

*Mary Ann Harwood* - Commission Chair

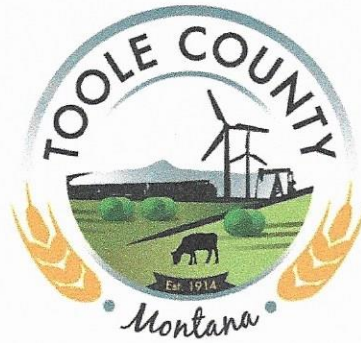
*Don Hartwell* - Commissioner

*Terry Tomscheck* - Commissioner

*Merle Raph* - County Attorney

*Dan B. Whitted* - Coroner

*Donna Whitt* - Sheriff



*Debra Munson* - Clerk of Court

*Treva Nelson* - Clerk & Recorder/  
Election Administrator

*Joe Rapkoch* - Justice of the Peace

*Boyd Jackson* - Treasurer/Assessor/  
Superintendent of Schools

*Phyllis Robertson* - Public Administrator

226 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474  
406-424-8300 [www.toolecountymt.gov](http://www.toolecountymt.gov)

## COMMISSIONERS' AGENDA

January 3, 2022

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

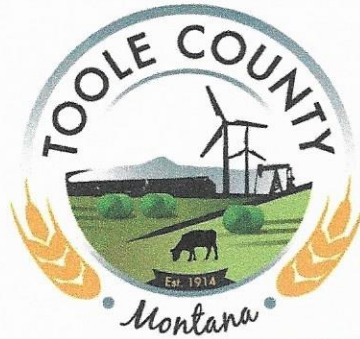
Approval of December 20, 2021, Meeting Minutes:

**PUBLIC HEARING FOR THE CREATION OF FUND 7359 FOR THE SOIL CONSERVATION DISTRICT**

Present: Mary Ann Harwood, Don Hartwell, Terry Tomscheck. No public was in attendance.

1. **Consider creating Fund 7359 for the Soil Conservation District. Don made the motion to approve, seconded by Terry and motion carried. A Resolution will be forthcoming.**
2. **Consider RESOLUTION #1-2022, a resolution to elect the Chair for the Board of Toole County Commissioners from January 2022 through December 2022. Don made the motion to approve, seconded by Terry and motion carried.**
3. **Consider RESOLUTION #2-2022, a resolution to set Commissioner meeting dates for the calendar year January 1, 2022 through December 31, 2022. Don made the motion to approve, seconded by Terry and 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  
Trevia Nelson - Clerk & Recorder/  
Election Administrator  
Joe Rapkoch - Justice of the Peace  
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## RESOLUTION 1-2022


### A RESOLUTION TO ELECT THE CHAIR FOR THE BOARD OF TOOLE COUNTY COMMISSIONERS FROM JANUARY 2022 THROUGH DECEMBER 2022


**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 shall 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;

**NOW THEREFORE BE IT RESOLVED:** That the Chair of the Board of Toole County Commissioners is Mary Ann Harwood, commencing on January 1, 2022 through December 31, 2022. Commissioner Don Hartwell is designated as Vice-Chair, and he will preside over the meetings in case of the Chair's absence or inability to act.

**BY THE BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 3, 2022.**

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Clerk & Recorder



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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## RESOLUTION 2-2022

### A RESOLUTION SETTING COMMISSIONER MEETING DATES FOR THE CALENDAR YEAR JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

**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

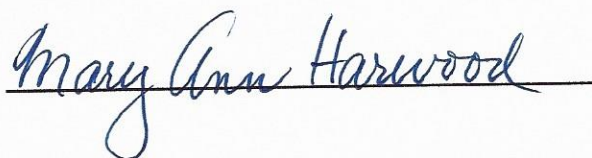
**WHEREAS:** The agenda for the regular Toole County Commissioners' meeting of January 3, 2022 was posted two working days prior to the meeting, notifying the public of Resolution 2-2022, an agenda item setting meetings of the Board of Toole County Commissioners for the year 2022; and

**WHEREAS,** The Commissioners may, by resolution and prior two days' post public notice, designate another meeting time and place; 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 2022 through December 2022; 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.

**BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 3, 2022.**

  
Mary Ann Harwood

Chair

Don Hastwell  
Commissioner

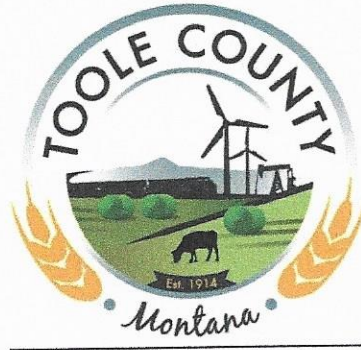
Terry L Tombeck  
Commissioner

ATTEST:

Auna Nelson  
Clerk & Recorder



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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Election Administrator  
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### RESOLUTION 3-2022

#### **A RESOLUTION REGARDING PUBLIC POSTINGS**

**WHEREAS**, The governing body of the County shall establish by Resolution a public location for posting information on a suitable posting board per 7-1-2123, MCA; and

**WHEREAS**, When posting is required, a copy of the document must be placed on the posting board, and a copy must be available at the office of the County Clerk and Recorder's Office; and

**THEREFORE BE IT RESOLVED**, The postings will be placed outside of the Commissioner's Office, the Sheriff's Department, and the Town of Sunburst.

**DATED THIS 3rd DAY JANUARY, 2022 BY THE BOARD OF TOOLE COUNTY COMMISSIONERS**

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder

*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  
*Treva Nelson* - Clerk & Recorder/  
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## **RESOLUTION 4-2022**

### **A RESOLUTION TO APPOINT THE TOOLE COUNTY COMMISSIONERS TO BOARD, COMMITTEE, AND ADVISORY ASSIGNMENTS FOR JANUARY 2022 THROUGH DECEMBER 2022**

**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:

#### **Mary Ann Harwood**

North Central Area on Aging Board  
Kevin/Sunburst Board  
STC Cemetery Board  
Shelby Mosquito Board  
Logan Health-Shelby Board  
Northern Transit Interlocal Board  
Toole County Transit Board  
Opportunities, Inc. Board  
Regional Juvenile Detention Board  
Center for Mental Health Board  
Mental Health Advisory Board  
Sweetgrass Development Board

Logan Health/Condo Board  
NETA Board  
Core Civic Advisory Board

**Don Hartwell**


Toole County Board of Health  
Toole County Health Foundation Board  
Road/Weed Board  
Toole County Transit Board  
Northern Transit Interlocal Board  
Toole County Planning Board  
City/County Planning Board  
NETA (alternate for Mary Ann)  
Museum Board  
Shelby Senior Center Board

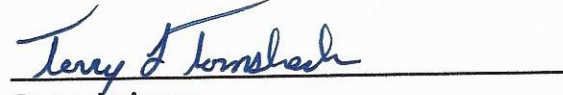
**Terry Tomsheck**

Safety Committee  
Ambulance Committee  
Fair Board  
Transportation & DUI Task Force  
Public Safety Commission  
NTC Cemetery Board  
Toole County Transit Board  
Northern Transit Interlocal (alternate for Don)  
LEPC Board  
Airport Board

**BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 3, 2022.**

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder



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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## RESOLUTION 5-2022

### 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

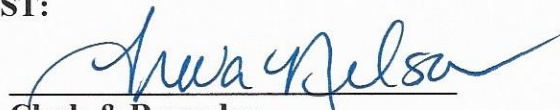
**WHEREAS**, Toole County Commissioners have decided to deviate from the state rates for meal reimbursement as follows: breakfast at \$9, lunch at \$11, and dinner at \$16 for a total daily rate of \$36; and

**NOW THEREFORE BE IT RESOLVED**; that the Board of Toole County Commissioners has elected to use the travel/per diem rates allowable by the State of Montana with the exception of meal reimbursement of \$36 per day. The mileage rate will be at the federal rate of .58.5 cents per mile for the first 1,000 miles, and .55.5 cents after that. Toole County will follow the federal standard travel/per diem rates for out of state, except when specifically amended by the Commissioners.

