

# Gallatin City-County Health Department

[www.healthygallatin.org](http://www.healthygallatin.org)

## BOARD OF HEALTH AGENDA

January 19, 2017

7:00am

Gallatin County Courthouse Community Room  
Third Floor, 311 West Main, Bozeman, MT

*These minutes provide only a part of the official record. The remainder of the official record is in the audio recording of the meeting per Section 2-3-212, MCA. The audio recording is available online at [www.healthygallatin.org](http://www.healthygallatin.org).*

*Board Members Present:*

[Board Member - Steve Custer: Present](#)  
[Board Member - Mari Eggers: Present](#)  
[Board Chair - Becky Franks: Present](#)  
[Board Member - Laura Larsson: Absent](#)  
[Board Member - Jane Mahlow: Present](#)  
[Board Member - Chris Mehl: Present](#)  
[Board Member - Joe Skinner: Present](#)  
[Board Vice-Chair - Buck Taylor: Absent](#)  
[Board Member - Seth Walk: Present](#)

*Excused Members:* Laura Larsson and Buck Taylor

*Staff Present:* Lori Christenson, Laura Finley, Matt Kelley, Tracy Knoedler, Brittney Krahn, Toni Lucker, Tom Moore

*Public:* Geoff Hammond, Allan Lien, Connie Lien, Ben Rankin, Mark Westergaard

[07:04:56 AM \(00:00:00\)](#)

### A. Call to Order

### B. Disclaimer for Audio Broadcasting

[07:05:17 AM \(00:00:21\)](#)

### C. Public Comment on a Non-Agenda Item

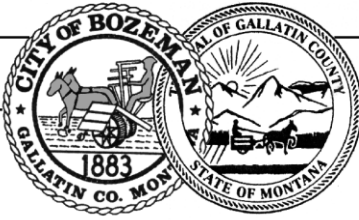
No public comment

[07:05:29 AM \(00:00:33\)](#)







### D. Consent Agenda

Matt suggested the Board pull the Patagonia contract from the consent agenda, not vote today and open for comment or questions. This would continue to the January 26 Board meeting due to a minor problem in the public notice.

Matt also suggested bypassing the resolution supporting access until the January 26 meeting, again due to glitches in the public notice.



## Gallatin City-County Health Department

1. Board Meeting Minutes - December 15, 2016 
2. Contracts
  - a. Patagonia Health Agreement (Electronic Medical Record)   
  - b. Healthy Montana Families Amendment #1, DPHHS Task Order 17-07-5-41-174-0 
  - c. HIV Treatment Program, DPHHS Task Order 17-07-4-51-110-0 

[07:06:43 AM \(00:01:47\)](#)

**MOTION:** Chris Mehl made a motion to approve consent agenda items 1, 2b and 2c and open and continue 2a until next week, the 26<sup>th</sup>.

[07:06:53 AM \(00:01:57\)](#)

**SECOND:** Jane Mahlow seconded the motion.

[07:07:01 AM \(00:02:05\)](#)

**VOTE:**

[Board Member - Chris Mehl: Motion](#)  
[Board Member - Jane Mahlow: 2nd](#)  
[Board Member - Steve Custer: Approve](#)  
[Board Member - Mari Eggers: Approve](#)  
[Board Chair - Becky Franks: Approve](#)  
[Board Member - Laura Larsson: Absent](#)  
[Board Member - Jane Mahlow: Approve](#)  
[Board Member - Chris Mehl: Approve](#)  
[Board Member - Joe Skinner: Approve](#)  
[Board Vice-Chair - Buck Taylor: Absent](#)  
[Board Member - Seth Walk: Approve](#)

**Motion carried**

[07:07:08 AM \(00:02:12\)](#)

Becky invited questions from the Board regarding the Patagonia Health Agreement and noted Erin Arnold, Deputy County Attorney, was present to answer any contract questions.

[07:07:28 AM \(00:02:32\)](#)

Erin noted she helped to negotiate the agreement so is comfortable with the terms and how they are presented to the Board and available to answer any questions from the Board.

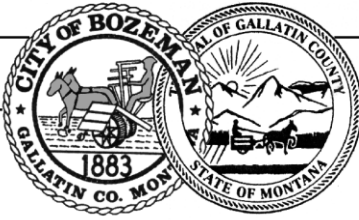
[07:08:16 AM \(00:03:20\)](#)

Seeing no questions, Becky noted this contract, as well as the resolutions, will be presented at the January 26<sup>th</sup> Board of Health meeting at 7:30am in the education room at the health department.

