

MINUTES OF BOARD OF REVIEW
June 10, 2009

I. Call to Order, Roll Call

The meeting of the Village Board of Review of the Village of Slinger was called to order by Administrator/Clerk Murphy at 300 Slinger Road, Slinger, WI, at 1:00 p.m. on Wednesday, June 10, 2009 with the following members present: President Brandt, Administrator/Clerk Murphy, and Trustee Van Maldegiam. Also present were Village Assessor Michael Grota of Grota Appraisals and Deputy Administrator/Clerk Wilber.

II. Hear Waiver Requests Regarding Notice of Intent to File Objection for Extraordinary Circumstances – None

III. Hear Objections to Property Assessments and Take Action as Necessary

A. Tax Key #V5-0580-001/002/003/005/006/007/009/012/013/017/019/020/021/022/025/028/056/058/060/062/063/067 Sherman Heights Subdivision – Louis Neuville
Deputy Administrator/Clerk Wilber introduced the first hearing for multiple tax keys in the Sherman Heights subdivision and swore in all witnesses to this hearing, which were property owner Louis Neuville and Assessor Grota.

Administrator Murphy asked Assessor Grota and Deputy Administrator/Clerk Wilber if there were any procedural issues that need to be discussed prior to beginning this hearing. Assessor Grota stated that the objection form was incomplete because it did not include an answer to question #5 regarding the property owner's opinion of the property's fair market value. Administrator Murphy asked if all parties would be willing to stipulate that the vacant parcels were similar in nature and could be discussed as one group. Mr. Neuville stated that his objection to the assessment was the same for each parcel and they could all be discussed together.

Discussion was held on Mr. Neuville's request to have his objection heard on the assessment for his business property at 1010 Corporate Drive. Administrator/Clerk Murphy stated that would have to come before the Board for a waiver since the objection form was turned in after the required time. Mr. Neuville stated that was only because of a misunderstanding with the assessor's office and further stated he had voiced his objection regarding the Corporate Drive property during his Open Book meeting. He stated he had assumed his objections included the business property and had turned in the paperwork late because he found out the property was not part of the objections scheduled for this hearing.

Motion Brandt/Van Maldegiam to waive the 48-hour notice requirement for the objection submitted to the assessment of 1010 Corporate Drive and to hear the objection immediately following the current hearing; carried unanimously.

Mr. Neuville presented his objection to the assessments made on the vacant lots within the Sherman Heights subdivision and stated that the sales history for that development do not support the large increase made between 2008 and 2009. He gave the Board data on 4 recent sales and stated that all were made at well below market value. Mr. Neuville stated that the 2009 assessments, which range between \$68,400 and \$87,400, were too high and the assessments should be closer to the 2008 levels, which ranged between \$54,000 and \$69,000.

Assessor Grota agreed that sales in the subdivision were limited, but stated they would still support the assessed values. Assessor Grota reviewed the sales data offered by Mr. Neuville and found that three of the four lots had sold or had offers made within the past month. He explained that this was much later than the time period that was covered with this assessment. Assessor Grota reviewed sales that took place in 2008 and stated that two lots sold in March 2008, one for \$64,900 and one for \$82,500 and a third lot sold in July 2008 for \$93,500. Assessor Grota stated that recent sales history showed the lots were still holding their value for the time used in this assessment.

Assessor Grota informed the Board that his research showed the lots are still listed for prices between \$79,900 and \$89,900 and this would indicate the property owner still considers them to be of high value. Mr. Neuville pointed out that an asking price should not be used as an assessed value. Assessor Grota agreed and stated that for the most part, assessment values were well below posted sales prices.

For clarification, Deputy Administrator/Clerk Wilber was asked to read the 2009 assessment value for each property. She read the following assessments into the record:

#V5-0820-001	\$68,400	#V5-0820-002	\$68,400
#V5-0820-003	\$64,600	#V5-0820-005	\$76,000
#V5-0820-006	\$76,000	#V5-0820-007	\$76,000
#V5-0820-009	\$76,000	#V5-0820-012	\$76,000
#V5-0820-013	\$76,000	#V5-0820-017	\$76,000
#V5-0820-019	\$76,000	#V5-0820-020	\$76,000
#V5-0820-021	\$76,000	#V5-0820-022	\$76,000
#V5-0820-025	\$87,400	#V5-0820-028	\$83,600
#V5-0820-056	\$83,600	#V5-0820-058	\$79,800
#V5-0820-060	\$76,000	#V5-0820-062	\$76,000
#V5-0820-063	\$76,000	and #V5-0820-067	\$68,400

Motion Brandt/Van Maldegiam to determine that the taxpayer has not presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to affirm the assessed values as stated for the record. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Grota stated that due to the large number of parcels involved here, the Notice of Board of Review Determinations and appeals procedures information would be mailed to Mr. Neuville.

B. Tax Key #V5-0643-00R 1010 Corporate Drive, Louis Neuville

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0643-00R located at 1010 Corporate. Administrator/Clerk Murphy reminded all parties that they remained sworn in from the prior hearing.

Mr. Neuville informed the Board he objected to the land valuation on this parcel, which was \$117,600, and stated that he felt the assessment should be half that amount, or \$58,800. Mr. Neuville stated he was not contesting the improvements assessment, but he considered the land assessment to be excessive in view of the small size of the lot and the fact that there is no driveway access to the property. Mr. Neuville explained that access is gained through an easement on the driveway.

Assessor Grota stated the lot's location on a corner gives it more value, particularly for a retail operation. He discussed other lots in the area and stated that property further along Corporate Drive had sold for \$60,000 an acre in 2001. He stated that a valuation of \$60,000 to \$80,000 per acre was standard for industrial property and this would be considered commercial and so worth more than industrial acreage.

Mr. Neuville stated he agreed with the data provided by Assessor Grota, but in his opinion those comparisons would seem to support his objection since the per acre amounts given are less than his property's assessment rate for a 1/2-acre.

After summations were given, Board members deliberated and discussion was held on how a shared-access driveway would affect land value. Assessor Grota explained it would depend on the individual lot and that circumstance could affect land value either way.

Motion Brandt/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the assessed value to \$87,600 for the land and affirm the improvements assessment at \$228,400 for a total assessed value of \$316,000. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Grota stated the Notice of Board of Review Determination and appeals procedure information would be mailed to Mr. Neuville along with the notices from the prior hearing.

C. Tax Key #V5-0353-00E 385 Kettle Moraine Drive N, Alma Marsells

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0353-00E located at 385 Kettle Moraine Drive N and swore in all witnesses to this hearing, which were Liz Ilnicki representing the property owner and Assessor Grota.

Liz Ilnicki appeared before the Board and stated she would be representing her mother, property owner Alma Marsells, due to health issues Ms. Marsells is presently experiencing. She stated she had assisted Ms. Marsells during the Open Book meeting and was very familiar with the circumstances of this property.

Ms. Ilnicki informed the Board that the total value listed on line #5 of the objection form should read \$215,200 for the property owner's opinion of the fair market value of this property. She stated that this was a reduction from the present assessed value of \$229,400 and their objection was only to the land valuation portion of this assessment.

Ms. Ilnicki submitted an appraisal that had been completed on the property in May 2008 and stated that the total value calculated at that time was \$220,000, which was before the housing market declined. She stated it was their opinion that the neighborhood should be taken into more consideration because the house is located on a busy highway and is not in a traditional subdivision that would have a higher property value.

Ms. Ilnicki asked about the lot located two houses down from the subject property and identified as tax key #V5-0354. She stated this is a lot that is only slightly smaller and much nicer in terms of shape and topography, however its land was assessed at \$73,000 while the subject land assessment is \$84,200. Ms. Ilnicki provided other examples of properties that she considered to be comparable to the subject property but assessed at a lower value. She stated that this parcel has a large slope in the backyard and is located close to the racetrack, so it should receive a discount similar to the one given to parcels located along Speedway Court.

Assessor Grota stated that an adjustment had been made to compensate for the property's location along the highway. He reviewed the sales comparison and showed that comparables when adjusted would support the assessment given.

Motion Van Maldegiam/Brandt to determine that the taxpayer has not presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to affirm the Assessor's valuation of \$229,400. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Grota and Deputy Administrator/Clerk Wilber provided Ms. Ilnicki with the Notice of Board of Review Determination and further appeal procedures information.

**D. Tax Key #V5-0598-00A and Tax Key #V5-0598-00N Hickory Heights Subdivision,
David Bohn**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0598-00A and tax key #V5-0598-00N located in the Hickory Heights subdivision and swore in all witnesses to this hearing, which were property owner David Bohn and Assessor Grota.

Administrator/Clerk Murphy asked if the parcels should be discussed together or separately. Mr. Bohn stated the two lots needed to be discussed separately due to the different circumstances for each one.

