

## Summit County Board of Health Meeting Minutes

Summit County Health Dept. Conference Room  
Park City, Utah

**Monday, June 6, 2015**

Topic	Discussion	Action or Summary
<b>Attendance</b>	<p><b>Board Members Present:</b> Heidi Jaeger—Chair, Dorothy Adams, Kim Carson, Dan Davis, Lynne Nilson, Liza Simpson, Marc Watterson</p> <p><b>Staff Present:</b> Dr. Richard Bullough-Director, Phil Bondurant, Geri Essen, Cindy Keyes, Carolyn Rose, Dave Thomas</p> <p><b>Members of the public in attendance:</b> John Leo Davis, Andy Garland, Scott Lilja all from Summit Water and Andy Armstrong from Mountain Regional Water, Nann Worel Park City Council</p>	
<b>Welcome and approval of minutes</b>	<p>Chair Heidi Jaeger called the meeting to order at 4:00 p.m.</p> <ul style="list-style-type: none"> <li><b>A motion by Liza Simpson to approve the May 2, 2016, Summit County Board of Health meeting minutes as corrected. The motion was seconded by Kim Carson. The voting was unanimous in favor, 7 to 0.</b></li> </ul>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li><i>The corrected May 2, 2016 minutes was approved.</i></li> </ul>
<b>TB update</b>	<ul style="list-style-type: none"> <li>Nursing Director, Carolyn Rose said around the end of April or the first of May, a person was diagnosed with tuberculosis (TB). This person lives in Salt Lake City, but works in Summit County. They were seen in a Summit County Clinic. Because the person was contagious while there, there has been an investigation of many people. Forty-two patients and the office staff were exposed.</li> <li>Sixteen people have been tested at the patient’s work site. This person also had a dental appointment. Those who were exposed at this location are being contacted for testing.</li> <li>There are two infants who may have been exposed. The recommended course is to give a prophylactic course of medication until the infant reaches six months of age. The standard procedure is to watch the parents give the medication each day. After speaking with one set of parents, the Health Department has opted not to do this. Ms. Rose will be speaking with the other parents as soon as possible.</li> </ul>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li><i>There has been one person who has had a positive TB blood test; however, this person does not have active TB.</i></li> <li><i>This person was offered a prophylactic dose of medication, but chose against taking it. Taking the medication helps a person not develop an active case of TB should their immune system become suppressed.</i></li> </ul>
<b>Chalk Creek notice of violation update</b>	<ul style="list-style-type: none"> <li>Environmental Health Director Phil Bondurant said the house on Chalk Creek Road that was found in violation of health codes has been removed. There was quite a bit of push back until the family was shown the findings of facts. At that point, they had the house torn down within the week.</li> <li>Some assistance was given to the Chappell family in the form of fees being waived by the Building Department and the landfill operator. The sampling of asbestos was done pro-bono. The estimated amount of fees being waived was approximately \$6,000.</li> </ul>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li><i>A letter to the Chappell family has been provided saying they have satisfied the County’s requirements.</i></li> </ul>
<p><b>Water Concurrency Ordinance</b></p> <p><b>Section-by-section review highlights</b></p>	<ul style="list-style-type: none"> <li>Chief Deputy Attorney Dave Thomas said following the last meeting, there were a number of questions about the draft ordinance. Since then, a redline document has been created. He covered the following:</li> <li>Park City Municipal Corporation is asking that it be expressly stated that the ordinance does not apply to Park City.</li> <li>Page 1 Language was added that future action of the Board would be required in order for water concurrency to be applied to Eastern Summit County.</li> <li>Page 6 A severability clause was added that if any part of the ordinance is found unenforceable, the remaining provisions shall not be affected.</li> </ul>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li><i>A review of the redlined document took place.</i></li> <li><i>The two areas of primary concern are (1) the timing of commitment-to-serve letter and (2) the use of 0.86 gpm Equivalent Residential Connections (ERC)</i></li> <li><i>Dr. Bullough stated he</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• Page 8               <ul style="list-style-type: none"> <li>○ Under applicability- Park City Municipal would like to be excluded.</li> </ul> </li> </ul> <p><b><i>(The Board requested that on page 1, the wording should be that “all municipalities” shall be exempted. The need to highlight the Park City exemption would no longer be needed.)</i></b></p> <ul style="list-style-type: none"> <li>○ Commitment-of-Service letter- Would this letter be provided at plat approval or building permit approval? Currently, the Snyderville Basin Development Code has it being required at building permit approval. This is a decision that the Board needs to make.</li> <li>○ The County Health Officer can retain a qualified professional to help in decision making.</li> </ul> <ul style="list-style-type: none"> <li>• Page 9- ERC Demand Factor This language will be made consistent with the DDW rule. If the State Code changes, then this will change.</li> </ul> <p><b><i>(The Board chose to strike the second sentence of the definition because the process is defined elsewhere in the ordinance.)</i></b></p> <ul style="list-style-type: none"> <li>• Page 11- System Peak Demand  Attorney Thomas recommended a definition that would be added for the Standby Fees or ERCs. This is when a company may start paying a fee before a commitment-of-service letter is needed.</li> <li>○ System Peak Demand will be made consistent with the regulation.</li> </ul> <ul style="list-style-type: none"> <li>• Page 12- Water Supplier               <ul style="list-style-type: none"> <li>○ Park City Municipal desires to have an express exclusion to the ordinance.</li> <li>○ The rest of the language has to do with the commitment-of-service letter. Currently, it is to be issued at plat approval. Attorney Thomas provided alternative language should the Board choose to have it be at building permit.</li> </ul> </li> </ul> <p><b><i>(The Board discussed when the commitment-to-serve letter should be issued. Is this a public health issue or a land use based issue? A decision was made that this would be decided by the Planning Commission. The language shall remain part of the ordinance because it ties back in to the Snyderville Basin Development Code.)</i></b></p> <ul style="list-style-type: none"> <li>• Page 16 On this page language about the accounting of the standby fees would be inserted.</li> <li>• Page 23- Optional input This language allows the County Health officer to participate in a peer group meeting that is not required to be an open meeting. The County Health Officer can use any of the information that comes from that meeting.</li> <li>• Page 25- Source Contractual Commitments  Park City Municipal desires an express exclusion from this provision. Attorney Thomas thinks the ordinance makes it clear that municipalities are excluded; therefore, an express exclusion is not needed.</li> </ul>	<p><i>believes the timing of the commitment-to-serve letter is land-use policy.</i></p> <ul style="list-style-type: none"> <li>• <i>A review of a municipality’s involvement will be considered at the time that water concurrency moves to the east side of the County.</i></li> <li>• <i>Dr. Bullough said he believes the redline copy of the ordinance gets them where they want to be.</i></li> </ul>

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	<ul style="list-style-type: none"> <li>Mr. Davis requested that the enactment of the new ordinance be timed so that the water companies are not under two different ordinances. A discussion ensued.</li> </ul>	
<b>Public Comments</b>	<ul style="list-style-type: none"> <li>The ordinance will be presented to both the Snyderville Basin Planning Commission and the County Council.</li> <li>The date that the ordinance would take effect was discussed. September 1, 2016 was considered as was October 1, 2016. The effective date can be amended if desired.</li> <li>There is a 30-day period where the ordinance can be contested after it is approved by the Board of Health.</li> <li>If a law suit is filed against the ordinance, it would remain in effect during litigation.</li> <li>Andy Garland said it was stated at the previous meeting that Summit Water ran out of water last summer. That is incorrect. Mr. Garland feels they are getting closer to an ordinance that they can accept. He said there are some things that are not clearly understood. They need to take the time to understand what they are being asked to comply with.</li> </ul> <p>Mr. Garland said having to provide wet water at plat issuance would have serious economic impacts. They would like to understand the rules they need to play by, including the implementation date. What is the appeal process? Mr. Garland was told the appeal process is found on page 23 and 24. Attorney Thomas read the section.</p> <p>Mr. Garland said the ordinance is not asking for anything that the State doesn't already ask for. The game changer came with the requirement for wet water.</p> <ul style="list-style-type: none"> <li>Scott Lilja asked where the appeal procedure came from. Attorney Thomas said it is patterned after what is already in the Health Code. The Standard protocol is that any decision rendered by the Board of Health is appealable to Third District Court.</li> <li>John Leo Davis asked if the standard of review is the same as the State Board's. He was told this language mirrors what is found in the State Statute.</li> </ul> <p>Mr. Davis said he thinks the entire ordinance is a planning ordinance. The most serious health hazard in Summit County is the arsenic from the mines in Park City, yet Park City is exempt. He feels there is some hypocrisy.</p> <p>Mr. Davis said the future water supply is a problem for the Planning Department, not the Health Department. Park City, Summit Water, Mountain Regional, and Summit County have signed an agreement with Weber Basin Water Conservancy District to provide a blueprint for all future water supplies for Snyderville Basin. That agreement solves most of the water problems that this ordinance addresses. He doesn't think this ordinance should be adopted because the Weber Basin Master Agreement, along with the State and Federal regulations, takes care of the problems.</p> <p>Mr. Davis said that Weber Basin is exempt from this ordinance. That isn't right. It shouldn't work that way.</p>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li><i>Attorney Thomas said the chapter in the Snyderville Basin Development Code on water concurrency will be amended.</i></li> <li><i>The date to enforce the new concurrency ordinance was established as October 1, 2016.</i></li> </ul>

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	<p>Mr. Davis said he there are no commitments that a water supplier makes with their customers that not are irrevocable. This language is not needed. Attorney Thomas said the willing-to-serve letter is irrevocable. The commitment-to-serve letter is not.</p> <ul style="list-style-type: none"> <li>• Board Member Lyn Nilson asked Mr. Garland to state what Summit Water’s stance towards water concurrency is as of this meeting. Mr. Garland said they understand that concurrency is coming. They don’t want to end up in Third District Court. They want to make sure that there is mutual understanding. If it is coming, they want to make sure this is something they can live with.</li> <li>• Board Member Nilson said she is encouraged that the different entities have been able to come together to create something that will be workable.</li> <li>• Dr. Bullough referred to the \$2,500 cost that was described at the public hearing. He said this may go up or down. It will go towards the consultant fee. The County will not make money on this process.</li> <li>• Andy Armstrong with Mountain Regional said he would like to respond to the comments made by Mr. Davis.</li> </ul> <p>Mr. Davis said that regionalization would take care of everything. It does to the extent that there will be accurate reporting. What concurrency is trying to do is have the best minds participating in what will be a very expensive expenditure for the community. Concurrency will work with the regionalization process. If it doesn’t exist, it goes back to hoping that everybody is giving a good projection. With the accommodations they have worked through, he believes this ordinance will be a good mechanism to have rational regionalization. He thinks it is necessary.</p> <p>He doesn’t believe that Weber Basin needs to be a part of concurrency.</p> <ul style="list-style-type: none"> <li>• Mr. Lilja said that each provision should make sense taken by itself; otherwise, it is possible to end up with an ordinance that doesn’t make any sense.</li> </ul> <p>He believes the ordinance is overkill for what is necessary. What the County wants to know is that there is sufficient water for to serve the customers of these companies.</p> <ul style="list-style-type: none"> <li>• Board Member Carson recommended they talk about the implementation date. Dr. Bullough said the furthest out he would recommend would be the end of the year. He would like to have input from the water companies on what makes sense in respect to the reporting component in April. He asked Mr. Garland if he was proposing the reporting take place in April of 2018 for the water year of 2017. Or, is he proposing to report in April of 2017 for the water year of 2016? He knows the water companies have the data even though they haven’t had the ordinance. Mr. Garland said he thought they could report on the 2016 year.</li> </ul> <p>Dr. Bullough asked if they would be okay if the implementation of this ordinance be delayed for four months. Mr. Garland said that would be acceptable.</p>	

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<p><b>Board discussion and motion</b></p>	<ul style="list-style-type: none"> <li>• Board Member Carson said typically after a draft ordinance has been amended, it is circulated so that everyone has an opportunity to review the changes. Following that process, Chair approval is given.</li> </ul> <p>Attorney Thomas said they can make a motion subject to the amendments they have discussed and subject to a final copy being approved by the Chair. Part of the amendments would be the date of implementation.</p> <ul style="list-style-type: none"> <li>• <b><i>Board Member Simpson made a motion, which was seconded by Board Member Carson, to approve the Summit County Board of Health Water Concurrency ordinance as it has been redlined and with the amendments as discussed during the meeting. The implementation date will be October 1, 2016. The final copy will be circulated for review after the amendments have been made by Attorney Thomas. The Board would then provide comments to the Chair. Following which, the ordinance would be signed.</i></b></li> <li>• <b>MOTION CARRIED (7-0)</b></li> </ul>	<ul style="list-style-type: none"> <li>• <i>A motion was approved to accept the redlined and amended Concurrency Ordinance with October 1, 2016 as the implementation date.</i></li> </ul>
<p><b>Comment and Adjourn</b></p>	<ul style="list-style-type: none"> <li>• Board Member Carson said the State is asking for comment on Medicaid expansion. There is a good article in the paper in the Tribune.</li> <li>• <b><i>A motion was made by Board Member Nilson, which was seconded by Board Member Simpson, to adjourn. All voted in favor.</i></b></li> <li>• <b>MOTION CARRIED (7-0)</b></li> </ul>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> <li>• <i>The meeting adjourned at 5:39 p.m.</i></li> </ul>