



MINUTES
CITY COUNCIL BOARD OF REVIEW MEETING
April 21, 2009

CALL TO ORDER

The meeting was called to order at 6:37 pm.

Present: Mayor: Randy Gilbert; Council: Sharon Henderson, Brian Carpenter, and Liz Olson

Staff Present: Public Works Director: Marv Wurzer; City Clerk: Jeanette Moeller; Consulting City Planner: Ann Perry; and City Attorney: Cindy Kirchoff

Absent: Council: Sam Rettinger (with prior notice); City Administrator: Terrance Post (with prior notice)

APPROVE AGENDA

A motion was made by Henderson, seconded by Carpenter, to approve the Agenda as presented. Ayes: all.

BOARD OF REVIEW PRESENTATION

City Assessor Mike Schachterle stated that his office reviews and reappraises 20% of properties in the City each year. Only one application for review of valuation or classification had been received prior to the meeting from Paul Goshgarian, 1977 West Wayzata Boulevard; however, since objections may also be filed at the meeting, two additional property owners were in attendance to discuss their property valuations.

Paul Goshgarian, 1977 West Wayzata Boulevard

Mr. Goshgarian provided a history of his property and discussed his inability to use the residential structure on the site for any use other than a business. He explained that he faced a financial hardship in that his lease with the current business tenant did not include escalation for his annual tax burden. He asked that either his valuation be reduced or the classification of his property be changed back to a residential classification for three years until the lease with his tenant expires.

City Attorney Cindy Kirchoff explained the difference between zoning classification and property classification; and specifically noted that at the time Mr. Goshgarian had purchased the property, it was zoned B1 and the residential home was only a legal non-conforming use until the structure had been rented to a business, bringing the property into compliance with zoning requirements. The property cannot in the future be rented out as residence as zoning allows only business uses.

Jim Atchison, Hennepin County Assessor's office, clarified that statute dictates that if a property is being used commercially it must be classified commercial for property classification and valuation purposes – it may not be classified residential or agricultural.

Mayor Gilbert stated that since an argument to change the property's classification would be unsuccessful as its use is a commercial one, Mr. Goshgarian could try to appeal the property's valuation based on comparable sales or valuations if he would like an opportunity to do so.

City Assessor Mike Sheplee noted the Board could vote for no change and refer the application on to the County, or could review the application again in two weeks by continuing the hearing.

The Board was in agreement that the hearing could be left open and continued to May 5 in order to allow the applicant time to do more research on comparable properties.

Patrick & Carol Brickley, 1798 Martha Lane and 1802 Symes Street

Mr. Brickley described his two properties and said that he was objecting to an increase in their valuations because he found it difficult to imagine their value had increased in the current economy, and other properties in his neighborhood had changed hands in 2005 and had both gone down in value from their purchase prices. He had experienced some difficulty in trying to find current comparable properties that had sold recently in Long Lake – the three sales he had found were dissimilar to his properties.

Council members discussed Mr. Brickley's properties and offered some suggestions on where to find comparable sales. Mr. Brickley indicated he would be interested in reappearing before the Board in two weeks allowing him additional research time to justify his valuation reduction request.

Brad Johnston on Behalf of Sam Marfield (Owner), 242 Upper Lea Lane

Mr. Johnston stated that he is the tenant at 242 Upper Lea Lane and was appearing on behalf of the property owner, Sam Marfield, to object to the property's valuation. The valuation listed is significantly higher than the price Mr. Marfield had purchased the property for; however, the property was a foreclosure at the time it was purchased. Mr. Johnston indicated that the property was in poor condition at the time it was purchased – not sellable, but livable for a bachelor. The current assessed value of the property seems high given its condition.

Given that Mr. Johnston had not been able to present Mr. Marfield's objection until the meeting date arrived, Mr. Johnston was offered an opportunity to research comparable sales and present an argument at a May 5 Board of Review continuation hearing. Mr. Johnston responded that he would be interested in doing so.

RECESS

Hearing no objection, Mayor Gilbert recessed the meeting by general consent at 8:20 pm, to be reconvened on Tuesday, May 5, 2009 beginning at 6:30 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk