

**Board of Health Meeting  
Wednesday, June 5, 2013  
MINUTES**

**Members Present:**

Jane Weber, Chair  
Cheryl Crawley, PhD  
Ryan Burke  
Ray Geyer, DO  
Don Jelinek, DDS  
Bill Bronson, Commissioner  
Alicia Thompson, MSW, Secretary

**Staff/Visitors Present:**

Tammy Lacey, GFPS Human Resources Director  
Tawnee Winberry, RN, CCHD Public Health Nurse  
Sandy Johnson, RS; Environmental Health Division Manager  
Brad Robinson, MBA; Administrative Services Division Manager  
Marcella Weingarten, Administrative Assistant to Health Officer

***Jane Weber called the meeting to order at 11:34 a.m. and stated a quorum was present. Members present at time of Roll Call: Commissioner Bronson, Dr. Geyer, Ryan Burke, and Superintendent Cheryl Crawley.***

Ms. Weber asked Ms. Crawley to introduce her successor to members of the Board of Health (BOH). Ms. Crawley introduced Ms. Lacey and allowed her to give a brief bio about herself.

An award was presented to Ms. Crawley from the BOH in appreciation for her time spent as a BOH member. Ms. Crawley was an active member of the BOH from September 2007 to June 2013.

**ACTION ITEMS:**

**1. Approve Minutes from April 3, 2013, & May 1, 2013 BOH meetings: Jane Weber**

Dr. Geyer moved to approve the April 3, 2013, minutes as presented. Mr. Burke seconded the motion and with all in favor, the motion was passed.

Ms. Crawley moved to approve the May 1, 2013, minutes as presented. Mr. Burke seconded the motion and with all in favor, the motion was passed.

**2. Finance Report as of April 2013: Brad Robinson**

Mr. Robinson informed everyone the one-page financial report includes the Health Department (HD) and Environmental Health (EH). Referring to the one-page handout under Revenue, the Real Property Taxes contains an expected remaining transaction total of \$159,221.67. Similarly, the Interfund Operations Transfer remaining to be transferred is at \$15,839.73. Mr. Robinson said there is also a \$10,000 transfer (under Transfers to Other Funds) that might be used by the County Commissioners. Referring back to the one-page handout, the Year to Date (YTD)

Transactions grand total shows a negative balance of \$101,488.35, but Mr. Robinson is anticipating numbers to look somewhat better by the end of the fiscal year. Moving to the second handout (Budget to Actual Revenue and Expense for all programs), Mr. Robinson said the MIECHV ID grant has Amendment #1 for \$15,000, and Amendment #2 for \$72,216. There will also be an Amendment #3 in the future that will stretch the program into 2014. Also related to the MIECHV ID grant, Mr. Robinson said the HD is in the process of updating the Inter-local Agreement with the Great Falls Public School (GFPS) system and the agreement is on their board's agenda for next Monday the 10th. On Tuesday it is set to go in front of the County Commissioners. The Health Department has also received more invoiced revenues for NAPA and Bioterrorism. Mr. Robinson said Institutional Controls--Neihart, increased and the revenues now match the expenses. On the second page, Mr. Robinson stated the Maternal Child Health (MCH) revenues have increased and the Fetal Alcohol Syndrome (FAS) invoices have been sent out and now the HD is waiting to receive monies. The Fleet fund is currently \$1,352.00, ahead of schedule for Fiscal Year 2013 (FY13).

***Dr. Jelinek arrived at 11:47 AM.***

***Mr. Bronson moved to approve the Financial Report as presented. Dr. Geyer seconded the motion and with all in favor the report was passed.***

### **3. Prevention Services Report: Tawney Winberry**

#### **a) Communicable Disease Report**

Ms. Winberry said the Communicable Disease Report for the month of May was nothing out of the normal trend. Chlamydia has risen again to its usual number at 45 and Hepatitis C is experiencing the same kind of trend. Ms. Winberry stated the two Norovirus cases were in an extended care facility but was not considered an outbreak due to the patients residing in separate wings (both have spouses living out of town, but within the county limits that tested positive). Ms. Winberry said there were three Campylobacter cases that were not related. Prevention Services had one salmonella case which could not be traced to a specific cause. A Legionella case is being investigated and was reported to the CDC; they're looking into a list of hotels. Ms. Winberry said there were five kids at Lewis and Clark Elementary School that were diagnosed with A-typical pneumonia; no cough, but had fever and extreme tiredness. The state epidemiologist recommended testing if another child becomes ill. A fifth child did become ill with similar symptoms, she was tested and was positive for Parainfluenza virus type 3 which is a common cause of pneumonia and bronchiolitis. There were two children from Sacajawea that also were confirmed to have Influenza. Ms. Winberry said there was also one case of Respiratory Syncytial Virus (RSV), and one confirmed Tuberculosis (TB) case for the month of May. The TB patient is currently undergoing Directly Observed Therapy (DOT). Lastly, Ms. Winberry mentioned they had one alleged case of the Hantavirus. After going to the Emergency Room and having blood drawn it turned out to be a negative test result.

