

BOARD OF EQUALIZATION
THE CITY AND BOROUGH OF JUNEAU, ALASKA
Monday, May 12, 2014 at 5:30 PM
Assembly Chambers, Municipal Building
155 S Seward St (City Hall)

I. CALL TO ORDER: Chair Mike Boyer called the meeting to order at 5:30 p.m.

II. ROLL CALL

Board Present: Mike Boyer, Panelist; Paul Nowlin, Panelist; Pat Watt, Panelist.
David Epstein and Barbara Sheinberg, Board Members, were present in the audience.

Staff Present: Laurie Sica, Municipal Clerk; Jane Sebens, Assistant Attorney III;
Robin Potter, City Assessor, John Sahnaw, Appraiser III; Dora Prince, Appraiser II.

III. APPROVAL OF MINUTES

Board of Equalization, Orientation and Training, April 30, 2014

MOTION, by Watt, to approve the minutes of April 30, 2014 Board of Equalization meeting. Hearing no objection, the minutes were approved.

IV. PROPERTY APPEALS

Mr. Boyer said the appellant had the burden of proof to show that the property assessment was unequal, excessive, improper, or undervalued, according to facts stated in the written appeal or proven at the hearing. The appellant would present their argument first, followed by the assessor, and the appellant could reserve time for a reply. He set a time frame of ten minutes for each presentation, and following this the board would deliberate and make a motion. The hearing was informal. The Clerk provided an oath to both the appellants and appellees. (The order of the minutes follows the agenda, however, the only appellants to appear were the Dapcevich family and Mr. Denton, so those were heard by the Board first.)

Appeal #1 -

Subject Property: Parcel # 5B2401420140, Location: 8175 Threadneedle Street

Appellant Name: Sweeney

2014 Preliminary Assessed Value:

Site: \$ 132,100 Improvements: \$ 299,100 Total: \$431,200

Owner's Estimated Value:

Site: N/A Improvements: N/A Total: \$380,000

Assessor's Recommendation:

Site: \$132,100 Improvements: \$299,100 Total: \$431,200

The appellants were not present. Mr. Boyer noted that according to CBJ Code 15.05.180 allowed for the hearing to proceed in the absence of the appellants, given that proper notice was provided.

Mr. Sahnaw said the information in the packet was fairly complicated, because Mr. Sweeney provided a two year old appraisal and stated that the property should be assessed the same as the mid 2012 appraisal. It was common to bring the older sales to a current value and both of those issues were addressed. He also provided more recent sales in the proximity that supported the valuation of the newer house and there was no disagreement on the contributory value of the mobile home. It was not in poor condition, it was a rental. The assessment was fair. His information showed the site was valued equitably as other sites in the area; the same method was used for other homes and other mobile homes

Mr. Boyer asked about a standard for averaging the age of improvements when there were improvements of varying ages on a property. Mr. Sahnaw said that was not a correct method and the age of the improvements were taken into account in the assessment of the property and no further adjustment was warranted.

Mr. Boyer asked if there were comparable sales and Mr. Sahnaw said it was a unique situation to have two residences of varying types like this on one lot.

MOTION, by Watt, to grant the appeal and request a no vote for reasons provided by assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

Appeal #2 -

Subject Property: Parcel # 7B1001040020, Location: 3758 Glacier Hwy

Appellant Name: Dapcevich

2014 Preliminary Assessed Value:

Site: \$ 145,000 Improvements: \$ 235,400 Total: \$ 380,400

Owner's Estimated Value:

Site: \$ 62,000 Improvements: N/A Total: N/A

Assessor's Recommendation:

Site: \$145,000 Improvements: \$ 235,400 Total: \$380,400

Mr. John E. Dapcevich, Mrs. Janice Dapcevich, and Mr. David Dapcevich, their son, were present. Mr. John Dapcevich said the land was way over-priced. He said there was an eagle nest in the tree behind his home on his property and there was no access to two-thirds of the lot. Subdivision standards required that a full-sized road would be required to access the lot and he could not purchase property from the neighbor as that would cut off the neighbor's access from the street above. He called the property "dead land" that could not be used.

Ms. Watt said the lots adjacent to his lot were a similar shape. She asked if the Assessor had been on the site and heard his concerns. Mr. David Dapcevich said the Assessor did visit the property last year.

Mr. Boyer asked about the neighbor accessing the neighbor's property via the Dapcevich's driveway. Mr. John Dapcevich said the neighbor was given permission to use the driveway and in return was required to plow the snow. Mr. Boyer asked if this was a legal easement and how that affected the property's value.

Mr. David Dapcevich spoke about the configuration of the lots on either side of the subject lot and the limitation on the ability to subdivide the property due to access issues. He said the property would be worth more if it could be legally subdivided. He said it was important to assess property equally. In this case, the properties to the north were valued at \$164,200, \$164,000 and \$166,400, and the subject lot was given a \$19-20,000 adjustment for the eagle tree but no adjustment for the fact that the property was undevelopable, and therefore the property should be assessed at a lower rate.

Ms. Watt asked if the constraints on development were discussed with the Assessor. Mr. David Dapcevich said yes, but there was no resolution regarding that issue. When he found that the other properties could be subdivided without creating easements or buying additional property, it clearly made the properties worth more to him. This property has a special circumstance, and they were asking for a lower property assessment.

Ms. Dora Prince met with the appellant and made a thorough inspection of the home and property in 2012 and also handled their appeal in 2013. We discussed the land, the access issues and the topography. She took those factors into account adjusting the value for last year. This year there was a market increase of 2% for the Twin Lakes area and the market increase was applied to the improvements, with a slight adjustment to the site value as part of that market increase. On Page 7, the graph shows there is a 10% adjustment that was given last year which addressed the issues they have brought forward. This year she had a conversation on the phone, and she and the appellant agreed no major changes were made to the subject property, so she used the data that she had from last year, which took into consideration the eagles nest, access issues, topography and the neighbor's easement. The maps provided by the appellant and ourselves, show the lot is typical of that neighborhood and so the Assessor found no need for an adjustment. She approached them with the offer of reducing the value to what we set for last year in 2013, but the appellant preferred to appeal. Ms. Prince said the 2014 value of the site and improvements was fair and equitable.

Ms. Watt asked about the offer to reduce the property value further and Mr. David Dapcevich said it was an offer to reduce the value by \$4,000, but they preferred to make the appeal to the BOE and declined the offer. Mr. John Dapcevich said his land should be valued at \$80,000. Ms. Watt said the burden of proof was upon

the appellant to provide information to substantiate a specific reduction; the board could not do that arbitrarily. The assessor determined the value based on a model which appeared to have been applied consistently.

Mr. Sahnaw said none of the five very similar lots have enough road frontages to be subdivided so they remain similar in that regard and the subject lot is valued \$20,000 less than the others. The inability to develop the back is typical there. Eagle's nests do not prevent development, but they do restrict the season for development, and the tree can't be cut down. For every person who thinks a nest is an imposition, another person feels it is special and there is no market data to show the value or dis-value of eagle's nests. If anything, it is a slight inequity to lower this lot's value; however it does have shared access, which is also very common in the borough.

Mr. Nowlin asked if the offer to lower the property's value to the last year's assessment was still on the table. Mr. Sahnaw said no, the Assessor was presenting the value of \$380,400.

MOTION, by Watt, to grant appeal, and recommended a "no" vote for the reasons provided by the Assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

Appeal #3 –

Mr. Boyer asked to talk about the similar parcels as a group in Appeals 3, 4, 5 and 6. Ms. Sebens said there should be a separate vote on each and if there were distinguishing features, those should be noted.

Mr. Sahnaw said he did not believe that Mr. Robidoux understood the situation. The value this year was the same as last year and it was the result of a long and detailed discussion with Mr. Robidoux about the sites at that time.

Ms. Prince said the Assessor staff met with him last year and discussed his issues. Staff reduced the value based on the value he provided. When he appealed this year, she was not sure he recalled going through all of the information they went over last year. Staff had a conversation with him this year and he refused to sign documentation, and she informed him if he did not sign, that he would need to present his appeal to the board.

Mr. Sahnaw said Mr. Robidoux believed the values were too low, but he didn't say that in his documentation, and he would not sign, withdraw, accept or reject. Mr. Robidoux wrote on his appeal that he did not understand. It was unclear to the Assessor and the Board what he did not understand.

Ms. Watt asked if Mr. Robidoux was elderly. Mr. Sahnaw said no, he was a developer. The sites are wet and fill would be needed to develop the sites. He

signed the value for last year after significant discussion. No development had taken place since that time, there were no changes.

Subject Property: Parcel # 5B2101330110
Location: Hurlock Subdivision, Blk D Lot 3
Appellant Name: Robidoux
2014 Preliminary Assessed Value:
Site: \$ 51,300 Improvements: \$ 51,300 Total: \$ 51,300
Owner's Estimated Value:
Site: N/A Improvements: N/A Total: N/A
Assessor's Recommendation:
Site: \$ 51,300 Improvements: \$ 51,300 Total: \$ 51,300

MOTION, by Nowlin, to grant appeal, and recommended a "no" vote for the reasons provided by the Assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

Appeal #4 –

Subject Property: Parcel # 5B2101330120
Location: Hurlock Subdivision, Blk D Lot 2
Appellant Name: Robidoux
2014 Preliminary Assessed Value:
Site: \$ 55,100 Improvements: \$ 55,100 Total: \$ 55,100
Owner's Estimated Value:
Site: N/A Improvements: N/A Total: N/A
Assessor's Recommendation:
Site: \$ 55,100 Improvements: \$ 55,100 Total: \$ 55,100

MOTION, by Nowlin, to grant appeal, and recommended a "no" vote for the reasons provided by the Assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

Appeal #5 -

Subject Property: Parcel # 5B2101330130
Location: Hurlock Subdivision, Blk D Lot 1
Appellant Name: Robidoux
2014 Preliminary Assessed Value:
Site: \$ 55,100 Improvements: \$ 55,100 Total: \$ 55,100
Owner's Estimated Value:
Site: N/A Improvements: N/A Total: N/A
Assessor's Recommendation:
Site: \$ 55,100 Improvements: \$ 55,100 Total: \$ 55,100

MOTION, by Nowlin, to grant appeal, and recommended a “no” vote for the reasons provided by the Assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

Appeal #6 -

Subject Property: Parcel # 5B2101330160

Location: Hurlock Subdivision, Blk D Lot 5

Appellant Name: Robidoux

2014 Preliminary Assessed Value:

Site: \$ 53,100 Improvements: \$ 53,100 Total: \$ 53,100

Owner's Estimated Value:

Site: N/A Improvements: N/A Total: N/A

Assessor's Recommendation:

Site: \$ 53,100 Improvements: \$ 53,100 Total: \$ 53,100

MOTION, by Nowlin, to grant appeal, and recommended a “no” vote for the reasons provided by the Assessor. There were no votes in the affirmative. Three members voted no. The appeal was denied.

V. LATE FILED APPEALS

Mr. Boyer explained that for late files, the Board would not review the merits of the case but would evaluate the inability to make a timely filing. The standard was inability due to something beyond the applicant’s control.

5401 COMMERCIAL BLVD	5B1201030005	BRUCE DENTON
175 S FRANKLIN ST STE 304	1C070B0J0010	BRUCE DENTON

Mr. Bruce Denton was present and said he provided a statement in his appeal about the reasons for a late filing.

Mr. Boyer asked if there was any legal impediment to filing, if there was any inability on Mr. Denton’s part to legally file the paperwork on the behalf of the property owner. Mr. Denton said no, there were just an overwhelming number of things that had happened. He was two days late in filing and there were two filings, but he had resolved the 5401 Commercial Blvd filing with the Assessors, it was only the 175 S. Franklin St. Ste. 304, aka “Senate Building,” that was an issue. He said the assessment on the storage units (the other filing) was a mistake on the part of the Assessor and the assessment was reduced from a little over \$1.6 million to \$298,000 but the business had been paying it at the higher assessment for six years. They had paid approximately \$100,000 more in taxes since Mr. Spencer had been incapacitated.

