MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, JUNE 3, 2003 COUNTY COMMISSIONERS CHAMBERS, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING 1:30 P.M.

Commissioners Present: Bernie Heier, Chair

Ray Stevens, Vice Chair

Larry Hudkins Deb Schorr Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer

David Johnson, Deputy County Attorney

Bruce Medcalf, County Clerk

Trish Owen, Chief Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 27, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the

Board of Commissioners meeting dated May 27, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

The County Board wished Dave Kroeker, Budget and Fiscal Officer for Lancaster County, a happy birthday.

2) SPECIAL PRESENTATIONS:

A. The Commissioners Award of Excellence for the month of May was presented to Scott Waters, with Lancaster County Corrections.

MOTION: Hudkins moved and Schorr seconded approval of the Commissioners

Award of Excellence for the month of May to Scott Waters, with the

Lancaster County Corrections Department. Workman, Schorr,

Stevens, Hudkins and Heier voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. A resolution proclaiming the week of June 1 through June 7, 2003 as "Management Week" - Cindy Lugan, Leadership Link President Elect. (R-03-0035)

Cindy Lugan, Leadership Link President Elect, appeared and gave an overview of the organization.

MOTION: Workman moved and Stevens seconded approval of Resolution

03-0035 proclaiming the week of June 1 through June 7, 2003 as "Management Week". Stevens, Workman, Hudkins, Schorr and Heier

voted aye. Motion carried.

The Clerk read the resolution into the record.

3) PUBLIC COMMENT:

There was no public comment and the meeting proceeded as planned.

4) <u>CLAIMS:</u> Approval of all claims processed through Tuesday, June 3, 2003.

MOTION: Workman moved and Stevens seconded approval of all claims

processed through June 3, 2003. Hudkins, Stevens, Workman,

Schorr and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS**:

Public Hearing Items 5A and 5B were heard together.

- A. County Special Permit 197, Cedar Grove Estates Community Unit Plan, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine single family acreages, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska.
- B. County Preliminary Plat 02026, Cedar Grove Estates, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine residential acreage lots, with associated waiver requests, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska.

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5) PUBLIC HEARINGS CONTINUED:

The Chair opened the public hearings.

The Clerk administered the oath to Jered Morris, appearing on behalf of Art Knox and Knox Associates.

Morris stated they feel the development conforms to the Comprehensive Plan and that they are preserving the agricultural land as best as possible.

In response to a question asked by Workman, Morris responded that they had requested a dedication of a 60 foot right-of-way be decreased to 50 feet at approximately 176th Street and Old Cheney Road. He added that they had also requested that the provision for access to the north be stricken.

Hudkins asked if the 60 foot right-of-way would adversely effect the development.

Morris stated they didn't want to move fences and they felt that the dedication of the additional ten feet wasn't necessary. He stated it was his understanding that the dedication of a 60 foot section, which would complete a 120 foot section, for a future major arterial street was not planned in the area in the near future.

Stevens stated he would favor a 60 foot right-of-way.

Morris stated there are existing structures on the south portion of the property which are fairly close to Old Cheney Road. An additional ten feet would make the structures even closer to the right-of-way.

Workman stated he would not be opposed to the 50 foot right-of-way.

Heier concurred with Commissioners Hudkins and Stevens.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb stated the Comprehensive Plan provides for 60 and 65 foot right-of-ways within the three-mile jurisdiction, however, in the balance of the County 100 feet is the standard to be applied for rural roads. He added the 100 feet is the standard for the County Engineer and the State of Nebraska, Department of Roads.

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5) PUBLIC HEARINGS CONTINUED:

Stevens asked if it was possible to have an easement on the buildings until such time that the road needs to be widened.

DeKalb responded yes.

Hudkins asked Morris if his client would accept a 60 foot easement if the existing buildings were protected.

Morris stated he would need to speak with his client. He added that he felt there was some potential of dedicating a 50 foot right-of-way with an additional ten foot easement if no vegetation, such as trees, were allowed in the area.

Schorr urged the Board to adhere to the standards as outlined in the Comprehensive Plan.

Hudkins stated he would like to see the County Comprehensive Plan amended to require a 60 foot right-of-way.

MOTION: Hudkins moved and Stevens seconded to defer County Special Permit 197, Cedar Grove Estates Community Unit Plan, and County Preliminary Plat 02006, Cedar Grove Estates, for one week.

Workman stated he would not support the motion.

David Johnson, Deputy County Attorney, requested that the Factsheets for County Special Permit 197, Cedar Grove Estates Community Unit Plan, and County Preliminary Plat 02006, Cedar Grove Estates, be made a part of the record. (Exhibit 1 and Exhibit 2)

ROLL CALL: Stevens, Hudkins, Schorr and Heier voted aye. Workman voted no. Motion carried.

C. An application for an amusement license from Dustin Duba to hold a street dance on Saturday, June 21, 2003 from 12 p.m. to 1 a.m. at the intersection of 1st Street and Southwest 114th Street in Kramer, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

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5) **PUBLIC HEARINGS CONTINUED:**

No one appeared.

MOTION: Hudkins moved and Stevens seconded approval of the Special

Designated Permit from Dustin Duba d/b/a Dusty's Bar & Grill, located at 109 1st Street in Kramer, Nebraska, to have a beer garden in connection with an amusement license to hold a street dance on Saturday, June 21, 2003 from Noon to 1 a.m.. Schorr, Stevens,

Workman, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS**:

A. Approval of the Lancaster County/City of Lincoln breast pump agreement and procedures. (C-03-0283)

Bonnie Coffey, Lincoln-Lancaster Women's Commission, appeared and gave a brief overview of the agreement.

MOTION: Schorr moved and Hudkins seconded approval of the Lancaster

County/City of Lincoln breast pump agreement and procedures.

Stevens asked if the agreement was for rental or loan.

Coffey stated it should be a loan with no rent charged.

Stevens also referred to the fourth paragraph of the procedures indicating there is a reference to a "rental contract". He asked if it should read as a "loan contract".

Coffey responded yes.

ROLL CALL: Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

B. An application for a Special Designated License from Dustin Duba d/b/a Dusty's Bar & Grill, located at 109 1st Street in Kramer, Nebraska, to have a beer garden in connection with an amusement license to hold a street dance on Saturday, June 21, 2003 from Noon to 1 a.m.

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Johnson referred to Public Hearing Item 5C (Application for Amusement License) explaining that the motion was to approve a Special Designated License. He stated the Board should have approved the amusement license.

MOTION:

Hudkins moved and Stevens seconded approval of an application for an amusement license from Dustin Duba to hold a street dance on Saturday, June 21, 2003 from 12 p.m. to 1 a.m. at the intersection of 1st Street and Southwest 114th Street in Kramer, Lancaster County, Nebraska. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

MOTION:

Stevens moved and Hudkins seconded reconsideration of New Business Item 6B (Special Designated License from Dustin Duba d/b/a Dusty's Bar & Grill). Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

MOTION:

Stevens moved and Hudkins seconded approval of an application for a Special Designated License from Dustin Duba d/b/a Dusty's Bar & Grill, located at 109 1st Street in Kramer, Nebraska, to have a beer garden in connection with an amusement license to hold a street dance on Saturday, June 21, 2003 from Noon to 1 a.m. subject to the following: a) alcohol sales being shut off one-half prior to the band ending, b) limiting the number of drinks sold at one time to two per patron, c) no alcohol consumption by employees or security personnel during the event and d) require people to be at the barricade locations on Southwest 114th Street during the time of the event. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

C. An application for a Special Designated License from Ken's Liquor Inc. to hold a 30 year class reunion at County Pines, located at 6305 West Adams Street, on Saturday, June 21, 2003 from 3 p.m. to 1 a.m.

