

**SPECIAL AND REGULAR MEETINGS
OF THE
RAVALLI COUNTY BOARD OF HEALTH**

REGULAR MEETING 1:00 PM

Wednesday, May 11, 2022

**Commissioners' Meeting Room
County Administration Building,
215 S. 4th St, Hamilton, MT 59840.**

I. Roll call

Jeff Burrows, Katie Scholl, Roger DeHaan and Dr. Michael Turner.

STAFF PRESENT:

Chris Taggart, minutes

Clay Leland, Civil Counsel

Also present:

Jim Olsen

Debbie Cook

Mike Kent

Lou Danes

Devin Towell

Sara Alderman

II. Approval of Meeting Minutes:

- a. April 13, 2022 minutes

[Attachment - DRAFT 04-13-2022 minutes](#)

Katie moved to approve the April 13, 2022 BOH minutes as presented. Seconded by Dr. Turner. Public comment on motion: none. Discussion: none. **All voted "aye" (4-0).**

III. Correspondence:

None.

IV. Department Reports:

- 1. [Health Officer](#)

Dr. Carol Calderwood

2. Public Health Nurse's Report

Attachment - PHN 1 of 2

Attachment - PHN 2 of 2

Tiffany Webber

3. MTUPP Report

Tiffany Webber

Public comment:
Skip Chisholm

4. Environmental Health Report

John Palacio, RCEH

V. New Business:

1. Variance request: Michael Faulk in Hamilton: Vary from specific requirements of non-degradation analysis per ARM 17.36.913(1)(e) – John P.

Attachment - Submittal

Attachment - Staff Report

Present:
Michael Faulk, property owner

- 1a – come back to
- 1b - is satisfied
- 1c - is satisfied
- 1d - is satisfied
- 1e – come back to
- 1f - is satisfied
- 1g - is satisfied

2 – Katie - is not satisfied; Dr. Turner, Roger and Jeff – is satisfied

BOH consensus: place Mr. Faulk on hold and review Old Business Item #3 and then return to Mr. Faulk variance request.

VI. Old Business:

3. Discussion with possible decision on Compliance Order for Parcel # 1108610, NHN Lick Creek Rd., Hamilton. – John P. (continued from March 9, 2022)

Attachment - Staff Report

Present:
Robin Burnett

Katie moved to approve the following:

1. **Mr. Burnett obtain a porta potty for a maximum of 60 days from today;**
2. **Mr. Burnett get with John Palacio to schedule a site evaluation;**
3. **Mr. Burnett will schedule a backhoe for site dig**

Seconded by Roger. Public comment on motion: Skip Chisholm, Debbie Cook 177 Lick Creek Road. Discussion: Dr. Turner, Jeff, Katie and Roger.

Katie withdrew her motion. Roger withdrew his second. Motion withdrawn.

BOH consensus: Mr. Burnett will have until next BOH meeting (June 08, 2022) to decide the future i.e.: obtain a holding tank; along with a no living on the property be allowed until such time, continue the Cease & Desist order, and continue allowance of the knife making business but require the knife maker to bring in porta potty.

Dr. Turner had to leave meeting at 3:04 PM

BACK TO VARIANCE FOR M FAULK

Public comment:
Jim Olsen

Copied from above:

- 1a -
- 1b - is satisfied
- 1c - is satisfied
- 1d - is satisfied
- 1e -
- 1f - is satisfied
- 1g - is satisfied

2 – Katie – is not satisfied; Roger and Jeff – satisfied; = majority is satisfied

3 - Katie – is not satisfied; Roger and Jeff is satisfied per the fact that this question is basically arbitrary on the criteria and if this system was a stand-alone system, it would meet criteria = majority is satisfied

4. Finding of Fact: If a level 2 system is possibly installed for the upper system, which would be a reasonable alternative and negate the need for a variance and would get the property out from under the DEQ exemption. - is not satisfied now

5 - is satisfied.

Mr. Faulk: requested to hold this variance request until next month in order to provide RCEH a new water test on upper well to see if John P can determine if a level 2 system would pass non deg and negate the variance.

Roger moved to approve that this variance request be placed on hold per Mr. Faulk request. Seconded by Katie. Public comment on motion: Skip Chisholm. Discussion: none. **All voted “aye” (3-0).**

2. “Discussion with possible decision on a Compliance Order Issued for Parcel #'s 1290000, 1290080, 1290210, and 1290070. Occupied Buildings without an approved means of wastewater disposal, unlicensed public accommodations” – John P. (continued from Feb 09, 2022 and March 09, 2022)

Attachment - Parcel Maps

Present:
Devon Towell

BOH consensus: Comp Order stays, continue to June BOH for Devon to come in for update.

1. Variance request: Anson/Gary for 914 & 946 Fox Raven Hollow in Corvallis: Vary from specific requirements of non-degradation analysis per ARM 17.36.913(1)(e) – John P.

Attachment - Legal Ad

BOH denied variance on 4/13/2022 BUT left it open for further discussion

Present:
Zoom Amy Gary

**BOH consensus: per civil counsel, no new information provided today by owner Amy Gary;
Variance denial from 4/13/2022 stays.**

VII. Public comment

Skip Chisholm
Jim Olsen
Sara Alderman

VIII. Next regular BOH meeting: June 08, 2022 at 1:00 PM

IX. Meeting Adjournment

Katie moved to adjourn the meeting. Seconded by Roger. All voted “aye” (3-0).

Chris Taggart, Administrative Assistant