Prairie County Board of Commissioners Meeting

January 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. Sheila Dixon, Clerk and Recorder Shari Robertson and Sheriff Lewis. A written public comment was submitted by Lance Kalfell and read aloud by Commissioner Keltner. (Exhibit D)

The commissioner briefly discussed bonding, and NextEra's formula for calculating those numbers.

9:10 a.m. Terry Tribune reporter Will Conley, and Road Supervisor Todd Henry joined the meeting.

9:15 a.m. Jeff Keys sent an email this morning saying the Federal Highways meeting was cancelled, that was on the agenda for 9:30 a.m.

9:16 a.m. Sheriff Lewis said that he talked to citizens that they do not feel comfortable going to some public meetings due to the hostility present in some of the members on those boards. He took a large map and marked where the Glendive Wind Project will be putting up towers and he put it up in the courtroom.

Commissioner Teske stated "he is not "pro" or "against" wind development," he is concerned about the citizens that will be affected by these projects.

9:20 a.m. Count Attorney Dan Rice joined the meeting.

Back and forth discussion among the commissioners about private property rights, and responsibilities. Further discussion on lighting requirements, height determination and other things to consider with wind turbines.

9:36 a.m. Road Supervisor Todd Henry gave an update to the commissioners on various road issues and projects. There may be an option to purchase a pay loader in the next couple of months from Billings County in North Dakota.

9:45 a.m. Wireless connection to the County Network has been dropping, the last 5 minutes were not recorded.

9:50 a.m. Shelia Dixon wanted to thank the road department for helping remove old printing presses from the museum.

9:55 a.m. Commissioner Devlin received a response from McCone County, they denied the abatements and in response Ross Freehan said they needed the abatement to make it financially feasible. (Exhibit A)

10:00 a.m. Two emails from Commissioner Teske to the other commissioners are attached as Exhibit B & C, to stay in compliance with open meeting laws.

10:05 a.m. Sheila Dixon spoke to the commissioners on behalf of the Museum board, and they are asking to get on the Montana Historical Register. There are some requirements, but they are minimal. Shiela said that the museum board sent a letter opposing Senate Bill 90. Discussion on some of the history of Prairie County.

Commissioner Keltner made a motion to have the 1906 museum building designated and added to the Montana Historical Register, seconded by Commissioner Teske, "all in favor" motion passed.

10:45 a.m. Jacob Kitson ask the question of what kind of tax increase are you projecting. Commissioner Devlin explained that it will increase about $7500 per MILL.

Jacob ask about bonding, and when it would be put in place. Commissioner Devlin explained that bonding is not required for the first 15 years, but we want it from the beginning.

Jacob ask, have you thought about the long term effects and the possibility of a citizen suing the county over the environmental damages to the county. Have you considered how you are being opened to lawsuits.

Commissioner Teske spoke about what the Department of Environmental Quality (DEQ) permitting will address as far as environmental issues.

Jacob said he had several concerns about the environment and what the future will look like. He could not find in any minutes that showed the reversal of the decision to hire outside legal advice for the Land Planning Board, after a motion was made to hire them. The minutes on December 18th, 2024, at 11:16 a.m. show the motion that was made to reverse the decision made on November 27th, 2024.

There was an extensive discussion on the constitution and abilities of the commissioners.

11:10 a.m. Clerk & Recorder provided the commissioners with Payroll.

Prairie County Voucher # 9 $5,289.62

Prairie County Voucher # 1088 $2,004.00

Prairie County Voucher # 1087 $17,136.15

Prairie County Voucher # 1086 $16,185.38

Prairie County Voucher # 1085 $61,665.01

Prairie County Voucher # 1089 $31,277.77

Commissioners signed and reviewed claims.

Prairie County Voucher # 1092 $74,327.98

Prairie County Voucher # 1093 $1,462.07

Journal Adjustments: FY24: Journal Entry 524

Journal Adjustments: FY25: Journal Entry 292

Budget Journal Entry # 3

12:00 p.m. Commissioners went to the courtroom for the Board of Health Meeting.

