

TOOELE COUNTY BOARD OF HEALTH MEETING

March 28, 2018

151 N. Main Street Tooele, Utah

PRESENT:

Board: Devan Clevenger (phone), Linda McBeth, Commissioner Bateman, David Rupp, Lynn Falkner, Colleen Johnson,

Absent: Mayor Brent Marshall, Mayor Brian Johnson

Public: Mark Watson, Ben Miner and Lance Nielsen with Hansen, Allen & Luce Engineering

Staff: Jeff Coombs, Ericka Jordt Scott McKenzie, Sherrie Ahlstrom, Brad Gillies, Jess Monsen, Tracy Frailey

| TOPIC | DISCUSSION/FINDINGS | RECOMMENDATIONS/ ACTIONS |
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| <p>Welcome-</p> <p>Approval of January 2018 meeting minutes Action Item</p> <p>Appoint member to represent at Strategic Planning Meeting Action Item</p> <p><i>Linda McBeth</i></p> | <p>Linda McBeth called the meeting to order at 7:00 p.m. and welcomed everyone. Jeff Coombs noted that new member Brian Johnson was unable to attend tonight's meeting, he will be sworn in at the May 10th meeting.</p> <p>Linda asked for a motion to be made for the January 23, 2018 meeting minutes.</p> <p>Jeff invited all board members and asked for at least one board member to attend the Strategic Planning Meeting in Wendover on May 10th, 2018. The health department will be submitting application for reaccreditation status next year so this meeting will address topics required for reaccreditation as well. The meeting will give opportunity to discuss accumulative health issues of the county, assign priorities and present to partners throughout the community. Workgroups will be assigned to measure improvements.</p> | <p>Lynn Falkner made a motion to approve the January 23, 2018 meeting minutes, David Rupp seconded the motion, all were in favor, motion passed and minutes were approved.</p> <p>Devan Clevenger offered to represent the board at the Strategic Planning Meeting.</p> |
| <p>Health Officer's Report-</p> <p>Minimum Performance</p> | <p>Jeff handed out the Minimum Performance Standards Attestation Checklist and the supporting documentation verifying the department meets the standards. He explained that we are subject to being audited every three years but annually this board needs to attest to the state health department that we are meeting the required standards. Jeff suggested moving this item to the end of the agenda to allow time for members to review. Jeff advised that the</p> | |

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| Standards Action Item | checklist and supporting documentation are available for the group to view at any time. The board needs to vote that they accept the attestation. | |
| Legislative Item Update Information Item | Jeff gave an update of the Legislative Bill Watch. The list can be found on the Utah Association of Local Health Department (UALHD) website by following this link http://www.ualhd.org/Bill.Watch.03.08.2018.Final.pdf . Jeff noted that the lobbyist did a great job representing and having two Health Officer's representing every day during session was very effective. He also noted that since 1991 our funding from DEQ has only increased by 8%, this amount has not been sufficient to keep up with the growth and the additional services provided. Jeff noted that through ongoing meetings from both the lobbyist and DEQ Governance process Utah House Bill 2 was approved which gives an additional \$500,00 each year that will be divided between health departments. Jeff reviewed the status of the following and encouraged the group to review the list in its entirety at the UALHD website: | |
| Introduction of New Employees | | |
| <i>Jeff Coombs</i> | <ul style="list-style-type: none"> • HB 088S4- Electronic Cigarette and other Nicotine Product Amendments- failed, adding an additional tax on tobacco sales. • HB 181S2- Home Consumption and Homemade Food Act- passed, loosened regulations on making food at home to sell. Wording was added that will allow investigation if a food borne illness is reported a suspected food item. • HB 196- Breastfeeding Protection Act- passed, prohibits discrimination of women nursing in public. • HB 296- Tobacco Age Amendments- failed- would have raised the legal age to purchase tobacco from 19 years to 21 years of age. • HB 303S2- Drinking Water Source Sizing Requirements- passed, changed calculation requirement on amount of water needed to become a water system. • HB 324S1- Tobacco Regulations Amendments- passed, the Environmental Health and Health Promotion divisions will begin handling the plan review, permitting and inspecting process for tobacco retail and specialty shops. This was previously done by the Utah Tax Commission. There are currently 34 tobacco retailers (grocery stores, gas stations) and 3 specialty tobacco shops in Tooele County. • SB 015- Environmental Health Scientist Act Amendments- passed, extends the sunset date for the act to every ten years. • SB 108S2- Raw Milk Amendments- passed, loosened up requirements for selling raw milk, also increased quantity that can be sold. There has been an increase in the number of reported illness from consuming raw milk in the last two years. | |

