

<b>Description</b>	County Courthouse, Community Room, 311 W. Main, Bozeman, MT 59715		
<b>Date</b>	10/28/2010	<b>Location</b>	Board of Health
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">7:02:33 AM</a>		<p><i>BOH Members Present:</i> Robin Cory, Berk Knighton, Laura Larsson, Brian Leland, Gretchen Rupp, Buck Taylor, Carson Taylor, Barbara Vaughn  <i>Excused Member:</i> Bill Murdock  <i>Staff:</i> Matt Kelley, Toni Lucker, Tom Moore, Daisy Zell  <i>Public:</i> Barbara Campbell, Trevor Campbell, Elizabeth Gibson, Mark Westergaard</p>	
<a href="#">7:03:12 AM</a>		<b>Meeting Called to Order</b>	
<a href="#">7:03:22 AM</a>		<b>Disclaimer for Audio Broadcasting</b>	
<a href="#">7:03:47 AM</a>		<b>Public Comment on a Non-Agenda Item - none</b>	
<a href="#">7:04:01 AM</a>		<b>Consent Agenda</b>	
<a href="#">7:04:23 AM</a>	Gretchen Rupp	Gretchen noted that the two radon contracts were pulled as they were not ready for the Board.	
<a href="#">7:04:29 AM</a>		Buck had corrections to two contracts	
<a href="#">7:04:40 AM</a>	Motion	Buck made a motion to accept the consent agenda as presented minus the two radon grants, Student Nursing Collaboration and NAPA contracts.	
<a href="#">7:04:53 AM</a>	Second	Carson seconded the motion.	
<a href="#">7:04:57 AM</a>	Vote	<p>Roll Call:  Robin - yes  Berk - yes  Laura - yes  Brian - yes  Gretchen - yes  Buck - yes  Carson - yes  Barbara - yes</p> <p>The motion passed</p>	
<a href="#">7:05:11 AM</a>		Buck noted the change needed to the Student Nursing Collaboration contract: educational experiences will be provided in Bozeman.	
<a href="#">7:05:52 AM</a>		He also pointed out the change needed to the Montana Nutrition & Physical Activity Program: change the authorized official from Barbara Vaughn to Gretchen Rupp.	
<a href="#">7:06:14 AM</a>	Motion	Buck made a motion to accept the two contracts as amended	
<a href="#">7:06:20 AM</a>	Second	Laura seconded the motion	
<a href="#">7:06:28 AM</a>	Vote	<p>Roll Call:  Robin - yes  Berk - yes</p>	

		<p>Laura - yes  Brian - yes  Gretchen - yes  Buck - yes  Carson - yes  Barbara - yes</p> <p>The motion passed</p>
<a href="#">7:06:30 AM</a>		<p><b>Regular Agenda</b>  <b>Variance Request #2010-007, Three Drakes and Hen LLC</b></p>
<a href="#">7:08:01 AM</a>		<p><b>Staff Report</b>  Tim reported on this variance request that was continued from last month and modified to reflect a changed lot plan and a change to the staff report. The variance request is for high groundwater, which at the new location is at 45 inches versus 47 inches at the original location. The sandmound system creates 69 inches of treatment soil.</p>
<a href="#">7:08:51 AM</a>		<p><b>Board questions and discussion.</b></p>
<a href="#">7:09:44 AM</a>		<p><b>Comments by Petitioner</b></p>
<a href="#">7:10:16 AM</a>		<p>Toni swore in the commenters.</p>
<a href="#">7:10:21 AM</a>	Mark Westergaard	<p>Mark introduced his client, Liz Gibson and answered questions by the Board.</p>
<a href="#">7:12:35 AM</a>		<p><b>Written comments</b> - none</p>
<a href="#">7:12:44 AM</a>		<p>Mark stated that Tom Milesnick is happy with this variance request modification.</p>
<a href="#">7:13:02 AM</a>		<p><b>Public comments</b> - none</p>
<a href="#">7:13:11 AM</a>		<p><b>Staff comments</b> - none</p>
<a href="#">7:13:19 AM</a>		<p><b>Petitioners rebuttal comments</b> - none</p>
<a href="#">7:13:28 AM</a>		<p><b>Factual Record Closed</b></p>
<a href="#">7:13:36 AM</a>		<p><b>Board Deliberation and Decision</b></p>
<a href="#">7:13:53 AM</a>		<p>Brian commented that he is having trouble with the site not meeting the minimum requirement of 48 inches to groundwater. He added his concern for 1) the lack of monitoring and caring for the system, especially since the home is a vacation home; 2) no guarantee that a qualified plumber would be used to plumb the home; also 3) protection of state waters is not definitive in his view, so Brian cannot vote for it.</p>
<a href="#">7:16:54 AM</a>		<p>Barb feels the applicant has satisfied the variance requirements. She understands Brian's concerns but until our regulations change, a new level of standards cannot be required.</p>
<a href="#">7:17:30 AM</a>	Motion	<p>Barb made a motion to accept Variance Request #2010-007 with all staff recommendations and comments listed on page 132 and to grant the variance pursuant to ARMS 17.36.922 2A-2F:</p> <p>1. Pursuant to ARM 17.36.922(2) (a), that granting the variance will not contaminate any actual or potential drinking water supply; and</p>