**BOARD OF TOOLE COUNTY COMMISSIONERS dated January 3, 2022**

  
Chair  
  
Commissioner

ATTEST:

  
Clerk & Recorder

Terry J. Tomback  
Commissioner

*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**  
**January 27, 2022**  
**10:00 am**

PRESENT: Don Hartwell, Terry Tomscheck and Clerk & Recorder, 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 3, 2022, Meeting Minutes: Terry motioned to approve, Don seconded, the motion carried.**

1. Consider MOU between Liberty County and Toole County to provide a consolidated Crime Victim Advocate Program with Liberty County being the lead. **Terry motioned to approve, Don seconded, the motion carried.**
2. Consider sharing funding for the Victim Advocate Program in the amount of \$4200.00. **Terry motioned to approve, Don seconded, the motion carried.**
3. Consider Resolution #6-2022, a resolution to create Fund 7359 for the Soil Conservation District, in which a Public Hearing was held on January 3<sup>rd</sup>, 2022. It was approved unanimously for the fund to be created. **Terry motioned to approve, Don seconded, the motion carried.**
4. Consider accepting a grant from the Montana Department of Transportation in the amount of \$32,400 to be used to install weather reporting equipment (AWOS) at the Airport. **Terry motioned to approve, Don seconded, the motion carried.**



5. Consider re-appointment of Matt Clark and Roger Smedsrud to the Road/Weed Board for a four-year term to expire on 12/31/2025. **Terry motioned to approve, Don seconded, the motion carried.**
6. Consider re-appointment of Sophie Gottfried, Billiette Coolidge and Lenora McEwen for a three-year term, expiring on 12/31/2024 for the Kevin/Sunburst Senior Center. **Terry motioned to approve, Don seconded, the motion carried.**
7. Consider re-appointment of Andy Van Haur, Janet Hawks, and Cody Rohlf for a three-year term on the Fair Board, expiring on 12/31/2024. **Terry motioned to approve, Don seconded, the motion carried.**
8. Consider re-appointment of Myron Frydenlund to a three-year on the South Toole County Cemetery Board, expiring on 12/31/2024. **Terry motioned to approve, Don seconded, the motion carried.**
9. Consider re-appointment of Byron Kluth and Mark Cole to the NETA Board for a five-year term, ending on 12/31/2026. **Terry motioned to approve, Don seconded, 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  
Treva Nelson - Clerk & Recorder/  
Election Administrator  
Joe Rapkoch - Justice of the Peace  
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**RESOLUTION #6-2022**

A RESOLUTION TO ESTABLISH FUND 7359 FOR THE SOIL CONSERVATION DISTRICT

**WHEREAS;** the Soil Conservation District has been collecting tax dollars for the Fund 2310, and

**WHEREAS;** the Toole County Commissioners, in a public held on hearing on January 27<sup>th</sup>, 2022, voted to change the fund from 2310 to fund 7359, and

**WHEREAS;** the purpose of this change was to disburse the tax monies directly to the Soil Conservation District to use for personnel, supplies, travel and other purposes specific for the District, and

**WHEREAS;** the Soil Conservation District have their own funds besides the funds from the taxpayers to use as they see fit, and

**WHEREAS;** the Toole County Treasurer will disburse the county collected funds directly to the Soil Conservation District at least twice a year, and

**THEREFORE BE IT RESOLVED;** that Fund 2310 will become Fund 7359 for the Soil Conservation District.

Dated this 27<sup>th</sup> day of January 2022 by the Toole County Board of Commissioner.

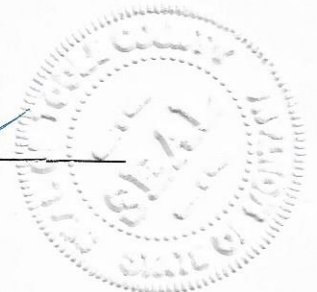
  
Mary Ann Harwood, Chair

  
Don Hartwell, Commissioner

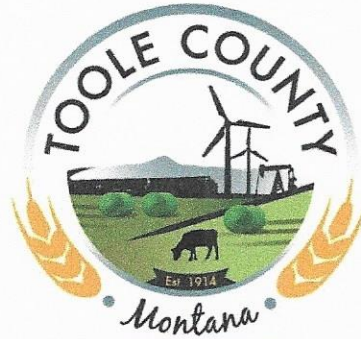
  
Terry Tomscheck, Commissioner

ATTEST:

  
Treva Nelson, Clerk & Recorder



*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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Election Administrator  
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**COMMISSIONERS' AGENDA**  
**February 7, 2022**  
**10:00 am**

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and guest Ryan Larson

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

PLEDGE OF ALLEGIANCE

**Approval of January 27, 2022, Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion passed.**

1. Consider appointment of Kaillie Nolan to the Library Board for a five-year term to expire on 12/31/2026. This is to replace Lola Skryja whose term ended 12/31/2021. **Don motioned to approve and seconded by Terry. Motion carried.**
2. Consider re-appointment of Tim Buckley, John Simmes, and Ken Berthelote for a three-year term on the North Toole County Cemetery Board. Tim's term will expire on 12/31/2023; John's term to expire on 12/31/2024; Ken's term to expire on 12/31/2022. **Don made the motion to pass the re-appointments and Terry seconded it. Motion carried.**
3. Consider Certificate of Survey for Tomshx, Inc. in T32N, R3W, Section 7; the SW1/4NE1/4, SE1/4NW1/4. **Don made the motion to approve. Terry seconded it and motion passed.**



4. Consider a Facility Use Agreement between the City of Shelby for the use of the Civic Center for the 1<sup>st</sup> Monday, 1<sup>st</sup> Tuesday, and the following Wednesday of June and November for the use of State poll elections. **Don made the motion, seconded by Terry. Motion carried.**
  
5. Consider an Ag Covenant for the split of Tomshx, Inc. **Don made the motion to pass the Agricultural Tract in the SW1/4NE1/4 in Section 7 in T32N, R3W containing 3.64 acres, more or less. Terry seconded it and motion passed.**

*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  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
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**COMMISSIONERS' AGENDA**  
**February 24, 2022**  
**10:00 am**

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 February 7, 2022, Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

- 1. Re-appoint Hank Coolidge to the Airport Board for a term ending 12/31/2026. Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
- 2. Consider appointment of Lori Postma to the Kevin/Sunburst Senior Board to replace Sue Kimmet whose term ends 12/31/2022. Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
- 3. Consider adopting a Special Events Policy for Toole County as recommended by MACo. Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
- 4. Consider a special request from the Sheriff Donna Whitt to extend the allotted carryover vacation hours identified in the Toole County Policy Manual through December 2022. The request dated January 8, 2022, was just received for this agenda. Don motioned to do a one-time exception and extend the time limit. These hours are to be used by June 30, 2022. This exception is only for Dispatcher A who has 73.75 hours to use, Dispatcher B who has 20.78 hours to use and Detention Officer A who has 2 hours to use. Any of this overage not used by June 30, 2022, will be lost to the employee, per MCA 2-18-617.**

*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  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
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## COMMISSIONERS' AGENDA March 10, 2022 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 February 24, 2022, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion carried.**

1. Consider supporting Northern Transit Interlocal (NTI) for Fiscal Year 2023 with a \$5,000 commitment. **Don motioned to approve. Terry seconded the motion, the motion carried.**
2. Consider approving the Renewal Rates for Toole County through the MACo's Health Care Trust. **Don motioned to approve. Terry seconded the motion, the motion carried.**
3. Consider approval of the MOU with the City of Shelby for the use of the ARPA funds. **Don motioned to approve. Terry seconded the motion, the motion carried.**
4. Consider an Election Contract between Galata School District 21 and Toole County to loan to the school one ExpressVote for school elections held between May of 2022 through May of 2025. **Don motioned to approve. Terry seconded the motion, the motion carried.**
5. Consider an Election Contract between Sunburst School District 2 and Toole County to loan to the school one ExpressVote for school elections held between May of 2022 through May of 2025. **Don motioned to approve. Terry seconded the motion, the motion carried.**
6. Consider an Election Contract between Shelby School District 14 and Toole County to loan to the school one ExpressVote for school elections held between May of 2022 through May of 2025. **Don motioned to approve. Terry 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



