MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, APRIL 29, 2008 COUNTY COMMISSIONERS HEARING ROOM, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING 9:30 A.M.

Commissioners Present: Bob Workman, Chair

Bernie Heier, Vice Chair

Larry Hudkins Deb Schorr Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer

Gwen Thorpe, Deputy Chief Administrative Officer

Dan Nolte, County Clerk

Cori Beattie, Deputy County Clerk Tom Fox, Deputy County Attorney

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 22, 2008.

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on April 22, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) <u>CLAIMS:</u> Approval of all claims processed through Tuesday, April 29, 2008.

MOTION: Hudkins moved and Schorr seconded approval of all claims processed through April 29, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATION**:

A. The Commissioners Award of Excellence was presented to Marlene Walenta, an employee at Lancaster Manor, for April, 2008.

4) **PUBLIC HEARINGS**:

A. Issuance of Revenue Bonds by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed (a) \$40,000,000 principal amount of its Hospital Revenue Refunds Bonds (BryanLGH Medical Center Project), Series 2008A and (b) \$90,000,000 aggregate principal amount of its variable rate demand Hospital Revenue Refund Bonds (BryanLGH Medical Center Project), Series 2008B. (See New Business Item 5A for correlating documentation.)

The Chair opened the public hearing.

The Clerk administered the oath to Lauren Wismer, Gilmore and Bell.

Wismer stated the proceeds would be used to refinance two series of outstanding bonds for BryanLGH. He stated the first series was issued in 2002 as a variable rate series and will be moved into a fixed rate. The second series would be used to refinance bonds, originally issued as auction rate securities approximately a year ago, into a variable rate transaction.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

The Chair requested New Business Item 5A be moved forward.

NEW BUSINESS ITEM 5A:

A. A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed (A) \$40,000,000 principal amount of its Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008A and (B) \$90,000,000 aggregate principal amount of its variable rate demand Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008B, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1985, as amended, and related matters. (R-08-0029)

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NEW BUSINESS ITEM 5A CONTINUED:

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0029 approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed (A) \$40,000,000 principal amount of its Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008A and (B) \$90,000,000 aggregate principal amount of its variable rate demand Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008B, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1985, as amended, and related matters. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

RETURNING TO PUBLIC HEARINGS:

B. An application for Corporate Manager for Dale W. Lilyhorn in connection with an application for a Class Y (Farm Winery) liquor license from Whispering Vines Winery L.L.C. d/b/a Windcrest Winery located at 3110 West Branched Oak Road, Raymond, Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)

The Chair opened the public hearing.

The Clerk administered the oath to Dale W. Lilyhorn, applicant.

Lilyhorn gave a brief overview of the application and stated he is ready to open as soon as the permits are issued.

Stevens requested the application be amended to include a traffic convictions as outlined in the Sheriff's recommendation.

Lilyhorn stated he would file the amendment with the County Clerk's Office.

Tom Fox, Deputy County Attorney, stated recommendations to the Liquor Control Commission relating to Class Y (Farm Winery) liquor licenses must be made within 35 days instead of 45 days as is the time line for other classes of liquor applications. He recommended the County Board waive their procedure of holding the application for one week and proceed with their determination following the hearing.

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4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested New Business Item 5B be moved forward.

NEW BUSINESS ITEM 5B:

B. A resolution in the matter of an application for Class Y (Farm Winery) liquor license for Whispering Vines Winery, L.L.C. d/b/a Windcrest Winery, located at 3110 West Branched Oak Road, Raymond, Lancaster County, Nebraska and an application for Corporate Manager for Dale W. Lilyhorn in connection with the application for a Class Y liquor license. (R-08-0027)

MOTION: Stevens moved and Heier seconded approval of Resolution No. R-08-0027 in the matter of an application for Class Y (Farm Winery) liquor license for Whispering Vines Winery, L.L.C. d/b/a Windcrest Winery, located at 3110 West Branched Oak Road, Raymond, Lancaster County, Nebraska and an application for Corporate Manager for Dale W. Lilyhorn in connection with the application for a Class Y liquor license pending receipt of a statement from the applicant disclosing the traffic convictions referenced in the Sheriff's recommendation. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried. (NOTE: Statement of disclosure is on file in the County Clerk's Office.)

