



July 11 & 12, 2005, Emmett, Idaho

Pursuant to a recess taken on July 5, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 11th and 12th day of July, 2005, at 8:00 a.m.

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| Present: | Sharon Pratt | Chairman |
| | Michele Sherrer | Commissioner |
| | Lan Smith | Commissioner |
| | Susan Howard | Clerk |

Whereupon the following proceedings were had, to-wit:

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Pledge of Allegiance was said.

911 ISSUES - LISA RESINKIN: Lisa Resinkin and Sheriff Clint Short met to update the Commissioners on the new equipment for the 911 system to give better coordinates for 911 calls that come into the County. They have worked with the Assessor's Office for the mapping. It can be updated in "real" time. They are also upgrading their recording system. The update has been approved by the Emergency 911 Committee and the contract has been reviewed by the Prosecuting Attorney's Office.

DEPARTMENT HEAD REPORTS: Dennis Pulley, Road & Bridge Supervisor, reported they have been chip sealing, with Idaho Blvd. and Gem Island Sports Complex finished. The Ola Road was striped.

Morris Huffman, Economic Development Specialist, discussed the reporting he has to do for EDGE. The co-generation plant plans are almost ready to be submitted to Planning & Zoning.

Jake Wyant, Noxious Weed Supervisor, reported they are working on puncture vine and Canada thistle on the County roads. He is working on CWMA reports. Their Montour job went well. They will be treating Sawyer's Pond soon. One of his seasonal people quit to take employment elsewhere. He has certified two growers for noxious weed free hay. They will be starting the Forest Service contract soon. They will be having a weed tour.

Martin Joyce, Landfill Supervisor, reported that Free Trash Day brought in 275 people with 150.87 ton. There were 5,854 tires and 99 batteries brought in. They are finishing up bailing the metal today. The total for the month of June was 924.22 ton and 3,180 vehicles, with 272 vehicles at Montour and 238 ton.

Debra Smith, Planning & Zoning Administrator, reported their fees and number of permits are up from last year. The zoning maps are updated. Debra has training next week. They are still working on complaints.

Chuck Shambaugh, Maintenance Supervisor, reported the

windows are finished in the basement of the Courthouse. There have been some air conditioning problems that have been solved. All of the carpets have been cleaned. He has some small painting jobs to do.

Jason Kinley, Mosquito Abatement District Director, presented a report that showed the weekly mosquito trap collections. The nuisance mosquito numbers are going up rapidly because of the increase in temperature causing need for more irrigation, but the Culex species that can carry West Nile Virus, is not increasing very much. He summarized a national memo concerning West Nile Virus. There have been no positive test results for the Virus in Idaho.

The Commissioners asked for a list of excess equipment from all departments. They were also asked for a list and description of all vehicles. They were asked to be frugal with the last several months of the budget so the carryover will be sufficient to fund next year's budget.

ELECTED OFFICIALS: Greg Himes, Assessor, reported their map requests have increased considerably. He reported that auto license collected \$105,579.84 last month. They have been busy with Board of Equalization appeals.

Connie Goins, Treasurer, reported they collected property taxes in the amount of \$2,322,024.85 for June. There are 115 properties that may be included in the tax deed process. There are a total of 33 properties that are on the warrant of distraint list. Connie reported on a public administrator case. She reported on 15 NSF checks for a total of over \$4,200, with four of them being uncollected. She discussed the situation in her office when the computers went down on July 17, 2005, during their critical time of collecting the 2nd half property taxes. They have had a big increase in phone calls from the public for information requests.

Clint Short, Sheriff, reported there were currently 51 inmates, including eight from the State and three from Boise County. The jail inspection went well. They have also had a fire inspection done on the jail, with the results still out. They collected \$4,880 board for Boise County inmates and \$6,200 for State inmates.

Susan Howard, Clerk, reported there is a remodel going on in the Magistrate courtroom. The Clerk's Office is trying to hang on while being short an employee while a decision is being made whether or not to outsource payroll.

Commissioners went over the discussion that has been had to consider outsourcing the County payroll. They asked for a list of excess property and also a list and description of any department vehicles from all elected officials. They asked that everyone be diligent in using any excess funds in their current budget.

