

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting
March 26, 2020**

Members Present by Zoom

Justin Murgel, chair
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins (Arrived at 1:36 p.m.)
Kammy Johnson
Jenny Eck
Brie Oliver
Dr. Mikael Bedell
Tyler Ream
Raymond Berg

Staff Present by Zoom

Drenda Niemann Laurel Riek
Jolene Helgersen Beth Norberg
Jacqueline Isaly
Eric Merchant
Kathy Moore
Frank Preskar
Jay Plant

Guests Present by Zoom

Emily Dunklee

Members Absent

Justin Murgel, chair, called the meeting to order at 1:00 p.m. A quorum was established. Introduction of board members, staff, and guests were made.

REVIEW OF AGENDA

No changes were made.

MINUTES

Mr. Murgel announced that approval of the February Board of Health minutes would be tabled until the May board meeting.

ACTION ITEM

Hearing Officer Recommendation, Ms. Sherry Partlow Variance:

Kammy Johnson, Hearing Officer, and Frank Preskar, Sanitarian, gave a brief account of the Partlow variance hearing held on March 24, 2020. Ms. Johnson recommended approval of the variance. She said the request met all of the Montana Department of Environmental Quality criteria for granting a variance. Mikael Bedell noted a grammatical error in section 1 of the variance conditions. In answer to a question from Raymond Berg, Ms. Johnson reported that the applicant said it would be a hardship if the variance were not granted because her property would be contaminated with surfacing sewage. Brie Oliver moved to ratify the hearing officer recommendation for approval. Tyler Ream seconded the motion. Mr. Berg abstained from voting. The motion carried 7-0.

Hearing Officer Recommendation, Mr. James Larson Variance:

Kammy Johnson, Hearing Officer, and Jay Plant, Sanitarian, gave a brief account of the Larson variance hearing held on March 24, 2020. Ms. Johnson recommended approval of the variance. She said the request met all of the Montana Department of Environmental Quality criteria for granting a variance. In answer to a question from Mr. Berg, Ms. Johnson and Mr. Plant said that the applicant's parcel had been approved for a variance requested by the previous owner in 2016. The applicant at that time had a year to complete the work on the property. The septic system was never permitted. The new owner, Mr. Larson, is now asking for the same variance. Mr. Plant explained that the proposed system would require a new

1000-gallon septic tank in addition to a 500-gallon dose tank. Brie Oliver moved to ratify the hearing officer recommendation for approval. After further board member discussion, Commissioner Andy Hunthausen made a motion to ratify the hearing officer's recommendation. Mr. Ream seconded the motion. Mr. Berg abstained from voting and explained that he knew the applicant in the previous variance, that this was his first variance approval, and that he wanted more information on the procedure. Commissioner Hunthausen requested that staff present an informational update on the variance process to the board as refresher. The motion carried 7-0.

HEALTH OFFICER'S REPORT

Drenda Niemann, Health Officer, addressed Governor Steve Bullock's March 26, 2020, directive implementing Executive Orders 2-2020 and 3-2020, extending closures and updating social distancing requirements and guidance (see Attachment "A"). Ms. Niemann announced that she would adopt the Governor's order and that it would supersede her March 16, 2020, Order of Health Officer. Mr. Murgel said that Ms. Niemann would not enact the Order of the Health Officer until after the Governor's news conference at 3:00 p.m. In answer to a question from Mr. Berg, Ms. Niemann said that her Order of the Health Officer would mirror the language of the Governor's order. Commissioner Hunthausen made a motion approving Health Officer Order matching the Governor's order. He asked Ms. Niemann to keep the Board informed. Mr. Berg seconded the motion. The motion carried 8-0.

Eric Merchant, Disease Control and Prevention Division Administrator, gave a COVID-19 situation update (see Attachment "B"). In answer to a question from Jenny Eck, Mr. Merchant said that, if a shelter has an active case of COVID-19, it will need to isolate the person from the rest of the people in the shelter (separate room and bathroom facility). All shelters should have a plan in place for isolation and avoiding contact. If the shelter has an open-bay living concept that could lead to direct contact, it would need to quarantine the facility. A COVID-19 Guidance for Homeless Shelters is available on the Health Department's COVID-19 web page.

There being no public comment, the meeting adjourned at 1.56 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary