

Prairie County Board of Commissioners Meeting

November 20th, 2024

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 and Road Supervisor Todd Henry.

9:00 a.m. Pledge of allegiance, call to order. Public comment on agenda.

9:00 a.m. Video meeting with Montana Department of Transportation (MDOT). The time frame for the final fix on the Milwaukee bridge is on schedule, with one hick up with United States Fish & Wildlife (USFS): and how to do the pair repairs. Federal Highways Administration (FHWA) has been comparing Milwaukee to Kinsey bridge for a better idea of what can be done better in the process. (Unable to record because we were using the equipment for the conference call.)

9:45 a.m. Conversation about roads with Road Supervisor Todd Henry. Roads are being graded as can be, and Fallon was graded recently.

10:15 a.m. Commissioner Devlin read the minutes from the November 13th, 2024 commissioners meeting.

10:24 a.m. Commissioner Teske made a motion to accept the minutes from the November 13th, 2024, commissioners meeting as corrected, seconded by Commissioner Keltner, "all in favor" motion passed.

10:30 a.m. Junk Vehicle Invoice signed by Commissioner Devlin.

10:45 a.m. Commissioner Teske called Eric Lepisto with Bureau of Land Management (BLM) about windfarm discussions. Urma made a statement about the Bank Head Jones 25% reserve for the counties. They have looked into it, and they have a question in with their solicitor, about how energy projects are affected by Bank Head Jones Act, and how should it be interpreted by BLM. A brief discussion about wind turbines in Prairie, McCone and Dawson Counties.

10:55 a.m. Deputy Clerk & Recorder Aria Walters joined the meeting to help determine dates for next year's commissioner's meetings for 2025 calendar year.

11:25 a.m. County Attorney Dan Rice joined the meeting and a brief discussion about zoning occurred. We should buy defense coverage from MACo! Also, some discussion on Ambulance positions.

11:40 a.m. Andrea Bybee asks the commissioners for an emergency hire of Ashley Larsen as a driver for today's ambulance trip to Glendive, with paperwork later today. Commissioners "yes".

12:00 p.m. Lunch with Local Emergency Preparedness Council (LEPC) in the courtroom.

1:00 p.m. Deputy Clerk & Recorder Aria Walters provided claims for review and signatures.

Prairie County Voucher # 1058 \$27,399.76

Prairie County Voucher # 1059 \$2,356.98

Prairie County Journal Adjustment for junk vehicle grant money to account 4010 capital improvements Voucher #176

1:35 p.m. Terra Burman with Eastern Plains Economic Development Council (EPEDC) and Lance Kalfell, joined the meeting. Representative Bob Phalan stopped into visit with the commissioners.

Terra Burman and commissioners talked about what the commissioners need to-do for Community Reinvestment Organization (CRO), by the end of December. Must be done in a resolution. Also had a conversation on community benefits agreements. Often provided by energy companies and mining companies. If an agreement is made, they are required to have community benefit agreements for their grant funding. She could work with Lance for what benefits would be good for our communities. She explained all the different options for these funds could be used to improve the benefits to the community. This is separate from all other fees from NextEra.

Terra Burman explained that the commissioners must sign a resolution by the end of December, if you don't you will lose the funds.

2:17 p.m. Commissioners with Land Planning Board. Commissioner Devlin began letting NextEra speak to the crowd.

Ross Feehan with NextEra: They are here to answer questions. Different NextEra folks introduced themselves before questions were ask.

Commissioner Bob Lee from Rosebud County, he delt with NextEra, gave an abatement and collected an impact fee. He delt with Brink which ran the power lines, he thought they were great. They improved his land as needed, gravel, cattle guards etc. Problems were taken care of as they came up. There impact fee for three years, \$1.7 million a year for two years, with an adjustment of cost on the third payment of \$2.8 million. He only has good things to say about NextEra. Being clear they gave the abatement because they wanted the project in their county!

Shane Eaton questioned the commissioner's involvement with the project and the tax abatement.

Commissioner Devlin: How much was your taxable value increased?

Commissioner Lee: Their project brought in about \$750,000 per year, with 125 wind turbines and 91 miles of powerline.

Did you make the decision for this project, or did you go to the people?

Commissioner Lee: The commissioners cannot decide what private property owners do on their own land. The road agreement was completed by Great West Engineering. At the completion they had to have the roads as good or better than it was before the project began.

Commissioner Devlin: How close is the project completion as terms of leases?

NextEra: BLM and State Land have not been completed, have not submitted applications. Private lands are almost 100%.

Todd Tibbits: Explained how contracts treat our county, it has been unprofessional, and your company must put the best foot forward. Are you going to sue anyone for access? Can you make a guarantee that you will not? Can you come back with written responses to our questions?

NextEra: One of the core values is “do the right thing”, safety comes first always. Giving back to the community, making it better than it was before they started. She gave an example of protecting a landowner with towers on them.