Mr. Bohn stated he wished to discuss Tax Key #V5-0598-00N identified as Lot #3 of Certified Survey Map (CSM) 6266 first. He submitted a copy of the CSM for the property and called the Board's attention to the size and location of the environmental corridor, which he stated restricts the use of approximately half of the lot. Mr. Bohn provided sales documentation for the neighboring parcels and stated their sales prices would support an assessment of \$200,000 rather than the \$323,400 value currently assessed.

Assessor Grota stated there is no direct comparable to this parcel in the Village, but he believed his assessment was accurate. He explained that the conservancy portion of the lot can be estimated at approximately 1.247 acres in size and the assessment has been adjusted to reflect just over 3 acres of buildable land on the parcel.

In his summation, Mr. Bohn stated the market has seriously declined over the past two years and he did not feel that factor was reflected in the assessment. He stated that not only the size, but also the location of the conservancy area should be taken into consideration since it basically splits the lot in half.

Assessor Grota summarized by observing that there had not been any discussion of whether the parcel could be divided to resolve the limitations placed on it by the conservancy, however as the parcel was now set up, he believed his assessment was supported by land sale statistics in the area.

Motion Van Maldegiam/Brandt to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the Assessor's valuation to \$275,000. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Administrator/Clerk Murphy stated the next decision would be for parcel #V5-0598-00A and reminded all parties that they remained sworn in.

Mr. Bohn informed the Board it was his opinion that the parcel should be valued at \$300,000 instead of the \$485,100 assessment. Mr. Bohn submitted a Plat of Survey for the property and stated the lot has a 40' setback due to a gas pipeline that runs along the edge of the property facing US 41. He stated there is also a public stormwater easement that severely restricts building placement on the parcel.

Assessor Grota stated that the assessment for this parcel works out to \$109,000 per acre. He stated that Mr. Bohn recently sold the lot next to it at a price equaling \$136,000 per acre and this shows that a discount has been given in the assessment based on the parcel's odd shape on one end and the limitations discussed by Mr. Bohn. Assessor Grota also stated that the lot has good highway exposure and that would be seen as a positive factor for this type of parcel.

Mr. Bohn asked if the retention pond restriction had been taken into account. Assessor Grota stated that the Plat of Survey that Mr. Bohn just provided had been referred to during the assessment process also and consideration had been given.

Mr. Bohn summarized by stating that in reality, only half of the property was buildable and he felt a larger discount should be given for that.

Assessor Grota stated the property has a unique location, which is an asset, and a unique shape, which is a detriment, and both factors were considered in the calculation of this assessment.

Motion Brandt/Van Maldegiam to determine that the taxpayer has not presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to affirm the Assessor's valuation of \$485,100. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Grota and Deputy Administrator/Clerk Wilber provided Mr. Bohn with the Notice of Board of Review Determination and further appeal procedures information for both parcels.

**E. Tax Key #V5-0580-00C-011 through 014, 021 through 024, 031 through 034, 041 through 044, 061/062/064, 071 through 074, and 081 through 084
Cedar Bluffs Way Development, Elite Real Estate**

Deputy Administrator/Clerk Wilber introduced the next hearing for multiple tax keys located in the Cedar Bluffs Way Development and swore in all witnesses to this hearing, which were Elite Real Estate owner Michael Nagel represented by Attorney Robert Gordon, Assessor Grota and Assessor Les Ahrens.

Administrator/Clerk Murphy asked Assessor Grota if he would be present through the

duration of this hearing and Assessor Grota stated he would have to be excused at 3:00 p.m. to attend another hearing. Assessor Grota informed the Board that Assessor Les Ahrens from Grota Appraisals would take his place and had been briefed on all cases that would be brought before the Board for the remainder of the meeting.

Attorney Gordon informed the Board that property owner Michael Nagel objected to the aggregate valuation for the development, which totaled \$1,071,000 and it was his client's opinion that the aggregate total should be \$680,000.

Attorney Gordon presented property owner Michael Nagel as a witness to this objection and submitted three exhibits for the Board's review. He explained that Exhibit #1 and Exhibit #3 were the plat and detailed description of the condominium development and Exhibit #2 was correspondence received from the Village regarding grading and drainage issues that were in existence at the time of January 1st, 2009. Attorney Gordon had Mr. Nagel identify the exhibits and Mr. Nagel showed the location of a large portion of ungraded land that would not be considered buildable at the time of this assessment.

