

STATE OF MONTANA DEPARTMENT OF COMMERCE
MONTANA COAL BOARD MEETING

December 12, 2019 – Billings, Montana
Big Horn Resort; 1801 Majestic Lane, Billings, MT

John Williams (Chair), Colstrip – Impact Area
Sidney Fitzpatrick (Vice Chair), Hardin– Impact Area
Amber Henning, Missoula – Attorney
Marianne Roose, Eureka – Public Administration

Tim Schaff, Roundup – Education
Sean Smith, Anaconda-Business
Veronica Small-Eastman, Lodge Grass - Education

Notice of Public Meeting

December 11, 2019:

The Board may gather informally for dinner at 6:30p.m. at Rib and Chop House, 1849 Majestic Lane, Billings, MT. Members of the public are also invited to attend dinner at their own expense.

December 12, 2019: The Board will hold a quarterly meeting at 8:30 am, Thursday, December 12, 2019, at the Big Horn Resort; 1801 Majestic Lane, Billings, MT. For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting. Conference call information for this meeting is available on the Coal Board website (<https://comdev.mt.gov/Boards/Coal/Meetings>).

Agenda:

1. Call to order
2. Roll call
3. Opportunity for public comment on items not on the agenda, but within the Board’s jurisdiction
4. Approval of Minutes
 - a. Approval of Meeting minutes (June 20, 2019)
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
 - b. Approval of Meeting minutes (September 12, 2019)
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
5. Budget Status Update
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
6. Project Updates
 - a. Broadview Rural Volunteer Fire District, #0790
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*

- b. Carter County, #0876
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- c. Town of Hysham, #0849
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- d. Lodge Grass, #0742
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- e. Northern Cheyenne Utility Commission, #0830
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- f. Musselshell County
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- g. Open and Closed Project Updates
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 7. Board Internal Procedures
 - a. Amend Board Internal Procedures - Election of Officers Procedure Discussion
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
 - b. Public Participation Procedure Discussion
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 8. Board Officer Elections – Chair and Vice-Chair
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 9. New Business – New Applications (see Table below)
 - *CDD Staff update*
 - *Opportunity for public comment and discussion of environmental review**
 - *Board discussion*
 - *Board action (as applicable)*

*Please note that as the Board reviews the following applications, action in the form of an environmental determination may be made by the Board.

Applicant #	Applicant	Project Description	Funds Requested	Total Project Costs
0887	Musselshell County	Replace antiquated equipment and infrastructure at RMH	\$85,500	\$845,000
*0888	Musselshell County	PAR for Sherriff's Office	\$45,000	\$50,000
0889	City of Hardin	Upgrade components of the wastewater collection system and treatment plant in order to meet EPA and DEQ standards	\$500,000	\$11,265,000
*0890	Carbon County	Complete a PER to stabilize the Bridger Senior Center	\$57,500	\$58,250
*0891	City of Colstrip	Colstrip Broadband Feasibility Study	\$27,000	\$28,000
*0892	Rosebud County	Upgrade arena lighting at the Rosebud County fairgrounds	\$100,000	\$130,000
*0893	Rosebud County	Upgrade Rosebud Healthcare Center equipment	\$215,000	\$215,000
*0894	Forsyth Public Schools	Forsyth Public Schools Bleacher Replacement	\$264,160	\$303,160
*0895	Treasure County	Purchase seven new computers for the county	\$11,000	\$14,000
*0896	Big Horn County	Purchase of one new dump truck and two new graders	\$562,000	\$812,000
*0897	Black Eagle-Cascade County Water & Sewer Dist	Wastewater PER Update	\$15,000	\$22,500
Total Requested:			\$1,882,160	

10. Commerce Updates – Laptop Options for the Board – Sue Leferink, Commerce IT (discuss after lunch)

- *CDD Staff update*
- *Opportunity for public comment*
- *Board discussion*
- *Board action (as applicable)*

11. Old Business

- *Colstrip Units 1 and 2 – Tax Revenue Analysis*
- *CDD Staff update*
- *Opportunity for public comment*
- *Board discussion*
- *Board action (as applicable)*

12. Opportunity for public comment

13. Board Matters

- a. Confirmation of next meeting dates and location
- b. Items for the next agenda

14. Adjourn

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Board Members Present

Chairman John Williams, Vice-Chair Sidney Fitzpatrick, Tim Schaff, Marianne Roose, Amber Henning, Veronica Small-Eastman, and Sean Smith was absent.

Montana Department of Commerce Staff Present

Jennifer Olson, Division Administrator, A.C. Rothenbuecher, Operations Manager, Anne Pichette, Administrative Officer, and Anita Proul, Executive Assistant.

Public Present

Marc R. Osborn	Fuego Volunteer Fire Chief
George Real Bird III	Big Horn County Commissioner
Thomas M. Stockert	Musselshell County Rd Dept
Jay Kohnn	KTVQ Billings
Brad Pfeiffer	Hawk Creek VFD
Brent Burton	Colstrip Public Schools
Lon Sibley	City of Roundup
Denis Pitman	Yellowstone County Commissioner
Bob Pentecost	Bob Pentecost Const.
Jody Bird Williams	Colstrip, MT
Casey Joyce	Grant Writer & Consultant
Bruce W Brown	Colstrip School Board
Fred Morgenthaler	Fuego VFC
Robert N. Hurd, MD	Chairman Fuego Fire Service Area
June Beartusk	NCMA
Debbi Beartusk Dove	Everything Beautiful Thrift Store
Marshall Phil	Blueline Engineering
Becky Bey	KLJ
Kelli Roemer	MSU Student
Jim Atchison	SEMDC
Ken Holmlund	MT State Legislature HD 30
Dianne Lehm	Big Sky Econ
Rudy King, Jr.	Big Horn County
Larry Vandersloot	Big Horn County Commissioner
Bill Hodges	Big Horn Hospital Association
Joanne Schrupp	Colstrip Public Schools
Bob Lewandowski	Colstrip Public Schools
Paula Small-Plenty	Big Horn Hospital Association
Eldon C. Johnson	Hardin School District
Tyler Bush	McKinstry
Nicole Borner	Musselshell County Commissioner
Tory Kolkhorst	Senator Daine's Office
Ryan Tooke	Dahl Memorial Healthcare Association
Ed Joiner	Rosebud County Commissioner

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Pastor Dean Smith	Everything Beautiful Thrift Store
Kathie Bailey	Snowy Mountain Development Corporation
Michael Fuss	Big Horn County Sheriff's Office
Chad Hanson	Great West Engineering

Welcome – Call to order

Chairman Williams called to order the meeting of the Montana Coal Board at 8:30 a.m.

Roll call

Ms. Pichette called the roll for board members. The following board members were present: Chairman Williams, Vice-Chair Sidney Fitzpatrick, Amber Henning, Marianne Roose, Tim Schaff, Veronica Small-Eastman, and Sean Smith was absent.

Opportunity for Public Comment

- Tom Stockert – Musselshell County Road Department, thanked the Board for past support.
- Jim Atchison – SEMDC, congratulated everyone involved with the successful passage of HB 292, Rep. Usher, Rep. Holmlund, Rep. Jerry Custer, and Sen. Duane Ankney, keeps 5.8% rate good for another 4 years, through June 2023. Gave handouts – 16th Annual Energy Open and newest Montana Coal Council brochure. Update One and Two – closing December 31st/ de-commissioning process started, no word on jobs. Economic development - we will continue to move forward at break-neck speed and continue to minimize negative impacts and increase diversification opportunities. Will keep the Coal Board informed and opportunities and success stories as they come out.
- Paula Small-Plenty – Big Horn Hospital Assoc. and Heritage Acres, Project 810 elevator modernization, thanked the Coal Board for the overall project funding and for the extension granted in 2018.
- Bill Hodges – Big Horn Hospital Association, project update and handed out brochures. Hope to have phase one done in 2 ½ weeks. Really benefiting the public that they serve. Thank you.
- Kathie Bailey – Snowy Mountain Development Corporation, ditto to Jim Atchison's comments. Asked if board want letters of support attached to applications? i.e. Rep. Usher indicated he supported Musselshell County and Roundup applications but wanted to know why he wasn't asked for a letter. Chairman Williams replied that it would be appropriate to hear about support – always good to hear about that type of support.
- Tory Kolkhorst – Senator Daine's Office, federal update on new EPA rule – Final Affordable Clean Energy Rule, also called ACE. Repeal clean power plans. Replaces prior administrations clean power plans. Restores rule of law. Empowers states and supports energy diversity and affordability. ACE would protect Montana's high paying jobs, especially that have to do with coal and Colstrip.

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Approval of Minutes (March 21, 2019)

- Chairman Williams called for discussion from the Board regarding the minutes and any comments from the public. No discussion or comments.

Action by the Board: Ms. Roose made a motion to approve the minutes. Ms. Henning seconded. Minutes were approved.

Budget Status Update

- Ms. Olson discussed the budget update report that was handed out by Ms. Pichette. Provided the most current and updated information for any decisions and any awards today. The update was as of June 14, 2019.

	<u>Direct</u>
Funds available for 2019 Biennia:	\$6,822,204.00
<u>2018 State Fiscal Year (July '17 – June '18)</u>	
• Funds appropriated for SFY 2018:	\$3,403,336.00
• Coal Board funds awarded for SFY 2018:	\$3,403,336.00
• Revenue available in Coal Natural Resource account:	\$3,631,279.46
• Balance of available SFY 2018 appropriation:	<u>\$ 0.00</u>
• Balance of available revenue less awards made:	<u>\$ 0.00</u>
<u>2019 State Fiscal Year (July '18 – June '19)</u>	
• Funds appropriated for SFY 2019:	\$3,418,868.00
• Coal Board funds awarded for SFY 2019:	\$2,106,090.00
• Revenue available in Coal Natural Resource account:	\$ 632,809.73
• Balance of available SFY19 appropriation:	<u>\$1,312,778.00</u>
Bi-Total awarded:	\$5,509,426.00
Bi-Total Revenue:	\$6,231,796.87
Bi-Total appropriation available:	\$1,312,778.00
Bi-Balance of available revenue:	\$ 494,427.41
Total 2018 funds reverted:	\$138,382.32
Balance of revenue with reverted funds:	\$632,809.73

- Ms. Olson informed/reminded them that of the total appropriation available \$1,312,778.00, if any is left on the table at the end of June that it will be lost and not carry over to the new biennium.

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- Ms. Olson - currently, projects in front of board in exceedance of total amount of appropriation in regards to requests but do have less than the amounts of revenue in the account. Recommending, of the \$632,809.73, that is cash available in the account, those can be awarded to projects today. However, any projects the board would like to award that are the difference between the \$632,000 and the \$1.3 million in available appropriation authority, that those be awarded contingent upon revenue received during the 2019 Biennium but reported by the Department of Revenue likely in the 2021 Biennium – July.
- Ms. Olson – update also shows 7% Tribal/State, Designated, and Non-Designated and where they stand.
- Chairman Williams asked for Board discussion or questions and any questions from the public on Ms. Olson’s update. No discussion or comments.
- Chairman Williams thanked grant recipients for returning or reverting unused funds as that allows the board to support additional projects.
- Chairman Williams reminded the board of the shortfall of cash on hand versus the grant applications and the appropriated amount of funds and asked that the board specify in their motions weather it is cash on hand or contingent.

Action by the Board: Mr. Schaff made a motion to approve the budget. Ms. Henning seconded. Motion passed.

Project Updates

- Number of projects awarded since the beginning of the 2019 Biennia: 46
- There are currently 38 open contracts and 6 in process
- Ms. Olson requested of the Chairman and Board to please help with executing the contracts by June 30th. With fiscal year end, they need to be executed by the end of June or the funds will not be secured and not securely obligated.
- Ms. Pichette reminded the Board about moving exclusively to the MT.gov emails and that help logging in would be available after the meeting for those needing it.
- Ms. Pichette provided updated information from numerous awardees regarding completions, extension requests, draws, and contract routing. See the following for a prioritized list approval and scope of work change:

Contract #0830 Northern Cheyenne Utilities Commission – Water and Wastewater Equipment \$170,356

- Ms. Pichette – Board awarded but requested a prioritized list of equipment that the utilities commission wanted to order. List provided by grantee and needs approval by board

Action by the Board: Ms. Roose made a motion to approve the prioritized list. Mr. Schaff seconded. Motion passed.

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Contract #0846 Hardin Public Schools – Activity Center Pool Roof Replacement **\$100,000**

- Ms. Pichette – scope of work change. Original contract for roof replacement on the pool, scope change to use award to purchase some fire suppression that they feel is a more urgent need.
- Chad Johnson, Superintendent Hardin School District – passed out two sets of documents and explained why they are requesting a scope change. Much larger issue with facility than the roof, the entire facility needs attention and don't want to put ½ million-dollar investment into the roof when chances are something more drastic will have to be done with the building. With permission of the school district board, looked to submit a scope change for the award of #0846 and take it away from the improvement on the roof and put it into fire suppression throughout the entire district.

Action by the Board: Mr. Schaff made a motion to approve scope change. Ms. Small-Eastman seconded. Discussion from Board –

- Ms. Henning – since changing scope drastically from roof repair to fire suppression, concern in allowing change is that original environmental check list and environmental impact related to the roof and need to know if compliance with MEPA has been done in relation to fire suppression? Cannot personally approve a change in scope without documentation. Mr. Johnson confirmed that documentation is not available at this time.
- Chairman Williams – the motion had been moved and seconded and that Ms. Henning brought up a good point about the environmental assessment and public hearing process. Suggestion to board that an amendment to motion be made requesting environmental assessment.
- Ms. Pichette – this original contract has not been executed and for these funds to be obligated, some type of contract for this project will need to be executed. Typically, when you get a scope change, it is for a contract that has already been signed. Options for motion to possibly allow for a light contract that is contingent on the environmental documentation; however, to have these funds obligated in this fiscal year, some type of contract will have to be signed.
- Ms. Henning – move to amend the motion to allow change in scope contingent on the environmental process being completed.
- Ms. Olson – responsibilities for environmental review process. Coal Board grants go through a MEPA process and if board chooses to take action on an exempt activity, you are within your right to do that, but awarding contracts contingent upon further environmental review doesn't technically follow the MEPA process because it doesn't afford for public comment and you are taking action on a project that hasn't been vetted by public.
- Ms. Henning – withdraw amendment to motion
- Chairman Williams – amendment withdrawn. Asked for guidance on next steps.
- Ms. Olson – options, 1- school board executes original contract and completes activity, or not, and comes to the Coal Board with a change of scope that is further deliberated on regarding the environmental review; 2- proceeding with the original project.

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Action by the Board: Chairman Williams referenced the current motion, that was moved and seconded, to approve the scope change and asked for a vote; Ms. Pichette called for vote: Yes = Vice-Chair Fitzpatrick, Ms. Roose, Mr. Schaff, Ms. Small-Eastman, Chairman Williams; No = Ms. Henning.

Action by the Board: Chairman Williams made a motion to bring #0846 back to the table for reconsideration. Ms. Henning seconded.

Discussion from Board –

- Ms. Henning – scope of work change. Original contract for roof replacement on the pool, scope change to use award to purchase fire suppression. The Issue comes because the scope request change is completely different than the original application request. MEPA requirements must be followed. Under MEPA you can either ask that your grant request be categorically excluded under the criteria; that goes through a public comment period and the local government or entity taking on the grant request takes that responsibility going through that process. Other options are doing an environmental assessment or what is called an EIS. When the board received the scope change request, there was no documentation or discussion from Hardin Schools whether this new change of the fire suppression system meets MEPA. Without that documentation, the board cannot make that scope change because they are taking on that liability and do not have the authority under the statutes either. Other problem is fiscal year end is June 30th and there is not enough time for Hardin Schools to go back and try to do all this process and bring it forward to the board again for the board, under statute, to approve such a scope request. Really not a scope request change, in and of itself, is actually a new application and board does not have a full application. For those reasons, recommend the board deny the scope request change due to the lack of documentation. Three-fold, moving to reconsider the motion and vote on that, after that, suggest that the board rescind the prior motion of approving the scope change, then make a new motion denying the scope change.
- Chairman Williams asked for Board discussion or comments from the public. No discussion or comments.
- Chairman Williams asked for a vote on the motion to bring the previous motion back to table – All Yes

Action by the Board: Ms. Henning made a motion to rescind previous motion approving the scope change for #8046. Mr. Schaff seconded.

Discussion from Board –

- Ms. Henning – under the board’s statutory criteria, do not have the authority to approve the scope change at this time.
- Mr. Schaff – realize that, statutorily, can’t move forward the way I made the motion, but can we categorically exclude based on what I know is going to happen when they work on that construction project?
- Ms. Henning – that is an option, I strongly urge the board we do not do that without proper documentation. We do not have the information in front of us as to which school, as it is for the

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district, is getting the fire suppression system. We just don't have the needed documentation – wish we could approve the scope change as it is a vital and important request, but without the required documentation, I just can't support this change.

