April 3, 2018

Commissioner Kartevold opened the meeting at 10:00 a.m., with Gary Kartevold, Douglas A. Buxbaum and Dennis Zander present. Also present were Tom Green, Chad Knudson, Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:
A motion was made to approve the minutes for March 20, 2018. The motion was seconded. All voted in favor. Motion carried.

Items to be added to the agenda:
A motion was made to add the following items under administrative items.
- Board Appointments
- Bids Correction Facility Vehicle
- Travel Request Barb Roehl
- Payroll Journal March 2018
- Encroachment Permits

The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items:
Board Appointments-The following board appointments were made:
- Highland Park Irrigation Board-Kyle Millsbaugh
- Fair Board-Anna Kueker
- Airport Board-Tim Lytle Craig Stebbins-reappointed
- Urban Transportation Board-Don Idso to replace Heather Frank who resigned

New Administrative Items:
Travel Requests- A motion was made to approve the following travel requests:
- Tom Green to Billings for MSPOA 2018 Convention and training
- Barb Roehl to Billings for FMLA Workshop June 7&8

The motion was seconded. All voted in favor. Motion carried.

Travel Requests- A motion was made to table the following travel requests as the commissioners noted they were taking separate vehicles to the same meeting in Bozeman. They also felt the Library Board should approve Library travel requests.
- Dawn Kingstad to Bozeman April 10-14 for MT Library Association Conference
- Addie Canen to Bozeman April 10-15 for MT Library Association Conference

The motion was seconded. All voted in favor. Items were tabled.

March Payroll- The board of Commissioners certified the payroll warrants register total and the Invoice Journal total for the month of March 2018 and noted they were in agreement.
Old Business:

- None

New Business:

**February Claims** - All claims against the County were audited and approved for the month of February 2018. This list contains all claims against the County including payroll withholdings, deductions and contribution warrants.

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**Bids for Correction Facility Vehicle** - Tom Green stated that he had sent out 7 bid request letters to various dealers for a new vehicle and received 3 responses. The commissioners reviewed the bids received.

1. Billion Dodge-Chrysler Bozeman MT for 2018 Dodge Durango Special Service AWD, $27,470.00 Delivered
3. HKT Big Sky Motors of Glendive MT - 2018 Dodge Durango SXT AWD $26,841.00

The commissioners reviewed the differences between the Dodge Durango bids that were submitted. A motion was made to award the bid to HKT of Glendive. The motion was seconded. All voted in favor. Motion carried.

**Encroachment Permits** - The county received 2 encroachment permits from Mid-Rivers.

1. Bore Crossing and Parallel Line for County Road 226, Section 11, T16N, R51E
2. Bore Crossing and Parallel Line for County Road 226, Section 11, T16N, R51E

The commissioners reviewed the locations and noted the Road Supervisor has approved the request. A motion was made to approve the encroachment permits. The motion was seconded. All voted in favor. Motion carried.

5) Correction Facility Vehicle bids

6) Mid-Rivers Encroachment Permits

**Note:** The text is a natural representation of the document in question.
Alcohol Tax Monies-Provider Designation

The commissioners noted that there are three organizations that are state approved chemical dependency service providers, District II Alcohol & Drug Program, Youth Dynamics, EMCMHV Substance Abuse/Dependency Services. Commissioner Kartevold noted that he would abstain from any vote as his spouse is an employee of District II. Commissioner Buxbaum stated that he was aware the EMCMHV program was interested in obtaining a portion of this funding. There was a short discussion about if there was any demographic that was being missed by the 100% designation to District II. The commissioners agreed they needed to gather some information before making a decision. A motion was made to table the item. The motion was seconded. All voted in favor. The item was tabled.