Attorney Gordon stated there were three different types of units in this development, with the first type being undeveloped lots and those included units #1, 2, 3, 4 and 8. He stated the second category was lots developed with a building pad and that was unit #7, and the third type was lots with a building on them either completed or partially built, which was unit #6.

Mr. Nagel informed the Board he sold 586 Cedar Bluffs Way, also known as Unit #6-3, in an arm's length sale for approximately \$190,000 in July 2008. He stated he could think of no reason why the similar unit located at 582 Cedar Bluffs way would be assessed at higher and further stated the unit was presently listed for sale in the low \$190's. Mr. Nagel stated that the end unit located at 588 Cedar Bluffs Way is currently listed at \$188,000, however as of January 1, 2009 the unit was unfinished, unheated and had drywall only. He stated the value of this unit as of January 1, 2009 would be \$100,000 in his estimate, and further stated this also applied to 580 Cedar Bluffs Way.

Attorney Gordon asked Mr. Nagel to explain the development's status as a Planned Unit Development (PUD) and how that would affect any individual unit's value. Mr. Nagel stated there are no individual lot lines in this type of development and the neighborhood had no public snow removal and possibly no garbage service.

Attorney Gordon asked Mr. Nagel to discuss the value of the undeveloped lots and Mr. Nagel stated he felt they would sell for only \$10,000 per unit as opposed to the \$20,000 assessment for each unit. He explained this was because the units are unimproved and driveways and utility connections would have to be installed at significant expense. He further stated that outside fill might have to be purchased to complete development of these lots and that could cost approximately \$50,000 per building.

Assessor Ahrens distributed property records for all units that currently have no building on them, which included lots with and without building pads. He stated that the land residual methodology had been used in this case and stated this was an acceptable method when comparable sales are not available. Assessor Ahrens explained that the completely undeveloped lots were discounted at 50% to compensate for the costs of further development.

Assessor Ahrens distributed sales comparisons for the built-out units and stated that several comparables were available within the immediate subdivision. He stated that the units at 580 and 588 Cedar Bluffs Way had been discounted in recognition of their unfinished status as of January 1, 2009 and that assessment records show the units were rated as drywall only.

Attorney Gordon stated the June 2008 sale of 586 Cedar Bluffs Way for \$190,520 should have taken precedence over the use of comparables. Assessor Ahrens stated that adequate sales data could be used to adjust an assessment as needed, but Attorney Gordon disagreed with this and stated that an arm's length sale was always the first priority to be considered in the assessment process.

Attorney Gordon asked Mr. Nagel a rebuttal question on whether the land residual method is ever used by buyers or developers in the housing market and Mr. Nagel stated it was not and in his opinion it was not a realistic estimate of land value.

Attorney Gordon summarized by stating that the arm's length sale of 586 Cedar Bluffs Way for \$190,520 should have determined the assessment value for that property and for its mirror unit at 582 Cedar Bluffs Way. He also stated that they disputed the use of the land residual method for evaluating the vacant parcels as it did not reflect real world transactions.

Assessor Ahrens stated it was his opinion that recent sales data and the land residual method were valid assessment methods and supported the assessments as issued.

The Board deliberated and decided to address several of the units in separate motions due to the different circumstances involved.

Motion Brandt/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor for tax key #V5-0580-00C-062 and to modify the assessed value from \$202,300 to \$190,500. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Motion Brandt/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor for tax key #V5-0580-00C-061 and #V5-0580-00C-064 and to modify the assessed value to \$150,000 for each unit. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Motion Van Maldegiam/Brandt to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor for the lots containing building pads, tax key #V5-0580-00C-071, #V5-0580-00C-072, #V5-0580-00C-073 and #V5-0580-00C-074 and to modify the assessed value to \$32,000 for each property. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Motion Van Maldegiam/Brandt to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor for all undeveloped properties, tax key #V5-0580-00C-011 through -014, -021 through -024, -031 through -034, -041 through -044 and -081 through -084 and to modify the assessed value to \$15,000 for each unit. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Ahrens stated that the Notice of Board of Review Determination and appeals procedures information would be mailed to the property owner due to the large volume of notices required.

F. Tax Key #V5-0580-00D 606 Cedar Bluffs Way, MSN Management IV

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0580-00D located at 606 Cedar Bluffs Way and Administrator/Clerk Murphy reminded all parties they remained sworn in from the preceding hearing.

Attorney Gordon informed the Board that a correction was needed on the property owner's objection form and his opinion of fair market value should read \$215,000. He stated that the property owner felt the assessed value of \$256,000 was excessive in view of several restrictions placed on the property.