RETURNING TO PUBLIC HEARINGS:

C. An application for a catering license in connection with a Class Y (Farm Winery) liquor license for Deer Springs Winery L.L.C. d/b/a Deer Springs Winery located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska. (See New Business Item 5C for correlating documentation.)

The Chair opened the public hearing.

No one appeared and the hearing was closed.

The Chair requested New Business Item 5C be moved forward.

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NEW BUSINESS ITEM 5C:

C. A resolution in the matter of an application for a catering license for Deer Springs Winery L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska in connection with their Class Y (Farm Winery) liquor license. (R-08-0028)

MOTION: Schorr moved and Stevens seconded approval of Resolution No. R-08-0028 in the matter of an application for a catering license for Deer Springs Winery L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska in connection with their Class Y (Farm Winery) liquor license. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS**:

A. A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed (A) \$40,000,000 principal amount of its Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008A and (B) \$90,000,000 aggregate principal amount of its variable rate demand Hospital Revenue Refunding Bonds (BryanLGH Medical Center Project), Series 2008B, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1985, as amended, and related matters. (R-08-0029)

Item moved forward on the agenda.

B. A resolution in the matter of an application for Class Y (Farm Winery) liquor license for Whispering Vines Winery, L.L.C. d/b/a Windcrest Winery, located at 3110 West Branched Oak Road, Raymond, Lancaster County, Nebraska and an application for Corporate Manager for Dale W. Lilyhorn in connection with the application for a Class Y liquor license. (R-08-0027)

Item moved forward on the agenda.

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C. A resolution in the matter of an application for a catering license for Deer Springs Winery L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska in connection with their Class Y (Farm Winery) liquor license. (R-08-0028)

Item moved forward on the agenda.

D. An addendum to an agreement with Milliman Inc., under County Contract No. C-07-0339, for consulting services for the Lancaster County medical and dental employee benefit plans. The addendum authorizes Milliman to perform an actuarial attestation for Medicare Part D to capture the financial reimbursement offered by the Retiree Drug Subsidy (RDS) program of Centers for Medicare and Medicaid Services (CMS). The County will pay \$3,000 for the additional services. (C-08-0165)

MOTION: Stevens moved and Heier seconded approval of an addendum to an agreement with Milliman Inc., under County Contract No. C-07-0339, for consulting services for the Lancaster County medical and dental employee benefit plans. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

E. A contract between the Nebraska Department of Health and Human Services Regulation and Licensure and Lancaster County, on behalf of the Lancaster County Human Services Department, to organize and sponsor four community education events for new Americans. The County will be paid \$2,083 for the services and the term of the agreement ends June 30, 2008. (C-08-0166)

MOTION: Stevens moved and Heier seconded approval of a contract between the Nebraska Department of Health and Human Services Regulation and Licensure and Lancaster County, on behalf of the Lancaster County Human Services Department, to organize and sponsor four community education events for new Americans. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. A service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Term of the agreement is May 1, 2008 through April 30, 2009. (C-08-0167)

MOTION: Hudkins moved and Stevens seconded approval of a service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. Amendment No. 3 to the 2007/2008 network provider contract with the Regional Behavioral Health Authority (Region V), found under County Contract No. C-07-0447, for certain behavioral mental health services at the Community Mental Health Center. The amendment amends Appendix A, Section V, Behavioral Health Service Allocations regarding amounts reimbursed for services provided by the Community Mental Health Center. (C-08-0168)

MOTION: Schorr moved and Hudkins seconded approval of Amendment No. 3 to the 2007/2008 network provider contract with the Regional Behavioral Health Authority (Region V), found under County Contract No. C-07-0447, for certain behavioral mental health services at the Community Mental Health Center. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

H. A real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, David and Doreen Miller, for the appraised value of the property, in the amount of \$11,000. (C-08-0169)

MOTION: Heier moved and Stevens seconded approval of a real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, David and Doreen Miller, for the appraised value of the property, in the amount of \$11,000. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

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I. A real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, Jeffrey and Leslie Dale, for the appraised value of the property, in the amount of \$6,300. (C-08-0170)

MOTION: Stevens moved and Schorr seconded approval of a real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, Jeffrey and Leslie Dale, for the appraised value of the property, in the amount of \$6,300. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

J. A real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, Robert and Donna Ewoldt, for the appraised value of the property, in the amount of \$4,500. (C-08-0171)

MOTION: Heier moved and Stevens seconded approval of a real estate purchase agreement and quitclaim deed, whereby Lancaster County is selling and transferring by quitclaim deed, a part of the previously vacated portion of South 88th Street near Firethorn in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property is being sold and transferred to the adjacent landowners, Robert and Donna Ewoldt, for the appraised value of the property, in the amount of \$4,500. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

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K. A utility relocation agreement between Lancaster County and Norris Public Power District of Beatrice for relocation of underground electrical facilities in connection with Project No C55-S-401(6), Hickman Viaduct. Total amount of the cost is estimated to be \$56,487 of which \$1,500 is estimated to be the share of the cost to the County. (C-08-0172)

MOTION: Hudkins moved and Schorr seconded approval of a utility relocation agreement between Lancaster County and Norris Public Power District of Beatrice for relocation of underground electrical facilities in connection with Project No C55-S-401(6), Hickman Viaduct. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

L. An agreement between Medi-Bill Systems and Lancaster County, on behalf of Lancaster Manor, for Medicare Part A and B claims management, processing, documentation and appeals services. The fees for such services are provided in Attachment B of the agreement. The agreement automatically renews annually but may be terminated at any time upon 30 days written notice. (C-08-0181)

MOTION: Schorr moved and Hudkins seconded approval of an agreement between Medi-Bill Systems and Lancaster County, on behalf of Lancaster Manor, for Medicare Part A and B claims management, processing, documentation and appeals services. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. An application for public transportation assistance for the Lancaster County Rural Transit.

MOTION: Heier moved and Hudkins seconded approval of an application for public transportation assistance for the Lancaster County Rural Transit.

Stevens referred to page two of the application and noted that the estimate for fuel was \$3.00 per gallon for the fiscal year. He also referred to Line 19 indicating that it requests that 50 percent of Line 18 should be entered, however, the entry isn't 50 percent. In addition, Stevens referred to Page 10, Section 6 and noted that the contribution was not \$2.00 as agreed upon in the April 17th Staff Meeting.

Both the maker of the motion and the seconder withdrew their motion.

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By direction of the Chair, the item was held for one week.

N. Recommendation from the Lancaster County Engineering Department to award a bid as follows for Fiscal Year 2008 spring gravel hauling to various stockpiles within the County: (B-08-0022)

Project 08-29H - 5,400 Tons -	<u>Waverly</u>	
Husker Trucking (Hauler)	\$3.10/Ton	\$ 16,740.00
Lyman-Richey Western Sand	\$8.65/Ton	\$ 46,710.00
(Producer)		\$ 63,450.00
Project 08-30H - 2,570 Tons -	<u>Raymond</u>	
Lyman-Richey (Hauler)	\$4.40/Ton	\$ 11,308.00
Lyman-Richey (Producer)	\$8.65/Ton	\$ 22,230.50
		\$ 33,538.50
Project 08-31H - 2,700 Tons -	<u>Emerald</u>	
Husker Trucking (Hauler)	\$5.38/Ton	\$ 14,526.00
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 23,355.00</u>
		\$ 37,881.00
Project 08-32H - 2,700 Tons -		
Westover Trucking (Hauler)		\$ 15,984.00
Lyman-Richey (Producer)	\$8.65/Ton	\$ 23,355.00
		\$ 39,339.00
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<u>Project 08-33H - 3,465 Tons -</u>		
Buel Trucking (Hauler)	\$6.18/Ton	\$ 21,413.70
Lyman-Richey (Producer)	\$8.65/Ton	\$ 29,972.25
		\$ 51,385.95
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Project 08-34H - 2,070 Tons -		ф 4 4 4 7 0 г 0
Westover Trucking (Hauler)		\$ 14,179.50
Lyman-Richey (Producer)	\$8.65/Ton	\$ 17,905.50
		\$ 32,085.00

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Project 08-35H - 3,083 Tons - Buel Trucking (Hauler) Lyman-Richey (Producer)	Walton \$4.18/Ton \$8.65/Ton	\$ 12,886.94 \$ 26,667.95 \$ 39,554,89
Project 08-36H - 2,588 Tons - Hiskey Trucking (Hauler) Lyman-Richey (Producer)	<u>Davey</u> \$4.90/Ton \$8.65/Ton	\$ 12,681.20 \$ 22,386.20 \$ 35,067.40
Project 08-37H - 2,682 Tons - Westover Trucking (Hauler) Lyman-Richey (Producer)	SW 98 th & Saltillo Road \$6.70/Ton \$8.65/Ton	\$ 17,969.40 \$ 23,199.30 \$ 41,168.70

Total amount of Bid is \$373,470.44.

