

AMERICAN FORK CITY COUNCIL
NOVEMBER 17, 2016
WORK SESSION MINUTES

Members Present:

Kevin Barnes	Councilman
Carlton Bowen	Councilman
Brad Frost	Councilman
Rob Shelton	Councilman
Jeff Shorter	Councilman

Members Absent:

James H. Hadfield	Mayor
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Staff Present:

Camden Bird	Admin Analyst
Wendelin Knobloch	Associate Planner
Nestor Gallo	City Engineer
Terilyn Lurker	City Recorder
Kriss Garcia	Fire Chief
Judy Thimakis	HR Manager
George Schade	IT Director
Kasey Wright	Legal Counsel
Cherylyn Egner	Legal Counsel
Derric Rykert	Parks and Recreation Director
Darren Falslev	Police Chief
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner

Also present: Ernie John, Ben Anderson, Mark Allen, Nathan Bracken, Jim Ireland and several other citizens.

Employees present for Harassment Training: Laurel Allman, Ryan Archuleta, Aaron Brems, Jay Brems, Josh Christensen, Rebecca Danklef, Bev Davis, Adam Ellison, Stuart Fore, Ray Garrett, Ed Jones, Gregg Ludlow, Cameron Paul, Dan Rojas, Doug Schneider, Keith Southard, Adam Stowers, Jason Thomson, TJ Warnick, Dan Woodward.

WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

The American Fork City Council met in a work session on Thursday, November 17, 2016, in the American Fork City Hall, 31 North Church Street, commencing at 3:00 p.m.

CITY COUNCIL STUDY ITEMS

Mayor Pro-Tem Frost welcomed those present to the meeting and excused Mayor Hadfield.

1. Presentation of the LIFT Program (Requested by Kriss Garcia, Fire/Rescue Department)

Fire Chief, Kriss Garcia, gave a brief explanation of the LIFT Program, which involves over 100 county, state, and federal agencies.

Fire Captain, Ben Anderson, explained that the program would assist the shift officers as they connected citizens to what they need. There was a growing need in the community that went beyond what an ambulance transport could provide. The goal of the program was to provide a pathway for people who may be chronically ill, abused, elderly, have additional issues or mental health problems, or the hungry/homeless to be connected to the resources they need. Captain Anderson explained that there was a list of 125 agencies involved in the program that can provide such services.

Captain Anderson continued by stating that the rescue team currently had only two options: either the person in need is transported to the hospital by ambulance, or the person had to sign a release and the team would leave them. There was a large gap between these two options that the LIFT Program could fill.

Captain Anderson presented the following questions and answers regarding the program:

What is LIFT? LIFT is where the City's Paramedics and EMTs use their knowledge of the citizens and the community to locate individuals that are in need. LIFT is a two-way street where the hospital emergency room can refer individuals to the program and where the rescue team can refer individuals to other agencies to meet the citizens' needs. LIFT is a connection to a network of city, county, state, and federal programs that have the personnel and resources to care for these individuals.

How would it operate? American Fork Fire Department would utilize on-duty crews with a LIFT liaison on each platoon to staff and operate the LIFT program. A list of all city, county, state, and federal resources, along with a current list of contacts would be updated quarterly and available at all times to address the needs of the citizens. LIFT liaisons would meet regularly with individuals in need and the representatives of applicable resources.

Why does American Fork need it? The City's first responders need an avenue to meet an individual's needs with more options than ambulance transportation, or an on-scene release with no further solution. Health Care facility staff members also need field personnel to help coordinate home based needs. The expected outcome would be a reduction in inappropriate 911 calls and better utilization of Health Care Facilities by getting people the care they need.

Mayor Pro-Tem Frost remarked that the City Council should take the opportunity to discuss the Program and ask questions about the resources that would be available. It seemed that the Program would not be costly to the City. Captain Anderson confirmed that the Program would not require any additional personnel at that point. There were three 48-hour shifts, and each shift had a liaison.

Councilman Bowen commented that the Program seemed to potentially enlarge the scope of the fire department by taking on the role of social worker. He asked if the department was prepared to take on such a responsibility. Captain Anderson explained that the department was already dealing with American Fork citizens on a regular basis, and Fire

and Rescue was beginning to evolve into an entity like the one the LIFT Program outlines. These duties may be outside of their scope of work, but the delivery model would not change.

Councilman Shelton asked if this would help to eliminate repeat callers. Captain Anderson confirmed that it would. Chief Garcia added that the current Fire Department could only offer an expensive ambulance ride to the hospital. This program would allow them to partner with other agencies and get the citizens connected with what they truly needed. He had spoken with the hospital administration about this pilot program and they were supportive of it.

Councilman Shelton commented that the Program sounded more like a referral system, as the fire department would not be acting case managers or following up with the citizens. Chief Garcia stated that the Program would be putting the citizen in the right agency so that they could get the specialized care they needed. It would save time for the fire department because they could send someone to the right place before transporting them to the hospital. Councilman Shelton stated that he was in favor of the program.

Councilman Shelton asked if there would be some sort of tracking system so that the fire department could evaluate their progress. Chief Garcia explained that Provo, who had been participating in the Program for some time, met with these other agencies weekly and they had found great success.

Captain Anderson noted that local agencies want to assist the American Fork residents, but they aren't aware of their needs. The LIFT Program would be a benefit to the agencies as well as the City.

Mayor Pro-Tem Frost asked what needed to be done to move forward with the Program. Chief Garcia explained that they wanted approval from the City Council to start the pilot program. They could track the results of the program and report back to the City Council in six months.

Councilman Barnes commended the fire department for trying to become involved in the LIFT Program and expressed his support.

Councilman Bowen asked if the LIFT liaison would be following up with citizens after they are referred to an agency. Captain Anderson explained that this would depend on the individual needs. Overall, all parties will benefit from the Program. Councilman Bowen was concerned that the number of incoming calls would increase.

At Councilman Bowen's request, Captain Anderson gave an example of how the team would respond to a frequent caller. If the caller did not have an urgent medical need, the liaison would sit down with the caller and speak with them about other agencies that could assist them and ask for permission to give their information to those agencies. If the problem arose again, the caller would then have knowledge of the other agencies they could call.

Councilman Bowen was concerned that there could be some potential liability issues if they recommended the wrong course of action. Councilman Shelton did not believe that

they would be taking on a fiduciary capacity. Councilman Bowen disagreed and explained that if a HIPAA agreement was involved it would be a contractual obligation.

Chief Garcia stated that releases are signed frequently and they always have medical-controlled devices. About 20% of the callers are released and the fire department doesn't charge them.

Mayor Pro-Tem Frost noted that legal counsel was present at the meeting and would have objected if he believed there was an issue. He was supportive of the pilot program and stated that adjustments could be made later, if necessary.

2. Discussion on the Watershed Protection Ordinance. (Requested by Terilyn Lurker, City Recorder)

Nathan Bracken, a water law attorney hired by American Fork City, was asked to work with Legal Counsel Kasey Wright and Cherylyn Egner to draft a Watershed Protection Ordinance. This ordinance would provide the City with more authority in regards to actions taken in the canyon. Mr. Bracken drafted an ordinance that was soundly supported by the underlying statute case law and was consistent with what other municipalities have done. The proposed ordinance was based on a statute that has been on the books at the state level for a very long time. It provided limited authorities to cities to exercise jurisdiction outside of the boundaries to protect watershed areas. Specifically, it gives cities jurisdiction over a 15 mile reach stretch up the stream and the tributaries from its points of diversion extending 300 feet on each side. However, it does not provide jurisdiction over the entire watershed area.

The ordinance would focus on sewage facilities to be installed in the area, and restrictions with agricultural livestock. Other cities had made provisions about vehicle use in their ordinances, but Mr. Bracken did not include those in this draft.

Mayor Pro-Tem Frost asked what criteria needed to be met when seeking a building permit for a sewage facility. Mr. Bracken directed him to the Council packet, which outlined the construction conditions within the watershed area. He noted that any construction within the watershed area without securing approval from the City was illegal. Many of the building permit requirements were covered elsewhere in the City ordinances.

Councilman Shelton asked if the City Council would have the authority to deny a permit if there were concerns with the application. Mr. Bracken answered in the affirmative. He noted that the requirements were limited to outhouses and sewage treatment facilities, and they were limited to a specific area.

In response to a question from Councilman Bowen, Mr. Bracken stated that there was ordinance language regarding animal sewage. Councilman Bowen asked if there had been any previous issues with animal sewage contaminating the City's water supply. Mr. Bracken stated that there had not. The ordinance was intended to foreshadow any problems that could potentially occur in the future given all of the development that has been contemplated or otherwise discussed.

There was some discussion regarding small animal permits, and the prohibition of grazing.

Councilman Bowen was concerned the proposed ordinance would prohibit ATV use that was currently allowed. The intention of these types of vehicles was to go off-road. Mr. Bracken read language from the ordinance and explained that it would be unlawful for any person to operate on separate roads designated for public use by the appropriate government authority without first obtaining a written permission from the public entity that is in possession of the property in question. The intention of the ordinance was not to alter how people were currently recreating in the watershed area. However, the ordinance would give the City the authority to make changes, if necessary. Councilman Bowen stated that he was opposed to creating additional layers of regulation and bureaucracy.

Mayor Pro-Tem Frost asked for clarification on needing written permission for vehicles. Mr. Bracken explained that if the City had public land that they were leasing and the terms allow them to do construction operations; this would not apply, as the City would have permission to operate vehicles. The intention of the ordinance was to focus on ATV users that were not approved.

Councilman Bowen stated that individuals recreate near the watershed without permission all the time. He asked if snowmobiles would be under the same restrictions. Mr. Bracken answered in the affirmative and stated that if the vehicle users followed the statutes of the forest service, they would not be affected.

Councilman Bowen opined that the proposed ordinance would allow additional regulations that did not currently exist. The main purpose should be to protect the watershed.

Mayor Pro-Tem Frost commented that the City Council would not enact an ordinance if they did not feel that the residents were at risk. The water supply was the lifeblood of the community. Councilman Bowen questioned whether the water supply was actually at risk. He further argued that the requirements listed in the proposed ordinance would have nothing to do with mitigating risks through dam reconstruction.

Mr. Bracken commented that there would inevitably be more development and use in the canyon in the future. It would be much more difficult to enforce an ordinance like this one once development becomes a real problem. The intent of the ordinance was to give the City a say in preventing issues before they occur.

Mark Allen first expressed his support of the LIFT Program proposal. He then thanked the City Council for venturing in the direction of the Watershed Protection Ordinance. Over the past 18 years, Mr. Allen researched American Fork Canyon and he has always questioned who had proper authority there. Local municipalities have no control and various agencies don't communicate well with each other. Mr. Allen then presented copies of a document detailing quantification of metal loading through American Fork Canyon and Mary Ellen Gulch. He commented that even if the water quality appears to be alright, any heavy metals would be carried down the river and into the Tibble Fork

Reservoir. There are tens of thousands of households in American Fork and Highland that likely have high levels of lead because of this.

Councilman Bowen argued that there was no factual evidence proving Mr. Allen's statement. Mr. Allen explained that his information was gathered from the river flowing through that area. He asked why there hadn't been any soil testing done in the resident's backyards. He strongly encouraged the City Council to look at the data from studies conducted in regard to watershed protection and remediation. Mr. Allen expressed another concern regarding the disconnect between Utah County statutes and the Forest Service Plan of 2003. He felt that there should be something put in place to homogenize the two plans.

Mr. Allen continued by addressing the Dutchman and the Pacific mines which were remediated, and as such there were no additional obligations required of Snowbird, even though there was water flowing from that resort. He suggested that the Tibble Fork Reservoir be dredged to protect the watershed. He also requested that the Council speak with the Division of Water Quality about requiring a discharge permit on the remediated mines.

Councilman Shelton felt that there was a definite need for the proposed ordinance.

Councilman Bowen expressed gratitude for the concerns regarding the water supply. He clarified the proposed ordinance wouldn't affect the proposed Tibble Fork Reservoir situation. The true purpose of the ordinance was to give the City a say in future development in American Fork Canyon. The City did not have any jurisdiction beyond the watershed. There was a discussion regarding soil testing in backyards and at the campground.

Utah County Commissioner-Elect, Nathan Ivie, applauded the City for their efforts in protecting the citizens and stated that he looked forward to working with them in preserving natural resources. He believed that the proposed ordinance was a step in the right direction and would provide some authority in protecting the citizens in the future. In regards to the ordinance language, Commissioner Ivie encouraged the City Council to look for areas where restrictions may overlap with other ordinances. He favored simplicity. He briefly discussed the lack of road bars, and stated that he would like to see a natural lead-filtering system put in place.

There was a brief discussion regarding efforts taken in Park City in terms of lead filtration.

Jim Ireland, the superintendent of the Timpanogos Cave National Monument, explained that American Fork City and the cave had a long history of maintaining the City's water supply. Recently, they have been working together to upgrade and maintain the natural springs. Mr. Ireland saw some areas in the proposed language that may cause conflict between the City and the forest service, such as prohibiting camp fires. He wanted to be sure that there was no confusion or overlapping jurisdiction issues as a result of the ordinance.

Councilman Shelton stated that the City wanted a good partnership with the Timpanogos Cave officials. He commented that there had been a loss of trust with the county because of the type of corruption he had seen at the state level. He wanted the relationship repaired so that they could work together moving forward.

Mr. Ireland stated that he was aware of the issues to which Councilman Shelton had alluded. In terms of the proposed ordinance, he saw a constitutional issue between assertion of this jurisdiction on federal property and he wanted to work with the City to avoid further conflict.

Mayor Pro-Tem Frost asked Mr. Ireland to review the proposed ordinance and highlight the areas with which he had concerns. Mr. Ireland wanted to be clear that the City does have jurisdiction on at least 300 feet on each side of the American Fork River.

In regards to watershed protection, Mr. Ireland explained that they have seen the need for hydro-geologic mapping, which would help them to better understand where the water source was coming from. Mr. Ireland had been working with the City for several years so he understands the history of the river.

Councilman Bowen believed that the issue was more about preventing or having a say in whatever Snowbird develops rather than water quality. Councilman Shelton disagreed.

Councilman Bowen stated that he understood the jurisdictional issues mentioned by Mr. Ireland. The constitution does give the federal government exclusive jurisdiction of federal lands. However, he also recognized the fact that through the Utah Enabling Act, the federal government gave that jurisdiction to Utah. He noted that American Fork City was established in 1853 and the Utah became a state in 1896, so American Fork existed before Utah was even a part of the United States.

Mr. Ireland clarified that they manage the federal lands of the Timpanogos Cave under the proprietary jurisdiction as opposed to exclusive jurisdiction. However, the point of the ordinance was that the City wanted to avoid the debate of constitutionality.

Mayor Pro-Tem Frost suggested that the discussion be concluded to allow time for the final item on the agenda.

Mr. Bracken noted that the proposed ordinance was based on Provo's ordinance. He stated that he was willing to work with Mr. Ireland regarding the language.

3. Harassment Training for Mayor, Council, Directors and Managers. (Requested by Judy Thimakis, Administration)

Mikel Jimenez, a member of the Employment Group, presented the training. She noted that training was not legal advice, but it was a good business practice. City employees also needed to understand what the law dictates in terms of workplace harassment.

Ms. Jimenez explained the purpose of the EEOC (Equal Employment Opportunity Commission), the different types of EEOC claims, and the accompanying costs. She also stated that there are state and federal laws protecting against unlawful discrimination. Ms. Jimenez stated that the best policy was to insure that employees are treated fairly,

and compensated based on their merit and work performance. She stressed the avoidance of favoritism.

Ms. Jimenez addressed using respectful language in the work place and emphasized using caution when drafting emails. Emails can often be misinterpreted.

Ms. Jimenez explained the proper way to respond to a claimant and correct reporting procedure. She advised HR representatives to listen to the complaint, but not to offer an opinion. Each claim must be properly investigated. She also stated that claims must be reported even if the person who witnessed the action did not participate. Respond promptly to all claims and be sure they are taken seriously.

Finally, Ms. Jimenez accentuated the importance of communication, consistency, and proper documentation.

The meeting adjourned at 5:37 p.m.



Terilyn Lurker
City Recorder