Mr. Boyer asked Mr. Denton when he took over the management of the property. Mr. Denton said the week before Mr. Spencer died on September 12, 2013. Senate

Properties was a general partnership and two of the Mini-storages were LLC's and one was a general partnership.

Ms. Watt said it was hard to find a reason that was beyond Mr. Denton's control, but she could understand the weight of taking care of all of the affairs that fell on Mr. Denton and she said she was sure his efforts were appreciated.

MOTION, by Nowlin, to hear the late file appeal, and he asked for a "no" vote due to lack of evidence for a reason that the appeal could not be filed timely. There were no votes in the affirmative. Three members voted no. The late filed appeal was not accepted.

TEE HARBOR BL 2 L 7 & 27	8B3701020070	CARROL & JOANNE MARTIN
TEE HARBOR BL 2 6 & 28	8B3701020060	CARROL & JOANNE MARTIN
TEE HARBOR BL 2 8 & 26	8B3701020080	CARROL & JOANNE MARTIN

Mr. Nowlin noted that the appellant stated she had physical ailments and Ms. Watt noted hospitalization. Mr. Boyer asked Mr. Sahnaw about any contact with the appellant or further information about the matter. Ms. Watt stated that there were no dates provided about the hospitalization. Mr. Nowlin recommended giving Ms. Martin the benefit of the doubt regarding the filing.

MOTION, by Nowlin, to hear the late file appeal. Three members voted yes. The late filed appeal was accepted.

4900 GLACIER HWY	5B1001000060	MARTHA KAY GRAY
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Ms. Watt said this case appears to have medical issues and a circumstance of the appellant being out of town. She was willing to give the appellant the benefit of the doubt.

MOTION, by Nowlin, to hear the late file appeal. Three members voted yes. The late filed appeal was accepted.

125 6 TH STREET DOUGLAS	2D0301010212	ANNETTE G.E. SMITH
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Ms. Watt said the only evidence offered was that the appellant thought she had until May 8, 2014 to file an appeal but there was no information that she was unable to file an appeal. Mr. Boyer said the appellant misinterpreted the notice that the original BOE date was May 8, and suggested the assessor consider revising the language on the postcard to clarify the filing date.

MOTION, by Nowlin, to hear the late file appeal, and he asked for a "no" vote due to lack of evidence for a reason that the appeal could not be filed timely. There were no votes in the affirmative. Three members voted no. The late filed appeal was not accepted.

517 4 TH STREET JUNEAU	1C070A540060	K. MICHAEL SCHMIDT
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Ms. Watt noted that the appellant stated that the appellant was out of the country and did not return until the deadline passed. Ms. Watt stated that it was the owner's responsibility to know the deadlines. Mr. Sahnou said that Mr. Schmidt visited the Assessor's office before the appeal period and they discussed all possible avenues that the appellant could use to file an appeal. He was aware of the methods and deadlines.

MOTION, by Nowlin, to hear the late file appeal, and he asked for a "no" vote due to lack of evidence for a reason that the appeal could not be filed timely. There were no votes in the affirmative. Three members voted no. The late filed appeal was not accepted.

235 GOLD STREET	1C070A140070	DONALD MILNES
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Mr. Nowlin noted that the appellant provided a similar reason that stated they were confused about the filing deadline as in the previous case.

MOTION, by Nowlin, to hear the late file appeal, and he asked for a "no" vote due to lack of evidence for a reason that the appeal could not be filed timely. There were no votes in the affirmative. Three members voted no. The late filed appeal was not accepted.

VI. ADJOURNMENT

There being no further business to come before the Board of Equalization, the meeting was adjourned at 6:53 p.m.

Submitted by Laurie Sica, Municipal Clerk