

Description		
Date	02/26/2009	Location
		Board of Health
Time	Speaker	Note
6:52:39 AM		<p><i>Board Members Present</i> : Eric Bryson, Robin Cory, Berk Knighton, Laura Larsson, Brian Leland, Bill Murdock, Buck Taylor, Barbara Vaughn</p> <p><i>Members Excused</i> : Gretchen Rupp</p> <p><i>Deputy County Attorney</i> : Chris Gray</p> <p><i>Staff</i> : Craig Caes, Sean Hill, Treavor Johnson, Toni Lucker, Tom Moore, Stephanie Nelson, Tim Roark</p> <p><i>Public</i> : Harold Lindvig, Scott Lowry, Jim Schultz, Trecie Wheat</p>
7:03:02 AM		Meeting called to order
7:03:11 AM		Disclaimer for Audio Broadcasting
7:03:25 AM		Public Comment on a Non-Agenda Item - none
7:03:36 AM		Consent Agenda
7:04:39 AM		Brian made a correction on page 11 at time stamp 7:08:47 AM: The Air Quality Committee gave <u>provisional</u> approval for the idling editorial and majority approval for the remaining three...
7:05:38 AM	Motion	Eric made a motion to approve the consent agenda as amended.
7:05:41 AM	Second	Buck seconded the motion.
7:05:49 AM	Vote	<p>The motion passed unanimously.</p> <p><u>Roll Call</u> :</p> <p>Eric Bryson - yes</p> <p>Robin Cory - yes</p> <p>Berk Knighton - yes</p> <p>Laura Larsson - yes</p> <p>Brian Leland - yes</p> <p>Bill Murdock - yes</p> <p>Buck Taylor - yes</p> <p>Barbara Vaughn - yes</p>
7:06:07 AM		Patterson Park, LLC Variance Request #2009.001
7:06:23 AM		Stephanie swore in the commenters.
7:07:41 AM		<p>Staff Report</p> <p>Tim provided a summary of the variance request that was</p>

		seeking permission to construct a septic system drainfield where seasonal high groundwater was measured to be within 16 inches of ground surface. The proposed system is an elevated sand mound to replace an obsolete system. The variance request was noticed in the Chronicle on February 15th and 25th editions.
7:08:47 AM		Thirty eight inches of sand is proposed to be added to the sandmound plus the height to groundwater at 16 inches results in more than the required separation distance to groundwater. He entered the staff report into the record.
7:10:54 AM		Board discussion. The Board asked about the future development of the property from 160 acres to a 20-acre parcel? Tim deferred to the property owner.
7:11:28 AM		The Board asked about which of the three ditches took over flow. Tim deferred to the applicant for clarification.
7:12:57 AM		Comments by Petitioner and Questions by the Board
7:13:04 AM	Scott Lowry, C&H Engineering & Surveying	Scott provided additional information under oath. Non-degradation is not required but is provided to show protection of the environment. Middle Creek Ditch runs through the SE portion of the property and saw high flows this summer. This ditch is not controlled by the owner as there are water right holders down stream so the ditch must be maintained. The system is an improvement over the existing system and is proposed in the best location.
7:16:28 AM		Board discussion about the mixing zone and the ditches.
7:21:04 AM		Written comments - none. An interested neighbor called the Department and asked general questions and appeared fine with the situation.
7:21:22 AM		Public comment and questions by the Board - none
7:21:42 AM		Staff Comments
7:21:59 AM		Tim referred the Board to staff recommendations and to the findings and conclusions
7:22:17 AM	Motion	Bill made a motion to approve Variance Request #2009.001
7:22:19 AM	Second	Eric seconded the motion.
7:22:42 AM	Findings	<ol style="list-style-type: none"> 1. The Gallatin City-County Board of Health has jurisdiction to grant a variance. (ARM 17.36.922) 2. Pursuant to GCCRWTS Variance Procedure Section B(1); the property owner/authorized agent clearly demonstrated that all alternatives not requiring a variance have been