INDIGENT APPLICATIONS: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy

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Clerk Sue Spencer presented the following indigent applications:

- 05-046 Application for medical expenses.
- 05-047 Application needed a release of statutory lien.
- 05-056 Application for medical expenses.
- 05-057 Application for rent assistance.
- 05-058 Application for rent assistance.
- 05-059 Application for medical expenses.
- 05-060 Application for medical expenses.
- 04-093 CAT assignment at 53.3%.
- 04-068 CAT assignment at 95.1%.
- 04-051 CAT assignment at 67.6%.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to approve 05-046, to sign a release of statutory lien for 05-047, to deny 05-056 because of the application being untimely, to approve 05-057, to deny 05-058 because no emergency exists, to sign a statutory lien for and deny 05-059 because no available resources, to sign a statutory lien and applicable UCC liens for 05-060, and to sign Catastrophic assignments for 04-093 at 53.3%, 04-068 at 95.10%, and 04-051 at 67.6%. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:00 p.m.

BOARD OF EQUALIZATION: Through motion, the Board suspended as Board of Commissioners and reconvened as Board of Equalization to hear appeals of valuations made by the Gem County Assessor's Office. The hearings were tape-recorded.

An appeal was heard from George and Lise Jumper for Parcel No. RP00417507 on the grounds that the assessed value of this one acre on the parcel went up 25% in one year from \$12,100 to \$16,100—rather a large percentage compared to the rest of the acreage, which did not go up in value at all. Mr. Jumper stated the reason for his appeal. Assessor Greg Himes then went over the reason the property was assessed the way it was assessed. He stated that according to Idaho Code, one acre around a homesite within an agriculture parcel needs to be assessed at full market value. County Appraiser Wanda Mize went over the figures she used in appraising the property. After more discussion, a motion was made by Commissioner Sherrer to take the decision under advisement. It was seconded and carried unanimously.

A motion was made by Commissioner Sherrer to sustain the Assessor's market value in the George and Lise Jumper appeal.

A motion was made by Commissioner Smith to sustain the Assessor's market value in the Blaine Lindley Farms, LLC, appeal.

An appeal was heard from AAT Communications Corp. for Parcel No. LR01003300, stating that "These towers were purchased from SBA Communications Corp in 2003 as part of a multi-tower purchase, which included almost 800 towers. As part of the

acquisition, AAT acquired the physical tower, certain intangible assets, leasehold interests and in some cases land. Recently, we had an independent third-party appraisal performed in order to assign value to these acquired assets. This information was used to allocate our purchase price to the individual towers. This parcel is for a 140' monopole which was appraised at \$95,789 and a 195' self-support tower, which was appraised at \$109,119 at the time of our purchase." The appellant was not present, but a letter from him was read into the record. Assessor Greg Himes stated that the appraisal furnished by the appellant is not figured the same way he has to assess the towers. Greg then explained how the towers are appraised in Gem County.

A motion was made by Commissioner Sherrer to sustain the Assessor's market value in the appeal made by AAT Communications Corp. It was seconded by Commissioner Smith and carried unanimously.

An appeal was heard from C. Fred and Melvaleigh Zeillemaker for Parcel No. RP00557201, stating, "Homesite without electrical service, without telephone service, without mail delivery. Residence constructed as summer cattle ranch cabin about 1955, contains only about 850 square feet, has only one bathroom, without central heating, without air conditioning, without washing machine/clothes dryer, minimally insulated. Assessor has increased homesite value by 135.1% and residence value by 22.3% since 2002." Mr. Zeillemaker stated that his property is being compared to homes that have all of the amenities that they do not have in their home. Assessor Greg Himes stated that he feels they have several comparable properties and have reduced the amount for the non-existent amenities. Appraiser Wanda Mize went through the figures she used in the appraisal process. Greg Himes explained the law in Idaho Code requiring a one acre homesite parcel to be assessed at market value in an agriculture parcel. A motion was made by Commissioner Smith to sustain the Assessor's market value. It was seconded by Commissioner Sherrer and carried unanimously.

An appeal was scheduled for Boise Building Solutions Manufacturing, LLC, for Parcel Nos. RP00330302A and PP02137600A, but after negotiations with Assessor Greg Himes, the appeal was withdrawn.

