



June 29 & 30, 2009, Emmett, Idaho

Pursuant to a recess taken on June 23, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 29th day of June, 2009, at 9:00 a.m.

Present:	Lan Smith	Chairman
	Michele Sherrer	Commissioner
	Sharon Pratt	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

June 29, 2009

Commissioner Sherrer was absent from the meeting assisting with the drowning at the canal.

A motion was made by Commissioner Pratt to convene as a Board of Equalization. It was seconded by Commissioner Smith and carried unanimously.

BOARD OF EQUALIZATION - BOISE BUILDING SOLUTIONS

MANUFACTURING, LLC: An appeal by Boise Building Solutions Manufacturing LLC for personal property, parcel number PP02137600 was heard. There was no one in attendance representing Boise Building Solutions. Greg Himes discussed depreciation of equipment, economic obsolescence and how the Assessor's value was calculated. He stated production is used as a factor calculating Boise Building Solution's production to be down 6% over a 10 year average. He also calculated that gross sales are off 15% over the average and 3% over the median. Greg said he attempted to speak with George via phone and email but wasn't able to. We were able to contact George Perala of Boise Building Solutions. He wasn't aware of the appeal hearing today. The appeal was re-scheduled for tomorrow at 1:00 p.m.

BOARD OF EQUALIZATION - BRIARWOOD CORPORATION: An appeal by Briarwood Corporation for property located in Heritage Place Subdivision parcels RP00246716 - RP00246721, RP00246724, RP00246725, RP00246727, RP00246732 - RP00246736, RP00246740 - RP00246743, RP00246749, RP00246751 and RP00246752 was heard. The Assessor's market value of the property is \$35,700 per parcel. The Appellant's opinion of market value is \$17,500 per parcel. Dave Leader,

President of Briarwood Corporation discussed the drop in sales in lots. He discussed the cost of sewer and water hookup fees in the Emmett valley as compared to the Boise valley. He said there is no utility value on vacant lots. Assessor Greg Himes presented and discussed a list of lot sales from January 2007 to June of 2008. He also discussed ratio studies for vacant residential properties as well as improved residential properties. Greg stated that sales in Boise aren't taken into the values in Gem County, location within Gem County is taken into account. Mr. Leader said that improved property has utility, a vacant residential lot has no utility. He said the lots in Heritage Place are substantially smaller than lots in subdivisions such as Twin Buttes Subdivision. He said the only two 2008 sales are in March and June. He said he was offered \$25,000 in June of last year but turned it down. In hindsight he wouldn't have turned it down. Currently the lots are listed at \$25,900 but would take less. Assessor Himes stated there are 3 sales that prove the values for January 1, 2009. Sales in 2009 will be used for next year's assessments. The same information and timeframes are used when the market is moving upward as during market declines. He stated that one of the sales is \$39,000 in the Heritage Place Subdivision. It was clarified that improved lots are those that have been built on. Commissioner Smith stated that it seems obvious that the offer of \$25,000 being turned down indicates Mr. Leader felt the value was more than what was offered. The hearing was closed. A motion was made by Commissioner Pratt to uphold the Assessor's valuation based on the information provided that there are sales within the timeframe that is specified by the State Tax Commission, and looking at the ratio studies also taking into account the comments that Mr. Leader has provided with the one sale he was able to relate to in Twin Buttes (Subdivision). It was seconded by Commissioner Smith with discussion. It was clarified that the sale Mr. Leader referred to was outside the timeframe having been in November of 2008. The motion carried unanimously.

BOARD OF EQUALIZATION - ALEXANDER J. GORDON: An appeal by Alexander J. Gordon for property located at 1975 Sun Valley Lot 3 Block 2 parcel numbers MH00767900 and RP00550300 was heard. Mr. Gordon stated that it isn't the amount of money but the principle of the way property is taxed. He stated that the nothing has changed except for the way the property is taxed. Deputy Assessor Tracie Reed stated the property hasn't been physically inspected since 1993. She said there is a wood stove in the manufactured home which

caused an increased, the condition of the home was changed also. The Assessor's records didn't show a septic in the past. Mr. Gordon stated that has been there all along. Mr. Gordon would understand that increasing the value but he understood the entire increase was due to the porch being moved. It was clarified that the porch being moved isn't the reason for the changes. Mr. Gordon doesn't understand why a wood stove would increase value. Deputy Assessor Wanda Mize stated that a shed was added in the value. Mr. Gordon stated the shed is temporary and has been there for 20 years. The appeal was continued to Monday July 6th at 2:00 p.m. to allow Mr. Gordon an opportunity to review the information the Assessor's office will send him regarding itemization of the increases.

