

Gallatin City-County Health Department

www.healthygallatin.org

**REVISED
BOARD OF HEALTH
AGENDA**

July 28, 2016

7:00am

Courthouse Community Room,
Third Floor, 311 West Main

These minutes provide only a part of the official record. The remainder of the official record is in the audio recording of the meeting per Section 2-3-212, MCA. The audio recording is available online at www.healthygallatin.org

Board Members Present:

[Board Member - Richard Damon: Present](#)
[Board Member - Steve Custer: Present](#)
[Board Chair - Becky Franks: Present](#)
[Vice-Chair - Buck Taylor: Present](#)
[Board Member - Jane Mahlow: Present](#)
[Board Member - Joe Skinner: Present](#)
[Board Member - Laura Larsson: Present](#)
[Board Member - Chris Mehl: Absent](#)
[Board Member - Seth Walk: Present](#)

Excused Board Member: Chris Mehl







Staff Members Present: Laura Finley, Matt Kelley, Toni Lucker, Tracy Knoedler, Larisa Hammond, Brittney, Nelson, Nancy Rangel, Tim Roark, Theresa Severeid, Dustin Schreiner

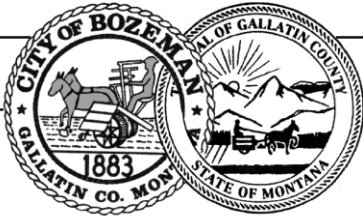
Public Present: John Brueggerman, Eric Dietrich, Justin Houser, Carlie Mangold, Mace Mangold, Ned Miller, Craig Stewart, Martie Stewart, Lindsey Taylor, Craig Woolard

- A. **Call to Order** [06:59:51 AM \(00:00:07\)](#)
- B. **Disclaimer for Audio Broadcasting** [07:00:13 AM \(00:00:29\)](#)

















At this point, Becky gave a special thanks to Tim Roark for his 23 years of service of which 19 years he was the director of the Environmental Health Services Department. [07:00:35 AM \(00:00:51\)](#)

- C. **Public Comment on a Non-Agenda Item** [07:01:25 AM \(00:01:41\)](#)
No public comment
- D. **Consent Agenda** [07:01:35 AM \(00:01:51\)](#)

1. Environmental Health Subcommittee Meeting Minutes for May 3, 2016  
2. Budget Subcommittee Meeting Minutes for May 25, 2016  
3. Board Meeting Minutes for May 26, 2016  
4. Contracts



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- a. DPHHS Montana Cancer Control and Montana Asthma Control Programs  
- b. WIC Amendment #1 to Task Order 16-07-5-21-009 (reallocation)  
- c. DPHHS Montana Tobacco Use Prevention Program  
- d. MIECHV Amendment #1 to Task Order 16-07-5-01-090-0 (Home Visiting Contract)  
- e. Park County Community Foundation for Project LAUNCH Initiative MOU  
- f. LAUNCH Amendment #1 to 1602PROS0254 (Resource and Referrals)  
- g. Deputy Medical Officer Contract with Mark Winton, MD  
- h. New WIC Belgrade Lease  

Matt suggested the Board pull the New WIC Belgrade Lease from the consent agenda [07:02:10 AM \(00:02:26\)](#)
Jane Mahlow requested to pull the Deputy Medical Officer Contract from the consent agenda for discussion.
[07:02:24 AM \(00:02:40\)](#)

Motion and Vote [07:02:36 AM \(00:02:52\)](#)

Buck Taylor made a motion to accept the consent agenda as presented in the board packet without the Deputy Medical Officer contract and the new WIC Belgrade Lease

Dick Damon seconded the motion [.07:02:45 AM \(00:03:01\)](#)

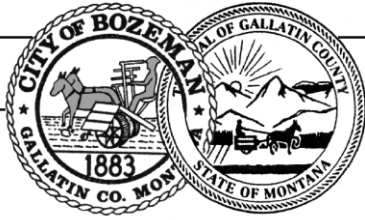
[Board Vice-Chair - Buck Taylor: Motion](#)
[Board Member - Richard Damon: 2nd](#)
[Board Member - Richard Damon: Approve](#)
[Board Member - Steve Custer: Approve](#)
[Board Chair - Becky Franks: Approve](#)
[Board Vice-Chair - Buck Taylor: Approve](#)
[Board Member - Jane Mahlow: Approve](#)
[Board Member - Joe Skinner: Approve](#)
[Board Member - Chris Mehl: Absent](#)
[Board Member - Laura Larsson: Approve](#)

The motion passed unanimously.

