



OFFICIAL MINUTES OF THE ANNUAL BOARD OF REVIEW HELD ON JULY 23, 2020 AT 9:00 AM., IN THE COUNCIL CHAMBERS AT CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD WISCONSIN.

5 Members Present: Alderman Bill Carnell, Dale Casper**, Tom Koch, Alderman Jerry Mellone, Dave Schneider* (*denotes chairman, **denotes vice chairman)

2 Members Excused: Michael Post, Vacant Seat

Others Present: City Clerk Kelly Michaels, Deputy City Clerk Renee Tadych, City Attorney Jenna Merten (serving as the Attorney for the Board of Review), Ass't City Attorney Julie Aquavia (serving as the Attorney for the City Assessor), City Appraisers: William (Bill) Mortag, Nick Garcia, and Pamela Konet

In accordance with Chapter 19 of Wis. Stats., notice of the meeting was posted in three public places (City Hall, Post Office and Public Library) and was published in the City's Official Newspaper (Waukesha Freeman) on June 17, 2020. The notice was also posted on the City's website on the page dedicated to the Board of Review.

1. Roll Call

Clerk Michaels called the roll. There was a quorum of the above named board members present.

2. If necessary, consider change of assessment for properties with incorrect assessments, order notice and schedule hearings pursuant to Wisc., Stats 70.47(6) & (10)

Clerk Michaels noted for the record she received a notice to withdraw the intent to file objection forms from the filing party, in connection with Georgetown Square II and Brookfield Hills Lofts via e-mail on 7/21/2020 @ 1:16 pm. There were no incorrect assessments or order notices to present.

3. If necessary, consider changes to the assessment roll due to amended assessments.

Nothing to present.

4. Upon receiving evidence of extraordinary circumstances deemed acceptable, consider whether or not to schedule, deny or waive hearings for written objections/waiver requests filed late.

Clerk Michaels indicated she had checked her office mail and e-mail and had nothing additional.

5. Hear objections filed timely and scheduled for hearing on today's date.

1. First Hearing: Recording Audio R0723A01.MP3

The City Clerk introduced the following case:

PROPERTY OWNER RECORD

Parcel No.	BRC 1149107		
Owner Name:	Price, Laura R and David B	Land Value:	\$110,000

Property Address: 13035 W Cardinal Crest Drive Improvements: \$204,500
Objector's Opinion of Value: \$280,000 2020 Assessment: \$314,500

Documents File: Notice of Intent to File Objection with the Board of Review, Rec'd 7/16/2020 @ 2:13pm
Objection to Real Property Assessment, Rec'd 7/16/2020 @ 2:13pm
Untitled document containing comparable properties, 1pg

Sworn Testimony: Objector David B. Price
City of Brookfield Property Appraiser, William (Bill) Montag

Attorney Merten gave a brief overview of how the hearing would proceed. She addressed both Mr. Price and Mr. Montag and indicated to Mr. Price that he will present his case first. She explained this would include his testimony to the board and any evidence he would like the board to consider. She noted that the attorney for the Assessor is Attorney Aquavia and she has the right to make objections. Those objections will be ruled on by the Board, so she instructed Mr. Price to pause at that time so the Board can make its ruling. She informed Mr. Price that he can make an argument in favor of it. She noted he will be asked what his basis is or his response is to Attorney Aquavia's objection, if any. Attorney Merten indicated that when Mr. Price is done presenting and submitting any evidence he wishes to present, then it is Mr. Montag's turn to present the Assessor's case. She informed Mr. Price that at that time, if he has any objections to their testimony, he should state the objection which will be ruled on by the Board in the exact same fashion. When the case is done, each side will be allowed cross examination and a brief rebuttal. After that, each side will be allowed to present a brief summary as to why they think their position is correct. Attorney Merten asked if there were any questions as to the procedure. Mr. Price and Mr. Montag indicated they did not have any questions.