A motion was made by Commissioner Pratt to recess as a Board of Equalization and convene as a Board of County Commissioners. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to move item E. Stimulus Energy Grant Application on the consent agenda to tomorrow at 4:00 p.m. and add disbursement of funds for the right-of-way acquisition for Bishop Road Bridge for the same time. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT HEARING 09-041: At 11:32 a.m. a motion was made by Commissioner Pratt, seconded by Commissioner Smith and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) for indigent matters with a roll call vote as follows: Commissioner Pratt, aye, and Commissioner Smith, aye.

Diane Wright was sworn in. The Application Case File was entered into the record as Exhibit A., new information filed by the County as Exhibit B. and PMI provider contracts as Exhibit C. A request for continuation was received.

Regular session reconvened at 11:59 a.m.

A motion was made by Commissioner Pratt to accept the request to continue the hearing for indigent case 090-041 to August 3rd at 10:00 a.m. It was seconded by Commissioner Smith and carried unanimously.

CONSENT AGENDA: The Consent Agenda included item A. Zoning Amendments to Title 11, Chapter 3, Gem County Code Summary of Decision Findings, B. Gem County Ordinance 2009-03 Amending Title 11, Chapter 3, Adding a new Section 7 to the Gem County Code (Zoning Ordinance) Public Services- New Use

Exemption, C. Quitclaim Deed for donation of property from Arthur and Rena Mountjoy and D. Gem County Ambulance account cancellations.

A motion was made by Commissioner Pratt to approve items A., B., C. and D on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 12:00 p.m. to 12:30 p.m. on June 30, 2009.

June 30 2009

Commissioner Pratt was absent from the meeting.

A motion was made by Commissioner Sherrer to convene as a Board of Equalization. It was seconded by Commissioner Smith and carried unanimously.

BOARD OF EQUALIZATION - RICHARD DEGITZ: An appeal by Richard and Julie Degitz for parcel number RP00356303 was heard. The assessed value is \$133,000, the appellant's opinion of market value is \$96,000. Mr. Degitz stated he purchased the property for \$96,000 in April of 2009. He stated he's not sure a more clear value of the property than what the property is purchased for. He said there was not an appraisal done on the property. Assessor Himes provided comparable sales and stated that October 1 2007 through September of 2008 is the timeframe used for assessing 2009 values. He stated that individual sales aren't used for valuation of the entire county. The valuation must be equitable for all properties within the county. Mr. Degitz doesn't understand why the values are based back a year. Assessor Himes explained that is the timeframe for compliance with the State Tax Commission.

A motion was made by Commissioner Sherrer to uphold the Assessor's land value of \$133,000. It was seconded by Commissioner Smith and carried unanimously.

BOARD OF EQUALIZATION - BOISE BUILDING SOLUTIONS: An appeal by Boise Building Solutions Manufacturing (Boise), LLC for personal property parcel number PP02137600 was heard. The assessed value is \$2,218,226, the appellant's opinion of market value is \$1,461,045. George Perala, an agent of Boise, discussed personal property values for the Emmett Beam Plant. Appealed property included personal computer equipment, phones, sweeper, office furniture and fixtures, computer equipment and process controls, forklifts, wheeled loader and machinery and equipment. The Assessor has a 22%

decrease and Boise feels that due to the decline in the economy it should be a 55% decrease. Mr. Perala discussed housing starts, production and gross sales in the West and the rate of decline since 2005. Valuation timeframes were discussed. Assessor Himes discussed allocated purchase price. He stated he believes the beams from the Emmett plant are used for commercial which should be included as well as the housing starts. He discussed calculations that come up below the 55% decrease being requested. He stated that things are being subtracted in the appellant's calculation that Assessor's don't see for valuations. He feels that the assessed value is correct. Mr. Perala stated he used single family units but multiple units or commercial aren't a big difference. He said capacity and what is being produced should be looked at.

The hearing was closed. Discussion and possible decision was scheduled for Monday July 6th at 2:30 p.m.

