

LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH MEETING
LEWIS AND CLARK CITY-COUNTY BUILDING

ZOOM Web Meeting

(Note: Meeting time 1:00-2:00pm)

REGULAR BOARD MEETING AGENDA

1:00	CALL TO ORDER	
1:00	REVIEW OF AGENDA	
	1. Review and Revision of Agenda.....	Pg. 1
1:05	MINUTES	
	2. Minutes of February 27, 2020 Board of Health Meeting.....	Pg. 2
1:10	ACTION ITEM	
	3. Onsite Wastewater Regulation Variance Hearing: Sherry Partlow at 2980 Elk View, East Helena, MT 59634.....	Pg. 3
	4. Onsite Wastewater Regulation Variance Hearing: James Larson at 1045 Sierra Road, Helena, MT 59602.....	Pg. 6
1:30	HEALTH OFFICER'S REPORT	
	5. Report on Current Health Department Issues.....	Pg. 10
1:50	PUBLIC COMMENT	
	6. Public comments on matters not mentioned above.....	Pg. 11

Adjourn

Our mission is to improve and protect the health of all Lewis and Clark County Residents

ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Aaron Douglas, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: (406) 447- 8316 TTY Relay Service 1-800-253-4091 or 711 adouglas@lccountymt.gov 316 N Park, Room 303



LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

1

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS: Review of Agenda

PERSONNEL INVOLVED: Board Members

BACKGROUND: Time is allowed for board members to review the agenda and to add any new agenda items.

HEALTH DIRECTOR'S RECOMMENDATION: Approval

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

2

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS: Minutes February 27, 2020

PERSONNEL INVOLVED: Board Members

BACKGROUND: Upon approval, the minutes represent official actions of the Board of Health. Every effort is made to have these recommended minutes accurately portray the proceedings and procedures of the board. ****Board minutes will be emailed for review prior to the board meeting.****

HEALTH DIRECTOR'S RECOMMENDATION: Approval

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

3

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS Onsite Wastewater Regulation Variance Hearing, Sherry Partlow, 2980 Elk View, Helena, MT 59602

PERSONNEL INVOLVED: Kammy Johnson, Hearing Officer

BACKGROUND The Board will ratify the hearings officer recommendation for variance to the Onsite Wastewater Regulation.

HEALTH DIRECTOR’S RECOMMENDATION: N/A

ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						



FINDINGS OF FACT
SHERRY PARTLOW
VARIANCE REQUEST

On March 24, 2020 a hearing was held before the Hearings Officer of the Lewis and Clark City-County Board of Health to consider granting a variance from the current regulations governing on-site wastewater treatment to Sherry Partlow. The applicant requested to install a new on-site wastewater treatment system at a site less than 10 feet from a property line.

Based on the record established at this hearing, the Lewis and Clark City-County Board of Health now make the following findings of fact:

1. The parcel is approximately 1.12 acre in size.
2. The parcel is developed with a single family dwelling.
3. The soils at the proposed treatment system site are very gravelly sand.
4. The proposed system will be a pressure dosed, sand lined.
5. The proposed system will comply with all other requirements of the current L&C County on-site wastewater treatment regulations.
6. Only residential strength wastewater will be discharged to the system.
7. There are no public wastewater treatment systems available for connection.

Based on the findings of fact, the Lewis and Clark City-County Board of Health now makes the following conclusions of law:

1. The proposed onsite wastewater treatment system will not discharge any wastewater to ground surface, or to any state water;
2. The proposed onsite wastewater treatment system will not contaminate any actual or potential drinking water supply;
3. The proposed onsite wastewater treatment system will not cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
4. The proposed onsite wastewater treatment system will not cause a public health hazard by being accessible to persons or animals;
5. The proposed onsite wastewater treatment system will not violate any law or regulation governing water pollution or wastewater treatment and disposal;
6. The proposed onsite wastewater treatment system will not pollute, contaminate or degrade state waters;
7. The proposed onsite wastewater treatment system will not cause a nuisance due to odor, unsightly appearance or other aesthetic consideration;
8. Not granting this variance will result in undue hardship to the applicant;

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9. Granting of this variance addresses extraordinary conditions that the applicant could not reasonably have prevented;
10. There are no reasonably feasible alternatives other than the variance granted;
11. The variance granted is not more than the minimum needed to address the extraordinary conditions.

Based on the facts and conclusions presented above, the Lewis and Clark City-County Board of Health Hearing Officer recommends the variance be granted.

Lewis and Clark City-County Board of Health Hearing Officer

Kammy Johnson, Hearing Officer

Based on the Recommendation of the Lewis and Clark City-County Board of Health Hearing Officer, the Lewis and Clark City-County Board of Health ratifies the recommendation of the Hearing Officer.

