

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

226 1ST Street South
Toole County Courthouse, Shelby, MT 59474
406-424-8300 www.toolecountymt.gov

COMMISSIONERS' AGENDA

December 20, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of December 6, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion carried.

1. Consider RESOLUTION #17-2021, a resolution for Toole County to participate in Janssen Opioids Settlement and the McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergen Settlement. **Don motioned to approve. Terry seconded the motion, the motion carried.**
2. Consider the Toole County Attorney Merle Raph to act as the County's Authorized Official to execute all required documentation for the participation of Toole County in the Janssen Opioids Settlement and the McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergen Settlement. **Don motioned to approve. Terry seconded the motion, the motion carried.**
3. Consider RESOLUTION #18-2021, a resolution dissolving the North Toole County Cemetery and the South Toole County Cemetery as their own government entity for reporting purposes for the Dept. of Administration. **Don motioned to approve. Terry seconded the motion, the motion carried.**
4. Consider MOU with the City of Shelby for the ARPA funds. **TABLED**

Mary Ann Harwood - Commission Chair
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COMMISSIONERS' AGENDA
December 6, 2021
10:00 am

PRESENT: 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 1, 2021, Meeting Minutes: Don made a motion, seconded by Mary Ann. Motion carried.

- 1. Consider an Agricultural Covenant in T32N, R1E, Section 19: Tract 3, located in the SW/4SE/4 from landowner Virginia Kalbfleisch to Larry E. Munson and Bradley K. Munson. Don made a motion to approve, seconded by Mary Ann. Motion carried.**
- 2. Consider reappointing Darlene Sherrard to the Shelby Senior Center Board for a term of three years ending December 31, 2024. Her term is up December 31, 2021. Don made a motion approve. Mary Ann Seconded it and motion was passed.**
- 3. Consider having Mary Ann close the account number 110628 for Marias Medical Center and move it to Toole County account number 929903 at the First State Bank in Shelby. The cash will be reflected on the Cash Report in Fund 5420**

in the Black Mountain system. **Don motioned to approve, seconded by Mary Ann. Motion carried.**

4. Consider appointing Gwen Marshall for a three-year term ending December 31, 2024 to the Shelby Senior Center Board to replace Hattie Appley whose term is up December 31, 2021. **Don made a motion to approve, Mary Ann seconded it and motion was passed.**
5. Consider approving a Comprehensive County Plan for Substance Abuse Prevention. **Don motioned to approve, seconded by Mary Ann and motion carried.**
6. Consider continuing Misfits, LLC to be the treatment providers for Toole County. **Don motioned to approve. Mary Ann seconded it and motion was carried.**
7. Consider re-appointment of Billiette Coolidge, Sofie Gottfried and Lenora Mcewen to the Kevin/Sunburst Senior Center Board for a term of three years ending December 31, 2024. **Don motioned to approve. Mary Ann seconded it motion carried.**
8. Consider appointing Renae Manley to the Board of Health to replace Angela Lamb to fulfill her term ending December 31, 2022. **Don made the motion to approved, seconded by Mary Ann and motion carried.**
9. Consider approval of a Certificate of Survey in T32N, R1E, Tract 3 located in SW/4SE/4, containing 22 acres more or less under Virginia A. Kalbfleisch. **Don made the motion to approve and it was seconded by Mary Ann. Motion carried.**

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COMMISSIONERS' AGENDA

November 1, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of October 25, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion; the motion carried.

1. Consider a Dietary Service Agreement between Logan Health – Shelby and Toole County Department of Public Safety effective November 1, 2021. **Don motioned to approve. Terry seconded the motion; the motion carried.**
2. Consider reappointing Bonnie Nichol to the Toole County Health Foundation Board for a term of three years ending December 31, 2023. Her term was up December 31, 2020. **Don motioned to approve. Terry seconded the motion; the motion carried.**
3. Consider adding Don Hartwell to the Shelby Senior Center signature card at the First State Bank in Shelby. **Terry motioned to approve. Don seconded the motion; the motion carried.**
4. Consider canvassing the ballots for the election of the City of Shelby, Town of Kevin, and Town of Sunburst on November 15, 2021, at 10:00 am in the Commissioners' Office at the Courthouse. **Don motioned to approve. Terry seconded the motion; the motion carried.**

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COMMISSIONERS' AGENDA
October 25, 2021
10:00 am

PRESENT: Don Hartwell and Terry Tomscheck

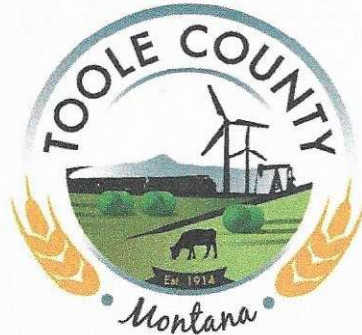
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of October 21, 2021, Meeting Minutes: Terry motioned to approve. Don seconded; the motion carried.

1. Consider Resolution #16-2021, a Resolution Distribution of Bridge and Road Safety Accountability Program Funds. **Terry motioned to approve. Don seconded; the motion carried.**

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Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
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COMMISSIONERS' AGENDA
October 21, 2021
10:00 am

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

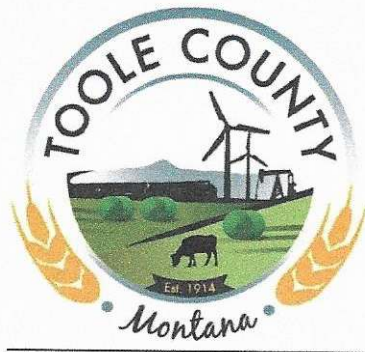
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PLEDGE OF ALLEGIANCE

Approval of October 12, 2021, Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider renewing the Third-Party Contract for the Substance and Alcohol Testing Program to meet DOT requirements with Mobile Testing with Integrity LLC. This renewal would be at the same pricing of \$250.00. **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
2. Consider Toole County to opt in on the Opioid Settlement Payments. **Don motioned to approve after discussion with County Attorney Merle Raph. Mary Ann seconded the motion and the motion carried.**

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Terry Tomscheck - Commissioner
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COMMISSIONERS' AGENDA

October 12, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder.

