

Deb Brandon - Commission Chair
Joe Pehan - Commissioner
Mary Ann Harwood - Commissioner
Merle Raph - County Attorney
Donna Whitt - Sheriff
Phyllis Robertson- Public Admin.



Dan B. Whitted - Coroner
Debra Munson - Clerk of Court
Treva Nelson - Clerk and Recorder
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools

COMMISSIONERS' AGENDA

Thursday, May 11, 2017

10:00 A.M.

PRESENT: Deb Brandon, Mary Ann Harwood and Treva Nelson

Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

Approval of May 1, 2017 Minutes: Mary Ann motioned to approve. Deb seconded the motion and the motion carried.

1. Consider approval of an intergovernmental transfer to the State in the amount of \$382,623.09. Marias Care Center will then receive \$511,068.96. **This agenda item was tabled.**
2. Consider approval of the removal of an agriculture covenant on the following tracts of land per a request by Brian Lee, attorney for Greg Kennedy. Mr. Kennedy is the trustee of Jerry and Esther Kennedy's estate.

A parcel of real property situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 32 North, Range 2 West. 150 feet by 240 feet, more particularly described as follows: Beginning at the southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, aforesaid, thence 195 feet east along the south boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 195 feet to the true point of beginning of the tract to be described, thence continuing east along the said south boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 240 feet. thence north at right angles a distance of 150 feet. thence west at right angles a distance of 240 feet, thence south at right angles a distance of 150 feet to the true point of beginning.

Parcel 2:

A tract of land in SE $\frac{1}{4}$ NE $\frac{1}{4}$ In Section 21 of Township 32 North, Range 2 West, M.P.M., as shown and described on Certificate of Survey filed August 24, 1983 at Document Number 298240, File Number 83-11.

EXCEPTING THEREFROM that certain tract of land in said SE $\frac{1}{4}$ NE $\frac{1}{4}$ described In Warranty Deed recorded October 24, 1989 in Book 92 of Deeds, Page 424.

Commonly known as: Rural Tracts, Shelby, MT 59474

This agenda item was tabled.

3. Consider approval of Resolution 8-2017, a resolution renewing open burning regulations for Toole County. **Mary Ann motioned to approve. Deb seconded the motion and the motion carried.**
4. Consider approval of a Memorandum of Agreement between the Toole County Health Dept., Marias Medical Center and Marias Healthcare Services defining mutual services, referrals and healthcare related goals. **Mary Ann motioned to approve. Deb seconded the motion and the motion carried.**
5. Consider approval of a Memorandum of Understanding between the Toole County Health Dept. and Marias Healthcare Services, Inc. identifying services, personnel, equipment and facilities that can be made available to the Health Dept. in response to a critical incident. **Mary Ann motioned to approve. Deb seconded the motion and carried.**

*Deb Brandon - Commission Chair
Joe Pehan - Commissioner
Mary Ann Harwood - Commissioner
Merle Raph - County Attorney
Donna Whitt - Sheriff
Phyllis Robertson- Public Admin.*



*Dan B. Whitted - Coroner
Debra Munson - Clerk of Court
Trevia Nelson - Clerk and Recorder
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools*

RESOLUTION 8-2017

A RESOLUTION RENEWING OPEN BURNING REGULATIONS AND PERMISSION POLICY FOR TOOLE COUNTY, STATE OF MONTANA, PURSUANT TO SECTION 7-33-2205, MCA.

WHEREAS, Section 7-33-2205, MCA, provides that the County governing body may in its discretion establish fire seasons annually during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this section without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area; and

WHEREAS, in order that the county officially establish fire seasons annually and enforce the above-referenced section of law, the Board of Toole County Commissioners have, by this reference, established an Exhibit "A" - a set of county-wide open burning regulations and permission setting forth specific guidelines for burning; and

WHEREAS, Toole County has two rural fire departments which have agreed to comply with and adhere to the said open burning regulations and whose fire chiefs recognize their responsibility for the enforcement of said regulations and permission, namely:

- 1. North Toole County Fire Department**
- 2. South Toole County Fire Department**

