To: Stillwater County Board of County Commission  
From: Stillwater County Board of Health

Stillwater County Commission, I write this letter to document and remind you of the action that has been taken regarding a septic system that was improperly installed on a lot in the Crow Chief Meadows subdivision South of Absarokee Montana in Stillwater County. The following actions were taken by the Stillwater County Board of Health in the last 6 months to try and remedy the situation and as a member of the Board of Health I ask that you approve the actions and recommendations of the Stillwater County Board of Health.

On July 12, 2021 at the county board of health meeting Josh Juarez, Stillwater County Sanitarian reported that it was brought to his attention by Commissioner Riveland that there was an issue with a septic system in the crow chief meadows subdivision. The issue pertains to septic system that was partially installed on a neighboring lot. This septic system had been approved by a prior county sanitarian. Josh presented an aerial photo of the property and has visited the property and spoke with the property owner. Josh stated that it is very clear that the drain field for the septic system is clearly on the neighbor’s property. Josh stated that the first step to take would be to have the property surveyed. Commissioner Riveland made a motion to get a surveyor out to the property to identify where the property pins are. Commissioner Hamilton seconded the motion and the motion passed with no opposition.

On August 9, 2021 at the county board of health meeting, Josh Juarez, Stillwater County Sanitarian reported that he talked with Essex Surveying and they will be available to look at the property at the beginning of September. Commissioner Riveland stated he talked to the property owner about making a boundary line adjustment, the owner was not interested in doing so since they would be gaining unbuildable property and giving up more valuable property. Josh and Commissioner Riveland will continue to work together to get this issue remedied.

On September 13, 2021 at the county board of health meeting, Josh Juarez reported that the surveyor went to the property in question last week. Josh stated they are still trying to determine if this will be a boundary line relocation. The adjacent landowner has told Josh that they are willing to work with the county to remedy this issue.

On October 18, 2021 at the county board of health meeting, Commissioner Riveland talked to the adjoining landowner and he is proposing that if the county would be willing to fence his lot, he would deed over the 4000 square feet piece of land that the septic is on. Randy Smith motioned to approve the fencing of approximately 1900 lineal feet of the adjoining property in exchange for approximately 4000 square feet of ground needed for the septic error. Nancy Rohde seconded the motion and it unanimously passed. Commissioner Hamilton motioned that the county creates a letter that states that the county will fence the 1900 lineal feet of the adjoining property in exchange for the 4000 square feet needed for the septic error and to have Nancy Rohde work up the quick claim deed for said ground. Randy Smith seconded the motion and the motion passed unanimously.

On November 8, 2020 at the county board of health meeting, Commissioner Riveland stated that there is an agreement being drawn up between the adjoining land owner and the Ray’s on the Crow Chief Meadow septic issue. There is a small square footage where their septic is on his property. He has
agreed to a quick claim deed to the Ray’s in exchange for the county fencing off his lot with a five-strand smooth wire fence with 3 gates.

On Monday December 6, 2020 at the county board of health meeting, Commissioner Hamilton reported that Essex has submitted all of the proper documents to the Planning office. Essex will be preparing the quick claim deed. Randy Smith motioned to prepare an RFP for the fence work on the Crow Chief Meadows lot, Commissioner Riveland seconded the motion and the motion passed unanimously.

As a member of the Stillwater County Board of health, again I ask that the Stillwater County Commission approve the cost of fencing that needs to be built to remedy the issue of an approved septic system that was partially installed on an adjacent property. The cost of the fence is way more cost effective than having to excavate the septic system and have a new one installed.

Thank You

Randy Smith
Stillwater County Board of Health
I. **ATTENDANCE:** Mark Crago, Steve Riveland, Randy Smith, Natasha Sailer
   a. **Staff:** Amy Stadel, Stephanie Ray, Shannon Fisher, Nancy Rhode

II. **REVIEW OF MINUTES**
   a. Randy moved to approve the December minutes. Natasha seconded. All approved.

III. **NEW BUSINESS**
   a. **Co-op agreement with DPHHS-2022**
      i. Randy motioned to approve the co-op agreement and send to commission for final approval. Natasha seconded the motion.

IV. **UNFINISHED BUSINESS**
   a. **Jopson-84 E. Ridge Rd**
      i. Stephanie – The county attempted to serve the property owners a letter, but they are currently in California, so the letter came back to Nancy unserved. Natasha made a motion for a letter to be served in California by a civil process server. The letter will state that as soon as they return to Montana, they need to contact Stillwater County immediately and start the process. Randy seconded the motion. All approved.

   b. **Rosebud Work Camp**
      i. Stephanie – The planning office received a conditional use permit from Moran. They have ceased and desisted all work on the property. Commissioner Riveland has received some public comment from some of the adjacent neighbors.

   c. **Stillwater River Rd. Flood Plain-Kolar**
      i. The Army Corps has been in touch with Kolar and has requested additional information from her. The application is currently under review from the Stillwater Conservation District and KLJ.

   d. **Homestead Update**
      i. Nancy – The county attorneys office is going to file a Lis pendens on the property. The engineer does want to scope the lines inside the building, but is getting no response from Weitz’s attorney. The next step will be to get a court order to enter the building.

   e. **Crow Chief**
i. Commissioner Riveland—Steve talked to the planning office and Essex and they are working on getting all of the documents together to get filed and send the quick claim deed to the Vandesnick’s and then plan on getting the fencing done this spring.

ii. Randy prepared a letter on how this was brought to the Board of Health and documents all of the motions that was agreed upon by the Board of Health and addressed to the Commission so that they could approve everything (see attached).

iii. Natasha motioned to send as written, the letter that Randy provided for the Board of Health to the Commissioners for their approval. Commissioner Riveland seconded the motion. Motion passes.

f. Pearson

i. Shannon and Stephanie – This is a complaint that came into the planning office recently. Adjacent property owners have concerns about some water quality issues. Further investigation resulted into this property having an active DEQ violation notice letter regarding a failed septic and lack of compliance. There were letters sent to the Whites and McClurg’s letting them know that their water may not be drinkable. Megan Spry and Shannon Fisher stopped by Mr. Pearson’s residence to let him know that he would need to replace his septic system and drain field. He does not believe that his system is causing the problems. Natasha motioned to give Environmental Health the necessary tools to work with the County Attorney to make sure proper enforcement is done to notify the property owner of the violations. Randy seconded the motion. Motion passes.

V. HEALTH OFFICER REPORT/HEALTH NURSE REPORT

a. Natasha – There is currently zero active Covid 19 cases in the county. Hospitalizations and death rates are significantly down with the Omicron variant. The clinic is still providing vaccines and boosters every other week at the hospital. There has been an increase in the hepatitis virus.

VI. ENVIRONMENTAL HEALTH UPDATE

a. New Sanitarian

i. Shannon Fisher is on board as our new Sanitarian in Training.

b. Food Establishment Inspections

i. Megan and Shannon have done 95% of the food inspections so the county will get the funding for 2021.

VII. OTHER

a. Stephanie – KLJ and Engineering West continue to do our septic permit reviews and flood plain. Shannon will start reviewing the applications as well, along with our contractors.
b. Commissioner Hamilton - The commission came onto the Board of Health last year with the intent of only staying on until they felt comfortable that the Homestead was at a place where they could step down and just attend as needed. Next meeting, there should be a discussion of board openings.

VIII. ADJOURN

a. Commissioner Hamilton adjourned the meeting at 12:46 pm.

Amy Stadel-Environmental Health