

AGENDA

MINNETONKA LOCAL BOARD OF APPEAL AND EQUALIZATION

MONDAY, APRIL 20, 2009

6:15 P.M.

COUNCIL CHAMBERS

1. CALL TO ORDER.
2. ROLL CALL: Ellingson-Wagner-Hiller-Allendorf-Greves-Wiersum-Schneider
3. INTRODUCTORY REPORT.
4. APPEALS TO THE BOARD OF REVIEW:

A. Petitions received on or before March 27, 2009:

	<u>PETITIONER</u>	<u>ASSESSOR'S 2008 VALUE</u>	<u>ASSESSOR'S 2009 VALUE</u>	<u>ADVISORS' RECOMMENDATION</u>
1)	Russell Berman Loretta Berman 2079 Austrian Pine La Minnetonka, MN 55305 PID: 11-117-22-21-0058	\$325,000	\$325,000	\$325,000
2)	Sidney Brennan 1013 Ford Rd Minnetonka, MN 55305 PID: 01-117-22-14-0010	\$375,000	\$375,000	N/A
3)	Robert Marcue Donna Marcue 3117 Fairchild Ave Wayzata, MN 55391 PID: 17-117-22-14-0024	\$552,400	\$511,800	\$511,800
4)	James Fox Jane Fox 14200 Brandbury Walk Minnetonka, MN 55345 PID: 27-117-22-23-0057	\$552,600	\$545,700	CANCELLED

	<u>PETITIONER</u>	<u>ASSESSOR'S 2008 VALUE</u>	<u>ASSESSOR'S 2009 VALUE</u>	<u>ADVISORS' RECOMMENDATION</u>
5)	Vivian Blohm 4463 Gaywood Dr Minnetonka, MN 55345 PID: 22-117-22-34-0007	\$335,400	\$328,900	CANCELLED
6)	Andrew Mundahl Joyce Mundahl 3601 Prestige La Minnetonka, MN 55305 PID: 14-117-22-42-0037	\$565,000	\$560,900	CANCELLED
7)	Robert Weisberg Julie Ann Petersen 9809 Oak Ridge Tr Minnetonka, MN 55305 PID: 13-117-22-41-0064	\$648,700	\$603,500	CANCELLED
8)	Gregory Robinson Beverly Robinson 3312 Hopkins Crossroad Minnetonka, MN 55305 PID: 14-117-22-14-0010	\$399,900	\$387,800	CANCELLED
9)	Daryl Borneman 9601 Oak Ridge Tr Minnetonka, MN 55305 PID: 13-117-22-41-0052	\$919,600	\$864,700	\$540,000
10)	Debra Grant 6115 Covington Ter Minnetonka, MN 55345 PID: 31-117-22-43-0012	\$195,900	\$194,000	CANCELLED
11)	John Hinnenthal JoAnn Hinnenthal 2410 Bantas Point Rd Wayzata, MN 55391 PID: 08-117-22-13-0023	\$305,000	\$298,900	CANCELLED
12)	Donald Ramsey Judith Ramsey 14609 Orchard Rd Minnetonka, MN 55345 PID: 21-117-22-11-0054	\$357,700	\$349,000	CANCELLED

	<u>PETITIONER</u>	<u>ASSESSOR'S 2008 VALUE</u>	<u>ASSESSOR'S 2009 VALUE</u>	<u>ADVISORS' RECOMMENDATION</u>
13)	Bruce Rubinger Joan Schwartz 11965 Orchard Ave W Minnetonka, MN 55305 PID: 11-117-22-43-0028	\$952,200	\$902,700	CANCELLED
14)	Richard Koppy Karen Koppy 3013 Lake Shore Blvd Wayzata, MN 55391 PID: 17-117-22-21-0113	\$615,600	\$581,200	CANCELLED
15)	Adrienne Trangle-Pelleg 2368 Vernon Cir Minnetonka, MN 55305 PID: 12-117-22-23-0018	\$455,500	\$455,500	CANCELLED
16)	Dennis Ekren Sherilyn Ekren 14842 Timberhill Rd Minnetonka, MN 55345 PID: 16-117-22-13-0024	\$324,400	\$303,100	CANCELLED
17)	Burton Hedstrom 3016 Forest La Minnetonka, MN 55305 PID: 15-117-22-21-0039	\$531,400	\$494,200	CANCELLED
18)	Bent Nielsen Pamela Cain 9707 Ann La Minnetonka, MN 55305 PID: 13-117-22-41-0016	\$378,300	\$357,800	CANCELLED
19)	John Samion Clarita Samion 17118 Stodola Rd Minnetonka MN 55345 PID: 32-117-22-31-0012	\$306,900	\$299,400	CANCELLED
20)	Hyung Choi Kristin Choi 11497 Old Bren Rd Minnetonka, MN 55343 PID: 35-117-22-44-0023	\$900,500	\$848,100	CANCELLED

	<u>PETITIONER</u>	<u>ASSESSOR'S 2008 VALUE</u>	<u>ASSESSOR'S 2009 VALUE</u>	<u>ADVISORS' RECOMMENDATION</u>
21)	Melvin Clark Brenda Clark 4608 Ellerdale Rd Minnetonka, MN 55345 PID: 27-117-22-21-0006	\$656,500	\$642,500	CANCELLED
22)	Georgios Giannakis Theoni Greka 2561 Abbey Hill Dr Minnetonka, MN 55305 PID: 10-117-22-41-0035	\$520,700	\$520,700	CANCELLED
23)	Mark Lauer 11519 Friar La Minnetonka, MN 55305 PID: 14-117-22-42-0034	\$302,700	\$298,700	CANCELLED
24)	Louis Reinert Barbara Reinert 2409 Indian Rd W Minnetonka, MN 55305 PID: 10-117-22-23-0013	\$388,600	\$388,600	CANCELLED

RECOMMENDATION: Receive and adopt/modify the Board of Advisors recommendations of value for the reviewed properties (4 VOTES). For properties that were not viewed by the Board of Advisors, those appellants preserve their right to appeal to the Hennepin County Board of Appeal and Equalization.

5. ADJOURN

**Minnetonka 2009 Local Board of Appeal and Equalization
Meeting of April 20, 2009**

Brief Description: 2009 Local Board of Appeal and Equalization

Recommended Action: Receive and adopt/modify advisors' recommendations

Introduction

The first meeting of the Local Board of Appeal and Equalization was held on Monday, April 6, 2009, at 6:15 p.m. in the Council Chambers. The meeting of April 20, 2009, is the reconvene of the Local Board of Appeal and Equalization.

Agenda

Attached is the agenda for the April 20, 2009, meeting. As indicated, four property owners have appealed the 2009 estimated market values established by the assessing division; three appeals were residential, and one was commercial. Information for each appeal appearing on the agenda includes a map, preliminary information from the property owner, staff comments, and the advisor's recommendation.

Advisor's Field Work

The advisors visited each of the residential properties on Wednesday, April 8, 2009. At that time the property owners had an opportunity to discuss the property and presented any information they believed would assist the advisors in making their recommendation. The commercial property was not visited by the advisors. The owner preserves his right to appeal to the Hennepin County Board of Appeal and Equalization, and he has been advised how to proceed with his appeal.

The advisors then met with staff to give their recommendation of value and supporting information. The advisors will be available to the Board for questions should any arise regarding their recommendations.

Each of the property owners has been notified of the advisors' recommendation. Each has the opportunity to stand before the Board and present further information should any choose regarding the advisors' recommendations.

Meeting Procedure

At the April 6, 2009 Local Board of Appeal and Equalization the appeals were received and were referred to the real estate advisors for their recommendation of value and the meeting was recessed.

At the reconvene of the Local Board of Appeal and Equalization, the council, serving as the Board receives the advisors' recommendations for each property and can adopt or modify the advisor's recommendations.

Each of the property owners can then accept the Board's decision or may continue their appeal to the Hennepin County Board of Appeal and Equalization that meets on June 15, 2009. Owners must call in advance and submit an application to be added to the agenda for this meeting. They must call 612-348-7050 by June 3, 2009.

Recommendation

Receive and adopt/modify advisors' recommendations.