Lewis and Clark City-County Board of Health

Justin Murgel, Chairman Board of Health

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

4

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS Onsite Wastewater Regulation Variance Hearing, James Larson, 1045 Sierra Rd., Helena, MT 59602

PERSONNEL INVOLVED: Kammy Johnson, Hearing Officer

BACKGROUND The Board will ratify the hearings officer recommendation for variance to the Onsite Wastewater Regulation.

HEALTH DIRECTOR’S RECOMMENDATION: N/A

X ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Benish						
Bedell						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Ream						
St. Clair						



FINDINGS OF FACT
James Larson
VARIANCE REQUEST

On March 24th, 2020 a hearing was held before the Hearing Officer of the Lewis and Clark City-County Board of Health to consider granting a variance from the current regulations governing on-site wastewater treatment to James Larson. The applicant requested to install a replacement on-site wastewater treatment system at a site with less than 100 feet of separation from the 100-year floodplain.

Based on the record established at this hearing, the Lewis and Clark City-County Board of Health now make the following findings of fact:

1. The parcel was filed with the Lewis and Clark County Recorder on May of 1961.
2. The parcel is a total of 0.694 acres in size.
3. The lot within the Medos Acres Subdivision is served by on-site well and on-site wastewater treatment systems.
4. The on-site well is shared with Lot 4 of the Medos Acres Subdivision.
5. The parcel is currently undeveloped.
6. The original wastewater treatment system that served 1046 Sierra Road was installed prior to 1973
7. The on-site wastewater treatment system consisted of a metal tank. The tank has been removed by Mr. Larson. The drainfield size and location is unknown.
8. The parcel previously went through the variance process in 2016. The Board of Health approved the variance to the regulations for Section 4.3(1) Table 4A, Setback Distances.
9. The septic system was never permitted.
10. The northeast portion and western edge of the lot is covered by the 100-year floodplain.
11. The majority of the adjacent lot to the east is covered by the 100-year floodplain.
12. There are no off-site replacement areas available.
13. The soils at the proposed treatment system site are gravelly sands.
14. The proposed septic system will consist of a new 1000 gallon septic tank in addition to a 500 gallon dose tank.
15. The proposed replacement system will be sand lined, and pressure dosed, as required by the current Lewis and Clark County On-Site Wastewater Treatment Regulations.
16. Pressure dosed, sand lined wastewater treatment systems can be expected better treatment than standard gravity fed treatment fields.
17. The US Geological Survey estimates ground water level at this site to be in excess of 10 feet below ground surface.

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18. The proposed wastewater treatment system will be a minimum of 100 feet from all wells.
19. The proposed wastewater treatment system will be approximately 22 feet to 80 feet from the 100-year floodplain.
20. The Lewis and Clark County Floodplain Administrator has determined that a floodplain development permit is not required for this project.
21. The proposed replacement wastewater treatment system will not be elevated above the existing grade.

Based on the findings of fact, the Lewis and Clark City-County Board of Health now make the following conclusions of law:

1. The proposed onsite wastewater treatment system will not discharge any wastewater to ground surface, or to any state water;
2. The proposed onsite wastewater treatment system will not contaminate any actual or potential drinking water supply;
3. The proposed onsite wastewater treatment system will not cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
4. The proposed onsite wastewater treatment system will not cause a public health hazard by being accessible to persons or animals;
5. The proposed onsite wastewater treatment system will not violate any law or regulation governing water pollution or wastewater treatment and disposal;
6. The proposed onsite wastewater treatment system will not pollute, contaminate or degrade state waters;
7. The proposed onsite wastewater treatment system will not cause a nuisance due to odor, unsightly appearance or other aesthetic consideration;
8. Not granting this variance will result in undue hardship to the applicant;
9. Granting of this variance addresses extraordinary conditions that the applicant could not reasonably have prevented;
10. There are no reasonably feasible alternatives other than the variance granted;
11. The variance granted is not more than the minimum needed to address the extraordinary conditions.

Based on the facts and conclusions presented above, the Lewis and Clark City-County Board of Health Hearing Officer recommends the variance be granted.

Lewis and Clark City-County Board of Health Hearing Officer

Kammy Johnson, Hearing Officer

Based on the Recommendation of the Lewis and Clark City-County Board of Health Hearing Officer, the Lewis and Clark City-County Board of Health ratifies the recommendation of the Hearing Officer.

Lewis and Clark City-County Board of Health

Justin Murgel, Chairman Board of Health

Our mission is to improve and protect the health of all Lewis and Clark County residents.

