

**Montana Coal Board**

**Meeting Minutes**

**September 22, 2017**

Big Horn County Historical Museum, Hardin, MT

**Board Members Present**

Chairman John Williams, Vice-Chair Sidney Fitzpatrick, Veronica Small-Eastman, Shawn Fredrickson, Tim Schaff, and Marianne Roose.

**Montana Department of Commerce Staff Present**

Jennifer Olson, Division Administrator, A.C. Rothenbuecher, Grants Bureau Chief, Anne Pichette, Administrative Officer, Amy Barnes, Legal Counsel, and Amy Peck, Administrative Assistant.

**Public Present**

|                      |  |
|----------------------|--|
| Jim Atchison         | Southeastern Montana Development Corporation |
| Bill Hodges          | Big Horn Hospital Association                |
| Sandra Jones         | City of Roundup                              |
| Katy Easton          | Big Sky Economic Development                 |
| Robert Goffena       | Musselshell County Commission                |
| Jack Lane            | City of Hardin                               |
| Dennis Gerke         | Hardin Public Schools                        |
| Ed Joiner            | Rosebud County Commission                    |
| Keith Raymond        | Rosebud County DES                           |
| George Real Bird III | Big Horn County Commission                   |
| Kathie Bailey        | Snowy Mountain Development Corporation       |
| Thomas Stockert      | Musselshell County Road Department           |
| Allen Fulton         | Rosebud County                               |
| Scott Klein          | Forsyth City Fire Department                 |
| Brandon Heberle      | Forsyth City Fire Department                 |
| Carole Raymond       | City of Forsyth Council                      |
| Doris Pinkerton      | City of Forsyth                              |
| Christy Wright       | Wyola School District                        |
| Bob Pallas           | Golden Valley County                         |
| Michael Egge         | Golden Valley Fire Department                |
| Bill Kennedy         |  |
| Rudy King Jr.        |  |
| Laurel Slattery      |  |
| Linda Hammett        |  |
| Tom Berry            |  |
| Robbie Carpenter     |  |
| Ron Larsen           |  |
| Dave Warne           |  |
| Brandon Good Luck    |  |
| Lon Sibley           |  |

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**Welcome – Call to order**

Chairman Williams called to order the meeting of the Montana Coal Board at 8:30 a.m. He thanked Bill Hodges, Big Horn County Hospital Association, Heritage Acres, and Big Horn County Historical Museum for their hospitality.

**Roll call**

Ms. Pichette called the roll for board members. The following board members were present: Chairman Williams, Vice-Chair Sidney Fitzpatrick, Shawn Fredrickson, Marianne Roose, Veronica Small-Eastman and Tim Schaff.

**Opportunity for Public Comment**

- George Real Bird – Big Horn County, welcomed the Board to Crow Country, Cheyenne Country, and Big Horn County; home to three of six coal mines in the state.
- Tom Stockert – Musselshell County, thanked the Board for all the assistance to the county through past grants.
- Bill Hodges – Big Horn County Hospital Association, welcomed everyone to the Museum and invited everyone to tour it if possible. He provided updates on the previous awards for the boilers and elevators in Heritage Acres long term facility.
- Bradley Good Luck – Wyola School District, commented on the security system and cameras needed for the school as well as funding assistance for a snow plow truck to assist with bus routes. Will be applying in the future.
- Tom Berry – former Representative, commented regarding Coal Board funding and that he had recently met with the Governor regarding supporting coal country.
- Jim Atchison – SEMDC, updated the Board on the Energy Open golf tournament held recently. He reported on the Colstrip Diversification Strategy and that the first phase funded by the Board where six major goals were identified and 18 strategies and that there has been a lot of interest shown from Washington DC to Washington State. (handouts were provided)
- Kathie Bailey – Snowy Mountain Development Corporation, thanked the Board for the funding provided to the coal impacted region. She provided information regarding a power summit in Billings that four economic councils are hosting and invited the Board and the public to attend and that economic training especially geared towards coal country will be provided given that 30 people at Signal Peak mine are being laid off in October and the possibility of 50 more later in the year.

**Department of Commerce Orientation Updates**

Ms. Olson introduced Amy Barnes, Legal Counsel to the Department and assistant to the Board, who presented a review of topics as discussed at the Orientation meeting held June 21, 2017. The following were reviewed:

1. Open Meeting Laws/Public Participation

Ms. Barnes reviewed and discussed the process and provided documentation of this process. No questions and comments from the public or the Board were made.

