

**MINUTES OF BOARD OF REVIEW**  
**June 3, 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 President Brandt at 300 Slinger Road, Slinger, WI, at 1:00 p.m. on Wednesday, June 3, 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. Election of Chair and Clerk**

Motion Brandt/Van Maldegiam to appoint Administrator/Clerk Murphy as Chairperson of the Board of Review and to appoint Deputy Clerk Wilber as Clerk of the Board of Review; carried.

**III. Receive 2009 Assessment Roll and Signed Affidavit from Village Assessor**

Deputy Administrator/Clerk Wilber informed the Board that the 2009 Assessment Roll had been received from Assessor Grota. Assessor Grota submitted his signed Assessor's Affidavit and Deputy Administrator/Clerk Wilber accepted it for inclusion in the Board of Review record.

Administrator/Clerk Murphy asked that the Board of Review Member Training Affidavit be presented at this time. Deputy Administrator/Clerk Wilber informed the Board that she had fulfilled the mandatory training requirement as specified in WI Stat 70.46(4) and the Board of Review Training Affidavit had been filed with the Department of Revenue on-line on March 6, 2009. Administrator/Clerk Murphy noted for the record that President Brandt, Trustee Van Maldegiam and she had also completed the required Board of Review Training for this year.

**IV. Examine the 2009 Assessment Roll**

Deputy Administrator/Clerk Wilber informed the Board that the Clerk's preliminary review had been conducted prior to this meeting and she had found no errors, omissions or duplications. She stated that Assessor Grota's staff had answered all questions resulting from the preliminary review. Administrator/Clerk Murphy stated the Board had also reviewed the Assessment Roll just received from Assessor Grota.

Assessor Grota provided the changes that had been made to the Assessment Roll during the Open Book session held on May 7 and 8, 2009 and Deputy Administrator/Clerk Wilber accepted them for addition to the Assessment Roll.

**V. Hear Waiver of 48-Hour Notice of Intent to File Objection Requests - None**

**VI. Receive Objection Forms Not Previously Filed (first two hours only unless waived)**

Administrator/Clerk Murphy stated that no objection forms had been received at this time that had not been filed prior to this meeting. She explained that the Board is required to consider this type of objection form if they are submitted within the first two hours of the hearing and so this item will be discussed again at 3:00 p.m. should any objection forms be brought in between now and that time.

**VII. Hear Objections to Property Assessments and Take Action as Necessary**

**A. Tax Key #V5-0598-018 1635 Pine Cove Ct**

**Lexington Estates, LLC – Sue Jonas, Member**

Deputy Administrator/Clerk Wilber introduced the first hearing for tax key #V5-0598-018 located at 1635 Pine Cove Court and swore in all witnesses to this hearing, which were Sue Jonas as member of Lexington Estates, LLC and Assessor Grota.

Administrator/Clerk Murphy gave a brief overview of the general procedures that would be followed and asked Ms. Jonas to present her case before the Board. Ms. Jonas stated she wished it noted for the record that she did not receive any notice from the Open Book meeting she had with Ray from Grota Appraisals.

Ms. Jonas stated she was objecting to the assessed value of \$87,500 and it was her opinion the fair market value of the property should be \$74,000. She stated there are presently 19 vacant lots on the market in Slinger with an average list price of \$72,900 and an average sale price of \$77,900. Ms. Jonas further stated the lot in question has been on the market at \$74,900 for 355 days with no offers received so far. She reviewed an aerial photo of the lot that Assessor Grota provided and informed the Board that the lot is no longer completely covered with trees as shown in the photo. She stated the lot had been cleared in 2007 when they were considering building a spec house on it, however their plans changed when the market started to deteriorate. Ms. Jonas stated the lot is now only encircled by woods and in her opinion this should lower the value of the property.