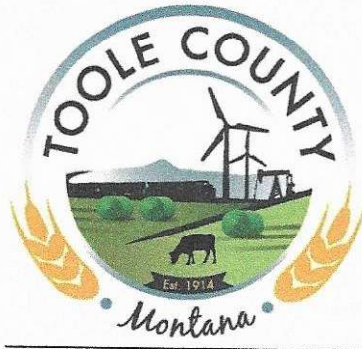
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PLEDGE OF ALLEGIANCE

Approval of September 16, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider Resolution #15-2021, a Resolution adopting the budget which as adopted in a regular meeting held on September 9th, after a 1 hearing. The Resolution itself was erroneously left off the agenda. **Don motioned to approve Resolution 15-2021. Terry seconded the motion, the motion carried.**
2. Consider appointment of Marigail Sveum to Toole County Health Foundation Board, replacing Renae Manley, whose term finishes 10/31/2023. **Don motioned to approve. Terry seconded the motion, the motion carried.**
3. Consider having one full time Extension Agent for a salary of \$35,862.23 per year, which is 65% of the Clerk & Recorder's salary. **Don motioned to approve a full time Extension Agent at the salary listed above. Terry seconded the motion, the motion carried.**
4. Consider approval of an MOU with the City of Shelby for the ARPA funding. **Don motioned to approve the MOU with the City of Shelby for ARPA funding. Terry seconded the motion, the motion carried.**
5. Consider an Abstract of Agreement to Assign Opencut Mining Lease from Matt Ennenberg to the Toole County Road Department. **Don motioned to approve the Agreement Lease. Terry seconded the motion, the motion carried.**
6. Consider an Agreement to Assign Opencut Mining Lease between Toole County and James Goeddertz, Russell Dean Alcorn and Barbara Diane Alcorn in T35N, R3W, Section 22: SE/4SE/4. **Don motioned to approve the Agreement Lease. Terry seconded the motion, the motion carried.**

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COMMISSIONERS' AGENDA

September 16, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck

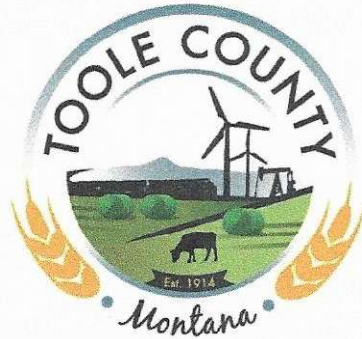
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of September 13, 2021, Meeting Minutes: Don Hartwell motioned to approve, seconded by Terry Tomsheck. Motion carried.

1. Consider approval of a Proclamation lifting the Fire Restrictions in Toole County. **Don Hartwell approved the Proclamation, seconded by Terry Tomsheck. Motion carried.**

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COMMISSIONERS' MINUTES
September 13, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck

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

PLEDGE OF ALLEGIANCE

Approval of September 9, 2021, Meeting Minutes: Don made the motion to approve. Terry seconded it and motioned passed.

1. Consider approval of RESOLUTION #14-2021, a resolution to authorize the cost-of-living salary adjustments for Toole County Elected Officials and some county employees. **Don made the motion to approve. Terry seconded it and motioned passed.**
2. Consider adopting a CodeRed Emergency Notification System for Toole County. **Don made the motion to approve. Terry seconded it and motioned passed.**

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COMMISSIONERS' AGENDA
September 9, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck

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

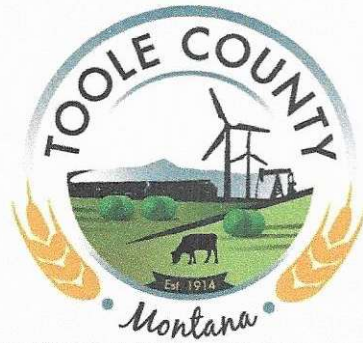
PLEDGE OF ALLEGIANCE

Approval of September 2, 2021, Meeting Minutes:

PUBLIC HEARING TO APPROVE THE FY/22 BUDGET. No public in attendance or any other forms of communications from the public.

1. Consider approval of the FY 2021/2022 Budget for Toole County. Two forms of budget were presented. One was with raises and one without the raises. It was determined that the budget including the raises did not raise the taxes. **Don motioned to approve the budget for FY 2021/2022 with the raises included. Terry seconded it and motioned passed.**

Mary Ann Harwood - Commission Chair
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COMMISSIONERS' AGENDA

September 2, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder.

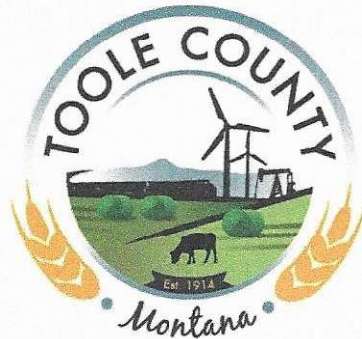
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PLEDGE OF ALLEGIANCE

Approval of August 19, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

- 1. Consider approval of the FY 2022 Galata Elementary Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 2. Consider approval of the FY 2022 Sunburst K-12 Schools Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 3. Consider approval of the FY 2022 Shelby Elementary Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 4. Consider approval of the FY 2022 Shelby High School Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
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COMMISSIONERS' AGENDA

August 19, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

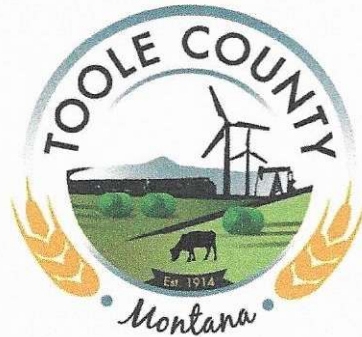
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of August 12, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of **RESOLUTION #12-2021**, a resolution for prosecutorial assistance in the investigation and prosecution of all Crossroad Correctional Center criminal cases, as requested by Toole County Attorney. **Don motioned to approve. Terry seconded the motion and the motion carried.**
1. Consider approval of **RESOLUTION #13-2021**, a resolution to adopt and approve the rules and procedures of the Toole County Health Board and Health Officer and/or designee. **Don motioned to strike the words "and/or designee". Terry seconded the motion and the motion carried. Don motioned to approve Resolution 13-2021 as corrected. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
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Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