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2. Conflict of Interest  
 Ms. Barnes reviewed and discussed the process and provided documentation of this process. Comments were received from the Board and Ms. Barnes provided clarification.
3. Environmental Review Process  
 Ms. Barnes reviewed and discussed the process and provided documentation of this process. No questions and comments from the public or the Board were made.
4. Limitations on Grants  
 Ms. Barnes reviewed and discussed the process and provided documentation of this process. Comments were received from the public and Ms. Barnes provided clarification.

**Approval of Minutes (June 21 and June 22, 2017)**

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

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

**Budget & Financial Report**

|   | <u>Direct</u>         |
|---|-----------------------|
| Funds available for 2019 Biennia:                       | \$6,822,204.00        |
| <br><u>2018 State Fiscal Year (July '17 – June '18)</u> |                       |
| • Funds appropriated for SFY 2018:                      | \$3,403,336.00        |
| • Coal Board funds awarded for SFY 2018:                | \$1,573,427.00        |
| • Revenue available in Coal Natural Resource account:   | \$ 740,446.95         |
| • Balance of available SFY 2018 appropriation:          | <u>\$1,829,909.00</u> |
| • Balance of available revenue less awards made:        | <u>(\$832,980.05)</u> |
| <br><u>2019 State Fiscal Year (July '18 – June '19)</u> |                       |
| • Funds appropriated for SFY 2019:                      | \$3,418,868.00        |
| • Coal Board funds awarded for SFY 2019:                | \$0                   |
| • Revenue available in Coal Natural Resource account:   | \$0                   |
| • Balance of available SFY19 appropriation:             | <u>\$3,418,868.00</u> |
| <b>Total awarded:</b>                                   | <b>\$1,573,427.00</b> |
| <b>Total Revenue:</b>                                   | <b>\$ 740,446.95</b>  |
| <b>Total appropriation available:</b>                   | <b>\$5,248,777.00</b> |
| <b>Balance of available revenue:</b>                    | <b>(\$832,980.05)</b> |

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Ms. Olson reviewed the budget and explained during the Orientation Meeting held on June 21, 2017 that the Department tracks the appropriation and how it can be allocated. This biennium is on a fiscal year allocation. The Coal Natural Resource account is the funding source; House Bill 2 separated it into two fiscal years. Ms. Olson detailed the current actual revenue deposited into the Coal Natural Resource account and the amounts awarded by the Board at the previous meeting. Due to the shortage of revenue available, the Department has not entered into contracts for the June awards. Ms. Olson drew attention to the Criteria for Award, Section C on availability of funds, and that this is a statutory consideration for any application.

- Chairman Williams – stated that appropriations have exceeded the revenue received to date. Staff will not issue contracts until revenue is received. As for the nine applications being considered at this meeting, no funds are available to award. He recommended that the Board hear the presentations and then table each until there are available funds. On the Agenda for the December meeting, Old Business will move in front of New Business so that the applications received at this meeting will be heard prior to the new applications. This will be an equitable treatment and allows time for applicants to complete the Environmental Review process.
- Kathie Bailey – SMDC, understood the issue and questioned as to whether there was a cash balance fund? Previously, a letter was sent to Staff requesting to remove an application from the table, will this apply for the December meeting? She requested that the Budget information be placed on the Department's website in the future.
- Chairman Williams – all applications will automatically be removed from the table at the next meeting.
- Ms. Olson – a public copy of the binder sent to the board members is available for review at each meeting which includes budget information as it can be difficult for a number of reasons to post all the information to the website. Also, it is believed that the cash balance is nearly zero; can provide an exact amount at next meeting.
- Jim Atchison – SEMDC, according to the Legislative Fiscal Division, the Coal Severance Tax collected \$58.8 million as of July 1 and 5.8% of that would be the \$6.8 million for the Coal Board so would it be that all accounts like the Coal Natural Resource are not receiving funds?
- Ms. Olson – that is a good question to be directed to the Department of Revenue.
- Chairman Williams – might it be possible to have a representative from the Department of Revenue be available to discuss the flow of cash and provide an update?
- Julie Emmons – SEMDC, questioned how long an awardee can have a contract before projects actually begin and the order in which those applications previously awarded would receive funding? The best use of funds may be to use funds on those awardees ready to proceed as opposed to those that are not.
- Ms. Olson – all startup conditions must be met prior to entering contracts.
- Chairman Williams – when are funds anticipated?
- Ms. Olson – assuming the same trend that has occurred in the past, December should have funds available.

