Prairie County Board of Commissioners Meeting

October 29th, 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.

Shane Eaton: read a prepared comment concerning litigation letter from Glendive Wind LLC, NextEra's lawyers. Submitted comments to commissioners. Concerning the 1 p.m. meeting with outside lawyers, have you considered the lawyers Wibaux used, and considered meeting with them? Talk with other counties that have different lawyers.

Commissioner Teske has reached out to the attorney Wibaux County has used and has not heard back. After the meeting last week, if we didn't hear our citizens, we "are not listening".

Shane Eaton gave a recap of Dawson and Prairie County last week concerning citizens' petitions. Two people that didn't sign the petition were for it. 17 people that have a lease signed also signed the petition. In Dawson County they had a good turn out in favor of the petition. The feeling of support is overwhelming in the County. Shane explained his signs for Trespass Zoning that he had presented at the hearing, so the commissioners would have a better understanding.

Commissioner Teske explained he favors the setbacks to keep private property rights for those who don't have contracts.

Reene Pirtz gave the commissioners a letter from The Falen Law Offices LLC Attorneys for the West and to consider them for outside legal. Consider looking at the letter from Glendive Wind LLC Lawyers and respond.

Shane Eaton in January, the lead developer for the project, was ask about suing the county and responded that they would do the right thing. Is it right to challenge what the citizens want? He also said they would abide by the regulations adopted by the County.

9:30 a.m. Road Supervisor Todd Henry. Commissioners informed him they received a complaint about not stopping the road grader when a semi-truck came by him. He explained that the truck was empty and had half the road, so he didn't stop for them. Commissioners, Clerk & Recorder Shari Robertson and Road Secretary Laney Smith went over the revisions of the road policy for Resolution 26-10.

11:00 a.m. Commissioners reviewed CRS Inmate Excess Medical Agreement 2026.

11:09 a.m. Commissioner Teske made a motion to accept CRS Inmate Excess Medical Agreement 2026, with all options included, seconded by Commissioner Keltner, "all in favor" motion passed.

11:13 a.m. Commissioners reviewed the Action for Eastern Montana 2026 Contract.

11:14 a.m. Commissioner Keltner made a motion to accept and sign the Montana's Older Americans Act Programs Contract from Area 1 Agency on Aging Contract Number 2026-001-05, seconded by Commissioner Teske, "all in favor" motion passed.

11:16 a.m. Clerk & Recorder Shari Robertson provided the commissioners with Payroll Vouchers and Checks to sign and review.

Prairie County Voucher # 1049 $18,930.05

Prairie County Voucher # 1048 $ 2,771.00

Prairie County Voucher # 6 $13,361.17

Prairie County Voucher # 1047 $20,806.79

Prairie County Voucher # 1046 $66,259.14

Prairie County Voucher # 1050 $34,112.04

Commissioners reviewed expenditures sheets.

The commissioners reviewed and signed budget amendments worksheets vouchers #156,157,158,159,164,165,166,160,161,162,163.

12:00 p.m. Lunch Break

1:00 p.m. Commissioners spoke with Tara DePuy via phone. County Attorney Dan Rice joined the meeting to discuss retaining Tara Depuy to represent Prairie County in obtaining judicial determination regarding zoning matters.

County Attorney Dan Rice explained the letter received from NextEra/Glendive Wind LLC and that they indicate they have pre-existing standings, and other information. We need to determine pre-existing use and other questions that would prevent later litigation that would cost the taxpayers money. He gave a brief explanation of Tara Depuy experience and Tara explained her history as a Land Use Attorney, zoning issues, districting etc. The commissioners ask several questions concerning zoning, wind regulations/zoning etc.

1:19 p.m. Commissioner Devlin made a motion to hire Tara DePuy, seconded by Commissioner Keltner, open to discussion: Commissioner Teske said it would be best to look at all options before moving forward and talk with other counties. Commissioner Keltner explained there is a history with the county working with Tara DePuy. "all in favor" Commissioner Devlin, Commissioner Keltner in favor, "all opposed", Commissioner Teske opposed, motion passed.

Tara DePuy explained that in order to move forward everything will be open to the public until it is determined to have a need to have a closed session, and she would need to reach out to NextEra's Attorney and will get back on an agenda to go forward.

Commissioner Chair Devlin and Commissioner Keltner signed "Tara Depuy, Attorney At Law PLLC Attorney Fee Agreement $225/hr. Commissioner Teske said he wouldn't sign it.

1:30 p.m. Commissioner Keltner read the minutes from October 22nd, 2025, commissioners meeting.

1:40 p.m. Commissioner Devlin made a motion to accept the minutes the October 22nd, 2025, commissioners meeting as corrected, second by Commissioner Teske "all in favor" motion passed.

1:50 p.m. Commissioner Devlin read minutes from the public hearing on the Big Sheep Mountain Park Zoning District on October 22nd, 2025.

2:00 p.m. Deputy Clerk & Recorder Aria Walters provided the commissioners with claims.

Prairie County Voucher # 1053 $9,804.18

Prairie County Voucher # 1054 $5,771.71

2:34 p.m. Commissioner Teske made a motion to accept the minutes from the Big Sheep Mountain Park Zoning District Public Hearing, on October 22nd, 2025, as corrected, seconded by Commissioner Keltner, "all in favor" motion passed.

3:00 p.m. Public Comment:

Shane Eaton: Made a comment on the 1 p.m. discussion. He read his comments and provided it to the commissioners. His comments are a list of questions that he ask the commissioners to address. The proposed regulations for Big Sheep Mountain Park Zoning District are not made to stop wind turbines but instead made to put guidelines on development.

Keiffer Lewis: Not against the development. Who is going to pay for this development, where does it all come from? He explained in detail what types of costs he was referring to, such as GIS mapping, surveying etc. Concerned that people outside the district will be paying for the district. Would like some research into what costs that may be a part of the district.

Shari Robertson: Representing a statement as a Clerk & Recorder, and Election Officer. There are statements that there was an election, she didn't do an election or vote count. There were 101 landowners and 76 signed the petition out of that district and that is where 76% comes from. There was no election through her office.

Reene Pirtz: Found it interesting that this decision on outside lawyer was made so fast. Its interesting that the Land Planning Board had hired outside lawyers to help with zoning, and within a week the decision was reversed because we had a County Attorney. Now we don't have confidence in our county attorney. There is not a lawsuit, and we hired an attorney. You didn't consider other options!

Shane Eaton: In Dawson County, they have been working through type 2 zoning. There had not been any threat of litigation on the proposed zoning. A developer ask for a variance in a hearing in Dawson to the zoning regulations concerning setbacks. Why go down the road you decided to at 1 p.m. meeting?

Lisa Everrett: Listening to the county commissioner meetings, the county attorney works with commissioners and doesn't need to be at all the meetings. When the letter from NextEra came to the commissioners there were questions and reprimands before they could even read it. In Dawson County NextEra ask if a variance could be put into the zoning regulations.

3:30 p.m. Commissioners reviewed public comments from the October 22nd public hearing on Big Sheep Mountain Park Zoning District.

4:10 p.m. Commissioners worked on setting commissioner meeting dates for 2026.

4:40 p.m. Commissioner Teske made a motion to adjourn the meeting, seconded by Commissioner Devlin, "all in favor" motion passed.

Signed this 12th day of November 2025

Todd Devlin, Commissioner Chair

ATTEST: Shari Robertson

Shari Robertson, Clerk & Recorder

Shane Eaton

Questions for the commissioners:

- Please provide a list of all lawfully built building and structures that would be considered non-conforming in regards to the regulations of the Big Sheep Mountain District that are built or not yet completely built.
- Please provide a list of all lawful land uses that would be considered non-conforming in regards to the regulations of the Big Sheep Mountain District that are currently in use or are not yet completely being used.
- Is there any zoning regulations in affect today that would affect Nextera?
- Is there any litigation on-going today with Nextera or Glendive Wind LLC?
- Please provide a list of all the commercial and industrial entities that the county will have the newly hired attorney contact that might be affected in regards to the proposed Big Sheep Mountain District.
- Nextera, Glendive Wind LLC, is proposing a WECS, Wind Energy Conversion System. Please provide a list of building, structures, permits, and leases that Nextera and Glendive Wind LLC has fully executed in their WECS.
- Is the county undertaking prejudicial treatment to the Big Sheep Mountain District?
- Why is Nextera and Glendive Wind LLC getting special contact from the county?
- Are the county commissioners putting tax revenue as a priority over the health, safety, morals, and general welfare of the Big Sheep Mountain District? Please explain.
- Are the county commissioners laying the ground work to have an excuse to give the Big Sheep Mountain District so as to not enforce the development regulations?

Prairie County Commission Response to Litigation Threat if Prairie County dares implement a citizen initiated petition.

- Prairie County holds the Constitutional right of it's citizens to freely associate, express their concerns, right to vote, and right to participate in local government in the highest and utmost regard; and Glendive Wind LLC and Nextera will not intimidate, or infringe, on these rights.
- Table all business under consideration by Prairie County Commission in regards to Glendive Wind LLC and Nextera, indefinitely.
- Table any submitted or proposed business from Glendive Wind LLC or Nextera, indefinitely.
- Glendive Wind LLC and Nextera will not be on a Commissioner agenda.
- Inform Glendive Wind LLC and Nextera, that communication will only be in the form of certified mail addressed to the Prairie County Commissioners. Individual emails to commissioners or county attorney will not be recognized.
- After Glendive Wind LLC, or Nextera as the Litigation threat did not clearly state who the "client" is, withdraws the threat of litigation, a 90 day "cooling off" period will be implemented before any business or normal communications will resume between Prairie County and Glendive Wind LLC and Nextera.

Shane Eaton