



**SCOTT COUNTY
GOVERNMENT CENTER
TAXATION DEPARTMENT**

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June 9, 2009

Belle Plaine Township Board
Attn: Kevin Slack

Re: 2010 Assessment & forward

Dear Township Board:

This letter is to provide information to you on some issues that Scott County has with the assessment of properties that has occurred in your area over a period of many years.

According to the Roles & Duties that are required by the MN Dept of Revenue for all local assessors to have and retain a license to assess properties, all assessors must comply with these requirements:

- Identify all property in the jurisdiction
- Maintain an **accurate** property record card on every property which must include a property sketch of every structure along with the dimensions. Photo's are also required in Scott County
- Maintain **accurate** information on the quality, condition, depreciation and any amenities on the property
- Identify and assign the appropriate uses (classifications) of every property – this may require multiple classifications to be applied to a property. If the assessor is not income qualified, the County Assessor's office shall handle the commercial/industrial assessment and bill the township directly for their services
- Locate & value all new construction each year
- Attend Local Boards of Appeal & Equalization meetings
- Make all necessary changes ordered by the Local Board
- Do all the splits/combinations of parcels
- Handle all homestead, green acres, agriculture, disabled vets, blind disabled, and all other applications applicable to every property
- The assessment must be completed by February 1 of each year.

If the Local Assessor has not complied with all the statutory requirements to accurately classify and value each property, the County Assessor must complete the work as necessary and bill the Township or City directly for the work they did on behalf of the Township or City.

Scott County has found many problems within your township and we are now involved in trying to get the Township compliant with MN Statutes.

The violations of your local assessor are as follows:

1. Property records are not accurately maintained. We do not have sketches of every structure on properties, nor do we have precise dimensions as to the structures size.
2. Interior inspections are not being completed. Therefore the quality, condition and depreciation of structures are erroneous. We have no indication as to room numbers or total finished area in residential structures, therefore have no sense as to the accuracy of the assessment.
3. Each year, legislation is passed and there are times where the tax bill contains major changes to the classification of property. The 2008 tax bill made major changes to how agricultural property is to be handled and the classification administered. There are provisions that list out 2a and 2b classifications (productive vs non-productive ag land) and the local assessor is responsible for inspecting, classifying and valuing every property. Your local assessor refused to comply with the new provisions by stating he does not get paid enough to do all that work. Scott County has done the preliminary work to keep you compliant, but there is still much work to be done and it will take at least a month to address the 2009 law changes that again, made some changes to properties that are agricultural in nature. Scott County billed the local assessor, as he requested, for the time & effort put in by the County, but statutorily we are to bill the Township. We did not bill 100% of the costs, but in the future, any and all costs affiliated with the local assessment, that is passed onto the County, for any reason, will be billed back to the Township.
4. The local assessor is responsible for meeting with the Planning office to retrieve all permits to review, inspect and value. This has never occurred. There is an expectation that the County will manage the permits and assign him areas to inspect.
5. The Local Assessor has never completed and identified the Statutory 20% quintile that must be physically inspected every year. Assessment books have been returned with little or no information as to what has been reviewed or completed.

Scott County has currently taken over another area that the Local Assessor had been assigned to. Every property inspected so far in that jurisdiction has had problems such as wrong house plans, additions to houses missed along with decks and sheds. The overall quality and sometimes condition, of the houses inspected, has been incorrect, as are the measurements. The owners of the property are totally confused as to what the County is doing there as they have NEVER seen or spoke to assessor before (unless they appealed at some board meeting).

Since properties must be re-inspected once every five years, the County now knows that the quintile assessment has not been getting completed per the MN DOR requirements. Such is why the property records are inaccurate as well.

The issues at hand are grave ones and the County, along with any City or Township, is statutorily held responsible for making sure statues are met. If the Local Board wants to entertain the continued use of a Local Assessor, the County will require 100% compliance with the current laws. Additionally, the local assessor will be tasked with knowing and understanding all current and new legislation as it occurs and seek the appropriate training from the State to assure compliance.