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- Bill Kennedy – MSU Billings, a contract affects the timeline of steps to move forward like the bidding process and start of construction. A delay today delays the project three to four months which can affect the dollars needed for a project.

**Project Updates**

- Number of projects awarded since the beginning of the 2019 Biennia: 13
- There are currently 29 open contracts; 2 are closed; 12 are in process.
- Ms. Pichette read the letter from the Town of Lodge Grass requesting to extend their contract #0742. The requested date is October 31, 2018.

**Action by the Board:** Mr. Schaff made a motion to extend the contract. Ms. Roose seconded. Motion passed.

**New Business**

**Application #0832 MSU Billings – Yellowstone Science and Allied Health Building** **\$500,000**

- The applicant is requesting \$500,000 to complete the renovation of the 70-year old Science facility at MSU Billings.
- Bill Kennedy – President/CEO, MSU Billings Foundation, provided a video presentation and handouts. An Environmental Review checklist was provided in the application and he commented the Board for MSU found the project to be categorically excluded.
- Ron Larson – Chancellor, MSU Billings, eastern Montana is served by MSU Billings which is committed to coal country. The building is currently insufficient to meet the demand. The ability to attract teachers will also improve with an improved facility.
- Dave Warren – MSU Billings Foundation volunteer, as an alum from 1972 and a teacher for many years, the importance and value of education and that most jobs require a college degree, cannot be over-emphasized. Also, many educators and students at the school come from eastern Montana.
- **Questions and comments from the Board** – due to the school’s timeline, could this be approved pending funding? The urgency is there for their process for other funding.
- Bill Kennedy – an appropriation can show we have funding to further our timeline.
- Ms. Olson – to enter into a contract, the Department needs a scope of work and a budget.

**Action by the Board:** Ms. Roose made a motion to table the application. Mr. Schaff seconded. Motion passed.

**Application #0833 Musselshell County – Motor Grader** **\$269,750**

- The applicant is requesting \$269,750 to complete the purchase of a new motor grader.
- Tom Stockert – Musselshell County Road Department, expressed appreciation for previous awards. Currently, one of the graders has no air-conditioning which impacts the health of the driver as windows must be left open. In the past three years, there have been \$40,000 in repairs to this grader.

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- Kathie Bailey – SMDC, this request is included in the Comprehensive Economic Strategy and the CIP for the County.
- Bob Goffena – Commissioner, Musselshell County, if Signal Peak Mine were to shut down due to the challenges it faces, the County would lose 36% of revenues. The Bruner Mountain fire impacted the County and the Mine. The County is trying to stay ahead of failing equipment.

**Action by the Board:** Mr. Schaff made a motion to table the application. Mr. Fredrickson seconded. Motion passed.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

Discussion of applications prior to tabling:

**Application #0834 Golden Valley County – Jaws of Life** **\$27,363**

- The applicant is requesting funds to complete the purchase of a new Jaws of Life for emergency services to replace existing equipment.
- Bab Pallas – Volunteer Fire Department, the current equipment is outdated and not repairable any longer.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0835 Big Sky Economic Development – Coulson Park Master Plan** **\$10,000**

- The applicant is requesting funds to complete the Coulson Park Master Plan in Billings.
- Katy Easton – Big Sky Economic Development, this area is managed by the City of Billings and has the capacity to be a major regional park that would significantly improve a currently blighted, crime-ridden property, as well as spur economic development in the area. Many coal and energy employees live within Billings and Yellowstone County. (handouts were provided)
- **Questions and comments from the Board:** This is in the heart of Crow Country. Will the old, abandoned power plant be part of the park?
- Katy Easton – it is hoped that the future owner of the plant will partner with the City to continue improvements and access to the park per the Master Plan.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0836 Rosebud County – Sheriff's Office Equipment** **\$188,000**

- The applicant is requesting funds to complete the purchase and installation of equipment for the Sheriff's Office.
- Ed Joiner – Commissioner, Rosebud County, the County is maxed in Mills and the budget is extremely tight. Equipment age has put employees at risk. (handouts were provided)

