

**Board of Health Meeting  
Wednesday, May 1, 2013  
MINUTES**

**Members Present:**

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

**Staff/Visitors Present:**

Trixie Smith, RN, BSN; Prevention Services Division Manager  
Tanya Houston, Preparedness & Communications Officer  
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  
Deanna Benton, CCHD Privacy Officer  
Brian Hopkins, County Attorney  
Carey Ann Shannon, County Attorney

***Jane Weber called the meeting to order at 11:30 a.m. and stated a quorum was present.***

**ACTION ITEMS:**

**1. Approve Minutes from April 3, 2013 BOH meeting: Jane Weber**

Approval of the minutes for the month of April was deferred to June due to the incorrect copy being sent to Board of Health (BOH) members. Ms. Weingarten will email all members the most recent copy of April's minutes.

**2. Environmental Health Report: Sandy Johnson**

**a) Sand Coulee**

Ms. Johnson referred to a Determination for Impacts on Existing Septic Systems in Sand Coulee due to new Water System Installation Overview handout stating this document was reviewed by Montana Department of Environmental Quality (DEQ). She added that Rachel Clark and Barb Kinger, from DEQ, responded with feedback and their comments are shaded/highlighted. Ms. Thompson asked Ms. Johnson to give a summary on the Sand Coulee topic to get all BOH members up to speed. Ms. Johnson stated a DEQ consultant (NCI Engineering) had approached the Environmental Health (EH) Department informing them this project has been in progress for a couple of years. Ms. Johnson stated the DEQ Abandoned Mines Program is funding a new water system for the community of Sand Coulee. Sand Coulee's water quality and quantity have been negatively affected by past mining activity and the water lines are embedded in coal mine waste. Ms. Johnson

continued with a brief synopsis of the Sand Coulee water system, informing the BOH members that DEQ will be replacing all of the water line mains throughout Sand Coulee. Ms. Johnson explained that DEQ is responsible for replacing septic lines or septic systems damaged during installation of the new water lines. In order to simplify the process that might involve review of locations for septic systems and potential variances, DEQ has asked the BOH to establish protocols to enable the EH Department to make decisions on these issues without having to convene the BOH for each individual situation. Ms. Johnson sent a letter, on behalf of Jane Weber, to Tom Henderson, from the Abandoned Mines Program, asking whether DEQ would be paying for damaged septic systems. Ms. Johnson stated DEQ responded by phone affirming they will pay for damaged systems. Ms. Johnson stated that Mr. Henderson will be responding, in writing, to Ms. Weber's letter by the end of next week. Ms. Johnson said the likelihood of DEQ damaging a septic system located on a private property is relatively low, since DEQ's new waterlines are located along the streets. It will be the landowner's responsibility to provide the connection from the street to their home, not DEQ's responsibility. Ms. Weber spoke to Dean Burton from the Sand Coulee Sewer and Water District. Ms. Weber stated the district has agreed, if the home owner excavates the trench from the street to their home, the Sewer and Water District will install the pipe and hook up to the house.

Ms. Johnson informed members that she does not feel EH is ready to move forward with the BOH yet but wanted to provide supportive documentation. In response to Ms. Crawley's request from a previous BOH meeting, Ms. Johnson distributed a draft matrix with high, moderate, and low risk indicators and response actions to BOH members.

Ms. Johnson said many of the lots could be severely undersized and unable to have a correctly sized drain field or meet adequate set back distances to groundwater and wells. Ms. Thompson stated that this is a time-sensitive moment for Sand Coulee and the Health Department would like to have something in place that allows these systems to be addressed legally, but very quickly. Ms. Thompson added that the draft matrix would provide guidance allowing Ms. Johnson the authority to make decisions without having to convene the BOH and delay response time. Ms. Johnson informed the BOH members that DEQ anticipates starting this project in late summer of this year, so there is adequate time to refine the draft matrix. Ms. Johnson stated that in some cases the only solution for a high risk assessment may be to provide an option for a holding tank. Ms. Johnson added that regulations prohibit a holding tank unless no feasible alternative exists. Ms. Johnson stated that holding tanks are not a good solution because if you only have a 1,000 or 2,000 gallon holding tank, it does not take much time to fill. She stated that the average household uses 250 to 300 gallons a day. Ms. Johnson informed the board that residents would be looking at almost weekly pumping and a continuous expense, but it might be the only option in some cases.

Ms. Weber clarified with Ms. Johnson the risks involved in the high, moderate, and low assessments are actually the health risk. Ms. Johnson stated some septic issues with properties are not health risks, but may be issues between property owners. Ms. Weber questioned whether

there's ever been a situation where two property owners pipe over to a common drain field that's large enough to handle two households. Ms. Johnson informed the board there are instances where this has occurred, but it is strongly avoided due to complications between the households with regards to water usage or maintenance. Ms Weber also stated a holding tank does not seem like a viable solution for this problem.

Ms. Thompson wanted to clarify what the Health Department is trying to do. She stated they are trying to create a blanket variance so Ms. Johnson will be able to use her professional judgment with issues that arise. From this variance she will also be able to decide which issues need to be addressed by the BOH. Board members agreed with Ms. Weber that the risk assessment should be used like a matrix and to include a column that has suggested solutions in the variance. Ms. Weber stated this could be approved by the Board of Health and also gives Ms. Johnson some framework to create a variance.

