

Lincoln County
City-County Board of Health Agenda
Lincoln County Courthouse
6:00 PM, August 9, 2022

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call
- **Administrative Items**
 - Meeting Schedule
 - Discussion of Rexford Participation on BOH
- **Public Comment on Items Not on Agenda**
- **Public Comment on Non-Action Agenda Items**
- **Approval of Minutes**
 - *Action Item:* Approval of 7/12/22 minutes
- **Unfinished Business**
 - *Action Item:* Revised Bylaws
- **New Business**
 - *CASA (Keeli Anderson)*
 - *Action Item:* Variance request septic tank set back
- **Program Reports:**
 - **Public Health**
 - Communicable disease update
 - **Environmental Health**
 - Wastewater Regulation update
 - FDA Grants
 - **Solid Waste and Recycling**
 - E-waste
 - Expansion Update
- **City Representative Reports**
- **Health Officer Report**
- **Adjourn**

Zoom meeting ID: 998 434 6152

For audio conferencing dial (253) 215-8782 or (669) 900-9128, meeting ID: 998 434 6152

MISSION STATEMENT

The City-County Board of Health for Lincoln County works to prevent disease and illness, ensures a healthy environment and promotes healthy choices by setting county-wide policies to protect the health of Lincoln County residents.

PUBLIC COMMENT

The Board encourages public comment and time is designated for public comment on every agenda. Public comment on non-action agenda items and non-agenda items is welcomed during the general public comment period. Action items will include public comment as follows:

- Presentation of the action item
- Board motion and second
- Board discussion
- **Public comment**
- Additional Board discussion
- Board vote

GROUND RULES

1. Plan comments to be concise, relevant, and meaningful.
2. Keep questions and comments respectful in content and tone.
3. Submit lengthy, detailed comments or supporting documentation in writing
4. Address the problem not the person.
5. Be prepared by reviewing the agenda and pertinent information.
6. Listen with an open mind.
7. Focus on the mission statement.
8. Encourage participation of all board members and attendees.
9. Public participation according to Operating Procedure #2:
 - Participants will address the Board at the time designated in the agenda or as directed by the Board, by presenting before the Board and stating their name audibly.
 - Persons wishing to speak, including Board members, shall first be recognized by the Chair. One speaker shall be given the floor at a time and may not re-enter the discussion without being given recognition by the Chair.
 - Verbal comments will be limited to 3 minutes per individual or as time permits.
10. Participants ask the chair for permission to speak. Participants are to give their full name and topic.
11. Questions or remarks shall be addressed to the board as a body and not to any member of the board or staff without permission from the chair.
12. If a remark has been made, the attendee can agree with what was previously stated. Repetition is unnecessary.

Everyone is responsible for enforcing ground rules.

Lincoln County
City-County Board of Health Minutes
North Lincoln County Annex
6:00 PM, July 12, 2022

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call: Josh Letcher, Amy Fantozzi (Zoom), Jim Siefert, Dr. Diana Carvey, Lannie Fehlberg, Patty Kincheloe. Quorum present.
- **Administrative Items**
 - None at this time.
- **Public Comment on Items Not on Agenda**
 - None at this time.
- **Public Comment on Non-Action Agenda Items**
 - None at this time.
- **Approval of Minutes**
 - *Action Item:* Approval of 6/14/22 minutes.
 - Jim motioned to approve. Lannie seconded. Motion passes.
- **New Business**
 - We Care, Shirley Gallegos
 - Shirley talked about the goals and purposes for the We Care Family Life Center. It is a Christian based, non-profit organization and was founded in 1985. Shirley expressed that the center is an advocate for life in the community. The center can offer transportation to and from prenatal appointments, vouchers for pre and post-natal vitamins, maternal clothing and personal care items, free of charge, as well as gently used baby furniture. The center has plans to start a mommy's group designed for moms to enjoy new friendship and to support one another. Shirley had a young woman named Lilia and her adopted mother tell their story.
- **Unfinished Business**
 - *Action Item:* Governing Body
 - The Board discussed proposed options to recommend for the governing body. Jim said that he would like to see the governing body be the three county commissioners. Patty agreed with Jim. Lannie suggested giving the cities to have the option to appoint a representative. Patty made a motion to make the three commissioners the governing body. Jim seconded. Ayes were Amy, Jim, Diana and Patty. Lannie opposed. The next steps will be to amend the bylaws and discuss it again at the next meeting.
- **Program Reports:**
 - **Public Health**
 - Communicable disease update.
 - Jenn McCully gave an update on communicable disease. She