Assessor Grota presented the factors that had been used to reach the assessment given to this property. He stated that the aerial photo had been taken in March 2007 and it was possible that the lot was now less wooded than shown. Discussion was held on how fewer trees on the property would affect the value. Assessor Grota stated that may be a matter of opinion, since more trees are usually considered more valuable but some clearing is needed for any building to occur. He stated that a reduction in trees could possibly have an impact on the overall property value.

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 assessed value to \$79,000. 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 and Deputy Administrator/Clerk Wilber provided Ms. Jonas with the Notice of Board of Review Determination and further appeal procedures information.

At this time, Dale Drifka representing Preferred Landmarks LLC, appeared before the Board to ask for a waiver of the 48-hour notice for his objection to the assessment of his properties in the Village. He stated that he has been working with Assessor Grota and his staff since the Open Book meeting but they have been unable to resolve their difference of opinion on the assessed value. Assessor Grota confirmed that his office has been in regular contact with Mr. Drifka regarding this matter.

Motion Brandt/Van Maldegiam to waive the 48-hour notice requirement for Dale Drifka and Preferred Landmarks LLC as requested; carried unanimously.

Administrator/Clerk Murphy informed Mr. Drifka he should contact Deputy Clerk Smith in the Village administrative office to arrange for an appointment for the Board of Review scheduled for June 10, 2009 and Mr. Drifka stated he would do so.

**B. Tax Key #V5-0619-032 990 Woodview Court, Matt Rosner**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0619-032 located at 990 Woodview Court and swore in all witnesses to this hearing, which were property owner Matt Rosner and Assessor Grota.

Administrator/Clerk Murphy went over the general procedures and informed Mr. Rosner that he would first have the opportunity to present his case, after which Assessor Grota would defend his assessment. She stated questions could be asked at that time and each party would be able to present a summary before the Board deliberated on the matter. She informed Mr. Rosner he could present his case at this time.

Mr. Rosner stated he considered the total assessed value of \$258,100 to be too high and he felt the value of his property should be \$225,000. Mr. Rosner presented comparable sales and listings and stated that some of these had been used by the assessor while others had not been. Mr. Rosner stated it was his opinion that the sale of a comparable property that is slightly less similar to his house but sold more recently should be given higher priority over properties that may be closer to his own house but were sold longer ago. Mr. Rosner also presented a market analysis that had been prepared on his house by Integrity Real Estate Services that indicated the property would list for \$235,000 if on the market now.

Assessor Grota explained the calculations used to reach the assessed value for the property in question. He reviewed three comparable sales and pointed out that each of the sales took place in 2008 and would give Mr. Rosner's property a comparable market value of \$272,300.

Assessor Grota explained that house prices in the Slinger area had not dropped by the same proportion as housing markets in other areas. He also discussed some of the differences in the comparable properties and explained how compensation is made for the differences to arrive at a comparable value.

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 \$258,100. 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. Rosner with the Notice of Board of Review Determination and further appeal procedures information.

**C. Tax Key #V5-0319-083 640 Highview Drive, Roger Wolf**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0319-083 located at 640 Highview Drive and swore in all witnesses to this hearing, which were property owner Roger Wolf and Assessor Grota.

Mr. Wolf stated he felt the assessed value of \$241,800 was too high for his property and in his opinion the actual value was \$205,000. He stated this was based on similar properties in his neighborhood that sold recently for \$203,500 and \$205,000. Mr. Wolf provided listings for the properties in question and stated he believed that properties within the same neighborhood should be given greater weight as comparables than a property in a completely different type of subdivision. Mr. Wolf stated that during his Open Book meeting, he was informed that one of the comparables used for his house was located in the Scenic Moraine Park subdivision and he did not agree with that because the neighborhoods were so different. He stated that the houses he suggested within his own neighborhood would give a more accurate comparison.

Assessor Grota reviewed each of the properties proposed as comparables by Mr. Wolf and explained what he considered to be significant differences. He explained how the sale prices for those houses would have to be adjusted to account for those differences and stated that if the houses were used as comparables, it would support a market value of \$253,100 for Mr. Wolf's house. Assessor Grota stated this showed that his assessment of \$241,800 was fair value.

