

SUBDIVISION MEETING

April 1, 2004

Chair Murray: ... I'm Mike Murray, this is Commissioner Tinsley, Commissioner Varone is excused attending a MACO meeting. We're going to jump down to item number 7.

Others attending all or part of the meeting: Mark Adams, Carol Hanel, Jacalyn Grenfell, Mark Canton.

Pledge of Allegiance.

Resolution Establishing the Lewis and Clark County Justice Court as a Court of Record. (Leo Gallagher)

The Commissioners will consider the resolution.

Paul Stahl: Thank you Commissioner Chairman. This is a resolution that the General Attorneys office, County Attorney's offices throughout the state have been working on for a number of years and finally got it into the statute that we're allowed to do this. The reason is, the reasons are economic to begin with and economic for our office and for what I will call the pursuit of Justice. As you are aware, because our present JP Court is not a court of record, in other words they don't take a transcript their documents are permanent but there's no transcript, no recording, no court reporter to take the testimony if someone is convicted of a crime be it assault, misdemeanor sexual assault, be it DUI, be it a whole lot of things, they can just turn around it is not an appeal in Justice Court they just go to District Court and nothing that happened in the lower level in the conviction counts. Of course if they're found not guilty in the Justice Court you can't take them to District Court and try to try them again because it's double jeopardy so they get two shots at trying to get out of whatever it is. Most of these end up being jury trials, the ones that go and so what this, by being the court of record what would happen is it would be an appeal in other words they don't get a new trial what the District Court Judge would do would be to review the transcript more or less like the Supreme Court does for District Court decisions and make a decision on that so you don't have to call in a jury and pay for all those costs again, you don't have to have a prosecutor. Now I read in the newspaper today that Randi Hood our Public Defender doesn't know that it's necessary, I don't know how they are burdened, I'll tell you how I think they are in just a minute, but this has as much to do with other lawyers who are not public defenders. If we have 4 or 5 that are in town that are very difficult to get along with and they're the ones that bring this about, bring this concern about, the reason we pushed for this in the legislature. What we have to end up doing, because we don't have time to take everybody to a jury trial you should know that we ___ plea agreements or because there is just absolutely no time to do it and like right now there's many hands doing two jobs just trying to get the, because we don't have our new person in yet so we make deals and if you don't make a good enough deal, there's nothing for the defendant to lose because he'll just go to trial and take a chance at winning and if he doesn't what's the problem just do it all over again and call in new witnesses, so we are trying to shortcut that. The downside to this I think if there is one, the other side how's that, the other side of this is that this is change and nobody's real comfortable with change number one, number two is Wally's courtroom has to get wired and it's being wired as we speak as part of that remodel, there will need to be something in his budget about \$8,500 - \$9,000 in his budget for equipment and that sort of thing and then we'll probably have to deal something with staff although we're not exactly sure how this affects staff and whether or not this raises this level of expertise because all you're going to do is just what Carole does for here, you're going to have a tape recorder right there and two microphones and we'll put a label on the tape and put it in the box and if it's appealed whether or not is has to be transcribed or not we don't know how that will work but that's all that that court will have to do is just be able to run a tape recorder and be able to pull them out if the case is in fact appealed. The other downside I guess is that, and it's a concern expressed to me by some is that as we start messing around with this and we don't pay very much are we going to have, who do we get to run this I mean the Justice of the Peace has to, I don't know if there is further qualifications, they'd have to go to a school I think they have to be trained and I think Ron can speak to that because I didn't come prepared about that but everything works fine when Wally's there right because he's a good Justice of the Peace and will be very diligent in doing the stuff and we never know who's going to replace him and as we have seen those lower courts don't always get the best people to run for them because there isn't enough money it's usually somebody that's retired or somebody that can't make a living, they have to be an attorney, someone that can't make a living as an attorney and doesn't necessarily have to be but it's sort of hard to beat an attorney sometimes unless you know it's a real popular politician so that's something on the downside we just have to be aware of but the County Attorneys Office is 110% behind this and we have been working on this for about six years actually through our association trying to get others to come in and try to do where it's those associations move slowly right, trying to get enough people in the association to understand that it's a good thing to have and it took us a while to get that worked out but I think that's where prosecutors are so we'll encourage the commission to give this serious consideration and make this Court a Court of Record.