If you wish to have any further information regarding this issue, please feel free to contact me at (952) 496-8167.

Sincerely,

Cynthia M. Geis, County Auditor/Treasurer
Acting County Assessor



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Township appraiser accused of negligence

By sfiecke

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By Shannon Fiecke, Staff Writer

When the property value for Ed Chapman's home along the Minnesota River in rural Jordan kept rising by double digits, he only wanted an explanation.

Chapman mailed a letter to St. Lawrence Township Assessor Leo Anderly to find out what was going on. No one had ever been out to inspect the place, and with fungus growing on the trees and his Cathedral-shaped house in need of recaulking, the assessment seemed out-of-whack.

"It was like he thought there were gold-plated faucets and Corinthian marble throughout the place," Chapman said.

But an answer never came. Anderly couldn't adequately explain what comparison sales data he'd used, Chapman said, and promised to look into the matter, but never got back to him.

Three years later, with his valuation only down 4.6 percent, Chapman finally had enough and appealed to the township board. After Anderly couldn't answer supervisors' questions satisfactorily, Chapman said the appraiser begrudgingly came out to look at his place, but merely drove up his driveway in the Sioux Vista neighborhood and circled right back around — which Chapman said he has captured on video surveillance.

Scott County officials say they've discovered that Anderly — a longtime appraiser hired by Blakeley, St. Lawrence and Belle Plaine townships — was failing to inspect a lot of properties in rural Scott County or return residents' phone calls.

Acting County Assessor Cindy Geis has declared property valuations in St. Lawrence a "mess" after county appraisers began the cumbersome process of re-evaluating every house in the township a few weeks ago and discovered a slew of problems with property descriptions. There are homes with decks marked in the wrong places and properties with pole sheds that don't have them and other properties missing sheds, she said.

"Every property inspected so far in that jurisdiction has had problems," Geis wrote in a June 9 letter to Belle Plaine Treasurer Kevin Slack.

"The overall quality and sometimes condition, of the houses inspected, has been incorrect, as are the measurements."

Anderly — who used to work as a Sibley County appraiser and now farms and is a Sibley County commissioner — declined to talk about the issue when contacted by the Shakopee Valley News last week.

St. Lawrence and Blakeley recently opted to switch to Scott County for valuations and Belle Plaine will be reconsidering its appraisal contract on July 7. (The remainder of the county's 11 townships already contract with Scott County.)

St. Lawrence Clerk Mona Bischof said Anderly has been the township appraiser for at least the 10 years she's served on the board.

"There were some inconsistencies from what Cindy Geis had said, so the board decided rather than have inconsistencies go on, we [would be] consistent with the rest of the townships," she said.

Unfinished work

Geis said Anderly completed property valuations for all three townships in just four weeks last winter, which was a red flag. He assured her office that he'd "looked at all the properties," Geis said, but the county's lead county assessor heard Anderly at a township meeting last year say he doesn't physically inspect properties.

Chapman heard a similar comment at the St. Lawrence Township appeal meeting.

"One of the township members asked him, 'Leo, can't you go out there and take a look?' " Chapman said. "He snapped back at them — I had never heard him use [that tone] — and said, 'I can't be spending all summer long doing assessments and appraisals.' "

Appraisers are supposed to reinspect each property at least every five years (including attempting to look inside), and annually adjust all valuations based on sales data and state law changes. If a property owner appeals a valuation to the local jurisdiction, appraisers commonly come out and reevaluate the property.

Geis, the county auditor who has assumed the role of county assessor until a new one is hired or promoted, said it's unclear how long Anderly was negligent in performing his duties.

Bob Schmitt — a former deputy assessor who served a short stint as county assessor before retiring a year ago — said the annual inspection requirement was communicated to Anderly, and Schmitt had no indication it wasn't being performed. Because Anderly had been a longtime full-time appraiser for Sibley County, Schmitt said he thought Anderly knew how to perform the job. The couple years Schmitt attended township appeal meetings with Anderly, Schmitt said he didn't hear any residents say it had been years since they'd seen Anderly.