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Election Administrator  
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**COMMISSIONERS' AGENDA**  
**April 7, 2022**  
**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.**

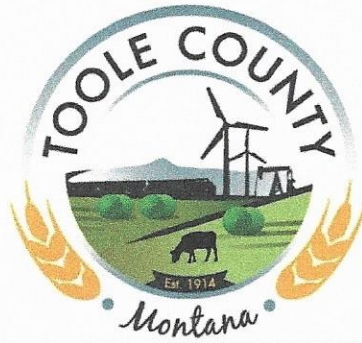
PLEDGE OF ALLEGIANCE

**Approval of March 10, 2022, Meeting Minutes: Don motioned to approve the minutes, seconded by Terry. Motion carried.**

1, Consider submitting a Purchase Order through the State of Montana for an ambulance for Sunburst. It wouldn't be available for about one year. **Don motioned to approve submitting the purchase order for an Ambulance for Toole County. Terry seconded the motion and motion passed.**

2. Consider pre-ordering a grader through the Competitive Purchase Agreement through Sourcewell. **Don motioned to pre-order the grader which would be delivered and paid in next year's budget. The funds would either be taken out of the Pilt Fund or the Road/Bridge Depreciation Fund. Terry seconded the motion and it passed.**

*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  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
*Boyd Jackson* - Treasurer/Assessor/  
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*Phyllis Robertson* - Public Administrator

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## COMMISSIONERS' AGENDA

### April 14, 2022

### 10:00 am

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 April 7, 2022, Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

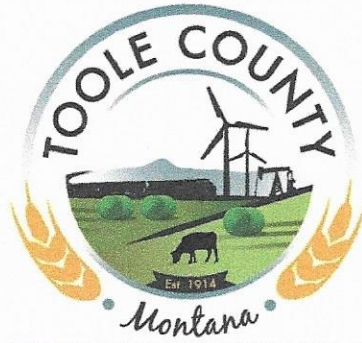
1. Consider accepting the beer bid from the Shelby Elks Club in the amount of \$3500.00 for the upcoming 4-County Marias Fair. **Don motioned to approve. Mary Ann seconded; the motion carried.**
2. Consider purchasing a 2022 John Deere 624P Loader for the Road Department with a purchase price of 256,450.00 to be borrowed from the Pilt Fund. The Road budget would make an annual payment of \$51,290.00 for 5 years beginning in July 2022 through July 2026. **Don motioned to approve, with the purchase price coming out of the General Fund and no annual payment from the Road Department. Mary Ann seconded; the motion carried.**
3. Consider an MOU with Myron Frydenlund to check our boilers for the Courthouse, Library, Law Enforcement, and Museum for \$600.00 per month. **Don motioned to**

**approve the MOU with the funds coming out of Facility Professional Services. Mary Ann seconded; the motion carried.**

4. Consider re-appointing Ken Morrison to the Galata Water District for a 5-year term ending May 31, 2026. **Don motioned to approve with a correction to a 4-year term. Mary Ann seconded; the motion carried.**
5. Consider pre-approving the County Subdivision Regulation Template with Stahly Engineering. **Don motioned to approve. Mary Ann seconded; the motion carried.**
6. Consider approving transfer of entitlements through the FAA of \$121,875.00 to the Jordan Airport in Garfield County with Garfield County transferring the same amount back to Toole County for the Shelby Airport. **Don motioned to approve. Mary Ann seconded; 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  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
*Boyd Jackson* - Treasurer/Assessor/  
Superintendent of Schools  
*Phyllis Robertson* - Public Administrator

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Toole County Courthouse, Shelby, MT 59474  
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## COMMISSIONERS' AGENDA

### April 21, 2022

### 10:00 am

PRESENT: Mary Ann Harwood, Terry Tomscheck, Treva Nelson, Clerk & Recorder and Boyd Jackson, Treasurer.

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

PLEDGE OF ALLEGIANCE

**Approval of April 14, 2022, Meeting Minutes: Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

1. Consider approval of pre-ordering a Freightliner Chassis for a Pumper Truck for the South Toole County Fire Department through Sourcewell in the amount of \$126,964.00 when delivered in approximately 12 months. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
2. Consider approval of an Agricultural Covenant for Karag, Inc. by the President Herbert S. Karst for property described as S/2N/2SE/4 and N/2SW/4 of Section 13 in T37N, R1W, being 120 acres (Tract A), and N/2N/2SE/4 of Section 13 in T37N, R1W, being 40 acres (Tract B). The purpose of this exemption is to create Tract A for agricultural purposes, with Tract B to be sold. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

3. Consider designating polling places and certifying the election judges for the upcoming Primary Election on June 7, 2022, and for all further elections held prior to the 2024 Primary Election. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
  
4. Consider keeping or adjusting the benefit of \$745.00 contribution to County employees' health insurance through MACo Healthcare Trust. This is for employees that work 87 hours or more a month consistently. **Terry motioned to approve. Mary Ann 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

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## COMMISSIONERS' AGENDA

May 2, 2022

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

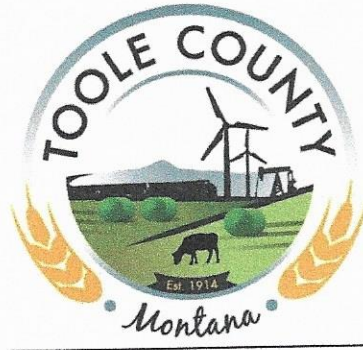
**Approval of April 21, 2022 Meeting Minutes: Motion made by Terry to approve the minutes, seconded by Don. Motion carried.**

1. Consider approving the Second Amended MOU on the Opioid Settlement Funds from Attorney General Austin Knudsen, as there were several errors in the original MOU. **Motion made by Terry and seconded by Don. Motion passed.**
2. Consider re-appointing Darold Tomsheck to the Oilmont County Water District for a term ending May 31, 2026. **Motion was made by Terry and Don seconded the motion. Motion carried.**
3. Consider closing out Fund 7196, the Cafeteria/Flex Plan in the amount of \$9,718.73 and moving it to the General Fund per auditor's recommendation. This has been inactive for several years. **Terry made a motion to approve. Don seconded the motion and it passed.**
4. Consider closing out Fund 7010, the Camp Collie Fund in the amount of \$18,601.13 and moving it to the General Fund per auditor's recommendation. The fund has been



inactive for several years. **A motion was made by Terry. Don seconded and 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  
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**COMMISSIONERS' AGENDA**  
**May 19, 2022**  
**10:00 am**

PRESENT: Mary Ann (by phone), Don Hartwell and Terry Tomsheck

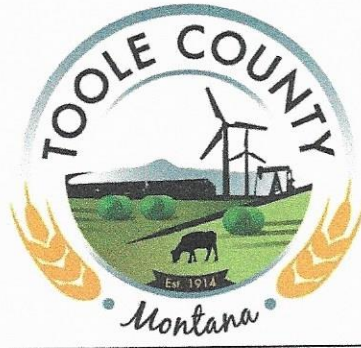
**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.**

PLEDGE OF ALLEGIANCE

**Approval of May 2, 2022, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.**

- 1. Consider approving Joe Rapkoch, David Irvin, and Shelly Frank for as the Post-Election Auditors for 2022. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 2. Consider approval of the contract with Johnson Control for the next three years. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 3. Consider approving a request for a road crossing from Big Rose Colony to construct and trench in a 6-inch waterline on the Hjartarson Road in the NE1/4 of Section 8 and the SW1/4 of Section 29, both in Township 32 North, Range 2 West; also on the Heath Road in the NW1/4 of Section 30 ad the W1/2SW1/4 of Section 19, both in Township 32 North, Range 2 West. 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  
*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

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**COMMISSIONERS' AGENDA**  
**June 6, 2022**  
**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 May 19, 2022 Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion passed.**