Submitted through:

John Gunyou, City Manager
Merrill King, Finance Director

Originated by:

Richard Toy, City Assessor

2009 Local Board of Appeal and Equalization – Appeal # 1

Property Information	
Owner	Russell and Loretta Berman
Property Address	2079 Austrian Pine La
Property ID Number	11-117-22-21-0058
Property Type	Land Residential
Owner's Address	11200 Overlook Dr, Minnetonka, MN 55305

Valuation Information					
2007		2008		2009	
Land	\$342,000	Land	\$325,000	Land	\$325,000
Building		Building		Building	
Total	\$342,000	Total	\$325,000	Total	\$325,000

Owner Information:

The property owner believes that due to the nationwide decline in the housing market the value of his vacant lot is worth 40% less than his purchase price of \$375,000 in 2005.

Staff Comments:

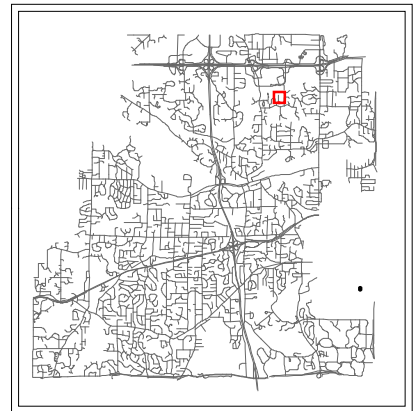
Staff has already adjusted the market value of this property to account for the current market conditions. There are two vacant lots on the same cul-de-sac listed for sale with asking prices of \$350,000 and \$399,000. Staff maintains that the market value for his property is fair and should remain unchanged.

Advisor's Recommendation:

This property was reviewed by Sandal Hart on April 8, 2009. Ms. Hart stated that the vacant lot is located in a very desirable cul-de-sac with quick access to Ridgedale and Interstate 394. After examining market indicators that sold between 2008 and 2009, Ms. Hart concluded that the 2009 assessed value should remain at \$325,000.



**2009 Local Board of Appeal and Equalization
Appeal 1
Russell and Loretta Berman
2079 Austrian Pine La
PID: 11-117-22-21-0058**



This map is for illustrative purposes only.



City of Minnetonka

Assessing Division

2009 Local Board of Appeal and Equalization Assessment Appeal

14600 Minnetonka Blvd
Minnetonka, MN 55345
Phone: 952.939.8220 Fax: 952.939.8244
Email: assessor@eminnetonka.com

Return this form to the City of Minnetonka Assessing Division no later than **March 27, 2009**. By submitting this application your appeal will be entered into the record. It is not required to attend the first Board Meeting.

Office Use Only

Date Returned 03/20/09 Received via email
Date Withdrawn _____ Withdrawn via _____
Dist 03 Nbhd _____ Appraiser EKJ

Date Mar 20, 2009

Home Number 952 5930169

Work Number _____

Owners Name(s) Russell L Berman

Cellular Number 612 7472777

Address 2595 Keller Rd

Fax Number _____

City Long Lake State MN Zip Code 55356

Email russellleeberman@aol.com

Property ID# 11-117-22-21-0058

Purchase Date 05/11/2006

Property Address 2079 Austrian Pine Lane

Purchase Price \$375,000.00

2009 Assessed Market Value as it appears on Notice of Valuation \$325,000.00

2008 Assessed Market Value as it appears on Notice of Valuation \$325,000.00

Additions, Renovations, or Improvements since purchase

It is a lot without any structures. No improvements have been made.

Cost of Improvements since purchase \$0.00

Owner's Opinion of Estimated Market Value as of January 2, 2009

\$225,000.00

What are the reasons or documentation supporting the owner's opinion of market value? (Please attach supporting documentation)

There have been 0 comparable sales in the last 24 months in the area with similar location and lot size. There are 2 other lots for sale that have been on the market longer than the one I own and they have not sold in over 3 years. Clearly, based on the economy and the in particular the real estate market in Minnetonka, MN, the lot is not worth the same amount it was one year earlier. Using the basic housing index drop in value of 40% since the peak of 2004, the lot should be valued at \$225,000. We have confirmed with the assessor that no comparable lots have sold and his justification for not lowering the value is the fact it would be arbitrary.

