

FLATHEAD CITY-COUNTY BOARD OF HEALTH
SPECIAL MEETING
AUGUST 26, 2010
2:00 – 2:30 P.M.
ADMINISTRATION OFFICE / EARL BENNETT BUILDING
KALISPELL, MONTANA

<u>Members Present</u>	<u>Members Absent</u>	<u>Others</u>
Glen Aasheim, MD	Joe Brenneman	Lisa Dennison
Duane Larson	Bill Burg, MBA & CPA	Tara Fugina
Wayne Miller, MD	Joan Lanfear, ACNP	Joe Russell
David Myerowitz, MD		

Call to Order

Chairperson Glen Aasheim called the meeting to order at 2:05 P.M.

Sandry & Bray Variance Request

Joe Russell said that the Sandry & Bray variance request was tabled at the last Board of Health meeting. He asked that the discussion be removed from the table.

MOTION Wayne Miller to remove the Sandry and Bray variance request from the table.

SECOND David Myerowitz

MOTION CARRIED

Russell said that the Board was e-mailed a letter from the Department of Environmental Quality (DEQ) which provided an interpretation of its requirements regarding fill modifications for subdivision drainfields as it applied to the discussed variance request. An illustration that further clarified DEQ's position was also distributed to the Board via e-mail. Miller clarified that since the drainfield will be placed in natural soil below the fill, it is deemed acceptable. He requested that the Department have assurance that the drainfield will go in natural soil. Russell said that the DEQ received contour maps from the engineer which show that there was less than two feet of fill in that area. Myerowitz said that an inspector will be at the site when the trenches are open to ensure that the pipes are working properly. Russell said that the letter from the DEQ confirms that the property was formally removed from the floodplain. Both federal and state agencies have deemed the property out of the floodplain. There was further discussion regarding floodplain and drainfield clarification. Miller said that per the State's interpretation, property owners will qualify for a variance if they have fill to remove the property from the floodplain and will place the drainfield in native soil. Russell said that the Department's regulations are verbatim to the State's regulations although the State's interpretation of the regulations differs from the Department's. He added that currently there is not a drainfield in the ground but the property owners have started building a house. Once the drainfield is ready to be installed, Russell will visit the property to ensure that it is placed in native soil and not in fill.

MOTION Miller to approve the Sandry and Bray variance request.

SECOND Duane Larson

MOTION CARRIED

Russell said that he will fight the State's position related to this matter. Myerowitz stated that they need to ensure that the Department and the State need to be on the same page to prevent this type of situation from happening again. Tara Fugina commented that she will contact the attorney for Sandry and Bray to inform him of the Board decision so that the DEQ appeal can be dismissed. Once the appeal is dismissed, Russell will speak with Steve Kilbreath and Jim Madden with the DEQ and report back to the Board of Health.

Miller referred to County Ordinance #8 and said that the Solid Waste Board was determining if the ordinance was legal. Fugina stated that she would research it and report back to him.

The meeting adjourned at 2:36 P.M.

Lisa Dennison, Secretary