1. Consider the renewal of the MACo Property & Casualty Trust for FY 2023. **Don motioned to approve. Terry seconded it. Motion carried.**
2. Consider appointing Billiette Coolidge for a three-year term to expire on December 31, 2024 to the Compensation Board to replace Donna Grant whose term expired on December 31, 2021. **Don made the motion to approve, seconded by Terry and motion passed.**
3. Consider appointing Gary Kiefer for a three-year term to expire on December 31, 2024 to the Compensation Board to replace Linnet Doane whose term expired on December 31, 2021. **Don motioned to approve. Terry seconded the motion and it 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

June 20, 2022

10:00 am

### BUDGET HEARING

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

PUBLIC COMMENTS: **Don opened the public hearing. No public was in attendance. Treva presented the budget amendments to date. Don closed the Public Hearing.**

### COMMISSIONERS' MEETING

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

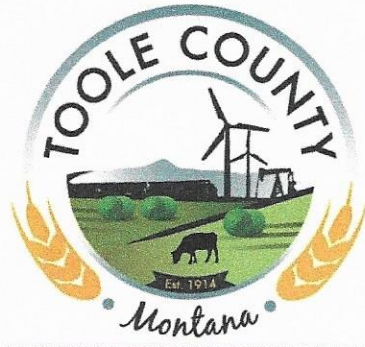
**Approval of June 6, 2022, Meeting Minutes: Don motioned to approve. Terry seconded the motion, and all were in favor.**

1. Consider removing Fund 5420 and 5498 from our regular budget and creating line items in the Pilt Fund #2900 for hospital revenue and expenses still acquired by Marias Medical Center prior to sale of the hospital, Heritage Center, and Brittain House. **Discussion was held on the auditor's recommendations for these funds. Don motioned that Fund 5498 be closed and the cash be moved to Fund 5420. Don continued the motion with the transfer of cash from Fund 5420 to Fund 2900 when the auditor has provided more detail. Terry seconded the motion, and all were in favor.**

**The topic of Fund 5420 will be addressed again with the approval of the 2022-2023 budget. Meeting adjourned.**

**The commissioner's proceeded to canvas the June 6, 2022, Federal Primary Election. Certification of the election was signed by all 3 commissioners.**

*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  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
*Boyd Jackson* - Treasurer/Assessor/  
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## COMMISSIONERS' AGENDA

June 23, 2022

10:00 am

Present: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Clerk & Recorder 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 June 20, 2022 Meeting Minutes:**

1. Consider changing banks from Wells Fargo to Independence Bank of Shelby. Wells Fargo is no longer in Shelby. Boyd Jackson, Jason Kline, Nancy Potter, and Shelley Frank would be on the signature card. **Don made the motion to approve, seconded by Terry and motion passed.**
2. Consider **RESOLUTION #7-2022**, a resolution to adopt building codes as amended by ARM 24.301.131, and ARM 24.301.171. **Don made the motion to approve Resolution #7-2022. Terry seconded the motion. Motion carried.**
3. Consider appointing Dusty Ahrens to the Road Board to complete the term of T.J. Wanken, which expires December 31, 2023. **Don made the motion to approve the appointment of Dusty Ahrens, seconded by Terry and motion carried.**



*Ann Harwood* - Commission Chair  
*Artwell* - Commissioner  
*Tomscheck* - Commissioner  
*Raph* - County Attorney  
*Whitted* - Coroner  
*Whitt* - Sheriff



*Debra Munson* - Clerk of Court  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
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Superintendent of Schools  
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## **RESOLUTION NO. 7-2022**

AN RESOLUTION OF TOOLE COUNTY, MONTANA PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "STATE BUILDING CODE", ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS.

BE IT RESOLVED BY THE TOOLE COUNTY COMMISSIONERS, TOOLE COUNTY, MT

### Section 1.

ADOPTION OF CODES. Those certain codes known as: "The State Building Code" (referred to in Section 50-60-203, M.C.A) are hereby adopted by Toole County for the purposes of regulating non-residential buildings in Toole County and protecting the health and safety of the County's citizenry, which codes consist of:

- 2021 International Building Code, as amended by ARM 24.301.131
- 2021 International Existing Building Code, as amended by ARM 24.301.171

These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

### Section 2.

#### BUILDING PERMITS.

- a. Any person wishing to obtain a building permit shall submit a completed application to the Building Inspector.
- b. The building inspector shall specify the manner in which said application shall be completed. At a minimum, the application shall contain:
  - i. A description of the land which it will affect;
  - ii. The present use of any existing structures;
  - iii. Plans and specifications indicating the entire scope of work.
- c. The applicant shall furnish such other documents as the building inspector deems relevant and necessary, at his/her discretion, for review of the proposed work.



- d. The building inspector may, at his/her discretion, waive any of the requirements hereunder when the proposed work is of an insubstantial nature of effect.

### Section 3. PLAN REVIEW

- a. The building inspector shall be responsible for coordination of building plan review and for issuance of building permits.
- b. Upon application by any person for a building permit, the building inspector shall review the plans for compliance with this code. The building inspector shall submit the plans to any other affected county department for review and approval by the department(s) before issuing a permit.
  - c. Building plan review shall be completed by the building inspector within sixty (60) working days of submission of a completed application.
  - d. The building inspector may, in certain cases, request the building codes division, other state agencies or design professionals to aid in the plan review process. In such cases, the building inspector may lengthen the completion of time for review by twenty (20) working days when necessary.
- e. One such approved set of plans and specifications shall be retained by the building inspector as a public record, for a period of not less than ninety (90) days from the date of completion of the work covered therein, one set of approved plans and specifications shall be given to Toole County for permanent record according to the Montana Local Government Retention and Disposition Schedule, MR6 section 2, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all time during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector and all work shall be done in accordance with the approved plans.

### Section 4.

#### INSPECTIONS.

- a. Inspections shall be conducted by the building inspector. Where other departments require inspection, the building inspector shall ensure they are conducted within the time frame allowed in **section 4-1-2**. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the I. B.C.

### Section 5.

#### INSPECTOR QUALIFICATIONS AND DUTIES.

- a. The building inspector shall possess adequate knowledge of the building trade and such other qualifications The as may be prescribed by the county commissioners from time to time.
- b. As building inspector, his/her duties shall include those set forth in the LB.C. and in Montana Code Annotated title 50, chapter 60, 2013, as now or hereinafter amended.
- c. Toole County understands it cannot plan review, permit, or inspect plumbing, mechanical, or fuel gas installations without first obtaining certification from the State of Montana; and that the Toole County building inspector will advise builders in the jurisdiction that they need to contact State Building Codes for the required plumbing, electrical, and fuel gas permits.

#### Section 6.

##### FACTORY BUILT BUILDINGS.

- a. Factory Built buildings bearing an insignia issued by the Montana Building Codes Division, Department of Labor and Industry, shall be subject to local government zoning, utility connections, building permit and subsequent inspections for foundations and appurtenances to the structure (landings, stairs, decks, covered porches, etc.).
- b. Applications to Toole County for the erection and utility connection shall be in accordance with the LB.C. Section 7.

##### PERMIT FEES.

- a. Building permit fees shall be set and established by the county commissioners from time to time by appropriate resolution.

#### Section 8.

##### TERRITORIAL APPLICATION.

- a. The jurisdictional area of the county shall be commercial buildings and structures and permits therefore within the county boundaries of Toole County.

#### Section 9.

##### BOARD OF APPEALS.

- a. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the LB.C., there shall be and is hereby created a board of appeals, consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The members shall appoint



one of their own to act as secretary to take the minutes of all meetings. The Board of Appeals shall be appointed by the county commissioners and shall hold office for three (3) year staggered terms, without term limits. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to Toole County, with a duplicate copy to the applicant. The board may recommend to the commissioners such new legislation as is consistent herewith.

Section 10.

VIOLATIONS AND PENAL TIES.

- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, raze, convert, demolish, equip, use, occupy or maintain any building or structure in the county, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this chapter.
- b. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offence for each and every day during which any violation of any of the provisions of this code is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 11.

COPY ON FILE.

- a. One copy of each of the code mentioned above shall be on file with Toole County for inspection by the public.

Section 12.