August 12, 2021

10:00 am

PRESENT: Don Hartwell and Terry Tomscheck

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

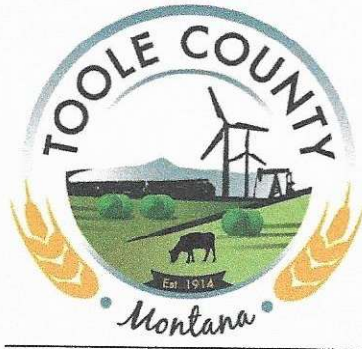
PLEDGE OF ALLEGIANCE

Approval of August 5, 2021, Meeting Minutes: Terry motioned to approved, seconded by Don. Motion carried.

1. Consider approval of an Obligating Document for Award from the Montana Disaster and Emergency Services to Toole County for the Emergency Management Program in the amount of \$20,000 with a required match of \$20,000. **Terry motioned to approved, seconded by Don. Motion carried.**
2. Consider approval an Agreement to Assign Opencut Mining Lease between Enneberg Excavation LLC (Assignor) and the Toole County Road Department (Assignee) in T35N, R3W, Section 22: SE/4SE/4, containing 40 acres, more or less. **Terry motioned to approved, seconded by Don. Motion carried.**
3. Consider the Abstract of Agreement to Assign Opencut Mining Lease between the Toole County Road Department (Assignee) and Enneberg Excavation LLC (Assignor) for the property located in the SE/4SE/4 of Section 22 in T35N, R3W. **Terry motioned to approved, seconded by Don. Motion carried.**

4. Consider RESOLUTION #11-2021, a Resolution for prosecutorial assistance in the prosecution of State of Montana vs. Bradley Williams. **Terry motioned to approved, seconded by Don. Motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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COMMISSIONERS' AGENDA

August 5, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

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

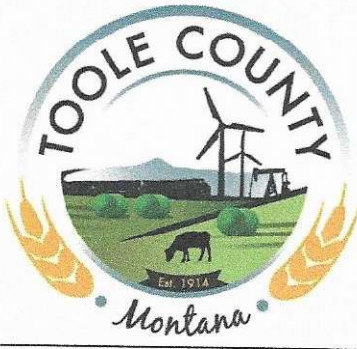
PLEDGE OF ALLEGIANCE

Approval of July 22, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of accepting Denning, Downey and Associates to assist the Clerk and Recorder in calculating the Other Post Employment Benefits (OPEB) Liability under the Alternative Measurement Method as described in Financial Reporting by Employers for Postemployment Benefits Other than Pensions. The fee is \$2,400 for this service and only needs to be performed every other year. **Don motioned to approve. Terry seconded the motion and the motion carried.**
2. Consider entering into an Audit Engagement Service with Denning, Downey and Associates for the years ending June 30, 2021, June 30, 2022, and June 30, 2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
3. Consider approving the contract for the Shelby Senior Center from the North Central Area on Aging. **Don motioned to approve. Terry seconded the motion and the motion carried.**

4. Consider approving the contract for the Kevin/Sunburst Senior Center from the North Central Area on Aging. **Don motioned to approve. Terry seconded the motion and the motion carried.**
5. Consider a request from John Larson with BNSF to be exempted from the Stage II Fire Restrictions, so they may continue to maintain the track. **Don motioned to approve. Terry seconded the motion and the motion carried. Mary Ann will respond to Mr. Larson and let him know that fire suppression equipment and liability will be their responsibility.**
6. Consider a Right-Of-Way Lease between Toole County and Douglas Demarest to obtain access to the Mount Royal sites beginning July 1, 2021, and ending June 30, 2022, in the amount of \$150.00. **Don motioned to approve. Terry seconded the motion and the motion carried.**
7. Consider accepting the Fairgrounds Roofing Bid from CS Roofing Commercial LLC out of Fairfield in the amount of \$113,942. We received \$66,256.41 from the MACo Insurance. **Don motioned to approve. Terry seconded the motion and the motion carried. The difference between the insurance payment and the bid will come out of Fund 4024, Fair Capital Improvement.**
8. Consider the Somont Oil Company Minor Subdivision situated in the S1/2SW1/4 of Section 29 in T35N, R1W P.M.M. **Don motioned to approve. Terry seconded the motion and the motion carried. Mary Ann said the COS is approved but will not be signed by the commissioners until Somont has signed it.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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COMMISSIONERS' AGENDA

July 22, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recording

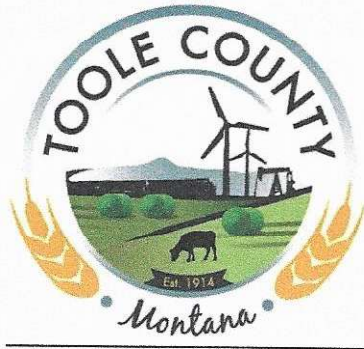
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PLEDGE OF ALLEGIANCE

Approval of June 28, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion passed.

1. A Proclamation on Special Fire Restriction on July 16th was made and an amendment on July 19th was made for this proclamation. It was deemed a necessary and emergent decision. Consider approval of **Resolution #10-2021, A Resolution Prohibiting Burning - Stage II.** Don motioned to approve Resolution 10-2021. Terry seconded the motion, the motion carried.
2. Consider approval of reappointment of Doug Hellinger to the Airport Board for a term of three years ending December 31, 2023. Don motioned to approve. Terry seconded the motion, the motion carried.

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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COMMISSIONERS' AGENDA

June 28, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomsheck and Bobbi Hughes, Deputy Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of June 24, 2021, Meeting Minutes: Terry made the motion to approve the minutes, seconded by Don. Motion carried.

1. Public Hearing to consider budget amendments for the fiscal year 2020-2021. Terry made the motion to approve the budget amendments as presented from the Clerk & Recorder's Office, seconded by Don. Motion carried. No Public was in attendance.
2. Consider approval of Resolution 9-2021, a resolution to amend the FY 2020-2021 budget. Terry made the motion to approve the Resolution, seconded by Don. Motion carried.

Mayor Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

June 24, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomscheck, Donna Whitt, Merle Raph, Donna Grant, Rick Roberts, Tiffany Uylaki and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of June 17, 2021, Meeting Minutes: Terry motioned to approve. Don seconded the motion, the motion carried.

1. Consider approval of renewing a standard lease contract with the State of Montana, Department of Revenue for two years effective July 1, 2021, through June 30, 2023, with the first-year monthly payments at \$721.17 per month and the second year at \$721.93 per month. **Terry motioned to approve. Don seconded the motion, the motion carried.**
2. Consider approval of a Warranty Deed with an Agricultural Covenant from Larry E. Munson Farms, Inc to Patrick and Whitney Wicks described as T30N, R2E, Section 18, NE/4SW/4, W/2NW/4SE/4, W/2SE/4SE/4, pursuant to MCA 76-3-207(1)(c). **Terry motioned to approve. Don seconded the motion, the motion carried.**
3. Consider putting the current and future detention officers and dispatchers with the Sheriff's Office on the county wage scale to commence on July 1, 2021. **Donna asked if the commissioners were going to approve the starting wage as a grade 3 and she talked about changing the grade of her Administrative Assistant. Terry motioned to approve putting the Detention and Dispatchers on the wage scale. Don seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

226 1ST Street South
Toole County Courthouse, Shelby, MT 59474
406-424-8300 www.toolecountymt.gov

COMMISSIONERS' AGENDA

June 17, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomsheck, Donna Grant, Merle Raph, Kristen Russell and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of June 3, 2021, Meeting Minutes: Terry motioned to approve. Don seconded the motion. The motion carried.

1. Consider approval of an Agreement to provide health care services to community patients between Logan Health-Shelby dba Marias Medical Center and Toole County for the 340 Drug Pricing Program, which resulted from the enactment of Public Law 102-58. **Kristen read the documents and explained the purpose of the agreement. Terry motioned to approve. Don seconded the motion. The motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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Election Administrator
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COMMISSIONERS' AGENDA

June 3, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Reorder.

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

PLEDGE OF ALLEGIANCE

Approval of May 17, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion carried.

- 1. Consider going out for bids for re-roofing several buildings out at the fairgrounds. Don motioned to approve the bids for re-roofing/repairing 13 roofs at the fairgrounds. Terry seconded the motion, the motion carried.**
- 2. Consider applying for the American Rescue Plan Act (ARPA) of 2021. Don motioned to consider applying for ARPA. Terry seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

May 17, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of May 3, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of a Subdivision Plat Application from Somont Oil Company in the S/2SW/4 of Section 29 in Township 35N, R1W in Toole County, Montana. **Don motioned to approve the Application. Terry seconded the motion, the motion carried.**
2. Consider reviewing and approving the proposed preliminary plat submittal for a 2-lot minor subdivision to be called "Somont Oil Company Minor Subdivision" pursuant to the Montana Subdivision and Platting Act, Section 76-3-101 through 73-3-614, MCA and the Toole County Subdivision Regulations (TCSR). **Don motioned to approve the preliminary plat. Terry seconded the motion, the motion carried.**
3. Consider approval of the FY/22 DUI Task Force Program Plan. **Don motioned to approve. Terry seconded the motion, the motion carried.**

4. Consider approval of the renewal of MACo Property & Casualty Trust for 2021-2022. **Don motioned to approve. Terry seconded the motion, the motion carried.**
5. Consider approval to waive and transfer \$123,995.00 of the funds apportioned to Toole County/Shelby Airport to the Jordan Airport in Garfield County, Montana. **Don motioned to approve. Terry seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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Election Administrator
Joe Rapkoch - Justice of the Peace
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COMMISSIONERS' AGENDA

May 3, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck, Merle Raph, County Attorney and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of April 22, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

***NOTE TO MEETING: ***

On April 30, 2021, Don and Terry, via phone, with Mary Ann and Merle in person, passed Resolution 7-2021, a Resolution to approve an Amendment to the Staff Leasing Agreement to deal with an emergency situation affecting the public health, welfare or safety or the decision is a ministerial act. MCA 2-5-112 (2019) provides for the exception to MCA 2-3-103 (2019) and MCA 2-3-111 (2019). The execution of the amendment would abate the emergency situation. **Don motioned to approve Resolution 7-2021. Terry seconded the motion. All were in favor and the motion carried. Don motioned to pass the Amendment to the Staff Leasing Agreement with KRH. Terry seconded the motion. All were in favor and the motion carried.**

When the agenda was posted, it showed approval of Resolution 7-2021 as item #5. This needs to be changed to Resolution #8-2021, as Resolution #7-2-21 was passed in the April 30, 2021 meeting. **Motion was made by Don to approve the agenda with the correction. Terry seconded it and motion carried.**

1. Consider approval of the VGM Health Appraisal for the Fair Market Value Analysis of the Marias Medical Center, the Marias Heritage Center, and the Brittain House. **Don motioned to approve. Terry seconded the motion and the motion carried.**

2. Consider approval of the VGM Health Appraisal of the Fair Market Value Analysis of the Tangible Personal Property for the Marias Medical Center and the Marias Heritage Center. **Don motioned to approve. Terry seconded the motion and the motion carried.**
3. Consider approval of the Officer's Certificate for the Health Care Facilities Revenue Refunding Bonds for the Master Loan Program for the Marias Medical Center Project. **Don motioned to approve. Terry seconded the motion and the motion carried.**
4. Consider Approval of the Escrow Agreement among the Montana Facility Finance Authority, Toole, Montana, Kalispell Regional Healthcare System and U.S. Bank National Association as Trustee and Escrow Agent. **Don motioned to approve. Terry seconded the motion and the motion carried.**
5. Consider Resolution 8-2021, a resolution for the approval and sale of the operations of the Marias Medical Center, Marias Heritage Center, and the Brittain House. **Don motioned to approve. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

April 22, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of April 15, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of an amendment to the Asset Purchase Agreement with KRH/Logan Health-Shelby, due to the law language that was erroneously left out dealing with compliance. **This was a small adjustment to add a template. Don motioned to approve. Terry seconded the motion and the motion carried.**
2. Consider paying for Vision and Dental on our MACo Health Plan for those employees who are not on our health plan but are on a health plan of their own or with someone else. **Don motioned to approve with the effective date of July 1, 2021. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

April 15, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck.

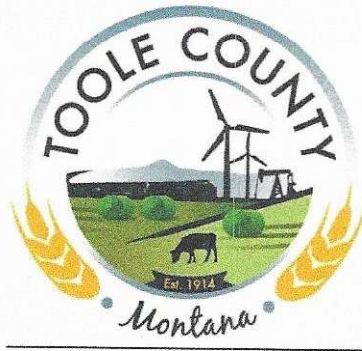
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of April 8, 2021 Meeting Minutes: Don made the motion to approve the minutes, seconded by Terry. Motion carried.

1. Consider approval of an Asset Purchase Agreement with KRH/Logan Health-Shelby. Mary Ann explained that by approving the Asset-Purchase Agreement, KRH/Logan Health can move forward on getting their licensing. The schedules will be supplemented and approved before the time of closing. Don made the motion to approve, seconded by Terry and motion passed.
2. Consider Rachel Brown to fulfill the term held by Mark Castle on the Fair Board with a term ending 12/31/2022. Don made the motion to approve, seconded by Terry and motion passed.
3. Consider Mikalaya Jordan-Garcia to fulfill the term held by Todd Howell on the Fair Board with a term ending 12/31/2023. Don made the motion to approve, seconded by Terry and motion passed.

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA

APRIL 8, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of April 5, 2021 Meeting Minutes: Don motioned to approve. Terry seconded; the motion carried.

1. Consider approval of the grader bid that was recommended by the Road Board meeting held on April 6, 2021. **Don motioned to approve the Road Board's recommendation and to accept the RDO bid of \$398,596 and to execute the buy back option with T & E for approximately \$170,000. Terry seconded the motion; the motion carried.**
The payment from this grader will be taken out of Fund 4050.
All records are on file in the Commissioner's office.
2. Consider a Valuation Engagement Agreement with VMG Health for appraising the real estate part of the Marias Medical Center, the Care Center, the Marias Heritage Center and the Brittain House. **Don motioned to approve the Engagement Agreement. Terry seconded the motion; the motion carried.**
KRH/Logan Health will split the cost of the real estate appraisal.

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA

APRIL 5, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck

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

PLEDGE OF ALLEGIANCE

Approval of March 31ST, 2021 Meeting Minutes: Don made the motion to approve. Terry seconded it and motion carried.

1. Consider approval of a Notification of Tentative Agreement in support of facility licensing applications for the sale of the Marias Medical Center to Logan Health – Shelby, and the sale of the Marias Heritage Center to Logan Health Assisted Living – Shelby. **Don made the motion to approve, seconded by Terry. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA
MARCH 31, 2021
1:00 pm

PRESENT: 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.

PLEDGE OF ALLEGIANCE

Approval of March 29th, 2021 Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider a Settlement and Mutual Release Agreement with EmpRes at Shelby, LLC and EmpRes Healthcare Management, LLC (parties of the first part) and Toole County d/b/a Marias Medical Center (party of the second part). **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

SETTLEMENT AND MUTUAL RELEASE AGREEMENT

This Settlement and Mutual Release Agreement (the "Settlement and Release Agreement") is effective on the date it has been executed by all the Parties ("Effective Date"), by and among EmpRes at Shelby, LLC, a Washington limited liability company and EmpRes Healthcare Management, LLC, a Washington limited liability company (collectively "EmpRes") and Toole County, Montana, d/b/a Marias Medical Center ("Toole County"). EmpRes and Toole County are each referred to as a "Party" and collectively referred to as the "Parties."

1. EmpRes and Toole County entered into a Skilled Nursing Facility Lease dated October 29, 2015, First Amendment of Skilled Nursing Facility Lease dated May 23, 2017, (collectively referred to as the "Lease") and Operations Transfer Agreement dated October 29, 2015 (collectively the Lease and the Operations Transfer Agreement shall be referred to as the "Agreements"), pursuant to which EmpRes agreed to lease certain space owned by Toole County and operate the Marias Care Center, a skilled nursing facility within the property covered under the Lease.
2. Toole County has determined that it will sell to Kalispell Regional Healthcare System ("KRHS") its healthcare assets, including the real property and improvements which are subject to the Lease and at the closing of the transaction between Toole County and KRHS assign its interests in the Lease (the "Assignment") to KRHS, or an entity wholly owned by KRHS (the "KRHS Transaction");
3. Toole County believes the Lease is fully assignable and KRHS has indicated it will accept the Assignment;
4. EmpRes has notified the County that it objects to the Assignment, believes the Assignment is illegal and, if necessary, EmpRes it will initiate legal proceedings to contest the Assignment (the "Dispute");
5. The Dispute will unreasonably delay the sale or prohibit Toole County's transition out of the healthcare business under the current arrangement with KRHS;
6. The Parties have agreed to settle the Dispute under the terms of this Settlement and Release Agreement; and
7. The Parties further wish to release and discharge any claims they might have against the other Parties related to the Agreements and the Dispute.
8. The Parties acknowledge that EmpRes and KRHS have negotiated a Lease Termination and Mutual Release to be executed at the closing of the KRHS Transaction.

THE PARTIES THEREFORE AGREE AS FOLLOWS:

I. RECITALS

The above recitals are true and correct and are incorporated herein by this reference.

II. MUTUAL RELEASE AND DISCHARGE

(a) **Toole County's Release and Discharge of EmpRes and EmpRes' Interests.** In consideration of the payment of \$500,000.00 (the "Payment"), to EmpRes by Toole County, and additionally in exchange for EmpRes' consent to the Assignment and release of claims described in Section II(b), Toole County, for itself and other persons or entities that constitute the Toole County's Interests (as defined below), releases and forever discharges EmpRes, its members, managers and affiliates and the past, present, and future officers, directors, members, managers, attorneys, agents, servants, representatives, employees, partners of the foregoing and their , predecessors, and successors in interest, assigns, and all other persons, firms, or corporations with whom any of the former have been, are now, or may hereafter be affiliated (collectively, "EmpRes' Interests"), of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, rights, wage claims, damages, costs (including reasonable attorneys' fees), expenses and compensation, known or unknown, which Toole County now has on the account of, or in any way growing out of the Agreements and the Dispute; provided, however, that nothing in this Settlement and Release Agreement shall constitute a release of any claims arising from an action by a third party, against one of the Parties, as to which such Party shall otherwise have a cross-claim for indemnification against another Party hereto. Toole County understands and agrees that this Settlement and Release Agreement is a complete compromise, settlement, and satisfaction of all claims and demands that it has against EmpRes or EmpRes' Interests arising out of the Agreements and the Dispute. The consideration in this Section II(a) is contractual in nature and not a mere matter of recital.

(b) **EmpRes' Release and Discharge of Toole County and Toole County's Interests.** In consideration of mutual covenants under this Settlement and Release Agreement, and EmpRes' receipt of the Payment, EmpRes consents to the Assignment, and for itself and the other persons or entities that constitute EmpRes' Interests, releases and forever discharges Toole County and its past, present, and future commissioners, officers, directors, members, attorneys, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors, and successors in interest, assigns, and all other persons, firms, or corporations with whom any of the former have been, are now, or may hereafter be affiliated (collectively, the "Toole County's Interests"), of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, rights, damages, costs (including reasonable attorneys' fees), expenses, and compensation, which EmpRes now has, on account of, or in any way growing out of, the Agreements and the Dispute; provided however, that nothing in this Settlement and Release Agreement shall constitute a release of any claims arising from an action by a third party, against one of the Parties, as to which such Party shall otherwise have a cross-claim for indemnification against another Party hereto. EmpRes understands and agrees that this is a complete compromise, settlement, and satisfaction of all claims and demands that EmpRes has against Toole County and Toole County's Interests arising out of the Agreements or the Dispute. The consideration in this Section II(b) is contractual in nature and not a mere matter of recital.

(c) **Compliance with Medicare Anti-Kickback and Self-Referral Statutes.** The Parties agree that this Settlement and Release Agreement is intended to resolve an actual dispute among the Parties, including the Dispute, and in no way is intended to violate the federal Medicare and Medicaid Anti-Kickback Statute or the federal Physician Self-Referral Statute. This Settlement and Release Agreement shall be construed consistent with compliance with such

statutes and regulations, including but not limited to the isolated transactions exception to the Physician Self-Referral Statute set forth at 42 CFR 411.357(f), if applicable.

III. PAYMENT

This Settlement and Release Agreement shall be effective upon both the mutual execution by the Parties and the payment of the Payment by wire transfer by Toole County to EmpRes. Unless the Payment is received by EmpRes on or before March 31, 2021, this Settlement Agreement and Release shall be null and void.

IV. ATTORNEY'S FEES AND COSTS

The Parties agree to be responsible for their own attorneys' fees and costs incurred in negotiating this Settlement and Release Agreement. In the event any dispute arises regarding this Settlement and Mutual Release Agreement, the prevailing Party shall be entitled to its reasonable attorney's fees and costs expanded in connection therewith.

V. ENTIRE AGREEMENT AND SUCCESSORS IN INTEREST

This Settlement and Release Agreement contains the entire agreement among the Parties with regard to the Agreements and the Dispute and shall be binding upon the successors and assigns of each.

VI. DRAFT OF DOCUMENT AND RELIANCE

Each Party warrants, represents, and agrees that it is not relying on the advice of the other Party's attorneys, or anyone associated with the other Party as to the legal and income tax or other consequences of any kind arising out of this Settlement and Release Agreement. Accordingly, each Party hereby releases and holds harmless the other Party, including EmpRes' Interests and Toole County's Interests and any and all of its counsel or consultants, for any claim, cause of action, or other rights of any kind that the Party asserts because the legal, income tax, or other consequences of this Settlement and Release Agreement are other than those anticipated by the Party.

VII. SEVERABILITY

If any term, clause, or provision of this Settlement and Release Agreement is found invalid, illegal, or otherwise unenforceable, in whole or in part, such finding shall not affect the validity, legality, and enforceability of any other term, clause, or provision or constitute a cause of action in favor of any Party.

VIII. GOVERNING LAW

This Settlement and Release shall be construed and interpreted in accordance with the laws of the State of Montana.

IX. EFFECTIVENESS

All Parties agree to cooperate fully and execute any and all supplemental documents and to take all additional actions that are reasonably necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement and Release Agreement.

X. COUNTERPARTS

This Settlement and Release Agreement may be executed by the Parties in separate counterparts and/or by facsimile or pdf, each of which when so executed and delivered shall be an original and binding and enforceable, but all such counterparts shall together constitute but one and the same instrument.

XI. EFFECTIVE DATE

Although signed on the dates(s) described below, this Settlement and Release Agreement shall be effective on the Effective Date.

[Signature pages follow.]

IN WITNESS WHEREOF, the parties have executed this Settlement and Release Agreement
meganas of the day written beside each party's signature below.

Toole County

Toole County Commissioner

Mary Ann Harwood
Toole County Commissioner

Date: 3-21-2021

Attested:

Heva Wilson
Toole County Clerk and Recorder

Date: 3-31-2021

Approved:

MRAD
Toole County Attorney

Date: 3.31.21

EmpRes

EmpRes at Shelby, LLC

By: EmpRes Healthcare Management, LLC, Manager

By: Mark S. Roth
Its: Assistant Manager

Date: 3/31/2021

EmpRes Healthcare Management, LLC

By: Mark S. Roth
Its: Manager

Date: 3/31/2021

Wire Transfer Services

Outgoing Wire Transfer Request

WELLS
FARGO

Today's Date:

03/31/2021

Wells Fargo Reference Number:

FW0004337090170685

Banker Name:

LINDSAY J BLOCH

Officer/Portfolio Number:

G0229

Banker Phone:

406/279-3225

Branch Number:

00551

Banker AU:

0004337

Banker MAC:

B6929-011

Outgoing wires can only be sent for Wells Fargo customers. Provide the Customer Copy to the customer ensuring you give them the Wire Transfer Agreement on pages 3 and 4. Note: Wells Fargo Wire Transfer Services will route wires based on correspondent banking relationships. See the Wire Transfer Information for explanations of the Mexican CLABE number, the SWIFT BIC, the International Routing Code ("IRC"), Indian Financial System Code (IFSC) and the International Bank Account Number ("IBAN").

Originator's Information

Originator Name:

BOYD A JACKSON

Street Address:

226 1ST ST S STE 204

Primary ID Type:

DLIC

Primary ID Description:

1203419614115

Address Line 2:

Primary ID St/Ctry/Prov:

MT

Primary ID Issue Date:

11/18/2014

Primary ID Expiration Date:

12/15/2022

Address Line 3:

Secondary ID Type:

TOKN

Secondary ID Description:

Token ID

City:

SHELBY

State:

MT

Secondary ID State/Country:

Secondary ID Issue Date:

Secondary ID Expiration Date:

ZIP/Postal Code:

59474-1982

Country:

US

Account Name:

TOOLE COUNTY

Home Phone:

Business Phone:

406/434-5501

Wire Amount and Source of Funds

Create AU:

0004337

Amount (US Dollars):

\$500,000.00

Debit Wells Fargo Account:

941300725

Bank/COID:

82

Beneficiary/Recipient Information (This is the ultimate recipient of the wire transfer funds)

Beneficiary/Recipient Name:

EMPRES FINANCIAL SERVICES, LLC

Name/Address Line 1:

4601 NE 77TH AVE STE 300

Beneficiary Account Number/IBAN (Foreign)/CLABE (Mexico):

4128869450

Name/Address Line 2:

VANCOUVER WA 986626736

Purpose of Funds:

Name/Address Line 3:

Beneficiary Phone Number:

Additional Instructions:

Customer Copy

03/31/21
13:11:47

TOOLE COUNTY
Treasurers Disbursement Details
For the Accounting Period: 3/21

Page: 1 of 1
Report ID: L101

Doc #/ Line #	Vendor/ Invoice #/Description	Document \$ Line \$	Debit Fund Account	Object	Credit Account	Org	Project
WF2336	WELLS FARGO/SERVICE CHARGES	500,000.00					
	WF/HOSP/EMPRES FINANCIAL SERVICES/WIRE TRANSFER \$500,000.00						
1	WF/HOSP/WIRE TRANSFER	500,000.00	5420	343100	101000		
	Total:	500,000.00					

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA
MARCH 29, 2021
10:00 am

PRESENT: Don Hartwell, Terry Tomsheck

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

PLEDGE OF ALLEGIANCE

Approval of March 22nd, 2021 Meeting Minutes: Terry motioned to approve. Don seconded the motion and the motion carried.

Approval of March 22nd, 2021 Meeting Minutes:

1. Consider Resolution #6-2021, a resolution to hold a special Commissioners' meeting to be held on Wednesday, March 31, 2021, at 1:00 pm. **Terry motioned to approve the Resolution #6-2021. Don seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
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COMMISSIONERS' AGENDA
MARCH 22, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of March 15th, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of a lease agreement with KRH/Logan Health-Shelby for the transitioning period. **Don motioned to approve the last amended lease agreement. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

226 1ST Street South
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COMMISSIONERS' AGENDA
MARCH 15, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of March 8th, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approving and accepting the renewal rates from MACoHCT (MACo Health Care Trust) for Fiscal Year 21/22. **Don motioned to approve the renewal rates with the county contributing \$745 toward the employee health premium. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
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Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA
MARCH 8, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck.

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

PLEDGE OF ALLEGIANCE

Approval of March 4th, 2021 Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion passed.

1. Consider approval of a COS located in the Townsite of Ethridge in the NE1/4SE1/4 of Section 4 in Township 32N, R4W, which has met all the requirements. **Don made the motion to approve, seconded by Terry. Motion passed.**
2. Consider going out for bid for a new 2021 Motor Grader. The bid opening will be at 1:30 p.m. on March 25th, 2021 after being published in the Shelby Promoter on March 10th and March 17th. **Don made the motion to approve, seconded by Terry. Motion passed.**
3. Consider approval of the yearly fuel tax certification of roadway mileage – SFY 2022 as set forth 15-70-101, MCA. **Don made the motion to approve, seconded by Terry. Motion passed.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA
MARCH 4, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of February 22, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

- 1. Consider approval of Resolution #5-2021, a Resolution for prosecutorial assistance in the case of State v. Loren Skartved. Don motioned to approve. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA
FEBRUARY 22, 2021
10:00 am

PRESENT: Mary Ann Harwood, Terry Tomscheck, and guest Brad Munson.

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

PLEDGE OF ALLEGIANCE

Approval of February 16, 2021 Meeting Minutes: Terry made the motion to approve, seconded by Mary Ann. Motion carried.

1. Approval of coordination plan and grant application to the Montana Department of Transportation's Transit Program for operational funding in the amount of \$91,463.00 FTA Section 5311 – Toole County Transit Combined – On Behalf of Glacier County Transit, Pondera County Transit and Toole County Transit Fiscal Year 2022. TransADE in the amount of \$4,691.00 on behalf of Toole County Transit Fiscal Year 2022. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
2. Consider approval of coordination plan and grant application to the Montana Department of Transportation's Transit Program for operation funding in the amount of \$92,143.00 for Northern Transit Interlocal for Fiscal Year 2022. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**

3. Consider approval of the bid from Shumaker Trucking & Excavating Contractors, Inc. out of Great Falls, Montana for gravel crushing. The bid opening was held at 1:30 pm on February 11, 2021 and opened by the Commissioners after it had been published in the Shelby Promoter January 15th and 22nd, 2021. The bids were taken to the Road Board meeting on February 16, 2021, at which time the Road Board unanimously recommended that Shumaker Trucking & Excavating, Inc. should be awarded the project as they were the lowest bidder coming in at \$266,800.00. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
4. Consider approval of a COS located in the Townsite of Ethridge in the NE1/4SE1/4 of Section 4 in Township 32N, R4W if all the required signatures have been acknowledged.
TABLED
5. Consider applying for a right-of-way easement from the State of Montana for a historical road in Toole County as recommended by the Road Board at their meeting on February 16, 2021. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
6. Consider accepting Governor Gianforte's mask requirements as recommended by the Toole County Board of Health, the County's Health Officer, and the County Health Nurse. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
7. Consider approval of a meeting with the three County Commissioners, attorneys from Crowley Fleck and representatives from KRH out of Kalispell. This meeting will be held at 3:00 pm in the offices of Crowley Fleck in Missoula, MT., on February 24, 2021. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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COMMISSIONERS' AGENDA
FEBRUARY 16, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, and Terry Tomsheck

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

PLEDGE OF ALLEGIANCE

- 1. Approval of February 11, 2021 Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion carried.**
- 2. Consider accepting the bid on the Airport Engineer Agreement as recommended by the Airport Board. Don made the motion to approve, seconded by Terry. Motion carried.**
- 3. Consider approval of an Agricultural Covenant from Wiegand Farms Inc. to Gen Farm 4 Inc. in Township 32 North, Range 3 West: That portion of the SW1/4 lying South of Highway 2, in Toole County, Montana. Tabled until it has been reviewed by Stahly Engineering.**
- 4. Consider approval of an Agricultural Covenant for William W. and Rhonda S. Wiegand gifting it to John T. and Bonnie K. Wiegand containing 60 acres (more or less) in Township 32, Range 3 West: Section 10: W1/2W1/2W1/2E1/2E1/2, W1/2#1/2W1/2W1/2E1/2E1/2, E1/2E1/2E1/2W1/2E1/2, E1/2W1/2E1/2E1/2W1/2E1/2 of Toole County, Montana. Don made the motion to approve, seconded by Terry. Motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomsheck - Commissioner
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COMMISSIONERS' AGENDA
FEBRUARY 11, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, and Terry Tomsheck

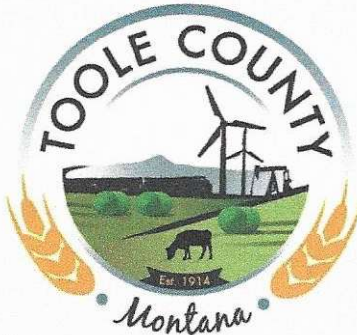
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of February 4, 2021 Meeting Minutes:

1. Consider extending the term of John Weigand on the Ethridge Water District Board to 5/31/2024, as his is a six-year term and not a four-year term. **Don made the motion, seconded by Terry and motion carried.**
2. Consider a Buy-Sell Agreement with the Tiber Agency for property located in Shelby First Addition, Block 7, a tract of 35'X50' in the NW corner of Lot 10, and all of lots 11 and 12, for a price of \$12,500 and prorated taxes for two months. **Don made the motion, seconded by Terry and motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
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COMMISSIONERS' AGENDA
FEBRUARY 4, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, and Terry Tomsheck

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

PLEDGE OF ALLEGIANCE

- 1. Approval of January 4, 2021 Meeting Minutes: Don made a motion to approve, seconded by Terry and motion carried.**
- 2. Consider approval of Karen Jensen to County Board of Health to replace Alice Burchak for a three-year term ending 12/31/2023. Don made a motion to approve, seconded by Terry and motion carried.**
- 3. Consider re-appointments of Linnet Doane and Blaine Suta to the Fair Board for a term of three years each ending 12/31/2023. Don made a motion to approve, seconded by Terry and motion carried.**
- 4. Consider Paul Waite to the Shelby Senior Center Board for a term of three years to replace Marian Hinds. This term will end 12/31/2023. Don made a motion to approve, seconded by Terry and motion carried.**
- 5. Approve re-appointment of Darlene Sherrard and Hattie Appley to the Shelby Senior Center Board for a three-year term ending 12/31/2023. Don made a motion to approve, seconded by Terry and motion carried.**

6. Consider Paul Steiner to the Public Safety Commission Board as a representative for both City of Shelby and Toole County for a four-year term replacing Wally Howery. He was approved by the City Council at their meeting. This term would end 12/31/2024. **Don made a motion to approve, seconded by Terry and motion carried.**
7. Consider Colleen Lee to finish Eve Jacobsen's term ending 12/31/2022 to the Library Board. **Don made a motion to approve, seconded by Terry and motion carried.**
8. Consider re-appointment of Dan Waters and Emily McDermott for a five-year term ending 12/31/2025 on the Library Board. **Don made a motion to approve, seconded by Terry and motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
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COMMISSIONERS' AGENDA

January 4, 2021
10:00 A.M.

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson Clerk & Recorder

Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules. Due to COVID-19, Public is encouraged to call in.

PLEDGE OF ALLEGIANCE

Approval of December 3, 2020 Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider approval of Resolution 1-2021, a resolution to approve a Chair and Vice-Chair for the Toole County Commission for 2021. **Don motioned to approve Resolution 1-2021. Terry seconded the motion and the motion carried.**
2. Consider approval of Resolution 2-2021, a resolution to approve meeting dates for regular Commission meetings in 2021. **Don motioned to approve Resolution 2-2021. Terry seconded the motion and the motion carried.**
3. Consider approval of Resolution 3-2021, a resolution to approve travel and per diem rates for Toole County employees for 2021. **Don motioned to approve Resolution 3-2021. Terry seconded the motion and the motion carried.**
4. Consider approval of Resolution 4-2021, a resolution appointing the Commissioners to represent Toole County on boards and committees for 2021. **Don motioned to approve Resolution 4-2021. Terry seconded the motion and the motion carried.**