Belgrade Lease discussion [07:02:58 AM \(00:03:14\)](#)

Motion and Vote[07:03:45 AM \(00:04:01\)](#)

Buck made a motion to authorize the Health Officer to expend on the Belgrade lease as described and allow him to finalize the particulars of the lease



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Dick seconded the motion [07:04:00 AM \(00:04:16\)](#)

[Board Vice-Chair - Buck Taylor: Motion](#)
[Board Member - Richard Damon: 2nd](#)
[Board Member - Richard Damon: Approve](#)
[Board Member - Steve Custer: Approve](#)
[Board Chair - Becky Franks: Approve](#)
[Board Vice-Chair - Buck Taylor: Approve](#)
[Board Member - Jane Mahlow: Approve](#)
[Board Member - Joe Skinner: Approve](#)
[Board Member - Chris Mehl: Absent](#)
[Board Member - Laura Larsson: Approve](#)

The motion passed unanimously.

Deputy Medical Officer Discussion [07:04:16 AM \(00:04:32\)](#)

Motion and Vote [07:05:45 AM \(00:06:01\)](#)

Buck made a motion to accept the contract for Deputy Medical Officer with Dr. Mark Winton

Dick seconded the motion [07:05:53 AM \(00:06:09\)](#)

[Board Vice-Chair - Buck Taylor: Motion](#)
[Board Member - Richard Damon: 2nd](#)
[Board Member - Richard Damon: Approve](#)
[Board Member - Steve Custer: Approve](#)
[Board Chair - Becky Franks: Approve](#)
[Board Vice-Chair - Buck Taylor: Approve](#)
[Board Member - Jane Mahlow: Approve](#)
[Board Member - Joe Skinner: Approve](#)
[Board Member - Chris Mehl: Absent](#)
[Board Member - Laura Larsson: Approve](#)

The motion passed unanimously.

E. Regular Agenda [07:06:12 AM \(00:06:28\)](#)

1. Discussion and Decision regarding the Appeal by Craig and Martie Stewart of the Health Officer's May 17, 2016 Denial of the On-Site Wastewater Treatment System Application for 215 Valley Drive, Bozeman, Montana – Appellant Documents  - Health Officer Documents 

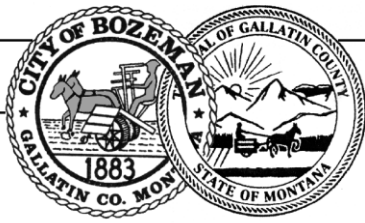
Discussion between Board Chair and Deputy County Attorney [07:07:43 AM \(00:07:59\)](#)

- a. **Appellant Presentation** [07:11:07 AM \(00:11:23\)](#)

Testimony by Craig Stewart, Martie Stewart and Ned Miller

- b. **Health Officer Presentation** [07:28:53 AM \(00:29:09\)](#)

Testimony by Health Officer



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c. Public Comment [07:54:36 AM \(00:54:52\)](#)

There was no public comment

d. Health Officer Rebuttal [07:54:59 AM \(00:55:15\)](#)

Discussion between Board Chair, Health Officer, and Deputy County Attorney. No rebuttal provided by Health Officer.

e. Appellant Rebuttal [08:02:13 AM \(01:02:29\)](#)

Rebuttal by Craig Stewart and Ned Miller.

Board Discussion and Questions [08:11:51 AM \(01:12:07\)](#)

[08:21:35 AM \(01:21:51\)](#) Discussion between Board Chair and Deputy County Attorney.

[08:22:05 AM \(01:22:21\)](#) Board discussion continued

[08:31:46 AM \(01:32:02\)](#) Discussion between Board Chair and Deputy County Attorney.

[08:33:06 AM \(01:33:22\)](#) Board discussion continued.

[08:35:31 AM \(01:35:47\)](#) **Motion and Vote**

Dick made a motion that the Board considers all of the evidence and documentation that has so far been presented.

[08:35:43 AM \(01:35:59\)](#) Seth seconded the motion

[Board Member - Richard Damon: Motion](#)

[Board Member - Seth Walk: 2nd](#)

[Board Member - Richard Damon: Approve](#)

[Board Member - Steve Custer: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Vice-Chair - Buck Taylor: Approve](#)

[Board Member - Jane Mahlow: Approve](#)

[Board Member - Joe Skinner: Approve](#)

[Board Member - Laura Larsson: Approve](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Seth Walk: Approve](#)

Discussion [08:36:52 AM \(01:37:07\)](#)

Amended Motion [08:36:38 AM \(01:36:54\)](#)

Dick amended his motion that the Board accepts Exhibit 1 as public comment.

Seth seconded the motion [08:36:55 AM \(01:37:11\)](#)

[Board Member - Richard Damon: Motion](#)

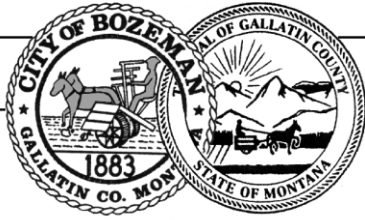
[Board Member - Seth Walk: 2nd](#)

[Board Member - Richard Damon: Approve](#)

[Board Member - Steve Custer: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Vice-Chair - Buck Taylor: Approve](#)



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[Board Member - Jane Mahlow: Approve](#)

[Board Member - Joe Skinner: Approve](#)

[Board Member - Laura Larsson: Approve](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Seth Walk: Approve](#)

Discussion [08:37:02 AM \(01:37:18\)](#)

There was no discussion.

Motion Carries [08:37:08 AM \(01:37:24\)](#)

Board Discussion [08:38:15 AM \(01:38:30\)](#)

Factual Record Closed [08:48:49 AM \(01:49:04\)](#)

Board Deliberation and Decision [08:48:59 AM \(01:49:14\)](#)

Discussion between Board member and Deputy County Attorney. [08:49:10 AM \(01:49:26\)](#)

Board Deliberation continued [08:50:27 AM \(01:50:42\)](#)

Discussion between Board Chair and Deputy County Attorney [09:20:22 AM \(02:20:37\)](#)

Board Deliberation continued. [09:21:58 AM \(02:22:14\)](#)

Motion and Vote [09:25:49 AM \(02:26:05\)](#)

Laura made a motion in regards to applicants of the appeal, Craig and Martie Stewart, dated July 28, 2016, the applicants living at 215 Valley Drive.

Having reviewed and considered the staff materials, appellant materials, testimony and public comment, I hereby move to affirm the determination of the Health Officer to deny the onsite wastewater treatment system application by Craig and Martha Stewart.

I support the motion because I believe the following criteria have been satisfied:

- a. We have testimony that the city is willing to connect to 215 Valley Drive;
- b. Craig and Martie Stewart is within 200 feet of that system;
- c. The public system is not physically or economically impractical

Steve Custer seconded the motion. [09:27:27 AM \(02:27:43\)](#)

Further discussion regarding the motion [09:27:35 AM \(02:27:51\)](#)

[Board Member - Laura Larsson: Motion](#)

[Board Member - Steve Custer: 2nd](#)

[Board Member - Richard Damon: Disapprove](#)

[Board Member - Steve Custer: Disapprove](#)

[Board Chair - Becky Franks: Approve](#)

[Board Vice-Chair - Buck Taylor: Approve](#)

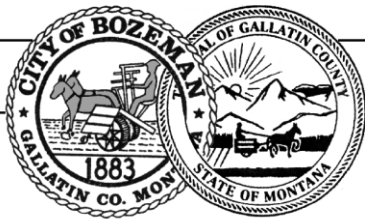
[Board Member - Jane Mahlow: Approve](#)

[Board Member - Joe Skinner: Disapprove](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Laura Larsson: Approve](#)

Board Member – Seth Walk: Disapprove



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Four vote in favor of the motion and four disagree: tie vote

Discussion between the Board and the Deputy County Attorney [09:30:38 AM \(02:30:54\)](#)

The appeal failed and the Health Officer's decision stands.

Board discussion [09:30:48 AM \(02:31:04\)](#)

10-minute break

[09:45:34 AM \(02:42:01\)](#) Board chair re-opened the meeting

2. **Discussion and Decision regarding the Appeal by Mace Mangold of the Health Officer's May 17, 2016 Denial of the On-Site Wastewater Treatment System Application for 216 Valley Drive, Bozeman, Montana – Appellant Documents**   - **Health Officer Documents**  

- a. **Appellant Presentation** [09:46:29 AM \(02:42:56\)](#)

Mace Mangold was sworn in and testified

- b. **Health Officer Presentation** [10:04:20 AM \(03:00:47\)](#)

Matt Kelley, Health Officer, and Brittney, Environmental Health Specialist, were sworn in and Matt testified

Board discussion [10:16:16 AM \(03:12:45\)](#)

- c. **Public Comment** [10:23:22 AM \(03:19:49\)](#)

There was no public comment.

- d. **Health Officer Rebuttal** [10:23:35 AM \(03:20:02\)](#)

Rebuttal by Health Officer

- e. **Appellant Rebuttal** [10:24:23 AM \(03:20:50\)](#)

Rebuttal by Mace Mangold

Questions by the Board [10:32:00 AM \(03:28:28\)](#)

Factual Record Closed [10:45:50 AM \(03:42:18\)](#)

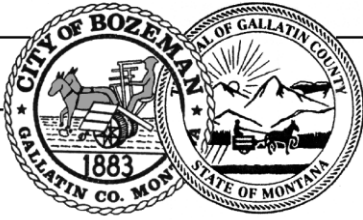
Board Deliberation and Decision [10:45:56 AM \(03:42:24\)](#)

Motion and Vote [11:03:58 AM \(04:00:26\)](#)

Buck made a motion: Having reviewed and considered staff materials, appellant materials, testimony and public comment, I hereby move to affirm the determination of the Health Officer to deny the onsite wastewater treatment system application by Mr. Mangold for 216 Valley Drive in Bozeman.

Based on Chapter 3 Health Code, I support the motion because I believe the following criteria have been satisfied:

- a. We have testimony that the city is willing to connect to 216 Valley Drive;
- b. Mr. Mangold is within 200 feet of that system;
- c. The public system is not physically or economically impractical



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Steve Custer seconded the motion [11:04:50 AM \(04:01:18\)](#)

Further discussion regarding the motion [11:04:56 AM \(04:01:25\)](#)

There was no further discussion

[Board Vice-Chair - Buck Taylor: Motion](#)

[Board Member - Steve Custer: 2nd](#)

[Board Member - Richard Damon: Disapprove](#)

[Board Member - Steve Custer: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Board Vice-Chair - Buck Taylor: Approve](#)

[Board Member - Jane Mahlow: Approve](#)

[Board Member - Joe Skinner: Disapprove](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Laura Larsson: Approve](#)

Board Member – Seth Walk: Disapprove

The motion passed

Discussion by the Board [11:07:00 AM \(04:03:27\)](#)

3. Variance #2016-001 & 002, Americus, LLC [11:14:13 AM \(04:10:41\)](#)

Staff Report [11:15:12 AM \(04:11:39\)](#)

Tim provided the variance information and staff recommendations.

Public comment [11:19:40 AM \(04:16:08\)](#)

There was no public comment.

Comments by Petitioner [11:20:42 AM \(04:17:10\)](#)

Justin Houser, PE provided comments.