1:24 p.m. Commissioners returned to the commissioners meeting.

1:20 p.m. Terra Burman with Eastern Plains Economic Development Council (EPEDC) stopped into visit with commissioners.

2:00 p.m. District Court Clerk Shari Robertson updated the commissioners on activities within that office.

2:30 p.m. Commissioner Devlin provided an update on legislative activities from his time in Helena earlier this month. Commissioner Devlin testified in person in support of the bill requiring bonding from day one on wind farms. Shane Eaton provided this information Article 9 section 2 part 1 of the Montana constitution. Various discussions on sales tax, property taxes and other legislative proposals.

2:55 p.m. Public Comment:

Todd Tibbitts: submitted a comment on "who will be responsible if an industrial company goes bankrupt, will it be state, county, private property owner?"

Dave Hudson provided a comment "said there was an incident that a property owner had to sue NextEra to get the decommissioned wind towers taken off his property."

Jacob Kitson wanted to provide the commissioners with a supreme court ruling that he would like them to review. He also expressed his disapproval of the commissioners, and he believes they can do more.

Cody Tibbits made a comment "thanking the commissioners for the work they are doing."

Shane Eaton: provided the commissioners with property liability insurance papers that show insurance companies exclude wind turbine incidents from policies. He also said the county cannot enforce an agreement with NextEra, and Dawson County came to the conclusion that the only way to enforce land use agreements is through zoning. Shane gave the commissioners the letter from Dawson County. Shane played audio from the December 30th meeting 1hr 1min Prairie County Commissioners meeting. Shane responded to the audio played. Shane ask for Commissioner Todd to correct his statements in the audio, and ask why that conversation is county business?

Reene Pritz: Made comments about protecting the leaser's property and the neighboring property owners. Article Sandra Traywick with the Liberty Bell Newspaper: Watts Inside? She read that newspaper article. She expressed her disappointments with what is happening, and NextEra.

Cody Tibbitts: He feels its not just about money, but also morals and our children. He talked about several examples in history that were controversial in their times. He feels wind is a good producer of electricity. It's not always a one-way view.

Jacob Kitson believes the commissioners are in violation of the Montana Constitution if they don't act on the information given.

Harry McNall is not in support of wind turbines and asks that the commissioners to sign a letter stating they will not give abatements and provided the commissioners with information another a citizen had given him, that citizen was not comfortable coming into the public comment in support of wind turbines.

Todd Tibbitts updated commissioners on the Land Planning Board, they are at pg. 75 of 95 of the growth policy and are making good progress.

Commissioner Devlin read the letter from McCone County Commissioners on abatement and zoning.

Various conversations about wind turbines, executive orders and other board conversations.

Harry ask if he could accompany the commissioner to the Legislative Conference in February?

4:46 p.m. Commissioner Keltner made a motion to adjourn the meeting, seconded by Commissioner Teske, "all in favor" motion passed.

Signed this 5th day of February 2025

Christine W. Keltner

Christine Keltner, Commissioner

ATTEST: by Aria Walters

Shari Robertson, Clerk & Recorder

Aria Walters
Deputy Clerk & Recorder

~~Exhibit~~
Exhibit A

Harry Mcnall

From: Todd Devlin <mtdevlin@gmail.com>
Sent: Wednesday, January 29, 2025 9:55 AM
To: Dennis Teske; Christine; Dan Rice; Harry Mcnall
Subject: Fwd: Devlin-zoning?