An appeal was heard from Emmett Meadowbrook and Associates for Parcel No. RP00182300 protesting the assessed value, with information attached. Ron Tuning, Asset Manager of the Company, presented their claim that the Assessor's valuation is too high. In his figures, he compared the property in Gem County to properties in Canyon County. He has rent restricted amounts with a utility allowance. Because of this, he feels the income approach needs to be used in assessing his property. Discussion was had. There is a Supreme Court case in process trying to decide if tax credits can be used in determining assessed values. A motion was made by Commissioner Smith to sustain the Assessor's market value. It was seconded by Commissioner Sherrer and carried unanimously.

Through motion, the Board adjourned as Board of Equalization and reconvened as Board of Commissioners

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on July 12, 2005.

CITY/COUNTY MEETING: A joint City/County meeting was held. Those from the City of Emmett in attendance were Mayor Marilyn Lorensen, Councilmen Bob Towery, Tito Gonzalez, John Rogers, Tony Villanueva, Kathy Agenbroad, and Dennis White, Clerk Marge Lawrence, and Attorney Ron Bjorkman. Those present from the Gem County were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Treasurer Connie Goins, and Assessor Greg Himes. The topic of discussion was a Planner for the City/County, with special guests, Planners Brad Hawkins-Clark and Mike Williams and Eagle Mayor Nancy Merrill.
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Commissioner Pratt was not in attendance this day.

GEM PLAN - RON RAMIREZ: Ron Ramirez, Executive Director from Gem Plan, met with the Board. He went over the loss ratio for the County. He went over the facts and figures of the first year of operation for Gem Plan. There will be a 15% increase beginning October 1, 2005.

LETHA SEWER DISTRICT - PROPERTY TAX: Members of the Letha Sewer District met with the Board to get approval for delinquent charges for the Sewer District to be put on the property tax rolls. After reviewing them, a motion was made by Commissioner Sherrer to approve the list of delinquent charges from the Letha Sewer District to be put on the 2005 property tax rolls. It was seconded by Commissioner Smith and carried unanimously.

COUNTY EXTENSION OFFICE BUDGET: County Extension Agent Will Cook met with the Commissioners. He had several matters to discuss. He had a new outside light put in. The Extension Office building needs to be painted and proposals have been given to the Commissioners. There is a tree at the RV Park that needs to be taken out. There are some large potholes in the driveway going back into the Extension Office.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorneys Richard Linville and David Hargraves met with the Commissioners concerning legal matters. There is no legal issue with a Commissioner being a chairman or a member of any citizen committee gathering information for input to the Commissioners on non-quasi judicial matters.

Discussion was had on joint City/County comprehensive plans. It was determined that each entity could adopt the same plan, but it would become two plans that are the same, with each entity having the authority to change it separately.

EXECUTIVE SESSION: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(f) concerning litigation. Those governing bodies present in the meeting were Commissioners Sherrer and Smith. No final decisions were made. A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to come out of executive session.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:00 p.m.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Sherrer to pay the claims as presented and noted in the Claims Report Form. It was seconded by Commissioner Smith and carried unanimously.

RESOLUTION NO. 2005-08: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried unanimously to adopt Resolution No. 2005-08 declaring County support and adoption of the Gem County All Hazards Mitigation Plan.

CERTIFICATES OF RESIDENCY: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve the Certificates of Residency for tuition aid for Anna Baku and Kimberly Torres to attend the fall semester of 2005 at College of Southern Idaho.

BLACK CANYON PARTNERS COMPREHENSIVE PLAN AMENDMENT REVIEW: A motion was made by Commissioner Sherrer to sign the Decision and Order to accept the recommendation of the Planning & Zoning Commission to approve Black Canyon's application for amendment of the text and map of the land use component of the comprehensive plan and to adopt Resolution No. 2005-09 to do so. It was seconded by Commissioner Smith and carried unanimously.

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SHADOW BUTTE INDUSTRIAL PARK UPDATE: Shawn Charters from Shadow Butte Development Corporation and John Blom from Holiday Engineering met to update the Commissioners on Shadow Butte Industrial Park. They went over the status of the 404 Permit and the status of bids. The final plat only needs the gas line easement moved and it will be ready. The quarterly performance

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report was submitted to EDA. The sales agreements are about 98% done. They need information from the final plat to be finished. The groundbreaking date will be set soon.

INDIGENT APPLICATIONS: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

05-061 Application for cremation expenses.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to approve 05-061. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on July 18, 2005.

Approved: _____

Chairman

Attest: _____

Clerk