In his summation, Mr. Wolf stated he felt that neighborhood properties should be used as comparables and this would provide more fairness in the assessment process.

Assessor Grota stated that the Village of Slinger had 20 sales of older houses such as Mr. Wolf's between 2006 and 2008 and assessment values were 101% of sale prices. He stated this showed that assessments were accurately reflecting ongoing market values.

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 \$241,800. 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. Wolf with the Notice of Board of Review Determination and further appeal procedures information.

**D. Tax Key #V5-0760-00A and Tax Key #V5-0760-00E, 4168 Bonmaur John Hoenick**  
Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0760-00A and tax key #V5-0760-00E located at 4168 Bonmaur Terrace and swore in all witnesses to this hearing, which were property owner John Hoenick and Assessor Grota.

Mr. Hoenick stated the property assessments he was objecting to were on vacant parcels located next to his residence, which is in the Town of Hartford. He stated that the larger parcel's assessment of \$72,000 was too high and should be \$50,000. He also stated that the smaller lot's assessment of \$6,900 was too high and should be \$4,500. Mr. Hoenick stated he purchased both lots in 2007 for a combined price of \$80,000, but since then the economy has really declined and he did not believe the assessor reduced the value of the property by enough in view of the lousy market. Mr. Hoenick also stated that vacant lots are not selling at all in this economy so there was no way that the value of his land could be as high as it is assessed. Mr. Hoenick stated he had the same problem with his residence and had already gone over this at the Town of Hartford Board of Review. He stated he felt these high assessments were just a way to get more tax money out of people and he did not think that was fair.

Assessor Grota stated that a slight adjustment had been made to the properties after Mr. Hoenick's Open Book meeting and this brought the total value down to \$78,900 or below what Mr. Hoenick paid for the property in 2007. He further stated that the market in Slinger had not declined as much as in other areas and sales had stayed fairly stable up to the first of January 2009, which was the date used for all assessment values.

After summations were given by Mr. Hoenick and Assessor Grota, Administrator/Clerk Murphy stated the Board should consider each parcel on its own. She stated that parcel #V5-0760-00A would be the first one to be decided.

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 \$72,000. 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 #V5-0760-00E.

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 \$6,900. 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. Hoenick with the Notice of Board of Review Determination and further appeal procedures information.

**E. Tax Key #V5-0612-019-002 225 Nordic Lane, Robert Pollard**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0612-019-002 located at 225 Nordic Lane and swore in all witnesses to this hearing, which were property owner Robert Pollard and Assessor Grota.

Mr. Pollard informed the Board he was objecting to the assessment on his property, which was \$221,000. He stated he felt the value should be \$154,000 because he just bought the house in March 2009 for \$157,000 and that included appliances and other fixtures. He stated that two other units in his development sold for similar prices and three more are presently on the market for even less than that, such as \$134,000. He stated that other sales in the neighborhood may have been for higher prices due to a rent-to-own arrangement that many tenants were offered, but he did not feel that was a true picture of house values in the area.

Mr. Pollard also stated he did not feel the assessment took into account other factors, such as the house's closeness to the highway and all the noise that creates. He stated he realized the highway was there when he brought the property, but he did not think the assessment had been discounted enough to show that issue.

Assessor Grota informed the Board that this subdivision had been taken over by Deutsche Bank in a foreclosure action and so any sales that took place after that would not meet the criteria for an arm's length transaction. He stated that the assessment had already taken the distressed circumstances into account and pointed out that the value of \$221,000 was well below the comparable market value of \$260,600 when looking at comparable sales information.

Assessor Grota stated his office was not aware of the rent-to-own issue and stated that should be considered in this situation, as it may have had an impact on sales data in some circumstances.

