

Joseph P. Pehan - Commission Chair  
Mary Ann Harwood - Commissioner  
Don Hartwell - 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

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## COMMISSIONERS' AGENDA

January 3, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell

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

**Approval of December 20, 2018 Meeting Minutes:** Mary Ann motioned, seconded by Don Hartwell. All voted in favor.

1. Consider approval of Resolution 1-2019, a resolution to approve a Chair and Vice-Chair for the Toole County Commission for 2019. **Mary Ann made the motion to approve. Don seconded and motion passed.**
2. Consider approval of Resolution 2-2019, a resolution to approve meeting dates for regular Commission meetings in 2019. **Mary Ann made the motion to approve. Don seconded and motion passed.**
3. Consider approval of Resolution 3-2019, a resolution to approve travel and per diem rates Toole County employees for 2019. **Mary Ann made the motion to approve. Don seconded and motion passed.**
4. Consider approval of Resolution 4-2019, a resolution appointing the Commissioners to represent Toole County on boards and committees for 2019. **Mary Ann made the motion to approve. Don**

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Toole County Courthouse - 226 1st Street South - Shelby, MT 59474

Commissioners' Office  
Phone: (406) 424-8310  
tccomm@toolecountymt.gov

Clerk & Recorder's Office  
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## RESOLUTION 1-2019

### A RESOLUTION TO ELECT THE CHAIR FOR THE BOARD OF TOOLE COUNTY COMMISSIONERS FROM JANUARY 2019 THROUGH DECEMBER 2019

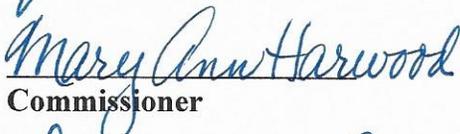
**WHEREAS;** the board of county commissioners must elect one of its members as the chair at the beginning of each calendar year per 7-4-2109, Montana Code Annotated and also appoint commissioner liaisons to county boards, and

**WHEREAS;** the chair must preside at all meetings of the board and in case of his/her absence or inability to act, the members present must by an order select one of their number to act temporarily as chair,

**W THEREFORE BE IT RESOLVED;** that the Chair of the Board of Toole County Commissioners is Joe Pehan, commencing January, 2019 through December, 2019. Commissioner MaryAnn Harwood is designated as Vice-Chair, and will preside over the meetings in case of the Chair's absence or inability to act.

**BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 3, 2019.**

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder

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## RESOLUTION 2-2019

### A RESOLUTION SETTING COMMISSIONER MEETING DATES FOR THE CALENDAR YEAR JANUARY 1, 2019 THROUGH DECEMBER 31, 2019

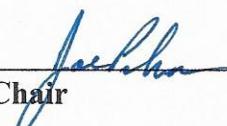
**WHEREAS;** the governing body of the county shall establish by resolution a regular meeting date and notify the public of that date, per 7-5-2122 of the Montana Code Annotated; and

**WHEREAS;** the agenda for the regular Toole County Commissioners' meeting of January 3, 2019 was posted two days prior to the meeting, notifying the public of Resolution 2-2019, an agenda item setting meetings of the board of Toole County Commissioners for 2019; and

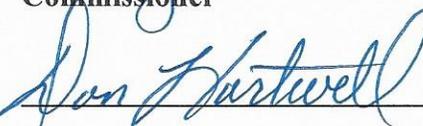
**NOW THEREFORE BE IT RESOLVED;** that the Toole County Commissioners will hold their regular Board Meetings at 10 AM on Monday and Thursday of each week in which they have an agenda of business posted. These meetings shall be conducted in the office of the Toole County Commissioners in the Toole County Courthouse at 226 1<sup>st</sup> Street South, Shelby, Montana, commencing January 2019 through December, 2019; and

**NOW THEREFORE ALSO BE IT RESOLVED;** that the meeting agenda will be posted two days prior with the place, time and date in which public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

**BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 3, 2019.**

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder

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## RESOLUTION 3-2019

### A RESOLUTION TO ADOPT TRAVEL/PER DIEM RATES FOR TOOLE COUNTY

**WHEREAS**, travel/per diem rates are set by the State of Montana, per 2-18-501 and 2-18-502, Montana Code Annotated; and

**WHEREAS**, the State may at any time during the year change these rates and the counties are notified; and

**WHEREAS**, Toole County has usually followed the travel/per diem rates of the State of Montana and for out of state travel, the maximum standard federal rate per day; and

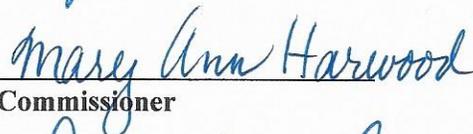
**WHEREAS**, Toole County Commissioners have decided to deviate from the state rates in meal reimbursement: breakfast at \$6, lunch at \$9, and dinner at \$15 for a total daily rate of \$30; and

**NOW THEREFORE BE IT RESOLVED**; that the Board of Toole County Commissioners have elected to use the travel/per diem rates allowable by the State of Montana with the exception of meal reimbursement changed to \$30 per day and to follow the federal standard travel/per diem rates for out of state travel/per diem, except when specifically amended by the Commissioners.

**BOARD OF TOOLE COUNTY COMMISSIONERS dated January 4, 2019.**

  
Chair

ATTEST:

  
Commissioner

  
Clerk & Recorder

  
Commissioner



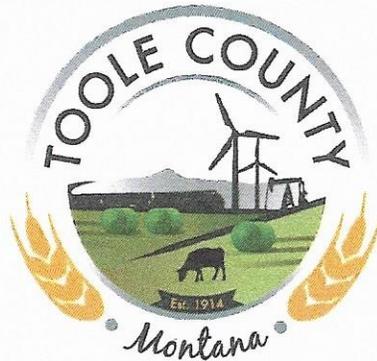
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Center of Mental Health Governing Board  
Sweetgrass Development  
Marias Heritage Center Condo Board  
Mental Health Advisory Board

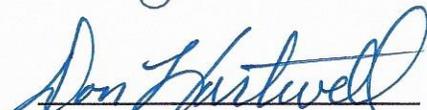
**Don Hartwell**

Museum Board  
Safety Committee  
Fair Board  
Planning Board  
Toole County Health Foundation Board  
Marias Medical Center Board  
Toole County Transit  
NETA/Port of Northern Montana  
NTC Cemetery Board  
Toole County Board of Health  
Northern Transit (alternate for Mary Ann)

**BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 3, 2019.**

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder



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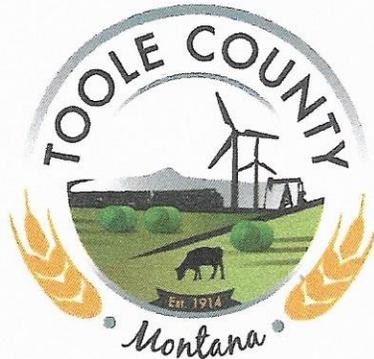
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## RESOLUTION 4-2019

### A RESOLUTION TO APPOINT THE TOOLE COUNTY COMMISSIONERS TO BOARD, COMMITTEE, AND ADVISORY ASSIGNMENTS FOR JANUARY 2019 THROUGH DECEMBER 2019

**WHEREAS;** the Toole County Commissioners have many obligations and responsibilities to represent Toole County on different boards, committees, and in other advisory capacities; and

**WHEREAS;** to properly represent Toole County on these boards, the duties need to be distributed out to the three commissioners, as the meeting times and dates sometimes conflict; and

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TOOLE COUNTY COMMISSIONERS;** that the board, committee, and other appointments are assigned to the three Toole County Commissioners as follows:

**Joe Pehan**

Airport Board  
Road/Weed Board  
STC Cemetery Board  
Shelby Mosquito Board  
Marias Medical Center Board  
Northern Transit Interlocal  
Toole County Transit  
Local Emergency Planning Committee  
Public Safety Commission  
Shelby/Toole County Transportation & DUI Task Force  
Neta

**Mary Ann Harwood**

North Central Area Agency on Aging  
Shelby Senior Center Board  
Kevin/Sunburst Senior Center Board  
Opportunities Inc.  
Toole County Transit  
Northern Transit Interlocal  
Marias Medical Center Board  
Regional Juvenile Detention Board

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## COMMISSIONERS' AGENDA

January 24, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell, Lloyd Omdahl and Treva Nelson

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

### **PUBLIC HEARING**

1. Abandon the North Kevin Road, Township 36N 3W Section 35-26-27-28 the road going into the old homestead of Flesch's.  
Published in the paper January 16, January 23, 2019  
**Joe opened the Public Hearing and asked for any public comment. Being no public in attendance, Joe closed the Public Hearing.**

### **Approval of January 3, 2019 Meeting Minutes:**

1. Consider approval of Resolution 5-2019, a resolution to approve the abandonment of the North Kevin Road. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
2. Consider approval of Resolution 6-2019, a resolution to approve the sale of 53 sf of Toole County property on the corner by Northern Transit Building to the Montana Department of Transportation on the corner of 1<sup>st</sup> Street North and 5<sup>th</sup> Avenue North, for minimum of \$500.00.  
**Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
3. Consider approval of MOU between City of Shelby and Toole County on the Victim Advocate Program. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
4. Consider the following re-appointments to Boards:
  1. Donna Grant to the Compensation Board for term to expire 12/31/2021.
  2. Rosalie Manley to the Shelby Senior Center Board for term to expire 12/31/2021.
  3. Billiette Coolidge to the Kevin Senior Center Board for a term to expire 12/31/2021.
  4. Diane Fauque to the Kevin Senior Center Board for a term to expire 12/31/2021.
  5. Jason Kline to the Tax Appeal Board for a term to expire 12/31/2021.

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**Mary Ann motioned to approve per the recommendations of the boards. Don seconded motion and the motion carried.**

5. Consider New Board Appointments for the following:

1. Paul Waite to the Senior Center Board to fulfill the term of Al Winter for term to expire 12/31/2019.
2. Lenora McEwen to the Kevin Senior Center Board for term to expire 12/31/2021.
3. Andy Van Haur to the Fair Board for a term to end 12/31/2020.

**Mary Ann motioned to approve per the recommendation of the boards. Don seconded the motion and the motion carried.**

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## RESOLUTION 5-2019

ABANDON PARTS OF THE NORTH KEVIN ROAD BEGINNING AT THE INTERSECTION OF SWAYZE ROAD WEST, NORTH THROUGH SECTIONS 35-26-27-28 OF TOWNSHIP 36N RANGE 3W, THE ROAD GOING TO THE OLD FLESCH HOMESTEAD:

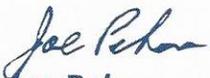
WHEREAS, SIMMES RANCH, Sunburst, Montana being the owner of the land petitioned the Toole County Commissioners to abandon the North Kevin Road and

WHEREAS, Closing this section of road, the request does not negatively affect the public interest; and

WHEREAS, all easements and right of ways for utilities will be retained by Toole County,

WHEREAS, the Toole County Commissioners have held a public hearing in the Toole County Commissioners Office at 10:00 a.m. on January 24, 2019, and this meeting was duly noticed in January 16 and January 23, 2019 Shelby Promoter; and

WHEREAS, after hearing all evidence for and against such closure and there being no evidence against, it was determined that the abandonment of this particular road would not inconvenience the public nor is road needed for county business.

  
Joe Pehan

  
Mary Ann Harwood

  
Don Hartwell

ATTEST:

  
Treva Nelson, Toole County Clerk and Recorder

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**RESOLUTION 6-2019**

**A RESOLUTION OF INTENT TO TRANSFER PROPERTY, BY SALE, FROM TOOLE COUNTY TO THE MONTANA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the authority to transfer land between Toole County and Montana Department of Transportation

**WHEREAS**, a 53 sf of Toole County property on the corner of 1<sup>st</sup> St N & 5<sup>th</sup> Ave N, on the corner by Northern Transit Building at a cost of \$2.50 sf comes out of MDT minimum payment of \$500.00.

**NOW, THEREFORE, BE IT RESOLVED**; in a meeting held by the Toole County Commissioners on January 24, 2019, that it is the intent of the Commissioners that a 53 sf of land be sold to the Montana Department of Transportation from Toole County.

**PASSED AND ADOPTED** by the Toole County Board of County Commissioners on January 24, 2019

Joe Pehan  
Commission Chair

Mary Ann Harwood  
Commissioner

Don Hartwell  
Commissioner

ATTEST:

Treva Nelson, Toole County Clerk and Recorder

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## COMMISSIONERS' AGENDA

February 21, 2019

10:00 A.M.

**PRESENT: Mary Ann Harwood-presided over the meeting, Don Hartwell, Joe Pehan and Treva Nelson**

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

Pledge of Allegiance

Approval of January 24, 2019 Meeting Minutes: **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

1. Consider approval of David Lee to fulfill Luke Casey's board position on the Foundation Board expiring 10/31/2021. **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
2. Consider approval of Travis Clark to another term on the Neta Board expiring 12/31/23. **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
3. Consider approval of Craig Tomayer to finish Gary Iverson's Term on the Neta Board expiring 12/31/2020. **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
4. Consider approval of Marias Medical Center and Marias Healthcare Professional Service Agreement. **Joe motioned to approve. Don seconded the motion and the motion carried.**
5. Consider approval of Eric Morsette to finish Wes McAlpine term on Fair Board term ending 12/31/2021. **Joe motioned to approve. Don seconded the motion and the motion carried.**
6. Consider approval of Blaine Suta to finish Hugh Bradley term on Fair Board term ending 12/31/2021. **Joe motioned to approve. Don seconded the motion and the motion carried.**
7. Consider reappointing Dave Sandon and Kristen Russell for Health Board term expiration date 12/31/2021, and Alice Burchak for a term to expire 12/31/2020. **Joe motioned to reappoint the members. Don seconded the motion and the motion carried.**
8. Consider reappointing Ken Morrison to the Galata Water District for a term to expire 5/31/2023. **Joe motioned to reappoint. Don seconded the motion and the motion carried.**

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## COMMISSIONERS' AGENDA

Monday, March 11<sup>th</sup> 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.** Approval of February 21<sup>st</sup> 2019 Meeting Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.

1. Consider approval of Resolution 7-2019, a resolution requesting reservation of local government road construction and maintenance match program funds made possible by House Bill 473. Mary Ann motioned to approve. Don seconded the motion and the motion carried. The county should receive \$55,614.18
2. Consider approval of Jessica Brusven to replace Sue Kasper term on Mental Health Board term ending 12/31/2021. Mary Ann motioned to approve. Don Seconded the motion and the motion carried.
3. Consider approval of Robyn Kimmet to fulfill Kristi Aklestad's term on Mental Health Board term ending 12/31/2019. Mary Ann motioned to approve. Don seconded the motion and the motion carried.
4. Consider approval to re-appointing Donna Whitt and Jerry Puffer for 3 year terms to Mental Health Board terms ending 12/31/2021. Mary Ann motioned to approve. Don seconded the motion and the motion carried.
5. Consider approval of new members to Mental Health Board for a 3 year term ending 12/31/2021 Mary Miller, Tony Heaton and Angela Lamb. Mary Ann motioned to approve. Don seconded the motion and the motion carried.
6. Consider approval of Robyn Kimmet to fulfill Kristi Aklestad's term on the Mosquito Board term ending 12/31/2019. Mary Ann motioned to approve. Don seconded the motion and the motion carried.

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**A RESOLUTION REQUESTING DISTRIBUTION OF  
BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS**

**Resolution 7-2019**

**WHEREAS**, the Bridge and Road Safety and Accountability Account requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

**WHEREAS**, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

**WHEREAS**, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

**WHEREAS**, the project(s) to be funded is to crush gravel to put on and maintain all county roads.  
and,

**WHEREAS**, the local match for the allocated funds has been budged from the Road Fund in  
Account 2110

**THEREFORE, NOW BE IT RESOLVED THAT:**

1. Toole County requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified herein.
2. That the Commission hereby empowers and authorizes a Commissioner or other staff to execute such further documents as may be necessary to facilitate the distribution of said funds.

**Adopted this 11 day of March, 2019.**

  
Commissioner Chair

  
Commissioner

  
Commissioner

**ATTEST:**

  
Clerk & Recorder

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COMMISSIONERS' AGENDA  
Monday, March 28<sup>th</sup>, 2019  
10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

**Approval of March 11, 2019 Meeting Minutes: Mary Ann approved the minutes. Don seconded the motion and the motion passed.**

1. Consider approval of T. J. Wanken to fill out the term Bill Meech on the Road board for a term ending 12/31/2019. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
2. Consider approval of the agreement between Toole County Ambulance and Pintler Billing Services of Eureka, MT. for the collection of ambulance fees from ambulance runs. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
3. Consider approval of RESOLUTION 8-2019, a Resolution renewing OPEN BURNING REGULATIONS AND PERMISSION POLICY for Toole County, State of Montana, pursuant to SECTION 7-33-2205, MCA. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
4. Consider approval of RESOLUTION 9-2019, a Resolution renewing Toole County Intergovernmental Loans to transfer between accounts. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
5. Consider approval of the Grader Bids opened on March 21<sup>st</sup>, 2019 for the Caterpillar Bid for the new 2019 Cat Grader. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.** The value of the grader is \$346,315. After the trade in we will pay \$237,565. We will also be purchasing a new Retriever for \$16,000 and a Walk & Roll for \$19,800. The purchase of all the equipment will be paid for from Fund 2399 Impact Fees.
6. Consider approval of the new rates for Health Insurance Premium for July 1, 2019 to June 30, 2019. **Mary Ann motioned that the county go with the RM2000, RM3000, BP2000, HD3000 & HD5000 plans. Don seconded the motion and the motion carried. Employees will have the option to choose Dental & Vision.**
7. Consider approval of Fire Extinguisher bid for the coming 3 years of service, between J@V Restaurant supply and Fasst Extinguisher Inc. bids. **Mary Ann motioned to accept the bid from J&V Restaurant Supply. Don seconded the motion and the motion carried.**

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**RESOLUTION 9-2019**  
**A RESOLUTION ON TOOLE COUNTY INTERGOVERNMENTAL LOANS**

**WHEREAS:** Toole County has made several Intergovernmental loans, and

**WHEREAS:** Fund 2382 (Search and Rescue) borrowed \$38,908.00 from Fund 2900 (PILT) for a 2018 Dodge Ram pickup. Installments are to be made for 4 years annually in the amount of \$9,727, in which two payments are left.

**WHEREAS:** Fund 2901 (Transit Building) owes Fund 2900 (PILT) \$135,000 in which a payment of \$25,000 per year will be paid back over the remaining life of the loan, and

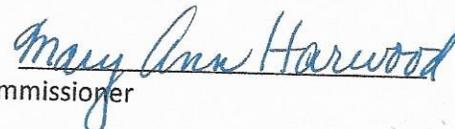
**WHEREAS:** Fund 2110 (Road) borrowed \$351,329 for a 2018 John Deere Road Grader from Fund 2399 (Impact Fees). Payment #1 in FY19 back to Impact Fees was \$144,102 (a buy-back amount on a 2012 CAT grader). Four annual payments will be in the amount of \$51,806.75, and

**WHEREAS:** North Toole County Fire owes Fund 2399 (Impact Fees) \$18,000 to be paid back in FY20 from Fund 4022 (NTC Fire Capital Fund), and

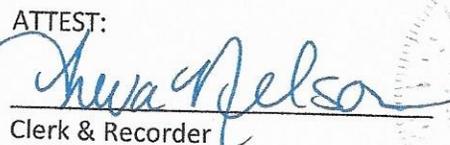
**THEREFORE, BE IT RESOLVED** that a Resolution will be done every year in the event of any current or new Intergovernmental Loans.

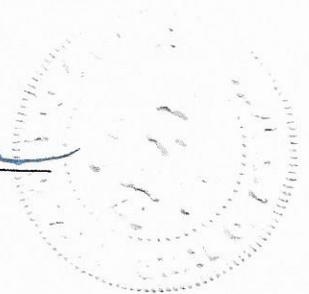
Adopted this 28th day of March, 2019, by the Toole County Commissioners.

  
Commission Chairman

  
Commissioner

  
Commissioner

ATTEST:  
  
Clerk & Recorder



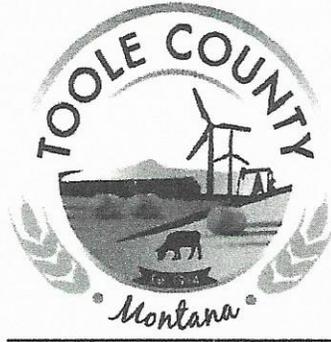
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RESOLUTION 8-2019

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 March 28, 2019



Joe Pehan  
Toole County commissioner  
Chair



Mary Ann Harwood  
Toole County Commissioner



Don Hartwell  
Toole County Commissioner

Treva Nelson  
Clerk and Recorder



Joseph P. Pehan - Commission Chair  
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## COMMISSIONERS' AGENDA

Thursday, April 25, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, and Don Hartwell.