BOARD OF EQUALIZATION - CLEARWIRE, INC.: An appeal by Clearwire US LLC for personal property parcel number PP02173800 was heard. The Assessor's market value is \$181,017 and the appellant's opinion of market value is \$43,592. Erin O'Neal with Clearwire US LLC stated that in November of 2008 there were changes with Clearwire becoming a partnership with other companies and he discussed some accounting adjustments. Erin discussed depreciation of historical costs or purchase price without depreciation. Erin is looking to understand what values have been used. It was determined that the appellant had not talked with the Assessor's office prior to the hearing and there was confusion in the way information had been reported.

Commissioner Sherrer recommended that the Assessor's office run corrected numbers and meet again next week. The information will be forwarded to Erin to review and discussed Monday July 6th at 2:30 p.m.

BOARD OF EQUALIZATION - DL EVANS BANK: An appeal by DL Evans Bank for property located in the Twin Buttes Subdivision parcel numbers RPE18500030500A, RPE18500030530A, RPE18500030540A, RPE18500040610A, RPE18500040630A, RPE18500040650A, RPE18500040660A, RPE18500040670A, RPE18500040680A, RPE18500040690A, RPE18500040700A, RPE18500040710A, RPE18500040720A, RPE18500040730A, RPE18500040740A, RPE18500040750A, RPE18500040770A, RPE18500040780A, RPE18500040790A, RPE18500040800A, RPE18500040810A, RPE18500040820A, RPE18500040830A, RPE18500020300A, RPE18500020310A, RPE18500020320A, RPE18500020330A, RPE18500020340A,

RPE18500030400A, RPE18500030430A, RPE18500030470A,
RPE18500030480A, RPE18500010050A, RPE18500010060A,
RPE18500010080A, RPE18500010090A, RPE18500010120A,
RPE18500010130A, RPE18500010140A, RPE18500010150A,
RPE18500010160A, RPE18500010170A, RPE18500010180A,
RPE18500010190A, RPE18500010200A, RPE18500010210A,
RPE18500020230A, RPE18500020240A, RPE18500020250A,
RPE18500020260A, RPE18500020270A, RPE18500020290A

Chad Hamilton spoke on behalf of DL Evans Bank stating a lot sold in 2008 for \$25,000. Assessor Himes stated that a sales verification form wasn't received from the buyer for that lot and he doesn't believe it was listed in his MLS listing. It was stated it didn't go through the MLS. He discussed timeframes used for valuations and lot sales in Twin Butte subdivision and other subdivisions and stated that lot would have been outside the timeframes used for valuations. Terry Phillips discussed sales of property and the drop in the market. Assessor Himes reviewed ratio studies for bare land and improved properties. Chad Hamilton stated that the information presented by the Assessor doesn't show any sales in the 3rd quarter of 2008. He stated that should be taken into consideration showing that lots couldn't be sold at that time. Commissioner Smith stated that specific properties aren't looked at but all properties throughout the county being equalized. Commissioner Sherrer clarified that the only lot sales provided by the Assessor from December '07, March '08 and June of '08 were used in the ratio studies. Commissioner Smith stated and Assessor Himes agreed that in Idaho, not being a state that requires buyers to provide sales information, in some cases trending must be used when determining value. Assessor Himes discussed taxes assessed upon occupancy of improved property and suggested legislation ideas for taxing developed bare ground. The hearing was closed. Commissioner Sherrer suggested obtaining sales information from the purchaser of the property sold for \$25,000 so that it can be used for the 2010 assessment.

A motion was made by Commissioner Sherrer to continue discussion and decision on the BOE for DL Evans Bank for all of the parcel numbers previously listed for (July) the 6th at 2:30 p.m. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Sherrer to recess as a Board of Equalization and reconvene as a Board of County Commissioners. It was seconded by Commissioner Smith and carried unanimously.

OPEN MEETING LAW CHANGES WEBINAR: The Commissioners attended a webinar regarding Open Meeting Law changes.

RIGHT-OF-WAY ACQUISITION FOR BISHOP ROAD BRIDGE: A motion was made by Commissioner Sherrer to authorize the chairman to sign the Right-of-Way Agreement with the Obermeyer Family Living Trust LLC for the Bishop Road Bridge. It was seconded by Commissioner Smith and carried unanimously.

The Stimulus Energy Grant Application will be added to a future agenda when it is complete.

The Board recessed at 4:15 p.m. to 8:00 a.m. on July 6, 2009.

Approved: _____
Chairman

Attest: _____
Clerk