

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
June 25, 2020**

Members Present by Zoom

Commissioner Andy Hunthausen, vice chair
Brie Oliver
Kammy Johnson (Arrived at 1:14 p.m.)
Dr. Mikael Bedell
Tyler Ream
Raymond Berg

Staff Present by Zoom

Drenda Niemann	Laurel Riek
Jolene Helgerson	Nathan Wellington
Jacqueline Isaly	Julie Bir
Eric Merchant	Beth Norberg
Kathy Moore	Jan Williams
Frank Preskar	Laura Hendley

Members Absent

Justin Murgel, chair
Mayor Wilmot Collins
Jenny Eck

Guests Present by Zoom

Mary Ann Dunwell, State Representative
Nicho Hash, Deputy County Attorney

Commissioner Andy Hunthausen, vice-chair, called the meeting to order at 1:00 p.m. A quorum was established. Introductions of board members, staff, and guests were made.

REVIEW OF AGENDA

Drenda Niemann, Health Officer, requested adding an additional action agenda item to discuss the cooperative agreement amendment between the Lewis and Clark Board of Health and Public Health and the State of Montana regarding work conducted by licensed establishments.

MINUTES

Ms. Niemann said that after reviewing the recording of the April 23, 2020, meeting, the health officer's report reflects what was originally written in the minutes. She would recommend changing the following: "Ms. Eck announced that if the Board would like to move forward with the plan as is and not go forward with the 2 motions," to read "Ms. Eck announced that if the Board would like to move forward with the plan as is and table the 2nd motion,". Raymond Berg was okay with the changes.

Commissioner Hunthausen asked if there were any corrections or additions to the May 28, 2020, minutes. There being none, the Board approved the minutes as written.

ACTION ITEM

Hearing Officer Recommendation, Larry & Laurie Chapman Variance:

Kammy Johnson, Hearing Officer, and Beth Norberg, Sanitarian, gave a brief account of the Chapman variance hearing held on June 23, 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. Mr. Berg moved to ratify the hearing officer recommendation for approval. Tyler Ream seconded the motion. The motion carried 6-0.

Hearing Officer Recommendation, Alec & Amy Vander Giessen Variance:

Kammy Johnson, Hearing Officer, and Frank Preskar, Sanitarian, gave a brief account of the Vander Giessen variance hearing held on June 23, 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 Commissioner Hunthausen, Mr. Preskar said that the applicant's new septic system would have a level 2 recirculating trickling filter. The required maintenance of that filter depends on which Department of Environmental Quality approved filter the applicant chooses. Mr. Ream moved to ratify the hearing officer recommendation for approval. Dr. Mikael Bedell seconded the motion. The motion carried 6-0.

E-Cigarette Sales Restriction: Ms. Niemann announced that the Department of Public Health and Human Services (DPHHS) made an announcement last week of a proposed rule to restrict the sale of all flavored e-cigarette products excluding tobacco flavors to the persons within the State of Montana. The goal of the rule is to protect the kids of Montana who are specifically targeted with flavored e-cigarette products and use these products at alarming rates. This proposed rule would make the Governor's emergency rule that expired on April 15, 2020, a permanent rule. Nathan Wellington, Community Health Promotion- Health Educator for Tobacco Use Prevention, discussed the Governor's e-cigarette emergency rule, Federal Tobacco 21 ruling, types of e-cigarettes cartridges, and the difference between the new rules vs. the old rule. He presented the Board of Health resolution in support of the DPHHS permanent E-cigarette flavor ban ruling (page 16 of the board packet). In answer to a question from Commissioner Hunthausen, Ms. Niemann said that the resolution is in support of DPPHS's ban on flavored e-cigarettes. Kammy Johnson made a motion to approve the resolution in support of the DPHHS permanent e-cigarette flavor ban ruling. Mr. Bedell seconded the motion. The motion carried 6-0.

Board Appointments for Fiscal Year 2021: Ms. Niemann enumerated the board positions that needed to be filled for FY 2021. The Board made the following appointments:

- Justin Murgel as board chair
- Commissioner Andy Hunthausen as vice-chair
- Kammy Johnson as board representative on the Water Quality Protection District Board
- Kammy Johnson as acting hearings officer

Mr. Ream made a motion to approve the board appointments for FY 2021. Brie Oliver seconded the motion. The motion carried 6-0.

