

January 7, 2025

Commissioner Mitchell opened the meeting at 10:00 a.m., with Brad Mitchell, Dennis Zander and Joe Sharbono present. Also present were Colette Wilburn, and Will Conley Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Items to add to the Agenda:

Administrative Items: Travel Request for correction officer

Public Hearing:

The Commissioners opened the floor to take comments regarding moving boundaries for the Commissioner Districts. Election Administrator Shirley Kreiman presented maps with the current boundary and proposed boundary and stated that they had been posted on the website as well. She reviewed the fact that most of the work had been done last December and an article had been printed in the Ranger Review, but when it came time to schedule the public hearing, it could not be completed by the deadline of 6 months prior to the primary election, therefore it had been postponed until after the November General Election. She reviewed the changes. Current District #1 has a population of 2,512, District #2 population of 3,584, and District #3 a population of 2,844. She is proposing to Move the Hillcrest area (224 Population) and W Merrill Ave. to Colorado Blvd from District #2 to District #1 (279 Population); Moving the Casitas Del Rio trailer park from District #2 to District #3 (144 Population) The area in West Glendive that is county and surrounded by city limits would move from District #3 to District #2 (51 population. The ending result would be a population of District #1-3,015 33.72%, District #2-2,988 33.42%, and District #3-2,937 32.85%. There was a small area near the river that would move from District #2 to District #3 with no population. These districts are set by population not registered voters. All voters will still be able to vote on all of the commissioners, but what it does change is when a candidate files for commissioner they would need to reside within the district. The next election would be in 2026 and it does not change where any current commissioner resides. Colette Wilburn asked if that would affect the precincts. Kreiman responded, no it would not affect precincts only commissioner districts. Will Conley asked about a the region where the trailer court was and it was shown to him on the map. There was no further public comment.

1)Public hearing commissioner District boundary

Prior Meeting Minutes:

A motion was made to approve minutes for December 17, 2024. The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items: None

Travel Requests-A request was received from the Weed Department for an employee to travel to Great Falls for a weed and mosquito meeting. The commissioners approved the weed training, but denied the mosquito meeting.

Administrative Items:

Claims for October 2024-\$381,536.51 with cash payroll exp \$1,108,453.77 total \$1,489,990.28

Claims for November 2024-\$875,477.03 with cash payroll exp \$803,457.28 total \$1,678,934.31

Payroll for November 30, 2024- \$779,955.05 (accrual)

Payroll for December 31, 2024- \$804,925.23 (accrual)

A motion was made to approve the claims for October and November and certify the payroll for November and December of 2024. All voted in favor. Motion carried.

Old Business: None

New Business:

Resolution #2025-1 A resolution setting commissioner Meeting Dates, Electing a chairman of the Board, establishing office hours, setting per diem/Travel Rates for 2025.

2)Res #2025-1 Set Commissioner meeting dates, elect chairman, est office hours, set per diem/travel rates

Chairman Mitchell read the resolution. It was noted that the mileage rate per diem was increasing from .67 to .70 cents and that state motel reimbursement rates increase from \$107 to \$110, while the meal reimbursement rates remain the same. Chairman will remain as Brad Mitchell, and commissioner office hours will also remain the same with at least one commissioner in the office M-Thurs 8am – 5pm and commissioner sessions on the first Tuesday at 10 am and third Tuesday at 5:30 pm.

3)Res
#2025-2
modify
capitaliza
tion
Policy

Resolution #2025-2 A resolution to modify capitalization Policy. Chairman Mitchell read the resolution which will change capitalization of county assets from \$5,000 to \$10,000 per the Federal Uniform Guidance. Effective date the beginning of the fiscal year July 1, 2025. A motion was made to approve the resolution. The motion was seconded. All voted in favor. Motion carried.

4)Res
#2025-3
Amend
boundary
of
commissi
oner
districts

Resolution #2025-3 A resolution amending Resolution #884 and updating boundaries for Commissioner Districts, No. 1, No. 2 and No. 3.-Chairman Mitchell read the resolution. A motion was made to approve the resolution amending the commissioner district boundaries. The motion was seconded. All voted in favor. Motion carried.

5)Res
#2025-4
amend
fees for
Svc
Cemetery

Resolution #2025-4 Amending Fees for Services for Cemetery. Chairman Mitchell read the resolution. The cemetery board is recommending rates for opening and closing graves on all days be increased by \$50 on all grave sizes except baby graves. effective January 1, 2025. A motion was made to approve the resolution amending cemetery fees for grave opening and closing. The motion was seconded. All voted in favor. Motion carried.

Correspondence/Other:

6)Irigoin
Support
letter
7)DNRC
Forest
Park
Water
final
draw
7)OHV
Pines

- Letter of Support for Brett Irigoin appointment as a district court judge.
- Letter to DNRC, notice of intention that the final draw for Forest Park Water RSID (tank project) will be \$1,043,420 leaving a balance of \$166,580 from the requested \$1,210,000. The releases the remaining \$166,580 to be lent for other eligible projects.
- Memorandum from DNRC acknowledging the release of funds. (above)
- Letter of support for Shelter for Short Pines OHV area.
- Letter of resignation from Randy Frank from West Glendive Fire Dist. Board, no longer resides in the district.

8)Resign
ation R
Frank
WG Fire

Public Comment:

Colette Wilburn said she was present because she wanted to express her opinion regarding the letter of support for Brett Irigoin from the Commissioners. She does not like the appearance of it. Other county residents are running for the same position and it gives the appearance that the commissioners are speaking on behalf of everyone in the county. She also feels it is concerning that a relative is filing for the position of his relative. She is uncomfortable with the looks of it.

9)Irigoin
appt for
Dist Crt
Judge

Meeting adjourned at 10:39 a.m. Dated this 7th day of January 2025.

Brad Mitchell, Chairman

Dennis Zander, Member

Joe Sharbono, Member

Attest:

Shirley Kreiman, Clerk & Recorder

January 21, 2025

Commissioner Mitchell opened the meeting at 5:30 p.m., with Brad Mitchell, Dennis Zander and Joe Sharbono present. Also present were Ross Feehan, Matt Ludwik, Carl Cox, Karmen Hodgen, Randy Arnston, Rick Kniepkam, Ted Stortz and Will Conley Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Items to add to the Agenda: None

Prior Meeting Minutes:

A motion was made to approve minutes for January 7, 2025. The motion was seconded. All voted in favor. Motion carried.

Previously approved Administrative Items:

Travel Request-DES Employee was approved on January 9th to travel to Miles City for District DES Meeting January 10, 2025.

Capital Outlay Request—On January 8, 2025, the commissioners approved the road department to go out for bids for 2 new pickups.

10)Capital outlay road dept pickups

Administrative Items: None

Old Business: None

New Business:

Wind Turbine Regulation Update-A Commissioner update on the requested wind turbine regulations. Commissioner Zander read the following statement.

11)Wind Turbine Regulation update

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.

The sample ordinance that was provided to the commission has too broad of scope and could be found to circumvent Part 2 Zoning. Dawson County does have a few ordinances on the books but relating to other issues.

Nextera did supply Dawson County with a draft of a Development Agreement that while being quite extensive of covering many of the concerns that have been brought up by residents and the commission. After research by the County Attorney and land attorneys, Dawson County could enter into this type of agreement. This development agreement only addresses one area of development and Dawson County has already been contacted by another company for a wind development in a separate area and would have to come to agreement as well.

Effectuated landowners have always had the ability and right to create a Part 1 Zoning district to address their specific private property concerns. If they so choose the zoning district could work with the development company and implement much of the supplied development agreement that addresses many of the issues. Part 1 zoning but would need to be undertaken before a County wide Part 2 Zoning is put in place.

Private property owners have the right to develop their land that best suits their individual needs but also respect needs to be given to offset property owners that honor their private property rights. After reviewing these options along with research and individual consultation of outside sources, the Dawson County Board of Commission believes the best courses of action is to task the Dawson County Planning Board and County Planner to make recommendations to the specifics for setbacks under the potential Part 2 Zoning. Not specific to Wind Development but to all tall structures and other development that could affect neighboring property a County wide set -back under Part 2 Zoning would address the concerns of safety and property rights of our residents while keeping burdensome regulation to a minimum. The first of the public hearings will be held at the February Planning meeting.

In closing the Board of Dawson County Commission supports economic development in the county and private property rights. We believe responsible development is vital to the future welfare of our residents and county. We would like to thank all the residents who have voiced their concerns and we look forward to the collaborative efforts moving forward.

Ross Feehan asked when the 1st meeting of the planning board would be held. Commissioner Zander stated that it would normally be the second Thursday of February but at the last meeting they were having trouble making a quorum and are looking to change it to either the 6th or the 20th and we will get it posted once they decide which day works for them.

Randy Arnston-So, part 2 zoning overrides part 1? Zander replied, correct.

Ross Feehan-I previously submitted a draft Development Agreement. I also have with me a draft Road Use and Maintenance Agreement and Impact Fee Agreement, Do you still want to see those?

Zander-Yes, we will still require a road agreement. He submitted copies of both documents to the commission for review. Zander asked if the road agreement was based on the county template.

Feehan, No, it is not. He stated he could review it with them, but they may prefer to wait until they have time to review it.

