



Board of Health

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, May 15, 2017

5:15 PM

Riverview Conference Room

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Board of Health** of the City of De Pere will be held on **May 15, 2017** at **5:15 PM** in the **Riverview Conference Room, 335 South Broadway Street, De Pere, WI 54115.**

I. Call to Order

1. Roll Call

II. Action Items

1. Election of President & Vice President
2. Approval of March 20, 2017 Minutes
3. Update of City Noise Ordinance Consultation
4. Staffing Update - Discussion to increase Office Assistant hours from 32 to 40 hours per week. Also increasing part-time nursing hours from 24 to 32 hours per week.
5. Consider Revisions to Sec. 106-4(b) Regarding Agent Status for State Licensing
6. Report on Department Activities - Port-a-count training completed by nurses to be able to fit-test city employees. Erin and Sara attended National Preparedness Conference in Atlanta. Sara has completed ICS training. Sara is now certified for car seat installations. Sara has also completed the lactation consultant certification.
7. Sanitarian Program Update - Agent Contract Evaluation in June
8. Public Comment on Matters not on the Agenda
9. Future Agenda Items
10. Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce

City of De Pere, Wisconsin

**Request For Board of Health Action**

MEETING DATE: May 15, 2017

DEPARTMENT: Health Department

FROM: Julie Switzer

SUBJECT: Election of President & Vice President

City of De Pere, Wisconsin

**Request For Board of Health Action**

MEETING DATE: May 15, 2017
DEPARTMENT: Health Department
FROM: Julie Switzer
SUBJECT: Approval of March 20, 2017 Minutes

ATTACHMENTS:

- 03-20-17 BOH Minutes (DOCX)

**BOARD OF HEALTH MEETING
CITY OF DE PERE, WISCONSIN – March 20, 2017**

2.2.a

The Board of Health of the City of De Pere, Wisconsin met in regular session in the Riverview Conference room at City Hall, on Monday, March 20th at 5:15 p.m.

Roll call was taken and the following members were present: Mike Donovan, Dr. Michael McHenry, Pat Finder-Stone, Ryan Jennings, Dennis Hibray, Dr. Richard Erdman, Deborah Armbruster, Dale Schmit and Julie Switzer. Also present were Judith Schmit Lehman, City Attorney, and Larry Delo, City Administrator. Nursing students Sara Janssen and Heather Pasterski were also present, as well as citizen Ron Manning.

1. Approval of November 21, 2016 Meeting Minutes

Pat Finder-Stone made a motion, seconded by Dennis Hibray to approve the minutes of the November 21, 2016 Board of Health Meeting. Upon vote, motion passed unanimously.

2. Consideration of Request to Revise City Noise Ordinance to Address Common Wall/Intra-Property Division Concerns.

There have been noise concerns occurring at the Green Room, 353 Main Ave. in West De Pere. The HD Sanitarian, Dale Schmit went out to take some readings and the readings did not exceed the City's ordinance noise levels. The residents next to the business were to call the police when the noise was occurring so that the police could get there and take readings in a timely fashion. The residents had some questions about getting the City Noise Ordinance revised. Judy Schmit-Lehman spoke of The Board of Health having jurisdiction over the noise ordinance since this is a health issue. The Board of Health can make recommendations to the City Council. Ryan Jennings made a motion, seconded by Dr. Michael McHenry to open the meeting to the public. Upon vote, motion passed unanimously. Ron Manning owns the building next door to the Green Room at 345 Main Ave. A business is run on the 1st floor and they live on the second floor. Ron stated that he doesn't feel that the current city ordinance addresses a common wall or an intra building position. Other cities have devised indoor noise measurements as a way to address this problem. A suggestion was made to hire a sound expert to come in and study what the community is interested in pursuing. The City of De Pere is undergoing a comprehensive zoning code rewrite this year in which this issue could be addressed in zoning classifications and looking at noise levels in the different classifications. Ryan Jennings made a motion, seconded by Pat Finder-Stone to close the meeting to the public. Upon vote the motion passed unanimously. The Health Department has had no other calls complaining of loud music from a commercial business. The police department is willing to go out and take readings at any time. Ryan Jennings made a motion, seconded by Pat Finder-Stone to refer the issue back to staff to look into hiring a sound expert who could provide information for the city's zoning code rewrite. Upon vote, motion passed unanimously.

3. Review of De Pere Health Department 2016 Annual Report

Question was asked about why the numbers for lead tests have increased. Providers and the WIC program have been screening more children between 9 months and 1 year, and then again at 2 years of age. Lead is likely to come from old paint layers and the soil. There is only 1 property owner that has lead piping in De Pere, and at the time that it was found they chose to leave it that way. That is internal to the house. The HD nurses have done education through the Kress Library and have done extensive teaching on lead as well. Dr. Michael McHenry made a motion, seconded by Dennis Hibray to accept and place on file. Upon vote, motion passed unanimously.

4. Annual Policy & Procedure Review

None of the Policies and Procedures were changed. Maternal Child Health Home Visitation program did not show all of the things that are done for home visitation. How the department gets referrals, ASQ developmental screenings, and safety screenings were added to this policy. Policy & Procedure signature page was signed by Mike Donovan, and Dr. Richard Erdman. Mike Donovan made a motion, seconded by Dr. Michael McHenry to accept and place on file. Upon vote, motion passed unanimously.

Attachment: 03-20-17 BOH Minutes (5810 : Approval of March 20, 2017 Minutes)

5. YTD Communicable Disease Report Including 5 Year Stats for Comparison

The 5 year stats for comparison will continue to be done on a yearly basis. Dr. Michael McHenry made a motion, seconded by Dennis Hibray to accept and place on file. Upon vote, motion passed unanimously.

6. 2016-2017 Weights & Measures Fee Formula Calculations & Fee Setting

An annual letter was sent out in January to all businesses requesting the number of devices. Because of the number of weights and measures devices, the cost per device has decreased a small amount for this license year. The main devices are gas pumps, scanners and scales. Pat Finder-Stone made a motion, seconded by Dr. Michael McHenry to accept and place on file. Upon vote, motion passed unanimously

7. Sanitarian Program Update including Sanitarian Standardization, Agent Program Evaluation, Nuisance Complaints, health Hazards, and Establishment Complaints

The state will come to De Pere to evaluate Dale for his standardization. 1 facility was completed out of the 4 that are required. The state will come out after this is completed to do the agent program evaluation. There have been 6 nuisance complaints year to date, as well as 2 establishment complaints for licensed facilities.

Dr. Michael McHenry made a motion, seconded by Ryan Jennings to accept and place on file. Upon vote, motion passed unanimously.

8. Report on Department Outreach/Health Promotion Activities

Suicide is one of the Maternal Child Health objectives. Erin Bongers and Sara Lornson have been trained in QPR (Question, Persuade and Refer) and have been going to schools, libraries, etc. to do the training. The department is working on the Adult Immunization grant to get people to accept the HPV vaccine for cancer prevention. The age group that the department is targeting is 19-26. The department has also been working with the Pharmacies to assure that they are entering all their adult immunizations in the WIR (Wisconsin Immunization Registry). This gives a more accurate idea of the number of people immunized. Ryan Jennings made a motion, seconded by Dr. Michael McHenry to accept and place on file. Upon vote, motion passed unanimously.

9. Public Comment on matters not on the agenda

10. Future Agenda Items

New chairman for the Board of Health.

11. Adjournment

Upon motion by Pat Finder-Stone, seconded by Dennis Hibray, the Board of Health unanimously adjourned at 6:30pm.

Respectfully Submitted,

Julie Switzer

Health Department Office Assistant

City of De Pere, Wisconsin

**Request For Board of Health Action**

MEETING DATE: May 15, 2017

DEPARTMENT: Health Department

FROM: Julie Switzer

SUBJECT: Update of City Noise Ordinance Consultation

City of De Pere, Wisconsin

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SUBJECT: Staffing Update - Discussion to increase Office Assistant hours from 32 to 40 hours per week. Also increasing part-time nursing hours from 24 to 32 hours per week.

City of De Pere, Wisconsin

**Request For Board of Health Action**

MEETING DATE: May 15, 2017

DEPARTMENT: Health Department

FROM: Julie Switzer

SUBJECT: Consider Revisions to Sec. 106-4(b) Regarding Agent Status for State Licensing

ATTACHMENTS:

- BOH-Amending 106-4(b) DPMC Agent Status-5-15-17-148-001-17 (PDF)
- 9177 (PDF)

CITY OF DE PERE

MEMO

To: Members of the Board of Health
From: Judith Schmidt-Lehman, City Attorney
RE: Amending §106-4(b) De Pere Municipal Code Regarding Agent Status
Date: May 15, 2017

As you will recall, at the September 19, 2016, Board of Health Meeting, the Board considered a revised contract with the state to administer, as agent for the state, the retail food and recreational programs. This revised contract was made necessary when the State Department of Health Service – Food Safety Division was merged with the Department of Agriculture, Trade and Consumer Protection. At that meeting, the Board voted to recommend to the Common Council that the revised Agreement be approved. The Council approved the revised Agreement on October 4, 2016.

Another effect of the merger of these two state departments is that the state regulations referenced in §106-4(c) De Pere Municipal Code for these programs have likewise changed. Therefore, ordinance revisions as shown on the attached red-lined copy of this ordinance are also required. None of these changes involve substantive revisions to the ordinance.

Please let me know if you have any questions or concerns. I can be reached at 339-4042.

JSL

cc: Deborah Armbruster, Health Director

H:\azills\Memos\2017\BOH-Amending 106-4(b) DPMC Agent Status5-15-17-148-001-17.docx

Sec. 106-4. - Licenses required under this chapter.

(a) *Weights and measures regulations.*

- (1) *Application of state codes.* Except as otherwise specifically provided in this section, the statutory provisions provided in this section, the statutory provisions of Wis. Stats. ch. 98, Weights and Measures, and Wis. Adm. Code, ATP 92, Weighing and Measuring Devices, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein or administrative code provisions incorporated herein are intended to be and are made a part of this section. This section is adopted pursuant to the provisions of Wis. Stats. ch. 98, including all amendments thereto.
- (2) *Appointment of inspectors.* In order to assure compliance with this section, the city hereby grants the authority and duties of sealers and inspectors required by this section to the city sanitarian.
- (3) *Definitions.*
 - A. *Commercial weighing or measuring devices.* Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge of payment for services rendered on the basis of weight of measure.
 - B. *Weights and measures program.* The program that includes administration and enforcement of this section, Wis. Stats. ch. 98, and applicable Wis. Admin. Code provisions, and any related actions.
- (4) *License.*
 - A. *Annual license.* The owner/possessor of weighing and measuring devices shall no later than March 1 of each year file an annual weights and measures license form with the health officer, listing the number and type of devices either owned or leased as of January 1 of each year.
 - B. *Annual license fee.* The City of De Pere shall annually assess license fees to each person/business based on their number of weighing and measuring devices, either owned or leased, as of January 1 of each year. The yearly license fee shall be determined by dividing the actual costs of the weights and measures program by the number of weighing and measuring devices known to exist within the city's jurisdiction multiplied by the number of devices under the control of each person/business. The total of the fees assessed and the fees collected shall not exceed the actual costs of the weights and measures program.
 - C. *Health officer to prepare fee schedule.* The health officer shall at least annually prepare a schedule of license fees and the city shall mail to each business an invoice of the amount of the license fee. Each business shall pay the license fee within 20 days after the date the invoice is mailed.
 - D. *Failure to pay license fee.* If the license fee is not paid within 30 days of the date of the mailing of the invoice, an additional administrative collection charge of ten percent of the total fee shall be added to the amount due, plus interest shall accrue thereon at the rate of one and one-half of one percent per month or fraction thereof until paid. To the extent permitted by law, if the business owner is the owner of the real estate premises where the weights and measures devices are located, any delinquent license fee shall be charged to the real estate premises for current services.
 - E. *Mailing of notices.* License forms, notices and invoices shall be considered mailed to a business when mailed by first class mail, postage prepaid, to the business address.

- F. *Change of ownership.* The owner/possessor of weighing and measuring devices as of January 1 of each year shall be assessed for fees under this section, regardless of any change in ownership or possession of such devices during the year.
- (5) *Penalty.* In addition to any other remedy, any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof be subject to forfeiture as determined by resolution of the common council. Each day a violation exists or continues shall constitute a separate offense.
- (b) *Health department licensing under department of health services and department of agriculture, trade and consumer protection.*
- (1) *Definitions.* The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- A. Health officer means the person appointed under section 74-2 of this Code, or that person's designee.
 - B. License/permit means licenses/permits authorized through agent status with the State of Wisconsin under Wis. Stats. §§ 97.41, 97.615, 250.01 and ~~or 254.69~~, Wis. Admin. Code ATCP Chapter 74.
- (2) *License/permit required.* No person shall operate or open for public use, such business or use as set forth in (3) and (4) of this section without the proper license/permit. All license/permit fees shall be as determined by resolution of the common council, which may also include but are not limited to re-inspection fees, late fees, penalties and fees for expedited process.
- (3) *Agent status.* Pursuant to Wis. Admin. Code ATCP Chapter 74, ~~The~~ health department, as agent of the state, shall collect fees, issue licenses and permits, inspect and enforce all provisions of the following state administrative codes and all amendments thereto, which are incorporated by reference:
- A. Retail food establishments (including restaurants and food vending), Wis. Admin. Code ATCP Chapter 75 and Chapter 75 Appendix (Wisconsin Food Code).
 - B. Swimming pools, Wis. Admin Code ATCPDHS Chapter 1762.
 - C. Tattoo and body piercing, Wis. Admin. Code SPDHS Chapter 22173, except practitioner's license, which is issued by the State of Wisconsin.
 - D. Recreational and educational camps, Wis. Admin. Code ATCPDHS Chapter 1785.
 - E. Campgrounds, Wis. Admin. Code ATCPDHS Chapter 1798.
 - F. Hotels, motels and tourist rooming housing, Wis. Admin. Code ATCPDHS Chapter 72195.
 - ~~G. Restaurants, Wis. Admin Code DHS Chapter 196 and Chapter 196 Appendix, except certified food manager license, which is issued by the State of Wisconsin.~~
 - GH. Bed and breakfast establishments, Wis. Admin. Code ATCPDHS Chapter 73197.
 - ~~I. Vending of food, Wis. Admin. Code DHS 198, inspections only (State of Wisconsin issues license).~~

City of De Pere, Wisconsin

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FROM: Julie Switzer

SUBJECT: Report on Department Activities - Port-a-count training completed by nurses to be able to fit-test city employees. Erin and Sara attended National Preparedness Conference in Atlanta. Sara has completed ICS training. Sara is now certified for car seat installations. Sara has also completed the lactation consultant certification.

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SUBJECT: Future Agenda Items

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**Request For Board of Health Action**

MEETING DATE: May 15, 2017
DEPARTMENT: Health Department
FROM: Julie Switzer
SUBJECT: Adjournment