MOTION:

Hudkins moved and Stevens seconded approval of an application for a Special Designated License from Ken's Liquor Inc. to hold a 30 year class reunion at County Pines, located at 6305 West Adams Street, on Saturday, June 21, 2003 from 3 p.m. to 1 a.m. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

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D. An amendment to an agreement with The Connecting Link which extends the term of the agreement to July 1, 2003. The original agreement under County Contract C-03-0126 was for the provision of Organizational Diagnosis of the Lancaster County Community Mental Health Center. An additional month is required in order for the contractor to interview employees at the Mental Health Center. There is no additional compensation for the extension of the agreement. (C-03-0281)

MOTION:

Schorr moved and Stevens seconded approval of an amendment to an agreement with The Connecting Link which extends the term of the agreement to July 1, 2003. An additional month is required in order for the contractor to interview employees at the Mental Health Center. There is no additional compensation for the extension of the agreement. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

E. An agreement with 8th & M Parking to terminate County Contracts C-01-0253 and C-02-0170 for four parking spaces at 801 "N" Street. The effective date of termination shall be July 31, 2003. The parking is for County staff and independent contractors working for the Office of Juvenile Mental Health. This office will be relocating to Trabert Hall. (C-03-0282)

MOTION:

Hudkins moved and Stevens seconded approval of an agreement with 8th & M Parking to terminate County Contracts C-01-0253 and C-02-0170 for four parking spaces at 801 "N" Street. The effective date of termination shall be July 31, 2003. The parking is for County staff and independent contractors working for the Office of Juvenile Mental Health. This office will be relocating to Trabert Hall. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

F. Referee agreements with the following individuals to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations:

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Name of Individual	Hourly Rate
Bret C. Burnham (C-03-0242)	\$75
Jane R. Hermsmeyer (C-03-0247)	\$50
Stanley L. Portsche (C-03-00253)	\$65

MOTION:

Workman moved and Stevens seconded approval of referee agreements with the following individuals to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations: Bret C. Burnham, at an hourly of \$75 (C-03-0242), Jane R. Hermsmeyer, at an hourly rate of \$50 (C-03-0247) and Stanley L. Portsche, at an hourly rate of \$65 (C-03-0253). Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

G. An amendment to an agreement with Great Plains Appraisal Company in which the original agreement is for the supervision and coordination of all activities of the referees which were hired to hear protests for the 2003 tax year. The original contract is under County Contract C-03-0078 and the amendment is for the provision of security services at the rate of \$25 per hour for up to \$6,000. The amendment also is for the provision of additional clerical assistance at the County Clerk's Office at the rate of \$20 per hour. All other terms shall remain in full force and effect. (C-03-0284)

MOTION:

Workman moved and Stevens seconded approval of an amendment to an agreement with Great Plains Appraisal Company in which the original agreement is for the supervision and coordination of all activities of the referees which were hired to hear protests for the 2003 tax year. The amendment also is for the provision of additional clerical assistance at the County Clerk's Office at the rate of \$20 per hour. All other terms shall remain in full force and effect. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

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H. A service agreement for primary and secondary software licenses for the County Assessor/Register of Deeds with Environmental Systems Research Institute Inc. (ESRI). The agreement covers a guaranteed four hour response time, equipment repairs, phone support and all software upgrades and other technical support requested by the County Assessor/Register of Deeds for their Geographic Information System (GIS). Total cost of the contract is \$7,300. Term of the agreement is for one year, beginning July 21, 2003 and ending July 20, 2004. (C-03-0285)

MOTION:

Hudkins moved and Workman seconded approval of a service agreement for primary and secondary software licenses for the County Assessor/Register of Deeds with Environmental Systems Research Institute Inc. (ESRI). Total cost of the contract is \$7,300. Term of the agreement is for one year, beginning July 21, 2003 and ending July 20, 2004. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

I. A resolution approving an agreement between David W. Seevers and Marcie M. Scharton and the Public Building Commission acting on behalf of the City and the County for portions of property legally described as Lot 5 and Lot 6, Block 145, Original Plat, City of Lincoln, Lancaster County, Nebraska known as 710 South 8th Street. The purchase price is \$58,000 which shall come from Parking Garage Bonds, which has been approved by bond counsel. (R-03-0036)

MOTION:

Hudkins moved and Stevens seconded approval of Resolution 03-0036 approving an agreement between David W. Seevers and Marcie M. Scharton and the Public Building Commission acting on behalf of the City and the County for portions of property legally described as Lot 5 and Lot 6, Block 145, Original Plat, City of Lincoln, Lancaster County, Nebraska known as 710 South 8th Street. The purchase price is \$58,000 which shall come from Parking Garage Bonds, which has been approved by bond counsel. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

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- J. A resolution authorizing the removal and installation of the following traffic signs in Lancaster County, Nebraska: (R-03-0037)
 - Removal of the 50 mile per hour speed limit sign located on Northwest 112th Street north of Education Drive for southbound traffic.
 - Removal of the 30 mile per hour speed limit sign located on Malcolm Road south of Northwest 112th Street for southbound traffic
 - ► Install a 40 mile per hour speed limit sign on Northwest 112th Street north of Education Drive for southbound traffic.