**b) Commercial Shop at 55<sup>th</sup> Street South and 13<sup>th</sup> Street**

Ms. Johnson informed the board that there might be a request for a variance involving a holding tank in the near future. She stated a contractor has built a commercial shop in the Upper Lower River Road area (located at the intersection of 55<sup>th</sup> St. and 13<sup>th</sup> Ave.) that never received a Location Conformance (LC) Permit from the County Planning Department prior to constructing. Ms. Johnson stated that if they had applied for the LC permit, this would have triggered the Planning Department to inform the individual of the need to speak to the EH Department concerning the septic regulations. Ms. Johnson sent a letter to the owner stating they are in violation of the Cascade County septic regulations due to not having applied for a septic permit and having installed just a holding tank without a drain field. Ms. Johnson informed the board that in order to go through a variance process, EH must first deny a permit. Ms. Weber will touch base with Tristan in the Planning Department to find out what actions are in place, if any, when a Location Conformance Permit is not requested. Ms. Johnson stated she spoke to the manager of Fagenstrom Company (Great Falls septic tank dealer) and asked that they staple something to a customer's invoice stating a septic permit is required prior to installation. Ms. Weber asked Ms. Johnson to develop a letter for a septic tank dealer to use.

**c) Variance Proposal – Temp Food Service License**

Board members were provided a copy of a memo issued by DPHHS and a draft of a proposed variance request for temporary food service licenses for the Board's consideration. Ms. Johnson stated about a year ago EH stopped following the section of the city of Great Falls ordinances that allowed short-term food permits because it was not in compliance with the state law. As a result, the HD uses temporary food licenses issued by the state for temporary events. Ms. Johnson stated there were some vendors at the Farmer's Market with low risk items; popcorn, coffee, powdered lemonade, etc. She added at the Farmer's Market there are specific exemptions for certain items. Ms. Johnson explained if a vendor does not meet these exemptions they need to obtain a temporary license. She continued stating that by definition in the ARM's, a temporary food service establishment is an event that operates for a period of time not more than 14 consecutive

days in conjunction with a single event or celebration. Although the Farmers market is a single event, it is not consecutive days and therefore did not previously qualify for one temporary license if someone wanted to sell a food that wasn't exempt.. Ms. Johnson informed the BOH members that the state issued a memo to address events such as the Farmer's Market on January 23, 2013 (to address a legal way for people to obtain one temporary license for events that are not consecutive days). Ms. Johnson expressed to board members that in order to comply with the criteria issued in the State's memo to allow for granting variances from the food service regulations, the HD opted to create a standard variance request form. This form addresses the requirements for granting a variance and still protects public health by establishing additional criteria for only low risk foods with this variance. This standard form simplifies the effort that a petitioner would have had to do to request this variance. Ms. Johnson anticipates 6-12 temporary food service license requests in a season. Mr. Burke asked Ms. Johnson if there is a list of low risk food items. Ms. Johnson stated there is a working list but items are always up for discussion. Ms. Thompson informed the BOH that the HD tries to be consistent in responses to questionable food items and products. Ms. Weber asked Ms. Johnson if she was seeking approval on the variance process from the BOH at this meeting. Ms. Johnson believes this variance should be in place by June.

Ms. Crawley recommended changing the sentence from:  
*A request for this variance is to accommodate low risk foods that do not meet the exemptions for farmers market...*

To: *A request for this variance is to accommodate low risk foods that do not meet the requirements for Farmers Market.*

***Mr. Bronson moved to approve the variance policy submitted by staff with the corrections suggested by Ms. Crawley. Dr. Geyer seconded the motion and with all in favor, the motion was passed.***

### **3. Prevention Services Report: Trixie Smith/Tawnee Winberry**

Ms. Winberry stated for the month of April there were fewer diseases overall and Chlamydia is at an all-time low for the year. Ms. Winberry mentioned there was only one case of Crypto, a diarrheal illness, for the month. Prevention Services (PS) had 12 reported Hepatitis C cases and one Norovirus report. Ms. Winberry informed the BOH there was a small diarrheal outbreak in two assisted-living facilities that was reported to the State to ensure it did not spread. Influenza is down to 16 cases, none of which were reported last week. Ms. Winberry stated the Campylobacter disease has caused two more diarrheal illnesses. Ms. Winberry stated these two cases involved individuals who were around animals on either a farm or ranch. Prevention Services had seven Pertussis contacts that were investigated. Ms. Winberry stated many of the positive Pertussis reports are still coming from Lewis and Clark County. Ms. Winberry further reported some false positives, Hepatitis B cases, the diarrheal outbreaks, and RSV report. Ms. Winberry also stated there

was a case where someone thought they had chickenpox and turned out to be Hand, Foot, and Mouth disease.

