Prairie County Board of Commissioners Meeting

November 12th, 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: In the last meeting I submitted a list of questions during public comment, have you answered any of those? 25-15 Public Comment Resolution, does the public have an option to comment on all agenda items during the agenda or just during public comment? Another confusing item, letter October 9th, from county attorney. He read some comments from that letter. Has the county already made a determination? The recent hire of the county for outside legal is concerning.

Todd Tibbetts: There is discussion today about fees the county has concerning roads. Charging landowners for cleaning cattleguards (Cargates), is not fair, it benefits all who travel the roads.

Commissioner Devlin: When there are written easements, the county takes care of the cattlegaurds.

Todd Tibbetts: I think the county should take care of the roads (cattleguards) either way, with or without written easements. Request that the fees don't get raised for those services.

Shane Eaton: Adding to Mr. Tibbetts our farm has been fined for cattle getting onto other land when cattleguards are full. Please take that into consideration.

Senator Bob Phalen: He hopes that county commissioners abide by the will of the people when it comes to NextEra.

Commissioner Teske spoke to Senator Phalen about wind leases and his view on property rights for those who have signed leases, and those who have no leases.

Susan Elhart Glendive Dawson County, she has written 5 or 6 editorials on this subject, and she doesn't trust them. She explained some of the issues she has seen with NextEra, and their campaign ads. NextEra has many lawsuits, and they have threatened Prairie and Dawson County. If the two counties can stand together, we can get through it.

Senator Bob Phalen: There was a meeting with NextEra in the Capital during this year's session. They said they would be 1 mile away from dwellings, and bond year 1. Ross Freehan spoke against my bill and the senate ended up passing a bill that only has 1500 feet set back. I don't trust that guy!

Rick Elhart: Did business for 20 years with a guy and we took care of each other. Then I moved on to a new agreement that I took the word of someone, and it was painful for 14 years. You can't do business with someone you can't trust. If it was someone else and not NextEra, I would feel different. Eastern Montana needs money, but we can find someone who works good for all of us. We should let this one go.

Senator Bob Phalen: We are not trying to shut it down; we are trying to put sideboards on it.

Susan Elhart: The EPEC building in Glendive has a large banner from NextEra. They are inserting into our county without being invited. She explained many negative possible aspects of wind development.

Chele Harrington: Recently I saw a video of decommissioning in New York State. They were demolition, so lots of debris.

Rick Elhart: Make an ordinance that is limited to 199 feet tall and that will end this debate.

9:30 a.m. Road Supervisor Todd Henry joined the meeting. Reviewed Montana's Department of Transportation Bridge Report for Bridge 04084 & Culvert 04081. 04084 is currently in the process of repair (finding funding, contracts etc. Through Great West Engineering & MDOT). There was a discussion on priority of cattleguard cleaning/maintenance.

Commissioner Devlin concerning encroachments, his ideas are "only owners of the property can make a request for an encroachment". It was confirmed this type of wording is in the new Road Policy.

10:00 a.m. Terra Burman and Teresa Olson with Eastern Plains Economic Development Council (EPEDC). Came to update the Commissioners about the current events with EPEDC and Milwaukee Bridge project. The project for Milwaukee Bridge is moving forward for next year 2026. Terra provided the commissioners with a list of what the county needs to do going forward. There was a discussion on projects at the fairgrounds. The Milwaukee Bridge project paperwork and plan going forward was discussed. There is a clear schedule for 2026 to complete this project. There are projects in the county that are currently in the process in Terry, such as the trail program. There is also talk about the opening of the Teddy Roosevelt Presidential Library in Medora North Dekota in July of 2026 that is likely to have an impact on Prairie County.

Road Supervisor Todd Henry spoke to commissioners about the amount of work that the road department has, and the lack of employees to complete the work. It requires more employees and better pay to get the work that needs to be done completed.

11:00 a.m. Commissioners reviewed new comments submitted about the Proposed Big Sheep Mountain Zoning District. Original comments are retained with the Clerk & Recorder's office, and the Commissioners are reviewing copies of those comments.

11:15 a.m. Commissioner Devlin read the minutes from the October 29th, 2025, commissioners meeting.

11:26 a.m. Commissioner Keltner made a motion to accept the minutes from the October 29th, 2025, commissioners meeting as corrected, seconded by Commissioner Teske, "all in favor" motion passed.

11:34 a.m. There was a discussion on a letter received by Browning Kaleczyc Berry & Hoven P.C. Attorneys at Law representing various landowners in Big Sheep Zoning District.

Commissioner Teske: this should have taken more important standing; we should look at this as the same as the letter from other attorneys.

Commissioner Devlin: Told Commissioner Teske to speak with County Attorney Dan Rice, outside of the quorum.

Shane Eaton: Having Tara DePuy look into non-conforming uses, as a member of the public what has been determined.

Commissioner Devlin: read a letter from Tara DePuy, who updated the commission on 11/7/2025 about her progress concerning determination of preexisting condition.

Shane Eaton: There is not any litigation, why is this done secret. It is not known what the counties' position is.

Commissioner Teske, the Commissioners need to lead the direction of this process. We don't need a commission board; we need to make the decision.

12:00 p.m. Lunch Break

1:00 p.m. Deputy Clerk & Recorder Aria Walters provided the Commissioners with claims to review and sign.

Prairie County Voucher # 1055 $43,661.48

Prairie County Voucher # 1056 $ 2,306.28

Journal Adjustments (170,183, 174).

Clerk & Recorder Shari Robertson spoke to the commissioners about commissioner meeting dates next year (2026).

1:56 p.m. County Attorney Dan Rice gave the commissioners an updated draft of the resolution for the Big Sheep Mountain Park Zoning District, for commissioners to review and make recommendations.

3:00 p.m. Public Comment.

3:30 p.m. Public Hearing for Resolution 26-10. Road Policy and fee schedule changes.

3:42 p.m. Commissioner Devlin made a motion to accept Resolution 26-10 "A Resolution Establishing Revised Prairie County Road Policies and Road Related Fees" seconded by Commissioner Teske, "all in favor" motion passed.

4:00 p.m. Public Hearing for Resolution 26-11.

4:15 p.m. Commissioner Keltner made a motion to accept the Resolution 26-11, "Cemetery Fee Schedule Changes" seconded by Commissioner Teske, open to discussion, "all in favor" motion passed.

Commissioner Keltner made a motion to amend the motion to change the $250 per plot, $200 to cemetery fund, and $50 to perpetual care fund, seconded by commissioner Devlin, "all in favor" motion passed.

4:30 p.m. Dale Hellman with the Cemetery Board to discuss possible hires to fill the two open positions. The board is recommending holding off on the caretaker position at this time, and they recommend hiring an applicant for the grave technician. They found a suitable employee among the applicants and asked the commissioners if they can hire that applicant.

Commissioner Devlin is making a motion to hire Jessica Thomason as grave technician, seconded by Commissioner Keltner, "all in favor" motion passed.

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

Signed this 19th day of November 2025

Todd Devlin

Todd Devlin, Commissioner Chair

ATTEST: Shari J Robertson

Shari Robertson, Clerk & Recorder

Harry Mcnall

From: Todd Devlin <mtdevlin@gmail.com>
Sent: Wednesday, November 12, 2025 11:41 AM
To: Harry Mcnall
Subject: Fwd: Part 1 Zoning - Pre-existing/Nonconforming Uses

Sent from someplace on something, Todd Devlin Rancher/Farmer Prairie County Commissioner MtNRC Ex Dir NACo Public Lands Committee Chair CONFIDENTIALITY NOTICE: The information contained in this message may be privileged and/or confidential. If you are not the intended recipient, or responsible for delivering this message to the intended recipient, any review, forwarding, dissemination, distribution or copying of this communication or any attachment(s) is strictly prohibited. If you have received this message in error, please notify the sender immediately, and delete it and all attachments from your computer and network.

---------- Forwarded message ---------
From: **Tara DePuy** <attorney@riverworks.net>
Date: Fri, Nov 7, 2025 at 11:29 AM
Subject: Part 1 Zoning - Pre-existing/Nonconforming Uses
To: mtdevlin@gmail.com <mtdevlin@gmail.com>, dteske@midrivers.com <dteske@midrivers.com>, keltner@midrivers.com <keltner@midrivers.com>
CC: Dan Rice <pcatty@prairiecounty.org>

Good morning,

A brief update. I had a telephone conversation with NextEra's attorneys this morning. On the call were Lucas Forcella, Crowley Fleck, and Pete Cocotos, in-house counsel for NextEra.

The subject of discussion was the issue of obtaining a court determination as to whether NextEra's activities to-date would be a pre-existing/nonconforming use if a Part 1 Zoning District and Regulations are enacted. NextEra had just received the November 7, 2025 letter from Greg Overstreet who represents various landowners in the proposed Big Sheep Zoning District. NextEra requested more time to review Mr. Overstreet's letter.

Another telephone call has not been scheduled at this time.

If you would like to further discuss this matter with me, please schedule a meeting time on a regularly noticed County Commission agenda. While I have included all three

County Commissioners on this update, a response by any one of you by e-mail would constitute an unnoticed meeting and I request that instead, if you have comments, please schedule a meeting so that the public is fully informed.

Tara

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