

BIG STONE COUNTY BOARD OF APPEAL AND EQUALIZATION
June 12, 2018

The Big Stone County Board of Appeal and Equalization met in the Commissioner's Room at 7:00 PM on Tuesday, June 12, 2018. Chairman Olson called the meeting to order with Commissioners Athey, Backer, and Sandberg and County Auditor Michelle Knutson present. Commissioner Berning was absent. Also present were County Assessor Sandy Vold, Deputy Assessor/Appraiser Barb Amundson, Appraiser Eric Banken, County Attorney Joe Glasrud, Greg Thompson, Chuck Thompson, Dan Thompson, Mark Thompson, and Thom Peterson. The Pledge of Allegiance followed and the Oath of Office was duly administered to the members of the Board of Appeal and Equalization.

Assessor Vold distributed sales data and value comparisons for the Board's review.

Representative Jeff Backer arrived at the meeting.

Attorney Glasrud reported that he had no new information regarding the Board's authority to retroactively change the classification on the Thompson property.

Representative Backer stated that he spoke with Representatives Greg Davids, Chair of Taxes Committee and Steve Drazkowski, Chair of the Property Tax Committee. He also has a call in to legislative analyst Steve Hinze to provide more information on whether a classification can be changed retroactively, but he has not heard back from him.

Assessor Vold reported that there was legislation passed in 2017 to correct the split class issue that affects the recapture tax on an estate tax return.

Mr. Peterson, the Government Relations Director with the Minnesota Farmers Union, stated that he is working on setting up a meeting with the Department of Revenue to discuss the Thompson's estate tax issue.

Discussion followed on the timeline of events with the Thompson property and the procedures for appealing a classification. Assessor Vold stated that because neither Dan Thompson, the owner of the 10.4-acre property in question, nor an agent of the owner, appealed to the Local Board of Appeal and Equalization, the County Board of Appeal and Equalization did not have the authority to make any change to the property for the 2018 assessment. Dan then stated that he would like the classification changed to agricultural. Attorney Glasrud stated that there is some ambiguity with the process of appeals to the board in MS §274. Different provisions of this Chapter appear to contain inconsistent requirements: one that appears to state that failure to appeal to the Local Board waives a right to appear before the County Board for review, and one that appears to state that the County Board must hear and determine appeals made after the meeting of the Local Board. Commissioner Athey asked if there are any consequences if a change was made by this board without going to a local board of review first. Attorney Glasrud stated that is an unknown. Discussion on what constitutes a feedlot was held. Dan stated that he farms 12 acres, which he does not own, and has over 200 head of cattle, some of which are on his property and some are at his father's farm. When asked about the feedlot application filed with the County Environmental Office, Greg Thompson, who is an uncle of the property owner, stated he rents the feedlot from Dan. Greg's feedlot application states that there are 5 adult cattle

and 26 calves at the feedlot. The only feedlot application on file for Dan is one with Dan and his father, Chuck Thompson, which is located on Chuck's property. In addition, the County Assessor's records reflect that there is grain storage capacity of 25,000 bushels on the property. A motion was then made by Backer and seconded by Athey to change Dan Thompson's classification for the 2018 assessment from residential to agricultural. Further discussion was held. Mr. Peterson referenced the estate bill that was passed by both houses, but vetoed by the governor. Representative Backer reported to the Thompson's that Tax Committee Chair Davids had stated that they received improper legal advice. Auditor Knutson stated that she couldn't support the motion because the current procedure/process requires the appeal process to start at the local board of review for the current assessment. Motion carried with Auditor Knutson voting Nay.

Motion by Backer, seconded by Sandberg and carried to adopt the following resolution:

2018-17

WHEREAS, Minnesota Statute 274.13 requires that the County Board of Appeal and Equalization shall equalize the assessment of the property of the County; and WHEREAS, the Big Stone County Board of Appeal and Equalization has examined and compared the returns of the assessment of property as prepared by the County Assessor.

BE IT HEREBY RESOLVED, that the valuation of all remaining property located in Big Stone County not previously considered by this Board, be ordered approved and equalized as presented by the County Assessor.

There being no further business before the Board of Appeal and Equalization, Chairman Olson adjourned the meeting at 7:55 PM.

Brent Olson, Chairman

ATTEST: _____
Michelle R. Knutson, Auditor