Correspondence/Information:

- Bid opening Motor Grader April 17, 2018
- Notice sent from Commissioners to landowners outside of the West Glendive Fire District and City of Glendive regarding petition for a rural fire district
- Support letter for Buffalo Rapids Irrigation Project
- Request for Senior All-Nighter donations
- Notice to EcoBuilding to work with Mechanical Technology on our control system rather than FICO
- Notice from MT Dept of Labor and Industry of Election conducted by Board of Personnel Appeals for Road/Bridge Department: 9 in favor of representation Teamsters Union 2 against Representation
- Notice from Neptune Aviation Services of Dawson County Airport to receive a LockheedP-2 for display at the airport
- Special Meeting of Commissioners April 4, 2018 Scott Bollwitt, et al v. Dawson County and West Glendive Metropolitan Sanitary Sewer District #1. Meeting may be closed to discuss litigation strategy
Public Comment: None

The meeting adjourned at 10:30 a.m.

DATED this 4th day of April 2018.

________________________________________
Gary Kartevold, Chairman

________________________________________
Dennis Zander, Member

________________________________________
Douglas A. Buxbaum, Member

ATTEST: _______________________________
Shirley A. Kreiman, Clerk & Recorder

April 4, 2018

Commissioner Kartevold opened the meeting at 1:30 p.m., with Gary Kartevold, Douglas A. Buxbaum and Dennis Zander present. Also present were Brett Irigoin, Susan Swimley, Tara Depuy, Chad Knudson, Ranger Review Reporter, and Shirley Kreiman, Clerk & Recorder.

New Business:
Scott Bollwitt, et al v. Dawson County and West Glendive Metropolitan Sanitary Sewer District #1- The commissioners asked for public comment. There was none. Susan Swimley addressed the commission. She stated she was legal council for Dawson County in the case of Scott Bollwitt, et al v Dawson County and the West Glendive Metropolitan Sanitary Sewer District. She would be presenting findings for the case, including both strengths and weaknesses, and the commissioners could close the meeting to the public, as findings can be detrimental to litigation. County Attorney Brett Irigoin concurred. Commissioner Buxbaum made a motion to close the meeting. Commissioner Zander seconded the motion. All voted in favor.

Susan Swimley noted that she would be taking minutes for the closed meeting.

DATED this 4th day of April 2018.

________________________________________
Gary Kartevold, Chairman

________________________________________
Dennis Zander, Member

________________________________________
Douglas A. Buxbaum, Member

ATTEST: _______________________________
Shirley A. Kreiman, Clerk & Recorder
Commissioner Kartevold opened the meeting at 5:30 p.m., with Gary Kartevold, Douglas A. Buxbaum and Dennis Zander present. Also present were Andrew Lauckner, Toby Lester, John S Husar, Loren Schaaf, Pat Mischel, Doug Byran, Ryan Poole, Mark Feland, Tim Wyse, Brett Irigoin, Jim Wyse, Marty Christman, Ted Stortz, Scott Mickelson, Joe Sharboneo, Kathy Green, St Unterer, Steve Hinebaugh, Greg Cross, Amy Myron, Timber Dempewolf, Jamie Ausk Crisafulli, Chad Knudson, Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Public Hearing - New or Expanding Business Classification Application form from Upper Badlands Wind Development, LLC. Commissioner Kartevold asked for public comment: Pat Mischel submitted the following written questions and verbally read them.

To Dawson County Commissioners
Re: Public Hearing Testimony
Upper Badlands Wind Development, LLC – Tax Application for New or Expanding Industry

My name is Pat Mischel – 47 Rd 261
Commissioner: I urge you to consider all factors when voting for or against Upper Badlands Wind Development LLC’s Special tax application.

The Montana Legislature has created these special tax abatements to promote and encourage New and Expanding Industries, but counties must also take into account the impact and benefits of these projects.

1. Is the Special 10 year Tax Application necessary for construction of, and success of the project?
2. Are there impact funds available? What amount, How long. Will they cover the actual costs?
3. Where are the capital improvement materials coming from? Will local or even American Made goods be used?
4. (Attached President Trumps Memo)
5. Will there be a percentage % of local workers required for the Project?
6. Has applicant responded fully to ARM 42.19 .1222 (h) by submitting a complete list of officers, directors, trustees, stockholders, investors, partners, managers, or others having control or, investment in, or a substantial interest in the new industrial endeavor, together with the current address of each person, firm, or corporation?
7. Will the investors of the Upper Badlands Wind Development, LLC apply for Federal Production Tax Credits? What is the expected return?

