

STATE OF MONTANA DEPARTMENT OF COMMERCE

**MONTANA COAL BOARD MEETING**

**DATE:** March 11, 2021 (Applications to be considered for this meeting are due January 25, 2021)

**LOCATION:** Via Zoom Please Register for Zoom Meeting here:

<https://mt-gov.zoom.us/j/96932259861?pwd=QmZhUTg2bHdaNEpCbUJmVXhTdDRYZz09>

Meeting ID: 969 3225 9861

Password: 880906

Dial by Telephone

+1 406 444 9999 (Helena)

Meeting ID: 969 3225 9861

Password: 880906

**WHEN:** 8:30 a.m.

**March 11, 2021**

Pat Lorello, Belgrade – Engineering  
Jon Wells, Hardin – Impact Area  
Catherine Laughner, Big Sky – Attorney  
Marianne Roose, Eureka – Public Administration

Tim Schaff, Roundup – Education  
Hal Fuglevand, Billings -- Impact Area  
Veronica Small-Eastman, Lodge Grass -- Education

**Notice of Public Meeting**

**March 11, 2021:** The Board will hold a quarterly meeting at 8:30 am, Thursday, March 11, 2021, via Zoom. For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at [DOCCDD@mt.gov](mailto: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. Commerce Updates
  - Welcome new board members
  - Meeting date options
  - Housekeeping items
    - *Reminder of delay on telephone lines*
    - *Reminder to identify yourself when speaking*
    - *Denial letters sent to applicants*
4. Elections
  - Chair Election
    - *Board discussion*
    - *Board action (as applicable)*
  - Vice Chair Election
    - *Board discussion*
    - *Board action (as applicable)*
5. Opportunity for public comment on items not on the agenda, but within the Board's jurisdiction
6. Approval of Minutes
  - Approval of Meeting minutes (September 10, 2020)
    - *Opportunity for public comment*
    - *Board discussion*
    - *Board action (as applicable)*
  - Approval of Meeting minutes (December 10, 2020)
    - *Opportunity for public comment*
    - *Board discussion*

- *Board action (as applicable)*
- 7. Budget Status Update
  - *CDD Staff update*
  - *Opportunity for public comment*
  - *Board discussion*
  - *Board action (as applicable)*
- 8. Project Updates
  - 0883-City of Colstrip-Extension Request-to 10/31/2021
    - *CDD Staff update*
    - *Opportunity for public comment*
    - *Board discussion*
    - *Board action (as applicable)*
  - 0825-Lame Deer Public Schools-Extension Request-to 6/1/2021
    - *CDD Staff update*
    - *Opportunity for public comment*
    - *Board discussion*
    - *Board action (as applicable)*
  - Open and Closed project status
    - *CDD Staff update*
    - *Opportunity for public comment*
    - *Board discussion*
    - *Board action (as applicable)*
  - Contingent Upon Awards (See Table continued on next page)

<b>Applicant #</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Funds Requested</b>	<b>Total Project Costs</b>
0898 (#2 Priority 3/20 Meeting)	Town of Hysham- *Funds available to route contract	Wastewater System Rehabilitation, Phase 1	\$125,077	\$785,077
0900 (#3 Priority 3/20 Meeting)	Musselshell County *Funds available to route contract	Hawk Creek VFD Concrete and Gutters	\$33,118	\$41,038
0901(#4 Priority 3/20 Meeting)	Colstrip High School *Funds available to route contract	Water Main Replacement Project	\$121,273	\$131,839
		<b>Total Requested:</b>	<b>\$279,468</b>	<b>\$957,954</b>

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

10. New Business – New Applications (See Table below)

<b>Applicant #</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Funds Requested</b>	<b>Total Project Costs</b>
0916	City of Forsyth	Replacement of Boiler and Control System Upgrade to the Municipal Pool	\$80,000	\$80,000

0917	Big Horn County	Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department	\$90,086	\$115,086
0918	Big Horn County	Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery	\$124,870	\$149,870
0919*	Big Horn County	Construct New Hospital Admissions Area and Patient Entry Canopy at Big Horn Hospital	\$287,159	\$1,758,791
		<b>Total Requested:</b>	<b>\$582,115</b>	<b>\$2,103,747</b>

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

11. Application and Manual Review

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

12. Opportunity for public comment

13. Board Matters

- Confirmation of next meeting dates and location  
June 10, 2021  
September 9, 2021  
December 9, 2021

14. Adjourn

TARA RICE  
DIRECTOR



STEVE BULLOCK  
GOVERNOR

December 16, 2020

Robert E. Lee  
PO Box 47  
Forsyth, MT 59327

RE: Montana Coal Board Grant Award Status

Dear Commissioner Lee:

The Montana Coal Board did not approve Coal Impact funding for the Rosebud County application #0911 for the Colstrip Human Services Building HVAC System at the December 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

For more information about previous and future meetings and materials provided to the Board and public, please visit the Montana Coal Board website:

<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or 406-841-2770.

Sincerely,

*Jennifer Olson*

Jennifer H. Olson  
Division Administrator  
Community Development Division



TARA RICE  
DIRECTOR



STEVE BULLOCK  
GOVERNOR

December 16, 2020

George Real Bird III  
121 West 3<sup>rd</sup> Street  
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0912 for the Big Horn Hospital Front Entry Construction and Admission Office Renovation at the December 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or 406-841-2770.

Sincerely,

*Jennifer Olson*

Jennifer H. Olson  
Division Administrator  
Community Development Division

TARA RICE  
DIRECTOR



STEVE BULLOCK  
GOVERNOR

December 16, 2020

George Real Bird III  
PO Box 908  
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0913 for the Fairview Cemetery District No. 1 Improvement Project at the December 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or 406-841-2770.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Olson".

Jennifer H. Olson  
Division Administrator  
Community Development Division

TARA RICE  
DIRECTOR



STEVE BULLOCK  
GOVERNOR

December 16, 2020

George Real Bird III  
PO Box 908  
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0914 for the Big Horn Sheriff's Office Patrol Vehicle Purchase at the December 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

For more information about previous and future meetings and materials provided to the Board and public, please visit the Montana Coal Board website:

<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or 406-841-2770.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Olson".

Jennifer H. Olson  
Division Administrator  
Community Development Division

TARA RICE  
DIRECTOR



STEVE BULLOCK  
GOVERNOR

December 16, 2020

Bob Lewandowski  
PO Box 159  
Colstrip, MT 59323

RE: Montana Coal Board Grant Award Status

Dear Superintendent Lewandowski:

The Montana Coal Board did not approve Coal Impact funding for the Colstrip Public Schools application #0915 for the Colstrip Public Schools LED Lighting Project at the December 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or 406-841-2770.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Olson".

Jennifer H. Olson  
Division Administrator  
Community Development Division

**Current Board Members:**

<b>Board Member</b>	<b>Term Start Date</b>	<b>Term End Date</b>	<b>Qualifications</b>
Veronica Small-Eastman	2/15/2019	1/1/2023	District 2, Expertise in Education
Tim Schaff	2/15/2019	1/1/2023	District 2, Expertise in Education
Hal Fuglevand	1/4/2021	1/5/2025	District 2 - Impact Area
Pat Lorello	1/4/2021	1/5/2025	District 1-Engineering
Marianne Roose	2/15/2019	1/1/2023	District 1, Public Administration
Jon Wells	1/4/2021	1/5/2025	District 2 - Impact Area, Business Person
Catherine Laughner	1/4/2021	1/5/2025	Attorney, District 1

**Montana Coal Board**  
**Draft Meeting Minutes**  
**September 10, 2020**  
Conference Call

**Board Members Present**

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

**Montana Department of Commerce Staff Present**

Jennifer Olson, Division Administrator; A.C. Rothenbuecher, Operations Manager; Rachel Young, Administrative Officer; Anita Proul, Executive Assistant; Jessica Blumberg, Attorney.

**Public Present**

Bill Hodges	Big Horn Hospital Association
Adam Liberty	MSU Billings Foundation
Bob Lewandowski	Superintendent Colstrip Public Schools
Becky Bey	KLJ Engineering
Candy Wells	Administrative Asst. Big Horn County
Brian Mischel	Director, Disaster & Emergency Services Big Horn County
Larry Vandersloot	Commissioner, Big Horn County
Daryl Nordquist	Big Horn County Cemetery District #1
Dianne Lehm	BSED
Patrick Klugman	BSED
Dennis Kopitzke	Mayor, Forsyth
Doris Pinkerton	Clerk Treasurer, Forsyth
Jim Atchison	SEMDC

**Welcome – Call to order**

Chairman Williams called to order the meeting of the Montana Coal Board at 8:32 a.m.

**Roll call**

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

**Commerce Updates**

Ms. Young updated the Board on the request from the previous meeting to send letters to awardees that had grants awarded contingent upon funds being available and that those letters had been sent out to the following recipients:

- #0890 Carbon County; #0891 City of Colstrip; #0898 Town of Hysham; #0900 Musselshell County; #0901 Colstrip Public Schools

**Opportunity for Public Comment**

- Bill Hodges, Big Horn Hospital Association – Gave update on phase three Big Horn Hospital remodel, up and functional from about six weeks ago.

**Montana Coal Board**  
**Draft Meeting Minutes**  
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Conference Call

- Adam Liberty, MSU Billings Foundation – Thank you and gave update on project

**Approval of Minutes (June 11, 2020)**

- Chairman Williams called for a motion to approve minutes.

**Action by the Board:** Mr. Schaff made a motion to approve minutes. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Minutes were approved.

**Budget Status Update**

Ms. Olson - Question was raised at June meeting if a transfer of funds had previously taken place from the Coal Natural Resource Account (CNRA), from which the Coal Board awards funds.

- Thank you to Fiscal staff at Commerce for research.
- Did have a transfer of funds out of CNRA.
  - In 2107 Legislative Session, Representative Keane proposed HB22 and signed by Governor on April 14, 2017.
  - Bill was specifically transferring \$80,000 out of CNRA to provide to the Department of Justice for monies to assist, intervene, and plan for the closure of coal fired generation operation.
- Reminder, the Department of Commerce does not transfer or move money out of the account without legislative authority or approval.
- Transfer did occur and Department of Justice did expend 100% of \$80,000 appropriation.
- That was the only transfer that came out of the CNRA.

Ms. Rothenbuecher discussed the Budget Update and Revenue History reports.

**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:	\$2,616,661.44
• FY 2020 Awards Made to Date:	\$3,223,150.00
• FY 2020 Revenue Available to Award:	(\$ 606,488.56)
• FY 2021 (7/1/20-6/30/21) Appropriation:	\$3,482,000.00
• FY 2021 Revenue Available to Date:	\$ 437,493.76
• FY 2021 Awards Made to Date:	\$0.00
• Funds Reverted:	\$0.00
• FY 2021 Revenue Available to Award:	\$ 437,493.76
• 2021 Biennium Awarded:	\$3,223,150.00
• 2021 Biennium Appropriation Remaining to Award:	\$3,482,000.00

**Montana Coal Board**  
**Draft Meeting Minutes**  
**September 10, 2020**  
Conference Call

- Revenue Available: \$ 437,493.76
- Revenue Available with Reverted Funds (to award this meeting): (\$ 91,952.00)
  
- Tribal 7% limitations are being tracked and so far, this fiscal year, the Board has made no awards to State or Tribal projects. Currently the available balance for such is \$243,530.00. Also, Designated vs. Non-Designated funds are being tracked. Statute identifies funds can be spent anywhere but 51% must be in designated impact areas and any other projects must meet statute criteria.

**Project Updates**

A. Concurrence of contract amendments

- 831-Miles City; 866-Rosebud County; 867-Big Horn County; 854-Northern Cheyenne Tribe; 825 Lame Deer Public Schools; 846-Hardin Public Schools
- Previously approved to extend/amend but not executed by end of fiscal year.
- Need Board's concurrence to continue to amend contracts and roll into this fiscal year.

**Action by the Board:** Mr. Schaff made a motion to concur to extend contracts to the end of this fiscal year. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

B. Applicant #0830 – Northern Cheyenne requesting change of scope to finish using remaining grant funds.

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to change scope. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public - no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

C. Applicant #0885 – Town of Broadus requesting change of scope to include grant administration and engineering.

**Action by the Board:** Mr. Schaff made a motion to change scope. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

D. Applicant #0799 – City of Colstrip requesting contract extension to March 31, 2021.

**Action by the Board:** Ms. Roose made a motion to extend contract to March 31, 2021. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes except Chairman Williams abstained. Motion passed.

E. Projects awarded at previous meetings contingent upon revenue and in priority order.

- 0890-Carbon County-Dec; 0891-City of Colstrip-Dec; 0898-Town of Hysham-March; 0900-Musselshell County-March; 0901 Colstrip High School-March.
- Total = \$363,968

F. Open and Closed project status

- Ms. Young reviewed spreadsheets
  - 30 Projects Open



**Montana Coal Board**  
**Draft Meeting Minutes**  
**September 10, 2020**  
Conference Call

- Several contracts currently being routed

**Old Business**

**Tabled Applications**

Chairman Williams - Tabled items remain tabled until removed from the table unless you go beyond the quarterly meeting, they expire.

- Make recommendation not to take any action on tabled items
  - They will be removed entirely but does not prohibit the applicants from renewing their application when funds become available.

Ms. Rothenbuecher – Provided comment specific to ARM 8.101.302, item #2, “applications shall be considered by the Coal Board during the next scheduled quarterly meeting after receipt of the completed application and either be approved, denied, or tabled, pending submittal of additional information to Coal Board”. Make sure we are following ARM as it suggests an action still has to be taken on these applications.

Chairman Williams asked for discussion/questions/comments from the Board on the action:

- Vice-Chair Fitzpatrick – In favor of re-table and assess priority.
- Ms. Henning – In favor of denying. Does not mean the Board does not support the applications, it is simply due to a lack of funds. Tabling is misused and leaves everybody in limbo.
- Mr. Schaff – Listening to the explanation of the ARM, we do not have a choice, we have to deny.

**Public Comments:**

- Bill Hodges, Big Horn Hospital Association – As an applicant, would I have to go through the hearing process, environmental checklist, that entire list of protocols to submit a new app, or may I simply change the date and resubmit?
  - Ms. Rothenbuecher – Yes you can change the date/resubmit. Add any updates, to your knowledge, if anything has been changed or modified since the last time you applied. And anything that was commented from the staff reports; anything that was missing or unclear, encourage the applicant to address.
  - Ms. Henning – Recommend to anyone refiling, if you are changing your application substantially from the previous filing, please know that would maybe require you to go through the hearing process, the MEPA process.
- Jim Atchison, SEMDC – As an applicant, numerous grant applications submitted throughout the year and always risk of getting denied. From an applicant stand point, sometimes it’s better to obviously get a yes, but sometimes in my opinion, it’s good to get a no as well, because then we know where we sit with that project, with other match funds, with other grant applications, etc. Sometimes tabling these things is a limbo/gray area and it creates a lot of stress on some of these projects to find money...what if the table does not go through next time, etc. I would appreciate a yes or no when we initially apply, that way the applicant knows where we stand.

**Montana Coal Board**  
**Draft Meeting Minutes**  
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- Bob Lewandowski, Superintendent Colstrip Public Schools – We were tabled in March and June, I certainly appreciate the difficulties you guys have to go through in making difficult financial decisions and availability of funds. And certainly, I also appreciate the opportunity to change dates and resubmit because I know the decision making is tied to the financial needs, have and have not, that you guys are dealing with so I appreciate your position and I wanted to let you that we thank you for what you guys are doing.

Chairman Williams called for a motion to un-table applications #0899, #0904, #0905, #0906, #0907, 0908.

**Action by the Board:** Mr. Smith made a motion to un-table applications. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0899 Colstrip Public Schools – LED Lighting** **\$229,470**

**Action by the Board:** Mr. Schaff made a motion to deny application based on lack of available funds. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0904 Rosebud County – Replace HVAC** **\$250,000**

- Jim Atchison, SEMDC - Applicant withdrawing application

**Action by the Board:** Mr. Schaff made a motion to accept withdrawal. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0905 Big Horn County – Hospital Improvements** **\$498,759**

**Action by the Board:** Mr. Smith made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0906 City of Forsyth – Municipal Pool Upgrades** **\$95,000**

**Action by the Board:** Ms. Roose made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0907 Big Horn County – Cemetery District No. 1** **\$124,870**

**Action by the Board:** Mr. Schaff made a motion to deny application based on lack of available funds. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Montana Coal Board**  
**Draft Meeting Minutes**  
**September 10, 2020**  
Conference Call

**Application #0908 Big Horn County – Sheriff’s Dept. Purchase Two 4x4 Patrol Vehicles      \$90,086**

**Action by the Board:** Ms. Roose made a motion to deny application based on lack of available funds. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Roll Call – Return from Break**

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

**New Business**

**Application #0910 Lame Deer Public Schools – Purchase One School Bus      \$100,000**

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to deny application based on lack of funds. Mr. Smith seconded. Discussion from the Board and comments from the public:

- Mr. Schaff – Noted discrepancy on the Superintendent of Schools on the application. Application signed by Ms. Cobell and the contact information for the Superintendent was their old Superintendent; those need to be made parallel when they reapply.
- Chairman Williams – There were a number of issues addressed in the staff review in regard to the application that should be addressed when they do reapply.

No discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application and Manual Review**

Ms. Rothenbuecher recapped the steps to date in the process of updating the application and draft Grant Administration Manual. Ms. Rothenbuecher requested, from the board, a discussion and any relevant motions about what to accept or add, then at the next meeting, staff will be able to provide one red-lined version for any other additional board or public comments – “I appreciate your guidance and thoughts about how you would like to do this”.

The Board provided a final motion following various comments, ideas, and suggestions by staff:

**Action by the Board:** Ms. Henning made a motion directing staff to compile all documentation for one final review at the December meeting. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

- Ms. Rothenbuecher inquired if the draft Grant Administration Manual could receive a final review at the December meeting as well?
  - Chairman Williams and Ms. Henning agreed for it to be included to the review at the next meeting.

**Montana Coal Board**  
**Draft Meeting Minutes**  
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**Opportunity for Public Comment**

- No additional public comment provided.

**Board Matters**

- Confirmation of next meeting date
  - December 10, 2020 – Telephone Conference
  - March 11, 2021
  - June 10, 2021
  - September 9, 2021

**Adjournment**

With no other business, Chairman Williams called for a motion to adjourn. Mr. Smith made a motion to adjourn. Mr. Schaff seconded. Meeting adjourned at 10:25 a.m.

**Montana Coal Board  
Draft Meeting Minutes  
December 10, 2020  
Conference Call**

**Board Members Present**

Chairman John Williams, Vice-Chair Sidney Fitzpatrick, Amber Henning, Marianne Roose, Tim Schaff, and Sean Smith.

**Montana Department of Commerce Staff Present**

Jennifer Olson, Division Administrator; A.C. Rothenbuecher, Operations Manager; Rachel Young, Administrative Officer; Anita Proul, Executive Assistant; Jessica Blumberg, Attorney.

**Public Present**

Bill Hodges	Big Horn Hospital Association
Bob Lewandowski	Superintendent Colstrip Public Schools
Larry Vandersloot	Commissioner, Big Horn County
Robert E. Lee	Commissioner, Rosebud County
Jim Atchison	SEMDC

**Welcome – Call to order**

Chairman Williams called to order the meeting of the Montana Coal Board at 8:31 a.m.

**Roll call**

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

**Commerce Updates**

Ms. Young updated/reminded the Board on the following:

- Denial letters sent to applicants
- Commerce Legislative Communications Policy and Commerce Communications Contact
  - Sam Offerdahl 841-2893
- Reminder regarding Board Appointments and expired terms

**Opportunity for Public Comment**

- No public comment provided.

**Approval of Minutes (September 10, 2020)**

- Chairman Williams indicated that several corrections would need to be made to the minutes regarding the Board's action on the grant applications and resubmitted for approval at the March 2021 meeting.

**Budget Status Update**

Ms. Rothenbuecher discussed the Budget Update and Revenue History reports.

**Montana Coal Board**  
**Draft Meeting Minutes**  
**December 10, 2020**  
Conference Call

**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: \$2,616,661.44
- FY 2020 Awards Made to Date: \$3,223,150.00
- FY 2020 Revenue Available to Award: (\$ 606,488.56)
  
- FY 2021 (7/1/20-6/30/21) Appropriation: \$3,482,000.00
- FY 2021 Revenue Available to Date: \$ 409,548.91
- FY 2021 Awards Made to Date: \$0.00
- Funds Reverted: \$0.00
- FY 2021 Revenue Available to Award: \$ 409,548.91
  
- 2021 Biennium Awarded: \$3,223,150.00
- 2021 Biennium Revenue Available: (\$ 196,939.65)
- Revenue Available with Reverted Funds (to award this meeting): (\$ 196,939.65)
  
- Tribal 7% limitations are being tracked and so far, this fiscal year, the Board has made no awards to State or Tribal projects. Currently the available balance for such is \$243,530.00. Also, Designated vs. Non-Designated funds are being tracked. Statute identifies funds can be spent anywhere but 51% must be in designated impact areas and any other projects must meet statute criteria.

**Project Updates**

A. Applicant #0742 – Town of Lodge Grass requesting contract extension to December 31, 2022.

**Action by the Board:** Ms. Henning made a motion to extend contract to December 31, 2022. Mr. Schaff seconded. Discussion from the Board and comments from the public - no discussion or comments. Ms. Young called for a vote: all yes except Vice-Chair Fitzpatrick abstained. Motion passed.

B. Applicant #0787 – Crow Tribe requesting contract extension to December 31, 2023.

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to extend contract to December 31, 2023. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

C. Applicant #0830 – Northern Cheyenne requesting contract extension to September 30, 2021.

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to extend contract to September 30, 2021. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

D. Applicant #0846 – Hardin Public Schools requesting contract extension to March 31, 2021.

**Montana Coal Board**  
**Draft Meeting Minutes**  
**December 10, 2020**  
Conference Call

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to extend contract to March 31, 2021. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

E. Applicant #0898 – Town of Hysham requesting scope of work change.

**Action by the Board:** Ms. Roose made a motion to change scope of work. Vice-Chair Fitzpatrick seconded. Discussion from the Board and comments from the public:

- Jim Atchison, SEMDC – spoke in support of request.

No further discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

F. Open and Closed project status

- Ms. Young reviewed spreadsheets
  - 30 Projects Open
  - Three contracts currently being routed

G. Projects awarded at previous meetings contingent upon revenue

- 0890-Carbon County; 0891-City of Colstrip; 0889-Town of Hardin – contracts routing
- 0898-Town of Hysham; 0900-Musselshell County; 0901 Colstrip High School – waiting for revenue
  - Total = \$279,468

**Old Business**

**Application #0904 Rosebud County – Replace HVAC** **\$250,000**

Received letter verifying withdrawal of application request from previous meeting.

**New Business**

**Application #0911 Rosebud County – Repair Colstrip Human Services Building HVAC** **\$250,000**

- Robert E. Lee, Rosebud County Commissioner – Spoke in support of the application and acknowledged the revenue shortage faced by the Board.

**Action by the Board:** Mr. Schaff made a motion to deny application based on lack of available funds. Ms. Henning seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0912 Big Horn County – Big Horn Hospital New Admissions Area** **\$498,759**

- Bill Hodges, Big Horn Hospital Association – Spoke in support of the application and acknowledged the revenue shortage faced by the Board.

**Action by the Board:** Mr. Schaff made a motion to deny application based on lack of available funds. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Montana Coal Board**  
**Draft Meeting Minutes**  
**December 10, 2020**  
Conference Call

**Application #0913 Big Horn County – Purchase New Tractor and Construction of Storage Building for the Fairview Cemetery \$124,870**

- Larry Vandersloot, Big Horn County Commissioner – Spoke in support of the application and acknowledged the revenue shortage faced by the Board.

**Action by the Board:** Mr. Smith made a motion to deny application based on lack of available funds. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0914 Big Horn County – Purchase Two 4x4 Patrol Vehicles for Sheriff's Dept. \$90,086**

- Larry Vandersloot, Big Horn County Commissioner – Spoke in support of the application and acknowledged the revenue shortage faced by the board.

**Action by the Board:** Mr. Smith made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public:

- Chairman Williams – shared some fleet vehicle purchase information utilized by the City of Colstrip at a significant savings.

No further discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application #0915 Colstrip Public Schools – Replace Fluorescent Lighting with LED Lighting \$229,470**

- Bob Lewandowski, Superintendent Colstrip Public Schools - Spoke in support of the application and acknowledged the revenue shortage faced by the board.

**Action by the Board:** Vice-Chair Fitzpatrick made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

**Application and Manual Review**

Ms. Rothenbuecher recapped what was discussed and requested from the Board at the September meeting regarding the approval of the Application and draft Grant Administration Manual.

- Chairman Williams asked for a hard copy to be printed and sent out to the board for them to review for the March 2021 meeting.

**Opportunity for Public Comment**

- No additional public comment provided.

**Board Matters**

- Confirmation of next meeting date
  - March 11, 2021 – Telephone Conference
  - June 10, 2021
  - September 9, 2021



**Montana Coal Board**  
**Draft Meeting Minutes**  
**December 10, 2020**  
Conference Call

**Adjournment**

With no other business, Chairman Williams called for a motion to adjourn. Mr. Smith made a motion to adjourn. Mr. Schaff seconded. Meeting adjourned at 9:44 a.m.

DRAFT

# REVENUE HISTORY AS OF 3/1/2021

2007-2012

2007 (fund 02511)													Coal Tax Revenue Percent	2.90%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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	
<b>Total</b>	<b>0.00</b>	<b>256,454.89</b>	<b>0.00</b>	<b>(264,594.48)</b>	<b>304,274.15</b>	<b>0.00</b>	<b>187,689.21</b>	<b>107,627.26</b>	<b>0.00</b>	<b>294,577.83</b>	<b>0.00</b>	<b>284,720.00</b>	<b>1,170,748.86</b>	
2008 (fund 02511)													Coal Tax Revenue Percent	2.90%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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	
<b>Total</b>	<b>266,641.62</b>	<b>1,516.10</b>	<b>0.00</b>	<b>55,080.49</b>	<b>2,606.99</b>	<b>0.00</b>	<b>336,953.39</b>	<b>3,537.77</b>	<b>0.00</b>	<b>29.42</b>	<b>330,559.90</b>	<b>301,136.27</b>	<b>1,298,061.95</b>	
2009 (fund 02511)													Coal Tax Revenue Percent	5.80%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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	
<b>Total</b>	<b>167,905.80</b>	<b>135,373.67</b>	<b>0.00</b>	<b>53,717.58</b>	<b>2,950.53</b>	<b>0.00</b>	<b>248,126.42</b>	<b>152,105.88</b>	<b>0.00</b>	<b>42,801.10</b>	<b>311,600.99</b>	<b>325,023.76</b>	<b>1,439,605.73</b>	
2010(fund 02511, moved to fund 02445)													Coal Tax Revenue Percent	5.80%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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	
<b>Total</b>	<b>0.00</b>	<b>295,705.72</b>	<b>0.00</b>	<b>13,591.81</b>	<b>1,017.16</b>	<b>0.00</b>	<b>337,886.80</b>	<b>7,493.24</b>	<b>0.00</b>	<b>308,943.66</b>	<b>1,011,820.33</b>	<b>538,650.48</b>	<b>2,515,109.20</b>	
2011 (fund 02445)													Coal Tax Revenue Percent	5.80%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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	
<b>Total</b>	<b>17,863.90</b>	<b>739,751.69</b>	<b>0.00</b>	<b>275,946.31</b>	<b>44,854.14</b>	<b>0.00</b>	<b>792,126.04</b>	<b>29,742.78</b>	<b>829.28</b>	<b>379,673.08</b>	<b>325,476.25</b>	<b>801,003.18</b>	<b>3,407,266.65</b>	
2012 (fund 02445)													Coal Tax Revenue Percent	5.80%
<b>Rev_Exp Amount</b>	<b>Month</b>													
<b>Account</b>	<b>01 (Jul)</b>	<b>02 (Aug)</b>	<b>03 (Sep)</b>	<b>04 (Oct)</b>	<b>05 (Nov)</b>	<b>06 (Dec)</b>	<b>07 (Jan)</b>	<b>08 (Feb)</b>	<b>09 (Mar)</b>	<b>10 (Apr)</b>	<b>11 (May)</b>	<b>12 (Jun)</b>	<b>Total</b>	
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)	
<b>Total</b>	<b>478,552.73</b>	<b>229,945.98</b>	<b>0.00</b>	<b>(282,218.57)</b>	<b>398,977.25</b>	<b>0.00</b>	<b>562,498.88</b>	<b>325,049.60</b>	<b>0.00</b>	<b>715,661.79</b>	<b>0.00</b>	<b>534,692.88</b>	<b>2,963,160.54</b>	

# REVENUE HISTORY AS OF 3/1/2021

2013-2018

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	
										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 AS OF 3/1/2021

2019-2021

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		327,851.56	316,829.05	2,063.81	557,704.92	90,338.94	108,927.02	2,945,326.08	
510422 Accrual Coal Production Tax				(858,110.40)								529,445.76	(328,664.64)	
Total	222,429.42	539,831.96	5,979.51	(542,011.05)	457,270.54	0.00	327,851.56	316,829.05	2,063.81	557,704.92	90,338.94	638,372.78	2,616,661.44	
2021 (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	431,312.73	6,181.03	6,181.03	489,138.85	6,181.03	6,181.03	302,836.00	238,944.10					1,486,955.80	
510422 Accrual Coal Production Tax				(529,445.76)									(529,445.76)	
Total	431,312.73	6,181.03	6,181.03	(40,306.91)	6,181.03	6,181.03	302,836.00	238,944.10	0.00	0.00	0.00	0.00	957,510.04	

# Budget Update

March 1, 2021

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:	\$2,616,661.44
FY 2020 Awards Made to Date:	\$3,223,150.00
FY 2020 Revenue Available to Award:	(\$606,488.56)
FY 2021 (7/1/20-6/30/21) Appropriation:	\$3,482,000.00
FY 2021 Revenue Available to Date:	\$957,510.04
FY 2021 Awards Made to Date:	\$0.00
Funds Reverted:	\$59,971.00
FY 2021 Revenue Available to Award:	\$957,510.04
2021 Biennium Awarded:	\$3,223,150.00
2021 Biennium Revenue Available:	\$410,992.48
Revenue Available with Reverted Funds (to award this meeting):	\$410,992.48

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	\$3,223,150.00
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





Telephone Number



## Lame Deer Public Schools

District No. 6

Rosebud County

High School

Ph. (406) 477-8900

Fax (406) 477-8906

Montana Coal Board

PO Box 200523

301 S. Park Avenue

Helena, MT 59620-0523

P.O. Box 96

Lame Deer, MT 59043

Phone: (406) 477-6305



Elementary School

Ph. (406) 477-6431

Fax (406) 477-8234

**Re: DOC Contract # 0825 -Request for 3-Month Extension to Tuesday, June 1, 2021**

Coal Board Members,

Lame Deer Public School is requesting another extension, to the date of Tuesday, June 1<sup>st</sup>, 2021. This is approximately about a 3 months' term and we appreciate your patience in this matter.

Lame Deer Public Schools is in the final phases of this project. In the past several months power was moved above one unit that had power line over it. Currently electric needs to be hooked up from pole to unit, water and sewer needs to be hooked up as well. And once all this is done the skirting can get installed due to access to bottoms of unit when installing above steps of water and sewer lines.

We will need Northern Cheyenne Tribal Utilities to oversee the water line tie-in, into their underground lines. Water and sewer install consists of a tie in of approximately 60 yards for sewer and approximately 30 yards to tie in water lines, into underground lines. Skirting on units will be done and completely installed when lines are complete. In addition, on May 21, 2020, a permit was obtained after several steps had been taken to ensure TRECO completes their portion of the project.

As stated the remining funds of \$7000 will be used for the skirting of each of these units, approximately each unit will cost about \$1750 for materials. The balance of \$7000 for deck materials for the 4 units, which should allow our maintenance department ample time to order and receive the materials.

Sincerely,

Marcy Cobell  
Superintendent

Lame Deer Public Schools

Cc: Gabe Strangeowl, Maintenance Director  
Yolanda Fraser, Business Manager

Date:

Ms. Rebecca Shaw  
Montana Coal Board  
301 S. Park Avenue  
P.O. Box 200523  
Helena, MT 59620-0523

Re: Request for Extension – Coal Board SEMDC Marketing Grant

Dear Ms. Shaw:

I am writing to you to request an extension for our marketing through July 31, 2021 to coincide with the end date of our EDA grant.

Though we have completed a significant amount of work toward completing this project and could close it out by the end of February, we would like to extend the closeout date for a number of reasons. As you may know, we encountered a significant number of problems due to the COVID-19 pandemic. Primarily, a lot of the content that we needed (photos and videos) could not be completed to our satisfaction due to travel restrictions, particularly during the most optimum times of spring, summer and fall of 2020. Our contractor did the best they could but social distancing, travel restrictions, and the lack of events caused problems in not providing some of the venues/events for the project. In addition, the Northern Cheyenne Reservation was completely closed off to us during that time and so content is not what we would have liked.

In discussing this situation with our contractor, we have some funds left in the budget and would like to hold those for possible “shoots” in the spring or summer to fill in the content that we desperately need. For these reasons we would like to proceed with a request for an extension on this grant.

Thank you for considering our request.

Sincerely,

Jim Atchison  
Executive Director

COAL BOARD GRANTS													
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:		Award Date:	Contract Executed:	Implementation:	Expires:	Status:	Date Closed:	Recaptured:
2015 BIENNIUM													
0742	Town of Lodge Grass	Wastewater Project	\$200,000.00		\$173,461.68	87%	9/27/2013	6/4/2014	4th QTR. 2015	Approved for extension to 12/31/22	Open		
2017 BIENNIUM													
0787	Crow Tribe of Indians	Phase 3c WW Collection	\$200,000.00		\$ -	0%	6/16/2016	Lite 6/30/2017. Contract Amendment A executed 6/28/19.		Approved for extension to 12/31/23	Open		



COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
2019 BIENNIUM											
0825	Lame Deer Public Schools	School Housing Purchase	\$ 120,000.00	\$113,000.00	94%	6/22/2017	4/12/2018	3/31/2021	Open		
0830	Northern Cheyenne Utilities Commission	Water and Wastewater Equipment	\$ 170,356.00	\$164,331.31	96%	6/22/2017	6/25/2019	Approved to extend to 9/30/2021	Open		

COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
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	7/31/2021	Open		
0839	City of Colstrip	Economic Diversification Strategy Implementation Project	\$70,000.00	\$49,756.11	71%	1/18/2018	6/29/2018	3/31/2021	Open		
0846	Hardin Public Schools	Update Fire Supression	\$100,000.00		0%	3/22/2018	6/28/2019	Approved for extension to 3/31/21	Open		

COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
0848	Big Sky Economic Development	MSU Billings Science & Health Building	\$ 500,000.00	\$500,000.00	100%	3/22/2018	8/30/2018	3/31/2022	Open		
0853	Lewistown	Creekside Central Station restroom facility & kiosk	\$ 40,000.00		0%	12/20/2018	5/21/2019	Approved for extension to 3/31/21	Open		
0854	Northern Cheyenne Tribe	Transportation sand/salt facility	\$ 154,621.00		0%	3/21/2019	6/25/2019	3/31/2021	Open		
0855	Town of Broadus	Wastewater project	\$ 200,000.00	\$50,521.70	25%	12/20/2018	5/6/2019	9/30/2022	Open		
0865	Musselshell County	Bridge replacement	\$ 389,969.00	\$0.00	0%	3/21/2019	5/6/2019	9/30/2022	Open		
0874	Musselshell County	Purchase materials to upgrade Hawk Creek VFD building	\$ 15,848.00			6/20/2019	6/27/2019	9/30/2021	Open		
0876	Carter County	Initiate use of certified electronic health record system	\$ 4,606.00	\$4,606.00	100%	6/20/2019	6/28/2019	6/30/2021	Closed	1/22/2021	\$0.00
0868	Big Horn County	Purchase of front-line ambulance remount	\$ 69,000.00		0%	3/21/2019	5/31/2019	12/31/2021	Closed	2/22/2021	

COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
0869	Big Horn 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	9/30/2021	Closed	2/22/2021	

COAL BOARD GRANTS												
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
2021 BIENNIUM												
0883	City of Colstrip	Marketing study for City	\$25,000.00				9/12/2019	6/29/2020	3/31/2021	Open		
0885	Rosebud County	Development of a PAR and needs assessment for a business center	\$80,000.00				9/12/2019	6/4/2020	9/30/2021	Open		
0886	City of Miles City	Construction of runway and taxiway improvements at airport.	\$275,000.00				9/12/2019	6/4/2020	9/30/2021	Open		
0887	Musselshell County	Replace antiquated equipment and infrastructure at RMH	\$85,500.00				12/12/2019	10/2/2020	9/30/2021	Open		
0888	Musselshell County	PAR for Sheriff's Office	\$45,000.00				12/12/2019	9/25/2020	9/30/2021	Open		
0889	City of Hardin	Upgrade components of the wastewater collection system and treatment plant in order to meet EPA and DEQ standards	\$250,000.00				3/12/2020			Contract Routing		
0890	Carbon County	Complete a PER to stabilize the Bridger Senior Center	\$57,500.00				12/12/2019			Contract Routing		
0891	City of Colstrip	Colstrip broadband feasibility study	\$27,000.00				12/12/2019	1/21/2021	9/30/2021	Open		
0893	Rosebud County	Upgrade Rosebud Healthcare Center equipment	\$215,000.00				12/12/2019	9/10/2020	9/30/2021	Open		
0896	Big Horn County	Purchase of one new dump truck and two new graders	\$562,000.00				12/12/2019	9/25/2020	9/30/2021	Open		
0898	Town of Hysham	Wastewater System Rehabilitation, Phase 1	\$125,077.00				3/12/2020					
0900	Musselshell County	Hawk Creek VFD Concrete and Gutters	\$33,118.00				3/12/2020					
0901	Colstrip High School	Water Main Replacement Project	\$121,273.00				3/12/2020					
0880	Big Horn County	Construction of additional space for hospital emergency department	\$287,159.00				9/12/2019	4/21/2020	12/31/2020	Closed	12/17/2020	\$0.00
0894	Forsyth Public Schools	Forsyth Public Schools bleacher replacement	\$264,160.00		\$204,189.00	77%	12/12/2019	8/21/2020	9/30/2021	Closed	1/28/2021	\$59,971.00
0895	Treasure County	Purchase seven new computers for the county	\$11,000.00		\$11,000.00	100%	12/12/2019	9/9/2020	9/30/2021	Closed	1/27/2021	\$0.00

### Applications for Consideration

<b>Applicant #</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Funds Requested</b>	<b>Total Project Costs</b>
0916	City of Forsyth	Replacement of Boiler and Control System Upgrade to the Municipal Pool	\$80,000	\$80,000
0917	Big Horn County	Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department	\$90,086	\$115,086
0918	Big Horn County	Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery	\$124,870	\$149,870
0919	Big Horn County	Construct New Hospital Admissions Area and Patient Entry Canopy at Big Horn Hospital	\$287,159	\$1,758,791
		<b>Total Requested:</b>	<b>\$582,115</b>	<b>\$2,103,747</b>

# Montana Coal Impact Grant Application

Submitted to the Montana Coal Board

By

CITY OF FORSYTH

For

POOL BOILER AND CONTROL SYSTEM



Date Submitted: October 26, 2020

## AWARDING COAL BOARD FUNDS

(1) Eight applications, one with an original signature, must be submitted to the Department on the date posted on the Coal Board website (<http://comdev.mt.gov/COAL>) to be considered during the applicable board meeting. Applications can be submitted electronically\* to [DOCCB@mt.gov](mailto:DOCCB@mt.gov), but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: [DOCCB@mt.gov](mailto:DOCCB@mt.gov))

**Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.**

*\* Applicants who submit applications electronically must mail one signed application and seven (7) copies to the address above to be received within seven days of submittal of the electronic version.*

(2) Applicants must appear before the Coal Board when their application is on the agenda for consideration. Applicants will receive a summary report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

(3) The Coal Board may approve, deny or table a grant. The Board may request that an applicant return to the next meeting with additional information. The Board would then move to table the application until that meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. At that time, the application will be placed on the next Coal Board meeting agenda.

4) Coal impact grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in the Coal Impact Grant Application (Appendix A).

**PLEASE NOTE: Applications will be evaluated as they are submitted. The Board may table an application if significant changes or new information are presented during the hearing.**



## INSTRUCTIONS FOR COMPLETING COAL BOARD GRANT APPLICATION

Instructions and examples to help complete the application are in gray. **Once you have completed the application, please delete all the gray areas** by highlighting the section using the square in the upper left hand corner, then, right clicking on your mouse and selecting "cut". This will shorten the length of the document the board members will need to review.

Boxes and charts in this application have been formatted by WORD Table. Edits can be made using the Table function of WORD.

Applications may be secured with binder clips, large paper clips or staples. The three-ring meeting notebooks sent to Board members will not accommodate binders or plastic covers.

Eight applications, one with an original signature, must be submitted to the Department on the date posed on the Coal Board website (<http://comdev.mt.gov/COAL>) to be considered during the applicable board meeting. Applications can be submitted electronically\* to [DOCCB@mt.gov](mailto:DOCCB@mt.gov), but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: [DOCCB@mt.gov](mailto:DOCCB@mt.gov))

\* Electronically submitted applications must be followed with the original and seven (7) signed hard copies that are postmarked by the application deadline.

**THE COAL IMPACT GRANT APPLICATION FORM  
SUBMITTED BY CITY OF FORSYTH**

**CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: Dennis Kopitzke

Title: Mayor

Signature:

*Dennis Kopitzke*

Date:

*10-26-20*

## **SUMMARY INFORMATION**

1. **NAME OF APPLICANT(S):**  
City of Forsyth
2. **TYPE OF ENTITY:**  
Local Government Municipality
3. **FEDERAL TAX ID NUMBER:**
4. **SENATE AND HOUSE DISTRICTS:**  
Senate District 20 and House District 39
5. **AMOUNT OF COAL IMPACT GRANT REQUESTED \$** 80,000.00
6. **NAME OF PROJECT:**  
Forsyth Municipal Pool Boiler Replacement and Control System Upgrade
7. **TYPE OF PROJECT:**  
To replace the existing boiler and upgrade the management system for the municipal pool.
8. **POPULATION SERVED BY PROJECT:**  
1868 residents, also enjoyed by surrounding communities, Colstrip, Hysham, Miles City, Billings, Rosebud, Rosebud County, Custer County, Treasurer and Visitors to the Area
9. **NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**  
826 households, but enjoyed by several surrounding communities
10. **CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**  
Honorable Dennis Kopitzke, Mayor                      406-346-2521  
247 North 9<sup>th</sup> Avenue P.O. Box 226                      [forsythmayor@rangeweb.net](mailto:forsythmayor@rangeweb.net)  
Forsyth, Mt. 59327    406-346-7560-Fax
11. **PRIMARY ENTITY CONTACT PERSON:**  
Doris Pinkerton, Clerk/Treasurer                      406-346-2521  
247 North 9<sup>th</sup> Avenue P.O. Box 226                      [forsythcityclerk@rangeweb.net](mailto:forsythcityclerk@rangeweb.net)  
Forsyth, Mt. 59327    406-346-7560-Fax

12. OTHER CONTACT PERSONS:  
Pool Manager Jason Forberg  
247 North 9<sup>th</sup> Avenue  
Forsyth, Mt. 59327  
406-346-2409  
[forsythpool@rangeweb.net](mailto:forsythpool@rangeweb.net)  
406-346-2521
13. MILLAGE RATES:  
2017 Millage= 232.38 = Mill Value= 1977.467  
2018 Millage= 235.95 = Mill Value= 2022.278  
2019 Millage= 243.50 = Mill Value= 2025.873  
2020 Millage= 246.03 = Mill Value= 2068.231  
2021 Millage= 251.38 = Mill Value= 2144.723
14. AMOUNT OF COAL GROSS PROCEEDS TAX:  
The City of Forsyth does not receive coal gross proceeds tax.
15. IMPACTS FROM COAL INDUSTRY:  
The number of residents that are currently employed by the coal industry within the applicant's jurisdiction as reported by Western Energy and PPL, are ninety-nine. During the overhaul of the units at Colstrip, many of the employees stay in Forsyth. Three to four buses leave Forsyth each day, transporting employees to South Eastern Montana Coal Mines. The number of residents currently employed by the BNSF is one hundred twenty. The BNSF is one (1) of the largest employers in the City of Forsyth, the main item hauled is coal, being transported from Colstrip through Forsyth.
16. MAPS:  
A map is included.
17. BRIEF PROJECT SUMMARY:  
The Forsyth Pool was built in 1986 using money received from the Montana Coal Board and is owned and operated by the City of Forsyth. The pool is open year around indoor pool featuring a six (6) lane twenty-five meter, 200,000 gallon pool and ten person hot tub.  
When originally built in 1986, the building was heated by a 1.5 million BTU Boiler fueled by coal. In 1988, due to major failure of the coal stoker portion of the boiler, a natural gas burner was retrofitted to this boiler to change the fuel source.  
The boiler provides heat to the air handling units for building space temperature. The boiler also provided heated water for the pool and domestic hot water for the showers. This was done through two (2) separate heat exchangers.  
Building Upgrades at City Expense:  
2005 - new airhandlers were placed on the roof to replace the original heating equipment. Appx. \$40,000.00  
2006 - to replace the failing original pneumatic control system, a new electronic system was installed to manage the building. Variable frequency drives were installed on all motors to reduce electrical usage and increase overall efficiency. Appx. \$50,000.00  
2012-2013 - New chemical controllers, filtration and circulation system for the pool. Refinish and repaint the pool. Appx. \$135,000.00  
2017- New flat roof with added R-8 insulation was installed. \$140,000.00  
2017 - Current- The city has begun replacing all the building lights to energy efficient LED lighting. Appx. \$8,000.00 so far invested.  
2019 - removed and replace failing domestic heat exchanger. Divorcing system from main boiler and installing Five ( 5) 94% efficient on demand now water heaters. \$15,000.00

18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

Project Budget for  
City of Forsyth  
Municipal Pool

Completed by: Doris Pinkerton

For: Forsyth, MT

Date: October 23, 2020

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board	SOURCE:	SOURCE:	SOURCE:	TOTAL:
Grant Administration	\$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
Total Administrative/ Financial Costs	\$	\$	\$	\$	\$
ACTIVITY COSTS:					
Equipment Cost	\$80,000.00		\$	\$	\$80,000.00
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$80,000.00		\$	\$	\$80,000.00
TOTAL PROJECT COSTS	\$80,000.00	\$	\$	\$	\$80,000.00

A. Project Budget Narrative:

**EXAMPLE OF A BUDGET NARRATIVE**

**ADMINISTRATIVE/FINANCIAL COSTS**

<b>Personnel Services/Office Costs:</b> There will be no personnel services or office costs.	\$ 0.00
<b>Professional Services:</b> There will be no professional services required on the project.	\$ 0.00
<b>Legal Costs:</b> No legal costs are anticipated or budgeted for in this project.	\$ 0.00
<b>Audit Fees:</b> Audit fees will not be necessary with this project.	\$ 0.00
<b>TOTAL ADMINISTRATIVE/FINANCIAL COSTS</b>	\$ 0.00

**ACTIVITY COSTS**

<b>Equipment Cost:</b> Estimated cost of the boiler and control replacement.	\$ 80,000.00
<b>Construction Cost:</b> No construction costs are required for this project.	\$ 0.00
<b>Architectural Design:</b> There will be no architectural fees.	\$ 0.00
<b>Contingency:</b> Contingency cost is approximately 10% of the contract bid. Percentage is the industry standard for medical equipment recommended by the architect/ consultant.	\$ 0.00
<b>TOTAL ACTIVITY COSTS:</b>	\$ 80,000.00
<b>TOTAL PROJECT COSTS:</b>	\$ 80,000.00

B. Implementation Schedule:

IMPLEMENTATION SCHEDULE FOR CITY OF FORSYTH												
TASK	QUARTERS 2020				QUARTERS 2021				QUARTERS 2022			
	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH
<b>PROJECT STARTUP</b>												
A Sign contract with Coal Board						X						
8. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)							X					
<b>PROJECT CONSTRUCTION</b>												
A. Architectural Design												
B. Conduct pre-construction conference												
C. Construction and purchase and installation of equipment								X				
D. Monitor Progress								X				
E. Final Inspection								X				
<b>PROJECT CLOSEOUT</b>												
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			



19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

**A. Need**

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services.