[07:08:33 AM \(00:03:37\)](#)

**E. Regular Agenda with Public Comment**

1. Resolutions Supporting Access to Affordable Health Insurance for Montanans  



## Gallatin City-County Health Department

To be presented at the January 26<sup>th</sup> Board of Health meeting at 7:30am in the education room at the health department.

### 2. Variance Request 2016-009, Jeff Pfeil

[07:08:38 AM \(00:03:42\)](#)

*Staff Report*

Tom Moore, of Gallatin City-County Health Department, noted for the record that public notice published in the Chronicle on January 8 and 18<sup>th</sup>

Tom presented the variance requested for separation from ground water.

[07:13:57 AM \(00:10:45\)](#)

Matt summarized and noted the owner appears to be following the rules for proper permits

[07:16:27 AM \(00:13:15\)](#)

*Questions by the Board*

Steve Custer asked if Black Bull is a private or a public utility.

[07:17:06 AM \(00:12:10\)](#)

Becky Franks introduced Mari Eggers, the newest member of the Board of Health

[07:17:18 AM \(00:14:07\)](#)

Mari asked for clarification – is the owner proposing to move the septic system?

[07:18:51 AM \(00:13:55\)](#)

Chris Mehl asked if the department received anything in writing from Black Bull **and for the future, asked staff to attach written letters to the report since one of the criteria is 'no alternative to comply.'** Tom read the letter into the record.

[07:20:20 AM \(00:15:24\)](#)

Chris asked for the record about staff recommendation #3, emphasizing the proper abandonment of the existing well prior to expansion.

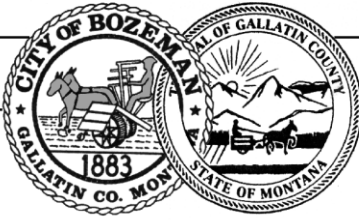
Chris continued with staff recommendation #4 about the five-year extension and asked if staff would perform an inspection at that time or automatically reissue a permit?

[07:21:43 AM \(00:16:47\)](#)

Becky asked for clarification about Black Bull's role in authorizing hook up since this is the Four Corners Water District

[07:22:01 AM \(00:17:05\)](#)

Steve expressed his concern about the Black Bull letter – a public system near a hook up site yet stalled in that area. Tom described the usual municipal hook up is located in the street.



## Gallatin City-County Health Department

[07:23:00 AM \(00:18:04\)](#)

*Comments by Petitioner*

Ben Rankin, PE at C&H Engineering, sworn in and summarized the variance request and added the property owner plans to remove the existing well or converting it to a livestock well.

[07:24:42 AM \(00:19:46\)](#)

*Questions*

Steve asked Mr. Rankin of his knowledge that an unused well must be abandoned per state regulations and Mr. Rankin is aware of that.

[07:25:13 AM \(00:20:17\)](#)

*Written Comments read by the Chair*

No written public comments received

[07:25:24 AM \(00:20:28\)](#)

*Public comment*

None

[07:25:41 AM \(00:20:45\)](#)

*Questions by the Board*

No questions

[07:25:50 AM \(00:20:54\)](#)

*Factual record closed, Board deliberation and decision*

[07:26:15 AM \(00:21:19\)](#)

Seth noted the groundwater in the area is a product of both natural and agriculture runoff and asked Steve if this is an issue with continued agriculture use in the area?

[07:27:42 AM \(00:22:46\)](#)

Steve expressed his sadness that the property owner has to move the well that was installed in the wrong location years ago.

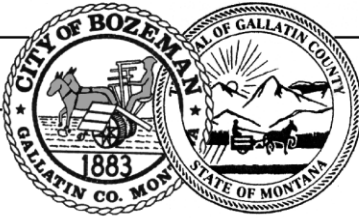
[07:28:10 AM \(00:23:14\)](#)

Seth added that the water level should drop with less agriculture use.