Ms. Smith stated there was one report of an H1N1 hospitalization for an out-of-county resident and the patient has improved. Dr. Geyer asked what time of year does the HD inform the general public not to receive a flu vaccination. Ms. Smith stated the HD does not stop recommending the flu vaccination, but the vaccine itself is outdated after June 30. Ms. Smith stated from July 1 to the end of August, there just isn't any vaccine until the new batches arrive.

**4. Finance Report: Brad Robinson**

Mr. Robinson referred to a one-page Health Department Only Financial report. The report represents nine of twelve months or 75 percent of the fiscal year. He stated at the bottom of the report, the revenue and expense totals are 75 and 77, respectively. Therefore, the budget is in relative balance. He stated we're a little ahead on expenses and the property taxes are a little behind right now but we are slated to receive more funds in April, May, and June. Mr. Robinson informed board members the EH revenues are still 110-112 percent of budget and are continuing to have a good year.

Referring to the overall Health Department Budget to Actual report, Mr. Robinson stated this contains all the Health Department programs. A couple of items have been reviewed since the report was sent to board members. Mr. Robinson stated that while MIECHV ID is at 25 percent, they have received \$75,000, and more funds are expected to come through this program. On the second page, Mr. Robinson informed the board the WIC program that shows 10 percent revenues is now at 42 percent and \$126,000, has been collected. He stated that down at the bottom of the page, 53 and 60 percent is about where this report should be with respect to revenues and expenses, respectively.

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

Ms. Thompson showed board members the Strategic Plan. This plan was developed using input from the HD's first Community Health Needs Assessment and Community Health Improvement Plan (CHIP), which identified three Priority Issues of concern. The Strategic Plan was developed to address the three Health Priority Issues identified by the community. Ms. Thompson added these were the Health Department's strategies and goals to help our community improve access to healthcare. The Health Officer (HO) stated this plan was originally developed as a joint Strategic Plan with the Community Health Care Center (CHCC), but since that time, CHCC has taken a more independent direction, focusing on providing local health care. Ms. Thompson cited information contained within the HD Strategic Plan.

Ms. Thompson reported that Bill Bronson, Bob Kelly, and Erin Shermele recently attended an Action Institute in Lewistown, MT. As a result, the HD recently submitted a grant for \$4,000, to continue helping the City of Great Falls move forward in its healthy by design efforts through the Growth Policy Update. Ms. Thompson stated Substance Abuse

continues to be a problem throughout our community, and the community needs to determine how to strategically address reducing substance use and abuse.

After looking over the Strategic Plan, Dr. Jelinek questioned if something can be done with regulating what items could be purchased with Food Stamps. Ms. Thompson stated at the local level we will not be able to address that issue.

The BOH reviewed Ms Thompson's list of activities being done by the CCHD in support of the Strategic Plan. Ms. Weber stated under Obesity Issue, the CCHD is very actively involved with Get Fit Great Falls (GFGF), which has been doing events throughout the community to encourage people to be active. GFGF also supports the Westside Orchard Community Gardens effort with the Garbage to Gardens Organization. Ms. Thompson stated she will review the Strategic Plan to ensure it is current and includes all CCHD Activities. Ms. Weber informed everyone of the Grand Opening of the Westside Orchard Community Gardens on Saturday of Memorial Day weekend. GFGF will be providing a bicycle trip from Mitchell Pool to the garden to encourage activity. Ms. Crawley stated the school system has Obesity Awareness for parents and they had their Second Annual Luncheon on Valentine's Day. Ms. Crawley suggested the HD be part of the efforts to fight obesity with the school system. Ms. Weber asked if the HD was involved in *Take Back Your Drugs* effort. Ms. Thompson informed the BOH whenever the HD is aware of a drug take back day, it is posted on the digital display in the lobby of the HD and on the HD website. The HD also provides direction and referrals for such an event. Ms. Thompson continued to inform board members of the Strategic Plan and EH's many contributions, to include receiving a School Assessment Grant to have sanitarians inspect the school. CCHD Sanitarians have conducted three assessments so far. Ms. Johnson stated it is modeled after the EPA and it's just their guidance for EH issues in schools.

**6. Vote on Accreditation Application Submission: Alicia M. Thompson**

Ms. Thompson provided Board members with a handout that describes the accreditation process with an added timeline and a draft letter of support for consideration. The Health Officer reviewed the steps involved to move forward and achieve accreditation. She informed BOH members that she would like a formal discussion, motion, and vote to receive the Board of Health's support in the Health Department's applying and achieving accreditation.

***Dr. Jelinek moved to approve the letter of support for the accreditation application submission after Alexandriş is changed to Alexandria. Mr. Bronson seconded the motion and with all in favor, the motion was approved.***

***Mr. Bronson moved that the board go into Executive Session for the purpose of discussing matters that are in pending litigation. Mr. Burke seconded the motion and with all in favor, the motion was approved.***

**7. Executive Session – Board Members: Jane Weber/Brian Hopkins/Carey Ann Shannon**

The Board of Health meeting reconvened from Executive Session at **1:18 p.m.**

*Mr. Bronson moved to adjourn the meeting at **1:20 p.m.** Dr. Geyer seconded the motion and with all in favor, the meeting was adjourned at **1:20 p.m.***

Respectfully Submitted,

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Jane Weber, Chair

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Date

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