

**2011 BOARD OF REVIEW
VILLAGE OF PLEASANT PRAIRIE
JUNE 28, 2011
8:30 A.M.**

A meeting of the Pleasant Prairie Board of Review was held on Tuesday, June 28, 2011 and called to order at 9:00 a.m. Present were Board members John Braig, Jill Sikorski, James Kennedy (Alternate) and Attorney Tom Camilli. John Burke, Mark Riley and Lena Schlater were excused Also present were Rocco Vita, Village Assessor; Ed Judt, Village Appraiser; and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. ROLL CALL

John Braig:

We have three members present. We have a quorum.

3. HEARINGS

a. 8:30 a.m. - Mills Holdings, LLC, 9500 Sheridan Road

John Braig:

This is a continuation of our previous hearing on this matter. I believe it appropriate at this time that the participants should be sworn in again.

Jane Romanowski:

First, let's briefly go over the objection form, and then I believe Mr. Kennedy should state for the record that he has reviewed the audio, listened to the audio from the hearing on last Thursday so he can participate today.

Rocco Vita:

Mr. Chairman, I believe we're already sworn in on this. We can swear in again, but we're already sworn in.

Jane Romanowski:

It's a continuation from last time.

John Braig:

Okay, good enough.

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Jane Romanowski:

Okay, so for the record, Mr. Kennedy, you did review the audio?

James Kennedy:

I did review the audio yesterday, yes.

Jane Romanowski:

And the materials, okay.

James Kennedy:

And the materials.

Jane Romanowski:

I will just briefly describe from the objection form the hearing that we are continuing. This is the hearing for Mills Holdings, LLC, property address 9500 Sheridan Road, Tax Parcel Number 93-4-123-192-0101, and the land is assessed at \$145,600, building \$47,500, for a total of \$193,500. And just briefly the house is vacant and scheduled to be burned by Chief Guilbert, therefore it has no value. The land cannot be used for residential in the future due to the fact that the parcel has no sewer, therefore it should be valued as agricultural land like the majority of the parcel. Purchased the property in September of 2004. No remodeling. Has not been listed for sale in the last five years, and there has not been an appraisal in the last five years. And for the record, Steve Mills, Ed Judt and Rocco Vita are sworn in to continue this hearing.

John Braig:

Thank you. We left off with the discussion regarding letters which were sent by the Village to Mr. Mills regarding the requirement to connect to the sanitary sewer. Do you have those letters now?

Steve Mills:

I do. Can I give you a packet?

John Braig:

Sure.

Steve Mills:

I'm going to give you a packet that has the application that was turned into the Village for the Village of Pleasant Prairie razing permit. Then an agreement with Chief Guilbert as far as

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liability and so forth reference the fire department taking part. Then there's a quit claim deed. Then there's a map of the property which is really the Assessor's map showing the subject property, etc. Then there is also in a contract that I've entered into with Balistreri Environmental Development which they're going to come out and do the asbestos and so forth inspection which is part of getting the permit. Then on the back page is the letter regarding installation of sanitary sewer connection. I'm getting old because it was in '08 that I got this. So just so no wonder you guys couldn't find it. It's on the back.

John Braig:

Thank you. As an aside, my dad was a contractor in this sewer installation work. In those days we charged \$4 a foot for four inch cast iron and three quarter inch copper water lateral.

Steve Mills:

A little different today.

John Braig:

I would think so. This letter is dated in July of '08. There appears to be no time limit on it other than a suggested 30 days. Has there been any contact with the Village regarding this since this letter?

Steve Mills:

No one has contacted me by the Village in reference to this matter. I've always had it in the back of my head that we're going to have to take the house down.

Jill Sikorski:

Did you have an estimate back in '08 what that cost would be to connect?

Steve Mills:

I was never going to connect because this house has not enough value to make it—the house is an old farmhouse. It's in the wrong place if this piece is ever developed. We had a guy who loved to live in this house. I think he sold some used cars out on the highway and he worked down the road. And we said as long as you live here you can live here, but we're not going to put any money into the house, etc., because our goal is to take this down once you move out. We got this notice, which I think was triggered by him having a septic backup. I don't know why he called the Village. And then that's when they looked at it, and I didn't now that it was supposed to be hooked up to sewer. That line was put in I think before we bought this component of the farm. I'd have to go back and look. It's been in there quite some time.

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John Braig:

You don't recall any excavation or any construction on Sheridan Road back in '08?

Steve Mills:

Oh, no, way before that.

John Braig:

Way before that.

Steve Mills:

But we purchased this after that main line went in Sheridan Road, so however many years that's been. The main line came down Sheridan Road, then it came up Highway Q, and then we own the surrounding property. It came through various components of it. When we bought it there was an assessment that was paid off. So I wasn't around there at the time. The former owner was gentleman by the name of Ben Hansche. And Ben owned it at that time.

John Braig:

Did you have any contact with Mr. Sorensen or with Mr. Kammerzelt regarding your intention to raze it rather than comply?

Steve Mills:

I'm sure I did but I can't remember. I've done business with those gentlemen as well as with the Assessor, etc.

John Braig:

Well, if my recollection is correct, the heart of this matter regarding the letter was to determine whether the assessment on the house was correct.

Steve Mills:

Can I maybe make a statement?

John Braig:

Sure.

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Steve Mills:

It's kind of interesting that Mr. Riley who was here last time says, Steve, do you want to kind of just let this thing go away and so forth. Just so you know, it was never my intention to come to the Board of Review with this. These gentlemen across here are worthy adversaries. I get along with them very well. And they are probably tired of me whining about this house down on south Sheridan Road and why they're overassessing me with it. But I constantly come back to them and tell them that they have. And years ago, actually, they did drop it down to this \$47,000.

I think the house, and I understand their position, is that if it's there in January of the year that it's on the tax rolls for that year. I understand that. Next year it won't be assuming we can get through this in a timely fashion. My point, though, was one of—well, it might still be there but it still has no value. It's actually a negative because it's going to cost me probably a number of thousands of dollars to get the permits even just to take this house down.

My other contention was, and I respect them and they're certainly entitled to their opinion on the land, but the land value underneath this old house at \$104,000 is just in my mind, you know, somewhere pulled out of the air. They have their comps and they have—

John Braig:

\$104,000 or \$145,000?

Steve Mills:

Well, the land it says—the sheet that I have shows the 1.79 acres that this house sits on originally is \$104,800, and that the house is \$47,900 for a total of \$152,700 of the \$193,500 that the property is assessed at.

John Braig:

That's different than we have on the objection form.

Ed Judt:

The \$104,000 was the residential component of the land.

James Kennedy:

That's on page 2 of the valuation report.

John Braig:

The objection form shows land at \$145,000 and the building at \$47,500 for a total of \$193,500. That is the current assessment.

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Ed Judt:

\$104,000 is the value associated with the residential component of that land description. You were given a detailed–

John Braig:

Yes, I have that here.

Ed Judt:

Okay.

Steve Mills:

Again, I'm not going to spend all day here with this. I know you've been here specifically for me, but on this little handout that I–well, you're running the meeting. I'll just wait for you to decide what you want on the house. Then if we can then we can maybe talk about the land.

John Braig:

Do the other Board members have the handouts from our meeting of last week on this parcel?

Jill Sikorski:

I do not, Mr. Chairman, but I can share with you.

John Braig:

I can share this with you. Jane you have it? Jim you have it?

James Kennedy:

I have it, yes.

John Braig:

Okay, because I see this as a discussion that's going to cover two areas. One totally reflects on the house or the value of the house, and then the other is a discussion of the lands which encompass a total of 62 acres. And we received information that suggested that the existing assessment is incorrect.

James Kennedy:

Shouldn't we take these issues just one at a time and deal with them?

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John Braig:

Yes, I'm just saying there are the two issues. I think the reason for carrying it over into this week was the discussion of the valuation of the house. I think I would like to address that initially, and then we can look at the land values. Anyone have a problem with that?

Voices:

No.

John Braig:

Okay. So the issue at hand is the valuation of the house. The Assessor's contention is it's occupied, it is a house. It's in use as such, and the owner of the house suggests it's something he's going to tear down, and he is not receiving any income from it at this time. So the question is is there enough evidence to suggest the valuation of the house should be altered or corrected?

James Kennedy:

I would like to just make a comment that the initial letter from Pleasant Prairie to Mills Holding was middle 2008, and all of the other documents that Mr. Mills has presented to us are within two weeks or so of today's date. And I think that had he acted on this in 2008 or 2009 then certainly the valuation would have been reduced to something much smaller because the home would be gone, it would just be vacant land. So I'm thinking that as of 1/1/2011 this was a residence with somebody in it and it should continue to be valued as a residence.

Jill Sikorski:

What is the current zoning of this parcel? Is it residential or ag?

Rocco Vita:

I can check for that. My sense is that it would be agricultural zoning because the predominant use of the parcel is agricultural.

John Braig:

Rocco, the Village had another instance not related to the Board of Review wherein a property owner in the Village was farming his lands but they were not zoned as such. But the assessment reflected the farming activity without consideration of the zoning.

Rocco Vita:

That's correct. The ag use law says regardless of zoning the important criteria in using that valuation benchmark of about \$300 an acre, it fluctuates, is it's use. So if a property—and it's not voluntary and it's not a program, it's a law, so that if someone is using their property for an

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agricultural purpose, whether they're allowed to or not, the Assessor still provides them that preferential property tax treatment. It's a different issue whether the property owner has a right to do that or not.

John Braig:

Thank you.

Rocco Vita:

In this instance here, though, I don't see that that's an issue.

John Braig:

Okay. Which is getting a little bit off because we're talking about the lands again, and we want to stick right now with the valuation of the house.

Rocco Vita:

Generally most agricultural zonings a permitted use is one single family dwelling. So it wouldn't be conflicting with the zoning even if it were zoned agricultural.

John Braig:

So the question is what is the value of the house.

James Kennedy:

I would like to move that we—

John Braig:

Wait a minute, wait a minute. We have to treat I think the whole item as one single assessment identifying the land value and the improvements value. So a motion on one item at this point might be a little premature, but you can indicate what you would want.

James Kennedy:

My motion was to be or will be that we retain the value of the Assessor's \$47,900 on the residence.

John Braig:

Jill, do you have any input?

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Jill Sikorski:

No, I would second that.

John Braig:

You would second that if that were the situation. Then I think we've got an opinion on the value of the home. Next is to address the valuation of the lands involved. We all have the information that was provided to us at our last meeting showing the existing valuations and a proposal of what the valuation should be. Is there any discussion on that or any questions?

Steve Mills:

Might I make a comment?

John Braig:

Go ahead.

Steve Mills:

I just thought I would attach something to this little handout that I gave you with the land value. Down below it says Village purchases 4.3 acre property north of Village Hall.

John Braig:

Yes.

Steve Mills:

And if you take the purchase price divided by 4.3 acres it comes to \$58,000 an acre. If you looked at this house on 1.7 acres, that's this piece, I don't know if everybody has it.

John Braig:

I've got it here in front of me, yes, thank you.

Steve Mills:

Out on the right hand side it shows the house land as valued at \$104,800 or \$58,547. So if you looked at this subject property next to the Village, and I have my written notes down below, it's on sewer, it's on water, it's a hard corner at the intersection, planned for commercial development or in this instance the Village's use and that wasn't until it was purchased by the Village. And I guess just to make a point is that I think it would be hard to say that this property at this corner is not significantly more valuable on a per acre basis than the land underneath this old house over

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on Sheridan Road that doesn't have sewer connected to it, doesn't have water, it's not divided, it's not on a hard commercial corner like here in the Village, and that goes back to my premise that the land value is skewed. I'll accept the fact that the house is on the site. I don't believe it has value but it's there. But the land underneath it in my mind cannot be worth \$104,800. We're going to get into some single family lots in very upscale subdivisions here, and that's part of the next go around, and those lots are selling from \$50,000 to \$70,000 apiece in Devonshire and Ashbury Park and so forth and so on.