WHEREAS, pursuant to Section 7-33-2206, MCA, any person who ignites or sets any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or cropland subject to the provisions of this part without first having obtained a written permit or permission to ignite or set such fire is guilty of a misdemeanor; and

WHEREAS, starting January 1, 2007 permission shall be obtained by calling the Toole County Sheriff's Department with your name, phone number, and location of your intended controlled burn; and

WHEREAS, failure to call in and obtain advance permission for your controlled burn from the Toole County Sheriff's Department may result in your local fire department being called out, your burn put out, and a charge for services will be allotted based on the following rates:

- Class six engines, one hundred fifty dollars (\$150) per hour**
- Class one engines, three hundred dollars (\$300) per hour**
- Water tenders, two hundred fifty dollars (\$250) per hour; and**

EXHIBIT "A"

TOOLE COUNTY OPEN BURNING REGULATIONS

PERMISSION

No person shall cause, allow, or permit the open burning of any material unless he/she has received prior permission for such open burning from the TOOLE COUNTY SHERIFF'S DEPARTMENT.

DEFINITIONS

Open burning: Open burning as used here is defined as the burning of a quantity or large area of allowable material outside of a container or small enclosed area.

Local Fire Authority: The **Fire Chief and Fire Line Officers** of the fire department in the area where burning is anticipated.

NOTIFICATION

The Sheriff's office must be notified of the intent to initiate burning within 24 hours prior to the actual burning by calling 406-434-5585 and giving your name, phone number, and location of the proposed burn. The initiator of burn is responsible and liable for damages and expenses incurred do to his/her neglect.

PENALTIES

The violation of these regulations is a misdemeanor. Failure to call in and obtain prior permission for your controlled burn may result in your local fire department being called out, your burn being put out, and a charge for services will be allotted based on the following rates:

Class six engines, one hundred fifty dollars (\$150) per hour

Class one engines, three hundred dollars (\$300) per hour

Water tenders, two hundred fifty dollars (\$250) per hour

RESTRICTED BURNING SEASON

Fire control authorities retain the right to restrict the burning season in the event of excessively dry or hazardous conditions.

PRECAUTIONS

1. Take every precaution to prevent the spread of your fire or particulate emissions from it beyond your property. Have on hand the necessary materials and personnel to keep your fire in control at all times.
2. Burn only clean dry materials in a small enough area that it can be observed and controlled at all times.
3. Have an adult attending to the fire at all times.
4. Be sure that your fire is completely out before abandoning it.
5. **Do not** burn in a period of high wind or excessively dry conditions.
6. **Do not** burn in an area where wind drift is such that smoke from your fire will create a hazard on a roadway or other public facility or otherwise create a public nuisance.
7. **Do not** burn animal droppings, garbage, dead animals (except when required by ARM for disease control with permission), tires or any rubber materials, oil, or any type of petroleum products, railroad ties, tarpaper, plastic materials or toxic wastes.
8. **Do not** burn at night!

Fire control authorities retain the right to enter private property to investigate and/or suppress fires if deemed necessary.

WHEREAS, persons living in towns and cities should check with local fire departments before burning as it may not be allowed; and

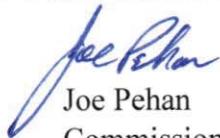
NOW, THEREFORE, BE IT RESOLVED that the Board of Toole County Commissioners hereby establish and adopt Exhibit "A" - Toole County Open Burning Regulations and Permission pursuant to Section 7-33-2205, MCA, which permission shall be issued under the compliance of all pertinent fire regulations of Toole County and the State of Montana. Open burning season years shall run from March 1 to March 1 of each ensuing year.

BE IT FURTHER RESOLVED that the above referenced fire departments shall comply with and adhere to said regulations and permit and whose fire chiefs shall be responsible for the enforcement of said documents. Any violation of Section 7-33-2205, MCA, shall be punishable pursuant to Section 7-33-2206, MCA, and Sections 50-63-102, 50-63-103, MCA.

BOARD OF TOOLE COUNTY COMMISSIONERS, dated May 11, 2017



Deb Brandon
Commission Chair



Joe Pehan
Commissioner



Mary Ann Harwood
Commissioner

ATTEST: 

Treva Nelson, Toole County Clerk and Recorder