Steve Custer noted an error in the record [11:22:11 AM \(04:18:39\)](#)

Public Comment [11:22:33 AM \(04:19:01\)](#)

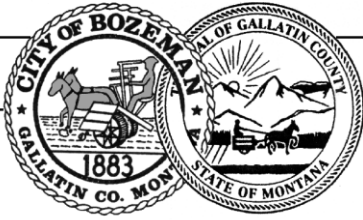
There was no public comment.

Questions by the Board [11:22:42 AM \(04:19:10\)](#)

Factual record closed [11:25:38 AM \(04:22:06\)](#)

Board Deliberation [11:25:42 AM \(04:22:10\)](#)

Motion and Vote [11:25:49 AM \(04:22:17\)](#)



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Laura made a motion to grant a variance to Americus, LLC, from the 100-foot setback to a 62-foot setback. This is a variance from the minimum setback rule and ARM 17.36 with the following conditions:

Items 1-8, with the heading Staff Recommendations on page 2 of the variance petition.

I support the motion because the following criteria are satisfied -

1. Granting the variance will not:

Contaminate any actual or potential drinking water supply, ARM 17.36.922 (2)(a)(i);

Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans, ARM 17.36.922 (2)(a)(ii);

Cause a public health hazard by being accessible to persons or animals, ARM 17.36.922 (2)(a)(iii);

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, ARM 17.36.922 (2)(a)(iv);

Pollute or contaminate state waters, in violation of 75-5-605, MCA, ARM 17.36.922 (2)(a)(v);

Degrade state waters unless authorized pursuant to 75-5-303, MCA, ARM 17.36.922 (2)(a)(vi);

Cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration, ARM 17.36.922 (2)(a)(vii);

2. Compliance with the requirement from which the variance is requested would result in undue hardship to the applicant, ARM 17.36.922 (2)(b);
3. The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented, ARM 17.36.922 (2)(c);
4. No alternatives that comply with the requirement are reasonably feasible, ARM 17.36.922 (2)(d);
5. The variance requested is not more than the minimum needed to address the extraordinary conditions, ARM 17.36.922 (2)(e).

Richard Damon seconded the motion [11:27:34 AM \(04:24:03\)](#)

Discussion of the motion [11:27:37 AM \(04:24:06\)](#)

[Board Member - Laura Larsson: Motion](#)

[Board Member - Richard Damon: 2nd](#)

[Board Member - Richard Damon: Approve](#)

[Board Member - Steve Custer: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Vice-Chair - Buck Taylor: Approve](#)

[Board Member - Jane Mahlow: Approve](#)

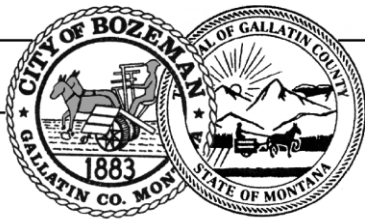
[Board Member - Joe Skinner: Approve](#)

[Board Member - Laura Larsson: Approve](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Seth Walk: Approve](#)

The motion passed unanimously.



Gallatin City-County Health Department

4. **Election of Board Officers**[11:28:51 AM \(04:25:19\)](#)

Motion and Vote [11:29:12 AM \(04:25:40\)](#)

Joe moved to retain current slate of officers

Laura seconded the motion [11:29:19 AM \(04:25:47\)](#)

[Board Member - Joe Skinner: Motion](#)

[Board Member - Laura Larsson: 2nd](#)

[Board Member - Richard Damon: Approve](#)

[Board Member - Steve Custer: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Vice-Chair - Buck Taylor: Approve](#)

[Board Member - Jane Mahlow: Approve](#)

[Board Member - Joe Skinner: Approve](#)

[Board Member - Laura Larsson: Approve](#)

[Board Member - Chris Mehl: Absent](#)

[Board Member - Seth Walk: Approve](#)

The motion passed unanimously.

Health Officer Report [11:29:35 AM \(04:26:03\)](#)

Matt acknowledged Tim Roark's and Leslie McKittrick's retirements and thanked them for their 24 years of service to the County.

[11:38:24 AM \(04:34:51\)](#) Meeting Adjourned

Secretary

Date

Chair

Date