REVISED
BOARD OF HEALTH
AGENDA
July 28, 2016
7:00am
Courthouse Community Room,
Third Floor, 311 West Main

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

Board Members Present:
Board Member - Richard Damon: Present
Board Member - Steve Custer: Present
Board Chair - Becky Franks: Present
Vice-Chair - Buck Taylor: Present
Board Member - Jane Mahlow: Present
Board Member - Joe Skinner: Present
Board Member - Laura Larsson: Present
Board Member - Chris Mehl: Absent
Board Member - Seth Walk: Present

Excused Board Member: Chris Mehl

Staff Members Present: Laura Finley, Matt Kelley, Toni Lucker, Tracy Knoedler, Larisa Hammond, Brittney, Nelson, Nancy Rangel, Tim Roark, Theresa Sevareid, Dustin Schreiner

Public Present: John Brueggerman, Eric Dietrich, Justin Houser, Carlie Mangold, Mace Mangold, Ned Miller, Craig Stewart, Martie Stewart, Lindsey Taylor, Craig Woolard

A. Call to Order 06:59:51 AM (00:00:07)

B. Disclaimer for Audio Broadcasting 07:00:13 AM (00:00:29)

At this point, Becky gave a special thanks to Tim Roark for his 23 years of service of which 19 years he was the director of the Environmental Health Services Department. 07:00:35 AM (00:00:51)

C. Public Comment on a Non-Agenda Item 07:01:25 AM (00:01:40)

No public comment

D. Consent Agenda 07:01:35 AM (00:01:51)

1. Environmental Health Subcommittee Meeting Minutes for May 3, 2016
2. Budget Subcommittee Meeting Minutes for May 25, 2016
3. Board Meeting Minutes for May 26, 2016
4. Contracts
Matt suggested the Board pull the New WIC Belgrade Lease from the consent agenda 07:02:10 AM (00:02:26)
Jane Mahlow requested to pull the Deputy Medical Officer Contract from the consent agenda for discussion. 07:02:24 AM (00:02:40)

Motion and Vote 07:02:36 AM (00:02:52)

Buck Taylor made a motion to accept the consent agenda as presented in the board packet without the Deputy Medical Officer contract and the new WIC Belgrade Lease

Dick Damon seconded the motion .07:02:45 AM (00:03:01)

Board Vice-Chair - Buck Taylor: Motion
Board Member - Richard Damon: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Board Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Chris Mehl: Absent
Board Member - Laura Larsson: Approve

The motion passed unanimously.

Belgrade Lease discussion 07:02:58 AM (00:03:14)

Motion and Vote 07:03:45 AM (00:04:01)

Buck made a motion to authorize the Health Officer to expend on the Belgrade lease as described and allow him to finalize the particulars of the lease
Board Vice-Chair - Buck Taylor: Motion
Board Member - Richard Damon: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Board Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Chris Mehl: Absent
Board Member - Laura Larsson: Approve

The motion passed unanimously.

Deputy Medical Officer Discussion 07:04:16 AM (00:04:32)

Motion and Vote 07:05:45 AM (00:06:01)
Buck made a motion to accept the contract for Deputy Medical Officer with Dr. Mark Winton
Dick seconded the motion 07:05:53 AM (00:06:09)

Board Vice-Chair - Buck Taylor: Motion
Board Member - Richard Damon: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Board Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Chris Mehl: Absent
Board Member - Laura Larsson: Approve

The motion passed unanimously.

E. Regular Agenda 07:06:12 AM (00:06:28)

1. Discussion and Decision regarding the Appeal by Craig and Martie Stewart of the Health Officer’s May 17, 2016 Denial of the On-Site Wastewater Treatment System Application for 215 Valley Drive, Bozeman, Montana – Appellant Documents - Health Officer Documents

Discussion between Board Chair and Deputy County Attorney 07:07:43 AM (00:07:59)

a. Appellant Presentation 07:11:07 AM (00:11:23)
Testimony by Craig Stewart, Martie Stewart and Ned Miller

b. Health Officer Presentation 07:28:53 AM (00:29:09)
Testimony by Health Officer
c. Public Comment 07:54:36 AM (00:54:52)

There was no public comment.

d. Health Officer Rebuttal 07:54:59 AM (00:55:15)

Discussion between Board Chair, Health Officer, and Deputy County Attorney. No rebuttal provided by Health Officer.

e. Appellant Rebuttal 08:02:13 AM (01:02:29)

Rebuttal by Craig Stewart and Ned Miller.

Board Discussion and Questions 08:11:51 AM (01:12:07)

08:21:35 AM (01:21:51) Discussion between Board Chair and Deputy County Attorney.


08:31:46 AM (01:32:02) Discussion between Board Chair and Deputy County Attorney.

08:33:06 AM (01:33:22) Board discussion continued.

08:35:31 AM (01:35:47) Motion and Vote

Dick made a motion that the Board considers all of the evidence and documentation that has so far been presented.

08:35:43 AM (01:35:59) Seth seconded the motion.

Board Member - Richard Damon: Motion
Board Member - Seth Walk: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Laura Larsson: Approve
Board Member - Chris Mehl: Absent
Board Member - Seth Walk: Approve

Discussion 08:36:52 AM (01:37:07)

Amended Motion 08:36:38 AM (01:36:54)

Dick amended his motion that the Board accepts Exhibit 1 as public comment.

Seth seconded the motion 08:36:55 AM (01:37:11)

Board Member - Richard Damon: Motion
Board Member - Seth Walk: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Laura Larsson: Approve
Board Member - Chris Mehl: Absent
Board Member - Seth Walk: Approve

Discussion 08:37:02 AM (01:37:18)
There was no discussion.

Motion Carries 08:37:08 AM (01:37:24)

Board Discussion 08:38:15 AM (01:38:30)

Factual Record Closed 08:48:49 AM (01:49:04)

Board Deliberation and Decision 08:48:59 AM (01:49:14)
Discussion between Board member and Deputy County Attorney. 08:49:10 AM (01:49:26)
Board Deliberation continued 08:50:27 AM (01:50:42)
Discussion between Board Chair and Deputy County Attorney 09:20:22 AM (02:20:37)
Board Deliberation continued. 09:21:58 AM (02:22:14)

Motion and Vote 09:25:49 AM (02:26:05)
Laura made a motion in regards to applicants of the appeal, Craig and Martie Stewart, dated July 28, 2016, the applicants living at 215 Valley Drive.

Having reviewed and considered the staff materials, appellant materials, testimony and public comment, I hereby move to affirm the determination of the Health Officer to deny the onsite wastewater treatment system application by Craig and Martha Stewart.

I support the motion because I believe the following criteria have been satisfied:

a. We have testimony that the city is willing to connect to 215 Valley Drive;
b. Craig and Martie Stewart is within 200 feet of that system;
c. The public system is not physically or economically impractical

Steve Custer seconded the motion 09:27:27 AM (02:27:43)

Further discussion regarding the motion 09:27:35 AM (02:27:51)

Board Member - Laura Larsson: Motion
Board Member - Steve Custer: 2nd
Board Member - Richard Damon: Disapprove
Board Member - Steve Custer: Disapprove
Board Chair - Becky Franks: Approve
Board Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Disapprove
Board Member - Chris Mehl: Absent
Board Member - Laura Larsson: Approve
Board Member – Seth Walk: Disapprove
Four vote in favor of the motion and four disagree: tie vote

Discussion between the Board and the Deputy County Attorney 09:30:38 AM (02:30:54)

The appeal failed and the Health Officer’s decision stands.

Board discussion 09:30:48 AM (02:31:04)

10-minute break

09:45:34 AM (02:42:01) Board chair re-opened the meeting

2. Discussion and Decision regarding the Appeal by Mace Mangold of the Health Officer’s May 17, 2016 Denial of the On-Site Wastewater Treatment System Application for 216 Valley Drive, Bozeman, Montana – Appellant Documents - Health Officer Documents

   a. Appellant Presentation 09:46:29 AM (02:42:56)
   Mace Mangold was sworn in and testified

   b. Health Officer Presentation 10:04:20 AM (03:00:47)
   Matt Kelley, Health Officer, and Brittney, Environmental Health Specialist, were sworn in and Matt testified

Board discussion 10:16:16 AM (03:12:45)

   c. Public Comment 10:23:22 AM (03:19:49)
   There was no public comment.