		<p>explored.</p> <p>3. Pursuant to GCCRWTS Variance Procedure Section B(2); the property owner/authorized agent did not propose an experimental system</p> <p>4. Pursuant to GCCRWTS Variance Procedure Section D(1)(a); the system that would be allowed by the variance is unlikely to cause pollution of state waters in violation of 75-5-605, MCA;</p> <p>5. Pursuant to GCCRWTS Variance Procedure Section D(1)(b)(i); the granting of the variance will protect the quality and potability of water for public water supplies and domestic uses, and will protect the quality of water for other beneficial uses, including those specified in 76-4-101, MCA;</p> <p>6. Pursuant to GCCRWTS Variance Procedure Section D(1)(b)(ii); the granting of the variance will not adversely affect public health, safety, and welfare;</p> <p>7. Pursuant to GCCRWTS Variance Procedure Section D(1)(c); the variance will not conflict with the requirement of ARM 17.36.914;</p> <p>8. Pursuant to GCCRWTS Variance Procedure Section D(2)(a)(i); the property owner did prove that special circumstances exist where strict compliance with GCCHD regulations will result in unnecessary hardship that is peculiar to the property owner's property or situation;</p> <p>9. Pursuant to GCCRWTS Variance Procedure Section D(2)(a)(ii); the property owner did prove that special circumstances exist where strict compliance with GCCHD regulations will result in unnecessary hardship that is not caused by the property owner's action or inaction; and</p> <p>10. Pursuant to GCCRWTS Variance Procedure Section D(2)(b); the property owner/authorized agent did prove that the variance does not conflict with the purpose of GCCHD regulations.</p>
<p>7:24:33 AM</p>		<p>Board discussion about the staff report as part of the official public record and why the property owner had to ask for a variance.</p>
<p>7:25:48 AM</p>		<p>Eric asked Bill if the motion included staff recommendations</p>

		1-7 of the staff report to which Bill answered that it did.
7:26:06 AM	Vote	<p><u>Roll call</u> :</p> <p>Eric Bryson - yes Robin Cory - yes Berk Knighton - yes Laura Larsson - yes Brian Leland - yes Bill Murdock - yes Buck Taylor - yes Barbara Vaughn - yes</p> <p>The motion passed unanimously.</p>
7:26:38 AM		Consideration of Draft Proposal to the Gallatin City-County Health Code Chapter 2 Local Food Service Establishment Rules
7:26:49 AM		Stephanie introduced the draft proposal
7:27:03 AM		Tim introduced Sean Hill, who oversees the licensed establishment program and is the primary author of the changes.
7:27:18 AM		Stephanie summarized for the Board the procedure for amending local rules. Board discussion about the readings and what they mean.
7:29:55 AM		Tim added that any change the Board determines as significant change starts the process again. If the Board decides that changes are minor; i.e., clerical errors, minor mistakes, then the process continues to move forward.
7:30:50 AM		Board discussions and questions on the proposed changes to Chapter 2. Sean clarified the personal chef definition for the Board and he articulated the educational role of the Department to the food vendors and applicants regarding the signs, symptoms and the list of communicable diseases in an effort to prevent people with communicable disease from handling food. He also noted the responsibility of the person-in-charge to ensure the employees and applicants understand this regulation. Stephanie referred the Board to the Health Requirements in Chapter 2.
7:36:56 AM		More Board discussion related to how personal chefs are monitored, as they are not required under the rules to be licensed; school-related functions and fund raisers; and the no bare hand contact practice.
7:45:46 AM		Barb has grammar comments to give to Sean after the meeting that do not change the content.