PLEDGE OF ALLEGIANCE:

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

**Approval of March 28, 2019 Minutes: Mary Ann made a motion to approve the minutes as red with Don seconding it. Motion carried.**

- 1. Consider appointing Mary Ann to the Condo Board. Mary Ann made a motion to approve, seconded by Don. Motion passed.**
- 2. Consider approving the bid from Welker Farms for \$17.00 per acre. There is 102.48 acres for a total of \$1741.65 for a 5-year lease. Welker Farms was the only bidder, which had been advertised in the Shelby Promoter for two weeks. . Mary Ann made a motion to approve, seconded by Don. Motion passed.**
- 3. Consider appointing Janet Hawks to the Fair Board to replace Justin Wickum, whose term expired 12/31/2018. . Mary Ann made a motion to approve, seconded by Don. Motion passed.**
- 4. Consider submitting a proposal to Marias Healthcare to buy the Ambulance Building for \$50,000. . Mary Ann made a motion to approve, seconded by Don. Motion passed.**

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## COMMISSIONERS' AGENDA

Thursday, May 2, 2019

9:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

PLEDGE OF ALLEGIANCE

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

**Approval of April 25, 2019 Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

1. Consider approval of Clinic Space Lease Agreement. **Mary Ann motioned to approve with the changes proposed by William Kiefer, CEO of Marias Medical Center. Don seconded the motion and the motion carried.**
2. Consider approval of the purchase of the Ambulance Building for \$50,000, with the option of leasing the Cedar Closet portion of the building to the Cedar Closet for a \$1.00 per year. **Mary Ann motioned to approve. Don seconded the motion and the motion carried. The appraised value of the building is \$346,490. The purchase will be paid from Fund 4020, General Capital Improvement.**
3. Consider approval of the By-Laws of the Marias Medical Center Foundation Board as recommended by the Foundation Board. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

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**COMMISSIONERS' AGENDA**  
**Thursday, May 23, 2019**  
**10:00 A.M.**

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

PLEDGE OF ALLEGIANCE:

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

**Approval of May 2nd, 2019 Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

- 1. Consider appointing Cody Rolf to replace Eric Morsett to the Fair Board. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
- 2. Consider an Intergovernmental Agreement for the transfer of monies to the State of Montana in the amount of \$191,068.96 and in turn the State of Montana will make payment to the Marias Care Center for \$237,736.35 for Fiscal Year 2019. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

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**COMMISSIONERS' AGENDA**  
**Thursday, May 30th, 2019**  
**10:00 A.M.**

PRESENT: Joe Pehan, Mary Ann Harwood (Don Hartwell and Treva Nelson at workshop)

PLEDGE OF ALLEGIANCE:

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

**Approval of May 23rd, 2019 Minutes: Mary Ann made the motion to approve the minutes, seconded by Joe and motion carried.**

1. Consider reappointment of the following people for a three-year term to end 7/1/2022 to the Museum Board: Meredith Beckedahl, Denis Freeland, Larry Munson, Tracy Kiefer, Lance Wallewein and Tracy Dumas. **Mary Ann made the motion to approve, seconded by Joe and motion carried.**
2. Consider appointment of Sandy Simons to Museum Board to replace Marian Hinds on 7-1-2019, with the term ending 7-1-2022. **Mary Ann made the motion to approve, seconded by Joe and motion carried.**
3. Consider approval of the Master Contract between the Montana Department of Public Health & Human Services and the Toole County Health Department, to begin July 1, 2019 and end June 30, 2026. **Mary Ann made the motion to approve, seconded by Joe and motion carried.**
4. Consider approving the Toole County DUI Task Force Program Plan for SFY20, which will be submitted to the Montana Department of Transportation. **Mary Ann made the motion to approve, seconded by Joe and motion carried.**

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## COMMISSIONERS' AGENDA

JUNE 20, 2019

10:00 A.M.

**PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell**

PLEDGE OF ALLEGIANCE

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

Approval of May 30, 2019 Meeting Minutes: **Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.**

1. Approval of the Haight Subdivision. **Since no Subdivision was presented, therefore it was tabled.**
2. Approve the School Bus Routes for Sunburst, Shelby and Galata as approved by the Transportation Committee in a meeting held on June 17<sup>th</sup>. **Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.**

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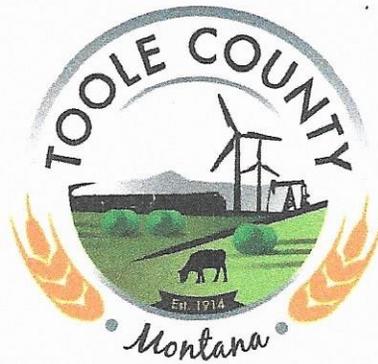
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COMMISSIONERS' AGENDA  
JUNE 27, 2019  
10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

**Approval of June 20, 2019 Meeting Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

1. Public Hearing to consider budget amendments for the fiscal year 2018-2019. **Joe opened the public hearing. No public was present to comment. Joe closed the public hearing.**
2. Consider approval of Resolution 10-2019, a resolution to amend the FY 2018-2019 budget. **Mary Ann motioned to approve the Resolution for budget amendments. Don seconded the motion and the motion carried.**
3. Consider approval of an agreement with Johnson Control for a 3-year renewal of maintenance agreement. **Mary Ann motioned to approve. Don seconded the motion and the motion carried. Marias Medical Center pays 80.3% of this contract and Toole County pays 19.7%.**
4. Consider approval of an agreement with Denning, Downey and Associates P.C. for including NETA in the counties audit for one year. **Mary Ann motioned to approve with NETA paying \$7,000 towards their portion of the county audit and the responsibility will be NETA's to pay for any closing costs, consulting or any other fees charged. Don seconded the motion and the motion carried.**

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RESOLUTION 10-2019  
A RESOLUTION AMENDING BUDGETS

**WHEREAS:** a Disaster Fund was created by the governing body with Resolution 7-2018. 75% of this fund will be supported by FEMA and the remaining 25% + will be county responsibility, and

**WHEREAS:** the transfer account in Fund 2399 was increased \$174,500 to transfer to the Disaster Fund 2958 and Fund 2900 transfer account was increased to \$39,691 to transfer to the Disaster Fund. This did not change the overall budgets of either Fund, and

**WHEREAS:** a budget amendment to Fund 2940 CDGB, in the amount of \$94.38, to create a transfer budget line. This fund had been inactive for some time but still had a cash balance. The cash balance was budgeted as a transfer out and transferred to the General Fund, and

**WHEREAS:** the county auditors would prefer the county to use new revenue and transfer account numbers when making or repaying short and long term loans between county funds. The budget was amended to reflect these account numbers, 381030, 381040, 521020 and 521030, and

**WHEREAS:** a budget amendment increase in the amount of \$4,000 for Fund 2981 COA Shelby, \$6,000 for Fund 2983 COA Shelby, \$500 Fund 2987 COA Kevin, \$1500 for Fund 2988 Kevin and \$2,400 for Fund 2988 Sunburst. Cash was available for all the increases in all the Funds, and

**WHEREAS:** a budget amendment in the amount of \$4,555 for Museum Fund 2360-460452-360 was decreased and transfer account 521000-820 was increased, to transfer leftover budget and cash to Museum Infrastructure Fund 2969, and

**WHEREAS:** a budget amendment in the amount of \$7,519.21 for Junk Vehicle Fund 2830-430840-100-230-350-531 was decreased and the transfer account 521000-820 was increased, to transfer leftover budget and cash to Junk Capital Improvements Fund 4040, and

**WHEREAS:** a budget amendment in the amount of \$1,550 was made in Fund 2393 Clerk & Recorder Preservation. Cash was available for the amendment, and

**WHEREAS:** a budget amendment in the amount of \$1,161,482 was made in Fund 5420 Marias Medical Center. Account 440200-220 was increased by \$228,171 and \$933,311 was increase in account 440200-300. Revenue exceeded estimation, and

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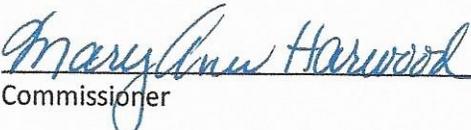
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**WHEREAS:** short-term loans were given to Funds with negative cash balances at the end of FY18-19. Fund 5420 Marias Medical Center received a loan from the General Fund for \$858,734.53, Soil Conservation received a loan from PILT for \$2,083.95, Stonegarden received \$51,810.54 from PILT, Crime Victims Advocate received a loan from PILT for \$14,908.37 and MCH received a loan from PILT for \$519.97.

**THEREFORE, BE IT RESOLVED** that a public hearing was held on June 27, 2019 to amend the FY 18-19 budgets as stated above.

ADOPTED THIS 27<sup>TH</sup> DAY OF JUNE 2019 BY THE TOOLE COUNTY COMMISSIONERS.

  
\_\_\_\_\_  
Commission Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

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## COMMISSIONERS' AGENDA

JULY 2, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Jason Canney and Treva Nelson.

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

**Approval of June 27, 2019 Meeting Minutes: Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**

1. Consider approval of the Bid for the Jap Evans and Suphellen culvert and road repairs at \$360,938.94. **Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**

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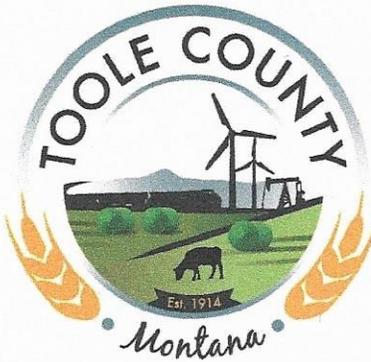
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## COMMISSIONERS' AGENDA

JULY 15, 2019

10:00 A.M.