[07:28:22 AM \(00:23:26\)](#)

**Motion: Jane moved to accept the Variance Request 2016-010 based on following criteria:  
The Gallatin City-County Board of Health acknowledges that**

**1) Granting the variance will not**



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- Contaminate any actual or potential drinking water supply, ARM 17.36.922(2)(a)(i);
  - Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans, ARM 17.36.922(2)(a)(ii);
  - Cause a public health hazard by being accessible to persons or animals, ARM 17.36.922(2)(a)(iii);
  - 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, ARM 17.36.922(2)(a)(iv);
  - Pollute or contaminate state waters, in violation of 75-5-605, MCA, ARM 17.36.922(2)(a)(v);
  - Degrade state waters unless authorized pursuant to 75-5-303, MCA, ARM 17.36.922(2)(a)(iv);  
or
  - Cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration; ARM 17.36.922(2)(a)(vii) ;
- 2) Compliance with the requirement from which the variance is requested would result in undue hardship to the applicant, ARM 17.36.922(2)(b);
  - 3) The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented, ARM 17.36.922(2)(c);
  - 4) No alternatives that comply with the requirement are reasonably feasible, ARM 17.36.922(2)(d); *and*
  - 5) The variance requested is not more than the minimum needed to address the extraordinary conditions, ARM 17.36.922(2)(e).

[07:30:15 AM \(00:25:19\)](#)

Becky brought to Jane's attention that Jane referred to this variance request as 2016-010; did Jane mean to say **variance request 2016-009**?

[07:30:35 AM \(00:25:39\)](#)

**Second**

Chris seconded the motion

[07:30:41 AM \(00:25:45\)](#)

Matt asked if the motion needed to specifically state 'the conditions set forth by the staff in the staff write-up.'

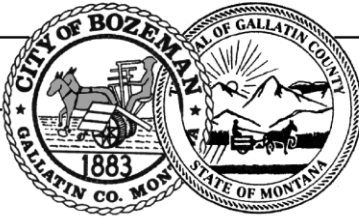
[07:30:52 AM \(00:25:56\)](#)

Erin recommended a motion to include the conditions and suggested the Board adopt the staff findings proposed for the criteria as the basis to support the motion.

[07:31:09 AM \(00:26:13\)](#)

**Amended motion:** Jane accepted the Deputy County Attorney's suggestion as an amendment to the motion

[07:31:17 AM \(00:26:21\)](#)



## Gallatin City-County Health Department

**Second: Chris seconded the amended motion.**

**Vote:**

[Board Member - Jane Mahlow: Motion](#)

[Board Member - Chris Mehl: 2nd](#)

[Board Member - Steve Custer: Approve](#)

[Board Member - Mari Eggers: Approve](#)

[Board Chair - Becky Franks: Approve](#)

[Board Member - Laura Larsson: Absent](#)

[Board Member - Jane Mahlow: Approve](#)



[Board Member - Chris Mehl: Approve](#)

[Board Member - Joe Skinner: Approve](#)

[Board Vice-Chair - Buck Taylor: Absent](#)

[Board Member - Seth Walk: Approve](#)

Motion carries

**3. Variance Request 2016-010, Geoff Hammond**  

[07:32:26 AM \(00:29:15\)](#)

*Staff Report*

Tom Moore noted for the record that public notice published in the Chronicle on January 8 and 18<sup>th</sup> and no public comments received.

Tom presented the variance requested for separation from ground water.

*Questions*

[07:34:57 AM \(00:30:01\)](#)

Steve asked how one works out the system size for the commercial part of the property.

[07:36:43 AM \(00:31:47\)](#)

*Comments by Petitioner*

Mark Westergaard, site evaluator, and Jeff Hammond, property owner, sworn in and Mr. Westergaard described the variance.

*Questions*

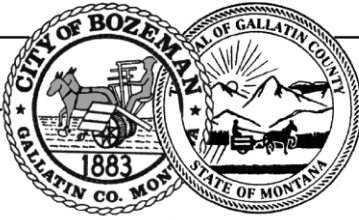
[07:38:39 AM \(00:33:43\)](#)

Steve asked if clients coming through the business would affect the volume to the system.

[07:39:49 AM \(00:34:53\)](#)

*Public comment*

Mr. Al Lein, 8507 Huffine Lane, sworn in and he commented on the area.



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[07:44:33 AM \(00:39:37\)](#)

Steve asked Mr. Lein for clarification about the gravel layer in the area.

### *Staff Comments*

[07:45:28 AM \(00:40:32\)](#)

Tom agreed with Mr. Lein about the irrigation factor and noted the sandmound will be effective.

### *Petitioners Rebuttal*

[07:45:59 AM \(00:41:03\)](#)

Mr. Westergaard reiterated that irrigation is huge factor in the area.

### *Questions by the Board*

[07:46:22 AM \(00:41:26\)](#)

Seth asked Mr. Westergaard what time of year monitoring of the wells took place.