Ron Alles: I would just add that in my discussions with Wally and Leo and Paul it seems that generally the costs we

will incur is the \$8,800 to wire it. Paul mentioned reference to future JP's there is a standard by being a Court of Record the Judge has to have a certificate which requires all the training and to get certified to be a Court of Record, I forget what Wally makes right now, about \$45,000 somewhere in there so if we ever need to go to election again, we're going to have to find somebody that is certified or who and I think they have to be certified prior to actually running or holding the office, part of that can be an attorney and so is \$45,000 enough to get somebody qualified to run for that office down the road and I don't know the answer to that, that would be my only hesitation I guess. Certainly it raises the bar so to speak for our Court which isn't necessarily a bad thing but I just wonder if we'll have the flexibility to pay enough to get a qualified person in there to replace Wally, that's my only concern.

Chair Murray: My concern with the project rather than use the tape recorder is the State of the Art is to go to a CD Recorder which I'll have to move Carole to this part of our project process this year. It requires less space for storage and we can go immediately to the testimony.

Ron Alles: Actually I think this is for District Court or in talking with Leo he referred to discs and not tapes.

Paul Stahl: I'm sorry I don't know that, it's the wiring is going to be the same you just have to put in a different machine would be the only difference it seems to me.

Ron Alles: I can follow up on that though, disc recorders aren't that much more expensive.

Paul Stahl: This doesn't have to be done today either does it?

Ron Alles: What we will have to do is have it done by July 1st which was going to be my next point. We're going to have to authorize, preauthorize the budget process the expenditures to get the courtroom wired and established by July 1st unless you want to change the effective date on the resolution.

Paul Stahl: This is going to come, whether we do it now or we do it in 2 or 4 years, this will ultimately come I think because I think everybody is going to go to it because of this opportunity, the more, one of the biggest things are these fourth and fifth time DUI guys and they just keep coming back and they have nothing to lose and so it's there are more and more of those all the time.

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Commissioner Tinsley.

Commissioner Tinsley: One question I had Paul, District Court uses Court Reporters correct or do they do Court Reporters and disc recording

Paul Stahl: Court Reporters are

Commissioner Tinsley: Is that just on request or what?

Paul Stahl: In our Court here we have used Court Reporters. Judge Olson in Bozeman was a judge like twenty years ago never used a Court Reporter until somebody appealed to Supreme Court he just did a tape recording there's no requirement that it is Court Reporter's. Court Reporter's will tell you and I think not just them but I wouldn't ____ that, recordings are not always accurate about, you have trouble with hearing and being able to differentiate and a word may make a difference and all the Court Reporters record it to now and most of them have it and when they go back and do their tapes they listen and they ____ and that sort of thing but there's no requirement that you have to have a Court Reporter in the District Courts either.

Commissioner Tinsley: Does Justice Court ever use a Court Reporter or do they ever request it?

Paul Stahl: No, because it isn't a Court of Record

Commissioner Tinsley: It isn't a Court of Record

Paul Stahl: No reason to do that.

Ron Alles: And I've been assured that we won't need to hire a Court Reporter to transcribe these.

Commissioner Tinsley: Mr. Chairman. I have a couple thoughts I want to make, a couple points I want to make. First of all on the election thing I never agreed with that argument about who we might potentially get elected and I don't think that's an argument we should take into consideration because that's a system we have and we need to live with it sometimes we draw a good card and sometimes we don't and the people have the right to change that if they

don't like it and I just don't think that's a valid argument either way. So I want to make that point, we're going to get who we get and if they don't work we can un-elect them, we'll kick them out of office and elect someone else. I guess the other thing I wanted to say is I'm prepared to decide today, I don't think we need more unless you do Commissioner Murray

Chair Murray: I'm prepared to decide today. What convinced me is Mr. Stahl's testimony and watching him simulate the typing of the transcripts.

