

072

## COMMISSIONERS' PROCEEDINGS

April 11, 2024

Commissioners Scott Miller and Bill Bullock, and Administrative Officer Angela Newell were present.

8:30 Pledge of Allegiance.

Bullock and Newell informed Miller of the discussion at Tuesday's Compensation Board Hearing.

Bullock noted the discussion with Red Lodge Airport Board members regarding costs of obtaining the Federal Surplus CASE Loader and current budget concerns; the issue will be placed on the Airport Board's May Agenda.

8:50 Commissioner Scott Blain joined the meeting. Noted his discussion with Representative Brad Barker regarding the Senate Bill 442 veto override letter; Blain expressed frustration over SB 442 and the State Equalization Mill and disagreement with Barker on the role of the Montana Association of Counties in both issues.

9:00 Sanitarian Jesse Gutierrez and Sanitarian Assistant Lori Kane met for the Environmental Health Department monthly update. Gutierrez reviewed the written report (attached). Gutierrez noted they have had several inquiries for East Rosebud cabin replacement septic systems following catastrophic flooding in 2022, the need for test wells due to potential groundwater changes, and the Department's view of how septic applications need to be processed with landownership and cabin ownership split.

9:30 Red Lodge Mayor Dave Westwood met for his regular meeting. He discussed the City's Request for Proposals for Planning Services and asked about the County's work with Interstate Engineering regarding Floodplain Regulations; Bullock noted Interstate is contracted for on-call Engineering but does not do floodplain or planning for the County. Discussion of Interstate's work for the County including some of the challenges with their workload capacity. Discussed Fireworks in the City limits and posing the question to residents. Need follow-up with City Attorney on County's redline

10:00 County Attorney Alex Nixon and Contract Civil Attorney Jacque Papez met for regular time. Blain moved to close the meeting to discuss litigation strategy in the Matriarch Gravel Crushing case; Miller seconded: motion carried.

10:35 Meeting reopened.

Bullock moved to approve Commissioners Proceedings for March 26, 2024; Blain seconded; motion carried.

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Commissioners discussed administrative changes and delegation of duties from Clerk and Recorder to Administrative Officer to commemorate the fiscal responsibilities that have been historically fulfilled by that position.

Nixon noted he will again be requesting Paralegal training for his legal secretaries; Nixon noted he has not spent any funds on training for his staff since they were hired. Bullock is concerned that the staff will expect additional wages to account for their increased pedigree. Nixon noted he has not had any discussions with staff and does not intent to request additional pay for that staff. Discussion about training timeline; Nixon noted online course so there is not travel costs and can be accomplished within normal work hours. Blain expressed concerns about employees leaving employment after receiving certification; Nixon noted the salary for the position varies wildly.

11:00 Safety Committee meeting. HR Specialist Kate Asbury, Public Health Coordinator Erin Cross, Undersheriff Jeff Schmalz, Treasurer Lori Lynde, Sanitarian Jesse Gutierrez, and Justice Court Clerk Amanda Dove were present. Blain moved to approve Safety Committee meeting minutes from January 11; Miller seconded; motion carried. Asbury noted she is Working on Safety Manual updates, the replacement of our safety management consultant in quarter 3, and safety training requests. 11:15 Deputy Clerk and Recorder Lola Ashby joined the meeting. Discussed providing narcan training. Asbury reviewed incident trends noting slips, trips, and falls and material handling are our top categories for claims; this is typical of most Montana State Fund clients. Asbury reviewed Department of Labor and Industry inspection at the Weed District shop.

12:00 Board of Health meeting. Dick Nolan, Dr. William Oley, County Attorney Alex Nixon, Contract Deputy County Attorney Jacque Papez, Public Health Coordinator Erin Cross, Sanitarian Barbara Krizek, Sanitarian Assistant Lori Kane, Jason Mahoney, and Rod Ostermiller were present.

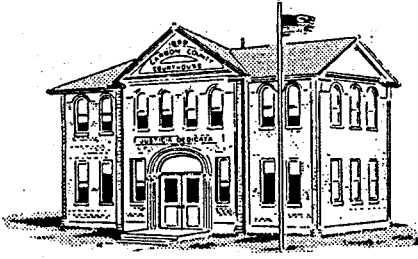
Adjourned.

ATTEST:

  
Clerk & Recorder

  
Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer



# COUNTY OF CARBON ~ STATE OF MONTANA

## ENVIRONMENTAL HEALTH DEPARTMENT

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### MONTHLY RE-CAP APRIL 11, 2024

#### ENVIRONMENTAL/ON-SITE WASTEWATER

- Significantly higher volume of Septic Applications (2023 YTD = 16 applications; 2024 YTD = 29 applications).
- Problematic/time-consuming old subdivisions (ex: Waples Tracts)

#### LICENSED ESTABLISHMENTS (DPHHS)

- Goal: 15 non-Short Term Rental (STRs) inspections per month for end of October completion (ie "90%"+).
  - ON TARGET: 46 non-STRs completed through Mar (17 in Mar)
  - 9 STRs inspected through Mar (2 in Mar)

#### COMPLAINTS:

- OLD: Castaway (Planning); Vargas (Septic); Lonesome Spur Dude Ranch new wedding venue (Group-2/Septic) issued letter 6/15 and have taken steps toward compliance; Mountain View Trailer Court – Joliet (Septic); Boyd RV sites ("subdivision"); 12 Palisades Path reported by Contractor
- NEW: Essential Fuels (Bridger) asphalt in Stormwater retention pond

#### EMERGENCY PREPAREDNESS/RESPONSE

- June 2022 Flood: East Rosebud Lake Association issues: "Ownership" and Ground Water Monitoring. Conference call scheduled for April 12, 9am.
- Bridger Train De-Railment: No news. Clean-up and well monitoring in progress until remediated.

#### MISC:

- Annual Montana Environmental Health Association (MEHA) Conference (Gutierrez/Krizek): Apr 1-3
  - Initiative to increase/recoup more Licensed Establishment fees.
- Krizek accepted as Mentee to MEHA Registered Sanitarian Mentorship Program: visit scheduled with Mentor in Lewis and Clark County May 8.
- Winter Projects (In order of priority. Would require overtime or additional staffing to accomplish):
  - Carbon County Wastewater Regs Update (current edition = 2019). Revised goal = July BOH meeting
  - Cross-train Gutierrez for Engineering reviews for over 20-acre parcels and DEQ Local Approvals; (Cross-train Krizek for Licensed Establishment inspections)
  - Reconcile ImageSilo discrepancies (unscanned DEQ COSAS; incomplete scans of COSAs). **SALLY BIRKELO**
  - Follow-up on Compliance issues/complaints
  - Site Evaluator qualifying criteria/test
  - "Daydreaming List"
    - Ground Water Monitoring geographical/historical GIS layer of inventory over time
    - GIS layer of septic systems (start with 2021 on...) linked to permit information
- For FY 25 will be proposing to advertise for Permanent Part-Time (16 hours) Clerk
- Leave: Krizek Apr 15-27 (FMLA); Kane May 20-23;

# LICENSED ESTABLISHMENT FEE INCREASES

Counties bear the majority of the cost of Montana's Licensed Establishment Program. License fees are set in state law and have not increased since 2009. Licensed establishment inspections protect the public from foodborne illness, maintain clean environments, and support business operators in selling safe products and services to consumers.

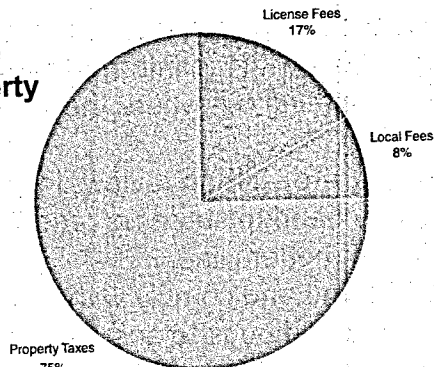


## WHY INCREASE FEES?

State-mandated licensed establishment inspection programs cost more than 3.8 million dollars in local tax dollars statewide.

Licensed establishment inspection program costs are covered by\*:

- 75 percent of costs are covered by local property taxes.
- 17 percent of costs are reimbursed through license fees.
- 8 percent of costs are reimbursed by local fees only used by some counties (temporary food service permits, plan review).



County costs of this state-mandated program have gone up significantly – an average of 137 percent – among counties that reported information for 2008 and 2023. Since 2009, the cost of living alone has increased by 46 percent\*\*.

\*2023 data is based on self-reported data from 24 counties, representing about 78 percent of the population in Montana.  
\*\*Consumer Price Index Inflation Calculator, US Bureau of Labor Statistics, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm), accessed 2/22/24.

## WHO WILL BENEFIT?

Everyone. Licensed establishment inspections benefit local residents and visitors as well as new and longtime business operators. Taxpayers and businesses should more evenly split the cost of this program.

## GET INVOLVED

- Stay connected on this topic with your registered sanitarian and/or public health director.
- Tell us what you think.
- Talk with your State Representatives about why fee increases are needed during this interim.

## NEXT STEPS

- **March:** Make sure your county submitted their data (see below).
  - **April:** Registered sanitarians will discuss specific policy proposals at the statewide Confluence/MEHA conference.
  - **Summer:** Outreach and conversations with the business community.
- See backside for additional information.

Need data from: Anaconda-Deer Lodge, Beaverhead, Blaine, Broadwater, Carter\*, Custer, Daniels, Garfield, Glacier, Granite, Hill, Jefferson, Judith Basin, Mineral, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Ravalli, Rosebud, Sanders\*, Sheridan, Stillwater, Sweet Grass, Teton, Treasure, Wheatland, and Wibaux. If you govern one of these counties, please encourage your registered sanitarian to respond – we want to be able to show the legislature a complete picture of the issue from across the state. (\*Currently working with Sanders and Carter to get the data.)

## Increasing Licensed Establishment Fees

Licensed Establishments are those businesses that are required to be licensed through DPHHS and are inspected by Registered Sanitarians.

These include food services (coffee huts, restaurants, grocery stores, etc), public lodging (hotels, motels, B and Bs, tourist homes, etc), pools and spas, and campgrounds and trailer courts.

Annual license fees are low compared to the actual cost to counties. Counties get a percentage of these fees to hire and train sanitarians, inspect the businesses, follow up on issues and investigate complaints.

Establishment Type	Current Fee	State Retains	County Reimbursed
Retail Food Small	\$85	\$8.50	\$76.50
Retail Food Large	\$115	\$11.50	\$103.50
Wholesale Food	\$115	\$11.50	\$103.50
Public Accommodations - Small	\$40	\$6.00	\$34.00
Public Accommodations - Med	\$80	\$12.00	\$68.00
Public Accommodations - Large	\$160	\$24.00	\$136.00
Trailer Court/Campground - Small	\$40	\$6.00	\$34.00
Trailer Court/Campground - Med	\$60	\$9.00	\$51.00
Trailer Court/Campground - Large	\$120	\$18.00	\$102.00
Pools	\$200	\$30.00	\$170.00
Spas	\$75	\$11.25	\$63.75

## Montana's Licensed Establishment Program:

- **Prevents foodborne illness.** The Centers for Disease Control and Prevention (CDC) estimates that 1 in 6 people get sick from foodborne illnesses each year. Foodborne illness effects can range from feeling nauseous enough to miss work to hospitalization or even death. Inspections reduce the incidence of foodborne illnesses by providing operators with the information they need to establish and maintain safe food handling practices, and by pointing out where they need to make improvements.
- **Provides invaluable information to business operators.** Plan review, inspections, complaint follow up and training let operators know where they need to shore up practices to keep consumers safe, to meet the state standards, and to protect their bottom line.
- **Protects consumers.** By helping operators understand and comply with regulations ranging from requiring clean sheets between guests to eradicating bed bugs to ensuring clean water and adequate sewer systems, Montana's licensed establishment program helps protect consumer safety in hotels, motels, pools, spas, trailer courts and campgrounds.

## Preliminary Policy Ideas

1. Use the existing fee structure and propose a percentage increase for each license type, or
2. Consider ways to improve equity in fee structure, without making it complicated, and/or
3. Propose new categories, which could include:
  - **For larger food establishments:** Currently, there are only two categories, those with two or fewer employees and those with more than two employees. However, some businesses, such as large grocery stores with delis and other departments, and food service complexes with multiple kitchens under one owner, take significantly more time to inspect than a large coffee shop.
  - **For year-round pools and spas:** Year-round pools and spas take more time than seasonal pools and spas because they have to be inspected twice a year.
  - **For public lodging that also serves food:** Currently, food service in hotels, motels, etc. are exempt from food licensing but subject to the food rules and pay the same fee as a lodging facility without any food service.