* A note: Federal PTC’s for wind are due to end in 2020, a letter from the Dawson County Commissioners to our congressional delegation in favor of PTC’s would be helpful.
Concerning the applicants 10 year estimate of taxes:
Tax year 2021-2030
W/O Incentive $50,026,099 @ 50% $35,571,225 = $14,454,873,
@25% $28,343,788 = $21,682,310
Differ. $7,227,437

We all support new industry in Dawson County, but we also would like a
lasting effect to the progress. Our tax base allows us to prepare for future
projects, by building infrastructure or having the ability to tax new projects in
a fair way.

In closing,
I would ask that since this application was filed on March 8th, 2018 And
Montana law allows 120 days from that date to deny or approve the
applicant. A 30 day submission period be given for Dawson County Resident’s
and others to present written material.

Pat Mischel - 47 Road 261 – Glendive, Mt. 59330
Is a tax break really needed. Will they recover their profits pretty quickly?

Financial Concerns: The facts of this breaks it down to 50% of the tax evaluation 50 million down to 35 million a savings of 14 million 75% knocks it down 50 million to 28 million a savings of 21 mil 682,310 the difference in the two is 7 million dollars a lot of money to Dawson County. If you are considering these proposals I wish you would consider the lower one. I support new industry. There is ample time with 120 days to respond to give 30 days to parties to respond to this request.

Scott Mickelson of Dawson Community College- As a part of the Educational Community, I’m here to support the Badlands Wind Project. We have discussed the ability of the college to partner with this company to offer a 2 year certificate in the technology needed. We support innovative ideas and can be an educational partner to provide and meet the goals of students who desire careers in technical areas. This is an untapped resource that would provide increased revenue and bring students in who would be able to stay here in this area and this would be good for the economical value of Eastern Montana.
Andrew Lauckner-I am in support of the project. It would be a windfall for Dawson County and Montana.

Pat Mischel-Can you explain why you are holding this hearing. It is regarding giving a tax break, whether you give the break of 50% or 75% off of the tax bill for the first 10 years.

Commissioner Kartevo-L you’ve explained it.

John Husar-I am the owner of the project and I will answer any questions you have about the project. The revenue model has to show it will make a profit. We are only getting $14 a megawatt If the project doesn’t pencil out to make a profit, the project may go out of state to South Dakota, Oklahoma, possibly Washington.

Kathy Green-If you don’t a tax incentive, does that mean you won’t do the development?

Husar-Because the prices are so low per megawatt we are asking for the incentive. The problem we have in Montana is we have to build to get the electricity to a load center. Denver is a load center. Minneapolis is a load center. If they vote positively to give us the incentive, that will provide us a model to make it attractive to a developer, otherwise they will look at other markets. We need something that will look good enough for the Copenhagen folks to make the investment.

Green-So you are saying if you don’t get the tax breaks you won’t do the development?

Husar-It would be very difficult.

Green-The residents currently pay for the infrastructure, the roads that would be impacted.

Husar-I have discussed this with the commissioners and we will be signing a contract for an impact fee. $250,000 a year for 3 years to cover the roads and impacts we are making. We will pay for these roads as we go. This is one of the best wind sites on the planet 10-12 mtrs per second. It is just tough to get the energy out.

Green-Aren’t you building where the transmissions are?

Husar-It’s being built near where transmission lines are. Hopefully prices go up, but at $14 mg the forecasts don’t project a profit. This is all risk money for the investors.

Loren Schaff-What would be the least amount of tax cut needed?

Husar-The Copenhagen folks would be the ones putting up $400 million, so if they see they can make a profit, they could give it to us, otherwise they’ll take it to another state.

Schaff-Are there American investors or are these the only ones? I’ve taken it to about 6-8 investors, I’ve got goals to achieve, personal goals and I feel Copenhagen is the best company for me. I’ve been in the process for 20 years.

?Where would the towers be manufactured?

Husar-Denver. Denver manufacturing

Green-What is the lifespan of the wind turbin?

Husar-25 years. I’ve seen some go 35 years. The tower can get left up, but a new cell needs to be put on it at around 20 years.

Lauckner-How many jobs will it provide for technicians and staff?

Husar-10-12 turbines for 1 technician, I’m thinking it would employ 13-14 technicians and a couple of office employees, a manager or foreman.
Greg Cross-Regarding the turbins located in Judith Gap, was a benefit seen to the local community? Was the benefit solely during construction phase.

Husar-During the construction phase, there are a number of workings coming in and we would try to use local contractors for the construction phase, once the construction is done, the residual is fairly low. I’m adamant about keeping the work here. We would use local concrete. I’ve spoken to local contractors. I’ve spoken to another contractor out of Sidney. The only thing I know for sure I would have to look out of state for is a tower erector. I can’t locate one here in Montana. Much could be done by local folks. 2 1/2 years. Hopefully we can open the school here for the technicians at Dawson Community College of which I’m a graduate and happy to be working with them.

??The talent is here. We have good worker bees here. The tax plan is hard to swallow. We are tax poor here on this end of the state.

Husar-I’m hoping everyone is looking to the future. The first 10 years are a tax break. You have to look beyond. Initially it will be very tight to operate. You have 30 years of full taxable value. Let’s try to get it built.

Lauckner-Where do the blades come from?

Husar: Denver

Steve Hinebauch-What is the net tax result for the County. This is something that has to be weighed out. How would the costs go up?

Gary Kartevold-Everything is an estimate 75% for 10 years, 21 Million, The schools would get some. We would roughly get 20% of that in Dawson County, about $400,000 a year.

Pat Mischel-Can you give a 30 day extension for public comments. Can Husar to make a presentation for the public?

Commissioner Kartevold had the County Clerk & Recorder read written comments that were received.
One telephone message was also received from Shane Eaton—Not in favor of giving a tax break. It is discrimination against smaller businesses who have built up businesses here and not received tax breaks.

Green- Is it possible to ask everyone here if they are for it? I would like to know as to who is here if they are in favor? The taxpayers all probably have an opinion. When do you intend to vote?

Commissioner Zander-The purpose of this meeting is to take comment. If anyone would like to speak up, this is the time to comment.

Lauckner-I am in favor of a tax break.

Any other public comment?

If not the public hearing portion of the meeting is closed.

The commissioners noted that they will be conducting the bid opening for the grader first, as there are people present for this portion of the meeting that need to be on the road. It is being noted in the minutes under the new business as on the agenda.

Prior Meeting Minutes:
A motion was made to approve the minutes for April 3 & 4, 2018. The motion was seconded. All voted in favor. Motion carried.

Items to be added to the agenda:
A motion was made to add the following administrative items and correspondence items: Previously approved

- Board Appointments
- Memorandum of Understanding Drug Task Force FY19,
- Striping Proposal

New administrative items:

- PHEP Contract
- Travel Requests
- Encroachment Permit

Correspondence/Information:

- Updated WG Fire, List of Board Members
- BLM Notice of roads/trails inventory
- Teamster Notice of negotiation
- Mosquito Meeting May 1st
Action for Eastern Mt-request for budget match for FY19
Final report Certificate-Wastewater Systems Impr. project
The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items:

Travel authorizations-A travel request for Bruce Smith to travel to Biddle MT for area Extension Agent update April 9-10 was approved by the commissioners on April 4th

Board Appointments-The following board appointments were made:
- Urban Transportation Board-Don Idso to complete the term for Heather Frank and Lori Brengle to complete the term for Dane Silvernale.
- Compensation Committee-Ardie Adams reappointed
- Housing Authority board-Dawn Guenzi
- WG Fire District Board-Mike Mills and Darran Ryan reappointed

Administrative Items:
Montana Association of Counties Bylaws Amendment-After a review of the bylaws, a motion was made to approve the amendment to Workers Comp Trust and Joint Powers agreement to allow notices to be emailed, and allow trustees to attend meetings via telephone. The motion was seconded. All voted in favor. Motion carried.