MSN Management IV owner Michael Nagel identified the parcel in question and stated the lot was set up to allow for the building of a 43-unit rental property. He stated that local developers he had spoken with had indicated similar units would be sold for \$5,000 per unit and this was why he felt the property should be valued at \$215,000. He stated that his original approvals from the Village called for only this type of development and in view of that, development of the property would be considered to be restricted and therefore of lesser value.

Assessor Ahrens asked about the deed restrictions on the property and Mr. Nagel explained the restriction was created during the Village approval process. He further stated there was no actual deed restriction on file yet since the building had not been created, however he would not be able to do anything else with this property unless he submitted a new application to the Village's Planning Commission and went through the approval process again. Mr. Nagel stated he did not have a copy of his development agreement for the property available at this time for the Board's review. Administrator/Clerk Murphy explained that without the document to review, the Board could take note of his information but would not be obligated to accept it as evidence.

Assessor Ahrens distributed property records for the parcel and reviewed the assessment information. He stated that assessment records indicated that the information made available at the time of assessment showed the lot could potentially be developed into condominium units and the assessment was based on this higher valued use.

Motion Brandt/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the Assessor's valuation to \$215,000. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Ahrens informed the property owner that the Notice of Board of Review Determination and appeals process information would be mailed along with the notices from the prior hearing.

At this time, Deputy Administrator/Clerk Wilber noted that the next scheduled hearing was for Tax Key #V5-0643-00K located at 1025 Corporate Drive for Preferred Landmarks, Dale Drifka owner, however she did not observe Mr. Drifka to be present. Administrator/Clerk Murphy asked if anyone representing Mr. Drifka was present at this time and received no answer, after which she stated the Board would proceed to the next hearing.

G. Tax Key #V5-0720-054 232 Hunters Crossing North, David Meyer

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0720-054 located at 232 Hunters Crossing North and swore in all witnesses to this hearing, which were property owner David Meyer and Assessor Ahrens.

Administrator/Clerk Murphy informed the Board that this case would require a waiver as Mr. Meyer had submitted his objection form after the 48-hour required notice time. She explained this process to Mr. Meyer and asked him to present his request for waiver to the Board.

Mr. Meyer informed the Board that he had participated in the Open Book meeting and had informed the assessment staff he may wish to appeal their decision, but was told he should wait until he received their notice before making any appointment for this hearing. He stated

it was entirely his fault that the Open Book notice had been misplaced but he was asking for the Board's indulgence to grant his hearing at this time.

Motion Brandt/Van Maldegiam to grant a waiver to the 48-hour notice requirement and hear Mr. Meyer's objection at this time; carried unanimously.

Mr. Meyer thanked the Board for hearing his case today and stated he wished to object to the assessment of \$378,000 on his property. He stated he felt the property's value should be set at \$340,000 and he based this opinion on an appraisal that was completed for him in February 2009 for refinancing purposes. He stated he felt the comparables used by the appraiser were valid and pointed out that all properties were located within 2 miles of his property and were very similar to his. Mr. Meyer pointed out that he had originally paid \$435,000 for the property in 2006 and was not very happy that the value had declined by such a large amount, however he did feel that the appraisal was an accurate picture of the present housing market.

Assessor Ahrens reviewed the sales comparison used to calculate the assessment and stated it was his opinion the comparables supported the assessed value. He stated his only other comment was to object to the appraisal being offered since the person who prepared it was not available for cross-examination.

Administrator/Clerk Murphy explained this was the assessor's right under State law. She asked Assessor Ahrens if he could accept the comparables used in the appraisal. Assessor Ahrens reviewed the comparables selected and stated there were a number of items he would dispute, such as the values used to make adjustments between the comparables and the subject property.

After summations were delivered, the Board deliberated and noted that the subject property was very similar to the comparable property located at 232 Hunters Crossing South, which showed the subject property's market value to be \$370,100.

Motion Brandt/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the assessed value to \$370,100 based on the comparable property provided. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Ahrens and Deputy Administrator/Clerk Wilber provided Mr. Meyer with the Notice of Board of Review Determination and further appeal procedures information.

H. Tax Key #V5-0613-125 322 Kames Court, Robert H. and Teresa S. Young

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0613-125 located at 322 Kames Court and swore in all witnesses to this hearing, which were property owners Robert and Teresa Young and Assessor Ahrens.