Commissioner Tinsley: Me too. Would you do that again please? Let the tape reflect. Mr. Chairman I'd like to make a motion that we approve the resolution establishing Lewis & Clark County Justice Court as a Court of Record.

Chair Murray: Second.

Commissioner Tinsley: Authorize the chair to sign

Chair Murray: Discussion. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Carole for your notes and the testimony we have a gentleman from the State of Montana speak and I didn't ask for his name because.

Carole Byrnes: I think we have it on sign in. Mark Canton.

Resolution Of Intention To Create A Rural Improvement District For The Fawn Meadow Estates Major Subdivision. (revised from 3/30/04) (Marni Bentley)

The Commissioners will consider the resolution.

Marni Bentley: Chairman, Commissioner Tinsley. This is continued from Tuesday, I drafted a new resolution of intention for Fawn Meadows just the internal Fawn Meadows roads and the turnout will be covered by the Fawn Meadow Estates RID. The costs in the resolution have been adjusted to reflect the costs only for those roads, the roads that are specifically listed in the resolution of intention. Maintenance numbers were adjusted accordingly too. Staff recommends approval of the resolution of intent to create the Rural Improvement District for the Fawn Meadow Estates Subdivision.

Chair Murray: Questions of Ms. Bentley.

Commissioner Tinsley: Mr. Chairman this just starts the clock at what 30 or 60 days?

Marni Bentley: I'd say we have approximately 30 days, I'm going to re-notice it and we need to get this done in a timely manner so that we can get the work done this summer but..

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the resolution of intention to create a Rural Improvement District for the Fawn Meadow Estates Major Subdivision, RID 2004-2 and authorize chair to sign.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Resolution Of Intention To Create A Rural Improvement District For The Paved Portion Of Munger Road. (Marni Bentley)

The Commissioners will consider the resolution.

Marni Bentley: Yes, staff has prepared a resolution of intent to create a Rural Improvement District only for the paved portion of Munger Road. Munger Road does continue eastward but it's not paved and it's not included in this proposal. The boundary of this district includes other properties to the east and include 48 lots to bear the costs of the improvement and maintenance on the paved portion of Munger Road. Carol Hanel from Public Works provided the breakout of the costs for this district. Staff recommends approval of the resolution of intent to create the Rural Improvement District for the Paved Portion of Munger Road.

Chair Murray: Thank you. Ms. Hanel do you have anything you wish to add for the record?

Carole Hanel: No, I'm just pleased that we, I would like to see this RID formed because of the people that travel this road so that Fawn Meadows doesn't bear the cost of the whole project for the paved portion. The others east of that ___ Boulevard and that are all drive that portion of the road and it needs to be chip sealed it's approximately, it was laid down, the asphalt was laid in place two years ago so it's due for a chip seal to preserve it.

Chair Murray: Thank you.

Carol Hanel: They also at that time would include the maintenance for a future chip seal (tape ended)

Commissioner Tinsley: (tape begins)...approve the resolution of intention to create a rural improvement district for the paved portion of Munger Road RID 2004-3 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Request for Modification of Conditions of Approval for the Rusek Minor Lot 3 Subdivision. (Applicant, Pat O'Leary) (Planner, Michael McHugh)

The Commissioners will consider modifying the conditions to change Lot 3 from residential to commercial for storage units.

Michael McHugh: Commissioners for the record this needs to be more correctly referred to modifications of conditions of approval for Bartmess Minor Lot 3A.

Commissioner Tinsley: Bartmess?