Bischof said the turnout and concerns expressed by the handful of residents at this year's board of appeals meeting in St. Lawrence were the same as any year — "where a resident doesn't agree with the value given and wants an explanation."

St. Lawrence Chairman Ted Kornder did not return calls for comment. Township Supervisor Hubert Jeurissen had little to say about the matter, other than the decision to switch to Scott County was made because it was the “right thing to do.” He knew of no complaints about Anderly other than “one guy said maybe he didn’t do it quite right.”

Most other townships used Scott County, Jeurissen said, and supervisors voted to hire Scott County because they thought it might be a “better deal.” He did not know how much it would cost.

Supervisor Les Quatmann said that with the era of computers and new state requirements, he thinks the job responsibilities might have just become too much for Anderly and his capabilities were exhausted.

“He’s a pencil and paper man — some of us still are,” Quatmann said. “He did what he could do.”

That said, Quatmann supports the decision to contract with Scott County, and said he had assumed Anderly was routinely inspecting one-fifth of the township residences.

Chapman said it appeared to him that there was past dissatisfaction among township officials about Anderly’s job performance and this year’s appeal meeting was the straw that broke that camel’s back.

Anderly couldn’t provide a factual basis for the valuation, Chapman said, and defended it by saying another place sold for more than it was appraised.

“I said, ‘Two wrongs don’t make a right,’ ” Chapman said.

Chapman said it was also clear from the appeals meeting that Anderly didn’t have grasp the difference between the state’s Green Acres and agricultural preservation programs.

According to Chapman, Anderly had recently told him he was familiar with Chapman’s neighborhood because he had driven out there and looked at sales brochures, so he knew asking prices. This bothered Chapman because valuations are supposed to be based on actual sales data. In the past when Chapman asked Anderly about comparative sales data, the appraiser was evasive, Chapman said.

Following the township meeting, Chapman said Anderly called to report that he had relooked at the figures for Chapman’s house and asked if a 5 percent drop in value would “satisfy” him.

“I wasn’t looking for satisfaction,” Chapman said, but an accurate assessment.

Chapman said Anderly told him he didn’t plan to be the county’s appeals meeting, which is the last stop before tax court. (Geis said Anderly has never attended the county meeting.)

The next day, Chapman watched a black Ford pickup truck circle his driveway and leave without stopping. He wrote down the license plate number and recognized

Anderly inside. Chapman said the appraiser called later that day and told Chapman he'd stopped by and knocked on the door, but no one answered.

"I thought, 'You son of a gun,' " Chapman said, but he didn't tell Anderly he had seen him.

Anderly was never abusive or rude, Chapman said, "but he couldn't come up with a reasonable reason for why he was placing that figure on the house and why each previous year it went up and up."

A county appraiser came out and "measured every square inch outside and inside, upstairs and downstairs," ran sales comparisons and lowered Chapman's valuation by \$109,000, which was close to what Chapman thought the home was worth.

Geis said the county's concern about Anderly's work started with taxpayers "calling our office, very frustrated because they couldn't get a phone call back from the local assessor."

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Although the county wasn't Anderly's boss, it has a responsibility to make sure valuations are correct.

So far, about a third of St. Lawrence has been examined by Scott County workers in recent weeks. It could take two years for the county to reassess everything and readjust all values. County appraisers will be spot-checking Blakeley and Belle Plaine Townships to see if there are problems there and will bill townships for their work.

Although a substantial number of errors has been found in St. Lawrence, "as far as the graveness of mistakes, the majority of them are going to be minor," Geis said, and will likely have less impact on valuations than general trends in the housing market will.

Unless they've appealed their valuation in the past, the St. Lawrence residents being visited by county assessors have never seen or spoken to an assessor before, according to Geis, so county workers are spending extra time to explain statutory requirements.

“They’re apprehensive, to say the least,” Geis said.

Commissioner Joe Wagner of Sand Creek Township got a call from a concerned resident after a couple inspectors visited her property in St. Lawrence. He went back out with them to look at the home so she’d be more comfortable, he said.