EFFECT ON FUTURE AMENDMENTS TO THE "STATE BUILDING CODE".

- a. Each and every provision of this resolution shall be amended by resolution of Toole County within ninety (90) days of notification



b.

of changes adopted by the Department of Labor and Industry, Building Codes Bureau, when and as any future amendments are made to the codes referred herein above so as to conform to future amendments.

Section 13.

EFFECTIVE DATE.

- a. This resolution shall have full force and effect thirty (30) days from the date of its adoption and approval by the Toole County Commissioners.

Section 14.

AUTHORITY.

- a. Pursuant to the authority granted Toole County in Section 7-15-4121, M.C.A., 2013, the above referenced building codes are hereby adopted on the 24<sup>th</sup> day of June, 2022 and approved by the Commissioners on the same date.

Read and adopted by the Toole County Commissioners at its regular meeting held the 24<sup>th</sup> day of June, 2022.

AYES: 2

NAYS: -0-

ABSENT: 1

AND APPROVED BY THE COMMISSIONERS.

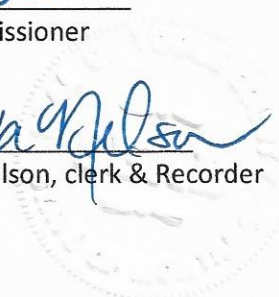
Mary Ann Harwood  
Mary Ann Harwood, Commission Chair

Terry Tomsheck  
Terry Tomsheck, Commissioner

Don Hartwell  
Don Hartwell, Commissioner

ATTEST:

Treva Nelson  
Treva Nelson, clerk & Recorder

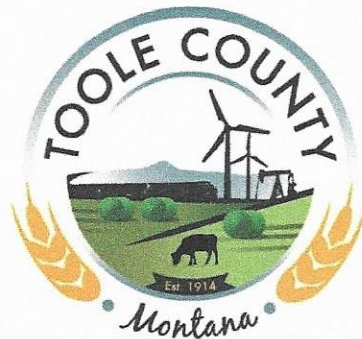


CERTIFICATE OF POSTING

I, Treva Nelson, Toole County, Montana Clerk and Recorder, hereby certify that on the 24<sup>th</sup>  
Day of June, 2022, copies of the above ordinance were posted as follows: the Toole County Website and  
the Toole County Courthouse,

  
Toole County Clerk & Recorder

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

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## COMMISSIONERS' AGENDA

July 11, 2022

10:00 am

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 June 23, 2022, Meeting Minutes: Don motioned to approve, Mary Ann seconded the motion, the motion carried.**

1. Consider **Resolution #8-2022**, a resolution requesting authority for distribution of County Minimum Allocation Grants for Water and Sewer Infrastructure Projects between Toole County and the City of Shelby. **Don motioned to approve, Mary Ann seconded, the motion carried.**
2. Consider a Memorandum of Agreement Between Pass-Through Subrecipient and Third-Party Subrecipient. **Don motioned to approve, Mary Ann seconded, 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  
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Superintendent of Schools  
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### **RESOLUTION 8-2022**

#### **A RESOLUTION REQUESTING AUTHORITY FOR DISTRIBUTION OF COUNTY MINIMUM ALLOCATION GRANTS FOR WATER AND SEWER INFRASTRUCTURE PROJECTS**

**WHEREAS**, Section 4 of Chapter 401 of the Montana Session Laws of 2021 through House Bill 632 Section 4 allocated the amount of \$150 million of the coronavirus state fiscal recovery funds to be used to provide minimum allocation grants for water and sewer infrastructure projects eligible for funding under the American Rescue Plan; and

**WHEREAS**, the amount a local government is eligible to receive in water and sewer infrastructure grants under this section is in the same proportion and using the same ratios provided for in 15-70-101 (2)(b), (2)(c), and (3) giving Toole County a minimum allocation of \$628,000, and

**WHEREAS**, HB 632 Section 4 requires that a local government submit an application for a qualifying water or sewer infrastructure project that complies with the uses authorized for the coronavirus state and fiscal funds and pledge matching funds, and

**WHEREAS**, Montana's counties do not generally own or operate water and sewer infrastructure; and

**WHEREAS**, grant funds must be applied for and awarded or in a pending status by January 1, 2023; and,

**WHEREAS**, because counties generally do not own water and sewer infrastructure, HB 632 Section 4 allocated grant funds for qualifying water or sewer infrastructure projects within the counties for which it was allocated, but that any local government eligible to receive minimum allocation funds under HB 632 Section 4 could apply for and pledge matching funds for the county's proportion; and,

**WHEREAS**, Shelby is a local government as defined in HB 632 Section 4 and has committed to request the funds by November 1, 2022, if the county's allocation made eligible to them and the county has determined this to be a priority use of the allocated funds; and,

**THEREFORE, NOW BE IT RESOLVED**, Toole County has determined that the proposed Toole County Shelby Water System Improvement Project is eligible as a minimum allocation project and is a high priority within the county; and

**THEREFORE, NOW BE IT RESOLVED FURTHER**, that by this resolution, Toole County requests the Department of Natural Resources and Conservation allow, through its developed application and distribution processes, to allocate Shelby \$435,000 of its share of the allocated Minimum Allocation funds for the Toole County Shelby Water System Improvement Project.

Adopted this 11<sup>th</sup> day of July, 2022.

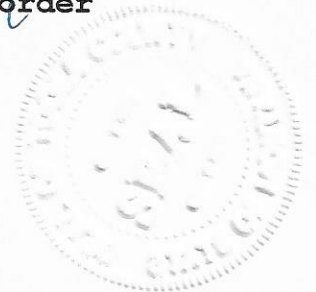
Mary Ann Harwood  
Commission Chair

Don Hartwell  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

Heidi Nelson  
Clerk & Recorder





*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

August 4, 2022

10:00 am

Present: Mary Ann Harwood, Terry Tomscheck (by phone), Bob Longcake, public 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 18, 2022, Meeting Minutes: Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

1. Consider **Resolution #10-2022**, a resolution to request BARS funding. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
2. Consider approving an Agricultural Covenant for Wiegand Family Wheat Farms Inc. and M & A Henke Grain Co. located in T33N, R3W, Section 28: W/2SW/4. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
3. Consider approving an Agricultural Covenant for M & A Henke Grain Co. and Wiegand Family Wheat Farms In. located in T33N, R3W, Section 27: S/2SW/4. **Terry motioned to approve. Mary Ann 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

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### **RESOLUTION #10-2022**

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

**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 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**, city, town county or consolidated city-county government requesting distribution 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.

**WHEREAS**, the local match for the allocated funds has been budgeted from Fund 2110, the Road; and,

### **NOW, THEREFORE 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; and,
2. That the Toole County Board of Commissioners hereby empowers and authorized a Commissioner or other staff to execute such further documents as may be necessary to facilitate the distribution of said funds.

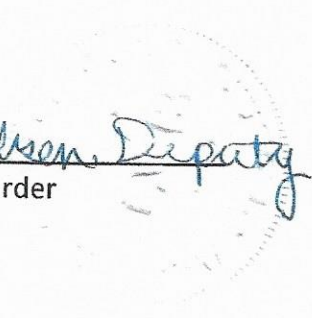
Adopted this 4<sup>th</sup> day of August, 2022 by the Board of Toole County Commissioners.

Mary Ann Harwood  
Mary Ann Harwood, Commission Chair

Terry Tomscheck  
Terry Tomscheck, Commissioner

ATTEST:

Paulette Jacobson, Deputy  
Treva Nelson, Clerk & Recorder



*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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

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## COMMISSIONERS' MINUTES

August 18, 2022

10:00 am

Present: Mary Ann Harwood, Terry Tomscheck (via phone)

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

PLEDGE OF ALLEGIANCE

**Approval of August 4, 2022 Meeting Minutes: Terry made the motion to approve, seconded by Mary Ann. Minutes were approved.**

1. Consider Gwen Heaton to replace Rane Manley on the Toole County Board of Health with the term ending 12/31/2022. **Terry made the motion to approve, seconded by Mary Ann and motion carried.**
2. Consider Jade Goroski to replace Mark Cole on the NETA Board with the term ending 12/31/2026. **Terry made the motion to approve, seconded by Mary Ann and motion carried.**
3. Consider replacing Don Hartwell on the signature card for the Shelby Senior Center account number 812971 at the First State Bank of Shelby with Terry Tomscheck. **Terry made the motion to approve, seconded by Mary Ann and motion carried.**



*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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

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## COMMISSIONERS' AGENDA

August 29, 2022

10:00 am

Present: Mary Ann (via phone), 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 18, 2022 Meeting Minutes: Terry made the motion to approve, seconded by Mary Ann. Motion carried.**

1. Consider approving formally Resolution #11-2022, which was approved on August 19, 2022, to implement Fire Restrictions – Stage I for Toole County as recommended by the Toole County Fire Warden. **Terry made the motion to approve the Resolution, seconded by Mary Ann. Motion passed.**
2. Consider approval of FY23 Budget for the Shelby High School. **Terry made the motion to approve, seconded by Mary Ann and motion carried.**
3. Consider approval of FY23 Budget for the Shelby Elementary School. **Terry made the motion to approve. Mary Ann seconded it and motion carried.**
4. Consider approval of FY23 for the Sunburst K-12 Schools. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
5. Consider approval of FY23 Budget for the Galata Elementary School. **Terry made the motion to approve. Mary Ann seconded it and motion carried.**

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



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

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### RESOLUTION #11-2022

#### **A Resolution for Special Fire Restrictions - Stage I**

**WHEREAS:** Toole County is experiencing a period of high fire danger, and

**WHEREAS:** the Toole County Board of Commissioners have the authority to declare a local emergency pursuant to MCA 10-3-402 and take actions consistent with such declaration, and

**WHEREAS:** the Board of Toole County Commissioners are authorized by law including MCA 7-33-2205 and 7-33-2212, to restrict burning within the County, and

**NOW, THEREFORE BE IT RESOLVED:** effective at midnight, August 19, 2022 Toole County will implement **Stage I** Fire R until further notice.

#### **STAGE I RESTRICTIONS**

The following shall be prohibited and followed until further notice:

1. Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site. This includes trash burn barrels and trash pits, **NO TRASH FIRES.**
2. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area of at least three feet in diameter that is barren or cleared of all flammable materials.



Exemptions to the above prohibitions only for the following:

- a) A federal, state, or local officer or member of an organized law enforcement rescue, or fire-fighting force in the performance of an official duty.
- b) Emergency repair of public utilities and railroads.
- c) Due to the time and weather sensitiveness, agricultural harvesting and off-road activated associated with the agricultural operations. (e.i, maintaining livestock, etc). Farmers and ranchers are encouraged to keep harvesting equipment in good working order to prevent sparks, provide spark arrestors, and must carry firefighting tools with them while harvesting and tending to other agricultural operations off-road.
- d) Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned off and on.
- e) All land within a city boundary is exempted.

None of the above exemptions shall absolve an individual or organization from liability or responsibility for any fire ignited by the exempted activity.

DATED this 19th day of August, 2022

  
Mary Ann Harwood, Chair

  
Terry Tomscheck, Commissioner

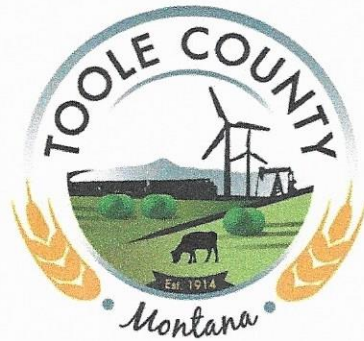
ATTEST:

  
Treva Nelson  
Clerk & Recorder





*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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  
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Superintendent of Schools  
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**COMMISSIONERS' AGENDA**  
**September 1, 2022**  
**10:00 am**

**PUBLIC HEARING ON APPROVAL OF THE FY22/23 BUDGETS**

Present: Mary Ann Harwood, Terry Tomsheck, Treva Nelson, Clerk & Recorder. No public was present.

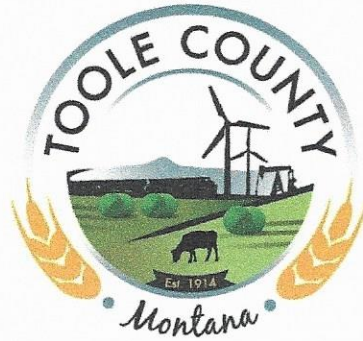
**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.**

PLEDGE OF ALLEGIANCE

**Approval of August 29, 2022, Meeting Minutes: Terry motioned to approve. Mary Ann seconded the motion and the motion carried.**

1. Consider approving Resolution #12-2022, a Resolution to amending the 20-21 budget for the Marias Medical Center, Heritage Center, and the Brittain House. **Terry motioned to approve. Mary Ann seconded the motion and the motion carried.**
2. Consider approving Resolution #13-2022, a Resolution to approve the FY22-23 Budget. **Terry motioned to approve. Mary Ann seconded the motion and the motion carried.**
3. Consider approving Resolution #14-2022, a Resolution for wage increases. **Terry motioned to approve them motion, per the Compensation Board Recommendation. Mary Ann seconded the motion and the motion carried.**

*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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  
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RESOLUTION 12-2022  
A RESOLUTION AMENDING THE 20-21 BUDGET

**WHEREAS:** Toole County sold the Marias Medical Center, Heritage Center and the Brittan House to Logan Health Shelby on May 9, 2021, and

**WHEREAS:** the audit firm of Dingus, Zarecor & Associates audited the financials for Marias Medical Center and Heritage Center up to May 8, 2021, the day before the sale, and

**WHEREAS:** Toole County hired Denning, Downey & Associates to complete the financials for the sale and after, and

**WHEREAS:** Denning, Downey & Associates reclassified activity between May 9, 2021, and June 30, 2021, from the Medical Center to the Pilt Fund. Recognized the unrecorded payables paid in July & August of 2021. Adjustments were made to recognize the sale of the Medical Center and accounts that will not remain with the county were made zero, and

**WHEREAS:** the adjustments made with Journal Vouchers 271895, 271896, 271897, 271898, 271899, and 271900 changed the overall budgets of Funds 5420 and 5498, and

**THEREFORE, BE IT RESOLVED** that a public hearing was held on September 1, 2022, to amend the FY21 budget.

  
Mary Ann Harwood-Chairman

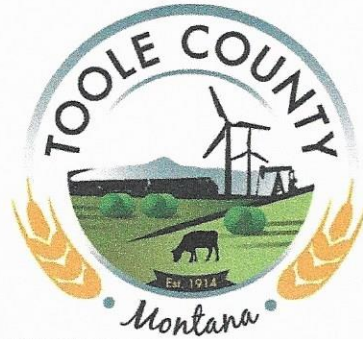
  
Terry Tomsheck- Commissioner

  
ATTEST: Clerk & Recorder





*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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  
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### **RESOLUTION # 13-2022**

#### **A RESOLUTION FOR ADOPTING A BUDGET FOR TOOLE COUNTY FISCAL YEAR 2022-2023**

**WHEREAS;** pursuant to Sections 7-6-4021 and 4024, MCA, the Toole County Board of Commissioners, Montana has held a public hearing and passed a resolution as applicable on the proposed budget for Toole County for fiscal year 2022-2023 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 #13-2022 adopting the budget in a regular meeting on September 1st, 2022, after holding a public hearing prior to the meeting, and

**NOW THEREFORE BE IT RESOLVED** by this Board of Toole County Commissioners that the county budget be approved and adopted as the final budget for fiscal year 2022-2023, and that warrants be issued in accordance with the laws appertaining thereto, and

**ALSO, NOW THEREFORE BE IT RESOLVED** that the Montana Department of Revenue's certified value of a county mill is \$20,819.29 and of specialized mills are the following:

Road	\$ 16,937.745
Shelby Mosquito District	\$ 3,266.729
Sunburst Mosquito District	\$ 460.694
NTC Cemetery	\$ 8,968.111