After Mr. Pollard and Assessor Grota gave their summations, the Board deliberated on the objection. President Brandt stated he felt there should be a middle point between the most recent sale price and the assessed value.

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 assessed value to \$180,000. 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 and Deputy Administrator/Clerk Wilber provided Mr. Pollard with the Notice of Board of Review Determination and further appeal procedures information.

**F. Tax Key #V5-0612-016 255 Nordic Lane, Ron Ellenbecker**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0612-016 located at 255 Nordic Lane and swore in all witnesses to this hearing, which were property owner Ron Ellenbecker and Assessor Grota.

Mr. Ellenbecker stated he believed the actual value of his property should be \$280,000 and not the \$321,200 as assessed. He further stated that there had been no walk-through inspection of his house and he had been told that would have to take place.

Assessor Grota stated that his records showed that appraiser Ray Kozak had done an external and internal inspection of the property on October 1<sup>st</sup>, 2008. He stated the notes made in the file were consistent with the date of other inspections done in the neighborhood, but Mr. Kozak was not present at this time to confirm the record. Mr. Ellenbecker stated he worked during the day and would not have been present for the inspection, however he had asked his wife if anyone had been through and she had stated no one had been.

Discussion was held on whether this objection should be held over so Assessor Grota could produce Mr. Kozak to clarify this matter. The Board gave Mr. Ellenbecker the option of holding the case over until next week or proceeding now to determine whether the question would even have an impact on the property's assessed value. Mr. Ellenbecker stated he wanted to continue with the hearing because he had made no major changes to the inside of the house and he did not believe the assessment would be changed based on an inspection of the interior.

Mr. Ellenbecker stated he would set the property's value at \$280,000 based on the current market conditions, the property's location near the busy highway and the size of the lot. He further stated there was a very similar property to his located on Lou's Way that is now listed for sale at \$254,000 and he felt that was a good indication of how poor the housing market is at this time.

Assessor Grota reviewed some of the comparables used to calculate the assessed value for this property and pointed out that the comparable market value was actually \$335,300, which meant that the assessed value of \$321,200 was already discounted for the location. He stated the sales comparisons supported the assessed value as it stood.

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 \$321,200. 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. Ellenbecker with the Notice of Board of Review Determination and further appeal procedures information.

**G. Tax Key #V5-0359-00C Overlook Drive, Tax Key #V5-0359-00D Overlook Drive, Tax Key #V5-0377-00A-001 Overlook Drive and Tax Key #V5-0377-00B Speedway Court, William M. Hayes**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax keys #V5-0359-00C, #V5-0359-00D, and #V5-0377-00A-001 located along Overlook Drive and tax key #V5-0377-00B located at the north end of Speedway Court and swore in all witnesses to this hearing, which were property owner William Hayes, Tim Hayes and Assessor Grota.

Assessor Grota asked if it might be possible to stipulate any similarities among the parcels that would allow the Board to consider more than one at a time. Mr. William Hayes stated that parcel located at the end of Speedway Court was very different in nature to the other three lots and should be discussed on its own. He stated that the other three parcels were more similar to each other. Administrator/Clerk Murphy asked if the objectors would be willing to stipulate that parcel #V5-0377-00B would be considered by itself and the other three parcels could be discussed together since they had many of the same issues. Mr. William Hayes stated that would be all right. Administrator/Clerk Murphy explained that the cases were introduced all together and all witnesses were sworn in at one time, but parcel #V5-0377-00B would be decided separately and parcels #V5-0359-00C, #V5-0359-00D and #V5-0377-00A-001 would be discussed and deliberated on together. She then asked the objectors to present their case on parcel #V5-0377-00B located at the northern end of Speedway Court.

William Hayes stated that the assessment of \$141,700 on this parcel was too high and it was his opinion the parcel should remain at the 2008 assessment level of \$78,700. He stated that since the property was purchased and divided into parcels, the Village has changed its zoning code and this has created further restrictions on how the land can be used and developed. He stated there is also a conservancy zoning on several surrounding properties that limits the potential uses of this one. Mr. Hayes stated that due to the special topography of this lot, it could not be combined with the adjacent lot to increase its usefulness.