7:46:16 AM		Brian made a correction to page 40, B.5 - United Plumbing Code corrected to Uniform Plumbing Code . Board discussion about protecting public & municipal systems from grease & oil; and the need to coordinate Chapters 2 & 3 regarding the design and operation of public wastewater systems for establishments.
7:51:21 AM		Sean discussed with the Board the number and training of staff and the risk-based food establishment program. Stephanie discussed the Communicable Disease (CD) Team consisting of sanitarians and public health nurses, who work together to investigate CD in the community.
8:00:10 AM		In response to a Board question, Chris discussed the fee schedule. A mandatory plan review is required under the state regulations. If the Board of Health performs the service of plan reviews, then the Board can charge for the service.
8:01:19 AM		Tim assured the Board that industry outreach activities were performed by the Department with silent response. Additional outreach is planned with the proposed regulations on the web site and public notices for the readings.
8:02:48 AM		motion to accept proposed changes to chapter 2 for first reading.
8:03:20 AM	Motion	Buck made a motion to accept the draft proposal for the Gallatin City-County Health Code Chapter 2 Local Food Service Establishment Rules for the first reading.
8:03:25 AM	Second	Robin seconded.
8:03:46 AM		Brian asked if the motion was incumbent that all of the changes are non-substantative? Chris advised to add the statement: "any potential changes are not-substantive, identified today."
8:04:18 AM	Re-stated Motion	Buck restated the motion: to accept the proposed changes in the Gallatin City-County Health Code Chapter 2 Local Food Service Establishment Rules to a first reading. The Board has found no substantive changes at this time.
8:04:47 AM	Vote	<u>Roll Call</u> : Eric Bryson - yes Robin Cory - yes Berk Knighton - yes Laura Larsson - yes

		<p>Brian Leland - yes Bill Murdock - yes Buck Taylor - yes Barbara Vaughn - yes</p> <p>The motion passed unanimously.</p>
8:04:56 AM		Committee Updates
8:05:03 AM		<p><u>Editorial Status: Air Quality Committee</u> - The idling editorial was submitted because it was the most timely and correlates with the non-idling resolution that passed at the school board; Nick Ely of the Chronicle does not have much room to publish guest editorials because of the legislative session but indicated he would likely print the idling editorial; and the other editorials will be discussed at the air quality committee meeting to determine what to do. The newspaper is interested in doing an article on the new air quality monitor.</p>
8:07:21 AM		<p>Berk summarized his conversation with Bob Jeffries of DEQ about the Bozeman monitor that is now operational and the monitor at the Belgrade wastewater lagoon. As a result of a law suit, a court order changed the annual particulate matter (PM) level and is expected to have no impact on Montana. The annual PM level will decrease from 15 to 14 and is expected to have a huge impact for the NE and the Midwest. Open burning season starts March 1st and burn barrels are illegal.</p>
8:09:42 AM		<p>Board discussion about monitor location in Belgrade. Belgrade News editorial discussions with Andy to be scheduled. <i>Prevention Alliance</i> - meets next week.</p>
8:12:37 AM		<p><u>DEQ Clear Air Zone Montana</u> - Stephanie presented the DEQ's non-idling program information. She is in contact with Brian Spangler, program staff, who will work with Stephanie and school superintendents on how he would interface with the schools to initiate a program. A letter has been distributed to the public schools describing the program.</p> <p>Stephanie also discussed with the Board that Gretchen is working with MAP, Midwest Assistance Program, related to Logan's wastewater issues and the status will be presented to the Board next month.</p>
8:15:37 AM		Health Officer Update
8:15:51 AM		<i>Legislative Update</i> - Stephanie presented information on HB

		331 - the bill that would take licensed establishment fees out of statutes and put them into rules.
8:17:16 AM		Stephanie discussed with the Board information on some national work being done around voluntary accreditation of local and state health departments. Jane Smilie will present information to the Board in the future in a training venue.
8:22:57 AM		The goal is 2011 for the first round of applications for accreditation deadline. Stephanie will email the website for the Public Health Accreditation Board. She suggested waiting until after the first round to give time for learning about the process. There is a regional approach being discussed to enable the smaller health departments to pass the accreditation process.
8:25:29 AM		A Board question about mixing zones was postponed until the Chapter 3 rewrite.
8:31:46 AM		Meeting is adjourned

Secretary

Date

Chair

Date