Michael McHugh: Bartmess minor number 4, lot 3A. This lot was originally had a public hearing in June of 1997 the final plat was filed in January 1998, this 3 lot minor subdivision is located south of Valley View Road and directly west of Bartmess Drive. These lots were created for single family residential use. The proposed purchaser of Lot 3A wants to put mini storage units on there. The board did choose to allow modifications, additional conditions could be placed on this because of potential additional impacts such as changes in traffic patterns, the lack of need for water and sewer facility and also lighting and other visual impacts.

Chair Murray: So Mr. McHugh your recommendation today is to go forward with the request of the applicant or is your recommendation to have future public hearing where we look at all the conditions.

Michael McHugh: Staff really doesn't have a recommendation. It's staff's understanding that the commission has to make a determination where there's additional new additional information been provided that there is they need to make provisions for public hearing and notification.

Chair Murray: So if we're in agreement today Mr. McHugh are action is to schedule a future public hearing.

Michael McHugh: That's correct, all adjacent property owners people who indicated an interest in the previous subdivision would have to be provided written notification, service providers would need to be notified at that time the applicant would make their presentation, staff would make a presentation off what potential impacts would be if any conditions need to be changed to address the modifications.

Chair Murray: Thank you. Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman. So I'm assuming at this time then we'll get a little bit more information from the applicant than this hand drawn map.

Michael McHugh: Hopefully.

Commissioner Tinsley: Mr. Chairman I'd like to make a motion that we approve the request to schedule a public hearing to consider the modification of conditions of approval for the Bartmess Minor Number 4 Lot 3A subdivision and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Request for Modification of Conditions of Approval for the Haub Tract 1 Minor Lot 1E Subdivision.
(Applicant, Michael Glukert) (Planner, Michael McHugh)

The Commissioners will consider modifying the condition from a single-family lot to a multi-family lot.

Michael McHugh: Commissioners this is a minor subdivision located east and adjacent to Green Meadow Road. I received preliminary approval in July of 2001 and final plat was filed in December of 2001. The original review was conducted for a single-family residential unit. The applicant is proposing to add multi-family to lot 1E, again same procedure we need notification to adjacent and the potential impacts would be dealing with necessity to amend the DEQ, City-County Health Department Requirements for the onsite wastewater treatment systems and water supply system. Impacts associated with traffic, schools and other visual impacts associated with multi-family.

Chair Murray: Questions of Mr. McHugh. Mr. McHugh looking at the map it appears the existing drain field goes over the property line into another persons property, is that to be dealt with later or

Michael McHugh: That would be addressed under the reviewed by Department of Environmental Quality and City-County Health Department. Easements can be granted from adjoining property owners and since at the time this was established there was only one property owner that could grant that easement.

Chair Murray: Thank you. Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman, I make a motion that we approve the request to schedule public hearing and consider the modification of conditions of approval for the Haub Tract 1 Minor lot 1E Subdivision.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Commissioner Tinsley: Mr. Chairman. Michael or Mr. Stahl if you could answer this for me, so when we get a request like this we actually have an opportunity just to say we don't want to consider their request

Paul Stahl: I was going to ask the same question

Commissioner Tinsley: Or by requesting can they ask for a public hearing to talk about it.

Paul Stahl: I don't completely understand this procedure and I know I've been here 18 years but it seems to me that this is a re-subdivision and that we wouldn't be able to turn it down at this stage _____ and it may get turned down after a hearing. Maybe Michael can explain to me, I

Commissioner Tinsley: It looks like we've got two shots at this thing we can either say we don't even want to consider it and say no or we can approve them a public hearing

Ron Alles: I think what happens though because the conditions of approval were written the way they were in approval of the first go around of the subdivision. You can say no today and say no we're sticking by the conditions of approval that we established through the first go around or you can say we will reconsider our decision that we made two years ago but in order to do that we need to hold a public hearing and give neighboring properties the opportunity to protest or be in support of or

Paul Stahl: It's like a new subdivision in a way. They got to come in with the same stuff and show the quorum the impacts and we've got to be able to impose impacts on them.