Signature of Applicant

Date Mar 20, 2009

Printform

		List #	Status	Street Address	Area	Municipality	Price	DOM	Acres
1	   	3476935	Active	2071 Austrian Pine Ln	387	Minnetonka	\$350,000	466	.69
2	   	3476934	Active	2074 Austrian Pine Ln	387	Minnetonka	\$399,990	466	.9

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2009 Local Board of Appeal and Equalization – Appeal # 2

Property Information	
Owner	Sidney Brennan
Property Address	1013 Ford Rd
Property ID Number	01-117-22-14-0010
Property Type	Commercial
Owner's Address	1013 Ford Rd, Minnetonka, MN 55305

Valuation Information					
2007		2008		2009	
Land	\$234,400	Land	\$250,000	Land	\$250,000
Building	\$115,600	Building	\$125,000	Building	\$125,000
Total	\$350,000	Total	\$375,000	Total	\$375,000

Owner Information:

This property is a small, residential style office building and the owner wishes to preserve his right to appeal the market value to the Hennepin County Board of Appeal and Equalization in June.

Staff Comments:

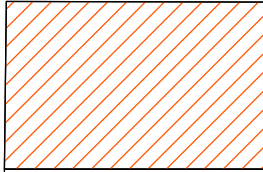
Staff has informed Mr. Brennan that since his property will be listed on the agenda for the Minnetonka Local Board of Appeal and Equalization that he can then continue the appeal process with Hennepin County.

Advisor's Recommendation:

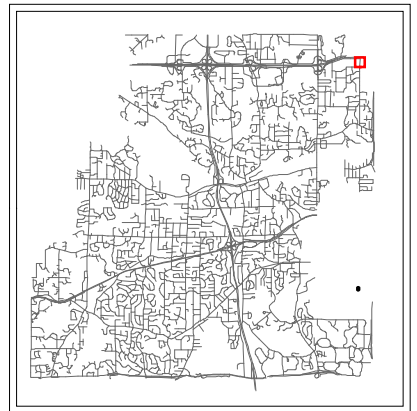
N/A

Wayzata Blvd

Ford Rd



**2009 Local Board of Appeal and Equalization
Appeal 2
Sidney Brennan
1013 Ford Rd
PID: 01-117-22-14-0010**



This map is for illustrative purposes only.



City of Minnetonka

Assessing Division

2009 Local Board of Appeal and Equalization Assessment Appeal

14600 Minnetonka Blvd
Minnetonka, MN 55345
Phone: 952.939.8220
Email: assessor@eminnetonka.com

Fax: 952.939.8244

Office Use Only

Date Returned	_____	Received via	_____
Date Withdrawn	_____	Withdrawn via	_____
Dist	_____	Nbhd	_____
	_____	Appraiser	_____

Return this form to the City of Minnetonka Assessing Division no later than **March 27, 2009**. By submitting this application your appeal will be entered into the record. It is not required to attend the first Board Meeting.

Date 3-27-09

Home number 763-476-1251

Owners Name(s)

Sidney L. & CAROLYN A. Brennan

Work number 952-546-2455

Cellular number _____

Address

1025 City Rd 24

Fax Number 952-546-3680

City

LONE LAKE

State

MN

Zip Code

55356

Email

SLBrennan@CSFAMILY.NET

Property ID#

01-117-22-14-0010

Purchase Date

1990

Property Address

1013 Ford Rd

Purchase Price

28,000

2009 Assessed Market Value as it appears on Notice of Valuation

300,000

2008 Assessed Market Value as it appears on Notice of Valuation

300,000

Additions, Renovations, or Improvements since purchase

NEW ROOF 08, CARPET SLAB 1990

Cost of Improvements since purchase

25,000

Owner's Opinion of Estimated Market Value as of January 2, 2009

250,000

What are the reasons or documentation supporting the owner's opinion of market value? (Please attach supporting documentation)

DECREASE IN MARKET VALUE ^{DUE} TO ECONOMIC DOWNTURN, LACK OF MARKETABILITY DUE TO LACK OF FINANCING

Sidney L. Brennan
Signature of Applicant

Date 3-27-09



**SIDNEY L. BRENNAN, JR.
ATTORNEY AT LAW**

1013 Ford Road
Minnetonka, MN 55305
Telephone: 952/546-2455
Fax: 952/546-3690

Fax Transmission

To: City of Minnetonka, Assessing Division
Fax Number: 952/939-8244
From: Sidney L. Brennan, Jr., Esquire
Re: 1013 Ford Road
Pages: 2 - including this page
Date: March 27, 2009

Comments: 2009 Local Board of Appeal and Equalization Assessment Appeal

CONFIDENTIALITY NOTICE: THE DOCUMENT(S) ACCOMPANYING THIS FAX CONTAIN CONFIDENTIAL INFORMATION WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INTENDED RECIPIENT NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION EXCEPT ITS DIRECTED DELIVERY TO THE INTENDED RECIPIENT NAMED ABOVE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO US.

2009 Local Board of Appeal and Equalization – Appeal # 3

Property Information	
Owner	Robert and Donna Marcue
Property Address	3117 Fairchild Ave
Property ID Number	17-117-22-14-0024
Property Type	Residential Lakeshore
Owner's Address	3117 Fairchild Ave, Wayzata, MN 55391

Valuation Information					
2007		2008		2009	
Land	\$406,000	Land	\$406,000	Land	\$397,900
Building	\$146,400	Building	\$146,400	Building	\$113,900
Total	\$552,400	Total	\$552,400	Total	\$511,800

Owner Information:

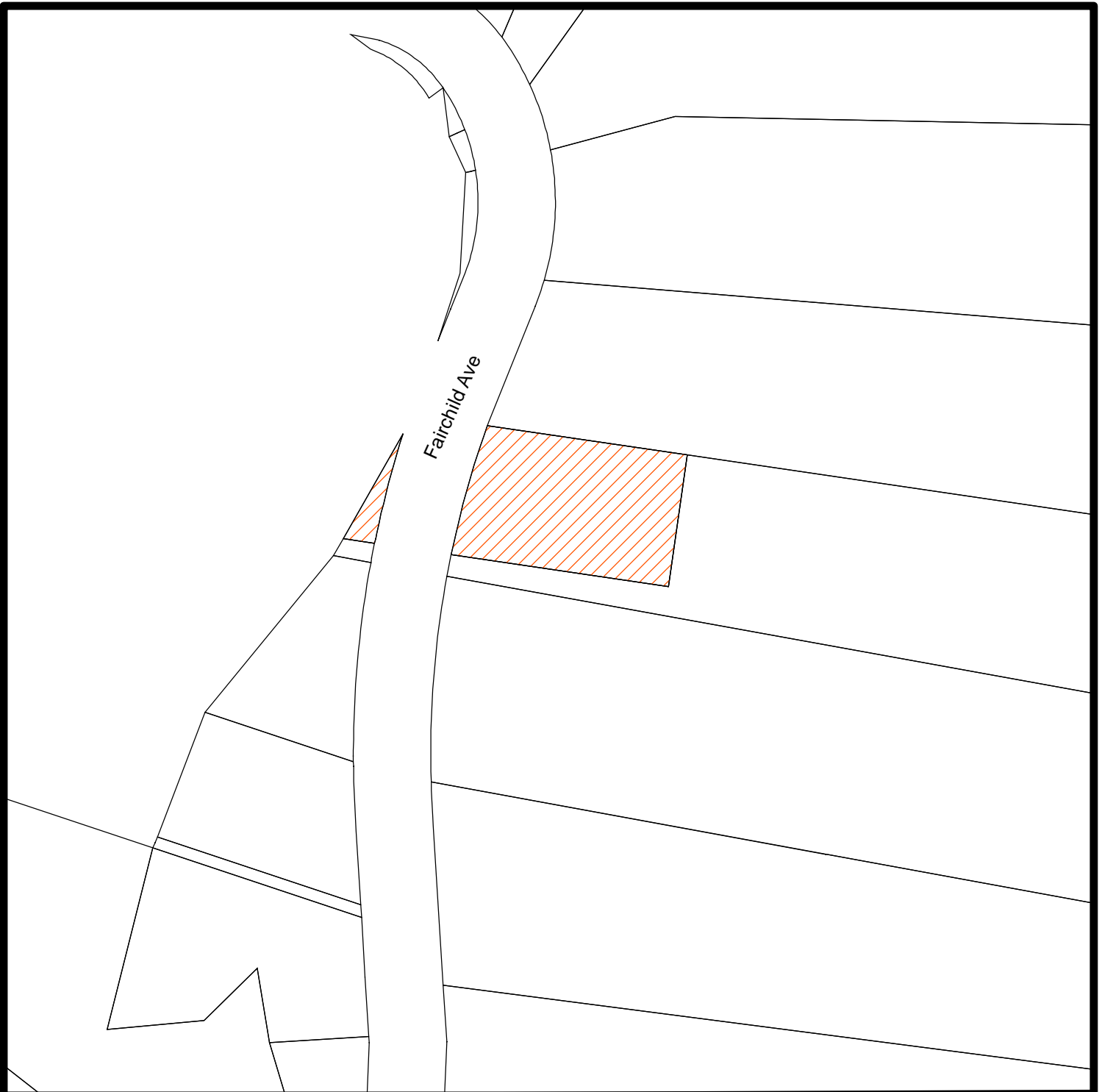
The owner believes that a foreclosure sale on Libbs Lake should be used in determining a reduction in value for his property.

Staff Comments:

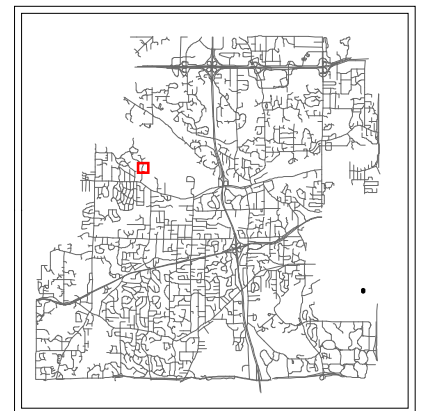
The Minnesota Department of Revenue does not allow the use of foreclosure sales in any sales analysis because they are not representative of a true, arms-length sale. Staff has already reduced the 2009 value by 7.35% to account for the declining market conditions present in 2008 and believes that the value should remain unchanged.

Advisor's Recommendation:

This property was reviewed by Scott Nagel on April 8, 2009. After analyzing recent sale in the Libbs Lake area, Mr. Nagel stated that the 2009 assessed value of \$511,800 was very fair and that it should remain unchanged.



**2009 Local Board of Appeal and Equalization
Appeal 3
Robert and Donna Marcue
3117 Fairchild Ave
PID: 17-117-22-14-0024**



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City of Minnetonka

Assessing Division

2009 Local Board of Appeal and Equalization Assessment Appeal

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Office Use Only:	
Date Returned	<u>03/27/09</u> Received via <u>in person</u>
Date Withdrawn	_____ Withdrawn via _____
Dist	<u>20</u> Nbhd _____ Appraiser <u>EKJ</u>

Date	<u>3/25/2009</u>	Home Number	<u>952.933.3655</u>
Owners Name(s)	<u>Robert MARCUE & DONNA</u>	Work Number	_____
Address	<u>3117 FAIRCHILD AVE</u>	Cellular Number	<u>952.484.7933</u>
City	<u>WAYZATA</u> State <u>MN</u> Zip Code <u>55391</u>	Fax Number	_____
Email	<u>rdmarcue@earthlink.net</u>		

Property ID#	<u>17-117-22-14-0024</u>	Purchase Date	<u>JUL 1980</u>
Property Address	<u>3117 FAIRCHILD AVE</u>	Purchase Price	<u>\$ 147,000</u>
2009 Assessed Market Value as it appears on Notice of Valuation	<u>\$ 511,800</u>		
2008 Assessed Market Value as it appears on Notice of Valuation	<u>\$ 552,400</u>		

Additions, Renovations, or Improvements since purchase	<u>16'x20' Dining Room Addition in 1989</u>		
Cost of Improvements since purchase	_____	Owner's Opinion of Estimated Market Value as of January 2, 2009	_____
What are the reasons or documentation supporting the owner's opinion of market value? (Please attach supporting documentation)	<div style="border: 1px solid black; height: 100px;"></div>		

RB. Marcue
Signature of Applicant

Date

Print Form

We contend that the land value on our property at 3117 Fairchild should be considerably less than my neighbors, who have 3-acre lots with expansive back yards, one with a swimming pool. Our property has a small back yard with another house out our back window.

Also, our property has Fairchild Avenue between our house and the lake.

The most recent history in the Libbs Lake area is at 16901 Grays Bay Blvd. Here a property valued at \$545,400 by the city actually sold for \$300,000 in a foreclosure. That is history, yet is not included in the calculations of the declining values of property on the lakeshore. Other properties have substantially reduced their sale prices, but are not moving to provide you history.

Our valuation has gone up 151% since 1999. We believe this is excessive for only a 10 - year period!

2009 Local Board of Appeal and Equalization – Appeal # 9

Property Information	
Owner	Daryl Borneman
Property Address	9601 Oak Rdge Tr
Property ID Number	13-117-22-41-0052
Property Type	Residential
Owner's Address	9601 Oak Ridge Tr, Minnetonka, MN 55305

Valuation Information					
2007		2008		2009	
Land	\$98,000	Land	\$150,000	Land	\$150,000
Building	\$821,600	Building	\$769,600	Building	\$714,700
Total	\$919,600	Total	\$919,600	Total	\$864,700

Owner Information:

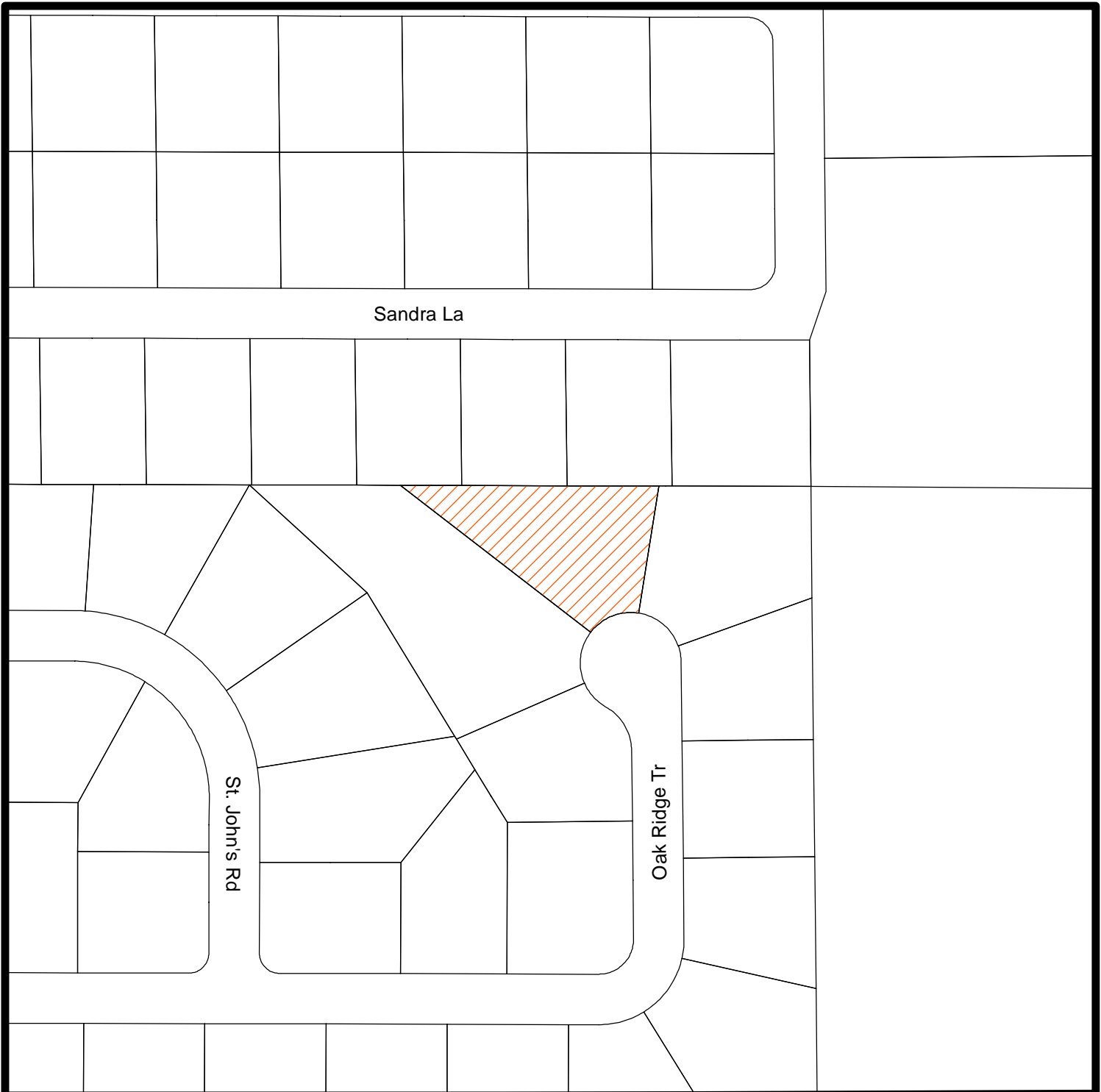
Mr. Borneman believes that based on the current listing price of a house on Oak Ridge Trail his property value should be reduced to \$525,000.

Staff Comments:

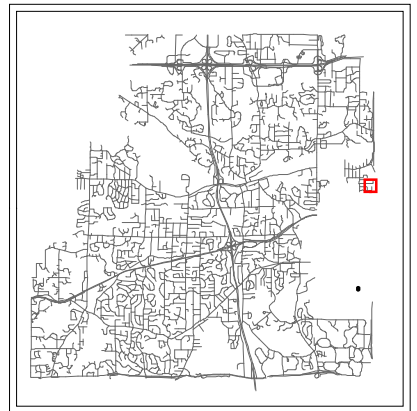
Staff sent two letters in both 2003 and 2006 requesting an interior inspection as part of the quintile process, but access was not allowed on either occasion. When Mr. Borneman called during the review period in March, an appointment was set up and an interior inspection was done on March 19, 2009. As a result of that inspection, characteristics were changed in the CAMA (computer aided mass appraisal) system and a new value was determined to be \$676,000. This new value would recognize and account for the items of deferred maintenance cited by the property owner in his appeal. Mr. Borneman rejected this offer to reduce his value and wants to continue his appeal to the Local Board of Appeal and Equalization.

Advisor's Recommendation:

This property was inspected by Larry Kriedberg and Herb Bacal on April 8, 2009. The advisors stated that the property had been mechanically maintained, however there had been no cosmetic updates for the past 30 years. The advisors researched their own comparable sales, and after adjusting for the condition of the subject property determined that the value should be reduced to \$540,000.



**2009 Local Board of Appeal and Equalization
Appeal 9
Daryl Borneman
9601 Oak Ridge Tr
PID: 13-117-22-41-0052**



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Assessing Division

2009 Local Board of Appeal and Equalization Assessment Appeal

14600 Minnetonka Blvd
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Office Use Only:		
Date Returned	<u>03/29/09</u>	Received via <u>email</u> <input checked="" type="radio"/>
Date Withdrawn	_____	Withdrawn via _____ <input type="radio"/>
Dist <u>01</u> <input checked="" type="radio"/>	Nbhd <u>2807</u>	Appraiser <u>JJD</u> <input checked="" type="radio"/>

Date <u>03/27/2009</u>	Home number _____
Owners Name(s) <u>Daryl Borneman</u>	Work number _____
Address <u>9601 Oak Ridge Trl</u>	Cellular number <u>619.632.7906</u>
City <u>Minnetonka</u> State <u>MN</u> Zip Code <u>55305</u>	Fax Number _____
Email <u>d_borneman@msn.com</u>	

Property ID# <u>13-117-22 41 0052</u>	Purchase Date <u>12/30/1980</u>
Property Address <u>9601 Oak Ridge Trl</u>	Purchase Price <u>200,000.00</u>
2009 Assessed Market Value as it appears on Notice of Valuation <u>849,200</u>	
2008 Assessed Market Value as it appears on Notice of Valuation <u>738,500</u>	

Additions, Renovations, or Improvements since purchase	<u>Landscape and driveway and update the kitchen.</u>
Cost of Improvements since purchase <u>65,000</u>	Owner's Opinion of Estimated Market Value as of January 2, 2009 <u>525,000</u>
What are the reasons or documentation supporting the owner's opinion of market value? (Please attach supporting documentation)	<p>A home across the street at 9611 has 5 bedrooms to my 3 and more finished square footage than mine, is on the market today with an asking price of 319,000.</p> <p>For my house today as is, I would entertain a cash offer of 460,000. It needs about 70,000 to bring it up to date and fix the various items that need to be done, then the right price would be in the area of 575,000 - 599,000. Thus a taxable value of 525,000 would not be very far out of line and more in keeping with the evaluations of the other property in the area.</p>

Signature of Applicant

Date 03/27/2009

Daryl Borneman

Print Form