STC Cemetery	\$ 11,813.130
Soil Conservation District	\$ 16,174.762
Permissive Medical Levy	\$ 20,819.29
Port Authority	\$ 20,819.29 – a voted two mills

DATED THIS 1ST DAY OF SEPTEMBER, 2022

BOARD OF TOOLE COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Mary Ann Harwood, Board Chair

ATTEST:

  
\_\_\_\_\_  
Terry Tomscheck, Commissioner

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



*Mary Ann Harwood* - Commission Chair  
*vacant* - 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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### **RESOLUTION #14-2022**

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

**WHEREAS:** the 2001 Legislature determined that county government 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 approved by the majority of the Compensation Board would 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 8<sup>th</sup> and June 15<sup>th</sup>, 2022 to discuss several compensation schedules; and,

**WHEREAS:** the Toole County Compensation Board recommended that compensation for elected officials in Toole County for FY 2022-2023 be a 5.0% increase to current wages, and

**WHEREAS:** in a regular Commissioner meeting held on September 1st, 2022, the Toole County Commissioners voted to accept the recommendation of the Toole County Compensation Board for the cost-of-living allowance for elected officials at the rate of 5.0%, and

**NOW, THEREFORE BE IT RESOLVED:** by the Board of the Toole County Commissioners that elected officials will receive the 5.0% cost-of-living adjustment on certain base salaries retroactive to July 1, 2022, and

**FURTHER BE IT RESOLVED:** that the Toole County Commissioners set the cost-of-living increase adjustment at \$1.00 per hour for

most other county employees who are employed on September 1, 2022, retroactive to July 1, 2022.

BOARD OF TOOLE COUNTY COMMISSIONERS dated this 1st day of September, 2022.

Mary Ann Harwood  
Mary Ann Harwood, Commission Chair

Terry J Tomscheck  
Terry Tomscheck, Commissioner

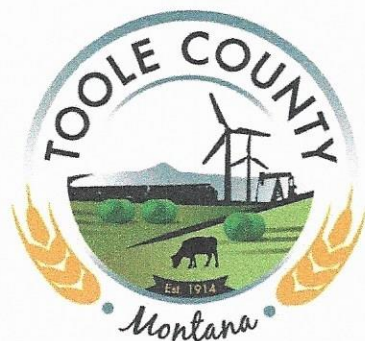
ATTEST:

Treva Nelson  
Treva Nelson  
Clerk & Recorder





*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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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Superintendent of Schools  
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## COMMISSIONERS' MINUTES

September 22, 2022

10:00 am

Present: Mary Ann Harwood, 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 1, 2022 Meeting Minutes: Terry made the motion to approved the minutes. Mary Ann seconded it and motion carried.**

1. Consider approval of a Professional Services Agreement between Stahly Engineering & Associates, inc. and Toole County for consulting services of general land use. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
2. Consider appointing Marla Hasquet to serve out the term of Linda Lee on the Toole County Health Foundation Board. **Terry made the motion to approve the appointment, seconded by Mary Ann and motion passed.**

*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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

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**COMMISSIONERS' AGENDA**  
**October 11, 2022**  
**10:00 am**

Present: Mary Ann Harwood, Terry Tomscheck (via phone)

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

PLEDGE OF ALLEGIANCE

**Approval of September 22, 2022 Meeting Minutes: Terry motioned to approve, seconded by Mary Ann. Motion passed.**

1. Consider approval of a Professional Services Agreement for Drug and Alcohol Program Administration for Fiscal Year 2023 between Mobile Testing with Integrity LLC and Toole County (specifically the Road Department). **Terry made the motion to approve. Mary Ann seconded it and motion carried.**
2. Consider re-appointing Allan Underdal to the Toole County Health Foundation Board for a three-year Term, expiring on 12/31/2025. **Terry motioned to approve, seconded by Mary Ann. Motion carried.**
3. Consider RESOLUTION 15-2022, a resolution amending Resolution 7-2022 for the Building Code requirement. The amendment is to add to it the Energy Code. **Terry made the motion to approve, seconded by Mary Ann. Motion passed.**
4. Consider RESOLUTION 16-2022, a resolution proclaiming the week of November 7<sup>th</sup> through November 13<sup>th</sup> Operation Green Light for Veterans. **Terry motioned to approve, and Mary Ann seconded it. Motion carried.**



*Mary Ann Harwood* - Commission Chair  
- Commissioner  
*Terry Tomsheck* - 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  
*Boyd Jackson* - Treasurer/Assessor/  
Superintendent of Schools  
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## **RESOLUTION # 15 -2022**

**This Resolution Amends Resolution #7-2022 to add the “2021 International Energy Conservation Code”.**

**A RESOLUTION PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE “STATE BUILDING CODE”, ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS.**

BE IT RESOLVED BY THE TOOLE COUNTY COMMISSIONERS, TOOLE COUNTY, MONTANA

Section 1.

ADOPTION OF CODES. Those certain codes known as: “The State Building Code” (referred to in Section 50-60-203, M.C.A.) are hereby adopted by Toole County for the purposes of regulating non-residential buildings in Toole County and protecting the health and safety of the County’s citizenry, which codes consist of:

- a. 2021 International Building Code, as amended by Section 24.301.131
- b. 2021 International Existing Building Code, as amended by amended by ARM 24.301.171
- c. 2021 International Energy Conservation Code, as amended by section ARM 8.70.204(1).

These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

Section 2.

BUILDING PERMITS.



- a. Any person wishing to obtain a building permit shall submit a completed application to the Building Inspector.
- b. The building inspector shall specify the manner in which said application shall be completed. At a minimum, the application shall contain:
  - i. A description of the land which it will affect;
  - ii. The present use of any existing structures;
  - iii. Plans and specifications indicating the entire scope of work.
- c. The applicant shall furnish such other documents as the building inspector deems relevant and necessary, at his/her discretion, for review of the proposed work.
- d. The building inspector may, at his/her discretion, waive any of the requirements hereunder when the proposed work is of an insubstantial nature of effect.

### Section 3.

#### PLAN REVIEW.

- a. The building inspector shall be responsible for coordination of building plan review and for issuance of building permits.
- b. Upon application by any person for a building permit, the building inspector shall review the plans for compliance with this code. The building inspector shall submit the plans to any other affected county department for review and approval by the department(s) before issuing a permit.
- c. Building plan review shall be completed by the building inspector within sixty (60) working days of submission of a completed application.
- d. The building inspector may, in certain cases, request the building codes division, other state agencies or design professionals to aid in the plan review process. In such cases, the building inspector may lengthen the completion of time for review by twenty (20) working days when necessary.
- e. One such approved set of plans and specifications shall be retained by the building inspector as a public record, for a period of not less than ninety (90) days from the date of completion of the work covered therein, one set of approved plans and specifications shall be given to Toole County for

permanent record according to the Montana Local Government Retention and Disposition Schedule, MR6 section 2, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all time during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector and all work shall be done in accordance with the approved plans.

Section 4.

INSPECTIONS.

- a. Inspections shall be conducted by the building inspector. Where other departments require inspection, the building inspector shall ensure they are conducted within the time frame allowed in **section 4-1-2**. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the I. B.C.

Section 5.

INSPECTOR QUALIFICATIONS AND DUTIES.

- a. The building inspector shall possess adequate knowledge of the building trade and such other qualifications as may be prescribed by the county commissioners from time to time.
- b. As building inspector, his/her duties shall include those set forth in the I.B.C. and in Montana Code Annotated title 50, chapter 60, 2013, as now or hereinafter amended.
- c. Toole County understands it cannot plan review, permit, or inspect plumbing, mechanical, or fuel gas installations without first obtaining certification from the State of Montana; and that the Toole County building inspector will advise builders in the jurisdiction that they need to contact State Building Codes for the required plumbing, electrical, and fuel gas permits.

Section 6.

FACTORY BUILT BUILDINGS.

- a. Factory Built buildings bearing an insignia issued by the Montana Building Codes Division, Department of Labor and Industry, shall be subject to local government zoning, utility connections, building permit



and subsequent inspections for foundations and appurtenances to the structure (landings, stairs, decks, covered porches, etc.).

- b. Applications to Toole County for the erection and utility connection shall be in accordance with the I.B.C.

Section 7.

PERMIT FEES.

- a. Building permit fees shall be set and established by the County Commissioners from time to time by appropriate resolution.

Section 8.

TERRITORIAL APPLICATION.

- a. The jurisdictional area of the county shall be commercial buildings and structures and permits therefore within the county boundaries of Toole County.

Section 9.

BOARD OF APPEALS.

- a. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the I.B.C., there shall be and is hereby created a board of appeals, consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The members shall appoint one of their own to act as secretary to take the minutes of all meetings. The Board of Appeals shall be appointed by the county commissioners and shall hold office for three (3) year staggered terms, without term limits. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to Toole County, with a duplicate copy to the applicant. The board may recommend to the commissioners such new legislation as is consistent herewith.

Section 10.

VIOLATIONS AND PENALTIES.



- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, raze, convert, demolish, equip, use, occupy or maintain any building or structure in the county, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this chapter.
- b. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offence for each and every day during which any violation of any of the provisions of this code is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 11.

COPY ON FILE.

- a. One copy of each of the code mentioned above shall be on file with Toole County for inspection by the public.

Section 12.

EFFECT ON FUTURE AMENDMENTS TO THE "STATE BUILDING CODE".

- a. Each and every provision of this resolution shall be amended by resolution of Toole County within ninety (90) days of notification of changes adopted by the Department of Labor and Industry, Building Codes Bureau, when and as any future amendments are made to the codes referred herein above so as to conform to future amendments.

Section 13.

EFFECTIVE DATE.

- a. This resolution shall have full force and effect thirty (30) days from the date of its adoption and approval by the Toole County Commissioners.

Section 14.

AUTHORITY.

- a. Pursuant to the authority granted Toole County in Section 7-15-4121, M.C.A., 2013, the above referenced building codes are hereby adopted on the 17<sup>th</sup> day of OCTOBER, 2022, and approved by the Commissioners on the same date.


Read and adopted by the Toole County Commissioners at its regular meeting held the 17<sup>th</sup> day of OCTOBER, 2022.

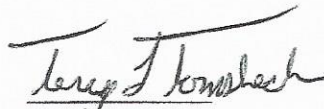
AYES: 2

NAYS: -0-

ABSENT: -0-

**TOOLE COUNTY BOARD OF COMMISSIONERS**

  
Commission Chair

  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

  
Treva Nelson, Clerk & Recorder



*Mary Ann Harwood* - Commission Chair  
*Vacant* - 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 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474  
406-424-8300 [www.toolecountymt.gov](http://www.toolecountymt.gov)

## **RESOLUTION 16-2022**

### **A Resolution supporting Operation Green Light for Veterans**

WHEREAS, the residents of Toole County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Toole County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and



WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, Toole County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted; therefore be it

THEREFORE BE IT RESOLVED, with designation as a Green Light for Veterans, Toole County hereby declares from October through Veterans Day, November 11<sup>th</sup> 2022 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

THEREFORE BE IT RESOLVED FURTHER, that in observance of Operation Green Light, Toole County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

ADOPTED BY THE BOARD OF TOOLE COUNTY COMMISSIONERS THIS 17<sup>th</sup> day October, 2022.

  
Mary Ann Harwood, Chair

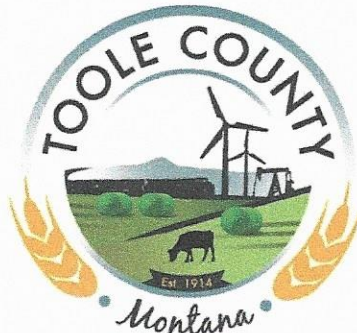
  
Terry Tomscheck, Commissioner

ATTEST:

  
Treva Nelson,  
Clerk & Recorder



*Mary Ann Harwood* - Commission Chair  
*Vacant* - Commissioner  
*Terry Tomsheck* - Commissioner  
*Merle Raph* - County Attorney  
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## COMMISSIONERS' AGENDA

October 17, 2022

10:00 am

Present: Mary Ann Harwood, Terry Tomsheck, Treva Nelson Clerk & Recorder and Terry Kimmet, public.

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

### PLEDGE OF ALLEGIANCE

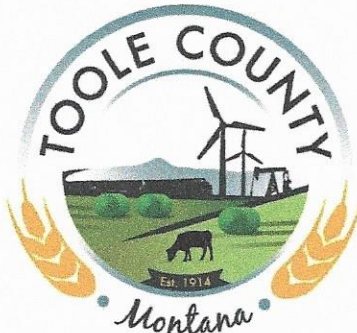
**Approval of October 11, 2022, Meeting Minutes: Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

1. Consider MOU with Town of Sunburst for allocation of Sub-recipient Funds of the ARPA Funds in the amount of \$125,00.00. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
2. Consider Resolution #17-2022, a Resolution requesting authority for Distribution of County Minimum Allocation Grants for Water and Sewer Infrastructure Projects for Sunburst. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
3. Consider appointing Shiloh Neal to the Fair Board to fulfill the term of Mikayla Jordan-Garcia to expire on 12/31/2023. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
4. Consider adopting the MOU between Toole County and the Montana Fish, Wildlife and Parks for the Lincoln Road. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
5. Consider reaching out for member to be on the Board of Appeals for the Building Codes Program Reports. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

6. Consider Interlocal Agreement with Liberty County for the Superintendents' budget for the Hutterite Colonies located in both Toole and Liberty Counties. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**



*Mary Ann Harwood* - Commission Chair  
*Vacant* - Commissioner  
*Terry Tomsheck* - Commissioner  
*Merle Raph* - County Attorney  
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## Resolution 17-2022

A RESOLUTION REQUESTING AUTHORITY FOR DISTRIBUTION OF COUNTY MINIMUM ALLOCATION GRANTS FOR WATER AND SEWER INFRASTRUCTURE PROJECTS

WHEREAS, Section 4 of Chapter 401 of the Montana Session Laws of 2021 through House Bill 632 Section 4 allocated the amount of \$150 million of the coronavirus state fiscal recovery funds to be used to provide minimum allocation grants for water and sewer infrastructure projects eligible for funding under the American Rescue Plan;

WHEREAS, the amount a local government is eligible to receive in water and sewer infrastructure grants under this section is in the same proportion and using the same ratios provided for in 15-70-101 (2)(b), (2)(c), and (3) giving Toole County a minimum allocation 0B 125 000

WHEREAS, HB 632 Section 4 requires that a local government, submit an application for a qualifying water or sewer infrastructure project that complies with the uses authorized for the coronavirus state and fiscal funds and pledge matching funds;

WHEREAS, Montana's counties do not generally own or operate water and sewer infrastructure;

WHEREAS, grant funds must be applied for and awarded or in a pending status by January 1, 2023;

WHEREAS, because counties generally do not own water and sewer infrastructure, HB 632 Section 4 allocated grant funds for qualifying water or sewer infrastructure

projects within the counties for which it was allocated, but that any local government eligible to receive minimum allocation funds under HB 632 Section 4 could apply for and pledge matching funds for the county's proportion;

WHEREAS, Sunburst (City/Town,) is a local government as defined in HB 632 Section 4 and has committed to request the funds by November 1, 2022, if the county's allocation made eligible to them and the county has determined this to be a priority use of the allocated funds.

THEREFORE, NOW BE IT RESOLVED THAT:

1. County has determined that the proposed Toole County Sunburst Wastewater Distribution and Treatment Improvement Project

Project is eligible as a minimum allocation project and is a high priority within the county and;

2. By this resolution, Toole County requests the Department of

Natural Resources and Conservation allow, through its developed application and distribution processes, Sunburst (City/Town) \$ 125 000 of its share of the allocated Minimum Allocation funds for the -Toole County Sunburst Wastewater Distribution and Treatment Improvement Project

Adopted this 17<sup>th</sup> day of October, 2022.

Chair

Mary Ann Harewood

Commissioner

Terry J Tomalesch

Commissioner

ATTEST:

Heva Nelson  
Clerk & Recorder