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

5

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS: Health Officer's Report

PERSONNEL INVOLVED: Drenda Niemann, Health Officer

BACKGROUND: Ms. Niemann is providing a report on current Health Department issues.

HEALTH DIRECTOR'S RECOMMENDATION: N/A

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

March 26, 2020

Agenda Item No.

6

Minutes Board Member Discussion Staff & Other Reports Action Hearing of Delegation

AGENDA ITEMS: Public Comment

PERSONNEL INVOLVED: Public and Board Members

BACKGROUND: Time is allowed for public comment on matters not mentioned in the agenda within the Board of Health’s jurisdiction.

HEALTH DIRECTOR’S RECOMMENDATION: n/a

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**Attendance Record for the
Lewis & Clark City-County Board of Health**

FY 2020

	Jul	Aug	Sep	Oct	Nov/Dec	Jan	Feb	Mar	Apr	May	Jun
Bedell	O	X	X	X	X	T	X				
Berg	---	---	---	---	---	O	X				
Collins	X	O	X	O	O	O	O				
Eck	X	X	O	X	X	O	X				
Hunthausen	O	X	X	X	O	O	X				
Johnson	O	X	O	X	X	T	X				
Murgel	X	O	X	X	X	T	X				
Oliver	X	X	O	X	X	O	X				
Ream	O	X	X	X	X	O	X				
St. Clair	X	O	X	O	O	---	---	---	---	---	---

Legend:

X = Present

X_p = Present by phone

--- = Not a member of the board at that time.

O = Absent

* = No meeting held

P = Strategic Planning Session

T = Training

Andy Hunthausen-vice chair
County Commissioner
316 N. Park
Helena, Montana 59623
447-8304 (W) 447-8370 (Fax)
E-mail: ahunthausen@lccountymt.gov

(1)
Pleasure of L & C County Commission

Mayor Wilmot Collins
City Commissioner
316 N. Park
Helena, Montana 59623
447-8410 (W)
E-mail: wcollins@helenamt.gov

(2)
Pleasure of City of Helena Commission

Tyler Ream
Superintendent, Helena School Dist. No. 1
55 S. Rodney
Helena, Montana 59601
324-2001 (W)
E-mail: tream@helenaschools.org

(3,a)
Superintendent of Schools

Dr. Mikael Bedell
710 Madison Ave
Helena, MT 59601
208-630-3848 (c)
E-mail mbedell@sphealth.org

(3,b)
Term expires - June 30, 2022

Kammy Johnson
2030 Cromwell Dixon Ln
Ste F, PMB 202
Helena, MT 59602
799-3654 (W) 458-1956 (H) 439-0914 (C)
E-mail: kjohnsonmt@gmail.com

(3,c)
Term expires - June 30, 2021

Raymond Berg
PO Box 786
East Helena, MT 59635-0786
431-9861 (C)
E-mail: rberg7867@icloud.com

(3,d)
Pleasure of East Helena City Council

Brie Oliver
710 N. Davis St.
Helena, MT 59601
461-0784 (C)
E-mail: brie@hmhb-mt.org

(3,e)
Term expires - June 30, 2022

Justin Murgel- chair
903 East Groschell
East Helena, MT 59635
422-9928 (H)
E-mail: Justin.Murgel@PacificSource.com

(3,f)
Term expires - June 30, 2021

Jenny Eck
563 3rd Street
Helena, MT 59601
459-1082 (C)
E-mail: jennyeck4mt@gmail.com

(3,g)
Term expires - June 30, 2021

Updated June 2019

*"To Improve and Protect the Health of all Lewis and Clark County
Residents."*



LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH

1930 Ninth Avenue
Helena, MT 59601
PH 406.457.8900
Fax: 406.457.8990

MEMBERS

Jenny Eck	Term expires - June 30, 2021	Second Term
Justin Murgel	Term expires - June 30, 2021	First Term
Mikael Bedell	Term expires - June 30, 2022	First Term
Brie Oliver	Term expires - June 30, 2022	First Term
Kammy Johnson	Term expires - June 30, 2021	Second Term
Tyler Ream	Superintendent of Schools	
Andy Hunthausen	Pleasure of Lewis & Clark County Commission	
Mayor Wilmot Collins	Pleasure of Helena City Commission	
Raymond Berg	Pleasure of East Helena City Council	

MEETING DATES FOR FISCAL YEAR 2020

Scheduled for 1:00 p.m. in Room 330 of the City-County Building.

July 25, 2019

August 22, 2019

September 26, 2019

October 24, 2019

December 5, 2019

January 23, 2020

February 27, 2020

March 26, 2020

April 23, 2020

May 28, 2020

June 25, 2020