



Delta County Board of Health

Meeting Minutes

November 21, 2023

Board Members	Staff	Guests/Public
Wendell Koontz, Chair Jo Rosenquist Mike Lane, Vice Chair Don Chapman – Excused Absence Jeri Roberts – Resigned 11/13/2023	Karen O’Brien Shawn Gardner Pat Sullivan Everett Neil	Steve Martinez Kathy Martinez

Call to Order

- The meeting was called to order by Commissioner Koontz at 3:29 PM.
- Action on the minutes:
 - October 17, 2023 meeting minutes – Jo Rosenquist moved to accept the minutes, and Commissioner Lane second. The minutes were approved unanimously.

Constituent Time

- Commissioner Koontz welcomed our guests and asked that they introduce themselves. Kathy and Steve Martinez live at 6108 Graff Road, next door to 6122 Graff Road. Mrs. Martinez said her neighbor’s septic system is not working, smells and at times (when flushed) there are bubbles and sewage on her driveway. Furthermore, there is a lot of trash not being picked up, it is on the fence line, and dogs are getting into it. Many vehicles come and go and unload/load stacks of clothes; thus, there is constant traffic and noise. Mrs. Martinez said they once found a girl sleeping under their awning. The sheriff is there several times a week. Mr. Martinez echoed that this situation has not changed and has been going on for a long time. What can the county do? Can the county move the trailer? The lot is very small and wouldn’t meet the requirements for a new septic system. What can be done?
- Shawn provided background on the actions the county has taken: In 2020 this situation generated multiple Notices of Violation, Notices of Public Hearings, Citizen Complaints, Sheriff’s Office Reports, a Notice of Public Nuisance-Imminent Health Hazard, an [Order of Cease and Desist](#), and finally a [Board of Health Resolution Issuing Penalty Assessment on May 31, 2023](#). Since this date, the Pomeroy’s have been willingly accruing personal fines at \$50/day, with no punishment or consequence for refusing to pay these fines.
- **RECOMMENDATIONS** (awaiting advice from legal counsel): Environmental Health is recommending the following actions with the advice of the Attorney’s Office and the support of Law Enforcement:

1. The Board of Health to decide to pay for a licensed OWTS inspector to inspect the system **(\$300)** to definitively determine (as we suspect) that their existing OWTS:
 1. is absolutely failing because the tank is not sealed and cannot be repaired, and the leach field is irreparably saturated
 2. is not capable of being repaired (meaning that they can merely replace the tank and/or leach field with the exact same system design)
 3. would require a complete replacement with an engineered mound system, which would require a variance (due to being an undersized parcel) and a cost exceeding the worth of investment.
 2. Appeal to the court for an injunction that would order the residents to vacate the property and allow the County to completely eliminate the existing septic system, board up the mobile home, and fence off the property, prohibiting all access except for the purposes of making repairs, cleaning, and storage.
 3. Apply the expenses of pumping, inspecting, and barricading to the property.
 4. The Pomeroy's would have to continue paying taxes and all fines accumulated from the septic system abatement and barricading the property in order to retain ownership, but they could not stay there overnight unless the requirements of the injunction were fulfilled (i.e.- replace septic system). Alternatively, the Pomeroy's could go through probate and attempt to sell the property.
- The Board of Health will discuss these recommendations and decide on a course of action.
 - The Martinez's thanked the county for their continued work on this situation.
 - Commissioner Koontz thanked the Martinez's for coming to the meeting and then moved to the next agenda items.

Public Health Director's Report

- **Recognizing Pat Sullivan, Nurse Practitioner** - Karen said that the Board of Health would like to recognize Pat for her 26+ years of service at the Health Department. Pat has contributed a great deal to the department and to the community. She has received the Shirley Hass Schuett Quality Award numerous times for her conscientious service. Awards were received in 2015, 2019 and in 2021. The department was the only agency in the state to have received the 5-year (2018-2022) Shirley Hass Schuett Quality Award and, is primarily due to Pat's passion of provided the best possible service to her clients. Additionally, Pat has received the WiseWoman appreciation award. A round of applause and gratitude to Pat. The Board thanked Pat and extend their wishes for much success and happiness in her retirement.
- **Financials**
 - Karen said that Leone will not be in attendance today and presented the payment approval report. Karen asked if there were any questions? There were no questions.
 - Karen presented the financial statement and stated that the report shows a loss for the month for the following reasons:
 - 1) A large number of immunizations were paid for in October, flu shot revenue will probably not show up until November/December timeframe.
 - 2) Delta Health Hospital failed to bill us for cancer diagnostic tests going back to over a year ago. We paid them back through the current state fiscal year on revenue we had received previously from the Women's Wellness Connection program.

