Prairie County Board of Commissioners Meeting

August 27th, 2025

Prairie County Court House Commissioners Room

217 West Park St Terry, MT 59349

www.prairiecounty.org

Prairie County Board of Commissioners Todd Devlin, Christine Keltner and Dennis Teske met in regular session at 9:00 a.m. In attendance Administrative Assistant Harry McNall.

9:00 a.m. Pledge of allegiance and call to order. Public Comment.

Sheila Dixon Checking on the letter to FWP and happy to report there is a new restroom at the fishing site in Fallon.

Arron Martinson: Following last week's meeting, Dennis saying that he has to recuse himself. The county attorney has a client that has a wind turbine contact. We should not have double standards, including those with MACo.

Shane Eaton He sent an email on Monday to the County Attorney, he provided a copy to each commissioner today. The title search is a waste, because the title has been recorded at the time it was done. He continued to explain what he thinks should happen to confirm property owners on the petition.

Jesse Smalis following up on his comment from last week. Those who live on the roads should have a say, because they know them best. All their mail comes over these roads including medicine, etc.

Reene Pirtz the lifestyle here will be affected by the wind turbines, which have many negative aspects. She went over past conversations and meetings concerning zoning and outside legal. Industrial development is bad for our county. Asking the Commissioners to reconsider many of the items concerning industrial development.

Ross Feehan calling with NextEra Energy Corp. Wanted to update the commissioners on their survey process, they will be doing topographic surveys. They notified landowners, other departments and sheriff's department.

Commissioner Devlin explained that the right of ways is for traffic through an easement from the landowners.

Shane Eaten, page 15 of NextEra's proposed road haul agreement. Esale and equivalent of a single axle of an 18,000 lbs on pavement, it will be different on gravel. The President of the US did a moratorium to study the negative impacts; he has done Interim zoning. If the Federal Government does a pause so should we, until further information from the feds is provided.

Scott Eaton, Thank you for this thankless job. Talking with other counties and states, they don't talk to developers until permits are in place. There deadline is not our deadline, make sure things are in place before they can start construction. If we can do a moratorium that would be wise.

Road Supervisor Todd Henry updated commissioners on road department activities. Clerk & Recorder updated Todd Henry and Commissioners about the encroachment easements applications request from NextEra. Shane Eaton ask Todd Henry to look closely at the road haul agreement about "Road Closure" section. Will the agreement be continual or expire after a certain amount of time.

Tylene Eaton was allowed to make a public comment during the road department time period. She has a concern about the width of the road and amount of traffic during construction of the Glendive Wind Project. Will they be using these roads day and night? There should be a limit to use and speed limits that are enforced. If roads are closed how will the landowners know, how will they get to school etc.

Arron Martinson, should we contact the fire department and health department about issues with road closures?

10:00 a.m. Commissioners reviewed correspondence.

10:15 a.m. Administrative Assistant Harry McNall explained that there had been public concern as well as others about including too much detail in the public comment section of the minutes. He ask what the commissioners would like him to do, would they like to continue with details in the public comment or reduce it like this example "Jan Doe, commented on the road haul agreement". The commissioners expressed that they want comments the way they are to ensure the people's comments are recorded.

10:17 a.m. Commissioner Devlin read the minutes from the August 20th, 2025, commissioners meeting.

10:25 a.m. Commissioner Teske made a motion to accept the August 20th, 2025, commissioners meeting as corrected, seconded by Commissioner Keltner, "all in favor" motion passed.

10:30 a.m. Commissioners reviewed information from County Attorney Dan Rice about MACo zoning commission liability.

10:45 a.m. Commissioners reviewed and signed a letter of support for Sheila Dixon concerning FWP recreation sites.

11:00 a.m. Clerk & Recorder Shari Robertson provided the commissioners with payroll to review and sign.

Prairie County Voucher # 1020 $68,823.89

Prairie County Voucher # 1023 $21,006.72

Prairie County Voucher # 3 $17,647.49

Prairie County Voucher # 1022 $3,403.00

Prairie County Voucher # 1021 $22,761.32

Prairie County Voucher # 1024 $33,486.82

Commissioners reviewed and signed claims.

Prairie County Voucher # 1019 $2,834.80

Prairie County Voucher # 1018 $6,793.02

11:20 a.m. County Treasurer Garrett Lapp joined the meeting to provide the commissioners with the school's budget for FY26. Commissioner Devlin signed the budget.

12:00 p.m. Lunch Break

1:00 p.m. Delite Dukart with Watts Insurance provided updates about Montana Association of Counties (MACo) security options and zoning insurance endorsements. The zoning defense coverage cannot be added until next July (2026). She went over a recent training she had with MACo on the insurance that MACo provides to the county.

1:40 p.m. Commissioners contacted Moulton Billingham in Billings concerning zoning defense coverage.

2:25 p.m. County Treasurer Garrett Lapp went over with the commissioners about the "School Safety Team" and Resolution 2026-8, the team is currently in place.

2:27 p.m. Commissioner Devlin made a motion to approve and sign resolution 2026-8 "Resolution Ordering the Creation of Prairie County Interdisciplinary Child Information and School Safety Team", seconded by Commissioner Keltner, "all in favor" motion passed.

3:00 p.m. Public Comment

Shane Eaton recommends that the county send a letter to anyone who wants to work in the right-a-way, explaining the easement with the county. Shane read a letter that property owners have received concerning the use of the right-a-way. He recommends a letter to be sent to Glendive Wind LLC, saying they don't have permission from the county to use the easement.

Conversation about county road use easements, how they can be used and who can use them.

Arron Martinson, I encourage you to look into conflict of interests within the commission.

3:30 p.m. Commissioner Keltner made the motion to accept the Prairie County Land Board Bi-Laws as written, seconded by Commissioner Teske, Open to discussion, "all in favor" motion passed.

Discussion point on land planning board bi-laws, it doesn't say the members have to be residents of the county. Commissioner Devlin explained that they only have to be landowners in the county.

3:35 p.m. Commissioner Devlin contacted Ross Freehan with NextEra and explained the county road easements with the property owners. Ross indicated he had no knowledge of it but would speak with his legal department and look into it.

4:00 p.m. Clerk & Recorder Shari Robertson joined the meeting to go over Budget FY26. She read through the Budget Message for fiscal year 2026. County Treasurer Garrett Lapp explained the property taxes with the current changes for Tax year 25. This year it went from 1.35% to 0.76% on multiplication factor on market value. Shari went over Resolution 26-2, 26-3, 26-4, and 26-5 which will be used for the budget.

5:00 p.m. Commissioner Teske made a motion to adjourn the meeting, seconded by Commissioner Devlin, "all in favor" motion passed.

Signed this 3rd day of September 2025

Todd Devlin _____ ATTEST: Shari Robertson _____

Todd Devlin, Commissioner Chair

Shari Robertson, Clerk & Recorder

Harry Mcnall

From: Dan Rice
Sent: Friday, August 22, 2025 11:19 AM
To: Harry Mcnall; Todd Devlin - (mtdevlin@gmail.com); Clerk and Recorder
Subject: Fwd: Zoning Commission Liability

Follow Up Flag: Follow up
Flag Status: Flagged

Harry,

Can you please include this in the correspondence for the next Commissioner meeting? I asked MACO about the type of land use defense coverage available, and was advised that anything pertaining to zoning would fall under MACO's "zoning commission liability" program.

PLEASE NOTE that the coverage is for "zoning actions" taken under **existing** zoning code provisions.

There is a COVERAGE EXCLUSION for actions arising out of "the adoption, amendment or repeal of zoning rules, regulations, or ordinances or to claims based on, involving or arising out of any legislative act."

This means that there is NO COVERAGE for any litigation arising out of the ENACTMENT of new zoning. Should litigation arise out of the adoption of zoning provisions which result in legal challenge, the County would have to obtain defense counsel at the County's cost, as insurance defense coverage is not available.

Zoning litigation is fairly specialized. I do believe that Moulton Bellingham in Billings would be a good firm for the Commissioners to consult with, should there be questions about the cost of defense in this type of litigation, as their firm specializes in local government defense work, and is one of the primary firms I have worked closely with in City related litigation over the past dozen years or so (the Moulton firm are often retained by MMIA for defense of cities and towns).

I have strenuously encouraged the Commission to obtain defense coverage for zoning and land use claims for many months now, and continue to urge the Commission to obtain appropriate coverage as may be available. That said, it appears that there is no coverage available through MACO which would defend zoning enactment, which would include the Part 1 Zoning petition presently being reviewed. MACO would only cover claims arising from subsequent zoning enforcement action.

Regards,

Daniel Z. Rice
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Prairie County
Montana

Board of County Commissioners
P.O. Box 125 • 217 Park St W • Terry, MT 59349
Phone: (406) 635-5575 • Fax: (406) 635-5576

Ross Freehan
NextEra Engery Corp
Glendive Wind LLC

Ross,

The Prairie County Commissioners have determined that we should make contact regarding the county roads and use thereof within Prairie County. The majority of our road system is NOT owned by the county, the land within the right-of-way is used and maintained under the terms of an easement with the property owner, and the land remains owned by the property owner. The road is maintained by the county for purpose of public access roads.

This information should be considered when conducting business that takes your vehicles, equipment and business.

Thank you for your time,
Sincerely,

Todd Devlin

Todd Devlin, Chair