

Description	Gallatin City-County Board of Health, Courthouse Community Room, 311 W. Main, Bozeman, MT 59715		
Date	4/23/2015	Location	Board of Health
Time	Speaker	Note	
6:58:29 AM		Members Present: Robin Corey, Steve Custer, Becky Franks, Jane Mahlow, Gretchen Rupp, Joe Skinner, Buck Taylor, Carson Taylor Excused Member: Tracy Knoedler Staff: Amie Gatterdam, Matt Kelley, Toni Lucker, Tom Moore, Matt Rosenthal, Tim Roark, Dustin Schreiner, Theresa Sevareid, Jill Steeley,	
7:03:50 AM		Meeting called to order	
7:04:12 AM		Disclaimer for Audio Broadcasting	
7:04:31 AM		Public Comment on a Non-Agenda Item - none	
7:04:48 AM		Consent Agenda	
7:05:04 AM	Motion	Buck made a motion to adopt the consent agenda	
7:05:05 AM	Second	Steve seconded the motion	
7:05:08 AM	Vote	Roll Call: Robin - yes; Steve - yes; Becky - yes; Jane - yes; Gretchen - yes; Joe - yes; Buck - yes; and Carson - yes The motion passed.	
7:05:18 AM		Regular Agenda	
7:05:27 AM		Discussion and Decision on Updated Chapter 3	
7:05:50 AM	Gretchen Rupp, Chair	Gretchen noted that the process of updating the local health code is a formal, quasi-legislative process	
7:06:34 AM	Steve Custer	Steve summarized the work done by staff, the Environmental Health Subcommittee and the County Attorney in order to present the proposed Chapter 3 regulations to the full Board for consideration.	

7:07:59 AM		(Robin arrived)
7:08:31 AM	Matt Kelley	Matt presented PowerPoint slides regarding the proposed changes to Chapter 3.
7:11:43 AM		Matt reported that the most substantive change regards how we deal with obsolete or pre-1966 systems.
7:12:46 AM		To identify public health risk of a system, Matt described that the health department assesses the health risk of the pre-1966 systems utilizing the standards in the ARMs .
7:12:56 AM		Matt also described what leads to enforcement action and what leads to issuance of a permit of those pre-1966 systems.
7:13:30 AM	Tim Roark	Tim presented the specific proposed changes to Chapter 3, including:
7:14:17 AM		a) one-year extensions for permits are now allowed.
7:15:00 AM		b) Policies and procedures are in place to determine compliance with state regulations, especially floodplain regulations.
7:15:24 AM		c) Holding tanks are now allowed for seasonal use due to adopting treatment rules.
7:15:53 AM		d) Water meters and other measuring devices are required to see the amount of wastewater being generated out of a system.
7:16:31 AM		e) Recommend risers to the ground surface for ease of maintenance.
7:17:10 AM		f) The administrative procedures and general provisions are now separate documents.
7:17:30 AM		Tim discussed the stringency issues: The health department is allowed to be more stringent than the State regulations as long as a specific process is followed. Two areas have been identified where we are more stringent:
7:20:07 AM		The health department requires: 1) Pressure distribution for soils with percolation rates less than 10min/inch due to required pressure-dosed systems. The state recommends pressure distribution for soils with percolation less than 3min/inch.
7:21:30 AM		2) Registration of competency to be obtained by installers where the state is silent on this.
7:21:48 AM		To adopt these more stringent requirements, the board must comply with state requirement MCA 50-2-130
7:28:43 AM		Matt discussed the focus of evaluating health risk rather than categorical prohibitions against system components and the guidelines/criteria used for risk assessment.
7:28:43 AM		Discussion and Decision on New Fee Schedule in Chapter 3

7:31:02 AM	Matt Kelley	Matt described the proposed fee structure which has not been updated since 2009
7:32:08 AM		The vote today is to trigger the review process
7:32:22 AM	Tim Roark	Tim described the public hearing process requirements outlined in Chapter 1 of the Health Code.
7:34:18 AM	Gretchen Rupp	Gretchen called for public comment on this issue – none
7:34:37 AM		Gretchen noted that what the Environmental Health Subcommittee agreed to submit to the full Board is slightly different than what was received in the Board packets. She referred the Board to packet page 26G and requested that the Board move forward with a proposed update that does not include 3.2A.
7:35:27 AM	Tim Roark	Tim described the changes to state subdivision rules regarding prohibiting overlapping of mixing and well isolation zones.
7:36:18 AM		Board Discussion
7:36:21 AM	Buck Taylor	Buck asked about the registration of competency.
7:37:18 AM	Steve Custer	Steve asked Tim to describe for the Board the state regulation regarding when installers are to be tested
7:38:46 AM	Robin Cory	Robin asked about the fee structure that would continue in a deficit - why not charge what it costs?
7:40:08 AM	Carson Taylor	Carson asked Tim if there was any reticence from the owners of older systems that need to be replaced or have been unpermitted to come forward based on the fees? Would it be worthwhile for us to make it as easy as possible by not charging at the fee level we are talking about?
7:42:26 AM		Carson asked if we would discourage pre-1966 system owners from coming to us with this fee schedule or would lowering the fee by \$100 make a difference?
7:44:49 AM	Steve Custer	Steve added that we are not hunting for these pre-1966 systems and they come to our attention when the system fails or when selling the property. So he does not think the permit cost would stop the owner from obtaining a permit.
7:45:10 AM		(Buck had to leave)
7:46:20 AM	Becky Franks	Board discussion about subdivisions and testing requirements
7:53:35 AM	Tim Roark	Tim added that Lewis and Clark County has a maintenance district requiring septic pumping, etc. valley-wide with a trigger mechanism to test