So, again, that is my contention, and I think this, for instance, if you look at this property was assessed by the Village at \$318,000 or \$73,900 before the Village bought it. Before that it was assessed at \$374,600 then it went to \$318,000. The Village paid \$258,139. That property was purchased 11 years ago for \$275,000 or about \$64,000 an acre. So the Village bought it at 21 percent less than you had it assessed at when you acquired it. So all I'm saying is this remnant piece of property over on Sheridan Road in my mind cannot be worth \$104,800.

Rocco Vita:

The only comment the Village would have regarding this sale, the acquisition of the adjoining property next door the Village bought it from a friend, the bank that it does business with. It was in the name of a company called Burco Holdings. I don't know all the specifics but that's where First Banking Center's land that they were liquidating kind of went into that holding pattern to liquidate and sell. It was listed for sale. I don't know if there were any other offers. All I know is that we bought it from a bank who is liquidating it, and we bought it from a bank that we have a relationship with.

John Braig:

And I can see it probably has certain value to the Village because of its proximity to existing facilities.

Steve Mills:

That fact in itself would make the price higher on this piece of property in comparison to my property on Sheridan Road.

John Braig:

That's possible.

Steve Mills:

Unless the Village would like to come over and acquire that for \$104,000.

John Braig:

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As I look at the suggested assessments in the handout that is labeled new, I don't think there's any--well, it's divided into four different categories. I'm thinking at this point the one category that seems to be under discussion or contention is that of the 2.577 acres which is slightly larger than the existing situation, and the assessment against it of \$117,200.

Ed Judt:

The question was asked regarding zoning. The majority of the parcel, let's say the eastern three quarters of the parcel is in an R-4 zone which is medium density residential with an agricultural overlay. And then let's say the western one quarter--

John Braig:

Are you referring to the area that's outlined in yellow?

Ed Judt:

Yeah, virtually everything you see bordered in black there plus the residential site up front, that whole area is R-4 with an ag overlay, and then again that western quarter is a combination of C-1 and C-2 which are Conservancy Districts.

Rocco Vita:

The C-2 would be the woods, the upland conservancy, and then the C-1 is simply the trail of the creek and the two ponds that are right here. So that would be the lowland. C-1 designates lowland conservancy, C-1 upland conservancy. And that's why the values are both a combination of undeveloped and--it's called forest land, but in Department of Revenue parlance that's land on an agricultural piece. Since wooded land in this location agricultural piece doesn't have the same value as a wooded piece on the front on the road that could be developed. This land is valued much greater than this wooded land, \$5,000 an acre or \$10,000 an acre.

John Braig:

The wooded land on the west end as conservancy land could it ever be developed? Or, is it approaching a wetland-type situation?

Rocco Vita:

That's a good question. I think whether this land could be developed, all this land whether it's C-1 or C-2, you need to look at what the future land use is and what this would eventually develop as if someone were to own this and all the adjoining properties. The Village is pretty strong in saying that it doesn't like woods developed. So this would become either additional parkland to the area or abutting properties. I'm not exactly sure how the planning and development department views it. Or, if it's not valued as a single family residential maybe it's condominium development. Some may be developed, it could be additional recreational land. If it's recreational property clearly it would have beneficial value. But on any property regardless, even

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if someone were to buy this property, if Mr. Mills said one day, you know, I'm just fed up, I'm just going to sell this parcel, the 62 acres in its entirety, no, a home would probably not be developed back here. A home would be developed closer to the road whether it's on this site or anywhere on the site. This land is just used for the enjoyment and the private use and ownership of the property owner. That's why our value is kind of a bulk land value as of 2010.

Ed Judt:

But having said that the strict answer is that C-2 does allow for extremely low density residential development. You can site a single family home there, or multiple ones depending on the size of the parcel.

Steve Mills:

Could I make a comment?

John Braig:

Go ahead.

Steve Mills:

In going through planning department and dealing with Jean Werbie that property will never house any type of structure.

Ed Judt:

I agree.

Steve Mills:

Just so you know.

Ed Judt:

I agree.

Steve Mills:

It will never have a structure. It will be parkway going to Q and so forth. So to say that that has any development potential, anything there that is C-1, C-2, woods, prime environmental corridor, etc., there will never be a use of that. There will be walking trails and so forth and so on, but it has no economic value as a stand alone unless I was to harvest trees off of it. But it would have a value of contributory to whatever else would be done on the site. I think you agree.

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Ed Judt:

I agree.

John Braig:

Good enough. Let's start at the bottom for the assessment year 2011 ag use forest. As presented to us last week the information shows that the existing situation suggests there's four acres, and presented to us that 17.3 acres should be defined as ag use forest. I guess our question is do we find that sufficient information to change the existing assessment? And we're reflecting on the delineation of what is ag use forest and from that an extension—without checking the math, is the assessment per acre the same in both the existing or the proposed assessments? It's at the same rate, okay. So we're really looking at the assessment of the lands or the delineation of what the Assessor says is ag use forest.

Jill Sikorski:

The information the assessor's office provided on subject property information lists land of \$104,800 and with the improvements total 2011 assessment \$152,700. Was that something that was lowered? No?

Rocco Vita:

No. That represents the market value component of the property. That's the only component of the property that's established at a market value component according to State law. So that's what we came here—everything else is dictated by the Department of Revenue. The value of the agricultural land is dictated by the Department of Revenue. The value of ag forest is dictated. That's a non statutory—that's not a market value class. The undeveloped is not a market value class. Those values are all dictated by a different authority. The only value that the assessor's office can value at market value is residential or commercial or the class called other which isn't present here either. And that's why we presented that as something that in the Board of Review's purview—we don't have, let's say, comparables. If we were to say what's a comparable 62 acre sale knowing that the assessments aren't at market value, it's difficult at best for a governing board to ascertain. So we broke it down to what we felt would be a simpler comparison, easier to look at. The property owner, Mr. Mills, was talking about the value that we had valued, the residential component of the property that we had valued, the \$104,000 (inaudible) so that's the case we provided.

So the total assessed value is a land value of \$145,600 when you add up and you see the—I gave you at one point the existing property records in 2011, and it shows the history of the land, and essentially it breaks out the different classes. There was a piece of paper that resembled this that I'm showing you here, yes. The existing, that's what's on the assessment roll today, and it goes to the different tax classes, the number of acres associated with the class and each of those values and it sums it up. There you can see the 2011 assessed value for land is \$145,600 and the improvements are \$47,900. The other classes are not at market value.

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James Kennedy:

Looking at the material presented by the assessor's office and particularly looking at the map noted as number 2 where he outlines what he feels to be the actual agricultural value of 38.119 acres, thereby leaving the ag use forest or increasing that from four acres to 17 acres seems logical to me. I would be in favor of making that change in classification of that particular land.

John Braig:

In effect, you're recommending that in the handout marked new those would be the revised assessments?

James Kennedy:

That's what I would vote for.

John Braig:

And that's reflecting the agricultural component?

James Kennedy:

Yes.

John Braig:

I could find in support of that. In which case, I think we would be ready for a motion to identify the assessments both reflecting on the land values and the improved values. Are we ready for a motion to that effect?

James Kennedy:

Yes.

John Braig:

Mr. Kennedy, you were going to make one earlier. Would you care to make it now?

James Kennedy:

Yes. I would move that we retain the value of the Assessor for the residence at \$47,900, and change the tax classifications of various properties, parts of that 62 acre parcel to that listed on the Assessor's sheet marked new dated June 21, 2011.

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Jill Sikorski:

I'll second.

Jane Romanowski:

And the amount of the land to be changed?

John Braig:

The land values would total \$221,100, and the improvements would be \$47,900. It's been moved and seconded to revise the assessments as indicated. All in favor indicate by saying aye. Oh, we need a roll call vote.

Jane Romanowski:

I have a question. Did the land value go up to \$221,100, did I hear that correctly?

John Braig:

From \$145,500.

Jane Romanowski:

So, once again, I'm sorry, the land value is?

John Braig:

The land value would total \$221,100.

Jane Romanowski:

And the improvements \$47,900 for a total of, okay, \$221,100 and \$47,900. Motion by Kennedy, second by Sikorski. Roll call vote.

James Kennedy:

I don't think that number is right. \$221,000 plus \$47,000 would be \$260,000 or \$270,000 or something like that.

John Braig:

\$269,000.

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Jane Romanowski:

\$269,000 for a total assessed value, right, okay. Moved by Kennedy, second by Sikorski. Roll call vote.

KENNEDY MOVED TO UPHOLD THE ASSESSOR'S 2011 IMPROVEMENT VALUATION OF \$47,900 AND CHANGE THE LAND IMPROVEMENT VALUE TO BE \$221,000 FOR A TOTAL 2011 ASSESSMENT ON PROPERTY LOCATED AT 9500 SHERIDAN ROAD, TAX PARCEL NO. 93-4-123-192-0101 TO BE \$269,000; SECONDED BY SIKORSKI; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

Jane Romanowski:

And let the record show that I will hand deliver the notice of determination to Mr. Mills.

John Braig:

Thank you.

**b. 9:00 a.m. - Bear homes LLC - Devonshire
MN Holdings, Inc. - Devonshire
Riverview Development - Devonshire
URSA Insurance - Devonshire**

Steve Mills:

Is it possible before we go to the next item that I could ask to read something into the record?

John Braig:

Regarding?

Steve Mills:

Regarding this process.

John Braig:

This process?

Steve Mills:

Yes. I just have some questions of this body judging me here today.

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John Braig:

Tom?

Tom Camilli:

I think the meeting has been concluded, I'm not aware of any authority that would permit Mr. Mills to make a record into the statement. However, I'm not aware of anything that expressly precluded his ability to do so, and I think ultimately it's a matter for the discretion of the Chairman as to how he wishes to conduct the meeting and what opportunities he wants to give to Mr. Mills.

Jill Sikorski:

Is he wanting to make a statement or ask questions?

Steve Mills:

A statement and possibly might want to respond to questions.

James Kennedy:

I have no objections.

Jill Sikorski:

If he wants to read a statement that's fine.

John Braig:

And I think it's the attitude of this Board to be as open as possible so that if someone has an objection or a problem they feel as though they've had a fair hearing. So go ahead.

Steve Mills:

Number one, is this body, this Chairman and members of it of the general belief that real estate assets in the Village have not declined from 2010 to 2011? I'd like to ask that question of all of you who are judging here today.

Tom Camilli:

Can I object to the question? This Board is tasked with listening to oral testimony and making a decision based on that testimony. This Board shouldn't come to the table with any pre-existing assumptions. So you're welcome to answer Mr. Mills' question based on that.

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Jill Sikorski:

I don't have a problem if he wants to make a statement, but I don't think we're here to necessarily justify each of our individual opinions.

James Kennedy:

I agree.

Jill Sikorski:

With a question and answer.

John Braig:

In the form of questions, yes. I agree with the point. If he has a statement to make we can permit then.

Steve Mills:

Number two, are you of the belief that the taxpayer has no right to obtain relief in the year when there is not a general re-evaluation?

John Braig:

Same point, that's a question and it's not a statement.

Steve Mills:

At least you're putting this in the record, am I correct, Jane?

Jane Romanowski:

It is being recorded.

Steve Mills:

Thank you.

Jane Romanowski:

It's not part of the hearing, though.

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Steve Mills:

My third is this. Is it this body's position that in order to maintain uniformity of assessments across the Village that you purposefully have sided with the Assessor over the opinion of the taxpayer, their legal counsel and their expert witnesses regardless of the merits of the appeal?

John Braig:

I'm starting to find this objectionable.

Steve Mills:

Okay.

John Braig:

You're expressing objections in the form of a question and it really has no value or no merit in dealing with the cases that we have before us.

Steve Mills:

My last one would be this. Maybe it's a matter of public record. Since the time this Pleasant Prairie Tax Assessment Board of Review has been meeting in 2011, what percentage of the time have you sided with a taxpayer over the position of the Assessor?