Travel Requests- A motion was made to approve the following travel requests:
- Bruce Smith to Fort Benton April 19-20 to teach Level 1 Master Gardener workshop
- Jackie Stinnett to Bozeman May 15-17 for Extension Adm Professionals Conference
- Doug Keever to Wolf Point April 25-26 for Valves and Hydrants Workshop to get wastewater certification.

PHEP Contract-Timber Dempewolf, Health Department director was present and stated that this was a contract renewal and there were not changes in the contract. The grant is for $30,040 and supports a part time staff person to support preparedness response to emergencies, threats and disasters with public health implications. A motion was made to approve the contract. The motion was seconded. All voted in favor. Motion carried.

Encroachment Permit-Buffalo Rapids District 1-The commissioners reviewed the permit noting that it was for an open cut on County Road 261, Section 31, Township 14N, Range 54 East for a pipeline on Wang's property. The road supervisor has reviewed and approved it. A motion was made to approve the permit. The motion was seconded. All voted in favor. Motion carried.

Old Business:
Travel Authorizations Dawn Kingstad and Addie Canen-The commissioners noted that the Library Board approved the travel requests for Kingstad and Canen to go to Bozeman, April 10-14 on April 10th.

Designation of Service Provider-Earmarked Alcohol Tax Monies-Commissioner Kartevold stated that the commissioners have scheduled meetings with each of the approved organizations to gather information prior to making a decision. The item was tabled.

New Business:
Approval of March 2018 claims-Item was tabled for report.

Bid opening-Motor Grader-Two bids were received.
1. T&E Tractor & Equipment $345,494 with no trade $72,000, $64,000, & $70,000 allowed for trade-ins based on miles. Caterpillar.
2. R.D.O-$310,000 with no trade-in, $60,000, $64,000, $50,000 allowed for trade-ins based on miles. John Deere.

The commissioners discussed the need to review the specs with the road supervisor and tabled awarding a bid until such time.

New or Expanding Business Classification Application form from Upper Badlands Wind Development, LLC. Pat Mischel stated that he felt a decision on this matter of significant interest was out of order and the proposal should be read at one meeting and voted on at the next.
County Attorney, Brett Irigoin weighed in on the matter stating that is not in MCA and that the public hearing had just been held on the matter and the commissioners could make a decision on it. Commissioner Zander noted that it was nice to see interest in the decision and agreed it is an important decision. The commissioners stated that as there still seemed to be some questions from the public about the development and the tax reduction they were requested they asked John Husar the developer if he would be willing to put on a public information meeting prior to their next session. He agreed to do this on April 26th. The commissioners asked when construction on the project would begin if the pieces came together on the project. Mr. Husar stated it would be the late spring of 2019. He was asked if it would go through if the price of power stays where is at. He stated possibly and that was the best he could say. If the price would be $12 a megawatt the financial group would be more interested in going through with it. Commissioner Kartevo noted the item will be moved to the May 1st agenda.

Spring Clean Up-A request was received from the city of Glendive requesting Dawson County to contribute up to $1,000 for the community spring clean up April 21-28. A motion was made to approve the request. The motion was seconded. All voted in favor. Motion carried.

**Correspondence/Information:**
- Notice sent from Commissioners to landowners outside of the West Glendive Fire District and City of Glendive regarding petition for a rural fire district.
- Treasurer's cash report as of March 31, 2018
- Notice from MDOT regarding 2017 Audit findings for Dawson County 2017-002 Auditor prepared financial statements.
- Letter from Paul Laisy supporting the creation of the fire district and requesting Dawson County to consider including the City of Glendive and West Glendive to make one countywide district.
- Bid opening Roof Repair Fairgrounds, May 1, 2018
- Bid opening Meals on Wheels, May 1, 2018
- Updated bylaws and list of Board Members for West Glendive Fire District.

**Public Comment:** None

The meeting adjourned at 10:30 a.m.

DATED this 17th day of April 2018.

______________________________
Gary Kartevo, Chairman

______________________________
Dennis Zander, Member

______________________________
Douglas A. Buxbaum, Member

ATTEST: _______________________________
Shirley A. Kreiman, Clerk & Recorder