Assessor Grota asked Mr. Hayes about his statement that the lot could not be combined with the parcel to the north. Tim Hayes clarified that the parcels are not combined at this time because they see no economic value in doing so. He stated that the conservancy zoning creates many obstacles to developing this lot as a commercial property.

Tim Hayes stated that during their Open Book meeting they had asked to see the reconciliation that had been done to calculate the value of the property but they had been told by the assessor this would have to be referred to Assessor Grota. Mr. Hayes stated they had not received the answers they had requested and he asked Assessor Grota if he could provide an explanation now. Assessor Grota stated that individual reconciliations are not prepared during a full revaluation such as the one done here, but he could explain how this value had been calculated.

Assessor Grota stated there were several recent sales of this type of property within the Village and in neighboring communities and these were used to arrive at an assessment for this parcel. He explained that the value had already been discounted to compensate for the topography and the access issues and stated that the property was set at \$28,800 per acre. Assessor Grota stated this was low for commercial property in the area and comparable properties in Jackson and Richfield have sold for \$45,000 to \$75,000 per acre. Assessor Grota stated that if the lot were rezoned to be classified as residential, it would have a lower value but as a commercial parcel it was already at the low end of the scale.

In his summation, William Hayes stated that the lots had been divided along the continental divide and that had seemed like the logical point of division at the time. He stated he felt the zoning issues and development restrictions already discussed should be given more weight in determining the value of this parcel.

Assessor Grota presented his summation and stated there were several challenges to evaluating this property because of its many unique features. During the Board deliberations, Board members stated this lot has been discussed several times in the past and has always been considered to be problematic.

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 \$100,000. 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 and Deputy Administrator/Clerk Wilber provided Mr. Hayes with the Notice of Board of Review Determination and further appeal procedures information.

Administrator/Clerk Murphy informed the objectors they could proceed with discussion of the remaining parcels. William Hayes began by discussing lot #V5-0377-00A-001 and stated it was their opinion that the lot should be valued at \$132,586 and not at \$250,600 as presently assessed. He stated that this lot should be compared with a lot located along the intersection of HWY K and Addison Road at the US 41/HWY K interchange. He stated this lot had just been sold in March 2009 for \$153,000 and went through a detailed explanation of how he felt the lot compared with his. Mr. Hayes stated both lots are located at what could be considered smaller interchanges along US 41. He stated while his lot has better visibility along US 41, the HWY K/Addison Road lot would cost less to develop in terms of installing infrastructure and utilities. He stated that after the similarities and differences were factored in, he arrived at a value of \$132,586 for his parcel. He further stated the value should be reduced because of several other factors such as the topography of the lot and the limited access to it.

Assessor Grota stated the comparable being used was not a valid comparison because the US 41/HWY K area is undeveloped with no prospect of access to municipal sewer or water in the foreseeable future. He stated that his assessment took into account the various issues brought up by Mr. Hayes and the lot was being assessed at approximately \$36,000 per acre. Assessor Grota stated that land along Addison Road within the Village, in the area of Freedom RV, had sold for \$32,000 to \$56,000 per acre while land in the Cabela's Way area in Richfield sold for \$300,000 per acre with far less visibility to the highway. He stated that land in business park areas located in Germantown sold for \$250,000 per acre, land in the Helsan Business Park in Richfield sold for \$75,000 to \$87,000 per acre and land along American Eagle in the Village of Slinger sold for over \$100,000 per acre. Assessor Grota stated each of these areas would be considered comparable with the lot in question.

