

Description		
Date	09/23/2010	Location
		Board of Health
Time	Speaker	Note
6:56:45 AM		Members Present: Robin Cory, Brian Leland; Bill Murdock; Gretchen Rupp; Buck Taylor; Carson Taylor; Barbara Vaughn Excused Members: Berk Knighton; Laura Larsson Staff: Matt Kelley; Toni Lucker; Tom Moore; Tim Roark Public: Mark Westergaard, Liz Gibson, Kevin & Cathy Haggerty, Dave Odt, Tom Milesnick
7:03:03 AM		Meeting Called to order
7:03:21 AM		Disclaimer for Audio Broadcasting
7:03:45 AM		Public Comment on a non-agenda item - none
7:04:06 AM		Consent Agenda
7:04:15 AM		Board discussion regarding the effective date of the WIC contract.
7:05:31 AM		Board asked about the current case load of the Ryan White program
7:05:46 AM	Motion	Buck made a motion to accept the consent agenda
7:05:51 AM	Second	Barb seconded the motion.
7:05:53 AM	vote	Roll Call: Robin - yes Brian - yes Bill - yes Gretchen - yes Buck - yes Carson - yes Barb - yes The motion passed unanimously.
7:06:07 AM		Motion to authorize staff to work with EPA to draft petition language related to the Idaho Pole controlled groundwater use area.
7:06:18 AM		Brian discussed the issue with the Board. To begin development of the site, the first step is to reduce the controlled groundwater area
7:07:39 AM	Motion	Brian made a motion to ask staff to work with EPA to put together petition language to facilitate the reduction in the groundwater control area for the Idaho Pole Site.
7:07:55 AM	Second	Buck seconded the motion.
7:08:00 AM		Buck asked that the prepared language be brought to the Board for vote. Gretchen added that the language would come before the Wastewater Subcommittee before going to the Board.
7:08:28 AM	Vote	Roll Call: Brian - yes Robin - yes Carson - yes Bill - yes Gretchen - yes Buck - yes

		Barb - yes The motion passed unanimously.
7:08:50 AM		Variance Request #2010 - 007, Three Drakes and a Hen LLC
7:09:34 AM	Tim Roark	Staff Report
7:09:49 AM		The variance request was publicly noticed on Sept 12th and 22nd in the Daily Chronicle
7:10:07 AM		This is a variance request to install an elevated sandmound in an area of a 20-acre parcel with high groundwater - groundwater at the particular location reaches 47 inches of separation and the state requires 48 inches of separation.
7:12:11 AM		The Board asked questions related to the shortened mixing zone ; the location of a spring creek; when the parcels were formed and when the lot was purchased.
7:15:21 AM		Toni swore in Mark Westergaard.
7:15:29 AM	Mark Westergaard	Comments by Petitioner and Questions by the Board Mark represents one of the owners. He added more information about the site and made himself available for any questions from the Board.
7:17:15 AM		The Board asked questions about the locations of the site monitoring and what the owner knew about high groundwater on the property before being purchased.
7:18:20 AM		Elizabeth Gibson started to testify before being sworn.
7:18:26 AM	Elizabeth Gibson	Elizabeth provided her legal name and added that she is a resident and voter of Montana.
7:18:40 AM		Toni swore in two more commenters: Elizabeth Gibson & Tom Milesnick.
7:18:56 AM		Elizabeth continued that she purchased the property with several partners in 2005.
7:19:11 AM		The Board asked if the real estate agent indicated to her that there was a high groundwater table on the property, but Elizabeth commented she was not part of the inspection.
7:19:57 AM		Board questions continued about test pits and 250-feet of transmission lines.
7:22:56 AM		Public Comment
7:23:15 AM	Tom Milesnick	Mr. Milesnick represents Milesnick Ranch, Inc., and is an adjacent landowner. Mr. Milesnick is not opposed to the project other than that the mixing zone is on his property and the system is on his property line, which would negatively affect his property and any future projects he might plan. He has lived all his life on his property and knows the history of the area.
7:26:17 AM		The Board asked Mr. Milesnick if there was something he wanted the Board to do?
7:26:31 AM		Mr. Milesnick would like to see the system moved but was aware it might be difficult to find another spot. The Board was concerned that there may not be another location for the system and Mr. Milesnick noted it was progress and he respected property rights.
7:27:31 AM	Mark Westergaard	Mark discussed with the Board an alternative site that was more centrally located and with 45.5 inches to groundwater. He proposed to move the drainfield area to this location to help Mr. Milesnick.
7:28:50 AM		Gretchen noted re-engineering the system at this venue was not part of the