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: **Alan Stempel** <stempelalan@gmail.com>
Date: Tue, Jan 28, 2025 at 9:19 PM
Subject: Re: Devlin-zoning?
To: Todd Devlin <mtdevlin@gmail.com>

Todd
We denied the tax abatement so Ross said they need the abatement to make it financially feasible. We are working on zoning. Our planning committee did a growth policy that touched on zoning and we have a small, vocal group that now wants very restrictive zoning. We are in the process of developing zoning that matches the growth policy but we're not far enough along yet to publish it. We are trying to balance property owner rights with the desires of the anti wind people. Hope this helps.
Alan
Sent from my iPhone

> On Jan 28, 2025, at 8:11 PM, Todd Devlin <mtdevlin@gmail.com> wrote:
>
> Alan.....what is McCone 's status?
> Sent from someplace on something,
> Todd Devlin
> Farmer and rancher,
> Prairie County Commissioner,
> MACo "Has Been"
> And Chairman of the National Association of Counties Public Lands Steering Committee

Exhibit B

Harry Mcnall

From: dteske@midrivers.com
Sent: Saturday, January 25, 2025 7:48 AM
To: Harry Mcnall; Todd Devlin; keltner@midrivers.com; Dennis Teske
Subject: Fwd: RE: wind farm impact

-------- Original Message --------
Subject: RE: wind farm impact
Date: 2025-01-25 6:36 am
From: "Usher, Barry" <Barry.Usher@legmt.gov>
To: "dteske@midrivers.com" <dteske@midrivers.com>

I do support

-----Original Message-----
From: dteske@midrivers.com <dteske@midrivers.com>
Sent: Friday, January 24, 2025 10:26 PM
To: Usher, Barry <Barry.Usher@legmt.gov>
Subject: wind farm impact

[You don't often get email from dteske@midrivers.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Please vote yes on SB 160 the bill Bob Phalen brought to you folks on Thursday.

The lease is for 57 years. Life of a turbines is 20 years. There has to be a cash bond of 125% of each turbine. Cash Bond in place at the time of Construction.

Thank You

Dennis Teske

Prairie County Commissioner

Emails to and from legislators involving legislative business may be subject to public disclosure under the Right to Know<https://archive.legmt.gov/bills/mca/title_0000/article_0020/part_0010/section_0090/0000-0020-0010-0090.html>
provision of the Montana Constitution and Title 2, Chapter 6, part 10, MCA<https://archive.legmt.gov/bills/mca/title_0020/chapter_0060/part_0100/sections_index.html>.
This may include the sender, recipient, content, and attachments.

Harry Mcnall Exhibit C

From: dteske@midrivers.com
Sent: Thursday, January 23, 2025 10:01 PM
To: Harry Mcnall; Todd Devlin; keltner@midrivers.com
Subject: Fwd: Evaluation Assignment Notification

-------- Original Message --------
Subject: Evaluation Assignment Notification
Date: 2025-01-23 1:57 pm
From: Montana Opioid Abatement Trust <administrator@grantinterface.com>
To: dteske@midrivers.com
Reply-To: ADMIN@EXAMPLE.ORG

Dear Dennis,

You have been assigned to a grant request from 2023 Montana Opioid Abatement Trust Grants to review and evaluate. Please log into the online grant system to complete and submit your evaluation.

https://www.grantinterface.com/Home/Logon?urlkey=montanaopioid

Thank you,
Montana Opioid Abatement Trust

Applicant Information Jean Branscum
2021 11th Avenue
Suite 1
Helena, MT 59601
406-443-4000
MPHWP@mmaoffice.org

Organization: Montana Professional Health and Wellbeing Program Form Name: Abatement Region: Evaluation Process Name: 2023 Montana Opioid Abatement Trust Grants Project Name: HOPES: Health Occupation Professionals Engagement in Self-Wellbeing

Over the last few months the Dawson County Board of Commission has been asked to address the potential of Wind Energy being produced in Dawson County.

Historically, in 2016 Dawson County was approached by Upper Badlands Wind Development about a project in Western Dawson County that never materialized, leaving a bad reputation. In mid-2024 two companies NextEra and VIP reached out and made introductions about their potential future projects in Dawson County.

At the first Board of Commission Session in November of 2024, landowners asked the commissioners to address concerns they had about the placement of wind turbines and asked for regulations and/or zoning.

During the second Board of Commission Session in November a larger group of residents addressed the commissioners about the NextEra wind project and asked for interim zoning to be applied to address wind farm development.