- Jo Rosenquist motioned to accept the financials and Commissioner Lane second. The vote was unanimous and the financials were approved.

- **Department Updates**

- **Communicable Diseases**

- COVID - There were 36 COVID cases in the last 2 weeks (11/6-11/19), 6 hospitalizations so far this month and 1 death on 10/30.
- Flu – Increasing in the state. Colorado is considered low by the CDC. There were 138 hospitalizations statewide through the week ending 11/11.
- RSV – Since 10/1, rates of RSV hospitalizations have continued to increase. There were 152 (130 were pediatric) hospitalizations statewide through the week ending 11/11.
- Immunizations – Continue to administer COVID and Flu vaccines. We will continue to offer COVID vaccines as long as there is demand for them. Our Wednesday clinics have been booked solid.

- **Fiscal/Staffing**

- Received Women’s Wellness Connection, WiseWoman, Community Services Block Grant (CSBG) and Office of Public Health Partnerships (OPHP) CDC Infrastructure grant awards.
- Our new Nurse Practitioner, Robin Mills, started work on October 9 on a part time basis and will begin fulltime beginning November 27. We are quite grateful for the CDC workforce grant we received that enabled us to send Robin to the state and national Family Planning Conferences and next month she will attend the WiseWoman Kick Off Conference. I will introduce her to board next month. Currently, all open staff positions have been filled.

Environmental Health Update

- **RFE Inspections** - 7 routine inspections and 1 re-inspection were conducted, and 1 RFE Application Received (Snow Capped Cider). CDPHE is sending an inspector to Delta County in December to conduct joint inspections with Carina and/or Evan. Both should be qualified as independent inspectors before the end of January 2024 and we can begin catching up on our 62 overdue inspections.
- **OWTS** permits are down in Delta County about 30% from last year. Across the state permits are down 20%.
- **Waste Tires** - CDPHE has committed to picking up and disposing of an estimated 10,000 tires from the Bloom property. Details are being worked out in collaboration with Everett and the Blooms.
- **License Renewals** - RFE license and OWTS Installer license renewals go out at the end of November.
- **Graff Road** – Following the discussion from earlier in the meeting regarding the OWTS failure at 6122 Graff Rd, the following was approved and decided:
 - The Board of Health approved paying for a licensed OWTS inspector to inspect the system to determine that their existing OWTS is unacceptable, not capable of repair, and requires replacement.

- Upon receiving inspection results, the Attorney's Office will appeal to the court for an injunction that would order the residents to vacate the property and allow the County to completely eliminate the existing septic system, board up the mobile home, and fence off the property, prohibiting all access except for the purposes of making repairs, cleaning, and storage.
- The associated costs of these procedures are intended to be applied to the property upon the approval of the injunction.
- **Burials on Private Property**
 - Environmental Health has set up [department procedures](#) to receive applications for burial site inspections on private land, conduct those inspections by the following business day, and provide inspection records to property owners and the Delta County Clerk and Coroner.
 - The Board of Health was asked if it desired to make site inspections for burials on private property mandatory in order to fulfill the desire of the Clerk and Coroner: to have a process that assists people in meeting the expectations of the private burial ordinance and to support the completion of private burial documentation requirements.

HPAI

Commissioner Koontz distributed a notice on the Highly Pathogenic Avian Influenza (HPAI) and said the virus was detected in Montrose and Gunnison recently.

The following report from CDPHE website shows the cases for 2023

<https://ag.colorado.gov/animals/reportable-diseases/avian-influenza/colorado-hpai-response>

11/14/23 Gunnison HPAI confirmed in 1 wild bird - Common raven

11/13/23 Montrose02 HPAI confirmed detection in Backyard Producer (non-poultry)

01/19/23 Delta HPAI confirmed in 1 wild bird - Canada goose

Board of Health Positions

- Karen announced that Jeri Roberts submitted her resigned on November 13, 2023, effective November 13, 2023.
- Karen reported Jo Rosenquist's first term expires on December 31, 2023 and asked Jo if she will consider a second term. After careful consideration, Jo agreed.
- Commissioner Koontz asked about if the current vacancy was posted. Karen said that she reviewed the public notice and asked Lindsay to post it.

Adjourn

- The Board of Health meeting was adjourned at 4:48 pm by Commissioner Koontz.

Minutes respectfully submitted by Karen O'Brien.