

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**COUNTY-CITY BUILDING, ROOM 112**  
**THURSDAY, AUGUST 6, 2020**  
**1:00 P.M.**

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on August 4, 2020.

Commissioners present: Sean Flowerday, Chair; Rick Vest, Vice Chair; Deb Schorr; and Christa Yoakum

Commissioners absent: Roma Amundson

Others present: David Derbin, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, and Dan Zieg, Deputy County Attorneys; Rob Ogden, Assessor/Register of Deeds; Scott Gaines, Deputy Assessor/Register of Deeds; Derrick Niederklein, Chief Field Deputy Assessor/Register of Deeds; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Leslie Brestel, County Clerk's Office

The meeting was called to order at 1:02 p.m., and the location of the Nebraska Open Meetings Act was announced.

**1) 425 FILINGS – REPORTS OF DESTROYED REAL PROPERTY:**

**A) Inland Insurance Company**

Shannon Doering, representative for Inland Insurance Company, stated the 425 Form was filed due to the building being destroyed by fire on May 30-31, 2020. The property is in the process of being adjusted by the insurance company and will be removed. He requested the property be removed from the tax roll as prescribed by Neb. Rev. Stat. § 77-1307 and 77-1308. He added pictures were attached with the filing showing the building's damage.

Vest asked for clarification that the building is to be removed. Dorian confirmed the building is a total loss and will be removed. He added the parcel will be a lot with no building for some time.

**B) JDHQ Hotels LLC c/o Atrium Hospitality**

Stephanie Nyhus, representative from DuCharme McMillian and Associates, Inc, said while the property has not been physically destroyed, it has been financially devastated by the pandemic. The owners budgeted \$7,500,000 of revenue but as of June 30, it has received approximately 42% of the budgeted amount. While the expenses have remained flat, the projected net income is 36% of the budgeted \$4,000,000. Over 50% of the staff is still furloughed and no government aid has been received. Nyhus added the current assessment is over \$21,000,000 and she requested a value of \$15,600,000.

**C) Zach McKinney**

No one appeared.

**D) Alison K. Janecek**

No one appeared.

**E) Sean T. Mullen (4 parcels)**

Jacob Acers, attorney representing Sean Mullen, reported that these properties are all hotels experiencing income loss and their values were determined using an income-based approach. He felt the statute language allows the pandemic to be a calamity. He noted the Nebraska Supreme Court has not had time to interpret the language; however, his research shows the Pennsylvania court system has determined the COVID-19 pandemic is a calamity.

He requested property valuations as follows: LNK2 Lodging LLC at \$1,743,669; LNK Lodging LLC at \$2,302,426; Husker Lodging LLC at \$1,139,680, and Tamarin Lodging LLC at \$1,830,062.

**F) Savage and Browning (5 parcels)**

Byron Pendleton and Tim Schendt, Savage and Browning representatives, stated the valuations should be lowered due to the decrease in income and occupancy for these properties.

**G) Christopher Stafford (3 parcels)**

No one appeared.

Dan Zieg, Deputy County Attorney, addressed the filings related to the pandemic. He stated a pandemic does not fit the law as, although the income sources have been destroyed, the buildings and land are still usable. He said the County Attorney's Office recommends denying the 425 filings filed due to pandemic income loss.

Regarding the property destroyed by fire, Zieg noted the fire was the act of people, not nature. The County Attorney's Office also recommended denial of the 425 filing.

Vest clarified that the way the statute is read, because the fire was deliberately started, this filing would not qualify as defined by statute.

When asked about the drop of income ratios as related to statutes, Zieg said it goes to how significant property damage is defined. Property must be in an area that has been declared a disaster and that has been deemed inhabitable by a health inspector.

Schorr requested explanations on the parcels that had no representation. Rob Ogden, Assessor/Register of Deeds, stated the parcels that did not have representation are restaurants or hotels that are basing their filing on an income reduction. The properties were valued based on circumstances on January 1, 2020.

Concerning an appeal process, Zieg noted filers could appeal to the Tax Equalization and Review Commission (TERC).

**MOTION:** Schorr moved and Vest seconded to deny the 425 filings (Items A-G) based upon the recommendations from the County Attorney's Office. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

**2) FINAL ACTION ON REAL PROPERTY VALUATION PROTESTS FOR 2020**

Cody Gerdes, Great Plains Appraisal, Referee Coordinator, provided a corrected value recommendation for Protest 20-00406 due to a rounding error. He said the recommended final value should be \$97,600.

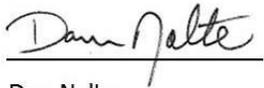
Gerdes gave a brief overview of the 2020 property valuation protest season, highlighting various trends, statistics and changes. He noted most of the hearings were telephonic, while 26 protest hearings were held in-person. Many of the hearings discussed the pandemic. He also thanked Great Plains staff, the Board and numerous County agencies for their assistance throughout the protest process.

Flowerday thanked the Great Plains staff and the Clerk's Office for their hard work on the protest process during a difficult year.

**MOTION:** Schorr moved and Vest seconded to approve the real property tax valuation protests as presented by Great Plains Appraisal with Protest 20-00406 as noted. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

### 3) ADJOURNMENT

**MOTION:** Schorr moved and Vest seconded to adjourn at 1:44 p.m. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.



Dan Nolte  
Lancaster County Clerk