**PRESENT: Joe Pehan, Mary Ann Harwood and Don Hartwell.**

**Pledge of Allegiance**

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

**Approval of July 2, 2019 Meeting Minutes: Mary Ann made the motion to approve, seconded by Don. Motion passed.**

- 1. Consider approval of the Maco Property and Casualty coverage for 2019-2020 for Toole County in the amount of \$345,958. Mary Ann made the motion to approve, seconded by Don. Motion passed.**
- 2. Consider approval of the Haight Subdivision as presented to the Commissioners. Mary Ann made the motion to approve, seconded by Don. Motion passed.**
- 3. Consider approval of SB 35 Resolution 11-2019, a resolution to form a county interdisciplinary child information and school safety team. Mary Ann made the motion to approve, seconded by Don. Motion passed.**

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Don Hartwell - Commissioner  
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Superintendent of Schools

**RESOLUTION 11-2019**

**A RESOLUTION ORDERING THE CREATION OF TOOLE COUNTY INTERDISCIPLINARY CHILD INFORMATION AND SCHOOL SAFETY TEAM**

**WHEREAS:** section 52-2-211, section (1) MCA, states "county commissioners shall ensure the formation of an interdisciplinary child information and school safety team";

**WHEREAS:** section 52-2-211 (1) further states that such team "includes representatives authorized by any of the following": youth court, county attorney, department of public health and human services, county superintendent of schools, sheriff, chief of any police force, any board of trustees of a public school district operating within the boundaries of the county and the department of corrections;

**WHEREAS:** section 52-2-211 (2) further directs that team officials may also cooperate with officials from other counties to form a regional interdisciplinary child information and school safety team and are to be formalized by written agreement;

**WHEREAS:** the interdisciplinary child information and school safety team will operate under the further guidance of 52-2-211 (3), (4), (5), (6), (7), and (8);

**WHEREAS:** 52-2-211 (9) requires "The County Superintendent of Schools shall provide to the Office of Public Instruction a current copy of any written agreement under the section no later than September 1,"

**THEREFORE, BE IT RESOLVED:** by order of the Toole County Commissioners, they hereby form the County Interdisciplinary Child Information and School Safety Team.

Dated this 15<sup>th</sup> of July, 2019

Joe Pehan, Chairman

Mary Ann Harwood, Commissioner

Don Hartwell, Commissioner

**ATTEST:** Treva Nelson, Treva Nelson, Clerk & Recorder

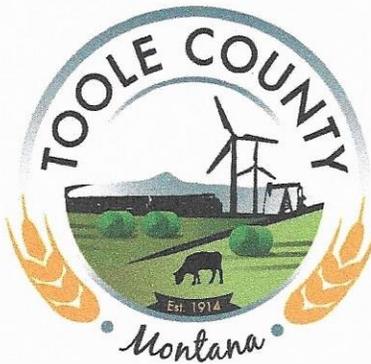
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Superintendent of Schools

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## COMMISSIONERS' AGENDA

JULY 18, 2019

10: 00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

Approval of July 15, 2019 Meeting Minutes: **Mary Ann motioned to amend the minutes to read;**  
***Mary Ann made the motion to approve and for the money to be divided by percentages from now on. 50% is paid by Toole County-Fund 2190, 25% is paid by Public Safety-Fund 2301 and 25% will be paid by Marias Medical Center-Fund 5420. Don seconded the motion and the amendment carried. The amendment was unanimous.***

1. Consider approval of the bids to repair the emergency exit stairways on the back side the Toole County Courthouse. Bids were submitted by Shelby Glass for \$24,644 and Ballantyne Welding for \$8,435. **Mary Ann motioned to approve the bid submitted by Ballantyne Welding. Don seconded the motion and the motion carried.**

---

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## COMMISSIONERS' AGENDA

JULY 25, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood and Don Hartwell  
PLEDGE OF ALLEGIANCE

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

**Approval of July 18, 2019 Meeting Minutes:** Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.

1. Consider approval of the Interlocal Agreement for Victim Witness Services between Toole County and Liberty County for the Victim Advocate Program. **Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.**
2. Consider approval of Resolution 12-2019. A Resolution for PERS retroactive employer contributions/buyback with Toole County. **Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.**
3. Consider approval of the State of Montana Standard Lease Contract-for Counties for leasing of the Department of Revenue space. **Mary Ann made the motion to approve the minutes, seconded by Don. Motion passed.**

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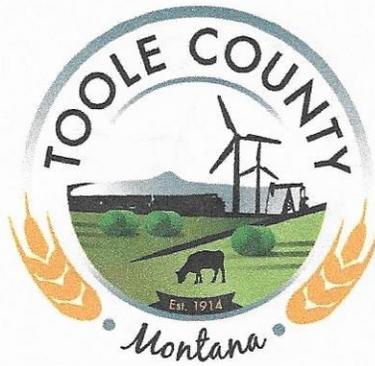
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## COMMISSIONERS' AGENDA

AUGUST 8, 2019

9: 00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

**Approval of July 25, 2019 Meeting Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

1. Consider approval of the winning bid for repairing the roof of the Ambulance Building. **Mary Ann motioned to approve the bid from American Roofing. The bid is \$2.50 a square foot, totaling \$36,745. Don seconded the motion and the motion passed. The money will be taken out of General Capital Improvements.**
2. Consider approval of the winning bid for painting the ambulance Building. **Mary Ann motioned to approve the bid from American Roofing. The bid is \$2.20 a square foot, totaling \$21,980. Don seconded the motion and the motion passed. The money will be taken out of General Capital Improvements.**

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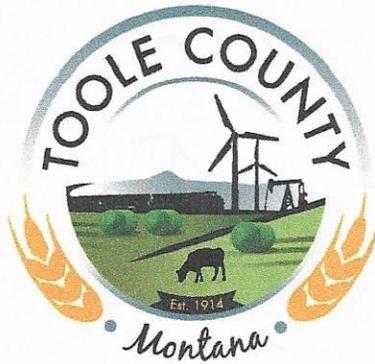
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Superintendent of Schools

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## COMMISSIONERS' AGENDA

AUGUST 15, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood and Don Hartwell  
PLEDGE OF ALLEGIANCE

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

**Approval of August 8, 2019 Meeting Minutes: Mary Ann made the motion to approve the minutes, seconded by Don. Motion carried.**

1. Consider approval Resolution 13 to investigate the possible sale or lease of the Marias Medical Center. **Mary Ann made a motion to approve Resolution #13-2019, seconded by Don and motion carried.**
2. Consider approval of the bid for the dirt work, concrete work at the Subway/transit building. **Mary Ann made a motion to approve the quote from Marias River Construction for \$32,500 out of the Transit Building Fund. This was the lowest quote received and our Procurement Policy had been followed. This was seconded by Don and motion carried.**

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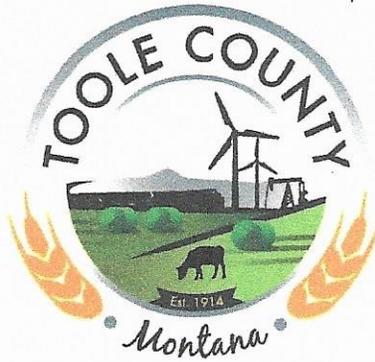
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**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF**  
**TOOLE COUNTY, MONTANA**

**RESOLUTION NO. 13-2019**

**Recitals**

A. The Marias Medical Center (“MMC”) is currently owned and operated by Toole County, and is under the oversight of the Toole County Board of County Commissioners (the “Board”).

B. The Board is interested in investigating the options available for the cost effective provision of health services to the citizens of Toole County in the future; including but not limited to: i) partnering with another entity to operate MMC while retaining ownership of the MMC assets; ii) sale of MMC and its assets to a nonprofit entity; or iii) the transfer of the MMC operations to a separate nonprofit public benefit corporation controlled by Toole County.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Toole County Board of County Commissioners as follows:

1. That the County engage the services of Crowley Fleck PLLP to provide legal assistance to investigate and implement the County’s options for MMC’s future operation.

2. That MMC’s Chief Executive Officer, William Keifer is authorized and directed to work with Crowley Fleck to provide such information, documents, and records as are necessary for the Board’s review of this issue; and to provide periodic reports at the Board’s future meeting on [date or dates].

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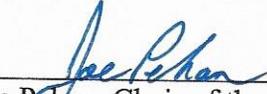
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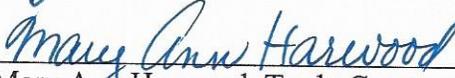
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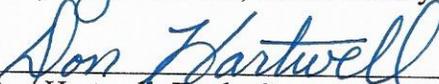
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3. That this Resolution and Order shall be effective from and after the date of passage.

PASSED AND ADOPTED by the Board of County Commissioners of Toole County, Montana, on August 15, 2019.

  
\_\_\_\_\_  
Joe Pehan, Chair of the Board of County Commissioners  
Toole County, Montana

  
\_\_\_\_\_  
Mary Ann Harwood, Toole County Commissioner

  
\_\_\_\_\_  
Don Hartwell, Toole County Commissioner

ATTEST:

  
\_\_\_\_\_  
Clerk and Recorder of Toole County

(SEAL)

Merle Raph  
Toole County Attorney  
July 30, 2019  
Page 4 of 4

On behalf of Toole County, the undersigned hereby consents to representation of Toole County by the law firm of CROWLEY FLECK PLLP under the terms summarized above and Resolution No. ~~13-2019~~ duly adopted by the Toole County Board of Commissioners and hereby consents to the conflicts of interest summarized above.

Dated this 16<sup>th</sup> day of August, 2019



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Merle Raph, Toole County Attorney

Joseph P. Pehan - Commission Chair  
Mary Ann Harwood - Commissioner  
Don Hartwell - Commissioner  
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Donna Whitt - Sheriff  
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Superintendent of School

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COMMISSIONERS' AGENDA  
AUGUST 22, 2019  
10: 00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Neldson

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

**Approval of August 15, 2019 Meeting Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried**

- 1. Consider approval of the FY 2020 School Budget for the Shelby High School. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
- 2. Consider approval of the FY 2020 School Budget for the Shelby Elementary School. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
- 3. Consider approval of the FY 2020 School Budget for the Sunburst K-12 Schools. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
- 4. Consider approval of the FY 2020 School Budget for the Galata Elementary School. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

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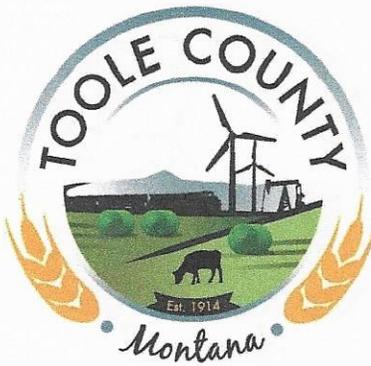
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COMMISSIONERS' AGENDA  
Thursday, September 5, 2019  
10:00 AM

PRESENT: Mary Ann Harwood, Don Hartwell and Treva Nelson  
Pledge of Allegiance.

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

**Approval of August 22, 2019 Meeting Minutes. Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

1. Public Hearing: 2019-2020 Budget. **Mary Ann opened the Public Hearing and asked for public comment. No public was present. Mary Ann closed the public hearing.**
2. Consider approval of the Compensation Board's recommended cost-of-living salary adjustments for elected officials. **The Compensation Board recommending 4.2% increase to the base elected salary. Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
3. Consider approval of cost-of-living adjustments for most county employees, not including MMC employees who are covered separately. **Don motioned a cost-of-living increase of fifty cents (.50) an hour to most county employees. Mary Ann seconded the motion and the motion passed.**
4. Consider approval of **Resolution #14-2019**, a resolution to authorize cost-of-living salary adjustments. **Don motioned to approve Resolution 14-2019. Mary Ann seconded the motion and the motion carried.**
5. Consider approval of **Resolution #15-2019**, a resolution to adopt the FY2019-2020 budget. **Don motioned to approve Resolution 15-2019. Mary Ann seconded the motion and the motion passed.**

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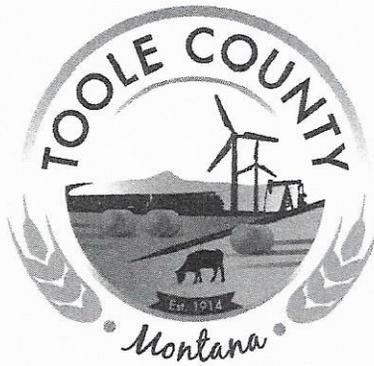
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**RESOLUTION #14-2019**

**A RESOLUTION TO AUTHORIZE COST-OF-LIVING SALARY ADJUSTMENTS FOR COUNTY ELECTED OFFICIALS AND SOME COUNTY EMPLOYEES.**

**WHEREAS:** the 2001 Legislature determined that county governing bodies create a County Compensation Board to determine if a cost-of-living salary be given to elected officials and if so, an amount to be recommended to the Board of County Commissioners; and,

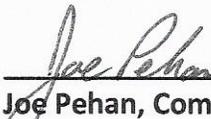
**WHEREAS:** the Commissioners and the County Compensation Board met during two public hearings called by the Commissioners held on June 12<sup>th</sup> and June 19<sup>th</sup>, 2019 and discussed several compensation schedules.

**WHEREAS:** the County Compensation Board recommended that compensation for elected officials in Toole County for FY 2019-2020 be increased by a 4.2% cost-of-living adjustment and the recommendation was approved by the Toole County Commissioners in a meeting held on September 5, 2019, and

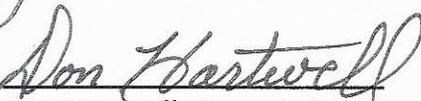
**NOW, THEREFORE BE IT RESOLVED:** by the Board of Toole County Commissioners that elected officials will receive the 4.2% cost-of-living adjustment on certain base salaries retroactive to July 1, 2019.

**FURTHER BE IT RESOLVED:** that the Toole County Commissioners set the cost-of-living increase adjustment at \$.50/hr. for most other county who are employed on September 1, 2019, retroactive to July 1, 2019.

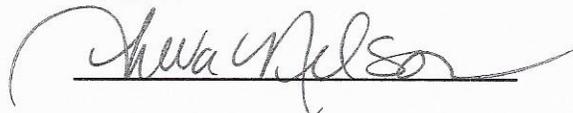
**BOARD OF TOOLE COUNTY COMMISSIONER** dated this 5<sup>th</sup> day of September, 2019.

  
Joe Pehan, Commission Chair

  
Mary Ann Harwood, Commissioner

  
Don Hartwell, Commissioner

ATTEST:



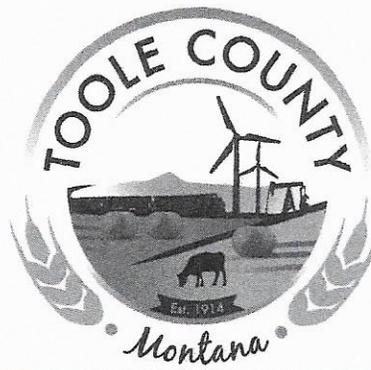
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**RESOLUTION #15-2019**

**A RESOLUTION FOR ADOPTING A BUDGET FOR TOOLE COUNTY FISCAL YEAR 2019-2020**

**WHEREAS;** pursuant to Sections 7-6-4021 & 4024, MCA, the Board of County Commissioners of Toole County, Montana as held a public hearing and passed resolutions as applicable on the proposed budget of Toole County for fiscal year 2019-2020 as required by law, and

**WHEREAS;** the Montana Department of Revenue is required to certify to the County Commissioners the value of the mill in each taxing jurisdiction in the County, and

**WHEREAS;** Section 7-6-4036, MCA, provide for the fixing of various tax levies sufficiently enough to raise funds to meet said expenditures authorized in the budget, and

**WHEREAS;** amendments to the final budget may be made throughout the fiscal year as provided in 7-6-4031, and

**WHEREAS;** Resolution #15-2019 adopting the budget was passed by the Board of Toole County Commissioners in a regular meeting on September 5, 2019, and

**NOW THEREFORE BE IT RESOLVED** by this Board of the County Commissioners that the final county budget be approved and adopted as the final budget for fiscal year 2019-2020, and that warrants be issued in accordance with the laws appertaining thereto, and

**ALSO, NOW THEREFORE BE IT RESOLVED** the Montana Department of Revenue's certified value of a countywide mill is \$22,543.00 and of specialized mills is the following:

Road	\$18,730.00
Shelby Mosquito District	\$ 3,172.97
Sunburst Mosquito District	\$ 530.97 plus a \$10,000 voted levy
NTC Cemetery	\$ 9,663.71
STC Cemetery	\$12,880.06
Soil Conservation District	\$16,108.85
Port Authority	\$22,543.00

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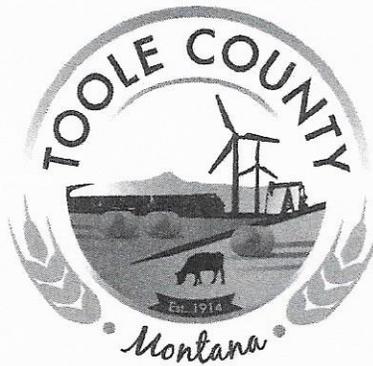
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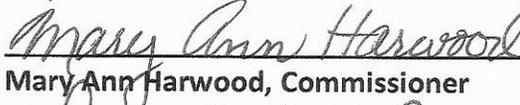


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Joe Rapkoch - Justice of the Peace  
Boyd Jackson - Treasurer/Assessor/  
Superintendent of Schools

Dated this 5<sup>th</sup> day of September, 2019

**BOARD OF TOOLE COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Joe Pehan, Chairman

  
\_\_\_\_\_  
Mary Ann Harwood, Commissioner

  
\_\_\_\_\_  
Don Hartwell, Commissioner

ATTEST:

  
\_\_\_\_\_  
Treva Nelson, Clerk & Recorder

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## COMMISSIONERS' AGENDA

September 19, 2019

9: 00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

**Approval of September 5, 2019 Meeting Minutes. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

1. Consider approval of the Lease Agreement with the Cedar Closet portion of the Ambulance Building. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
2. Consider approval of the Professional Service Agreement with Stahly Engineering and Associates, Inc. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
3. Consider approval of Resolution 16-2019, a Resolution revising Subdivision and Survey Review Schedule of Fees. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

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

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### **RESOLUTION #16-2019**

#### **A RESOLUTION OF THE TOOLE COUNTY COMMISSION REVISING SUBDIVISION AND SURVEY REVIEW SCHEDULE OF FEES**

**WHEREAS:** THE Toole County Commission adopted Resolution No. 22-2016 on July 14, 2016 which adopted Toole County Subdivision Regulations and a subdivision review fee schedule ON October 6, 2016, pursuant to Title 76 Chapter 3 MCA; and

**WHEREAS:** Section 76-3-602 MCA, allows a governing body to establish reasonable fees to be paid by the subdivider to defray the expense of reviewing subdivision applications; and

**WHEREAS:** Sections 76-3-201 and 76-3-207, MCA allow a governing body to establish reasonable fees not to exceed \$200, for the review of certain exemptions from subdivision review; and

**WHEREAS:** third party review fees are incurred by Toole County and reimbursed by the applicants including, but not limited to, examining land survey review and Administrative Rules of Montana compliance review;

**WHEREAS:** the Toole County Commission has reviewed the fee schedule established on October 6, 2016 and concluded the fees are not representative of the costs associated with reviewing current subdivision applications, exemptions and third-party reviews; and

**WHEREAS:** the Toole County Commission established a schedule of fees, attached as Exhibit A, to be paid by the sub-divider, to defray the County's cost of reviewing subdivision applications, exemptions and third-party reviews.

**NOW THEREFORE BE IT RESOLVED** that the Toole County Commission hereby adopts the schedule of review fees for subdivision applications under the Subdivision Regulations of Toole County, set forth in Exhibit A attached hereto, for the purpose of reviewing a subdivision application in Toole County, pursuant to the provisions of Sections 76-3-101, MCA.

**ADOPTED** by the Toole County Board of County Commissioners this 19<sup>th</sup> day of September, 2019.

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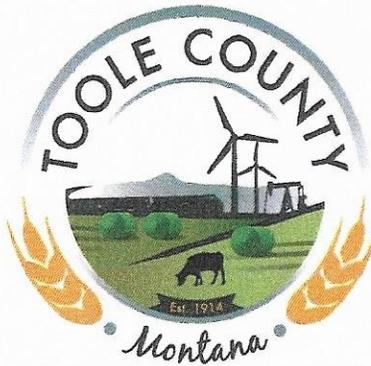
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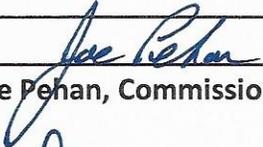
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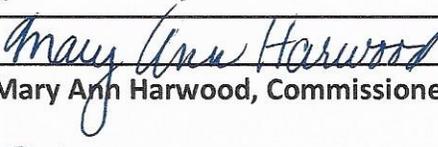
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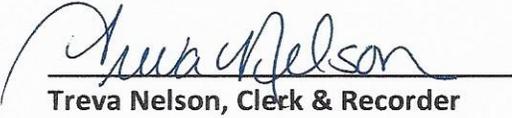
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Superintendent of Schools

  
\_\_\_\_\_  
Joe Pehan, Commission Chair

  
\_\_\_\_\_  
Mary Ann Harwood, Commissioner

ATTEST:

  
\_\_\_\_\_  
Don Hartwell, Commissioner

  
\_\_\_\_\_  
Treva Nelson, Clerk & Recorder

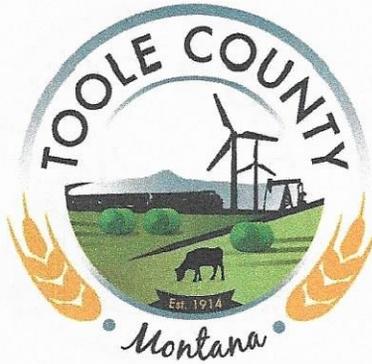
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## COMMISSIONERS' AGENDA

September 26, 2019

10: 00 A.M.