**APPLICANT'S RESPONSE: No**

2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks?

**APPLICANT'S RESPONSE:**

**The City of Forsyth is bordered by the Yellowstone River, and try as they might, parents encourage their children not to swim the river or jump off of the bridge. It is important to the community that the pool provides swimming lessons, as drowning is a concern.**

3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents?

**APPLICANT'S RESPONSE:**

**As noted in the City of Forsyth Capital Improvement Program, the city is experiencing a change in the median age of its population, the median age of the 2014 census was 45.5 years, also 22.9 percent of the population was estimated to be 65 or older. The plan cautions that the ageing population is something that should be monitored closely, as this trend could have multiple effects upon the city and county, including increasing the need to provide healthcare, housing and services to seniors.**

**The pool provides a health benefit to the population, is handicap assessable and has a commercial hot tub.**

4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

**APPLICANT'S RESPONSE: No**

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

**APPLICANT'S RESPONSE: N/A**

6. Additional information supporting the NEED for this project.

**APPLICANT'S RESPONSE:**

**Many employees at the Colstrip Plant are residents of the City of Forsyth, and also coal Industry retirees and aging employees. The pool provides therapeutic relief from health issues.**



Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

7. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

**APPLICANT'S RESPONSE:**

The facility was built with a Coal Board grant awarded to the City of Forsyth in 1984. The grant amount was \$1,123, 280.00; with the city support of \$82,030.00; for a total of \$1,205,310.00. The percentage related to coal is 90%. When the facility was originally built, the building was heated by a 1.5 million BTU boiler fueled by coal. In 1988, with major failure of the coal stoker portion of the boiler, a natural gas burner was retrofitted to this boiler to change the fuel source. The boiler provides heat to the air handling units for building space temperature. The fees generated by the pool do not cover expenditures, which is expected; but when major repairs such as this need to be done it puts a hard ship on General Fund monies. It is a facility that was built with coal funds, and now needs the help of the Coal Board to replace an ageing boiler and control system.

The pool has users from Miles City, Custer County, Colstrip, Rosebud, Forsyth, Rosebud County, Hysham, Treasurer County, are all coal impact areas. Many employees that work at Colstrip are residents of the City of Forsyth, there are also coal industry retirees and aging employees. The pool provides therapeutic relief from health issues.

8. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.

**APPLICANT'S RESPONSE: Colstrip, 36 miles**

9. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

**APPLICANT'S RESPONSE:**

The City of Forsyth is the county seat for Rosebud County and is a member of the Southeastern Montana Development Corporation. The city encourages growth, retention of business, which in turn employs people. The future of coal in Rosebud County is facing a decline, with the production decreasing the hardship of maintaining the pool effects the remaining citizens.

**B. Availability of Funds**

1. Amount requested from the Coal Board: \$80,000.00
2. Amount of Coal Board funds available at the time of application \$\_\_\_\_\_ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable.

**APPLICANT'S RESPONSE:**

**The city would not have to consider reducing pool hours, which in turn, reduces the work force, or**

continue with the current boiler and control system. The current boiler is 34 years old, with an approximate 60% efficiency factor. The pool heat exchanger is corroded and due to that, is losing an estimated additional 15-20% efficiency. The efficiency of the boiler providing heat to the building is only 40-50%. The grant would ensure that other projects are funded appropriately while also updating necessary equipment, thus saving the city money from the decrease in energy consumption.

4. What are the other proposed funding sources for the project?

**APPLICANT'S RESPONSE:**

The city hopes to get the funding from the Coal Board, as noted above, the city already has an InterCap Loan in place which was for pool improvements. Any income increase in the General Fund comes from the property owners (taxes); and there is a seal on the amount of mills the city can mill. The city mills all the mills allowable under state law.

<b><u>FUNDING SOURCES SUMMARY FOR CITY OF FORSYTH</u></b>				
<b>Source</b>	<b>Type of Fund</b>	<b>Amount</b>	<b>Status of Commitment</b>	<b>Loan Rates &amp; Terms</b>
Montana Coal Board	Grant	\$80,000.00	Requested	N/A
CDBG	Grant	N/A	Project not eligible for funding	N/A
TSEP	Grant	N/A	Project not eligible for funding	N/A
RRGL	Grant	N/A	Project not eligible for funding	N/A

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

APPLICANT'S RESPONSE:

The City of Forsyth general fund supports the municipal pool. It is no secret that communities struggle with having enough funds to cover community services within the general fund, the city mills the maximum amount allowable by law. The city will try to continue to set aside funds, but this is a slow process, as only the funds left in the expenditure budget are transferred at the end of each fiscal year to replacement and depreciation. I do not feel the City Council would approve applying for another loan for the pool, as there is a substantial amount left on the current debt. This brings me to what is left, cutting hours and staff to decrease expenses. The citizens have indicated they want the pool open year round.

APPLICANT'S RESPONSE:

This is a \$80,000.00 question, the question of where to find the funds will rest with the City Council members. Unfortunately, there is no additional stretching of the General Fund dollars; the project could be placed on hold.

C. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

APPLICANT'S RESPONSE:

The City of Forsyth has experienced fluctuation in mill values; the Department of Revenue establishes the valuation of property.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

APPLICANT'S RESPONSE:

The city has contributed over \$388,000.00 over the last fifteen years to maintain the pool, including air handlers, a electronic system to manage the building, variable frequency drives were installed on all motors to reduce electrical usage and increase efficiency. New chemical controllers, filtration and circulation system, and the pool was refinished and repainted. In 2017 a new roof with R-8 insulation was installed, and has begun replacing all the building lightening to energy efficient LED lightening. Last year the domestic heat exchanger was replaced, these were divorced from the main boiler and five (5) efficient on demand how water heaters were installed.

The "Friends of the Pool" community group has fund raised, supporting swim lesson fees for all children, purchasing other items, such as the handicap lift and raised \$10,000.00 for the hot tub project. Not only did the Friends of the Pool give to the Hot Tub project, Electrician Jason Spencer donated his time, Shine and Glow Flooring donated all tile/backer board related materials, ProBuild of Billings gave a fifty percent discount on all materials and donated all of the Trex decking, HydroTher gave a \$2,000.00 discount on the tub shell, Big Sky Custom Panels of Forsyth donated a portion of the cost for stainless steel hand railing. The Friends of the Pool also donated \$8,000.00 to the wading pool, Jason Payer, Electrician donated all the electrical.

Pool Manager Forberg came up with a creative idea, movie night at the pool, he applied for grants to purchase a television that would withstand the pool humidity. This also allows patrons to use exercise videos, thus increasing membership fees.  
The Boy Scouts of Colstrip and Miles City do all of their testing at the pool, which is needed to go to their national camps.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

**APPLICANT'S RESPONSE:**

**The city has managed to control the operation and maintenance budget; holding the expenditure budget to allow the pool to remain open year round, but on a part time basis.**

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

**APPLICANT'S RESPONSE: N/A**

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
  - a. What is the current monthly household user charge? \$ \_\_\_\_\_
6. What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_
7. What are your current debt obligations? N/A

**APPLICANT'S RESPONSE: CURRENT DEBT SUMMARY FOR CITY OF FORSYTH**

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance
2013	Repairing Municipal Pool		\$137,800.00	February 2023	BOI	0%	\$16,087.00	\$36,454.00

8. What are your current assets?

**APPLICANT'S RESPONSE:**

**General Fund operating cash: \$426,052.60; this funds not only the pool but law enforcement, city hall building needs, street repair, parks, fire suppression, flood control, administration, legislative and executive services and pool operations and debt. There is \$104,595.00 in replacement and depreciation to replace the mower and long term planning for the fire truck replacement.**

9. What financial accounting system do you use? Black Mountain Software



10. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No\_\_ Date of last completed audit or financial report November 14, 2019

11. If there have been audit findings within the last five years, have they been satisfactorily addressed?

**APPLICANT'S RESPONSE:**

**Yes, all findings have been addressed and accepted by the Department of Administration.**

12. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

**APPLICANT'S RESPONSE:**

**There is a continued marketing effort, which has raised attendance, which increases revenue.**

**Planning & Management**

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

**APPLICANT'S RESPONSE:**

**The City of Forsyth updated and adopted the Growth Plan in 2016, one of the goals for Forsyth states; "a desirable quality of life, character of the community, the objective is to encourage a family friendly atmosphere for all age groups, and maintain a desirable mix and cost of governmental services". Providing a safe and healthy environment to live in and raise a family requires good services such as education, healthcare, recreation and social services. The City works to provide excellent community services. One example is having the indoor year round municipal pool, for all to enjoy.**

2. Describe how the proposed project is consistent with current plans.

**APPLICANT'S RESPONSE:**

When the City Council adopted the Growth Plan in 2016; a discussion on Forsyth's economy noted that the city faces both opportunities and challenges. The City has strengths that provide it with a solid foundation, including a high quality of life, an excellent transportation network, access to inexpensive utilities, very affordable housing, a diversified small business community and strong community banks. The Community Foundation of Northern Rosebud County was founded in 2006 with the goal of creating a permanent source of funding to support initiatives that would improve the community. The Foundation works to build its endowment and administers the granting of earnings from endowed funds. The pool has benefited from those grants, unfortunately those are small resulting in \$1,500.00 per year.

**APPENDIX A**

**PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS**

Not Applicable

## ENVIRONMENTAL REVIEW CHECKLIST

<b>NAME OF PROJECT:</b>	City of Forsyth Pool Maintenance Improvements
<b>PROPOSED ACTION:</b>	Replace boiler and controls
<b>LOCATION:</b>	<u>Forsyth,, Montana</u>

### **Key Letter:**

**N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

### **PHYSICAL: ENVIRONMENT**

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information: N</i>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information: N</i>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project ( <b>e.g.</b> , dust, odors, emissions)
		<i>Response and source information: N</i>
Key	4	Groundwater Resources & Aquifers ( <b>e.g.</b> , quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information: N</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		<i>Response and source of information: N</i>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		<i>Response and source of information: N</i>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		<i>Response and source of information: N</i>
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		<i>Response and source of information: N</i>
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a>
		<i>Response and source of information: N</i>
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		<i>Response and source of information: N</i>



<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	II	Unique Natural Features (e.g., geologic features)
		Response <i>and</i> source of information: <i>N</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		Response <i>and</i> source of information: <i>N</i>
<b>HUMAN ENVIRONMENT</b>		
Key	I	Visual Quality - Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		Response <i>and</i> source of information: <i>N</i>
Key	2	Nuisances (e.g., glare, fumes)
		Response <i>and</i> source of information: <i>N</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		Response <i>and</i> source of information: <i>N</i>

Key Letter:		
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Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information: N</i>
Key	5	Changes in Demographic (population) Characteristics (e.g. quantity, distribution, density)
		<i>Response and source of information: N</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information: N</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information: N</i>
Key	8	Public Health and Safety
		<i>Response and source of information: N</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information: N</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information: N</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information: N</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information: N</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information: N</i>
Key	14	Health Care - Medical Services

**Key Letter:****N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

		<i>Response and source of information: N</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information: N</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information: N</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information: N</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information: N</i>
Key	19	Solid Waste Management
		<i>Response and source of information: N</i>

**Key Letter:**

**N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information: N</i>
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information: N</i>
Key	22	Community Water Supply
		<i>Response and source of information: N</i>
Key	23	Public Safety – Police
		<i>Response and source of information: N</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information: N</i>
Key	25	Emergency Medical Services
		<i>Response and source of information: N</i>
Key	26	Parks, Playgrounds, & Open Space

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		Response and source of information: N
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		Response and source of information: N
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		Response and source of information: N
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		Response and source of information: N
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		Response and source of information: N

## Environmental Review Form

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required, and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

*Spide Robertson, Clerk/Treasurer*      October 26, 2020  
Authorized Representative, Title      Date

City of Forsyth

*Donna Kozicki*

Mayor

10-26-20

Date



**City of Forsyth  
Coal Board Grant Request  
Pool Boiler and Controls**



October 26, 2020

Reason: Environmental Review Form

1. Alternatives: There are no other alternatives for this project, as it is a Pool boiler and Control Replacement


2. Mitigation: None

3. Is an Environmental Impact Statement required? At this time the feeling is no, as the project is to replace the pool boiler and controls.

4. Public Involvement: A public hearing has been advertised for two weeks in the newspaper and posted in the city's posting places, City Hall, Post Office and County Courthouse. The council agenda lists the public hearing. Mayor Kopitzke will open the hearing for public comment, and any comments will be recorded into the official minutes of the meeting. The council meeting was on January 13<sup>th</sup>, 2020, at 7:00 p.m., in the Council Chambers at City Hall, 247 N. 9<sup>th</sup> Avenue, Forsyth, Mt. The public hearing advertisement also states that any comments can be submitted in writing and those comments will become part of the official record, again recorded into the minutes. This date is a regular scheduled date for the City Council meeting, as the council meets every second and fourth Monday of each month. I have attached an affidavit of publication on for the hearing, and the minutes of the meeting which note there were no comments from the public.


5. Person(s) Responsible for Preparing: Doris Pinkerton, Clerk-Treasurer

6. Other Agencies: None

  
Doris Pinkerton, Clerk/Treasurer

Date: October 26, 2020

City of Forsyth

  
Dennis Kopitzke, Mayor



Y111-2  
1-13-20

**RESOLUTION NO. 2020-R03-COAL BOARD ENVIRONMENTAL FINDING**

**A RESOLUTION OF THE CITY OF FORSYTH, MONTANA TO  
ACCEPT THE DETERMINATION THAT LEVEL 1, (EXEMPT FROM  
MEPA REVIEW) EXCLUDED ENVIRONMENTAL FINDING IS  
APPROPRIATE FOR THE CITY OF FORSYTH POOL BOILER  
REPLACEMENT APPLICATION.**

WHEREAS, the City of Forsyth has completed an assessment to identify potential environmental impacts to the replacement of the pool boiler; and

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting; and

WHEREAS, no substantive public comment was received; and

WHEREAS, The City of Forsyth has determined that the pool boiler replacement will not significantly affect the quality of the human environment and accordingly the City of Forsyth has determined an Environmental Impact Statement is not necessary; and

**NOW THEREFORE, BE IT RESOLVED by the City Council, as follows;**

**That the City of Forsyth, Montana adopts the final Environmental Assessment for the replacement of the pool boiler.**

PASSED by the City Council and APPROVED this 13th day of January 2020.

Signed: Dennis Kopitzke

Name: Dennis Kopitzke

Title: Mayor

Date: January 13, 2020

Attested: Doris Pinkerton  
Doris Pinkerton, Clerk - Treasurer

**CITY OF FORSYTH  
REGULAR MEETING MINUTES OF JANUARY 13, 2020  
STATE OF MONTANA**

Mayor Dennis Kopitzke called the meeting to order at 7:00 p.m.; officials in attendance were; Council Members Chris Purkett, Carole Raymond, Ethan Bell, and John Hill, Clerk – Treasurer Doris Pinkerton, Public Works Director Richard Thompson, Water Wastewater Director Pat Zent, Pool Manager Jason Forberg, and Sergeant Josh Jonas and Attorney Weldon. Unable to attend was Building Inspector Ron Ball.

**PUBLIC COMMENT:** Mayor Kopitzke asked if there was anyone present from the public that wish to comment on items not on the agenda. There will be no discussion of personnel. The Council will take no formal action at this point in the agenda.

Mayor Kopitzke wanted to make a comment prior to hearing public comment, he apologized to the City Council for the last meeting. He said he was caught flat footed, unaware that there was a group of people coming, did not have a clue, that a group was coming to the meeting, no one had the courtesy to let us know, which is fine. No one had the courtesy to give notice they were coming. In the six(6) years he has been here we have tried to answer every question that was asked during public comment that people have raised, some could be answered, some could not. There has been an honest attempt to answer every question that has been raised for six (6) years without fail. The last meeting was a good example of where we failed, didn't work. He apologized because he was not prepared, he will not be caught flat footed again, there were times when questions could not be answered, did not have answers, there were no documents, no notes, didn't have a chance to provide answers to questions, a lot of questions went unanswered. He went back and read a lot of literature on meetings and he will follow best practices, if you have a comment, make your comment, he will not ask any questions, he will make no comments, if the council want to ask questions they can, he will not interrupt, it means exactly that, public comment, you will have your chance three (3) to five (5) minutes to make your public comment. If you have questions he will and the council will answer every question, but the question needs to be in writing, he is not going to take oral questions anymore, there will not be any confusion, about his answers or what the council is going to answer. If anyone has a question, put it in writing, put it on the table tonight, or drop it off tomorrow or any other day of the week, put it in his basket, he will make every reasonable attempt to answer any questions in a reasonable time. If there are questions tonight you will have an answer before the end of the week or certainly before the next meeting. He is not going through what happened at the last meeting, it was an embarrassment; he apologized to community members and council, a lot of questions did not get answered, filthy language, he tolerated it, not a productive meeting, a lot of you are here tonight, he hopes you get on Facebook, he would appreciate it, and pass the word.

He then opened the meeting up for public comment, he asked that the people come forward to the podium.

Mr. Craig Steinbach said he is having difficulty with people blocking his driveway when they are at the dentist office. He wondered what recourse he has, what can he do? Sergeant Jonas told him he is welcome to call the Sheriff's office.

Mr. Claude Krueger said in the minutes of the last meeting his wife Nina said number of days; not as the minutes stated. He said there is a "no U turn sign" on Tenth Avenue that has been there for quite some time, they are of no use. He explained that cars will make a U turn using his boulevard and sometimes going onto Arvin Posts property. He has paid for the sidewalk out of his own pocket, improved the city's boulevard, and people make a U-turn to get to the Post Office. He also had an issue with the snow removal at the Senior Citizens Center, snow is piled up; people parallel park, and no one shovels the sidewalk. He also felt the publication in the paper was not well stated and that the people at the last meeting didn't know and it caused animosity; they thought they were going to have a say in whether the code was changing from criminal to civil. Mayor Kopitzke said that he will respond in writing to the issues that Mrs. Krueger has on the citizen issue form. Mr. Krueger asked if there was a committee that goes and looks at properties in violation, Mayor Kopitzke said there is no committee to go out and look at every junk vehicle or piece of property. Mr. Krueger asked what it takes to change the city code, Mayor Kopitzke responded that anyone can get the code book, find the code, get the wording and rewrite it, suggest how it should read and bring it to the city, the city will look at it, and if reasonable it will be given to the City Attorney to look at. The information would be reviewed, if needed put in the proper form, then just as this process is, it would go through the public hearing process, advertised so the public could comment, if any changes were suggested, there may be changes, it would go through the first public hearing, it could be approved on first reading, advertised again and a second public hearing would be held; the hearing is held as the first one, anyone has a chance to suggest changes, if everything is what is wanted then it could be approved on second reading. Then thirty days after that, which is still a time when the public can come forward with suggestions or changes, if no changes then it could become part of city code. After the thirty days, it is sent to the codifiers, they review the information, and then it is codified and put into City Code.

Council Member Purkett said it is defined by public feedback, if (for instance) one (1) or two (2) people want something doesn't necessarily mean that it will happen. Mayor Kopitzke asked if anyone else had any other comments, on items on or not on the agenda, none were heard.

#### **PUBLIC HEARING(S):**

Mayor Kopitzke recessed the regular meeting at 7:18 p.m. and opened the public hearing for Ordinance No. 02 - 2019 which amends the City Code as follows, noting this is the second reading for the Ordinance.

Title 3-2-2 Tree Board – Term of Office

Title 7-3-2 Animal Control – Running at Large

Title 7-6-8 Vehicles on Private Property – Violation and Penalty

Title 9-5-6 Motor Vehicles and Safety – Parking Regulations

Title 10-0-1 Water and Sewer Violations

He explained the basic changes are to change the violations from misdemeanor to municipal infractions. He asked if anyone had any questions, later on the agenda the council will vote on the second reading, and if passed the code will go into effect in thirty days. Someone asked what the penalty is, Attorney Weldon responded that the first fine for a municipal infraction would be a certain amount; he thought \$25.00; after that it would be up to the City Judge to determine. Mrs. Pearl Hein asked if that is for private property, she wants to know what the fine would be for the stuff on her private property. Mayor Kopitzke said he has not issued a ticket to her or Hein Repair, all he has done in six years is to ask them to clean up their areas, the letters are respectful, but to the point, following city code, he respects their personal property, he has not issued one citation. Mrs. Pearl Hein asked if Mayor Kopitzke was trying to run them out of Forsyth, he responded with losing Units 1 and 2 from Colstrip, he said everything you read is to clean up property to encourage business. He would be happy to provide copies of the letters he has sent, excluding the properties that the Attorneys are working on, he has just ask to have the areas cleaned up. Mrs. Hein asked what would be done if she could not pay here fines, Mayor Kopitzke said it would go to court. After hearing the comments, and asking if anyone had anything else to say, Mayor Kopitzke recessed the hearing at 7:27 p.m.

Mayor Kopitzke opened the public hearing to solicit comments regarding the submission of a grant application to the Montana Coal Board for a high efficiency boiler for the pool and to determine if the grant application qualifies for a Categorical Exclusion to an Environmental Review and Assessment as there is no impact to the environment, hearing no comments he closed the hearing at 7:28 p.m. He explained this is an agenda item for council consideration later in the meeting.

**REVIEW – REVISE AGENDA:** Mayor Kopitzke said he has two (2) items to include on the agenda, under Citizens Section B. New Business, 2.; a request from the Lariat Bar and Item 3 a request from the Iron Horse Saloon for open container permits for January 24, 25 and 26 for a 900 Block Dart Tournament.

#### **CONSENT AGENDA**

Mayor Kopitzke presented the consent agenda for approval:

Council Member Purkett made a motion to approve the consent agenda, which included claim numbers 20908- 20948 in the amount of \$33,347.01; and check numbers 19767 – 19813 in the amount of \$179,582.23 for prior approved claims. The motion to approve the consent agenda was seconded by Council Member Raymond.

Mayor Kopitzke asked the written letter received from Ms. Nancy May be included into public record, and also Mr. Krueger's correction noted in the Public Comment portion of the meeting.

Council Member Purkett amended his motion to include the letter and correction, the amendment was seconded by Council Member Raymond. City Clerk Pinkerton called roll; the motion carried 4-0.

#### **CITIZENS**

Unfinished Business: None

New Business: Mr. and Mrs. Bob Beals – 235 N. 6<sup>th</sup> Avenue – Cedar Street Drainage: Mayor Kopitzke noted that Mr. and Mrs. Beals were present to address the City Council on drainage on Cedar Street. They explained that they have water issues in their finished basement, they use sump pumps to drain the water. They feel that surface water has increased, and feel that the French Drain has silted in and could be the problem. Public Works Director Thompson said he would like to try to vacuum and pump out the French Drain with the Vac Truck as much silt as possible to see if that would help, try to get down to where it was in the beginning. The truck the Water Wastewater Department has, will pull out a lot of material. Mr. Beals wondered if it would be of benefit to do a community survey to find out if other citizens are getting water issues. Mayor Kopitzke said to try the plan that Richard has suggested and then determine if a survey would be appropriate.



Lariat Bar Request for an Open Container Permit for January 24<sup>th</sup> at 5:00 p.m. to 1:30 a.m.; January 25<sup>th</sup> from 9:00 a.m. to 1:30 a.m. and January 26<sup>th</sup> from 10:00 a.m. to 10:00 p.m. for a Dart Tournament. Mayor Kopitzke presented the permit for consideration.

Council Member Raymond made a motion to approve the permit, the motion was seconded by Council Member Purkett. City Clerk Pinkerton called roll; the motion carried 4-0.

Iron Horse Saloon request for an Open Container Permit for January 24<sup>th</sup> through January 26<sup>th</sup> for the same dart tournament. Mayor Kopitzke presented the permit for consideration.

Council Member Raymond made a motion to approve the permit, the motion was seconded by Council Member Purkett, City Clerk Pinkerton called roll; the motion carried 4-0.

#### **OLD BUSINESS**

Levee (Dike) Update: Public Works Director Richard Thompson said he had nothing new to report.

Ordinance No. 02-2019 – Amending Title 3-2-2, Title 7-3-2 & 7-6-8; Title 9-5-6; and Title 10-0-1 – Second and Final Reading:

Mayor Kopitzke presented Ordinance No. 02-2019; noting this is the second reading for City Council consideration.

Council Member Purkett made a motion to approve the second reading of Ordinance No. 02-2019, the motion was seconded by Council Member Raymond.

Mayor Kopitzke asked for public comments, hearing none he asked City Clerk Pinkerton to call roll.

City Clerk Pinkerton called roll; the motion carried 4-0.

#### **NEW BUSINESS**

Resolution No. 2020-R01 Adopt the 2018 International Residential Code: Mayor Kopitzke read Resolution No. 2020-R01, which is adopted by the Department of Labor and Industry, then the certified community must adopt, for council consideration.

Council Member Bell made a motion to approve Resolution No. 2020-R01, the motion was seconded by Council Member Raymond. Mayor Kopitzke asked for comments, hearing none, he asked City Clerk Pinkerton call roll; the motion carried 4-0.

Resolution No. 2020-R02 Riverview Villa Insurance Coverage: Mayor Kopitzke presented Resolution No. 2020-R02 the Resolution if approved would include the Riverview Villa property on the city's insurance.

Council Member Raymond made a motion to approve the Resolution, the motion was seconded by Council Member Purkett.

Mayor Kopitzke asked for discussion and Mr. Martelle, Forsyth Development Foundation Chairman was present, he explained that when the renewal was received for the River View Villa property that the premium cost almost doubled and the deductible left the property without adequate coverage. The property is owned by the city, and the Foundation Board felt that they need to cover the city's interest. He contacted insurance agencies in Forsyth and Miles City, and has not received any responses. So the question was posed to City Clerk Pinkerton to inquire about coverage under the city, she has contacted Montana Municipal Interlocal Authority (MMIA) and they are willing to include the Villa, thus resulting in the Resolution being posed to the City Council. Council Member Purkett had asked City Clerk Pinkerton earlier about claims effecting the city's policy, if there was a coverage issue with the Foundation Board, and he felt he had his questions answered. City Clerk Pinkerton noted the city belongs to a pool of cities and towns and everyone share in the good and the bad, but resulting in better coverage at better cost.

With no other discussion, Mayor Kopitzke asked City Clerk Pinkerton to call roll; the motion carried 4-0.

Coal Board Application Pool Boiler Replacement – Resolution No. 2020-R03 Environmental Assessment Determination:

Mayor Kopitzke presented Resolution No. 2020-R03, for council consideration. This is a process that is required when applying for a Coal Board Grant. Council Member Purkett noted there was a mistake in the resolution.

Council Member Purkett made a motion to approve the Resolution with the correction, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Garbage Truck Replacement Review Bid(s): Mayor Kopitzke noted there was one (1) bid received from Kois Brothers Equipment Company in the amount of \$215,424.75. He explained that the specifications will be reviewed by Public Works Director Richard Thompson and he will have a recommendation. Richard said he may request a telephone poll vote of the council if the bid is in order.

Committee Appointments: Mayor Kopitzke said that he had provided a list of the 2020 committee assignments and wondered if everyone was satisfied with those.

Council Member Purkett made a motion to accept the committee appointments, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Council President: Mayor Kopitzke noted that the City Council would need to elect a Council President for 2020. Council Member Purkett nominated Council Member Raymond as Council President, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Clerk/Treasurer Appointment: Mayor Kopitzke made a recommendation to appoint Mrs. Doris Pinkerton to continue as Clerk/Treasurer.

Council Member Raymond made a motion to accept the recommendation to appoint Mrs. Doris Pinkerton as Clerk/Treasurer, the motion was seconded by Council Member Purkett. City Clerk Pinkerton called roll; the motion carried 4-0.

Video/Recording Equipment: Mayor Kopitzke noted Council Member Purkett suggested the city look into getting video recording equipment for City Hall. Council Member Purkett said there are several options to consider and will provide contact information.

REPORTS: Mayor Kopitzke presented his report, other reports were provided by City Clerk/Treasurer Pinkerton, Public Works Director Thompson, Water Wastewater Director Zent, Pool Manager Forberg, Judge Busch and Sheriff's department.


COUNCIL COMMITTEES/COMMISSIONS: None

NEXT MEETING DATE: January 27, 2020

Public Comment: Mayor Kopitzke asked for public comment after each topic, if comments are made; those comments are recorded as part of the official minutes.

Agenda Items for the Next Meeting: Returning to the Agenda is Levee, Garbage Truck Bid, and Coal Board Application

With no other business to discuss, Mayor Kopitzke adjourned the meeting at 8:09 p.m.

  
Mayor Dennis Kopitzke

  
City Clerk Doris Pinkerton

*Handwritten:*  
III-B 1-13-20

### Notice of Public Hearing

The City Council of the City of Forsyth will hold a public hearing at Forsyth City Hall on Monday, January 13, 2020 at 7:00 p.m. during their regular council meeting for the purpose of soliciting comments regarding the submission of a grant application to the Montana Coal Board for a high efficiency boiler for the pool and to determine if the grant application qualifies for a Categorical Exclusion to an Environmental Review and Assessment as there is no impact to the environment.

Doris Pinkerton, City Clerk/Treasurer

Dated this 30<sup>th</sup> day of December 2019.

Publication Dates: January 2<sup>nd</sup> and 9<sup>th</sup>, 2020

# Affidavit of Publication

STATE OF MONTANA }  
County of Rosebud }

ss.

Tina A. Edgerly, being duly sworn on her oath, says that she has been the principal clerk of the printer of the Independent Press, a daily newspaper of general circulation, printed and published at Forsyth, in said County and State. **City of Forsyth. Public Hearing Grant Application.** A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, to-wit:

January 2 and 9, 2020.

Signed Tina A. Edgerly

Subscribed and sworn to before me this 9th

Day of January, 2020

Tabatha Hallman

Tabatha Hallman, Notary Public for the State of Montana, residing at Rosebud. My Commission Expires June 1, 2023.

## Notice of Public Hearing

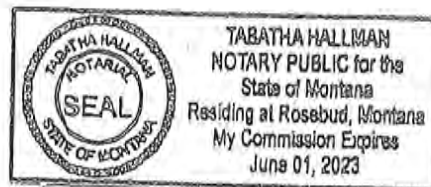
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Doris Pinkerton, City Clerk/  
Treasurer

Dated this 30th day of December, 2019.

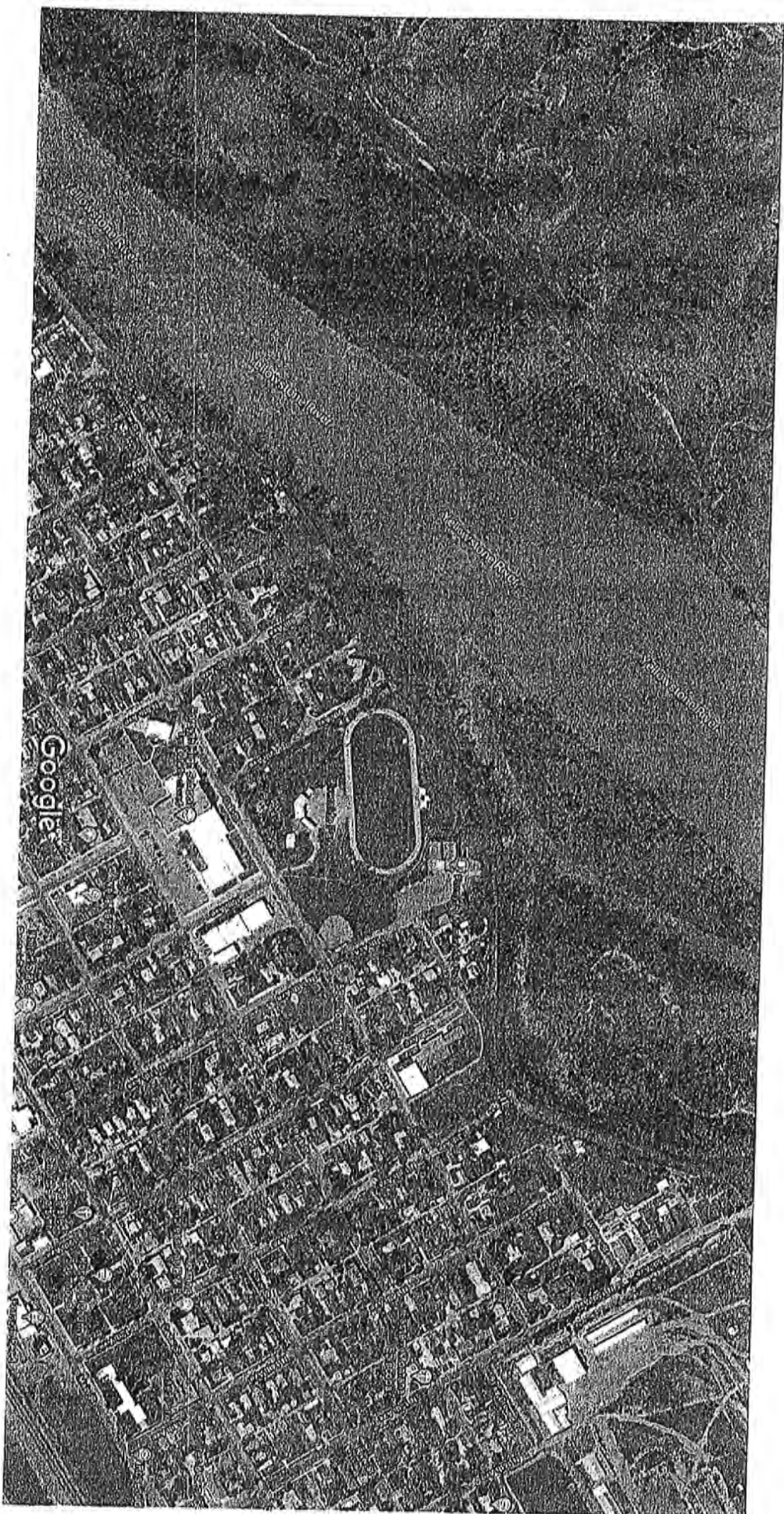
Publication Dates: January 2nd and 9th, 2020

MNAXLP





Google Maps



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 200 ft



## Leisure In Montana

2499 Gabel Road - Suite 4  
Billings, MT 59102

## Quote

Quote ID: 14733  
Customer ID: 2088  
Employee ID: mrussell  
Quote Expires: 11/13/2020

### Location:

Jason Forberg  
630 N11th  
Forsyth, MT 59327

Forsyth Municipal Pool  
Jason Forberg  
P.O. Box 226  
Forsyth, MT 59327

Qty	Item	List Price	Unit Price	Total
1	Copperfin 2 750k BTU nat. gas	\$17,860.00	\$17,860.00	\$17,860.00
1	652/752 vent kit w/ power fan assy, room air intake	\$2,080.00	\$2,080.00	\$2,080.00
2	2-1/2" Butterfly Valve PVC EPDM Disc Lever	\$207.17	\$207.17	\$414.34
4	2-1/2" Flange V/S S PVC Ring (SCH80 150PSI)	\$16.20	\$16.20	\$64.80
4	2 1/2" & 3" Bolt Pack 316SS for Asahi BFV	\$25.29	\$25.29	\$101.16
1	PVC, gas line, b-vent, electric All necessary items for installation of heater	\$3,150.00	\$3,150.00	\$3,150.00
24	LABOR ON SITE - POOL REPAIR 3 man team 8 hrs	\$95.00	\$95.00	\$2,280.00
5.5	DRIVE TIME TO LOCATION 3 man team	\$50.00	\$50.00	\$275.00
106	MILEAGE - PER MILE / CHARGED ONE WAY	\$3.00	\$3.00	\$318.00

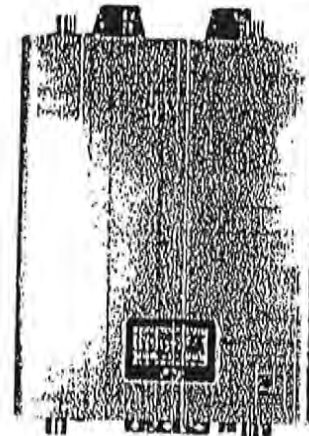
Quote is for the installation of pool heater only.

Work will include all necessary plumbing, venting, gas, and electrical needs for proper installation, Training and start-up.

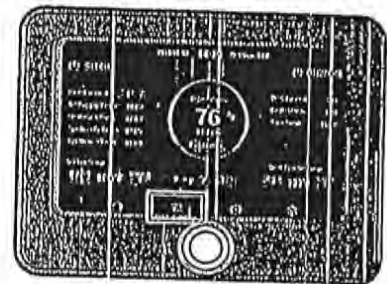
<b>Sub Total</b>	<b>\$26,543.30</b>
<b>Taxes</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$26,543.30</b>



- Certified design according to the latest version of ANSI Z21.13 - CSA 4.9 (latest version) standards for indoor commercial boiler applications
- Gas Input Ranges  
NFB-301C: 301,000 to 20,000 BTU/h  
NFB-399C: 399,000 to 26,000 BTU/h
- Turndown Ratio (TDR) up to 15:1 - *highest in its class*
- Patented Stainless Steel Fire Tube Heat Exchanger designed for durability, low pressure loss, and super-efficient operation at pressures up to 160 psi
- Compatible with 3" PVC vent up to 60 ft\* and 4" PVC vent up to 150 ft\* (\* with no elbows)
- LCD Color Front Panel - allows adjustment of hot water temperatures and boiler functions including Outdoor Reset Curve settings, pump operation, Integrated Low Water Safety Control, Indirect DHW priority, and unit output capacity
- Low Voltage Terminal Strip - contacts for thermostat or zone controller, indirect DHW tank thermostat, outdoor reset, 24 VAC device relay, air handler interrupt, and LWCO
- High Voltage Terminal Strip - 120V contacts for use with boiler, system, and DHW pump wiring\*\* (\*\* 2A max per pump)
- Temperature Options - two boiler operating setpoints: hydronic heating temperature and DHW (indirect) settings range from 77°F (25°C) up to 194°F (90°C)
- Ready-Link Cascade Compatible for up to 16 units with the use of Communication Cables #GXXX000546
- Common Vent Compatible - allows cascade systems to use a single exhaust and/or intake pipe for up to 4 units with the use of the Common Vent Backflow Damper Collar Kit #30022799A
- Compatible with Navilink, Wi-Fi Control (#PBCM-AS-001)
- Outdoor Reset Sensor (Included) - the unit controls will sense outdoor ambient temperatures and adjust the boiler operation for maximum comfort and efficiency
- Universal Temperature Sensor (optional) - additional temperature controls provide optimum heating system performance #GXXX001769
- AHRI-Certified Thermal Efficiency Ratings  
NFB-301C/399C - 97.5% (NG/LPG)
- Compatible with Natural Gas (NG) and Propane (LPG)\*\*\* (\*\*\*) requires installation of Included Field Conversion Kit by a qualified gas servicer)
- Certified by CSA, ASME H-Stamp, SCAQMD (Rule 1146.2 Type I - Complies with 14 ng/l or 20 ppm NOx @ 3% O<sub>2</sub>)
- 15-Year Pro-rated Residential/10-Year Commercial Heat Exchanger Warranty\*\*\*\* (\*\*\*\* see Navient Limited Warranty)
- Optional accessories are available (see below)


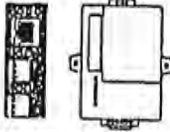

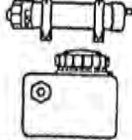

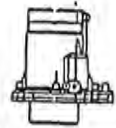



Wall Hung Design featuring  
Top and Bottom Water Connections -  
Compatible with 3" PVC Vent



Large Color LCD Front Panel with  
Advanced Hydronic Operation and  
Temperature and Status Display



						
Pressure Relief Valve (GXXX001931 - 75 PSI) (GXXX001946 - 150 PSI)	BMS Gateway Module (GXXX001932 - Modbus/BACnet) (GXXX001933 - LonWorks)	Navilink, Wi-Fi Control (PBCM-AS-001)	Condensate Neutralizer (GXXX001324 - For use with up to 3 NFB-301C or 3 NFB-399C) (GXXX001325 - For use with up to 11 NFB-301C or 8 NFB-399C)	Zone Pump Controller (PFM1-01P-001 - For 2 Zones) (PFM2-01P-001 - For 3 Zones) (PFM3-01P-001 - For 4 Zones) (PFM4-01P-001 - For 6 Zones)	3" Common Vent Damper Kit (30022799A)	Universal Temperature Sensor (with clip) (GXXX001769)

# High Efficiency Commercial Pool Heaters

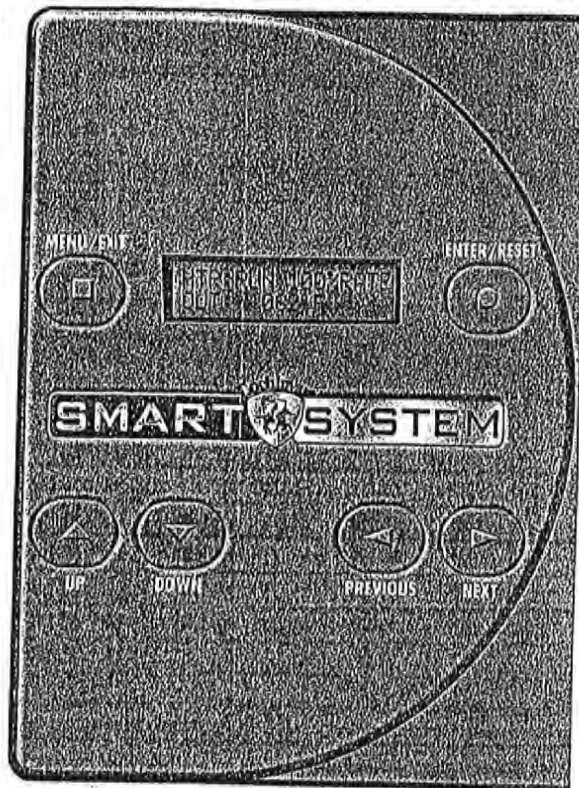
## Lochinvar SMART SYSTEM™

### REFINED DESIGN PUTS MORE CONTROL AND INFORMATION AT YOUR FINGERTIPS

The most exciting addition to the Copper-fin<sup>2</sup> is the SMART SYSTEM™ control. The SMART SYSTEM is an advanced, state of the art integrated operating control. We introduced the SMART SYSTEM control in 2005 and it has delivered proven operation in thousands of demanding commercial applications. The control provides the installer, owners and operators with precise temperature control and diagnostic information.

#### Advanced features include:

- 2-LINE, 16 CHARACTER LCD DISPLAY OF SETUP, SYSTEM STATUS AND DIAGNOSTIC DATA IN WORDS, NOT CODES
- BUILT-IN CASCADE SEQUENCER CONTROLLING UP TO 8 POOL HEATERS
- MODBUS PROTOCOL - OPTIONAL



### PROPORTIONAL FIRING

Proportional firing divides a single manifold of multiple burners into smaller, independent stages.

With up to four stages of individual operation, the Smart System control can reduce the firing rate down to approximately 25% Btu/hr input. This simple but effective design matches the pool heater's firing capacity to the heat loss of the pool or spa. Full Fire or On/Off combustion systems often fire the entire gas train in short, inefficient bursts. Stage firing delivers the Btu's required in smoother and longer burn cycles which will improve operation and reduce component fatigue.

### AUTOMATIC PUMPED BYPASS

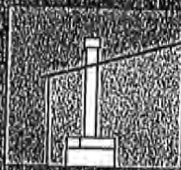
All Copper-fin<sup>2</sup> pool heaters are equipped with an automatic pumped bypass ensuring proper flow and return water temperatures to the heat exchanger resulting in longer life and trouble free operation.

The automatic pumped bypass is provided as standard equipment in a horizontal configuration. A vertical configuration\* is also available offering the flexibility to meet mechanical room space requirements or piping constraints.

