



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

September 23, 2021

The Council of Park City, Summit County, Utah, met virtually in open meeting on September 23, 2021, at 4:00 p.m. in the City Council Chambers.

WORK SESSION

Discuss the Future Empire Creek Water Flow:

Clint McAfee, Public Utilities Director, presented this item. He reviewed the history of the Judge and Spiro Mine Tunnels and indicated they were the major water sources for the City. This water had high concentrations of metals. In 2009, the Environmental Protection Agency (EPA) directed the City to apply for Utah Pollutant Discharge Elimination System (UPDES) permits for both tunnels. Water quality standards were set and the water exceeded acceptable metal levels. The City stopped using water from the Judge Tunnel for drinking water in 2013 and the water was diverted to Empire Creek. In 2014, the UPDES permits were finalized and the City entered into a compliance order. Currently, work was set to pipe Judge water to 3Kings Water Treatment Plant (3KWTP). He noted other projects being executed by his team as well.

McAfee stated some in the community expressed concern that when Judge was piped, there would be less water flowing in Empire Creek. He displayed a cost spreadsheet with alternatives. Alternative One was the current plan to take the water from Empire Creek to 3Kings Water Treatment Plant and Empire Creek would return to being a seasonal creek. Alternative 2.1 would use the City drinking water to pump water into the creek. This alternative would require a new treatment plant since creek water standards were more stringent than drinking water standards. The water would be treated and pumped uphill to be discharged, thus incurring a significant cost. Alternative 2.2 would use the existing Rockport water system and it would be pumped uphill which would also incur the additional cost of a pump station and a pipeline.

Council Member Worel asked if Judge had run clear at one time. McAfee stated the water came out of the mine and went through a turbidity meter. If the water was clear it was disinfected with chlorine gas and moved to the Empire Water Tank. When the water was not clear, the tank valve would shut and the water would discharge into a gooseneck to the stream until it cleared up. Council Member Worel asked if the Judge water would be different if it was tested today than it was when the City entered the

compliance agreement. McAfee indicated it was not different, but it was tested on a monthly basis and it was monitored for all standards.

Council Member Doilney asked how much water went into the creek from Judge currently, to which McAfee indicated 900 gallons per minute or one million plus gallons per day. Council Member Gerber asked if there were additional water sources in the valley that could be diverted to Empire Creek or if there was an opportunity to collect snowmelt that didn't have the contaminants; or if there was capability to turn the water flow into the stream for a certain number of hours a day or during certain times of the year. McAfee stated there were no other water sources that could be diverted. Snow could be stored, but it would not equal one million gallons per day. Pumping part-time was possible, but there would still be a cost to construct the infrastructure.

Mayor Beerman stated the City used a bioswale for the Prospector drain which used natural processes to reduce the metals in the water. McAfee stated there was a bioswale that treated some of the Prospector drain, but it didn't treat it down to stream water standards. It was more effective in the summer and only treated a small stream. Mayor Beerman asked if a portion of the water could go back into the stream and if a bioswale could be looked into. McAfee stated one alternative was onsite treatment, but that was eliminated and a bioswale would take up more room than a treatment plant. This site was regulated because of the contamination, so it was challenging. Another challenge was that the City did not own this land, but only had an easement across the land.

Council Member Joyce stated the Council spent so much time discussing water conservation, yet this discussion was about providing water to this creek all year round when much of the course wouldn't be seen. Council Member Henney stated Council realized the community would get used to having that flow when Judge was first diverted to the stream. Now the community was requesting the City look at creative ways to keep that flow. He asked if all options had been explored, and stated keeping the flow wasn't worth \$25 million. He realized the current flow from Judge did not meet creek water quality standards. Council Member Joyce stated one thing missing from the alternatives was it didn't allow for one million gallons per day. He stated in a drought region, he was concerned this much water would be going down a creek just because people liked to hear it. Council Member Gerber thought a compromise needed to be reached, but the harder part was finding a lower budget. Another compromise would be an understanding that during drought situations, the creek would not flow.

McAfee restated any water put in the creek would have to meet water quality standards, so a treatment plant would have to be built, and the water would have to be pumped. Council Member Gerber asked how much more cost would be involved to enable the 3Kings Water Treatment Plant to lower the zinc levels so the water would meet creek standards. McAfee stated some water came from the Jordanelle Special

Service District (JSSD) and zinc was in the pipes and the water. Every foot of pipe would have to be replaced and the City would have to stop receiving water from JSSD to meet the standards.

Council Member Doilney thought it was Council's job to discuss the situation with the community to reflect transparency and disclose that in a year the flow would be impacted. He couldn't justify putting water into the creek, but he wanted to explore options. Council Member Worel stated many residents weren't here in 2007 or 2014 when the City was told to meet state water standards, so it was important to have the conversation now.

Mayor Beerman opened the meeting for public input

Ed Godyki indicated he heard about this various times over the years. He was sure McAfee hadn't looked at all the options and it shouldn't cost \$25 million to solve the issue. He wanted to explore options since fish lived in the stream, moose drank from it, and homeowners had higher property values because their homes abutted the creek. It could be looked at as a historic place, and that might open options. He also stated Poison Creek was a better-known name for this water source than Empire Creek.

Sally Elliott stated it appeared the City would divert the Homer Pace ditch water to the wetland area and the discussion was about the upper part of the creek. She thought the water in the wetlands would preserve the wildlife values, but it wouldn't help those that lived between Bonanza and the road by Chatham Crossing. Council Member Joyce stated this discussion was about cutting off the Judge Tunnel water output by Daley. Council Member Doilney clarified the wetlands would be restored to 2013 levels.

Douglas Stephens asked what flows residents could expect when the flow was turned off. McAfee stated the water flow would depend on the precipitation the City received.

Betsy Wallace stated the creek was in her backyard and hoped the City considered the environmental appeal. One reason people visited Park City was for the stream, grass, and trees next to the stream. The stream cooled the City.

Kim Fry was concerned that the environmental impact would change if the creek was dry, and thought the things mentioned by Wallace were valid concerns. She appreciated the conversation to explore options that wouldn't involve one million gallons per day. Council Member Joyce commented that the trees along the creek were there before the extra water was discharged into the stream.

The following comment was sent via email:

Shirin Spangenberg: "I attended the Prospector meeting on Monday night and have put a lot of thought into cutting off the water to the Prospector estuary. Eight years ago the water was turned on, and in that time the Prospector Park has become a place of wonder and beauty. As you walk by the water it has gone from a swamp to a place where you can see fireflies dancing in the night, white pelicans have been coming to visit for quite a few years, we saw a fisher king bird just the other day, the muskrats and other little creatures have found a home. We have taken away many of their homes in the past. Park Meadows is no longer a meadow for them to live in. Max mentioned that it's private property, but they had to have building permits to put in all of that housing. Most of the open space has disappeared. This may be an artificial estuary, but we have eaten up much of the natural landscapes for them to live in. I feel that it's our responsibility to keep enough water in the park to keep this ecosystem alive and thriving. I think the water should be cleaned and diverted to the park. It may be costly, but I think it's more costly to lose the wonderful wildlife that depends on the water in the estuary."

Mayor Beerman closed the public input portion of the meeting.

Council Member Henney thought it would be helpful to have an ecological study in that area, and suggested Swaner Preserve or Utah State University would have the knowledge to perform that study. McAfee stated it would be a hard thing to study without seeing the effects when the water would be turned off. Council Member Henney stated he was not concerned with the wetlands, but was concerned with the upper creek. McAfee suggested having an arborist look at the trees and give an opinion.

Council Member Gerber asked if renegotiations could take place with the Utah Department of Environmental Quality (UDEQ) because the area had thrived with the additional water flow, even with the zinc in the water. She also favored having an ecologist evaluate the area and assess it for potential impacts. Mayor Beerman noted there was a State stipulated order to come into compliance. He thought staff could explore more options with the EPA and DEQ. McAfee stated he could do that, but asserted he had been meeting with them for years and the standards hadn't changed, the City was only given more time to come into compliance.

Mayor Beerman also requested continued community outreach on this issue. After some discussion, Jager stated her team could present outreach options to Council in the near future.

Drought and Water Conservation Update:

Jason Christensen, Water Manager, presented this item and stated 2021 was a difficult water year. Park City had an exceptional water conservation plan in place for drinking and irrigation. He noted there was a 50% water reduction in residential accounts. In response to the drought, staff took action, especially in the Parks and Golf Departments,

to reduce the amount of water used by the City. There was an ordinance in place that determined what actions would take place at what stage in a drought. Christensen stated if the drought continued, the City would continue implementing the practices used this summer. The irrigation water rate would increase, and he would present some options to Council during the next budget cycle, including a cash for grass program.

Council Member Joyce didn't think the City should be aggressive with water rate changes, and thought the rate structure put the burden on single family homes. He thought the base rates were too high, which made commercial and multi-family units so much cheaper. Christensen stated with tiered prices, there were four rate classes. It was difficult to differentiate water used at a restaurant versus a hotel. Council Member Joyce indicated there was a difference in rates, but only on the base rates and not on the actual water usage. He asked to have a discussion before year's end. Council Member Henney requested a discussion on meter size fees. Council Member Gerber thought a formula similar to figuring parking spaces per business could be used. Council Member Doilney indicated commercial water use hadn't changed based on economic situations, so higher rates were not a deterrent. But higher rates for commercial could generate more revenue at the expense of the visitors.

Mayor Beerman summarized Council would like commercial rates and irrigation rates evaluated. He didn't think the City code matched the water goals and amendments should be made to the LMC. He favored incentives to reduce grass. Council Member Worel agreed and wanted expectations set up front so developers and homeowners would know what the parameters were. Council Member Henney stated this should be a continuing discussion so it would be clear for the next budget cycle. Council Member Joyce asked for community outreach in conjunction with the ongoing Council dialogue.

Parley's Canyon Fire Incident Summary - Deputy Fire Chief Pete Emery:

Council Member Henney reviewed the report on the Parley's Canyon fire. Pete Emery, Deputy Fire (PCFD) Chief, thanked Council for their support. He gave a breakdown of the Park City Fire Fighter efforts and the efforts of other agencies. He stated 10 minutes after the fire was reported, there was a helicopter, two single engine air tankers, and three forest service and other vehicles at the site. The fire rapidly grew and Summit Park and Pinebrook neighborhoods were evacuated. He thought it was fortunate that most aircraft were not committed to other fires and were able to assist in the effort to put out the flames. Neighboring fire districts assisted as well. Most of the firefighting efforts were by air. It was determined 541 acres were burned.

Council Member Worel was impressed with the response by PCFD, other agencies and the neighbors. She asked if the air support was related to the high values of the homes near the fire. Emery stated that structures near the fire gave weight to the urgency of support needed. Council Member Worel thought much of the success could be attributed to good planning. Council Member Henney asked if the shut off power line

impacted the ability to fight the fire, especially as it related to pumping water from the tank. Emery stated the perception was they could get ahead of a fire if the crew could tie into a hydrant or another water source, such as a tank engine. He thought the water tanks had enough water.

Mayor Beerman indicated he asked Chief Hewitt at the beginning of the summer about PCFD preparedness and was told they were prepared. He appreciated the planning and efforts of PCFD.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Joyce stated the mid-year retreat was held at the City Park Bandstand and it was nice. The community pillars were discussed and each Council member was assigned a pillar and worked with a taskforce on the priority. The Sewer District had an annual meeting and it was surprising how fast building was going in the area.

Council Member Worel echoed the sentiments on the Council retreat. She indicated the liaison assignments were going well. She asked for a report when the City issued an RFQ versus an RFP. Council Member Henney stated that discussion should happen in a work session because oftentimes the public didn't read staff communication reports. He indicated the community development improvements process was reported in today's meeting packet and was very good. He noted contractors went from being frustrated with the construction process to having a much better process. He commented on the fire report in the work session and stated many components went into the success of the fire department, and he thanked them for planning. He also

stated he enjoyed the mid-year retreat and talking through the community pillars was beneficial.

Council Member Doilney enjoyed the Fall Projects Open House yesterday. He encouraged the residents to get out and mix with each other. Council Member Gerber thought the temporary programming and murals at the Bonanza Park Arts and Culture area was great. She was proud of all the art around the City. She met with Public Works employees and she noted their gratitude for the employee pay changes.

Mayor Beerman wished all a happy fall. He saw locals on Main Street and in the neighborhoods. He encouraged all to adhere to speed limits and noted the elk herds were here. He also noted citizens gave feedback on City processes and the staff communication reported on the progress from those suggestions.

Staff Communication Report:

1. Community Development Improvements Update:

Please see Council Questions and Comments for discussion on this report.

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for anyone who wished to comment or submit comments to the Council on items not included on the agenda.

Bob Berube via email: "It seems like the simplest solution to solve the problem of spread this ski season would be a requirement of vaccination to ride the lifts. Vail is insisting on proof of vaccination to eat in on mountain restaurants and appears to be leaning in the direction of not masking people in lift lines and planning on loading lifts at capacity. Proof of vaccination could easily be linked to passes and would greatly reduce the risk of spread throughout the season. A recent editorial in the Park Record lauded Park City and Summit County residents with high vaccination rates and if we don't require this proof of visitors we're putting residents at risk as well as a safe for all ski season and the local economy as well. Seems like riding up the mountain in a packed gondola with unmasked and unvaccinated occupants would be extremely unsafe and a problem easy to remedy."

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from September 2, 2021:

Council Member Worel referred to Page Six, Line Eight and noted the group was Voter Rise, not Voter Rights.

Council Member Joyce moved to approve the City Council meeting minutes from September 2, 2021 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Service Agreement in a Form Approved by the City Attorney's Office with Fehr & Peers Transportation Consultants for the Rail Trail Master Planning in an Amount Not to Exceed \$151,538:

Council Member Doilney asked for regular reports on the Rail Trail improvements.

2. Request to Authorize the City Manager to Execute a Construction Agreement in a Form Approved by the City Attorney's Office with TerraWorks Inc., for the Park City Cemetery Cremation Garden Phase 1 Project in an Amount Not to Exceed \$59,667:

Council Member Gerber moved to approve the Consent Agenda. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VI) NEW BUSINESS

1. COVID-19 Update from the Summit County Health Director, Dr. Phil Bondurant:

Phil Bondurant, Summit County Health Director, presented this item. He stated with COVID there were many unknowns and uncertainties. The County had high vaccination rates, but the pandemic was taking the lives of unvaccinated individuals. He wanted to create a path forward to find ways to protect the residents as ski season began. He stated Utah had a reduction in cases for the first time since May. He expressed concern for the five to 11-year-olds who were not eligible for vaccination. Monday, the Summit County Council extended the health order that extended the 2% threshold for elementary and middle school mask mandates.

Council Member Doilney thanked Bondurant for addressing the restaurant group. Bondurant stated messaging would go out to help people understand what could be done to stay safe and healthy. Council Member Doilney indicated he asked the restaurant group who was vaccinated or not and why, and the numbers were encouraging. He was happy that companies mandated vaccinations and thought that would help the community.

Council Member Gerber heard concerns that many in the workforce didn't live in Summit County, so it was uncertain how much COVID was going around town. She asked how to know if there was an issue with the workforce or tourists, since those numbers would not be counted in the County. Bondurant stated contact tracing was still active, for both students and adult populations. He knew there were some breakthrough cases here, but those individuals who were vaccinated and got COVID recovered very well. There was only one outbreak in a workplace in September in Summit County. Council Member Gerber asked what the requirements were for quarantining, and she thought it would help if there were guidelines on when people or children should get tested. Bondurant stated he was working with the National Guard and others so there were more opportunities for people to get tested.

Council Member Worel stated some people were self-testing and asked how the County would get those numbers. Bondurant stated the County would receive reports from doctors, hospitals, and other counties. Self-reporting would help individuals know to go to a doctor or a hospital. He was confident the County was seeing a good test rate. He noted the Health Department would receive self-tests to distribute so people could test themselves and then not go to work if they tested positive.

Council Member Joyce stressed the Intensive Care Units at the hospitals were at high capacity and he thought the situation was critical, yet the State and the County were not doing anything. Bondurant stated the important thing that distinguished the response was the vaccinations. The Summit County attorneys counseled that putting restrictions in place without taking vaccinations into effect was not defensible. If the cases were manageable, a mask order could be challenged and then the County wouldn't have that option when the case rates got worse. The Health Department's focus for now was messaging. Council Member Joyce asked if there was a number that, if reached, would trigger some action. Bondurant stated they looked at CDC guidelines to establish thresholds. Council Member Gerber asked when vaccinations would be approved for five to 11-year-olds. Bondurant stated there was a meeting on child vaccinations and a vote would be taken in October.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Doilney encouraged parents to have their children vaccinated. Council Member Gerber noted she now had a better understanding of the Health Department's hesitancy issuing a mask mandate. She hoped residents would continue to wear masks and take care of each other.

2. Consideration to Adopt Resolution 22-2021, a Resolution Recognizing October 2021 as Domestic Violence Awareness Month in Park City:

Kendra Wyckoff, Peace House Executive Director, presented this item and stated this was a critical public safety issue. She reviewed the resources available for those who were affected by domestic violence and sexual assault and stated abuse impacted all demographics and was a prevalent crime in the community.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting and stated Peace House provided a safety net and he appreciated all they did for the community.

Council Member Worel moved to adopt Resolution 22-2021, a resolution recognizing October 2021 as Domestic Violence Awareness Month in Park City. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

3. Consideration to Approve Ordinance 2021-36, an Ordinance Approving The Crescent Condominiums First Amended, Amending Unit B, Located at 633 Park Avenue, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and indicated the amendment would allow a deck enclosure on the second level.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance 2021-36, an ordinance approving The Crescent Condominiums First Amended, amending Unit B, located at 633 Park Avenue, Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

4. Consideration to Approve Ordinance 2021-37, The Gigaplat Replat, First Amended and Restated, Located at 1915 Prospector Avenue, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and indicated this amendment would allow an access easement to the historic Rail Trail.

Council Member Henney disclosed his girlfriend lived close to the location, but it would not affect his opinion.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce stated this amendment tied into walkability and access to trails.

Council Member Joyce moved to approve Ordinance 2021-37, The Gigaplat Replat, First Amended and Restated, located at 1915 Prospector Avenue, Park City, Utah. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

5. Consideration to Approve Ordinance No. 2021-38, an Ordinance Amending Primarily Residential Zoning Districts in the Land Management Code Sections § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2, and Enacting Section 15-4-7.1, Internal Accessory Dwelling Units - Enacting Stopgap Amendments for Internal Accessory Dwelling Units to Prepare for State Preemption of Certain Accessory Apartment Regulations that are Effective October 1, 2021:

Rebecca Ward, Deputy Planning Director, presented this item and reviewed the Additional Dwelling Units (ADU) currently allowed. She proposed changes to the LMC to prepare for State pre-emption on October 1. She stated there was a survey for community members regarding ADUs and to date, the survey results indicated there was support; but there were also some concerns, including increased demands on parking and traffic.

Ward reviewed the State passed an Internal ADU bill that would go into effect October 1. As a response, the City would distinguish an ADU from an IADU. Council Member Gerber asked if an IADU would be required to have cooking, sleeping, and restroom facilities, to which Ward affirmed. Council Member Worel asked if the 30 day or more rental was included in the State definition, to which Ward affirmed. Council Member Worel didn't think that would help the workforce. Mayor Beerman noted the State could extend that to 60 or 90 days. Ward clarified these restrictions were only for IADUs and the City could work on the ADU language in a way that would work for the community. Council Member Gerber asked if this would only apply to units going forward or if it only applied to existing ADUs. Ward stated this was for new units going forward.

Ward indicated the LMC amendments would be the most restrictive code for IADUs and staff would continue working on amendments for ADUs.

Council Member Doilney thought the State prohibited tracking nightly rentals and asked if they would now allow cities to monitor for nightly rental listings to determine compliance. He asserted the City could use this as an opportunity to open that door for all nightly rentals.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance No. 2021-38, an ordinance amending primarily residential zoning districts in the Land Management Code Sections § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2, and enacting Section 15-4-7.1, Internal Accessory Dwelling Units. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VII) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



Judge Tunnel & Empire Creek

Progress Update & Discussion



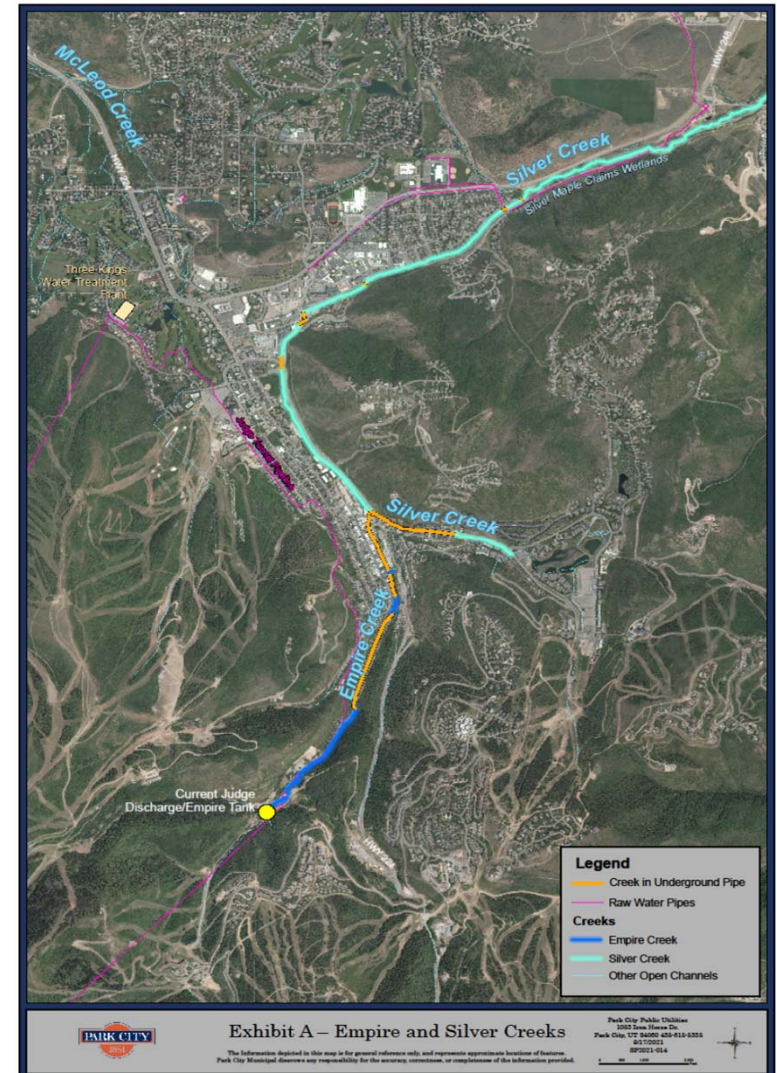
Judge Tunnel Update

- Background
- Current plan & direction
- Implementation plan update
- Empire Creek
- General Discussion and questions for Council:
 1. What level of public outreach prior to Judge being diverted is desired?
 2. Other questions?

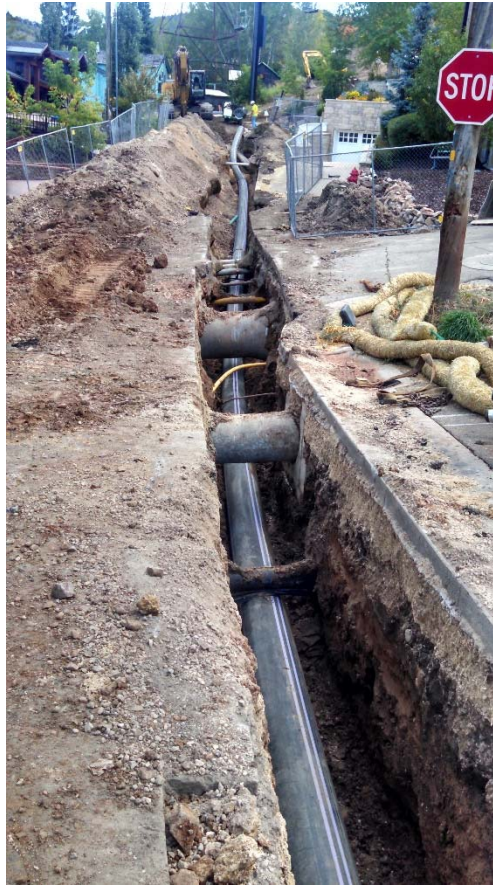


Background/Current Plan

- High metal concentrations in Judge and Spiro Water
- 2009 – Direction from EPA to apply for UPDES Permits for both tunnels
- 2013 – Stopped using Judge for drinking water
- 2013 – EA and Silver Maple Claims Wetland Mitigation Plan finalized
- 2014 – Stipulated Compliance Order and UPDES Permits executed
- 2018 – Amended SCO
- 2013 to present – implementing current plan/direction to pipe Judge to 3Kings



Judge Tunnel Pipeline – Complete in 2014



Empire Tank – Complete in 2021



3Kings WTP – Complete in 2023



Other Prerequisite Projects Completed

- Quinns Junction Water Treatment Plant Upgrades
- Quinns Junction Maintenance Building
- Creekside Water Treatment Plant
- Highway 248, Three Kings, and Golf Course Water Lines
- Golf Course Pond Dredging
- Spiro Tunnel
- Spiro WTP Demolition
- Golf Maintenance Building



- Public Works Operations Headquarters
- Ice pigging starting Oct 4th

Empire Creek

Hearing concerns about less water

EA and Silver Maple Claims Wetlands
Mitigation

For reference – concepts to add water to
Empire Creek are presented with cost and
energy



**Exhibit C - Empire Creek Alternatives
Conceptual Cost and Energy Requirements**

	Alternative 1	Alternative 2.1	Alternative 2.2
Infrastructure Cost			
Silver Maple Claims Mitigation Plan	\$100,000		
Raw Pipe from 3Kings to Empire Tank			\$15,000,000
Pump Station from 3Kings to Empire Tank			\$10,000,000
Treatment Facility		\$25,000,000	
Total Infrastructure	\$100,000	\$25,000,000	\$25,000,000
Annual Operational Cost			
Operations and Maintenance	\$20,000	\$500,000	\$250,000
raw water pumping		\$0	\$190,000
drinking water pumping		\$350,000	
Total Operational	\$20,000	\$850,000	\$440,000
Water from drinking sources (acre feet)	0	1,000	1,000
Electricity Use (kWh)			
2019 Water Power Use	12,135,485	12,135,485	12,135,485
Power required to pump to Empire Creek	0	4,380,000	2,400,000
Annual Increase in Electricity Use	0%	36%	20%
Alternative 1 - Do not add water to Empire Creek. Implement approved Silver Maple Claims Mitigation Plan.			
Alternative 2.1 - Add water to Empire Creek from the City's drinking water system.			
Alternative 2.2 - Add water to Empire Creek from the City's raw water system.			

Judge Tunnel Update

Background

Current plan & direction

Implementation plan update

Empire Creek

General Discussion and questions for Council:

- 1. What level of public outreach prior to Judge being diverted is desired?**
- 2. Other questions?**



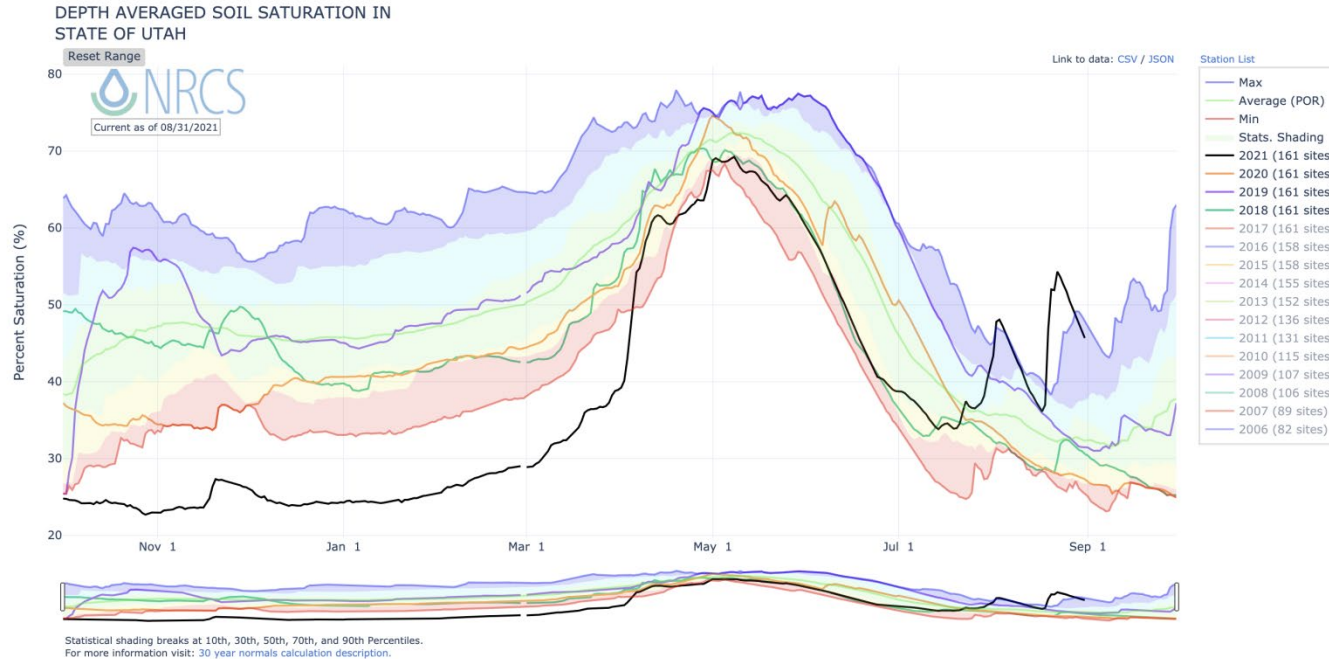
An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town is nestled in a valley, with snow-covered mountains rising in the background. The houses and buildings are densely packed, and their roofs are covered in snow. The overall scene is serene and wintry.

Conservation & Drought

Update and Direction



—2021 Exceptional Drought—



— Conservation vs Drought Response —

- Conservation
 - Using water resources efficiently to meet community objectives.
- Drought Response
 - Match water demand to water supply during periods of drought or reduced supply.



— Conservation Program —

WATER CONSERVATION

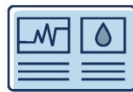
IN PARK CITY



WATER RATE STRUCTURE

Tier based water rates

Water pricing designed to discourage excessive water use



WATERSMART MAILER

6x a year with recommendations to reduce water usage

WATER LOSS REDUCTION PROGRAM

A target of less than 20% system loss by 2030



ONGOING RESTRICTIONS

Watering prohibited from 10:01 am – 6:59 pm.

Watering restricted to every other day at most.

Water Waste is prohibited.

REBATES/INCENTIVES



Utahwatersavers.com
Slowtheflow.org
Rain Barrels

WATERSMART WEBSITE



A customer's hourly consumption data.

A library of 140 conservation activities.



PARTNERSHIP WITH WEBER BASIN WATER CONSERVANCY DISTRICT

- Conservation Garden
- Classes

MEMBERSHIPS

Utah Water Conservation Forum
Alliance for Water Efficiency



LEAK ALERTS

Single Family and
Irrigation Accounts



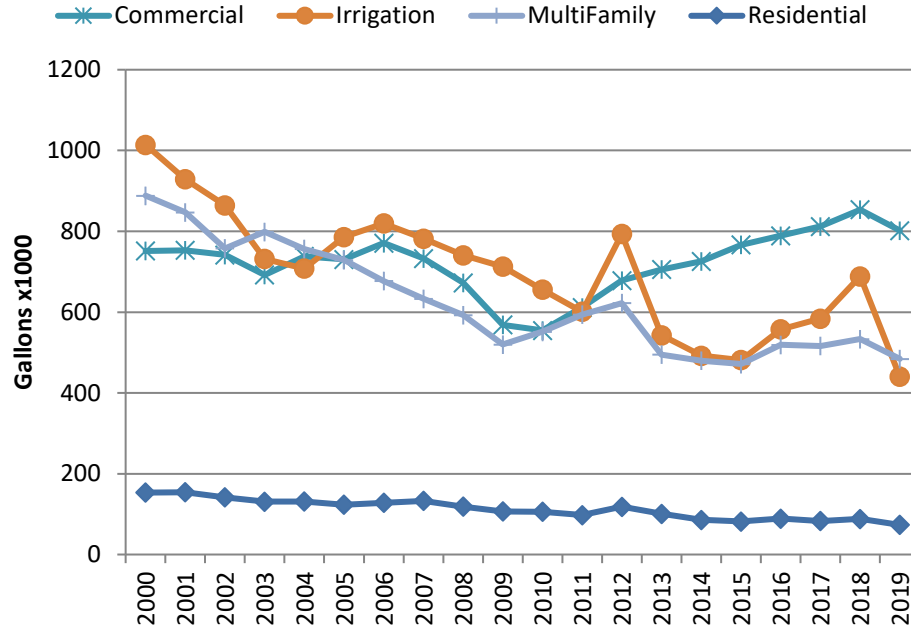
USAGE ALERTS

Available for all
account types.



Conservation Program

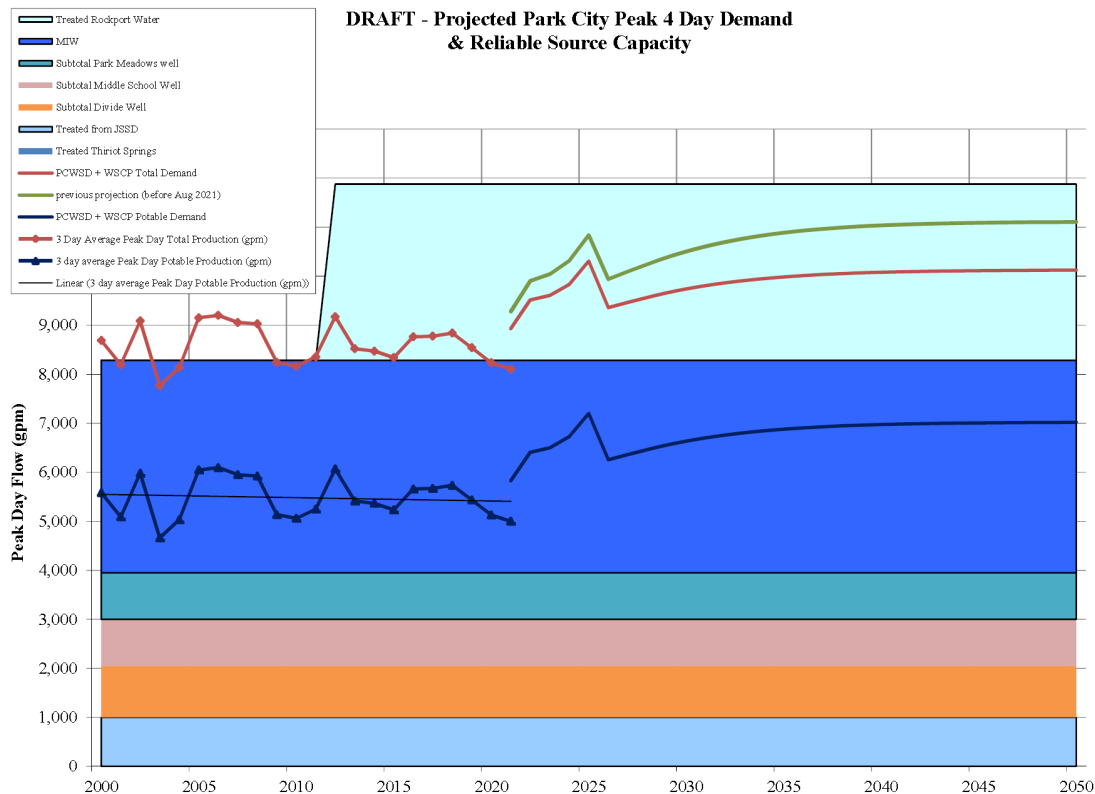
Gallons Per Account Per Year



Account Type	Percentage Change in Water Usage from the Year 2000	Number of Accounts in 2019
Commercial	7% Increase	371
Irrigation	57% Decrease	179
Multi-Family	45% Decrease	314
Residential	52% Decrease	4,512



Long-Term Plan



Drought Response

- Proactive action at Park and Golf and Golf
- Increased Billing Inserts
- Increased KPCW presence
- Increased Social Media
- Increased Urgency in Monthly Water Reports



UTAH'S EXTREME DROUGHT
Watering Guide
conservewater.utah.gov



CREATE A WATERWISE
landscape specific to
Utah's unique climate
localscapes.com



EDUCATION & RESOURCES
about water
conservation and
drought slowtheflow.org



435.615.5335
water@parkcity.org



DROUGHT RESPONSE TIPS IN UTAH

Utah is experiencing one of the worst droughts on record. We don't know how long it will last, so we all need to reduce our use.



WATER LESS & WHEN IT'S COOLEST

Water only between 7:00 p.m. and 10:00 a.m.

If your account has an even address water only on even days. If odd, water only on odd days.

If you are able, please consider watering every third day. To sign up for this program, receive a yard sign, and be exempted from the even/odd watering restriction email us at water@parkcity.org and include your account number.



RAISE YOUR MOWER

Set blades at 3-4" to shade roots and reduce evaporation

PRIORITIZE YOUR WATERING



1
Trees



2
Shrubs



3
Perennials



4
Annuals



5
Turf grass



DON'T WATER WHEN IT'S WINDY

Winds above 5 mph increase evaporation



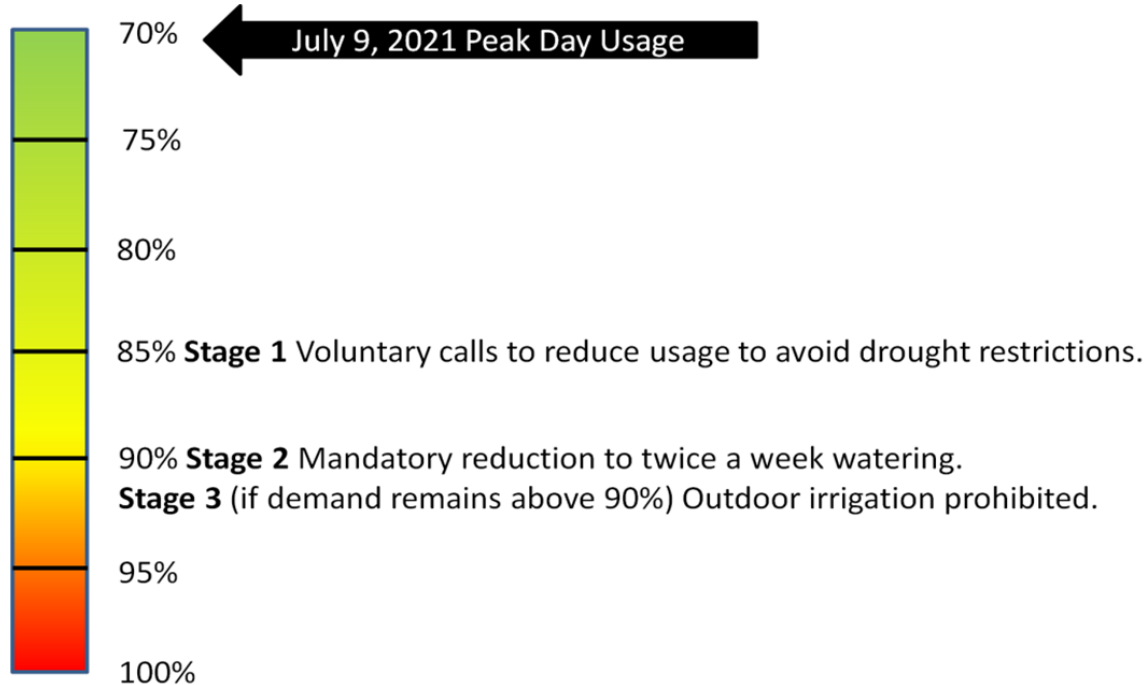
GET A REBATE

Smart irrigation controllers: up to \$75
Toilets: up to \$100

utahwatersavers.com



Drought Declaration



Drought Metrics

Group	Reduction from 2020
City Parks/Landscaped Areas	32% Reduction
PC Golf Course	23% Reduction
Irrigation Accounts	28% Reduction
Single Family Residential	7% Reduction
Multi Family Residential	1% Increase
Commercial	18% Increase*

*Comparison complicated by COVID, economic growth, and fact that commercial accounts often also have irrigation accounts.



–What if Drought Continues?–

- Existing resources continue to perform well.
- 3 Kings Water Treatment Plant coming online in 2023.
- The highest observed ratio of supply/demand was 70% leaving additional headroom.
- Continue existing drought response actions.
- If necessary based on ordinance outdoor irrigation will be curtailed.



New Conservation

Council check-in as staff works towards these goals.

- Rates
 - Increase cost per unit of water, decrease base rate in a way that is revenue neutral and encourages conservation.
 - Increase the cost of water for excessive irrigation.
 - Propose options as part of the FY 2023 Budget process.
- Community Standards for Turf Grass & Irrigation Systems
 - A step towards a cash for grass program
 - Propose enhancement or a new landscaping ordinance in the Land Management Code.



Summit County COVID-19 Report

9/22/2021



This report uses restricted data from the Utah Department of Health.
It is for official use only and not intended for public distribution.

Trends

- Summit County moved from incidence decline (8/31/21- 9/14/21) to incidence incline (page 4)
- Schools continue to trend in the right direction (pages 17-19) with the majority of exposures in school aged children occurring in the home.
 - Zero outbreaks associated with school in Summit County (page 23)
- The Delta variant continues to be the dominant strain in Summit County and the State of Utah
- Summit County is still doing well compared to surrounding counties. We are watching the small uptick in cases given the timing and the Labor Day weekend.
- Hospitalizations and death are primarily among the unvaccinated
 - 70+ and immunocompromised individuals are majority of breakthrough cases that result in severe illness

What we are watching

- School cases and outbreaks
 - Cases in the 5-17 age bracket
 - Recent uptick in school age cases
- Percent positivity in testing – holding around 5%... For now
- Increasing testing availability in Summit County (limited by national rapid test shortage)
 - Additional testing will be available in Summit County next week
- Numbers are still below action required by threshold based order
- ACIP Conversations about booster doses for 65+ and vaccine EUA for children 5-11 years of age
 - Plans in place for both vaccine efforts
- Strategies to support our business community this fall
- Rollout of new Public Health Order to capture “gap students” in Junior High and Middle schools in Summit County.
- Guidance from the CDC for communities with high vaccination rates (page 3)

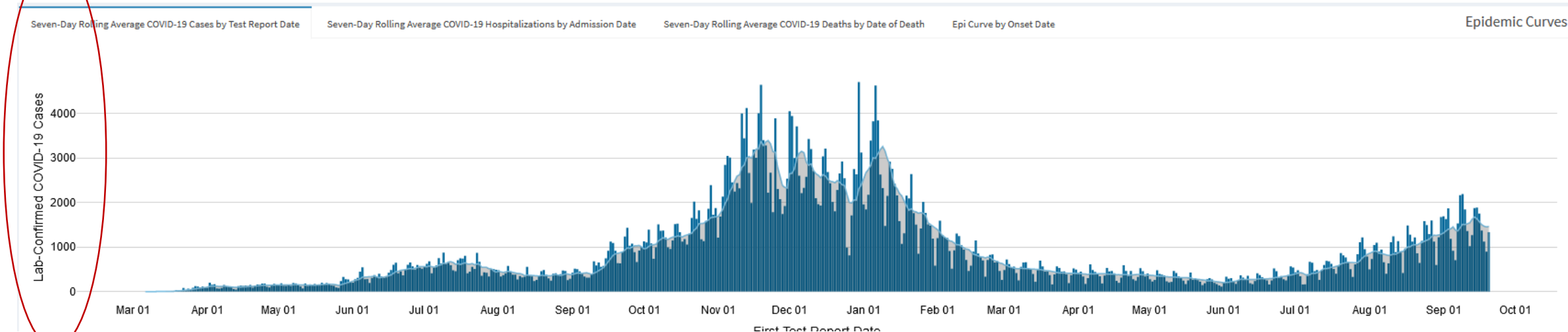


Reference:

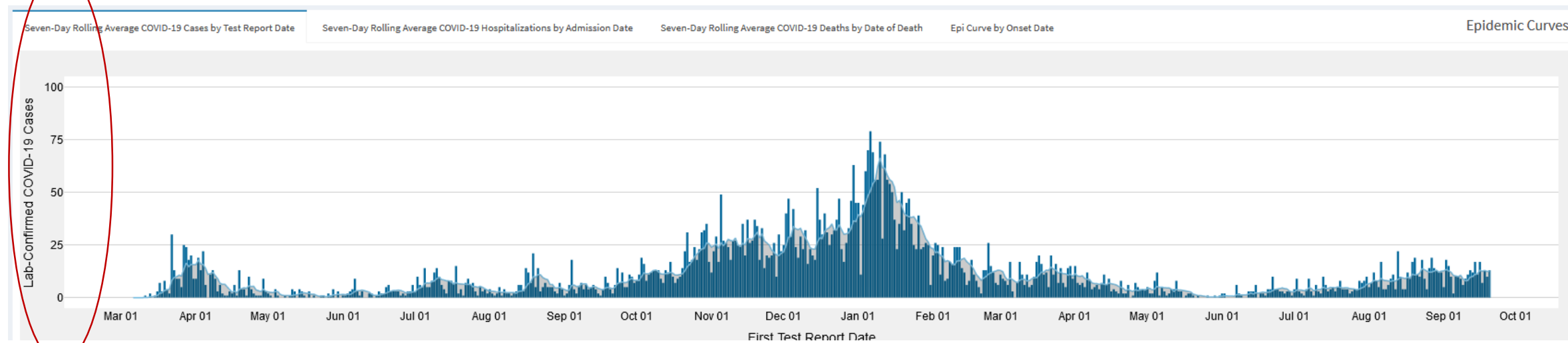
Christie A, Brooks JT, Hicks LA, et al. Guidance for Implementing COVID-19 Prevention Strategies in the Context of Varying Community Transmission Levels and Vaccination Coverage. MMWR Morb Mortal Wkly Rep 2021;70:1044–1047. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030e2>

	Count 1st dose	CENSUS Population	CENSUS Population+3%	% 1st dose CENSUS	% 1st dose CENSUS +3%	Count complete	% Complete CENSUS	% Complete CENSUS +3%
70+	3410	3323	3423	103%	100%	3149	95%	92%
65-69	2416	2312	2381	104%	101%	2208	96%	93%
50-64	10142	9510	9795	107%	104%	9100	96%	93%
25-49	12843	13451	13855	95%	93%	11255	84%	81%
16-24	4158	4797	4941	87%	84%	3487	73%	71%
12-15 both	1856	2675	2755	69%	67%	1530	57%	56%
12-15 e	400	784	808	51%	50%	310	40%	38%
12-15 w	1456	1725	1777	84%	82%	1220	71%	69%
12+ both	34853	36068	37150	97%	94%	30742	85%	83%
12+ e	8738	9600	9888	91%	88%	7823	81%	79%
12+ w	26115	25871	26647	101%	98%	22919	89%	86%
12-18 both	3492	4228	4355	83%	80%	2945	70%	68%
12-18 e	759	1280	1318	59%	58%	604	47%	46%
12-18 w	2733	2948	3036	93%	90%	2341	79%	77%
16-18 both	1636	1719	1771	95%	92%	1415	82%	80%
16-18 e	359	496	511	72%	70%	294	59%	58%
16-18 w	1277	1223	1260	104%	101%	1121	92%	89%
65+ both	5826	5635	5804	103%	100%	5357	95%	92%
65+ e	1885	1484	1529	127%	123%	1775	120%	116%
65+ w	3941	3672	3782	107%	104%	3582	98%	95%
Sept age 5+	34853	40187	41393	87%	84%	30742	76%	74%
5-11 both	0	4119	4243	0%	0%	0	0%	0%
5-11 e	0	2743	2825	0%	0%	0	0%	0%
5-11 w	0	1376	1417	0%	0%	0	0%	0%

State (note the difference in scale on the “Y” axis)



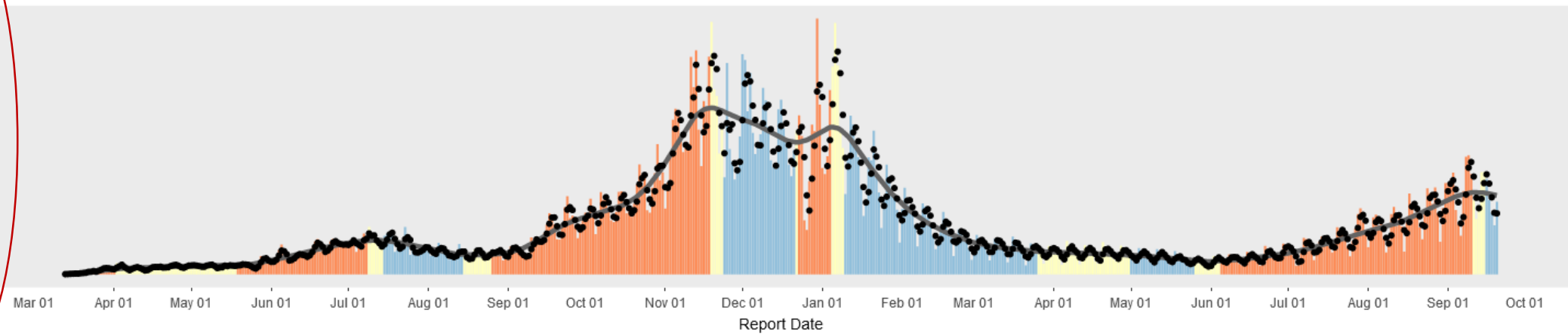
Summit County



State

Daily Incidence with Smoothed Spline Curve and Estimated Trajectory (CDC Method, 3-day average)

Daily Incidence / 100,000 People



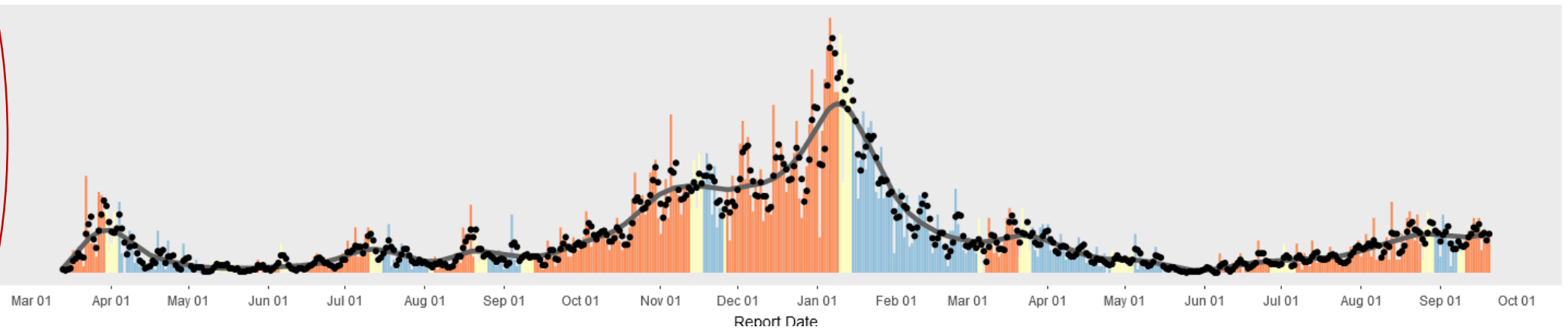
3-Day Trajectory

- Incidence Growth
- Incidence Plateau
- Incidence Decline
- 3-Day Average Spline

Summit County

Daily Incidence with Smoothed Spline Curve and Estimated Trajectory (CDC Method, 3-day average)

Daily Incidence / 100,000 People



3-Day Trajectory

- Incidence Growth
- Incidence Plateau
- Incidence Decline
- 3-Day Average Spline

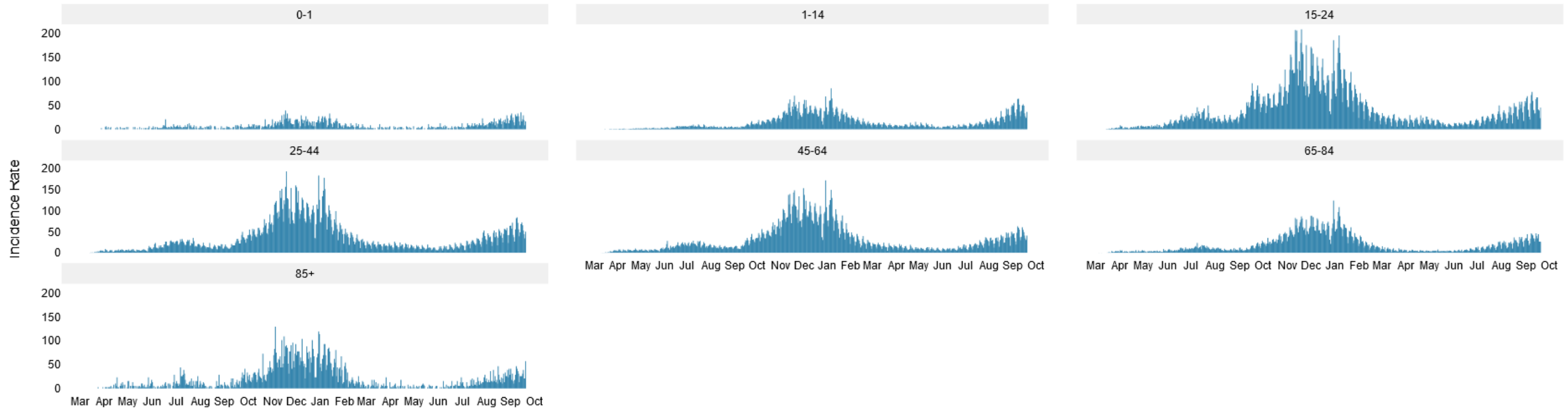
State – Deaths

Deaths by Age

Age Group	Deaths	% of Deaths	Mortality Rate / 1,000 Cases	Mortality Rate / 100,000 Population
Less than 1 year	0	0%	0.0	0.0
1-14 years	0	0%	0.0	0.0
15-24 years	7	0.2%	0.1	1.4
25-44 years	50	1.8%	0.3	5.5
45-64 years	134	4.7%	1.2	21.2
65-84 years	168	5.9%	4.7	51.3
85+ years	64	2.3%	15.4	165.9

Date range: 2021-07-01 through 2021-09-21

Age Group Specific EpiCurves by Report Date of First Positive Test



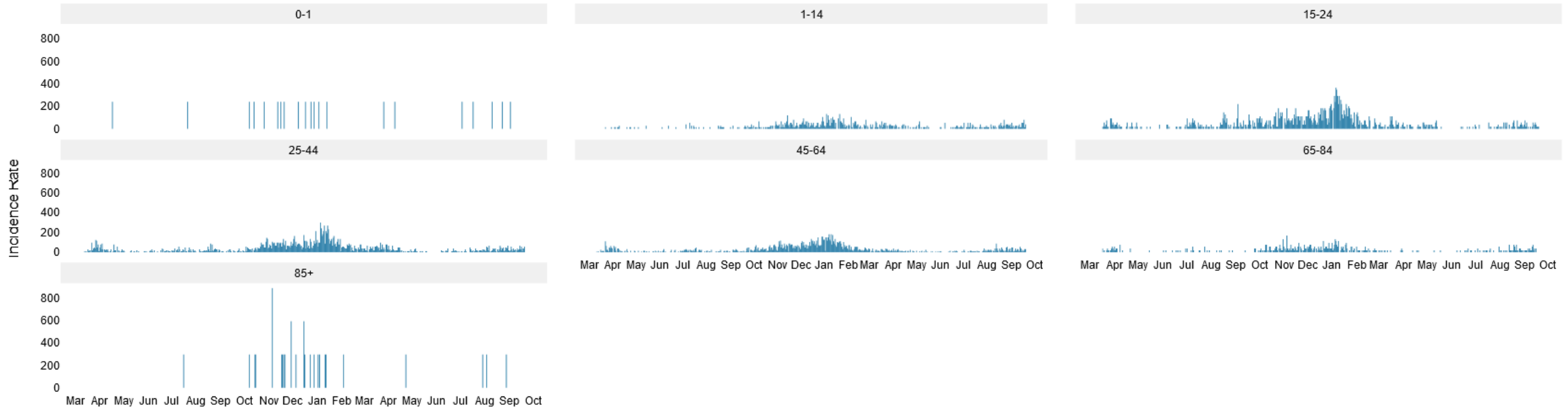
Summit County – Deaths

Deaths by Age

Age Group	Deaths	% of Deaths	Mortality Rate / 1,000 Cases	Mortality Rate / 100,000 Population
Less than 1 year	0	0%	0.0	0.0
1-14 years	0	0%	0.0	0.0
15-24 years	0	0%	0.0	0.0
25-44 years	0	0%	0.0	0.0
45-64 years	1	0%	0.5	0.2
65-84 years	1	0%	2.3	0.3
85+ years	0	0%	0.0	0.0

Date range: 2021-07-01 through 2021-09-21

Age Group Specific EpiCurves by Report Date of First Positive Test



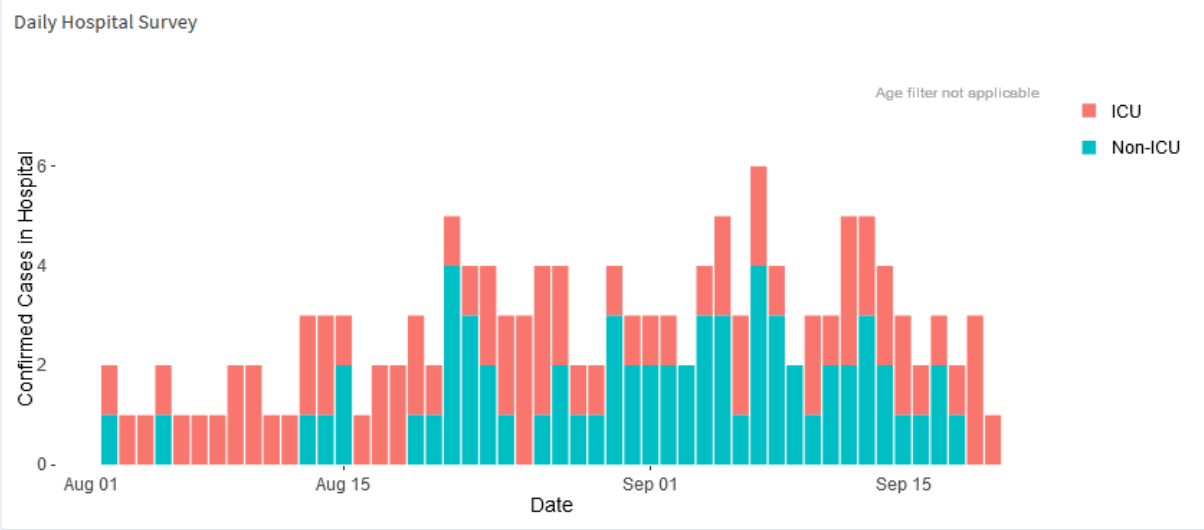
Summit County

Table 1: Local Health District Testing Rates Compared to the Rest of the State (Total Tests)

LHD	RR	95% CI	Compared To State
Bear River	0.87	(0.67-1.08)	No difference
Central Utah	0.73	(0.55-0.91)	Lower
Davis County	1	(0.77-1.22)	No difference
Salt Lake County	0.82	(0.64-1.01)	No difference
San Juan	0.41	(0.29-0.53)	Lower
Southeast Utah	0.83	(0.58-1.08)	No difference
Southwest Utah	0.63	(0.49-0.76)	Lower
Summit County	0.89	(0.75-1.03)	No difference
Tooele County	1.3	(0.79-1.81)	No difference
TriCounty	0.84	(0.6-1.08)	No difference
Utah County	0.81	(0.61-1.01)	No difference
Wasatch County	0.75	(0.62-0.88)	Lower
Weber-Morgan	0.77	(0.61-0.94)	Lower

Summit County – Hospitalizations (adult & pediatric)

Adult Hospitalizations



Hospital Survey Data

COVID-19 Hospital Survey Data	
Number of patients currently hospitalized for confirmed COVID-19	1
Patients currently hospitalized as COVID-19 persons under investigation	0
Total ICU Beds Occupied	1 / 4 (25%)
Total non-ICU Beds Occupied	9 / 31 (29%)
Total Ventilators Used	0 / 23 (0%)
Facilities using prior day data	0 / 1 (0%)

Date range: 2021-09-20 through 2021-09-20; Age filter not applicable.

Pediatric Hospitalizations



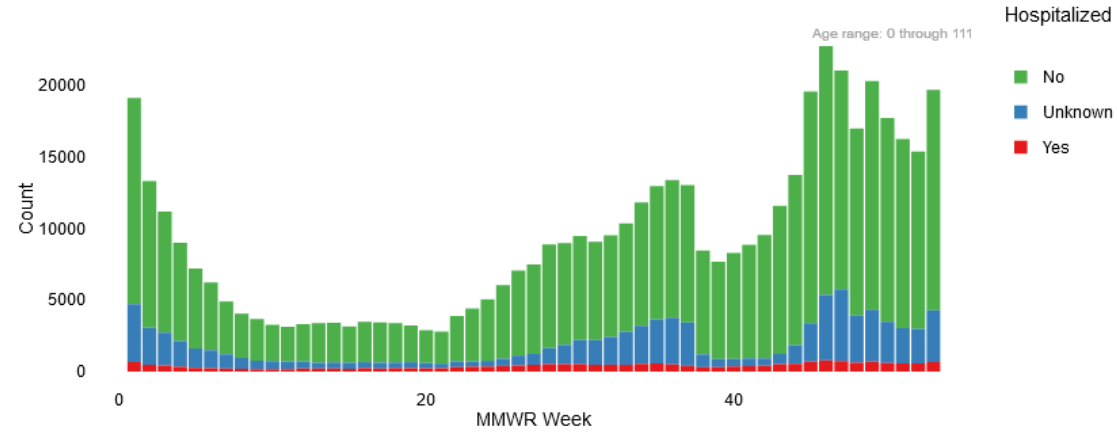
Hospital Survey Data - Pediatrics

COVID-19 Hospital Survey Data - Pediatrics	
Number of pediatrics currently hospitalized for confirmed COVID-19	0
Pediatrics currently hospitalized as COVID-19 persons under investigation	0
Total PICU Beds Occupied	0 / 0 (NaN%)
Total non-PICU Beds Occupied	0 / 0 (NaN%)
Total Pediatric Ventilators Used	0 / 0 (NaN%)

Date range: NA through NA; Age filter not applicable.

State

Hospitalizations by Case Report Week

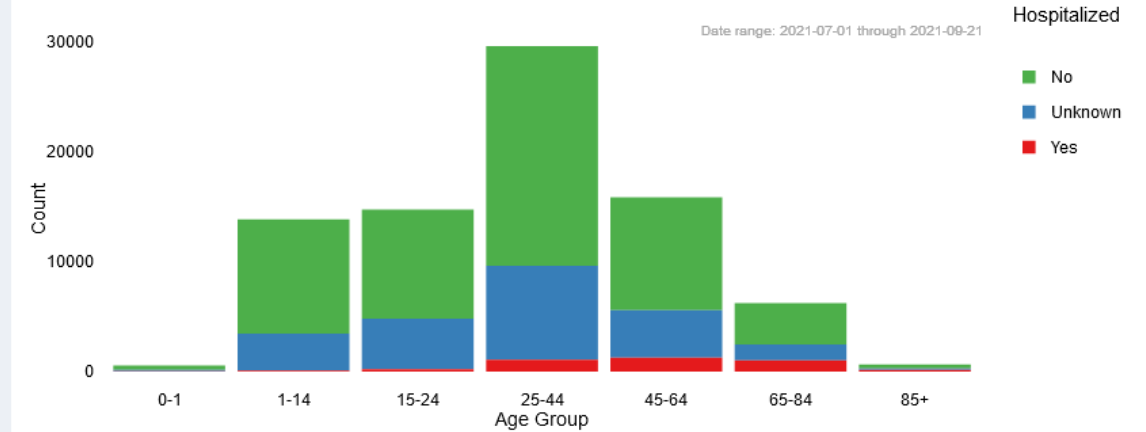


Hospitalizations by Age Group

Age Group	Hospitalizations	Percent	Rate / 100,000
Less than 1 year	33	0%	67.9
1-14 years	84	0%	11.6
15-24 years	226	0%	43.6
25-44 years	1070	0.2%	116.9
45-64 years	1278	0.3%	202.4
65-84 years	1019	0.2%	311.3
85+ years	155	0%	401.8

Date range: 2021-07-01 through 2021-09-21; Age range: 0 through 111

Hospitalizations by Age Group



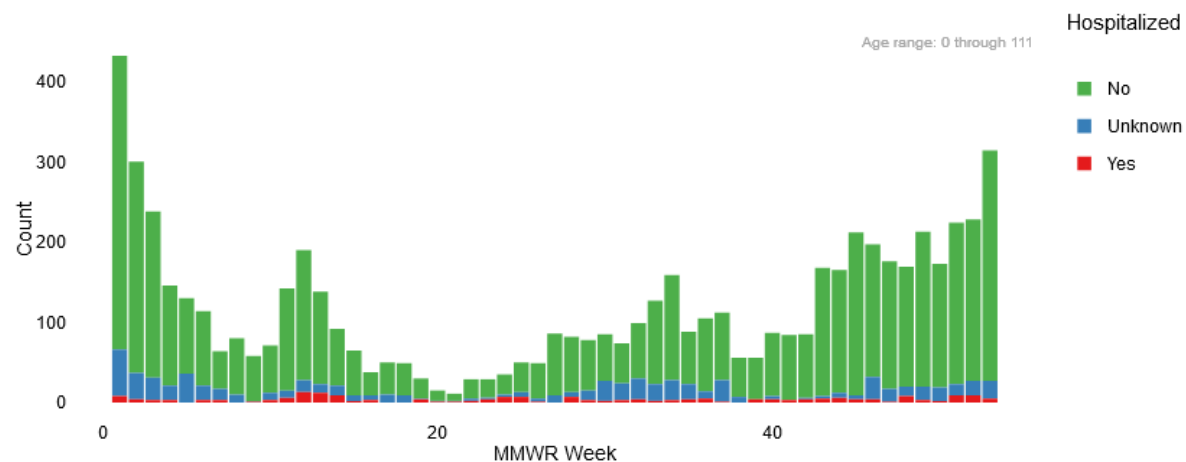
ICU Admissions

Admitted to ICU	Count	Percent
Yes	512	0.1%
No	56058	11.3%
Under Investigation	24830	5%

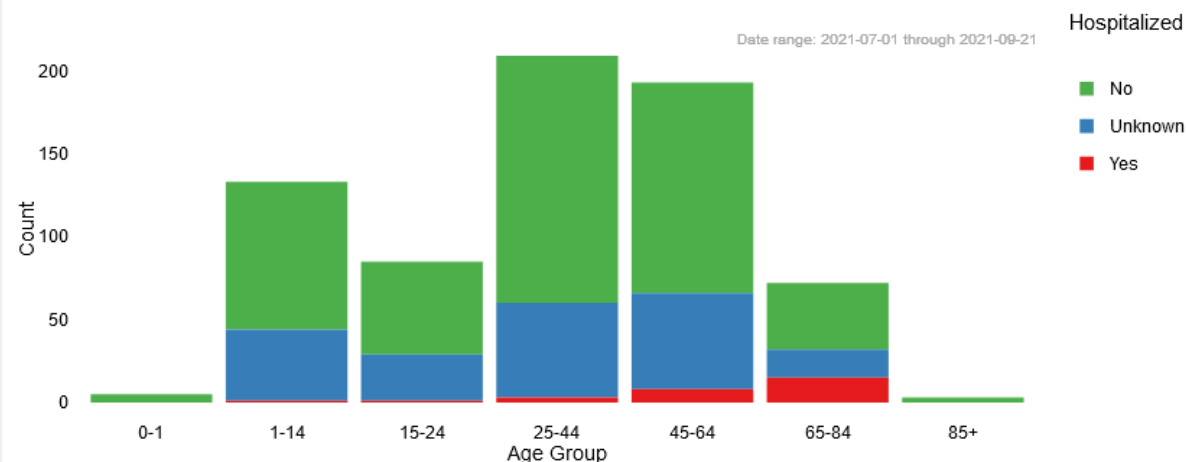
Date range: 2021-07-01 through 2021-09-21; Age range: 0 through 111

Summit County

Hospitalizations by Case Report Week



Hospitalizations by Age Group



Hospitalizations by Age Group

Age Group	Hospitalizations	Percent of All Cases	Rate / 100,000
Less than 1 year	0	0%	0.0
1-14 years	1	0%	13.1
15-24 years	1	0%	18.2
25-44 years	3	0%	29.0
45-64 years	8	0%	63.4
65-84 years	15	0%	283.2
85+ years	0	0%	0.0

Date range: 2021-07-01 through 2021-09-21; Age range: 0 through 111

ICU Admissions

Admitted to ICU	Count	Percent
Yes	8	0%
No	480	0.1%
Under Investigation	212	0%

Date range: 2021-07-01 through 2021-09-21; Age range: 0 through 111

Summit County (7/1/21 – 9/22/21)

Variant Case Counts, Vaccine Breakthroughs, and Reinfections

Show **15** entries

Search:

Variant of Concern	Common Name	Identified in Utah	Percent of Sequenced Results (%)	Vaccine Breakthrough	Reinfections	lineage_present
B.1.1.1.7	Alpha	1	0.9	1	0	B.1.1.1.7
B.1.617.2	Delta	79	71.2	30	0	B.1.617.2
AY.1	Delta+	1	0.9	0	0	AY.1-AY.3
AY.3	Delta+	5	4.5	2	0	AY.1-AY.3
Other Lineage	Other Lineage	9	8.1	0	0	Other Lineage
Not able to be sequenced	Not able to be sequenced	16	14.4	4	0	Not able to be sequenced
Total	-	111	100	37	0	-

Vaccine Breakthrough indicates the number of people who test positive for COVID-19 more than 14 days after completing their vaccine series. Reinfection is defined as an individual who has 2 or more positive tests more than 90 days apart.

Summit County Hospitalized Cases Aug 1, 2021- Sept 22, 2021

**The data we have access to does not provide the release date*

Age	ICU	Vaccinated	Vaccine Mfg.	Hospital Admit Date	Hospitalized due to COVID	Which Hospital
65-84	N	Y	Moderna US, Inc.	8/22/2021	Yes	UUMC
65-84	Y	Y	Janssen	8/16/2021	Yes	Park City Hospital
45-64	N	Y	Pfizer, Inc	8/6/2021	Yes	Park City Hospital
65-84	N	N	none	9/13/2021	Yes	Park City Hospital
65-84	N	N	none	9/12/2021	Yes	Park City Hospital
65-84	N	N	none	9/12/2021	Yes	Utah Valley
65-84	N	N	none	9/10/2021	Yes	Heber Valley Hospital
45-64	N	N	none	9/7/2021	Yes	IMC
45-64	Y	N	none	9/1/2021	Yes	Park City Hospital
25-44	Y	N	none	9/5/2021	Yes	Park City Hospital
65-84	N	N	none	9/4/2021	Yes	Park City Hospital
45-64	N	N	none	8/29/2021	Yes	Park City Hospital
65-84	N	N	none	8/21/2021	Yes	Park City Hospital
65-84	N	N	none	8/13/2021	Yes	Park City Hospital
45-64	N	N	none	8/12/2021	Yes	Park City Hospital
15-24	N	N	none	8/10/2021	Yes	Park City Hospital
45-64	N	N	none	8/24/2021	Yes	LDS Hospital
45-64	N	N	none	7/27/2021	Yes	Heber Valley Hospital
65-84	N	N	none	8/24/2021	Yes	Park City Hospital

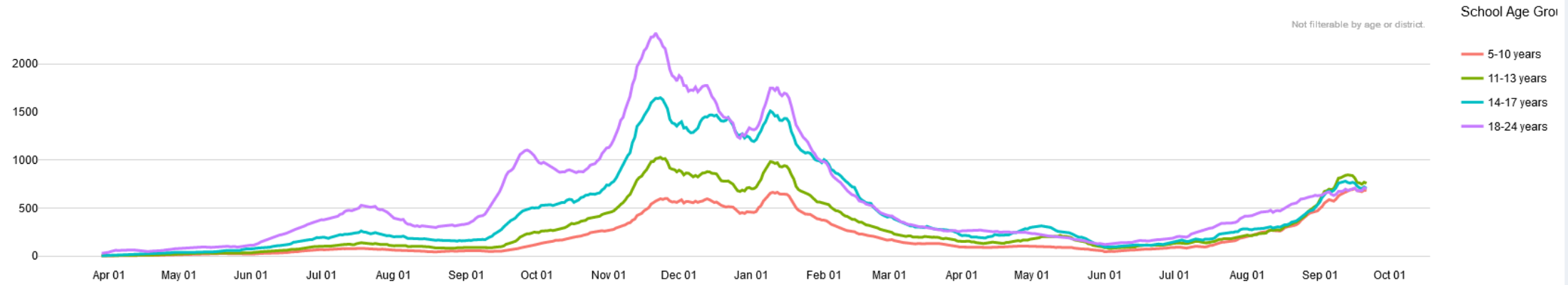
State

Current Week

School-Age Group: Cumulative Incidence per 100,000

School-Age Group: 14-day Incidence Rate

Teachers by Grade Level: Cumulative Incidence per 100,000



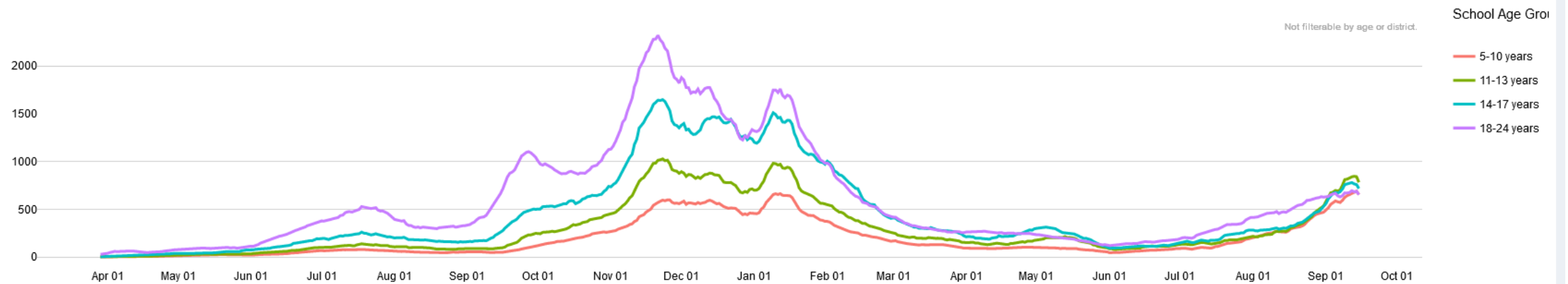
Turn-Around-Time from collection date to point-of-contact notification

Previous Week

School-Age Group: Cumulative Incidence per 100,000

School-Age Group: 14-day Incidence Rate

Teachers by Grade Level: Cumulative Incidence per 100,000



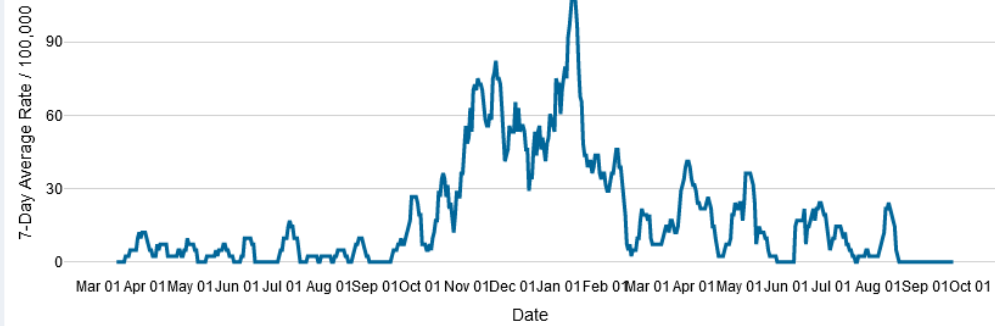
Summit County Age Bracket Data

By Postal Code	Week	Age 5-10	Age 11-13	Age 14-17
North Summit	Aug 25-31	1	2	1
	Sept 1-7	1	1	1
	Sept 8-14	0	0	1
	Sept 15-21	1	1	1
South Summit	Aug 25-31	0	1	2
	Sept 1-7	1	0	1
	Sept 8-14	0	0	1
	Sept 15-21	2	1	3
Park City	Aug 25-31	4	3	2
	Sept 1-7	4	1	2
	Sept 8-14	4	4	4
	Sept 15-21	8	7	3

Summit County School Data

North Summit School District

By School District: 7-Day Rolling Average Case Rate



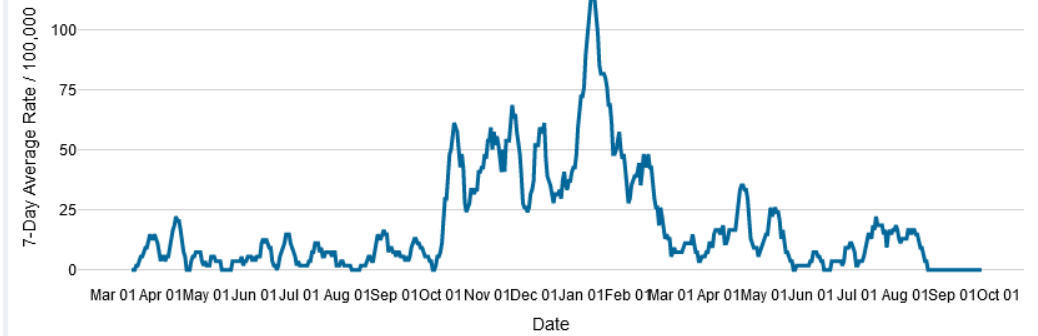
Park City School District

By School District: 7-Day Rolling Average Case Rate



South Summit School District

By School District: 7-Day Rolling Average Case Rate



Summit County School Data

School	District	Active Cases - Students	Active Cases - Total	Total Cases in 2021-2022 School Year	Enrollment	14-day % of students testing positive	Threshold level
All	summit	All	All	All	All	All	All
North Summit High	North Summit District	<5	<5	<5	327	<5 student cases	<5 student cases
North Summit Middle	North Summit District	0	0	<5	328	0%	No reported active student cases
North Summit School	North Summit District	<5	<5	<5	356	<5 student cases	<5 student cases
Silver Summit Academy	South Summit District	<5	<5	<5	104	<5 student cases	<5 student cases
Silver Summit School	South Summit District	<5	<5	<5	54	<5 student cases	<5 student cases
South Summit High	South Summit District	<5	<5	5	487	<5 student cases	<5 student cases
South Summit Middle	South Summit District	<5	<5	<5	468	<5 student cases	<5 student cases
South Summit School	South Summit District	0	0	<5	522	0%	No reported active student cases
Weilenmann School of Discovery	Summit County - Charter/Private	0	<5	<5	581	0%	No reported active student cases

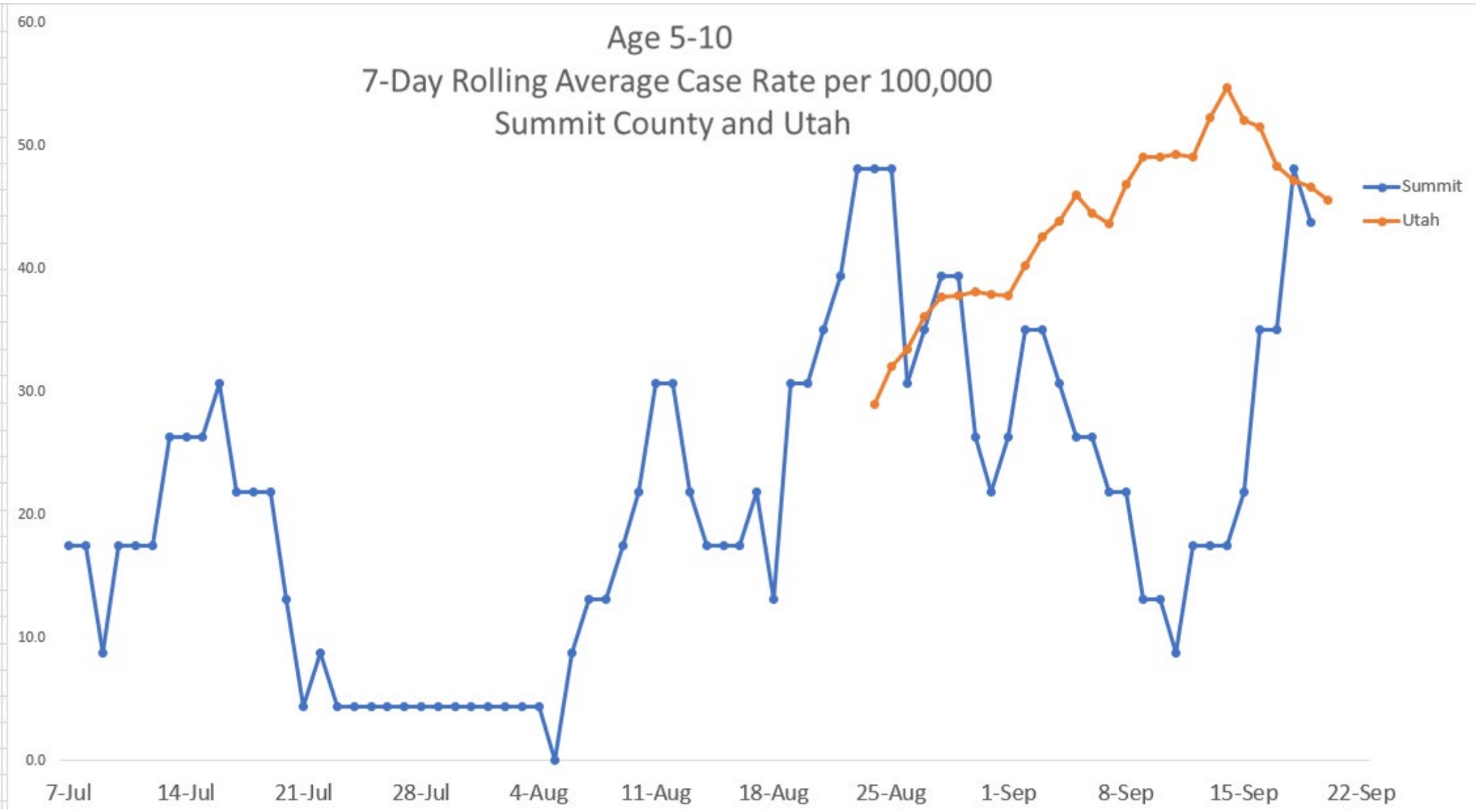
Summit County School Data

School	District	Active Cases - Students	Active Cases - Total	Total Cases in 2021-2022 School Year	Enrollment	14-day % of students testing positive	Threshold level
All	park	All	All	All	All	All	All
Ecker Hill Middle	Park City District	5	6	9	766	0.7%	5+ student cases
Park City High	Park City District	<5	<5	7	1248	<5 student cases	<5 student cases
Treasure Mtn. Junior High School	Park City District	<5	<5	<5	818	<5 student cases	<5 student cases
Parleys Park School	Park City District	<5	<5	<5	559	<5 student cases	<5 student cases
Trailside School	Park City District	<5	<5	5	390	<5 student cases	<5 student cases
Jeremy Ranch School	Park City District	<5	<5	<5	516	<5 student cases	<5 student cases

Age 5-10
7-Day Rolling Average Case Rate per 100,000
Summit County and Utah

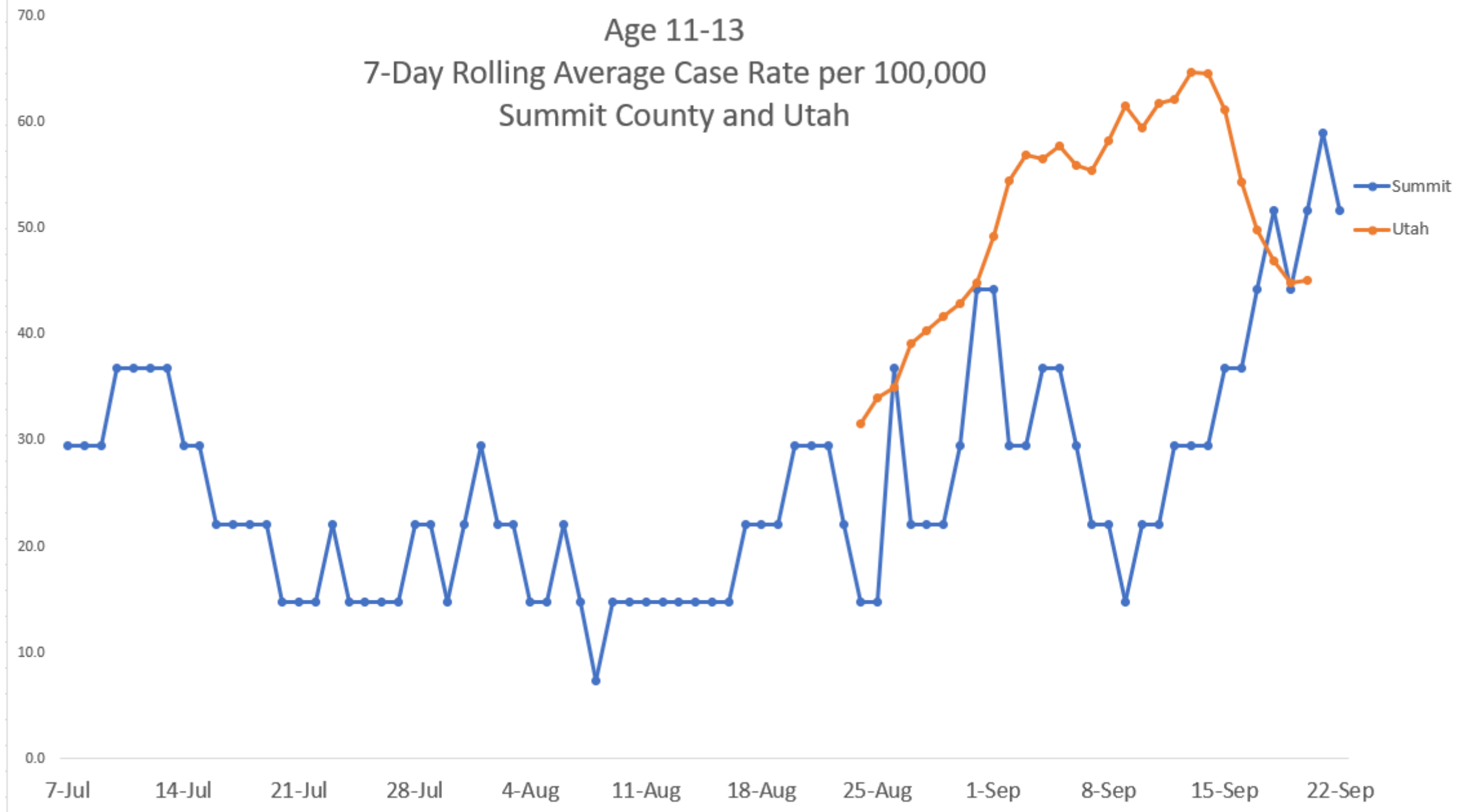
Cases

Summit
Utah

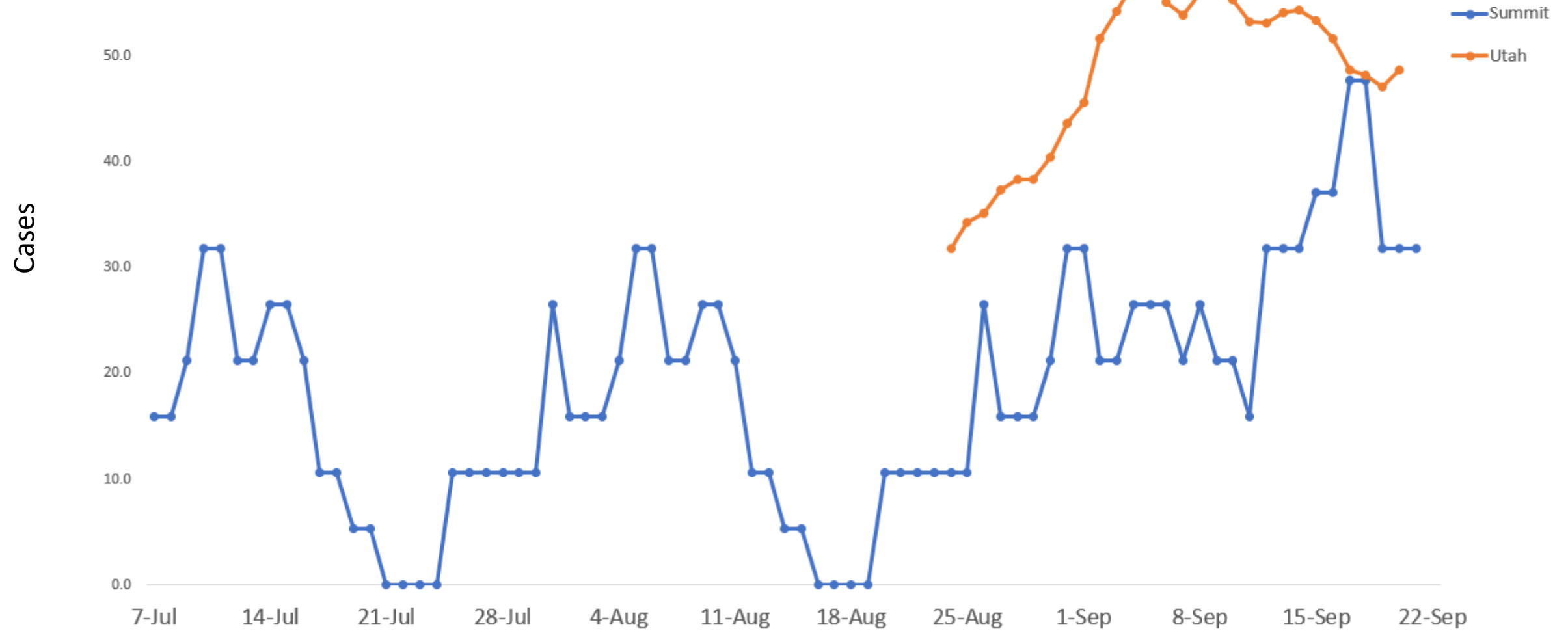


Age 11-13
7-Day Rolling Average Case Rate per 100,000
Summit County and Utah

Cases



Age 14-17
7-Day Rolling Average Case Rate per 100,000
Summit County and Utah



Summit County Outbreak Data

Month	Location	Number
July	Family Event	1
	Workplace	1
July Total		2
August	Hotel	2
	Workplace	3
August Total		5
September	Workplace	1
	September Total (as of 9/22/21)	1

IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

COVID-19 Pandemic within Summit County
(Delta Variant)

**PUBLIC HEALTH ORDER
(Order of Constraint)**

Order No.: 2021-02

Date: September 24, 2021

Legal Authority: Utah Code §26A-1-114
Utah Code §26A-1-102

After giving legal notice to the *Summit County Manager* (the “**County Manager**”), the *Summit County Health Officer* (the “**Health Officer**”) declared a *Local Public Health Emergency* related to the COVID-19 Pandemic on August 21, 2021, for a period of thirty (30) days (*Utah Code* §26A-1-114(8)(a)).

On September 20, 2021, the *Summit County Council* (the “**Council**”) extended the *Local Public Health Emergency* until December 31, 2021 (*Utah Code* §26A-1-114(8)(b)).

In Utah, local health departments are vested under *Utah Code* § 26A-1-114(1)(d) with authority to establish measures as may be necessary to promote and protect public health and control the spread of disease.

COVID-19 is a contagion that spreads from person to person. The *Health Officer* and *County Manager* recognize the need for Summit County and the public to continue to work cooperatively and proactively to slow the spread of COVID-19 and to address the myriad challenges COVID-19 has created.

The *Health Officer* and *County Manager* find that COVID-19 poses a continuing, increasing, and immediate threat to the public health of Summit County residents and visitors. The *Delta Variant* of the COVID-19 virus is the dominant strain actively circulating in Summit County and is more contagious than the original virus and other variants.

Orders of Constraint can only be issued during a declared *Local Public Health Emergency* (*Utah Code* §26A-1-102(9)(a)). A *Face-Covering* (defined below) mandate is a form of an *Order of Constraint* (*Utah Code* §26A-1-102(9)).

During a declared *Local Public Health Emergency*, the *Health Officer* and the *County Manager* can jointly issue an *Order of Constraint* (*Utah Code* §26A-1-114(9)(a)).

The Council can terminate an *Order of Constraint* at any time (*Utah Code* §26A-1-114(9)(a)).

The *Centers for Disease Control and Prevention* (the “**CDC**”) has provided a summary of the most up-to-date scientific data on COVID-19 in K-12 schools.¹ The CDC has recommended the “use of multiple strategies – also called layered prevention – [which] provides greater protection in breaking transmission chains than implementing a single strategy.” This is especially the case in “areas with moderate to high community transmission, low vaccination rates, and for people who are not fully vaccinated.”² According to a recent study from the United Kingdom, “for every five additional cases per 100,000 population in regional incidence, the risk of a school outbreak increased by 72%.”³ Other studies found that where community transmission rates were low, there was no association between in-person learning and community spread, but when the transmission rates increased to moderate or high levels, transmission rates simultaneously rose in schools.⁴ “A study of elementary schools in Utah who

¹ Science Brief: Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs (July 9, 2021) https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fmore%2Fscience-and-research%2Ftransmission_k_12_schools.html#schools-cov2-transmission

² *Id.* See Honein MA, Barrios LC, Brooks JT. Data and Policy to Guide Opening Schools Safely to Limit the Spread of SARS-CoV-2 Infection. *JAMA* 2021;325(9):823-824. doi:10.1001/jama.2021.0374; Honein MA, Christie A, Rose DA, et al. Summary of Guidance for Public Health Strategies to Address High Levels of Community Transmission of SARS-CoV-2 and Related Deaths, December 2020. *MMWR Morb Mortal Wkly Rep* 2020;69(49):1860-1867. doi:10.15585/mmwr.mm6949e2.

³ *Id.* See Ismail SA, Saliba V, Lopez Bernal J, et al. SARS-CoV-2 infection and transmission in educational settings: a prospective, cross-sectional analysis of infection clusters and outbreaks in England. *Lancet Infect Dis* 2021;21(3):344-353. doi:10.1016/s1473-3099(20)30882-3.

⁴ Russell FM, Ryan K, Snow K, et al. COVID-19 in Victorian Schools: An analysis of child-care and school outbreak data and evidence-based recommendations for opening schools and keeping them open. *Report from Murdoch Children’s Research Institute and the University of Melbourne*. 2020; Published 2020 September 25; Goldhaber D, Imberman SA, Strunk KO, et al. To What Extent Does In-Person Schooling Contribute to the Spread of COVID-19? Evidence from Michigan and Washington. 2020. CALDER Working Paper No. 247-1220-2.

implemented layered prevention strategies, such as mask wearing and cohorting, found very low transmission (secondary attack rate 0.7%) in December 2020 – January 2021.”⁵

According to the most recent guidance from the CDC, “consistent and correct use of face masks reduces the spread of SARS-CoV-2 and, with some exceptions, is recommended for use indoors among people aged 2 and older who are not fully vaccinated. In general, people do not need to wear masks when outdoors.”⁶ The CDC has further reported that “most studies that have shown success in limiting transmission in schools have required that staff only or staff and students wear masks as one of the school’s prevention strategies.”⁷

Further, “[e]vidence from 10 studies (across all three viruses, including 2,647 participants) found benefits for face masks in general (risk of infection or transmission when wearing a mask was 3% vs 17% when not wearing a mask).”⁸ In fact, a 2020 study found decreased mortality rates associated with *Face-Coverings*.⁹ The most recent and comprehensive study found that mask wearing reduced the incidents of COVID-19 by 9.3%.¹⁰

⁵ Science Brief: Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs (July 9, 2021). See Hershow RB, Wu K, Lewis NM, et al. Low SARS-CoV-2 Transmission in Elementary Schools – Salt Lake County, Utah, December 3, 2020-January 31, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70(12):442-448. doi:10.15585/mmwr.mm7012e3.

⁶ Science Brief: Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs (July 9, 2021).

⁷ *Id.* See Zimmerman KO, Akinboyo IC, Brookhart MA, et al. Incidence and Secondary Transmission of SARS-CoV-2 Infections in Schools. *Pediatrics* 2021;147(4). doi:10.1542/peds.2020-048090; Gandini S, Rainisio M, Iannuzzo ML, et al. A cross-sectional and prospective cohort study of the role of schools in the SARS-CoV-2 second wave in Italy. *Lancet Reg Health Eur* 2021;5:100092. doi:10.1016/j.lanepe.2021.100092; Fricchione MJ, Seo JY, Arwady MA. Data-Driven Reopening of Urban Public Education Through Chicago’s Tracking of COVID-19 School Transmission. *J Public Health Manag Pract* 2021;27(3):229-232. doi:10.1097/phh.0000000000001334; Link-Gelles R, DellaGrotta AL, Molina C, et al. Limited Secondary Transmission of SARS-CoV-2 in Child Care Programs – Rhode Island, June 1-July 31, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69(34):1170-1172. doi:10.15585/mmwr.mm6934e2; Kim C, McGee S, Khuntia S, et al. Characteristics of COVID-19 Cases and Outbreaks at Child Care Facilities – District of Columbia, July-December 2020. *MMWR Morb Mortal Wkly Rep* 2021;70(20):744-748. doi:10.15585/mmwr.mm7020a3; Volpp KG, Kraut BH, Ghosh S, et al. Minimal SARS-CoV-2 Transmission After Implementation of a Comprehensive Mitigation Strategy at a School – New Jersey, August 20-November 27, 2020. *MMWR Morb Mortal Wkly Rep* 2021;70(11):377-381. doi:10.15585/mmwr.mm7011a2.

⁸ “Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and Covid 19: a systematic review and meta-analysis,” DK Chu, MD; EA Aki, MD; S Duda, MSc; K Solo, MSc, et. al. *The Lancet* (Open Access Published June 01, 2020).

⁹ Leffler, Christopher & Ing, Edsel & Lykins, Joseph & Hogan, Matthew & McKeown, Craig & Grzybowski, Andrzej. (2020). Association of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks (Update June 15, 2020). <https://www.researchgate.net/community/COVID-19>

According to a recent study documented in the Official Journal of the American Academy of Pediatrics, hospitalizations were more frequent in children/adolescents with COVID-19 than with influenza.¹¹

As a general measure, COVID-19 health restrictions cannot be imposed where the 14-day case rate is less than 191 per 100,000 people (*former Utah Code* §26A-1-130(2)).

Summit County has a 14-day case rate of 354 per 100,000 people, placing the county within the High Level of Transmission under criteria separately established by the State of Utah and the CDC.¹²

Summit County has an 82% vaccination rate among its citizens who are eligible to receive the vaccine.¹³ While the vaccination rate among 16-18 year-olds remains high, the vaccination rates among 12-15 year-olds is only 55%.¹⁴ The CDC has defined *Herd-Immunity* (or *Community Immunity*) as “[a] situation in which a sufficient proportion of a population is immune to an infectious disease (through vaccination and/or prior illness) to make its spread from person to person unlikely.”¹⁵ *Herd-Immunity* is different for different diseases. For example, *Herd-Immunity* for measles is 95% and for polio is 80%. While *Herd-Immunity* for COVID-19 was thought to be 70% at one time (*Native Strain*), epidemiologists now suggest it could be closer to 80% (*Delta Variant*).¹⁶

¹⁰ Abaluck, Kwong, Styczynski, Haque, et. al., “The Impact of Community Masking on COVID-19: A Cluster-Randomized Trial in Bangladesh” (August 31, 2021) https://www.poverty-action.org/sites/default/files/publications/Mask_RCT_Symptomatic_Seropositivity_083121.pdf

¹¹ Duarte-Salles, *30-Day Outcomes of Children and Adolescents With COVID-19: An International Experience* (*Pediatrics* 2021) <https://pediatrics.aappublications.org/content/pediatrics/early/2021/05/28/peds.2020-042929.full.pdf>

¹² Summit County COVID-19 Dashboard, Summit County Health Department <https://summitcountyhealth.org/dashboard/>

¹³ *Id.*

¹⁴ *Id.*

¹⁵ CDC, *Vaccines & Immunizations*, Glossary, <https://www.cdc.gov/vaccines/terms/glossary.html>. Herd Immunity is calculated using vaccination rates without taking into consideration infection-based immunity. Per Chen, Prettnner, Kuhn, and Bloom (2021), “Our results show that the United States would incur a sizeable burden if it adopted a non-interventionist herd immunity approach.” While infection-based immunity provides an important contribution to ending the COVID-19 pandemic, it is difficult to calculate and rates of natural immunity vary by region. Therefore, the uncertainty created by the lack of data and the inability to measure rates of natural-immunity make it an outlier when calculating herd-immunity.

¹⁶ Herd-Immunity is calculated as follows: $1-(1/R_0)$ = herd immunity

Although the Summit County Health Department continues its extensive efforts to vaccinate all eligible Summit County residents, there continues to be a lag among 12-15 year-olds who as a group have not reached Herd-Immunity. The 12-15 year age group resides in our Middle Schools and Junior High Schools.

Further, there continues to be a gap in vaccine eligibility for children [eligible (>12) and ineligible (<11)], at the junction between Elementary School and Middle School/Junior High School (the “Gap Students”).

When considering actions to protect children in a school setting, all available information is considered. On September 9, 2021, the American Academy of Pediatrics released a report of State-Level Data indicating children were 28.9% of weekly reported COVID-19 cases in the United States during the week of 9/2/2021 – 9/9/2021, up 10% points from August 12, 2021, when many schools were returning from summer break. This number is the highest it has been since the start of the pandemic.¹⁷

While recent studies acknowledge that children generally fare better than adults when infected with COVID-19,¹⁸ the *Delta Variant* has been far more unpredictable.

Delta Variant Calculation

- Delta has a mean R0 of 5.08 (Liu & Rocklov, 2021) <https://academic.oup.com/jtm/advance-article/doi/10.1093/jtm/taab124/6346388>
 - *range of R0 3.2 to 8
- $1-(1/5.08) = .80315$
- $.80315 \times 100 = 80.32\%$ vaccinated for Herd-Immunity

This calculation aligns with Charumilind, S., Craven, M., Lamb, J., Sabow, A., & Wilson, M. “When will the covid-19 pandemic end? an update” (2021) <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/when-will-the-covid-19-pandemic-end>. See Kwok, K. O., Lai, F., Wei, W. I., Wong, S. Y. S., & Tang, J. W. “Herd immunity—estimating the level required to halt the COVID-19 epidemics in affected countries” *Journal of Infection*, 80(6), e32-e33 (2020) [https://www.journalofinfection.com/article/S0163-4453\(20\)30154-7/fulltext](https://www.journalofinfection.com/article/S0163-4453(20)30154-7/fulltext); Chen, S., Prettnner, K., Kuhn, M., & Bloom, D. E. “The economic burden of COVID-19 in the United States: Estimates and projections under an infection-based herd immunity approach” *The Journal of the Economics of Ageing*, 100328 (2021) <https://www.sciencedirect.com/science/article/pii/S2212828X21000219>. See also Carrie MacMillan, “Herd Immunity: Will We Ever Get There?” (Yale School of Medicine: May 21, 2021) <https://www.yalemedicine.org/news/herd-immunity>

¹⁷ <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/>

¹⁸ CDC COVID-19 Response Team. Coronavirus Disease 2019 in Children – United States, February 12–April 2, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69(14):422–426. doi:10.15585/mmwr.mm6914e4; Davies NG, Klepac P, Liu Y, et al. Age-dependent effects in the transmission and control of COVID-19 epidemics. *Nat Med* 2020;26(8):1205–1211. doi:10.1038/s41591-020-0962-9; Laws RL, Chancey RJ, Rabold EM, et al. Symptoms and Transmission of SARS-CoV-2 Among Children – Utah and Wisconsin, March–May

As a result, *Public Health Order 2021-01* was issued on August 21, 2021 in order to keep children in school while minimizing risk and acknowledging the challenges and uncertainty presented by the Delta Variant for those who are ineligible for COVID-19 vaccination.

Public Health Order 2021-01 relied on the science and data, along with established frameworks, that support a layered approach to mitigating risk in the school setting. These resources include the outcomes associated with other school districts throughout the United States where the 2021-2022 school year started without formalized prevention strategies in place.¹⁹

The COVID-19 *Delta Variant* has been reported to be more infectious than the original COVID-19 virus,²⁰ thus making public schools susceptible to being super spreaders of the COVID-19 *Delta Variant*. This is now being seen in neighboring counties where the vaccination rates are lower than in Summit County. In order to narrowly target any *Order of Constraint*, it is the intent of the *Health Officer* and *County Manager* that a stop gap measure similar to that in vaccine ineligible populations (Elementary School children) should be in place in Middle Schools and Junior High Schools until the 80% vaccination goal is reached in those populations 12-15 years of age. In the event of an outbreak, this approach offers protection to those individuals who are ineligible for vaccination (the *Gap Students*), minimizes the chance of progressing to Test-to-Stay, and keeps children in school.

The proposed *Threshold Trigger* uses the same approach as outlined in *Public Health Order 2021-01*, which tracks with state legislation describing the threshold for implementing the Test-To-Stay program. In schools larger than 1,500 students, Test-To-Stay is activated when 2% of the population tests positive for COVID-19 during a 14-day timeframe. For schools with less than 1,500 students on a given campus, Test-To-Stay is activated when 30 positive COVID-19

2020. *Pediatrics* 2021;147(1). doi:10.1542/peds.2020-027268; Ludvigsson JF. Children are unlikely to be the main drivers of the COVID-19 pandemic – A systematic review. *Acta Paediatr* 2020;109(8):1525-1530. doi:10.1111/apa.15371; Munro APS, Faust SN. COVID-19 in children: current evidence and key questions. *Curr Opin Infect Dis* 2020;33(6):540-547. doi:10.1097/qco.0000000000000690.

¹⁹ Hogan, S. & Dixon, K. (2021, August 9). Metro Atlanta schools report more than 1,000 COVID cases in first days. *The Atlanta Journal-Constitution*. <https://www.ajc.com/education/metro-atlanta-schools-report-more-than-700-covid-cases-in-first-days/CZSKH2AIEZDMXMRJA6MJDIA4U/>

News Staff. (2021, August 15). *Metro Atlanta school districts report over 4,000 cases of COVID-19 in first week*. <https://www.wsbtv.com/news/local/metro-atlanta-school-districts-report-over-3700-cases-covid-19-first-weeks/KO37EA3M5NDRFPGCGVEY6OIA4U/>

²⁰ CDC, *Delta Variant: What We Know About the Science* (August 6, 2021) <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

cases are identified during a 14-day period. All of the schools in Summit County are subject to the 30-case threshold given that they do not exceed 1,500 students on a given campus. However, this *Order of Constraint* uses the 2% caseload over a 14-day period, as described in state legislation, to identify the threshold when masks are required in the school setting for an individual campus. Under these circumstances, where others are required to implement the Test-To-Stay program requirement as a stopgap measure for slowing COVID-19 transmission, this *Order of Constraint* uses a threshold to proactively address a potential outbreak and slow the spread of COVID-19 within the identified campus of concern. This approach will allow children to remain in school with minimal interruption to the learning environment. As such, individual campuses may be able to avoid activating the Test-To-Stay program given the effort to curb an outbreak at early onset.

Accordingly, the *Threshold Trigger* is met where 2% of the school population (inclusive of students, faculty, and administrative staff), in each Middle School or Junior High School, as determined by the school district superintendent, test positive for COVID-19 over a 14-day period. The methodology for determining a school associated case is set by the Utah Department of Health and applies to all staff, faculty, and students who meet the established criteria.

Based on the foregoing, the *Health Officer* and *County Manager* conclude that requiring students, faculty, and administrative staff to wear *Face-Coverings* when the *Threshold Trigger* is met for an in-person school setting under certain circumstances will help mitigate further widespread transmission of COVID-19 in the early stages of a potential outbreak while keeping students and their families safe and allowing in-person learning to continue.

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, BE IT HEREBY ORDERED BY PHILIP BONDURANT, Dr. PH, MPH, SUMMIT COUNTY HEALTH OFFICER, AND THOMAS C. FISHER, SUMMIT COUNTY MANAGER, AS FOLLOWS:

Section 1. **Purpose.** The intent of this *Order of Constraint* (the “**Order**”) is to establish a standing *Threshold Trigger*, which when met, requires all students, faculty, and administrative staff within a public or private Middle School (including K-8 schools) or Junior High School in Summit County to wear a *Face-Covering* or *Face-Shield* while on the school’s campus. All provisions of this *Order* shall be interpreted to effectuate this intent.

Section 2. **Definitions.**

2.1 “*Face-Covering*” is a physical barrier that:

- i. covers the nose and mouth without openings that can be seen through;
- ii. is made of synthetic or natural fabrics;
- iii. secures under the chin;

- iv. fits snugly against the nose and sides of the face; and
- v. does not have an exhalation valve or vent.

2.2 “*Face-Shield*” means a face covering that:

- i. covers the entire face;
- ii. protects the eyes of the wearer;
- iii. is made of clear plastic or similar nonpermeable transparent material;
- iv. secures around the top of the head;
- v. does not secure under the chin;
- vi. does not fit snugly against the nose or sides of the face; and
- vii. can be used in conjunction with a mask for enhanced protection.

Section 3. Face-Coverings and Face-Shields Mandatory. In the event that 2% of the school population (inclusive of students, faculty, and administrative staff) on any public or private Middle School (including K-8 schools) or Junior High School campus have tested positive for COVID-19 during any 14-day period (the “**Threshold Trigger**”), *Face-Coverings* or *Face-Shields* will be required for all students, faculty, and administrative staff during the school day, including after school extra-curricular activities, at that school’s campus for fourteen (14) consecutive days following the date upon which the *Threshold Trigger* was met (the “**Trigger Date**”). The 14-day positive case total will be re-evaluated on the 14th day following the *Trigger Date*. In the event that the re-evaluated 14-day positive case total falls below the *Threshold Trigger*, *Face-Coverings* or *Face-Shields* will no longer be required for indoor settings on that school campus. However, in the event that the 14-day positive case total continues to equal or exceed the *Threshold Trigger*, *Face-Coverings* or *Face-Shields* will continue to be required until the 14-day positive case total is below the *Threshold Trigger* for that school campus.

Section 4. Exemptions.

- 4.1 Notwithstanding any other provision of this *Order*, an individual required to wear a *Face-Covering* or *Face-Shield* may remove such in the following situations:
 - 4.1.1 while outdoors;
 - 4.1.2 while actively eating or drinking, provided the individual remains in place while eating or drinking;

- 4.1.3 while alone or only with other members of the same household in a room, cubicle, school-provided transportation, or similar enclosure;
 - 4.1.4 individuals who are hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication;
 - 4.1.5 while obtaining or providing a service that requires the temporary removal of the *Face-Covering*, such as speech therapy services;
 - 4.1.6 while actively performing as an athlete at a school-organized or -sponsored athletic event;
 - 4.1.7 while giving an educational, artistic, cultural, musical, or theatrical presentation or performance at a school for an audience;
 - 4.1.8 while exercising or engaging in athletic training while indoors and maintaining at least six feet of physical distance from any other individual;
 - 4.1.9 while performing a task which would create a risk to the individual related to their work, as determined by local, state or federal regulators or workplace safety guidelines;
 - 4.1.10 while a student is napping; and
 - 4.1.11 while swimming or on duty as a lifeguard.
- 4.2 Notwithstanding any other provision of this *Order*, the following individuals are exempt from the *Face-Covering* and *Face-Shield* requirements:
- 4.2.1 an individual who is unconscious, incapacitated, or otherwise unable to remove the *Face-Covering* or *Face-Shield* without assistance;
 - 4.2.2 an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a *Face- Covering* or *Face Shield*; and
 - 4.2.3 an individual who has an *Individualized Education Program* (“**IEP**”) under the Individuals with Disabilities Education Act, 20 U.S.C. § 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, that would necessitate exempting the individual from wearing a *Face-Covering* or *Face-Shield*.

Section 5. **Effective Date; Duration.** This *Order* shall become effective on September 27, 2021 at 12:01 a.m., and will continue to be in effect until the termination of the Local Public Health Emergency.

Section 6. **Publication.** This *Order* shall be on file for public inspection with the Summit County Clerk and the Summit County Health Department.

Section 7. **Enforcement.** The *Health Officer*, in consultation with the Superintendents of the North Summit School District, South Summit School District, and Park City School District, shall ensure compliance with and enforce this *Order*. This *Order* is intended to protect public health and not to hold individuals criminally liable. Discretion will be used in the citing and prosecution of violations of this *Order*.

Section 8. **Appeal.** This *Order* may be appealed to the Third District Court in and for Summit County, Utah.

ORDERED and APPROVED, and published, this 24th day of September, 2021.

BY ORDER OF THE SUMMIT COUNTY MANAGER

Thomas C. Fisher
Summit County Manager

BY ORDER OF THE SUMMIT COUNTY HEALTH OFFICER

Philip Bondurant, Dr. PH, MPH
County Health Officer

APPROVED AS TO FORM:

David L. Thomas

David L. Thomas
Chief Civil Deputy

Ordinance 2021-36, 633 Park Avenue Condominium Plat Amendment

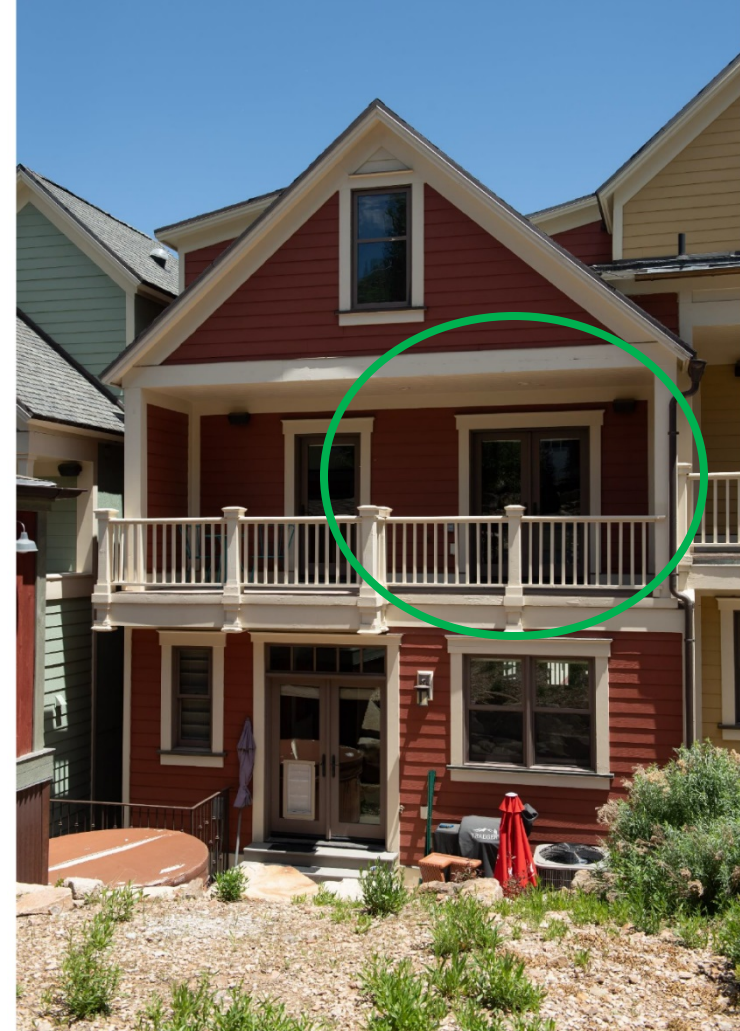
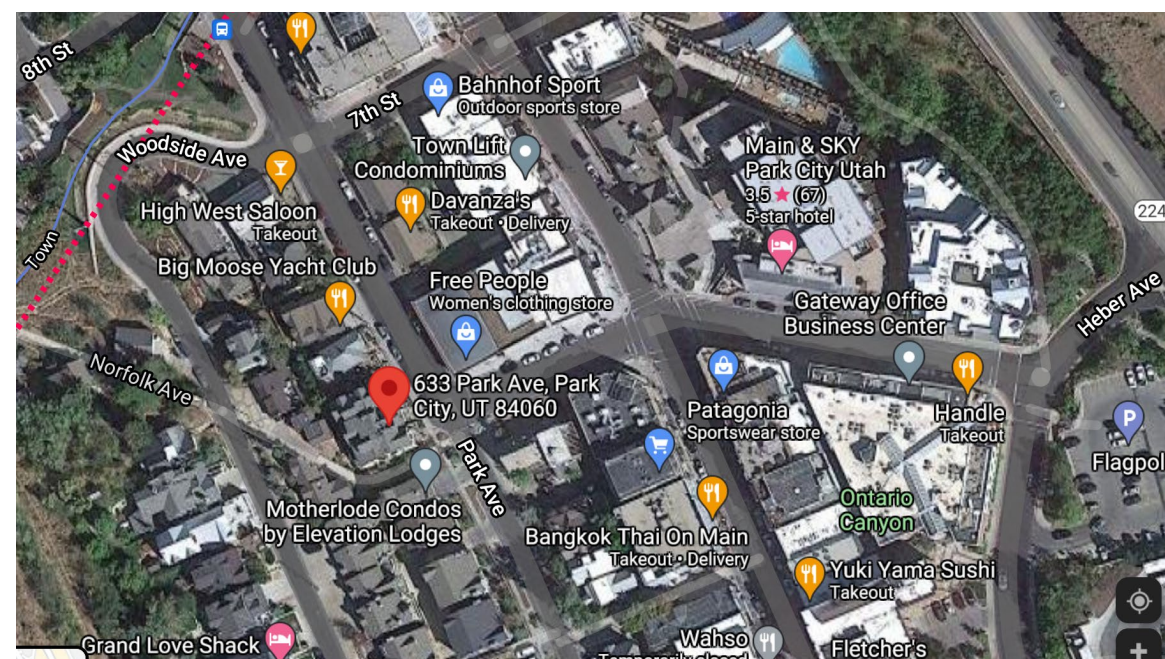
City Council
September 23, 2021



— Background —

- Crescent Condominiums is a 3-unit condo building recorded in 2006.
- Located in the HRC zoning district.
- Applicant is proposing to expand the second level of Unit B, 51-sf by enclosing a portion of the limited common deck at the rear of the building and converting the enclosed portion to private ownership.
- No additional parking requirements are triggered by the proposed expansion and the expansion is located outside of the 10-foot required rear setback.





633 Park Avenue - rear - looking northeasterly

— Good Cause —

- The proposed Plat Amendment has been reviewed in accordance with LMC Chapter 15-7. Staff finds Good Cause for this Plat Amendment as it will expand the unit owners private area with no change to the building's front façade and no impacts to the light, air or privacy of adjacent residents. The HOA has approved the proposed Condominium Plat Amendment application.
- No Public Streets, Right-of-Way or easements have been vacated or amended.



— Recommendation —

- Staff recommends the Council conduct a Public Hearing and approve Ordinance 2021-36.



Ordinance 2021-37, 1913-1915 Prospector Avenue Plat Amendment

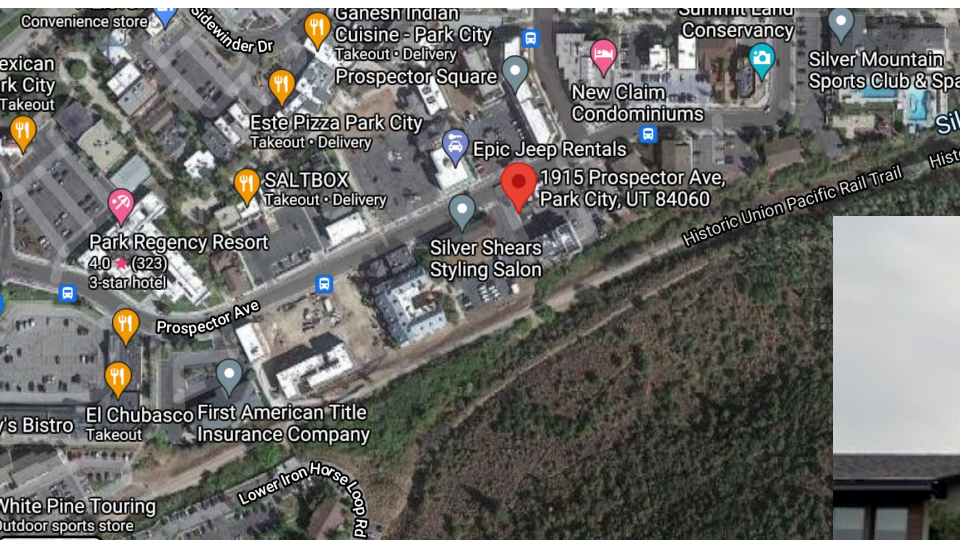
City Council
September 23, 2021



— Background —

- [Ordinance 14-28](#) approved the **Gigaplat Replat**, which includes the **common parking area known as Parking Lot F**, and two development pads within Prospector Square.
- Located in the **GC** zoning district.
- The City is requesting to amend Lot F of the Gigaplat Replat with an **access easement** to maintain public access between the Rail Trail and Prospector Avenue in perpetuity.
- The area of the City's access easement is owned by the Prospector Square Property Owners Association as Common Area. No other changes to the Plat are proposed.





— Good Cause —

- The proposed Plat Amendment has been reviewed in accordance with LMC Chapter 15-7. Staff finds Good Cause for this Plat Amendment as the access easement will ensure public access from Prospector Avenue to the Rail Trail, and will define maintenance agreements.



— Recommendation —

- Staff recommends the Council hold a public hearing and approve Ordinance 2021-37.
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