Alleged violations

Geis outlined Anderly’s violations in a letter to Belle Plaine Township:

+ Property records are not accurately maintained. “We do not have sketches of every structure on properties, nor do we have precise dimensions as to the structure’s size.”

+ Interior inspections are not being completed. “Therefore the quality, condition and depreciation of structures are erroneous. We have no indication as to room numbers or total finished area in residential structures, therefore have no sense as to the accuracy of the assessment.”

+ Anderly refused to reclassify agricultural land in accordance with new state law provisions because “he does not get paid enough to do all that work.”

+ Anderly was supposed to meet with the planning department to retrieve all permits to review, inspect and value. “This has never occurred. There is an expectation that the county will manage the permits and assign him areas to inspect.”

+ Anderly has never completed and identified the 20 percent of properties that are to be physically inspected every year. “Assessment books have been returned with little or no information as to what has been reviewed or completed.”

There are also tasks the county had performed for Anderly that it will no longer do free-of-charge.

Bischof said county employees in the past helped do work that maybe Anderly should have been doing. “As people retire and new people come in, things change. I think some of that was happening,” she said.

When he was with the county, Schmitt said the department plugged Anderly’s valuation numbers into a computer system that double-checks valuations are within an acceptable range of what properties sold for. (Appraisers are supposed to use comparison sales data at the front end of their work as well.)

The county has since told Anderly it will no longer perform this data entry for him for free.

The county continued to enter data this year, but in the future will bill townships if they continue to employ Anderly and he doesn’t enter it himself, Geis said.

The county also billed Anderly for its preliminary

work to reclassify agricultural land to comply with the state's new Green Acres requirements. He did not want to perform the work and did not pay the county. The county plans to cancel the invoice and bill the townships for the initial work. It will charge all remaining work to the townships as well.

Schmitt said he never noticed an alarming number of discrepancies with Anderly's valuations for the townships, noting that it can be difficult to set values because there are often few sales to draw from in rural areas.

Blakeley Clerk Maureen Busse said she'd heard no complaints from residents about Anderly, but the board decided to go with Scott County at its last meeting after discussion that Anderly hadn't been doing his work. A call to Chairman Brian Schmidt for more information about the decision wasn't returned.

In Belle Plaine, where the board will consider whether to retain Anderly on July 7, Clerk Jean McDermant said "blame needs to be shared" and it appears the county and township also dropped the ball in overseeing the valuation process.

Belle Plaine Treasurer Kevin Slack said Anderly has been the township appraiser since at least 1997, when Slack joined the board.

State law changes regarding the classification of agricultural land have created a lot of headaches for appraisers and generated most of the valuation appeals this year, Slack said.

Slack said there haven't been significant problems or complaints noted about Anderly in the past — either from the county or taxpayers.

The Belle Plaine board will likely address its contract with Anderly at its next meeting, Slack said. Anderly has not officially indicated whether he wants to remain on as the township assessor.

Belle Plaine paid Anderly \$5,200 for his services and the county is charging the township an additional \$1,600 for reviewing agricultural classifications, McDermant reported.

The county has offered to conduct valuations in Belle Plaine, which has approximately 800 residents, for an annual fee of \$8,500, according to unapproved township minutes.

Geis said a taxpayer has contacted the state about Anderly, but the county has not determined yet whether to file a complaint with the state licensing board.

When reached last week, Deb Volkert, executive secretary of the Minnesota Board of Assessors, knew of no complaints filed about Anderly.

Since she's been on the board, Volkert said it hasn't been faced with a complaint of the nature of issues raised in Scott County.

John Hagen, assistant director of the property tax division for the Minnesota Department of Revenue, said it is the county's responsibility to review assessor's records annually and determine if there is an issue with an assessor. If the county is unsatisfied with someone's work, it can redo it and bill the city or township, he said.

If a local determination is made that an assessor didn't adequately perform his or her duties, it would be reasonable for the county or township to approach the state board of licensing to look into an assessor's licensure, Hagen said. A taxpayer could also raise a complaint.

Shannon Fiecke can be reached at (952) 345-6679 or sfiecke@swpub.com.

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