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| | <p>Jeff turned the time over to Scott McKenzie, Community Services Director to introduce new employees. Scott introduced both Tracy Frailey, half-time Emergency Planner Assistant and Jess Monsen, full-time Emergency Planner Assistant / Medical Reserve Corps Coordinator.</p> | |
| <p>Environmental Health Proposed Changes to Regulation #12 Wastewater Disposal- Action Item <i>Jeff Coombs</i></p> | <p>Jeff introduced Ben Miner and Lance Nielsen with Hansen Allen & Luce Engineering. They completed the Septic System Density Study and were invited to attend this meeting to address any questions or concerns from the group.</p> <p>Jeff showed a short presentation on the basic function of a septic system, OWWS 101. Jeff noted that septic systems are not regulated by states, cities or counties.</p> <p>Jeff noted that since this board approved only allowing new subdivisions serviced by conventional septic systems to those with a minimum lot size of 5 acres there have been several landowners express their concern that they would not be able to split off a one-acre lot from their property to give to a family member to build on. Since these requests were minimal and would have very little impact on the overall water quality staff proposed adding an exception to Section 3.2 which requires a minimum 5-acre lot size requirement for conventional septic systems that read as follows: 3.3 Exceptions to the requirement in section 3.2 may be considered for minor subdivisions, as defined in the Tooele County Code, section 13-3-1, where the subdivision creates no more than four lots, is not part of a multi-phase subdivision, and the lots are at least one acre in size. This exception was presented to the board in January. The board chose not to vote on allowing this exception until health department staff could provide information on the number of additional septic systems this exception could potentially allow, what the impact would be to the groundwater and what Hansen, Allen & Luce would recommend. Staff rewrote the section and is now presenting to the board the following: 3.3 Exceptions to the requirement in section 3.2 may be considered for minor subdivisions INDIVIDUAL PROPERTY OWNERS, as defined in the Tooele County Code, section 13-3-1, where the subdivision creates no more than four lots ONE ADDITIONAL LOT, is not part of a multi-phase subdivision, and the lots are at least one acre in size.</p> <p>The board discussed the rewritten exception.</p> <p>David felt there was no difference between the two separate proposed exceptions. David is against allowing this exception. He noted that since alternative systems are still allowed on lots less than 5 acres in size it is not a complete restriction.</p> <p>Linda didn't feel that the language was sufficiently stated to prevent continued splitting of property which could potentially allow additional septic systems. If the language could be</p> | |

written as to only allow splitting the property once she would be more apt to approve the exception.

Jeff reminded the group that the Planning & Zoning Dept. approves or declines requests of those wanting to subdivide their 5-acre lots, not the health department.

Lynn Falkner mentioned a new ordinance recently passed by the County Commissioners that makes it possible to rezone a parcel from RR5 to RR1.

Lance Nielsen agreed that the way the exception is written there is potential for repeated splitting of property and an increase in the number of septic systems.

Jeff noted that with the upcoming additional sewer lines in the Erda area, homeowners will be given an incentive to connect to the system. The more homes in the area that connect to the sewer system, the lower the nitrate levels will be.

Lance mentioned that there isn't as much financial profit to be made by splitting off 1 acre as there is in large developments. He also confirmed that the more homes that discontinue using their septic system by connecting to the sewer will lower the nitrate levels.

Ben Miner suggested setting a trigger number of lots and a trigger number for nitrate levels, once either of those were reached you could rescind the exception.

Colleen wondered what type of liability we would have if we allowed the exception if the levels increased?

David feels the boards position should be to safeguard public health. He noted that zoning could change in the future, especially with the increasing value of property. He also noted that the reason the sewer lines are being expanded is because of the elevated nitrate levels.

Myron felt the area of most concern is on the west side of Highway 36 because they are already zoned at RR1 whereas the east side is zoned at RR5. Myron suggested requiring a minimum lot size of 2.5 acres. Myron wants to see an ordinance added to new construction that requires a double stub for sewer line to both the front and back of the home.

