

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
316 PARK AVENUE, HELENA, MONTANA 59624
Room 330
September 24, 2015**

Members Present

Anne Weber, chair
Dr. Maria Braman, vice-chair, by phone
Mayor Jim Smith
Commissioner Susan Good Geise
James Benish
Kent Kultgen
Scott St. Clair
Kammy Johnson

Staff Present

Melanie Reynolds Kayla Yager
Jolene Helgerson
Norman Rostocki
Drenda Niemann
Kathy Moore
Frank Preskar
Beth Norberg

Guests Present

Jason Cracker, Variance Applicant
Kristi Blazer, Attorney
Jason Grimmi, L&C County Sheriff's Office
Commissioner Andy Hunthausen, BoCC
Commissioner Mike Murray, BoCC
Eric Bryson, Chief Administrative Officer
Nichole Nisbet, BoCC Administration

Members Absent

Anne Weber, chair, called the meeting to order at 1:30 p.m. A quorum was established.

REVIEW OF AGENDA

Melanie Reynolds announced Julie Serstad's resignation from the Board of Health.

MINUTES

Ms. Weber asked if there were any corrections or additions to the July 23, 2015, minutes. The Board approved the minutes as written.

INTRODUCTION

Drenda Niemann, Community Health Promotion Division Administrator, introduced new WIC Aide Kayla Yager.

ACTION ITEMS

Hearing Officer Recommendation, Kirk Tiensvold: James Benish, hearing officer, gave a brief explanation of the Tiensvold variance hearing held on September 22, 2015, along with his recommendation (see Attachment "A") for approval. Environmental staff presented the Findings of Fact for Board review (see Attachment "B"). Mr. Benish stated that the request met all of the state Department of Environmental Quality criteria for granting a variance. Kent Kultgen moved to ratify the hearing officer recommendation for approval. Mayor Smith seconded the motion. Scott St. Clair and Commissioner Good Geise stated that they could not support the recommendation because they felt that condition number 4 requiring the applicant to have an existing septic system inspected annually is more stringent than the requirements of the On-Site Wastewater Regulations. The motion carried 6-2 with Mr. St. Clair and Commissioner Good Geise opposing the motion.

Variance Extension Request, Joe & Anita Duvall (Craig Bar): Frank Preskar, Sanitarian with the Environmental Services Division, presented the variance extension request for Joe and Anita Duvall (Craig Bar) (pages 9-13 of the board packet). Mr. Preskar stated that the requested variance was granted on October 4, 2007, with several conditions. One of those conditions was that the variance would not exceed three years. The property owner was unable to find an alternative solution within the three years, and the variance expired in 2010. The community of Craig has formed a water and sewer district. The District has been working toward the installation of a communitywide sewer system. The Duvalls are requesting to be allowed to retain the existing holding tank until the community system becomes available. Kristi Blazer, Attorney for the Duvalls and Jason Cracker, Manager of Craig Bar and a member of the Water and Sewer District Board, stated that the project is scheduled to go out for bid this winter, with construction beginning in the spring. Mayor Smith made a motion to approve the two-year variance extension for Joe and Anita Duvall. Commissioner Good Giese seconded the motion. The motion carried 8-0.

PRESENTATION

Kathy Moore, Environmental Services Division Administrator, presented the Draft Lewis and Clark County Onsite Wastewater Regulation (see Attachment "C"). Ms. Moore stated that, due to changes in the state rules governing onsite wastewater systems, some changes are needed to our county onsite wastewater regulations. Staff have reviewed the new state requirements and incorporated necessary changes into a draft document. Proposed changes to the regulations appear in red and blue in Attachment C.

ACTION ITEM

Ms. Moore presented the proposed timeline for the revision of the Onsite Wastewater Rules (page 15 of the board packet). Ms. Moore requested that the Board vote to open the formal public comment period beginning at today's board meeting and running to 5:00 p.m. on October 26, 2015. Mr. Kultgen made a motion to open the formal public comment period for the Onsite Wastewater Regulations starting today September 24, 2015, and running to 5:00 p.m. on October 26, 2015. Mayor Smith seconded the motion. The motion carried 8-0.

BOARD MEMBER DISCUSSION

Public Safety Initiative: Eric Bryson, Chief Administrative Officer for Lewis and Clark County, and Capt. Jason Grimmis with the Lewis and Clark Sheriff's Office gave a presentation on why Lewis and Clark County needs a new public safety facility (pages 18-23 of the board packet).

Finance Report: Norman Rostocki, Finance Coordinator, referenced the FY16 comparison to budget and cash flow for July 2015 through June 2016 (pages 24-26 of the board packet). Mr. Rostocki noted that the department is 17% of the way through its fiscal year. Total revenue to date is \$97,505, or 5% of the amount budgeted; actual expenditures are \$299,219, or 15% of the amount budgeted. Revenues are under expenditures by \$201,714; total ending cash is \$646,949.

Comments on Draft Rule: East Valley Controlled Groundwater Area: Ms. Reynolds presented the response letter from James Swierc, Hydrogeologist with the Lewis and Clark Water Quality District, to Bryan Gartland, Deputy Regional Manager for the Dept. of Natural Resources and Conservation, regarding the comments on Draft Rule: East Valley Controlled Groundwater Area (page 27 of the board packet).

Health Officer Report:

Public Health has hired Dr. Will Snider as its new medical director.

Public Health hopes to have a summary of both the 2015 Community Health Report and St. Peter's Hospital Community Health Assessment and survey for the community by October 19.

Ms. Reynolds will present the results of the Schlenker & McKittrick Architects Preliminary Architectural Report at the October board meeting.

Board appointments to the Water Quality Protection District and to PureView Board are still needed. Ms. Reynolds will send a follow-up email for volunteers.

On September 23, Public Health staff sent a surface transportation comment letter.

Environmental Services Division staff will give a presentation on non-attainment and air quality in Lewis and Clark County, possibly at the October board meeting.

Mike Henderson, Disease Control and Prevention Division Administrator, will retire in November. Staff will begin interviews for his position next week.

Ms. Niemann will be on medical leave for two weeks beginning October 1.

There being no public comment, the meeting adjourned at 3:19 p.m.

Anne Weber, Chair

Melanie Reynolds, Secretary