- Ms. Roose – could motion be made to categorically exclude contingent upon them providing the categorical exclusion?
- Ms. Henning – again, don't think that would work as we would have to get everything in within 10 days, by the end of the fiscal year. Unfortunately, don't think we have enough time due to needing to have another public meeting and the meeting publicly noticed.
- Chairman Williams – this is \$100,000 request for change. Because of the issues that would possibly be precedent setting and the other issues associated with this that Ms. Henning has already identified, I do not feel it places value on us to move forward with this. The other thing we can do is to encourage the Hardin School District to make another application. They can come forward at the next meeting with a new application and have all of the issues associated with their request identified and follow through the process as it has been identified.

Chairman Williams asked for comments from the public. No comments.

- Ms. Rothenbuecher – just notified that the superintendent would be returning in about 20-30 minutes so that's probably why you are not having any additional public comments at this time.

Chairman Williams asked for any other discussion.

- Mr. Schaff – moved to table the motion to rescind until the superintendent returned.
- Ms. Henning – recommend voting on motion to rescind now and then tabling discussion until the superintendent returns, then we would be having a new motion either approving or denying at that time.

Chairman Williams asked for any other discussion from the board or public. No Discussion.

Chairman Williams asked for a vote – Ms. Pichette called for a vote: Yes = All Board Members

- Passed motion to rescind pending discussion with superintendent upon his return.
- Mr. Schaff – question to staff: If we deny the scope, they've already been granted the \$100,000 on the pool, they are going to basically say they are going to give that money back or they have to execute the contract on the pool roof – correct?
- Ms. Olson – recap: If you deny change of scope, there is still an outstanding contract that is not yet executed, if not executed by the end of the biennium, the money goes away. Important discussion to have with the superintendent when he returns – what their thoughts/next steps are. If the fire suppression system is their priority, how will they meet the contract execution date by fiscal year end?
- Chairman Williams – the Hardin School District Superintendent, Chad Johnson has returned to the meeting, board can readdress. Asked Superintendent Johnson if he had been informed of the process/things that have occurred?
- Mr. Johnson – No

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- Chairman Williams – request pulled of the table and have a motion to rescind that motion because of issues associated with request – rethinking to do and why we asked you to come back in. Introduced Ms. Henning so she could explain the problem/situation.
- Ms. Henning – explained the boards discussion/problems with the scope change request and the direction from the Board attorney in Helena. Leaves you with two options – board will have a motion again to approve scope request, if not approved, continue on original contract with pool roof for the \$100,000 or you can terminate the contract and reapply in the next biennium for the fire suppression system for the \$100,000.
- Mr. Johnson – understand the decision. Would rescind and ask that agreement be canceled. Makes no sense to continue with project with the original scope, not a wise investment of funds and if we can't go the other way, I would ask then that be removed, and the contract be canceled.
- Ms. Henning – the public commends you because that leaves more money to grant.
- Chairman Williams – thank you, Superintendent

Action by the Board: Ms. Henning made a motion to deny the scope request change for #8046. Mr. Schaff seconded. Ms. Pichette called for a vote: Yes = All Board Members
Chairman Williams – Motion to deny granted

Discussion from Board - asked about the \$100,000 for awarding and impact of rescission

- Ms. Olson – stated that applicant had to submit contract by June 28th to receive funding.
- Mr. Johnson – I will rescind my decision to cancel project #0846 and have contract submitted by June 28th

Contract #0850 Big Horn County – Big Horn County Memorial Hospital Renovation **\$250,000**

Ms. Pichette – scope change for Big Horn Hospital Association project. Asking for a scope change to turn this large project into phases.

Bill Hodges, Big Horn Hospital Association Foundation Director – explained phases and requested that the \$250,000 that has already been awarded be allocated to the first phase that has already been completed.

Action by the Board: Ms. Small-Eastman made a motion to approve scope change. Ms. Roose seconded. Vice-Chair Fitzpatrick recused himself from vote. Motion Passed.

Further Staff Updates

- Ms. Pichette – reminded the Board that, as a carryover from orientation the previous day, the board discussed having a work session to talk about the boards policies and procedures that the board follows regarding public participation, also looking at all aspects of that including election of officers and any other policies that may need to be updated. This would be an agenda item for the next meeting
- Ms. Olson – clarified work session and directed the board to their Orientation packet, Tab 8 and encouraged the Board to review the Coal Board procedures and what they would like to do to

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change to ensure following open meeting law and public participation law. Any changes that are recommended will be presented at the following subsequent meeting for the public to comment on.

- Ms. Olson – HB652 passed legislation that provided for Delivering Local Assistance funds, new funds, \$21.5 million available for local governments to apply between June 1st and September 30th to the Department of Commerce so that communities that are experiencing impacts from natural resource development could receive funding to specifically address some of those impacts in their communities.
- Ms. Olson – HB292, thank you/appreciation to Representative Usher for carrying that bill.

Coal Impact Report

Chairman Williams directed the public to the report on the table in the back of the room

- Ms. Olson – Department of Commerce is charged with biennially designating coal impacted communities. Can be reviewed any time during biennium, most appropriate at end of biennium so designation goes back to board so board can see where designated communities are and make awards based on that designation. Statute also provides that no more than 50% of the funds appropriated to board are awarded to non-designated communities – majority of funds going to designated communities. Ms. Olson explained/reviewed the report, which was also available in the board packet.
- Chairman Williams asked for Board discussion or questions and any questions from the public on Ms. Olson's update.
- Chairman Williams – with the identified closure of Units 1 and 2, could this report show energy production that has occurred over the years and the impact of that, on the report.
- Ms. Olson – happy to consider that. We will take that information back and look at what that request is regarding what is required in the statute. We want to make sure that we are not adding anything or taking away from anything that is already provided in the statute to carry that out.
- Ms. Olson – thank you to the Resource Information staff at the Department of Commerce, they provided a lot of information in regards to the analysis of data collection and also the GIS mapping. They were largely involved and very instrumental in giving us facts to work with to develop the report.

No other board or public discussion or comments.

New Business

Chairman Williams – reminded the board that there are funds available and appropriation available. Suggestion to board, go all the way through the applications and come back and make recommendations and motions for awards, and as motions are made that they are specific to the amount and how the funding will occur.

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Application #0871 Musselshell County – New Mower for Road Department **\$58,736**

- The applicant is requesting \$58,736 to complete the purchase of a new mower.
- Tom Stockert – Musselshell County Road Dept, currently only have one mower and just over 500 miles of road and about 1,100 miles of barrow-ditch for one mower. Tall grass at the edges of roads critical – visibility problems, fire hazard, and snow drifts in winter. New mower cuts time in half, more efficient. Safety concern with old mower nearly rolling over to go in ditches, side arms on new mower maintain tractor on roadway and swing mower down into barrow ditch. Thank you.

Action by the Board: Ms. Roose moved to fund \$58,746 from cash. Ms. Henning seconded. Ms. Pichette called for a vote: all yes. Motion approved, number two priority.

Application #0872 Yellowstone County – New fire station for Fuego Fire Service Area **\$135,080**

- The applicant is requesting \$135,080 to complete the building of a new fire station.
- Casey Joyce – Grant Writer/Consultant, build off MT Hwy 3 between Indian Cliffs subdivision and city of Acton, north of Billings. A lot of residential growth in the area and their equipment is currently stored on the west end of billings takes about a half hour to 45 minutes to get up to their fire service area. Submitted meeting minutes/documents to satisfy environmental. Submitted foundation and floor plans in response to the engineering report. Information on number of bays and construction materials – builder contractor is here, may be able to answer those questions or the board members and trustees for the fire service area are here and might be able to address those. Thank you.
- Marc Osborn – Fire Chief, vital service we provide with Yellowstone County (YC) and we are a signatory on mutual aid response with all the volunteer companies in YC. Wanted to impress upon you the importance of having our fire equipment near where we are at. Meetings are sporadically throughout the area in Billings at personal homes. Until this year, equipment stored in my personal garage, but I just couldn't do it anymore. Equipment deteriorating sitting out in the sun. Did go out for multiple bids. Thank you.
- Dr. Robert Hurd – Resident of Fuego and original member of Fuego which was a private fire department, been going for over 25 years – area has grown to where more equipment needed, more homes, vital to get equipment under cover. Fuego Fire Service area is a government entity, board appointed by YC and I am chairman and can answer any questions from the public nature of things. Thank you.
- Dennis Pittman – YC Commissioner, you have our letter of support and hope you will consider awarding this with the rail line going through there, the response time is vital for the fire house to be there. Thank you.
- Fred Morgenthaler – Secretary/Treasurer Fuego Volunteer Fire Dept, here to answer any questions on financing/numbers. Critical need – 6 wildland fires last year and our department was a first responder to every fire because the equipment was parked at personal homes – just not feasible for operation of a fire department. Been a fire service area for about 3 years, been

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part of the county neutral aid program as long, and in that 3 years have responded to every 911 page received – car wrecks, heart attacks, fires, whatever – we are a dedicated, hard-working, conscientious group. Thank you.

Questions and comments from the Board –

- Chairman Williams – you are a new district, correct? Formed in 2016? How do you currently receive your funding? Did you form a district in 2016 so you have taxing authority within your district?
 - Marc Osborn – correct, we officially formed in 2016. Informally being covered by Shepherd Fire previously. No, it is a fire service area not a district, there is a difference. Have a contract with YC. We went out to all members and asked for \$300/household, about 40% gave money, so we were trying to figure out how to make it more equitable. With the YC contract, there is an assessment that the county does, believe \$.15/acre so my house is on 10 acres, I pay about \$1.50. If we were to operate just on that we would be in trouble. Have based everything on donations and the generosity of people up there.

Action by the Board: Ms. Small moved to fund \$135,080 from cash. Vice-Chair Fitzpatrick seconded. Ms. Pichette called for a vote: all yes. Motion approved, number six priority.

Application #0873 Colstrip Public Schools – Replace Bleacher Seating and Resurface

Gym Floor **\$473,550**

- The applicant is requesting \$473,550 to complete the replacement of bleacher seating for ADA compliance and resurfacing of the gym floor.
- Bob Lewindowski – Superintendent, Colstrip Public Schools, Thank you! Colstrip Days 21st, 22nd, 23rd. Address 10-day rule for the minutes of the Colstrip Public School Board’s actions – environmental determination. I have asked that they be included and waive the 10-day rule.

Action by the Board: Ms. Henning moved to waive the 10-day requirement and allow Colstrip Public schools to submit their meeting minutes. Mr. Schaff seconded.

Discussion from the Board and comments from the public. No discussion or comments.

Ms. Pichette called for a vote: all yes except Chairman Williams abstained.

- Bob Lewindowski – Superintendent, also address the staff report. Opportunity to add for consideration – project is first and foremost issues of safety which include the need to sand and refinish the gym floor. Address the degree of local effort meeting the needs – ask the board to note that on behalf of the people of Colstrip and our school district, we’d ask the Board to note that the community of Colstrip has supported annual levies and special levies and requests that come from Colstrip Public Schools for over three decades without fail. Mr. Lewindowski further explained/expanded why Colstrip Public Schools is applying for this grant and the degree of taxpayer’s efforts meeting the needs. Thank you.
- Brent Burton – Vice-Chair Colstrip School Board, long-term resident/small business owner and can speak to the impact the school has on the community. Have over \$3.5 million in deferred

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maintenance in district, this will go a long way towards taking care of that and the safety issues. Thank you.

- Bruce Brown – Colstrip School Board, long-term resident and thank you for the consideration of this application.
- Tyler Bush – Project Manager, Mckinstry, school district looking at declining numbers and wanted an assessment of their facilities – centralization project. Phased project for centralization, district considers the high school the anchor facility. Other improvements will be done to the high school that trigger ADA rules and this is initial ADA compliance project for those measure to be installed. High is the anchor for project and the community. Thank you.
- Jim Atchison – SEMDC, support this project. They are a major employer in our community, one of biggest in Rosebud county as well. This school district is one of five tax districts directly impacted within the community of Colstrip. They are working their centralization plan into the economic development plan and others as well. Two school district buildings are available for potential redevelopment as well. Thank you.
- Joanne Schrupp – District Clerk/Business Manager Colstrip School District, long-term resident. The last time district came to the Coal Board for help was when the school was opened. In the interim, have promoted and maintained the facilities on our own. With the declining of coal, the district finds themselves in a position of wanting to set themselves up for the future in a good way. Expanded on the safety and ADA needs of the high school. We ask you for your support and thank you for the service that you provide coal country in your service to the state.
- Jody Bird Williams – Colstrip, when you look at what the high school does for the entire county, and it is the 5th largest in Montana, it is a great benefit. I hope you give us some favor
- **Questions and comments from the Board** – Did you receive multiple bids on this equipment and the resurfacing? What is current seating? In your letter is says you will have a loss of 500 seats.
- Tyler Bush – No. With regards to the specific bleacher equipment, we used MT Co-Op which is a service provided by the Montana School Board Association. They go out for bid process and select vendors that are on a pre-approved list, so those are the vendors that have been selected and those are the budget numbers reflected in that.
- Bob Lewindowski – seating right now is 2500. We look to host 2000 seats – would lose seating to do this because the isles would have to be widened and push back some seating for wheelchair access, etc.

Action by the Board: Mr. Schaff moved to fund full amount \$473,550 - \$207,224 from cash and \$266,326 contingent. Vice Chair Fitzpatrick seconded. Ms. Pichette called for a vote: all yes, except Chairman Williams abstained. Motion approved, number seven priority, but number one priority for appropriated funds.

Application #0874 Musselshell County – Upgrade Hawk Creek VFD Building

\$15,848.00

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- The applicant is requesting \$15,848 to complete the purchase of materials to upgrade the Hawk Creek Volunteer Fire Department building.
- Brad Pfeiffer – Fire Chief Hawk Creek VFD, gave a handout highlighting/explaining who the fire department is and what they need. Fire department formed in 1985 and serve all the unincorporated areas of Musselshell County including the town of Musselshell. Experienced a lot of growth, last time here 2014/15 for help with a command vehicle and search and rescue vehicle. Provided statistics on equipment, firefighters/EMT's, and other departments they support. Build and maintain equipment, receive a very small county budget, work hard on donations including from firefighters. Blessed with county giving them an old building but had to tear down/move/set up - done with donations. Looking to do all the work themselves. Looking to turn cold storage into a warm storage building. Explained how they can provide the labor. This grant request will take the entire inside of the building and finish it to where it is fully heated, insulated and ready for winter.
- **Questions and comments from the Board / Response** – This is what Montana is and this is what coal country is. This is one of the best examples of that that I have seen since I started on the board. Thank you for the presentation.
- Brad Fifer – thank you very much, it means a great deal to us.

Action by the Board: Ms. Henning moved to fund \$15,848 from cash. Ms. Roose seconded. Ms. Pichette called for a vote: all yes. Motion approved, number four priority.

Application #0875 Colstrip Hospital District – Purchase Monitor/Defibrillator Units and Radiology Equipment

\$55,000

- The applicant is requesting \$55,00 to complete the purchase of two monitor/defibrillator units and radiology equipment.
- Jim Atchison – SEMDC, address the resolution, affidavit, and public notice including the minutes of what the clinic board did recently; basically, determined a categorical exclusion exists because it is equipment. Have that to hand out at this time and ask the board to concur with that.

Action by the Board: Ms. Henning made a motion to accept the resolution and documentation provided by the Colstrip Hospital District and waive the 10-day rule. Mr. Schaff seconded.

Discussion from Board and public. No discussion.

Ms. Pichette called for a vote: all yes except Chairman Williams abstained. Approved to accept the environmental determination and resolution as it has been handed out.

- John Poole – Administrator Colstrip Medical Center, point of clarification, staff report and application, our application is correct. The millage rates over the last 3 years, averaged 8.56 mills and it goes up yearly. Current rate this year is 9.15 mills and we always levy maximum we can. These have been backed up by the county treasurer and our auditors. Audit in packet handed out. Explained the need and urgency for the equipment. Overall, we believe the

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equipment will improve our patient quality, safety, and the care we provide and become a lot more efficient. We appreciate your consideration of our project and thank you very much.

- Janice Breyer – Chairman Colstrip Medical Foundation, our goal, is a group of people that do fundraisers throughout the year to raise money to purchase things that the Colstrip Medical Center may need. We have been doing fundraisers for 3-4 years for the radiology equipment. The Colstrip Medical Foundation is willing to donate \$15,000 towards that equipment. Feel it's an important thing for our community and we work very hard throughout the years and provide fundraising for the Colstrip Medical Center.
- Jim Atchison – Explained impacts and the 5 tax districts. Only healthcare in our community. Part of planning document. Working closely with city and county on their goals/revisions going on at this time.
- Ed Joyner – Rosebud County Commissioner, we support this project and very well needed. Important to our community and surrounding areas. We appreciate your support, thank you.
- Chairman Williams - on your application you provided the management discussion and analysis and also a copy of the audit report and every governmental unit is required to put together a management discussion and analysis geared toward the audit report and it makes it easy for the layman to go through and take a look at the financial position of the local government unit. It's a great report and I'd like to have this as a requirement on our application. I would like to put this on the agenda for discussion. Response to Ms. Olson's question – Yes.
- Ms. Olson – clarification, are you asking at the next Coal Board meeting that we bring to the Board our example or template application to be considered for changes and updates? Also, to advise the Board, any changes you want to make to the application, you can consider them at the board meeting, but you can't take any action on them until it goes through an Administrative Rule Process (ARM). Slightly different than normal practice – discuss those changes here then the department would carry out an ARM proceeding separate because the application is adopted into ARMs, though you might want to look comprehensively and staff has potential suggestions just to organize the application to be a little bit easier to apply.
- Jody Bird Williams – go to their board meetings sometimes, these guys do a lot and they work really hard with what they have and provide great support. Your chairman is walking/talking testimony how good they are. I hope you will approve their request.

Action by the Board: Ms. Roose moved to fund \$55,000 from cash. Ms. Henning seconded. Ms. Pichette called for a vote: all yes, except Chairman Williams abstained. Motion approved, number three priority.

Application #0876 Carter County – Electronic Health Record System **\$135,000**

- The applicant is requesting \$135,000 to complete the replacement of the electronic medical records software for Dahl Memorial Healthcare Association.

Action by the Board: Vice-Chair Fitzpatrick moved to waive the 10-day requirement and allow Carter County to submit their resolution. Mr. Schaff seconded.

Discussion from the Board and comments from the public. No discussion or comments.

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Ms. Pichette called for a vote: all yes. Motion approved.

- Ryan Tooke – CEO Dahl Memorial Healthcare, Ekalaka – Electronic system will not meet the 3 stages of meaningful use for Medicare. Have secured other funding sources/loans. Award from Coal Board would be greatly appreciated, but project is covered if award doesn't happen. Community involvement - mills have drastically increased due to the pipelines going through, county always very supportive of healthcare facility. Significant growth in community, electric co-op just built new building – want board to feel comfortable that you're not putting money into a black hole.
- **Questions from the Board** – environmental not completed, do you have additional documentation for board? Do you have the minutes, just need the minutes? Need as soon as possible. With the other funding sources discussed, are you still requesting the \$135,000?
- Ryan Tooke – yes, info was emailed, and receipt confirmed. Requested an exclusion, commissioners noticed it, had public hearing. May I have the Clerk & Recorder email minutes to me before the end of the meeting? Yes, but smaller award is appreciated, anything is helpful.

Action by the Board: Ms. Henning moved to fund remaining appropriated amount. Vice-Chair Fitzpatrick seconded. Ms. Pichette called for a vote: all yes. Motion approved, number three priority from appropriated funds.

Application #0877 Big Horn County – Data Terminals for Vehicles and Desktop Computers \$32,800

- The applicant is requesting \$32,800 to complete the purchase of data terminals for vehicles and desktop computers for the Sheriff's Department.
- George Real Bird III – Big Horn County Commissioner, handed out request to modify original grant request. Received grant from 911 to fund 20 mobile data terminals. Would like to take those out and add 9 additional PCs? Must update all sheriff's office computers as well as server. Add PCs and server for \$39,915, approximately \$26K less than original grant amount and county funding at 50%. Respectfully request Coal Board grant funding of \$19,957.50 for project. Handed out budget for change request.
- Michael Fuss – Captain Big Horn County Sheriff's Office, explained need for computers and updated operating system.
- **Questions from the Board** – (procedural) asking for a change in application, does it need to be noticed and put forward to the next meeting? Clarifying, 15 computers or 9? The number with 50% from the county, \$19,957.50?
- Ms. Olson – because it has been noticed, the application is here, that allows board to have this conversation right now and make determinations. This is embodied within the conversation of the application.
- Michael Fuss – 15. That is correct dollar amount.

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Action by the Board: Ms. Small-Eastman moved to fund \$19,958 from cash. Ms. Roose seconded. Ms. Pichette called for a vote: all yes, except Vice-Chair Fitzpatrick abstained. Motion approved, number five priority.

Application #0878 Rosebud County – Construct New Thrift Store in Lame Deer **\$150,000**

- The applicant is requesting \$150,000 to complete the construction of a new thrift store building.
- June Beartusk – Northern Cheyenne Ministerial Assoc (NCMA) we appreciate the time we've been given to present our request. Would like to request to waive the 10-day rule and permission to provide public hearing notices, minutes, and categorical exclusion resolution, and photos of thrift store project – handouts provided.

Action by the Board: Ms. Henning moved to waive the 10-day rule and allow Rosebud County to submit the afore mentioned documents. Ms. Roose seconded.

Discussion from the Board and comments from the public. No discussion or comments.

Ms. Pichette called for a vote: all yes. Motion approved

- June Beartusk – grant money is to finish the interior of the Everything Beautiful Thrift Store. Explained the mission and urgent need for the thrift store as well as the scope of the project. We extend our gratitude and thank you to the Montana Coal Board for a previous award of \$300K to construct the shell of the thrift store building. Thank you for your consideration.
- Pastor Dean Smith – Morning Star Baptist Church, Northern Cheyenne Indian Reservation. Chair and Co-Chair apologize for not being here. Honored to stand before you. Walked through panels of pictures, reinforced the need for the thrift store and thank you for the seed money that got us going. A lot of great causes here and for limited dollars, if the board considers our recommendation that we have put forth in our application and it falls less than the \$150K, that is perfectly fine. Thank you so much from the bottom of our hearts.
- Debbi Beartusk-Dove – Board member NCMA and member Northern Cheyenne Tribe, thank you for helping to get the walls, floors, windows, and doors up on our new thrift store building. Community members can see with greater clarity what the building represents to them. Humbled by your previous generosity and it is not easy to come before you again and ask you to help us to get to the finish line on construction. Thank you for your time and consideration.
- Ed Joyner – Rosebud County Commissioner, volunteers from all over the area. They have applied for a grant from The Murdock Foundation, and the If they do receive that grant, I have asked them to return the Coal Board funds, if awarded.
- Jim Atchison – SEMDC, support the project and doing more in the planning efforts with the reservation.
- June Beartusk – explained the situation and funding requests with The Murdock Trust. Discussed Murdock's guidance on submitting better proposals, their business plan and sustainability of the program.

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- Joanne Schrupp – Colstrip Schools, segment of our student population benefits from the thrift store and they all do a great job. It is something that is tremendously beneficial. Thank you very much for listening to them and to me.
- Jody Bird Williams – Colstrip, commended them for having a ministerial organization that works together. I hope you fund them.

Action by the Board: Vice-Chair Fitzpatrick moved to fund \$150,000 from cash. Ms. Small-Eastman seconded. Ms. Pichette called for a vote: all yes. Motion approved, number one priority.

Application #0879 City of Roundup – Install/Replace Water Lines **\$400,000**

- The applicant is requesting \$400,000 to complete the installation and replacement of approximately five blocks of water line.
- Ms. Pichette – environmental is not complete, however they submitted documentation after the 10 days so they will be asking for a waiver of the 10 days. Hand out given to the board.

Action by the Board: Vice-Chair Fitzpatrick moved to waive the 10-day rule and allow the City of Roundup to submit documents. Mr. Schaff seconded.

Discussion from the Board and comments from the public. No discussion or comments.

Ms. Pichette called for a vote: all yes. Motion approved

- Lon Sibley – Public Works Director City of Roundup, presenting in place of Mayor Jones, apologies she is not able to attend. Signal Peak mine is just south of town and while numerous employees live in town, the city receives no tax dollars from mine. Thank you for past contributions.
- Chad Hanson – Great West Engineering, original water distribution system installed in 1905, and lot of cast iron mains left in town and they were chipping away at replacing them every couple years. We started working with them to leverage their funds with grant money and accelerate replacement. To date: Four phases of replacement, replaced over 24K linear feet of water mains, still have over 15K to go. Currently planning phase five \$2.443 million-dollar project. Explained the city's financial obligations and commitments to this phase, the urgency of replacing the leaking water mains currently outside of this phase, how the additional mains would be worked into the phase, and the role the Coal Board funding would play. Thank you for the previous partnership.
- Kathie Bailey – SMDC, work on the comprehensive economic development strategy for the region, update annually, and infrastructure is part of goals and objectives and Roundup is one of those right at the top. Doing a super job on what they've done so far. I hope you will fund this; I know it's a lot of money, but the urgency is there, and they've done their part as far participating in sponsorship and changes in the water system.

Action by the Board: Mr. Schaff moved to fund \$400,000 contingent. Ms. Roose seconded. Ms. Pichette called for a vote: all yes. Motion approved, number two priority appropriated funds.

Opportunity for Public Comment

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- Representative Ken Holmlund – Representative HD 38 Miles City, couple items that are pretty important where the legislature is involved. We’ve been talking today about the 5.8% funding and the 2.9% funding. I don’t think the average people in the communities realize how important your testimony is when you come before the legislature. We see lobbyists all the time, but we don’t see the people from the communities there. This has been a rather contentious issue for the three terms that I have been there. If we can impress upon you how important it is that if you can get to Helena to testify and maybe talk to your representative, how much influence you can have one them. We listen when constituents come in front of us. Please consider that when this is coming up because it will be happening again in ’21. Please, if you can get the opportunity to get up there because we need your help to be able to get this continued. Second thing, we’ve been doing some talking also about a mistake that was made again, by the legislature and the money. The one topic that was discussed was to put it into HB 3 – not a good idea. If we can avoid putting stuff into HB 3 it’s going to make my life a lot easier because I carry it this time and I’ll probably carry it next time. It’s a supplemental. It’s actually funds that are above what was budgeted for departments. Not very popular in the legislature. If we can avoid that I would highly recommend that. Thank you for your time.
- Tom Stockert – Thank you for the tough decisions you have to make, and you do a really nice job.
- Lon Sibley – Thank you.
- Bob Lewindowski – Thank very much.
- Brad Pfeifer – Thank you very much, it’s a great thing you’re doing for us.
- John Poole – Thank you, you did a good job for the patients in Colstrip.
- Casey Joyce – Thank you.
- Dr. Robert Hurd – Thank you.
- Pastor Dean Smith – Thank you again for another miracle.
- George Real Bird III – Thank you.
- Ryan Tooke – Thank you.
- Fred Morgenthaler – Thank you

Board Matters:

Reminder of calendar – Upcoming meetings:

- Second week of month, Thursday – March, June, September, December

Confirm location for next meeting

- Thursday, September 12th, 8:30 am, Billings
- Thursday, December 12th, 8:30 am, Billings

Items for agenda

- Board internal procedures including meeting notice and election of chair/vice-chair. Audit requirement and management analysis.

Adjournment: Mr. Schaff made a motion to adjourn. Ms. Roose seconded. Meeting adjourned at 3:18 pm

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Board Members Present

Chairman John Williams, Vice-Chair Sidney Fitzpatrick, on the phone was Amber Henning, Marianne Roose, Tim Schaff, Sean Smith, Veronica Small-Eastman

Montana Department of Commerce Staff Present

A.C. Rothenbuecher and Anita Proul

Public Present

Robert Pontius	Colstrip Fire Chief
Tyler Bush	McKinstry
Eldon C. Johnson	Hardin Public Schools
Rep. Ken Holmlund	House District 38
Jim Atchison	Southeastern Montana Development Corporation
Julie Emmons	Southeastern Montana Development Corporation
Bruce Brown	Colstrip School Board Trustee
Thom MacLean	Big Sky EDA
Bill Kennedy	Montana State University-Billings
Bill Hodges	Big Horn Hospital Association
Kristi Gatrell	Bill Horn Hospital Association
Mark Osborn	Fuego Volunteer Fire Department
Tory Kolkhorst	Senator Steve Daines Representative
Michael Fuss	Big Horn County
Jody Williams	Colstrip Resident
Doug Martens	Rosebud County Commissioner
George Real Bird III	Big Horn County Commissioner
Lawrence Big Hair	Big Horn County Sheriff
Craig Canfield	KLG Engineering
Bob Lewandowski	Colstrip Public Schools
John Rogers	Economic Development Consultant

Welcome – Call to order

Chairman Williams called to order the meeting of the Montana Coal Board at 8:37 a.m. and thanked staff for their hard work and introduced Sean Smith.

Roll call

A.C. Rothenbuecher called the roll for the board members. The following board members were present: Chairman Williams, Vice-Chair Sidney Fitzpatrick, on the phone via conference call Amber Henning, Marianne Roose, Tim Schaff, Veronica Small-Eastman. Sean Smith introduced himself.

Opportunity for Public Comment

- Bill Kennedy: All drawings are finished and CW Clark, Construction in Billings have the bid and have 18 months to finish the construction project
- Jim Atchison: We have been inundated for the last three or four years with media requests and actually we had one reporter capture the heart, soul and spirit of our community with a very

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nice article about Colstrip with everything going on there. Offered handouts. Coal units one and two are now scheduled for shut down on December of this year.

- Julie Emmons: Provided an update on the Ashland Public Schools project.
- Mark Osborn: provided an update on the construction of Fuego Volunteer fire station.
- Bob Lewandowski (Superintendent): Thank you Coal Board and thank you from the students and welcome to Sean Smith.
- Bill Hodges: Provide and update on the Big Horn Hospital project. Thank you so much and really appreciate the support and would love to host the next Coal Board meeting in Big Horn County.

Approval of Minutes (June 20, 2019)

- Chairman Williams called for discussion from the Board regarding the minutes and any comments from the public. No comments were made.

Action by the Board: Marianne Roose made a motion to approve the minutes. Tim Schaff seconded. Motion passed.

Budget Status Update

- Ms. Rothenbuecher- Community Development Operations Manager, discussed the updated spreadsheet.
- Chairman Williams recommended to make awards contingent upon available funds and prioritize awards granted with priorities established by the board.

Legislative Appropriation (HB 209):	\$6,822,204.00
FY 2018 (7/1/17-6/30/18) Appropriation:	\$3,403,336.00
FY 2018 Revenue Available to Date:	\$3,631,279.46
FY 2018 Awards Made to Date:	\$3,403,336.00
FY 2018 Revenue Available to Award:	\$0.00

FY 2019 (7/1/18-6/30/19) Appropriation:	\$3,418,868.00
FY 2019 Revenue Available to Date:	\$3,553,951.65
FY 2019 Awards Made to Date:	\$3,414,262.00
Funds Reverted:	\$138,382.32
FY 2019 Revenue Available to Award:	\$278,071.97
2019 Biennium Awarded:	\$6,817,598.00
2019 Biennium Appropriation Remaining to Award:	\$4,606.00

Revenue Available:	\$139,689.65
Revenue Available with Reverted Funds (to award this meeting):	\$278,071.97

Tribal/State 7% Limit	
2018 Appropriation Tribal/State Limit of 7%:	\$238,233.52
2018 Fiscal Year Awarded:	\$170,356.00
2018 Difference:	\$67,877.52

2019 Appropriation Tribal/State Limit of 7%:	\$239,320.76
2019 Fiscal Year Awarded:	\$154,621.00

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2019 Difference:	\$84,699.76
Designated (at least 50%) Available by Fiscal Year	
2018 Designated (at least 50% of 2018 FY Approp.)	\$1,735,701.36
2018 Awards for Designated	\$2,476,073.00
2019 Designated (at least 50% of 2019 FY Approp.)	
2019 Awards for Designated	\$1,743,622.68 \$2,533,353.00
Non-Designated (not more than 50%) Awarded by Fiscal Year	
2018 Non-Designated (not more than 50% of 2018 FY Approp.)	\$1,667,634.64
2018 Awards for Non-Designated	\$500,000.00
2019 Non-Designated (not more than 50% of 2019 FY Approp.)	
2019 Awards for Non-Designated	\$1,675,245.32 \$0.00

Project Update

- There are currently 44 open contracts
- Musselshell County grant #871 – thank you letter to the Board.
- Hardin High School grant #846 – scope of work change on environmental review documents, updated budget, updated orientation schedule, public notice – missing from the packet are meeting minutes.
- Ms. Rothenbuecher provided updated information form numerous awardees regarding completions, extension request, draws, and contract routing.

Action by the Board:

- Chairman Williams made a motion to grant Hardin High School request for a scope of work change. Marianne Roose seconded. Motion passed.