Commissioner Devlin: explained what happened in Garfield taxes, because of mill levy increases in that county. It was a voted levy that passed.

Shane Eaton: Why not pay all the taxes you should in the county?

NextEra: We do the best they can to bring things into the county, and many different things are part of the process.

Commissioner Teske: Would NextEra go back and try to reconcile landowners that are affected by towers in established wind farms were issues raised after development?

NextEra: Impact fees are really designed for this issue, and they are involved in what happens with those fees, at least knowing what happens.

Commissioner Lee: Impact fees can be used for whatever commissioners deem necessary. Use it for schools, etc. Can't use it to lower taxes.

Lon R. Impact fees can you just store it? Commissioner Lee: No deadline to use it. Lon would like to have some money left behind at the end of the project.

Reene Pirtz with Land Planning Board, explained the damage and mass amounts of debris that cannot be disposed of properly.

NextEra spoke about maintenance of the equipment and keeping an eye on tower inspections to reduce risks to landowners etc.

Remarks were made that recycled companies have developed a way to recycle the blades, and this is continuing to develop.

NextEra spoke about the decommissioning process and bonding.

Representative Bob Phalan said he has a bill that will require bonding at year 1, will see how that goes.

NextEra employee spoke about contracting local companies, there often are not enough workers locally to construct the towers. He has land right next to the towers, he explained his problems with his construction etc.

Seller's remorse, any way to get out of the contract?

NextEra: talks with landowners, how do we make it work with the landowners.

Lon R: at the public meeting at the stockman bank for the Land Planning Board, there were a couple of decisions.

Decision on whether to hire legal attorney, and how much funding for this.

They made a decision to hire attorneys that Wibaux county used and they agreed to do so.

Growth policy and funding for that purpose: Should update the growth policy, to address multiple industrial developments. No amount put together. Great West thought it could be done in a couple of months for about \$5000.

If we pursue some kind of zoning, when are they grandfathered into zoning? They had difficulties finding out an answer, no decision.

Prairie County Land Planning board advises the commissioners to move forward with zoning inquiries.

Do we have enough personal liability for the land planning board and commissioners.

Question for Attorney Dan Rice do we have liability Insurance: No insurance: Karen Allen has advised that the county should consider contracts already signed as grandfathered. Will provide defense insurance, with this insurance we must follow MACo's advice. Dan Rice also explained that any decision to hire an attorney and an agreement with attorneys must be made by the Commissioners.

County commissioners should communicate very closely with Dawson and McCone County.

MACo's Legal advised to go through agreements with NextEra rather than zoning.

Do we have double standards concerning zoning? Zoning for windmills but not pipelines, fiber optics etc?

Many different industries will be coming in the future and thinking about your decisions so please commissioners consider that when making decision.

NextEra hit on the topics of crop spraying continues even with wind towers and wildlife adapts.

Todd Tibbitts: Spraying will be an issue because they are flying slow and low across long distances. He thinks we should use emergency zoning or a 1-year moratorium on development.

Commissioners; have there been any other industries that come to prairie County? The Commissioner only know about one company that has come in.

Lon R: One of the board decisions on legal opinions is to investigate other legal advice. Proceed with zoning inquiries, and advise that they pursue this subject, the decision is on their desk.

Commissioner Devlin said that Wibaux ignored MACo's advice, and their zoning is a disaster.

Bob Phalan doesn't care much for MACo.

4:10 p.m. Andrea Bybee with ambulance service provided commissioners with a MOU with Prairie Community Hospital for travel with the ambulance to Glendive. Megan with the hospital explained why she needs the service for their residents. This agreement would be for long-term patients' care, round trips to Glendive or Miles City.

4:27 a.m. Commissioner Teske made a motion to accept the MOU between the ambulance service and hospital, seconded by commissioner Keltner, "all in favor" motion passed.

Arron Martinson had a comment for the commissioners. I am very disappointed with how the agenda had been written for this last meeting. Separate NextEra and Land Planning Board to better deal with the issues on the agenda.

Shane Eaton: Monday there was a state land board meeting; ask the land board for approval for the states land in Prairie, McCone and Dawson for the Turbine project. DNRC doesn't do a good job noticing the board, I would like to see Prairie County make a letter and send it to the State Land Board, Secretary of State, Governor, etc or be on the public comment.

4:35 p.m. Brittney Christensen with Action for Eastern Montana and Cindy Larson (CEO). They came to explain to the commissioners how the matches work, who pays them and where they go.

4:50 p.m. Commissioners signed "Montana's Older American Act Programs Contract from the Area I Agency on aging Contracts Number 2025-001-05".

5:00 p.m. Lon R: Came to speak with the commissioners about the earlier meeting.

5:30 p.m. Meeting adjourned.

Signed this 27th day of November 2024




Todd Devlin, Commissioner

ATTEST:



Shari Robertson, Clerk & Recorder


by Aria Walters
Deputy Clerk: Recorder