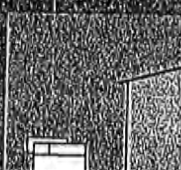


\* Horizontal shown

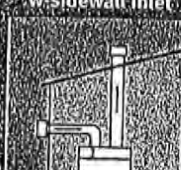
Conventional



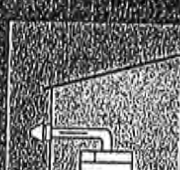
Outdoor



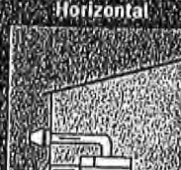
Direct Aire Vertical w/ sidewall Inlet



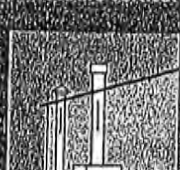
Powered Sidewall



Power DirectAire Horizontal

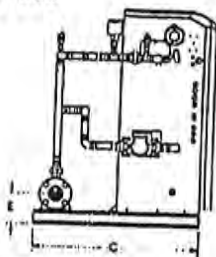


DirectAire Vertical

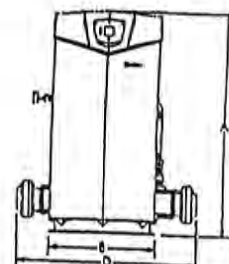
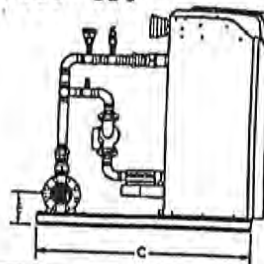
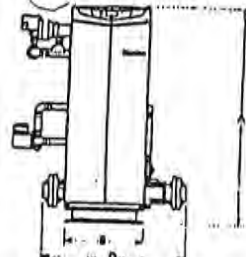




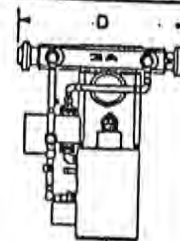
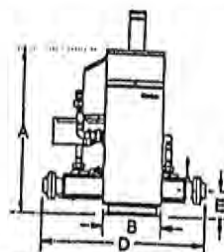
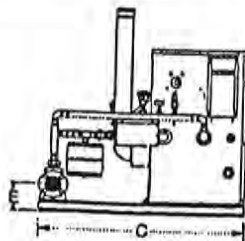
APN 285



APN 400 - 850



OXN 402 - 802



Model Number	Input Btu/hr	Turn Down	A	B	C	D	E	Pool Conn.	Gas Conn.	Vent Size	Air Inlet	Pool Flow (GPM)	Ship Wt.
<b>Indoor Models</b>													
APN285	285,000	10:1	46-1/2"	15-3/4"	34"	28-1/2"	6-3/4"	2-1/2"	1/2"	3"	3"	68	390
APN400	399,999	10:1	55-1/2"	26-1/2"	49"	43-1/4"	7-3/4"	3"	1"	4"	4"	96	622
APN500	500,000	10:1	55-1/2"	26-1/2"	49"	43-1/4"	7-3/4"	3"	1"	4"	4"	120	647
APN600	600,000	7:1	55-1/2"	26-1/2"	49"	43-1/4"	7-3/4"	3"	1"	4"	4"	144	664
APN725	725,000	7:1	56"	26-1/2"	49"	44"	7-3/4"	4"	1"	6"	4"	174	774
APN850	850,000	7:1	56"	26-1/2"	49"	44"	7-3/4"	4"	1"	6"	4"	204	801
<b>Outdoor Models</b>													
OXN402	400,000	5:1	45-3/4"	15-3/4"	53"	43-1/4"	7-3/4"	2-1/2" or 3"	1"	4"	4"	93	465
OXN502	500,000	5:1	45-3/4"	15-3/4"	57-1/2"	43-1/4"	7-3/4"	2-1/2" or 3"	1"	4"	4"	117	497
OXN602	600,000	5:1	46"	15-3/4"	69"	43-1/4"	7-3/4"	3"	1"	4"	4"	142	534
OXN702	700,000	5:1	46"	15-3/4"	74"	44"	7-3/4"	3" or 4"	1"	6"	4"	166	634
OXN802	800,000	5:1	46"	15-3/4"	79"	44"	7-3/4"	3" or 4"	1"	6"	4"	202	671

Notes: Change "N" to "L" for L.P. gas models. No deviation on L.P. models. Performance data is based on manufacturer test results. Agency certification applies in the boiler.

#### STANDARD FEATURES

- Up to 98% Thermal Efficiency
- Modulating Burner with up to 10:1 turndown
- Direct-Spark Ignition
- Low NOx Operation
- Sealed Combustion
- Low Gas Pressure Operation
- Vertical & Horizontal Venting
- Category IV Venting up to 100 Feet PVC, CPVC
- Polypropylene or AL29-4C Vent Material
- Sidewall Vent Terminations Provided (Except 285)
- ASME Stainless Steel Boiler Heat Exchanger
- ASME Certified, "H" Stamped
- Gasketless Design
- 160 PSI Working Pressure
- On/Off Switch
- Expansion Tank w/ Fill Valve
- Adjustable High Limit w/ Auto Reset
- Adjustable High Limit w/ Manual Reset
- Flow Switch
- Low Air Pressure Switches
- Inlet & Outlet Temperature Sensors
- Two Easy Access Terminal Strips
- Temperature & Pressure Gauge
- Zero Clearances to Combustible Material

- ASME Pressure Relief Valve
- Standard Cupro-Nickel Pool Heat Exchanger
- Salt Water Ready
- Flanged CPVC Connections
- 10 Yr Boiler Warranty (See Warranty for Details)
- 1 Yr Parts Warranty (See Warranty for Details)
- 3 Yr Pool Heat Exchanger Warranty (See Warranty for Details)
- SMART SYSTEM™ FEATURES**
- SMART SYSTEM™ Operating Control
- Multi-Colored Graphic LCD Display w/ Navigation Dial
- Built In Cascading Sequencer for up to 8 Pool Heaters
- Lead Lag
- Efficiency Optimization
- Mix multiple Input sizes
- Outdoor Reset Control w/ Outdoor Air Sensor
- Building Management System Integration
- Optional Modbus communication
- 0-10 VDC Input Control for Modulation or SetPoint
- 0-10 VDC Output for Modulation Rate

#### OPTIONAL EQUIPMENT

- CON-X-US Remote Connect
- Titanium Pool Heat Exchanger, 5 Yr Warranty
- Alarm Bell
- Condensate Neutralization Kit
- High & Low Gas Pressure Switches w/ Manual Reset
- Room Air Kit
- Secondary Heat Exchangers
- BMS Gateways for LON or BACnet

#### FIRING CODES

- M9 Standard Construction
- M7 California Code
- M13 CSD1 / Factory Mutual / GE Gap (500-850)

For Use in Ordering By Model Number  
AP/OX N S O O M 9



This heater is 600,000 Btu/hr natural gas.  
Pool Heater. It has M9 firing controls.



**Lochinvar**  
HIGH EFFICIENCY BOILERS & WATER HEATERS

Lochinvar, LLC  
110 Madison Simpson Parkway  
Columbia, Tennessee 37091  
P: 615.489.8900 / F: 615.567.1000  
Lochinvar.com



AQP-05

ASHRAE 57.1-1995 in U.S.A.

# COMMERCIAL POOL HEATER



## 5 YEAR LIMITED WARRANTY

### EFFECTIVE:

For 5 Years, Lochinvar warrants the heat exchanger and/or tank against failure due to defects in materials or workmanship. For the lifetime of the product, Lochinvar warrants the tank and/or heat exchanger against failure due to thermal shock. All parts are warranted for 1 year. This limited warranty is in effect when the product is installed within the United States or Canada, provided it remains at its original place of installation.

Warranty coverage begins on the date of installation OR 60 days from the date of manufacture if installation cannot be verified. *Note: The date of manufacture can be determined using the Serial Number located on the silver rating label.*

### WHAT IS COVERED:

In the event of a defect in materials or workmanship appearing during the limited warranty period, Lochinvar will repair, or at our discretion, replace any defective part, heat exchanger, or tank covered under this limited warranty. Any replacement part, heat exchanger, or tank will be warranted only for the unexpired portion of the original limited warranty period.

Unless authorized by Lochinvar, any heat exchanger or tank must be returned to the factory for warranty determination, at the owner's expense.

If an identical model is no longer available due to a change in law, regulation, or standard, Lochinvar will replace the product with one having at least the same capacity and input. In these instances, you will have the option of paying the difference between what was paid for the original model and the new model with the additional features, or receiving a refund of the portion of the purchase price allocable, on a pro-rata basis, to the unexpired portion of the limited warranty period.

### OWNER'S RESPONSIBILITIES:

Owners are responsible for:

- All labor, shipping, delivery, installation, and handling costs associated with the repair and/or replacement of the product.
- Selecting a qualified service provider. Visit [www.Lochinvar.com](http://www.Lochinvar.com) for a list of service providers in your area.
- Following all instructions enclosed with the product.
- Retaining all bills of sale or receipts for proof of installation.
- Providing copies of all service and maintenance records.
- Contacting your installer or dealer as soon as any problem or defect is noticed.

### WHAT IS NOT COVERED, PROBLEMS CAUSED BY:

- Improper gas supply line, sizing, gas type, venting, connections, combustion air, voltage, wiring, or fusing
- Sediment, magnetite, or lime scale build-up
- Improper installation, sizing, delivery, or maintenance
- Failure to follow printed instructions enclosed with the product
- Abuse, misuse, accident, fire, flood, Acts of God
- Improper venting and air intake materials, length, construction, or operations
- Claims related to rust, excessive noise, smell, or taste of water
- Failure to conduct authorized factory start-up as required
- Failure to properly perform maintenance, as outlined in the instruction manuals provided by the manufacturer
- Damages due to a failure to allow for thermal expansion
- Alterations that change the intended or certified use of the product
- Failure to follow applicable codes
- Improper chemical addition
- Service trips to explain proper installation, use, or maintenance of the product/unit or to describe compliance requirements under applicable codes and regulations
- Charges related to accessing the product including but not limited to door/wall removal, equipment rental, etc.
- Replacement parts after expiration of this warranty
- Premium associated with after hours or overtime labor

### LIMITATIONS:

NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY, THIS IS YOUR SOLE AND EXCLUSIVE WARRANTY. ALL OTHER WARRANTIES, INCLUDING A WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED. SELLER SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR OTHER INDIRECT DAMAGES. TOTAL LIABILITY ARISING AT ANY TIME SHALL NOT EXCEED THE PURCHASE PRICE PAID WHETHER BASED ON CONTRACT, TORT, STRICT LIABILITY, OR ANY OTHER LEGAL THEORY.



# AQUAS

COMMERCIAL POOL PACKAGE

## High Efficiency Commercial Pool Package Systems

### INNOVATION IN DESIGN

The AQUAS commercial pool package is a dramatic advancement in the design of pool heating systems. The AQUAS package is a factory assembled system featuring a free-standing boiler piped to a dedicated cupro-nickel pool heat exchanger.

The AQUAS indirect pool heating design gives you...

- Effective heat transfer from a high efficiency, modulating, condensing boiler.
- A complete factory assembled package reduces installation cost and time.
- Separating the pool water from the direct-fired heat source reduces maintenance and promotes longer equipment life.
- Reliability and performance with a positive user experience.



### POOL HEAT EXCHANGER -

A durable industrial grade cupro-nickel heat exchanger provides effective heat transfer. The pool water flows through a series of cupro-nickel tubes. Surrounding the tubes is a chamber filled with heated water from the boiler. This simple design keeps the pool water separate from the heat source while allowing for complete and highly efficient heat transfer.

### OPTIONAL TITANIUM POOL HEAT EXCHANGER

Now, Lochinvar offers an optional titanium pool heat exchanger. Titanium is a strong but light-weight alloy used in aerospace, automotive and military applications. Used in pool systems, titanium is highly resistant to corrosion from salt water and chlorine.

### INSIDE THE BOILER

The AQUAS is an innovative pool package that begins with the most advanced boilers in the industry today. The AQUAS heat source is a high efficiency, condensing boiler perfectly suited for the low water temperatures typical of pool heating. The following are some of the exciting features you get with the advanced boiler design.

### FULLY MODULATING BURNER

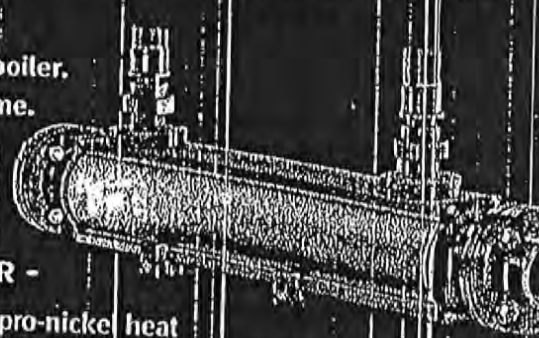
Modulation is an important combustion feature that is long overdue in the pool industry. Why fire the appliance at 100% input in short bursts to heat the pool water? With a modulating burner, the boiler will tune in the input rate to exactly match the BTU/hr losses of the pool water. The burner will then "cruise" along comfortably, heating the pool water in long, low input burn cycles that dramatically increase the overall life of the boiler.

### THERMAL EFFICIENCY

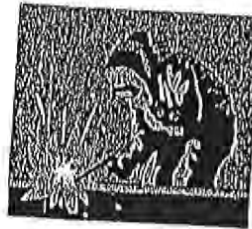
The AQUAS pool package is constructed with stainless steel modulating condensing boilers that deliver up to 98% thermal efficiency. Low return water temperature from a pool makes for an ideal application. The heat exchanger is sized to maximize the heat transfer of the boiler water to the pool water flowing through the heat exchanger. Higher thermal efficiency reduces your fuel costs.

### DIRECT VENT WITH PVC

Reduce your installation cost and save time and effort by installing the AQUAS pool package with PVC pipe. The AQUAS pool package offers a variety of vent designs in your choice of PVC, CPVC, Polypropylene or Stainless Steel vent material. What's more, you can Direct Vent the AQUAS. By drawing the combustion air into the appliance with a dedicated intake pipe, the AQUAS is protected from corrosive pool chemicals that could damage the combustion system.







BIG SKY CUSTOM PANEL

P.O. BOX 1156 FORSYTH, MT 59327

406-346-1401

FAX# 406-3462627

DATE: 1-21-2020

TO: Forsyth Pool

ATTENTION: Jason

FROM: Kurt

Ref: Boiler removal

1	Remove old boiler estimate/quote	\$2000.00
---	----------------------------------	-----------

1	Cut down header from 4 position to 2 position	\$200.00
---	---	----------

---

Total	\$2200.00
-------	-----------

# Platinum Plumbing & Heating LLC

P.O. Box 1065  
Miles City, MT 59301  
406-852-0694

## City of Forsyth

City pool

Attn: Jayson Forberg

## JOB ESTIMATED COST

**\$39,488.30**

Item Description	Estimated Time	Estimated Cost
Installation of 2 Navien boilers: including all venting, gas, water connections, labor, permits, licenses and miscellaneous items To replace old boiler system, this includes unhooking of old boiler but not removal		

This estimate does not include anything not listed above

Subtotal	\$0.00
Discount - 0%	\$0.00
<b>TOTAL</b>	<b>\$0.00</b>

This estimate is only valid until June 30, 2020, and any approval after that date

Signatures

# Quote



Mechanical Technology Inc.  
P.O. BOX 1376  
Billings, Montana 59103  
PH:(406) 245-8340  
FX:(406) 245-0114

Number: ANC(44012)

Date: 01/17/2020

Page: Page 1 of 1

By: PAUL EVANSON

Price Type: Firm

To: FORSYTH MUNICIPAL POOL

PO BOX 226

FORSYTH

MT 59327-02;

Attn: Jason Forberg

Ph: (406)346-2409

Fx:

Job: R2 to N4 Upgrade

FORSYTH MUNICIPAL POOL

PO BOX 226

FORSYTH

MT 59327-02;

Here is your price to upgrade your computerized Building Management System (BMS) which is currently 12 years old. The current frontend is obsolete. The new frontend still gives you the ability to view your system graphically. Graphics provide a look at one system as a whole making troubleshooting for the maintenance staff easier. The new frontend would have remote support through an external static IP address similar to current unit. This external static IP address would be the owner's responsibility. This could also provide email alarms to a Cell phone or computer if desired. No specific software would be required to access this system. Internet Explorer, Firefox or Google Chrome can be downloaded for free over the internet. This upgrade would provide you with the latest patches, security updates and would eliminate JAVA which is no longer supported by the above web browsers. This quote includes hardware, lavel and labor.

Base Price - This would replace just the existing frontend.

EXCLUSIONS: MTI assumes no warranty on existing system parts including Sensors, Relays, Control Valves, Damper Actuators and all other devices connected but not specifically mentioned in our scope. We assume they are all functioning properly at the time of install. Existing wire, conduit and power to be reused. MTI will only provide upgraded programming for what exists in your current system. Any program adds beyond that must be negotiated into your current price.

QTY:	Part Number	Description	List Price	Sale Price	Extended Price
1	Base Price	R2 to N4 Upgrade	10863.00	10863.00	10863.00

This quotation is valid for 30 days. After 30 days it is subject to change.  
This quote does not include freight cost unless otherwise noted.

Accepted By: \_\_\_\_\_

Total: 10863.00

Date: \_\_\_\_\_

HIGH EFFICIENCY COMMERCIAL POOL PACKAGE SYSTEMS

# AQUAS

COMMERCIAL POOL PACKAGE

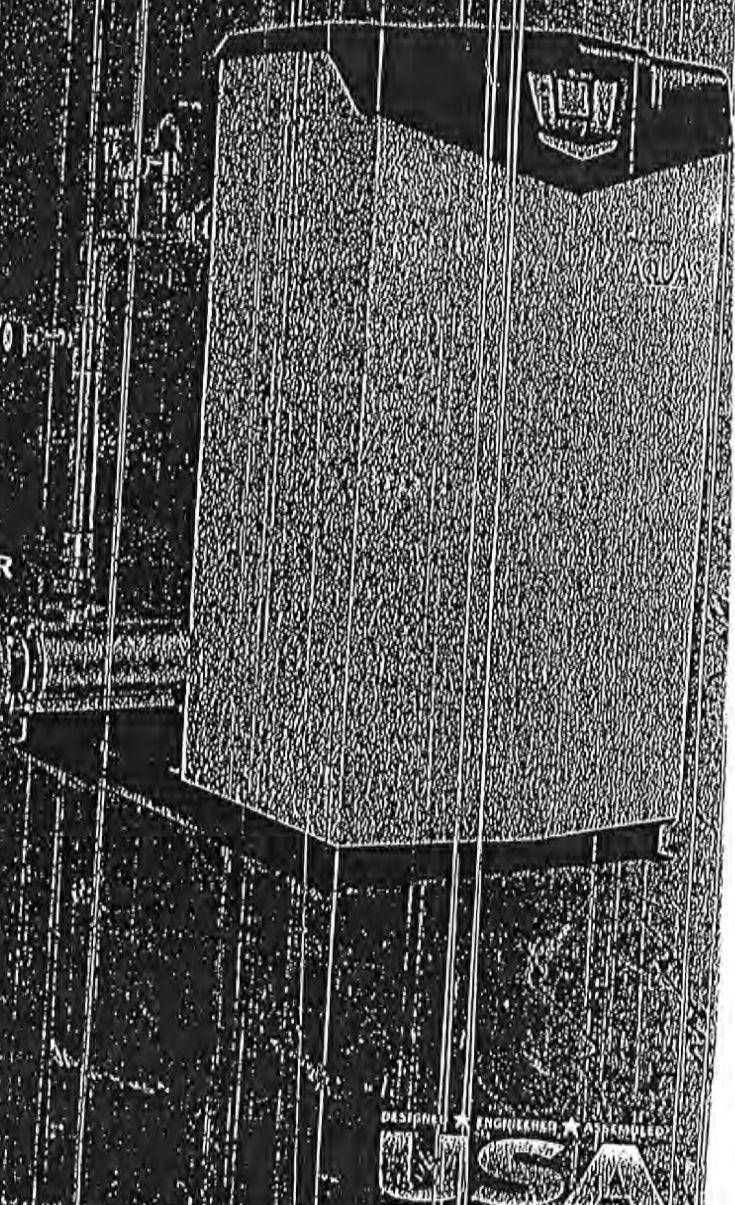
## SMART SYSTEM

- LCD DISPLAY, NAVIGATION DIAL
- INDIRECT POOL WATER HEATING
- 285,000 TO 850,000 BTU/HR INPUT
- UP TO 10:1 TURNDOWN RATIO
- PVC DIRECT VENT UP TO 100 EQUIVALENT FT.
- POOL HEAT EXCHANGER RATED FOR SALT WATER

Optional  
**TITANIUM**  
POOL  
HEAT EXCHANGER



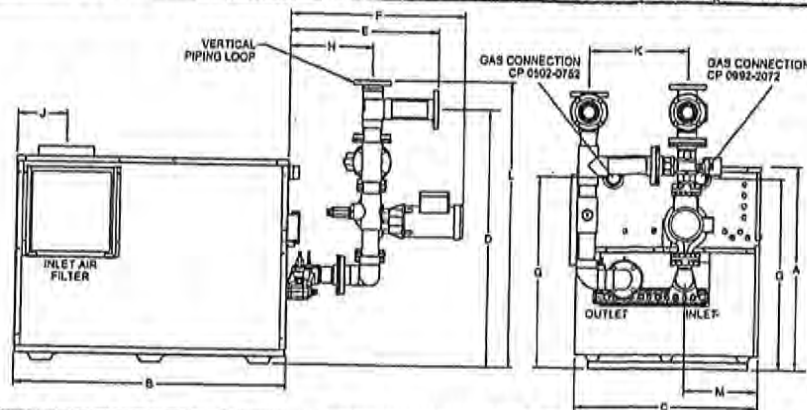
**Lochinvar**  
HIGH EFFICIENCY POOL & SPA HEATERS



DESIGNED \* ENGINEERED \* ASSEMBLED  
**USA**



# COPPER-FIN<sup>2</sup> Commercial Gas Pool Heater Dimensions & Specifications



Model Number	Input MBH	A	B	C	D	E	F	G	H	J	K	L	M	Vent Size	Air Inlet	Gas Conn	Ship Wt.
CPN502	500	31-1/2"	45-1/2"	22-1/4"	38"	20-1/4"	26-1/2"	29"	9-3/4"	7"	12-3/4"	41-1/4"	9"	6"	6"	1-1/4"	523
CPN652	650	31-1/2"	56-3/4"	22-1/4"	38"	20-1/4"	26-1/2"	29"	9-3/4"	8-1/2"	12-3/4"	41-1/4"	9"	8"	8"	1-1/4"	665
CPN752	750	31-1/2"	64"	22-1/4"	38"	20-1/4"	26-1/2"	29"	9-3/4"	8-1/2"	12-3/4"	41-1/4"	9"	8"	8"	1-1/4"	713
CPN0992	990	36"	48-1/4"	33-1/2"	48-1/4"	26-3/4"	30-1/4"	33-1/4"	13-1/4"	8-1/2"	18-1/4"	52"	13"	10"	10"	2"	864
CPN1262	1,260	36"	58-1/2"	33-1/2"	48-1/4"	26-3/4"	30-1/4"	33-1/4"	13-1/4"	10-1/2"	18-1/4"	52"	13"	12"	12"	2"	954
CPN1442	1,440	36"	68-3/4"	33-1/2"	48-1/4"	26-3/4"	30-1/4"	33-1/4"	13-1/4"	10-1/2"	18-1/4"	52"	13"	12"	12"	2"	1,042
CPN1802*	1,800	36"	82-1/4"	33-1/2"	48-1/4"	26-3/4"	30-1/4"	33-1/4"	13-1/4"	11"	18-1/4"	52"	13"	14"	12"	2"	1,233
CPN2072*	2,070	36"	92-1/2"	33-1/2"	48-1/4"	26-3/4"	30-1/4"	33-1/4"	13-1/4"	11"	18-1/4"	52"	13"	14"	12"	2"	1,285

Notes: Change "N" to "L" for LP gas models.

Water connections for models CP 0502-0752 are 2" flanged.

No deration on LP models.

Water connections for models CP 0992-2072 are 2-1/2" flanged.

Performance data is based on manufacturer test results. \*Cupro-Nickel Heat Exchanger is standard on these models.

## STANDARD FEATURES

- > 85% Thermal Efficiency
- > Proportional Firing up to 4:1 Turndown
- > Hot Surface Ignition
- > Low NOx Operation
- > Sealed Combustion
- > Low Gas Pressure Operation
- > Vertical & Horizontal Venting
  - > Category I Venting
  - > Double Wall "B" Vent Material
  - > Category IV Venting
  - > AL29-4C Stainless Steel Vent Material
- > ASME Copper Finned Tube Heat Exchanger
- > ASME Certified, "H" Stamped
- > Gasketless design
- > 160 psi working pressure
- > On/Off Switch
- > Adjustable High Limit w/ Manual Reset
- > Combustible Floor Rated (0992-2072)
- > Temperature & Pressure Gauge
- > Flow Switch
- > All Bronze Pump
- > Low Air Pressure Switch
- > Inlet & Outlet Temperature Sensors
- > Easy Access Terminal Strips
- > Downstream Test Cocks
- > 150 psi ASME Temperature & Pressure Relief Valve
- > 1 Year Warranty on Parts (See Warranty for Details)
- > 5 Year Limited Warranty (See Warranty for Details)

## SMART SYSTEM™ FEATURES

- > SMART SYSTEM™ Operating Control
- > 2 Line/16 Character LCD Display
- > Built In Cascading Sequencer for up to 8 heaters
- > Password Security
- > Low Water Flow Control & Indication
- > Inlet & Outlet Temperature Readout
- > Freeze Protection
- > Service Reminder
- > Time Clock
- > Data Logging
  - > Hours Running
  - > Ignition Attempts
  - > Last 10 Lockouts
- > Pump Control
  - > Pool Heater Pump
- > High Voltage Terminal Strip
  - > 120 VAC / 60 Hertz / 1 Phase Power Supply
  - > Pump Contacts with Pump Relay
- > Low Voltage Terminal Strip
  - > 24 VAC Auxiliary Device Relay Output - Louvers
  - > Auxiliary Proving Switch Contacts - Louvers
  - > Alarm on Any Failure Contacts
  - > Runtime Contacts
  - > Contacts on Any Failure
  - > Contacts for Air Louvers
  - > Unit Enable/Disable Contacts
  - > 0-10V Rate Contacts
  - > Pool Sensor Contacts
  - > Pool Supply Sensor Contacts
  - > Cascade Contacts

## OPTIONAL EQUIPMENT

- > Vertical Bypass Loop
- > Alarm
- > High & Low Gas Pressure Switches w/ Manual Reset
- > Cupro-Nickel Heat Exchanger
- > Low Water Cut Off, Probe Type w/ Manual Reset & Test
- > Texas Pool Code (Outdoor Flow Switch and T&P Gauge)
- > Modbus Communications
- > Combustible Floor Kit (0502-0752)
- > Slack Frame

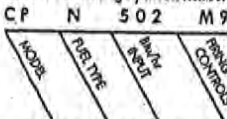
## FIRING CODES

- > M7 Firing Code - California Code
- > M9 Firing Code - Hot surface Ignition with Electronic Supervision

## CERTIFICATIONS

- > ANSI Z21.13/CSA 4.9 certified
- > CSD1 / Factory Mutual / GE Gap Compliant
- > South Coast Air Quality Management District registered
- > Texas Commission on Environmental Quality

For Ease in Ordering By Model Number



This heater is 500,000 Btu/hr natural gas Copper-Fin 2 Pool Heater. It has M9 firing controls.

Registered under U.S. Patent # 5,989,020



Lochinvar, LLC  
300 Maddox Simpson Parkway  
Lebanon, Tennessee 37090  
P: 615.889.8900 / F: 615.547.1000  
Lochinvar.com



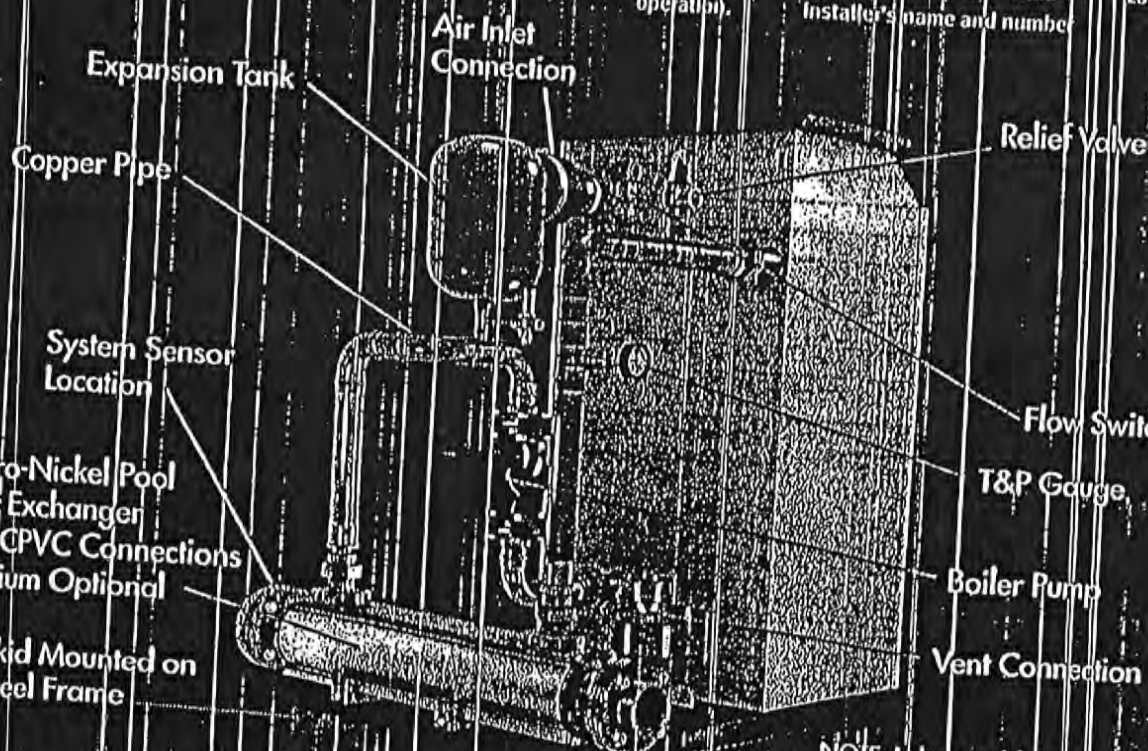
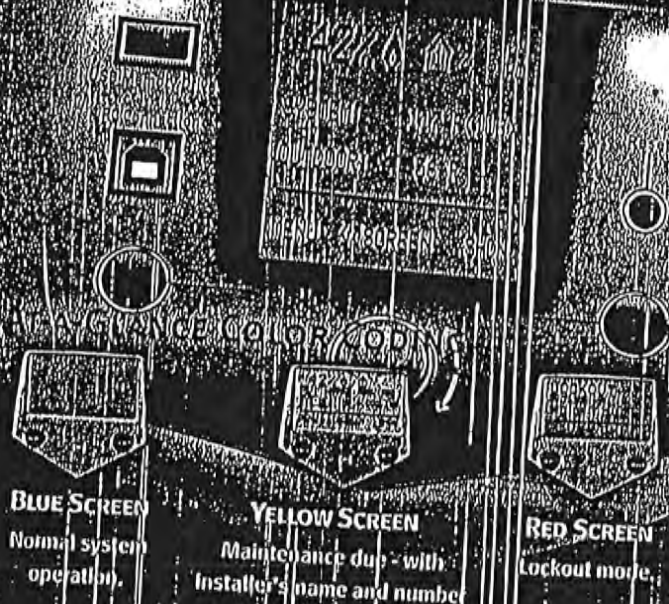
# SMART EYE SYSTEM

REFINED DESIGN PUTS MORE CONTROL AND INFORMATION AT YOUR FINGERTIPS

## Just a Few of the Advanced Features:

- MULTI-COLOR GRAPHIC LCD DISPLAY
- NAVIGATION DIAL
- CASCADE OF UP TO 8 AQUAS PACKAGES
- USB PORT FOR PC CONNECTION
- MAINTENANCE REMINDER WITH INSTALLER NAME & NUMBER
- MODBUS COMMUNICATION (OPTIONAL)
- PASSWORD SECURITY
- OPERATIONAL AND ALARM READOUTS

# SMART EYE SYSTEM



NOTE: Indoor model shown

## OUTDOOR RATED MODELS

The AQUAS OXN402-802 models are specially trimmed for outdoor installation. The jacket is sealed and rated to protect the boiler against the elements. Pump covers, air intake covers and a specially-designed vent assembly complete the package to allow for easy installation outdoors. Outdoor models utilize Lochinvar's water tube design heat exchanger.





# COPPER-FIN<sup>2</sup>®

## THE FOUNDATION OF LOCHINVAR BECOMES STRONGER

Copper-finned tube, non-condensing appliances are the foundation of Lochinvar's success. In 1993, Lochinvar introduced the Copper-Fin<sup>2</sup>, the first horizontal chassis, copper-finned tube pool heater to operate with fan-assisted combustion. Now, the Copper-fin<sup>2</sup> is even better. Along with high thermal efficiency, gasketless heat exchangers and multiple venting options we have added Lochinvar's exclusive SMART SYSTEM™ control.

Eight models from 500,000 to 2,070,000 Btu/hr input provide you with exceptional products with a long list of new features in addition to the established features that redefined the industry. The Copper-fin<sup>2</sup> was the first proportional fired, fan assisted pool heater on the market. Every model features a small footprint for easy passage through a 36" door, low NOx – third party tested to less than 20 PPM, Stack Frames that can put twice the Btu/hr input in the same space and vent diameters up to 8" smaller than conventional atmospheric pool heaters.

### THERMAL EFFICIENCY

Copper-Fin<sup>2</sup> pool heaters offer a remarkably high thermal efficiency, dramatically reducing the operating cost of the equipment. Copper-Fin<sup>2</sup> achieves this efficiency through the combination of an advanced fan assisted combustion system and a gasketless heat exchanger. The heat energy from the combustion process is transferred to the water as it passes through the copper finned tube heat exchanger. The sealed combustion design of the Copper-Fin<sup>2</sup> eliminates external heat losses; this means the energy dollars heat the water, not the mechanical room.

### GASKETLESS HEAT EXCHANGER

In 1989, Lochinvar was the first manufacturer to offer gasketless copper-finned tube heat exchangers. Our unique gasketless design enhances reliability by eliminating O-rings and gaskets found on other brands. The heat exchanger features glass lined headers and copper-finned tubes with extruded integral fins spaced 7 fins per inch for exceptional heat transfer. The heat exchanger is built to ASME construction standards for 160 psi working pressure and is backed by a five year warranty.

### SPACE SAVING, SERVICE FRIENDLY DESIGN

Our enhanced Copper-fin<sup>2</sup> models offer the same reliable operation in a new service friendly design. The gas inlet, internal controls and Building Management connections have been repositioned to the front of the appliance for easier service and simpler installation. The built-in air filter reduces maintenance and improves performance with a field convertible option to install the air intake on the rear or the right side of the pool heater. In addition, Lochinvar was the first manufacturer to offer factory welded Stack Frames that allow you to put two pool heaters in the space for one.

**STACK  
FRAME**

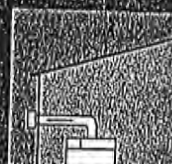
### MULTIPLE VENTING OPTIONS

The Copper-fin<sup>2</sup> offers eight venting options to meet the most challenging installation requirements. The Copper-fin<sup>2</sup> can vent vertically in Category I with double wall "B" vent or horizontally in Category IV with AL29-4C stainless steel vent material. Vent termination can be Rooftop or Sidewall with combustion air drawn naturally from the equipment room or via dedicated air intake piping. And if floor space is limited, the Copper-fin<sup>2</sup> pool heater can be installed outdoors with an optional Outdoor Vent Cap.

Aire-Lock® Direct Vent



Sidewall





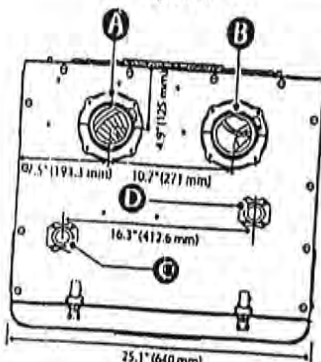
# Navien

Condensing Gas  
Hot Water Boiler

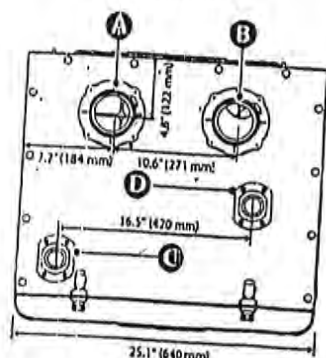
## Commercial NFB-C Series Fire Tube Boilers Technical Data Sheet

### Dimensions

#### Top View

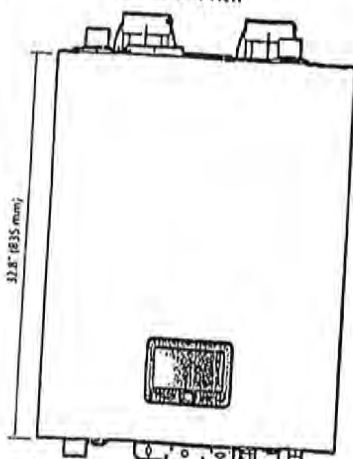


< NFB-301C >



< NFB-399C >

#### Front View



- Connection Size  
NFB-301C / NFB-399C
- A Air Intake  $\phi 1"$
  - B Exhaust Gas Vent  $\phi 1"$
  - C PRV-Air Vent Connection (Optional Heating Supply)  $\phi 1-1/4" | 1-1/2"$
  - D Optional Heating Return  $\phi 1-1/4" | 1-1/2"$
  - E Heating Supply  $\phi 1-1/4" | 1-1/2"$
  - F Condensate Outlet  $\phi 3/4"$
  - G Heating Return  $\phi 1-1/4" | 1-1/2"$

### Navien Commercial Condensing Boiler Space Heating Ratings



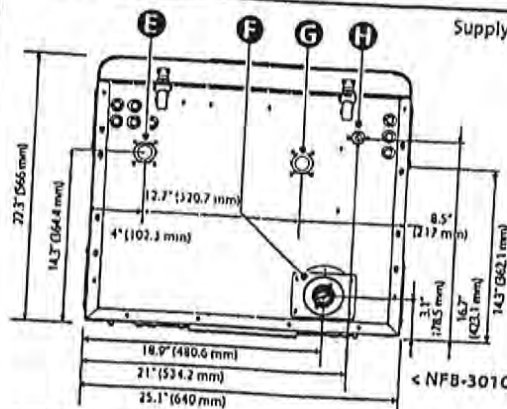
Model Number <sup>1</sup>	Heating Input (MBH)		Gross Output <sup>2</sup> (MBH)	Net AHRI Rating Water <sup>3</sup> (MBH)	Thermal Efficiency <sup>3</sup> (%)	Other Specifications		
	Min.	Max.				Boiler Water Content (Gallons)	Water Pressure	Water Connection Size (Supply, Return)
NFB-301C	20	301	293	255	97.5	7.6	12-160 psi	1 1/2 in NPT
NFB-399C	26	399	389	338	97.5	9.6		1 1/2 in NPT

<sup>1</sup> Ratings are the same for Natural Gas models converted to Propane use.  
<sup>2</sup> Based on U.S. Department of Energy (DOE) test procedure.  
<sup>3</sup> The NET AHRI Water Ratings shown are based on a piping and pickup allowance of 1.15. Consult Navien before selecting a boiler for installations having unusual piping and pickup requirements such as intermittent system operation, extensive piping systems, etc.

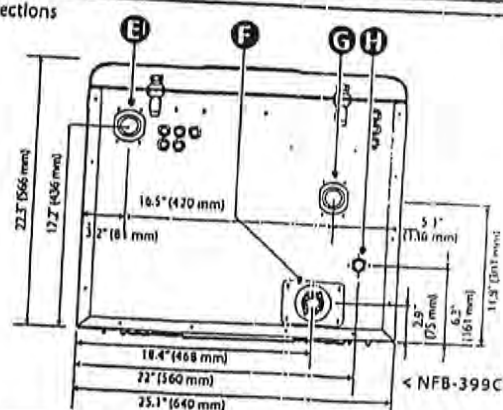
### Specifications

Item		NFB-301C	NFB-399C
Dimensions		25.1 in (W) x 22.3 in (D) x 32.8 in (H)	
Boiler Weight		243 lb (110 kg)	278 lb (126 kg)
Boiler Weight with Water		307 lb (139 kg)	371 lb (168 kg)
Installation Type		Indoor Wall-Hung	
Venting Type		Forced Draft Direct Vent	
Ignition		Electronic Ignition	
Natural Gas Supply Pressure (from source)		3.5 in-10.5 in WC	
Propane Gas Supply Pressure (from source)		8.0 in-13.5 in WC	
Natural Gas Manifold Pressure		-0.06 to -0.87 in WC	
Propane Gas Manifold Pressure		-0.03 to -1.85 in WC	
Gas Connection Size		1/4 in NPT	
Power Supply	Main Supply	120 V AC, 60 Hz	
	Maximum Power Consumption	Less than 12 amperes	
Materials	Casing	Cold-rolled carbon steel	
	Heat Exchangers	Stainless Steel	
Venting	Exhaust	3 in or 4 in PVC, CPVC, approved polypropylene, approved stainless steel	
	Intake	3 in or 4 in Special Gas Vent Type BH (Class III, A/B/C)	
	Vent Clearance	0 in to combustibles	
Safety Devices		Flame Rod, APS, LWCO Water Temperature High Limit Switch, Exhaust Temperature High Limit Sensor, Water Pressure Sensor	

### Supply Connections



< NFB-301C >



< NFB-399C >

\*Navien reserves the right to change specifications at any time without prior notice

Navien, Inc. 20 Goodyear, Irvine, CA 92618 Ph: (949)420-0420 Fax: (949)420-0430 [www.NavienInc.com](http://www.NavienInc.com)

# Coal Board Grant Applicant--0916 City of Forsyth

## Staff Report / March 2021 Meeting

**Applicant:** City of Forsyth

**Project:** Replace Boiler and Upgrade Control Systems at the Forsyth Municipal Pool

**Coal Board Funds Requested:** \$80,000

**Total Project Cost:** \$80,000

**Project Information:** The applicant is requesting \$80,000, of a total project cost of \$80,000, in Coal Board funds to replace the existing boiler and upgrade the management system for the municipal pool. The request to the Board is 100% of the project cost. **The applicant is a designated unit.**

### **Categories:**

#### **Need:**

- **Applicant:**
  - Applicant states that swimming lessons provided at the pool are important to the community for fear of drowning in the bordering Yellowstone River.
  - Applicant states that the pool provides a health benefit to the population, is handicap accessible and has a commercial hot tub.
  - Applicant states that many employees at the Colstrip Plant are residents of the City of Forsyth and also coal industry retirees and aging employees, for which the pool provides therapeutic relief from health issues.
  - The applicant provided an environmental review form, environmental checklist, documentation of public notice for the public meeting where the environmental review would be discussed, agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution.
- **Staff Review:**
  - Staff has determined that the environmental process is complete.
  - Procurement documents were not included in the application.

#### **Degree of Severity of Impact:**

- **Applicant:**
  - Applicant states that Coal Board monies helped build this pool in 1984 and parts have been retrofitted to change the fuel source in 1988.
  - Applicant states the pool is used by several neighboring towns and counties by coal industry retirees and aging employees as therapeutic relief from health issues.
- **Staff Review:**
  - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

#### **Availability of Funds:**

- **Applicant:**
  - Applicant states that with this grant the city will not have to consider reducing pool hours, which in turn, reduces the work force or continue with the current boiler and control system.

- Applicant states that the city already has an InterCap Loan in place which was for pool improvements. Any income increase in the General Fund comes from the property owners and there is a seal on the amount of mills for the city.
- Applicant states there is no additional stretching of the General Fund dollars and this project will have to be placed on hold if the Coal Board grant is not awarded.
- **Staff Review:**
  - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.
  - Applicant is a designated unit.

#### **Degree of Local Effort in Meeting Needs:**

- **Applicant:**
  - Applicant states the mill rates are higher than the previous three years.
  - Applicant states the mill rates are \$251.38.
  - Applicant states the city has contributed over \$388,000 over the last 15 years to maintain the pool, including air handlers, an electronic system to manage the building, variable frequency drives and other improvements.
  - Applicant states that the “Friends of the Pool” community group has raised funds, supported swim lesson fees for all children, and purchased other items, such as the handicap lift and raised \$10,000 for the hot tub project.
  - Applicant states the city has managed to control the operation and maintenance budget, holding the expenditure budget to allow the pool to remain open year-round, but on a part time basis.
- **Staff Review:**
  - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2018, 2019, 2020.

#### **Planning & Management:**

- **Applicant:**
  - Applicant states the City of Forsyth updated and adopted the Growth Plan in 2016 which had one goal listed as a desirable quality of life, character of the community, the objective is to encourage a family friendly atmosphere for all age groups and maintain a desirable mix and cost of governmental services.
- **Staff Review:**
  - City has a Growth Plan from 2012 and an up-to-date Growth Policy from 2016.
  - Growth Policy (2016) specifies that providing “adequate government services and economical costs” and “maintain a desirable mix and cost of government services” as objectives in its goals and objectives.”
  - City has history of planning including completing 1997 Floodplain Regulations, a 1999 water and sewer plan, and 2001 Zoning Regulations.
  - Development of a CIP would help the City budget and prioritize capital improvements and O&M.
  - Applicant states in its 2016 Growth Policy that it recognizes it has challenges associated with an aging population and is attempting to plan for anticipated impacts of that demographic trend.

#### **Grant History:**

Since 2009, the applicant has been awarded 4 projects totaling \$603,000.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>

**Supplemental Documents** (not included in this staff report): Pool maintenance estimates

**Staff Summary:**

See engineer memo.

The applicant provided an environmental review form, environmental checklist, documentation of public notice for the public meeting where there environmental review would be discussed, agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution. Staff has determined that the environmental process is complete.

Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

## **MEMO**

To: Coal Board Members and Commerce Staff  
From: Division Engineer  
Subject: City of Forsyth – pool boiler and control system  
Meeting: March 2021

**History** –The Forsyth pool was built in 1986. The indoor pool is open year-round. In 1988, a natural gas burner was retrofitted to the original coal boiler. The boiler provides heat to the air handling units for building space temperature. Major upgrades in the last five years included a new roof in 2017, and removal/replacement of a failing heat exchanger plus installation of new water heaters in 2019.

**Problem** – Problems identified in the application included the following:

- 34-year old boiler; and
- inefficient heating system.

**Solution** – The proposed project includes the following:

- replace boiler; and
- upgrade control systems.

\*\*\*\*\*

The purpose of the project is to replace the boiler and upgrade the control systems. The City has contributed over \$388,000 over the last fifteen years to maintain the pool including installing air handlers in 2005, an electronic system to manage the building in 2006, variable frequency drives on all motors in 2006, and new chemical controllers, filtration and circulation systems in 2013. The pool was refinished and repainted in 2013. New roofing was installed in 2017. Building lighting is being replaced. Last year the domestic heat exchanger was replaced; the heat exchangers were separated from the main boiler and five hot water heaters were installed.

The Coal Board grant request is for \$80,000. The total cost is \$80,000; local match is \$0.

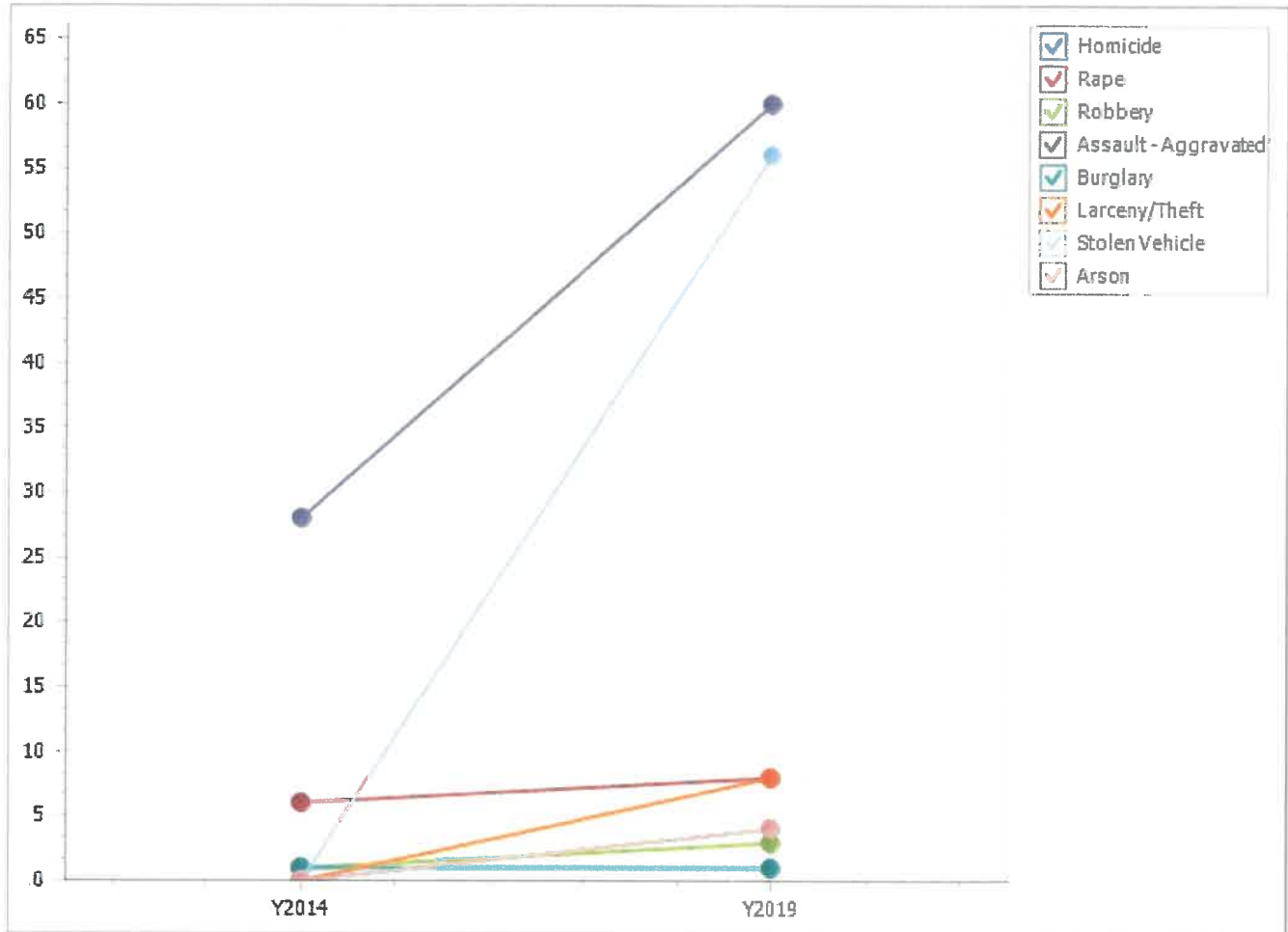
Cost estimates were attached. Big Sky Custom Panel of Forsyth provided costs for boiler removal; Leisure in Montana out of Billings provided a quote for a pool heater; Platinum Plumbing & Heating of Miles City provided costs for boiler installation; and Mechanical Technology of Billings provided costs for a building management system. Product information sheets were provided for the pool heating system and boiler.

• Removal	\$ 2,200
• Pool Heater	\$26,543
• Boilers	\$39,489
• Mgmt System	<u>\$10,863</u>
	\$79,095

The means of procurement were not found in the application.

Environmental documentation was included.

# Montana Coal Impact Grant Application



Source: Big Horn County Sheriff's Department credits the FBI on collecting statistics in major crime categories (Part 1 Crimes).

**Submitted to the Montana Coal Board**

**by**

Big Horn County

**for**

Sheriff's Office Patrol Vehicles

**Date submitted:**

January 22, 2021

**THE COAL IMPACT GRANT APPLICATION FORM  
SUBMITTED BY BIG HORN COUNTY**

**CERTIFICATION**

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

**CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: *Larry Vandersbot*

Title: *Chairman*

Signature: 

Date: *01-22-2021*



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SUBMITTED BY BIG HORN COUNTY**

**CERTIFICATION**

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**CERTIFICATION**

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In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:



Date:

10-26-2020

## **SUMMARY INFORMATION**

**1. NAME OF APPLICANT(S):**

Big Horn County

**2. TYPE OF ENTITY:**

Local Government

**3. FEDERAL TAX ID NUMBER:**

**4. SENATE AND HOUSE DISTRICTS:**

Senate District: 21; House Districts: 42

**5. AMOUNT OF COAL IMPACT GRANT REQUESTED:**

\$90,086

**6. NAME OF PROJECT:**

Sheriff's Office Patrol Vehicles

**7. TYPE OF PROJECT:**

Public Service

**8. POPULATION SERVED BY PROJECT:**

13,141 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

**9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**

3,576 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

**10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**

Mr. George Real Bird III, Chairman  
Board of Commissioners – Big Horn County  
P.O. Box 908  
Hardin, MT 59034  
406-665-9700 phone  
406-665-9706 fax  
cwell@bighorncountymt.gov

**11. PRIMARY ENTITY CONTACT PERSON:**

Ms. Candy Wells, Administrative Assistant  
P.O. Box 908  
Hardin, MT 59034  
Office: 406-665-9700  
Fax: 406-665-9706  
Email: cwells@bighorncountymt.gov

**12. OTHER CONTACT PERSONS:**

Captain Michael Fuss  
Detectives Unit Violent Crimes  
Office: 406-665-9803  
Email: mfuss@bighorncountymt.gov

**13. MILLAGE RATES:**

**GENERAL LEVY**

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35  
FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74  
FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96  
FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87  
FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56  
FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70  
General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

**14. AMOUNT OF COAL GROSS PROCEEDS TAX:**

- **Total amount of Coal Gross Proceeds tax the applicant receives during the last two years**
  - ***The amount received and amount expended for each year*** – In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to reduced coal production. Approximately 40% is allocated to County Department budgets and the remaining 60% is allocated to County schools.
  - ***Balance of available proceeds that remains*** – There is no available balance that remains unallocated at this time.
- **Description of the process the applicant uses to decide the use of the proceeds** - The Coal Gross Proceeds taxes are distributed based on the 1989 Tax Levy for each fund including appropriations to the general, bridge, medical facilities, refunding bonds, internal health service, road and school funds.

15. **IMPACTS TO COAL INDUSTRY:**

U.S. News & World Report published an article titled “Western US Coal Miners Laid off Amid Drop in Electricity Use” on April 23, 2020. The following is an excerpt from the article:

*“Three hundred miners and other workers are being laid off as the struggling western U.S. coal industry contends with diminished electricity use during the coronavirus pandemic. Seventy-three workers at the Spring Creek mine in southeastern Montana and 57 at the Antelope mine in northeastern Wyoming are losing their jobs, Navajo Transitional Energy Company reports. St. Louis-based Peabody Energy, meanwhile, announced it was laying off 170 at Wyoming’s largest coal mine, North Antelope Rochelle. All three mines are located in the Powder River Basin, which accounts for about 40% of U.S. coal production. Coal demand has declined over the past decade due to competition from natural gas-fired power and renewable energy sources. School and business shutdowns and stay-at-home orders to contain the coronavirus have reduced electricity use over the past month, further dimming the outlook for coal-fired electricity and coal mining.”*

With regard to the trend in Big Horn county, there were approximately 149 residents of Big Horn county employed by the coal industry in February 2019. To determine the number of residents, a county representative contacted human resource personnel in nearby coal mines and coal-using facilities. Human resource personnel at the facilities queried their records for employees with zip codes for Busby (59016); Crow Agency (59022), Decker (59025), Garryowen (59031); Hardin (59034); Fort Smith (59035); Lodge Grass (59050); Pryor (59066); Saint Xavier (59075); and, Wyola (59089). When a current employee count was requested of Cloud Peak Energy, the County learned the company had laid off the entire external affairs team. The external affairs team consistently provided the employee count in the past. The company does not intend to hire replacements due to the continued depressed coal markets. Upon making the inquiry, the County was not provided a current contact at the company.

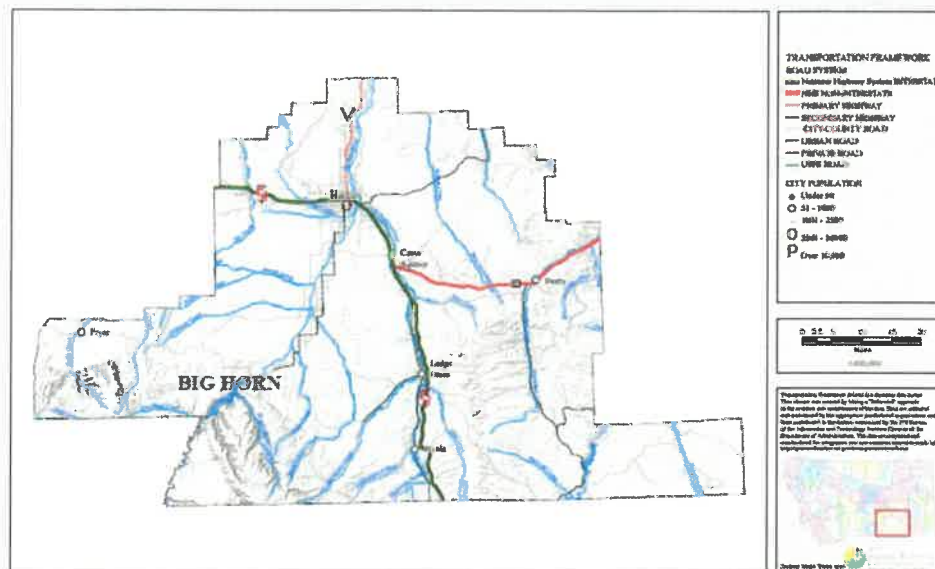
Facility	# of County Residents Employed (February 2019)
Absaloka Mine	118
Decker Mine	no response received
Spring Creek Mine	14
Hardin Generating Station	17
<b>TOTAL</b>	<b>149</b>

Human Resource personnel at Absaloka and Spring Creek Mines provided their data by zip code.

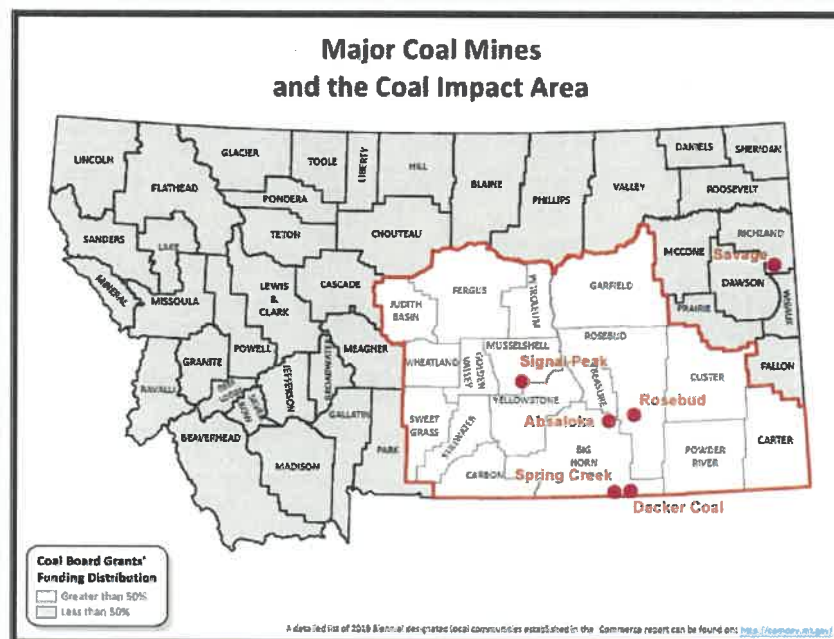
Zip Code/Community	# of County Residents Employed at Absaloka Mine (February 2019)	# of County Residents Employed at Spring Creek Mine (February 2019)
59016 Busby	0	2
59022 Crow Agency	41	1
59025 Decker	0	0
59031 Garryowen	5	2
59034 Hardin	35	4
59035 Fort Smith	3	0
59050 Lodge Grass	20	4
59066 Pryor	2	0
59075 Saint Xavier	4	0
59089 Wyola	8	1
<b>TOTAL</b>	<b>118</b>	<b>14</b>

16. **MAPS:**

**Boundary of Big Horn County**



**Big Horn County's location in the Coal Impact Area**



17. **BRIEF PROJECT SUMMARY:**

**PROJECT SUMMARY FOR BIG HORN COUNTY  
SHERIFF'S OFFICE PATROL VEHICLES**

**Historical Information:** Big Horn County provides law enforcement services (i.e., safeguarding lives and property and protecting individuals) throughout the county. Two patrol vehicles need to be replaced in the Sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds.

**Problem:** Two patrol vehicles need to be replaced in the Sheriff's fleet.

**Proposed Solution:** Purchase two 4x4 pickup trucks.

## 18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

### A. Project Budget Form:

	SOURCE: MT Coal Board	SOURCE: Big Horn County	TOTAL:
Personnel Services/Office Costs	\$ 0	\$0	\$0
Professional Services	\$ 0	\$0	\$0
Legal Costs	\$ 0	\$0	\$0
Travel & Training	\$ 0	\$0	\$0
Audit Fees	\$ 0	\$0	\$0
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$ 0	\$0	\$0
Equipment Cost**	\$90,086	\$25,000	\$115,086
Construction Cost	\$0	\$0	\$0
Architectural/Engineering Design	\$0	\$0	\$0
Product Completion (PERs, studies, etc.)	\$0	\$0	\$0
Contingency	\$0	\$0	\$0
TOTAL ACTIVITY COSTS	\$90,086	\$25,000	\$115,086
<b>TOTAL PROJECT COSTS</b>	<b>\$90,086</b>	<b>\$25,000</b>	<b>\$115,086</b>

Big Horn County will provide all administrative services as an in-kind contribution to the project.

\*\*A cost estimate for the vehicles is provided as **Appendix A**.



## **B. Project Budget Narrative:**

### **BUDGET NARRATIVE FOR BIG HORN COUNTY SHERIFF'S OFFICE PATROL VEHICLES**

#### **ADMINISTRATIVE/FINANCIAL COSTS**

Not Applicable – Big Horn County

#### **ACTIVITY COSTS**

##### **Equipment Cost:**

**\$115,086**

The estimated cost associated with purchasing two 4x4 pickup trucks. This is a vehicle replacement project. Big Horn County obtained a cost estimate for the trucks from Veto Enterprises. A copy of the cost estimates is provided as **Appendix A**.

##### **Construction Cost:**

**\$0**

Construction costs are not applicable.

##### **Architectural/Engineering Design:**

**\$0**

Architectural/engineering design costs are not applicable.

##### **Product Completion (PERs, studies, etc.):**

**\$0**

Product completion (PERs, studies, etc.) costs are not applicable.

##### **Contingency:**

**\$0**

Contingency costs are not applicable.

##### **TOTAL ACTIVITY COSTS:**

**\$115,086**

##### **TOTAL PROJECT COSTS:**

**\$115,086**

## **C. Implementation Schedule:**

TASK	QUARTERS 2021				QUARTERS 2022			
	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>
Sign contract with Coal Board			X					
Submit progress reports and drawdown requests			X	X				
Purchase vehicles in accordance with County procurement rules				X				
Coal Board administrative staff conduct on-site monitoring of the project				X				
Submit project completion report				X				
Include project in audits							X	

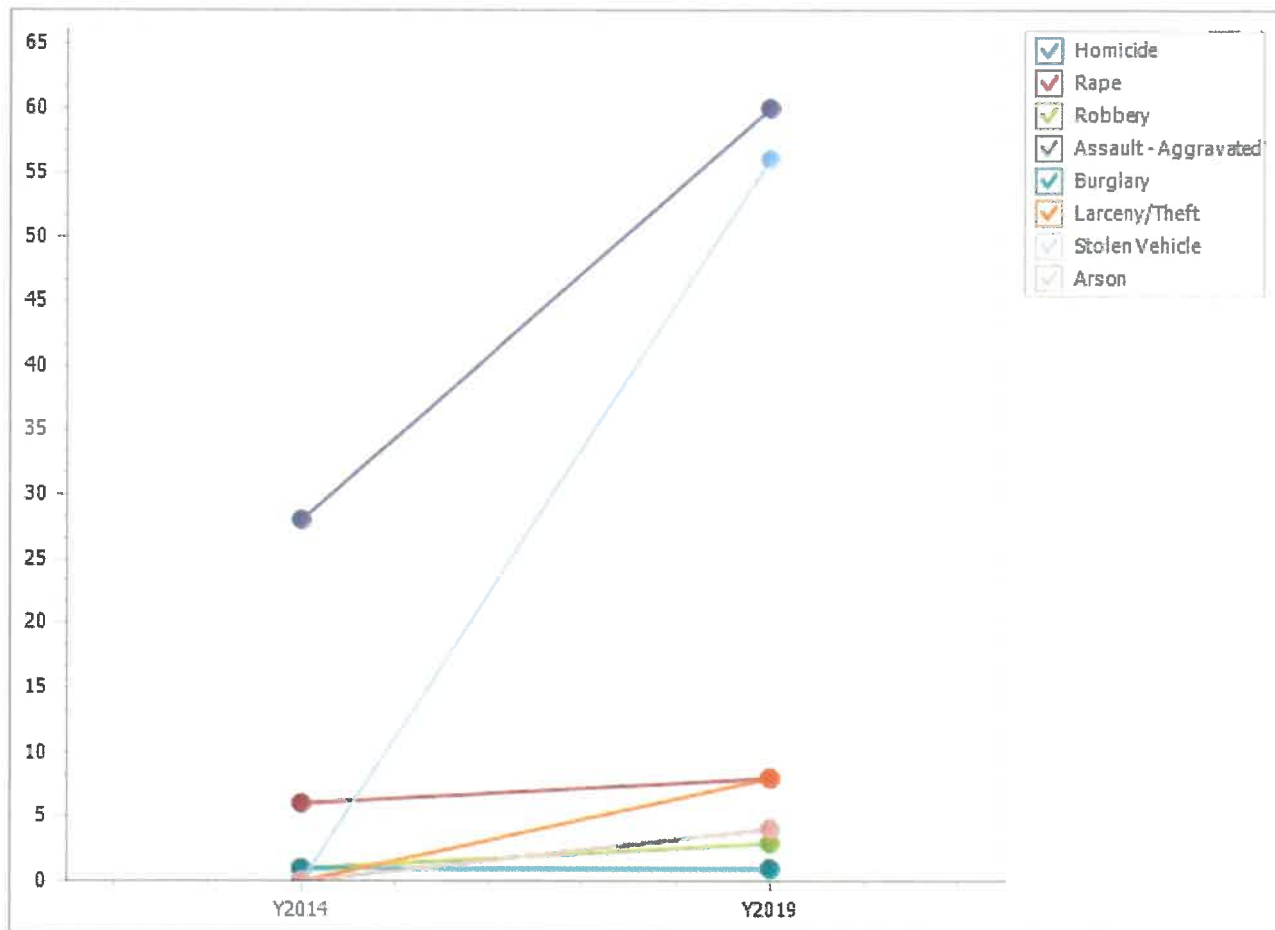
## **19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA**

### **A. Need**

- I. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)**

A deficiency exists in a basic community service provided by Big Horn County. Big Horn County provides law enforcement services (i.e., safeguarding lives and property and protecting individuals) throughout the county. Two patrol vehicles need to be replaced in the sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds.

An escalation of crime, between 2014 and 2019, in Big Horn County further evidences the need for the project. The FBI collects statistics on the following major crime categories (Part 1 Crimes).



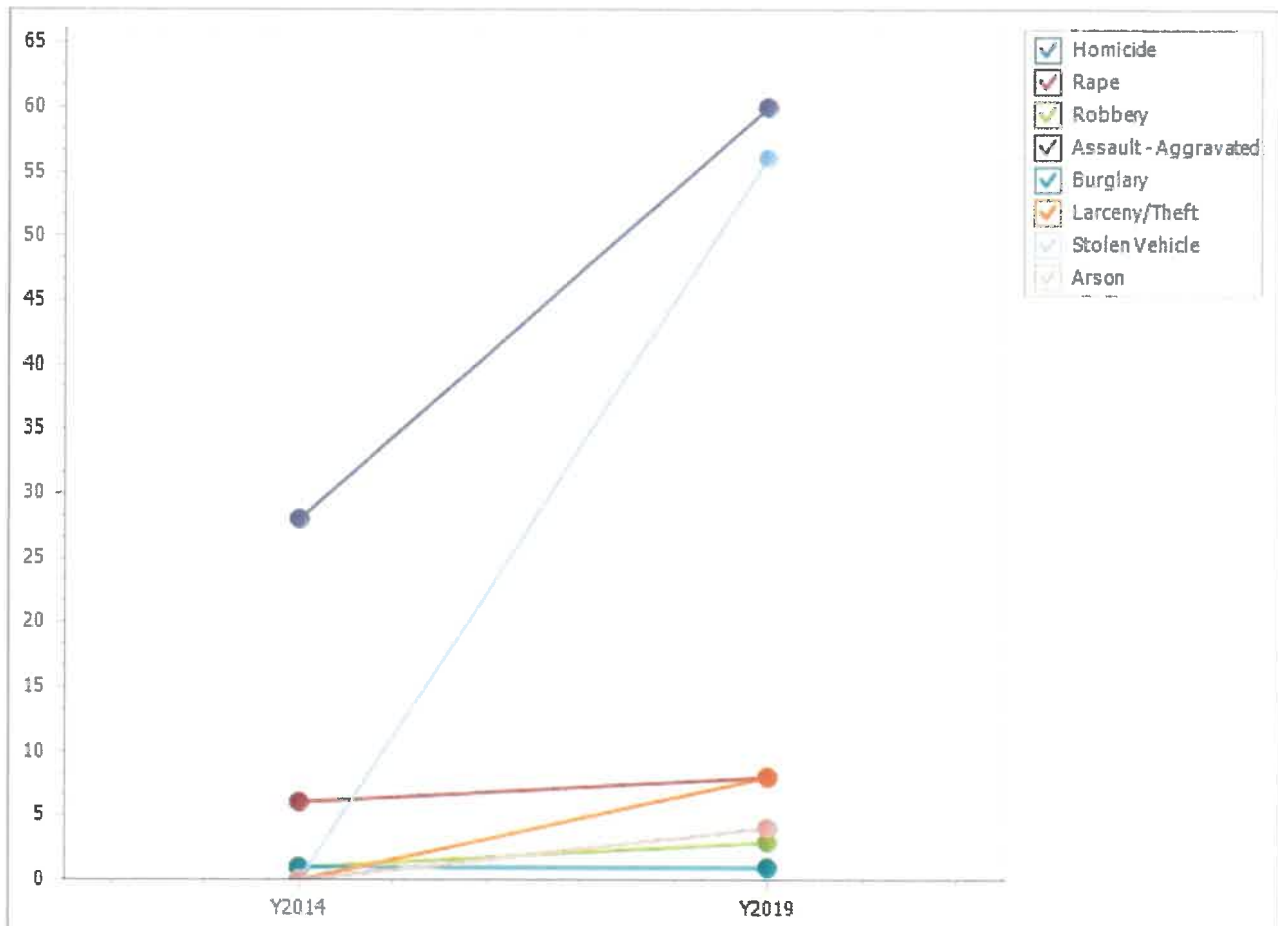
Year	Homicide	Rape	Robbery	Assault-Aggr	Burglary	Larc/Theft	Stolen Veh	Arson
2014	0	6	1	28	1	0	0	0
2019	4	8	3	60	1	8	56	4

2. **Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)**

Serious public safety problems can be attributed to unreliable and/or inadequate law enforcement or emergency response vehicles. Vehicles are used by law enforcement for transportation during patrols and to respond to incidents and chases. Vehicles transport officers so they can reach the scene of an incident quickly, transport and temporarily detain suspects in the back seats, as a location to use their police radio or laptop or to patrol an area, all while providing a visible deterrent to crime.

3. **Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)**

One hundred percent (100%) of Big Horn County residents are affected by the lack of unreliable and/or inadequate law enforcement or emergency response vehicles. The deficiency impacts all residents as evidenced by the escalation of crime in the county. An escalation of crime, between 2014 and 2019, in Big Horn County further evidences the need for the project. The FBI collects statistics on the following major crime categories (Part 1 Crimes).



Year	Homicide	Rape	Robbery	Assault-Aggr	Burglary	Larc/Theft	Stolen Veh	Arson
2014	0	6	1	28	1	0	0	0
2019	4	8	3	60	1	8	56	4

4. **Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.**

The deficiency does not violate or potentially violate a state or federal standard or directive.

5. **Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?**

Unreliable and/or inadequate law enforcement vehicles jeopardize human health and safety. Two patrol vehicles need to be replaced in the Sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds. Replacement of the vehicles is necessary to transport officers to the scene of an incident quickly, transport and temporarily detain suspects in the back seats, use as a location to use their police radio or laptop or to patrol an area, all while providing a visible deterrent to crime.

6. **Additional information supporting the NEED for this project.** None

**B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex**

1. **Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.**

Nearly 100% of this project is in response to coal-related impacts. Big Horn County is the largest coal producing County in the State of Montana. The economy of Big Horn County relies on coal. Coal development and coal-using energy complexes in the county heighten the need for reliable, modernized equipment.

In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

2. **Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.**

There are a number of coal mines or coal-using complexes in Big Horn County.

Absaloka Mine	30 miles
Decker Coal Mine	80 miles
Spring Creek Mine	84 miles
Hardin Power Plant	1 mile

**3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.**

None

**C. Availability of Funds**

- 1. Amount requested from the Coal Board: \$90,086**
- 2. Amount of Coal Board funds available at the time of application \$\_\_\_\_\_ (#2 will be completed by Coal Board staff)**
- 3. Explain why a coal impact grant is necessary to make the project feasible and affordable.**

Coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years. In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production.

**County Coal Gross Proceeds Tax Revenue Total Collections – Fiscal Years**

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Big Horn County	\$8,594,921	\$9,176,021	\$9,965,177	\$10,559,906	\$10,000,360	\$9,402,169	\$9,493,034	\$9,160,210	\$6,398,427
Year of Over % Change	---	6.8%	8.6%	6.0%	-5.3%	-6.0%	1.0%	-3.5%	-30.1%

*Source: MT Department of Revenue; Current as of 10/26/2018*

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

**GENERAL LEVY**

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

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FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

**4. What are the other proposed funding sources for the project?**

FUNDING SOURCES SUMMARY FOR BIG HORN COUNTY SHERIFF'S OFFICE PATROL VEHICLES				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Coal Board	Grant	\$90,086	Application submitted on April 27, 2020	Not applicable
Big Horn County	Cash	\$25,000	Committed in Letter included as <i>Appendix B</i>	Not applicable
TOTAL		\$115,086		

**5. If a particular proposed source of funding is not obtained, how will the applicant proceed?**

If Big Horn County does not receive a Coal Impact Grant, the County may re-apply in the next funding cycle while working to identify other potential sources of funding.

**D. Degree of Local Effort in Meeting Needs**

**1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.**

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

**2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.**

Big Horn County has committed \$25,000 in cash or 22% of the total project cost to the project. A letter of commitment is included as *Appendix B*.

**3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.**

Past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable. Big Horn County will assume all maintenance and operational costs incurred with the new vehicles.

**4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.**

Past operation and maintenance budgets and practices over the long-term have been as consistent as practicable. Age and continual use of the vehicles necessitate their replacement.



5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ \_\_\_\_\_
  - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_

Not applicable

6. What are your current debt obligations?

Big Horn County has no current debt obligations.

7. What are your current assets?

Total fixed assets for Big Horn County for Fiscal Year ending June 30, 2018 is \$41,620,535.

8. What financial accounting system do you use? BARS

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No \_\_\_\_ Date of last completed audit or financial report June 30, 2018

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

Big Horn County has satisfactorily addressed any audit findings.

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

None

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

The grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. Describe how the proposed project is consistent with current plans.

The proposed project is consistent with the *Big Horn County Growth Policy* (May 2014) and *Capital Improvements Plan (CIP)* (September 2014) objectives of monitoring, maintaining, and improving local services and public health and safety. Big Horn County defines local services as any and all services or facilities local



government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, ambulance services, transportation system, and educational system. The following is an excerpt from the growth policy that describes the projected future trend of local services.

*“Local services are important for retaining and attracting residents. The county is quite large and services such as fire protection, ambulance, law enforcement, schools, and medical centers can be distant from the individuals needing the services. Law enforcement has been a historically chronic problem, particularly in areas where jurisdictions among BIA, Tribal governments, county sheriff are confusing and result in long response times and complexities for residents. Schools with high drop-out rates create incentives for residents to school their children elsewhere or leave the area, and they are a disincentive for others with children to relocate to the county. The high proportion of youth creates special needs for services. Increased numbers of older persons will also create increased demands for medical care, transportation, and other services.”*

Big Horn County defines public health and safety as a condition of well-being, reasonably free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons. The county must consider effects on local services and public health and safety, as well as other criteria, when reviewing subdivisions. Below are examples of items considered when evaluating the impact on local services and public health and safety.

**Effect on local services:**

- increased demand on services and need to expand services;
- ability to provide services to subdivision;
  - ◆ response times
  - ◆ conditions of roads, bridges, and railroad crossings
  - ◆ physical barriers
- provision of adequate local services and public facilities simultaneous or prior to onset of impact; and,
- any special or rural improvement districts that would obligate local government involvement fiscally or administratively.

**Effect on public health and safety:**

- creation of potential man-made hazards (e.g., unsafe road intersection, development in wildland residential interface fire areas);
- natural hazards (e.g., wildfire, flooding, steep slopes);
- existing potential man-made hazards (e.g., high pressure gas lines, lack of fire protection, cumulative impacts);
- traffic safety;
- emergency vehicle access;
- emergency medical response time;
- cumulative impacts on groundwater from individual sewage disposal systems and/or individual wells; and,
- any other item that endangers public health and safety.

The CIP acknowledges the Sheriff's responsibility for law enforcement throughout the county and management of the jail for prisoners serving time for crimes committed within the county.

## ENVIRONMENTAL REVIEW CHECKLIST

<b>NAME OF PROJECT:</b>	Sheriff's Department Patrol Vehicles
<b>PROPOSED ACTION:</b>	Two patrol vehicles need procured for the Sheriff's Office.
<b>LOCATION:</b>	Big Horn County

**Key Letter:**

**N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required;  
**M:** Mitigation Required

**PHYSICAL ENVIRONMENT**

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

**Key Letter:****N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a>
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
N		<i>Response and source of information:</i> The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
<b>HUMAN ENVIRONMENT</b>		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

**Key Letter:****N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required;  
**M:** Mitigation Required

Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	8	Public Health and Safety
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.

<b>Key Letter:</b>		
<b>N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required</b>		
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	14	Health Care – Medical Services
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.



<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>Key</b>	<b>15</b>	<b>Social Services – Governmental Services (e.g., demand on)</b>
		<i>Response and source of information:</i>
<b>B</b>		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
<b>Key</b>	<b>16</b>	<b>Social Structures &amp; Mores (Standards of Social Conduct/Social Conventions)</b>
		<i>Response and source of information:</i>
<b>B</b>		Everyone is entitled to enjoy, on an equal basis, the improved law enforcement services the new patrol vehicles will provide.
<b>Key</b>	<b>17</b>	<b>Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)</b>
		<i>Response and source of information:</i>
<b>N</b>		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
<b>Key</b>	<b>18</b>	<b>Energy Resources - Consumption and Conservation</b>
		<i>Response and source of information:</i>
<b>N</b>		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
<b>Key</b>	<b>19</b>	<b>Solid Waste Management</b>
		<i>Response and source of information:</i>
<b>N</b>		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

**Key Letter:****N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required;**M:** Mitigation Required

Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	22	Community Water Supply
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	26	Parks, Playgrounds, & Open Space
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

**Key Letter:****N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
B		The project conforms to the <i>Big Horn County Growth Policy and Capital Improvements Plan</i> (CIP) objectives of maintaining and improving local services such as law enforcement, fire protection, ambulance, schools and medical centers.
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

## Environmental Review Form

**1. Alternatives: Describe reasonable alternatives to the project.**

No reasonable alternatives were identified. Two patrol vehicles need replaced in the Sheriff's Office fleet. The patrol vehicles proposed for replacement exceed mileage and age thresholds. The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.

**2. Mitigation: Identify any enforceable measures necessary to reduce any impacts to an insignificant level. No enforceable measures were identified.**

**3. Is an EA or Environmental Impact Statement (EIS) required? Describe whether or not an EA or EIS is required, and explain in detail why or why not.**

An EA or EIS is not required because the project primarily involves the acquisition of capital equipment. The acquisition of capital equipment is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

**4. Public Involvement: Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.**

An Environmental Checklist for the project was completed and available for public review and comment available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at [www.bighorncountymt.gov](http://www.bighorncountymt.gov). Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County solicited public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writing to [cwells@bighorncountymt.gov](mailto:cwells@bighorncountymt.gov); Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments had to be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners reviewed public comment received, heard any additional public comment, and accepted the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals were able to connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#.

**5. Person Responsible for Preparing: Lori Benner, Contracted Grant Writer**

**6. Other Agencies: List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA). No other agencies were contacted.**

George Real Bird III, Chairman  
Authorized Representative, Title

4-26-2020  
Date

[Signature]  
Signature of Authorized Representative

.....

**LEGAL NOTICE**

Big Horn County is submitting two grant applications to the Montana Coal Board on April 27, 2020. One application requests funds to purchase two vehicles for the Sheriff's Department. The other application requests funds to purchase a tractor and equipment shed for Cemetery #1. Environmental Checklists for the projects are being completed and will be available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at [www.bighorncountymt.gov](http://www.bighorncountymt.gov). Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County is soliciting public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writ-

ing to [cwells@bighorncountymt.gov](mailto:cwells@bighorncountymt.gov); Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments must be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners will review public comment received, hear any additional public comment, and accept the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals can connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#. Big Horn County can provide reasonable accommodations for any known disability that may interfere with a person participating in this public review process. Should you have any questions or require more information, please contact Candy Wells, Administrative Assistant at 406-665-9700 or [cwells@bighorncountymt.com](mailto:cwells@bighorncountymt.com).

Publish: April 10 & 16, 2020

MNAXLP

.....

***BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA***

**AGENDA  
APRIL 23, 2020  
THURSDAY**

8:30

9:00 Sheriff Big Hair

9:30

10:00 Coal Board Applications – Environmental Assessment Determination  
Sheriff Office Vehicle purchase  
Cemetery District #1 tractor and equipment shed purchase

10:30

11:00

11:30

1:00

1:30

2:00

2:30

3:00

3:30

4:00

*PUBLIC COMMENT AND DISCUSSION IS ENCOURAGED FOR EACH ITEM LISTED*



**Resolution 2020- 15**  
**to accept the determination that a Categorical Exemption is appropriate for the**  
**Sheriff's Office Patrol Vehicles Project**

WHEREAS, Big Horn County has completed an assessment to identify potential environmental impacts to the Sheriff's Office Patrol Vehicle Project;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received;

WHEREAS, Big Horn County has determined that the Sheriff's Office Patrol Vehicle Project will not significantly affect the quality of the human environment and accordingly Big Horn County has determined an Environmental Impact Statement is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Big Horn County, Montana, as follows;  
Big Horn County, Montana adopts the final Environmental Assessment for the Sheriff's Office Patrol Vehicle Project.

DATED THIS 23<sup>rd</sup> day of April, 2020, in Hardin, Montana.

BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA

  
George Real Bird III  
Chairman

  
Sidney Fitzpatrick  
Member

  
Larry Vandersloot  
Member

ATTEST:

  
Clerk and Recorder

# **Appendix A**

## **Cost Estimate**



# Veto Enterprises



1969 - 2019

*Celebrating 50 years!!*

*Thank You!*

212 W. Exchange St.  
Sycamore, IL 60178

Outside Illinois  
800-523-4733

Phone: 815-895-9755  
Fax: 815-895-8719

[www.vetoenterprises.com](http://www.vetoenterprises.com)

Police Car Sales & Equipment Specialists

Thursday, April 23, 2020

Big Horn Sheriff Dept  
121 W 3<sup>rd</sup> St  
Hardin MT 59034

Attn: Sheriff Big Hair  
Captain Fuss

Ref: Quote 20.1

Dear Sheriff Big Hair,

As per your request, we are pleased to submit to you our quotation on the following vehicles with equipment:

**(2) 2020 Ford F150 SuperCrew Pickup**

As per attached specs

Price: \$35,475 each

With the following equipment installed:

- Pair of white LEDs for front corners
- Tail light flasher
- Pair of Sound Off MPower LED lightheads, pushbar mounted, 1-red, 1-blue
- Unity 6" driver's side spotlight
- Pair of Sound Off Intersector LED lightheads, mounted under outside mirrors, 1-red, 1-blue
- Whelen® Legacy™ or Liberty™ LED lightbar, with alleys & takedowns, red & blue
- Pair of Sound Off MPower LED lightheads, tailgate mounted, 1-red, 1-blue
- Streamlight rechargeable LED flashlight system with wand
- Red/white LED domelight
- 100 watt siren speaker

Havis equipment mounting console, with all mounting brackets, heavy duty armrest, recessed cupholder, and built in accessory outlet plugs  
 Magnetic Mic mount clip bracket  
 Mounts for your laptop & dock, & power  
 Whelen® 295SLSA6 siren/switching center  
 Battery run-down protection (Chargeguard timer with relay/solenoid)  
 AOI airbag cutoff switch  
 Ignition override lockout system  
 Ranchhand Summit full front bumper replacement with load leveling kit  
 Setina 10-VSRP prisoner screen with sliding polycarbonate window and recessed panel cutout for gunrack  
 Dual gunrack, mounted in recess of cage  
 Antenna with cable, high gain type  
 Full decals, reflective only on rear portion  
 Line-X spray in bedliner  
 Labor to install all above equipment, including your XTL radio, radar, in-car video, laptop & dock  
 Delivery to your department

Price: \$ 14,193 each

With the following options:

MPH Bee III dual antenna moving Ka band radar

Price: \$2,375

WatchGuard 4RE in car video system

Price: \$5,500

**Breakdown:**

2020 Ford F150	\$35,475
Equipment	<u>14,193</u>
Sub-total:	\$49,668
Radar & Video	<u>7,875</u>
Total Price:	\$57,543 each, total \$115,086

All prices are good for 30 days. Some items may be subject to their various lead times at their respective factories beyond our control. Vehicles themselves will be supplied by Morrow Ford, and have a current factory order cutoff date of May 28th. Once vehicle(s) and all equipment is received by us, lead time to return to you would be approximately 2-3 weeks, not including transport. **Please note new payment terms: \*\*All orders that include new vehicles and/or equipment will be required to pay 50% within 21 days of order.**

Please feel free to contact us at 800.523.4733 should you have any further questions or need additional information. We are looking forward to working with your department in the near future.

Very Truly Yours,

Veto Enterprises, Inc.

A handwritten signature in black ink, reading "Robert A. Veto". The signature is written in a cursive style with a large, sweeping initial "R".

Robert A. Veto  
President

RAV/tf

# **Appendix B**

## **Letter of Cash Commitment**



**BOARD OF COMMISSIONERS  
BIG HORN COUNTY  
P.O. BOX 908  
HARDIN, MT 59034  
(406) 665-9700**

**Fax (406) 665-9706**

**E-mail to: [cwells@bighorncountymt.gov](mailto:cwells@bighorncountymt.gov)**

April 23, 2020

Montana Coal Board  
Community Development Division  
Department of Commerce  
PO Box 200523  
Helena MT 59620-0523

**RE: Funding Commitment to replace two Sheriff's Office Patrol Vehicles**

Dear Montana Coal Board Members,

On behalf of Big Horn County, we are pleased to commit \$25,000 to the Big Horn County Sheriff's Office patrol vehicle purchase. This commitment of funds is approximately 25% of the total project costs.

Sincerely,

BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA

  
George Real Bird III  
Chairman

  
Sidney Fitzpatrick  
Member

  
Larry Vandersloot  
Member

# Coal Board Grant Applicant #0917 Big Horn County Staff Report / March 2021 Meeting

**Applicant:** Big Horn County

**Project:** Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department

**Coal Board Funds Requested:** \$90,086

**Total Project Cost:** \$115,086

**Project Information:** The applicant is requesting \$90,086, of a total project cost of \$115,086, in Coal Board funds to replace two patrol vehicles for the Big Horn County Sheriff's Office. The request to the Board is 78% of the project costs. The applicant is a designated unit.

## **Categories:**

### **Need:**

- **Applicant:**
  - Applicant states a deficiency exists in a basic community service provided by Big Horn County due to two vehicles exceed mileage and age thresholds.
  - Applicant states that serious public safety problems can be attributed to unreliable and/or inadequate law enforcement or emergency response vehicles.
  - Applicant states 100% of Big Horn County residents are affected by the lack of reliable and/or adequate law enforcement or emergency response vehicles.
  - Applicant states that unreliable and or inadequate law enforcement vehicles jeopardize human health and safety.
  - Applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution.
- **Staff Review:**
  - Staff has determined that the environmental process is complete.
  - Big Horn County has retired two vehicles from its fleet due to exceeding mileage and age thresholds.
  - Coal Board funds have been granted to this applicant in the past for vehicle upgrades totaling \$73,000 for the purchase of two new vehicles.
  - Coal Board funds have been granted this applicant in the past for two modular homes to be used as remote Sheriff Department staff offices totaling \$100,000.

### **Degree of Severity of Impact:**

- **Applicant:**
  - Applicant states that nearly 100% of this project is in response to coal-related impacts.
  - Applicant states that there are a number of coal mines or coal-using complexes in Big Horn County.
- **Staff Review:**
  - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

**Availability of Funds:**

- **Applicant:**
  - Applicant states that coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years.
  - Applicant has committed \$25,000 cash to this project.
- **Staff Review:**
  - Applicant is a designated unit.
  - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

**Degree of Local Effort in Meeting Needs:**

- **Applicant:**
  - Applicant states the mill rates are \$164.93.
  - Applicant states that Big Horn County has committed \$25,000 in cash or 22% of the total project cost.
  - Applicant states that past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable.
  - Applicant states Big Horn County has no current debt obligations.
- **Staff Review:**
  - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2019-2020, 2018-2019, 2017-2018.

**Planning & Management:**

- **Applicant:**
  - Applicant states the grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County.
  - Applicant states that the proposed project is consistent with the Big Horn County Growth Policy (05/2014) and Capital Improvements Plan (CIP) (09/2014) objectives of monitoring, maintaining and improving local services and public health and safety. Sheriff vehicles are not called out specifically in the CCIP spreadsheet of 2017 or the 2014 CIP.
- **Staff Review:**
  - The applicant has demonstrated a reasonable connection between purchase of two new trucks for the Sheriff's Department with community planning. The proposed project appears to be consistent with the effort to maintain adequate community facilities in Big Horn County as referenced in the 2014 Big Horn County Growth Policy goal to "provide for the long-term infrastructure needs of the county". It is also consistent with the CIP and Growth Policy: "Maintaining and improving local services such as law enforcement, fire protection, ambulance, schools, and medical centers.
  - There is a 2014 Big Horn County CIP and an updated CCIP spreadsheet. Sheriff vehicles are not called out specifically in the CCIP spreadsheet or the 2014 CIP.

**Grant History:**

Since 2009, the applicant has been awarded 47 projects totaling \$3,960,331. For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

**Supplemental Documents** (not included in this staff report): None

**Staff Summary:**

See engineer memo.

The applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution. Staff has determined that the environmental process is complete.

Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

**MEMO - DRAFT**

To: Coal Board Members and Commerce Staff  
From: Division Engineer  
Subject: Big Horn County – Sheriff’s patrol vehicles  
Meeting: March 2021

**History** – Big Horn County provides law enforcement services throughout the county as well as contracted services to City of Hardin. Two patrol vehicles need to be replaced.

**Problem** – Problems identified in the application included two patrol vehicles pulled from the fleet because they exceed mileage and age thresholds.

