

**Minutes of the Board of Review  
Town of Lisbon Town Hall  
Wednesday, June 12, 2019  
6:00 P.M.**

**Call 2019 Board of Review to Order.** Call to order the 2019 Board of Review at 6:03 PM.

**Roll Call.** Present: Supervisors Becky Plotecher, Linda Beal, Tedia Gamino, Board of Review Alternate Member Matt Gehrke, Assessor Mike Grota and Clerk Dan Green.

**Statement of Public Notice.**

The notice of the Board of Review was posted and sent to the paper on April 17<sup>th</sup>, meeting the statutory deadline. Public notices were posted at the Town Hall, the Fire Station, the DPW Building and the Town's website in accordance with State Statutes.

**Discussion and necessary action to approve the June 5, 2018 BOR minutes.**

Motion by Supervisor Plotecher to approve the June 5, 2018 BOR minutes. Seconded by Supervisor Beal. Motion passed, 3-0.

**Select a Chairperson and Vice Chairperson.**

*Motion by Supervisor Plotecher to appoint Matt Gehrke as Board of Review Chairperson. Seconded by Supervisor Beal. Motion passed 4-0.*

*Motion by Matt Gehrke to appoint Supervisor Plotecher as Board of Review Vice Chairperson. Seconded by Supervisor Gamino. Motion passed, 4-0.*

**Verify that a member has met the mandatory training requirements.**

Supervisors Becky Plotecher, Tedia Gamino and Linda Beal meet the training requirements as of June 12, 2019.

**Receive the 2019 Assessment Roll from the Assessor.**

The 2019 Assessment Roll has been received from the Assessor and signed with an affidavit.

**Review 2019 Assessment Roll and Perform Statutory Duties.**

All statutory duties have been performed.

**Review Notices of Intent to File Objection.**

I received two objections, one of whom withdrew their objection. The objection being heard tonight was received on April 29, 2019.

**Hearings on Objections filed:**

**Craig Bald, for the property located at N86W27840 Hawksview Court, Hartland, WI 53029, LSBT 0170.003.** – *Applicant withdrew his objection on June 10, 2019.*

**John & Marilynn Spitz, for the property located at W267N6389 Top O Hill Drive, Lisbon, WI 53089, LSBT 0258.999.002.**

LSBT 0258.999.002 – Assessment as of January 1, 2019 is:

L: \$3,552,200  
I: \$693,700  
T: \$4,245,900

Chairperson Gerhke reviewed the procedures of the Board of Review to the petitioner. Mr. Gerhke presented the first case of Mr. John Spitz and clarified that the address in question is W270N6166 Moraine Drive, Sussex, WI. This property has multiple tax key numbers but all value is represented on LSBT 0258.999.002. Mr. Gerhke also stated the property owner is to be aware that the Board of Review under state law is required to uphold the Assessor's valuation of the property as being correct unless you by your testimony can show the Assessor's valuation to be incorrect. The burden of proof is on the taxpayer.

**Testimony of the Property Owner:**

Mr. John Spitz was sworn in by the Town Clerk. Mr. Spitz had submitted documents to the Town Clerk at the time of filing his objection which were distributed to the Board. Mr. Spitz presented the following as testimony :

- The market value of privately owned public daily user fee golf courses has declined since the mid 1990s.
- The applicant sold a golf course in New Berlin (Waukesha County) on April 15, 2019 for 370,000 for 78 acres. The fair market value according to New Berlin was \$897,400. Mr. Spitz presented this as a comparable property as it is in the Metropolitan Milwaukee Area.
- The assessed value of a golf course in Saukville, Wisconsin called "The Bog" is assessed \$2,200,000 and was purchased for \$2,100,000 in 2016. He considered this golf course to be much better quality than his.
- He believed his property tax bill should be based on the real estate itself (land and improvements) and not on the revenue of his businesses.
- Presented 4 golf courses he considered comparable, presenting acreage, land value, improvements, total value, estimated land fair market value, estimated improvements fair market value and estimated total fair market value. He included the following golf courses:
  - The Bog, 3121 County Road I, Saukville, WI: Assessment - \$2,200,000
  - Silver Spring, N56W21318 Silver Spring Drive, Menomonee Falls, WI: Assessment - \$2,687,700
  - Fairways of Woodside, W235N8518 Clubhouse Cir., Sussex, WI: Assessment - \$2,298,500
  - Songbird Hills, W259N8700 WI-164, Hartland, WI: Assessment - \$1,825,500

**Board of Review Members asked questions of the property owner.**

Supervisor Gamino asked if there were any changes or updates to the property since 2017. Mr. Spitz explained there was a shelter built that increased the assessment by \$21,000. She also asked if there were any other improvements done in 2018. Mr. Spitz explained that over the years the golf course continues to make land improvements and changes to the appearance of the golf course. He explained has not done any major changes to the structure, just landscaping and maintenance. Supervisor Gamino asked if there were any major changes to his assessment in recent years. Mr. Spitz replied no, only back in 2001 or 2002.

Supervisor Plotecher asked if Mr. Spitz has ever disputed his assessment at Board of Review in the past and how he came up with a 1.7 million dollar evaluation. Mr. Spitz explained he never has before and he got the proposed assessment based on the Bog's evaluation and his thinking that he should be valued less than their 2.2 million dollar evolution.

**Assessor questions for the property owner.**

Assessor Grota asked Mr. Spitz when the golf course opened. Mr. Spitz stated he opened in 1996 and went on to explain that in 2001 was a monumental year and slowed down considerably with the recession. Mr. Grota asked, with those two life changing events of 9/11 and the recession, has golf fully recovered and is it trending downward? Mr. Spitz replied yes.

Assessor Grota explained that Mr. Spitz and himself had discussions during open book regarding income and expenses and asked Mr. Spitz if he thought real estate and business should be separate. Mr. Spitz stated yes, business is a day to day operation that you get out of what you put into and is more volatile than the value of property.

Assessor Grota explained that most golf course sales he has see have been under some sort of duress and there usually is not a willing buyer or seller. He asked Mr. Spitz if there were any other golf courses in the area with similar quality to his. Mr. Spitz stated he is not a golfer and would not know.

**Assessor Testimony:**

Assessor Grota presented the following items as testimony:

- Lisbon Golf Course Comparison of comparable properties, measuring assessment criteria based on the number of holes, the dollar amount per hole, the number of acres, the square footage of the clubhouse, the age and square feet of the accessory buildings.
- He introduced a packet for each golf course in the Town including Fairways of Woodside, Songbird and Ironwood. These properties were evaluated using the same approach including size, age, amenities and income.
- Wisconsin State Statute §70.32 dictates how to value real estate. Real property shall be valued in the manner specified in the manual from actual view or from the best information the assessor can obtain; at the full value which could ordinarily be obtained therefor at private sale. In determining the value, the assessor shall consider recent arm's-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property; recent arm's-length sales of reasonably comparable property; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed.
- Assessor Grota explained Fairways of Woodside is made up two parcels and the assessment described by the objector was incorrect. The combined assessment of Fairways is \$3,420,600.
- The only change to the assessment on this property from 2018 is due to the changes to the porch and terrace.
- The comparable golf courses in Lisbon are 18-hole golf courses as Ironwood is a 27-hole course. The cost per hole for Ironwood is less than that of Fairways of Woodside
- Assessor Grota explained it would be unfair to make a comparison chart of recent sales as a lot of golf course sales are made in duress and would not be a fair comparable.

**Property Owner questions for the Assessor:**

Mr. Spitz asked the assessor if it was considered by his office if the value would be determined based on the purchase price if a subdivision were to go in that area. Assessor Grota stated this was not considered when evaluating the assessment of this property.

Mr Spitz asked if the assessment of golf courses was in his office's domain. Mr. Grota stated it was and he handles 30 to 35 golf courses in his office.

Mr. Spitz asked the assessor what he uses as a bench mark for measuring the value of golf courses and mentioned the sale of Erin Hills. Mr. Grota stated that Erin Hills was an aberration and that the owner had a lot of money to invest in the property. Mr. Spitz clarified that his land value is higher because they has gone above and beyond to offer more than the next person. The assessor responded that the overall assessment is based on land and improvements and they are inseparable. In that senese you can only contest the overall value of the property, not one or the other.

**BOR questions for the Assessor.**

Supervisor Gamino questioned the land value of Fairways of Woodside. Her calculations show the land value being off nearly \$150,000 from Ironwood. Mr. Grota explained that the value of the clubhouse and other improvements is approximately 2.2 million dollars and the land is 1.1 million dollars. Supervisor Gamino asked if the "per hole" evaluation was the standard way to value golf courses. Assessor Grota stated he thinks it is a good way to value, especially when you are looking for comparison purposes. Supervisor Gamino asked if the land is indicative of the income generated. The assessor stated yes, and used the comparison of a strip mall. They look at income and expense to determine evaluation in the same way and similar to if a resident does not allow and assessor into their house, the assessor has to use the best knowledge they have. Supervisor Gamino stated when she broke down Songbird's dollar per acre, as well as Fairways and Ironwood, she came up with different value per acre. She asked how he explained the discrepancy for land value itself. The assessor stated it was also based on location and value of the course. He explained golf courses will not sell solely on looks and location but on return on investment.

Board of Review Chairman Gehrke asked if there was evidence that the Bog was sold at 2.1 or 2.2 million dollars. Mr. Grota stated he was led to believe 2.2 million but it could be 2.1 million. Assessor Grota explained there is an overweight to the land value but an underweight to the improvement value which explains some of the discrepancy between Fairways of Woodside. Mr. Gehrke explained if there are comparable sales, it comes into play prior to the income approach and if there are no comparable sales and if the land wasn't sold recently, they have to go with other approaches. Assessor Grota explained since income of other entities are confidential, they cannot bring comparables of other courses using the income approach. Mr. Gehrke also stated for the record that this property has multiple tax key numbers, but the assessment is listed under one tax key number.

**Closing Arguments**

Mr. Spitz stated his assessment should be based on the land and not the business or the cost of construction.

Mr. Grota explained he used a reasonable approach to keep equiable values of golf courses here and in other counties. He has confidence in his assessment and explained it is best to look at income and

expenses. He also explained that there are equity issues between all golf courses and if the board makes an adjustment to this golf course they should make adjustments to all the others in the Town.

**THE RECORD IS CLOSED, NO FURTHER TESTIMONY WAS TAKEN.**

**Board Deliberations.**

Supervisor Beal explained she is a realtor by trade and she deals with assessment based on value. She stated this is what we pay Grota for. She would go along with the assessor's evaluation based on the acreage and the quality of the course.

Supervisor Gamino explained this is not a new assessment year and was expecting to see more trusting information and to see what challenges were made to the assessment in the past. She explained that the income and expense is a way of valuing because the land is essentially the business. Without that information, she explained we cannot value the absence of information give. She also stated that the objector has the burden of proof, and if the assessor does not have the information to make his assessment, they are hard pressed to say he has met the burden of proof.

Supervisor Plotecher explained the objection brought up two comparable properties that are in different parts of the state. She explained location matters a lot despite the fact this property has more acreage, including 100 more acres than Fairways and a larger clubhouse. She stated she has to go with the opinion of the assessor.

Matt Gehrke agreed they are looking for uniformity and thought the assessment is justified. He stated comparable sales could show an evaluation of less than 4 million dollars, but there is no support for a 1.7 million dollar assessment. These evaluations cannot be pulled out of thin air, they have to be calculated.

*Motion by Tedia that exercising its judgment and discretion, pursuant to section 70.49 (9)(a), Wis. Stats., the Board of Review, by majority and roll call vote hereby determines that the Assessor's value is correct, and sustains the same as set by the Assessor at \$4, 245,900. Seconded by Supervisor Beal.*

**ROLL CALL VOTE:**

Chairman Gehrke - YES  
Supervisor Beal - YES  
Supervisor Plotecher - YES  
Supervisor Gamino - YES

*Motion carried 4-0.*

**Communications and any other business as authorized by law.**

**Discussion and necessary action to approve the 2019 Assessment Roll as corrected by the Assessor (if any corrections were made) and adjourn the Board of Review subject to the Clerk's satisfying the statutory duties.**

*Motion by Supervisor Gamino to approve the assessment roll as corrected and adjourn the Board of Review subject to the Clerk's satisfying the statutory duties at 8:19 PM. Seconded by Supervisor Beal. Motion carried, 4-0.*

Dan Green, WCMC  
Town Clerk