Mr. and Ms. Young informed the Board they were objecting to the assessment of \$310,800 placed on their property and felt the value should be \$275,000 based on the overall market and the values of comparable properties.

Mr. Young submitted a number of real estate listings for properties they considered to be comparable to theirs. Ms. Young stated that recent sales within their subdivision do not support the increase in their assessment. She stated they particularly objected to the land valuation and stated that the lot directly behind them that opens onto E Washington Street has three times the land area but is assessed at \$5,000 less than their land.

Assessor Ahrens reviewed the sales comparisons used to reach the assessed value for this property. Ms. Young asked Assessor Ahrens to explain the adjustment process and he went over various steps of the process. She stated she objected to the inclusion of the third comparable used, which she stated was too different from their property.

Ms. Young stated that the lot at 304 Kames Court, which was used as the first comparable and was very similar to their property, had recently sold for only \$257,500 and she felt that should be taken into consideration.

Motion Van Maldegiam/Brandt to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the Assessor's valuation to \$55,000 for land and to affirm the assessment of \$247,100 for improvements for a total modified assessed value of \$302,100. A roll call vote was taken on the motion with the following result: Murphy: Yea, Brandt: Yea, Van Maldegiam: Yea. The motion was passed.

Assessor Ahrens and Deputy Administrator/Clerk Wilber provided Mr. and Ms. Young with the Notice of Board of Review Determination and further appeal procedures information.

At this time, President Brandt was excused from the Board and Deputy Administrator/Clerk Wilber served as Alternate Board Member for the remainder of the meeting.

I. Tax Key #V5-0720-024 230 Hunters Crossing S, William Loff and Laine Ebert-Loff
Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0720-024 located at 230 Hunters Crossing S and swore in all witnesses to this hearing, which were property owners William Loff and Laine Ebert-Loff and Assessor Ahrens.

Mr. Loff and Ms. Ebert-Loff informed the Board they were requesting that their assessment be reduced from \$363,100 to \$325,000 based on several factors. Ms. Ebert-Loff stated that one of the exhibits included in the written statement she had submitted was an appraisal that had been prepared for them in January 2009 by Forsythe Appraisals. She stated she now realized that the person who prepared this should have been made available for questioning at this time, however the appraisal had been given to Grota Appraisals staff after their Open Book meeting. Ms. Ebert-Loff stated it was their opinion that the assessor had been given sufficient opportunity to question the appraisal since that time and asked that the Board taken that into consideration when reviewing the appraisal now.

Ms. Ebert-Loff compared their assessment with comparable properties and stated their property is assessed at a higher value per square foot. She stated she realized that some of the comparables they selected were for smaller lots, but those lots have full improvements such as Village sewer and water, which theirs does not have. Ms. Ebert-Loff stated another objection they had to this assessment was that no interior inspection had been made of the property and she felt that it was being given a higher value than it would have received if an inspection had been done.

Inspector Ahrens reviewed the assessment calculations. Ms. Ebert-Loff pointed out that the property record shows a whirlpool tub, however they do not have one and their bath fixtures are all very basic. She also questioned the condition rating of B and stated that the builder was now issued a rating of D- by the Better Business Bureau because of their shoddy work and poor construction quality. She stated that an interior inspection could have revealed those problems and would have had an impact on their assessment.

Inspector Ahrens stated that the property record showed only that an assessor had made a note in October 2008 indicating "newer house", so it would appear that an interior inspection had not been done. He stated that the sworn testimony of the property owner regarding the actual condition of the property should be considered in this situation.

Motion Wilber/Van Maldegiam to determine that the taxpayer has presented sufficient evidence to rebut the presumption of correctness granted by law to the Assessor and to modify the Assessor's valuation to \$325,000 based on the property owner's testimony and the lack of a complete assessment inspection. A roll call vote was taken on the motion with the following result: Murphy: Yea, Van Maldegiam: Yea, Wilber: Yea. The motion was passed.

Assessor Ahrens and Deputy Administrator/Clerk Wilber provided Mr. Loff and Ms. Ebert-Loff with the Notice of Board of Review Determination and further appeal procedures information.

IV. Adjournment

Motion Van Maldegiam/Wilber to adjourn the Board of Review at 5:35 p.m. subject to the completion of one outstanding assessment adjustment, confirmation of notice delivery and approval of meeting minutes; carried.

Maureen A. Murphy, Village Administrator/Clerk

Minutes submitted by Margaret Wilber, Deputy Administrator/Clerk