		<p>2. Pursuant to ARM 17.36.922(2) (b), that granting the variance will not cause a public health hazard as a result of access to insects, rodents, or other carriers of disease to humans; and</p> <p>3. Pursuant to ARM 17.36.922(2) (c), that granting the variance will not cause a public health hazard by being accessible to persons or animals; and</p> <p>4. Pursuant to ARM 17.36.922(2) (d), that granting the variance will not violate any law or regulation governing water pollution or wastewater treatment disposal, including the rules contained in this subchapter except for the rule that the variance is requested from; and</p> <p>5. Pursuant to ARM 17.36.922(2) (e), that granting the variance will not pollute or contaminate state waters in violation of 75-5-605, MCA; and</p> <p>6. Pursuant to ARM 17.36.922(2) (f), that granting the variance will not degrade state waters unless authorized pursuant to 75-5-303, MCA.</p>
<a href="#">7:18:41 AM</a>	Second	Carson seconded the motion with an amendment to include the recommended conditions on pages 132 & 133.
<a href="#">7:19:22 AM</a>		Barb accepted the staff recommendations 1-7.
<a href="#">7:19:42 AM</a>	Vote	<p>Roll Call:</p> <p>Berk - yes</p> <p>Barbara - yes</p> <p>Brian - no</p> <p>Carson - yes</p> <p>Laura - yes</p> <p>Gretchen - yes</p> <p>Buck - yes</p> <p>Robin - yes</p> <p>The motion passed</p>
<a href="#">7:20:20 AM</a>		<b>Letter of Support for Wastewater System Infrastructure Improvements along Jackrabbit Road</b>
<a href="#">7:20:57 AM</a>		Matt provided information about the opportunity to improve the wastewater system infrastructure along Jackrabbit Road. He introduced Barb Campbell of Utilities Solutions to answer any questions by the Board.
<a href="#">7:22:29 AM</a>		The Board was interested in contacting Belgrade regarding their interest in infrastructure improvements.
<a href="#">7:23:07 AM</a>	Barbara Campbell, Utilities Solutions	Barbara provided a presentation regarding Utilities Solutions' existing infrastructure on Jackrabbit Road and the planning that went into development of the service area.
<a href="#">7:34:07 AM</a>		Questions by the Board.
<a href="#">7:38:50 AM</a>		The Board was concerned about other agencies also being copied on the letter to MDOT including the County Commission
<a href="#">7:42:46 AM</a>		The Board discussed the letter being copied to DEQ, who assists with groundwater protection.

<a href="#">7:44:05 AM</a>		Buck wondered if the letter be sent directly to the MDOT director with an accompanying letter from the County Commission would be useful . Barbara suggested a letter from the fire department for public safety reasons would be good.
<a href="#">7:44:52 AM</a>		More Board discussion.
<a href="#">7:46:14 AM</a>	Motion	Brian made a motion to authorize the Board Chair to sign the letter and send to MDOT. He suggested sending the letter to DEQ as well.
<a href="#">7:47:34 AM</a>	Second	Barb seconded the motion.
<a href="#">7:47:39 AM</a>		Buck supports the motion if the addressee of the letter can be changed and sent to the top to Jim Lynch, Director. Brian concurred with that suggestion. Buck added that the letter be cc'd to Central Valley Fire, DEQ & the County Commission.
<a href="#">7:48:21 AM</a>	Motion Withdrawn	Brian withdrew the motion.
<a href="#">7:48:25 AM</a>	Amended Motion	Brian made a new motion to authorize the Board Chair to sign the letter and send to Jim Lynch, Director MDOT and that the letter be cc'd to Central Valley Fire, DEQ & the County Commission.
<a href="#">7:48:36 AM</a>	Second	Buck seconded the motion.
<a href="#">7:48:44 AM</a>	Vote	Roll Call: Berk - yes Barbara - yes Brian - yes Carson - yes Laura - yes Gretchen - yes Buck - yes Robin - yes  motion passed.
<a href="#">7:49:16 AM</a>		<b>Letter to Gallatin County Commission Regarding Funds Allocated for health Care Access in West Yellowstone</b>
<a href="#">7:49:29 AM</a>		Matt updated the Board on the Town of West Yellowstone's efforts to provide a long-term solution to their health care needs. The Commission stepped up to provide funding to bring in a new federally-qualified health center but that effort ended with other possibilities - an RFP. This letter to the Commission asks for their patience as the process unfolds towards long-term care.
<a href="#">7:52:19 AM</a>		Board discussion.
<a href="#">7:54:06 AM</a>	Motion	Carson made a motion to send the letter dated October 28th, addressed to the County Commission regarding West Yellowstone and health care.
<a href="#">7:54:25 AM</a>	Second	Robin seconded the motion.
<a href="#">7:54:30 AM</a>	vote	Roll Call: Berk - yes Barbara - yes