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0037 authorizing the removal and installation of traffic signs in Lancaster County, Nebraska. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Engineer to recognize all bids for annual production of gravel surface coarse material, limestone rock and gravel for ice control to the following: (B-03-0015)

ROCK:	Kerford Limestone Company Martin Marietta Aggregates	\$8.85/ton \$9.75/ton
GRAVEL:	Bluff Gravel Company Lyman Richey Sand/Gravel	\$5.75/ton \$6.39/ton
ICE CONTROL:	Concrete Industries d/b/a Western Sand & Gravel Lyman Richey Sand/Gravel	\$3.80/ton \$3.85/ton

MOTION: Workman moved and Stevens seconded approval of the

recommendation from the Purchasing Agent and the County Engineer to recognize all bids for annual production of gravel surface coarse material, limestone rock and gravel for ice control. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

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L. Recommendation from the Purchasing Agent and the City-County Armored Car Services evaluation committee to award a Request for Proposal for armored car services for Lancaster County and the City of Lincoln to Rochester Armored Car Company, Inc. at rates as specified in the tabulation sheet. The contract term will be three years with one, three-year renewal option. (B-03-0016)

MOTION:

Stevens moved and Hudkins seconded approval of the recommendation from the Purchasing Agent and the City-County Rochester Armored Car Services evaluation committee to award a Request for Proposal for armored car services for Lancaster County and the City of Lincoln to Armored Car Company, Inc. at rates as specified in the tabulation sheet. The contract term will be three years with one, three-year renewal option. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

M. Request from Cathy Cornell for a refund of real estate taxes on property located at 4710 South 54th Street in Lincoln, Nebraska.

Cathy Cornell, 4710 South 54th Street, appeared and gave a brief overview of her request.

Submitted into the record by Cornell was property information from the County Assessor/Register of Deeds website (Exhibit 3).

Norm Agena, County Assessor/Register of Deeds, stated the property sold in 1998 upon which an inspection for the sale was to be conducted. The inspection was not completed and a notice was left at the door. Agena said there was no response regarding the notice. At that point, an increase notice was sent, however, no protest has ever been filed.

In response to a question asked by Workman, Agena stated you can go back two years for a refund request.

Extensive discussion took place regarding the refund request.

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MOTION: Workman moved and Stevens seconded to accept the County

Assessor/Register of Deeds recommendation to deny a request from Cathy Cornell for a refund of real estate taxes on property located at 4710 South 54th Street in Lincoln, Nebraska. Workman, Hudkins,

Schorr, Stevens and Heier voted aye. Motion carried.

N. Request from Mary Widmeyer for a refund of real estate taxes on property located at 4611 Christopher Court in Lincoln, Nebraska.

Appearing were Harry and Mary Widmeyer, 4611 Christopher Court.

Mr. Widmeyer gave an overview of their request stating that there is a clause in a state law in which an individual is allowed to go back and get a refund for up to two years. He stated he feels they are within their right to request and be granted a refund for 2001 and 2002.

Agena briefly outlined the steps taken by his office, beginning in 1992.

Workman stated he didn't remember any refund requests being denied in the past five years.

Agena stated there had been a change in policy in the County Assessor/Register of Deeds Office and based on that change it was his recommendation to deny the request, however, it's up to the Board's discretion whether they approve or deny it.

MOTION: Schorr moved to reconsider New Business 6M, to place New Business

Items 6N and 6O on pending and request that there be future discussion at a Thursday staff meeting regarding the matter.

There was no second and the motion failed.

Extensive discussion took place regarding the refund request.

MOTION: Workman moved and Hudkins seconded to reconsider New Business

Item 6M. Stevens, Hudkins, Schorr, Workman and Heier voted aye.

Motion carried.