[07:47:20 AM \(00:42:24\)](#)

### *Factual Record Closed, Board Deliberation and Decision*

[07:47:57 AM \(00:44:45\)](#)

**MOTION:** Joe moved to approve this application from Geoff Hammond to grant a variance to install a septic system with less than 48-inches of separation with staff suggested conditions and would incorporate staff report into findings and find that with 36" of sand there will be 5.25-inches of separation, which should not:

**Contaminate any actual or potential drinking water supply, ARM 17.36.922(2)(a)(i);**

**Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans, ARM 17.36.922(2)(a)(ii);**

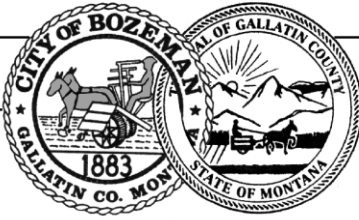
**Cause a public health hazard by being accessible to persons or animals, ARM 17.36.922(2)(a)(iii);**

**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, ARM 17.36.922(2)(a)(iv);**

**Pollute or contaminate state waters, in violation of 75-5-605, MCA, ARM 17.36.922(2)(a)(v);**

**Degrade state waters unless authorized pursuant to 75-5-303, MCA, ARM 17.36.922(2)(a)(iv);**  
**or**

**Cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration; ARM 17.36.922(2)(a)(vii) ;**



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- 2) Compliance with the requirement from which the variance is requested would result in undue hardship to the applicant, ARM 17.36.922(2)(b) – *it would eliminate or minimize the plans that he has for his family and his business;*
- 3) The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented, ARM 17.36.922(2)(c) – *the existing high groundwater is not the fault of the landowner, it is naturally occurring and presents a problem for him;*
- 4) No alternatives that comply with the requirement are reasonably feasible, ARM 17.36.922(2)(d); *and*
- 5) The variance requested is not more than the minimum needed to address the extraordinary conditions, ARM 17.36.922(2)(e).

[07:49:49 AM \(00:44:53\)](#)

**SECOND:** Chris Mehl seconded the motion

[07:50:01 AM \(00:45:05\)](#)

**VOTE:**

[Board Member - Joe Skinner: Motion](#)  
[Board Member - Chris Mehl: 2nd](#)  
[Board Member - Steve Custer: Approve](#)  
[Board Member - Mari Eggers: Approve](#)  
[Board Chair - Becky Franks: Approve](#)  
[Board Member - Laura Larsson: Absent](#)  
[Board Member - Jane Mahlow: Approve](#)  
[Board Member - Chris Mehl: Approve](#)  
[Board Member - Joe Skinner: Approve](#)  
[Board Vice-Chair - Buck Taylor: Absent](#)  
[Board Member - Seth Walk: Approve](#)

Motion carries

[07:50:35 AM \(00:45:39\)](#)

### 1. **Progress Report on 2013 Strategic Plan**

Matt communicated to the Board about the plan to meet on January 26 to consider the Patagonia contract and two Board resolutions; then move to the Baxter Hotel for a half-day retreat with staff to identify broad goals and priority areas for the strategic plan.

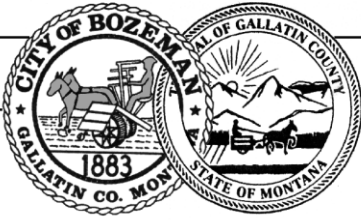
Matt discussed the progress on the work detailed in the 2013 strategic plan and distributed a summary report of that work put together by Stefanie Tassarò.

Matt noted he would email the summary document created from the survey results taken by staff and the Board to inform the Board members for the upcoming strategic planning meeting. Matt also let the Board know he is open to feedback on how to move this process forward and to feel free to give him a call.

[07:56:18 AM \(00:51:22\)](#)

### F. **Health Officer Report**





## Gallatin City-County Health Department

- a) Matt thanked Erin and Tracy for helping to move through negotiations with the Patagonia contract.
- b) Legislature is happening and Matt will be putting more of his attention towards this during the next couple of weeks as there is legislation to legalize raw milk, primary seat belt laws and reacting to the Helena activity
- c) Matt introduced Mari Eggers as new Board member.

[07:58:17 AM \(00:53:21\)](#)

Mari introduced herself.

[07:59:48 AM \(00:56:36\)](#)

Matt noted that the Board might want to add Mari to the Environmental Health Subcommittee with Buck volunteering to give up his part.

[08:00:46 AM \(00:57:35\)](#)

Meeting adjourned

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Secretary

Date

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Chair

Date