Marked Exhibits: Exhibit 1: Untitled document entered by the Objector (1 page) - **WITHDRAWN**
Exhibit 2: Appraiser's Credentials / Resume (1 page)
Exhibit 3: 2020 Sales Comparison and GIS Map by the Appraiser (3 pages)

Attorney Merten questioned whether Mr. Price intended to testify about his exhibit? Mr. Price asked if Attorney Merten could elaborate. Attorney Merten asked Mr. Price if he was entering an evidence about his Exhibit. Mr. Price answered no. Attorney Merten replied, "Ok, so then Exhibit 1 is not going to be considered then." She stated to Mr. Price, "You are not trying to enter it into evidence". Mr. Price asked to be directed as to how he would do that. He indicated he was not provided any preparation or information ahead of the hearing and asked the Board's attorney to elaborate on the implications for him if he were not to enter it or how he could enter it. Attorney Merten indicated she could not give him legal advice on how to proceed with his case as that is something the objector is responsible for doing. She indicated she could say if he does not submit it into evidence then it is not considered part of the record. Mr. Price questioned how he would submit it into evidence. Attorney Merten questioned whether Mr. Price was making a motion to do so? Mr. Price responded, yes. Attorney Merten questioned whether Attorney Aquavia had any objections?

Objections to Exhibits: Attorney Aquavia objected to Exhibit #1 being entered into the record, as the objector had presented no foundation. Attorney Merten asked Mr. Price if he wished to answer the objection? Mr. Price indicated he did not know how to answer the objection. Attorney Merten questioned whether he wanted to state the basis for Exhibit #1? Mr. Price indicated he would withdraw Exhibit #1.

Motion by Carnell, seconded by Schneider to close the testimony. Motion carried unanimously.

Following sworn testimony the following determined was made:

Motion by Alderman Carnell, seconded by Koch that in exercising its judgement and discretion, pursuant to Section 70.47(9),(a) of the Wisconsin Statutes, the Board of Review hereby determines that:

- ***That the Assessor's Valuation is Correct;***
- ***That the Assessor presented evidence of fair market value of the subject property using methods which conform to the statutory requirements and which are outlined in the Wisconsin Property Assessment Manual;***
- ***That the Property Owner / Objector did not present sufficient evidence to rebut the presumption of correctness granted by law to the Assessor;***
- ***That the Assessor's valuation is reasonable in light of all the relevant evidence;***
- ***That the Board sustains the same valuation as set by the Assessor;***
- ***And that the Clerk be directed to issue a determination and provide it to the property owner following the conclusion of today's hearing.***

Motion carried 5-0. Clerk Michaels personally delivered the determination to Mr. Price at the conclusion of the hearing.

2. Next Hearing: Recording Audio R0723A02.MP3

PROPERTY OWNER RECORD

Parcel No.	BRC 1133004		
Owner Name:	Fagerland, William and Barbara	Land Value:	\$120,000
Property Address:	560-570 Meadow Ct	Improvements:	\$227,300
Objector's Opinion of Value:	\$320,000	2020 Assessment:	\$347,300

Documents File: Notice of Intent to File Objection with the Board of Review, Rec'd 7/16/2020 @ 9am
 Objection to Real Property Assessment, Rec'd 7/17/2020 @ 9:17am
 Map and Subject of Comparable Properties 55pgs

Sworn Testimony: Objector did not appear at the hearing.
 City Assessor Allan Land
 Appraiser, Pamela Konet

Clerk Michaels contacted Mr. Fagerland by telephone to question whether he would be appearing for his hearing today. Mr. Fagerland indicated he had spoken to Appraiser Mortag yesterday and had indicated he was accepting the Assessor's valuation. Clerk Michaels asked Mr. Fagerland to reply to the hearing notification email sent to him on 7/21/2020 at 6:51 pm., if he wishes to withdraw his objection. Mr. Fagerland replied to the email with the written statement he will not be able to attend.

Attorney Merten advised the Board of Review that they should announce the case and then since there will be no testimony, the Board should sustain the Assessor's valuation as no evidence to rebut the valuation will be presented.

Motion by Alderman Mellone, seconded by Koch that in exercising its judgement and discretion, pursuant to Section 70.47(9)(a) of the Wisconsin Statutes, the Board of Review hereby determines that:

- ***That the Assessor's Valuation is Correct;***
- ***That the Assessor presented evidence of fair market value of the subject property using methods which conform to the statutory requirements and which are outlined in the Wisconsin Property Assessment Manual;***

- ***That the Property Owner / Objector did not present sufficient evidence to rebut the presumption of correctness granted by law to the Assessor;***
- ***That the Assessor's valuation is reasonable in light of all the relevant evidence;***
- ***That the Board sustains the same valuation as set by the Assessor;***
- ***And that the Clerk be directed to issue a determination and provide it to the property owner following the conclusion of today's hearing.***

Motion carried 5-0. Clerk Michaels indicated she would mail the determination to the property owner, William and Barbara Fagerland, following today's hearings.

CLERK NOTE: A subsequent email was received on 7/23/2020 at 10:15 am., clarifying Mr. Fagerland's intention to withdraw his objection.

3. Next Hearing: Recording Audio R0723A03.MP3

PROPERTY OWNER RECORD

Parcel No.	BRC 1051018		
Owner Name:	Big Mac Daddy Revocable Trust	Land Value:	\$108,000
Property Address:	15350 W Burleigh Rd	Improvements:	\$156,800
Objector's Opinion of Value:	\$240,000	2020 Assessment:	\$264,800

Documents File: Notice of Intent to File Objection with the Board of Review, Rec'd 7/13/2020 @ 11:52am
 Objection to Real Property Assessment, Rec'd 7/13/2020 @ 11:52am
 Email from Mr. Piekarski noting the basis for his opinion of value, Rec'd 7/13/2020 @11:52am

Sworn Testimony: Owner / Agent Steve Pierkarski
 City Appraiser Pamela Konet

Marked Exhibits: Exhibit 1: Appraiser Pamela Konet's credentials / resume (1 page)
 Exhibit 2: 2020 Sales Comparison and GIS Map (5 pages)
 Exhibit 3: Objectors documents titled Home Property Search Local Markets (12 pages)

Board member Alderman Jerry Mellone exited the hearing at 11:00 am., and as such did not participate in the deliberation of this case. Four members of the Board remain present, thereby satisfying quorum requirements.

Motion by Koch, seconded by Casper to closed testimony and begin deliberations on the case. Motion carried 4-0.

Following sworn testimony the following determined was made:

Motion by Alderman Casper, seconded by Koch that in exercising its judgement and discretion, pursuant to Section 70.47(9)(a) of the Wisconsin Statutes, the Board of Review hereby determines that:

- ***That the Assessor's Valuation is Correct;***
- ***That the Assessor presented evidence of fair market value of the subject property using methods which conform to the statutory requirements and which are outlined in the Wisconsin Property Assessment Manual;***

- ***That the Property Owner / Objector did not present sufficient evidence to rebut the presumption of correctness granted by law to the Assessor;***
- ***That the Assessor's valuation is reasonable in light of all the relevant evidence;***
- ***That the Board sustains the same valuation as set by the Assessor;***
- ***And that the Clerk be directed to issue a determination and provide it to the property owner following the conclusion of today's hearing.***

Motion carried 4-0. Clerk Michaels personally delivered the determination to Mr. Piekarski at the conclusion of the hearing.

6. Minutes of the prior meeting (July 21, 2020) (Recording Audio R0723A04.MP3)

Motion by Alderman Koch, seconded by Casper to approve the minutes of the July 21, 2020 Board of Review meeting as presented. Motion carried 4-0.

7. Adjourn for additional hearings on Wednesday, August 19, 2020 @ 9:00 am., if necessary or if none, adjourn sine die.

Motion by Carnell, seconded by Casper to adjourn the meeting to Wednesday, August 19, 2020 at 9 am., to consider additional hearings if necessary. Motion carried 4-0. Meeting adjourned at 11:42 am.

Respectfully Submitted,
Kelly Michaels, MMC, WCPC
City Clerk