An ordinance example was presented to the commission at the second Board of Commission session of December as an option to zoning addressing wind farm development.

At the end of December NextEra supplied the commission with a Development Agreement for review of the Glendive Wind project to address concerns NextEra was hearing from participating and non-participating landowners.

The Dawson County Board of Commission has taken all of this input seriously and has researched all the options presented. The Commission has sought input from the Dawson County Attorney, County Contract Planner, Outside land Attorneys, Other Counties, and Participating and Non-participating local landowners.

The Board of Dawson County Commissioners recognizes private property rights and landowner's ability to conduct business on their property, however care must also be taken to ensure the private property rights for those neighboring owners.

The balancing act for the commission is to the best of our ability protect the private property rights of all involved without causing future hardships due to overreaching government bureaucracy.

As to county wide zoning: Part 2 County zoning has not been addressed in the Dawson County Growth Policy and would prohibit future Part 1 zoning from an area of individuals that could desire and/or require greater control. Extensive county wide zoning could add government control and bureaucracy that we may be unwilling to add.

For interim zoning and/or a moratorium, once again it has not been addressed in the Dawson County Growth Policy. Wind Energy has been mentioned in the current and past Growth Policies so declaring it an emergency does not meet the definition.

Exhibit U

RECEIVED
JAN 27 2025
PRAIRIE CO. CLERK AND RECORDER

County commissioners and land planning board members:

With regard to wind farm development and zoning in Prairie County, I would like to weigh in on the issues at hand as it relates to economic growth. It is imperative that calmer heads prevail in a matter that is already largely decided. Private landowners have agreed to allow NextEra to install wind turbines on their properties.

Taking a reactive, rather than a proactive, approach to zoning seems prejudicial. The county commission was very vocal in their opposition to the Town of Terry's attempt at proactive zoning, designed to sculpt growth and mitigate nuisances, several years ago. In the interim, there were no sustained discussions of implementing county-wide zoning, even when the possibility of the Keystone pipeline was on the horizon. Will any zoning put in place also address longstanding concerns about neglected properties and animals that increase agricultural expenses for neighboring farmers and ranchers, which have caused decades of widespread economic strain?

This new round of meetings and actions is a slippery slope, clearly targeting a particular industry. When it comes to economic development, discussions should not be driven by beliefs or political agendas. All development has a cost. Framing the amount of concrete as a stumbling block to wind generation is merely a distraction. There are 560,000 cubic yards of concrete in Fort Peck Dam, and miles of concrete highways. Do you have the same concerns about that infrastructure? Allowing misinformation about property tax increases to spread unchecked is also detrimental to productive discussions. The taxable valuation of property in Prairie County has risen with the housing market and would have increased with any type of significant development. The taxes themselves can be mitigated through mills, as determined by the county commission.

It is particularly unhelpful if those holding public office ignore the rules governing open meetings, by not posting announcements and agendas well in advance, in addition to talking about actionable items in public places among a quorum of members. To gather a broad range of opinions, it would be best to hold at least a few planning sessions outside business hours, so those who work have the opportunity to attend.

Societal and technological advancements require concessions. European agrarian practices looked ugly to native populations, cattle fencing was infuriating to sheep grazers, overhead power lines ruined uninterrupted views generations ago, and there were no flashing cell towers in the 1970s, but we've all learned to accommodate progress. Due to increased demands on the power grid, the amount of energy United States consumers use is not going to decrease. In lieu

of new sources, we may soon be outsourcing to other countries. Governor Greg Gianforte, in an article for BusinessWire.com, stated, "...the U.S. must expand access to affordable and reliable energy" (BHE U.S. Transmission Joins Grid United for North Plains Connector Transmission Project | Business Wire). Prairie County has the chance to benefit from contributing to the nation's overall energy stability and to take advantage of providing support for new transmission lines, whether some of that energy stays in Montana is a separate conversation.

Thank you for your time and consideration.

Sincerely,

Lance Kalfell
42 Montana Road
Terry, MT 59349
406-853-5060