Commerce Staff Updates

- Last meeting requested Coal Impact Report and any changes to designated unit
- The board officer Mrs. Pichette is set to leave the Department of Commerce in July currently in the training process to replace that board officer position.
- We have recorded the Environmental Review Webinar is available on the Coal Board website.
- Options for not having binders – IT department at Department of Commerce are looking into any type of technology options that will work for the Board.
- Chairman Williams: I appreciate the fast work on the last biennium as we were right up to the last wire to close out those contracts, so we didn't lose any of the funds.

Board Internal Procedures

- Clarification on election timeframe of Chair to be put on the agenda for Board action at the next meeting.
- Chairman Williams: recommended the first quarterly meeting of the new biennium with a two-year term.

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Action by the Board

- Clarify does “on the phone” board member equate to being physically present.
- Clarify that at the beginning of a biennium that the Board would elect the Vice-Chair and Chair at the same time. That the staff will amend the current control procedures to reflect that and that legal staff will review it and it will be presented at the December meeting for public comment and Board action.
- Loan participation process
- Handed out a memo from the Chief Legal Counsel on the process regarding public participation.
- Clarification of Administrative Rules 8.2.201 – roles of the Department of Commerce have adopted on public and citizen participation and be prepared to adopt or change those as they are identified.

New Business

Application #0880 Big Horn County – Construction for additional space for hospital emergency department **\$287,259**

- The applicant is requesting \$287,259 of a total project cost of \$1,758,791 in Coal Board funds to renovate the Big Horn Hospital Emergency Department. The request to the Board is 16% of the project cost. The applicant states the need to renovate the Big Horn Hospital Emergency Department to meet emerging patient demand for healthcare.
- The environmental at the time of application was incomplete. Agenda and resolution provided after 10 days, need waiver. Applicant will be providing additional documents at meeting.
- Bill Hodges, Big Horn Hospital Association, (handed out meeting minutes and environmental Explaining the 8% increase in ED volume, over 500 ED visits in a month. Renovated ED will have colored ambulance bay with immediate direct access to ED, two trauma bays and TeleMed (a televised board certified physician) to assist the staff, they can literally chart for us and get everything set up when staff is compromised and need to be moved around. Will have a decontamination room built into the ED. There will be a controlled access area to keep staff and patients safe. Current donation amount is approximately \$1.1 that has been posted on FB and in the paper and media to draw attention throughout Big Horn County as it is the preferred hospital in the area.
- Ms. Gatrell: We recently came into some issues with the street that is providing the ambulance driveway. We poured footings for the ED, however with the wet spring, we could not meet compaction; the county and the city are helping us to support coming up with a design that will make this work. It did result in an additional \$164,000 dollars.
- Chairman Williams: indicated the need to prioritize, if we commit to \$287,000 dollars, will you be able to use it the first of the year?
- Bill Hodges: not a problem with that, we’ve borrowed \$11 million dollars, \$8 million directly funded on a loan by the hospital association, also have borrowed the other \$3 million. The other \$3 million is a 7-year loan to offset that \$3 million right now.

Action by the Board: Ms. Small-Eastman made a motion to fund this project at \$287,159. Mr. Smith seconded. Motion passed.

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Application #0881 City of Colstrip, behalf of City of Colstrip Volunteer Fire Department

Purchase of aerial fire apparatus/ladder truck for fire dept.

\$350,000

- The applicant is requesting \$350,000 of a total project cost of \$355,000 in Coal Board funds to purchase an aerial apparatus to provide adequate fire protection to entities like the local coal fired power plant and coal mine. The request to the Board is 99% of the project cost. The applicant states that the aerial apparatus is approximately 50 years old and has deficiencies. The applicant is a designated unit. The environmental is not complete.
- Robert Pontius - Colstrip Fire Chief, seeking to replace aging ladder truck. Current is 1970 Pierce Snorkel truck, built on a Pierce chassis with Wakashi engine; both obsolete; unrepairable. New ladder truck is between \$1.2 and \$1.5 million; requesting \$350,000 to purchase ten-year-old used unit. Replacement is a priority due to permanent closure of Units 1 and 2. Perfect for coal plant fires and drag-line fires we've encountered. (handouts were provided)
- Jim Atchison, South Eastern Montana Development, supports this project.
- Bob Lewandowski, Colstrip Public Schools, supports this project.
- **Questions and comments from the Board** – Robert Pontius, what type of timeframe would you be looking at?
- Robert Pontius - Colstrip Fire Chief, we would be ready to go as soon as we had funding.

Action by the Board: Tim Schaff made a motion to fund this project at \$287,159. Sidney Fitzpatrick seconded. Motion passed.

Application #0882 Colstrip Public Schools – Construction of ADA improvements at high school gymnasium

\$271,303

- The applicant is requesting \$271,303 of a total project cost of \$355,155 in Coal Board funds to complete Phase II of updating the Colstrip High School Gymnasium to be ADA compliant. The request to the Board is 76% of the project cost. The applicant is a designated unit. The environmental is not complete.
- Bob Lewandowski, Colstrip Public Schools, thank you for the opportunity to present and asked to waive the 10-day rule to include the environmental impact.
- Phase I was to replace existing bleacher seating. Phase II is to address access to the building to disabled students, staff and visitors.
- **Questions and comments from the Board** – none

Action by the Board: Veronica Small-Eastman motioned to fund this project at \$271,303. Sean Smith seconded. Motion passed.

**Montana Coal Board
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Billings, MT**

Application #0883 City of Colstrip – Marketing study for City **\$25,000**

- The applicant is requesting \$25,000 of a total project cost of \$100,000 in Coal Board funds for a marketing study and plan. The marketing study and plan would create a consistent marketing brand leading to the development of comprehensive multi-media market materials to support economic diversification within Colstrip region. The request to the Board is 25% of the project costs. The applicant is a designated unit. The environmental is complete as is the planning documents.
- Julie Emmons, Southeastern Montana Development Corporation, two updates available, pursued environmental review process and have that documentation and change of the closing date to December 2019.
- John Rodgers, Economic Development Consultant, marketing study is a #1 priority. Recreate the Colstrip image, supports this project.

Action by the Board: Marianne Roose made a motion to fund this project at \$25,000. Tim Schaff seconded. Motion passed.

Application #0884 Big Horn County – Purchase of tasers for Sheriff’s Department **\$38,060**

- The applicant is requesting \$38,060 of a total project cost of \$38,060 in Coal Board funds to purchase 20 tasers for the Sheriff’s Department. The request to the Board is 100% of the project costs. Big Horn County provides law enforcement services throughout the county as well as contracted services to the City of Hardin. The applicant is a designated unit.
- Environmental is not complete.
- Captain Michael Foose, Sheriff Office, currently have 11 outdated tasers with 16 deputies, with 5,000 square miles of county to cover, requesting 20 to cover our jail staff as well.
-

Action by the Board: Tim Schaff made a motion to fund this project at \$38,060. Marianne Roose seconded. Motion passed.

Application #0885 Rosebud County – Development of a PAR and needs assessment for a business center **\$80,000**

- The applicant is requesting \$80,000 of a total project cost of \$160,000 in Coal Board funds to develop a preliminary architectural report (PAR), a business development needs assessment, and a site selection plan. The request to the Board is 50% of the project costs. The applicant is a designated unit.
- Environmental and planning documents complete.
- Julie Emmons, Southeastern Montana Development Corporation, other portion of the funds have been approved, and the resolution is now complete.
- John Rodgers, there is so much activity constantly going on there with the closing of Units 1 and 2, impossible to conduct business, proposing more entrepreneurship.
- Doug Martins, Rosebud County Commissioner, with only two libraries and many home-based businesses using the broadband that the county provides at the library, they cannot afford enough computers for everybody to use at the same time; library is getting overloaded. Completely supports this project.
- Bob Lewandowski, Colstrip Public Schools, support this project.

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Action by the Board: Amber Henning made a motion to fund this project at \$80,000. Sidney Fitzpatrick seconded. Motion passed.

Application #0886 Miles City on behalf of Miles City Airport Commission – Construction of runway and taxiway improvements at airport \$275,000

- The applicant is requesting \$275,000 of a total project cost of \$4,452,908 in Coal Board funds to reconfigure the runway so that runway protection zones are entirely on airport property. The project includes safety upgrades, taxiway improvements and maintenance work. The request to the Board is 6% of the project costs. The applicant is a designated unit.
- Environmental is complete.
- Julie Emmons, Southeastern Montana Development Corporation, FAA indicated rework, design work not included with application is scheduled to be completed in 2020. In this construction project, the Coal Board to be the first one into the project, then Montana Aeronautical Board and then FAA.
- Craig Canfield, KL&J Engineering, (handouts), completed Phase I in 2016 which included the reconstruction of 4,000 feet of the runway #422, received a Grant from the Coal Board of \$166,000. 2017 requested a grant for design from Coal Board was approved but have not completed the design project yet. Need to complete Phase II to include environmental. Need to clean up five-point intersection of runways. Airport is self-sufficient. Runway project is slated for 2021.
- Doug Fair, Chairman of Miles City Airport Commission, thanked Coal Board for support. Important to note we have the medical ambulance service flights (130 over 12 months), BLM Fire Air Tact from Colstrip to out from Glasgow, and air freight. Proposing industrial sites on the property.
- Jim Atchison, airport is strategically located for government, banking, education, medical, and transportation. Bring city and county government together.
- Rep Holmlund, HD38 in Miles City, discussing possible emergency/disaster services held there.

Action by the Board: Veronica Small-Eastman made a motion to fund this project at \$275,000. Sean Smith seconded. Motion passed.

Opportunity for Public Comment

- Bob Lewandowski - Thank you very much on behalf of those folks that need that wheelchair access, for everything you've done, we so appreciate it and we'll take it back, I want to let you know that we will get a new banner, another banner of thanks because it is important and we are glad you see that importance takes place in our community, so thank you one and all, thank you very much.
- Bill Hodges - again I would ditto that thank you and really appreciative to be able to say the Coal Board funded this emergency department because it's really, really important for us and we're also having a, what we call a "sneak peek" and we think that's going to be in mid-October on the first phase one completion of this ED, I mean we've got the rest of the other third of the building to do but you'll certainly get all invites and if you are in Hardin, mid-October of so, we'd certainly like to have you come over and check that out. Thank you very much.
- Jim Atchison - And certainly we would like to echo those comments for the three applications that we were part of, uh, we want to say thank you, two of those three we are probably going to

**Montana Coal Board
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get started on tomorrow probably, so, uh, thank you for that and, or as funds are available I should say, but, at least the planning part so thank you once again.

Old Business

- A.C. Rothenbuecher - At the last meeting, the June 20, 2019 meeting the board requested that a copy of the memo on statutory criteria that was provided by our board staff attorney was provided to the public, this has been included and by including this the board has waived attorney/client privilege on this document only, but it has been provided.
- Chairman Williams – Tim Schaff made the suggestion and for the board to consider this on the language for the Chair and Vice-Chair that we also include language there that in the event, would be the example that the office resigns or the Chair resigns it would be filled by the suggestion by the Vice-Chair or if the Chair becomes incapacitated or for the same thing, same type of language on the Vice-Chair so in the event something happens to one of those individuals we would know who is next or the replacement.
- Tim Schaff – In that event, we would immediately have an election on the Vice-Chair at the next meeting, should that occur. It's important to have an order of succession in place and have it documented.

Board Matters

- Chairman Williams - Confirmation of next meeting dates/location.
- A.C. Rothenbuecher - At the last meeting we had said that December 12 was in Billings, that's up to the Board to confirm, I do want to let you know that we actually have this hotel reserved for December in case you want to keep Billings. You also have an offer on the table to be in Hardin, I believe.
- Chairman Williams – Stated December meeting will be December 12th in Billings.
- A.C. Rothenbuecher – will put Board elections on agenda again next time.

Adjournment

With no other business, the meeting was adjourned by Chairman Williams at 1:54 p.m. The next meeting is scheduled for December 12, 2019 in Billings, Montana, location to be announced

MEMO

To: Coal Board Members

From: Department of Commerce Staff

Re: Budget Updates

Budget Updates will be provided at the December 12th Coal Board meeting.

09.9.2019

To

Montana Coal Board
John Williams, Chair
PO Box 200523
Helena MT 59620

Chairperson and Members of the Coal Board

We are writing to request an extension of Coal Board Contract #0790. We are requesting an extension be granted to extend the contract until December 31, 2019.

We have made substantial progress on our project. We are requesting an extension until December to cover any more unexpected delays however we anticipate finalizing the project by October 31, 2019.

We have spent \$48,314 of our contract and have \$11,686 remaining, which will be committed to the cement floor and finalizing the electrical. We have remained on budget so far in our project.

Thank you for your consideration in this matter and your continued support of our expansion project.

Sincerely,



Travis W. Jones
Broadview Rural Volunteer Fire District Chief

Broadview Rural Volunteer Fire District

Chief Travis Jones
Tel 406-855-1065

P.O. Box
Broadview, MT 59015

Email
broadviewvfd@gmail.com



From: [Rothenbuecher, A.C.](#)
To: "[Carter County Clerk and Recorder](#)"
Subject: RE: [EXTERNAL] FW: RE: Carter County Coal Board Application 0876
Date: Wednesday, October 16, 2019 1:23:00 PM
Attachments: [image002.gif](#)

Good afternoon,

Thank you for your email. You can expect to receive an email from one of our program staff to coordinate the routing of a contract. Firstly, the County will receive an award letter. I will also provide this information to the Coal Board at the December 12, 2019 meeting.

Warmly,

A.C. ROTHENBUECHER
Operations Manager

MONTANA

COMMUNITY DEVELOPMENT DIVISION
DEPARTMENT OF COMMERCE

T: 406.841.2551

COMDEV.MT.COM

From: Carter County Clerk and Recorder <ccnrc@midrivers.com>
Sent: Wednesday, October 16, 2019 1:14 PM
To: Rothenbuecher, A.C. <A.C.Rothenbuecher@mt.gov>
Subject: [EXTERNAL] FW: RE: Carter County Coal Board Application 0876

From: Carter County Clerk and Recorder <ccnrc@midrivers.com>
Sent: Wednesday, October 16, 2019 11:57 AM
To: 'acrothenbuecher@mt.gov' <acrothenbuecher@mt.gov>
Cc: rtooke@dmhainc.com
Subject: RE: Carter County Coal Board Application 0876

October 16, 2019

A. C. Rothenbuecher
Operations Manager
Montana Community
Development Division
Department of Commerce

Dear Mr. Rothenbuecher

In response to your email to the Carter County Commission, regarding

the application to the Coal Board for electronic health record system, we are honored to accept the \$4,606 and move forward with the award and contract. These monies will be most helpful in developing our electronic health record system. We'll expect to receive additional information following your December 12, 2019 meeting. Please let us know if additional information will be required. Thank you in advance for this Coal Grant Award.