Ron Alles: and what we used to do was, prior to making a decision on whether or not to go forward with this new hearing, it used to be the commissions standard that the applicant needed to demonstrate new evidence or new something new that would change the commissions mind and now we've kind of detracted from that or got away from that a few years ago

Michael McHugh: Well there's two types of modifications. There's modification of permitted uses and in both cases today we're looking at potential modification of the uses. So, that would allow for additional conditions to be added because additional impacts. In other cases there's been a condition placed on a subdivision that was discussed during the public hearing and the applicant or subsequent property owner either wants to remove that condition or modify it in some cases but I mean it was one of the original conditions. Typically in those cases when you're just looking, having modification of the condition and not the specific ability for land use this board has wavered over the

years, I don't know if that's the correct terminology to use, if it's something that was brought up and discussed in previous public hearing and that condition was added the only way that would be modified is if there was additional information.

Commissioner Tinsley: One more question Mr. Chairman. Is it possible for this board _____ and I don't know if I really think it should be possible but is it possible as it appears on our agenda to just say yes and allow them to do the modification without going to public hearing?

Paul Stahl: No

Michael McHugh: No

Commissioner Tinsley: You still have to do that just by voting on this, I mean the way it's worded here it appears that they're requesting and we can grant it, that's why I changed my motion, my motion doesn't reflect exactly what the agenda said.

Michael McHugh: Basically in either of the two cases because it's potentially changing the things, everybody that is privy to the previous discussion needs to be notified.

Commissioner Tinsley: Okay, the agenda item just wasn't clear and it made it look like we were

Paul Stahl: Let me give you more, just because I don't understand this entire either. Let's say we had a no access onto a road alright that was one of the conditions and the guy comes back and says you know we just got to have another access here because that's just the way it's got to be and you'll say well what has changed since we said you couldn't have a no access and he says nothing it's just, I just think there needs to be an access. Well he has a right to come in and ask to change conditions and we've never really known how to handle those but would this be a reconsideration I don't know, probably because there isn't anything new and you could say well yeah you can have an access or not have an access or whatever but in this when we're changing the use that you can change from a single-family to a multi-family it changes the whole thing and it is new because the guy wants to do something different there.

Commissioner Tinsley: I understand

Paul Stahl: So,

Ron Alles: What happens though is the commission could say no today and that issue or they could say yes and what they're saying yes to is opening up the public hearing, taking additional information

Paul Stahl: _____ can come in and work it out and this is what you want to do and you'll have a staff report and we'll schedule it for a hearing, send out a notice

Michael McHugh: It does open up the entire subdivision to modification of all conditions. If there was a road standard that only required a gravel surface at the time it was originally approved and he

Paul Stahl: so the traffic is going to cost a hundred more trips

Commissioner Tinsley: Interesting

Michael McHugh: So, but the nothing in allowing for the additional public hearing obligates the Board of County Commissioners to change the conditions of approval. They may determine at that subsequent public hearing that the best use of that is to be retained as a single-family residential unit just because of character or whatever.

Chair Murray: How do we recoup our costs to both of these applicants?

Michael McHugh: They will be required to submit fees to cover a bit, the notice and everything. We probably ought to raise those but that's neither here nor there, that's not til the budget hearing.

Commissioner Tinsley: Thanks Michael.

Chair Murray: Further questions?

Communications System Agreement. (Ron Alles)

The Commissioners will consider the agreement with Motorola for the Radio Infrastructure Project at the

Sheriff's Office.