John Braig:

Grossly improper question.

Steve Mills:

Have you ever? Isn't that a matter of public record?

John Braig:

As a matter of record we have made an adjustment. We have made adjustments up and we have made adjustments down.

Steve Mills:

I just experienced the up. How many downs have you made?

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Jill Sikorski:

We have made downs. I guess I would suggest to the property owner if he wants to attend all of these open hearings, if he wants to attend our meetings to see the actual number of cases and percentages that that would be his prerogative.

Steve Mills:

It's not a matter of public record that I could—

Jane Romanowski:

You could submit an open records request and I'd be happy to get that information to you.

John Braig:

You know, Steve, I kind of understand what your point is, but also recognize State law very clearly says we have to uphold the Assessor until the objector presents sufficient evidence to convince us that it should be changed. We have no ax to grind. I know personally, and my experience with the people on this Board is, when they sit here their objective is to reach a proper, fair conclusion for all concerned. And we also have confidence in the Assessor for the Village who has got an awful lot of expertise and experience, and that without a doubt is something of a factor as we hear this.

Steve Mills:

My point is just to make this a matter of record. That's all.

John Braig:

Good enough and well taken.

Steve Mills:

Thank you.

John Braig:

You will be participating now on the items that are on the agenda for nine o'clock, Bear Homes - Devonshire, MN Holdings - Devonshire, Riverview Development - Devonshire and URSA Insurance - Devonshire? Are you the objector on all four of those.

Steve Mills:

I am.

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John Braig:

You are. I guess we'll handle them all as one. We'll go through the objection form. We'll have you sworn in on them, and you can make your presentation in whatever way you desire. I would assume since these are all vacant parcels of land we'll treat it as one. And when we get to making a decision on it, we'll make a decision on each one individually. Anybody have objections to that?

Voices:

No.

John Braig:

In which case do we have the proper objection forms completed as required?

Jane Romanowski:

Yes, we do, Mr. Chairman. I will read all the objection forms into the record with the objector's name stated and the tax parcel and the lot number. Most of them are all the same, and if they are I'll just state that the objection form states the same for each. And then after I read them all then I can swear in Mr. Mills and Mr. Judt and Mr. Vita and we can continue.

John Braig:

Excellent. Please proceed.

Jane Romanowski:

The first objection form is for Bear Homes, LLC. This is for Lot 27 of Devonshire, Tax Parcel Number 93-4-122-232-0327. Total property assessment is \$98,600. On this objection form they believe the value is incorrect. The property was purchased for \$40,000 and is being sold or put in a house building package at \$59,000 to \$70,000 depending on the lot. The fair market value in Mr. Mills' opinion as of January 1st would be \$65,000, and the purchase date was in March 2011 for \$51,250. The property listed for sale in the last five years and the property listed for 60 days. As you can see it varies on price. So that was the one for Bear Homes, LLC. That is the only one for this objector.

The next objector would be for MN Holdings, Inc. Stephen Mills is the agent for this property owner. This is for Lot 30 of Devonshire, Tax Parcel Number 93-4-122-232-0330. Total property assessment is \$81,300. Again, these are all the same with the assessed value they feels it's incorrect. The property was purchased for \$40,000, and it's being sold or put in a house package for \$59,000 to \$70,000 depending on lot. The property for this lot was purchased in December 2010 for \$40,000.

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We have the same objector, MN Holdings, Devonshire Lot 57, Tax Parcel Number 92-4-122-232-0357. Total property assessment, and correct me if I'm wrong, \$102,400. This property was purchased in December 2010 for \$40,000. Again, the fair market value in his opinion would be \$65,000.

MN Holdings, objector, Devonshire Lot 60, Tax Parcel Number 92-4-122-232-0360. Total property assessment is \$81,700. The same explanation of why Mr. Mills feels the value is incorrect. The fair market value in their opinion is \$65,000 as of January 1st. Lot purchased in December of 2010 for \$40,000.

Property objector MN Holdings, Devonshire Lot 61, Tax Parcel Number 92-4-122-232-0361. Total property assessment is \$102,600. The explanation is the same. Fair market value as of January 1st in their opinion would be \$65,000. Again, the lot was purchased in December 2010 for \$40,000. So those were the four lots for MN Holdings for Devonshire Lot 30, Lot 57, Lot 60 and Lot 61.

The next objector is Riverview Development, LLC with Stephen Mills as the agent. We have quite a few lots. Lot 11 of Devonshire, Tax Parcel Number 92-4-122-232-0311. Total property assessment \$104,300. Again, the explanation is the same, and the lots that I'm going to put in the record right now were all purchased in December 2010 for \$40,000. The next objection would be for Riverview Development, Lot 13 of Devonshire, Tax Parcel Number 92-4-122-232-0313. Total property assessment \$101,300. Lot 14 of Devonshire, Tax Parcel Number 92-4-122-232-0314. Total property assessment is \$111,600. And we're still on Riverview Development objection forms for Lot 17 of Devonshire, Tax Parcel Number 92-4-122-232-0317. Total property assessment is \$114,600. Lot 22 of Devonshire, 92-4-122-232-0322. Total property assessment is \$102,400. We have Lot 26 of Devonshire, Tax Parcel Number 92-4-122-232-0326. Total property assessment is \$100,200. We have Lot 44 of Devonshire, 92-4-122-232-0344. Total property assessment is \$87,800. Lot 47 of Devonshire, Tax Parcel Number 92-4-122-232-0347. Total property assessment is \$103,200. Lot 48 of Devonshire, Tax Parcel Number 92-4-122-232-0348. Total property assessment is \$102,400. So the Riverview Development objection forms I just read were for Lot 11 of Devonshire, Lot 13, Lot 14, Lot 17, Lot 22, Lot 26, Lot 44, Lot 47 and Lot 48.

Still in the Devonshire Subdivision, this property objection for, the ones I'm going to read into the record the property owner is URSA Insurance. Again, these are all Devonshire lots with the same acquisition date of December 2010 for \$40,000. The explanation is the same and I will read those into the record. The first one is for Lot 9 of Devonshire, Tax Parcel Number 92-4-122-232-0309. Total property assessment is \$104,300. Lot 15 of Devonshire, Tax Parcel Number 92-4-122-232-0315. Total property assessment is \$110,700. Lot 16 of Devonshire, Tax Parcel Number 92-4-122-232-0316. Total property assessment is \$110,300. Lot 19 of Devonshire, Tax Parcel Number 92-4-122-232-0319. Total property assessment is \$110,700. Lot 20 of Devonshire, Tax Parcel Number 92-4-122-232-0320. Total property assessment is \$110,900. Lot 23 of Devonshire, Tax Parcel Number 92-4-122-232-0323. Total property assessment is \$100,200. Lot 32 of Devonshire, Tax Parcel Number 92-4-122-232-0332. Total property assessment is \$100,400. Lot 36 of Devonshire, Tax Parcel Number 92-4-122-232-0336. Total property assessment is \$102,900. Lot 42 of Devonshire, 92-4-122-232-0342. Total property

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assessment is \$95,700. Lot 43 of Devonshire, Tax Parcel Number 92-4-122-232-0343. Total property assessment is \$81,500. And lot 49 of Devonshire, Tax Parcel Number 92-4-122-232-0349. Total property assessment is \$89,900. And for the record the opinion of the fair market value on all these lots in the objection form states \$65,000.

John Braig:

Thank you. With that I think we need the Clerk to swear in the witnesses, anyone that is giving testimony on these items.

Jane Romanowski:

We just have to wait for Rocco to come back. Okay, please stand and raise your right hand. Do you solemnly swear in the matter now in hearing to tell the truth so help you God?

Voices:

I do.

Jane Romanowski:

Please have a seat and state your name and address for the record of who will be testifying today.

Steve Mills:

Stephen C. Mills, 4011 80th Street, Kenosha, Wisconsin.

Ed Judt:

Edward Judt, 9915 39th Avenue for the Village of Pleasant Prairie.

Rocco Vita:

Rocco Vita, Assessor for the Village of Pleasant Prairie.

John Braig:

Thank you. With that, we've got 25 parcels here that we will treat individually at the end, but at the moment we're looking at all 25 as one. And with that, Mr. Mills?

Steve Mills:

Thank you. What I've given you, and the copies were made here this morning, they're on front and back. But maybe we could just review. The front page is just the same list I believe that was read into the record by Jane the Village Clerk. Behind that is what I believe are all the solds in 2011 in Pleasant Prairie. Behind that is a house that's being build in Devonshire by Tim O'Brien

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homes which is the Newman component on the front list for the MN Holdings. And behind that is a typical lot comp at Ashbury Creek. And then the solds for 2010. Also behind that some additional last pages, a few other additional solds.

This is really I believe pretty straightforward. As we know the residential real estate market is quite different than maybe it was three years ago. This subdivision that was done by MasterCraft, MasterCraft ran into financial difficulties. This was basically a short sale with their bank to three building companies or three entities that are in the building business. One is URSA, one is Riverside and the other is MN Holdings. I drove through there today and there's about seven houses under construction in the subdivision. The one that is on the second page is a picture of a home at 4816 93rd Place. I believe that's there in Devonshire. And it's list price is \$264,500.

What I did was on the solds, this would be on the back of the first page, the solds in 2011, the top two sales in the market, one was in actually Meadowdale and the other in Village Green, two sales and they average \$115,500. Then Devonshire sales as well as Ashbury which is a very active subdivision over by the VK Homes development, and then also Bain Station which is in general proximity to where the Ashbury Creek Subdivision is there were 15 sales so far in '11. Those average lot prices were \$55,670. You can see the asking prices down the right hand side, and you can see the actual sales prices down the left hand side. Everybody see that? Okay.

For instance, if you were to look at this property, this house that's for sale right now at \$264,500, typically that can support a lot in the value of \$50,000 to \$60,000 and still be able to perform the building of this house and there can still be builder profit after taking into consideration the cost. Not so many years ago these houses were selling in the low \$300,000's when lots were maybe worth \$75,000 to \$100,000. Those days do not exist anymore.

The next sheet it has Ashbury Creek which is on the back of the one that shows the house. It shows a list price of \$69,000 and a sold price of \$47,000 in March of '11. Office ReMax and Prudential was the listing agent. So all of these comparable sales are all supported by asking prices, what they sold at. Two units sold at \$115,000, eight units sold at \$56,500. I believe that those units were in comparable subdivisions.

If we then in turn went to the year 2010 there were two sales, again, one in Meadowdale and the other one in Devonshire actually, two sales that average \$115,000, Meadowdale \$125,000 and then \$105,900 in Devonshire. Below that there are 18 sales of lots similar size and locations to the Devonshire lots at \$56,500 is what 18 of them sold at. And then there's a few on the back page. I took the liberties of taking out and scratching some properties that I didn't think were relevant, \$3,150 lot somewhere and \$37,000 lot somewhere and \$50,000 lot not buildable with a lookout across Lake Michigan.

I guess I would say that the preponderance of the evidence here is such that if you look at the current assessments that the long laundry list of the 3, 6, 9, 10, 11, 12 on top were all over \$100,000. There's five more of them down below, so 15 of the 25 lots are all assessed at over \$100,000. These lots were purchased, we're basically putting them in transactions at \$59,900 a lot. I have some lots are being sold. I have Bernie Schmitz from Highway C Service buying a

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lot, number 22 here, which is assessed at \$102,400. I believe that Dale will enter into a contract with him to purchase it at \$68,000.

So there is an anomaly of sort in the fact that one of these lots in Devonshire sold before we acquired the lots. One of the lots in 2010 sold for \$105,900. That's a lot that's over by Meadowdale. It might have been influence by that, I don't know. But there were no lots sold here other than that lot in 2010 until we acquired this subdivision. So it seems logical to me and factual that if we were—my thought when I brought this to the Assessor is that we could have gone down and price every one of the lots, some of these lots are maybe better than others, but they're all in this range and they would average approximately I believe what I requested on the appeal of approximately \$60,000 because that's what they're being sold at. Some of the better lots might be in the upper \$60,000's, but we have not been able to be able to sell these lots to people who are going to build a home. The Schmitz's for instance do want to build their home. Well, okay, we'll sell them a lot.

But typically we're trying to create a housing industry again with three builders here, and we are also battling the financial markets and the fact that one of the lots that was recently sold in 2011 and it shows Devonshire \$84,900, there is a \$25,000 credit in that lot I'm told back to the buyer who bought it in reference to his house construction. . One of the problems we have is being able to get financing for houses today and be able to get values up to a point that we can have a construction industry. So anything that we're doing here somebody else, a third party, has to come in and agree to it. You have to have enough comparable sales that you can be able to have a financing component to be able to have this business model. These are not all cash buyers typically. There's debt put in place here.

So I can tell you is we're putting these in, and we'd like to sell them for all we can possibly sell them for. But where we're finding the market is somewhere around that \$59,900 number, not \$104,000 or \$101,000, \$111,000, \$110,000. That's just not real, and we would ask for relief. Our goal is that we build these out and you have houses that are assessed going in probably at \$250,000 or \$260,000 and hopefully the market comes back and you have \$300,000 tax base in the Village. I think if you were to go through Devonshire that is what happened over there. Again, a very similar situation where bank had a short sale, had an auction, all of a sudden you brought those lots down into the—we bought lots there for \$40,000, \$45,000 and \$50,000 at the auction. A roomful of people and that's what those lots were worth. And if you drive through there now there's some nice houses and the prices have crept up a little bit into the \$60,000 range. We believe that that's the same thing, because we believe Devonshire is very similar to Ashbury.

Just to give you an idea as far as an end product, we were involved in a sale at Meadowdale where a house was on the market at \$1,100,000. And the buyer came in and negotiated an \$850,000 price, \$850,000 price, and the seller came and wanted to buy a property that I took back in a foreclosure for \$329,000. They were moving down and coming out of the big house. Wanted \$1,100,000, negotiated a price \$850,000. The lenders had four different appraisers in on that house and they appraised it from \$600,000 to a third appraiser came in and the property sold, it's of record in Meadowdale, it sold at I believe \$749,000. So the owner took a haircut from the \$1,100,000 to the \$850,000 to the \$740,000 in order to sell the house. I'm on the back side over here not too far from the Town Hall, it's in the City, 33rd Avenue, and I had a house once upon a

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time was supposed worth over \$400,000. Bottom line is I accepted an offer for \$329,000, and the appraiser came in and said it's worth \$315,000. I had to bring my price down.

So the marketplace I believe is what I'm telling you. We're in it every day, and I and the three builders who are here that have authorized me to come to you today are looking for relief from what would be six figure assessments down to numbers that properties are actually selling for. Thank you.

John Braig:

Thank you. Any questions? If not, we're ready to hear the Assessor's presentation.

Ed Judt:

I do have two exhibits in front of you and you're going to get a third momentarily. But I'll direct your attention first to the one that is entitled 2008-2009 sales. This is a comprehensive list of the sales that occurred in 2008 and 2009 in Devonshire. And these are the sales that were available to us as we developed our values for 2010. We value these lots on a per square foot basis, and so we obviously analyze the sales on that basis as well. We make adjustments for any number of things including location and size and topography and whatnot, and we then solve algebraically for that unit rate. And you can see here that the sales that occurred in those two years—and I should say we did adjust those sales prices as well taking into account the declining market that we were experiencing at the time, and you can see all of the sales there resulted in an average per square foot price of \$6.52. So let's formally call this Exhibit 1 so we don't need to deal with each one of these individually if we could.

John Braig:

Good.

Ed Judt:

Based on that analysis we settled on a unit rate or a square foot price of \$6.30. And so if you look at that second sheet entitled 2011 values, and let's call this Exhibit 2, this actually shows you the derivation of value for each of the lots that Mr. Mills has under appeal.

Rocco Vita:

Just one point of significance just to keep in mind. As of January 2010 we restated the values of all the properties in the Village including the lots here at Devonshire. We lowered the values from what they were in previous years. We had the advantage of looking at 11 sales prior to January 1, 2010, 11 sales out of 63 lots. It was a great deal of evidence. We didn't need to go to any other subdivision. We felt confident that when 17.5 percent of the available lots in Devonshire sell that gives us a pretty good basis. The unit rate determined through the analysis was \$6.52. We used \$6.33, and that's what resulted in the 2011 land values you see on Exhibit 2 being the 2011 values. So then I'll hand out what we'll call Exhibit 3.

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Ed Judt:

And this one is entitled 2010 sales. Now, bearing in mind that we did not have access to the vast majority of these when we were busy arriving at values in 2010, but these are the sales, again, a comprehensive list of sales that occurred in 2010 in Devonshire. And you can see that over the course of 2010 that unit rate had dropped to \$5.50 a square foot.

Rocco Vita:

Furthermore, you can take a look and you can see that there were only six sales, and what's noticeable in the six sales is the one that sells for \$386,000. It's just dramatically different than the others. If you take that out the average would have been \$5.85 per square foot. So we had one low sale compared to the other sales during calendar year 2010. These would be the sales evidence leading up to January 1, 2011. This would represent the sales evidence leading up to January 1, 2011.

These six sales are about 10 percent of the possible sales. There being 63 parcels in the sub this is 10 percent of the sub that sold, subdivision or the development that sold. It's a larger percent of the available lots because, as was stated earlier, there is absorption going on and new homes being constructed. So the remaining lots available are always declining.

John Braig:

Finished?

Ed Judt:

Yes.

John Braig:

Just a clarification. You said the 2010 sales were about 10 percent lower than the '08 and '09.

Rocco Vita:

I did not say that. I said the 2010 sales represents 10 percent of the development. I have six sales of 63 properties in the development, 10 percent.

John Braig:

Thank you. My mind was down the wrong track and didn't agree with the numbers that I saw in front of me, but thanks for the clarification. Before I close the hearing, have either one of you have questions of each other or Board members have questions?

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James Kennedy:

I have a question of the assessor's office. The unit rate is simply the number derived by dividing the sales price by the size of the lot?

Ed Judt:

Well, no, and dividing by those various adjustments that we use.

James Kennedy:

Oh, alright.

Rocco Vita:

Think of it as a function. So when we set the value we have a unit rate times the square footage. But that value might be impacted by other features. Those are the adjustments so then we'd multiply it by these factors. So when we have a sale price we simply put that function machine in reverse to come up with the unit rate so that when we use it going forward it represents the sales price. Okay?

James Kennedy:

And those adjustments are statutorily given to you?

Ed Judt:

No.

Rocco Vita:

What is statutorily given to us is the mandate to try to determine market value and you have a revaluation. So in a subdivision you're going to have, even in a micro environment like a subdivision there's even more micro environments within the subdivision that would impact value, whether it's on a corner, whether it has some topography, whether it's wooded, whether it's facing some conservancy. So that impacts the sale prices. We need to describe that so we do a proper correlation analysis of what is creating value.

James Kennedy:

Sure. So the application is more straightforward and pure.

John Braig:

The adjustment labeled top could you explain that?

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Ed Judt:

Topography. And in the case of Devonshire that dealt specifically with lots that had the ability to site the house with either a partially or fully exposed basement.

John Braig:

Okay. As I see it the big discussion is are we more influenced by sales as presented by the Assessor which deals with sales in this subdivision and the fact that, I don't know, am I looking at it right? The assessed values reflect a unit rate of \$6.30. Wherein sales in 2010 reflect a unit rate of—well, if I use the same—you went from \$6.52 down to \$6.30. If I use that same ratio, your unit rate of \$5.50 would go down to \$5.31.

Ed Judt:

I don't follow the logic.

John Braig:

If you looked at '08 and '09 sales and came up with a unit rate of \$6.52, you didn't use that number, you used \$6.30.

Ed Judt:

Well, appraisers are always disinclined to use an average. An average is kind of a four letter word in the appraiser lexicon.

Rocco Vita:

Well, that's not true. We have the discretion to impart our experience and our education and our knowledge of the Village to determine that value. People without the kind of experience we have are pretty much led by the numbers.

John Braig:

What reasons then did you go from \$6.52 down to \$6.30?

Rocco Vita:

It's the measure of conservatism.

John Braig:

Wouldn't that then apply to the 2010 sales?

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Rocco Vita:

I think what would apply to the 2010 sales would be the sales themselves.

John Braig:

And why—

Rocco Vita:

Because that's what you have before you. That's what we have before us. Are you trying to second guess our motives to reduce from \$5.50 to some other number?

John Braig:

No, I'm not questioning it. I'm trying to see why is it different? In one instance you applied an element of conservatism.

Rocco Vita:

I don't know why—

John Braig:

And in the second instance you didn't.

Rocco Vita:

Because that was our decision at the time. We felt, okay, we have sales here, they tail off through the end perhaps, but they ended actually stronger in the end than at the beginning. We just decided that \$6.30 in addition to evaluating other like subdivisions in a similar situation, we have some similar change, there's a lot more going into it than just reading the sales in the context of a municipal-wide revaluation. Outside the context of a municipal-wide revaluation we have the sales evidence, and the sales evidence presents a number and that's what we're presenting today.

Steve Mills:

May I make a comment?

John Braig:

Yes.

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Steve Mills:

As we're talking about the values in 2011, and I appreciate what the Assessor has done and their numbers, but sales in 2009 and 2008 are really irrelevant if you believe that the market has deteriorated significantly from that time. 2010 sales in looking in the subdivision there was really no activity in the subdivision per se because of the fact that the underlying lender and the seller could not sell lots at market value because of the debt that they had on it. Until we were able to have, basically, short sale with MasterCraft and M&I Bank, we could not get the lots priced at a level where there was actually going to be sales and building activity, which you can see by reducing the prices we've got seven houses going up and we're going to have a parade of homes over there.

I gave you on this little handout 2010 sales and 2011 sales in similar subdivisions. Again, Ashbury which is similar kind of houses, similar size lots, very nice subdivision. Devonshire isn't Meadowdale. It's next door and we like that. By being next door we believe we can attract people there, but we still have to sell lots similar to what 18 comparable sales were in 2010 of same size lots, same price houses, and they average \$56,500. They're here of record. And in 2011 there are 15 sales that happened for \$55,670 on average. And I appreciate what the Assessor is doing, but I don't think you can look at the sales of just Devonshire because there were very few sales.

I think the bottom line here is we can get the calculator out and we can do all kinds of math on this number is it 506 or is it 487 and so forth and so on, but comment sense here, ladies and gentlemen, is these 15 lots assessed at over \$100,000 apiece is not the marketplace in 2011. And, goodness, I think you all know that. You all know that. So what is the problem with giving some relief, factual relief, to the ownerships of these lots who are going in and trying to build in your community and build a quality product? I've been doing business in Pleasant Prairie and I've owned property here for 31 years.

But this is a matter of fairness. This isn't a micro managing, is it 710, is it 506, is it 386. The reality of the marketplace here is what I'm telling you is the truth. Now, that exists in 2011, not in '08, not in '09, and the marketplace in 2010 when we started having a building business again is saying these lots had to go into the transaction anywhere from \$50,000 to \$60,000. Maybe I'm wrong. Maybe they're not \$60,000. Are they \$70,000? We paid \$40,000 a lot here. That's the sales price on these three different builders. That's what we bought them for. We're saying, okay, we agree we bought them post sale. Then instead of being worth \$40,000 add a third to that, bring them to \$60,000. We hope they can be priced higher in the future so that the Assessor can assess them higher and you can have houses there creating revenue.

