



# UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE  
 PROVO, UTAH 84601

## MINUTES May 22, 2017

Members Present:			
Mayor Jeff Acerson, Chair	excused	Teresa Tavares, Vice Chair	X
Gaye L. Ray, RN	excused	Daril Magleby	X
Superintendent Rick Nielsen	X	Diane Lohner	X
Dianne C. Carr	X	Commissioner Greg Graves	X
Henry M. Yeates, MD	excused		

**Others present:**

Ralph L. Clegg, EHS, MPA      UCHD Executive Director  
 Debbie Shoemaker              UCHD Secretary

Number of people in attendance – 24

- Welcome by Teresa Tavares, Vice Chair
- Approval of the Minutes from March 27, 2017 and May 1, 2017 Meetings

**MOTION:** Daril Magleby made the motion to approve the minutes dated March 27, 2017 and May 1, 2017 which was seconded by Commissioner Greg Graves and passed by unanimous vote.

- Public Hearing on Proposed Health Regulation 17-02 for the Construction, Use, and Operation of Vault Privies

**MOTION:** Superintendent Rick Nielsen made the motion to open the Public Hearing which was seconded by Commissioner Greg Graves and passed by unanimous vote

Jason Garrett presented information on pit privies and vaults. Previous Utah County rule/regulation has not allowed pit privies and vaults in Utah County, even though State rule has allowed them. It is important the Health Department adopt a suitable regulation, and then Utah County can review their ordinance.

Brad Frost, American Fork City council member, submitted proposed changes to the Board for Health Regulation 17-02. He introduced Nathan Bracken, legal counsel for American Fork City. Nathan Bracken

stated Utah Code Ann. Section 10-8-15 gives municipalities extraterritorial jurisdictions to enact protections in their watersheds to protect their water sources. He has no objections to the proposed regulation, but wanted to make clear that nothing in this rule can be construed as interfering with the ability of municipalities to enact watershed protection ordinances. He wants to make sure they are consistent with what the County regulations require. In some situations, the city may be more restrictive. Ralph Clegg wanted to know if the city will issue permits to watershed areas that are not in the incorporated area. Nathan said they would, including Federal land to some extent.

Carl Hollan, county attorney, is not comfortable with the proposed changes from American Fork City, as it might put the county in the position of defending the city's ordinance. It would put pressure on the county, as the city may not sign off on the permit when the county wants to sign off. Commissioner Greg Graves stated that partnering with our cities would be beneficial. Nathan clarified that the county could issue a permit and then the entity will have to get permit approval from the city too.

Nathan proposes changing their suggested changes to Regulation 17-02 by:

- deleting Section III
- in Regulation 17-02 section I (1) insert after ... local rules "including but not limited to water source protections that a municipality has enacted pursuant to Utah Code Ann. Section 10-8-15" must be ...

Carl proposes for further clarification of Regulation 17-02 inserting in section I (3) after Utah County Health Department. "A construction permit from Utah County Health Department is not a certification that all applicable local rules have been met."

Jason is not opposed but wants to make it clear that the Health Department is not enforcing the city's rules. Nathan is proposing American Fork City give a packet to the Health Department permit issuer and that packet would then be given to the entity applying for the permit.

Ralph pointed out there are written comments from the County Public Works department to be considered as well for Health Regulation 17-02. Jason indicated in the comments for Section I (4)c there was a misunderstanding and language to clarify will be added.

Carl proposes adding in Section I (4)c after ... has been executed "with the Utah County Health Department" ...

Carl indicated he spoke with Richard Nielsen on the phone today and he said he has no further objections as it is written and he is okay with the \$10,000 bond.

Jason stated the goal with the \$10,000.00 bond is to make sure it is sufficient to get out of the acute stage. Commissioner Greg Graves stated \$10,000.00 will not fly with the Commission and will need to be discussed. Ralph wanted to know if we can legally exempt governmental agencies from the bond. Carl doesn't recommend an exemption. Commissioner Greg Graves recommends a minimum amount for the bond, say \$2,500.00, and after more research it could be raised. Diane Carr recommends \$2,500.00 now and review it for next year. Carl stated once the bond is paid, it can't be increased. A suggestion was made that it should be dollar for dollar on whoever is responsible for cleanup. Carl indicated the Health

Department has that authority, but the problem is often the entity involved has no means at the time of the occurrence to rectify it. Dianne Carr suggests getting more data together and submit it for review.

**MOTION:** Commissioner Greg Graves made the motion to close the public hearing which was seconded by Daril Magleby and passed by unanimous vote.

4. Approve and Adopt Health Regulation 17-02 for the Construction, Use, and Operation of Vault Privies

**MOTION:** Commissioner Greg Graves made the motion to approve and adopt the Health Regulation 17-02 for the Construction, Use, and Operation of Vault Privies with the stated and amended changes by American Fork City and Carl Hollan to Section I, paragraphs (1), (3), (4)c, and to amend (4)d to the amount of \$2,500.00. And with this approval the findings are that the restrictions for the Board of Health to take action are needed and necessary and are more stringent upon Utah State code in the public's interest that earthen privies should not be allowed and for unregulated contamination for earthen privies. Superintendent Rick Nielsen seconded and the motion was passed by unanimous vote.