#### **b) STD Clinic: deferred to July**

Ms. Thompson said when the Board of Health approved the HD implementing an STD Clinic; the HD agreed to report back what the financial impact has been. The Health Officer knows it has

been very successful clinically due to 33% of the individuals testing positive (treating the patient and the patient's contacts). The goal is to report the financial status at the next BOH meeting.

#### **4. Environmental Health Report: Sandy Johnson**

##### **a) Variance Request – Upper and Lower River Road**

Ms. Johnson said although the variance request was discussed last month, she is not submitting the Variance Request as of yet. She wanted to address the large shop located at 5490 13th St. South, in Great Falls, that was constructed by Dale Mayernik approximately one year ago. Mr. Mayernik did not obtain the septic permit or location conformance permit from the county Planning Department. This spring, a neighbor reported Mr. Mayernik to the Environmental Health (EH) and Planning Departments. Ms. Johnson stated that since the area is zoned residential he cannot operate his business in the area. Mr. Mayernik is moving the business but would like to keep the location of the shop, along with the bathroom contained within (holding tank). Ms. Johnson added that a study had been done in the mid-1990s and shown high levels of nitrates in the soil. Ms. Johnson said the EH Department sent Mr. Mayernik a Notice of Violation for installing a tank without a septic permit and for installing a system that did not meet technical requirements. Mr. Mayernik paid \$300.00 for the administrative fee (fine) and given three options to correct the violation. The first option was to remove, crush or fill the tank and disconnect the plumbing. The second option was to hire an engineer and submit evidence that a new septic system will not further degrade groundwater in this area and obtain approval and a permit for installation of a level two system. Lastly, make an application for his existing system, which would get denied due to not meeting technical requirements (only installing a holding tank) and then pursue a variance from the BOH. Mr. Mayernik submitted an application for a septic system on May 14, 2013, which was formally denied by Certified Mail on May 17, 2013, with instructions on how to apply for a variance. Ms. Johnson informed the board members that Mr. Mayernik had not submitted any documentation by the May 30, 2013, deadline to appear on the June 5, 2013, BOH Agenda. He called EH on May 31, 2013, and intends to submit his request for July's BOH meeting on time. Ms. Johnson stated she created and submitted a basic information handout about septic permit requirements to Fagenstrom (the local manufacturer of septic tanks), recommending their employees issue the document with each septic tank sale.

##### **b) Braden Tracts**

Ms. Johnson informed the board members Braden Tracts is an older subdivision created in the 1950s, located off of US 89 west of Vaughn, just north of the Sun River. It has approximately 25 homes that are all connected to a sewage lagoon that was also installed in the 50's (prior to any DEQ approval). The Department of Environmental Quality (DEQ) and the City-County Health Department (CCHD) have been aware of these lagoons for at least 15 or more years because they are suspected of leaking and potentially polluting groundwater and the Sun River. There have been meetings in the past between the Braden Tracts Association, DEQ, CCHD and an engineering consultant, but without any solutions or action. Montana Fish, Wildlife and Parks acquired the parcel from Lewis Construction sometime around 2008 for a fishing access and mistakenly acquired the lagoons that serve the subdivision and another small single cell lagoon that serves a few properties adjacent to Braden Tracts to the west. The homeowners are not

willing to have a survey done to readjust the boundaries that would remove the lagoons from Fish, Wildlife and Parks land and return them to the homeowners. Ms. Johnson said in the last year or so, there have been requests for a couple of the unoccupied properties that were previously connected to the single cell lagoon to reconnect to it. Ms. Johnson stated Fish, Wildlife and Parks allowed this as a “historical connection” due to documentation provided to these individuals when they purchased these properties that granted them the right to use this lagoon for sewage disposal. This has prompted Fish, Wildlife and Parks to request that DEQ and CCHD do something about what is regarded as a public health hazard and a pollution issue. Ms. Johnson said the CCHD requested technical assistance from a division in DEQ, to assess the small lagoon, to determine if it is adequately sized and functioning. The report did indicate that the lagoon is undersized and likely leaking. Ms. Johnson added there were also some additional safety hazards such as inadequate fencing and signage. It was also discovered that an irrigation ditch along the highway has been diverted to the lagoon in the past to add water to it, which can then exit the other end of the lagoon onto a field also on Fish, Wildlife and Parks land. Ms. Johnson said without doing groundwater monitoring, it cannot be verified this lagoon or Braden Tracts lagoons are polluting groundwater or surface water. If pollution is verified, DEQ Enforcement Division enforces violations of the Water Quality Act. However, due to the high ground water in this area and the impact other practices such as farming and animals, it may be difficult to determine that these lagoons are the cause.

Ms. Johnson stated it was decided that monitoring would not be done, but that Fish, Wildlife and Parks would begin seeking a long-term solution and do a feasibility study. Following the conference call, CCHD is addressing the safety issues with the single cell lagoon that were identified by DEQ under the broad authority of MCA 50-2-116. The HD is requiring correction of the items mentioned previously so that people do not have access to this lagoon and the irrigation ditch cannot add water that may flush out onto land that is used for recreation by the public. Letters were mailed to the property owners requiring correction by July 15, 2013 (This letter was reviewed by Jane Weber, Brian Hopkins, DEQ and Fish, Wildlife and Parks prior to sending to the property owners). Ms. Johnson said due to the closeness of a well to one of the lagoons, she suggested in a letter, residents have their water tested. She also gave them guidance on coliform bacteria and nitrates. The residents were also informed there were bottles available at the Health Department to test their water. Ms. Weber said DEQ is now looking into seeing if the residents meet the criteria for public water and sewer systems for the larger lagoons. Ms. Johnson informed the board she received a call yesterday (June 4, 2013) from DEQ and another call from an engineer out of Helena that has been hired by Fish, Wildlife and Parks and he is going through what he needs to do for his feasibility study.

Ms. Weber suggested Ms. Thompson set up a meeting with Brian Clifton and invite the appropriate people to the table. Ms. Johnson added there needs to be a discussion on where floodplain management and regulation fit into future issues.

### **c) Sand Coulee**

Ms. Johnson said she is currently waiting on Sand Coulee. The latest correspondence from the Abandoned Mines Program is that Tom Henderson is having his consultant specifically ask what they want from the BOH. Historically, the Environmental Health (EH) Division has handled replacement septic systems without going to the board by using the best treatment practical for failed systems that cannot meet all of the requirements in the regulations. Ms. Johnson provided references to variances from the Cascade County septic regulations for new and replacement systems to board members. She referred to the second page of the handout saying she believes the highlighted section (D) grants EH authority to deal with replacement systems without presenting to the BOH. As long as EH meets the requirements listed directly above it in section (B).

Ms. Johnson stated she is hoping to get some leeway on some of the higher risk assessments. Ms. Johnson confirmed to Ms. Weber that with the original concept of doing high, medium and low risk assessments Ms. Johnson would need more authority due to time sensitivity. Ms. Weber said the new septic system changes would still need to be presented to the board for consideration. Ms. Weber said the board could possibly accept Ms. Johnson's matrix as a process of decision-making and it would allow for flexibility on moving ahead. Ms. Weber wants Ms. Johnson to wait for the response from DEQ and in the meantime prepare a matrix (the board will take a look and approve/disapprove). From there, Ms. Johnson could call an emergency meeting for the BOH as issues arise.

Ms. Johnson informed the board that Tom Henderson, from the Abandoned Mines Program, is asking for a letter from the (BOH) stating that DEQ is working together with Cascade County. Ms. Johnson submitted a draft of a BOH variance guidance document for Sand Coulee to the board that will be discussed and voted on at July's BOH meeting in addition to a matrix.

### **d) Black Eagle Superfund Site**

Ms. Thompson said she wants to give the board an update on what's happening with the Health Department (HD). The Black Eagle Technical Advisory Group (TAG) held a meeting on May 16<sup>th</sup> and the Health Officer attended. We are planning to replicate a blood lead level study in Black Eagle that has been done in 11 other counties in Montana. Ms. Thompson was contacted by a Masters of Public Health student looking for a project for her degree. The Health Officer also spoke to Dan Strausbaugh from the Agency for Toxic Substances and Disease Registry (ATSDR) and they have provided some equipment and testing materials. Ms. Thompson contacted Atlantic Richfield and they have expressed concerns about the screening test that was provided to the Health Department (HD); but they might supply a test they do approve. Ms. Thompson confirmed to Mr. Burke this study is the measure blood lead levels and conduct an interview to determine other environmental exposures.

## **5. Health Officer's Report: Alicia Thompson**

### **a) BOH Evaluation – deferred to July**

The Health Officer stated at the next meeting she hopes to share with the Board of Health how the Health Department (HD) operates, documents, processes contracts, and also how the HD plans to achieve accreditation. Ms. Thompson will share how the City-County Health Department (CCHD) issues their press releases.

**MEMBER COMMENTS:**

**Mr. Bronson:** Ms. Thompson gave a presentation on the Annual Report to the Board of City Commission that was very well received.

Mr. Bronson stated there is a majority of the current commission that is prepared to go forward with consideration of the ordinance dealing with the smoke shack issue. He will be working with the City Attorney and staff, along with the Board of Health as well.

**Ms. Weber:** Judge Pinski has set a hearing date of October 28, 2013, for the Clean Indoor Air Act (CIAA) and has set aside three days to move forward with legal actions. The CCHD is not receiving complaints from non-smokers and could be difficult to defend.

*Mr. Bronson moved to adjourn the meeting at **1:02 p.m.** Dr. Jelinek seconded the motion and with all in favor, the meeting adjourned at **1:02 p.m.***

Respectfully Submitted,

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Jane Weber, Chair

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Date