Don Thomas, County Engineer, gave an overview regarding the bid and stated they began at 35,000 tons, however, they have lowered that amount to 27,000 tons. He added they are \$35,000 over the line item in the budget, however, he will be able to absorb the increase and no additional appropriations will be needed.

MOTION: Stevens moved and Hudkins seconded approval to award a bid for Fiscal Year 2008 spring gravel hauling to various stockpiles within the County as recommended by the County Engineer. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

O. Recommendation from the Purchasing Agent and the Lancaster Manor Administrator to award a bid to Kidwell Companies, in the amount of \$9,965, for replacement of telephone cable. (B-08-0023)

MOTION: Schorr moved and Stevens seconded approval to award a bid to Kidwell Companies, in the amount of \$9,965, for replacement of telephone cable as recommended by the Purchasing Agent and Lancaster Manor.

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P. Appointment of Tom Keep and Reappointment of Tim Golden and Richard Slama to the Lincoln-Lancaster County Ecological Advisory Committee for three-year terms, expiring May 1, 2011.

MOTION: Heier moved and Hudkins seconded approval of the appointment of Tom Keep and Reappointment of Tim Golden and Richard Slama to the Lincoln-Lancaster County Ecological Advisory Committee for three-year terms, expiring May 1, 2011. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Q. A political subdivision tort claim filed against the Lancaster Count Corrections Department by Kathy R. Ozenbaugh, in the amount of \$16, for lost property.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed against the Lancaster Count Corrections Department by Kathy R. Ozenbaugh, in the amount of \$16, for lost property. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- 6) **CONSENT ITEMS:** 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. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
 - * John and Cynthia Hanzel, in the total amount of \$13,158, at South 98th Street and Old Cheney Road; Project C55-KP-412(1). (2 contracts) (C-08-0173) (C-08-0174)
 - * Ronald and Barbara German, in the total amount of \$5,249, on South 82nd Street from Hickman to Roca Roads; Project C55-S-404(3). (3 contracts) (C-08-0175) (C-08-0176) (C-08-0177)
 - * Susan Hohensee, in the total amount of \$30,960, on South 98th Street from Old Cheney Road to "A" Street; Project C55-KP-412(1). (3 contracts) (C-08-0178) (C-08-0179) (C-08-0180)

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6) **CONSENT ITEMS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of the Consent Items. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

7) **ADJOURNMENT**:

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:14 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte County Clerk

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MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, APRIL 29, 2008

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

Commissioners Present: Bob Workman, Chair

Bernie Heier, Vice Chair

Larry Hudkins Deb Schorr Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer

Gwen Thorpe, Deputy Chief Administrative Officer

Dan Nolte, County Clerk

Tom Fox, Deputy County Attorney

Connie Ahlschwede, County Assessor/Register of Deeds Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:14 a.m.

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 22, 2008.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on April 22, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) ADDITIONS AND DEDUCTIONS:

Approval of 5 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Schorr seconded approval of the additions and

deductions to the tax assessment rolls. Schorr, Hudkins, Heier,

Stevens and Workman voted aye. Motion carried.

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3) MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:

Capitol City Christian Church Christ United Methodist Church

MOTION: Heier moved and Stevens seconded approval of the motor vehicle tax exemption applications for Capitol City Christian Church and Christ United Methodist Church. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:

Larry G. Bledsoe - 2006 Larry G. Bledsoe - 2007

Connie Ahlschwede, County Assessor/Register of Deeds Office, recommended the notices be sent due to a clerical error.

MOTION: Heier moved and Hudkins seconded to send notice(s) of assessed valuation change for 2006 and 2007 on Parcel I.D. No. 08-21-200-002-000 (Larry G. Bledsoe). Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT**:

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:18 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte	
County Clerk	

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