

PROCEEDINGS OF THE BOARD OF HEALTH MEETING  
Tuesday, July 17, 2012  
5:00 PM

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Present: J. Tibbetts, MD, Harold Pfothenhauer, Audrey Murphy, Patti Bacelis-Leon, Joe VanDeurzen

Excused: Don Murray

Staff Present: Judy Friederichs, Dale Schmit, John Paul, Grant Gigot

Guests Present: Tony Lawrence, Sanimax; Donn Johnson, Sanimax; Andy Nicholson, County Board Supervisor

1. CALL TO ORDER AND INTRODUCTIONS

Staff and guests introduced themselves.

2. APPROVAL / MODIFICATION OF THE AGENDA

MOTION: To approve agenda as modified to take item 8 before item 7 and item 6 after item 7.

Van Deurzen / Pfothenhauer

MOTION CARRIED

3. APPROVAL OF MINUTES OF May 8, 2012

CORRECTION: Dr. Tibbetts asked that the words "permit expires" in paragraph 5 under item 6 be changed to "permit comes up for review at five-year anniversary".

MOTION: To approve with correction. Van Deurzen / Tibbetts

MOTION CARRIED

4. REQUEST FROM SUPERVISOR BRAD HOPP REQUESTING EMF TESTING ALONG 54/57 CORRIDOR

John Paul said that Supervisor Hopp stated that he has had complaints that people don't get good radio reception in the area between University Avenue and Monroe along this highway. Judy said that it sounds like this is not a health concern.

Joe suggested referring this back to Supervisor Hopp indicating that this is not an issue that would be addressed by the Health Department. Dr. Tibbetts agreed that this is not a health issue.

MOTION: To refer the request back to Supervisor Hopp and indicate that the Board of Health does not believe this is a health issue.

Van Deurzen / Tibbetts

MOTION CARRIED

5. REQUEST FROM SUPERVISOR ANDY NICHOLSON TO CREATE AN ORDINANCE FOR LOW FREQUENCY NOISE

Supervisor Nicholson stated that he has been approached by a number of people in regard to noise. Rick James did a study that indicated an issue with low frequency noise near a residence. Supervisor Nicholson was told by the city that he should contact the Board of Health. Dr. Tibbetts said that he had also been told by the City Attorney that this is a Health Department issue.

Supervisor Nicholson asked if the study done by Rick James be distributed to Board of Health members who would then review it and discuss whether a new ordinance or ordinance revision should be considered. Dr. Tibbetts said that Mr. James has also written a low-frequency noise ordinance for Calumet County. Judy distributed a copy of that ordinance.

Supervisor Nicholson said that he would have the City Attorney's office send the document to Judy Friederichs who will then have it distributed to board members.

Audrey said that there are some additional materials that the board will be reviewing regarding wind turbine noise. The board will discuss those materials as well as the report being forwarded by Supervisor Nicholson at the next meeting.

6 & 8. REQUEST FROM SUPERVISOR PATRICK EVANS TO DISCUSS WITH POSSIBLE ACTION THE ODOR ORDINANCE

Dr. Tibbetts stated that Supervisor Evans has told him that he has been getting an increasing number of complaints regarding Sanimax and is asking if the current nuisance ordinance is strong enough. Dr. Tibbetts suggested that, when a sanitarian is called regarding an odor he or she drive with windows open to make note of odors in areas other than where

the complaint originated. John Paul said that when the sanitarians go out they do observe the area around the complainant's address and make note of odors they encounter on the complaint form. Dale Schmit concurred that this is his usual practice when responding to a complaint.

Audrey stated that the ordinance currently states that complaints must be verified and must come from three different addresses within a 24-hour period in order for a citation to be issued. Dr. Tibbetts said that an odor observed by a sanitarian that is in the area should "count" as a verifiable odor per the nuisance ordinance. He feels that there is a fair degree of apathy – people feel that nothing is going to be done about the problem so they don't bother to complain. He suggested that an education campaign might be in order.

Donn Johnson from Sanimax stated that last November he had met with the Board of Health regarding an upcoming capital project. This was a \$4 million project that concluded at the end of May. During the project, there was a period of time when the plant did not have a roof and was not able to operate the air scrubbing equipment to full capacity. On June 20<sup>th</sup>, there was a mechanical breakdown at the same time that material was diverted from St. Paul. There was also extreme heat during this time. All of these things contributed to a jump in odor complaints.

Since the capital improvement project has been completed, Mr. Johnson is confident that odors are not coming from the manufacturing process. He believes that odors that people are complaining about are "fugitive" odors that come from the transportation process before the material reaches the plant.

Sanimax has a person driving a radius around the plant every day in addition to two more people who walk an area around the plant. These people detect and report odors in an effort to reduce the amount of odor in the neighborhood.

Mr. Johnson stated that the company has invested \$8 million over the last 3 years and is committed to correcting any issues. Any further investment would have to be justified by measurable data.

Joe Van Deurzen said that he has noticed that a large amount of vegetation has been eliminated due to highway construction. He feels that the vegetation had a lot of effect on odor transmission from Sanimax to the surrounding neighborhoods. He feels that the state should be responsible for replacing that vegetation. Mr. Johnson stated that Sanimax is working through a dispute process with the state regarding easements along the highway.

Judy asked that John Paul give a recap of recent complaints and the level of odor observed by staff:

May 31<sup>st</sup> – Moderate

June 1<sup>st</sup> – Strong

June 8<sup>th</sup> – Unverified

July 17<sup>th</sup> – Unverified (Dale commented on complaint form that he observed odor at Shawano and Taylor)

Judy noted that the complaints that Mr. Johnson referred to on June 20<sup>th</sup> did not come to the Health Department. Tony Lawrence said that they logged five complaints on that day.

John Paul said that he would not have trouble with adding a statement to the ordinance indicating that an odor observed by a member of the Health Department staff would count toward the three complaints needed for citation. Joe questioned whether the ordinance stipulates that complaints have to come from a specific address. Audrey and Dr. Tibbetts stated that they believe the language of the ordinance would need to change in order to allow for odors to be verified somewhere other than where the complaint originated.

MOTION: To refer the nuisance ordinance (Chapter 38.01, section 1 to “exceptions”) to Corporate Counsel for guidance.

Van Deurzen / Pfothenhauer

Dr. Tibbetts said that Corporation Counsel should be asked specifically if the sanitarians can have some leeway to make their own complaint.

Harold asked if, when the product is brought in does Sanimax have any control over how it is transported. Mr. Lawrence stated that the trailers are open-topped so that they can be loaded at the slaughterhouses. Mr. Johnson stated that redesigning the trailers so that they are not open-topped would require changing slaughterhouse operations, which would be a major expense.

MOTION CARRIED

7. AUTHORIZATION OF 2013 BUDGET PROPOSAL TO THE COUNTY EXECUTIVE

Judy distributed a packet of budget information to board members. She stated that no new cuts were required to meet the levy target provided by the County Executive.

Changes for 2013 include changes to the immunization program so that appointments will be available throughout the week rather than at mass clinics. This should decrease the amount of time that staff have to work over their regular 37.5 hours.

Also in 2013, staff will need to flex their time to keep their total hours at 37.5 each week since time between 37.5 and 40 will no longer be eligible to carry over as comp time.

Licensing revenue has been better than expected for 2012 so no increase in rates is anticipated for 2013.

Audrey asked about Judy's statement that there is an increased need for an interpreter. Judy said that in addition to Spanish and Hmong – for which the department does have interpreters on staff – there is an increased need for language interpretation for languages other than those two.

MOTION: To authorize the 2013 budget as proposed.

Van Deurzen / Tibbetts

MOTION CARRIED

9. CORRESPONDENCE RECEIVED

Judy said that two of the correspondence items were dealt with early in the agenda – those regarding EMF and low-frequency noise.

Audrey distributed a copy of the response from the Public Service Commission to the board's request for an epidemiological study regarding the health effects of wind turbines.

Joe asked if any of the municipalities had addressed changing their zoning for turbines. Dr. Tibbetts stated that there may be an economic issue involved – people have leases and are getting payments for turbines located on their property and are not able to forgo those payments.

Audrey shared a letter that she received from the governor in January. The letter was in response to the board's resolution asking for restitution for people who have to leave their homes due to health effects of turbines. The letter simply thanked her for forwarding the resolution.

Audrey stated that Senator Frank Lasee held a press conference on July 8<sup>th</sup> calling for an emergency rule related to Act 128. He asked Audrey to have the Board of Health participate in the press conference. Audrey

recommended that only she, Dr. Tibbetts and Judy attend the press conference – however only Audrey was available on the day of the press conference. She decided not to attend the press conference due to some partisan statements that Senator Lasee had made regarding this issue. Audrey feels strongly that this is a non-partisan health issue.

Judy said that a video entitled, “Windfall” was shown at the library. Audrey and Dr. Tibbetts attended. Audrey said that the video was more political than health-related. She was disappointed that the health aspect wasn’t explored.

## 10. DIRECTOR’S REPORT

Judy distributed a copy of a Board of Health newsletter that was not mailed to board members (copy attached).

Communicable Disease Report:

Judy distributed the most current list of reportable diseases.

Judy reported one active case of TB that was transferred to Brown County from Minnesota. This is a 68-year-old who will complete her last three months of treatment in Green Bay.

Three of the six active cases will be completed with their medications by the end of 2012. There are still some struggles with the case that is multi-drug-resistant.

There were 13 cases of pertussis in June – two of which were in adults. The cases are pretty evenly spread throughout the county.

During the recent heat wave, the state was doing a lot of surveillance regarding heat-related illness and access to cooling stations. The Health Department and Emergency Management made the decision together to open a cooling station at the Health Department on July 5<sup>th</sup>. Nobody took advantage of the cooling station.

Emergency Management is looking into what can be done for pets when a person leaves their home to go to a cooling station. The department did receive a few calls regarding this issue.

Judy distributed several documents regarding heat-related illness.

There are some changes coming regarding immunization funding. The state-supplied vaccine can no longer be used for people who have private insurance that covers vaccines. This will be effective October 1<sup>st</sup>.

11. ALL OTHER BUSINESS AUTHORIZED BY LAW

None.

12. ADJOURNMENT / NEXT MEETING SEPTEMBER 11, 2012

At the next meeting, Chrystal Woller will be doing a presentation on the Lifecourse Model.

Judy told board members that she will be taking a medical leave in the near future. She will keep them posted.

MOTION: To adjourn at 7:05 PM

Tibbetts / Bacelis-Leon

MOTION CARRIED