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- Allen Fulton – Sheriff, Rosebud County, all this equipment requested has become more and more necessary; car cameras, body cameras, tasers, and others are to save lives of the people, in the case of the boat, and the officers of this county. Provided handouts to help complete the Environmental Review as requested by staff.
- Jim Atchison – SEMDC, Colstrip has begun the overhaul on Unit 1. Four to five hundred workers are coming to assist. This request will help meet the needs of these people should they need help too.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0837 Town of Broadus – First Responder Capnography Machine \$6,100**

- The applicant is requesting funds to complete the purchase of two capnography machines for use throughout the county by the Powder River First Responders.
- Julie Emmons – SEMDC, Powder River is unique; there is no doctor in whole county, all EMT's are volunteers. The closest doctor and hospital are 90 miles away. 45% of the population are above age 62. The ER has been completed. A letter of commitment from Powder River Endowment Fund received \$1 million donation. \$6,100 will be matching funds to an award from the Coal Board. SEMDC and the Town of Broadus will donate the administrative fees from the grant for approximately \$650. (handouts were provided)
- Jim Atchison – SEMDC, Montana is a rapidly aging state; by 2030 it will be the fourth oldest in population. Powder River follows this trend. This request is much needed.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0838 Town of Roundup – End Dump Truck \$67,309**

- The applicant is requesting funds to complete the purchase of an end dump truck.
- Sandra Jones – Mayor, City of Roundup, thanked the Board for previous critical awards in the City, schools and hospital. 60.2% of the population is below the poverty level and this equipment is listed in the CIP. The requested new truck is necessary to meet emissions regulations; it is difficult to find good used vehicles. The ER process has been completed. (handouts were provided)

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0839 City of Colstrip – Economic Diversification Strategy Implementation \$175,000**

- The applicant is requesting funds to complete the implementation of the recent economic diversification strategy.
- Jim Atchison – SEMDC, the strategy was completed in May. In October/November 2015 CEDS document, Colstrip challenged SEMDC to provide specifics; a targeted approach for the coming

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potential impact to the City due to the downturn in coal production. Colstrip needs to move on the implementations. Colstrip United, a group on social media, has provided support. Also, the request is amended to **\$70,000** due to funding received from other sources. (handouts were provided)

- Ed Joiner – Rosebud County, in full support of this request. The Strategy has made a huge, positive impact on Colstrip.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

**Application #0840 City of Forsyth – Fire Truck**

**\$184,000**

- The applicant is requesting funds to complete the purchase of a new pumper fire truck.
- Keith Raymond – Volunteer Fire Department, the truck being looked at is a demo which will save money. The current 1973 truck really cannot be a front-line truck any longer; having to manufacture parts since they are no longer available for purchase. This will increase firefighter and civilian safety. The City provides mutual aid to surrounding areas; as far away as Miles City. This equipment is listed in the Growth Plan. (handouts were provided)
- Jim Atchison – SEMDC, this purchase is listed on the Infrastructure Needs list and is strongly supported.
- Ed Joiner – Rosebud County, the Commission fully supports this request.

**Action by the Board:** Vice-Chair Fitzpatrick amended the motion to table all remaining applications - #'s 0833 to 0840. Mr. Schaff seconded. Motion passed.

The Board and members of the public had closing comments regarding the Environmental Review process as previously discussed.

**Old Business**

None.

**Board Matters**

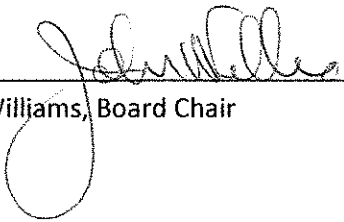
- Marianne Roose – the concerns and expectations of applicants were understandable but felt it prudent to wait for funding and to table the applications.
- A.C. Rothenbuecher – staff will have a funding update sometime in early October.
- Chairman Williams – noted that the amount of PM10 from the forest fires this summer alone would have taken the four plants in Colstrip to operate 100 years to exude the same amount.
- Bill Kennedy – MSU Billings extended the invitation to hold the next meeting at the school.



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**Adjournment**

With no other business, the meeting was adjourned by Chairman Williams at 1:15 p.m. The next meeting is scheduled for December 21, 2017 in Billings, Montana, location to be announced.

  
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John Williams, Board Chair