

BOARD OF REVIEW
MAY 24, 2010
MINUTES

The Board of Review was called to order at 6:00 p.m.

Present: Kwiatkowski, Davis, Malek, Rasmussen, and West. Also present: Board of Review Clerk Pepper, Assessors Cal Magnan and Lucas Cummings.

Motion by Davis, seconded by Malek to nominate Mr. Kwiatkowski as Chairperson the Board of Review. Motion carried.

Motion by Kwiatkowski, seconded by Malek to nominate Mr. Rasmussen as the Vice Chairman of the Board of Review. Motion carried.

Chairman Kwiatkowski explained that forms are available for the Board Members to fill out during the proceedings. The Board has the option of deliberating immediately after each case or after all cases have been heard. Chairman Kwiatkowski reminded the Board that the burden of proof lies on the objector, that the assessor's valuation is correct unless proven otherwise.

It was noted for the record that Mr. Kwiatkowski, Mr. Davis, Mr. West, Mr. Rasmussen, and Clerk Pepper have been certified by the Dept. of Revenue.

Chairman Kwiatkowski noted that the Notice for the Board of Review had been posted and published on May 5, 2010.

Town Assessor Cal Magnan acknowledged that the assessment roll is present and that the affidavit has been signed.

Board of Review Members, Town Assessors Magnan and Cummings, and Mr. James Sell, objector were sworn in.

James Sell -Property Owner/Objector resides at W377 S10766 Betts Road, Eagle WI 53119- Address for the property in question is W377 S10766 Betts Road, Eagle, WI 53119 – Tax Key # EGLT1860005 – Residential property for assessment purposes – 2009 value in the assessment roll is as follows: Land - \$90,000; Improvements - \$145,000; Total Assessment - \$235,000.

Mr. James Sell, W377 S10766 Betts Road, Eagle WI 53119 explained that he purchased his property on October 10, 2010 for \$235,000, which is below the \$264,000 fair market value. Mr. Sell explained that he attended the 2009 Open Book and was told by the Town Assessors that his assessment would be lowered to \$235,000. Upon receiving his 2009 tax bill, Mr. Sell explained that he does not agree with the listed \$244,100 fair market value. Mr. Sell asked that his assessment be lowered to \$226,250, to bring the fair market value down to \$235,000.

Chairman Kwiatkowski explained to Mr. Sell that the Board of Review can only look at assessed value, that they do not have control over fair market value. In response to Chairman Kwiatkowski, Mr. Sell explained that his only evidence is the arm length transaction of \$235,000 and that he wants his assessment lowered to \$226, 250.

Chairman Kwiatkowski questioned if Mr. Sell had any comparable sales of properties or an appraisal stating that the property is worth less than what he paid for it. Mr. Sell replied that he only has an estimate of fair market value.

Assessor Magnan explained that Mr. Sell purchased his property in October of 2008 for a purchase price of \$235,000. Mr. Sell's original assessment reflected a value of \$246,500, which was then lowered to \$235,000, based on proof of the arm's length transaction. Assessor Magnan stated that Mr. Sell is asking that he predict the state assessment ratio, which is not determined until sometime in August and is asking this Board to adjust the rate down. Assessor Magnan stated to the Board that the State of Wisconsin allows for a ten percent + or – correctness window.

Chairman Kwiatkowski explained to Mr. Sell that the state takes the assessment ratio versus the total assessed value and then calculates the ratio for fair market value. Taxes however are based on assessed value. All this Board can address is if the assessor's value is correct. We cannot address the ratio. In response, Mr. Sell explained that he believes that taxes are

derived from fair market value. Assessor Magnan stated that the fair market value only appears on the tax bill and is not calculated in the taxes.

Assessor Magnan stated that the assessment for this property is set at the purchase price, which cannot be anymore accurate. In response to Mr. Davis, Assessor Magnan stated that the original assessed value was \$246,500 and he lowered it to \$235,000.

Chairman Kwiatkowski explained that the state looks at all of the sales and obtains an average. Then they take that number and average it against the assessed value, in order to determine the state level ratio. Chairman Kwiatkowski explained that as the ratio increases, the value decreases. As the ratio decreases, the value increases. This is all determined on the market. This Board cannot address fair market value. Chairman Kwiatkowski reiterated that taxes are based on assessed value.

Mr. Sell explained that he believes that assessed value is based on fair market value. He is asking that he be assessed the same as someone with an estimated fair market value of \$235,000.

Assessor Magnan reminded the Board that all properties in the Town of Eagle have the same ratio. In response to Mr. Rasmussen, Assessor Magnan explained that last year's level of assessment was approximately 94%. He estimated that this year's assessment ratio would be 98%. The actual ratio is .9777. His estimation was only off by 2.3%.

In response to Mr. West, Assessor Magnan explained that the state allows for + or - ten percent value. The Wisconsin Department of Revenue will say that an assessment between \$211,000 and \$256,000 is a correct assessment. Mr. Sell's assessment has already been lowered to his purchase price.

In response to Mr. West, Assessor Magnan stated that taxes are based on assessed value.

A motion was made by Mr. Rasmussen, seconded by Chairman Kwiatkowski to affirm the assessment; that the Assessor's value is correct; that the Assessor presented evidence of the fair market value of the subject property using assessment methods which conform to the statutory requirements and which are outline in the Wisconsin Property Assessment Manual; that the Assessor presented evidence of the proper classification of the subject property using assessment methods which conform to the statutory requirements and which are outlined in the Wisconsin Property Assessment Manual; that the property owner did not present sufficient evidence to rebut the presumption of correctness granted by law to the Assessor; that the Assessor's valuation is reasonable in light of all of the relevant evidence; and sustains the same valuation as set by the Assessor. Upon roll call vote: Mr. Davis – aye; Mr. Rasmussen – aye; Mr. Malek – aye; Mr. West – aye; Chairman Kwiatkowski – aye. Motion carried.

Upon conclusion, Clerk Pepper hand delivered the Notice of Board of Review Determination to Mr. James Sell.

After hearing no other objections to the assessments, motion by Chairman Kwiatkowski, seconded by West to adjourn the 2010 Board of Review at 8:00 p.m. Motion carried.

Respectfully submitted,

Lynn M. Pepper
Town Clerk