The sales price when they were offered around the country the sales price was \$40,000 a lot. Does that not have any bearing? Even in (inaudible) deal I'm bringing the price up. I didn't come in here and say we only paid \$40,000, just assess them at that. I said what are they worth? \$60,000. I didn't micro manage every lot. I was willing to do that. The Assessor sent me here to this body as opposed to dealing with me I guess in a meeting of sorts. That's their prerogative. I got my lesson. I've been roughed up in here and so be it. But there is some semblance of

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fairness that this body—I have to prove them wrong before you, in turn, can give me relief or these people relief or anybody who sits here relief.

Everybody knows I believe that what I'm giving you is factual. So all I would ask is that you provide some sort of relief because this isn't a game. We all write checks for these things. This isn't a game I'm playing. This is real. There's 25 lots here, and you're talking \$50,000 or \$60,000 of additional over assessment, hard money. If you were in my shoes I'd just like to think that whoever would be up there would give you the same consideration. Thank you.

Rocco Vita:

From our perspective, if that's what this is, a kind of a closing—

James Kennedy:

No, I've got another question. I think the question was asked but I didn't understand the answer. You are using \$6.30 for the unit rate for the 2011 values, but yet the sales in 2010 came in at \$5.50 unit rate per sale per square foot. Why the difference between \$5.50 up to \$6.30.

Rocco Vita:

Because the \$6.30 was determined one year prior using sales from 2008 and 2009. We did not change the values from January 2010 to 2011. If we were to have done the revaluation effective January 2011 we would use the unit rate of \$5.50 because those were the sales that were present. I think going back to Mr. Mills' comment that you spoke with us about these values, you spoke with Ed and I about a number of items, and a number of other items in other communities, but we never really touched, we never talked about these. It was kind of surprising when the forms came in. We never touched base on these.

But nonetheless we acknowledge the declining market. Everybody acknowledges the declining market. We set the valuation benchmark as of a certain time. We understand human nature, and we understand that it's difficult at best to say, well, that was a year ago and today is today. So what we have done is provided you sales from Devonshire that occurred during 2010 to give you some tangible evidence of what that development is like. The property owner brought in sales from 2010, but not one of his sales he brought in is from Devonshire.

Steve Mills:

That's not true.

Rocco Vita:

I'm looking at the sales from 2010 and none of them are from Devonshire. They're from Bain Station or Ashbury Creek.

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Steve Mills:

2011 sales.

Rocco Vita:

Correct.

Steve Mills:

The one sale I believe is. That was the one at the top of the sheet which was the \$105,000 number.

Rocco Vita:

You're correct, that is \$105,900. And that is one that you see is sold in November of 2010, \$105,900. So there is ample opportunity to do what the Board feels is correct based on the evidence provided. From the Village's perspective we did what we could do to provide you information that is succinct enough, detailed enough and allows you to make a determination using the sales from Devonshire to value those properties within Devonshire.

Jill Sikorski:

I know when we were here—

Rocco Vita:

And we have the capability if one were to say, well you know, because if you look at how we value the properties and the way the property assessment manual and how a judge would look at it, you'd say, you know, but this property is a little different, it sells for something different, not all the properties sell for one price. You have to take into consideration what one person at one time said all the iffy's. All the iffy's are the little things that might make a lot of little different or not so different. So we have the capability to take a unit value and provide you with the number you request instead of saying, well, let's change everything to \$80,000 or change everything to \$85,000. It's difficult at best for you to do. We have the capability to give you a specific number based on the adjustments if you decide to choose the unit rate.

Jill Sikorski:

When we were here last week we had quite a lengthy discussion of all the members of how—it was our interpretation to exclude economic reasons for changing an assessment. If there were areas in square footage, dimensions of a lot, condition of a property, information pertaining to sale that we were not aware of that would have an impact on the assessment, those were factors we should look at. My understanding really has not changed because of some of the statements that were made last week that everyone is under the same economic conditions, and if you make the exception for one we should make the exception for all. And my understanding is the changes

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to all will happen January 2012 when we have our next assessment. Would you say that's a correct statement?

Rocco Vita:

The next revaluation will be effective January 2012.

John Braig:

That pretty much was just what we discussed last week.

Steven Mills:

Can I make one other comment?

John Braig:

Sure.

Steve Mills:

I've sat here for three hours and listened the last time around when they had the two residential people. But I would only comment (inaudible) Board of Review number of places that I believe that every taxpayer has the right every year to bring in information, factual information, in reference to their assessments and ask to have it lowered. Because my neighbor didn't, somebody else didn't, they had the prerogative to do that. And the law says this Board has to act. That's why I asked that statement about conformity. Conformity I don't believe has a place here other than on comparable sales, etc. But because somebody else didn't protest their or bring in information to ask for consideration on reducing that number I think Attorney Camilli would say that the law says that's everyone's right.

Jill Sikorski:

I don't think we're disagreeing with that. My position is you have the right but if it's based on economic reasons we have to look at that differently.

Steve Mills:

Well, they're all economic reasons. Everything is economic reasons. The economic reason that these lots are selling at \$60,000 is an economic reason but it's also the reality of the sale which I'm saying is the comparable sale that you have to build your value estimate on.

Jill Sikorski:

The error if there were one to occur on behalf of the assessor's office would be if it was a measurement that was incorrect or sales information that was inaccurate or condition of property.

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That's basically what we discussed last week, not of an economic nature. So everyone is going to have a reassessment next January.

John Braig:

I agree with Jill in what she's saying. I do wonder if because the 2011 assessment in effect reflects essentially the 2010 assessment, would there be reason to question the 2010 assessments? In other words, they pretty much were dependent on sales of '08 and '09. Those sales figures were used and as indicated with a little bit of conservatism of moving from the unit rate of \$6.52 down to \$6.30. I would guess that was a conservative view. I think it also, and correct me if I'm wrong, reflects a belief that the economy was not on an upward spiral. In my mind when I look at what we're dealing with here, there certainly is evidence that the value of the units in 2011, and this is mid year, aren't selling for what they once were assessed at or anything near it. I have an inclination to look at adjusting it somewhat downward.

Steve Mills:

Could I make just a comment on the 2010 sales sheet that the Assessor has. If you were to take the last three sales on 6/11/10, 11/22/10 and 12/30/10, \$79,900, \$105,900 and \$64,900. If you were to add those up and divided it by three it's \$83,000. That was at the end of the last quarter, last half actually of 2010. The front half I think you have to look at the trailing numbers as you headed in '11 on those three sales. And the \$105,900 we didn't have anything to do with that sale. That was something which I think was pending for a long time which raises that number up quite significantly, the \$105,900. I mean we point to that sale when we're trying to sell them for \$60,000 and say, look at that one, it sold for \$105,900 and you're getting a great bargain here. Tell that to Bernie Schmitz. We're still at \$68,000 on a \$100,000 assessed lot. But you've got \$79,900 and \$64,900 which I believe are more representative. But even if you put the \$105,900 in with it you bring it down to \$83,500.

John Braig:

You said that sale was dragged out or protracted?

Steve Mills:

The \$105,900?

John Braig:

Yes.

Steve Mills:

I don't know that. I'm just saying that I believe it was pending for a while, but that was before we came on the scene per se.

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Tom Camilli:

And, Mr. Chairman, if I may, just a point of clarification I believe. You had indicated earlier or had taken notice of some sales that occurred in 2011, obviously just to confirm among the Board that the relative assessment date is of January 1, 2011.

John Braig:

Correct, yes.

Steve Mills:

We have two new sales in '11, one's for \$59,900 and one if for \$84,900. I think that I told you that the \$84,900 had a \$25,000 home credit on it.

John Braig:

Do the members of the Board feel as though they've formed an opinion? Jim?

James Kennedy:

I think we should be looking at this on the basis of the unit rate. Mr. Mills is talking about adding three together and dividing by three to come up with an average price of the number he arrived of. That doesn't factor in the adjustments that the assessor's office asked to take into consideration. So I guess I plan to look at this from the point of view is \$5.50 the proper unit rate or is \$6.30 the proper unit rate?

John Braig:

Let me just address that. Hypothetical let's say the decision is to reduce the assessments by five percent. You indicated earlier that a five percent adjustment across the board would be improper. I agree with that. But following up on that if we thought that in general they were five percent high and we reduce it, what I'm suggesting, and I don't know if you can do it, I assume this is in your computer with the adjustments and so on. Could you apply a five percent reduction, or whatever the percentage is, could you apply a reduction which would factor in these adjustments?

Rocco Vita:

We would apply that factor to the unit rate just like Mr. Kennedy had said. We're set up to apply unit rates. If you want five percent we'd take the original times .95 and that would give us a different unit rate to use.

John Braig:

And they would just—

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Rocco Vita:

A five percent adjustment—

John Braig:

Wait a minute. But that unit rate if I understand the mathematics of this is the unit rate is applied against the square footage of the lot and multiplied by the four adjustment factors that you have.

Rocco Vita:

Right.

John Braig:

But you're saying that the assessed value that you have already incorporates those adjustments. So by just modifying the final unit rate would accomplish what we're talking about.

Rocco Vita:

In this instance the math is associative so it all runs together. It doesn't make any difference where in the mathematical structure you make the adjustment.

John Braig:

Okay.

Rocco Vita:

Your comment about the five percent, municipal wide because economics affect different components of the Village differently is different than economic for one specific environment. I think the courts wouldn't look away if you said in this neighborhood values have declined five percent and apply a five percent adjustment. The courts would not like it if you said overall the Village is five percent different so we're going to adjust everything five percent even though maybe nobody had changed five percent it was just an average. It was a broader average so you have to look at that differently. So five percent is—I think the sales that we had of 5.5 divided by 6.3 that's a 13 percentage.

John Braig:

It gets close to 15. In fact, it would come out, the new assessment if we just ran straight math would be .84355 and some more. So it would be about a 15 percent reduction if we're just taking the numbers we have and punching them.

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Rocco Vita:

If we took 5.5 and divided by 6.3–

John Braig:

That's a different number, yes. The number I was looking at is I took your \$6.52 and the percentage reduction there to get to \$6.30 and I applied that to the \$5.50 which would have given me a \$5.30.

Rocco Vita:

Well, the correct number would be 12.7.

John Braig:

Whatever.

Rocco Vita:

If you take the \$5.50 and divide it by the \$6.30.

John Braig:

The point is if we elect to reduce it, there is a simple mechanism to apply it–

Rocco Vita:

There is a mechanism.

John Braig:

–to apply it to the whole thing.

James Kennedy:

But isn't it our responsibility to look at the valuation dates as of 1/1/10, not 1/1/11?

John Braig:

We've talked about it a number of times. In a way they're the same and yet–but, yes, the question is, is the assessment–the law says the assessment on 2011 is that correct, and we know that that's a function of 2010. So the inference is if we're challenging an assessment we really are challenging the factors that went into the 2010 assessment, right?

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James Kennedy:

Okay.

John Braig:

So one could argue that Mr. Mills should have been here last year.

James Kennedy:

So how does sales in 2010 affect that prior valuation? It shouldn't affect it at all, should it?

John Braig:

2010 sales should not have affected the 2010 assessment and 2011 is an extension of the 2010 assessment. But the 2010 sales have some value in determining whether the 2010 was correct if you make a comparison between the sales of '08 and '09 against the sales of '10.

James Kennedy:

With the applicable assessment date being January 1, 2011?

John Braig:

Correct, good point. So after all we've heard and discuss, is there reason to believe that we have received sufficient information that says the 2011 assessment is correct and should be upheld, or have we received enough information to indicate it should be adjusted?

Jill Sikorski:

Do you have a recommendation for what you would adjust it to, either one of you?

James Kennedy:

Not yet. I'm thinking on it.

John Braig:

We heard numbers. My number was just a mathematical extension. I wouldn't say it represents a correct figure. We heard a number, was it 12 percent, the difference between \$6.3 and-

Jill Sikorski:

12.7.

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John Braig:

That was the different between \$6.30 and \$5.50.

James Kennedy:

So if we were to move and accept a change in the unit rate from \$6.30 to \$5.50, are we saying that by extension that the \$110,000 values were also high? That's my understanding of what we're talking about here.

John Braig:

In effect yes.

Tom Camilli:

I'm not certain that's the case. Again, I think we need to look at the assessment valuation as of January 1, 2011. That is the relevant assessment date that the Board is dealing with today.

John Braig:

Technically that's correct, but we know that the 2011 is identical to 2010.

Jill Sikorski:

If we make a change we're making it for economic reasons, not because the assessment was inaccurate at that time.

John Braig:

The whole presentation was one of economics.

James Kennedy:

If we're not supposed to be factoring in economics then I would say the \$6.30 is the appropriate unit rate to move to. I'm not ready to put that into a motion yet, but that seems to be logical to me.

Rocco Vita:

May I offer a comment?

John Braig:

Yes, go ahead.

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Rocco Vita:

In our hearings last week something was kind of left out of the discussion. I thought it was obvious and apparently it wasn't so I didn't mention it much. But except for one case, the first case, all the other appraisals were effective essentially early 2010, late 2009, so the evidence we were using was the exact same evidence we were using. It was just a difference in value based on a different opinion. I know later in the hearing someone indicated that all the information was newer. But really when you look at the evidence it really wasn't. So in those hearings where we had this debate on whether you could take old evidence and then convey a lower value for 2011 because of economics based on old evidence provided by the property owner or substituting your thoughts of what's going on for evidence provided by the property owner is a little different than today when the evidence the property owner or we've provided you is evidence of 2010 sales impacting the market effective January 2011.

Last week you were asked by opposing counsel to say, look, here's a low value. The reason for the low value is because the market's down. But nobody looked to see that the actual date of those appraisals was essentially the date of 2010. They just had a different opinion. So this is a little different than that. And I know we said the economics, when you say economics, but I think here this case is slightly different in this instance. I don't think the Board would be performing a huge miscarriage of justice if they used sales evidence from 2010 to set the 2011 value. I apologize if that is confusing versus what you understood or what you took from the hearings last week.

John Braig:

It wasn't black and white last week. We did have some discussion. I'd be inclined to support a unit rate of \$5.50.

James Kennedy:

Based upon what Mr. Vita just said I would also concur with that.

Jill Sikorski:

I'll make the motion to have the unit rate of 5.5 percent.

Rocco Vita:

Okay, that is fine. What I will do prior to making individual motions in every one of these because each one is an individualized hearing, you've made a motion but essentially to what you would like to do. You can still ponder that. I can print for you parcel number and their values by using that unit rate if you would like that assistance.

Jill Sikorski:

Yes, I think that would be great.

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John Braig:

That sounds good. That way we can—yes. Let’s recess briefly. How long will it take, Rocco?

Rocco Vita:

It just depends on how many data mites are in the system.

Jane Romanowski:

Could maybe we have a second to the motion before—

Rocco Vita:

No, because they haven’t—

John Braig:

We didn’t have a second.

Rocco Vita:

There would have to be a motion on each of the individual—

John Braig:

The motion fails for lack of a second.

Rocco Vita:

I think they need to take a look at the values and—

Jane Romanowski:

Review them before.

Rocco Vita:

—confirm in their mind what they want to make a motion upon.

John Braig:

Do you support that?

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James Kennedy:

Yes.

Rocco Vita:

Not that I'm telling the Board what—

John Braig:

No, it was a good suggestion.

Rocco Vita:

That way Jane has something to work with. The average value at \$5.50 is \$87,300.

(Background Conversations)

Jane Romanowski:

We can go right down the list, first a motion, a second and a roll call on each one listing the objector and the tax parcel number and the new value. You'd have to discuss what you have, and then somebody would make the motion and second and go through.

James Kennedy:

Do we need separate motions for each—

Jane Romanowski:

Each parcel number, yes. We have an objection form on each parcel number, so we have to make a determination on each parcel number.

(Inaudible)

Jane Romanowski:

You have to have a dollar amount for each parcel.

(Inaudible)

Jane Romanowski:

Oh, you mean a motion and a second—

(Inaudible)

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John Braig:

I can go through the objection forms and give a parcel number.

Jill Sikorski:

And I can make a motion and you can second.

John Braig:

You make a motion to change it and (inaudible). The parcel numbers are there and the value is there (inaudible).

Jane Romanowski:

Is your microphone on?

John Braig:

No, it's not. Somebody can make a motion and second, roll call vote and we'll move onto the next one. Everybody agree? We're ready to go then. Okay, we are now back in session and we're looking at the assessments for a handful of objections. The first one being parcel number 92-122-232-0327.

Jill Sikorski:

I'll make a motion to change the assessed value to \$86,100.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0327, LOT 27 DEVONSHIRE SUBDIVISTION, TO \$86,100; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0330.

Jill Sikorski:

I'll make a motion to change the assessment to \$71,000.

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James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0330, LOT 30 DEVONSHIRE SUBDIVISTION, TO \$71,000; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel 92-122-232-0357.

Jill Sikorski:

I'll make a motion to change the assessment to \$89,400.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0357, LOT 57 DEVONSHIRE SUBDIVISTION, TO \$89,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0360.

Jill Sikorski:

I'll make a motion to change the assessment to \$71,300.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0360, LOT 60 DEVONSHIRE SUBDIVISTION, TO \$71,300; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0361.

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Jill Sikorski:

I'll make a motion to change the assessment to \$73,600.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0361, LOT 61 DEVONSHIRE SUBDIVISTION, TO \$73,600; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0311.

Jill Sikorski:

I'll make a motion to change the assessment to \$88,400.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0311, LOT 11 DEVONSHIRE SUBDIVISTION, TO \$88,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0313.

Jill Sikorski:

I'll make a motion to change the assessment to \$97,800.

James Kennedy:

Second.

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SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0313, LOT 13 DEVONSHIRE SUBDIVISION, TO \$87,800; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0314.

Jill Sikorski:

I'll make a motion to change the assessment to \$97,400.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0314, LOT 14 DEVONSHIRE SUBDIVISION, TO \$97,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0317.

Jill Sikorski:

I'll make a motion to change the assessment to \$100,100.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0317, LOT 17 DEVONSHIRE SUBDIVISION, TO \$100,100; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

In the matter of parcel number 92-122-232-0322.

Jill Sikorski:

I'll make a motion to change the assessment to \$89,400.

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James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0322, LOT 22 DEVONSHIRE SUBDIVISION, TO \$89,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0326.

Jill Sikorski:

I'll make a motion to change the assessed value to \$87,500.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0326, LOT 26 DEVONSHIRE SUBDIVISION, TO \$87,500; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of 92-122-232-0344.

Jill Sikorski:

I'll make a motion to change the assessed value to \$76,600.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0344, LOT 44 DEVONSHIRE SUBDIVISION, TO \$76,600; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

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Motion carries. In the matter of parcel number 92-122-232-0347.

Jill Sikorski:

I'll make a motion to change the assessed value to \$90,100.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0347, LOT 47 DEVONSHIRE SUBDIVISION, TO \$90,100; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0348.

Jill Sikorski:

I'll make a motion to change the assessed value to \$89,400.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0348, LOT 48 DEVONSHIRE SUBDIVISION, TO \$89,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0309.

Jill Sikorski:

I'll make a motion to change the assessed value to \$91,100.

James Kennedy:

Second.

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SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0309, LOT 9 DEVONSHIRE SUBDIVISTION, TO \$91,100; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0315.

Jill Sikorski:

I'll make a motion to change the assessed value to \$96,700.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0315, LOT 15 DEVONSHIRE SUBDIVISTION, TO \$96,700; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0316.

Jill Sikorski:

I'll make a motion to change the assessed value to \$96,300.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0316, LOT 16 DEVONSHIRE SUBDIVISTION, TO \$96,300; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0319.

Jill Sikorski:

I'll make a motion to change the assessed value to \$96,600.

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James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-019, LOT 19 DEVONSHIRE SUBDIVISTION, TO \$96,600; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0320.

Jill Sikorski:

I'll make a motion to change the assessed value to \$96,800.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0320, LOT 20 DEVONSHIRE SUBDIVISTION, TO \$96,800; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel 92-122-232-0323.

Jill Sikorski:

I'll make a motion to change the assessed value to \$87,500.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0323, LOT 23 DEVONSHIRE SUBDIVISTION, TO \$87,500; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

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John Braig:

Motion carries. In the matter of parcel number 92-122-232-0332.

Jill Sikorski:

I'll make a motion to change the assessed value to \$87,700.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0332, LOT 32 DEVONSHIRE SUBDIVISTION, TO \$87,700; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0336.

Jill Sikorski:

I'll make a motion to change the assessed value to \$89,900.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0336, LOT 36 DEVONSHIRE SUBDIVISTION, TO \$89,900; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0342.

Jill Sikorski:

I'll make a motion to change the assessed value to \$83,500.

James Kennedy:

Second.

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SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0342, LOT 42 DEVONSHIRE SUBDIVISION, TO \$83,500; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0343.

Jill Sikorski:

I'll make a motion to change the assessed value to \$71,100.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0343, LOT 43 DEVONSHIRE SUBDIVISION, TO \$71,100; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 92-122-232-0349.

Jill Sikorski:

I'll make a motion to change the assessed value to \$78,400.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESMENT ON TAX PARCEL NO. 92-122-232-0349, LOT 49 DEVONSHIRE SUBDIVISION, TO \$78,400; SECONDED BY KENNEDY; ROLL CALL VOTE: BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

Jane Romanowski:

Mr. Chairman, I will be working on the notes of determination and Mr. Mills will have them before the end of the hearings today. They will be hand delivered.

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John Braig:

They will be hand delivered. And, Steve, you know what your appeals are should you so desire.

Steve Mills:

A long laundry list.

John Braig:

Well, your efforts were worth something.

c. 9:45 a.m. - Bailey Enterprises II LLC-Ashbury

Steve Mills:

Could I have a suggestion? These are lots. We just got through with lots. How about we use the same formula that you just used if that seemed fair to adjust. I think we've got five lots total in Bailey, three in Devonshire and two in Westfield.

Rocco Vita:

Three in Ashbury Creek.

Steve Mills:

Excuse me. Three in Ashbury Creek and two in Westfield.

Rocco Vita:

What do you mean by the same format? You provide the evidence and—

Steve Mills

Well, you just made some adjustment.

Rocco Vita:

No, they did.

Steve Mills:

Excuse me. An adjustment was made. Rather than go through a—I mean we pretty well examined lot product in the marketplace in the last couple hours. I mean is that something that works for you all? I mean my comps are basically the same. Part of those lots are in Devonshire that we're

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selling at an average of \$56,000, and there are lots of them, many of them. And then the other two are in Westfield which, again, are—

John Braig:

Which is Westfield?

Steve Mills:

That's the one that's tucked behind you know where PDQ is on—you know where the veterinary clinic is? Just west of there. There's commercial lots that we own, and in behind it there's the subdivision that you have to come down 88th Avenue and I forget the street that comes back into it and there's a little cul-de-sac back there. There's two lots.

Tom Camilli:

Mr. Chairman, I can certainly understand Mr. Mills' desire to streamline the process and move this along and I completely understand that. My concern is I think the statutory process requires that the Board, again, start with the presumption that the Assessor is correct until there's been a sufficient showing by the objector. So I do think there needs to be evidence presented by Mr. Mills before the Board can make any adjustment with regard to these objections, notwithstanding the fact that obviously it's getting close to eleven o'clock and we'd like to move it along. But I think the law requires that we proceed that way.

Jill Sikorski:

I think we can look at it based on the same premise but we should look at all the evidence.

John Braig:

I'm sure we have to go through the same procedure and get the objection in the record and sworn.

—:

Can I be excused for about two minutes?

John Braig:

Brief recess.

(Recess)

John Braig:

Back on the agenda. We are ready for the hearing of Bailey Enterprises. I'll ask the Clerk do we have a completed objection form?

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Jane Romanowski:

Yes, we do.

John Braig:

Would you read it into the record please.

