

PROCEEDINGS OF THE BOARD OF HEALTH MEETING

Monday, November 17, 2008

5:30 PM

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Present: Audrey Murphy, Harold Pfothenhauer, J. Tibbetts, M.D., Joe Van Deurzen, Don Murray, Vue Lor-Yang

Absent: Mary Scray

Staff Present: Judy Friederichs, John Paul, Ricki Krautkramer

Guests Present: Fred Moore (County Board Attorney), Larry Collins (JBS – Packerland), Mark Reimer (JBS – Packerland), Curt Grimm (JBS – Packerland), Steve Van Lannen (American Foods Group), Brett Losey (Sanimax), Tom Collins (Sanimax)

1. CALL TO ORDER / INTRODUCTIONS / BOARD STATUS UPDATE

Audrey welcomed and introduced the County Board Attorney, Fred Moore; and Vue Lor-Yang, a new Board of Health member. Vue Lor-Yang said she has been an Information and Assistance Specialist at the Aging and Disability Resource Center for 2 ½ years. She has a bachelor's degree in Social Work, and a graduate degree in Counseling.

2. APPROVAL / MODIFICATION OF AGENDA

Audrey said the agenda for the meeting is a revision of the agenda for the meeting originally scheduled for November 14, 2008.

Motion: To approve the agenda as presented. Van Deurzen / Tibbetts

MOTION CARRIED

3. APPROVAL OF MINUTES OF SEPTEMBER 16, 2008

MOTION: to receive and place on file. Van Deurzen / Pfothenhauer

MOTION CARRIED

4. UPDATE: TEEN PREGNANCY (Ricky Krautkramer)

Ricki distributed and discussed the 2007 teen birth statistics for Brown County and the plans being implemented which are intended to help solve the problem.

There were 304 births to teen mothers in 2007, compared to 276 in 2006. The teen birthrate for 15 – 19 year olds increased from 33% in 2006 to 35.9% in 2007. A Teen Pregnancy Rate Chart comparing the rates of births per thousand in Brown County shows that the high rate was 40.0 in 2000, it decreased in 2005 and 2006 to 33, and then increased in 2007 to almost 36. The percentage of births in teens 17 and younger was 30% and in 18 and 19 year olds was 70%. Another chart showed the number of births per county from 1997 through 2007.

A community event sponsored by a grassroots coalition, the Salvation Army, and Celebration Church was held for parents and teens October 6<sup>th</sup> at Celebration Church. Over 1,000 people attended the event, and feedback was positive. A video of the presentation is available to the public.

The Adolescent Pregnancy Prevention Committee is looking for \$5,000 to hire someone to research the problem and find an effective evidence-based program. A committee member met with representatives from the United Way, but they are only funding new programs related to transportation and shelter in 2009. Audrey and Ricki talked about other community organizations to invite to the meetings. Audrey said that the Board would be advocates for this issue and want to be updated.

5. INFORMATION: School Immunization Law Waivers (Ricki Krautkramer)

Ricki distributed and discussed handouts from the 2007/2008 Checkpoint Report because the current school year's report isn't complete. We received 91 school reports reporting on over 38,000 students. Parents of 77 students claimed their children couldn't get shots because of a health waiver. A physician must sign the form, and it means the child can't get the shots because of a health reason. Parents of 37 students claimed a religious waiver which means parents checked the religion box and signed the form. Parents of 630 children claimed a personal conviction waiver. Parents check the box and sign the form. Wisconsin is criticized for including this waiver. It is a compromise for parents who don't want their children immunized and to get the legislation passed. Parents who know their children were immunized, but don't have a record use this waiver too. If parents do not turn in their child's record after being repeatedly asked for it, sometimes the schools encourage parents to sign this waiver. Parents of 118 students didn't turn in their children's immunization

records. About 500 students were considered behind schedule. This means they didn't get the shots before the report was sent.

Schools are required to send the report to the health department by the 40<sup>th</sup> school day; the health department's report is due to the state by November 15<sup>th</sup>. Seven schools haven't sent their report yet. If there is a disease outbreak, children who didn't receive the vaccine can be excluded.

6a. REQUEST FOR CLOSED SESSION UNDER WI STATUTE 19.85 (1) (e) AND (i) RE TO CHAPTER 38 (4) BROWN COUNTY CODE OF ORDINANCES

Audrey asked if the request for the closed session was still in place. If it isn't, the number six agenda item will be handled as departing from the regular order of business and hearing from people who wish to speak.

Mark Reimer, the general counsel of JBS Packerland, said he requested the closed session because he thought the amount of the third citation fine was set by the Board of Health. He said if the Board of Health wanted to discuss the amount of the fine with representatives from JBS Packerland, they were willing to discuss it in closed session. If the Board decides the fine according to the range the Board decided previously, going into closed session wasn't necessary. County Board attorney Fred Moore said if Packerland is requesting a closed session, the Board will pass on whether or not they want to go into closed session.

Joe asked if a third citation was issued, and Judy said the citation hasn't been issued yet. Audrey asked John to talk about the citation because she thought it was issued. John said the citation wasn't issued because the ordinance states that when the third citation is within 365 days of the first citation, the penalty is decided by the Board of Health. Judy said even though the Board of Health decided on a range of fines for the third citation, some county board members said if a third citation is being considered, they want the business invited to the Board of Health meeting to determine the third penalty. Audrey quoted the ordinance and agreed with John. The motion passed at the April 06 Board of Health meeting says that the penalty for the third citation begins at \$1,250, and the highest is \$2,000. Audrey said that will be the range of the citation; so 6a can be deleted from the agenda.

Audrey asked John to explain the history of the citations. John stated that the first citation was written approximately June 20<sup>th</sup>, and the fine of \$700 was paid. Later in the summer, another citation was issued; and it will be presented to the court on December 4<sup>th</sup>. On October 30<sup>th</sup> the third citation was issued. Audrey asked John how much he thought the penalty should

be, and he said past practice was to write it for the highest amount and let the courts decide how to handle it. Audrey agreed.

Joe asked John if improvements at Packerland have started. He said a Packerland representative gave a presentation about the project at the Human Services Committee Meeting and said work will begin in early spring.

Attorney Moore asked John if Packerland's ownership changed during the period of time from the first to the third citation. John said that he thought ownership changed after the second citation. Attorney Moore told the Board that if there has been a change of ownership, the violation couldn't be counted as the third violation because there was a new owner.

Audrey said if Packerland wanted to discuss number six on the agenda, they could depart from the regular order of business.

6. HEARING: CHAPTER 38 (4), BROWN COUNTY CODE OF ORDINANCES

MOTION: To suspend the rules to hear public input.

Van Deurzen / Pfothenauer

MOTION CARRIED

Curtis Grimm, the General Manager of JBS Packerland, formerly known as Smithfield Beef Group: Mr. Grimm said that Smithfield Group Inc. is a separate legal entity that owns Smithfield Beef Group, Green Bay; it is the legal entity that owns and runs the Green Bay facility. The ownership of Smithfield Beef Group changed, but not the ownership of Smithfield Beef Group, Green Bay. If the citations were issued at the plant level, there is no change of ownership. If the citations were issued to the corporate parent level, there would have been a change of ownership on October 23<sup>rd</sup>. John didn't know how the first two citations were written.

Larry Collins, Environmental Manager at JBS Packerland, 1330 Lime Kiln Road, Green Bay: Mr. Collins said that a decision had been made to change the two main exhaust points in the rendering facility. The height of the main exhaust stack will be increased; and the biofilter exhaust that helps with high intensity vapors will be routed into the main exhaust stack. They will retrofit their ozone treatment system which will help treat the exhaust more aggressively before it leaves the stack. They have the permit, started designing the stack, and the project will go out for bids next week. They plan to be done before summer and will continually evaluate new technologies.

Audrey asked about the permit and if they've ever met with their neighbors about the odor. Mr. Collins said that they have a conditional use permit from the Zoning Committee. They invited their neighbors to a cookout and showed them their products and processing systems. It will be a yearly or biyearly event because they got favorable feedback. He has attended the Starlight Neighborhood Association meetings and was asked to be a board member.

Joe asked why there was excessive odor on the days the citations were issued. Mr. Collins said that all of the air treatment systems were functioning normally when the (alleged) third violation was noted, but an air hatch was found open. That might have caused the untreated odors to escape. The wind may also have been a factor. Mr. Grimm said that the first violation was issued when a company mixed the wrong chemical and it caused the chemical lines to get plugged. The alarms went off, but it was too late. The alarm system was automated after that incident.

Joe asked if they could determine if the violation was number one or number three. Attorney Moore said we couldn't because it depends how the first and second violations were worded. He recommended deciding the penalty, setting a court date for six months from now, and dropping the citation if the improvements are satisfactory.

Don asked what would happen if there were violations in the next six months. John stated that it would depend on whether it is the first, second or third violation. There are usually fewer complaints in the winter. There were more complaints this year than previous years. Attorney Moore said there could be a contingency saying "if there were no violations in the six month period" and suggested adding "substantial completion of the project.'

MOTION: To return to regular business. Van Deurzen / Tibbetts

MOTION: The citation should be issued for the maximum amount of \$2,000, that the court date should be six months from the date of issue, and if there are no violations and there is substantial completion of the construction project to eliminate these problems, the citation will be dismissed and be considered null and void. Van Deurzen / Tibbetts

MOTION CARRIED: FIVE YEAS; ONE NAY

7. REQUEST FROM SUPERVISOR ANDY NICHOLSON FOR HEALTH DEPARTMENT AND COUNTY BOARD ATTORNEY TO REVIEW CHAPTER 38 (4), BROWN COUNTY CODE OF ORDINANCES, FOR POTENTIAL REVISIONS

Judy said there was a request to review the odor ordinance from Supervisor Nicholson to the County Board, which was referred to the October 22<sup>nd</sup> Human Services Committee.

Supervisor Nicholson made the following proposals:

1. A fee is charged each time a complaint is made regarding odor from an industrial or commercial source; and to make it part of the county ordinance.
2. As part of the ordinance, charge a service call fee when a response from a county employee is required to address the complaint. He made the comment that if sanitarians are being sent out over and over to the same establishment it gets expensive.
3. In the code of ordinances, it states that the Brown County Health Department shall issue a citation when the health department receives and verifies three complaints from individuals representing separate properties within Brown County within an eight hour period related to a single odor description. He would like this changed to state two verifiable complaints instead of three.

The Human Services Committee referred the communication to the Board for its review, comments, and recommendations. The communication was also sent to the county board attorney.

A work committee was formed of Board members, Attorney Moore, Supervisor Nicholson, and health department staff to review the suggestions. The meeting has been scheduled for November 24<sup>th</sup>; Dr. Tibbetts and Audrey will attend.

Audrey said Chapter 38 was revised in 2005 after nine months of work with the Board and Corporation Counsel, and they thought it was a good ordinance. People from the DNR said it was the best odor ordinance they have ever seen.

8. UPDATE: 2009 BUDGET

Judy said that funding for security and conferences was deleted to meet the budget target. The Human Services Committee reinstated the \$1,000

for security and the County Board approved it. Judy was told that work on a better county security plan is scheduled in 2009.

The County Board kept the hearing and vision programs in the budget, but wants other funding sources to be explored for 2010 and beyond. Pat Evans said he will be meeting with the school superintendent and will talk about the screening programs. The Board of Health was concerned when the programs were dropped a few years ago. Judy stated that funding and volunteer sources were explored then. The programs screen 16,800 students a year, and follow-up is done. The program's 2009 cost is approximately \$129,000. This will be discussed further at the January meeting.

## 9. DIRECTOR'S REPORT

There was a Foodborne outbreak at a wedding of 260 – 280 people. Most of the attendees lived outside of Brown County. Stool cultures were sent to the state, but nothing was identified; so they were sent to CDC. The sanitarian who inspected the facility didn't find any violations, and none of the employees were ill.

There were one case of Hepatitis A and a couple of Pertussis cases reported.

There have been four new cases of tuberculosis reported. Three are extra-pulmonary, so they aren't as contagious. The case in the lungs is growing slowly and not very infectious. Three cases are confirmed, the fourth is being treated as a case. Over 100 people are on preventive medication.

Health department staff worked with other counties on a cryptosporidiosis outbreak, the source wasn't found. There were two cases in Brown County.

There were three positive Rabies cases in animals reported this year, and a lot of bat exposures to humans. A shortage of rabies vaccine created a challenge for the department and health care providers in providing health care to exposed individuals.

The department is the Fiscal Agent for a consortium of 13 agencies in the preparedness program. The state wants three consortia to merge into one. This has been happening across the state. Judy stated that consortium members have been discussing issues and sending out surveys. The state is pleased with the process in Northeastern WI.

In 2010, the tobacco program must establish a multi-jurisdictional plan of service as with the preparedness program.

The community engagement forum discussion related to the Healthy WI 2020 State Public Health Plan will be deferred.

The department is the Fiscal Agent for a model that is similar to a self-survey during 2009. This process may be used in the accreditation of public health agencies.

The Brown County Health Department, Oneida Community Health Center and the De Pere Health Department have been meeting with local law enforcement and legal agencies about quarantine issues. A meeting will be scheduled in December with all of the law enforcement agencies invited to discuss preparedness, quarantine, and other issues.

10. ANY OTHER BUSINESS AUTHORIZED BY LAW

Dr. Tibbetts requested a review of people whose terms will expire. Joe's and Dr. Tibbetts' terms will expire December 31<sup>st</sup>. Judy will call the County Executive's office and ask that their re-appointments be on the County Board Meeting agenda.

11. ADJOURNMENT / NEXT MEETING

The next meeting is tentatively scheduled for January 13<sup>th</sup> in the health department large conference room.

MOTION: To Adjourn at 7:28 PM. VanDeurzen / Pfothenauer

MOTION CARRIED