

Description	County Courthouse, 311 W. Main, Bozeman, MT - Third Floor, Community Room		
Date	08/04/2011	Location	Board of Health
Time	Speaker	Note	
6:48:23 AM		<i>Board Present:</i> Robin Cory, Berk Knighton, Brian Leland, Buck Taylor, Carson Taylor, Gretchen Rupp, <i>Excused:</i> Laura Larsson, Bill Murdock, Barbara Vaughn <i>Staff:</i> Matt Kelley, Emily Linker, Toni Lucker, Tim Roark, Liz Wildman <i>Public:</i> Wayne Urbonas	
7:04:05 AM		Meeting called to order	
7:04:36 AM		Disclaimer for Audio Broadcasting	
7:04:41 AM		Public Comment on a Non-Agenda Item	
7:04:59 AM		Consent Agenda	
7:05:22 AM	Motion	Robin made a motion to accept the minutes and contracts as written	
7:05:30 AM	Second	Buck seconded the motion.	
7:05:34 AM	Vote	Roll Call: Berk Knighton - yes Robin Cory - yes Gretchen Rupp - yes Carson Taylor - yes Brian Leland - yes Buck Taylor - yes The motion passed unanimously.	
7:05:44 AM		Regular Agenda	
7:05:46 AM		Authorization to File Lawsuit Against Korner Klub for Civil Penalty, Declaratory Judgment and Injunction	
7:05:56 AM		Matt reported on the status of conversations with Jerry Ritter and that there is no lawsuit pending, just keeping our options opened.	
7:07:54 AM	Chris Gray, Deputy County Attorney	Chris proposed to move forward with a lawsuit against the Korner Klub based on the fact they have no food license at this time. He requested authorization by the Board to file the action if necessary.	
7:09:19 AM		Matt responded to a Board question about who makes the decision to move to the next level. He expressed his wish to continue to make forward progress on this with the owner and would be in collaboration with Chris and the Board regarding decisions.	
7:10:43 AM		Tim responded to Board questions about the difference between an engineer and a site evaluator and, if needed, would an engineer have to be hired to design a system.	
7:12:31 AM		The Board expressed concern to Chris about the establishment operating without a license and the possible risk to the public.	
7:14:44 AM		The Board asked Chris to define injunction, declaratory judgment and civil penalty.	
7:16:47 AM		Board discussions about authorizing the attorney to file a lawsuit as a necessary step to move forward.	
7:17:46 AM		Matt shared the conversations he had with the owner, Mr. Ritter, about this action and Mr. Ritter understood. He continues to move forward with his site evaluator and	

		having discussions with the health department.
7:19:00 AM	Motion	Buck made a motion to authorize the Gallatin County-City Health Department to file lawsuit under Section 50.51 against the Korner Klub for civil penalty, declaratory judgment and injunction.
7:19:24 AM	Second	Brian seconded the motion.
7:19:28 AM		For the record, Chris corrected the legal section as Title 50, Chapter 50
7:19:39 AM	Amended Motion	Buck amended his motion to Chapter 50, section 50
7:19:47 AM	Second	Brian seconded the amended motion.
7:19:57 AM	Vote	<p><u>Roll Call:</u> Berk - yes Robin - yes Gretchen - yes Carson - yes Brian - yes Buck - yes</p> <p>The motion passed unanimously.</p>
7:20:23 AM		The Board asked Matt for an update on the MDOT sleeves under Jackrabbit.
7:24:25 AM		Water Subcommittee Update
7:24:31 AM		<p>Gretchen reported on the subcommittee meeting regarding the Idaho Pole data situation.</p> <p>A petition from the Board of Health to the Department of Natural Resources to shrink the controlled groundwater area is based on the third five-year review of recent site data. However, the Board is concerned that there is no information newer than 20 years regarding the magnitude, area or extent of subsurface contamination by petroleum hydrocarbons. The subcommittee will not ask the Board to go forward with a petition until the diesel information is known.</p> <p>The south end of the area has been substantially cleaned, the soil removed or land-farmed and cleaned up, and is considered ready for shrinkage of the controlled groundwater area. However, we do not know what is underground on the north side of the area.</p> <p>Resolution: The Idaho Pole representative will report to the company that the Board will not go forward with the petition without new data at the groundwater contamination plume to clarify the status of hydrocarbon contamination. Now awaiting Idaho Pole's decision regarding generating new data.</p>
7:28:26 AM		Gretchen discussed future considerations dependent upon Idaho Pole's decision.
7:29:37 AM		Board discussion regarding shrinking the south side and expanding the north side controlled groundwater area.
7:34:07 AM		Officer Nominations & Elections
7:34:24 AM		Carson asked Gretchen if she was willing to continue as chair for another year.
7:34:41 AM	Motion	Carson made a motion that the Board elects Gretchen as chair for the next year.
7:34:50 AM	Second	Robin seconded the motion.
7:34:57 AM	Vote	<p><u>Roll Call:</u> Berk - yes Robin - yes</p>

		Gretchen - abstained Carson - yes Brian - yes Buck - yes The motion passed.
7:35:18 AM	Motion	Brian made a motion to nominate Laura as vice-chair.
7:35:21 AM	Second	Carson seconded the nomination.
7:35:25 AM	vote	<u>Roll Call:</u> Berk - yes Robin - yes Gretchen - abstained Carson - yes Brian - yes Buck - yes The motion passed.
7:35:35 AM		Health Officer Report
7:35:40 AM		Matt introduced Emily Linker, the new program administrative assistant for the cancer program.
7:36:34 AM		Matt reported on other personnel issues: recruiting a social worker; funding available within next month of two for a sanitarian; and Jill Steeley starting September 6th as the Director of Human Services.
7:37:15 AM		Matt reported on the history of Lexley Acres. Things seemed to be progressing until Jerry Swenson, owner, notified the Health Department that he was seeking new counsel and pulled back the site evaluation. Matt will draft, for Board review, a proposed legal document to file in court. He asked for Board input.
7:39:42 AM		The Board asked Matt if he had received the site evaluation. Matt received a letter that dealt with only two of the 12 permits at the site but then they pulled back on that completely.
7:40:55 AM		The Board asked for clarification regarding the non-compliance issue of Lexley Acres. Matt reported that they are in non-compliance because they have 98-99 trailers with permits for only 50-65 trailers. A section of the trailer park is mixed residence and structures without septic permits. Dating back 15 years, there are 12-14 complaints having to do with surfacing sewage. The Lexley Acres file is thick and goes back a long way through many Health Officers trying to address the septic issues. The City of Belgrade system is within 500 feet, which is a potential solution.
7:43:46 AM		The Board asked if this will take the same route as the Korner Klub with an appeal? Matt reported that they had the right to appeal and did not, so this will not involve the Board in same way. Matt added that this is the second year that he has chosen not to validate their license.
7:44:39 AM		Meeting adjourned.

Secretary

Date

Chair

Date