**Solution** – The proposed project includes the purchase of two 4x4 pickup trucks.

\*\*\*\*\*

The purpose of the project is to replace two vehicles that needed to be retired. Replacement of the vehicles is necessary to transport officers to the scene of an incident quickly, transport and temporarily detain suspects in the back seats, use as a location for their police radio or laptop, or to patrol an area. The vehicles provide a visible deterrent to crime.

The Coal Board grant request is for \$90,086. The total cost is \$115,086; the County is contributing \$25,000.

There was nothing found in the application to indicate the age/mileage for retirement of vehicles. There was nothing found in the application to indicate how many patrol vehicles are in the county’s fleet.

Appendix A of the application contained a price quote from Veto Enterprises out of Illinois.

The implementation schedule included a line that indicated the following: *purchase vehicles in accordance with county procurement rules.*

An environmental checklist and review form were included with the application.

# Montana Coal Impact Grant Application



**Submitted to the Montana Coal Board**

**by**

Big Horn County

**for**

Cemetery District No. 1 Improvement Project

**Date submitted:**

January 22, 2021



**THE COAL IMPACT GRANT APPLICATION FORM  
SUBMITTED BY BIG HORN COUNTY**

**CERTIFICATION**

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

**CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: *Larry Vandersloot*

Title: *Chairman*

Signature: 

Date: *01 - 22 - 2021*

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Name:

Title:

Signature:



Date:

10-26-2020

## **SUMMARY INFORMATION**

1. **NAME OF APPLICANT(S):**

Big Horn County

2. **TYPE OF ENTITY:**

Local Government

3. **FEDERAL TAX ID NUMBER:**

4. **SENATE AND HOUSE DISTRICTS:**

Senate District: 21; House Districts: 42

5. **AMOUNT OF COAL IMPACT GRANT REQUESTED:** \$124,870

6. **NAME OF PROJECT:**

Cemetery District No. 1 Improvement Project

7. **TYPE OF PROJECT:**

Public Service

8. **POPULATION SERVED BY PROJECT:**

13,141 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

9. **NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**

3,576 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

10. **CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**

Mr. George Real Bird III, Chairman  
Board of Commissioners – Big Horn County  
P.O. Box 908  
Hardin, MT 59034  
406-665-9700 phone  
406-665-9706 fax  
cwell@bighorncountymt.gov

**11. PRIMARY ENTITY CONTACT PERSON:**

Ms. Candy Wells, Administrative Assistant  
P.O. Box 908  
Hardin, MT 59034  
Office: 406-665-9700  
Fax: 406-665-9706  
Email: cwells@bighorncountymt.gov

**12. OTHER CONTACT PERSONS:**

Mr. Larry Vandersloot  
County Commissioner, District 3  
Office: 406-665-9700  
Fax: 406-665-9706  
Email: lvandersloot@bighorncountymt.gov

**13. MILLAGE RATES:**

**GENERAL LEVY**

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

**14. AMOUNT OF COAL GROSS PROCEEDS TAX:**

- **Total amount of Coal Gross Proceeds tax the applicant receives during the last two years**
  - ***The amount received and amount expended for each year*** – In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to reduced coal production. Approximately 40% is allocated to County Department budgets and the remaining 60% is allocated to County schools.
  - ***Balance of available proceeds that remains*** – There is no available balance that remains unallocated at this time.
- **Description of the process the applicant uses to decide the use of the proceeds** - The Coal Gross Proceeds taxes are distributed based on the 1989 Tax Levy for each fund including appropriations to the general, bridge, medical facilities, refunding bonds, internal health service, road and school funds.

**15. IMPACTS TO COAL INDUSTRY:**

U.S. News & World Report published an article titled "Western US Coal Miners Laid off Amid Drop in Electricity Use" on April 23, 2020. The following is an excerpt from the article:

*"Three hundred miners and other workers are being laid off as the struggling western U.S. coal industry contends with diminished electricity use during the coronavirus pandemic. Seventy-three workers at the Spring Creek mine in southeastern Montana and 57 at the Antelope mine in northeastern Wyoming are losing their jobs, Navajo Transitional Energy Company reports. St. Louis-based Peabody Energy, meanwhile, announced it was laying off 170 at Wyoming's largest coal mine, North Antelope Rochelle. All three mines are located in the Power River Basin, which accounts for about 40% of U.S. coal production. Coal demand has declined over the past decade due to competition from natural gas-fired power and renewable energy sources. School and business shutdowns and stay-at-home orders to contain the coronavirus have reduced electricity use over the past month, further dimming the outlook for coal-fired electricity and coal mining."*

With regard to the trend in Big Horn county, there were approximately 149 residents of Big Horn county employed by the coal industry in February 2019. To determine the number of residents, a county representative contacted human resource personnel in nearby coal mines and coal-using facilities. Human resource personnel at the facilities queried their records for employees with zip codes for Busby (59016); Crow Agency (59022), Decker (59025), Garryowen (59031); Hardin (59034); Fort Smith (59035); Lodge Grass (59050); Pryor (59066); Saint Xavier (59075); and, Wyola (59089). When a current employee count was requested of Cloud Peak Energy, the County learned the company had laid off the entire external affairs team. The external affairs team consistently provided the employee count in the past. The company does not intend to hire replacements due to the continued depressed coal markets. Upon making the inquiry, the County was not provided a current contact at the company.

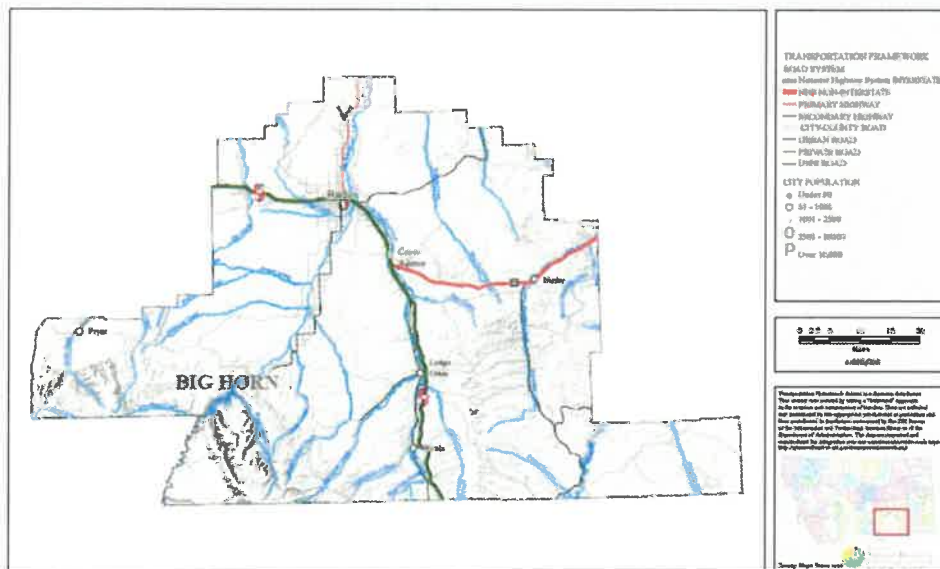
Facility	# of County Residents Employed (February 2019)
Absaloka Mine	118
Decker Mine	no response received
Spring Creek Mine	14
Hardin Generating Station	17
<b>TOTAL</b>	<b>149</b>

Human Resource personnel at Absaloka and Spring Creek Mines provided their data by zip code.

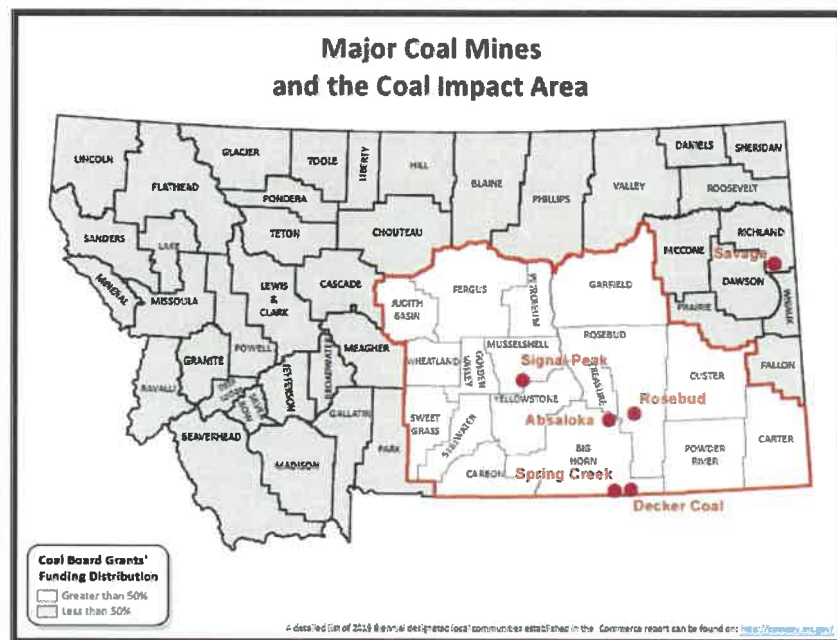
Zip Code/Community	# of County Residents Employed at Absaloka Mine (February 2019)	# of County Residents Employed at Spring Creek Mine (February 2019)
59016 Busby	0	2
59022 Crow Agency	41	1
59025 Decker	0	0
59031 Garryowen	5	2
59034 Hardin	35	4
59035 Fort Smith	3	0
59050 Lodge Grass	20	4
59066 Pryor	2	0
59075 Saint Xavier	4	0
59089 Wyola	8	1
<b>TOTAL</b>	<b>118</b>	<b>14</b>

16. **MAPS:**

**Boundary of Big Horn County**



**Big Horn County's location in the Coal Impact Area**





17. **BRIEF PROJECT SUMMARY:**

**PROJECT SUMMARY FOR BIG HORN COUNTY  
CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT**

**Historical Information:** Big Horn County Cemetery District No. 1 is governed by a three person board appointed by the Big Horn County Commissioners. The district presides over the operation and maintenance of Fairview Cemetery in Hardin. Fairview Cemetery was established in 1954. The cemetery spans approximately 40 acres: 20 developed and 20 undeveloped. A section of the cemetery is reserved and dedicated to the use and purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. Approximately one burial a month occurs at the cemetery. The cemetery has approximately 3,400 grave spaces and half of them are available. Two, of numerous, responsibilities of the district are to (1) purchase, rent, or lease equipment, personal property, and materials necessary to develop and implement an effective program and (2) construct, improve, and maintain new or existing facilities and buildings necessary to accomplish the purposes of the district.

**Problem:** The current tractor is a 1978 John Deere 310A. The hour gage reads 1,268 hours but it seems the gauge was altered at some point so actual hours are not known. The tractor is kept at county-owned property across the road from the cemetery where the cemetery caretaker resides. The tractor is not stored in a covered structure so it is exposed to sun, rain, and snow; as is the operator. The tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

**Proposed Solution:** Purchase a new tractor to replace the current tractor and construct a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery.

## 18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

### A. Project Budget Form:

	SOURCE: MT Coal Board	SOURCE: Big Horn County	TOTAL:
Personnel Services/Office Costs	\$ 0	\$0	\$0
Professional Services	\$ 0	\$0	\$0
Legal Costs	\$ 0	\$0	\$0
Travel & Training	\$ 0	\$0	\$0
Audit Fees	\$ 0	\$0	\$0
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$ 0	\$0	\$0
Equipment Cost***	\$96,500	\$0	\$96,500
Construction Cost*** (Concrete pad \$10,917) (Building \$42,453)	\$28,370	\$25,000	\$53,370
Architectural/Engineering Design	\$0	\$0	\$0
Product Completion (PERs, studies, etc.)	\$0	\$0	\$0
Contingency	\$0	\$0	\$0
TOTAL ACTIVITY COSTS	\$124,870	\$25,000	\$149,870
TOTAL PROJECT COSTS	\$124,870	\$25,000	\$149,870

Big Horn County will provide all administrative services as an in-kind contribution to the project.

\*\*\*Cost estimates for the tractor, concrete pad, and building are provided as **Appendix A**.

**B. Project Budget Narrative:**

**BUDGET NARRATIVE FOR BIG HORN COUNTY  
CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT**

**ADMINISTRATIVE/FINANCIAL COSTS**

Not Applicable – Big Horn County

**ACTIVITY COSTS**

**Equipment Cost:** **\$96,500**

The estimated cost associated with purchasing one tractor. This is an equipment replacement project. Big Horn County obtained cost estimates for the tractor from RDO Equipment (\$89,000); CAT Tractor Equipment Company (\$105,180); and, Titan Machinery (\$95,455), all potential vendors. The proposed cost of the tractor is the average of the three estimates. Copies of the cost estimates are provided as **Appendix A**.

**Construction Cost:** **\$53,370**

The estimated cost associated with constructing a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery. Big Horn County obtained a cost estimate for a concrete pad from Hardin Concrete and Construction (\$10,917) and a cost estimate on a 30' x 40' x 16' building from SBarS Building Center (\$42,453). Copies of the cost estimates are provided as **Appendix A**.

**Architectural/Engineering Design:** **\$0**

Architectural/engineering design costs are not applicable.

**Product Completion (PERs, studies, etc.):** **\$0**

Product completion (PERs, studies, etc.) costs are not applicable.

**Contingency:** **\$0**

Contingency costs are not applicable.

**TOTAL ACTIVITY COSTS:** **\$149,870**

**TOTAL PROJECT COSTS:** **\$149,870**

**C. Implementation Schedule:**

TASK	QUARTERS 2021				QUARTERS 2022			
	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>
Sign contract with Coal Board			X					
Submit progress reports and drawdown requests			X	X				
Purchase equipment in accordance with County procurement rules			X					
Construct 30' x 40' x 16' building in accordance with County procurement procedures				X				
Coal Board administrative staff conduct on-site monitoring of the project				X				
Submit project completion report					X			
Include project in audits							X	

## **19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA**

### **A. Need**

- I. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)**

A deficiency exists in a basic community service provided by Big Horn County. Big Horn County Cemetery District No. 1 presides over the operation and maintenance of Fairview Cemetery in Hardin. Fairview Cemetery was established in 1954. The cemetery is approximately 40 acres: 20 developed and 20 undeveloped. A section of the cemetery is reserved and dedicated to the use and purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. Approximately one burial a month occurs at the cemetery. The cemetery has approximately 3,400 grave spaces and half of them are available. Two, of numerous, responsibilities of the district are to (1) purchase, rent, or lease equipment, personal property, and materials necessary to develop and implement an effective program and (2) construct, improve, and maintain new or existing facilities and buildings necessary to accomplish the purposes of the district. The cemetery's current tractor is a 1978 John Deere 310A. The hour gage reads 1,268 hours but it seems the gauge was altered at some point so actual hours are not known. The tractor is kept at county-owned property across the road from the cemetery where the cemetery caretaker resides. The tractor is not stored in a covered structure so it is exposed to sun, rain, and snow; as is the operator. The tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

The current tractor, proposed for replacement, is at the point where the cost of ownership for the equipment exceeds its market value; maintenance costs have begun to escalate; condition of the unit is poor; and reliability of the unit is unpredictable. A picture of the current tractor is below.



2. **Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)**

The age and condition of the current tractor are a risk to the operator. Research shows that for each year of the machine's age the risk of injury when using it increases by about four percent (Worksafe Victoria, June 2009). The older machine needs to have improvements retrofitted to meet new industry standards of safety, such as improved guarding, a cabin, steps for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

3. **Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)**

All residents of Big Horn County are affected by the age, usage, condition, and reliability of the tractor proposed for replacement; as well as its maintenance and storage. The tractor is the main piece of machinery used in the maintenance upkeep of the community cemetery.

Cemeteries are very valuable historic resources. They are indicators of various settlement patterns, such as villages, rural communities, urban centers, and ghost towns. Cemeteries tell information about historic events, religions, lifestyles, and genealogy. Fueled by a flood of amateur genealogists seeking their families' roots, there is a resurgence of visitors to cemeteries.

"Cemeteries are fascinating places. They're full of history, they're full of beautiful artwork ... they truly are outdoor museums. You can learn so much about your community by learning about the cemetery. You're going to have the iconic people of that area buried there."

-Minda Powers-Douglas, author of *Cemetery Walk: A Journey Into the Art, History and Society of the Cemetery and Beyond*

4. **Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.**

The deficiency does not violate or potentially violate a state or federal standard or directive.

5. **Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?**

All residents of Big Horn County are affected by the age, usage, condition, and reliability of the tractor proposed for replacement; as well as its maintenance and storage. The tractor is the main piece of machinery used in the maintenance upkeep of the community cemetery. The older machine needs to have improvements retrofitted to meet new industry standards of safety, such as improved guarding, a cabin, steps



for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

6. **Additional information supporting the NEED for this project.** None

**B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex**

1. **Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.**

Nearly 100% of this project is in response to coal-related impacts. Big Horn County is the largest coal producing County in the State of Montana. The economy of Big Horn County relies on coal. Coal development and coal-using energy complexes in the county heighten the need for reliable, modernized equipment.

In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

2. **Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.**

There are a number of coal mines or coal-using complexes in Big Horn County.

Absaloka Mine	30 miles
Decker Coal Mine	80 miles
Spring Creek Mine	84 miles
Hardin Power Plant	1 mile

3. **Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.**

None

**C. Availability of Funds**

1. **Amount requested from the Coal Board: \$124,870**
2. **Amount of Coal Board funds available at the time of application \$\_\_\_\_\_ (#2 will be completed by Coal Board staff)**
3. **Explain why a coal impact grant is necessary to make the project feasible and affordable.**



Coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years. In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production.

**County Coal Gross Proceeds Tax Revenue Total Collections – Fiscal Years**

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Big Horn County	\$8,594,921	\$9,176,021	\$9,965,177	\$10,559,906	\$10,000,360	\$9,402,169	\$9,493,034	\$9,160,210	\$6,398,427
Year of Over % Change	---	6.8%	8.6%	6.0%	-5.3%	-6.0%	1.0%	-3.5%	-30.1%

Source: MT Department of Revenue; Current as of 10/26/2018

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

**GENERAL LEVY**

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

**4. What are the other proposed funding sources for the project?**

FUNDING SOURCES SUMMARY FOR BIG HORN COUNTY CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Coal Board	Grant	\$124,870	Application submitted on April 27, 2020	Not applicable
Big Horn County	Cash	\$25,000	Committed in Letter included as <b>Appendix B</b>	Not applicable
<b>TOTAL</b>		<b>\$149,870</b>		

**5. If a particular proposed source of funding is not obtained, how will the applicant proceed?**

If Big Horn County does not receive a Coal Impact Grant, the County may re-apply in the next funding cycle while working to identify other potential sources of funding.

**D. Degree of Local Effort in Meeting Needs**

1. **If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.**

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. **Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.**

Big Horn County has committed \$25,000 in cash or 17% of the total project cost to the project. A letter of commitment is included as *Appendix B*.

3. **Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.**

Past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable. Big Horn County will assume all maintenance and operational costs incurred with the new tractor and building.

4. **If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.**

Past operation and maintenance budgets and practices over the long-term have been as consistent as practicable. Age and continual use of machinery necessitates its replacement.

5. **If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:**
  - a. **What is the current monthly household user charge? \$ \_\_\_\_\_**
  - b. **What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_**

Not applicable

6. **What are your current debt obligations?**

Big Horn County has no current debt obligations.

7. **What are your current assets?**

Total fixed assets for Big Horn County for Fiscal Year ending June 30, 2018 is \$41,620,535.

8. **What financial accounting system do you use? BARS**

9. **Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA?**

(Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No      Date of last completed audit or financial report June 30, 2018

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

Big Horn County has satisfactorily addressed any audit findings.

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

None

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

The grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has decreased 7.64% over the past five years while the number of General mills levied has increased 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. Describe how the proposed project is consistent with current plans.

The proposed project is consistent with the *Big Horn County Growth Policy* (May 2014). The following are excerpts from the growth policy that describe current characteristics and future trends.

**Local Services**

*Local services are important for retaining and attracting residents. The county is quite large and services such as fire protection, ambulance, law enforcement, schools, and medical centers can be distant from the individuals needing the services. Law enforcement has been a historically chronic problem, particularly in areas where jurisdictions among BIA, Tribal governments, county sheriff are confusing and result in long response times and complexities for residents. Schools with high drop-out rates create incentives for residents to school their children elsewhere or leave the area, and they are a disincentive for others with children to relocate to the county. The high proportion of youth creates special needs for services. Increased numbers of older persons will also create increased demands for medical care, transportation, and other services.*

**Infrastructure**

*infrastructure that Big Horn County maintains includes county roads, and county buildings, such as the court house, fairgrounds, library, and public health department, and other buildings it supports including the museum, senior center, etc.*

**Goal:** Provide for the long-term infrastructure needs of the county.

**Goal Objectives:**

- a. A standardized approach to long-term repair/replacement of infrastructure owned by Big Horn County.

- b. *County assistance where possible on provision of other non-county infrastructure, such as community water and sewer.*
- c. *Non-agricultural semi-trucks pay their fair share of impacts to county roads.*

**Goal Implementation Strategies:**

- a. *Big Horn County to develop a Capital Improvements Plan to inventory county-owned infrastructure and major equipment, including current condition, and set a multi-year schedule and budget for major repairs, renovation, and replacement. (Initiate within 2 years.)*
- b. *Big Horn County to provide grant-writing assistance and match- funding within reasonable limits to support community water, sewer, and storm drainage systems. (Ongoing)*
- c. *Big Horn County to identify and implement a system to recoup costs to county roads caused from non-agricultural semi-trucks. Begin with an assessment of fees for new approaches onto county roads. (initiate within 2 years)*

The proposed project is consistent with the *Big Horn County Capital Improvements Plan* (September 2014). The following is an excerpt from the CIP that summarizes current inventory and need for a new tractor.

*“Big Horn County owns a total of 63 public buildings and facilities, ranging from the Courthouse Building and Jail to the Big Horn County Historical Museum. Other facilities, like the Lodge Grass Cemetery, receive financial support from the County but are governed by an outside authority. The Courthouse Building and numerous buildings in the Museum complex, which were built in 1930, are the most antiquated buildings owned by the County. The newest buildings are structures added to the Fairground as a result of an ongoing upgrade to meet a Master Plan that was recently developed. Those structures were added to the public building inventory for Big Horn County in 2012. Most structures are in fair condition, and there are a number of buildings that have had recent renovations.*

**Tractor** – *a tractor is required to maintain the roads, parking, and trails in all weather conditions. The tractor currently being used is not adequately appointed for winter weather conditions. The new tractor should have the following features:*

1. *Enclosed cab with heater/air conditioning*
2. *Loader*
3. *Sweeper*
4. *Mower*
5. *Snow blade or blower*

*Estimated Cost: \$45,000-\$50,000”*

## Environmental Review Checklist

<b>Name of Project:</b>	New Tractor and Equipment Shed for Cemetery #1
<b>Proposed Action:</b>	Purchase of a new tractor and construction of a pole building needed to store, protect, and safeguard heavy and light equipment used at the Big Horn County Cemetery #1.
<b>Location:</b>	Big Horn County, Montana

**Key Letter:** N – No Impact/Not Applicable    B – Potentially Beneficial    A – Potentially Adverse  
P – Approval/Permits Required    M – Mitigation Required

### PHYSICAL ENVIRONMENT

<div>KEY</div> <div>N</div>	<p><b>1. Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</b></p> <p><i>Comments and Source of Information:</i> Existing ground at the proposed project site is relatively flat, with little to no vegetation. There are two existing buildings near the proposed site, so soil suitability issues are not anticipated.</p>
<div>KEY</div> <div>N</div>	<p><b>2. Hazardous Facilities (e.g., power lines, EPA hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/ petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities &amp; propane storage tanks)</b></p> <p><i>Comments and Source of Information:</i> Power lines are adjacent to the project property but are approximately 250-ft from the proposed building location. No hazardous facilities are anticipated on the project property.</p>
<div>KEY</div> <div>N</div>	<p><b>3. Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)</b></p> <p><i>Comments and Source of Information:</i> Temporary dust associated with the construction; however, there will be no long-term impacts in regard to the surrounding air quality as a result of the project.</p>
<div>KEY</div> <div>N</div>	<p><b>4. Groundwater Resources &amp; Aquifers (e.g., quantity, quality, distribution, depth to ground water, sole source aquifers)</b></p> <p><i>Comments and Source of Information:</i> The proposed project is not anticipated to impact the groundwater resources and/or aquifers. The new building will be slab-on-grade, and minimal excavation is required.</p>
<div>KEY</div> <div>N</div>	<p><b>5. Surface Water/Water Quality, Quantity &amp; Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)</b></p> <p><i>Comments and Source of Information:</i> The proposed building will be located approximately 50-feet from an existing irrigation canal; however, site grading will prevent surface water from entering the canal. Storm water at the proposed building location will be directed to existing storm water runoff paths.</p>
<div>KEY</div> <div>N</div>	<p><b>6. Floodplains &amp; Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i> There are no identified floodplains within a mile of the proposed project boundary.</p>

<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>7. Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i> No wetlands are present within one mile of the proposed project boundary.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>8. Agricultural Lands, Production, &amp; Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i> Agricultural land surrounds the proposed project site; however, none of the land has been identified as prime or important farm ground. No forest lands lie within one mile of the project boundary. The proposed project will not affect existing agricultural lands.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>9. Vegetation &amp; Wildlife Species &amp; Habitats, Including Fish (e.g., terrestrial, avian and aquatic life and habitats)</b></p> <p><i>Comments and Source of Information:</i> According to the Montana Natural Heritage Program, no vegetation species of concern are located at the proposed project site. There are eleven species of concern listed; however, as the project site is located adjacent to existing buildings, no long-term habitat impacts are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish, sage grouse or other wildlife)</b></p> <p><i>Comments and Source of Information:</i> According to the Montana Natural Heritage Program, no vegetation species of concern are located at the proposed project site. There are eleven species of concern listed; however, as the project site is located adjacent to existing buildings, no long-term habitat impacts are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>11. Unique Natural Features (e.g., geologic features)</b></p> <p><i>Comments and Source of Information:</i> No unique geologic features are located within the proposed project vicinity.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>12. Access to, and Quality of, Recreational &amp; Wilderness Activities, Public Lands and Waterways (Including Federally Designated Wild &amp; Scenic Rivers), and Public Open Space</b></p> <p><i>Comments and Source of Information:</i> The proposed project is located on property currently owned by Big Horn County and will not impact access to public lands or public open space.</p>
<b>HUMAN POPULATION</b>	
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics</b></p> <p><i>Comments and Source of Information:</i> The proposed project will add a new pole building to an existing County facility location. No impacts to visual quality are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p><b>2. Nuisances (e.g., glare, fumes)</b></p> <p><i>Comments and Source of Information:</i> There are no anticipated nuisances associated with the proposed project as it will add a new building to an existing County facility location.</p>



<b>KEY</b> <hr/> <b>N</b>	<b>3. Noise – suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways &amp; railroads)</b>  <i>Comments and Source of Information:</i> There may be some temporary noise during construction of the proposed project. However, construction operation hours will be limited to 7:00 AM to 7:00 PM. No other long-term impacts to noise are anticipated upon completion of the project.
<b>KEY</b> <hr/> <b>M</b>	<b>4. Historic Properties, Cultural, and Archaeological Resources</b>  <i>Comments and Source of Information:</i> According to the Montana Cultural Resource Database, there are historical sites and inventoried areas present in the proposed project vicinity. Prior to construction disturbance, Montana SHPO will be contacted to ensure no cultural, historic or archaeological sites are disturbed.
<b>KEY</b> <hr/> <b>N</b>	<b>5. Changes In Demographic (population) Characteristics (e.g., quantity, distribution, density)</b>  <i>Comments and Source of Information:</i> The proposed project is not anticipated to impact demographic characteristics.
<b>KEY</b> <hr/> <b>N</b>	<b>6. Environmental Justice – (Does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brownfield sites?)</b>  <i>Comments and Source of Information:</i> This project does not contribute to the location of any lower income households into unacceptable areas.
<b>KEY</b> <hr/> <b>N</b>	<b>7. General Housing Conditions – Quality, Quantity, Affordability</b>  <i>Comments and Source of Information:</i> The proposed project is not anticipated to impact general housing conditions.
<b>KEY</b> <hr/> <b>N</b>	<b>8. Displacement or Relocation of Businesses or Residents</b>  <i>Comments and Source of Information:</i> The proposed project will not require displacement or relocation of businesses and/or residents.
<b>KEY</b> <hr/> <b>N</b>	<b>9. Public Health and Safety</b>  <i>Comments and Source of Information:</i> The proposed project will not affect public health and safety.
<b>KEY</b> <hr/> <b>N</b>	<b>10. Lead Based Paint and/or Asbestos</b>  <i>Comments and Source of Information:</i> The proposed project is not anticipated to involve the handling of any lead-based paint and/or asbestos.
<b>KEY</b> <hr/> <b>N</b>	<b>11. Local Employment &amp; Income Patterns – Quantity and Distribution of Employment, Economic Impact</b>  <i>Comments and Source of Information:</i> There are no anticipated long-term impacts to local employment or income patterns directly attributed to the proposed project. Temporary beneficial impacts could be seen from construction labor employment.
<b>KEY</b> <hr/> <b>N</b>	<b>12. Local &amp; State Tax Base &amp; Revenues</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to the local and state tax base and revenues directly attributed as a result of the proposed project.

KEY _____ N	<b>13. Educational Facilities - Schools, Colleges, Universities</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to the educational facilities as a direct result of the proposed project.
KEY _____ N	<b>14. Commercial and Industrial Facilities – Production &amp; Activity, Growth or Decline</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to the growth or decline of commercial or industrial facilities.
KEY _____ N	<b>15. Health Care – Medical Services</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to the health care facilities as a direct result of the proposed project.
KEY _____ N	<b>16. Social Services – Governmental Services (e.g., demand on)</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to the demand on governmental services.
KEY _____ N	<b>17. Social Structures &amp; Mores (Standards of Social Conduct/Social Conventions)</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to social structures as a direct result of the proposed project.
KEY _____ N	<b>18. Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)</b>  <i>Comments and Source of Information:</i> There is no anticipated impact to land use compatibility as a direct result of the proposed project. The proposed pole building will be adjacent to currently existing County facility structures.
KEY _____ N	<b>19. Energy Resources – Consumption and Conservation</b>  <i>Comments and Source of Information:</i> There is no anticipated change in energy resources as a direct result of the proposed project.
KEY, _____ N	<b>20. Solid Waste Management</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to solid waste management as a result of the proposed project.
KEY _____ N	<b>21. Wastewater Treatment – Sewage System</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to wastewater treatment as a result of the proposed project.
KEY _____ N	<b>22. Storm Water – Surface Drainage</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to storm water as a result of the proposed project. Storm water runoff will be directed to existing runoff paths.

KEY _____ N	<b>23. Community Water Supply</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to the public water supply as a result of the proposed project.
KEY _____ N	<b>24. Public Safety – Police</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to public safety and/or police as a result of the proposed project.
KEY _____ N	<b>25. Fire Protection – Hazards</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to fire protection as a result of the proposed project.
KEY _____ N	<b>26. Emergency Medical Services</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts to emergency medical services as a result of the proposed project.
KEY _____ N	<b>27. Parks, Playgrounds, &amp; Open Space</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ B	<b>28. Cultural Facilities, Cultural Uniqueness &amp; Diversity</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ N	<b>29. Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)</b>  <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ B	<b>30. Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)</b>  <i>Comments and Source of Information:</i> The proposed project is consistent with all local ordinances, resolutions, and plans, including the Big Horn County Comprehensive Capital Improvements Plan.
KEY _____ N	<b>31. Is There a Regulatory Action on Private Property Rights as a Result of this Project? (Consider options that reduce, minimize, or eliminate the regulation of private property rights.)</b>  <i>Comments and Source of Information:</i> There will be no regulatory action on private property as a result of the proposed project.

## ENVIRONMENTAL QUESTIONS

**On a separate piece of paper, please answer the following as they apply to your proposed project:**

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings – where and when – the project was considered and discussed, and when the district approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA).

Kathy Thompson  
Authorized Representative

4-23-2020

Date

Big Horn County

J. D. B. AM  
Chairperson

04.23.2020

Date

1. Alternatives

The current tractor is use at Cemetery #1 is from 1947, and well past its service life. The County proposes to replace this antiquated tractor with a new tractor. The alternative is to keep using the existing tractor, which continually has mechanical issues and is not adequate for the work required.

The new pole building is proposed to house the new tractor. The existing tractor has been used for 73 years, and the County intends to use and maintain the new tractor for at least that same amount of time. The installation of a new storage building to house the tractor will assist with keeping the tractor from deteriorating prematurely and provide safety from theft and tampering. The alternative to a new pole building is to store the new tractor in the outdoors, which will result in premature aging and possible damage by trespassers.

2. Mitigation

Anticipated impacts as a result of the proposed project are both minimal and temporary. Noise impacts will be contained by allowing construction activities only during specified hours of the day. Contractors will take all precautions to provide a safe work environment for the general public.

3. Is an EA or Environmental Impact Statement (EIS) required?

The Montana Environmental Policy Act requires than an environmental review be performed whenever a state agency takes an action; whenever that action is not exempt or excluded from MEPA; and whenever the action may impact the human environment. As the proposed project is to construct a new pole building on existing county property, it is anticipated that the action will result in a Finding of No Significant Impact, and an EA or EIS is not necessary.

4. Public Involvement

The project has been discussed by the Big Horn County Cemetery Board in at public meeting. There were no public present at the meeting, and the project was approved by the Board.

The Draft Environmental Assessment was advertised in the Big Horn County News on April 9 and April 16, 2020, with comments to be received by the Big Horn County Board of Commissioners until 4:00 p.m. on April 21, 2020. Comments were called to be submitted in person, in writing, by telephone, or on the County Facebook Page.

No comments were received, and the EA was approved as written.

5. Person(s) Responsible for Preparing

Kathy Thompson, Project Manager, Stahly Engineering

6. Other Agencies

As the proposed project may involve state funding for construction of a new building located on undisturbed ground, Montana State Historic Preservation Office will be contacted prior to any disturbance.

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## LEGAL NOTICE

Big Horn County is submitting two grant applications to the Montana Coal Board on April 27, 2020. One application requests funds to purchase two vehicles for the Sheriff's Department. The other application requests funds to purchase a tractor and equipment shed for Cemetery #1. Environmental Checklists for the projects are being completed and will be available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at [www.big-horncountymt.gov](http://www.big-horncountymt.gov). Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County is soliciting public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writ-

ing to [cwells@big-horn-countymt.gov](mailto:cwells@big-horn-countymt.gov); Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments must be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners will review public comment received, hear any additional public comment, and accept the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals can connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#. Big Horn County can provide reasonable accommodations for any known disability that may interfere with a person participating in this public review process. Should you have any questions or require more information, please contact Candy Wells, Administrative Assistant at 406-665-9700 or [cwells@big-horncountymt.com](mailto:cwells@big-horncountymt.com).

Published: April 10 & 16, 2020

MMAXLP

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***BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA***

**AGENDA  
APRIL 23, 2020  
THURSDAY**

8:30

9:00 Sheriff Big Hair

9:30

10:00 Coal Board Applications – Environmental Assessment Determination  
Sheriff Office Vehicle purchase  
Cemetery District #1 tractor and equipment shed purchase

10:30

11:00

11:30

1:00

1:30

2:00

2:30

3:00

3:30

4:00

*PUBLIC COMMENT AND DISCUSSION IS ENCOURAGED FOR EACH ITEM LISTED*

RESOLUTION 2020 - 16

**RESOLUTION TO ACCEPT THE DETERMINATION THAT A FINDING OF NO SIGNIFICANT  
IMPACT IS APPROPRIATE FOR THE NEW TRACTOR AND EQUIPMENT SHED FOR  
CEMETERY #1**

WHEREAS, Big Horn County has completed an assessment to identify potential environmental impacts from the construction of a new equipment shed;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received;

WHEREAS, Big Horn County has determined that the equipment shed project will not significantly affect the quality of the human environment and accordingly that Big Horn County has determined an Environmental Impact Statement is not necessary;

NOW THEREFORE BE IT RESOLVED by the Commissioners of Big Horn County:

Big Horn County, Montana adopts the final Environmental Assessment for the *New Tractor  
+ Equipment Shed For Cemetery District #1*.

Dated this date of April 23, 2020, in Hardin, Montana.

BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA



George Real Bird III  
Chairman



Sidney Fitzpatrick  
Member



Larry Vandersloot  
Member

ATTEST:

  
Clerk and Recorder

# **Appendix A**

## **Cost Estimates**



**JOHN DEERE**

## Investment Proposal (Quote)

RDO Equipment Co.  
5221 Midland Road  
Billings MT, 59101

Phone: (406) 259-5536 - Fax: (406) 256-2269

Proposal for:  
BIG HORN COUNTY  
CEMETERY DIST 1  
PO BOX 318  
HARDIN, MT, 590340318  
BIG HORN

Investment Proposal Date: 1/14/2020  
Pricing Valid Until: 2/13/2020  
Deal Number: 1276038  
Customer Account#: 1201019  
Sales Professional: Matt Eaton  
Phone: (406) 259-5536  
Fax: (406) 256-2269  
Email: MEaton@rdoequipment.com

### Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2020 JOHN DEERE 310L	\$85,500.00
			Warranty -John Deere Comprehensive-36 Months, 3000 Hours,Deductible: 200, Exp Date: 1/14/2023	\$2,000.00
1	TBD TBD	0	New 2020 JRB 30" BELLHOLE BUCKET	\$1,500.00
Equipment Subtotal:				\$89,000.00

*NOT included*

### Purchase Order Totals

Balance: \$89,000.00  
Tax Rate 3: ( 0%) \$0.00  
Sales Tax Total: \$0.00  
Sub Total: \$89,000.00  
Cash with Order: \$0.00  
Balance Due: \$89,000.00



## Purchaser's Order

DATE \_\_\_\_\_

Jan 13, 2020

Quote No.

224169\_

<b>S O L I D</b>	PURCHASER	HOLLYWOOD						
	STREET ADDRESS	507 N. HUNTER AVE						
	CITY/STATE	LOS ANGELES, CA		COUNTY	LOS ANGELES			
	POSTAL CODE	90012		PHONE NO.	213-555-1234			
	CUSTOMER CONTACT:	EQUIPMENT						
	INDUSTRY CODE:	PRODUCT SUPPORT						
		TEMPERARY AND GROUND CABLE						
				PRINCIPAL WORK CODE				
CUSTOMER NUMBER		NON-DBS		Sales Tax Exemption (if applicable)		CUSTOMER PO NUMBER		
PAYMENT TERMS:		NET PAYMENT ON RECEIPT OF INVOICE		NET ON DELIVERY		FINANCIAL SERVICES		
CASH WITH ORDER		30.00		BALANCE TO FINANCE		50.00		INTEREST RATE
PAYMENT PERIOD				PAYMENT AMOUNT		NUMBER OF PAYMENTS		OPTIONAL BUY-OUT
MAKE CATERPILLAR STOCK NUMBER: 420P2 MODEL: 420P2 STD YEAR: 2019								
420P2 D1L HT, TIER 4, HRC LAST 3 ORDER: 450-0448 SERIAL: 420-0448 YEAR: 2019								
STICK, EXTENDABLE, 14FT 450-0730 421-8926								
ENGINE, 74.5KW, CO-4 ACERT, TAP 450-6757 398-2853								
HYDRAULICS, MP, 6PCN/8M, GT 450-6530 431-0154								
PRODUCT LINK, CELLULAR, PSC-11 447-0049 423-7607								
CAB, DELUXE 450-8603 BP-0210								
WORKLIGHTS (8) HALOGEN LAMP 471-6734 462-1033								
SEAT, DELUXE PADDED 431-4806 398-2681								
BELT, SEAT, 2' SUSPENSION 206-1747 444-7500								
AIR CONDITIONER, T4 450-0718 353-1380								
TIRES, 12.5 50/19.5L-24, P3 380-0961 461-6339								
COUNTERWEIGHT, 1015 LBS 327-7626 547-6095								
STABILIZER PAD, FLIP-CYCLE BR-6007 19W10-25BT								
INSTRUCTIONS, ANSI 430-9964 19W10-27BT								
MODEL: TRADE-IN EQUIPMENT YEAR: SN: WHEEL PRICE PAYOUT TO: AMOUNT PAID BY: NET BALANCE DUE MODEL: YEAR: SN: BALANCE PAYOUT TO: AMOUNT PAID BY: 2105,180.79 MODEL: YEAR: SN: 2105,180.79 PAYOUT TO: AMOUNT PAID BY: 2105,180.79 MODEL: YEAR: SN: PAYOUT TO: AMOUNT PAID BY:								
ALL TRADE-IN ARE SUBJECT TO EQUIPMENT BEING IN "AS INSPECTED CONDITION" BY VENDOR AT TIME OF DELIVERY OF REPLACEMENT MACHINE PURCHASE ABOVE PURCHASER HEREBY TELLS THE TRADE-IN EQUIPMENT DESCRIBED ABOVE TO THE VENDOR AND WARRANTS IT TO BE FREE AND CLEAR OF ALL CLAIMS, LIENS, MORTGAGES AND SECURITY INTEREST EXCEPT AS SHOWN ABOVE								
<input type="checkbox"/> CATERPILLAR EQUIPMENT WARRANTY INITIAL:								
<input type="checkbox"/> USED EQUIPMENT WARRANTY INITIAL:								
The customer acknowledges that he has received a copy of the Caterpillar Warranty and has read and understood same warranty. Warranty applicable including expiration date where necessary:								
As used equipment is sold as is where is and no warranty is offered or implied except as specified here: Warranty applicable:								
CBA:								
NOTES: Included in quote: PDI fuel and freight.								
ORDER RECEIVED BY: John S. [Signature]								
THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE								
APPROVED AND ACCEPTED ON: [Signature]								
PURCHASER:								

# **TITAN**

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## **MACHINERY**

1728 Old Hardin Road  
Billings, MT 59101

Phone: 406-259-5500  
Fax: 406-259-8559

January 13, 2020

Bullis Mortuary  
507 N. Central Ave  
Hardin, MT 59034

Darrel,

Thank you for the opportunity to quote your equipment needs. Below is a quote for a CASE 580SN Tractor Loader Backhoe. I priced this as a governmental deal.

**Model: CASE 580SN**

18,500-pound operating weight  
95 hp 3.4L diesel engine  
Enclosed Cab with heat and AC  
Powershift Transmission  
Extendahoe  
Pilot Controls (switchable between Deere and Cat)  
Power Lift  
Flip Over Stabilizer Pads  
82" 1.1 cubic yard bucket with bolt-on cutting edges  
24" Universal backhoe bucket  
Air Ride Suspension Seat  
LED Work light package  
Severe Cold Start Package  
19.5 Lx24 10 ply Tires - Rear  
12.5x16.5 10 ply Tires - Front

CASH Pricing:

\$ 95,455.00

This model is currently in stock at our Billings store. These machines come with a 12-month / unlimited hour factory warranty for the full machine. The engine is covered with an additional 12 months or up to a total of 2000 machine hours.. We can look at extended warranties if you desire.

Sincerely,

*David Weller*

Equipment Sales Consultant



**Hardin Concrete & Const LLC**  
RR 1 box 1217  
Hardin, MT 59034 US  
406 679 3231  
Hardinconcrete17@yahoo.com

**ADDRESS**

Big Horn County Cemetery  
Hardin MT 59034

**ESTIMATE # 1028**

**DATE 03/24/2020**

**EXPIRATION DATE 04/24/2020**

**Week starting 03/22/2020**

**Services**

Set, pour and finish 30x40 mono slab. 1'x1' thick end edge 5" center. #4 rebar 2' centers  
District 1

10,917.00

**TOTAL**

**\$10,917.00**

**Accepted By**

**Accepted Date**

From: Mike Jones mikej@s-bar-s.com  
 Subject: Preliminary Estimate  
 Date: March 20, 2020 at 3:45 PM  
 To: bullismortuary@icloud.com  
 Cc: ryans@s-bar-s.com, brendah@s-bar-s.com, mikej@s-bar-s.com

Daryl,

We appreciate the opportunity to provide the attached preliminary estimate to you for your review. Please let us know either way what we can do to design this building to meet your specific needs. We look forward to working with you on this project in the near future.

Thank you,

Mike Jones  
 Sales  
 S-Bar- S Building Center  
 406-259-3391  
 mikej@s-bar-s.com



2032 Old Hardin Road  
 Billings, MT 59101-6594  
 Phone (406) 259-3391  
 Toll Free (800) 932-5106  
 www.s-bar-s.com

Preliminary Estimate

Customer Name:	Big Horn County Cemetery #1 POC Dai	Phone:	406-679-1621
Address:	Van Zant Road	E-mail:	bullismortuary@icloud.com
	Hardin, MT	Date:	03/20/20

Building Size: 30'x40'x16' Turned Girt Pole Building

Standard Specifications:

Poles: 3-Ply 2 x 6 S4S, Bottom Treated, Set 10' o/c  
 Girts: Lower - Dbl 2 x 6 CA Treated; Intermediate - 2 x 6 set 30" o/c; Header - Glu-lam.  
 Trusses: 30# Snow Load; 4/12 Pitch set 4' o/c attached to header with Steel Plates.  
 Siding: 29 gauge colored high tensile steel attached with 1" Screws with Neoprene Washers.  
 Roofing: 29 gauge colored high tensile steel attached with 1-1/2" Screws with Neoprene Washers.  
 Purlins: 2 x 4 set 24" o/c of sufficient length so that no two consecutive joints fall on the same truss.

Accessories:	Qty	Other Description
Walk Door	1	
12'x14' Insulated Overhead Door	1	
6" Concrete Floor Slab	1200	
Gravel	24	
Metal Ceiling Uner	1200	
Poles in Concrete	14	
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0

1 of 2

	0	0
	0	0

Project Total: \$ 42,453.00  
 Building Site Location: Hardin, Montana  
 ALTERNATES

Alt #1	MT-50-11-U - 14' Opener	Add	\$	1,021.00
Alt #2	Insulation R38 Ceiling, R19 Walls		\$	4,718.00
Alt #3			\$	-
Alt #4			\$	-
Alt #5			\$	-
Alt #6			\$	-
Alt #7			\$	-

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# **Appendix B**

## **Letter of Cash Commitment**

**CEMETERY DISTRICT NO. 1  
BIG HORN COUNTY  
P.O. BOX 908  
HARDIN, MT 59034**

**Fax (406) 665-9706**

**(406) 665-9700**

**E-mail to: [cwells@bighorncountymt.gov](mailto:cwells@bighorncountymt.gov)**

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April 23, 2020

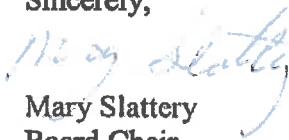
Montana Coal Board  
Community Development Division  
Department of Commerce  
PO Box 200523  
Helena MT 59620-0523

**RE: Funding to replace tractor and construct new equipment building for Cemetery  
District No. 1**

Dear Montana Coal Board Members,

On behalf of Cemetery District No. 1, we are pleased to commit \$25,000 to the Cemetery District No. 1 equipment replacement purchase and new equipment shed. This commitment of funds is approximately 20% of the total project cost.

Sincerely,



Mary Slattery  
Board Chair  
Cemetery District No. 1



September 22, 2020

Big Horn County Commissioners  
PO Box 908  
Hardin, MT 59034

Dear County Commissioners,

Thank you for the Match support you have provided to your county's aging programs and to the Area II Agency on Aging - it is greatly appreciated.

Enclosed is a Certification of Match form, an information sheet of your County Match Detail, and the Beginning FY 2021 Funding Tables. This match is for the standard Older Americans Act funds only. CARES Act funds did not require match funds.

**Please sign and date the Certification of Match and return to this office, in the enclosed, stamped, self-addressed envelope.**

Feel free to call our office if you'd like further explanation, and as always, thank you for your continued support of the Older American programs in your county.

Sincerely yours,

*Marcy Brookie*

Marcy Brookie  
Executive Director

enc.

cc: Michael Opie  
Joni Schaff

PO Box 127 · 1502 4<sup>th</sup> Street West · Roundup, MT 59072  
Phone 406-323-1320 · Fax 406-323-3859  
[area2aging.org](http://area2aging.org)



# Coal Board Grant Applicant #0918 Big Horn County

## Staff Report / March 2021 Meeting

**Applicant:** Big Horn County

**Project:** Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery

**Coal Board Funds Requested:** \$124,870

**Total Project Cost:** \$149,870

**Project Information:** The applicant is requesting \$124,870, of a total project cost of \$149,870, in Coal Board funds to purchase a new tractor to replace the current tractor and to construct a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery. The request to the Board is 83% of the project cost. **The applicant is a designated unit.**

### **Categories:**

#### **Need:**

- **Applicant:**
  - Applicant states that a deficiency exists in a basic community service provided by Big Horn County.
  - Applicant states the age and condition of the current tractor are a risk to the operator.
  - Applicant states all residents of Big Horn County are affected by the age, usage, condition and reliability of the tractor proposed for replacement as well as its maintenance and storage.
  - Applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution.
- **Staff Review:**
  - Staff has determined that the environmental process is complete.
  - The current tractor is at the point where the cost of ownership for the equipment exceeds its market value and the machine does not meet industry standards. The tractor is not stored in a covered structure, so it is exposed to sun, rain, and snow.

#### **Degree of Severity of Impact:**

- **Applicant:**
  - Applicant states nearly 100% of this project is in response to coal-related impacts.
  - Applicant states there are a number of coal mines or coal-using complexes in Big Horn County.
- **Staff Review:**
  - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

#### **Availability of Funds:**

- **Applicant:**
  - Applicant states that coal gross proceeds tax revenue for Big Horn County have been on the decline in recent years.

- Applicant states that if Big Horn County does not receive a Coal Impact Grant, they may re-apply in the next funding cycle while working to identify other potential sources of funding.
- **Staff Review:**
  - Applicant is a designated unit.
  - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

#### **Degree of Local Effort in Meeting Needs:**

- **Applicant:**
  - Applicant states in order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget; Big Horn County has increased revenue received in property tax by levying more mills.
  - Applicant states the county has committed \$25,000 in cash or 17% of the total project cost.
  - Applicant states that Big Horn County has no current debt obligations.
  - The applicant states the mill rates are \$164.93.
- **Staff Review:**
  - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2019-2020, 2019-2018, 2018-2017.

#### **Planning & Management:**

- **Applicant:**
  - Applicant states the grant request reasonably fits into the projected decline of the coal industry in Big Horn County.
  - Applicant states the proposed project is consistent with the Big Horn County Growth Policy (05/2014).
- **Staff Review:**
  - The applicant has demonstrated a reasonable connection between purchase of a new tractor and construction of storage for the new tractor with community planning. The proposed project appears to be consistent with the effort to maintain adequate community facilities in Big Horn County as referenced in the 2014 Big Horn County Growth Policy goal to “provide for the long-term infrastructure needs of the county”.
  - There is a 2014 Big Horn County CIP and an updated CCIP spreadsheet. Although there are tractor purchases outlined in these documents, it is unclear if any of them are for the cemetery.

#### **Grant History:**

Since 2009, the applicant has been awarded 47 projects totaling \$3,960,331.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

**Supplemental Documents** (not included in this staff report): None

### **Staff Summary:**

See engineer memo.

The applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution. Staff has determined that the environmental process is complete.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

## **MEMO**

To: Coal Board Members and Commerce Staff  
From: Division Engineer  
Subject: Big Horn County – cemetery project  
Meeting: March 2021

**History** – Fairview Cemetery in Hardin was established in 1954. The cemetery is governed by a three-person board appointed by the Big Horn County Commissioners. A section of the cemetery is reserved for the purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. About one burial a month occurs at the cemetery. The 40-acre cemetery has about 3,400 grave spaces and half of them are available. A 1978 John Deere tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

**Problem** – Problems identified in the application included the following:

- tractor is old; and
- tractor is not stored in a covered structure, so it is exposed to sun, rain, and snow.

**Solution** – The proposed project includes the

- purchase of a new tractor, and
- construction of a storage building.

\*\*\*\*\*

The purpose of the project is to replace equipment. The current tractor is at the point where the cost of ownership for the equipment exceeds its market value; maintenance costs have begun to escalate; condition of the unit is poor; and reliability of the unit is unpredictable. The older machine does not meet new industry standards of safety, such as improved guarding, a cabin, steps for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

The Coal Board grant request is for \$124,870. The total cost is \$149,870; the County is contributing \$25,000.

The source of the cost estimate for the tractor were quotes from RDO Equipment, Tractor & Equipment Co, and Titan Machinery, all out of Billings. The cost estimates for the concrete pad and the storage building were obtained from Hardin Concrete & Construction from Hardin and S Bar S Building Center from Billings.

The application indicated *approximately one burial per month at the cemetery*. There was no discussion found regarding the potential of sharing heavy equipment with other county departments.

The implementation schedule included a line that indicated the following: *purchase equipment in accordance with county procurement rules*.

An environmental checklist and review form were included with the application.

# **Montana Coal Impact Grant Application**

**Submitted to the Montana Coal Board**

**By**

***Big Horn Hospital Association***

**For**

**Big Horn Hospital Emergency Department Renovation**

**Date Submitted**

**July 25, 2019**

## **SUMMARY INFORMATION**

1. NAME OF APPLICANT(S):  
**Big Horn Hospital Association/Big Horn Hospital**
2. TYPE OF ENTITY:  
***Acute Care Hospital/Critical Access Designation***
3. FEDERAL TAX ID NUMBER:
- 4.
5. SENATE AND HOUSE DISTRICTS: ***Senate District 21 House District: 41 & 42***
- AMOUNT OF COAL IMPACT GRANT REQUESTED    ***\$287,159.00***
6. NAME OF PROJECT: ***Hospital Emergency Dept. Renovation***
7. TYPE OF PROJECT: ***Emergency Dept. Hospital Renovation***
8. POPULATION SERVED BY PROJECT: ***13,141 – 2015 US Census Report***
9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: ***3,576***
10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

***Sidney Fitzpatrick/ Chairman Big Horn County Commissioner***

***Address: 121 West 3<sup>rd</sup> St.***

***Hardin, MT 59034***

***Phone: 665-9700***

***[cwells@co.bighorn.mt.us](mailto:cwells@co.bighorn.mt.us)***

11. PRIMARY ENTITY CONTACT PERSON:

**Bill Hodges/Hospital Foundation Director**

**17 N. Miles Ave.**

**Hardin, MT 59034**

**Phone: 665-2310 C Phone: 665-5539 FAX: 665-9238**

**E Mail Address: [bhodges@bighornhospital.org](mailto:bhodges@bighornhospital.org)**

12. OTHER CONTACT PERSONS:  
**CTA Architects & Engineers/Mike Glassing-AIA**  
**13 North 23<sup>rd</sup> Street – Billings, MT.**  
**Phone: 248-7455 – Mike Glassing-AIA**

13. MILLAGE RATES:

<u>FISCAL YEAR</u>	<u>MILL WORTH</u>	<u>MILLS LEVIED:</u>	
FY 2016-17	\$23,337.00	107.51	\$2,508,960
FY 2017-18	\$23,776.00	125.96	\$2,994,825
FY 2018-19	\$23,559.00	129.86	\$3,059,372

AMOUNT OF COAL GROSS PROCEEDS TAX: *In the previous two years, Big Horn County has received \$15,551,195. Gross proceeds tax is less than the previous two years due to reduced coal production. The aforementioned amount is allocated to County Department budgets (approximately 40%) and County schools. (ie 60%) Consequently, because gross proceeds taxes are allocated to governments where mines are located, Big Horn County uses these funds to support county government activities.*

COUNTY FINANCES: *Debt Obligations: Big Horn County has no current debt obligations. Current Assets: Total fixed assets for Big Horn County for fiscal year ending June 30, 2017 is \$42,574,161.*

14. IMPACTS FROM COAL INDUSTRY: Approximately 520 + community residents (ie Coal Miners) are employed at the three coal mines contained within Big Horn County with an annual payroll exceeding \$44 million. According to the Environmental Quality Council draft report; in calendar year 2016 \$81 million was generated to state and local governments in the form of severance and gross proceeds taxes. The state of Montana generated \$60.4 million from the severance tax in fiscal year 2016, and has historically averaged between \$52.7 million and \$60.4 million since 2011. The coal gross proceeds tax, which is a 5% yearly constant tax imposed on gross proceeds, and collected by local county treasurers and then given proportionally to the taxing entity. In fiscal year 2016, this tax amounted to \$20.8 million. The Federal government collects royalties on tons of coal produced on federal property, and about half are sent to the state of Montana. The funds are then directed to the general fund, with approximately 25% going to an impact account committed to local governments. In fiscal year 2016, Montana mines paid \$20.9 million in federal royalties. Coal production has declined since 2008 when 45 million tons were produced to 35.3 million tons produced in 2017. (eg. Environment Quality Council Report-January 2018 & Montana Coal Council Annual Employment Report)

15. MAPS: Blueprints & Architect/Artist Drawings Will Be Included In This Application To Illustrate project scope and design.

17. BRIEF PROJECT SUMMARY:

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## **Big Horn County Memorial Hospital Emergency Department Renovation**

**Historical Information:** Big Horn Hospital was built in 1959 by Big Horn County as an acute care hospital serving a sedate healthcare population seeking only general non emergent healthcare services. But in recent years due to increased volumes of patients seeking emergency treatment - Big Horn Hospital has not been prepared for this emerging patient demand for healthcare. Big Horn Hospital emergency department has not been renovated for over 40 years. Patient emergency visits have increased drastically in the previous three fiscal years to surpass an 8% increase yearly since 2016. This in turn exceeds a monthly average of 390 visits per month. Patient overflow in the emergency department is frequent which causes medical treatment to patients to be challenging and inefficient by current medical standards. The emergency department renovation will encompass two larger trauma bays and five specialized treatment rooms which will address patient overflow when trauma bays are full. A drive through ambulance garage will be added to address the increase in patient volumes and provide an efficient patient delivery process for trauma patients. A dedicated decontamination room will be incorporated into the ambulance bay to assist with patients presenting with chemical contamination allowing a more through decontamination process to be executed for patient treatment.

**Problem:**      Hospital Emergency Department Has  
The Following Deficiencies:

Emergency Department Is Undersized And Poorly Designed For Emergent Patient Surges.

Emergent/Trauma Patients Are Placed in Poorly Equipped In-Patient Beds Leading To Delayed Assessment/Clinical Evaluations of Patient Medical Conditions.

Lack of Controlled Patient Access Is Evident Causing Patient Confidentiality To Be Compromised And Unsafe For Direct Care Hospital Staff During Patient Treatment Procedures.

**Proposed Solution:**

New Hospital Emergency Will Have Six Treatment Rooms And Two Trauma Bays That Will Address Emergent Patient Surges In The Emergency Department.

A Single Nurse Station Will Be Larger With An Improved Design For Increased Patient Volumes.

Improved Patient Control Access Areas Dedicated For Hospital Staff Will Assist In Limiting Public Access To Patient Treatment Areas.

**Big Horn Hospital**  
**Emergency Department**  
**Renovation**

Completed by: Bill Hodges

For: Hardin, MT

Date: July 25, 2019

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board	SOURCE: BHHA	SOURCE: Big Horn County	SOURCE:	TOTAL:
Grant Administration	\$	\$2,350.00	\$ 1,035.00	\$	\$3,385.00
Office Costs	\$	\$	\$ 435.00	\$	\$ 435.00
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<b><u>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</u></b>	\$	\$2,350.00	\$1,470.00	\$	\$3,820.00
<b>ACTIVITY COSTS:</b>					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$287,159	\$1,133,841	\$	\$	\$1,421,000
Architectural/Engineering Design	\$	\$ 163,451	\$	\$	\$ 163,451
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$ 170,520	\$	\$	\$ 170,520
<b>TOTAL ACTIVITY COSTS</b>	<b>\$287,159</b>	<b>\$1,467,812</b>	<b>\$</b>	<b>\$</b>	<b>\$1,754,971</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$287,159</b>	<b>\$1,470,162</b>	<b>\$1,470.00</b>	<b>\$</b>	<b>\$1,758,791</b>

**BUDGET NARRATIVE FOR: Big Horn County Memorial Hospital Emergency Department Renovation**

**ADMINISTRATIVE/FINANCIAL COSTS**

**Office Costs:**

Office Costs will be minor in this project. Minimal clerical duties and processing of grant documents for the project \$ 435.00

**Grant Administration:**

Hospital Association Foundation Director will be the project manager assigned to the grant which will include monitoring work by professional staff along with completion of a final progress report for Coal Board administrative staff. \$ 3,385.00

**Professional Services:**

Professional Services will be reflected on this project in the costs associated with in design & engineering in the project budget. \$ 0.00

**Legal Costs:**

No legal fees are anticipated for this project. \$ 0.00

**Audit Fees:**

Audit fees will not be required for this project. \$ 0.00

**TOTAL ADMINISTRATIVE/FINANCIAL COSTS \$ 3,820.00**

**ACTIVITY COSTS**

**Equipment Cost:**

Not allocated for this funding application \$

**Construction Cost:**

Construction Cost Related To New Builds, Renovation Along With Contingency Costs. \$1,421,000.00

**Architectural/Engineering Cost:**

Fees Associated with Emergency Department Design And Blueprints For Design Specifics On The Project. (Ie Mechanical/Electrical) \$ 163,451.00

**Contingency Costs:**

Cost Associated With Concealed Conditions of Project. \$ 170,520.00

**TOTAL ACTIVITY COSTS: \$1,754,971.00**

**TOTAL PROJECT COSTS: \$1,758,791.00**

**IMPLEMENTATION SCHEDULE FOR Big Horn County Memorial Hospital  
Emergency Dept. Renovation**

	QUARTERS 2019				QUARTERS 2020				QUARTERS 2021			
TASK	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>
<b><u>PROJECT START-UP</u></b>												
A. Sign contract with Coal Board					X							
B. Secure approval of other funding					X							
C. Submit progress reports and draw Down. (Progress reports.)					X							
<b><u>PROJECT CONSTRUCTION</u></b>												
A. Architectural Design					X							
B. Conduct pre-construction conference					X							
C. Construction and purchase and installation of equipment					X							
D. Monitor Progress					X							
E. Final Inspection					X							
<b><u>PROJECT CLOSE-OUT</u></b>												
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					

**19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA**

**A. Need**

Does a serious deficiency exist in a basic or necessary community public facility or service?  
Examples include emergency services such as police, fire, or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)

**APPLICANT'S RESPONSE:**

1. **As stated in the application project summary, Big Horn Hospital was built in 1959 for a stable health care patient population and basic access to emergent medical treatment is compromised in the current design of the Hospital physical plant. The patient population in Big Horn County is mobile and seeking frequent short term clinical screenings often in the emergent health care setting of Big Horn Hospital. The undersized design of the hospital emergency department is deficient for current patient volumes occurring at Big Horn County Memorial Hospital. An 8% increase in emergency room visits in the preceding three (3) fiscal years along with an undersized nurse station does not permit direct care hospital staff to address current patient surges. The hospital front entrance is not secure for patient confidential records admission details to be discussed.**
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks?

**APPLICANT'S RESPONSE:**

**The serious public health problems that is blatant is an ineffective design of the hospital emergency department causing trauma patients presenting to the hospital to be evaluated in areas not beneficial to optimal treatment regimens. Health risks could transpire when patients are not evaluated in a clinical environment that offers an optimal medical assessment to deliver quality medical patient outcomes.**

3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents. (Describe the number or percentage of community residents affected by the problem.)

**APPLICANT'S RESPONSE:**

**A percentage of the Big Horn County population is at risk with a FY 2019 patient emergency visit average of 436.00 over ten (10) months of hospital operation. Total hospital emergency room visits currently are 4,352 through May 2019. City of Hardin population is approximately 3,300 while Big Horn County population is 13,280. The aforementioned percentage is approximately 33% of the Big Horn County resident population as of this report date. Consequently, a noticeable percentage is at risk.**

4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violate, a state or federal health or safety standard. If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

**APPLICANT'S RESPONSE:**

**There is not clear evidence/documentation Big Horn Hospital current physical plant violates state or federal health standards, but recommended hospital industry standards on square footage for "best practice" medical treatment in trauma scenarios with acute patient symptoms is being compromised for quality medical treatment.**

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

**APPLICANT'S RESPONSE:**

The potential for public safety is apparent and could cause a significant threat due to the lack of efficient quality medical treatment of patients seeking emergent medical services at Big Horn Hospital. Patients arriving with trauma related injuries need to be clinically examined in a medical/treatment environment that is not complicated by physical plant restrictions. The current emergency department causes limited medical staff to be in an emergency room/suite due to lack of compressed square footage.

6. Additional information supporting the NEED for this project.

**APPLICANT'S RESPONSE:**

Big Horn County Memorial Hospital in current fiscal year (ie July 1, 2018 – June 30, 2019) will have an estimated 5,225 hospital emergency room visits, laboratory reference tests will reach 71,000 not including lab screening from ancillary medial sources, imaging services which include CT Scans, Mammograms, X-Rays, and MRI's have increased volumes due to emergency room visit patient surges. Physical plant mechanical infrastructure including heating & air conditioning along with chillers will be replaced to address the renovation and remodel of the Hospital physical plant. The last hospital physical plant renovation was completed in 2006 which focused on acute care hospital rooms converted from semi private to private for patient/family comfort. Consequently, no renovation of the emergency department transpired in the aforementioned capital campaign. The emergency room renovation was limited to counter top/cabinet furnishings replacement. The emergency room renovation project will contain a single phase for completion which will last between 6 - 8 months in duration. This phase will include emergency department remodel including five(5) treatment rooms and two (2) trauma bays, mechanical infrastructure replacement/upgrades along with new design of a larger nurses station will be completed in this renovation along with an new ambulance garage with a covered canopy allowing patient delivery to be expedited. An enclosed decontamination room will be a component of the ambulance bay permitting patients contaminated with foreign substances to be decontaminated in a secure closed room verse the current decontamination process which is an outdoor water hose causing patient discomfort to be apparent.

**B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex**

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

**APPLICANT'S RESPONSE:**

Due to the medical necessity of coal related activities and economic conditions within Big Horn County approximately 43% of the Hospital renovation and equipment replacement would be coal-related impacts to the general population while about 4% would be direct coal miner job related utilization of

the hospital services arena. The aforementioned numerical calculation is the population threshold of households that are impacted by the Hospital project due to an estimated 5,200 emergency room visits. According to a recent publication/report to the Montana Coal Council, total coal production for Montana was about 35.3 million tons in calendar year 2017. The aging workforce of the Big Horn County coal miners and families along with the job related hazards of coal mining causes the Hospital renovation to be an significant influence to coal related activities in Big Horn County. Big Horn County has three (3) coal mines in the County, Cloud Peak/Spring Creek Mine, Westmoreland Resources/Absaloka Mine, Lighthouse Resources/Decker Mine, and one Coal generating station north of Hardin. A new computer server farm is being constructed north of Hardin which will impact additional coal consumption and generate jobs in the local economy.

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.

**APPLICANT'S RESPONSE:**

The closest coal development area complex to the town of Hardin is Absaloka Mine located 21 miles southeast of Hardin along with coal generating station north of Hardin approximately 1.5 miles, but operations have sporadic in previous calendar years.

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

**APPLICANT'S RESPONSE:**

Big Horn Hospital is the only acute care medical facility in Big Horn County offering an entire array of updated medical equipment and technology to the population of 13,000 + residents. A modern renovated emergency room department will deliver an efficient and quality medical environment that permits the health care consumer in Big Horn County to be seen locally and treated without delay or transfer to Billings hospitals approximately 50 miles away. According to the 2021 Biennium Coal Impacted Local Governmental Units Designation Report Spring Creek Mine is projected to increase production by more than 1 million tons per year for the remainder of the biennium.

**C. Availability of Funds**

1. Amount requested from the Coal Board: **\$ 287,159.00 = 21%**
2. Amount of Coal Board funds available at the time of application \$\_\_\_\_\_ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable

**APPLICANT'S RESPONSE:**



The Coal impact grant is necessary due to Hospital Association previously committed funds for building repairs/capital equipment purchases toward Big Horn Hospital and Big Horn Senior Living Center operated by the Hospital Association. Traditional capital equipment expenses for Big Horn Hospital Association have been approximately \$200,000 per fiscal year. The annual debt loan service for the Hospital Association/Heritage Acres is in excess of \$1,640,000. Hospital reimbursement is by government payors-Medicaid & Medicare. Reimbursement is approximately 27% of billable charges. Hospital Association does engage in annual grant writing requests to off-set capital equipment purchases, but due to competitive nature of grant funding – funding is often subsidized by Hospital Association and Big Horn County Inter-governmental grant revenue. The Coal Board grant request is approximately 21% of the total project budget demonstrating the obligation of the Hospital Association to be dedicated to the completion of the emergency renovation.

Proposed funding sources for the project?

**APPLICANT'S RESPONSE:**

<b><u>FUNDING SOURCES SUMMARY FOR Big Horn Memorial Hospital Renovation</u></b>				
<b>Source</b>	<b>Type of Fund</b>	<b>Amount</b>	<b>Status of Commitment</b>	<b>Loan Rates &amp; Terms</b>
Montana Coal Board	Impact Grant	\$ 287,159.00	Pending	Not Applicable
Big Horn Hospital Association	Direct Contribution Hospital Foundation Hospital Reserves, And MT Finance Loan.	\$1,470,162.00	Pending Public Fundraising Capital Campaign	Loan Secured. 20 Year – 4.38 % 7 Year - 4.58%
Big Horn County	In Kind Contribution	\$ 1,470.00	Pending Award	Not Applicable
		\$1,758,791.00		

4. If a particular proposed source of funding is not obtained, how will the applicant proceed?

**APPLICANT'S RESPONSE:**

If Big Horn Hospital Association is not successful in the quarterly Coal Board meeting in September, avenues to pursue for funding would be the following: increase allocation of Hospital Association reserve funds to the project, expand public capital campaign, and finally request additional financial support from Big Horn County in upcoming fiscal years 2020 & 2021.

**D. Degree of Local Effort in Meeting Needs**

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

**APPLICANT'S RESPONSE:**

**Current millage value have increased in previous fiscal years.**

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fundraising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

**APPLICANT'S RESPONSE:**

Local Fundraising efforts are currently being initiated with the "Hospital Family" which includes the Board of Hospital Trustees, Foundation Board, two auxiliaries, and staff members of the Hospital Association. It is anticipated the community/public campaign along with pledges from the Hospital Association medical contingent will be utilized to offset a segment of this project cost. As of this application community Hospital Family pledges have surpassed \$450,000 in the initial stages of the capital campaign. Affiliated Hospital auxiliaries (ie Hospital & Heritage Acres) have conveyed an intent to pledge a total of \$100,000 to the project. A Community Development Block Grant application was successful for \$400,000 to community capital campaign target goal of \$3,000,000. A total of \$1,125,000 has been secured by this application date.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

**APPLICANT'S RESPONSE:**

Hospital Association historically implements a capital replacement five (5) year plan that outlines and prioritizes equipment along attrition/useful life for plant operations. Due to the aging physical plant of the Hospital built in 1959, this 60 year old building is in dire need of renovations with specific need to the emergency department area that has been void of updates in almost 40 years. The Hospital has minimal reserves for capital repair and replacement with debt service obligations of this capital campaign.

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

**APPLICANT'S RESPONSE:**

Big Horn Hospital is an acute care critical access hospital, offering hospital services beginning in July 1, 1959. Big Horn Hospital is operational 24 hours a day – 7 days a week to the residents of Big Horn County. The emergency department of Big Horn Hospital has only undergone minor cosmetic changes to cabinetry and floor furnishings. Room dimensions of the two emergency rooms are small by industry standard of emergent hospital treatment. Once the two new trauma bays are complete along with five

**APPLICANT'S RESPONSE:**

**CURRENT DEBT SUMMARY FOR Big Horn County  
Memorial Hospital Renovation And Equipment  
Replacement Project**

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance
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new treatment rooms to address patient overflow all patient rooms will be actively scheduled for routine maintenance checklists for functionality. Hospital nursing staff have historically implemented quality improvement studies to identify patient trends for improvement in treatment.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:

**Not Applicable to this application/project.**

- a  
b What is the current monthly household user charge? \$ \_\_\_\_\_  
c What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_

6. What are your current debt obligations? **Total Debt Schedule From July 1, 2018 To June 30, 2019**

**Refer To Enclosed Attachment. Debt Loan Total: \$1,644,668.74**

**TOTAL = \$ 1,644,668.74**

7. What are your current assets?

**APPLICANT'S RESPONSE:**

**Please refer to attached Big Horn Hospital Association Income Statement for Fiscal 2019.**

8. What financial accounting system do you use? **Athena**
9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA?

(Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes **X** No\_\_\_ Date of last completed audit or financial report **February 2019**.

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

**APPLICANT'S RESPONSE:**

**Yes. No significant audit findings have been recommended for correction in recent audit.**

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

**APPLICANT'S RESPONSE:**

Degree of local effort is evident with attempts by the Hospital Foundation to initiate annual "legacy" giving program donor requests for the benefit of the Hospital Association along with an annual community "Fish Fry" which has been in existence for 28 years. Big Horn Senior Living offers a annual Alzheimer Walk each spring that assists with activity department budgets at both the long term care facility and Big Horn Hospital. Grant writing for funding of capital equipment requests is frequent based on availability of funding from local & regional sources when capital equipment needs present. Quarterly funding requests are requested by the Hospital Association to hospital affiliated auxiliaries in previous fifteen years.

**E. Planning & Management**

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

**APPLICANT'S RESPONSE:**

The Hospital Association engaged in a master facility planning review process nearly four years ago on all properties managed by the Hospital Association. The Hospital Association master facility planning committee comprised of hospital staff, medical providers, and members of the general public ranked the hospital renovation with specific references to the congested emergency department ahead of Big Horn Senior Living renovation and a free standing physical therapy/rehabilitation wellness center. The prioritization of the Hospital renovation project translated into an immediate need and improved financial return of revenue vs the aforementioned projects. Patient safety along with compliance issues for addressing emergency treatment along with improved hospital staff efficiency to patient treatment requests far outweighed the previous projects for consideration. As conveyed earlier, consistent emergency patient volumes warranted immediate attention before patient safety is compromised.

Describe how the proposed project is consistent with current plans.

**APPLICANT'S RESPONSE:**

Big Horn Hospital Association revision of organization mission/vision statements in 2015 indicates the Association – “will provide and individualize the healthcare experience, embodying an organization of people working together, promoting a culture of personal accountability to improve the health and well-being of those we serve.” Big Horn Hospital along with Big Horn Senior Living has adopted the values of

## **C A R E**

**Compassion** – We treat our patients, communities and colleagues with sensitivity and empathy.

**Accountability** – We promote individual and organizational responsibility.

**Respect** – We honor the dignity of our patients, communities and colleagues.

**Empowering** – We create an environment for individuals to make confident decisions and health choices.

The Hospital Association since 2000 has been an independent operational entity absent of outside managerial consultation. The Hospital Association has established an aggressive review of capital equipment with quarterly quality improvement models to evaluate capital equipment replacement projects. The current physical plant design of Big Horn Hospital, does not allow for “efficient levels of emergency services” to be addressed with patient emergent volumes exceeding an 8% annual increase at Big Horn Hospital. To further emphasize the sentiments/opinions of Big Horn County residents, in a 2019 Community Health Survey Project coordinated by Montana State Bozeman Rural Health staff- 71.8% of survey respondents indicated that Hardin was preference for primary care providers. A public hearing will be scheduled on August 27, 2019 to address environmental health issues for the project.

## **APPENDIX A**

### **PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS**

#### **This Section Is Not Applicable To Big Horn Hospital Association Building Renovation And Equipment Replacement Project**

#### **A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:**

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for  
Non-Water/Non-Wastewater community facility projects;
- b. New construction of a Non-Water/Non-Wastewater community facility project;

#### **B. A PAR MUST MEET THE REQUIREMENTS FOR:**

- a. Preparation of a PAR as a planning activity

#### **C. GENERAL INFORMATION ON PARs:**

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406841-2770) to request clarification and guidance regarding this PAR outline.

## **D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR**

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

**Please refer to enclosed environmental impact checklist.**

## **1. PAR OUTLINE**

### **I. PROBLEM DEFINITION**

#### **A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S)**

**TO BE SOLVED.** Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).

Attach pertinent correspondence to or from appropriate federal, state, and local regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies.

2. Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

3. Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

**B.IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.**

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

**B. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES).** Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.



2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

## **II. ALTERNATIVE ANALYSIS**

**A. DESCRIPTION OF ALTERNATIVE SOLUTIONS.** Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

**B. REGULATORY COMPLIANCE AND PERMITS.** Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

**C. LAND ACQUISITION ISSUES.** Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

**D. ENVIRONMENTAL CONSIDERATIONS.** For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally-related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

**E. CONSTRUCTION PROBLEMS.** Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

**F. COST ESTIMATES FOR EACH ALTERNATIVE.** For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and  
Project Annual Operation and Maintenance Costs

### **III. SELECTION OF THE PREFERRED ALTERNATIVE**

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering,

interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

## **CONCLUSIONS AND RECOMMENDATIONS**

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

## ***Table Of Contents:***

### **APPENDIX Contents:**

#### ***A. Coal Board Planning Grant Application***

### **ATTACHMENTS:**

- ***Certification Statement***
- ***Hospital Association Debt Loan Schedule***
- ***Hospital Association Income Statement***
- ***Hospital Renovation Project Budget***

- ***Big Horn County CHSD Needs Assessment 2019***
- ***Architect Facility Floor Plan Schematic Drawings***
- ***Project Environmental Project Public Notice***
- ***Project Specific Environmental Review Checklist***
- ***Project Specific Environmental Review Narrative***

***BOARD OF COMMISSIONERS  
BIG HORN COUNTY, MONTANA***

**AGENDA  
MAY 14, 2020  
THURSDAY**

8:30

9:00 Sheriff Lawrence Big Hair - *Vehicle Purchase*

9:30

10:00 Victoria Olson, Detention Administrator

10:30

11:00 Public Hearing – Coal Board Application – Hospital Front Entry –  
Environmental Assessment Determination

11:30

1:00

1:30

2:00

2:30

3:00

3:30

4:00

***PUBLIC COMMENT AND DISCUSSION IS ENCOURAGED FOR EACH ITEM LISTED***

The Board met this day in Regular Session with the following members present, to-wit: George Real Bird III, Chairman; Sidney Fitzpatrick and Larry Vandersloot, Members.

Undersheriff Eric Winburn discussed the purchase of new patrol vehicles. Lance Pedersen, Legal Counsel; Mike Opie, Accountant; Deputy Jeramie Middlestead, and Dr. Carol Greimann were in attendance. Deputy Middlestead discussed the purchase of used vehicles from the City of Billings whom will be receiving new patrol vehicles in the Fall. The Board directed Deputy Middlestead to contact the City of Billings to express Big Horn County's interest in a couple of their used vehicles. Dr. Carol Greimann, Health Officer, discussed concerns relating to individuals that have either tested positive of COVID 19, and/or had directed contact, violating the quarantine and isolation requirements. Discussion ensued with regard to jurisdictional issues within the exterior boundaries of the Northern Cheyenne and Crow Tribe Reservations. Both Undersheriff Winburn and Deputy Middlestead indicated that they would be available to provide assistance to BIA law enforcement in monitoring the situation.

Undersheriff Winburn discussed a personnel matter with the Board. Rhonda Johnson, Human Resources and Lance Pedersen, Legal Counsel, were in attendance.

Chairman Real Bird was authorized to execute the CARES Act Grant Offer with the FAA, to-wit:

**(CARES ACT GRANT OFFER)**

The Board met with Victoria Olson, Detention Administrator, to discuss the vacant Dispatch Manager position. Motion by Vandersloot to offer Ms. Olson an additional \$3.00 per hour to assume the Dispatch Manager position in addition to her Detention Administrator duties effective immediate. Seconded by Fitzpatrick.

As per Ms. Olson's request, motion by Vandersloot to approve an additional \$1.00 per hour wage increase to Kenny Rogers for the Lead Detention Officer position. Seconded by Fitzpatrick. Motion carried.

Motion by Vandersloot to award Dana Safety Supply the quote for the purchase of two

Chairman Real Bird opened the public hearing regarding the Public Notice for Environmental Review for Big Horn County Coal Board request. Candy Wells, Administrative Assistant; Lance Pedersen, Legal Counsel, and Mike Opie, Accountant, were in attendance. It was noted that Big Horn County has applied for a Coal Board grant through the State of Montana Department of Commerce in order to assist with funding the Big Horn Memorial Hospital Front Entrance Improvement Project. Candy Wells, Administrative Assistant, advised that the Montana Environmental Policy Act (MEPA) includes a procedural statute that jurisdictions applying for State of Montana Coal Board funds provide a process by which agencies and public are informed about the potential consequences of, alternatives to, and public concerns about decisions they intend to make that might affect the human environment. Ms. Wells further explained that MEPA specifies three different levels of environmental review, based on the significance of the potential impacts including (1) Statutorily exempt or categorically excluded from MEPA review; (2) Environmental assessment (EA), and (3) Environmental impact statement (EIS). Motion by Vandersloot to approve the categorical exclusion of the Big Horn Hospital Front Entrance Improvement project grant application that included environmental and public review process, as complete and that Big Horn County has formally approved its determination that the project qualifies for an exclusion. Seconded by Fitzpatrick. Motion unanimously carried. Chairman Real Bird closed the public hearing.

There being no further business, the Board adjourned.

APPROVED:



George Real Bird III  
Chairman

ATTEST:



Kimberly Yarlott  
Clerk and Recorder



**THE COAL IMPACT GRANT APPLICATION FORM  
SUBMITTED BY BIG HORN COUNTY**

**CERTIFICATION**

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

**CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: *Larry Vandersloot*

Title: *Chairman*

Signature: 

Date: *01 - 22 - 2021*

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
<b>N</b>		<i>Response and source of information:</i>
		<b>None Identified for this project. Project away from lakes, streams. In residential area Of community.</b>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
<b>N</b>		<i>Response and source of information:</i>
		<b>Project not in a floodplain area of community.</b>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the
<b>N</b>		<i>Response and source of information:</i>
		<b>Project not in wetlands area of town/community.</b>
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
<b>N</b>		<i>Response and source of information:</i>
		<b>Project will not impact any agricultural lands.</b>
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a>
<b>N</b>		<i>Response and source of information:</i>
		<b>Project not in contact with any wildlife species/habitats.</b>
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species
<b>N</b>		<i>Response and source of information:</i>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>N</b>		<b>No impact due to location of project within confines of residential setting of community.</b>
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
<b>N</b>		<b>None identified with this project.</b>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
<b>N</b>		<b>Project location is not in direct access to recreational/wilderness areas.</b>
<b>HUMAN ENVIRONMENT</b>		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
<b>B</b>		<b>Project will not impact visual quality, but will improve aesthetics of residential Area..</b>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
<b>N</b>		<b>None identified with this project.</b>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
<b>N</b>		<i>Response and source of information:</i>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>N</b>		<b>Noise will be minimal and project is distant from residential properties.</b>
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
<b>N</b>		<b>None noted with this project.</b>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
<b>N</b>		<b>Not an Impact For This Project.</b>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
<b>N</b>		<b>Not An Impact Due To Location Of Project Within The Community.</b>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
<b>N</b>		<b>None due to previous location on established medical campus.</b>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

<b>Key Letter:</b> <b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>N</b>		<b>None identified.</b>
Key	9	Lead Based Paint and/or Asbestos
<b>N</b>		<i>Response and source of information:</i> <b>Not utilized in this project.</b>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
<b>B</b>		<i>Response and source of information:</i> <b>Due to expansion of building on the medical campus, an opportunity for additional employees and revenue is projected.</b>
Key	11	Local & State Tax Base & Revenues
<b>N</b>		<i>Response and source of information:</i> <b>Minimal impact since Hospital is tax exempt.</b>
Key	12	Educational Facilities - Schools, Colleges, Universities
<b>N</b>		<i>Response and source of information:</i> <b>May have impact for local schools for educational enhancement of health careers.</b>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
<b>N</b>		<i>Response and source of information:</i> <b>No impact.</b>
Key	14	Health Care – Medical Services

<b>Key Letter:</b>	
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required	
<b>B</b>	<i>Response and source of information:</i>
	<b>Improved access and efficiency will be realized with this project on local population.</b>
Key	Social Services – Governmental Services (e.g., demand on)
<b>N</b>	<i>Response and source of information:</i>
	<b>Possible small impact for community social services.</b>
Key	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
<b>N</b>	<i>Response and source of information:</i>
	<b>None from this project.</b>
Key	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
<b>N</b>	<i>Response and source of information:</i>
	<b>None known at this juncture of the project.</b>
Key	Energy Resources - Consumption and Conservation
<b>B</b>	<i>Response and source of information:</i>
	<b>Potential savings with energy consumption due to efficiency of building design.</b>
Key	Solid Waste Management
<b>N</b>	<i>Response and source of information:</i>
	<b>None noted with this project.</b>



<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
<b>N</b>		<i>Response and source of information:</i>
		<b>Project will utilize existing sewage system with a minimal impact.</b>
Key	21	Storm Water – Surface Drainage
<b>N</b>		<i>Response and source of information:</i>
		<b>Project will utilize existing sewage system with a minimal impact.</b>
Key	22	Community Water Supply
<b>N</b>		<i>Response and source of information:</i>
		<b>Project will utilize existing sewage system with a minimal impact.</b>
Key	23	Public Safety – Police
<b>B</b>		<i>Response and source of information:</i>
		<b>Potential Improvement with access to Hospital in an expedite level of healthcare.</b>
Key	24	Fire Protection – Hazards
<b>N</b>		<i>Response and source of information:</i>
		<b>None noted with this project.</b>
Key	25	Emergency Medical Services
<b>B</b>		<i>Response and source of information:</i>
		<b>Notable improvement with access of emergency medical services with direct access to med surge services.</b>
Key	26	Parks, Playgrounds, & Open Space



<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>N</b>		<i>Response and source of information:</i>
		<b>None noted with this project.</b>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
<b>N</b>		<i>Response and source of information:</i>
		<b>None noted with this project.</b>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear
<b>N</b>		<i>Response and source of information:</i>
		<b>None noted with this project.</b>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
<b>B</b>		<i>Response and source of information:</i>
		<b>Potential improvement with community planning to improve local healthcare.</b>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider
<b>N</b>		<i>Response and source of information:</i>
		<b>None noted with this project.</b>

## Coal Board Grant Applicant #0919-Big Horn County Staff Report / March 2021 Meeting

**Applicant:** Big Horn County on behalf of Big Horn Hospital Association

**Project:** Big Horn Hospital Emergency Department Renovation

**Coal Board Funds Requested:** \$287,159

**Total Project Cost:** \$1,758,791

**Project Information:** 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 costs. The applicant states the need to renovate the Big Horn Hospital emergency department to meet the emerging patient demand for healthcare. Patient emergency visits have increased drastically in the previous three fiscal years. Patient overflow in the emergency department is frequent which causes medical treatment to patients to be challenging and inefficient by current medical standards. **The applicant is a designated unit.**

### **Categories**

#### **Need:**

- **Applicant**
  - The applicant states that approximately 520 + community residents (i.e. Coal Miners) are employed at the three coal mines contained within Big Horn County with an annual payroll exceeding \$44 million.
  - The applicant states that in recent years due to increased volumes of patients seeking emergency treatment, that Big Horn Hospital has not been prepared for the emerging patient demand for healthcare.
  - The applicant states that the Big Horn Hospital emergency department has not been renovated for over 40 years.
  - The applicant states the Hospital Emergency Department has the following deficiencies:
    - Undersized and poorly designed for emergency patient surges;
    - Emergent/trauma patients are placed in poorly equipped in-patient beds leading to delayed assessment and clinical evaluations of medical conditions;
    - Lack of controlled patient access is evident causing patient confidentiality to be compromised and unsafe for direct care hospital staff during patient treatment procedures.
  - The applicant provided a public notice for the environmental review process, an environmental checklist, and an unsigned environmental review form. The applicant did not provide minutes documenting the meeting where the environmental document was discussed. The applicant did not provide documentation of a final decision of the environmental determination made during a public meeting.
- **Staff Review:**
  - The proposed solutions for these deficiencies is to renovate the hospital to include six treatment rooms and two trauma bays to address emergency patient surges in the Emergency Department, two trauma bays and five specialized treatment rooms, incorporated dedicated decontamination room in the ambulance bay and renovation and engagement of a nurse's station.

- The ineffective design of the emergency department is not beneficial to optimal treatment regimens and could have public health and safety implications.
- Staff has determined that the environmental process is incomplete.

**Degree of Severity of Impact:**

- **Applicant:**
  - The applicant states that the closest coal development area complex to the town of Hardin is Absaloka Mine located 21 miles southeast of Hardin along with coal generating station north of Hardin approximately 1.5 miles, but operations have sporadic in previous calendar years.
  - The applicant states that the Big Horn Hospital is the only acute care medical facility in Big Horn County offering an entire array of updated medical equipment and technology to the population of 13,000 + residents.
  - The applicant cited the 2021 Biennium Coal Impacted Local Governmental Units Designation Report, stating that the Spring Creek Mine is projected to increase production by more than 1 million tons per year for the remainder of the biennium.
- **Staff Review:**
  - Documentation provided in the application included narrative and citations from the Environmental Quality Council Report from 2018, the Montana Coal Council Annual Employment Report, and the 2021 Biennium Coal Impacted Local Governmental Units Designation Report.

**Availability of Funds:**

- **Applicant:**
  - The applicant states that traditional capital equipment expenses for Big Horn Hospital Association have been approximately \$200,000 per fiscal year. The annual debt loan service for the Hospital Association/Heritage Acres is in excess of \$1,640,000.
  - The applicant states that the hospital reimbursement from Medicaid and Medicare, and that reimbursement is approximately 27% of billable charges.
  - The applicant states that the Hospital Association does engage in annual grant writing requests to off-set capital equipment purchases, but due to the competitive nature of grant funding, funding gaps are often subsidized by the Hospital Association and Big Horn County Inter-governmental grant revenue.
- **Staff Review:**
  - The applicant states that the Coal Board request is 21% of the total project costs, however, staff calculate that the request is 16% of the total project costs.
  - The Big Horn Hospital Association is contributing \$1,470,162; and the County is contributing \$1,470. In the Funding Sources Summary in section C of the application, contributions from the county were not listed. The contribution amount from the Big Horn Hospital Association in the Funding Sources Summary and the amount stated and in the budget differ by \$9,000. The funds from the Bighorn Hospital Association are pending a public fundraising capital campaign according to section C of the application.
  - **The applicant is a designated unit.**
  - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

### **Degree of Local Effort in Meeting Needs:**

- **Applicant:**
  - The applicant states that the current millage value has increased in previous fiscal years.
  - The applicant states that if Big Horn Hospital Association is not successful in the quarterly Coal Board meeting in September, the applicant will pursue the following methods for funds: increase the allocation of Hospital Association reserve funds to the project, expand the public capital campaign, and request additional financial support from Big Horn County in the 2020 and 2020 fiscal years.
  - The applicant states that local fundraising efforts continue. The City received a \$400,000 Community Development Block Grant towards the project. The CDBG grant is contributing to capital costs of equipment.
- **Staff Review:**
  - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2016-2017, 2017-2018, 2018-2019.
  - The applicant is contributing 84% of the project cost.

### **Planning & Management:**

- **Applicant:**
  - The applicant states that a Master Facility Planning Review process was completed nearly four years ago.
  - Patient safety, compliance issues addressing emergency treatment, and improved hospital staff response to patient treatment requests, are the reasons the proposed project has been determined a priority.
  - The applicant cites the 2009 Hardin City Growth Management Plan objective to provide adequate facilities to permit the maintenance of necessary and efficient levels of emergency services.
  - The applicant cites the 2016 Community Health Survey Project stating that there has been an 8% increase in emergency room visits in the past three years.
- **Staff Review:**
  - The applicant states that a PAR is not applicable to the proposed hospital projects; however, based on the overlapping nature of the current application and the previous application, a PAR would have been beneficial to understand the extent of renovations proposed, cost estimates, and alternates in order for the applicant to have better planned for the holistic emergency department renovation.
  - The Master Facility Plan referenced was not included.
  - The applicant states that it historically implements a capital replacement five-year plan, but this plan was not provided, so it is unclear what the priority of the proposed renovation is currently.
  - There was no mention of the proposed project as it relates to the 2014 Big Horn County Growth Policy.
  - The proposed projects would have a positive community impact due to the age of the facility.