		process.
7:29:10 AM		Staff Comments
7:29:21 AM		Tim added that he received two phone calls from surrounding property owners asking for information only. There was no opposition.
7:29:42 AM		Written Comments
7:29:42 AM		No written comments were received.
7:29:53 AM		Questions from the Board The Board asked about the mixing zone modelling, why the previous owner did not submit a variance, and clarification of the BOH hearing procedure. Bill discussed moving the system away from the Milesnick property.
7:36:26 AM		Closed Factual Record
7:36:32 AM		Board Deliberation and Decision
7:36:40 AM		Buck discussed his inclination to vote down the variance and have the system re-engineered to satisfy Mr. Milesnick's concerns.
7:37:27 AM		Carson suggested to continue this hearing, re-engineer the plan and come before the Board with both plans. Board discussion.
7:38:27 AM		Brian shares Mr. Melesnick's concerns and discussed his thoughts regarding the mixing zone and assurances for maintenance of the system. Board discussion followed.
7:43:34 AM		Matt suggested the Board table the issue for the day, in the meantime, the applicants could make revisions to the plan if they wish, and the Board would return next month. If all are amenable to that. The applicant would like to hear where the Board stands at this point in time if the system was moved away from property line. The Department would work with the applicant in this case with no more fees involved.
7:44:55 AM		Gretchen queried the Board on how they would feel about this suggestion. Barb is inclined to approve the variance request as it is now. She is in favor of a continuance so the applicant can re-site the same system at a different location that does not affect Mr. Milesnick's property.
7:46:13 AM		Bill is inclined to table this hearing per Matt's suggestion and agrees with Barb. Moving the system closer to the house and more centrally located and closer to minimum requirements rather than hurting the adjacent land owner.
7:47:19 AM		Carson expressed his interest in approving the best system for the area. At this point, he would vote for the proposed plan and explained his reasons.
7:49:53 AM		Brian discussed his concern about on-going care for the system. He cannot support the variance proposal.
7:51:49 AM		Bill asked the Board about a motion to table this variance decision?
7:51:57 AM		Gretchen added that she is comfortable with the system as designed. At the same time, she discussed her concern with Mr. Milesnick's groundwater.
7:53:01 AM	Motion	Bill made a motion to table this decision today.
7:53:08 AM	Seconded	Carson seconded.
7:53:15 AM	Vote	Roll Call: Brian - yes Robin - yes

		Carson - yes Bill - yes Gretchen - yes Buck - yes Barb - yes The motion passed unanimously.
7:53:37 AM		The Board invited the applicant to re-submit another proposal if desired.
7:54:01 AM		The Board discussed supporting the applicant's re-submission with the new plan view map onto the consent agenda and with staff help.
7:54:57 AM		Health Officer Report
7:55:07 AM		Matt updated the Board: Hired a new public health nurse and a new WIC admin assistant; held a communicable disease (crypto) tabletop on September 8th with several partners; and received a HAN advisory of pertussis in Lake County.
7:56:57 AM		Buck provided an update to the West Yellowstone provider situation. Tuesday, Oct 1, Community Health Partners will provide medical services, 4 days a week through the end of 2010. An RFP for a 5-year provider has been distributed.
8:06:58 AM		Bill added that the County has money available for a West Yellowstone provider and suggested a letter from the Board to the Commission regarding the need.
8:09:37 AM		Wastewater Committee Update
8:09:45 AM		Gretchen reported to the Board on the results of the committee's work plan review.
8:15:41 AM		Barb asked if the County and/or the Board of Health have any liability when people get sick on an approved public place? She discussed education of realtors and banks to be aware of the septic system issue.
8:17:45 AM		Tim added that the LWQD is applying for a grant for an educational model to realtors, homeowner assoc, etc.
8:18:44 AM		Brian asked for an update on the state's proposed variance language change.
8:19:12 AM		Buck complimented staff on the provider story board to increase immunization rates in the county.
8:20:28 AM		Matt asked the Board to sign for the receipt of the ethics handbook.
8:20:52 AM		Brian noted that Salt Lake City is reviewing anti-idling ordinance to address their serious air quality issues.
8:21:49 AM		Meeting adjourned

Secretary

Date

Chair

Date