Dev. Corp.	Grand Island	\$675,000	\$1,000,000
Greater Fremont Development Council	Fremont	\$503,000	\$1,000,000
Greater Loup Valley Activities, Inc.	Valley County, primarily Ord	\$551,500	\$1,000,000
Hastings Economic Development Corp.	Hastings	\$600,000	\$1,000,000
McCook Economic Development Corp.	McCook, Red Willow county	\$351,000	\$702,000
Merrick County Development Corp.	Central City	\$502,500	\$1,000,000
NeighborWorks Northeast Nebraska	Norfolk	\$500,000	\$1,000,000
Neligh Chamber of Commerce	Neligh	\$255,000	\$510,000
North Central Development Center, Inc.	Brown, Keya Paha, & Rock counties	\$163,500	\$327,000
O'Neill Chamber of Commerce	O'Neill	\$500,000	\$1,000,000
Panhandle Area Development District	Sidney	\$500,000	\$1,000,000
Phelps County Development Corp.	Holdrege, Bertrand	\$300,000	\$600,000
Ravenna Economic Dev. Corp.	Ravenna	\$175,000	\$350,000
Seward County Chamber & Dev. Partnership	Seward County	\$378,000	\$756,000
South Central Economic Development District, Inc.	Adams, Buffalo, Clay, Franklin, Hall, Hamilton, Harlan, Howard, Kearney, Merrick, Nuckolls, Phelps, & Webster counties	\$430,000	\$860,000
Southeast Nebraska Affordable Housing Council	Nebraska City, Falls City, & Henderson primarily	\$800,000	\$1,000,000
Spencer Community Economic Development, Inc.	Spencer	\$350,000	\$700,000
Twin Cities Development	Scotts Bluff, Morrill, & Kimball counties	\$500,000	\$1,000,000
Wausa Development Corporation	Wausa	\$135,000	\$270,000
West Central Nebraska Development District	Imperial	\$500,000	\$1,000,000
York County Development Corporation	York County	\$500,000	\$1,000,000

**For more information**

For more information about the RWHF, visit [opportunity.nebraska.gov/program/workforce-housing-fund](https://opportunity.nebraska.gov/program/workforce-housing-fund). For questions, contact Nick Dropinski, Workforce Housing Specialist, at [nick.dropinski@nebraska.gov](mailto:nick.dropinski@nebraska.gov) or 402-580-0713.



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## Positions

**Deputy City Clerk, Chadron.** Looking for a career opportunity in Public Service? The City of Chadron, Nebraska, now has an opening for a Deputy City Clerk. This highly responsible position may provide opportunity for advancement in local government. Along with an excellent benefits package, compensation of \$37,440 - \$54,080 per year is being offered. Qualifications include: Bachelor's Degree in business administration, public administration, political science, or a closely related field; or five years of increasingly responsible experience in municipal government; or any equivalent combination of education and experience. A full job description is available on request.

Hourly range for this non-exempt position is \$18 to \$26, based on experience, with a full benefits package (medical, dental, vision, life with AD&D, 7% retirement match, paid holidays, sick leave, annual leave after 30 days & personal leave days), Employee Assistance Program and

an Educational Assistance program for those wishing to continue their education.

Applications are available at City Hall, 234 Main Street, Chadron or can be downloaded from our website, [www.chadron-nebraska.com](http://www.chadron-nebraska.com). Please contact [personnel@chadron-nebraska.com](mailto:personnel@chadron-nebraska.com) with any questions you may have.

**Qualifications** - Bachelor's Degree in business administration, public administration, political science, or a closely related field; or five years of increasingly responsible experience in municipal government; or any equivalent combination of education and experience. Extensive knowledge in Microsoft Office programs preferred. Pre-employment drug test and background check are required if a conditional offer is made.

**Special Requirements** - An understanding of governmental process and parliamentary procedure is highly desirable.

*Continued on page 24*

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## Positions

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### **Aquatics Center Supervisor, Chadron**

The City of Chadron is offering a unique opportunity for individuals seeking a career in the recreation industry in the position of Aquatics Center Supervisor. The ideal candidate will be a decisive, energetic, insightful leader that naturally presents information in a clear, concise, and direct manner; and an excellent example and mentor to staff. This full-time position involves substantial public contact and requires strength in multi-tasking, excellent organizational skills, and collaborating to strategize and prioritize projects, programs, and issues. A full job description is available on request. Comprehensive background check, pre-employment physical and pre-employment drug test are required if a conditional offer is made.

The salary range for this non-exempt position is \$19.05-\$26.67 per hour based on prior experiences and certifications. Includes an excellent benefits package featuring: comparable wages, sick leave, annual leave after 30 days, three personal leave days and nine paid holidays, an outstanding health care plan (full family coverage is just \$249.07 per month), dental and vision insurance, \$50,000 in term life insurance as well as a 7% retirement benefit and Employee Assistance Program.

Applications are available at City Hall, 234 Main Street, Chadron or can be downloaded from our website, [www.chadron-nebraska.com](http://www.chadron-nebraska.com). Please contact [personnel@chadron-nebraska.com](mailto:personnel@chadron-nebraska.com) with any questions you may have.

**Qualifications** - Desired minimum qualifications: Education and Experience: Bachelors Degree in Recreation Management, Community Recreation or related leisure services field, or equivalent in training and experience; Valid Nebraska Driver's

License; One to three years of experience in supervising an organized aquatics program; Experience in planning, coordinating and scheduling of sports, aquatics, special events or other leisure programs; Skill in the use of computers; Previous supervisory experience.

**Special Requirements** - Must possess or have the ability to obtain within six months from hire date the following: a. American Red Cross CPR for the Professional Rescuer Certificate or equivalent; b. American Red Cross Water Safety Instructor Trainer or equivalent; c. American Red Cross Lifeguarding Instructor Certificate or equivalent; d. American Red Cross Adult, Child and Infant CPR and AED Instructor Certificate, to include care for choking and obstructed airway or equivalent; and e. Pool Operators Certificate.

An Equal Opportunity Employer—We're always looking for great talent!

**Full-Time Water/Wastewater Operator, Chadron.** The City of Chadron is seeking an enthusiastic and motivated individual for the position of Full-time Water/Wastewater Operator for the Utilities Department. This is a valuable opportunity for an individual with or without a college degree. An excellent benefit package and genuine concern for our employees make this a great fit for those looking to provide for and raise their family in a clean, safe, vibrant community. Our work environment can be challenging and rewarding. The ideal candidate will possess the willingness to learn and attain required certifications in the water/wastewater industry.

Salary Range for this position is \$37,648 - \$51,812.80 annually, based on qualifications, with opportunities for overtime. In addition, the City of Chadron offers excellent benefits: sick leave, annual leave after 30 days, three personal leave days and

nine paid holidays. A full benefits package including an outstanding health care plan (family coverage is \$247.09 per month), dental and vision insurance, \$50,000 in term life insurance and 7% retirement benefit.

Applications are available at City Hall, 234 Main Street, Chadron or can be downloaded from our website, [www.chadron-nebraska.com](http://www.chadron-nebraska.com). Please contact [personnel@chadron-nebraska.com](mailto:personnel@chadron-nebraska.com) with any questions you may have.

**Qualifications** - This position requires the following: High School Diploma or equivalent; two years related experience; ability to acquire and maintain Grade I Wastewater Operator's License; and Grade III and Grade IV Water Operator's License; ability to work in varying weather conditions. Must possess a valid Nebraska Driver's License, CDL endorsement preferred though not required. Pre-employment drug test and background check required are required if you receive a conditional offer of employment.