### **Grant History:**

Since 2009, the applicant has been awarded 45 projects totaling \$3,920,331.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

### **Supplemental Documents** (not included in this staff report):

- Hospital Association Debt Loan Schedule; Hospital Association Income Statement; Hospital Renovation Project Budget; Big Horn County CHSD Needs Assessment 2019; Project Environmental Project Public Notice; Project Specific Environmental Review Checklist; Project Specific Environmental Review Questions

**Staff Summary:**

See engineer memo.

The applicant provided a public notice for the environmental review process, an environmental checklist, and an unsigned environmental review form. The applicant did not provide minutes documenting the meeting where the environmental document was discussed. The applicant did not provide documentation of a final decision of the environmental determination made during a public meeting.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

The environmental review record in this application is incomplete. The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations. Therefore, the board has two options. The board may postpone action on the project for failure to complete the application. Or the board may designate the project as categorically excluded from MEPA review (see ARM 8.101.203) during a public meeting. To facilitate the opportunity for the board to make this decision, the agenda has included public notice concerning this environmental review decision.

Staff does not recommend funding until environmental review record regulations have been met and statutory criteria, Availability of Funds.

Please note: This application was submitted, reviewed by the Coal Board, awarded funds at the 9/12/2019 Coal Board meeting, the contract was executed on 4/21/2020, the project was completed, and the contract was closed on 12/17/2020. As this is an ongoing project, staff believes this duplicate application was submitted in error.

## **MEMO**

To: Coal Board Members and Commerce Staff  
From: Division Engineer  
Subject: Big Horn County – Hospital  
Meeting: March 2021 {Was the right application received? Has this project been completed?}

**History** – Big Horn Hospital was built in 1959 by Big Horn County as an acute care hospital. The emergency department has not been renovated for over 40 years. Patient emergency visits have increased the last three years resulting in a monthly average of 390 visits per month. Patient overflow in the emergency department is frequent. The emergency department renovation will encompass two larger trauma bays and five specialized treatment rooms which will address patient overflow when trauma bays are full. A drive through ambulance garage will be added to address the increase in patient volumes and provide an efficient patient delivery process for trauma patients. A dedicated decontamination room will be incorporated into the ambulance bay to assist with patients with chemical contamination allowing a more through decontamination process.

**Problem** – Problems identified in the application included the following:

- the emergency department is undersized,
- patients are placed in poorly equipped beds leading to delayed assessment of medical conditions, and
- lack of controlled patient access is causing confidentiality to be compromised and is unsafe for hospital staff during patient treatment procedures.

**Solution** – The proposed project includes:

- construction of two larger trauma bays and six specialized treatment rooms,
- addition of a drive-through ambulance garage,
- incorporation of a dedicated decontamination room in the ambulance bay, and
- renovation and enlargement of a nurses' station.

\*\*\*\*\*

The purpose of the project is to provide additional, and much needed, space for the emergency department. Currently, trauma patients may be evaluated in areas not beneficial to optimal treatment – the proposed project will correct that deficiency.

The Coal Board grant request is for \$287,159. The total cost is \$1,758,791; the Big Horn Hospital Association is contributing \$1,470,162; and the County is contributing \$1,470. The funds from the hospital association are pending a public fundraising capital campaign according to section C of the application. The signature page for this application was dated January 22, 2021; however, the application cover page was dated July 25, 2019. In between those dates was an application dated April 24, 2020. These dates made section D.2 of the two most recent applications confusing. Section D.2 provided updates on fundraising efforts. Implementation schedule not right.

CTA Architects & Engineers is listed as *other contact persons*. Item 15 of application noted that blueprints and architect/artist drawings will be included in this application to illustrate project scope and design. These blueprints and drawings were not found. The source of the cost estimate was not found but presumed to be from the architect. Floor plan schematic drawings were listed as an attachment to the appendix but were not found.

The applicant indicated the Hospital Association engaged in a master facility planning process nearly four years ago. The proposed project was reportedly ranked ahead of other projects, such as the Big Horn Senior Living renovation and a physical therapy/rehabilitation wellness center.

An environmental checklist was included as a separate attachment to the application.



Community Development Division

## **Montana Coal Board**

### **Project Administration Manual**

DOCCDD@mt.gov

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

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# **CHAPTER I**

## **PROJECT START-UP REQUIREMENTS**

### **I. Overview**

This chapter offers background information on the Coal Board (the Board) and summarizes the key considerations and important steps each grantee will need to take to start a successful Coal Board grant award project.

Each grantee can incur reimbursable project costs as of the authorized date of the quarterly Coal Board meeting at which the grant was awarded. Those costs will be eligible for reimbursement once the grantee meets all start-up conditions and executes a contract with the Coal Board. If the grantee fails to meet start-up requirements, a contract is not executed, a grant recipient is unable to comply with the terms and conditions of the contract, or costs incurred are not eligible for Coal Board funding, those costs will be the sole responsibility of the grantee. All biennial Coal Board projects must meet conditions and deadlines as set forth in authorizing legislation for project awards, which may impact the obligation or commitment of Coal Board funds.

In order to execute a contract with the Coal Board, the grantee must submit the following items:

- A revised project budget that is acceptable to all of the funding sources identified. The budget should clearly identify the portion of the project being funded by the Coal Board project grant, as described in the grantee's award letter;
- An updated version of the project implementation schedule to reflect current conditions at the time of contract execution;
- Documentation of firm commitment of funds;
- Compliance with Financial and Accounting Standards;

### **II. Project Budget**

The preliminary project budget submitted in the grant recipient's application must be updated to reflect current conditions at the time of contract execution and will be attached to and incorporated by reference into the contract. At the time the project is ready to enter into a contract, an updated budget narrative explaining the amounts listed for each line item that Coal Board will be paying for, will be required to be submitted. It is important that the preliminary project budget at the time of contract execution is acceptable to all the funding sources identified. When the project is ready to begin the construction phase, the project budget will need to be revised to reflect the actual amount in the construction bid. In the event, that the construction bid is less than the budgeted amount, the construction line items must be revised to reflect the reduced costs. For information on the process to follow in amending the project budget after the contract has been executed, see Chapter 2.

If there are any savings upon completion of the project, the Department reserves the right to share proportionately in those savings with all funding sources. The Coal Board grant recipient may request to use the difference between the final actual project costs and the original grant award to fund additional work that further enhances the project. However, the Department will not approve the request until the original project is completed or at least close to completion and the total cost

can be determined. The Coal Board grant recipient should submit a written request to use remaining Coal Board funds for the additional work activities, including full rationale and cost details, for Board review and approval. The decision to allow additional work activities to be funded with remaining Coal Board funds is strictly at the sole discretion of the Board.

### **III. Project Implementation Schedule**

The project implementation schedule submitted in the grant recipient's application must be updated to reflect current conditions at the time of contract execution and will be attached to and incorporated by reference into the contract. The final implementation schedule for the Coal Board contract should identify all key tasks and more precisely define, if possible, when each must be accomplished to complete the overall project.

### **IV. Obtaining Firm Commitment of Other Funding Sources**

As a condition of project start-up, the Coal Board grant recipient must provide adequate documentation of the firm commitment of all non-Coal Board funds. This is to prevent a situation where a project is started but cannot be finished, or payment to contractors is delayed because the necessary project funds are not available.

If the Coal Board grant recipient changes one of its sources of funding after receiving the Governor's Award letter, or if the cost of the project increases substantially after obtaining the firm commitment of non-Coal Board funds and additional funding is required from existing or new sources, the Board may, at its sole discretion, withdraw the award to the grant recipient, suspending distribution of Coal Board funds until there is once again a firm commitment of funds for the project.

### **V. Established Financial Accounting System**

Local government and district grantees must be in compliance with the auditing and reporting requirements provided for in Section 2-7-503, MCA, and demonstrate that they have an established financial accounting system in place that conforms to generally accepted accounting principles (GAAP). Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133.

Program staff will confirm whether a grant recipient is in compliance with the auditing and reporting requirements with the Department of Administration, Local Government Services (LGS) Bureau. A grantee can also view information related to their audit and financial status available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

The LGS Bureau services are available at the request of any local government to help the entity comply with statutory financial and budgetary reporting requirements.

## **VI. Adherence to Design Standards or Generally Accepted Industry Standards**

The grant recipient must demonstrate that the proposed project in final design adheres to all design standards required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any design standards must demonstrate that the final project design complies with generally accepted industry standards.

## **VI. The Management Plan**

Coal Board grant recipients that are administering a public infrastructure or public housing project, must prepare and submit a signed management plan. A sample management plan is included as Exhibit 7. The management plan will establish how the grantee will allocate responsibility for complying with the Coal Board grant and other state requirements, including but not limited to the proper financial management of Coal Board funds, review of contracts and requests for reimbursements, compliance with labor standards, and completion of environmental review. In all cases, the grantee must maintain effective control over and accountability for all funds.

In the management plan, the grantee may designate an existing or new public employee (such as a planning director, public works superintendent, or clerk) as the Coal Board grant manager; hire a consultant to manage the grant through applicable competitive procedures for procurement of services; or contract with another local government or existing special purpose agency, such as an economic development corporation, to manage a grant. If the grantee will work with any other governmental entity or non-profit organization to manage its Coal Board grant, the grantee must execute an agreement establishing the responsibilities and duties between the two agencies. A sample agreement is included as Exhibit 8. All executed contracts or agreements, including those for engineering services or grant services, and documentation of procurement for applicable services, to be paid for in whole or in part by Coal Board funds must be submitted to the Department. Additionally, Coal Board may request a copy of any contract related to project activities.

## **VII. Environmental Review**

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision making*, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

At the time of application to the Department, the environmental review process was completed, and documentation of the process was submitted as part of the application. Please be advised that if project activities are modified to the extent that a new environmental review is required, MEPA processes must be followed before additional work can be completed. For additional information, please see the Coal Board website.

## **VIII. Coal Board Contract**

The executed contract between the grantee and the Coal Board is the legal document that governs the administration of the grant, and will identify the following items:

- the total amount of Coal Board funds to be provided;
- the scope of work;
- a preliminary project budget for the use of Coal Board funds and any other funds involved in the project;
- the implementation schedule for the project;
- any special conditions placed on the grant by the Board or Department; and
- the general terms and conditions associated with the grant.

The process of finalizing the contract will include finalizing the project budget and implementation schedule and incorporating the scope of work to be completed by the grantee. The grantee's application for Coal Board grant funds, as approved by the Coal Board, is incorporated by reference into the contract and the representations made therein are binding upon the Grantee.

The Commerce project liaison will contact the grantee to confirm contract signers and additional contacts before routing the contract electronically through DocuSign.com.

## **CHAPTER 2**

### **PROJECT MANAGEMENT**

#### **I. Overview**

This chapter provides information about the management of the project including project administration, budget amendments, scope changes, expenses eligible for reimbursement, ineligible expenses, and what is required to receive your Coal Board funds.

Each grantee is required to comply with all applicable local, state, and federal laws of regulations throughout the project. This includes adherence to all applicable design standards, environmental mitigation requirements, and building codes. Therefore, a copy of all applicable permits that are obtained for the project must be submitted to the Department prior to commencing construction activities.

#### **II. Project Lifespan**

For Coal Board construction projects, construction activities must be completed as identified in the project's implementation schedule and the executed contract with the Coal Board. The Board, in its sole discretion, may grant an extension to the scheduled date if the project is near completion, and the grant recipient can demonstrate a good faith effort to complete the project on time and within the original budget.

#### **III. Project Amendment**

At some point during the project, the grantee may need to modify the scope, budget, or implementation schedule for the project. The following process should be followed for accomplishing such modifications:

##### **a. Budget**

Modifications to the budget of less than \$5,000 to any one-line item of the budget can be submitted as part of the grantee's request for reimbursement request, and Department of Commerce approval of the request for reimbursement will constitute approval of the modification.

For budget amendments of \$5,000 or more to any one line item of the budget, or when the sum of budget adjustments for the project exceeds \$5,000, the Coal Board grantee must provide a written justification to the Board that clearly demonstrates the appropriateness and necessity of the modification. The Board must agree in writing to any significant changes in the budget before such changes may be implemented by the grantee.

Any budget adjustments made during the project should be listed and tracked throughout the project.

The Coal Board grant recipient may request to use the difference between the final actual project costs and the original grant award to fund additional work that further enhance a project. The Coal Board grant recipient should submit a written request to use remaining Coal Board funds for the additional work activities, including full rationale and cost details, for Board review and approval. The decision to allow additional work activities to be funded with remaining Coal Board funds is strictly at the sole discretion of the Board.

#### **b. Implementation Schedule**

The grantee may modify the implementation schedule as necessary to reflect the timeline being followed as the project moves forward, so long as the project's completion date as listed in the executed contract is met. The grantee should submit details regarding any changes to the schedule as part of the grantee's next request for reimbursement, and Department approval of the request for reimbursement will constitute approval of the modification.

If the grantee seeks to extend the completion date of its Coal Board project beyond the date designated in the executed contract and implementation schedule, the grantee must request and receive Coal Board approval.

#### **c. Scope of Work**

If the grantee seeks to change any part of the scope of work of the project, as identified in the contract with the Board, the grantee must first provide a written justification to the Board that clearly demonstrates the appropriateness and necessity of the modification.

The Department or Board, in their sole discretion, may grant a modification to the project scope of work that does not materially alter the intent or circumstances under which the project was approved for funding.

### **IV. Eligible and Ineligible Project Expenses**

Expenses eligible for Coal Board funding include, but are not limited to:

- Expenses that directly relate to project activities that implement the scope of work identified in the Coal Board contract;
- Professional services that directly relate to design activities that implement the scope of work identified in the Coal Board contract;
- Repayment of interim financing directly related to project activities that implement the scope of work identified in the Coal Board contract;

Expenses that are **not eligible** for Coal Board funding include but are not limited to:

- Costs related to refinancing, servicing, or interest on any existing debt;
- Any unauthorized costs incurred prior to the date identified in the Notice of Award letter; and
- Privately owned service lines.

## **V. Requests for Reimbursement and Progress Reports**

### **a. Project Requests for Reimbursement**

Prior to the first draw request, the following documentation is required:

- Documentation of the firm commitment of other funding sources for the Coal Board project, including adequate documentation if necessary. Acceptable documentation could include a letter assuring the Department that the funding is available in the Grant recipient's budget, an award letter from another grant program, a commitment letter from private donors or trusts, etc.
- Completed and notarized Signature Certification Form for those individuals to be authorized to process and approve requests for grant funds.
- Completed Designation of Depository for Direct Deposit of Coal Board Funds.
- Certificate of liability insurance as required and described in the Commerce contract; and
- Proof of the Grant Recipient's Worker's Compensation Insurance (for more information, refer to the Commerce contract).

Grantees initiate a request for Coal Board funds by preparing and submitting the Request for Reimbursement Form. The grantee can only be reimbursed for project-related, actual costs that have been incurred, and must provide adequate and sufficient documentation supporting each claim for expenses to be reimbursed. Itemized invoices, for the contractor, any subcontractors, consultants, and vendors or suppliers, typically constitute adequate and sufficient documentation for reimbursable expenses, the invoice must include:

- a description of work performed,
- the number of hours worked to accomplish each item,
- the amount being billed for each item;
- work performed date(s) and work items completed, if upon request from Coal Board
- beginning and ending billing period dates;
- a description of any other eligible expenses incurred during the billing period; and
- the total amount being billed.

Lump-sum contracts typically do not provide for adequate and sufficient documentation for reimbursement of project expenses with Coal Board funds and they are generally not allowed for design and construction engineering services. Cost plus or 'multiplier' contracts and expenses are not allowable on Coal Board projects.

If budget modifications are found to be necessary while preparing a draw request, Commerce staff should be notified of the modification prior to the draw being submitted. Please work closely with your project liaison regarding budget modifications.

The Board may retain two percent (2%) of the total authorized grant amount until:

- the project has been completed (certificate of Substantial Completion)
- Final closeout report has been submitted by grantee and approved by the Department.

See Exhibit I and the Coal Board website for the Request for Reimbursement Form.



## **Project Progress Reports and Photos**

Each request for funds must be accompanied by a Project Progress Report, which could be in the form of a document, emailed project update, and/or photographs of the project. There is no specific format of the progress report. In the absence of a draw request regularly submitted, a Project Progress Report should be submitted every 90 days as a project update on activities occurring on the project. Project progress reports can also be provided by the grantee in person at the regularly scheduled quarterly Coal Board meeting. In the project report, the grantee may describe the status of all activities in the scope of work, including: the percentage complete, costs incurred, funds remaining, projected completion date, any significant problems encountered in carrying out the Project and the scope of any necessary modifications the grantee is requesting in the scope of work, budget, or implementation schedule.

Project photos are encouraged to be submitted to the Board at the beginning of the project and at the completion of the project. Photos should evidence the improvements made with Coal Board funds.

### **b. Uniform Status of Funds Form and Invoice Tracking Spreadsheet**

Draw requests for all project types (construction, equipment, planning) for Coal Board funds must also be accompanied by an updated Uniform Invoice Tracking Spreadsheet. The Uniform Invoice Tracking Spreadsheet provides the Board updated information on all cumulative invoices received and paid for on the project, broken out by all funding sources involved in the project.

For construction projects, a Uniform Status of Funds Form is also required. This form provides the Board updated information on the remaining budget for the project and the status of all funding sources involved in the project.

## **VI. Accounting and Auditing Requirements**

Coal Board local government and district grantees must maintain all receipts and expenditures of Coal Board grant funds in accordance with generally accepted accounting principles (GAAP) and be in compliance with the auditing requirements of Section 2-7-503, MCA, as provided for in Section 20-9-213, MCA. Coal Board tribal government grantees must maintain all receipts and expenditures of Coal Board grant funds in accordance with the requirements provided for in OMB Circular A-133.

## **VII. Records Creation and Retention**

The grantee must create and maintain all records of project activities funded with Coal Board grant funds, including but not limited to financial records, supporting documents, and such other records as are required by law or other authority, for five (5) years after either the completion of the project or the conclusion of any claim, litigation, or exception relating to the project taken by the State of Montana or any third party, whichever is later. The grantee must provide the Department, the Legislative Auditor, or their agents access to all project records upon request.

## **VIII. Ethics and Code of Conduct**

Sections 2-2-12, 2-2-201, 7-3-4256, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, govern the code of conduct and conflicts of interest by all local governmental entities and public employees, including elected officials, district board members, and district employees. These laws must always be followed by Coal Board grant recipients, regardless of their participation in the Coal Board grant program.

## **IX. Procurement Procedures**

Title 7, Chapter 5, Parts 23 and 43, MCA govern the procurement of construction and purchasing contracts by Coal Board local government and district grantees. Tribal governments are subject to their own tribal procurement laws. These laws must always be followed by these entities, regardless of their participation in the Coal Board grant program.

Coal Board grantees should be prepared to provide information to the Department about how they intend to procure or procured grant administration, professional services and construction services in accordance with the procurement laws applicable to them, including but not limited to the list of vendors to be or that were solicited, a copy of any advertisements, a copy of the request for proposals, or the information detailing the scope of work if price is the only consideration.

## **X. Public Notice and Participation**

Sections 8 and 9 of Article II of the Montana Constitution, and Sections 2-3-101, 2-3-201, and Title 7, MCA, require Coal Board local governments and district grantees to hold regular and special public meetings, provide public notice of those meetings, and allow the public the opportunity to participate in the grantee's decision-making process. These laws must always be followed by Coal Board local governments and district grantees, regardless of their participation in the Coal Board grant program. Grantees should be prepared to provide information to the Department about the public process for its Coal Board project, including but not limited to a copy of public meeting agendas and any comments submitted by the public and responses provided during administration of the project.

All press releases related to the Coal Board project must be submitted to the Department for review and approval prior to release.

## **XI. Non-Discrimination Laws**

Coal Board grantees must fully comply with all applicable federal, state, or local non-discrimination laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, the Patient Protection and Affordable Care Act ("ACA"), and Section 504 of the Rehabilitation Act of 1973, in performing any project or portion thereof using Coal Board funds. All subcontractors performing work on the project are subject to the same provision. The hiring of all persons to perform work on the project must be made on the basis of merit and qualifications, and the district shall not discriminate based upon the race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin of the persons performing the project.

## **XII. Prevailing Wage Requirements**

Montana's Prevailing Wage Act (Section 18-2-401, et seq., MCA) applies to all public works contracts let by Coal Board local government and district grantees (all construction contracts and non-construction contracts in excess of \$25,000). These laws must always be followed by Coal Board local government and district grantees, regardless of their participation in the Coal Board grant program. Grantees should be prepared to document the payment of prevailing wages in all applicable contracts related to the Coal Board project.

## **XIII. Project Monitoring**

Recipients of Coal Board funding are responsible for administering their Coal Board projects in accordance with all applicable local, state and federal laws. The Board has the responsibility to assist and support grantees in successfully implementing their project activities from start-up through closeout of the project in compliance with these requirements.

To accomplish these goals, in addition to reviewing information submitted with progress reports and requests for Coal Board funds, the Board or Department may schedule a monitoring visit with each Coal Board grantee. A monitoring visit usually involves a visit to the grantee's offices to review records, inspect project activities, and meet with the local officials.

## **XIV. Project Completion**

Project Closeout is the process by which the Board determines that the Coal Board project has been completed in accordance with the terms and conditions of the Coal Board contract.

Within 90 days of the date the certificate of substantial completion for construction projects, completion of planning documentation, or documentation of equipment purchase, the grantee must submit a final Project Completion Report for approval by the Department. The Project Completion Report is included as Exhibit 6. The report provides the Board and the Department with information on the total costs incurred for the Project, the final completion date, and any significant problems encountered in carrying out the Project. Within 30 days of approving the Project Completion Report, the Board will issue a letter approving the project completion. Once the letter is issued, the Coal Board grant project is considered complete and the file is closed. No more requests for reimbursement requests will be accepted on the project after the project is closed.

## Exhibit I

### Request for Reimbursement Form

*Note: This form is available on the COAL BOARD website in Excel format*

SECTION I - COAL BOARD RECIPIENT INFORMATION				
COAL BOARD CONTRACT NUMBER:		REQUEST NUMBER:	TOTAL AMOUNT REQUESTED:	
NAME AND ADDRESS RECIPIENT:		PRIMARY CONTACT:		
SECTION II - FINANCIAL INFORMATION				
	A Amount Budgeted	B Amount Expended Prior To This Draw	C Amount Requested	D Balance Remaining After This Draw
<b>1. TOTAL ADMINISTRATION BUDGET</b>				
<b>2. Percent</b>	% of Total Grant	% of Column A		
<b>3. TOTAL ACTIVITY BUDGET</b>				
<b>4. Percent</b>	% of Total Grant	% of Column A		
<b>5. TOTAL COAL BOARD BUDGET</b>				
SECTION III - LOCAL APPROVAL <small>Submit all supporting invoices, reports and other documentation.</small>				
DATE:	SIGNATURE:		TITLE:	
DATE:	COUNTERSIGNATURE:		TITLE:	
SECTION IV -COMMERCE APPROVAL				
REMARKS:			Total Requested	
			Adjustment	
			Adjusted Total	
EXPENDITURES ARE REASONABLE, APPROPRIATE _____ FINANCIAL NUMBERS, SIGNATURES CORRECT _____ CONSISTENT WITH PRECEDING DRAW, SABHRS _____ BUDGET AMENDMENT APPROVED _____			APPROVED BY:	
			TITLE:	
			DATE:	

**Exhibit 2**  
**Signature Certification Form**

Montana Department of Commerce  
Community Development Division - Coal Board  
301 S. Park Avenue  
PO Box 200523  
Helena, Montana 59620-0523

This is to certify that the following officials<sup>1</sup> are authorized to sign requests for reimbursements of Montana Coal Board funds for the {name of grantee: City, Town, or County}, 20\_\_ grant: {Include one or multiple contract numbers}.

- |    |              |       |
|----|--------------|-------|
| 1. | _____        | _____ |
|    | Signature    | Title |
|    | _____        |       |
|    | Printed Name |       |
| 2. | _____        | _____ |
|    | Signature    | Title |
|    | _____        |       |
|    | Printed Name |       |
| 3. | _____        | _____ |
|    | Signature    | Title |
|    | _____        |       |
|    | Printed Name |       |

It is understood that any two of the above signatories must sign each request for reimbursement submitted.

<sup>2</sup>I hereby certify that I have witnessed the signing of the above-named signatures.

\_\_\_\_\_  
Signature of Witness

Date: \_\_\_\_\_

\_\_\_\_\_  
Typed Name and Title of Witness

SUBSCRIBED AND SWORN TO, before me, a Notary Public for the State of Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Seal) \_\_\_\_\_  
My Commission expires \_\_\_\_\_

Notary Public for the State of Montana (type or print name)  
Residing at \_\_\_\_\_

<sup>1</sup>Suggested signatories include the chief elected official (Mayor, Chairperson of County Commission, District President, Tribal Chairperson and/or Tribal Council Members), city, county or district clerk or treasurer, or other local officials. Consultants under contract may not be a signatory.

**Exhibit 3**  
**Designation of Depository for Direct Deposit of Coal Board Funds**

---

**SECTION I (To be completed by Coal Board recipient)**

---

The \_\_\_\_\_  
Name, Address and ZIP Code of Coal Board Recipient's Bank  
has been designated as the depository for all funds to be received from the Montana Department of  
Commerce resulting from Coal Board Contract No. {Include multiples if applicable}  
MT-CB-\_\_\_\_\_ for deposit to: ☐ checking or ☐ savings

---

\_\_\_\_\_  
Account Name / Account # / American Bankers Association # (ABA –Routing/Transit)

---

\_\_\_\_\_  
Name of Grant Recipient

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Chief Elected Official  
or Executive Officer

\_\_\_\_\_  
Title of Chief Elected Official  
or Executive Officer

\_\_\_\_\_  
**Email address for notification of payments made to grantee from Coal Board**

\_\_\_\_\_  
Date

---

**Section II (To be completed by the bank)**

---

The account identified in Section I has been established with this bank. All necessary documentation,  
including a power of attorney where necessary, which will legally enable this depository to receive state  
warrants from the State Auditor's Office for deposit to:

---

\_\_\_\_\_  
Account Name and/or Number

\_\_\_\_\_  
**Name of Bank**

\_\_\_\_\_  
**Address**

The Depository hereby agrees to immediately notify the Recipient when a deposit is made in the above  
account.

\_\_\_\_\_  
Signature of Authorized Bank Officer

\_\_\_\_\_  
Title of Authorized Bank Officer

\_\_\_\_\_  
Date

#### **Exhibit 4**

##### **Uniform Status of Funds Form**

Available at the Coal Board website:

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

#### **Exhibit 5**

##### **Uniform Invoice Tracking Spreadsheet**

Available at the Coal Board website:

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

#### **Exhibit 6**

##### **Project Completion Report**

Available at the Coal Board website:

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



## Exhibit 7: Sample Management Plan

The management plan adopted by the local government should reflect the actual procedures utilized by the local government and based on the duties assigned to the various people involved in the project.

**Note: This sample is provided to help create a plan that is structured upon the actual procedures utilized by the local government and based on the duties assigned to the various people involved in the project. This sample may be modified to fit the actual needs and management responsibilities of the project.**

### I. Administrative Structure

The City of \_\_\_\_\_ is an incorporated city with a Mayor-Council form of government. The following persons will have lead responsibility for administering the City's \_\_\_\_\_ Biennium Coal Board) {project type} project improvements:

Mayor \_\_\_\_\_, as the City's chief elected official will have responsibility for all official contacts with the Montana Department of Commerce. The Mayor and City Council will have ultimate authority and responsibility for the management of project activities and expenditure of COAL BOARD funds. The approval of all contracts and requests for reimbursement will be the responsibility of the City Council. (Telephone \_\_\_\_\_ Email \_\_\_\_\_)

\_\_\_\_\_, Clerk-Treasurer, as the City's chief financial officer, will be responsible for management of, and record keeping for, the COAL BOARD funds and other funds involved in the financing of the {type} project. (Telephone \_\_\_\_\_ Email \_\_\_\_\_)

\_\_\_\_\_, Director of the City-County Planning Board, will be designated as Grant Manager and be responsible for overall grant management and assuring compliance with applicable federal and state requirements for the COAL BOARD project. The Grant Manager will serve as the City's liaison with Department for the project. One-fourth of this position's time will be devoted to COAL BOARD administration during the term of the project. (Telephone \_\_\_\_\_ Email \_\_\_\_\_)

\_\_\_\_\_, City Attorney, as the City's legal counsel, will review and advise the Mayor and Council regarding any proposed contractual agreements associated with the COAL BOARD project and provide any other legal guidance as requested. (Telephone \_\_\_\_\_ Email \_\_\_\_\_)

\_\_\_\_\_, Project Engineer will be responsible for construction-related activities including preparation of preliminary engineering, final design plans and specifications, as well as construction inspection. Contractor compliance, scheduling, and reimbursement requests will also be subject to the Project Engineer's review and approval. (Telephone \_\_\_\_\_ Email - \_\_\_\_\_)

### II. Grant Management

- A. The Grant Manager will be responsible for:
1. Compliance with any applicable environmental requirements.
  2. Assisting the Grant Recipient with all requirements related to effective project start-up and implementation and developing a contract with the Department.
  3. Preparing any legal notices required to be published, and processing and conducting any required public hearings or informational meetings.
  4. Establishing and maintaining complete and accurate project files and preparing all documentation and reports incidental to administration of the grant.
  5. Assisting the Grant Recipient with selection of the Project Engineer, in conformance with procurement requirements, including the preparation of requests for proposals for publication or other distribution.
  6. Reviewing all proposed project expenditures or requests for reimbursement to ensure their propriety and proper allocation of expenditures to the COAL BOARD budget.
  7. In cooperation with the Clerk-Treasurer, processing reimbursement requests and preparing requests for reimbursement to the Department, including the Request for Reimbursement, Status of Funds Report, Invoice Tracking Spreadsheet and the Project Progress Report.
  8. Monitoring the contractor selection process, including the bid advertising, tabulation and award process and construction contract provisions in conformance with applicable laws.
  9. Attending the preconstruction conference and monthly construction progress meetings.
  10. Monitoring contractor compliance with applicable requirements.
  11. Assuring compliance with all state labor standards requirements. Responsibilities will include the review of weekly payroll reports to assure compliance with state prevailing wage requirements; periodic visits to the construction site to assure that required equal opportunity, labor standards, and prevailing wage determinations have been posted; and conducting on-site interviews with construction personnel to assure prevailing wage compliance.
  12. Assuring compliance with applicable equal opportunity requirements.

13. Preparing all required performance reports and project completion documents for submittal to the Department.
14. Attending Council meetings to provide project status reports and representing the COAL BOARD project at any other public meetings, as deemed necessary by the local officials.
15. Receiving official project complaints and ensuring that complaints are reasonably addressed in a timely manner.

B. The Project Engineer will be responsible for:

1. Design and construction engineering.
2. Preparation of the construction bid package in conformance with applicable requirements and supervision of the bid advertising, tabulation, and award process, including the preparation of the advertisements for bid solicitation, conducting the bid opening, and issuance of the notice to proceed.
3. Conducting the preconstruction conference, with the assistance of the grant manager.
4. Supervision of construction work and preparation of inspection reports.
5. Reviewing and approving all contractor requests for reimbursement and submitting the approved requests to the Grant Recipient.

III. Financial Management

A. The Clerk-Treasurer's financial responsibilities will be as follows:

1. Managing the transfer of COAL BOARD funds from the Department to the grant recipient's bank account and disbursing COAL BOARD funds based on claims and supporting documents approved by the grant manager, project engineer, and contractor.
2. Entering all project transactions into the Grant Recipient's existing accounting system and preparing checks/warrants for approved expenditures.
3. With the assistance of the Grant Manager, preparing the Request for Reimbursement and accompanying reports and documentation to be submitted to Department.
4. With the assistance of the Grant Manager, preparing the final financial reports for project completion.

- B. The Grant Manager and Clerk-Treasurer will review all proposed expenditures of COAL BOARD funds and will prepare requests for reimbursement, which will be signed by the officials named on the signatory form. All disbursements will be handled in accordance with the Grant Recipient's established claim review procedures. Before submitting the claim to the Clerk-Treasurer, the Grant Manager will attach a certification to each claim stating that the proposed expenditure is an eligible expense of the Grant Recipient's COAL BOARD project and consistent with the project budget. The Council will review all claims before approving them.
- C. Financial record keeping will be done in conformance with state law. The original financial documents (claims with attached supporting material) will be retained in the Grant Recipient's offices.
- D. Appropriate documentation of administrative costs will be maintained by the Grant Manager and the Clerk-Treasurer to document all time worked on the COAL BOARD project that will be compensated with COAL BOARD funds.

This management plan has been approved by the Grant Recipient, \_\_\_\_\_ and the individuals named within have been informed of the responsibilities stated within this plan.

Chief Elected Official or  
District President

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Exhibit 8

### Sample Agreement

**Note: This sample should not simply be copied. It is only provided as a sample to help create an agreement with a governmental entity or sub-recipient that is to be reviewed and approved by all parties and their attorney's.**

THIS CONTRACT is entered into by (Insert Name of County) County, herein referred to as "the County", and the (Insert Name of District/sub-recipient), herein referred to as "the District/Center".

WITNESSETH THAT:

WHEREAS, the County is the recipient of a COAL BOARD grant to (describe the Project) owned and operated by the District/Sub-recipient; and

WHEREAS, this Contract between the County and the District/Sub-recipient will enable them to enhance cooperation in implementing the County's COAL BOARD award to accomplish the above-described project; and

WHEREAS, the County, in its capacity as a COAL BOARD grantee, has determined that the District/Sub-recipient can better supervise the design and construction phases of the (water and/or sewer) system; and

WHEREAS, the Montana Department of Commerce has required the County to enter into a contract with the District/Sub-recipient specifying the terms and conditions of the County's delegation of certain COAL BOARD grant management responsibilities to the District/Sub-recipient; and

WHEREAS, both parties to this Contract understand that neither local government involved herein has in any way, expressly or implied, abrogated any of its individual powers, and that this Contract does not create any new organization or legal entity.

NOW, THEREFORE, THE COUNTY AND THE DISTRICT/SUB-RECIPIENT MUTUALLY AGREE AS FOLLOWS:

- I. Responsibilities Delegated to the District/sub-recipient
  - A. The District/sub-recipient will, subject to prior approval by the Board of County Commissioners/Directors, retain the services of a consulting engineering firm to design and supervise the construction of the project.
  - B. The District/sub-recipient will be responsible for all facets of the design and construction phases of the project, including the following:

1. Design engineering;
  2. Construction engineering;
  3. Except as provided by paragraph IV. Administration below, compliance with all applicable state and federal requirements;
  4. Except as provided by paragraph IV. Administration below, compliance with all other state and federal requirements as described in the COAL BOARD Project Administration Manual;
  5. Preparation of construction bid documents; and
  6. Supervision of the bid process, the awarding of construction contracts, and construction of the project. The selection of the project contractor will be subject to the ratification of the County Board of Commissioners/directors and bid solicitation documents will reflect this requirement.
- C. The District/sub-recipient and its consulting engineer will receive, review, and approve all requests for reimbursement for the items contained in paragraph B, above, and prepare and submit such requests to the County Board of Commissioners/directors in a timely fashion in accordance with established procedures.
- D. During the term of this Contract, the District/sub-recipient will maintain reasonable records of its performance hereunder in a manner consistent with generally accepted accounting principles. The District/sub-recipient will allow the County and Department and their authorized representatives access to these records at any time during normal business hours. At the request of the County, the District/sub-recipient will submit to the County, in the format prescribed by the County, status reports on its performance under this Contract.
- E. The District/sub-recipient will provide documentation that the local share of the project that exceeds COAL BOARD funds may be accessed by the County for the project no later than the time of construction bid award.

## II. Payment of Design and Construction Costs Incurred by the District/sub-recipient

In consideration of the District/sub-recipient's acceptance of the responsibilities described in paragraph I, above, the County agrees to the following:

- A. Upon receipt of a valid claim for payment from the District/sub-recipient for allowable project costs as specified in the County's contract with Department, a copy of which is appended as Attachment A of this Contract, and which by this reference is made a part hereof, the County will request the required amount of COAL BOARD funds from Department and upon receipt of these funds, the

County will honor the District/sub-recipient's claim and pay the engineer or contractor accordingly.

- B. Each payment for engineering and construction costs will be requested from COAL BOARD and District/sub-recipient funds (if applicable) in amounts that are proportionate to the percentage that such funds represent of the total cost of the project as specified in Exhibit B of Attachment A.
- C. The County will deduct a retainage from each payment request equal to five percent of the request, submitted by the District/sub-recipient for construction costs incurred by the project contractor and hold this retainage until construction is completed, the engineer approves final payment, and the project is accepted, all in accordance with the conditions of the construction contract. (Note: A retainage requirement is optional.)
- D. The County will also withhold one percent of the amount of any claim submitted by the contractor and will forward this amount to the Montana Department of Revenue pursuant to section 15-50-206(2), MCA.
- E. The County may refuse to pay any claim which it deems not valid under the terms of the COAL BOARD contract with Department (Attachment A). Any agreement between a COAL BOARD grantee and a subrecipient, such as a water or sewer district, should include a "Scope of Work" which includes a description of the work to be performed, a schedule for completing the work, and a budget. (These items are standard components of any COAL BOARD grant agreement which is referred to here as an attachment.)

### III. Duration of the Contract

- A. This Contract takes effect when the following conditions are satisfied:
  - 1. Department and the County Board of Commissioners/directors have executed the COAL BOARD contract;
  - 2. The County Attorney and the attorney for the District/sub-recipient have approved this Contract as to form and content; and
  - 3. The County Board of Commissioners/directors and the District/sub-recipient's governing body have each reviewed this Contract and agreed fully to its terms and conditions.
- B. This Contract will terminate in accordance with the end date identified in the contract with the Department, or 90 days after the project engineer files a certificate of completion of the project with the Montana Department of Environmental Quality and Department closes out the COAL BOARD project with the County.

#### IV. Administration

For purposes of implementing the joint undertaking established by this Contract, the County's Board of Commissioners and the District/sub-recipient's Board of Directors hereby agree to coordinate with the County's COAL BOARD contract liaison, the project engineer, and a designated representative of the district/sub-recipient. These individuals may meet on a regular basis during the term of the COAL BOARD project to provide for the efficient and effective implementation of this project.

#### V. Management of Real Property or Equipment Acquired

The primary purpose of this Contract is to allow the County to delegate responsibility for the design and construction of the District/sub-recipient's project to the District/sub-recipient and to define the procedures by which the County will disburse COAL BOARD funds to pay the costs incurred as a result of these activities. The District/sub-recipient's facilities will be constructed or improved as described in the COAL BOARD contract with Department (Attachment A) and the District/sub-recipient may continue to own and operate those facilities subject to the limitations contained in subparagraph B.

Upon the expiration of this Contract the District/sub-recipient will transfer to the County any COAL BOARD funds on hand at the time of expiration and any accounts receivable attributable to the use of COAL BOARD funds.

#### VI. Indemnification

The District/sub-recipient waives any and all claims and recourse against the County, including the right of contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to the District/sub-recipient's performance of this Contract except claims arising from the concurrent or sole negligence of the County or its officers, agents, or employees. The District/sub-recipient will indemnify, hold harmless, and defend the County against any and all claims, demands, damages, costs, expenses, or liability arising out of the District/sub-recipient's performance of this Contract except for liability arising out of the concurrent or sole negligence of the County or its officer's agents, or employees.



## VII. Suspension and Termination

The County may suspend or terminate this Contract if the District/sub-recipient materially fails to comply with any term of the County's COAL BOARD contract with Department. In addition, the County may terminate this Contract for convenience with reasonable notice.

This Contract has been approved by the County's Board of Commissioners and the District/sub-recipient's Board of Directors.

(Name of County) Commissioners

\_\_\_\_\_ Chairman

Date: \_\_\_\_\_

\_\_\_\_\_ Commissioner

Date: \_\_\_\_\_

\_\_\_\_\_ Commissioner

Date: \_\_\_\_\_



COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program  
Application and Guidelines**

**Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting**

**Meeting dates and application due dates can be found on the Montana Coal Board website:  
<https://comdev.mt.gov/Boards/Coal/Meetings>**

**DOCCDD@MT.GOV**

## **Table of Contents**

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- IV. Eligible Funding**
- V. Application Submission**
- VI. Award Process**
- VII. Project Administration**

**Appendix A: Montana Coal Board Grant Program Application and Statutory Review Criteria**

**Appendix B: PAR Requirements**

**Appendix C: Environmental Review Requirements**

**Appendix D: Environmental Review Flowchart**

## I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows Title 90, Chapter 6, Part 2 of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in 90-6-201, MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the third week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members (90-6-204, MCA). The Coal Board awards grants pursuant to 90-6-207, MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

## **II. Eligible Applicants**

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

(a) the governing body of the tribe has agreed:

(i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and

(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and

(b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

(1) An eligible state agency is one that:

(a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or

(b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

## **Additional Considerations for Eligible Applicants**

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

## **III. Eligible Projects**

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
  - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- Planning and Management
  - State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized.
  - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, ‘planning’ is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

#### **IV. Eligible Funding**

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. Quarterly fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b).

The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.

#### **V. Application Submission**

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce, 301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website: <http://comdev.mt.gov/Boards/COAL>.

It is preferable that electronic copy of application information and documents be transmitted via the file transfer

service at <https://transfer.mt.gov>. Simply create an account in the transfer service, upload the files and email the transfer to [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) prior to or by close of business on the application due date. Please identify your upload(s) to include the name of the grantee in the file name. Please combine application materials into as few files as possible, this will improve the application receipt process for CDD staff.

Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.

Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen's Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist. <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.

The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in considering applications for grants to finance projects. This determination is not something Commerce determines; therefore, the staff report includes comments that reflect the completion of the process.

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact CDD staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) for the Commerce template.

## **VI. Award Process**

Applications are evaluated as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

## **VII. Project Administration**

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.



## **Appendix A: Coal Board Application**

### **THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY (NAME OF APPLICANT)**

#### **CERTIFICATION**

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

#### **CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:

Date:

## **SUMMARY INFORMATION**

1. **NAME OF APPLICANT(S):**

Enter the name(s) of the entity submitting the application

2. **TYPE OF ENTITY:**

Enter the type of entity. Applicants eligible to receive financial assistance under state law include local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

3. **SENATE AND HOUSE DISTRICTS:**

Enter the State Senate and House of Representatives district numbers that the entity is located within.

4. **AMOUNT OF COAL IMPACT GRANT REQUESTED \$** \_\_\_\_\_

5. **NAME OF PROJECT:**

6. **TYPE OF PROJECT:**

Enter the type of public facility project or service, such as water, wastewater, solid waste, first responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other

7. **POPULATION SERVED BY PROJECT:**

Enter the number of people that reside within the area served by the project.

8. **NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**

Enter the number of households within the area served by the project.

9. **CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**

Enter the name and title of the chief elected official or authorized representative of the applicant. Include the mailing address, business telephone, and e-mail address.

10. PRIMARY ENTITY CONTACT PERSON:

Provide the name, mailing address, business telephone, and e-mail address.

number of the person or people within the community designated as the primary contact person for the project. This person should be knowledgeable about the project and be authorized to speak on behalf of the applicant regarding the application.

11. OTHER CONTACT PERSONS:

If applicable and available, provide the name, mailing address, business telephone and

e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)

12. MILLAGE RATES:

Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.

13. AMOUNT OF COAL GROSS PROCEEDS TAX:

Please provide the following details:

- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
  - o How those monies are allocated (i.e. to general fund, etc.)
- How does the applicant decide the use of the gross proceeds?

14. IMPACTS FROM COAL INDUSTRY:

Number of residents that are currently employed by the coal industry within the applicant's jurisdiction

15. MAPS:

Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.

16. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and
- whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

17. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program.

Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

<div>PROJECT BUDGET FOR ---</div> <div>=</div>					
Completed by: _____ For: (location) _____, MT Date: _____					
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL:
	***				
Grant Administration	\$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<b>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</b>	\$	\$	\$	\$	\$
<b>ACTIVITY COSTS:</b>					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
<b>TOTAL ACTIVITY COSTS</b>	\$	\$	\$	\$	\$
<b>TOTAL PROJECT COSTS</b>	\$	\$	\$	\$	\$

**B. Project Budget Narrative:**

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

**C. Implementation Schedule:**

Each applicant must submit an implementation schedule that describes the overall schedule for project completion.

<b><u>IMPLEMENTATION SCHEDULE FOR -----</u></b>												
	QUARTERS 20XX				QUARTERS 20XX				QUARTERS 20XX			
TASK	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H
<b><u>PROJECT START-UP</u></b>												
A. Sign contract with Coal Board												
B. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
<b><u>PROJECT CONSTRUCTION</u></b>												
A. Architectural Design												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
<b><u>PROJECT CLOSE-OUT</u></b>												
A.												
B. Submit project completion report.												
C. Include project in audits.												

18. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207(5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

**A. Need**

**Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)**

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? Describe the nature and frequency of occurrence and provide supporting documentation.
3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? Describe the number or percentage of community residents affected by the problem.
4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard. If yes, describe the standard being violated. If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.



5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?
6. Additional information supporting the NEED for this project.

**B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex**

Explain why the proposed project or governmental services or facilities “are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex” (90-6-205(4)(a), MCA).

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.
2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.
3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

**C. Availability of Funds**

1. Amount requested from the Coal Board: \$\_\_\_\_\_
2. Amount of Coal Board funds available at the time of application \$\_\_\_\_\_ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable
4. What are the other proposed funding sources for the project?

<b><u>FUNDING SOURCES SUMMARY FOR.....</u></b>				
<b>Source</b>	<b>Type of Fund</b>	<b>Amount</b>	<b>Status of Commitment</b>	<b>Loan Rates &amp; Terms</b>

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the

loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

**D. Degree of Local Effort in Meeting Needs**

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.
2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund- raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.
3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.
4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ \_\_\_\_\_
  - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_

6. What are your current debt obligations?

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system need be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

<b><u>CURRENT DEBT SUMMARY FOR -----</u></b>								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr. )	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan, Investments, \$200,000 – \$100,000 of it is needed to purchase line inspection equipment in 2005).

8. What financial accounting system do you use? \_\_\_\_\_  
The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes\_\_\_\_No\_\_\_\_Date of last completed audit or financial report \_\_\_\_\_

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

**E. Planning & Management**

State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

2. Describe how the proposed project is consistent with current plans.  
Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

## **APPENDIX B**

### **PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS**

#### **A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:**

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects.
- b. New construction of a Non-Water/Non-Wastewater community facility project.

#### **B. A PAR MUST MEET THE REQUIREMENTS FOR:**

- a. Preparation of a PAR as a planning activity

#### **C. GENERAL INFORMATION ON PARs:**

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406-841-2770) to request clarification and guidance regarding this PAR outline.

#### **D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR**

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

#### **E. PAR OUTLINE**

##### **I. PROBLEM DEFINITION**

##### **A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED.** Describe the need for the project according to the following criteria:

- 1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).
- 2. Attach pertinent correspondence to or from appropriate federal, state, and local

regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies. Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

**B. IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.**

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

**C. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES).** Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.
2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

## **II. ALTERNATIVE ANALYSIS**

### **A. DESCRIPTION OF ALTERNATIVE SOLUTIONS.** Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

### **B. REGULATORY COMPLIANCE AND PERMITS.** Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

### **C. LAND ACQUISITION ISSUES.** Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

### **D. ENVIRONMENTAL CONSIDERATIONS.** For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

### **E. CONSTRUCTION PROBLEMS.** Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead-based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.



**F. COST ESTIMATES FOR EACH ALTERNATIVE.** For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and
2. Project Annual Operation and Maintenance Costs

### **III. SELECTION OF THE PREFERRED ALTERNATIVE**

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

## **APPENDIX C: Environmental Review Requirements**

### **Environmental Review**

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

### **Statutory or Categorical Exclusions**

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by

the facility; or

- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
  - (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
  - (ii) is commenced within six months after the date of the emergency.

If the proposed project qualifies for a categorical exclusion, then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

### ***Environmental Assessment (EA)***

An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

**The applicant must provide a copy of the Final EA to the Department with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.**

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

### ***Environmental Impact Statement (EIS)***

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;

7. a discussion of any compensation related to impacts stemming from the proposed action; an explanation of the tradeoffs among the reasonable alternatives;
8. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;
9. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;
10. a summary of the draft EIS; and
11. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided.

When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- ☐ Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- ☐ Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- ☐ Clean Air Act of Montana, Title 75, Chapter 2, MCA
- ☐ Water Quality Act, Title 75, Chapter 5, MCA
- ☐ Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- ☐ Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- ☐ The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- ☐ The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- ☐ Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- ☐ Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- ☐ Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- ☐ Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- ☐ Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at [http://www.dnrc.mt.gov/wrd/water\\_rts/default.asp](http://www.dnrc.mt.gov/wrd/water_rts/default.asp).
- ☐ Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is [http://dnrc.mt.gov/permits/stream\\_permitting/default.asp](http://dnrc.mt.gov/permits/stream_permitting/default.asp).

- ☐ **Cultural Resource Survey** – You may need to perform a cultural resource survey for your project. The State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

### **Environmental Assessment**

Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA or identify and analyze the environmental impacts of the proposed project.

Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

- a. Environmental Assessment Checklist
- b. Environmental Review form
- c. Final Action taken by resolution or documented local decision

## ENVIRONMENTAL REVIEW CHECKLIST

<b>NAME OF PROJECT:</b>	
<b>PROPOSED ACTION:</b>	
<b>LOCATION:</b>	_____, Montana

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>PHYSICAL ENVIRONMENT</b>		
Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>



<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		Response and source of information:
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		Response and source of information:
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		Response and source of information:
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		Response and source of information:
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a>
		Response and source of information:
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		Response and source of information:

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
<b>HUMAN ENVIRONMENT</b>		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>

<b>Key Letter:</b>		
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Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
Key	22	Community Water Supply
		<i>Response and source of information:</i>
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
Key	26	Parks, Playgrounds, & Open Space

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
		<i>Response and source of information:</i>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>

## Environmental Review Form

**On a separate piece of paper, please answer the following as they apply to your proposed project:**

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

\_\_\_\_\_  
Authorized Representative, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name of) District

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date:



**Sample of a resolution  
to accept the determination that (level of environment finding) is appropriate for the  
(applicant, type of project)**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, The (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

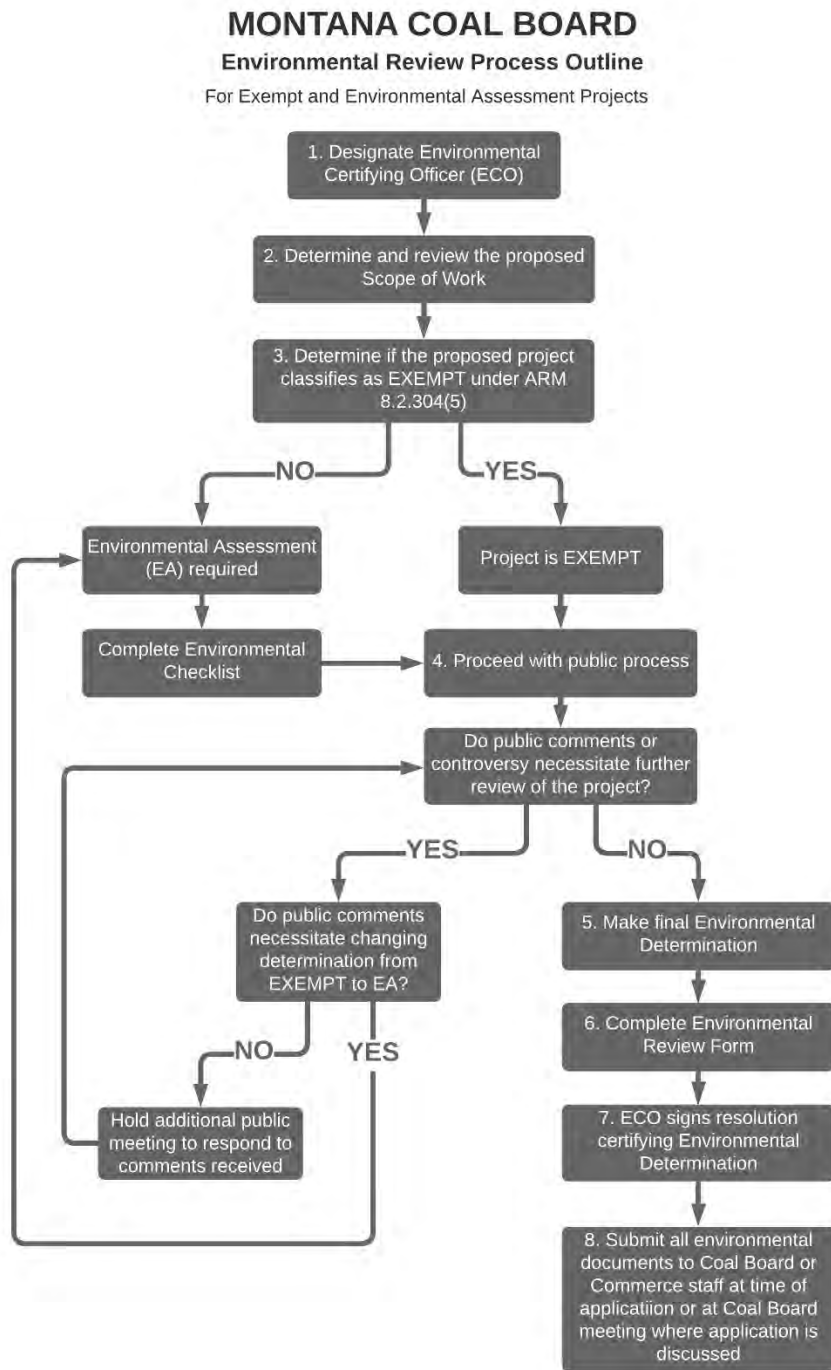
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attested: \_\_\_\_\_

\_\_\_\_\_

## Appendix D: Environmental Review Flowchart





COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program  
-Application and Guidelines**

**Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting**

**Meeting dates and application due dates can be found on the Montana Coal Board website:  
<https://comdev.mt.gov/Boards/Coal/Meetings>**

**DOCCDD@MT.GOV**

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- IV. Eligible Funding
- V. Application Submission
- VI. Award Process
- VII. Project Administration

## Appendix A: Montana Coal Board Grant Program Application and Statutory Review Criteria

## Appendix B: PAR Requirements

## Appendix C: Environmental Review Requirements

## Appendix D: Environmental Review Flowchart

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## I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows Title 90, Chapter 6, Part 2 of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in 90-6-201, MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by an coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the third week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members (90-6-204, MCA).

The Coal Board awards grants pursuant to 90-6-207, MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited

to make their needs and preferences known. Please provide as much advance notice as possible for requests.

## **II. Eligible Applicants**

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

- (a) the governing body of the tribe has agreed:
  - (i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
  - (ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and
- (b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

(1) An eligible state agency is one that:

- (a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or
- (b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

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## **Additional Considerations for Eligible Applicants**

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

## **III. Eligible Projects**

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
  - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- Planning and Management
  - State law (90-6-207(5), MCA) requires the Coal Board to give attention "to the need for community planning before the full impact of coal development or decline is realized.
  - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems."  
Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, 'planning' is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

#### **IV. Eligible Funding**

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. Quarterly fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

The Montana Department of Commerce (referred to as "Commerce", hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as "Coal Board", hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b). The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.

#### **V. Application Submission**

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce, 301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website: <http://comdev.mt.gov/Boards/COAL>.



It is preferable that electronic copy of application information and documents be transmitted via the file transfer service at <https://transfer.mt.gov>. Simply create an account in the transfer service, upload the files and email the transfer to [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) prior to or by close of business on the application due date. Please identify your upload(s) to include the name of the grantee in the file name. Please combine application materials into as few files as possible, this will improve the application receipt process for CDD staff.

Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter. Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen's Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist, <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.

The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in considering applications for grants to finance projects. This determination is not something Commerce determines; therefore the staff report includes comments that reflect the completion of the process.

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact CDD staff at [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov) for the Commerce template.

## **VI. Award Process**

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Applications are evaluated as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

#### **VII. Project Administration**

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.

**Submitted to the Montana Coal Board By**

**Name of Entity submitting the application**

**For**

**Type of Project**

**Date submitted: \_**

### ELIGIBILITY FOR COAL BOARD GRANTS

~~The governing body of a city, town, county, or school district, any other local or state governmental unit or agency, or the governing body of a federally recognized Indian tribe may apply for a grant to enable it to provide governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. (90-6-208, Montana Code Annotated)~~

- ~~(a) the governing body of the tribe has agreed:~~
  - ~~(1) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and~~
  - ~~(2) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the State of Montana;~~
- ~~and~~
- ~~approval of the transaction has been obtained from the Secretary of the United Department of the Interior whenever approval is necessary.~~

### CRITERIA FOR AWARD OF COAL IMPACT GRANTS

~~In accordance with current statute: 90-6-206, MCA Basis for awarding grants:~~

- ~~(1) Grants must be awarded on the basis of:~~
  - ~~(a) need;~~
  - ~~(b) degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;~~
  - ~~(c) availability of funds;~~
  - ~~(d) degree of local effort in meeting these needs; and~~
  - ~~(e) in addition, State law (90-6-207[5], MCA) requires the Coal Board to give attention "to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems." Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, "planning" is an additional criterion the Coal Board will apply when judging applications.~~

#### **AWARDING COAL BOARD FUNDS**

(1) — Eight applications, one with an original signature, must be submitted to the Department on the date posted on the Coal Board website (<http://comdev.mt.gov/Boards/COAL>) to be considered during the applicable board meeting. Applications can be submitted electronically\* to [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov), but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: [DOCCDD@mt.gov](mailto:DOCCDD@mt.gov))

**Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.**

*\* Applicants who submit applications electronically must mail one signed application and seven (7) copies to the address above to be received within seven days of submittal of the electronic version.*

(2) — Applicants must appear before the Coal Board when their application is on the agenda for consideration. Applicants will receive a summary report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

(3) — The Coal Board may approve, deny or table a grant. The Board may request that an applicant return to the next meeting with additional information. The Board would then move to table the application until that meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. At that time, the application will be placed on the next Coal Board meeting agenda.

4) Coal impact grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in the Coal Impact Grant Application (Appendix A).

**PLEASE NOTE: Applications will be evaluated as they are submitted. The Board may table an application if significant changes or new information are presented during the hearing.**

### **DISBURSEMENT OF COAL BOARD FUNDS**

Eligible and reasonable expenses will be reimbursed from a Coal Board grant after:

- a. the contract has been fully executed between the Montana Department of Commerce and the Coal Board grant recipient;
- b. the grant recipient has demonstrated that firm commitments exist for any other resources to be involved in the project. In documenting a public commitment, the grant recipient must specify the amount and use of the funds or resources. A letter of commitment from the entity, agency or organization involved must document funds or resources to be provided by a State or federal agency or private organization. The commitment of funds or resources may be contingent on Coal Board funds being awarded for the proposed project;
- c. the grant recipient has documented compliance with the auditing and reporting requirements provided for in the Montana Single Audit Act, Sections 2-7-501 to 523, MCA, and has established a financial accounting system that can properly account for the grant funds according to generally accepted accounting principles. Tribal governments must comply with auditing and

reporting requirements provided for in OMB Circular A-133;  
d. the Department has received the signed signatory and depository forms; and  
e.d. the Department has received the completed Request for Funds form and adequate  
documentation (copies of statements and invoices) to verify expenditures.

#### **INSTRUCTIONS FOR COMPLETING COAL BOARD GRANT APPLICATION**

Instructions and examples to help complete the application are in gray. **Once you have completed the application, please delete all the gray areas** by highlighting the section using the square in the upper left hand corner, then, right clicking on your mouse and selecting "cut". This will shorten the length of the document the board members will need to review.

Boxes and charts in this application have been formatted by WORD Table. Edits can be made using the Table function of WORD.

Applications may be secured with binder clips, large paper clips or staples. The three-ring meeting notebooks sent to Board members will not accommodate binders or plastic covers.

Eight applications, one with an original signature, must be submitted to the Department on the date posed on the Coal Board website () to be considered during the applicable board meeting. Applications can be submitted electronically\* to but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: )

\*Electronically submitted applications must be followed with the original and seven (7) signed hard copies that are postmarked by the application deadline.

**Appendix A: Coal Board Application**

**THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY  
(NAME OF APPLICANT)**

**CERTIFICATION**

~~The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.~~

~~The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.~~

**CERTIFICATION**

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

**CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:

Date:

## SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

4. Enter the name(s) of the entity submitting the application

Enter the name(s) of the entity submitting the application

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2. TYPE OF ENTITY:

Enter the type of entity. Applicants eligible to receive financial assistance under state law include

2. local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

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Enter the type of entity. Applicants eligible to receive financial assistance under state law include local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

3. FEDERAL TAX ID NUMBER:

Enter the nine digit Federal ID number for the entity.

3. SENATE AND HOUSE DISTRICTS:

Enter the State Senate and House of Representatives district numbers that the entity is located

4. within.

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Enter the State Senate and House of Representatives district numbers that the entity is located within.

5.4. AMOUNT OF COAL IMPACT GRANT REQUESTED. \$ \_\_\_\_\_

6.5. NAME OF PROJECT:

(e.g., Mountain County Hospital Project)

6. TYPE OF PROJECT:

7. Enter the type of public facility project or service, such as water, wastewater, solid waste, first

7. responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other

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Enter the type of public facility project or service, such as water, wastewater, solid waste, first responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other (specify).

8. POPULATION SERVED BY PROJECT:

8. Enter the number of people that reside within the area served by the project.

Enter the number of people that reside within the area served by the project.

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9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

9. Enter the number of households within the area served by the project.

Enter the number of households within the area served by the project.

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10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Enter the name and title of the chief elected official or authorized representative of the applicant. Include the mailing address, business telephone, and e-mail address, and FAX number.

Enter the name and title of the chief elected official or authorized representative of the applicant. Include the mailing address, business telephone, e-mail address, and FAX number.

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11. PRIMARY ENTITY CONTACT PERSON:

11. Provide the name, mailing address, business telephone, and e-mail address, and FAX number of the person or people within the community designated as the primary contact person for the project. This person should be knowledgeable about the project and be authorized to speak on behalf of the applicant regarding the application.

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**12. OTHER CONTACT PERSONS:**

If applicable and available, provide the name, mailing address, business telephone, ~~FAX number, and~~

~~44. e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)~~

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~~If applicable and available, provide the name, mailing address, business telephone, FAX number, and e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)~~

**13. MILLAGE RATES:**

Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year

~~15. of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.~~

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~~Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.~~

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**14. AMOUNT OF COAL GROSS PROCEEDS TAX:**

Please provide the following details:

- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
  - How those monies are allocated (i.e. to general fund, etc.)
- How does the applicant decide the use of the gross proceeds?

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~~Please provide the following details:~~

- ~~Total amount of Coal Gross Proceeds tax the applicant has received during the last two years~~
  - ~~How those monies are allocated (i.e. to general fund, etc.)~~
- ~~How does the applicant decide the use of the gross proceeds?~~

**15. IMPACTS FROM COAL INDUSTRY:**

Number of residents that are currently employed by the coal industry within the applicant's jurisdiction

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- ~~Number of residents that are currently employed by the coal industry within the applicant's jurisdiction~~

16. MAPS:

Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.

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~~Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.~~

17. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and
- whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

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Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

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~~The project summary should briefly provide some background information including:~~

- ~~• the age of the system, facility, equipment, building;~~
- ~~• the date, type and cost of the last major improvements to the system, facility, equipment, building; and~~
- ~~• whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.~~
- ~~• The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).~~

~~Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.~~

### **EXAMPLE PROJECT SUMMARY**

**Historical Information:** The Mountain County Memorial Hospital constructed in 1959 met the health care needs of the Mountain County and surrounding communities. The Hospital has undergone numerous interior renovations. The most recent renovation to the hospital completed in March 2008, included approximately 18,300 square feet of hospital improvements including twenty-three patient rooms and minor upgrades to the imaging department of the facility. The latest renovation did not include capital equipment purchases, which is the rationale for the submission of this application.

**Problem:** The existing Hospital X-Ray Equipment has the following deficiencies

- poor clarity of image scans
- lack of table flexibility/non-tilting
- limited work space environment for hospital staff
- oversized equipment for room design
- lease expires soon for equipment

**Proposed Solution:** The Purchase of new X-Ray Equipment would:

- improve quality of image scans and reduce costs
- increase work space for imaging staff
- provide improved medical treatment for patient
- increase reliability of medical provider diagnoses
- upgrade current ten-year-old equipment
- improve viewing area for medical providers
- increase profitability

### **PROJECT SUMMARY FOR -----**

**Historical Information:**

**Problem:**

20.18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program. Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

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The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program. Administrative/Financial Costs must be reasonable and appropriate to ensure cost effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

EXAMPLES OF BUDGET EXPENDITURE CATEGORIES

Administrative/Financial Costs

**Administrative Costs**—personnel, professional services to administer the project, office rent, office equipment, supplies, telephone, postage, travel, audit fees, legal costs including bond counsel, etc. These are costs incurred

by the borrower in administering the project. (As applicable, specify each one as a separate line item.)

**Financial Costs** – Loan origination and administrative fees, debt service reserves, capitalized interest. (As applicable, specify each one as a separate line item.)

#### Activity Costs

**Equipment Costs** – Costs of specific equipment for a project.

**Land Acquisition** – Cost of land purchase, easements, right of way, leases, etc.

**Preliminary Planning/Engineering** – Costs associated with, but not limited to, preparation of preliminary engineering report and environmental checklist. (As applicable, specify each one as a separate line item.) **Final**

**Architectural/Engineering Design** – Costs for preparing approved project plans and specifications. **Construction** – Costs for project construction according to approved plans and specifications.

**Contingency** – Construction contingencies for public facility projects typically should not exceed or be less than ten percent of the estimated construction cost. Any deviation must be adequately justified.

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### EXAMPLE OF A PROJECT BUDGET

#### PROJECT BUDGET for Mountain County Hospital Equipment

Completed by: \_\_\_\_\_ For: (location) \_\_\_\_\_, MT \_\_\_\_\_ Date: \_\_\_\_\_

ADMINISTRATIVE/FINANCIAL COSTS	SOURCE: Coal Board Grant	SOURCE: Mountain County	SOURCE: Mountain Hospital Foundation	SOURCE: Murdock Trust	TOTAL:
Grant Administration	\$	\$	\$ 500.00	\$	\$ 500.00
Office Costs	\$	\$ 250.00	\$	\$	\$ 250.00
Professional Services (grant management, etc.)	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<b>TOTAL ADMINISTRATIVE/FINANCIAL COSTS</b>	\$	\$ 250.00	\$ 500.00	\$	\$ 750.00
<b>ACTIVITY COSTS:</b>					
Equipment Cost	\$ 115,500.00	\$	\$	\$	\$ 115,500.00
Construction Cost	\$	\$	\$	\$ 131,500.00	\$ 131,500.00
Architectural/Engineering Design	\$ 35,950.00	\$	\$	\$	\$ 35,950.00
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$ 35,000.00	\$	\$ 35,000.00
<b>TOTAL ACTIVITY COSTS</b>	\$ 151,450.00	\$	\$ 35,000.00	\$ 131,500.00	\$ 317,950.00
<b>TOTAL PROJECT COSTS</b>	\$ 151,450.00	\$ 250.00	\$ 35,500.00	\$ 131,500.00	\$ 318,700.00

PROJECT BUDGET FOR ---					
=					
Completed by: _____		For: (location) _____, MT		Date: _____	
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL:
Grant Administration	*** \$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<b>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</b>	\$	\$	\$	\$	\$
<b>ACTIVITY COSTS:</b>					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
<b>TOTAL ACTIVITY COSTS</b>	\$	\$	\$	\$	\$
<b>TOTAL PROJECT COSTS</b>	\$	\$	\$	\$	\$

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**B. Project Budget Narrative:**

**B.** Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

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**EXAMPLE OF A BUDGET NARRATIVE**

**ADMINISTRATIVE/FINANCIAL COSTS**

**Personnel Services/Office Costs:**

\$ 750.00

Personnel services will be at a minimum for the Mountain County Hospital X-ray purchase project. Only services conducted by the project manager dedicated to the project will be calculated at current rate of pay plus benefits over the 30-45 day project duration. 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**

\$ 750.00

**ACTIVITY COSTS**

**Equipment Cost:**

\$ 115,500.00

Estimated cost of the X-ray equipment with delivery and installation factored into the quote price.

**Construction Cost:**

demolition of the former X-ray room and all inspection/code fees

Construction cost is the total construction including inspection fees for the renovation of the X-ray room. This cost will also include

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included with this price.

~~\$131,500.00~~

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**Architectural Design:**

This cost is for architectural fees related to the design of the X-ray room:

~~\$ 35,950.00~~

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**Contingency:**

Contingency cost is approximately 10% of the contract bid. Percentage is the industry standard for medical equipment recommended by the architect/consultant.

~~\$ 35,000.00~~

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**TOTAL ACTIVITY COSTS: — \$317,950.00**

**TOTAL PROJECT COSTS: — \$318,700.00**

**BUDGET NARRATIVE FOR -----**

**ADMINISTRATIVE/FINANCIAL COSTS**

Personnel Services/Office Costs:	\$
Professional Services:	\$
Legal Costs:	\$
Audit Fees:	\$
<b>TOTAL ADMINISTRATIVE/FINANCIAL COSTS</b>	<b>\$</b>

**ACTIVITY COSTS**

Equipment Cost:	\$
Construction Cost:	\$
Architectural/Engineering Design:	\$
Contingency:	\$
<b>TOTAL ACTIVITY COSTS:</b>	<b>\$</b>
<b>TOTAL PROJECT COSTS:</b>	<b>\$</b>

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**C. Implementation Schedule:**

Each applicant must submit an implementation schedule that describes the overall schedule for project

completion.

Each applicant must submit an implementation schedule that describes the overall schedule for project completion.

EXAMPLE OF IMPLEMENTATION SCHEDULE												
TASK	QUARTERS 2009				QUARTERS 2010				QUARTERS 2011			
	1S T	2N D	3R D	4T H	1S T	2N D	3R D	4T H	1S T	2N D	3R D	4T H
<b>PROJECT START-UP</b>												
A. Sign contract with Coal Board	X	X										
B. Secure approval of other funding	X	X										
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)	X	X	X	X	X	X	X	X				
<b>PROJECT CONSTRUCTION</b>												
A. Architectural Design		X										
B. Conduct pre construction conference			X									
C. Construction and purchase and installation of equipment			X	X	X	X	X					
D. Monitor Progress	X	X	X	X	X	X	X	X	X			
E. Final Inspection								X				
<b>PROJECT CLOSE-OUT</b>												
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			

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<b>IMPLEMENTATION SCHEDULE FOR -----</b>												
TASK	QUARTERS 20XX+1				QUARTERS 20XX+2				QUARTERS 20XX+3			
	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H	1 <sup>S</sup> T	2 <sup>N</sup> D	3 <sup>R</sup> D	4 <sup>T</sup> H
<b>PROJECT START-UP</b>												
A. Sign contract with Coal Board												
B. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
<b>PROJECT CONSTRUCTION</b>												
A. Architectural Design												
<del>B. Conduct pre-construction conference</del>												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
<b>PROJECT CLOSE-OUT</b>												
<del>A. Coal Board administrative staff conduct on-site monitoring of the project.</del>												
B. Submit project completion report.												
C. Include project in audits.												

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19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207-(5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

21.

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207, (5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

A. Need

Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public

A. health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)

Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)

Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.)

(Describe the nature and frequency of occurrence and provide supporting documentation.)

APPLICANT'S RESPONSE:

Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)

(Describe the nature and frequency of occurrence and provide supporting documentation.)

APPLICANT'S RESPONSE:

Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)

(Describe the number or percentage of community residents affected by the problem.)

APPLICANT'S RESPONSE:

Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard. (If yes, describe the standard being violated.) (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

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▲ **APPLICANT'S RESPONSE:**

5.8. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

▲ **APPLICANT'S RESPONSE:**

6.9. Additional information supporting the NEED for this project.

▲ **APPLICANT'S RESPONSE:**

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**B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex**

Explain why the proposed project or governmental services or facilities "are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex" (90-6-205, (4)(a), MCA).

Explain why the proposed project or governmental services or facilities "are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex" (90-6-205, (4)(a), MCA).

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

**Responses might include:**

- ☐ the road maintenance and other maintenance impacts from coal hauling (rail and truck);
- ☐ operational impacts on emergency services (police, fire department, and ambulance services);
- ☐ impacts and services needed by local coal industry retirees and aging employees;
- ☐ the percentage of the households served by the public facility or service that include persons directly employed by a coal mine or coal using energy facility or directly related employment;
- ☐ the percentage of the users of the public facility or public service that are households in which one or more members are directly employed by a coal mine or coal using energy facility or directly related employment.

**APPLICANT'S RESPONSE:**

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.

**APPLICANT'S RESPONSE:**

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

**APPLICANT'S RESPONSE:**

**C. Availability of Funds**

1. Amount requested from the Coal Board: \$ \_\_\_\_\_
2. Amount of Coal Board funds available at the time of application \$ \_\_\_\_\_ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable

**APPLICANT'S RESPONSE:**

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4. What are the other proposed funding sources for the project?

**APPLICANT'S RESPONSE:**

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**EXAMPLES TO ASSIST WITH THE QUESTION WHAT ARE THE OTHER PROPOSED FUNDING SOURCES FOR THE PROJECT.**

List all sources of funds that you intend to use to finance the proposed project (e.g., federal and state grant or loan programs, bank loans, bonds, cash reserves, etc.). Do not provide an amount that combines both the loan and grant. If both a loan and grant will be obtained from the same source, they must be listed separately. The sources of funds listed should equal the estimated total project cost. The following box provides state and federal funding program abbreviations that can be used when listing the proposed funding sources:

**ABBREVIATIONS OF STATE AND FEDERAL FUNDING PROGRAMS**

**CDBG**—Department of Commerce—Community Development Block Grant Program  
**EDA**—US Economic Development Administration  
**INTERCAP**—Board of Investments—Intercap Program  
**MFFA**—Montana Medical Facilities Financing Authority  
**USDA/RD**—US Department of Agriculture Rural Development Program  
**RRGL**—Department of Natural Resources & Conservation—Renewable Resource Grant and Loan Program  
**SRF**—Department of Natural Resources & Conservation—Wastewater Revolving Fund Loan Program  
**WRF**—Department of Natural Resources & Conservation—Water Revolving Fund Loan Program  
**TSEP**—Department of Commerce—Treasure State Endowment Program

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For each source of funding listed, indicate the **type** (grant, loan, cash, in-kind contribution, or other) and agreed to the amounts requested.

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Also, indicate the **status of the commitment** of those funds to the project at the time of writing this application using one of the following choices:

- No Contact** - No contact has yet been made with the funding source;
- Discussed/Not Applied** - Project has been discussed with the funding source, but no application has been submitted. Briefly describe the discussion with the funding source and the likelihood of obtaining the funds;
- Application Submitted** - An application has been submitted, but funding has not yet been awarded. Briefly describe status of application; or
- Funds Committed (date)** - Funds have been committed by the funding source. Attach a copy of the commitment letter or other documentation verifying the commitment of funds.

Finally, if funds are to be borrowed, state the **loan rate and terms** likely to be required by the lender or bond underwriters (for example, interest rate, number of years to repay loan, and coverage and reserve requirements). Indicate whether the funding source has agreed or tentatively agreed to the term

### EXAMPLE OF A FUNDING SOURCES SUMMARY

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
CDBG	Grant	N/A	Do not qualify due to income levels within the county. Next deadline is April 2009	
TSEP	Grant	N/A	No application made — program cycle does not fit our needs	
RRGL	Grant	N/A	Project not eligible for funding	
USDA/RD	Grant	N/A	Our county doesn't qualify for this program because it is over the 90% income level	
MFFA Montana Medical Facility Financing Authority	Loan	Any unmet financial needs	Loan application pending the amount of funding from the coal board	5-year +/- 5% loan for any balance left for the project
The Mountain County Foundation	Hard Match	\$35,750	Committed	N/A
MCCHC Mountain County Community Health Center	Contingency	\$35,000	Committed	N/A
Montana Coal Board	Grant	\$247,950	Requested	N/A
Total Project Cost		\$318,700		

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### FUNDING SOURCES SUMMARY FOR.....

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

APPLICANT'S RESPONSE:

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

APPLICANT'S RESPONSE:

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

APPLICANT'S RESPONSE:

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

APPLICANT'S RESPONSE:

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

APPLICANT'S RESPONSE:

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ \_\_\_\_\_
  - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ \_\_\_\_\_

6. What are your current debt obligations?

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system need be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

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~~List current debt obligations.~~ If the applicant is a water, wastewater, solid waste, or other "enterprise" type system, which relies on rates and charges for its financial support, only debt related to that system need be entered. ~~If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not for profit organization should be entered.~~

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### EXAMPLE OF A CURRENT DEBT SUMMARY

Year Issued	Purpose	Type of Bond/Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance
1991	Operating Suite Remodel		\$2,500,000	10/2031	MFFA	110%	\$150,715	\$2,100,987
1985	Sprinkler System		\$500,000	6/2012	D.A. Davidson	125%	\$36,790	\$164,177

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### APPLICANT'S RESPONSE:

#### CURRENT DEBT SUMMARY FOR ----

Year Issued	Purpose	Type of Bond/Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

#### 7. What are your current assets?

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan; Investments, \$200,000 - \$100,000 of it is needed to purchase line inspection equipment in 2005).

7.

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan; Investments, \$200,000 - \$100,000 of it is needed to purchase line inspection equipment in 2005).

### APPLICANT'S RESPONSE:

#### 8. What financial accounting system do you use?

The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

8.

The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes\_\_\_\_\_No\_\_\_\_\_Date of last completed audit or financial report \_\_\_\_\_

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

~~APPLICANT'S RESPONSE:~~

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

~~APPLICANT'S RESPONSE:~~

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**E. Planning & Management**

State law (90-6-207, (5), MCA) requires the Coal Board to give attention "to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems." Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

State law (90-6-207, (5), MCA) requires the Coal Board to give attention "to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems." Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

I. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

**APPLICANT'S RESPONSE:**

2. Describe how the proposed project is consistent with current plans.

Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

**APPLICANT'S RESPONSE:**

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## APPENDIX BA

### PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

#### A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects;
- b. New construction of a Non-Water/Non-Wastewater community facility project;

#### B. A PAR MUST MEET THE REQUIREMENTS FOR:

- a. Preparation of a PAR as a planning activity

#### C. GENERAL INFORMATION ON PARs:

- o The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- o Architects and project representatives can call Community Development Division staff (406- 841- 2770) to request clarification and guidance regarding this PAR outline.

#### D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

#### E. PAR OUTLINE

##### I. PROBLEM DEFINITION

##### A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED. Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).

2. Attach pertinent correspondence to or from appropriate federal, state, and local regulatory

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agencies, especially information that provides documentation of health and safety concerns and deficiencies. **Facility Operation & Maintenance (O&M)** - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

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If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

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**3. Growth** - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

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Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

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Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

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## **B. IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.**

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Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. **Location** - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.

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2. **Growth Areas and Projected Population Trends** - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

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Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

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Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

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## **C. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES).** Describe the existing facility(ies), including at least the following information:

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1. **History** - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.

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2. **Condition of Facilities** - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

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## **II. ALTERNATIVE ANALYSIS**

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**A. DESCRIPTION OF ALTERNATIVE SOLUTIONS.** Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

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Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

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2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

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**B. REGULATORY COMPLIANCE AND PERMITS.** Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

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**C. LAND ACQUISITION ISSUES.** Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

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**D. ENVIRONMENTAL CONSIDERATIONS.** For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.

2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally-related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).

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4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

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**E. CONSTRUCTION PROBLEMS.** Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead-based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

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**F. COST ESTIMATES FOR EACH ALTERNATIVE.** For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and

2. Project Annual Operation and Maintenance Costs

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**III. SELECTION OF THE PREFERRED ALTERNATIVE**

**A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.

**B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.

**C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.

**D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.

**E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

**IV. CONCLUSIONS AND RECOMMENDATIONS**

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

## APPENDIX C: Environmental Review Requirements

### Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <http://leg.mt.gov/css/Publications/environmental/default.asp> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf> or <http://leg.mt.gov/css/services%20division/lepo/mepa/mepaforpublic.asp>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce~~the Department~~.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

### Statutory or Categorical ~~Exemptions~~Exclusions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;

- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility; or
- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that

is in operation or under construction when damaged and the action:

- (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
- (ii) is commenced within six months after the date of the emergency.

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If the proposed project qualifies for an exemption ~~to~~ categorical exclusion then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

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#### Environmental Assessment (EA)

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An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

**The applicant must provide a copy of the Final EA to the Department with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.**

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

#### **Environmental Impact Statement (EIS)**

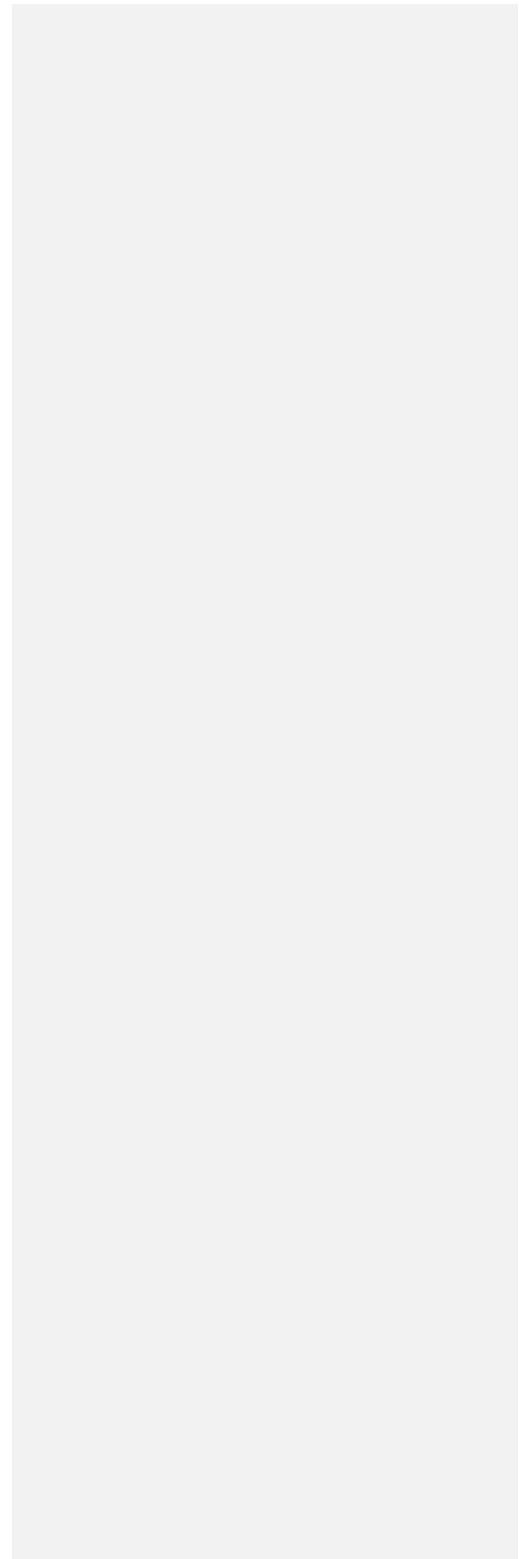
An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;



7. a discussion of any compensation related to impacts stemming from the proposed action;



8. an explanation of the tradeoffs among the reasonable alternatives;

9. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;

10. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;

11. a summary of the draft EIS; and

12. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the

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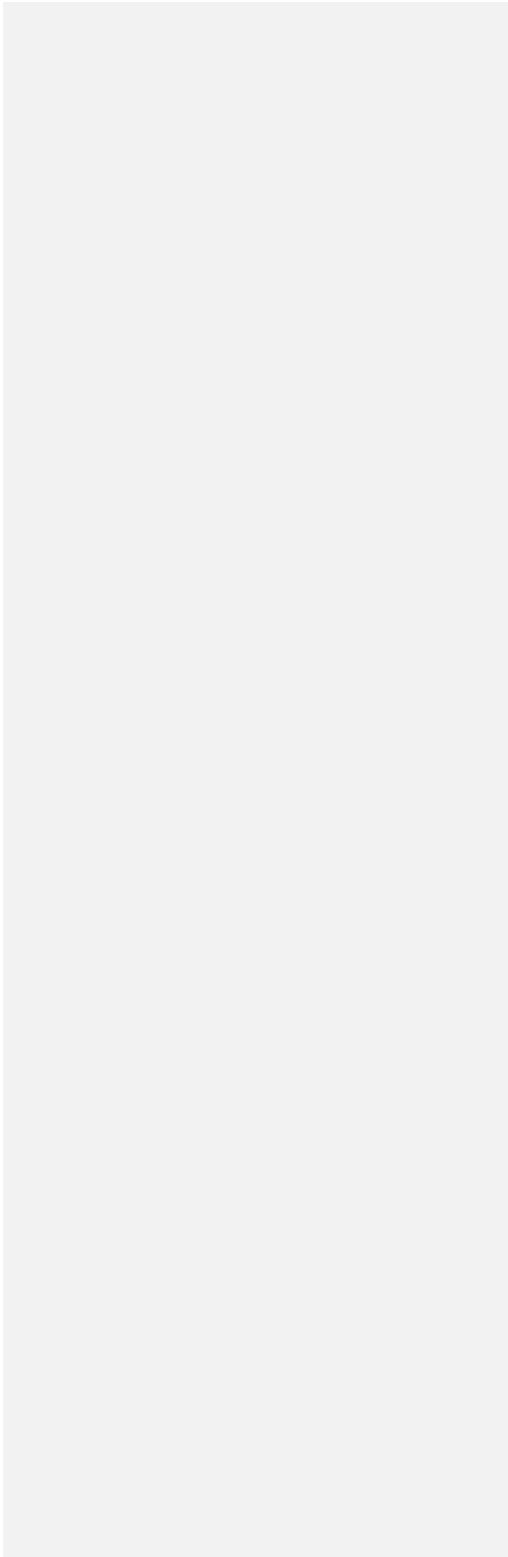
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revised project are adequately identified, addressed by the grantee, and any necessary public review



provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- ☐ Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- ☐ Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- ☐ Clean Air Act of Montana, Title 75, Chapter 2, MCA
- ☐ Water Quality Act, Title 75, Chapter 5, MCA
- ☐ Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- ☐ Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- ☐ The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- ☐ The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- ☐ Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- ☐ Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- ☐ Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- ☐ Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- ☐ Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at [http://www.dnrc.mt.gov/wrd/water\\_rts/default.asp](http://www.dnrc.mt.gov/wrd/water_rts/default.asp).
- ☐ Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is [http://dnrc.mt.gov/permits/stream\\_permitting/default.asp](http://dnrc.mt.gov/permits/stream_permitting/default.asp).

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☐ Cultural Resource Survey – You may need to perform a cultural resource survey for your project. The

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State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

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### Environmental Assessment

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Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA, or identify and analyze the environmental impacts of the proposed project.

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Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

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The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

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It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

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The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

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a. Environmental Assessment Checklist

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b. Environmental Review form

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c. Final Action taken by resolution or documented local decision

## ENVIRONMENTAL REVIEW CHECKLIST

<b>NAME OF PROJECT:</b>	
<b>PROPOSED ACTION:</b>	
<b>LOCATION:</b>	_____, Montana

<b>Key Letter:</b>							
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required							
<b>PHYSICAL ENVIRONMENT</b>							
Key	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">1</td> <td>Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</td> </tr> <tr> <td></td> <td><i>Response and source of information:</i></td> </tr> <tr> <td></td> <td> </td> </tr> </table>	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)		<i>Response and source of information:</i>		
1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)						
	<i>Response and source of information:</i>						
Key	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">2</td> <td>Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities &amp; propane storage tanks)</td> </tr> <tr> <td></td> <td><i>Response and source of information:</i></td> </tr> <tr> <td></td> <td> </td> </tr> </table>	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)		<i>Response and source of information:</i>		
2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)						
	<i>Response and source of information:</i>						
Key	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">3</td> <td>Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)</td> </tr> <tr> <td></td> <td><i>Response and source of information:</i></td> </tr> <tr> <td></td> <td> </td> </tr> </table>	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)		<i>Response and source of information:</i>		
3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)						
	<i>Response and source of information:</i>						
Key	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">4</td> <td>Groundwater Resources &amp; Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)</td> </tr> <tr> <td></td> <td><i>Response and source of information:</i></td> </tr> <tr> <td></td> <td> </td> </tr> </table>	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)		<i>Response and source of information:</i>		
4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)						
	<i>Response and source of information:</i>						

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Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		Response and source of information:
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		Response and source of information:
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		Response and source of information:
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		Response and source of information:
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a>
		Response and source of information:
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		Response and source of information:

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Key	11	Unique Natural Features (e.g., geologic features) <i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space <i>Response and source of information:</i>
<b>HUMAN ENVIRONMENT</b>		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics <i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes) <i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads) <i>Response and source of information:</i>

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Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

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Key	9	Lead Based Paint and/or Asbestos <i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact <i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues <i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities <i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline. <i>Response and source of information:</i>
Key	14	Health Care – Medical Services

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Key	20	Wastewater Treatment - Sewage System
		Response and source of information:
Key	21	Storm Water – Surface Drainage
		Response and source of information:
Key	22	Community Water Supply
		Response and source of information:
Key	23	Public Safety – Police
		Response and source of information:
Key	24	Fire Protection – Hazards
		Response and source of information:
Key	25	Emergency Medical Services
		Response and source of information:
Key	26	Parks, Playgrounds, & Open Space

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### Environmental Review Form

▲ On a separate piece of paper, please answer the following as they apply to your proposed project:

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▲ 1. **Alternatives:** Describe reasonable alternatives to the project.

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▲ 2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.

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▲ 3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required, and explain in detail why or why not.

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▲ 4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.

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▲ 5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.

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▲ 6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

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\_\_\_\_\_  
Authorized Representative, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name of) District

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date:

**Sample of a resolution  
to accept the determination that (level of environment finding) is appropriate for the  
(applicant, type of project )**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, The (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attested: \_\_\_\_\_

\_\_\_\_\_

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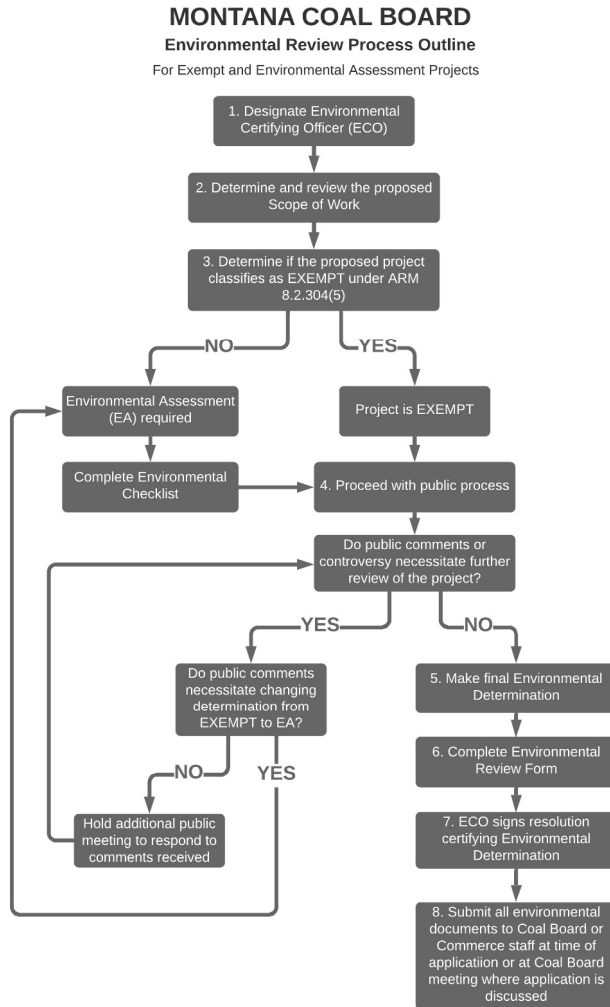
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