PRESENT: Commissioner Chair Joe Pehan and Commissioner Mary Ann Harwood. Public: Shane Clark and Jessica Brusven. Clerk & Recorder Treva Nelson  
Pledge of Allegiance:

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

**Approval of September 19, 2019 Meeting Minutes. Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**

- 1. Consider approval of the Land and Operations Evaluation of the MMC Property. Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**
- 2. Consider approval of RFP Draft meeting. Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**
- 3. Consider approval of Resolution 17-2019 for the Draft RFP to sell the MMC/Heritage Center/Brittain House. Mary Ann motioned to approve Resolution 17-2019 pending approval of the Toole County Attorney. Joe seconded the motion and the motion carried.**

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Superintendent of Schools

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## COMMISSIONERS' AGENDA

OCTOBER 3, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell. Guests were Tressa Tokerud, William Kiefer and Shane Clark.

The Pledge of Allegiance was recited.

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

**Approval of September 26, 2019 Meeting Minutes: Mary Ann made a motion to approve the minutes, Don seconded the motion and motion passed.**

1. Consider approval of the appointment of Ryan Stewart to the Toole County Foundation Board. **Mary Ann made a motion to approve. Don seconded it and motion passed.**
2. Consider approval of the appointment of Mark Cassel to the Fair Board. **Mary Ann made a motion to approve. Don seconded it and motion carried.**
3. Reconsider Resolution 14-2019 as approved. **Mary Ann made a motion to approve. Don seconded it and motion passed. This Resolution was reviewed by Merle before its passage.**
4. Consider approval of Montana Board of Investment Loan for MMC in the amount of \$176,700.00 for Computer Server and Storage Implementation. **Mary Ann made a motion to approve. Don seconded the motion and it passed.**
5. Consider approval of Resolution 18-2019 to accept the Montana Board of Investment Loan of \$176,700.00 for Computer Server and Storage Implementation. **Tabled due to loan will not be closed until the 18<sup>th</sup> of October.**

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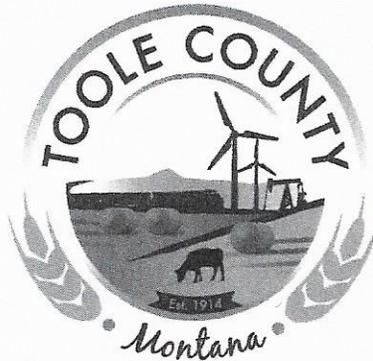
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RESOLUTION 14-2019

A RESOLUTION ESTABLISHING A PROCESS FOR ACQUISITION, TRANSFER, AND  
MANAGEMENT OF COUNTY REAL PROPERTY AND BUILDINGS

WHEREAS, the Board of County Commissioners (BOCC) of Toole County (the "County"), may sell real property as authorized by 7-8-2521 MCA; and

WHEREAS, a resolution is required related to the process of the selling of real property in 7-8-2521 MCA; and

WHEREAS, procedures for the disposal of real property are required so that the property is used or disposed of in the best interests of the county and the public benefit and welfare; and

WHEREAS, the sale of personal property and operational interests (like health care operations, including hospital, skilled nursing facility and assisted living facility operations) may coincide with the sale of real property; and

WHEREAS, the contents required for a resolution are stated in 7-8-2521 MCA; and

WHEREAS, the BOCC finds that it is in the best interest of Toole County to establish a resolution to adopt a resolution providing for sale and disposition of county real property; and

WHEREAS, the BOCC has given consideration to multiple-use management as defined in 7-8-2503 MCA;

NOW, THEREFORE BE IT RESOLVED by the Toole County Board of County Commissioners that it does hereby adopt the following process for the acquisition, transfer, and management of property and buildings.

- (a) Sales locations will include the County Courthouse building located at 226 1<sup>st</sup> Street South, Shelby, MT; through use of internet websites; or any other location as approved by the BOCC. Sales opportunities may be advertised through a competitive process, including a request for proposal (RFP) process to allow for interested parties to express interest;
- (b) All sale locations will be accessible to the public;

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Attested:

*Paulette Jacobsen, Deputy*

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## COMMISSIONERS' AGENDA

OCTOBER 7, 2019

10:00 A.M.

PRESENT: Mary Ann Harwood, Don Hartwell, Treva Nelson and guests William Kiefer and Shane Clark.  
PLEDGE OF ALLEGIANCE

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

**Approval of October 3, 2019 Meeting Minutes: Mary Ann made a motion to approve October 3, 2019 minutes, seconded by Don and it passed.**

1. Consider approval of Resolution 17-2019, an intent to accept request for Proposals to Acquire the operations and related Real and Personal Property of MMC. **Mary Ann made the motion to pass Resolution #17-2019, Don seconded it and motion passed.**

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### RESOLUTION 17-2019

A RESOLUTION OF INTENT TO ACCEPT REQUEST FOR PROPOSALS TO ACQUIRE THE OPERATIONS AND RELATED REAL AND PERSONAL PROPERTY OF MARIAS MEDICAL CENTER.

WHEREAS, Toole County owns and operates Marias Medical Center, Marias Heritage Center, and a residence used to provide housing for travelling providers known as the "Brittain House"; and

WHEREAS, Toole County owns Marias Care Center currently operated by a third-party operating entity; and

WHEREAS, Toole County is investigating the option of the sale of the facilities and operations of the above listed facilities; and

WHEREAS, Toole County Resolution 14-2019, which was adopted October 3, 2019, provides for the process of acquisition, transfer and management of county property and buildings. Said resolution provides for any sale to be through a competitive request for proposal (RFP) process to allow interested parties to express interest; and

WHEREAS, the Toole County Board of County Commissioners has had an RFP drafted but desires public comment through notice and public meeting to obtain public input and suggestions;

NOW THEREFORE BE IT RESOLVED by the Toole County Board of County Commissioners that it hereby gives notice of its intent to adopt a resolution to accept RFPs to acquire the property and operations of Marias Medical Center, Marias Heritage Center, Brittain House and Marias Care Center:

(a) A draft of the preliminary RFP is available at the Toole County Clerk and Records Office located at 226 1<sup>st</sup> St. So., Shelby, Montana.

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(b) That a public meeting will be held on October 30, 2019 at 640 Park Avenue, in the Marias Medical Center Conference Room, at 7:00 o'clock p.m. to accept public comment and input regarding a final RFP.

(c) That consideration of the final draft for approval shall be on November 4, 2019 at 10:00 a.m. at the regular meeting of the Toole County Board of Commissioners at their office, 226 1<sup>st</sup> St. So., Shelby, Montana.

(d) That notice and publication of the consideration of the resolution and setting of a public meeting shall be given pursuant to MCA§7-1-2121(2017).

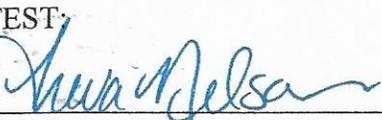
DATED this 7<sup>th</sup> day of October, 2019.

TOOLE COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Joe Pehan, Commission Chair

  
\_\_\_\_\_  
Mary Ann Harwood

  
\_\_\_\_\_  
Don Hartwell

ATTEST:  
  
\_\_\_\_\_  
Clerk & Recorder

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**COMMISSIONERS' AGENDA  
OCTOBER 15, 2019  
10:00 A.M.**

PRESENT: Joe Pehan, Mary Ann Harwood and Treva Nelson  
PLEDGE OF ALLEGIANCE

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

**Approval of October 7, 2019 Meeting Minutes. Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**

1. Consider approval of Resolution 19-2019, A Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Board (Intercept Revolving Program), approving the form and terms of the Loan Agreement and authorizing the execution and delivery of documents related thereto. **Mary Ann motioned to approve. Joe seconded the motion and the motion carried.**
2. Consider a Memorandum of Understanding by and between Toole County and the Town of Sunburst for a term of five years to limited scope of road maintenance as described in the MOU. **Joe motioned to approve. Mary Ann seconded the motion and the motion carried.**

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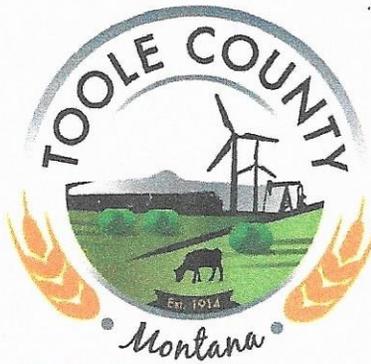
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**COMMISSIONERS' AGENDA  
OCTOBER 24, 2019**

**10:00 a.m.**

**PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell, and guests Don and Page Nagy and Michael Reis with KLU Engineering.**

**PLEDGE OF ALLEGIANCE**

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

**Approval of October 15, 2019 Meeting Minutes. Mary Ann made a motion to approve, seconded by Don and motion passed.**

- 1. Consider a request by Donald and Page Nagy for approval of an Agricultural Exemption of 278.58 acres of property located in Toole County at E1/2 Section 9, T. 37 N., R. 1 W. Approval of the covenant was recommended by Toole County Planner, Dan Stahly. Mary Ann made motion to approve, seconded by Don. Motion carried.**
- 2. Consider approval of hiring Bryan Van Heel as the new Sexton for the South Toole County Cemetery District. Mary Ann made a motion to approve, seconded by Don and motion passed.**
- 3. Consider approval of the Mobile Testing with Integrity LLC for drug testing for Road Dept. for one year. Mary Ann made a motion to approve with the contract to commence on October 18, 2019 to October 17, 2020. Don seconded and motion carried.**
- 4. Consider approval of the 2019-2020 Inmate Excess Medical Insurance Program Renewal for insurance covering our inmates. Mary Ann made a motion to approve with Don seconding it. Motion carried.**

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- 
5. Consider approval of installing auto call to the pump station/sprinkler system at the City/County Airport's new hangar. Estimated quote is \$11,656.22 plus an electrical hook-up. **Mary Ann made the motion to approve with the funds to come out of the construction line item of the airport's budget. Don seconded the motion and it was passed.**

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**COMMISSIONERS' AGENDA**  
**November 4, 2019**  
**10:00 A.M.**

**PRESENT:** Joe Pehan, Mary Ann Harwood, Don Hartwell  
**Pledge of Allegiance**

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

**Approval of October 24, 2019 Meeting Minutes:** Mary Ann made the motion to approve, seconded by Don and motion passed.

**Approval of the October 30, 2019 Public Hearing Minutes:** Mary Ann moved to Table the action as the minutes are not complete yet. Don seconded the motion. Minutes tabled.

1. Consider approval of the RFP as Final Draft. Tabled
2. Consider approval of Gene Meek for the Toole County Tax Appeal Board to take the position of Linda Lee whose term expires 12/31/2020. **Mary Ann made the motion to approve, seconded by Mary Ann. Don seconded and motion carried.**
3. Consider approval of Kris Vermulm to replace Rita Ray on the Marias Fair Board. Rita's term expires 12/31/2019. **Mary Ann made a motion to approve and Don seconded it. Motion passed.**

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**COMMISSIONERS' AGENDA  
NOVEMBER 14, 2019  
10:00 A.M.**

**PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell**

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

Pledge of Allegiance

**Approval of November 4, 2019 Meeting Minutes: Mary Ann made a motion to approve the minutes, seconded by Don. Motion passed.**

- 1. Consider approval of the RFP as Final Draft. Mary Ann made the motion to table the action due to more time needed to review. Don seconded the motion and it passed.**
- 2. Consider approval of a Tax Abatement on the Assembly of God Church due to a billing error. Mary Ann made the motion to approve. Don seconded it and motion passed.**

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COMMISSIONERS' AGENDA  
NOVEMBER 25, 2019  
10:00 A.M.

PRESENT: Joe Pehan, Don Hartwell, Mary Ann Harwood by phone and Treva Nelson

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

**Approval of November 14, 2019 Meeting Minutes. Mary Ann approved. Don seconded the motion and the motion carried.**

**Approval of the October 30, 2019 Meeting Minutes. Mary Ann approved. Don seconded the motion and the motion carried.**

1. Consider approval of an addendum to the Mobile Testing with Integrity LLC contract. **Mary Ann motioned to approve. Don seconded the motion and the motion carried. This is for the Road Department testing.**
2. Consider approval of giving Shelby Bucks to the employees who went a year with no accidents of \$50.00 in Shelby Bucks' **Mary Ann approved. Don seconded the motion and the motion carried. This totals \$7,700 and will be taken out of Fund 1000-420500-390.**
3. Consider approval of the addendum to Denning, Downey and Associates Contract for July 2018-June 2019. **Mary Ann approved. Don seconded the motion and the motion carried. This is for the Federal Audit which wasn't presented in the original audit.**

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# PUBLIC HEARING ON THE MMC REQUEST FOR PROPOSALS MINUTES

Shelby High School Auditorium  
October 30, 2019 7:00 PM

**Presenters:** Joe Pehan (commissioner), Mary Ann Harwood (commissioner), Don Hartwell (commissioner), William Kiefer (MMC), Shane Clark (MMC), Tressa Keller (MMC), Laura Welker (MMC), Stewart Kirkpatrick (attorney), Joel Kalva (attorney), Megan McCray (attorney), Lexi Pyette (attorney), Bob Olson (MHA)

**Members of the Public Present:** Jess Brusven, Bridget Blevins, Robert Welker, Mark Blevins, Karen Welker, Diane Hould, Meredith Beckadah, Gregg Hansen, Heather Hansen, Nick Alspan, Sam Alspan, April Davidson, Terry Tomscheck, Dave Wollan, Myrna Wollan, Barb Cole, Lorelee Aikens, Allen Underdal, Kory Fauque, Shannon McAllister, Darcy McAllister, Julean Hanson, Jayson Gray, Gary Seubert, Steve Ahrens, Pamela Whitted, Dan Whitted, Bob Winney, Darla Winney, Robyn Zell, Peder Underdal, Bob Brusven, Dorothy Seymour, Norman Seymour, Ann Clark, Robert Clary, Peggy Taylor, Greg Taylor, Travis Clark, Sanna Clark, Debbie Clark, Sara Staub, Joe Rapkoch, Mark Daniels, Gary McDermott, Gary Keifer, Judy Richman, Barb Donahue, Ryan Larson, Kris Ingesthron, Rick Roberts, Brian Krahn, Denise Krahn, Justin Hooker, Kayleen Nelson, Louise Aegerter, Linda Gorder, Michael Gorder, Melanie Hardy, Val Hardy, Donna Whitt, Dave Whitt, Kristen Russell, Lisa Clark, Eve Jacobson, Amber Massey, Louellen Wanken, Wilma Flesch Steiner, Camille Seubert, Jennifer Van Heel, Geneva Sisk, Diana Sonju Dorothy Sargent, Dan Leck, Lisa Leck, Cindy Frydenlund, Patti Warburton, Alyssa Keil, Jackie Faunce, Dana Hellinger, Chris Rost, Rhonda Jacobson, Jamie Brownell, Barbie Alvestad, Dale Hanson, Mel Fretheim, Lance Stewart, Brian Lee, Autumn Smith, Shawn Smith, Marcia Heydon, Sue Bender, Julia Ddrishinski, Sue Smith, Cindy Lamb, Samantha Clark, Cory Clark, Donna Spencer, Brad Munson, Larry Munson, Jenny Brosesder, Cynthia Grubb, Laura Enicks, Bill O'Leary, Renae Manley, Janelle Nelson, Laura Welker, Annette Freeland, Denis Freeland, Jason Spring, Traci Waugh, Andy Engdahl, Robert Alkestad, Jay Clark, Edith Clark, Bob Olsen, Bonnie Wiegand, Debbie Werry, Edward Werry, Mechelle Lewis, Dona VandeBos, Bill Hunt, Rick Neva, Cindy Reedy, Wayne Reedy, Mike Waite, Tammie Waite, Don Donahue, Trent Tustian, Briana Tustian, Saza Lee, Bobbie Lee, Bill Halver, Holly Hovland, Cathy Snyder, Robyn Skillman, Treva Nelson J. Nelson, Tom Carter, Ron Munson, Angela Lamb, Cory Lamb

**Call to Order:** Chair Joe Pehan called the hearing to order at 7:00 PM.

Pehan: The reason for the hearing is public comments on the Request for Proposals to Acquire the Operations of Marias Medical Center. The sole purpose for this meeting is for the RFP only, and nothing else can be discussed.

Introductions of the presenters were made. Written and verbal comments were welcomed.

Pehan: The issue is financing for the county, making sure there is enough money for the county to operate. When you go in the hole every year you look at where you are going in the hole. 2011 was the last time the hospital made a profit. The average loss is \$740k a year that the taxpayers are picking up. We can't keep cutting funds in other parts of the county to keep the hospital afloat. We are looking at other solutions and avenues. We decided to put together an RFP and see if anyone is interested in our hospital, nursing home and Heritage Center.

Olson: Thanks for the invitation to share. I will share layout of current healthcare. There are challenges across the country to deliver quality acute services in rural areas. There is a surge for the

models that make sense. The Montana Hospital Association has made sure to help rural communities to preserve their access to healthcare. Shelby faces a unique challenge as this is a county owned hospital. There are only four county owned hospitals left in the state. Montana's unique challenge is that there is a limitation on how county hospitals can receive Medicare/Medicaid funds. We are trying to get rid of that disadvantage. There is the challenge of communities getting smaller and older. The facilities are trying to keep up with a changing world. I am originally from Shelby, and my mom went through the healthcare system here the last few years. I saw the struggle to maintain services, but she received the care she needed. It is crucial that every community attend to these needs. This is about your community and how you want your hospital to function over time and how to best provide services to this community.

Kirkpatrick: I will talk about the RFP and what it means and how it was constructed. We were contacted by county with interest in someone to pick up where the county leaves off. We recommended a Request for Proposal process which allows facilities interested in operating the hospital in this community to put together an application and describe why they are the applicant that this community needs. We put in draft form the appropriate issues. The county decided to put this draft out for community comment and input to ensure that the hospital system is the right for this community. We put the RFP together so that an acquiring facility does so knowing that they have significant commitments that they will have to make to the community. We wanted input so that we answer appropriately the community's needs. The idea is that a facility that has experience in healthcare delivery could come over and take over the facilities and operations of MMC, MHC, and MCC. In order to do that we realized that what the community is looking for is strong commitments that the acquiring facility would need to make to maintain the minimum current care and hopefully improve the services and infrastructure. The other consideration was to make sure there was appropriate local control over how that hospital would operate and how the entity taking on the hospital will meet those commitments. We tried to build in methodology for the acquiring entity to provide necessary services that this community thinks is important. We hope the community views the RFP and gives helpful feedback and comments on it.

### **Public Comments**

Pehan: We will now turn over to public comment.

### **Public Commenter #1: Lance Stewart**

Stewart: how long did this RFP take to put together. When was it started?

Kirkpatrick: At least three months.

Stewart: How did this come about? I'm looking at a resolution that authorized Kiefer to investigate options on August 15. It sounds to me like they were already proceeding with RFP option #2 before the other options were investigated. Why weren't the other options investigated, what were the pros and cons, and why did you decide to go with the RFP.

Pehan: We discussed this at the courthouse. We were looking at dollar signs for the county and spoke with the county attorney about the process to follow.

Stewart: What were the pros and cons of each of those avenues. I want to hear from the commissioners.

Pehan: We discussed at each of our meetings what was brought up.

Harwood: We looked at several options, such as leasing the hospital like the nursing home. We decided that wasn't a good option because if it wasn't run properly and we had to take it back we would

be in the same situation we are in now. We looked at other management. The common answer we get for that is if you get a management company in there, the county still has to pay the bills and eventually you will find that it is best for them to take it over completely. This RFP is a draft, and this is why we are having this public meeting, to get ideas from each of you.

Stewart: But the RFP is focused on the second option, not the others. My understanding is multiple options were given in January. Multiple attempts were made to communicate with the commissioners and there was not an effort to communicate from them. A subcommittee was set up but the commissioners did not try to discuss the options. Instead we were told that Kiefer is here and to deal with it.

Harwood: We did communicate with them, we invited the clinic board, our door is always open, I've gone to a couple of the meetings. We've talked to them. The situation is we can't give our hospital to one entity to manage—we have to open it up since we are a government entity. We will take options into consideration.

Stewart: Why wasn't that done earlier?

Harwood: We chose Crowley Fleck to help us. We know as a county the legal process. This meeting is about the RFP.

### **Public Commenter #2: Rick Robert**

Roberts: I'm a 100% disabled vet, new to the community, and I use the clinic. Could you tell me the title of the RFP.

Pehan: It is Request for Proposal.

Roberts: No one mentioned to me the hospital being in such debt since 2013. The people here need medical facilities and competent people running it. Why didn't the community know the hospital was in debt all this time? Why do we suddenly need a partner now? I see an attitude here that Toole County likes people to be from Toole County. What service area does the hospital currently do? Do we help service Liberty and Glacier counties? We have the tri-county fair.

Pehan: We handle the four-county area but each county has their own hospital.

Roberts: Are each of these all financially solvable?

Pehan: We're here to talk about the RFP.

Roberts: Has anyone checked into making it a community hospital before selling it?

Pehan: The RFP says they are locked into it for 10 years.

Roberts: I've never seen the RFP.

Pehan: The RFP is on our website and at the Clerk and Recorder's Office.

Roberts: How many people do you service? Don't you have enough numbers to profitably run a hospital? Every year a \$740k loss? What the hell happened?

### **Public Commenter #3: Gary McDermott**

McDermott: I looked at the RFP. I have a couple questions. I assume in your process that you relied on professionals that gave you certain advice on the three options, that you had professional guidance and decided to take this option.

Commissioners: Yes.

McDermott: A couple things. There is \$1.9m in outstanding bonds. Whoever the applicant is, have you contacted your trustee to see if Toole County will be the primary obligor, or will the applicant assume full financial liability?

Kirkpatrick: The bonds are feasible; they will pay off the bonds with the change of ownership. They will have to pay them off.

McDermott: Is there any minimum capitalization requirements—are they required to have a minimum \$25m equity?

Kirkpatrick: We didn't identify any capital requirements, we figured the applicants would know what it would take to acquire and run this hospital. We didn't want to limit the entity or person to come here, but wanted it to be broad for applicants to come in and help this community decide.

McDermott: I think it is critical that you have minimum capital requirements. Whoever the applicant is, are they going to be the entity that operates or will you allow them to move the Shelby entities into a subsidiary?

Kirkpatrick: We included strong local governance in the RFP.

McDermott: If Kalispell or Benefis come in, they would put this into a subsidiary – what type of financial guarantees are back to the county, so if the subsidiary operates as a loss that we have assurance there is financial stability? Also, what type of financial procurements are you looking at, what are the working capital requirements going to be? They are going to have to have a strong capability to withstand the shortfall.

Clark: The \$740k is our cash balance, not a negative loss every year.

McDermott: These should be additional requirements; financial requirements need to be well established in the RFP. I'm concerned they will go down the road three years, file bankruptcy, and then we're back where we are today.

#### **Public Commenter #4: Bill Hunt**

Hunt: My understanding is that this is still an option you are considering? The county will be out of the hospital business?

Kirkpatrick: That is the goal.

Hunt: I read the news, and running a hospital is very complicated. It is probably wise to get some expertise in. My first question is this board. In paragraph II-B, page 4, the MMC Service Area. What is the service area? Please define.

Kiefer: Glacier, Toole and Liberty Counties.

Hunt: I would like to see this more defined in the RFP. The three community board members come out of that service area. A lawyer could define the service area as being down in Colorado. This should be defined as Toole County. Maybe two members from Toole County and one from the service area.

Kiefer: Great feedback.

Hunt: If a new provider comes in, they can have whatever structure, but there is at least a three member designated community board. I don't feel how the board is described is articulate enough, how it is clearly set up.

Kalva: We drafted this as broadly as possible, asking whoever sends an application in, what their structure would be. But the minimum is the three community board members to enforce the community's wishes.

Hunt: This RFP is also to assure the community. I will think about this further and send comments. We're paying mills into MMC. Do you anticipate that we will continue to do that, or will we walk away?

Pehan: We have 10 mills that go for the hospital every year and the general fund covers the bills each month. When the 10 mills are paid off that will relieve the county.

Hunt: I am not so optimistic. If we continue to pay taxes on this, I would like to see serious teeth in what the new board can do. When the board has collective authority, what do you envision they enforce that?

Kalva: In other situations we've been a part of, the community board has veto power, authority to stop any action that is not consistent, or force additional payments. The community board can take action to ensure they meet the commitments.

Hunt: Have you had pushback on that?

Kirkpatrick: Not yet. We have been doing these for 12 years.

Hunt: The new board will be designated for a 10-year period. If a board member retires, who will replace them? You need to draft that in.

Kiefer: This would go into the final document, the final negotiations with the chosen entity.

Hunt: Will the public have involvement on this?

Joel: There are two more public meetings as the proposals come in.

Hunt: It seems the timeline moves in pretty quick.

Pehan: The proposals have to be turned in by January 2.

Harwood: That allows us to investigate them as well.

Hunt: Are you optimistic that you will get good candidates?

Harwood: Yes.

#### **Public Commenter #5: Val Hardy**

Hardy: I'm a contractor here and my wife is a doctor at the hospital. Who wrote this RFP?

Harwood: We retained attorneys to help us write it with the guidance of the commissioners. We got expert opinions to help us.

Hardy: Coming from a business standpoint, there is no way anyone will come up with what you want. Anyone who has the money won't fork money over into a losing battle. You had an offer, you had someone willing to come in and work for free to take over the hospital but you turned it down, and you hired someone at over \$400k a year. Where do you get the money for this?

Harwood: We have to do this legally.

Hardy: If the hospital is in such debt how are you paying William \$400k a year.

Harwood: This is about the RFP.

Hardy: You commissioners work for us. If we want to talk about this we will talk about it.

Pehan: This meeting is about the RFP only.

Hardy: This meeting will be dictated by the people here. This RFP won't work. No one is willing to dump money into Shelby and stay. The hospital will close.

Pehan: I disagree with you.

Hardy: I am sorry you disagree.

Harwood: All of us here want to save our hospital and we are trying our best to make this happen. We need to come together as a community and work together. We have tried other options. We are giving this our best shot.

Kiefer: We do feel there are interested entities. Working with the commissioners, we have worked to future-proof the hospital against the changes occurring in healthcare. There are significant struggles and the best thing to ensure its viability, employment, and quality of healthcare is to look into interested entities. We feel there are some that have reached out to us an expressed interest. Our due diligence is to listen to those proposals. We will invite the community out to two more events to hear their proposals and how they could strengthen healthcare services in this community. It is possible that there won't be an interested party, but we want to see the process through, get a final draft of the RFP out there, and make sure the request validates the needs of the community. We're interested in hearing anything that would help us strengthen this document and ensure your healthcare in this community.

Pehan: Thank you all for coming.

Joseph P. Pehan - Commission Chair  
Mary Ann Harwood - Commissioner  
Don Hartwell - 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

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## COMMISSIONERS' AGENDA

DECEMBER 9, 2019

10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson

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

**Approval of November 25, 2019 Meeting Minutes. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

- 1. Consider approval of the Joe and Debbie Perry conservation easement of approximately 160 Acres 17 miles east of Conrad in Toole County. Township 29 North, Range 1 East, P.M.M. Toole County Section 35 NE1/4. Mary Ann motioned to approve based on the recommendation of the County Planning Board. Don seconded the motion and the motion carried.**
- 2. Consider approval of the Joe and Debbie Perry conservation easement of approximately 480 Acres 17 miles east of Conrad in Toole County. Township 29 North, Range 1 East, P.M.M. Section 25 S1/2, Section 35 NW1/4. Mary Ann motioned to approve based on the recommendation of the County Planning Board. Don seconded the motion and the motion carried.**
- 3. Consider approval of the Patrick Wheeler conservation easement of approximately 1286 Acres which is part in Toole County, Township 31 North, Range 4 West, P.M.M. Toole County Section 23 Lot 1 and Section 24 Lot 2. Mary Ann motioned to approve based on the recommendation of the County Planning Board. Don seconded the motion and the motion carried.**

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Toole County Courthouse - 226 1st Street South - Shelby, MT 59474

Commissioners' Office  
Phone: (406) 424-8310  
tccomm@toolecountymt.gov

Clerk & Recorder's Office  
Phone: (406) 424-8300  
tnelson@toolecountymt.gov

<http://www.toolecountymt.gov>

Joseph P. Pehan - Commission Chair  
Mary Ann Harwood - Commissioner  
Don Hartwell - Commissioner  
Merle Raph - County Attorney  
Donna Whitt - Sheriff  
Phyllis Robertson- Public Admin.



Dan B. Whitted - Corone  
Debra Munson - Clerk of Cour  
Trevia Nelson - Clerk and Recorde  
Joe Rapkoch - Justice of the Peac  
Boyd Jackson - Treasurer/Assessor  
Superintendent of School

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COMMISSIONERS' AGENDA  
DECEMBER 19, 2019  
10:00 A.M.

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson, Clerk & Recorder

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

**Approval of December 9, 2019 Meeting Minutes. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

1. Consider approval of the purchase of excess gravel from Nelson Inc. from the White pit For \$1.50 a ton, and take over approximately 10 acres of the gravel pit that would have to Be reclaimed by TCRD with soils currently stockpiled on site, after the gravel has been Hauled off site. **Joe said this is 11,112 ton of gravel and will cost \$16,668. This will be paid out of the bridge fund. Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
2. Consider approval of the FY2020 Extension Service Agreement between Montana State University Extension and Toole County, Montana. **Mary Ann motioned to approve the \$112,000 budget. Don seconded the motion and the motion carried.**
3. Consider approval of the purchase of two Polaris side by sides for the Weed Department With cabs so workers can be inside out of the chemical drifts. **Joe said these machines will cost \$22,808 a piece. The Weed Board approved this purchase. Mary Ann motioned to approve paying for the first machine out of the Weed Fund and if the second machine is purchased before the start of FY 20-21 a loan would be acquired from the PILT fund. Don seconded the motion and the motion carried.**

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Commissioners' Office  
Phone: (406) 424-8310  
tccomm@toolecountymt.gov

Clerk & Recorder's Office  
Phone: (406) 424-8300  
tnelson@toolecountymt.gov

<http://www.toolecountymt.gov>