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**Police officer, Chadron.** Have you always longed for a sense of community and are looking to make a real impact with your career? If so, the City of Chadron Police Department is seeking capable, motivated individuals, with compassion and a willingness to work with citizens to maintain a healthy and safe community. Our officers are well equipped with vehicles, firearms, bullet proof vests, body cameras and all the necessary equipment and training to be successful in this challenging profession. Entry level, experienced and out of state applicants are all encouraged to apply.

No prior law enforcement experience necessary. New employees will attend

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## Positions

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the Nebraska Law Enforcement Training Center (NLETC) at the Chadron Police Department's expense. Salary is based on qualifications and experience, \$20.55 - \$26.55/hr., with excellent benefits: comparable wages, overtime, sick leave, annual leave after 30 days, two personal leave days and nine paid holidays. A full benefits package including an excellent health care plan (family coverage is \$247.09 per month), dental and vision insurance, \$50,000 in term life insurance, long term disability insurance, Employee Assistance Program and 7% retirement benefit. A city educational assistance program is available and Chadron State College has a strong Criminal Justice program for those looking to further their education and career. Current hiring incentives include 5% of the base wage for all non-certified sworn officers and 10% of the base wage for all certified sworn officers, or those that can obtain certification through reciprocity, within one year of employment. For more information please contact us or visit our website, [www.chadron-nebraska.com](http://www.chadron-nebraska.com).

**Qualifications** - The successful candidate will be an individual with integrity, committed to public service; with a High School Diploma or equivalent, minimum age 21 years, excellent physical condition, valid driver's license, and be of good moral character with no felony conviction. Pre-employment drug test, polygraph, physical standards test and psychological test are required if you receive a conditional offer of employment. Nebraska Certified Officer is preferred but is not required.

**Special Requirements** - Officers certified in Nebraska will be granted a lateral entry upon completion of Field Training Officer (FTO) program. Candidates certified in other states will be granted lateral entry

upon successful completion of Nebraska Law Enforcement Training Center's requirements for reciprocity certification and FTO. Bonus pay and paid leave options would apply as hiring incentives. Please contact us for more information.

**Miscellaneous Information** - Application information packets may be requested from Bev Bartlett, Secretary of the Civil Service Commission, P.O. Box 390, Chadron, NE 69337; Phone (308)432-0505; Email [personnel@chadron-nebraska.com](mailto:personnel@chadron-nebraska.com)

An Equal Opportunity Employer— We're always looking for great talent!

**General Manager - Board of Public Works, Auburn.** Responsibilities - Direct, manage, supervise, and coordinate activities and operation of all electrical, water, and wastewater facilities, systems, and personnel. Coordinate assigned activities with other utility departments and provide highly responsive and complex administrative support to the Electric Operations Manager, the Water/Wastewater Manager, and the Accounting and Finance Manager.

**Qualifications** - A bachelor's degree from an accredited college or university with major coursework in Electrical, Civil, Mechanical, Energy, or Water Engineering, Business Administration, or Energy Management; or a combination of education and experience equivalent to a bachelor's degree in a field related to utility management. Five years of increasingly responsible experience in utility operation, maintenance, or engineering with at least three years of supervisory and/or administrative experience. Must possess a valid State driver's license and live within Nemaha County - not more than 15 driving miles from 1600 O Street, Auburn. Background check, MVR check, drug screen, and physical required.

To view the full job description and find that application, visit [www.auburnbpw.com](http://www.auburnbpw.com)

and click on BPW forms in the upper right corner.

To apply, please return the application in .pdf format along with a cover letter and resume to Board Member David Grant - [dgrant@auburnstatebank.com](mailto:dgrant@auburnstatebank.com), 402-274-4342.

The Auburn Board of Public Works is an Equal Opportunity Employer.