Dianne Carr made the comment she is a little uncomfortable with \$2,500.00. Commissioner Greg Graves stated after the Commission passes it, the Board of Health can set a fee schedule and change it when needed.

5. Set Fee for Vault Privy Review and Inspections – Proposed \$400.00

Staff is comfortable with \$400.00 fee.

**MOTION:** Dianne Carr made the motion to Set Fee for Vault Privy Review and Inspections at \$400.00 which was seconded by Diane Lohner and passed by unanimous vote.

6. Ratify the Food Truck Fees to Meet New State Law

Ralph stated since the State law changed, the local health departments are trying to standardize the permit process and annual fees for food trucks in issuing a primary permit in one county and a secondary permit in another county. The State did not give local health departments enough time to take this to their Boards, so the request is for the Board to ratify the annual food truck fees. Sam Marsden went through the tiers which would be statewide explaining Primary Permit Tier One at \$200.00 is for lower risk foods, Primary Permit Tier Two at \$350.00 is for higher risk foods, a Secondary Permit Any Tier at \$100.00 is for a permit in another county and a Re-Inspection Any Tier fee at \$100.00 is for a follow up inspection.

**MOTION:** Dianne Carr made the motion to ratify the Food Truck Fees to meet new state law which was seconded by Superintendent Rick Nielsen and passed by unanimous vote.

7. Review County Health Rankings

Ralph reviewed information on the health rankings for 2016-2017 from the University of Wisconsin and the Robert Wood Johnson Foundation. In the county rankings in the state, we went from fifth overall to third overall. We're the only major metropolitan area that's in the top five in the state of Utah.

8. Review Annual Report

Ralph suggests taking some time to review the annual report and if needed it can be discussed at the next board meeting.

9. NALBOH Annual Conference – August 2-4, 2017

Ralph asked if there was anyone interested in attending NALBOH conference. Commissioner Greg Graves and Ralph will be attending. Teresa Tavares had requested information as to the cost. Ralph stated as a board member, her cost would be covered.

10. UALBH Steering Committee Report – New Steering Committee Member

Dianne Carr has been serving on the UALBH Steering Committee for a number of years and suggests it's time to change. She suggests Teresa Tavares, as she is the legislative representative. Teresa accepts and will replace Dianne on the committee. The next meeting is Sept 7-8, 2017 at Daniel's Summit Lodge. The Board member's overnight stay and registration costs will be covered.

**MOTION:** Dianne Carr made the motion to nominate Teresa Tavares to serve as the UALBH Steering Committee member which was seconded by Commissioner Greg Graves and passed by unanimous vote.

11. Constituent Feedback

None. Dianne Carr is spreading the word about the amazing things our Health Department does.

12. Employee Changes

Ralph reviewed the employee changes.

13. Approve Appointments to the Board of Health Administrative Hearing Panel

**MOTION:** Commissioner Greg Graves made the motion to table item #13 until after the Closed Meeting which was seconded by Dianne Carr and passed by unanimous vote.

14. Approve and set a date, time and location for a Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals (suggested for today's date, at this location, following the completion of the regular agenda)

**MOTION:** Commissioner Greg Graves made the motion to approve and set a date, time and location for a Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals (suggested for today's date, at this location, following the completion of the regular agenda) which was seconded by Superintendent Rick Nielsen and passed by unanimous vote.

Closed Meeting held.

After Closed Meeting:

**MOTION:** Commissioner Greg Graves made the motion to recall item #13 which was seconded by Diane Lohner and passed by unanimous vote.

**MOTION:** Commissioner Greg Graves made the motion to appoint Dianne Carr to the Board of Health Administrative Hearing Panel and appoint Daril Magleby as her alternate, and amend to instruct Ralph Clegg and Carl Hollan to contact those individuals discussed for possible appointment to sit on the panel which was seconded by Superintendent Rick Nielsen and passed by unanimous vote.


15. Other Business

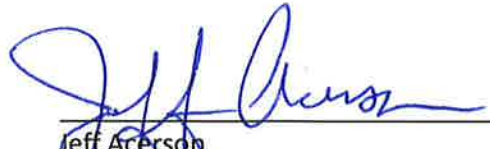
Commissioner Greg Graves stated the National Olympic Day is Friday, June 23, 2017, 3-5 pm at Peaks Ice Arena, you and your families are invited.

Commissioner Greg Graves would like the Board of Health to address having the Health Department set a standard rate schedule for fees for violation enforcement. Carl says they have had two notices issued to fix broken sewers and two notices for illegally dumping on properties. They have made progress for enforcement, but do not have a set fee schedule for violations. Commissioner Greg Graves suggests having a fee schedule for all the violations. A fee schedule will be created and submitted for approval at a later meeting.

**MOTION:** Diane Lohner made the motion to adjourn which was seconded by Dianne Carr and passed by unanimous vote.

Meeting was adjourned at 5:45 pm.

  
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Ralph Clegg, EHS MPA  
Director  
Utah County Health Department

  
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Jeff Acerson  
Chair  
Utah County Board of Health