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MOTION: Workman moved and Hudkins seconded to approve a request from

Cathy Cornell for a refund of real estate taxes for 2001 and 2002 on property located at 4710 South 54th Street in Lincoln, Nebraska. Workman and Hudkins voted aye. Schorr, Stevens and Heier voted

no. Motion failed.

MOTION: Workman moved and Hudkins seconded to approve a request from

Mary Widmeyer for a refund of real estate taxes on property located at 4611 Christopher Court in Lincoln, Nebraska. Hudkins and Workman voted aye. Stevens, Schorr and Heier voted no. Motion

failed.

O. Request from Jeanne C. Robare for a refund of real estate taxes on property located at 2801 Park Place Drive in Lincoln, Nebraska.

MOTION: Schorr moved and Workman seconded to hold New Business Items 6M, 6N and 6O for further discussion at the Staff Meeting to be held on Thursday, June 5, 2003. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

(Schorr exited the Chambers at 3:07 p.m..)

7) <u>CONSENT ITEMS:</u> These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Notice of release of funds from the Nebraska Department of Economic Development for Community Development Block Grant (CDBG) funds, in the amount of \$505,000, for the Archer Daniels Midland (ADM) Company project.

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7) **CONSENT ITEMS CONTINUED:**

B. Setting of a public hearing for Tuesday, June 17, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Special Permit 202, requested by Candice L. Edwards, for authority to locate a temporary mobile home as a second residence for health reasons, on property generally located at Southwest 84th Street and West Pioneers Boulevard in Lancaster County, Nebraska.

MOTION: Workman moved and Stevens seconded approval of the Consent

Items. Stevens, Workman, Hudkins and Heier voted aye. Schorr

was absent from voting. Motion carried.

8) ADJOURNMENT:

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of

Commissioners meeting at 3:11 a.m.. Hudkins, Stevens, Workman

and Heier voted aye. Schorr was absent from voting. Motion

carried.

Bruce Medcalf	
County Clerk	

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MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, JUNE 3, 2003

COUNTY COMMISSIONERS CHAMBERS, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Bernie Heier, Chair

Ray Stevens, Vice Chair

Larry Hudkins Bob Workman

Commissioners Absent: Deb Schorr

Others Present: Norm Agena, County Assessor/Register of Deeds

Kerry Eagan, Chief Administrative Officer David Johnson, Deputy County Attorney

Bruce Medcalf, County Clerk

Trish Owen, Chief Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:11 p.m..

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 27, 2003.

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the

Board of Equalization meeting dated May 27, 2003. Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

2) PUBLIC COMMENT:

There was no public comment and the meeting proceeded as planned.

3) APPROVAL OF A MOTOR VEHICLE TAX EXEMPTION:

Saint Paul United Methodist Church

MOTION: Workman moved and Hudkins seconded approval of a motor vehicle

tax exemption for Saint Paul United Methodist Church. Stevens,

Workman, Hudkins and Heier voted aye. Motion carried.

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4) APPROVAL OF 2003 CORRECTED NOTICE OF VALUATION PER EXHIBIT A:

This item was dropped from the agenda at the request of the County Assessor/Register of Deeds.

5) NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:

Sesostris Temple Holding Corp.

Norm Agena, County Assessor/Register of Deeds, requested that the Board rescind the omitted and undervalued property notices issued to the Sesostris Temple Holding Corporation which were approved on May 20, 2003 with a hearing date of June 3, 2003. He further stated that pursuant to Neb. Rev. Stat. §77-1507 the Board did not have the authority to issue them. Agena stated the notices were for 1996 through 2003.

MOTION: Workman moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds to rescind the omitted and undervalued property notices issued to the Sesostris Temple Holding Corporation which were approved on May 20, 2003 with a hearing date of June 3, 2003. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

Trent Sidders, attorney representing the Sesostris Temple Holding Corporation, appeared and stated they have no objections.

Agena stated there is a new notice for year 2003 for omitted and undervalued property for Sesostris Temple Holding Corporation which allows for a hearing date of June 17, 2003.

MOTION: Workman moved and Stevens seconded to approve sending a notice for omitted and/or undervalued property for the Sesostris Temple Holding Corporation for Tuesday, June 17, 2003. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

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6) ADJOURNMENT:

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization meeting at 3:15 p.m.. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf County Clerk

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