Jane Romanowski:

Bailey Enterprise objection form - there are three objection forms. Once again, the information is basically the same, so I'll read one and then I'll just allude to the other lots. Bailey Enterprises, LLC, Steven Mills the agent, Lot 18 of Ashbury Lane is the property, Tax Parcel Number 91-4-122-084-0168. Total property assessment \$71,300. The properties in Ashbury are selling in the \$50,000 to \$60,000 price range. The lots were purchased for \$51,000. Fair market value and the opinion of the objector would be \$55,000. And the three lots were purchased in September of 2009 for \$51,000.

The second one would be Lot 19 of Ashbury Lane, Parcel Number 91-4-122-084-0169. Total property assessment is \$82,600. The assessed value explanation is the same and the rest is the same, \$55,000 fair market value as of January 1st, purchased in September '09 for \$51,000. And the last one would be Lot 20 of Ashbury Lane, Parcel Number 91-4-122-084-0170. Total property assessment is \$87,700.

John Braig:

And it's the stated opinion that the value is \$55,000 the same as the other ones?

Jane Romanowski:

On all three lots, correct.

John Braig:

And purchase was the same date?

Jane Romanowski:

Yes.

John Braig:

Thank you. With that I ask you to swear the participants in.

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Jane Romanowski:

Please stand and raise your right hand. Do you solemnly swear in the matter now in hearing to tell the truth so help you God?

Voices:

I do.

Jane Romanowski:

Please state your name and address for the record.

Steve Mills:

Stephen C. Mills, 4011 80th Street, Kenosha, Wisconsin

Ed Judt:

Edward Judt, 9915 39th Avenue for the Village of Pleasant Prairie.

Rocco Vita:

Rocco Vita, Assessor, Village of Pleasant Prairie.

John Braig:

Mr. Mills, you may proceed.

Steve Mills:

If you were to take this same handout that I gave you and disregard the Devonshire component of it but turn to the next page where it has sold lots 2011. If you don't care that I used 2011 we can go to the next page that has this house. On the back side it has an Ashbury Creek lot spec sheet, and then solds for 2010 there are lots of comparables. If you look at my hand scratching the two at the top aren't comparable. One is Devonshire and the other is Meadowdale. But from item 3 and I crossed out nine, all the way to the bottom of page 18, and then on the back side they re Bain Station lots, 20, 21 and 22. There are 18 sales and they average \$56,500 apiece. Those all happened in 2010.

If you want to look to '11 and see the market, there are 15 sales, including a couple Devonshires and those were \$55,670. Interestingly enough when we bought these at auction I think we paid more. The market has deteriorated since then. About the only way we're getting these lots out is to build houses on them. We put it in basically at about a \$50,000 component, build a house mostly on spec, get a buyer come in and compare that against what he can buy—we've sold houses in there from anywhere from \$230,000 to \$250,000. They'll say it's a brand new house, I get a

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one year warranty, even though there's a lot of foreclosed property on the market I'll buy a new house. But we're not being able typically to sell lots and have people come and bring their builder to the deal, although some of that happens. But we have plenty of comps, actually 33 of them in 2010 and 2011 that I believe supports my request of having this assessment adjusted accordingly. And what we paid for them and what I'm saying what they're worth today is slightly a little more than what we paid. Thank you.

John Braig:

Thank you. The Assessors can make their presentation now.

Ed Judt:

You're going to receive some spreadsheets that look very much like the ones you received in the Devonshire presentation. The first one is entitled 2009 sales. That is a list of the sum total of sales activity that we had leading into the 2010 revaluation. Two sales each for \$70,000 in the summer of 2009, and you can see the fairly tight range in terms of the unit rate with an average of \$4.11. Once again let's call this Exhibit 1 so we don't have to treat these in any great detail.

The second sheet you've got entitled 2011 values shows you that based on these sales once again we took the conservative approach. We chose a unit rate of \$2.90, and that sheet then shows you the value work up for the three lots that are under appeal.

Then finally similar to Devonshire you have a third sheet that shows the sales activity that occurs in 2010, a good deal of it as you can see resulting in an average unit rate of \$3.63. Although I would point out to you as you look at the latter part of 2010 you have any number of sales that show a unit rate that still exceeds the unit rate of \$3.90 that we chose for 2010.

John Braig:

On Exhibit 3 is there any order to the listing itself?

Ed Judt:

It's done in date order.

John Braig:

By date order, thank you. Could you explain you abbreviations for the adjustments?

Ed Judt:

The first one, the CONS is conservancy. It deals with those parcels that probably have—that are immediately adjacent to the retention basins and other conservancy parcels within the subdivision. The CDS is a cul-de-sac lot. BS is Bain Station Road and Highway C. I think in both of those cases we made a slight negative adjustment to the lot value because of the fact that

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those lots were adjacent to the two highways or to the two thoroughfares, a size adjustment, again a topographic adjustment and a corner adjustment.

John Braig:

Okay, thank you. I guess we're faced with the same problem that we had on the earlier ones. In my view if we made an adjustment down which reflected—wait a minute.

James Kennedy:

2010 sales from Devonshire, the \$5.50 is reflective of 2010 sales.

John Braig:

Yes. Any discussion among us, or do we feel as though we have sufficient information?

James Kennedy:

I guess I would ask our valuation professionals over here if there's any—I don't know these subdivisions at all. I kind of go my own little way and don't vary off of 39th Avenue very much. If there's anything about the Ashbury versus the Devonshire kinds of places, quality or desirability of living?

Ed Judt:

I would suggest that in terms of conceptually the subdivisions are very similar. The difference in Ashbury's case is the bank that held the paper on it went belly up earlier than the bank or than the developer in the case of Devonshire. So because of the bank situation you began to see declining values in Ashbury much earlier than you did in Devonshire. So to a degree already just those two sales that we had in 2009 were already beginning to reflect that. Clearly when you look at the 2010 list and you look at those sales prices these initially were all lots that were expected to sell I think probably at a minimum of about \$89,000, something like that, well up into the \$120,000s.

Rocco Vita:

But from a residential environment perspective Devonshire is a very nice development. A lot of the lots abut conservancy land. It's in a great location, a quiet location. It's adjacent to a neighborhood that a lot of people believe is more exclusive or higher valued. Devonshire's values have held pretty well for a long time and that's why there's higher values. The lots are a little bigger I believe in Devonshire which give you a little higher value. But it overall has great desirability for most people seemingly.

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John Braig:

Devonshire is a little closer to being a city-type of subdivision, whereas Ashbury Creek has a little more rural flavor to it. It's a little bit more remote from city conveniences, library, shopping, things of that nature. And you can see it in the values.

Rocco Vita:

I think Ashbury is very convenient to shopping considering it's right next to Target. And I think just the opposite that Devonshire is a little more rural in its flavor and this is a little more urban considering it's next to the school and Highway 50.

John Braig:

That's right there is a school out there.

Rocco Vita:

It is beside the point, though.

Steve Mills:

I think Meadowdale has a positive influence on Devonshire. And I think though Ashbury really kind of led the way it's really quite a, I don't want to call it a miracle, but a tremendous amount of building activity going on in there but it's all price driven. If the lots were \$80,000 to \$100,000 it would not happen because the price point on those houses—and there's some above, but the price point on moving those assets is probably somewhere between \$230,000 and \$260,000. We had a model there at Bear Homes and so forth, and I think we sold a model at \$258,000 or something like that. Nice houses, nice street scene. Whoever is going in there they're getting a bargain, because the value of the lot is great and the construction is very competitive. But the numbers that you have here are really very exemplary of what the market is.

John Braig:

Are we ready to make a decision?

James Kennedy:

I am.

John Braig:

If so, what do we got, three parcels? I guess we're ready for someone to make a motion.

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James Kennedy:

I move that we—

John Braig:

Wait a minute. We have to have the same discussion again. Let me just have a general comment. Are we considering an adjustment?

James Kennedy:

I am.

John Braig:

Jill?

Jill Sikorski:

Yes.

John Braig:

We're considering an adjustment. Let's discuss approximately how much.

James Kennedy:

I'm inclined to stay consistent with the thought process that we used for Devonshire and change the valuation to the unit value of \$3.63.

Jill Sikorski:

I would agree with that.

John Braig:

So we're suggesting changing the value to—the unit rate to \$3.63. Mathematically do you guys have a comment on how we can handle this?

Rocco Vita:

I have a lot of comments.

John Braig:

Just sticking strictly to the mathematics. It looks like about a 12 percent reduction.

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Rocco Vita:

First of all, as a matter to protect the Village and the Board there should always be a basis for your motion. And a part of that basis should be alluding to the evidence provided. But if you'd like I can give you an indication of value using a unit rate of \$3.63 per square foot adjusted by the adjustments for each of the properties under question.

John Braig:

I suggest you do that, yes.

Jill Sikorski:

(Inaudible) Highway C?

John Braig:

If you take Highway C you are on the north side. In fact, across Highway C there is, oh, what do they call it, not Village Green Heights, Prairie Ridge—

James Kennedy:

St. Anne's Church is just to the north and the daycare center.

John Braig:

Do we see the school there or no?

James Kennedy:

Tri Clover is up there where the white box is.

(Background Conversations)

Rocco Vita:

Beautiful Pleasant Prairie is right across the road just a little bit to the north. Those are potential condos. This is platted for condos right here, and then this is residential, Prairie Ridge Subdivision.

John Braig:

And in the lower left corner is Bain Station Road.

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Rocco Vita:

This is Bain Station Road and these are houses along Highway C.

Steve Mills:

Is this the adjustment or that's the same as what you came up with?

Rocco Vita:

No, that's the adjusted value at \$3.63.

Steve Mills:

But that's what this is. I thought we were going with the adjustment.

John Braig:

\$3.63 is the new number.

Steve Mills:

It's the old number.

(Inaudible Background Conversations)

John Braig:

I think we're ready for a motion. In the matter of parcel number 91-4-122-084-0168.

Jill Sikorski:

I'll make a motion to change the assessed value to \$66,300.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESSMENT ON TAX PARCEL NO. 91-4-122-084-0168, LOT 18 ASHBURY SUBDIVISION, TO \$66,300; SECONDED BY KENNEDY; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 91-4-122-084-0169.

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Jill Sikorski:

I'll make a motion to change the assessed value to \$76,800.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESSMENT ON TAX PARCEL NO. 91-4-122-084-0169, LOT 19 ASHBURY SUBDIVISION, TO \$76,800; SECONDED BY KENNEDY; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 91-4-122-084-0170.

Jill Sikorski:

I'll make a motion to change the assessed value to \$81,700.

James Kennedy:

Second.

SIKORSKI MOVED TO CHANGE THE 2011 ASSESSMENT ON TAX PARCEL NO. 91-4-122-084-0170, LOT 20 ASHBURY SUBDIVISION, TO \$81,700; SECONDED BY KENNEDY; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. And when will the Clerk get these notices to the objector?

Jane Romanowski:

Yes, I will before we are done today.

John Braig:

Thank you.

d. 10:15 a.m. - Bailey Enterprises II LLC-Westfield.

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John Braig:

Do we have a proper objection form?

Jane Romanowski:

Yes, we do, Mr. Chairman.

John Braig:

Would the clerk please read it into the record.

Jane Romanowski:

This is the objection form for Bailey Enterprises II, LLC. Property address 91st Avenue, Lot 3, and this is in the Westfield Subdivision. Tax Parcel Number 91-4-122-054-0303. Total property assessment is \$54,500. The fair market value in their opinion as of January 1st would be \$48,000. And the value is incorrect. They state the properties in Ashbury are selling in the \$50,000 to \$60,000 price range. The properties were purchased for \$46,500 as I stated earlier.

The second objection form is for Lot 7 of 91st Avenue still for Bailey Enterprises, Tax Parcel Number 91-4-122-054-0307. The total property assessments on Lot 7 is \$54,000. Once again, the properties in Ashbury are selling in the \$50,000 to \$60,000 price range, and the lots were purchased for \$46,500 in September of 2009.