   d. Health Officer Rebuttal 10:23:35 AM (03:20:02)
   Rebuttal by Health Officer

   e. Appellant Rebuttal 10:24:23 AM (03:20:50)
   Rebuttal by Mace Mangold

Questions by the Board 10:32:00 AM (03:28:28)

Factual Record Closed 10:45:50 AM (03:42:18)

Board Deliberation and Decision 10:45:56 AM (03:42:24)

Motion and Vote 11:03:58 AM (04:00:26)

Buck made a motion: Having reviewed and considered staff materials, appellant materials, testimony and public comment, I hereby move to affirm the determination of the Health Officer to deny the onsite wastewater treatment system application by Mr. Mangold for 216 Valley Drive in Bozeman.

Based on Chapter 3 Health Code, I support the motion because I believe the following criteria have been satisfied:

   a. We have testimony that the city is willing to connect to 216 Valley Drive;
   b. Mr. Mangold is within 200 feet of that system;
   c. The public system is not physically or economically impractical
Steve Custer seconded the motion 11:04:50 AM (04:01:18)

Further discussion regarding the motion 11:04:56 AM (04:01:25)

There was no further discussion

Board Vice-Chair - Buck Taylor: Motion
Board Member - Steve Custer: 2nd
Board Member - Richard Damon: Disapprove
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Board Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Disapprove
Board Member - Chris Mehl: Absent
Board Member - Laura Larsson: Approve
Board Member – Seth Walk: Disapprove

The motion passed

Discussion by the Board 11:07:00 AM (04:03:27)


Staff Report 11:15:12 AM (04:11:39)
Tim provided the variance information and staff recommendations.

Public comment 11:19:40 AM (04:16:08)
There was no public comment.

Comments by Petitioner 11:20:42 AM (04:17:10)
Justin Houser, PE provided comments.

Steve Custer noted an error in the record 11:22:11 AM (04:18:39)

Public Comment 11:22:33 AM (04:19:01)
There was no public comment.

Questions by the Board 11:22:42 AM (04:19:10)

Factual record closed 11:25:38 AM (04:22:06)

Board Deliberation 11:25:42 AM (04:22:10)

Motion and Vote 11:25:49 AM (04:22:17)
Laura made a motion to grant a variance to Americus, LLC, from the 100-foot setback to a 62-foot setback. This is a variance from the minimum setback rule and ARM 17.36 with the following conditions:

Items 1-8, with the heading Staff Recommendations on page 2 of the variance petition.

I support the motion because the following criteria are satisfied -

1. Granting the variance will 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)(vi);

   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);

5. The variance requested is not more than the minimum needed to address the extraordinary conditions, ARM 17.36.922 (2)(e).

Richard Damon seconded the motion 11:27:34 AM (04:24:03)

Discussion of the motion 11:27:37 AM (04:24:06)

Board Member - Laura Larsson: Motion
Board Member - Richard Damon: 2nd
Board Member - Richard Damon: Approve
Board Member - Steve Custer: Approve
Board Chair - Becky Franks: Approve
Vice-Chair - Buck Taylor: Approve
Board Member - Jane Mahlow: Approve
Board Member - Joe Skinner: Approve
Board Member - Laura Larsson: Approve
Board Member - Chris Mehl: Absent
Board Member - Seth Walk: Approve

The motion passed unanimously.
4. **Election of Board Officers**

**Motion and Vote**

Joe moved to retain current slate of officers

Laura seconded the motion

- **Board Member - Joe Skinner:** Motion
- **Board Member - Laura Larsson:** 2nd
- **Board Member - Richard Damon:** Approve
- **Board Member - Steve Custer:** Approve
- **Board Chair - Becky Franks:** Approve
- **Vice-Chair - Buck Taylor:** Approve
- **Board Member - Jane Mahlow:** Approve
- **Board Member - Joe Skinner:** Approve
- **Board Member - Laura Larsson:** Approve
- **Board Member - Chris Mehl:** Absent
- **Board Member - Seth Walk:** Approve

The motion passed unanimously.

**Health Officer Report**

Matt acknowledged Tim Roark’s and Leslie McKittrick’s retirements and thanked them for their 24 years of service to the County.

**11:38:24 AM (04:34:51) Meeting Adjourned**