		<p>Brian - yes  Carson - yes  Laura - yes  Gretchen - yes  Buck - (did not vote)  Robin - yes</p> <p>motion passed unanimously.</p>
<a href="#">7:54:50 AM</a>		<b>Letter of Support for LWQD Grant Application</b>
<a href="#">7:55:01 AM</a>		Gretchen provided information on the LWQD's and the Board's Water Subcommittee priority to pinpoint sources of wastewater discharge in rural areas of the county. LWQD is proposing to look at groundwater downgradient of discharge to see if possibly jeopardizing drinking water.
<a href="#">7:56:17 AM</a>		Board discussion regarding clarification of a sentence of the letter.
<a href="#">7:59:27 AM</a>		Gretchen explained why Laura was signing the letter instead.
<a href="#">7:59:47 AM</a>	Motion	Buck made a motion to send this letter to MDEQ, dated October 28th, letter of support for Gallatin LWQD 319 proposal with the amended change.
<a href="#">8:00:03 AM</a>	Second	Carson seconded the motion.
<a href="#">8:00:10 AM</a>	Vote	<p>Roll Call:  Berk - yes  Barbara - yes  Brian - yes  Carson - yes  Laura - yes  Gretchen - yes  Buck - yes  Robin - yes</p> <p>The motion passed.</p>
<a href="#">8:00:20 AM</a>		Buck added that he recused himself from the vote on the letter to the commission regarding West Yellowstone healthcare as the funding stream may benefit the organization he works for and does not want a perception of conflict of interest.
<a href="#">8:00:48 AM</a>		<b>Health Officer Report</b>
<a href="#">8:00:52 AM</a>	New Staff	Matt introduced Daisy Zell, the newest Public Health Nurse at the Health Department.
<a href="#">8:01:22 AM</a>	Handouts	Matt discussed the hand outs to the Board: quarterly budgets; variance criteria draft (essentially what was suggested to DEQ); and an example of community health assessment.
<a href="#">8:01:58 AM</a>	Upcoming Legislation	Tim reported that at the Food & Consumer Safety meeting last week, he learned that a draft bill would be presented at the upcoming legislative session that would strike all variance appeals to BER & DEQ. The challenged Board decisions would go straight to district court. The Flathead County health officer is pushing this with support from DEQ. Will be discussed with Chris Gray.
<a href="#">8:04:54 AM</a>		Matt reported on his initial conversation with Chris, who feels Section 2.e could

		raise some issues, so has some re-write suggestions for clarification to DEQ.
<a href="#">8:06:05 AM</a>		Board discussion.
<a href="#">8:07:26 AM</a>		Buck acknowledged the work of the Health Department as this action has been spurred forward due to the work of Tim and his department.
<a href="#">8:08:09 AM</a>	Update Campfire Lodge	Matt reported that DEQ approved the new water system at Camp Fire Lodge. If all goes well after the restaurant inspection, the closure order will be lifted. The owner would operate for a couple of weeks this fall and come back in the spring. Some conditions of the closure order include: chlorination of water 100% of time; a comprehensive septic system design to the Health Department by March 30 <sup>th</sup> ; a full plan by August 30 <sup>th</sup> to DEQ; and the septic system would be pumped before re-opening.
<a href="#">8:09:51 AM</a>	Flu	Gallatin County is home to it's first case of influenza A. Matt invited Board members to receive flu shots.
<a href="#">8:10:59 AM</a>	Future 2010 Meetings	Typically the Board holds the November and December meetings on the third Thursday of the month due to holidays. Matt suggested skipping the November meeting and holding the December meeting.
<a href="#">8:11:25 AM</a>	Idaho Pole	The Board asked for an update on the Idaho Pole site. Matt discussed the bureaucratic issue. the legislation that governs how to alter a controlled groundwater site changed in 2009. On November 12th at 9am, an informal meeting w/residents of area and board members are invited to attend.
<a href="#">8:13:02 AM</a>	Executive Committee	Gretchen reported that the Executive Committee (Laura, Buck, Gretchen) completed the Health Officer's 6-month performance appraisal. The Executive committee, which was formed to recruit and mentor the new Health Officer, is now disbanded.
<a href="#">8:14:39 AM</a>	Community Health Assessment	Matt discussed the Community Health Assessment and asked for Board input. Stakeholder meetings, to ensure all are included, will begin. CHP, BDH and GCCHD will work on an assessment.
<a href="#">8:15:46 AM</a>		The next Board meeting will be December 16th
<a href="#">8:16:14 AM</a>		Meeting adjourned.

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Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date