Colleen Johnson motioned to postpone voting on the proposed exception until it could be written

Scott asked if exception was changed to 2.5 acre minimum would the worst-case scenario still be in the parameters? Lance referred to the mass balance analysis and noted that allowing conventional septic systems on 2.5 acre lots has the potential to increase the nitrate levels to an 8, the maximum acceptable contaminant limit is 10. He stated septic systems are not the only contributor to nitrates, other sources in soil such as fertilizers also contribute to nitrate levels.

Jeff asked the board for guidance on what parameters they want to add to the language? Except Jeff added that if the board feels they would vote against the exception no matter what the language change is then he will not ask staff to work on rewording the exception.

David felt that if we changed the exception from 5 acres to 2.5 acres we will have a diffused plum concentration with multiple spot-area problems.

Linda asked who to contact for help with coming up with language and for individual ideas to be sent to Jeff. Jeff noted due to the Open Public Meeting Act all discussion on this agenda item must be held during the meeting because it requires a vote.

Linda asked the board to come to the next meeting with a clear idea of how the exception should read or a different idea to ensure a vote can take place at the next meeting in May.

Jeff suggested creating criteria to enable application for a waiver from the 5-acre requirement. The criteria could include a minimum lot size requirement, maximum nitrate level for that area, scientific support etc. Staff could then review the application and make recommendation to the board who would then vote to approve or not on a case by case basis.

more clearly or until a better idea is proposed. Dave seconded the motion, all were in favor, Commissioner Bateman abstained from voting.

David Rupp motioned to repeal the previous motion of postponing the vote, Colleen second the motion, all were in favor, motion was repealed.

David motioned to remove the proposed exception from the rule, motioned died for lack of a second.

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| | <p>Myron feels we could work with Planning & Zoning to have a 2.5-acre requirement with special conditions such as if nitrate levels exceed a certain number then decline request.</p> <p>David felt it could get messy for the board to have to review and decide on multiple cases. He also felt the problem with using an averaging system is you might not affect those in your immediate vicinity but could negatively affect those living downstream. He also felt that an allowing waivers or exceptions would deter people from connecting to the sewer system.</p> <p>Jeff will present at the next meeting provisions for any proposals of applicants less than 5 acres must be at a minimum 2.5 acres in size, guidelines of applying for a waiver, and required criteria that must be met in order to even apply.</p> | |
| <p>Review of Applications for new Board Member</p> <p>Open and Public Meeting Act Training- Information Item <i>Jeff Coombs</i></p> | <p>The group was given two applications to review and consider nominating as a board member replacement for the position vacated by Dennis Rockwell. Jeff noted that the boards duty is only to nominate an applicant to the County Commissioner's, the Commissioner's vote whether to approve the recommended applicant. The group discussed the applicants. Linda asked for a motion to recommend an applicant.</p> <p>In consideration of time, Jeff asked permission to email the Open and Public Meeting Act Training presentation to the board to review on their own before the next meeting instead of presenting tonight. This item will be added to the agenda for the next meeting on May 10th to allow time for questions or comment about the training. A link to an online training will also be sent to the board.</p> | <p>Colleen Johnson made a motion to nominate Kyle Memmott to the Commissioner's to appoint as a new board member, Lynn Falkner seconded the motion, all were in favor. Commissioner Bateman abstained from voting.</p> |
| <p>Financial Report- Information Item</p> <p>Request for Fund Balance Allocation for 2017 Action Item <i>Brad Gillies</i></p> | <p>Brad presented the 2017 Year- End Financial Report. The report has been updated with additional numbers since the last meeting when he presented the preliminary report. Actual revenues ended up only about \$50,000 less than what was budgeted and expenses totaled about \$500,000 less than projected. He explained that about 50% of our revenue is generated from grants, 28% from fees for services provided and 22% from property taxes including the general health levy. At the beginning of year, we projected about \$545,000 would have to be pulled out of the fund balance to make up the difference between our expenses and revenue. But because we reduced some expenses and had an increase in the amount of fees collected we did not have to do this. As we did in 2016, we would like to</p> | <p>David Rupp motioned to approve the allocation of \$150,000 from the fund balance to the capital improvement fund, Colleen Johnson seconded the motion, all were in favor and the motion passed.</p> |