Cheryl Liedle: Good Morning Commissioners. Do you have a copy of the expense and revenue sheet that was put together? I thought what I would do is just go over the expenses and revenues real quickly and then Mark Adams the interim project manager can go into detail on the contract negotiations should you wish to have him do that. Our negotiations have been completed with Motorola. The actual bid cost from Motorola is \$3,397,292.00. We have several additional items of work that we're going to have to complete. When the bid estimates on the microwave, bid estimates on the site improvements, and then we have a remaining \$1,560,000.00 in the grant funding that we will take out to bid for field units and the good news that I want to make sure everybody understands here is that when we add that to the homeland security funding for Lewis & Clark County that will bring us up to a total that will purchase depending on price almost all of the field units that are needed for all the fire, law enforcement and emergency responders of Lewis & Clark County which is very good. Additionally, we have some costs for infrastructure, training costs are about \$110,000.00 included in the contract, \$991,000.00 infrastructure is included in the contract making a total of the grant project \$5,967,888.00 an additional project expense which is outside of the grant is to examine a paging system for all responders and we're estimating about \$200,000.00 additionally for that paging system. Thus bringing the total project cost to \$6,167,888.00 and Mark Adams can go into detail as to what occurred during contract negotiations if you'd like I can turn it over to him.

Chair Murray: Questions of Mr. Adams Commissioner?

Commissioner Tinsley: I'd like to hear from him.

Mark Adams: Mr. Chairman, Commissioner. My name is Mark Adams from Northrop Grumman. We, as we first contracted negotiations with Motorola one contract negotiation team that ultimately consisted of myself, Jim Sinclair whose a radio specialist with Northrop Grumman, Dave Clouse from the Sheriffs Office, Dave Nielsen from the City Attorney, Mark Lerum from the Helena Police Department and _____ Larson from Montana Highway Patrol. Initially we met prior to meeting Motorola in preparation, we reviewed the CSA which is the terms and conditions basically of the contract, also sent a copy of that to _____ Bell whose a Northrop Grumman Attorney for his comments which he gave back to Dave Nielsen, reviewed the statement of work and went over that in detail also with Jim Sinclair for the radio expertise, met several times as a committee prior to meeting with Motorola to identify the risk associated with the project, identified how we want to mitigate those risks in contract negotiations and to prepare a list of discussion points which we sent to Motorola prior to meeting with them. Dave Nielsen met one-on-one with Motorola Attorney over the phone a little bit off line from the rest of the negotiations and prior to Motorola meeting with us. The advanced work led to fairly smooth negotiations, allowed Motorola time to identify and research the concerns that we identified and were better prepared to discuss those when they were on site. We made the first pass on Tuesday, Wednesday was the day spent for resolving questions and getting individual information and fine tuning the CSA, Thursday we met again with Motorola and reviewed all of the findings and research we did on Wednesday and came to agreement on Thursday with the contract. What we found was that Motorola was very heavily motivated to the success of this project as are we, which contributed to reasonably smooth contract negotiations. Some of the highlights from the communications agreement, section one we spent quite a bit of time ordering this order of precedent for the various exhibits. This comes in to play during the project because in the event that we find some discrepancies where the documents disagree with each other, the order of precedents is the order that we follow for resolution. Beneficial use, the system is accepted at the end of testing or at some point of beneficial use comes into play and that means using the system in the _____ mode. We were able to define _____ beneficial use to include the systems as a whole rather than a subcomponent and that's important for timing. The contract price was entered in as a not to exceed price, the final price of the contract won't be known until after the detail design review is completed. It's anticipated though that the not to exceed price is going to be the cap. Looking at the invoice scheduling, Motorola is going to notify us 20 days prior to the intent to give us an invoice and then we've got 30 days after that to pay it, which works with the FEMA, grant timing, application for funds. Dave Nielsen requested that we include FEMA and Davis Bacon language because we're held accountable for that by FEMA and so those pieces which Motorola is responsible for is also addressed in the contract. The payment schedule was discussed and agreed to on exhibit 'B' and we have maintenance options, Motorola sharpened their pencils significantly to help us meet the maintenance costs that we need for ongoing maintenance for the project. The statement of work highlights, the schedule has site inspections after the detail design and review which would work except that we've got _____ requirements that have to be met, environmental work that has to be met before we can do any expenditure of funds with FEMA and Motorola was able to address the work finding and fact _____ coming out next week to do the site inspections which will enable us to follow up on the paperwork and get that done, that's a critical piece of the project. In addition, the stake holders are actively involved in the entire process, they're being involved heavily in the design and review and also the business practice recommendations, long term planning, and acceptance testing. They've been included as major components of the entire process, so we'll have everybody actively involved in all phases of this. After those components are done, we'll be manufacturing and factory testing and upon acceptance of factory testing the equipment will be tripped to Helena and installed, additional testing will happen and there's quite a bit acceptance testing, functional testing, coverage acceptance testing and a thirty day _____ period. Then further planning, we'll have training that will be conducted quite a bit of it locally, there's also training that needs to