percentages of positive and negative tests and demographics because it is not as meaningful. The board agreed to change the reporting.

- **Environmental Health**
 - *Action Item:* Wastewater Fee Updates
 - Kathi Hooper requested the board's support of raising the wastewater fees. The fees have not been changed since 2017. She went over where she increased prices and where she left pricing the same. Lannie Fehlberg motioned to approve the changes to the wastewater fees. Jim seconded. All in favor. Motion passes.
- **Solid Waste and Recycling**
 - Expansion update. Kathi said she received approval from the state for the drilling plan and now the next step is to find an available driller.
- **City Representative Reports**
 - Libby: None at this time.
 - Troy: None at this time.
 - Eureka: Lannie had a question from Eureka's mayor. She wants to know who she can contact about licensing and permitting for multiple RV's in regard to sewer and water. Kathi said to contact Jesse Haag or herself.
- **Health Officer Report**
 - Dr. Black was not present at this time.
- **Adjourn.**
 - Josh adjourned the meeting at 7:30 pm.

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SECOND AMENDED AND RESTATED BY-LAWS
City-County Board of Health
Lincoln County

ARTICLE I – Name

The name of this organization shall be the City-County Board of Health for Lincoln County, hereinafter the Board.

ARTICLE II – Object

Specific functions, powers, and duties of local boards of health are set forth in Title 50, Chapter 2, M.C.A. The “local governing body” or “governing body” for purposes of Title 50, Chapter 1, Section 101(8)(c), M.C.A. shall be the Board of County Commissioners. Pursuant to Title 50, Chapter 2, Section 116, M.C.A. and the Interlocal Agreement(s) creating the Board, the Board works closely with and relies upon the Lincoln County Health Department to accomplish the objectives of the Board. As part of its work with the Board, the Lincoln County Health Department reports to the Board at all regular meetings. The Lincoln County Health Department is a department of Lincoln County and staffed by employees of Lincoln County. To the extent the Board has any supervisory duties over the Lincoln County Health Department, those duties are fulfilled by receiving the regular report described herein.

ARTICLE III – Membership

The composition of the Board and the terms of its members are set forth by Title 50, Chapter 2, 106, M.C.A. The Board shall be composed of no less than five members appointed by the governing bodies in Lincoln County in accordance with the Interlocal Agreement(s) as follows:

- a. One (1) current board member from the Board of County Commissioners appointed by the Board of County Commissioners.
- b. Three (3) additional board members appointed by the Board of County Commissioners, based on recommendations from the Board. Board members should be appointed, when possible, to represent various disciplines such as preventative health, health care, environmental health and environmental engineering/science. Recommended combined secondary education and experience in these disciplines should be equivalent to not less than 10 years for each member.
- c. One (1) board member appointed by the City/Town, who may be, but is not required to be a member of the City Council or its Mayor, of each city/town that participates in the Board.
- d. Terms. Terms of appointed members to the Board shall be staggered and shall be for three (3) years each.

- e. Vacancies. Vacancies which occur on the Board by resignation or for other reasons, shall be filled for the unexpired term of the vacated member and appointments to fill said vacancies shall be made as hereinbefore specified.
- f. Absenteeism. The following rules regarding absenteeism shall apply: absenteeism is the responsibility of the governing body who appointed that member. Two consecutive absences from regularly scheduled meetings during the year shall cause the appropriate governing body to review the appointment of that member and replace that member when considered appropriate.

