

<b>Description</b>	County Courthouse, 311 W. Main, Third Floor Community Room	
<b>Date</b>	06/28/2012	<b>Location</b> Board of Health
<b>Time</b>	<b>Speaker</b>	<b>Note</b>
<a href="#">6:44:32 AM</a>		<p><i>Members Present:</i> Robin Cory, Steve Custer, Becky Franks, Berk Knighton, Laura Larsson, Buck Taylor, Carson Taylor,  <i>Excused:</i> Bill Murdock, Gretchen Rupp  <i>Public:</i> Claude Smith; Andrew Pilskalns  <i>Staff:</i> Matt Kelley, Toni Lucker, Tim Roark, Jill Steeley, Liz Wildman</p> <p><i>These log notes provide only a part of the official record. The remainder of the official record is in the audio recording of the meeting. The audio recording is available upon request (Section 2-3-212, MCA).</i></p>
<a href="#">7:01:09 AM</a>		<b>Meeting called to order</b>
<a href="#">7:01:17 AM</a>		<b>Disclaimer for Audio Broadcasting</b>
<a href="#">7:01:33 AM</a>		<b>Public Comment</b> - none
<a href="#">7:01:45 AM</a>		<b>Consent Agenda</b>
<a href="#">7:01:54 AM</a>	Motion	Robin made a motion to approve the consent agenda as written
<a href="#">7:02:03 AM</a>		Buck had a question about the Deputy Medical Officer and asked to pull it from the consent agenda.
<a href="#">7:02:26 AM</a>		Matt had a change to the schools contract - a minor change on page 55 of the Board packet: ". . . the school will shall be responsible. . ." Change to "will be responsible. . ."
<a href="#">7:03:08 AM</a>		Buck asked for clarification regarding Dr. Winton contract and Bozeman Deaconess Hospital's sign off. Matt will check with Dr. Winton. Buck was fine with not pulling the contract from the consent agenda.
<a href="#">7:04:14 AM</a>	Motion	Robin made a motion to approve the consent agenda with contracts as presented with exception to a small change in the school nursing contract.
<a href="#">7:04:29 AM</a>	Second	Buck seconded the motion.
<a href="#">7:05:04 AM</a>	Vote	<p><u>Roll Call:</u>  Robin - yes  Steve - yes  Becky - yes  Berk - yes  Laura - yes  Buck - yes  Carson - yes  The motion passed unanimously</p>
<a href="#">7:05:21 AM</a>		<b>Regular Agenda</b>
<a href="#">7:05:26 AM</a>		<b>Variance Request 2012.001 &amp; .002, Claude Smith</b>
<a href="#">7:05:39 AM</a>		<b>Staff Report &amp; Questions by the Board</b>
<a href="#">7:06:04 AM</a>		Tim presented the staff report regarding the variance request to install a septic system in an area with groundwater within 48 inches of the ground surface and within the 100-year floodplain of the Madison River .
<a href="#">7:07:13 AM</a>		The variance was posted in the June 17 & 27 editions of the Chronicle.

<a href="#">7:08:30 AM</a>		Tim continued that the property has been in health department's and various agencies' discussions since the mid-90's and previous permit applications were declined because it was in the floodplain. Currently this property is not serviced by a permitted septic system.
<a href="#">7:09:46 AM</a>		Tim referred to FIRM maps that showed the property is in Zone A - no base flood elevation is established for this area.
<a href="#">7:12:17 AM</a>		The variance request is for 2-feet of sand under the proposed elevated sandmound. Siting of the elevated sandmound is in the best part of this flat property.
<a href="#">7:13:21 AM</a>		Staff recommendations are typical for variance requests except for the recommendation to obtain a floodplain permit prior to construction.
<a href="#">7:17:45 AM</a>		Comments by Petitioner and Questions by the Board
<a href="#">7:18:19 AM</a>	Claude Smith	Claude Smith lives at 16070 Madison Frontage Road and submitted the variance requests to install the new system.
<a href="#">7:18:42 AM</a>	Swearing In	Toni swore-in the commenters for the record
<a href="#">7:19:03 AM</a>		Matt ensured that Mr. Smith was aware that an approved variance would allow two structures with a total of six bedrooms on the property feeding into the system. Anything added over this would require Mr. Smith to obtain a new permit to expand the size of the system and Mr. Smith confirmed his understanding.
<a href="#">7:19:40 AM</a>	Andrew Pilskalns	Mr. Pilskalns is an engineer with Castle Rock Geotechnical Engineering.
<a href="#">7:19:56 AM</a>		Carson asked him about the criteria the two variances are required to meet and the hardship issue.
<a href="#">7:23:51 AM</a>		Carson continued and asked if the answers would be the same for the variance required by the floodplain? To which Mr. Pilskalns answered yes.
<a href="#">7:24:06 AM</a>		Steve questioned the location of the shared dose and septic tanks in relation to the flood channeling lines on the map.
<a href="#">7:27:02 AM</a>		<b>Written comments</b> - none
<a href="#">7:27:09 AM</a>		<b>Public comment and Questions by the Board</b> - none
<a href="#">7:27:21 AM</a>		<b>Staff's Comment</b> Tim added that the broad size of the floodplain and the one-mile distance from the river gives the floodplain administrator no reason to deny a floodplain permit. The wastewater system is such a small feature in such a large floodplain.
<a href="#">7:28:43 AM</a>		<b>Petitioner's Rebuttal Comments and Questions by the Board</b> Mr. Smith wished for a favorable decision on his permits and thanked the Board for their time and consideration.
<a href="#">7:29:05 AM</a>		Steve made a comment to amplify the hardship to the applicant - this housing came to be in 1950, long before the current laws and regulations. The residents have been there many years and is actually asking to improve the health of the community with a system that is known to work.
<a href="#">7:30:12 AM</a>		<b>Closed Factual Record</b>
<a href="#">7:30:17 AM</a>		<b>Board Deliberation and Decision</b>
<a href="#">7:30:38 AM</a>	Motion	Carson made a motion to grant variances to Claude Smith and Denicia Smith with relief from groundwater within 48 inches conditions as listed in ARM17.36.914(3) and for installation of a septic disposal system within a 100-

		year flood plain under ARM 17.36.918 with conditions listed in the staff report on page 80, conditions 1-7.
<a href="#">7:31:53 AM</a>		Board discussion about tank placement.
<a href="#">7:32:57 AM</a>	Second	Buck seconded the motion.
<a href="#">7:33:04 AM</a>		Carson supports the motion because he feels the criteria are met:
<a href="#">7:33:17 AM</a>	Findings	<p>Granting either of the variances will not:</p> <ol style="list-style-type: none"> <li>1) Contaminate any actual or potential drinking water supply (ARM 17.36.922(2)(a)(i);</li> <li>2) Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;</li> <li>3) Cause a public health hazard by being accessible to persons or animals;</li> <li>4) Violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from:</li> <li>5) Pollute or contaminate state waters, in violation of MCA 75-5-605;</li> <li>6) Degrade state waters unless authorized pursuant to MCA 75-5-303;</li> <li>7) Cause a nuisance due to odor, unsightly appearance or other aesthetic consideration;</li> <li>8) Compliance with the requirement from which the variances are requested would result in undue hardship to the applicant;</li> <li>9) The variances are necessary to address extraordinary conditions that the applicant could not reasonably have prevented;</li> <li>10) No alternatives that comply with the requirement are reasonably feasible; and</li> <li>11) The variances requested are not more than the minimum needed to address the extraordinary conditions.</li> </ol>
<a href="#">7:34:58 AM</a>		Carson found these conditions to be true based upon the documents submitted, the report from the Health Officer and the testimony of the engineer.
<a href="#">7:35:13 AM</a>	Discussions	Board discussions regarding tank placement.
<a href="#">7:36:44 AM</a>		Buck appreciates the applicant bringing this issue to the Board in order to make it a better situation.
<a href="#">7:37:27 AM</a>	Vote	<p><u>Roll Call:</u>  Robin - yes  Berk - yes  Steve - yes  Carson - yes  Laura - yes  Buck - yes  Becky - yes</p> <p>The motion passed unanimously.</p>
<a href="#">7:37:58 AM</a>		<b>Discussion &amp; Decision on Letter to Idaho Pole</b>
<a href="#">7:38:13 AM</a>		Matt discussed the situation and the reason for the letter.
<a href="#">7:42:10 AM</a>		Steve reported on the results of the Environmental Health Subcommittee meeting.
<a href="#">7:44:06 AM</a>		Buck asked what action was requested from the board and Matt confirmed a motion to approve sending the letters so the Board can be on record expressing the concerns.

<a href="#">7:44:23 AM</a>	Motion	Buck made a motion to approve sending the letters so the Board can be on record expressing the concerns.
<a href="#">7:44:27 AM</a>	Second	Becky seconded the motion.
<a href="#">7:44:33 AM</a>	Discussion	Steve asked for clarification as to who gets the letter because of multiple groups responsible for different aspects of the area.
<a href="#">7:46:33 AM</a>		Board discussion.
<a href="#">7:50:04 AM</a>	Amended Motion	Buck amended the motion to approve both letters, and add to the addressee list: DNRC, USEPA, MDEQ, Idaho Pole and copy the city
<a href="#">7:51:50 AM</a>	Discussion	The Board discussed specific addressees within particular agencies.
<a href="#">7:54:09 AM</a>	Second	Becky seconded the motion.
<a href="#">7:54:14 AM</a>	Vote	<u>Roll Call:</u> Robin - yes Berk - yes Steve - yes Carson - yes Laura - yes Buck - yes Becky - yes The motion passed unanimously.
<a href="#">7:54:39 AM</a>		<b>Subcommittee Reports</b>
<a href="#">7:55:00 AM</a>		<b>Environmental Health Subcommittee</b> - Steve added that the subcommittee is re-evaluating the workplan issues and prioritizing the order to address each; continuing discussing the general problem of contamination in the valley and how to address;
<a href="#">7:55:51 AM</a>		<b>Prevention Alliance:</b> Laura reported the subcommittee is participating in the community health assessments CTASA.
<a href="#">7:56:40 AM</a>		<b>Executive Committee:</b> Laura reported on the committee's work on standardizing the protocol for conducting the annual Health Officer evaluation.
<a href="#">7:57:16 AM</a>		<b>Health Officer Report</b>
<a href="#">7:57:43 AM</a>		Matt reported on the final community health assessment meeting in Belgrade with the remaining Bozeman and Big Sky communities to be held. He expects this process to be completed by the end of July. The MAPP committee would be reconvened in September to begin the process towards getting accumulated information into a Community Health Improvement Plan. The Strategic Plan for the department to be completed before December 2012. Matt invited the Board to attend any of the community meetings.
<a href="#">8:00:01 AM</a>		Matt reported on the County budget process.
<a href="#">8:00:19 AM</a>		<b>Meeting adjourned</b>

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Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date