take place, specialized training for select people back in ____ Illinois that will have vouchers for that we can send people to. Cutover, they'll provide documentation and ____ will begin.

Chair Murray: Questions of Mr. Adams? Normally the County deals little with Davis Bacon, is Davis Bacon per se more complicated than what we're used to?

Commissioner Tinsley: It's the same thing.

Paul Stahl: ____ is just the state requirements; Davis Bacon is the federal requirements so in essence it is the same thing Commissioner.

Chair Murray: Thank you. On the, are we going to get by with a modified EA, we talked about bringing in the engineers that we have to do an environmental assessment.

Cheryl Liedle: What we are planning on doing, each site is going to need the study and we would like to be able to contract with a NEPA professional, an individual who works with NEPA who knows the system and then have them do each study for each particular site. We're estimating that included in this about \$30,000 to get that work completed. The reason we're asking to have a professional person do that is that is a key step in this entire project if we don't get our NEPA stuff correctly and timely it will stall the entire project so we'll be coming to you with additional contracts for that work.

Chair Murray: One last one Commissioner, with the signing of this document today, will Captain Clouse be able to start enjoying his retirement.

Cheryl Liedle: He has already started enjoying his retirement. This last Tuesday was his last day of employment, he's no longer with Lewis & Clark County at this point.

Chair Murray: Thank you.

Commissioner Tinsley: Mr. Chairman, Cheryl. You indicated that we have to get a NEPA analysis on each site, is that something that can be done jointly or do we have to do a separate NEPA study on each site, I mean can we combine this into one package.

Cheryl Liedle: That's what our plan is, although each site will have to have that approval singly but the contract is for the entire, we're not going to go out and contract for each site I think that would be too cumbersome. The people that do NEPA studies they know what they're doing and they work with the FEMA and NEPA people all the time. Much more efficient than us trying to do it. The other portion of this that we're going to ask to go to contract is for the FCC licensing and bring in professional folks who understand that licensing process that's another key make it or break it point in this contract so we'll be looking at going out to contract on that for about \$20,000 is what we're estimating.

Chair Murray: Sheriff, our licenses we have now don't transfer because we're using a different radio system, is that plain layman's terms?

Cheryl Liedle: Well, I'm going to defer some of that to you, our licenses that we have now will maintain but since we're moving to a different spectrum, we'll have to gain the licenses for that spectrum.

Mark Adams: Yes, I could answer that. What you're licensing for is you're taking a wide band channel that you use today and using narrow band and they do demand that you re-license for narrow band frequencies so the whole system will be re-licensed as a trunk narrow band system. You will maintain your conventional license as you do today for mutual aid capabilities. It's just a different way of licensing that needs to be done.

Chair Murray: Thank you and thank you for putting it in simple terms. Any other questions? Is there a motion?

Commissioner Tinsley: Mr. Chairman, I make a motion that we approve the communications system agreement with Motorola for radio infrastructure project at the Sheriff's Office and authorize the chair to sign.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you.

Cheryl Liedle: We need to move forward just on a side note, quickly with a full time system administrator on this and we'll begin the process with Sheila here probably this coming week.

Chair Murray: Great.

Ron Alles: On a similar note, I talked to Bonnie Wolf yesterday; we should be getting our final ___ here soon.

Public Comments.

Chair Murray: This is the time on the agenda that anybody present that wishes to address an item the commission has control over may come before us and speak. There being no-one present, we are adjourned.

Adjourn.