Regards

Pamela J. Castleberry, Clerk and Recorder
For the Board of Carter County Commissioners

**REVISED PROJECT BUDGET FOR
DAHL MEMORIAL HEALTHCARE ELECTRONIC HEALTH
RECORD SOFTWARE REPLACEMENT**

DECEMBER 1, 2019

PROJECT BUDGET FOR --- Dahl Memorial Healthcare Electronic Health Record software replacement					
Completed by: <u>Ryan Tooke</u>		For: (location) <u>Ekalaka</u> , MT		Date: <u>5/1/2019</u>	
ADMINISTRATIVE / FINANCIAL COSTS	SOURCE: DMHA	SOURCE: Coal Board Grant	SOURCE: REDLG Mid-Rivers Loan	SOURCE: MFFA Loan and USDA-RD Grant	TOTAL:
Grant Administration	\$500.00	\$	\$	\$	\$500.00
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$	\$	\$	\$	\$
ACTIVITY COSTS:	\$500.00				\$500.00
Software	\$	\$4,606.00	\$587,925.00	\$240,000	\$832,527.00
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$	\$	\$	\$	\$
TOTAL PROJECT COSTS	\$500.00	\$4,606.00	\$587,925.00	\$240,000.00	\$833,027.00

**BUDGET NARRATIVE FOR
DAHL MEMORIAL HEALTCARE ELECTRONIC HEALTH
RECORD SOFTWARE REPLACEMENT**

DECEMBER 1, 2019

BUDGET NARRATIVE

ADMINISTRATIVE/FINANCIAL COSTS

Personnel Services/Office Costs:	\$ 500.00
Personnel services will be at a minimum for the Dahl Memorial software implementation project. Funds for this budget item will be paid for by the Hospital and considered an in-kind contribution.	
Professional Services:	\$ 0.00
There will be no professional services required on the project.	
Legal Costs:	\$ 0.00
No legal costs are anticipated or budgeted for in this project.	
Audit Fees:	\$ 0.00
Audit fees will not be necessary with this project.	
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	\$ 500.00

ACTIVITY COSTS

Software Costs:	\$ 832,527.00
Estimated cost of the Software system (Electric Health Record) with delivery and installation factored into the quote price.	
Construction Cost:	\$0.00
Architectural Design:	\$ 0.00
Contingency:	\$ 0.00
TOTAL ACTIVITY COSTS:	\$500.00
TOTAL PROJECT COSTS:	\$833,027.00

**REVISED IMPLEMENTATION SCHEDULE FOR
DAHL MEMORIAL HEALTHCARE ELECTRONIC HEALTH
RECORD SOFTWARE REPLACEMENT**

DECEMBER 1, 2019

IMPLEMENTATION SCHEDULE FOR EHR SOFTWARE PROJECT													
TASK	QUARTERS 2019				QUARTERS 2020				QUARTERS 2021				
	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	
PROJECT START-UP													
A. Sign contract with Coal Board			X										
B. Secure approval of other funding			X										
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)			X	X	X	X							
PROJECT CONSTRUCTION													
A. Convert Data from old system to new			X	X									
B. Training and Implementation of EHR			X	X	X								
C. Go live with the new EHR and continued training					X	X							
D. Monitor Progress					X	X	X	X	X				
E. Move EHR to new facility										X			
PROJECT CLOSE-OUT													
A. Coal Board administrative staff conduct on-site monitoring of the project.							X						
B. Submit project completion report.								X					
C. Include project in audits.								X					

From: [DOC CDD Webmail](#)
To: [Young, Rachel](#)
Cc: [Rothenbuecher, A.C.](#); [Olson, Jennifer](#)
Subject: FW: RE: Town of Hysham - Coal Board Request
Date: Tuesday, November 26, 2019 8:40:38 AM
Attachments: [Hysham Coal Board Grant-Additional Funds Request.pdf](#)
[Hysham Project Budget 2019.pdf](#)
[Hysham Implementation Schedule 2019.pdf](#)

From: Becky Bey <becky.bey@kljeng.com>
Sent: Monday, November 25, 2019 8:35 PM
To: Rothenbuecher, A.C. <A.C.Rothenbuecher@mt.gov>; Sheehan, Patrick <Patrick.Sheehan@mt.gov>; DOC CDD Webmail <DOCCDD@mt.gov>
Cc: Bryan Vanderloos <Bryan.Vanderloos@kljeng.com>; 'Bob Keele (townofhysham@rangeweb.net)' <townofhysham@rangeweb.net>
Subject: [EXTERNAL] RE: Town of Hysham - Coal Board Request

A.C. , on behalf of the Town of Hysham, please find attached a letter formally requesting consideration of additional funds from the Coal Board for the Hysham Wastewater System Rehabilitation Phase I Project. We have also included an updated schedule and budget as supporting documents for the request.

You might recall our emails back and forth late in October in which we discussed the process for this request. At that time, based on the fact this is not a unique and distinct project, but rather a request for funds directed toward the original project awarded in 2018, you recommended the Town submit a letter of request for additional funds for the current project (versus an entirely new application) and that the request be submitted no later than December 2nd, ensuring you had sufficient time to put it on the public agenda for the Coal Board meeting on December 12th. We hope the attached meets those requirements.

If you need anything else, and/or if you have any questions, please don't hesitate to contact me. We will look forward to seeing you on the 12th. Happy Thanksgiving!

Becky Bey



406-247-2907 **Direct**
406-698-3668 **Cell**
2611 Gabel Road
Billings, MT 59102
kljeng.com [kljeng.com]

TOWN OF HYSHAM
502 Elliott Ave. PO Box 228
Hysham, MT 59038-0228
Phone : (406)342-5544
townofhyshamclerk@rangeweb.net

November 20, 2019

Montana Coal Board
Montana Department of Commerce
A.C. Rothenbuecher
301 S. Park Avenue
Helena, MT 59601

RE: Hysham Coal Board Grant – Request for Additional Funds

Dear Ms. Rothenbuecher and Members of the Coal Board,

Please consider this letter a formal request by the Town of Hysham for additional Coal Board funds to be utilized for the Town of Hysham Wastewater System Rehabilitation, Phase 1 Project. This project was previously considered by Coal Board in October 2018, at which time the Coal Board graciously awarded Hysham \$60,000 toward this project. We are asking for an additional **\$125,077** to complete the project.

Review of the Problem and Proposed Solution:

The last major improvements/upgrades to the Hysham wastewater system were in 1997. In 2015, the town had a lift station summary evaluation completed which indicated that Lift Station 1 was significantly deteriorated and in need of replacement. In addition, the evaluation indicated that Lift Station 2 was probably in need of rehabilitation. In 2017 Hysham procured professional services and, in 2018, completed a PER to further investigate the concerns as outlined in the 2015 summary, provide ample information to understand the extent of the problem and propose solutions to remedy any identified issues.

The PER, completed in April of 2018, identified the following specific problems associated with the Hysham Wastewater System:

1. The wet well and pumps in Lift Station 1 are in extremely poor condition
2. Lift Station 2 has experienced physical damage due to location
3. The lagoon cells appear to be leaking to a degree greater than allowable for MDEQ limits
4. The Wastewater Treatment Facility has limited hydraulic capacity for the projected I/I contribution
5. The Wastewater Treatment Facility flow control structures are not functioning properly and have physical damage to their covers
6. Given the existing deterioration of the system, any future equipment breakdown could result in catastrophic failure of the lift station and the system

Based on the 2018 PER, Hysham is moving forward in Phase I with the following solutions:

1. Replacement of Lift Station 1
2. Component replacement of Lift Station 2 which will result in utilizing the existing lift station wet well, but completely replacing the pumps and electrical control panel

3. Further evaluation and rehabilitation of the existing collection system to include a full map of the current system (no full system map currently exists), leaning out of manholes and collection system pipes, and completion of a complete inventory of deficiencies and plan for deficiency corrections
4. Further quantifying the extent of the lagoon leakage and determination if leakage exceeds allowable DEQ limits
5. Replacement of three (3) flow control structure lids, repair of five (5) leaking Wastewater Treatment Facility valves and repairing the dike deterioration that has occurred.

Additional Funds Request:

In 2018, when Hysham originally approached the Coal Board for funding assistance, the Town's application requested \$154,000. At that time, available Coal Board funds were minimal, and the Board was faced with difficult decisions related to several pending applications. Because of the situation, and because Hysham hoped to begin some of the outlined work immediately, the Town reduced their initial request to \$60,000 and this amount was awarded.

Hysham received additional grant funds and work began on the project during the summer/fall of 2019. Since that time, as often happens once work begins, costs that were not originally anticipated have been added to the total cost of the project. In 2018, the engineer's estimate for the project was \$754,000. The current estimate for completion of Phase I is \$785,077; an increase of \$31,077.

The Town is humbly requesting Coal Board consider an additional award of \$125,077 to allow for completion of this project in the 2020 construction season. This amount is calculated based on the difference between the Town's original 2018 request (\$154,000) and actual 2018 award (\$60,000) for a request of \$94,000, as well as the increased calculated costs of \$31,077.

We have attached an updated project budget as well as an updated implementation schedule for your consideration.

Thank you in advance for your consideration and your time. We look forward to discussing the project and answering any questions the Coal Board may have at the December 2019 meeting.

Sincerely,



Mayor Larry Fink
Town of Hysham

Cc: file, clerk

**Hysham Wastewater Project
IMPLEMENTATION SCHEDULE**

TASK (as applicable)	QUARTERS, 2019				QUARTERS, 2020			
	1st J F M	2nd A M J	3rd J A S	4th O N D	1st J F M	2nd A M J	3rd J A S	4th O N D
<u>START UP CONDITIONS</u>				X				
Completion of Section 5(1)								
<u>PROJECT DESIGN</u>								
Commence Final Design				X				
Complete Project Design				X				
Submit Plans to DEQ				X	X			
Prepare Bid Documents					X			
Finalize Acquisition								
<u>PRE-CONSTRUCTION</u>								
Prepare Bid Documents					X			
Complete relevant funding agreements					X			
Public Bid Advertisement					X			
Open Bids & Examine Proposals					X			
Select Contractor & Award Bid					X			
Conduct Pre-Const. Conference						X		
Issue Notice to Proceed to Contractor						X		
<u>PROJECT CONSTRUCTION</u>								
Begin Construction						X		
Monitor Construction Work						X	X	
Conduct Labor Compliance Reviews						X	X	
Hold Const. Progress Meetings						X	X	
Final Inspection								X
<u>PROJECT CLOSE OUT</u>								
Closeout Documents								X
Project Completion Report								X
Submit Final Certification								X

Town of Hysham Wastewater System Rehabilitation, Phase 1

PROJECT BUDGET

ADMINISTRATION	Source: DLA or Loan	Source: Coal Board	Source: DNRC- RRGL	Source: TSEP	TOTAL
Office Cost	\$3,680				\$3,680
Professional Services	\$7,574		\$8,746		\$16,320
Legal Costs			\$5,000		\$5,000
Travel & Training			\$5,000		\$5,000
Bond Costs					\$0
TOTAL ADMIN	\$11,254		\$18,746		\$30,000
CONSTRUCTION					
Preliminary Design		\$30,000			\$30,000
Final Design		\$35,578	\$33,500		\$69,078
Construction Inspection Eng.		\$52,999			\$52,999
Construction	\$88,746	\$66,500	\$72,754	\$300,000	\$528,000
Contingency				\$75,000	\$75,000
TOTAL CONSTRUCTION	\$88,746	\$185,077	\$106,254	\$375,000	\$755,077
TOTAL PROJECT BUDGET	\$100,000	\$185,077	\$125,000	\$375,000	\$785,077

- Budget assumes the already awarded \$60,000 from Coal Board as well as the additionally requested \$125,077
- In addition to the request to Coal Board for additional funds, the Town of Hysham has applied for a DLA grant. Should the DLA grant not be awarded and/or additional Coal Board funds are not awarded, the Town will adjust a loan request accordingly.
- Both additional funding resources listed (DNRC-RRGL and TSEP) are awarded

41877 Hwy 212
P.O. Box 747
Lame Deer, MT 59043



Phone: 406.477.6318.6118
Fax: 406.477.6779
Email: ncuc@rangeweb.net

November 8, 2019

Department of Commerce- Montana Coal Board
A.C. Rothenbuecher, Operations Manager
301 S. Park Avenue
PO Box 200523
Helena, Montana 59620

In Reference To: #MT-CB-EP-19-0830

Dear Ms. Rothenbuecher:

Thank you for the opportunity to administer Montana Coal Board Grant #MT-CB-EP-19-0830! We have completed all major purchases as allowed under this grant. There is a significant remaining balance as some of the items that were quoted some years back were now underprice or the Utility was able to purchase the same piece of equipment at a lower price.

The Northern Cheyenne Utility would like to maximize its purchases under this grant and request that the Coal Board modify the allowed budget for field supply items which are listed in the attached proposed budget revision. The request and items listed in the attached will serve to enhance the Utility Truck purchased to include running boards, grill guard, bar lighting, and tool box. The utility also requests the purchase of a utility ATV with snowplow to assist us in reaching our pumphouses, work sites, parking lot and sidewalks, or where ever else snow may cumulate during Montana's hash winter climate. In addition, the Utility requests allowance for additional field supplies that will greatly assist the Utility in its daily operations as these items are much needed here at Northern Cheyenne.

Your immediate attention and approval to these requests is greatly appreciated as the grant draws close to the end. If you would like discuss this request in further detail please contact me at 406.477.6318, my cell: 406.749.0777, or via email: adamspang.ncuc@gmail.com. I thank you in advance!

Best regards,


Adam L. Spang, MBA
General Manager

NORTHERN CHEYENNE UTILITIES COMMISSION
 COAL BOARD GRANT #MT-CB-EP-19-0830

BUDGET ITEM	APPROVED BUDGET	ACTUAL EXPENSE	REMAINING BALANCE
Administrative	\$5,111.00	\$ 5,111.00	\$0.00
1 Ton Truck	\$57,008.00	\$ 56,000.00	\$1,008.00
1 John Deer Backhoe	\$81,000.00	\$ 77,500.00	\$3,500.00
Backhoe Repairs	\$15,000.00	\$ 14,455.29	\$544.71
Copy Machine	\$12,300.00	\$ 9,354.00	\$2,946.00
Totals	\$170,419.00	\$ 162,420.29	\$7,998.71
APPROVED BUDGET	\$170,419.00		
ACTUAL EXPENDITURES	\$162,420.29		
Difference	\$7,998.71		

PROPOSED REVISED BUDGET	APPROVED BUDGET	REVISED BUDGET	VARIANCE(S)
Administrative	\$ 5,111.00	\$ 5,111.00	\$ -
1 Ton Truck	\$ 57,008.00	\$ 56,000.00	\$ (1,008.00)
1 John Deer Backhoe	\$ 81,000.00	\$ 77,500.00	\$ (3,500.00)
Backhoe Repairs	\$ 15,000.00	\$ 14,455.29	\$ (544.71)
Copy Machine	\$ 12,300.00	\$ 9,354.00	\$ (2,946.00)
ATV/SNOWPLOW		\$ 4,306.71	\$ 4,306.71
TRUCK ADD ONS		\$ 2,612.00	\$ 2,612.00
FIELD SUPPLIES		\$ 1,080.00	\$ 1,080.00
Totals	\$ 170,419.00	\$ 170,419.00	\$ -

ITEMS TO BE PURCHASED UNDER REVISED BUDGET	
TRASH PUMP	\$ 360.00
85,000 MR HEATER (2)	\$ 210.00
BRUSH GUARD/INSTALL	\$ 900.00
MANHOLE PULLERS (5)	\$ 150.00
PORTABLE FLOOD LAMPS (5)	\$ 160.00
GENERATOR (2)	\$ 150.00
TRUCK TOOLBOX	\$ 200.00
SIDEDSTEPS FOR TRUCK	\$ 612.00
GOOSENECK HITCH/LABOR	\$ 900.00
CRUBBOX KEYS (2)	\$ 50.00
FOURWHEELER/SNOWPLOW	\$ 4,306.71
TOTAL	\$ 7,998.71

(\$0.00)

(800) 407-2292 (tel:(800) 407-2292)
Map & Hours (/locations) Contact Us (/contactus)



(/)

f (https://www.facebook.com/yellowstonepolarismt/?fref=ts)
G (https://www.google.com/search?q=yellowstone+polaris+billings&rlz=1C1GCEA_enUS842US842&oq=yellowstone+polaris+billings&aqs=chrome..69i57j69i60.7391j0j7&sourceid=chrome&ie=UTF-8#lrd=0x53486341162ac77d:0x8f3f57a3e9d2e33c,1,...)



2012 Honda FOURTRAX FOREMAN 4X4
\$4,300.00



file0

New/Used

Used

Usage

1800 Miles

Availability

In Stock

Location

Yellowstone Polaris Recre.

Primary Color

RED

VIN

1HFTE3876C4002131

Stock #

002131

Title

Clean

Condition

Good

Year

2012

Manufacturer

Honda

Model

FOURTRAX FOREMAN 4X4



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28 in. Steel Curb Key

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36 in. Water Meter Valve Key with Grips

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28 in. Water Meter Valve Key with Grips

(168)

\$12²⁷

Internet #100132714

Model # 53034

Store SKU #122181



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5 ft. Steel Curb Key

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Orbit 3-Valve Inline Manifold Assembly

(163)

Specifications

Dimensions



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Front Grille for Dodge RAM 2500 3500 2013-2018 Upper Bumper Grille Laramie Limited G...

5

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BLACK HORSE FOF115-B Black Grille Guard

5

\$550.00

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Customer Rating

(25)

(78)

(5)

Price

\$581³⁷

\$581³⁷

\$550⁰⁰

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- This item:** Giantex 49"x15"Aluminum Tool Box Tote Storage for Truck Pickup Bed Trailer Tongue W/Lock (49"L)
- [M-D Building Products 1025 M-D 0 D-Profile Weather-Strip Tape, 17 Ft L X 23/64 in W 5/16 in T, Epdm...](#) **\$7.54**
- [Yaheetech 30 x 13" Aluminum Tool Box w/Lock Pickup Truck Bed Storage](#) **\$74.99**

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DuroStar DS4000S



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selection of outlets for maximum compatibility in your applications including: 2 120V household outlets and 1 120V 30A twist lock outlet.

- **POWERING EVERYONE ANYWHERE:** The DS4000s is EPA and CARB approved for use in all 50 states.
- **FUEL TANK CAPACITY (GASOLINE):** 3.96 GALLONS

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- ☑ **This item:** DuroStar DS4000S, 3300 Running Watts/4000 Starting Watts, Gas Powered Portable Generator **\$299.99**
- ☑ [Coleman Cable 01915 3-Footer Generator Power Cord Adapter, 10/3 Splitter Y Adapter, L5-30P to \(2...\)](#) **\$16.89**
- ☑ [Champion Wheel Kit with Folding Handle and Never-Flat Tires for 2800 to 4750-Watt Generators](#) **\$34.92**

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Bon 27-248 5/8-Inch by 26-Inch Drain Grate and Manhole Cover Lifter

36 ratings

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1/2 inch length
1/2 inch width
Made in USA
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2 Pack



Portable LED Work Light,XQOOL Rechargeable COB Work Lamp Waterproof LED Flood Light with Stand Built-in Power Bank Job Light for Indoor Outdoor Lighting (YELLOW/2PACK)

by XQOOL

60 ratings

| 18 answered questions

Price: **\$30.95** (\$15.48 / Count) & **FREE Shipping.** [Details](#)

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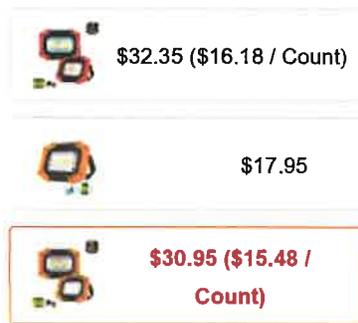
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Color: **Yellow/2pack**

	\$18.95
	\$32.45
	\$18.95

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- **【Super Bright Powerful COB LED Work Lights】** 2xCOB Stable and Energy Efficient LED Light Source Modules. Outputs super bright illumination up to 30W & 1500 lumens. Perfect replacement of 300W traditional halogen bulb.
- **【Work Lights with Power Bank Function】** Powered by 2 High Capacity 18650 Lithium-ion Rechargeable Batteries(Included). Continuous use for 4-6 hours in high light conditions. Designed with USB input and output port, convenient to recharge your work lights or charge your mobile phone at any time. It is a must-have work light or emergency light for your home or travel.
- **【Portable & Waterproof Flood Light】** Foldable handle design, with a 180 degree adjustable lamp stand. Adapt to various environments and make work more convenient to use. XQOOL work light is waterproof and suitable for Camping, Hiking, Fishing, Barbecue, Car or Truck Repairing, Exploring and Indoor or Outdoor work or other activities.
- **【Light Mode Adjustable Job Light】** Press power button Gently to switch the 3 lighting modes: High/Low/Strobe light mode. The high light mode is suitable for indoor and outdoor lighting applications. The low light mode is very power efficient and is suitable for reading or other close-range lighting applications. And the Strobe light mode is suitable for warnings or help-seeking.



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Champion 2 Inch Gas



2 VIDEOS



1-(Pack) \$269.00	2-(Pack) \$1,215.52	3-(Pack) \$1,823.28
4-(Pack) \$2,431.04	5-(Pack) \$3,600.98	

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tank and 0.6-quart oil capacity

- Semi-Trash – Capable of passing solid waste up to 9/16 inch in diameter, this pump has a 2-inch inlet, a 2-inch outlet, total head of 98 feet and suction head of 26 feet
- Convenient – Featuring a durable steel frame, handle and wheel kit with never-flat tires, this pump is easy to move from one job to the next and a cinch to store
- Champion Support – Includes 2-year limited warranty with FREE lifetime technical support from dedicated experts. Impeller Material: Aluminum

> [See more product details](#)

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Total price: **\$358.34**

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- This item:** Champion 2-Inch Gas-Powered Semi-Trash Water Transfer Pump with Hose and Wheel Kit **\$269.00**
- Apache 98138045 2" x 50' Blue PVC Lay-Flat Discharge Hose with Aluminum Pin Lug Fittings **\$43.95**
- Abbott Rubber PVC Discharge Hose Assembly, Blue, 2" Male X Female NPSM, 65 psi Max Pressure, 50... **\$45.39**

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Mr. Heater MH85FAV 50-85,000 BTU Forced-Air Propane Heater

by [Mr. Heater](#)

[21 ratings](#)

Price: **\$205.95** & **FREE**
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- Forced-air propane heater delivers 50,000 to 85,000 BTUs of heat
- For spaces up to 2000 square feet; durable steel construction; high-output fan
- Continuous ignition; 8 hours of "heat on low"; automatic safety shut-off; CSA-certified
- Runs on any 20-pound propane tank (sold separately); 10-foot hose and regulator included
- Measures 21 by 11-1/2 by 16 inches; 1-year limited warranty

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New (1) from **\$205.95** + **FREE**
Shipping

Product description

The Mr. Heater Portable 85K Forced Air Propane heater offers efficient temporary heat for construction sites, ag remodeling jobs and more. Features a high-output fan to maximize air circulation, 10-ft. hose and regulator (tank switch/flare safety). Compact and lightweight with attached carrying handle. CSA certified.

Product information

Product Dimensions	18.5 x 11.6 x 14.2 inches
Item Weight	21.6 pounds
Shipping Weight	21.6 pounds (View shipping rates and policies)
Manufacturer	Mr. Heater
ASIN	B000UPR50O
Item model number	F270085
Customer Reviews	21 ratings 3.5 out of 5 stars
Best Sellers Rank	#3,244,066 in Home & Kitchen (See Top 100 in Home & Kitchen) #209 in Indoor Propane Space Heaters

Warranty & Support

Product Warranty: For warran [here](#)

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Work Truck Allegiant™ Lightbar

Legend® LPXH Tow Discrete Lightbar



NORTHERN CHEYENNE UTILITIES COMMISSION
 COAL BOARD GRANT #MT-CB-EP-19-0830

BUDGET ITEM	APPROVED BUDGET	ACTUAL EXPENSE	REMAINING BALANCE
Administrative	\$5,111.00	\$ 5,111.00	\$0.00
1 Ton Truck	\$57,008.00	\$ 56,000.00	\$1,008.00
1 John Deer Backhoe	\$81,000.00	\$ 77,500.00	\$3,500.00
Backhoe Repairs	\$15,000.00	\$ 14,455.29	\$544.71
Copy Machine	\$12,237.00	\$ 9,354.00	\$2,883.00
Totals	\$170,356.00	\$ 162,420.29	\$7,935.71
APPROVED BUDGET	\$170,356.00		
ACTUAL EXPENDITURES	\$162,420.29		
Difference	\$7,935.71		

PROPOSED REVISED BUDGET			
BUDGET ITEM	APPROVED BUDGET	REVISED BUDGET	VARIANCE(S)
Administrative	\$ 5,111.00	\$ 5,111.00	\$ -
1 Ton Truck	\$ 57,008.00	\$ 56,000.00	\$ (1,008.00)
1 John Deer Backhoe	\$ 81,000.00	\$ 77,500.00	\$ (3,500.00)
Backhoe Repairs	\$ 15,000.00	\$ 14,455.29	\$ (544.71)
Copy Machine	\$ 12,237.00	\$ 9,354.00	\$ (2,883.00)
ATV/SNOWPLOW		\$ 4,306.71	\$ 4,306.71
TRUCK ADD ONS		\$ 2,612.00	\$ 2,612.00
FIELD SUPPLIES		\$ 1,017.00	\$ 1,017.00
Totals	\$ 170,356.00	\$ 170,356.00	\$ 0.00

ITEMS TO BE PURCHASED UNDER REVISED BUDGET	
TRASH PUMP	\$ 360.00
85,000 MR HEATER (2)	\$ 210.00
BRUSH GUARD/INSTALL	\$ 900.00
MANHOLE PULLERS (5)	\$ 150.00
PORTABLE FLOOD LAMPS (5)	\$ 160.00
GENERATOR (2)	\$ 150.00
TRUCK TOOLBOX	\$ 200.00
SIDESTEPS FOR TRUCK	\$ 612.00
GOOSENECK HITCH/LABOR	\$ 900.00
CRUBBOX KEYS (2)	\$ 50.00
FOURWHEELER/SNOWPLOW	\$ 4,243.71
TOTAL	\$ 7,935.71

MUSSELSHELL COUNTY

NICOLE M. BORNER
TOM BERRY
ADAM E. CARLSON
COUNTY COMMISSIONERS
506 Main Street
406-323-1104

CHERYL TOMASSI
CLERK & RECORDER
506 Main Street
406-323-1104
Fax: 406-323-3303

DARCIE L. HETRICK
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SUPT. OF SCHOOLS
ASSESSOR
506 Main Street
406-323-2504
Fax: 406-323-3127



ROUNDUP, MONTANA 59072

SHAWN L. LESNIK
SHERIFF
CORONER
820 Main Street
406-323-1402
Fax: 406-323-2566

KEVIN R. PETERSON
COUNTY ATTORNEY
506 Main Street
406-323-2230
Fax: 406-323-3458

BARB HALVERSON
CLERK OF DISTRICT COURT
506 Main Street
406-323-1413
Fax: 406-323-1710

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P.O. Box 565
406-323-1078

Community Development Division
Montana Dept. of Commerce
Coal Board Members
PO Box 200523
Helena, MT 59620-0523

12-2-19

Dear Coal Board Members and Staff at Department of Commerce,

Please see attached article submitted to our local papers.

Again, please accept our genuine **Thank you!**

Sincerely,
Musselshell County Road Department
Musselshell County Commissioners
506 Main St.
Roundup, MT 59072
406-323-1104

RECEIVED

DEC 04 2019

Department of Commerce
Community Development Division

Thank you to Coal Board Members and Department of Commerce for the recent grant awarded to Musselshell County Road Dept. This grant awarded to us enabled the Road Dept. to purchase an End dump truck w/snow plow and sanding attachments. It is through the awarding of Coal Board grants that we have made great improvements in the quality and quantity of the services we can provide to our communities. Without your help, these improvements would have been unattainable for our department.

Again, please accept our genuine **Thank you!**



From left to right, Layne Martin of Motor Power Equipment Co., Billings, Ron Manderfeld of Musselshell County Road Dept., Mark Anderson of Anderson Service , Billings.

Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:	% Spent:	Award Date:	Expires:	Status:	Recaptured:
2015 Biennium										
0742	Town of Lodge Grass	Wastewater Project	\$200,000.00		\$173,461.68	87%	9/27/2013	9/30/2019	Open	
2017 Biennium										
0759	City of Colstrip	Phase 1 Wastewater	\$500,000.00		\$442,041.80	88%	6/12/2015	9/30/2019	Open	
0785	Big Horn County	Lodge Grass Hill Rd Imp	\$203,280.00		\$0.00	0%	6/16/2016	3/30/2020	Open	
0787	Crow Tribe of Indians	Phase 3c WW Collection	\$200,000.00		\$0.00	0%	6/16/2016	3/30/2020	Open	
0790	Broadview Fire Dpt	Fire Hall Addition	\$60,000.00		\$48,314.00	81%	6/16/2016	12/31/2019	Open	
0796	Hardin Public Schools	Track Repair	\$291,400.00		\$0.00	0%	6/16/2016	3/31/2020	Open	
0799	City of Colstrip	Water Storage Tank	\$138,000.00		\$138,000.00	100%	6/16/2016	3/31/2020	Open	
0805	Musselshell County	Road repairs	\$154,154		\$100,000.00	65%	12/19/2016	3/31/2022	Open	

Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Executed:	Expiration Date:	Status:	Recaptured:
2019 Biennium										
0825	Lame Deer Public Schools	School Housing Purchase	\$ 120,000.00	\$ 113,000.00	94%	6/22/2017	4/12/2018	9/30/2018	Open	
0830	Northern Cheyenne Utilities Com	Water and Wastewater Equipment	\$ 170,356.00	\$ -	0%	6/22/2017	6/25/2019	12/31/2020	Open	
0831	City of Miles City	Airport PER and Snow Removal Equipment purch.	\$ 43,900.00	\$ 8,500.00	19%	6/22/2017	5/24/2018	3/31/2020	Open	
0839	City of Colstrip	Economic Diversification Strategy Implementation Project	\$ 70,000.00	\$ 4,994.93	7%	1/18/2018	6/29/2018	3/31/2021	Open	
0841	Big Horn County	Law Enforcement Vehicle Fleet Upgrade	\$ 40,000.00		0%	3/22/2018	3/14/2019	12/31/2019	Open	
0842	Big Horn County	Library Capital Improvement Needs	\$ 20,433.00		0%	3/22/2018	3/14/2019	12/31/2019	Open	
0846	Hardin Public Schools	Activity Center Pool Roof Replacement Amended to Fire Supression System Updates	\$ 100,000.00		0%	3/22/2018	6/28/2019	6/30/2020	Open	
0848	Big Sky Economic Development	MSU Billings Science & Health Building	\$ 500,000.00		0%	3/22/2018	8/30/2018	3/31/2021	Open	
0849	Town of Hysham	Wastewater System Rehab Phase 1	\$ 60,000.00		0%	9/20/2018	3/25/2019	12/31/2020	Open	
0851	Big Horn County	Excavator Purchase	\$ 82,500.00		0%	12/21/2018	6/17/2019	3/31/2020	Open	
0852	City of Hardin	Fire Station Pumper	\$ 100,000.00		0%	9/20/2018	5/13/2019	12/31/2020	Open	

Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Executed:	Expiration Date:	Status:	Recaptured:
0853	Lewistown	Creekside Central Station restroom facility & kiosk	\$ 40,000.00		0%	12/21/2018	5/21/2019	3/31/2020	Open	
0854	Northern Cheyenne Tribe	Transportation sand/salt facility	\$ 154,621.00		0%	3/21/2019	6/25/2019	6/30/2020	Open	
0855	Town of Broadus	Wastewater project	\$ 200,000.00		0%	12/21/2018	5/6/2019	9/30/2022	Open	
0856	Musselshell County	Roundup Memorial Healthcare equip	\$ 100,000.00	\$ 69,119.36	69%	9/20/2018	3/14/2019	12/31/2019	Open	
0857	Lame Deer Public Schools	School Bus purchase	\$ 112,000.00		0%	12/21/2018	6/7/2019	12/31/2020	Open	
0860	City of Roundup	Water Truck purchase	\$ 92,667.00		0%	12/21/2018	6/17/2019	9/30/2020	Open	
0861	Musselshell County	Side dump trailer purchase	\$ 49,726.00		0%	12/21/2018	4/18/2019	9/30/2020	Open	
0863	Rosebud County	Ashland Public School repairs	\$ 93,000.00		0%	12/21/2018	5/20/2019	3/31/2020	Open	
0864	City of Colstrip	Purchase of sewer jet/vac truck	\$ 300,000.00		0%	3/21/2019	6/11/2019	3/31/2020		
0865	Musselshell County	Farrel Street Bridge	\$ 389,969.00		0%	3/21/2019	5/6/2019	9/30/2022	Open	
0866	Rosebud County	PAR - Chief Dull Knife College	\$ 50,000.00		0%	3/21/2019	5/14/2019	3/31/2020	Open	
0867	Bighorn County	Purchase of battery powered rescue tools	\$ 25,370.00		0%	3/21/2019	5/28/2019	3/31/2020	Open	
0868	Bighorn County	Purchase of front-line ambulance remount	\$ 69,000.00		0%	3/21/2019	5/31/2019	3/31/2020	Open	
0869	Bighorn County	Purchase of management software and completion of a planning document for Lodge Grass Cemetery capital improvements	\$ 18,500.00		0%	3/21/2019	5/28/2019	3/31/2020	Open	
0870	Bighorn County	Purchase of Power lift stretchers with loading devices	\$ 72,000.00		0%	3/21/2019	5/28/2019	3/31/2020	Open	

Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Executed:	Expiration Date:	Status:	Recaptured:
0871	Musselshell County	Purchase new mower for County Road Department	\$ 58,736.00	0	0%	6/20/2019	6/27/2019	10/31/2019	Open	
0872	Yellowstone County	Build new fire station for Fuego Fire Service Area	\$ 135,080.00		0%	6/20/2019	9/4/2019	9/30/2021	Open	
0873	Colstrip Public Schools (SD19)	Replace bleacher seating and resurface gym floor	\$ 473,550.00		0%	6/20/2019	Routing	Routing	Open	
0874	Musselshell County	Purchase materials to upgrade Hawk Creek VFD building	\$ 15,848.00		0%	6/20/2019	6/27/2019	10/31/2019	Open	
0875	Colstrip Hospital District	Purchase two monitor/defibrillator units and radiology equipment	\$ 55,000.00		0%	6/20/2019	9/4/2019	1/31/2020	Open	
0876	Carter County	Initiate use of certified electronic health record system	\$ 135,000.00		0%	6/20/2019	Pending Applicant Decision	Pending Applicant Decision	Open	
0877	Big Horn County	Purchase data terminals for vehicles and desktop computers	\$ 19,958.00		0%	6/20/2019	9/4/2019	3/31/2020	Open	
0878	Rosebud County	Construct new thrift store in Lame Deer	\$ 150,000.00		0%	6/20/2019	Routing	Routing	Open	
0879	Roundup, City of	Install/replace about five blocks of water lines	\$ 400,000.00		0%	6/20/2019	Routing	Routing	Open	

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1	Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:	% Spent:	Award Date:	Expires:	Status:	Recaptured:	
2	2021 Biennium											
3	0880	Big Horn County	Construction of additional space for hospital emergency department		\$ 287,159.00	0		9/12/2019		Open		
4	0881	City of Colstrip	Purchase of aerial fire apparatus for fire department		\$ 350,000.00	0		9/12/2019		Open		
5	0882	Colstrip Public Schools	Construction of ADA improvements at high school gymnasium		\$ 271,303.00	0		9/12/2019		Open		
6	0883	City of Colstrip	Marketing study for City		\$ 25,000.00	0		9/12/2019		Open		
7	0884	Big Horn County	Purchase of tasers for sheriff's department		\$ 38,060.00	0		9/12/2019		Open		
8	0885	Rosebud County	Development of a PAR and needs assessment for a business center		\$ 80,000.00	0		9/12/2019		Open		
9	0886	City of Miles City	Construction of runway and taxiway improvements at airport.		\$ 275,000.00	0		9/12/2019		Open		

Budget Update

December 12, 2019

2021 Biennium

Legislative Appropriation (HB 2 and HB 292):	\$6,961,000.00
FY 2020 (7/1/19-6/30/20) Appropriation:	\$3,479,000.00
FY 2020 Revenue Available to Date:	\$683,500.38
FY 2020 Awards Made to Date:	\$1,326,522.00
FY 2020 Revenue Available to Award:	(\$643,021.62)
FY 2021 (7/1/20-6/30/21) Appropriation:	\$3,482,000.00
FY 2021 Revenue Available to Date:	\$0.00
FY 2021 Awards Made to Date:	\$0.00
Funds Reverted:	\$0.00
FY 2021 Revenue Available to Award:	(\$643,021.62)
2021 Biennium Awarded:	\$1,326,522.00
2021 Biennium Appropriation Remaining to Award:	\$5,634,478.00
Revenue Available:	(\$643,021.62)
Revenue Available with Reverted Funds (to award this meeting):	(\$643,021.62)

Tribal/State 7% Limit	
2020 Appropriation Tribal/State Limit of 7%:	\$243,530.00
2020 Fiscal Year Awarded:	\$0.00
2020 Difference:	\$243,530.00
2021 Appropriation Tribal/State Limit of 7%:	\$243,740.00
2021 Fiscal Year Awarded:	\$0.00
2021 Difference:	\$243,740.00

Designated (at least 50%) Available by Fiscal Year	
2020 Designated (at least 50% of 2020 FY Approp.)	\$1,774,290.00
2020 Awards for Designated	\$1,326,522.00
2021 Designated (at least 50% of 2021 FY Approp.)	\$1,775,820.00
2021 Awards for Designated	\$0.00

Non-Designated (not more than 50%) Awarded by Fiscal Year	
2020 Non-Designated (not more than 50% of 2020 FY Approp.)	\$1,704,710.00
2020 Awards for Non-Designated	\$0.00
2021 Non-Designated (not more than 50% of 2021 FY Approp.)	\$1,706,180.00
2021 Awards for Non-Designated	\$0.00

Revenue History

2007-2013

2007 (fund 02511)												Coal Tax Revenue Percent	2.90%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax		256,454.89		(4,888.43)	304,274.15		187,689.21	107,627.26		294,577.83	0.00		1,145,734.91	
510422 Accrual Coal Production Tax				(259,706.05)								284,720.00	25,013.95	
Total	0.00	256,454.89	0.00	(264,594.48)	304,274.15	0.00	187,689.21	107,627.26	0.00	294,577.83	0.00	284,720.00	1,170,748.86	
2008 (fund 02511)												Coal Tax Revenue Percent	2.90%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	266,641.62	1,516.10		339,800.49	2,606.99		336,953.39	3,537.77		29.42	330,559.90	103.05	1,281,748.73	
510422 Accrual Coal Production Tax				(284,720.00)								301,033.22	16,313.22	
Total	266,641.62	1,516.10	0.00	55,080.49	2,606.99	0.00	336,953.39	3,537.77	0.00	29.42	330,559.90	301,136.27	1,298,061.95	
2009 (fund 02511)												Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	167,905.80	135,373.67		354,750.80	2,950.53		248,126.42	152,105.88		42,801.10	311,600.99		1,415,615.19	
510422 Accrual Coal Production Tax				(301,033.22)								325,023.76	23,990.54	
Total	167,905.80	135,373.67	0.00	53,717.58	2,950.53	0.00	248,126.42	152,105.88	0.00	42,801.10	311,600.99	325,023.76	1,439,605.73	
2010 (fund 02511, moved to fund 02445)												Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax		295,705.72		338,615.57	1,017.16		337,886.80	7,493.24		308,943.66	1,011,820.33		2,301,482.48	
510422 Accrual Coal Production Tax				(325,023.76)								538,650.48	213,626.72	
Total	0.00	295,705.72	0.00	13,591.81	1,017.16	0.00	337,886.80	7,493.24	0.00	308,943.66	1,011,820.33	538,650.48	2,515,109.20	
2011 (fund 02445)												Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	17,863.90	739,751.69		814,596.79	44,854.14		792,126.04	29,742.78	829.28	379,673.08	325,476.25		3,144,913.95	
510422 Accrual Coal Production Tax				(538,650.48)								801,003.18	262,352.70	
Total	17,863.90	739,751.69	0.00	275,946.31	44,854.14	0.00	792,126.04	29,742.78	829.28	379,673.08	325,476.25	801,003.18	3,407,266.65	
2012 (fund 02445)												Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	478,552.73	229,945.98		518,784.61	398,977.25		562,498.88	325,049.60		715,661.79		5,270.09	3,234,740.93	
510422 Accrual Coal Production Tax				(801,003.18)								529,422.79	(271,580.39)	
Total	478,552.73	229,945.98	0.00	(282,218.57)	398,977.25	0.00	562,498.88	325,049.60	0.00	715,661.79	0.00	534,692.88	2,963,160.54	
2013 (fund 02445)												1/1/13-9/30/13	Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	609,198.17	8,941.30	76.04	1,016,937.04	6,420.77		781,776.84	23,364.52	(3.77)	657,249.04	59,665.69		3,163,625.64	
510422 Accrual Coal Production Tax				(529,422.79)								701,188.44	171,765.65	
Total	609,198.17	8,941.30	76.04	487,514.25	6,420.77	0.00	781,776.84	23,364.52	(3.77)	657,249.04	59,665.69	701,188.44	3,335,391.29	

Revenue History

2014-2018

												7/1/13-9/30/13	Coal Tax Revenue Percent	5.80%	
2014 (fund 02445)													Coal Tax Revenue Percent	2.90%	
Rev_Exp Amount	Month														
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total		
510421 Coal Tax	277,977.82	506,219.60		483,339.81	422,231.90		416,844.61	7,519.67		188,654.13	189,054.27		2,491,841.81		
510422 Accrual Coal Production Tax				(701,188.44)								413,705.55	(287,482.89)		
Total	277,977.82	506,219.60	0.00	(217,848.63)	422,231.90	0.00	416,844.61	7,519.67	0.00	188,654.13	189,054.27	413,705.55	2,204,358.92		
2015 (fund 02445)													Coal Tax Revenue Percent	2.90%	
Rev_Exp Amount	Month														
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total		
510421 Coal Tax	118,144.28	228,623.71	84,100.00	274,564.66	210,346.50	1,640.67	446,900.67	8,273.03	122.34	379,966.56	33,379.00	7,300.41	1,793,361.83		
510422 Accrual Coal Production Tax				(413,705.55)								401,992.84	(11,712.71)		
Total	118,144.28	228,623.71	84,100.00	(139,140.89)	210,346.50	1,640.67	446,900.67	8,273.03	122.34	379,966.56	33,379.00	409,293.25	1,781,649.12		
2016 (fund 02445)													Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month														
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total		
510421 Coal Tax	339,047.64	78,091.81		417,407.03	494,680.93		639,129.32	123,266.45	(24.48)	251,261.51	402,513.04		2,745,373.25		
510422 Accrual Coal Production Tax				(401,992.84)								1,040,779.96	638,787.12		
Total	339,047.64	78,091.81	0.00	15,414.19	494,680.93	0.00	639,129.32	123,266.45	(24.48)	251,261.51	402,513.04	1,040,779.96	3,384,160.37		
2017 (fund 02445)													Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month														
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total		
510421 Coal Tax	247,193.27	693,771.22		755,932.38	101,974.55		648,624.21	80,414.86	(1,551.84)	531,173.29	146,179.43	7,422.78	3,211,134.15		
510422 Accrual Coal Production Tax				(1,040,779.96)								591,714.11	(449,065.85)		
Total	247,193.27	693,771.22	0.00	(284,847.58)	101,974.55	0.00	648,624.21	80,414.86	(1,551.84)	531,173.29	146,179.43	599,136.89	2,762,068.30		
2018 (fund 02445)												Through FY19	Coal Tax Revenue Percent	5.80%	
Rev_Exp Amount	Month														
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total		
510421 Coal Tax		740,446.95		332,719.15	629,341.43	580.99	308,187.51	551,400.30		721,648.76	98,316.33	505.97	3,383,147.39		
510422 Accrual Coal Production Tax				(591,714.11)								839,846.18	248,132.07		
Total	0.00	740,446.95	0.00	(258,994.96)	629,341.43	580.99	308,187.51	551,400.30	0.00	721,648.76	98,316.33	840,352.15	3,631,279.46		

Revenue History

2019-2020

2019 (fund 02445)												Through FY19	Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax		918,302.50	(504.39)	519,416.85	439,644.24	0.00	702,308.56	235,857.70	0.00	625,338.13	95,829.81	(505.97)	3,535,687.43	
510422 Accrual Coal Production Tax				(839,846.18)		0.00						858,110.40	18,264.22	
Total	0.00	918,302.50	(504.39)	(320,429.33)	439,644.24	0.00	702,308.56	235,857.70	0.00	625,338.13	95,829.81	857,604.43	3,553,951.65	
2020 (fund 02445)													Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	222,429.42	539,831.96	5,979.51	316,099.35	457,270.54								1,541,610.78	
510422 Accrual Coal Production Tax				(858,110.40)									(858,110.40)	
Total	222,429.42	539,831.96	5,979.51	(542,011.05)	457,270.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	683,500.38	

**MONTANA COAL BOARD
INTERNAL MANAGEMENT PROCEDURES**

<http://comdev.mt.gov/Boards/Coal>

A. NAME: MONTANA COAL BOARD; the Board is administratively attached to the Department of Commerce, Helena, MT.

B. PURPOSE: Receive and consider applications for grants from the Board and award grants to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development or decline of coal mines and coal-using energy complexes.

C. COMPOSITION: The Board consists of seven members appointed by the Governor; officers include a Chair and Vice Chair.

D. ELECTION OF OFFICERS: The Chair and the Vice Chair is are appointed by the Governor Board. ~~The Vice Chair shall be elected annually by the Board during the first meeting of the calendar year. Board elections of the Chair and Vice Chair will take place at the first quarterly meeting of the Biennium. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If the Chair resigns or is incapacitated, the Vice Chair shall perform the duties of the Chair. In the event of resignation or incapacitation of the Chair or Vice Chair, the Board will elect officer(s) at the next regularly scheduled Board meeting.~~ The Chair shall preside at all Board meetings and hearings, call special meetings, and perform the duties normally conferred by parliamentary usage on such presiding officer and other such duties as may be properly prescribed. ~~In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.~~

E. MEETINGS: Meetings will be held at a minimum in each calendar quarter as determined by the Board. The Board shall determine the location of the meetings. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Board.

F. NOTIFICATION: All meetings of the Board and its committees shall comply with Montana law as it applies to open public meetings.

G. QUORUM AND PROCEDURE: A quorum shall consist of four members present at the meeting, in-person or by teleconference. The affirmative vote of the majority of the member's present is sufficient for any action taken by the Board, in-person or by teleconference. The Chair may make and second motions and participate in all votes. The rules contained in the most current edition of Robert's Rules of Order shall generally be adhered to in the conduct of all meetings unless these procedures or state law provides otherwise. Only those items

included on the agenda and that are part of the materials mailed to the Board members may be acted upon at that particular meeting. New business may be introduced without prior notice only for the purpose either of Board action at a future meeting or referral to a committee or Board staff for study or consideration.

H. AUDIT PROCEDURES: The Coal Board Program will be audited as part of the biennial audit of the Department of Commerce by the Legislative Auditor.

I. VOTING: Coal Board meetings follow Robert's Rules of Order. All members will be asked to vote through roll call.

J. COMMITTEES: Such committees, standing or special, shall be appointed from the members by the Chair as the Board shall from time to time deem necessary to carry on the work of the Board. The board has not used committees in the recent past.

K. MAINTENANCE OF RECORDS: The Administrative Officer and staff shall be responsible for the maintenance of any and all records of the Board. Records shall be kept at the Coal Board Office at the Department of Commerce, and shall be available for inspection during normal business hours. Each pre-application or full-application form submitted to the Board shall be entered in a docket. Each form docketed since the preceding Board meeting shall be reported to the Board at its next meeting, and this shall be reflected in the minutes of the meeting, together with such comments or recommendations as the Department or Board staff may submit. The Board may, but will not necessarily, take final action on an application at the meeting when the application is received. All meeting records are permanent records.

M. AMENDMENT OF PROCEDURES: Amendments to these procedures may be initiated by any member of the Board. Proposed amendments must be considered at a regular Board meeting and approved by a majority vote of the members present. All members of the Board shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.

N. CONFLICT OF INTEREST: No member of the Board shall participate in any decision relating to contracts that affect his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly interested, or has any personal or pecuniary interest, direct or indirect, in the contract or the proceeds thereof. As applied here, the term "participate" prohibits making motions, seconding motions, and voting.

Department of Commerce ARM Rules for Citizen Participation

8.2.201 POLICIES AND OBJECTIVES IN PROVIDING CITIZEN PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF COMMERCE

(1) Participation of the public is to be provided for, encouraged and assisted to the fullest extent practicable consistent with other requirements of state law and the rights and requirements of personal privacy. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved public understanding of official programs and actions. Prior to the granting or denying of certain licenses, the Department of Commerce shall, where the decision is of significant public interest, give adequate notice that the decision is to be made and provide an opportunity for public participation in the making of the decision.

History: [2-3-103](#), MCA; [IMP](#), [2-3-103](#), MCA; Eff. 5/6/76.

8.2.202 GUIDELINES FOR DETERMINATION OF SIGNIFICANT PUBLIC INTEREST

(1) The following will be deemed of a significant public interest to require notice and the availability of an opportunity for public participation in the decision-making process:

(a) the adoption, amendment or repeal of any regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or procedures or practice requirements of the Department of Commerce; or

(b) the granting or denying of a license for which a hearing is required under provisions of Montana law.

(2) In all other cases, whether or not the decision is one of significant public interest will be determined by the person within the department who is proposing the decision, according to the following considerations:

(a) whether the decision regards a matter which is controversial;

(b) the number of persons who will be affected by the decision;

(c) the fiscal impact the decision will have;

(d) whether a high level of citizen interest has been witnessed by the department.

History: [2-3-103](#), MCA; [IMP](#), [2-3-103](#), MCA; Eff. 5/6/76.

8.2.203 GUIDELINES FOR DEPARTMENT PROGRAMS

(1) A continuing departmental program for public participation shall include methods of implementing each of the functions listed in this rule. The exact method may vary in relation to resources available, public response, or the nature of issues involved:

(a) Informational materials - each division of the department shall provide continuing policy, program and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informal and constructive contributions to department decision-making. New releases and other publications may be used for this purpose as well as informational discussions and meetings with interested citizens' groups. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) Assistance to public - each division shall have a procedure for providing technical and information assistance to concerned groups and individuals. Requests for information shall be promptly handled.

(c) Notification - each division shall maintain, for its appropriate areas of responsibility, a current list of interested persons and organizations including any who have requested inclusion on such list for the distribution of information such as that listed in paragraph (a) of this rule. This shall be in addition to the lists now maintained as required by the Montana Administrative Procedure Act. The department shall, in addition, notify any interested persons of any public hearing or other decision-making proceedings prior to decision-making and wherever possible shall supplement this notification with informal notice to all interested persons or groups having requested such notice in advance.

(d) Access to information - the department files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with established Department of Commerce policy. These files are located at the department office in Helena. Copies of specific documents are available either free or for a reasonable copying charge plus employee time.

(e) Rulemaking - in addition to any other requirements, the department shall comply with the requirements of the Montana Administrative Procedure Act.

(f) Other measures - the listing of specific measures in this section shall not preclude additional methods for obtaining, encouraging or assisting public participation.

History: [2-3-103](#), MCA; [IMP](#), [2-3-103](#), MCA; Eff. 5/6/76.

8.2.204 NOTICE AND MEANS FOR PUBLIC PARTICIPATION

(1) If it is determined that significant public interest is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making;

(a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, MCA;

(b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision or state law or a local ordinance or regulation;

(c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected which shall include the name of the department, the name of a person within the department most familiar with the proposed action, the address, and phone number where interested persons may submit their data, views or arguments, orally or in written form, concerning the proposed action.

History: [2-3-103](#), MCA; [IMP](#), [2-3-103](#), MCA; Eff. 5/6/76.

8.2.205 CONFERENCES WITH DIRECTOR OR DIVISION ADMINISTRATORS

(1) Any individual or group of individuals may make appointments to confer with the director or division administrators regarding any matter of concern to those individuals and which is subject to the jurisdiction of the Department of Commerce. Such appointments may be made by contacting the director's office in Helena, (406) 841-2700.

History: [2-3-103](#), MCA; IMP, [2-3-103](#), MCA; Eff. 5/6/76.

8.2.206 OPEN MEETINGS

(1) All meetings of the department shall be open to the public subject to the provisions of [2-3-203](#) , MCA.

History: [2-3-103](#), MCA; IMP, [2-3-103](#), MCA; Eff. 5/6/76.

8.2.207 GENERAL

(1) Citizens desiring information about anything contained in these rules or about anything concerning the Department of Commerce and public participation should contact the department.

History: [2-3-103](#), MCA; IMP, [2-3-103](#), MCA; AMD, Eff. 5/5/77; AMD, Eff. 6/30/86; AMD, 1995 MAR p. 2794, Eff. 12/22/95.

STAFF MEMO

Below are the items requested for Commerce staff and legal review following the September 12th Coal Board meeting in reference to internal procedures. Comments and questions are included from staff.

- Does the board need to have three meetings to review and approve the internal procedures document?
 - The Coal Board Internal Procedures document sets out the process for amending these procedures (see below). In addition to this provision, the board must also follow open public meeting and public participation laws (notice and opportunity to participate).
 - **“M. AMENDMENT OF PROCEDURES:** Amendments to these procedures may be initiated by any member of the Board. Proposed amendments must be considered at a regular Board meeting and approved by a majority vote of the members present. All members of the Board shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.”
- The Board requested that the internal procedures document be amended to state that if the Chair resigns or is incapacitated, the Vice-Chair becomes the Chair.
 - How does the board determine if the Chair is incapacitated? Will the board vote to make this determination?
- Coal Board Public Participation procedures
 - The Board may adopt the Commerce internal procedures process. These are included in the Internal Procedures tab of this binder. Or the Board may adopt their own.
 - Following the September 12th Board meeting, Bighorn County provided a public participation process for the Board as an example. Commerce’s staff attorney for the Board reviewed the document and provided the comments below.
 - The public participation rules are very similar to Commerce’s.
 - Rule 2(2) provides that the Coal Board will appoint a person from Commerce to make the decision on whether a decision is one of significant public interest. What happens if that person no longer works at Commerce? Staff recommends that the Coal Board should make this determination or the Board Chair.
 - Rule 3(1)(b) provides that the board will have a procedure for providing technical assistance and information. Will the Board make a procedure for this concurrent with adoption of these rules?
 - Rule 3(1)(c) discusses interested persons lists. The staff at the Community Development Division currently manages this list. Commerce legal staff manages the interested persons lists for ARMs (MT Administrative Procedure Act).
 - Rule 4(1)(a) should be rephrased. Roberts Rules of Order control in the absence of Coal Board rules. Staff recommends using the word meeting instead of proceeding here.
 - Rule 5 – The phone number for the Community Development Division is correct.

DRAFT RECEIVED FROM BIG HORN COUNTY
MONTANA COAL BOARD POLICIES AND RULES REGARDING CITIZEN
PARTICIPATION

1 POLICIES AND OBJECTIVES IN PROVIDING CITIZEN PARTICIPATION IN THE OPERATION OF THE MONTANA COAL BOARD

(1) Participation of the public is to be provided for, encouraged and assisted to the fullest extent practicable consistent with other requirements of state law and the rights and requirements of personal privacy. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved public understanding of official programs and actions. Prior to the granting or denying of certain applications for grants, the Montana Coal Board shall, where the decision is of significant public interest, give adequate notice that the decision is to be made and provide an opportunity for public participation in the making of the decision.

2 GUIDELINES FOR DETERMINATION OF SIGNIFICANT PUBLIC INTEREST

(1) The following will be deemed of a significant public interest to require notice and the availability of an opportunity for public participation in the decision-making process:

(a) the adoption, amendment or repeal of any regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or procedures or practice requirements of the Montana Coal Board; or

(b) the granting or denying of applications for grants.

(2) In all other cases, whether or not the decision is one of significant public interest will be determined by a person within the Department of Commerce of the State of Montana who is appointed pursuant to a majority vote of the Members of the Montana Coal Board and who shall serve and provide this function at the pleasure of the majority of the Members of the Montana Coal Board, according to the following:

(a) whether the decision regards a matter which is controversial;

(b) the number of persons who will be affected by the decision;

(c) the fiscal impact the decision will have;

(d) whether a high level of citizen interest has been witnessed by the Montana Coal Board.

3 GUIDELINES FOR MONTANA COAL BOARD PROGRAMS

(1) A continuing Montana Coal Board program for public participation shall include methods of implementing each of the functions listed in this rule. The exact method may vary in relation to resources available, public response, or the nature of issues involved:

(a) Informational materials - the Montana Coal Board shall provide continuing policy, program and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informal and constructive contributions to Montana Coal Board decision-making. New releases and other publications may be used for this purpose as well as informational discussions and meetings with interested citizens' groups. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) Assistance to public - the Montana Coal Board shall have a procedure for providing technical and information assistance to concerned groups and individuals. Requests for information shall be promptly handled.

(c) Notification - the Montana Coal Board shall maintain, for its areas of responsibility, a current list of interested persons and organizations including any who have requested inclusion on such list for the distribution of information such as that listed in paragraph (a) of this rule. This shall be in addition to the lists now maintained as required by the Montana Administrative Procedure Act. The Montana Coal Board shall, in addition, notify any interested persons of any public hearing or other decision-making proceedings prior to decision-making and wherever possible shall supplement this notification with informal notice to all interested persons or groups having requested such notice in advance.

(d) Access to information - the Montana Coal Board files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with established Department of Commerce policy. These files are located at the Montana Coal Board's office in Helena. Copies of specific documents are available either free or for a reasonable copying charge plus employee time.

(e) Rulemaking - in addition to any other requirements, the Montana Coal Board shall comply with the requirements of the Montana Administrative Procedure Act.

(f) Other measures - the listing of specific measures in this section shall not preclude additional methods for obtaining, encouraging or assisting public participation.

4 NOTICE AND MEANS FOR PUBLIC PARTICIPATION

(1) If it is determined that significant public interest is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making;

(a) a proceeding or hearing shall be held in compliance with the provisions of the of the most current version of Robert's Rules of Order, provided however, if the Montana Coal Board institutes any rules such rules shall take precedence over Robert's Rules of Order;

(b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision or state law or a local ordinance or regulation;

(c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected which shall include the name of the Montana Coal Board, the address, and phone number where interested persons may submit their data, views or arguments, orally or in written form, concerning the proposed action.

5 CONFERENCES WITH MEMBERS OF THE COAL BOARD OR ITS STAFF

(1) Any individual or group of individuals may make appointments to confer with any member of the Montana Coal Board or its staff regarding any matter of concern to those individuals and which is subject to the jurisdiction of the Montana Coal Board. Such appointments may be made by contacting the Montana Coal Board office in Helena, (406) 841-2770.

6 OPEN MEETINGS

(1) All meetings of the Montana Coal Board shall be open to the public subject to the provisions of [2-3-203](#), MCA.

7 GENERAL

(1) Citizens desiring information about anything contained in these rules or about anything concerning the Montana Coal Board and public participation should contact the Montana Coal Board.

MCA Contents / TITLE 90 / CHAPTER 6 / Part 2 / 90-6-204 Presiding offic...

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Presiding Officer, Meetings, Compensation, And Facilities

90-6-204. Presiding officer, meetings, compensation, and facilities. (1) The board shall elect a presiding officer from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the presiding officer or a majority of the members.

(3) Members are entitled to compensation as provided for in 2-15-124(7).

(4) The department of commerce shall provide suitable office facilities and the necessary staff for the coal board.

History: En. 50-1705, 50-1708 by Secs. 6, 9, Ch. 502, L. 1975; R.C.M. 1947, 50-1805, 50-1808; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 2874, Ch. 56, L. 2009.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

MEMORANDUM

To: Chief Legal Counsels
From: Raph Graybill
Date: March 14, 2019
Re: Public participation in agency decisions pursuant to § 2-3-103, MCA

Montanans have a right to participate in the operation of state agencies. The right of participation is found at Article II, section 8 of the Montana Constitution, which provides:

The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

This important constitutional right is implemented by Montana statutes, which require every agency, as defined in § 2-3-102(1), MCA, to "develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public." Section 2-3-103(1), MCA. The public participation statutes further empower the district courts to set aside agency decisions not in conformity with the public participation laws where a person's rights have been prejudiced. Section 2-3-114, MCA. Model rules to implement these laws are found at ARM §§ 1.3.101-102.

Montana's public participation laws require that the Governor "ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state" adopt rules, setting forth guidelines to facilitate public participation in agency programs and decisions. Section 2-3-103(2), MCA. With this memo, I ask that each of you ensure that your respective agencies and attached boards, bureaus and commissions, have adopted rules implementing the public participation statutes.

If you or your agency needs assistance in crafting appropriate guidelines or rules to conform with Montana's public participation laws, feel free to contact me. Thank you.

**Applications for Consideration
December 2019**

Applicant #	Applicant	Project Description	Funds Requested	Total Project Costs
0887	Musselshell County	Replace antiquated equipment and infrastructure at RMH	\$ 85,500	\$ 845,000
0888	Musselshell County	PAR for Sherriff's Office	\$ 45,000	\$ 50,000
0889	City of Hardin	Upgrade components of the wastewater collection system and treatment plant in order to meet EPA and DEQ standards	\$ 500,000	\$ 11,265,000
0890	Carbon County	Complete a PER to stabilize the Bridger Senior Center	\$ 57,500	\$ 58,250
0891	City of Colstrip	Colstrip Broadband Feasibility Study	\$ 27,000	\$ 28,000
0892	Rosebud County	Upgrade arena lighting at the Rosebud County fairgrounds	\$ 100,000	\$ 130,000
0893	Rosebud County	Upgrade Rosebud Healthcare Center equipment	\$ 215,000	\$ 215,000
0894	Forsyth Public Schools	Forsyth Public Schools Bleacher Replacement	\$ 264,160	\$ 303,160
0895	Treasure County	Purchase seven new computers for the county	\$ 11,000	\$ 14,000
0896	Big Horn County	Purchase of one new dump truck and two new graders	\$ 562,000	\$ 812,000
0897	Black Eagle-Cascade County Water & Sewer Dist	Wastewater PER Update	\$ 15,000	\$ 22,500
Total Requested:			\$1,882,160	



Gene Walborn
Director

Montana Department of Revenue



Steve Bullock
Governor

Memorandum

To: Sonja Nowakowski, Office of Research and Policy Analysis
Legislative Services Division

From: Dylan Cole, Tax Policy and Research
Montana Department of Revenue *DC*

Date: September 18, 2019

Subject: Tax Revenue Analysis of Colstrip Units 1 & 2 Closure

Background

Colstrip power plant is a four-unit coal-fired electrical plant located in Colstrip, MT. Units 1 and 2 were operational in 1975 and 1976 respectively, while units 3 and 4 were completed in 1984 and 1986. These plants produce electricity from coal using steam, with the water supply coming from the manmade Castle Rock Lake. The units have changed hands several times; currently six companies have a share of ownership in at least one of the units. Units 1 and 2 each have a nameplate capacity of 307 MW, while units 3 and 4 each have a capacity of 740 MW for a total nameplate capacity of 2094 MW. In June of 2019, Talen Energy announced they would be closing units 1 and 2 at the end of calendar year 2019. This analysis estimates direct tax revenue lost because of this closure.

Methodology

Given that units 1 and 2 represent 29 percent of nameplate capacity of Colstrip, it is generally assumed that direct tax revenues from Colstrip will be reduced by 29 percent based on a FY 2019 baseline, although property tax is different due to the centrally assessed nature of the electric companies. The affected tax types will be listed section by section. It is assumed that 29 percent of the mining activity in the Rosebud mine will be lost, as nearly all coal mined there is used at the Colstrip power plant.

Coal Severance

Coal severance money is allocated between several different funds. The overall reduction is estimated at \$6.27 million or roughly ten percent of total coal severance revenues. The specific account losses are summarized in the table below.

Coal Severance Trust Fund (50%)	\$3,134,000
Long Range Building Program (12%)	\$752,000
Library Services (0.93%)	\$58,000
Conservation Districts (3.71%)	\$233,000
Growth Through Agriculture (0.82%)	\$51,000
Parks Acquisition Trust (1.27%)	\$80,000
Renewable Resources Debt Service (0.95%)	\$60,000
Cultural Trust (0.63%)	\$39,000
Coal Natural Resources Account (5.8%)	\$364,000
General Fund (Remainder)	\$1,497,000
Sum	\$6,268,000

Coal Gross Proceeds

There is a five percent tax on coal gross proceeds in lieu of property tax on coal gross proceeds. Revenues are shared between state and local governments in the same proportion as the mill levies in FY 1990 (when the transition from property tax to the current system occurred). An estimated \$2.1 million will be lost in total. Of that money, local governments will lose \$881,000, the general fund loses \$1.070 million, and the university system loses \$143,000.

Mineral Royalties

Royalty payments to the federal government for mining on federal land is shared with the state at a rate of 49 percent. The expected decrease in royalty payments is \$1.72 million. The state shares 25 percent of these remittances with the impacted county, meaning \$430,000 is lost to local government and \$1.29 million is foregone in general fund revenue.

Resource Indemnity and Ground Water Assessment Tax

The state imposes a tax on coal mining to provide for a trust fund for land remediation and ground water testing. This trust fund is expected to lose \$168,000 annually because of Colstrip units 1 and 2 closure.

Electrical Energy Generation and Transmission Taxes

Montana levies a tax on both generation and transmission of electricity in the state. The generation tax is \$0.0002 per kilowatt hour, while the transmission tax is \$0.00015 per kilowatt hour. The estimated reduction in tax revenue is \$668,000 for generation and \$560,000 for transmission, both to the detriment of the general fund.

Property

There is considerable uncertainty associated with estimating property tax changes based on units 1 and 2 closure because the property is centrally assessed. The department has devalued units 1 and 2 in recent years due to its expected closure in 2022. Using comparable ownership percentages, estimation of property value in units 1 and 2 was around 12 percent of total Colstrip electric generation property value in FY 2019. In addition, pollution control equipment (class 5) and transmission lines (class 9) are reduced by this percentage as well. Finally, the transmission lines owned by Colstrip

companies (besides Northwest Energy) outside Rosebud County are also reduced by this percentage to represent the diminished energy flowing through them. The reduction in state, local, and university tax revenues is shown in the table below.

	<u>University</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
Rosebud County	\$54,000	\$857,000	\$1,968,000	\$2,879,000
Other Counties	\$19,000	\$293,000	\$1,319,000	\$1,631,000
Total	\$73,000	\$1,150,000	\$3,287,000	\$4,510,000

Individual Income

Using annual salary information from the Quarterly Census of Employment and Wages through the US Bureau of Labor Statistics and assuming job loss of 29 percent at both the mine supplying coal to Colstrip and the Colstrip plant itself, approximately \$1.09 million of income tax revenue is expected to be lost. All income tax is deposited in the general fund.

Summary

	<u>General</u>	<u>Local</u>	<u>University</u>	<u>State Special</u>	<u>Total</u>
Coal Severance	\$1,497,000	-	-	\$4,771,000	\$6,268,000
Coal Gross Proceeds	\$1,070,000	\$882,000	\$143,000	-	\$2,095,000
Mineral Royalties	\$1,291,000	\$430,000	-	-	\$1,721,000
RIGWAT	-	-	-	\$168,000	\$168,000
Electric Energy Generation	\$668,000	-	-	-	\$668,000
Wholesale Energy Transmission	\$560,000	-	-	-	\$560,000
Property	\$1,150,000	\$3,287,000	\$73,000	-	\$4,510,000
Income	\$1,089,000	-	-	-	\$1,089,000
Total	\$7,325,000	\$4,599,000	\$216,000	\$4,939,000	\$17,079,000