Licensed Establishment Cooperative Agreement Amendment: Laurel Riek, Licensed Establishment Program Supervisor, said the purpose of the Cooperative Agreement between DPHHS and Lewis and Clark County Board of Health is to establish a payment schedule for maximizing the disbursement of funds to the BOH to support inspections of licensed establishments and to determine which optional programs the BOH will conduct. The amendment will facilitate reimbursement to Lewis and Clark Public Health for the COVID-19 related work conducted by licensed establishments in our jurisdiction. Ms. Oliver made a motion to approve the Licensed Establishment Cooperative Agreement Amendment. Ms. Johnson seconded the motion. The motion carried 6-0.

BOARD DISCUSSION

CONNECT Referral Update: Julie Bir, Regional CONNECT Referral Coordinator, gave a presentation on the CONNECT Referral System (see Attachment "A"). Ms. Bir gave an overview of the system, benefits for providers and clients, program upgrade, and FY 2021 goals.

HEALTH OFFICER’S REPORT

Ms. Niemann highlighted the State of Montana’s COVID-19 Map of current number of confirmed, active, and recovered cases, the number of hospitalizations, and deaths. Ms. Niemann announced that sentinel testing is occurring in Lewis and Clark County with emphasis on tourist communities. In answer to a question from Mr. Ream, Ms. Niemann said that PureView Health Center held three sentinel-testing events recently and all had no positives cases. Ms. Niemann also reviewed the Public Health COVID-19 dashboard. In answer to questions from Mr. Berg, Ms. Niemann said that the “Average number of direct contacts per positive case” question in our dashboard refers to the direct number of contacts contacted during a COVID positive case. Ms. Niemann continued to describe what a close contact is to a positive case. Eric Merchant, Disease Control and Prevention Division Administrator, will need to get back to Mr. Berg on what the reproductive rate of COVID-19 is in Lewis and Clark County. Mr. Merchant further described what a close contact means and the need for face masks. In answer to a question from Mr. Ream, Ms. Niemann said that a positive case’s contacts are considered a close contact 48 hours before symptoms.

Ms. Niemann read phase 2 of the Governor’s directive. She discussed the process that the licensed establishment program is following regarding requests for large events; presented the challenges the team is facing during the event review process, collaboration between the City of Helena Permit office and Public Health, joint messaging between the city and county, and collaboration between business communities and advocates. Ms. Niemann is requesting an Order of the Health Officer, in conjunction with the Lewis and Clark City-County Board of Health, to limit events and gatherings to no more than 250 people. Mr. Berg expressed his concerns that events of 250 is still too large and the need for mandatory face masks. In answer to a question from Mr. Ream, Ms. Niemann said that event planners would be required to come up with environmental controls to ensure their events do not exceed 250 people. Mr. Ream said that at his next meeting with Ms. Niemann they would discuss if a school is considered a gathering.

PUBLIC COMMENT

Maestro Scott of the Helena Symphony discussed the cancelation of symphony, his ongoing discussions regarding event planning with the Public Health Licensed Establishment Program, and his agreeance that now is not the time for large events in Helena. Maestro Scott would like to work with Public Health to come up with plans that will allow his events to move forward in the coming months.

Ms. Oliver commented that she is part of non-profit organization for childcare safety and Ms. Niemann has been supportive in taking questions to AMPHO who in turn has elevated those questions to the Governor’s office.

Zoom chat messages (see Attachment “B”).

The meeting adjourned at 2:51 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary

LEWIS AND CLARK CITY-COUNTY

BOARD OF HEALTH PUBLIC HEARING– MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 2:30 p.m.
June 25, 2020

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Raymond Berg

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Jolene Helgerson
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Guest Present by Zoom

Nicho Hash, Deputy County Attorney
Representative Mary Ann Dunwell

Commissioner Hunthausen opened the Public Hearing on the Regulations Governing Soil Displacement and Disposal at 2:51p.m.

PUBLIC HEARING

Kathy Moore, Environmental Services Division Administrator, said that today's hearing is to allow the public to comment on the proposed Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County, Montana. Ms. Moore said the U.S. Environmental Protection Agency has made some comments on the regulations. They are in support of the regulations. Ms. Moore read the summary of changes to the soil displacement regulations. Ms. Moore noted that the changes would be presented to the full board at their July meeting along with public comment. Board member comments can be emailed to Ms. Moore or Ms. Niemann. Public comment period is open until 5:00 p.m. June 26, 2020. The Regulations Governing Soil Displacement and Disposal is available to the public at the City County Building, 316 North Park, Room 230; East Helena City Hall Lead Education Office; by calling the Environmental Services Division at 406-447-8355; or emailing Ms. Moore at kmoore@lccountymt.gov

PUBLIC COMMENT

Mary Ann Dunwell thanked Ms. Moore for her excellent work.

The hearing adjourned at 3:07 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary