



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final-revised Board of Health

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Wednesday, April 10, 2019

7:00 AM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[19-0451](#) March 2019 Minutes

**Attachments:** [March 2019 BOH Minutes.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[19-0474](#) Resolution #1-R-19 relating to e-cigarettes, as amended at the March 20, 2019 Common Council Meeting.

**Attachments:** [#1-R-19 E-Cigarettes - Amended 3-20-19.pdf](#)

[19-0446](#) Fox River House Noise Variance Request

**Attachments:** [Fox River House Noise Variance Request.pdf](#)

[19-0447](#) MT Pockets Noise Variance Request

**Attachments:** [MT Pockets Noise Variance Request.pdf](#)

6. **Information Items**

[19-0448](#) February 2019 Monthly Report

**Attachments:** [February 2019 Monthly Report.pdf](#)

[19-0452](#) Update on School-Age Active TB

[19-0450](#) 2019 Senate Bill 106

**Attachments:** [2019 Senate Bill 106.pdf](#)

[19-0449](#) Noise Variance Approvals

**Attachments:** [Noise Variance Requests 4.10.19.pdf](#)

7. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
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www.appleton.org

## Meeting Minutes Board of Health

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Wednesday, March 13, 2019

7:00 AM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

**Present:** 4 - Nelson, Vogel, Mielke and Spears

**Excused:** 2 - Hanna and Baker

3. Approval of minutes from previous meeting

**A motion was made by Alderperson Spears, seconded by Dr. Vogel, to approve the February minutes. Motion carried by the following vote:**

**Aye:** 4 - Nelson, Vogel, Mielke and Spears

**Excused:** 2 - Hanna and Baker

[19-0310](#)

February 2019 BOH Minutes

**Attachments:** [February 2019 BOH Minutes.pdf](#)

4. Public Hearings/Appearances

5. Action Items

[19-0185](#)

Resolution #1-R-19: E-Cigarettes

**Attachments:** [Resolution #1-R-19 E-Cigarettes.pdf](#)  
[Surgeon General's Advisory on E-cigarette Use Among Youth.pdf](#)  
[Xtreme Vape, LLC Email.pdf](#)  
[WI Department of Health Services E-Cigarette Public Health Advisory.pdf](#)  
[Public Health Consequences of E-Cigarettes-Conclusions by Level of Evidence.pdf](#)  
[Perio-Implant Advisory- Vaping and Oral Health.pdf](#)  
[Attorney's Office Memo.pdf](#)

**A motion was made by Alderperson Spears, seconded by Dr. Vogel, to approve Resolution #1-R-19. Motion carried by the following vote:**

**Aye:** 4 - Nelson, Vogel, Mielke and Spears

**Excused:** 2 - Baker and Hanna

## 6. Information Items

[19-0110](#)

Fourth Quarter 2018 Report

**Attachments:** [Fourth Quarter 2018 Executive Summary.pdf](#)  
[Fourth Quarter 2018 Report.pdf](#)

**This item was presented.**

[19-0111](#)

Fourth Quarter 2018 Budget Performance Review

**Attachments:** [Performance Review-Fourth Quarter 2018.pdf](#)  
[Summary Budget Review-Fourth Quarter 2018.pdf](#)

**This item was presented.**

[19-0311](#)

January 2019 Monthly Report

**Attachments:** [January 2019 Monthly Report.pdf](#)

**This item was presented.**

[19-0312](#)

Health in All Policies Update

**Attachments:** [Health in All Policies Timeline.pdf](#)  
[Transportation Action Plan.pdf](#)

**This item was presented.**

[19-0112](#)

Noise Variance Approvals

**Attachments:** [Noise Variance Requests 2.13.19.pdf](#)

**This item was presented.**

[19-0309](#)

Noise Variance Approvals

**Attachments:** [Noise Variance Requests 3.13.19.pdf](#)

**This item was presented.**

## 7. Adjournment

**A motion was made by Alderperson Spears, seconded by Dr. Nelson, that the meeting be adjourned. Motion carried by the following vote:**

**Aye:** 4 - Nelson, Vogel, Mielke and Spears

**Excused:** 2 - Hanna and Baker

**Resolution #1-R-19**  
**E-Cigarettes**

*Date: 02/06/2019*

*Submitted by: Alderperson Cathy Spears – District 12*

*Referred To: Board of Health*

Whereas, e-cigarettes are known by many different names. They are sometimes called “e-cigs”, “e-hookahs”, “mods”, “vape pens”, “vapes”, “tank systems”, and “electronic nicotine delivery systems”; and

Whereas, some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, and other everyday items; and

Whereas, e-cigarettes produce an aerosol by heating a liquid that usually contains nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products, - flavorings, and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air; and

Whereas, e-cigarettes can be used to deliver marijuana and other drugs; and

Whereas, the CDC Report on e-cigarettes and electronic nicotine delivery systems reports that vaping clouds contain high levels of two chemicals known to cause permanent and sometimes fatal lung disease: diacetyl and its chemical cousin, 2,3-pentanedione; and

Whereas, e-cigarettes aerosol ingredients include: nicotine, ultrafine particles, flavorings such as diacetyl; a chemical linked to lung disease, volatile organic compounds such as benzene; which is found in car exhaust and heavy metals such as nickel tin and lead; and

Whereas, diacetyl destroys the lungs’ tiniest airways, leading to scar tissue buildup which blocks airflow. Its damage is irreversible; and

Whereas, Appleton has a smoke free indoor air ordinance, outlined in 7-100, that was enacted to protect workers and the public from secondhand smoke;

Now, Therefore Be it Resolved, that the definition of “smoking” be modified to read:

“Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarettes, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

“Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold

as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

“Electronic Smoking Device Paraphernalia” means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

***\* Amended at March 20, 2019 Council as follows:***

*Make an exemption for businesses that ID customers at the door and don't allow anyone under 18 on their premises, to allow sampling exclusively of electronic non-combustible products.*

## Melissa L. Suttner

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**From:** Kurt Eggebrecht  
**Sent:** Monday, April 01, 2019 8:09 AM  
**To:** Fox River House  
**Cc:** Melissa L. Suttner  
**Subject:** RE: Request for variance to the noise ordinance

Steve,

Thanks for your e-mail request for a noise variance. I will place this on the agenda for the next Board of Health meeting to be held April 10<sup>th</sup> at 7 a.m. in room 6A of the City center located at 100 N. Appleton Street.

Although not a requirement it is helpful for you and/or a representative to attend this meeting to answer any questions the Board may have regarding your request.

I know we met a couple of months ago regarding your planning and we spoke of the importance of reaching out to neighbors that expressed concerns in the past. I provided you a listing with email and addresses at that time. Have you had an opportunity to do so?

Thanks,

Kurt

Kurt Eggebrecht  
Health Officer  
Appleton Health Department  
920-832-6429  
[www.appleton.org](http://www.appleton.org)



**From:** Fox River House [mailto:foxriverhouse@gmail.com]  
**Sent:** Friday, March 29, 2019 3:29 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Request for variance to the noise ordinance

Kurt,

This email serves as a request for a variance to Appleton's noise ordinance for Fox River House, 211 South Walnut Street, Appleton, Wisconsin.

For the purposes of playing live music on our back patio in the summer months, we request a variance to Appleton's noise ordinance for the following times:

May 24 through September 21

Fridays 7:00pm to 10:00pm

Saturdays 3:00pm to 6:00pm or 6:00pm to 9:00pm (most will be 3pm to 6pm)

Contacts during these times will be:

Steve Olson (co-owner)

920.450.7619

Tim Ceman (co-owner)

920.205.0515

Jason Beatty (music coordinator)

920.318.0593

Thanks,

Steve Olson



Leslie Kozerski  
General Manager  
MT Pockets Bar and Grill  
2906 E. Wisconsin Ave  
Appleton, WI 54915  
03/10/2019

Kurt Eggebrecht  
Health Officer  
Appleton Health Department  
100 North Appleton Street  
Appleton, WI, 54911

Dear Kurt Eggebrecht:

My name is Leslie Kozerski and I am writing to you today to request a noise variance permit for MT Pockets Bar and Grill. The permit is requested from 6/1/2019 through 9/29/2019. We would be using this permit for our Sunday afternoon patio concert series which we run from 4pm-7pm on Sundays. We are always respectful to the community with the volume and genre of music that we feature. I am the person who would be in charge and present during those times should any problems arise. It would be greatly appreciated to allow us this opportunity. If you have any questions you can reach me at the contact information below. Thank you for your time, I look forward to hearing from you.

Sincerely,

Leslie Kozerski  
General Manager  
MTPocketsLeslie@gmail.com



**I. Preventing Disease**

<b>Immunization Clinics</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
Persons Immunized	6	17	28
Immunizations administered	15	45	83

<b>Communicable Disease Cases</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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**Gastroenteric**

<a href="#">Campylobacter</a>	1	1	1
<a href="#">Cryptosporidiosis</a>	0	1	0
<a href="#">Cyclosporiasis</a>	0	0	0
<a href="#">E. Coli (STEC)</a>	0	0	5
<a href="#">E. Coli (Other)</a>	1	1	0
<a href="#">Giardiasis</a>	1	3	1
<a href="#">Hemolytic Uremic Syndrome</a>	0	0	0
<a href="#">Hook Worm</a>	0	0	0
<a href="#">Listeriosis</a>	0	0	0
<a href="#">Salmonellosis</a>	1	2	1
<a href="#">Shigellosis</a>	1	2	0
<a href="#">Vibriosis</a>	0	0	0
<a href="#">Yersinia</a>	0	0	0

<b>Other Communicable Diseases</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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<a href="#">Acute Flaccid Myelitis</a>	0	0	0
<a href="#">Babesiosis</a>	0	0	0
<a href="#">Bacterial Meningitis</a>	0	0	1
<a href="#">Blastomycosis</a>	0	0	0
<a href="#">Burkholderia Pseudomallei</a>	0	0	0
<a href="#">Carbon Monoxide Poisoning</a>	1	3	0
<a href="#">Dengue Fever</a>	0	0	0
<a href="#">Ehrlichiosis / Anaplasmosis</a>	0	1	0
<a href="#">Haemophilus Influenza</a>	0	0	0
<a href="#">Hepatitis A</a>	0	0	0
<a href="#">Hepatitis B</a>	1	1	2
<a href="#">Hepatitis C</a>	1	8	8
<a href="#">Histoplasmosis</a>	0	1	0
Hospitalized Influenza	8	11	44
<a href="#">Invasive Group A Strep</a>	0	0	1
<a href="#">Invasive Strep, Other</a>	0	0	4
<a href="#">Jamestown Canyon</a>	0	0	0
<a href="#">Kawasaki</a>	0	0	1
<a href="#">Legionellosis</a>	0	0	0
<a href="#">Leprosy</a>	0	0	0
<a href="#">Lyme Disease</a>	0	1	0
<a href="#">Malaria</a>	0	0	0

<a href="#">Neisseria Meningitidis, Invasive Disease</a>	0	0	0
<a href="#">Novel Influenza</a>	0	0	0
<a href="#">Rocky Mountain Spotted Fever</a>	0	0	0
<a href="#">Streptococcus group B invasive disease</a>	1	1	0
<a href="#">Streptococcus pneumoniae</a>	0	0	0
<a href="#">TB, Latent Infection</a>	2	8	0
TB: Atypical	1	1	3
<a href="#">TB: Mycobacterium</a>	0	0	0
<a href="#">Viral Meningitis</a>	0	0	0
<a href="#">VISA</a>	0	0	0
<a href="#">West Nile Virus</a>	0	0	0

<b>Vaccine Preventable</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
<a href="#">Measles</a>	0	0	0
<a href="#">Mumps</a>	0	0	0
<a href="#">Pertussis</a>	1	1	5
<a href="#">Rubella</a>	0	0	0
<a href="#">Varicella</a>	0	1	1

<b>Sexually Transmitted Disease</b>	<b>Current Month</b>		<b>Year to Date</b>		<b>Last Year to Date</b>	
	<b>All Ages</b>	<b>≤18</b>	<b>All Ages</b>	<b>≤18</b>	<b>All Ages</b>	<b>≤18</b>
<a href="#">Chlamydia</a>	22	3	44	5	62	10
<a href="#">Gonorrhea</a>	4	0	6	0	8	0
<a href="#">HIV</a>	0	0	0	0	0	0
Other STD	0	0	0	0	0	0
Partner/Referral Program	0	0	0	0	1	0
<a href="#">Syphilis</a>	0	0	1	0	2	0

<b>Licensed Establishments</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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PE & D, Retail Food, Hotel/Motel, Bed & Breakfast, Manufactured Home Community, Vending Machines, Swimming Pools, Tattoo & Body Piercing, Rec/Ed Camps, Temporary Restaurant, Non-profit, Campground

Plan Reviews	0	1	2
Preinspections	2	6	6
Inspections	32	60	54
Reinspections	6	8	17
Complaints	4	6	8
Complaint Follow-ups	3	4	1
Consultations	28	68	75

<b>Food Borne/Water Borne</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Number of Outbreaks	0	0	0
Number of Interviews	0	0	0
Number of symptomatic	0	0	0

<b>Laboratory/Field Tests</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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#### **Swimming Pool Water Samples**

Total number of pools sampled	20	40	37
Total number of pools resampled	0	0	0
Total positive HPC	0	0	0
Total positive coliform	0	0	0

## ***II. Protecting the Environment***

<b>Environmental Investigations</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Community water supplies, private water supplies, surface water pollution, standing water nuisance, animal nuisances, rabies control, insect control, rodent control, hazardous substance control, indoor/outdoor air pollution, noise, radiation, garbage/rubbish, private residence/housing, other business (non-licensed)

Consultations	10	37	26
Complaints	2	9	10
Complaint Follow-ups	2	3	3

## ***III. Promoting Health***

<b>Community Health Visits</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Includes contact to elderly and adult clients, parents, and children for purposes of assessment, teaching, referrals, and case management

Patient Home/Telephone Visits	81	168	197
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#### IV. Protecting the Consumer

<b>Consumer Complaints</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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##### Weights and Measures, Product Labeling, and Trade Practices

Total number of consumer complaints	3	7	10
Total number found in violation	0	1	3

<b>Type of Establishments Inspected</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Food and convenience stores, restaurants, bakery and candy stores, dairy plants and stores, drug stores, hardware stores, variety stores, gas stations, salvage and recyclers, pet shops, and garden centers, industrial manufacturing plants, concrete and asphalt plants

Total number inspected	62	127	144
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<b>Equipment and Devices Examined</b>	<b>Inspected</b>			<b>Not in Compliance</b>		
	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
Scales and balances	122	185	132	4	9	1
Measures (includes gas pumps and fuel oil truck meters)	5	6	7	0	0	1
Weights	3	3	0	0	0	0
Total	130	194	139	4	9	2

<b>Commodity Report</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Total units of product investigated	40,873	48,622	33,270
Random sample size	1,832	3,381	6,768
Total products/units found short weight	130	377	304
Total products/units found mislabeled	358	727	268

<b>Price Scanning Inspections</b>	<b>Current Month</b>	<b>Year to Date</b>	<b>Last Year to Date</b>
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Number of inspections	22	50	45
Number of items scanned	775	1,675	1,527
Pricing errors found	16	46	57



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1133/1  
KP:kjf

## 2019 SENATE BILL 106

March 15, 2019 - Introduced by Senators PETROWSKI, COWLES, KAPENGA, MARKLEIN and OLSEN, cosponsored by Representatives SNYDER, KULP, MURPHY, RAMTHUN, SKOWRONSKI, SPIROS, STEFFEN, THIESFELDT and TUSLER. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT to amend** 97.41 (4) (a) and 97.41 (4) (c) of the statutes; **relating to:** micro  
2 market licensing fees.

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*Analysis by the Legislative Reference Bureau*

This bill prohibits a local health department that is granted agent status to issue retail food establishment licenses by the Department of Agriculture, Trade and Consumer Protection from establishing separate fees for pre-licensing inspections of micro markets.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 97.41 (4) (a) of the statutes is amended to read:

4 97.41 (4) (a) Except as provided in par. (b) or (c), a local health department  
5 granted agent status under this section shall establish and collect the license fee for  
6 retail food establishments, as defined in s. 97.30 (1) (c). The Except as provided in  
7 par. (c), the local health department may establish separate fees for pre-licensing

**SENATE BILL 106****SECTION 1**

1 inspections of new establishments, for pre-licensing inspections of existing  
2 establishments for which a person intends to be the new operator or for the issuance  
3 of duplicate licenses. No fee may exceed the local health department's reasonable  
4 costs of issuing licenses to, making investigations and inspections of, and providing  
5 education, training and technical assistance to the establishments, plus the state fee  
6 established under sub. (5). A local health department which is granted agent status  
7 under this section or under s. 97.615 may issue a single license and establish and  
8 collect a single fee which authorizes the operation on the same premises of more than  
9 one type of establishment with respect to which it is granted agent status under this  
10 section or under s. 97.615 (2).

11 **SECTION 2.** 97.41 (4) (c) of the statutes is amended to read:

12 97.41 (4) (c) A local health department granted agent status under this section  
13 shall collect the license fees under s. 97.30 (3s) for retail food establishments, as  
14 defined in s. 97.30 (1) (c), that are micro markets. The local health department may  
15 not establish fees for pre-licensing inspections of micro markets.

16 (END)

**The following noise variance requests have been approved by  
Health Officer, Kurt Eggebrecht:**

*American Cancer Society Sole Burner Walk/Run  
City Park  
Saturday, May 11<sup>th</sup>, 7:30 a.m.-11:00 a.m.*

*Kiwanis Car Show and Swap Meet  
Pierce Park  
Sunday, July 21<sup>st</sup>, 6:00 a.m.-4:00 p.m.*