

**BOARD OF HEALTH
MINUTE SUMMARY**

April 13, 2016

3:00 PM

MEMBERS PRESENT:

Jeff Burrows
Michael Turner
Dr. Wayne Chilcote
Katherine Scholl

Members Absent

Roger De Haan

STAFF PRESENT:

Carol Calderwood, MD, HO
John Palacio, RCEH
LuAnn Burgmuller, PHN
Chris Taggart, minutes

Guests Present:

Dan Wise
Joyce Burr
Carol Salmonsens
Fred Salmonsens
Cheryl Sage
John Winsett
Bill Winsett
Suzanne Winegart

I. March 09, 2016 draft minutes:

Mick made a motion to approve the March 09, 2016 minutes as read. Seconded by Katie.

Discussion: none. Public Comment: none. **All voted "aye". (4-0)**

II. CORRESPONDENCE:

None.

III. DEPARTMENT REPORTS:

Health Officer: Carol Calderwood MD,

There has been lots of strep, mono and flu, along with a lot of secondary infections (pneumonia).
DPHHS meeting was great.

Public Health Nurse: LuAnn Burgmuller

Her office has 100 disease conditions to look into, with 86 of those being flu. There have been 7 flu hospitalizations, which is on par with last year. Office is super busy with training and next month will be too.

RCEH: John Palacio

John handed out March stats. Site evaluations are up due to weather. Subdivision Exemptions are up as well. Jenni has taken over food inspections so those inspections will go up. Groundwater Monitoring started this week. Some sites already have water up to 58 inches. Also there will be a MDEQ air quality meeting May 3rd, and the BOH members are encouraged to attend. The meeting will be in the BCC meeting room at 1:00 PM.

IV. OLD BUSINESS:

1. Long Avenue DRAFT Compliance Order – continued – John P

John stated that the compliance order was signed and issued. The Burt's have a new attorney who also received a compliance order copy. Since then, there has been no correspondence of any kind. The new Attorney will be consulting with one of his expert engineers on this issue. John drove by the site today, and the trailer is still there. The deadline to remove said trailer was April 07, 2016. The only violation within the compliance order is the removal of this trailer. The Burt's have applied for an alteration permit for the shop conversion. But since the trailer is still there, they are not compliant with the trailer court licensing. No representative for the Burt's is present. Mick said violation fee is \$10.00 to \$200/per day. Jeff asked what is next. Board discussion ensued. Mick thinks RCEH should move ahead with court action. Katie agrees. Jeff thinks there is not a health and safety issue and is leaning towards letting RCEH follow up with a fine being enforced upon the date of the next BOH meeting. Wayne agrees with Jeff. Mick suggested starting the fine at \$10/day through a certain date (next BOH meeting) and increase fine amount after that date. Jeff agreed to that but if we pay attorney fees to write said letter, is the fine amount due really worth it? John said prolonging issues like this takes up a lot of staff time. John recommended moving forward with Dan Browder (court and/or fines). Katie said start the fine clock.

Waiting for Dan Browder to show up – jump to item #3

3. Federal EPA Letter DRAFT – Continued - Katie

Katie handed out draft letter for BOH review. Chris will format letter to include all BOH members to sign at next meeting.

Mick moved to approve the letter as amended with regard to formatting. Wayne seconded. Public comment on motion: none. Discussion: none. All voted “aye” (4-0).

#1 continued

Dan Browder now in attendance 3:32 PM. The compliance order was dated December 2015 but physically mailed out March 2016. Dan said the BOH can apply the fines from the date of first notification to the Burt's (approximately 16 months ago). The BOH can send a letter stating that the Burt's are liable at \$200/day and settle later. Dan said a letter could be sent stating fines will be levied unless the trailer is moved within a certain time line. BOH could also fine them with a misdemeanor. Dan said the BOH needs to determine what the fines will be in case this issue goes to court and the effective date of said fine amount. He can still negotiate later but he needs a number if this goes to court. Katie said at \$10/day, would equate to \$4,800. Mick thinks fining from April 07, 2016 at \$50/day. Jeff disagrees with Mick and agrees with Dan. Per Jeff, the violations include illegal hook up of shop, the duplex and the trailer court, and suggested starting April 7, 2016 at \$200/day. Dan said the BOH has the ability to send a letter stating fines will be implemented.

Mick moved to have the BOH write a letter and assess a fine beginning April 07, 2016 at \$200/day until such time as the trailer is removed, to be signed by the BOH chairman. Seconded by Katie. Public comment on motion: none. Discussion: Wayne requested that the letter refer to the compliance letter date of receipt 3/16/16. Dan explained that this does limit the BOH if this goes to court. Jeff said this letter will be a quasi-settlement offer before going to court. If the trailer is not removed from the property by the next BOH meeting, the BOH may go after all fines from the start (16 months ago). **Mick accepts Jeff's proposed amendment. Katie seconded amendment. Further discussion: none. All voted "aye" (4-0).**

2. 293 Luby Lane – Continued – John P

John explained that he had visited with Roger DeHaan in drafting an agreement. John visited the property April 11, 2016 and saw inside trailers which were being used as living units, but are now being used as storage. There is one residence left. Owners requested subdivision information which John will get to them. Discussion on site included having separate entrances and two kitchens which would be considered a duplex. The biggest issue is to discuss the agreement document. Mick asked about compliance. John said Mrs. Burr is working towards compliance. Mrs. Burr asked if when the two trailers get connected together, could they keep a back door if the second kitchen is not a full kitchen. Technically, the second kitchen is not a working kitchen as of now. There is no fridge, no working sinks or stove. John showed pictures of the current trailer connection situation. Dan Wise said the trailer being lived in now will be off property by end of April 2016. John said as long as the second kitchen is not working ie: no running water, the connected trailers could be considered a SFR (one 3 bedroom mobile, 1 full use kitchen, 1 dry area for eating (quasi 2nd kitchen)). Dan Wise stated that at some point in the future, they would like to hook up the second kitchen. John explained that if the second kitchen is hooked up, that would throw this situation back into a non-compliance.

Public comment:

Fred Salmonsens said three nights ago the Burr's had a fire which smelled like trash but the Burr's said they were burning weeds and grass, which there is no grass, leaves or trees around. They are lying. The burning permit was issued for 11:45 PM. The Burr's are making a mockery of the BOH. It is a mess and full of junk.

Cheryl Sage owns property down the road. Many complaints were filed before Dan Hooten from RCEH visited the site. Dan Hooten worked with Burr's to fix the issues. It seems when no one is watching, more people come and then if they get caught, the people leave and then it starts all over. She tried to buy this property but was told it was ag only. Over the last 20 years, she has had no problems with the health of her cows. Recently she has lost cows and she feels it is the contamination of the ditch which the Burr's are upstream to. There has been raw sewage on the ground. Also, one toilet would not be sufficient for all the people coming and going and living there. She asked for suggestions from the BOH.

Public comment closed 4:25 PM.

Jeff reviewed draft agreement drafted by Roger and John.

1. Ok
2. Ok
3. Ok
4. Ok
5. Ok but correct MCA Title 50 chapter 52

6. Ok but correct MCA Title 50 chapter 52
7. Amend based upon the number of bedrooms served not necessarily the number hooked into the system.
8. Dan Browder said Finding of Fact 8 should be removed and placed at end of agreement as a “therefore” and should include the date range.

Therefore:

1. Add date of June 01, 2016
2. Add date July 01, 2016
3. Ok
4. change 6 to 9
5. Ok
6. Ok
7. Ok
8. Ok
9. Ok
10. Remove future owners, heirs or assigns.

Add #8 FOF above to This Agreement

Add notary blocks for Mrs. Burr and Chairman Burrows.

Katie moved to approve agreement draft as amended. Mick seconded. Public comment on motion: none. Discussion: none. **All voted “aye” (4-0).**

John wished Joyce a Happy Birthday.

V. NEW BUSINESS:

None.

VI. Public comment

John Winsett asked if the BOH would consider holding a special meeting in two weeks to consider a variance request. Consensus of BOH: no to holding special meeting based upon timing of the legal requirements, which would only save a week.

VII. Next Meeting: May 11, 2016 at 3:00 PM

VIII. Meeting Adjournment

Mick moved to adjourn at 5:22 PM. Seconded by Wayne. All voted “aye” (4-0).