

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

COMMISSIONERS' AGENDA
Monday, March 28th, 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 21st, 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.**

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
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<http://www.toolecountymt.gov>

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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

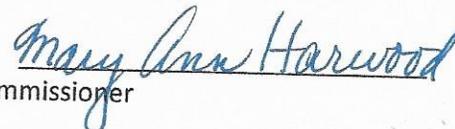
WHEREAS: Fund 2110 (Road) borrowed \$351,329 for a 2018 John Deere Road Grader from Fund 2399 (Impact Fees). Payment #1 in FY19 back to Impact Fees was \$144,102 (a buy-back amount on a 2012 CAT grader). Four annual payments will be in the amount of \$51,806.75, and

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

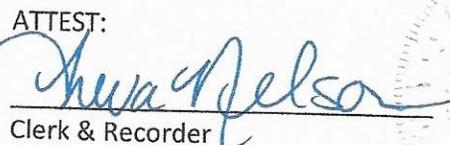
THEREFORE, BE IT RESOLVED that a Resolution will be done every year in the event of any current or new Intergovernmental Loans.

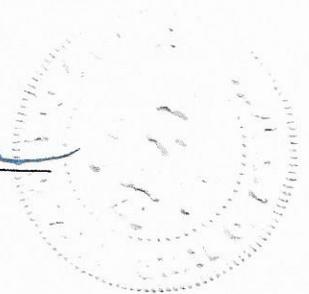
Adopted this 28th day of March, 2019, by the Toole County Commissioners.


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