### **Water Operator I, Papillion.**

**Base Pay:** \$23.74 / Hour plus full benefits  
**Reports to:** Chief Water Superintendent  
**Supervises:** ---

**Purpose of Position:** Under general supervision, performs various semi-skilled manual labor in the maintenance of the City's water distribution systems, the water treatment plant, and other related elements to ensure clean water for all customers in the water district. An incumbent will be required to perform duties on an on-call basis, as needed. This is the entry level class in the Water Operator series.

**Essential Function:** Participates in the maintenance, repair, operation, and cleanliness of the water treatment plant, water storage areas, and other related facilities within the distribution system.

Performs various water activities including, but not limited to, water taps, service line shut-offs/turn-ons, filter backwashing, valve maintenance, assisting with water main break response, hydrant maintenance, flushing and pressure testing, reading meters, etc.

Utilizes the water treatment and distribution plant computer systems (SCADA) in the performance of duties in proper adjustments as/when needed for water treatment and distribution process.

Reads all well meters, booster pump stations, plant chemical scales and other daily flow meter recordings.

Assist in chemical deliveries with/without

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## CLASSIFIEDS

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### Positions

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assistance, filling and proper mixing of water treatment chemical tanks, and all other chemical storage and delivery processes.

Assists in the collection of all necessary water samples, lab work, including daily, weekly, and monthly testing, with proper use of water treatment lab equipment associated with water testing.

Participates in the new installation of water infrastructure and other elements within the distribution system.

Operates departmental equipment, machinery, vehicles, and basic hand, power, and electric tools in the performance of duties and according to established guidelines.

Performs snow removal and salt/sand application on streets, sidewalks, parking lots, and around public buildings either manually or using snow removal equipment as necessary for City wide snow removal efforts.

Able to work a 5-week rotating 10-hour day schedule that varies during the peak demand months of the year. This schedule can vary from midnight to 10 am or 2 pm to midnight including weekends. During non-peak times, hours range from 6 am to 5 pm with rotating weekends and holidays. The City maintains the right to amend the

schedule as necessary.

Must have a valid State of Nebraska commercial driver's license, Class B with a Tanker endorsement, or the ability to obtain one within six (6) months of hire.

Able to work in a rotation of weekends, holidays, and on-call.

Please visit [www.papillion.org](http://www.papillion.org), and click on 'Apply for Job' to view the entire job posting.

#### City Manager, Beloit, KS

City seeks Manager to lead its full range of municipal services, including electric utility, and contribute leadership for continuing City investments in community. Beloit boasts a historic small-town charm and optimism, alongside status as a hub of its regional economy. More than 150 businesses with predominance of jobs in manufacturing, agriculture, health care, and education. Financially sound and stable City government with nine Managers since 1978. Position has responsibility for 53 FTEs, \$12.9 million budget, management of all services, including three utilities, policy research, and recommendations to governing body. Low range of salary: \$110,000. Send resume and cover letter highlighting governing body's preferred qualifications in single file in confidence to recruitment advisor: Marla Flentje,

[mflentje@austinpeters.com](mailto:mflentje@austinpeters.com). Deadline: June 30. Finalists subject to disclosure. See qualifications in City Manager Recruitment Profile at [beloitks.org](http://beloitks.org).

#### Water/Wastewater Operator, Cozad

The City of Cozad is accepting applications for the position of full-time Water/Wastewater Operator. This individual will perform tasks in the construction and maintenance of the City's water distribution and sewage collection system as well as help with the mechanical operations of the wastewater treatment facilities.

A complete job description and application are available by contacting Nikki Schwanz, City Administrator at [cityadmin@cityofcozad.com](mailto:cityadmin@cityofcozad.com). Applications are also available online at <https://cozad.net/employment-application>.

The salary range for this position is \$41,600 - \$45,760 annually; placement within the range is dependent on qualifications and experience of the selected individual. The City of Cozad also offers a comprehensive benefits package, including fully paid medical insurance for employee and family, retirement plans; Life, AD&D, and Disability Insurance; and paid leave time. The City of Cozad is EOE and Veteran Preference. Applications will be accepted until the position is filled. ■

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