

BOARD OF REVIEW
MAY 22, 2012
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 and Assessor Cal Magnan.

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

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

Motion by Kwiatkowski, seconded by West to table the Procedure for the Board of Review until the applicant arrives.

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

Chairman Davis noted that the Notice for the Board of Review had been posted and published on May 2, 2012.

Town Clerk Pepper acknowledged that the assessment roll is present and that the affidavit has been signed.

Assessor Cal Magnan stated that the Town of Eagle is assessed at \$451,443,400. The total new construction is \$808,200. As of January 1, the assessment rate is at 103%. Assessor Magnan stated that he had twenty-six (26) appointments for Open Book. Discussion followed regarding the decrease in market values and how decreasing property owner's assessments increase the mill rate.

Objector Kristi Davies arrived at 7:00 P.M.

Chairman Davis explained that the person filing the objection will testify and present evidence first. The assessor may then ask the objector questions. The Board of Review members may also ask the objector questions. After the objector has testified, any other witness may testify. Following the witnesses of the objector, the assessor shall present his case in support of the assessment. The assessor shall be subject to any questions of the objector, followed by questions of the Board of Review members. The objector may present any other evidence, which again is subject to the questions of the assessor or Board of Review members. Next, the assessor may present any other evidence, subject to any questions. After all evidence has been submitted under oath, the objector may first make a brief summary of her case to the Board of Review. The assessor may follow with a brief summary. After each summary, the testimony will be closed. Chairman Davis 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 Davis reminded the Board that the burden of proof lays on the objector, that state law states that the assessor's valuation is correct unless proven otherwise.

Clerk Pepper stated that this case is of Joseph Beltran and Kristi Davies. The property owners reside at S79 W35875 Timber Court. The address for the property in question is S79 W35875 Timber Court, Eagle WI. The tax key for this parcel is EGLT 1782-006. The property has been classified for assessment purposes as residential. The value in the assessment roll for the current year is: Land: \$90,000; Improvements: 238,500; Total Assessment: \$328,500. Assessor Magnan stated that he adjusted the assessment to \$294,600, based on the appraisal he received from Joseph Beltran at Open Book.

At this time, Clerk Pepper swore in the witness, including the assessor.

Kristi Davies, S79 W35875 Timber Court stated that she feels that Fair Market Value for her home is \$277,000. Ms. Davies explained that on March 15, 2012, she received an independent appraisal for the purpose of refinancing her home. The value was determined to be \$277,000 based off of five (5) comparable sales in the neighborhood. In response to Chairman Davis, Ms. Davies stated that the appraiser is not present. Chairman Davis explained that the appraisal cannot be used as evidence because the appraiser is not here to answer questions.

Assessor Magnan explained that he only received two (2) pages of the appraisal, which showed only three (3) comparables. Assessor Magnan explained that the appraisal clearly states that the appraisal is intended for the client and the client only. Assessor Magnan added that the market has not dropped twenty percent (20%), from \$328,500 to \$277,000 in a year and a half, as the objector is claiming. Lowering the assessment to \$294,600 is within the ten percent (10%) range.

Ms. Davies stated that a home nearby just sold for \$274,000.

Assessor Magnan stated that appraisals need to hit a certain number in order for a home to be refinanced.

Chairman Davis questioned why the objector only submitted three (3) of the five (5) appraisal comparables to the assessor. Ms. Davies replied that two (2) of the five (5) comparables were valued at \$315,900.

Assessor Magnan reiterated that he already lowered the assessment by \$33,900 or over ten percent (10%). Assessor Magnan added that the market dropped in 2008 and has been flat since 2009.

When asked for any additional comments, Ms. Davies stated that they must have overpaid the value back then.

Assessor Magnan reiterated that he already reduced the value by \$33,000 and stated that the property owner thought the appraisal amount should be the value. Mr. Kwiatkowski added that typically the appraisal amount is established to cover the cost of the loan.

After no additional comments, Chairman Davis closed the hearing at 7:12 P.M.

At this time the Board of Review reviewed the Findings of Fact. A motion was made by Kwiatkowski, seconded by Rasmussen to determine that the Assessor's valuation 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 outlined 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 valuation is reasonable in light of all the relevant evidence, and sustains the same valuation as set by the assessor. Mr. Kwiatkowski explained that the assessor already reduced the value to \$294,600, a ten percent (10%) reduction. In addition, the State of Wisconsin would force the Town to do a re-evaluation if the Town went beyond the ten percent (10%) range. Mr. Rasmussen added that he believes that the assessor was fair in his evaluation. Upon roll call vote: Mr. Kwiatkowski – aye; Chairman Davis – aye; Mr. Rasmussen – aye; Mr. Malek – aye; Mr. West – aye. Motion carried.

After hearing no other objections to the assessments, motion by Kwiatkowski, seconded by Malek to adjourn the 2012 Board of Review at 8:00 p.m. Motion carried.

Lynn M. Pepper
Eagle Town Clerk