Assessor Grota began to explain his valuation of parcels #V5-0359-00C and #V5-0359-00D. At this time, discussion was held on the procedure to be used in reviewing these parcels. William Hayes stated he believed that only parcel #V5-0377-00A-001 was to be reviewed at this time and that was why he had not presented any arguments regarding the other two parcels. Administrator/Clerk Murphy stated the agreement had been to discuss all three parcels together due to their similarities and Mr. Hayes had stipulated to that earlier.

William Hayes stated he felt the other two lots, #V5-0359-00C and #V5-0359-00D, had additional restrictions due to the Department of Transportation (DOT)'s ongoing plans to reconfigure the interchange at US 41 and STH 144. He stated he felt the value of lot #V5-0359-00C should be \$115,743 instead of the \$158,400 assessed, and the value of lot #V5-0359-00D should be \$65,960 instead of \$89,600 as presently assessed. Mr. Hayes explained that he used the same comparable located along HWY K/Addison Road to calculate the values for these properties.

Assessor Grota explained his assessments for all three properties and stated he considered each to be a fair value in view of recent sales of comparable properties throughout the area.

In his summation, William Hayes stated it was still his belief that the HWY K/Addison Road property should be considered as a comparable lot because the interchanges along US 41 at STH 144 and HWY K were much more alike than the US 41 interchanges found at STH 167 or STH 67. He stated that the uncertainty surrounding DOT's plans for the STH 144 interchange should be given greater importance as this seriously reduces interest in the lots on the market.

Assessor Grota summarized by stating he had already taken the various challenges for these lots into account and was assessing them at discounted rates compared to similar properties. He stated that the build-to-suit requirement chosen by the property owners presented just as much of an obstacle for potential sales as any of the physical characteristics of each lot.

After the Board's deliberations on these properties, President Brandt motioned to affirm all three values. There was no second given for this motion and the motion failed.

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 for parcels #V5-0359-00C and #V5-0359-00D and to affirm the Assessor's valuation of #V5-0359-00C at \$158,400 and the valuation of #V5-0359-00D at \$89,600. 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 parcel #V5-0377-00A-001 and to modify the assessed value to \$200,000. 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 and Deputy Administrator/Clerk Wilber provided Mr. Hayes with the Notice of Board of Review Determination and further appeal procedures information for all three properties, #V5-0359-00C, #V5-0359-00D and #V5-0377-00A-001.

**H. Tax Key #V5-0320-00G 204 Slinger Road, Linda Bremberger**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0320-00G located at 204 Slinger Road and swore in all witnesses to this hearing, which were property owner Linda Bremberger and Assessor Grota.

Ms. Bremberger informed the Board she was objecting to her property assessment of \$533,000 and felt the value of the property was actually \$460,000. She stated they had purchased the property for \$450,000 in December 2005 but since then the market has gone down and she did not feel the value had increased as much as the assessment. Ms. Bremberger further stated she had spoken with her bank recently and had been informed that if they were asked to do an appraisal on the property, they would not value it as highly as the assessment level.

Assessor Grota explained how the assessment for this property was calculated. He stated that between 2006 and 2008, 22 commercial properties had been sold within the Village so there was a sufficient range of comparables to establish a value for this property. He further stated that since a day care facility was not an exact comparable to other commercial properties in the Village, he had also used comparables in Jackson and the 13 properties used there had an 83% assessment to sales ratio. Assessor Grota explained this showed that his assessment values were conservative for the most part. Assessor Grota further stated that a day care facility had been sold in the Town of Germantown in May 2005 for a price of \$850,000 and comparing the two facilities showed that his valuation was reasonable.

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 \$533,00. 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. Bremberger with the Notice of Board of Review Determination and further appeal procedures information.

**I. Tax Key #V5-0598-016 1660 Pine Cove Court, Ken Wills**

Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0598-016 located at 1660 Pine Cove Court and swore in all witnesses to this hearing, which were property owner Ken Wills and Assessor Grota.

Mr. Wills stated he believed the assessment placed on his property of \$399,900 was too high and the property should be valued at \$339,900. He stated he was basing this opinion on properties he considered to be comparable to his and he submitted real estate listings and sales information for the properties he used.

Mr. Wills stated he purchased the property in February 2006 for \$329,000 and there was a bank appraisal done by Wells Fargo in 2005 that showed the value to be \$329,000 at that time. He also stated he had listed the property in 2007 for a sale price of \$349,900 and had received no offers at that time, which was before the housing market went into a serious decline.

Mr. Wills presented a Department of Revenue (DOR) Economic Forecast prepared in March 2009 and discussed portions of it that indicate that statewide housing prices have decreased by 10%.

Assessor Grota asked Mr. Wills if the report he submitted included specific information on the Slinger area and Mr. Wills stated it did not. Assessor Grota presented the factors used in calculating the assessment given and reviewed comparable property sales. He stated that each of the comparables presented here were in the Whispering Pines subdivision, which does not have Village sewer or water. Assessor Grota stated that the sales comparison shows the property would have a comparable market value of \$431,400 which is consistent with the assessed value of \$399,900.

Mr. Wills asked Assessor Grota if the upper and lower levels of the house were being valued at the same rate and Assessor Grota stated they were not. He stated the lower level as valued at \$39.98 per square foot and the upper level was valued at a higher rate since it was the primary residential area.

In his summation, Mr. Wills stressed the importance that should be given to the declining housing market overall and in the State of Wisconsin specifically.

Assessor Grota stated there were 71 sales in newer subdivisions, or those built since 2000, in the Village of Slinger and the mean assessment ratio for these is 95.6%. He stated this shows that assessments have been very close to actual sales prices and he believed that this assessment was a fair value for the property.

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 \$399,900. 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. Wills with the Notice of Board of Review Determination and further appeal procedures information.

**J. Tax Key #V5-0299-00F-310 140 W Commerce Boulevard #310, Patricia Neumann**  
Deputy Administrator/Clerk Wilber introduced the next hearing for tax key #V5-0299-00F-310 located at 140 W Commerce Boulevard #310 and swore in all witnesses to this hearing, which were property owners Patricia and Robert Neumann and Assessor Grota.

Ms. Neumann informed the Board she was objecting to the assessment of \$161,600 placed on their property and stated it was their opinion that the property should be valued at \$135,900. Ms. Neumann stated she based this on a market analysis they had prepared for them by Chong Yi of United Realtors, LLC. She stated the analysis showed a recommended listing price of \$135,156.

Ms. Neumann stated she felt the assessment should be adjusted due to the depressed economy and other factors, such as the limited access to the complex and construction problems they have experienced with the building.

Assessor Grota explained how the value for this property had been computed and stated that third floor units traditionally go for a higher value than other units in the same complex. He stated there was very little turnover within the development, however there had been three recent sales that could be used for comparison. He reviewed the comparables and stated they showed the property would have a comparable market value of \$181,500.

Assessor Grota reviewed the market analysis submitted for the property and discussed a couple of areas that should be taken into consideration. He stated one of the most significant factors was that most of the units used in this evaluation were only listings and not actual sales.

Administrator/Clerk Murphy asked Assessor Grota to explain what priority should be given to a market analysis when reviewing an assessment. Assessor Grota stated that a market analysis would be 4<sup>th</sup> in the ranking of the 5 factors to be considered and would not be given as much weight as an arm's length sale of the property or comparable sales histories.

In her summation, Ms. Neumann stated that the potential sale value of a property should be given more consideration, particularly in a depressed market such as the current one.

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 \$161,600. 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. and Ms. Neumann with the Notice of Board of Review Determination and further appeal procedures information.

### **VIII. Adjourn to Next Meeting**

Motion Brandt/Van Maldegiam at 6:00 p.m. to adjourn the Board of Review to reconvene on Thursday, June 4<sup>th</sup> at 1:00 p.m.; carried.

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Maureen A. Murphy, Village Administrator/Clerk