Zander agreed as they would want to include the County Attorney and Road Supervisor for input.

Correspondence/Other:

- Public Hearing on February 4th Budget Increase Family Planning Additional Funds

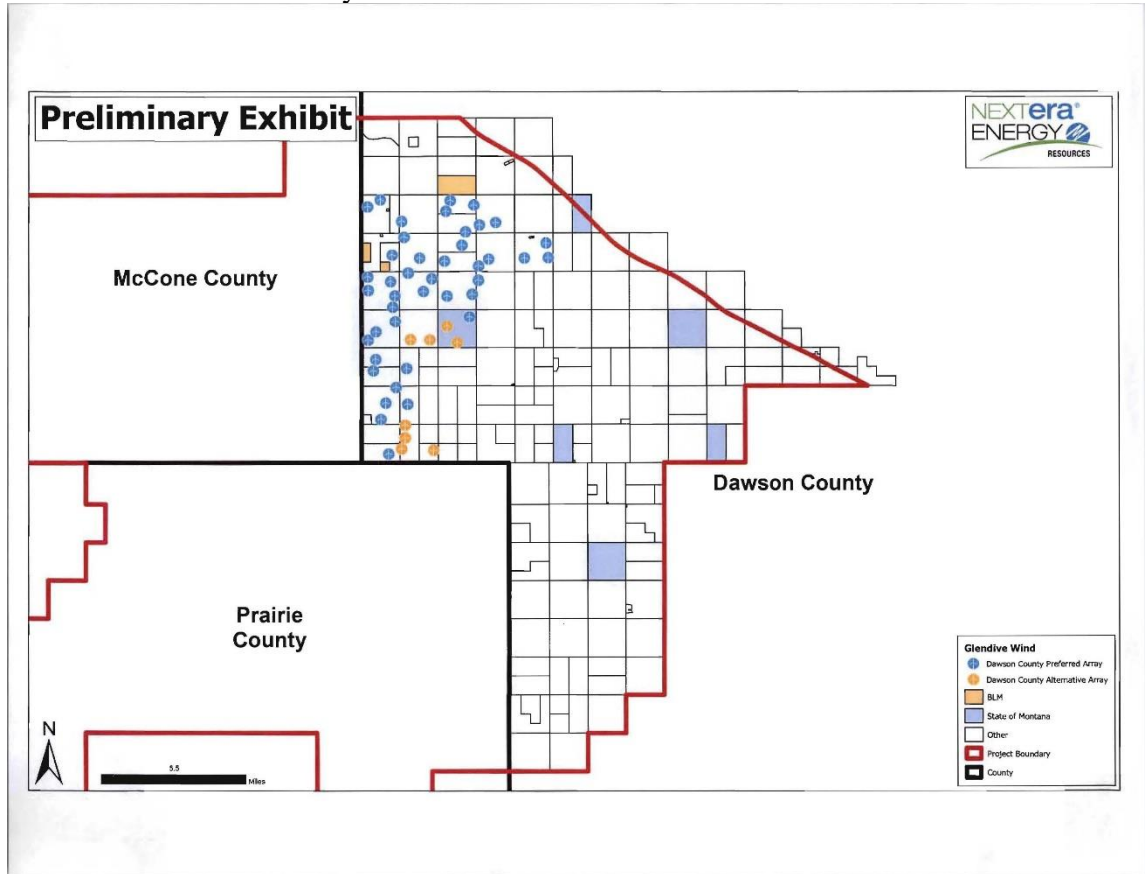
- Estimate received from West Glendive Public Works for a new Mission Mydro Unit for both sewer lift stations. Estimate \$8,179.80
- DEQ Public Notice of intention to issue a general Permit for Construction Dewatering General Permit with receiving waters of state surface water, Permit #MTGO70000

12) mission mydro unit lift station

Public Comment:

Randy Arnston- Stated that Prairie County received a site map at the last meeting, did Dawson County receive one? Commissioners shook head no, Ross Feehan stated that he brought one with him. He distributed a copy to the commission. These are preliminary proposed sites for turbines in Dawson County.

13) Wind Turbine Map



Rick Kniepkamp asked if they could see the map. Commissioner Mitchell said it was public record and a map was passed around.

Will Conley-Just to be clear the blue is state land and the gold is federal? Ross-That is correct. Trust land.

Kniepkamp-what are the yellow dots? Farber - Alternative locations. If a primary or preferred location were not able to be constructed, this would be an alternative location.

Meeting adjourned at 5:45 p.m. Dated this 21st day of January 2025.

Brad Mitchell, Chairman

Dennis Zander, Member

Joe Sharbono, Member

Attest:

Shirley Kreiman, Clerk & Recorder