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| | <p>once again pull out \$150,000 from our 2017 excess fund balance and add it to our capital improvement fund which is designated solely for health department building maintenance, repairs or improvements. It was explained that the purpose of the fund balance is to guarantee funds are available to cover operating expenses and continue providing services in the event state or federal grants are cut off, if the federal government was to shut down or in the event or we are waiting for reimbursement from FEMA due to an emergency or disaster.</p> <p>In 2017 the budget set aside \$300,000 to use towards developing pathways for the Active Transportation Plan. Of that amount only \$135,858 was used and the unused funds were put back in to the fund balance. Funds will be requested again this year to be used for additional pathway projects such as Rabbit Lane in Erda. The Commissioners have approved restricting Rabbit Lane from vehicular use so the requested funds will be used to install vehicle barricades and paving the lane to make it a useable pedestrian path.</p> <p>Brad also reported on the 2017 Aging Services Year-End Financial Report. Revenues were almost exact to the amount budgeted and expenses were about \$96,000 less than what was projected. Changes in personnel, readjustments in some positions and bringing some transportation services inhouse lessened projected expenses.</p> | |
| <p>UALBOH Report Information Item <i>Commissioner Bateman</i></p> | <p>Myron noted that the following top subjects are set to be discussed at the Symposium meeting in September; opioids, suicide and homelessness. Myron asked the group to suggest other topics they would like discussed, Linda suggested adding obesity since it is a top concern for Tooele County residents. Myron added that public health and the aging population as well as new vaccines will also be discussed. Myron encouraged the group to consider attending the National Association of Local Boards of Health (NALBOH) Annual Conference in Raleigh, NC Aug. 8-10th, we will need to know by May which members would like to attend. The group was given a draft copy of the new orientation manual for board members created by the Utah Association of Local Boards of Health (UALBH).</p> | |
| <p>Annual Report Information Item <i>Scott McKenzie</i></p> | <p>Scott noted that the 2017 Annual Report was emailed to the group to review prior to this meeting. He stated that before presenting the report to the public, he would ask for the board to ratify the report. Scott presented the report to the group. Some program area highlights are:</p> <p>Partnering with Utah Dept. of Public Safety to increase seatbelt usage in Tooele County Worked together with Macey's and USU Extension to offer healthy food sampling and teach how to eat and shop healthily on a budget.</p> | <p>Myron made a motion to approve ratifying the 2017 Annual Report, Devan seconded the motion, all were in favor and the motion passed.</p> |

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| | <p>Increased the number of farmer's markets that accepted SNAP/EBT benefits and promote donating healthy food items to food pantries.</p> <p>Setting up a new salad bar at Mountain West Medical Center, available to anyone.</p> <p>Promoting and recognizing teachers work towards health and wellness in the classroom.</p> <p>Tooele Valley Pathway- Active Transportation Implementation Plan.</p> <p>Enrollment of over 600 new patients at Healthy Smiles Dental Clinic.</p> <p>Participation in the Million Hearts Coalition, goal of reducing high blood pressure.</p> <p>Flu clinics</p> <p>Household Hazardous Waste Collection</p> <p>Prescription drug take-back event, ensure proper disposal of prescription drugs</p> <p>Septic System Density Study and Onsite Wastewater Rule Change to improve local water supplies in the Tooele Valley.</p> <p>Continuous monitoring of air quality and wood burning restrictions on red air quality days.</p> <p>Implementation of telehealth type services to provide Wendover WIC clients with needed services.</p> <p>Aging Services held fourth annual Senior Expo, over 400 attended the event.</p> <p>Prepared to apply for Project Public Health Ready recognition using a continuous quality improvement model.</p> <p>Added eight new additional Medicaid providers for medical, dental and vision benefits.</p> <p>School Nursing continued to provide public health services to the students of Tooele.</p> | |
| <p>Board Members Comments/ Concerns</p> | <p>Linda asked the group to consider changing the meeting start time from 7:00 pm to 6:30 pm beginning with the September 25th meeting and going forward.</p> <p>Lynn thanked Linda for doing a great job as chairperson for the board.</p> | |
| <p>Adjourn</p> | <p>Linda entertained a motion to adjourn the meeting at 9:17 pm.</p> | <p>Colleen motioned to adjourn, David seconded the motion, all were in favor.</p> |

Attachments: 2017 Financial Report, Regulation #12 Wastewater Disposal Proposed Changes, 2017 Annual Report