

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
September 23, 2021**

Members Present

Justin Murgel, chair
Dr. Mikael Bedell, vice chair
Commissioner Andy Hunthausen
Lisa Kaufman
Brie McLaurin
Katherine Weber
Rex Weltz

Staff Present

Drenda Niemann	Beth Norberg
Laurel Riek	Jay Plant
Kathy Moore	Valerie Stacey
A.C. Rothenbuecher	Joel Ebert
Dorota Carpenedo	Rae Brown
Jolene Helgerson	Dawn Sullivan
Damian Boudreau	

Members Absent

Mayor Wilmot Collins
Mayor Jamie Schell

Guests Present

Charles Lane, Deputy County Attorney
Brad Koon

Justin Murgel, Chair, called the meeting to order at 1:02 p.m. A quorum was not established.

REVIEW OF AGENDA

No changes were made. No public comment was given.

MINUTES

Mr. Murgel asked if there were any corrections or additions to the August 26, 2021 minutes. There being none, the Board approved the minutes as written. No public comment was given.

ACTION ITEMS

Variance Training: Kathy Moore, Environmental Services Division Administrator, provided variance training to the Board (see Attachment “A”). Ms. Moore highlighted what a variance is, the legal authority, and the variance process. No public comment was given.

Variance Request, Chris Gillette 2449 W. Shore Drive, Helena, MT: Beth Norberg, Lewis and Clark Public Health registered sanitarian, stated that Chris Gillette of 2449 W. Shore Dr., Helena, MT, is requesting a variance to Section 4.2 (1) of the 2020 Lewis & Clark On-Site Waste Treatment Regulations. Applicant is requesting the use of a sewage holding tank for year round use.

Ms. Norberg highlighted the staff report in the variance packet along with staff recommendation and conditions. All exhibits are found in the variance packet (on pages 6-18 of the board packet).

In answer to a question from Lisa Kaufman, Ms. Norberg stated that holding tank requirements do currently require annual pumping reports be submitted to the health department. The high water alarm will not be the only requirement to pump the septic tank. The high water alarm is just to inform the owner that that tank has reached about 75% capacity and that it's time to schedule the tank to be pumped out.

In answer to an additional question from Ms. Kaufman, Ms. Norberg stated the she is not aware of how much water is going into the holding tank and that the tank does not have a meter installed for that purpose.

Brad Koon, representing the applicant, announced that the Mr. Gillette does not have many options for a replacement system due to the size of his parcel and the surrounding wells and septic systems. Mr. Gillette and other neighboring landowners are working together to develop a community system on an adjacent property. Mr. Koon continued to say that the current system was installed quite a few years ago and the regulations have changed since the system was installed.

In answer to a question from the Kathy Moore, Mr. Koon stated that the hardship to his client would be that he would not be able to live in his home because his system is failing and there is no other viable wastewater system at this time.

In answer to a question from Mr. Murgel, Mr. Koon stated that Mr. Gillette does reside at his home full-time.

Mr. Murgel opened the variance for public comment. No public comment was given.

In answer to a question from Ms. Kaufman, Ms. Norberg stated that a variance would expire three years from the date of approval if the community system has not been completed. Ms. Moore added that we are limiting the life of this variance because an alternative system is potentially forthcoming, and if that community system is developed, we want to make sure that Mr. Gillette will hook up to that system and not use a holding tank. Mr. Koon added that it is the intent of Mr. Gillette to hook into the community system once it is approved by the Department of Environmental Quality. Ms. Norberg noted that as part of the variance condition, this variance will expire after 3 years. After the 3 years, the department will reevaluate the variance if needed.

After no further board member discussion, Commissioner Andy Hunthausen stated that based on the staff presentation and comments from the representative of the applicant, board member discussion, the Findings of Fact and Conclusions, and the recommended conditions, he moves to approve the variance to the regulations governing the onsite wastewater treatment and Lewis and Clark County as presented. Brie MacLaurin seconded the motion. Commissioner Hunthausen noted that this variance approval is the best option for the homeowner at this time until a long-term solution can be found. The rest of the board concurred. The motion carried 7-0.

BOARD MEMBER DISCUSSION

Air Quality Update: Jay Plant, Lewis and Clark City-County registered sanitarian, gave an update on air quality program (see Attachment "B"). Mr. Plant highlighted the history of the program, defined Particulate Matter 2.5 (PM 2.5), health effects of PM 2.5, described inversions, location of monitoring station, and past air quality conditions. No public comment was given.

Review COVID-19 Emergency Rules and Regulations: Ms. Niemann highlighted the COVID-19 HUB map of current numbers of confirmed, active, break through and recovered cases, daily new case incidences, weekly case incidences, test positivity rates, vaccine information and progress. No public comment was given.

Interlocal Agreement Update: Ms. Niemann announced that Interlocal Agreement negotiations are almost complete. The local governing body will consist of 2 county commissioners, 2 city commissioners, and

the mayor of East Helena. Final edits to the amendment of the Interlocal Agreement are being made and will go before the governing body for final approval.

Ms. Niemann announced that members of the Board of Health of Missoula County and Missoula City-County Health Department are drafting a letter asking the Governor of Montana to consider statewide restrictions to protect residents of the county from ongoing spread of the COVID-19 virus. In addition, to consider an executive order that allows some basic communication between public health and first responders when emergency response is need to a home with a COVID-19 positive individual. This communication is intended to keep the first responder safe from exposure. Ms. Niemann discussed the current limitations in notifying first responders to a known exposure to COVID-19. Ms. Niemann asked the Board to consider signing on to the draft letter by Board of Health of Missoula County and Missoula City-County Health Department. Ms. Niemann will send a copy of the letter to the Board for review.

Mr. Murgel asked if there was any public comment.

Heidi Keaster, a Helena resident, requested that the Board of Health reconsider signing on to the letter mentioned above which may add more COVID-19 restrictions in a health care setting.

Ms. Niemann described the process that the local governing body would have when reviewing and approving Public Health rules and regulations.

There being no public comment on items not mentions above, the meeting adjourned at 2:46 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary