

**OFFICIAL PROCEEDINGS
OF A PUBLIC HEARING
OF THE COUNTY BOARD
LAKE COUNTY, MINNESOTA**

Tuesday, March 12, 2019. Lake County Service Center, Split Rock River Room, 616 Third Avenue, Two Harbors, Minnesota. A public hearing was convened at 2:30 p.m. for the purpose of considering proposed amendments to Lake County Food and Beverage Ordinance # 7.

The following Lake County Board of Commissioners members were present: District 1 Commissioner Peter R. "Pete" Walsh, District 2 Commissioner Derrick L. "Rick" Goutermont, District 3 Commissioner Richard C. "Rick" Hogenson, District 4 Commissioner Jeremy M. Hurd, District 5 Commissioner Rich Sve. County Commissioners Absent: None.

Also present: Lake County Administrator Matthew Huddleston; Laurel D. Buchanan, Clerk of the Board; Lake County Health and Human Services (LCHHS) Director Lisa Hanson; Public Health Supervisor Michelle Backes-Fogelberg; Environmental Health Specialist John Weidner; Lake County Land Commissioner Nate Eide; Information Technology Director Boris Naschansky; Environmental Services Director Christine M. McCarthy. Members of the public were present.

LCHHS Director Lisa Hanson provided an overview of the proposed amendments to Lake County Food and Beverage Ordinance #7. Several updates to the ordinance are required to adopt and conform to the new Minnesota Food Code (Chapter 4626) which became effective January 1, 2019. Additionally, several of the proposed items are at the discretion of the County Board of Commissioners to decide whether to approve any, all, or none of the additional proposed revisions.

If adopted, these would be new local requirements.

1. Certified Food Protection Manager (CFPM) must be on duty during all hours of operation, as well as at special events.
2. Hot water must be available at hand sinks used by employees.
3. Minnesota Food Code and Lake County Food and Beverage Ordinance must be available and accessible by employees (either hard copies or electronically).

Additionally, LCHHS recommends that Lake County allow for an additional fee if an establishment makes extensive changes after the plan review has been submitted. This is not currently on the 2019 Lake County Fee Schedule. The proposed amendments also define terms that were not previously defined, correct grammar and punctuation, and update statutory references. Lake County Public Health Supervisor Michelle Backes-Fogelberg and Environmental Health Specialist John Weidner provided more detail on the definitions and proposed amendments. The State of Minnesota sets the guidelines for Minnesota CFPM duties, required training, initial certification, and certification renewal. Lake County Public Health Department offers ServSafe training courses. Mr. Weidner is the trainer for ServSafe classes offered in Two Harbors and Finland, Minnesota. The initial course is eight (8) hours, and the exam takes up to two (2) hours. There is also a four (4) hour refresher course (continuing education). There is no fee for the course offered through Lake County; however, training course enrollees must pay the \$35 cost for the test answer sheet. Participants may buy their own textbook at a cost of approximately \$70 or may borrow the textbook through the Two Harbors Public Library or the Silver Bay Public Library. Commissioner Pete Walsh inquired if there is a library copy available for Fall Lake, such as at the Ely Public Library.

Participants must take the training course, take and pass the exam, and obtain the final certificate from the Minnesota Department of Health (MDH). The MDH fee is \$35 for the 3-year Minnesota CFPM certificate. Minnesota CFPM expires three years from the effective date printed on the MDH certificate.

Certificates must be renewed with MDH every three (3) years. To renew the certificate, the certificate holder needs to complete four (4) or more hours of approved training (continuing education).

County Commissioners had questions about how the proposed Food and Beverage Ordinance updates would affect, for example, an annual fire department pancake breakfast. Mr. Weidner clarified that the Certified Food Protection Manager (CFPM) requirement applies to food that is cooked from raw (poultry, beef, pork and fish) and foods that are "hot held" at temperature control. Precooked sausages (not raw) may be served at a pancake breakfast, without requiring the presence of a CFPM. A list of exemptions to CFPM requirements is found in Minnesota Rules, part 4626.0033, item C. County Commissioners had questions about what the penalties are for businesses that are not in compliance with the Food and Beverage Ordinance. Mr. Weidner explained that our focus is on education, not on punitive or enforcement. Lake County has the authority to take action against an establishment's license. Lake County could require an establish to shut down or hold license renewal until requirements are met. Lake County focuses on the importance of food safety education.

Requirements concerning handwashing requirements were discussed. There are differences among the previous code, the current code, the proposed code, and the Food and Drug Administration (FDA) code. The proposed code would require a water temperature in a specific temperature range. This amendment is proposed for public health reasons. American Society for Testing Materials (ASTM) standards show that the water temperature needs to be between 100 degrees Fahrenheit and 108 degrees Fahrenheit for soap to be effective. The proposed amendment also sets an upper limit on the acceptable temperature for water used for handwashing. This upper limit is intended to prevent scalding. The previous code set the minimum water temperature requirement at no colder than 110, and the current code requires handwashing for a minimum of 15 seconds but does not specify a temperature requirement.

County Commissioners expressed concerns about the proposed requirement to have an on-site CFPM at all times of food service operations. This would be difficult for small businesses. Mr. Weidner commented that small business owners are Certified Food Protection Managers and are usually present on site. Mocha Moose owners Micki Werner and Penny Agar were present at the public hearing and made public comments, stating their concerns with the proposed rules. The coffee shop has seasonal hours from Memorial Day weekend through October 15. Mocha Moose serves soup which is "hot held" and they also serve eggs. Mocha Moose owners talked about the business experience with a high turnover rate of employees and the expense of employee training. They have a big split in their summer operations versus their winter operations. Winter operations are part-time. Keeping part-time help is difficult and can be harder for smaller businesses. Requiring a CFPM to be on site at all times of food service would limit their ability to be open. Adam Labatt discussed difficulties with the hospitality industry job market. Full time employees are hard to recruit and retain. Winter coverage often includes one cook and one server. Mr. Labatt has experience along the North Shore of Lake Superior at establishments such as the Rustic Inn and Cove Point. Mr. Labatt advised that CFPM are often present during the day and end shift around 5:00 p.m. The hours of 5:00 p.m. to 10:00 p.m. would be difficult to staff a CFPM, in managing hours to prevent burnout and maintain a work-life balance.

Two Harbors Area Chamber of Commerce President Janelle Jones asked about how the ordinance would affect catering for events such as weddings. Ms. Jones also asked about food trucks. The Two Harbors Area Chamber of Commerce represents many area businesses in the tourism industry, including many food and beverage establishments. Jones spoke about the high employee turnover in our local food and beverage establishments.

The public hearing was closed at 3:13 p.m.

ATTEST:

Laurel D. Buchanan
Clerk of the Board

Rich Sve, Board Chairperson
Lake County Board of Commissioners