ARTICLE IV – Officers

1. At the first regular meeting of the Board following the first day of January each year, said Board shall organize by electing a Chairperson, a Vice Chairperson, Secretary and such other officers as it may deem best and advisable.
 - a. Chair. The Board shall elect a Chair who shall conduct all meetings and business of the Board.
 - b. Vice Chair. The Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.
 - c. Secretary. The office of the Secretary may be filled with two individuals: 1) a board member who is the Secretary in name and who has oversight over the recording Secretary's duties, and 2) an employee of the Lincoln County Health Department who is the recording Secretary who shall keep minutes of the meetings; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; and bring a copy of these Bylaws to every meeting.
2. The Health Officer, who is a physician or a person with a Master's Degree in public health or equivalent and appropriate experience, employed by the Board shall not be a member of said board but shall serve as an advisor to the Board and perform duties as defined in Title 50, Chapter 2, 118, M.C.A.
3. In the event of vacancy of the board member elected Chairperson due to resignation or for other reasons, the Vice-Chairperson shall act as Chairperson and a new Vice-Chairperson shall be elected. Both shall serve until the next regular election of officers.
4. In the event of vacancy of both the Chairperson and Vice Chairperson due to resignation or for other reasons, the remaining board members shall elect an Acting Chairperson who will function until the first regular meeting after all new board members have been appointed. At that time the board shall reorganize by electing a Chairperson and a Vice-Chairperson.

ARTICLE V – Meetings and Quorum

1. Regular meetings. Regular meetings of the Board shall be held no less frequently than quarterly.
2. Special meetings. Special meetings of the Board may be held upon call of the Chairperson or any two board members.
3. Quorum. A quorum for both regular and special meetings shall consist of a simple majority of members of the board.
4. Meeting participation. Board members may participate in any meeting through the use of a conference telephone or similar contemporaneous communications equipment. Such participation in a meeting, and any votes cast therein, shall constitute presence in person at the meeting.
5. Notice of meetings. The recording Secretary shall notify all members of all meetings in writing. No special meetings shall be held unless diligent efforts have been made to notify all members.
6. Open meeting requirements. All meetings of the Board shall be held in compliance with Montana's Open Meeting and Public Participation laws set forth at Title 2, Chapter 3, M.C.A.

To comply with the spirit and intent of Montana's open meeting and public participation laws, public notice of not less than two (2) business days shall be given of all Board meetings, regular and special. Notice need not be given where the Board must make a decision to deal with an emergency situation affecting the public health, welfare, or safety, or as otherwise allowed by Title 2, Chapter 3, 112(1), M.C.A. The Chair may close a meeting of the Board as allowed by Title 2, Chapter 3, 203, M.C.A.

7. Agenda. Agenda items should be submitted to the recording Secretary at least two (2) business days before a meeting. This rule may be suspended upon approval of the Board's Chair.
8. Minutes. Minutes of all regular and special meetings of the Board shall be kept by the recording Secretary or designee, and shall be signed by the member Secretary and by the Chairperson. Minutes of all open meetings, and portions of meetings that are open to the public shall be kept available for inspection by the public, with copies also available with the clerk of each unit of government participating.
9. Record. The minutes shall contain a complete and accurate record of all motions made, and votes thereon, and shall also contain such summary of proceedings and debate as the Board considers convenient.

ARTICLE VI – Committees

The Board shall have authority to create from time to time, such Standing or Special Committees as it may deem appropriate for the conduct of the business of the Board.

ARTICLE VII – Financing

1. The financing of the Board will be as set out in Title 50, Chapter 2, 111 (2), M.C.A., and the Interlocal Agreement(s) under which the Board was created.
2. Official and non-official agencies may contribute funds to the Board.

ARTICLE VIII – Board Member Reimbursement

Board members may not be compensated for their time but may be reimbursed from local funds for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses incurred in attending the Board meetings or other Board related activities.

ARTICLE IX – Parliamentary Authority

The rules contained in “Roberts Rules of Order Revised” shall govern the Board for all matters not covered in these By-Laws.

ARTICLE X – Amendments

These By-Laws may be amended at any regular meeting of the Board by a majority vote, notice having been given at the previous regular meeting.

The initial By-Laws of the City-County Board of Health for Lincoln County were duly adopted in 2016 and amended in 2018. We the undersigned Board members of the City-County Board of Health for Lincoln County do hereby adopt the foregoing Second Amended By-Laws by unanimous consent. These Second Amended By-Laws are effective as of January 10, 2018August 9, 2022.

Maggie AndersonJim Seifert
City of Troy Representative

Nancy HaugenLannie Fehlberg
City-Town of Eureka Representative

Amy Fantozzi
City of Libby Representative, Vice-
Chair

~~Sara Huddleston~~Dr. Dianna Carvey
Board Member

Jan Ivers
Board Chair

~~George Jamison~~Patty Kincheloe
Board Member, Secretary

~~Mark Peek~~Josh Letcher
Lincoln County Commissioner,
Chair

Kathi Hooper

From: Christopher Eaton <cce.engineering@yahoo.com>
Sent: Thursday, August 4, 2022 1:20 PM
To: Kathi Hooper
Cc: Becky Stillo; Cole Spencer
Subject: 428 Halo Drive

Lincoln County Health Department
City-County Board of Health and Environment Regulations
Lincoln County, MT

To all parties involved,

This letter is a request for a variance for the final and permanent location of the 1500 gallon, plastic septic tank required for the property. Following the guidelines of the Lakeshore Protection Regulations for Lincoln County, MT it states that a septic tank shall not be placed closer than 50 feet from the lakeshore. Upon review, the State of Montana Certificate of Removal of Sanitary Restrictions, calls for septic tanks to be placed 100 feet from the shoreline. Listed below is the requested information for a variance permit.

1.) Applicant's name, address and contact information:

Becky & Joshua Stillo - 135 Werner Peak Trail Kalispell, MT 59901 - (406) 471-4283

Project Engineer: Christopher Eaton - (406) 291-8137

2.) Specific regulation and provision from which a variance is requested:

This variance request is for approval of placing a septic tank within the 100 foot requirement of the State of Montana Certificate of Removal of Sanitary Restrictions. At this time, the new tank location would be 80 feet off of the shoreline. This exceeds the 50 foot setback requirement of the Lakeshore Protection Regulations for Lincoln County, MT. However, it falls slightly short of the 100 foot requirement for the State of Montana. This current variance is to request that an 80 foot shoreline setback be accepted and approved. Due to the existing site topography and minimal options, this is the furthest setback that could be feasibly achieved.

In addition, it should be noted that the neighboring property has an established septic tank that is approximately 50 feet to 60 feet off the shoreline. Our variance would be approximately 20 feet further away from the shoreline and locates the new tank relatively close to the Certificate of Removal of Sanitary Restriction requirements.

3.) Legal description or address of property where variance would apply:

Address: 428 Halo Drive - Troy, MT 59935

Legal: S29, T29N, R33W, Block 001, Lot 45

Due to existing topography conditions and easement criteria, the 80 foot offset from the Bull Lake shoreline is the only feasible location for the placement of the septic system tank. Working with County Officials during design of the property, the 50 foot offset guideline was followed, however, it does not meet the adhere to the State of Montana Certification mentioned above. After collaboration with all parties involved, the 80 foot shoreline offset, is the only location that this tank can be placed. It should also be noted, that a self-contained plastic septic tank is to be installed and the septic system is to a Pressure Dosed system.

Should this variance be approved and the requirements of Lincoln County Health Department satisfied. This will satisfy the State of Montana - Certificate of Removal of Sanitary Restrictions and be approved for permanent location of the septic tank.

Please feel free to reach out with any additional questions or requests for further documentation.

Sincerely,

Christopher Eaton
Project Engineer
(406) 291-8137