7:56:57 AM	Steve Custer	Steve noted that the public can test own well; education program
7:57:43 AM	Tim Roark	Tim noted EHS could continue this conversation
7:57:58 AM	Gretchen Rupp	Gretchen added that the LWQD reports on groundwater quality and contamination and could present their findings to this Board.
7:59:38 AM	Gretchen Rupp	Gretchen will vote against this proposed fee schedule and discussed
8:01:18 AM	Jane Mahlow	Jane agreed and commented
8:01:41 AM	Becky Franks	Becky is interested in what Gretchen is saying regarding hiring more staff and wants to see the fee schedule in comparison.
8:02:09 AM	Robin Cory	Robin agrees - charge what it costs.
8:02:18 AM	Steve Custer	Steve is conflicted and commented.
8:03:02 AM	Joe Skinner	Joe disagrees with this thinking and commented
8:04:15 AM	Carson Taylor	Carson understands Joe's point and commented.
8:09:58 AM	Becky Franks	Becky asked Tim and Matt about the philosophy of the department regarding all fees we collect.
8:13:55 AM	Steve Custer	Steve commented about this philosophical discussion and agrees with the proposed fees.
8:17:22 AM	Matt Kelley	Matt added caution about creating a barrier
8:19:57 AM	Gretchen Rupp	Gretchen asked for clarification about what Matt spoke of regarding new systems
8:21:38 AM		More Board discussion regarding fees
8:24:30 AM	Joe Skinner	Joe commented about the county health mil
8:26:24 AM	Gretchen Rupp	Gretchen asked for Board decision.
8:27:40 AM	Steve Custer	Steve wants to approve the regulations and separate motion to deal with the fees
8:28:26 AM	Motion	Carson made a motion that draft proposal for amendments to Chapter 3 of the Gallatin City-County Health Code as presented to the Board by the Environmental Health Subcommittee be designated as a

		proposal and that the Health Officer initiate a Notice of Proposal and First Reading for adoption of the amendments to Chapter 3.
8:30:04 AM	Second	Steve seconded the motion.
8:30:20 AM	Discussion	Carson to support this motion as is
8:30:47 AM	Motion to amend	Carson moved to strike Section 3.2A related to well isolation and mixing zones
8:30:54 AM	Second to Amend	Steve seconded the motion to amend
8:31:34 AM	Vote on Motion to amend	Roll Call: Robin Corey - yes, Steve Custer - yes Becky Franks - yes, Jane Mahlow - yes, Gretchen Rupp - yes, Joe Skinner - yes, Buck Taylor - yes, Carson Taylor - yes Motion to amend was passed
8:31:37 AM	Carson Taylor	Carson discussed the good work to move forward
8:32:13 AM	Vote on the motion	Roll Call: Robin Corey - yes, Steve Custer - yes Becky Franks - yes, Jane Mahlow - yes, Gretchen Rupp - yes, Joe Skinner - yes, Buck Taylor - yes, Carson Taylor - yes Motion to approve the draft proposal passed
8:32:52 AM		Board discussion on the fee schedule continued
8:33:46 AM	Jane Mahlow	Jane will vote to accept fee schedule as is with the bigger question to be addressed at the budget process - how to come to terms with philosophical
8:34:51 AM	Motion	Joe moved to adopt the proposed fee schedule and move forward in public hearing
8:35:05 AM	Second	Becky seconded
8:36:02 AM	Carson	Carson will vote for the motion and made comment.

	Taylor	
8:38:22 AM	Joe Skinner	Joe feels reasonable, justifiable, and public will support.
8:38:54 AM	Gretchen Rupp	Gretchen to vote against, dispute double taxation in the city
8:39:57 AM	Vote	Roll Call: Robin Corey - yes, Steve Custer - yes Becky Franks - yes, Jane Mahlow - yes, Gretchen Rupp - no Joe Skinner - yes, Buck Taylor - yes, Carson Taylor - yes Fee structure motion passed
8:40:56 AM		Closed session for the Health Officer evaluation continued in another room after the meeting.
8:41:05 AM		Matt had 5th anniversary
8:41:48 AM		Strategic Plan Progress Report
8:42:00 AM	Jill Steeley	Provided the plan update to the Board
8:59:50 AM		Meeting Adjourned

Secretary

Date

Chair

Date