



City of Appleton

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

Meeting Agenda - Final-revised Board of Health

Wednesday, July 12, 2017

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
4. **Public Hearings/Apearances**
5. **Action Items**
6. **Information Items**

[17-1026](#) Non-Profit Food Policy Change

Attachments: [Recommended ordinance changes.pdf](#)
[nonprofit policy from DATCP.pdf](#)

[17-994](#) May Monthly Report 2017

Attachments: [May Monthly Report.pdf](#)

[17-995](#) Noise Variance Approvals

Attachments: [Noise Variance Requests 7-12-17.pdf](#)
[Mile of Music 8-3-17.pdf](#)

[17-026](#) Other Business

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.

**Appleton Health
Department**

Memo

To: Kurt Eggebrecht

From: Tim Mirkes

cc:

Date: August 1, 2016

Re: Recommended Ordinance changes – August 2016

With the passing of 2015 Wisconsin Act 55, the Food Safety and Recreational Licensing section of the Department of Health Services was merged with the Division of Food Safety at the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP), creating a new “Division of Food and Recreational Safety” in WDATCP, effective July 1, 2016.

As a result of that merger, several existing City ordinances will require modification to correct Wisconsin Administrative Code references.

Also, with the merger, Wisconsin Local Public Health Departments (LPHD) that are Agents for WDATCP recently learned the Attorney for WDATCP issued an opinion that affects the LPHD’s ability, including the Appleton Health Department’s, to license Taverns that serve no food under our agent contracts with WDATCP. (Taverns that serve food, such as sandwiches or pizzas are considered to be classified as a restaurant and are not affected by this opinion.) Appleton currently licenses and inspects 10 such establishments that meets this definition.

The opinion issued also affects the LPHD’s ability, including the Appleton Health Department’s, to issue non-profit Food Stand permits to not for profit organizations occasionally preparing or serving food to the general public under our agent contract

with WDATCP. In fiscal year 2015/16, Appleton provided food service training and issued permits to 137 nonprofit organizations that fit this definition.

To rectify this, “Taverns” that serve no food will need to be addressed in a section of the Ordinance other than the current section, which adopts the Wisconsin Administrative code by reference. Taverns may be licensed under local authority, but not as an Agent of the State since ATCP-75 specifically exempts taverns from State licensing requirements.

Also, another section needed in the Ordinances is a section that addresses issuance of a “Certificate of Food Safety” rather than a “Non-profit Food Permit”. Nonprofit organizations may be issued a “Certificate” under local authority, but not as an Agent of the State since ATCP-75 specifically exempts taverns from State licensing requirements.

I think it’s critical that the Appleton Health Department maintain a continued public health presence in these areas to ensure the high standards established in our community.



Memorandum
State of Wisconsin
Department of Agriculture, Trade and Consumer
Protection
Division of Food and Recreational Safety

DATE: May 9, 2017

TO: Staff and Local Health Department Agents.

FROM: Peter Haase, Director, Bureau of Food and Recreational Businesses

SUBJECT: Regulation of Not for Profit Operations

ISSUE: It has come to the attention of DATCP that there may be some confusion on what licensing or regulatory requirements can be enforced on “not-for-profit” operations located in local health department agent jurisdictions. Can agent-jurisdiction licenses be issued or regulatory training for a fee be mandated for a nonprofit group or organization that is identified as exempt under the definition of a “restaurant” that operates a *retail food establishment – meal* (restaurant) for 3 or fewer calendar days a year or a *retail food establishment – nonmeal* for 12 or fewer days during the licensing year?

Discussion: Wisconsin Food Code chapter 1-104.10 states that “this chapter applies to all food establishments, regardless of whether the food establishment is subject to licensing under this chapter or related statutes.”

As part of the provisions of the Wisconsin Food Code, chapter 2-201.11 requires that an individual who is in charge of or oversees the activities of employees working in a food service operation demonstrate knowledge of safe food production and practices. This knowledge may be acquired by attending an accepted food safety training course.

It has come to our attention that some agent programs are mandating attendance at a food safety training course for a fee, prior to operation.

Resolution: A county corporation counsel has made the determination that the requirement for mandatory food safety training for license-exempt not-for-profit food operations is unlawful and unallowable. Department legal counsel concurred with the determination of the county legal counsel and the following legal determination was rendered:

County Agent Health Departments can offer food safety training to potential operators of not-for-profit food operations for a fee, however they cannot mandate the training be taken and operations contingent upon taking the training. No mandatory training or license fees can be charged to a group identified as exempt under ATCP 75 or 97 Stats.



I. Preventing Disease

Immunization Clinics	Current Month	Year to Date	Last Year to Date
Persons Immunized	9	39	58
Immunizations Administered	22	105	126

Communicable Disease Cases	Current Month	Year to Date	Last Year to Date
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Gastroenteric

Campylobacter	1	6	5
Giardiasis	1	3	4
Salmonellosis	0	4	3
Amebiasis	0	0	0
Balantidium Coli	0	0	0
Hook Worm	0	0	0
Shigellosis	0	1	1
Yersinia	0	0	0
Strongyloides	0	0	0
Cryptosporidiosis	2	3	4
E. Coli	0	1	2
Listeriosis	0	0	0

Other Communicable Diseases	Current Month	Year to Date	Last Year to Date
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Haemophilus Influenza	1	1	0
Blastomycosis	0	0	1
Hepatitis A	0	0	0
Hepatitis B	1	4	1
Hepatitis C	2	19	28
Streptococcus pneumoniae	0	3	3
Leprosy	0	0	0
Adult Lead Toxicity	0	0	0
Legionellosis	0	0	0
Lyme Disease	0	1	0
Ehrlichiosis / Anaplasmosis	0	1	0
Malaria	0	1	0
Bacterial Meningitis	0	0	0
Viral Meningitis	0	0	0
Invasive Group A Strep	0	1	0
Rheumatic Fever	0	0	0
Tetanus	0	0	0
Toxic Shock	0	0	0
Typhoid	0	0	0
TB: Mycobacterium	0	0	0
TB: Atypical	0	4	3
Viral Encephalitis	0	0	0
Cat Scratch Disease (Bartonella species)	0	0	0
Streptococcus group B invasive disease	0	1	2
Vibrio Cholera	0	0	0
West Nile Virus	0	0	0
Kawasaki	0	0	0
Novel Influenza	0	0	0
Hospitalized Influenza	0	30	15
Babesiosis	0	0	0
Histoplasmosis	0	0	0
VISA	0	2	0

Vaccine Preventable	Current Month	Year to Date	Last Year to Date
Measles	0	0	0
Mumps	0	0	0
Pertussis	1	3	3
Rubella	0	0	0
Varicella	0	2	3

Sexually Transmitted Disease	Current Month		Year to Date		Last Year to Date	
	All Ages	≤18	All Ages	≤18	All Ages	≤18
Chlamydia	27	7	142	7	126	7
Gonorrhea	7	0	28	1	13	1
Partner/Referral Program	2	0	4	0	3	0
HIV	0	0	2	0	0	0
Other STD	0	0	0	0	0	0
Syphilis	1	0	6	0	6	0

Licensed Establishments	Current Month	Year to Date	Last Year to Date
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PE & D, Retail Food, Hotel/Motel, Bed & Breakfast, Manufactured Home
Community, Vending Machines, Swimming Pools, Tattoo & Body Piercing, Rec/Ed

Preinspections	4	14	16
Inspections	72	232	185
Reinspections	20	62	47
Complaints	2	9	12
Complaint Follow-ups	0	0	2
Consultations	76	247	202

Food Borne/Water Borne	Current Month	Year to Date	Last Year to Date
Number of Outbreaks	0	0	0
Number of Interviews	0	2	1
Number of symptomatic	0	1	1

Laboratory/Field Tests	Current Month	Year to Date	Last Year to Date
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Swimming Pool Water Samples

Total number of pools sampled	19	94	93
Total number of pools resampled	0	1	2
Total positive HPC	0	1	1
Total positive coliform	0	0	1

II. Protecting the Environment

Environmental Investigations	Current Month	Year to Date	Last Year to Date
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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)

Complaints	5	16	15
Complaint Follow-ups	2	11	6
Consultations	29	128	135

III. Promoting Health

Community Health Visits	Current Month	Year to Date	Last Year to Date
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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	80	556	546
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IV. Protecting the Consumer

Consumer Complaints	Current Month	Year to Date	Last Year to Date
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Weights and Measures, Product Labeling, and Trade Practices

Total number of consumer complaints	5	19	16
Total number found in violation	2	4	1

Type of Establishments Inspected	Current Month	Year to Date	Last Year to Date
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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	61	278	308
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Equipment and Devices Examined	Inspected			Number Not in Compliance		
	Current Month	Year to Date	Last Year to Date	Current Month	Year to Date	Last Year to Date
Scales and balances	66	324	321	2	4	11
Measures (includes gas pumps and fuel oil truck meters)	206	230	228	7	7	6
Weights	0	29	47	0	0	0
Total	272	583	596	9	11	17

Commodity Report	Current Month	Year to Date	Last Year to Date
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Total units of product investigated	4397	33,037	35,137
Random sample size	801	6,096	6,080
Total products/units found short weight	9	125	1,844
Total products/units found mislabeled	0	738	1,003

Price Scanning Inspections	Current Month	Year to Date	Last Year to Date
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Number of inspections	9	76	84
Number of items scanned	276	2,551	2,735
Pricing errors found	6	77	78

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

*Vinton Construction
STH 47 & CTH OO Project
June 19 – Sept 1*

*Sacred Heart Parish Fest
222 E Fremont St
Aug 19, 1pm-10pm
Aug 20, 10am-2pm*

*Michels Corporation
College Ave STH 125 form I41 to Linwood
June 25 – Sept 27*

*Annual Sumer Party
Appleton Yacht club
July 22, 6pm-11pm*

*Dinner and Music Event
Appleton Yacht Club
July 15, 6pm-9pm*

*First English Lutheran Church Outdoor Benefit Concert
First English Lutheran Church
Aug 6, 6pm-9pm*

*Appleton Rock School Outdoor Performances
Appleton Rock School Parking Lot
Aug 5, 10am-9pm*

*DPW Hoover & Oneida St Water Main Reconstruction
July 5 – July 7
6am-8pm*

*Mile of Music
Downtown Appleton
Aug 3 – 7*

July 6, 2017

Willems Marketing
Dave Willems
120 North Morrison Street Suite 200
Appleton, WI 54911

Dear Mr. Willems:

This is to notify you that I have granted approval of your request for a noise variance for the Mile of Music event which will take place Thursday, August 3rd through Monday, August 7th. I understand that bands playing at the below locations will not exceed 11pm.

- D2 (403 W. College Ave.)
- Houdini Plaza (W. College Ave.)
- Spats (733 W. College Ave.)
- Basil's (109 W. College Ave.)
- History Museum Courtyard (330 E. College Ave.)
- Radisson Paper Valley Hotel Courtyard (333 W. College Ave.)
- Stone Cellar Beer Garden (1004 S. Olde Oneida St.)
- Emmet's (139 N. Richmond St.)
- City Park (500 E. Franklin St.)
- Riverview Gardens (1101 S. Oneida St.)
- Ormsby Hall Lawrence University (711 E. Boldt Way)
- Riverside Pub (906 S. Olde Oneida St.)
- Fox River House (211 S. Walnut St.)
- Green Gecko (400 N. Richmond St.)
- Rookies (325 N Appleton St.)

If you have any questions, please feel free to call me at 832-6429.

Sincerely,

Kurt Eggebrecht, M.Ed., MCHES
Health Officer

cc: Appleton Police Department