

Description	Courthouse Community Room, 311 W. Main, Bozeman		
Date	08/23/2012	Location	Board of Health
Time	Speaker	Note	
6:54:16 AM		<p><i>Board Members:</i> Present: Robin Cory, Steve Custer, Becky Franks, Laura Larsson, Bill Murdock, Gretchen Rupp, Buck Taylor <i>Excused:</i> Berk Knighton, Carson Taylor <i>Staff:</i> Matt Kelley, Tom Moore, Nancy Rangel, Tim Roark, Jill Steeley <i>Public:</i> Rick Gale, Cody Kountz, Mark Westergaard</p> <p><i>These log notes provide only a part of the official record. The remainder of the official record is in the audio recording of the meeting. Section 2-3-212, MCA. The audio recording is available upon request.</i></p>	
6:54:16 AM		Meeting called to order	
7:02:22 AM		Disclaimer for Audio Broadcasting	
7:03:29 AM		Public Comment on a Non-Agenda Item - none	
7:03:44 AM		Consent Agenda	
7:03:58 AM		Steve had corrections to the August 7th, 2012 special meeting minutes, he was not listed as present nor absent and wanted to note that he was not at the meeting and should be excused.	
7:04:29 AM	Motion	Laura made a motion to approve the consent agenda.	
7:04:29 AM	Second	Buck seconded the motion.	
7:04:29 AM	Vote	<p><u>Roll call:</u> Robin - yes Steve - yes Becky - yes Laura - yes Bill - yes Gretchen - yes Buck - yes</p> <p>The motion passed.</p>	
7:04:29 AM		Regular Agenda	
7:04:29 AM		Variance Request 2012-003 Dayle Kountz	
7:04:29 AM		Staff Report & Questions by the Board	
7:05:01 AM		Tim explained the staff report regarding the variance request to install an elevated sand mound placed in fill material.	
7:05:13 AM		The variance request was posted in the August 12th & 22nd editions of the Bozeman Daily Chronicle.	
7:05:19 AM		Tim continued that the proposal is for two tracts created in 1989 for a total of 40 acres. The sites have not been reviewed by MDEQ because they are over 20 acres. The groundwater at this site comes to about 26 inches of ground surface; in 1994 the applicants brought in fill material and placed on the property in anticipation of a new septic system. Fill material was allowed in 1994 in certain circumstances; however the rules have changed since then and fill material is only allowed for replacement systems. The applicant proposes an elevated sand mound with 18 inches of sand combined with the 8 feet of fill to provide about 9-1/2 feet of	

		separation.
7:05:19 AM		A variance request is required because of high groundwater, fill material, no available public systems in the area and offsite easements are unpractical.
7:12:01 AM		Written Comments - none
7:13:11 AM		Comments by Petitioner and Questions by the Board
7:13:14 AM	Swearing In	Gretchen swore-in the commenters for the record.
7:13:50 AM		Mark Westergaard, Registered Site Evaluator, stated that the fill material has been in place for about 20 years and is about 8ft to the natural ground level and has had ample time to settle and verified that the soil type is silty loam.
7:15:31 AM		Cody Kountz, Applicant, said the fill was the natural soil that was removed from the riding arena and a test pipe was installed to monitor for groundwater. It had 108 inches of separation to groundwater on the mound.
7:16:36 AM		Gretchen had questions about the type of natural versus fill soil on the site plan and also asked how the infrastructure of the system will be protected from being driven over.
7:18:04 AM		Cody stated that he will put up barriers for protection as it is in his best interest to protect the system.
7:19:02 AM		Robin asked why it has taken so long for the applicant to apply for a septic.
7:19:17 AM		Cody stated that there were financial issues. They have also outgrown their port-a-potties and will possibly add overnight accommodations for the future.
7:20:37 AM		Steve asked about the use and capacity of the system.
7:21:14 AM		Cody said he is currently operating 15-20% of proposed capacity. He stated that if they have a large event he would close off the bathrooms and bring in port-a-potties as to not overload the system .
7:22:03 AM		Robin asked if the system would be used on a regular basis.
7:22:25 AM		Cody answered that there is a bathroom on the site that would be used and there is a proposed four bedroom house for the site .
7:22:54 AM		Gretchen asked about the property to the west which is not developed, any issues with the neighbors as the calculated mixing zone crosses that property line?
7:23:58 AM		Cody stated that he owns that property as well.
7:24:22 AM		Steve asked about rodent control -how do you plan to keep animals off the area?
7:24:54 AM		Cody stated that rodents don't seem to be a problem at this site possibly due to the groundwater.
7:26:33 AM		Cody asked about #4 of the staff recommendations - how far does the city services need to be before he has to hook up?
7:27:20 AM		Tim said the current regulations state 200' from property line and state regulations require 500' from property line.
7:28:05 AM		Closed Factual Record
7:28:15 AM		Board Deliberation and Decision
7:28:34 AM	Findings	Granting the variance will not: 1) Contaminate any actual or potential drinking water supply (ARM 17.36.922(2)(a)(i); 2) Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;

		<p>3) Cause a public health hazard by being accessible to persons or animals;</p> <p>4) Violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from;</p> <p>5) Pollute or contaminate state waters, in violation of MCA 75-5-605;</p> <p>6) Degrade state waters unless authorized pursuant to MCA 75-5-303;</p> <p>7) Cause a nuisance due to odor, unsightly appearance or there aesthetic consideration;</p> <p>8) Compliance with the requirement from which the variance are requested would result in undo hardship to the applicant;</p> <p>9) The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented;</p> <p>10) No alternatives that comply with the requirement are reasonably feasible; and</p> <p>11) The variance requested is not more than the minimum needed to address the extraordinary conditions.</p>
7:31:14 AM	Motion	Steve made a motion to approve the variance.
7:31:31 AM	Discussion	Board discussion to include staff recommendations.
7:33:40 AM	Second	Bill seconded the motion
7:33:40 AM	Vote	<p>Roll Call:</p> <p>Robin - yes</p> <p>Steve - yes</p> <p>Laura - yes</p> <p>Bill - yes</p> <p>Gretchen - yes</p> <p>Buck - yes</p> <p>Becky - yes</p> <p>Motion passed unanimously</p>
7:34:13 AM		Subcommittee Reports - subcommittee's have no reports
7:34:45 AM		Health Officer Report Matt reported that the department is very busy with back to school events and pertussis.
7:41:11 AM		Buck asked if health department staff are required to have the flu vaccine, if not wear a mask or take time off during an outbreak. Matt said there was no such requirement.
7:42:15 AM		Matt reported on the County budget process.
7:42:50 AM		Matt did not waive his right to privacy for his Health Officer Evaluation so the public session of the meeting adjourned.
7:42:50 AM		Meeting Adjourned

Secretary

Date

Chair

Date