John Braig:

When in '09?

Jane Romanowski:

September.

John Braig:

With that I ask the Clerk to swear in the participants or the witnesses.

Jane Romanowski:

Please stand and raise your right hand. Do you solemnly swear in the matter now in hearing to tell the truth so help you God?

Voices:

I do.

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Jane Romanowski:

Please have a seat and state your name and address for the record.

Steve Mills:

Stephen C. Mills, 4011 80th Street, Kenosha, Wisconsin.

Ed Judt:

Edward Judt, 9915 39th Avenue for the Village of Pleasant Prairie.

Rocco Vita:

Rocco Vita, Statuary Assessor, Village of Pleasant Prairie.

John Braig:

Thank you. With that, Mr. Mills, we're ready for your presentation.

Steve Mills:

I think I will just move on. We've had enough batting around of these comparable sales. I think my objection form is pretty self-explanatory. Thank you.

John Braig:

And we have received an awful lot of information this morning. With that, we'll turn it over to the assessors.

Ed Judt:

Once again you're going to receive a couple of spreadsheets. Let me say up front that you're receiving much less data in this case than you did in the earlier two appeals only because primarily Westfield is a very small subdivision. It is essentially a dead end street as Mr. Mills described to you earlier. It's 91st Avenue a couple of blocks west of Highway H and just north of Highway 50. We're going to bring it up on the digital map here for you momentarily.

But I'll direct your attention first to the spreadsheet that's entitled 2008/2009 sales. Those two sales represent the sum total of activity that we had to work with in preparing our 2010 assessments. Let's call this Exhibit 1, and I won't talk about these again in any great detail. But you have I think it's illustrative in that it shows you the rate at which values were declining over that period of time. You have a May of 2008 sale sat \$89,900 that resulted in a unit rate or a per square rate of \$6.02. And then a year and a few months later in September of 2009 you had a sale of a similar lot for \$60,000 resulting in a unit rate of \$4.03. Based on that very limited sales activity, again, we chose a somewhat conservative rate of \$3.75 per square foot.

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On the second spreadsheet that you have entitled 2001 values, you see the two lots that are under appeal. Using the rate of \$3.75 that we chose in 2010 you see the current assessment on those two lots. In the earlier two cases I gave you a third spreadsheet. I can't give you that one in this case because there was absolutely no sales activity or vacant land sales activity in the subdivision in 2010.

John Braig:

On the sales sheet, parcel with the last four digits 0306 and 0304 where are they on that map?

Rocco Vita:

That's a good question. Let me take a look. No, it doesn't do a property search.

Ed Judt:

Zoom out once and it will show the parcel. There we go.

John Braig:

Okay, I saw it briefly there on the west edge.

Ed Judt:

Yes.

Rocco Vita:

It turns green.

John Braig:

There we got it, yes.

Rocco Vita:

So that being the case it would be 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.

John Braig:

Is the street improved in that area?

Ed Judt:

Yes.

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Rocco Vita:

Yes.

Ed Judt:

It is in the subdivision and it is on 70th Street leading to the subdivision. 91st Avenue north of 70th Street is basically a driveway.

Rocco Vita:

This is a 2005 aerial. At that time it was farmland. The other sale would be two lots south of this one. You can see this lot right here.

John Braig:

Quite comparable.

Rocco Vita:

The subject property would be just north, this one 303, and just south 307 just on the corner of the cul-de-sac. This is the prize lot of any cul-de-sac because here the lots when you sweep around never get this lot. They always sweep around on everybody else.

John Braig:

There's a significance difference looking at the sales listing in unit rate from a sale in May of '08 to September of '09. The lot sizes and location for all practical purposes are pretty much identical. The unit rate for 2011 assessment is \$3.75. And that in effect also represents the assessment in 2010. I don't now if the same factors apply here as on the earlier information that we had.

Ed Judt:

We have no 2010 data to look at.

John Braig:

We have nothing to look at other than the '09 assessment which again—not the '09 assessment, the September sale in '09 significantly different. It's almost two thirds of what the unit rate was for a May of '08 sale. But you're right we have no sales in the last almost two years now. I don't know if I'm inclined to make an adjustment or see where we received enough information to justify an adjustment or not.

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Steve Mills:

Could I make a comment?

John Braig:

Sure, we'll be open. Go ahead.

Steve Mills:

I would just say that the reason that you haven't seen sales is there's only two lots and we own them both. And ultimately I think the only way we'll be able to move those lots is build a house on them. They've got signs on them, etc. One of the problems I always had about this subdivision is what you might call some economic obsolescence. It's very hard to get to, and you've got to kind of get through an old neighborhood to get here. When Ashbury and some of those things were really not in play, there were houses and we build some in here, etc., but I think you have significant comparables in what today are better subdivisions, both Ashbury and Bain Station. So it's just, again, my opinion but I think it bears fact. Being able to get people here is not easy.

John Braig:

You say that access is through an older area. Isn't there access off Highway 50?

Steve Mills:

No, there's a large-

Rocco Vita:

It's a cul-de-sac.

Steve Mills:

-retention basin at the bottom where it says (inaudible) that separates it also from a commercial zone to the south. It hasn't been built yet.

John Braig:

As I go west on Highway 50 there's-

Steve Mills:

91st Street curls in and comes back in past the veterinary clinic, then you can go to the back door of PDQ and then it comes back out on 88th Avenue.

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John Braig:

There's no connection between that and the residential street, is that correct?

Steve Mills:

Correct. You can see it there. PDQ on the corner, 74th Street proceeds west from 88th Avenue and that curves back to Highway 50. You've got to come in 88th Avenue, come down 70th and then come into the site. So you kind of come through what might be an older neighborhood to get there. It doesn't have quite the same sex appeal of a new subdivision where there's lot of new houses. Some might like it.

Ed Judt:

But I would suggest that direct access to Highway 50 is not a detriment in this case.

John Braig:

Discussion? Are we ready for a decision? Not in the form a motion, just in terms of what you're inclined to think.

James Kennedy:

I would say we go with the \$3.75 unit rate or we reduce it by the same percentage adjustments that we did in the previous ones which were about 12 percent. We have no proof of that so I wonder if that's-

John Braig:

I myself I'm inclined to support the \$3.75 rate.

James Kennedy:

I am, too.

John Braig:

We've got two parcels here. I guess we're ready for a motion.

James Kennedy:

We need some numbers.

John Braig:

In the matter of parcel number 91-4-122-054-0303.

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James Kennedy:

I move that we adjust that value down to \$54,500.

Jill Sikorski:

I'll second.

John Braig:

Wait a minute that is the assessment.

Jane Romanowski:

Are you supporting the Assessor?

James Kennedy:

We're supporting the Assessor.

John Braig:

Am I correct, has it been moved and seconded to uphold the Assessor's assessment of said parcel?

James Kennedy:

Yes.

KENNEDY MOVED TO UPHOLD THE 2011 ASSESSMENT ON TAX PARCEL NO. 91-4-122-054-0303, LOT 3 WESTFIELD SUBDIVISION, IN THE AMOUNT OF \$54,500; SECONDED BY SIKORSKI; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. In the matter of parcel number 91-4-122-054-0307.

Jill Sikorski:

I'll make a motion to support the Assessor's valuation of \$54,000.

James Kennedy:

Second.

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SIKORSKI MOVED TO UPHOLD THE 2011 ASSESSMENT ON TAX PARCEL NO. 91-4-122-054-0307, LOT 7 WESTFIELD SUBDIVISION, IN THE AMOUNT OF \$54,000; SECONDED BY KENNEDY; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

John Braig:

Motion carries. And the Clerk will get written notification to the objector today yet?

Jane Romanowski:

Right at this moment all of them through all the hearings today are done.

John Braig:

Excellent, thank you.

e. 11:00 a.m. - AHC Purchaser, Inc.

John Braig:

I don't believe I have an objection form. Does the Clerk have the appropriate objection form?

Jane Romanowski:

Mr. Chairman, this is going to be in the form of a stipulation. But first I'd like to before we discuss this for the record confirm that all notice of determinations have either been hand delivered as they were this morning or sent out via certified mail as of last Friday after our Thursday hearings. So there are no other objection forms or other hearings that we need to proceed with today. Again, this last discussion will be in the form of a stipulation which Rocco can probably explain. And then if the Board so approves, Mr. Chairman, you would sign it and we would process it that way.

John Braig:

Good enough, thank you. With that, Rocco?

Rocco Vita:

This involves parcel 91-4-122-043-0086. This is an assisted living facility now stated to be owned by AHC Purchaser, Inc. In the past it's on the County records as Kenosha ALS, Wynwood, there's a number of entities and a number of names. They've come to the Board of Review was it two calendar years ago, and you supported the assessed value. They filed a 7436 claim for excessive assessment, and while that process is still going on, they're simply stating that the assessed value for 2011 will concur with the results of that initial 2009 hearing.

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What they are stipulating to is the fact that they have no new evidence to present to you. They believe and expect that you would again find for the Assessor's office, so they're stipulating to that value but keeping their ability to appeal this value to the circuit courts, to the court system.

John Braig:

Okay. I guess it's up to this Board to accept that stipulation.

Rocco Vita:

Have you seen the stipulation?

John Braig:

No, we have not.

Rocco Vita:

We can take a few minutes to take a look. Now that you have the stipulation before you, you can take a few minutes to look it over, read it. If you have any questions I'll be happy to try and answer them.

John Braig:

In effect they're asking that we waive the requirement that they appear before this group for the 2011 assessment.

Rocco Vita:

That's correct.

John Braig:

And thereby we would sustain the 2010 assessment.

Rocco Vita:

2011 assessment.

John Braig:

The stipulation states waive the requirement for an appearance by the taxpayer before for the 2011 objection and sustain the 2010 assessment in the amount of \$6,030,800.

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Rocco Vita:

That could be taken that way because it is a 2010 assessment, but it's also a 2011. The number is what's important and that is the current assessment.

John Braig:

Should this more correctly say sustain the 2011 assessment of X dollars?

Rocco Vita:

It's fine where it is. It's just the way they decided to enter it because we do the revals every two years, and they understand that the 2010 assessment is the same assessment as 2011. So it's more important that you sustain the value, the number stated, versus the year of the assessment. They're both the same.

John Braig:

I can appreciate that. We've been kicking that one back and forth.

Tom Camilli:

And the order, Mr. Chairman, does reference the 2011 assessment as the assessment being sustained by the Board.

John Braig:

Good enough.

Jane Romanowski:

Mr. Chairman, also for the record, and I didn't probably state this earlier, the address of the property is 7377 88th Avenue with a Tax Parcel of 91-4-122-043-0086. That should be in the record.

Rocco Vita:

And you're reading that from?

Jane Romanowski:

I'm reading that from the objection form that was originally submitted.

Rocco Vita:

The 2011 objection form.

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Jane Romanowski:

The 2011 objection form.

John Braig:

So we have the correct parcel and address in the record.

Jane Romanowski:

Yes, we do.

John Braig:

In which case I'm inclined to accept the stipulation.

Jill Sikorski:

I'll make a motion to accept it.

James Kennedy:

Second.

SIKORSKI MOVED TO ACCEPT THE STIPULATION AND ORDER REGARDING THE 2011 ASSESSMENT FOR PROPERTY LOCATED AT 7377 88TH AVENUE, TAX PARCEL NO. 91-4-122-043-0086, AHC PURCHASER, INC.; SECONDED BY KENNEDY; ROLL CALL VOTE – BRAIG – YES; SIKORSKI – YES; KENNEDY – YES; MOTION CARRIED 3-0.

Jane Romanowski:

And if you could sign that, Mr. Chairman, that would be great.

4. ADJOURNMENT

SIKORSKI MOVED TO ADJOURN THE 2011 BOARD OF REVIEW; SECONDED BY KENNEDY; MOTION CARRIED 3-0.