

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

January 31, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

6:00 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mayor Heather Anne Jackson called the meeting to order at 6:06 p.m. Ryan Ireland led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

MAYOR/COUNCIL BUSINESS

Mayor Jackson thanked the Sheriff's Office, Fire Department and other agencies involved in resolving a standoff situation in Kiowa Valley this afternoon, in which a resident had locked himself in his home with firearms. The situation ended safely.

INTERVIEWS

INTERVIEWS – Question and answer interview session with applicants for the vacant City Council position

Mayor Jackson and the City Council interviewed two applicants for the City Council vacancy, Mr. Anthony Knight and Mr. Nathan Ochsenhirt. The other applicant, Mr. Bryan Free, was unable to attend the meeting. Mayor Jackson gave each applicant two minutes to make a statement, followed by questions from the Council.

The Council first interviewed Mr. Ochsenhirt. Mr. Ochsenhirt stated that he received enormous voter support in the recent election. He works as a contractor in partnership with his father. Through his employment he has learned how to communicate and resolve issues. If appointed, he would use these abilities to improve the public's perception of Eagle Mountain politics. He expressed support for the Mayor and Council and looked forward to the opportunity to serve the people of the city. He felt there had been a divide between the Council and the residents which he hoped to alleviate. He pointed out that, with all the Council's abilities, there was no one with experience in the construction industry, which is a perspective he could bring.

Councilmember Burnham asked what Mr. Ochsenhirt's primary goal would be if he were appointed to the Council. Mr. Ochsenhirt responded that he would focus on acquisition and improvement of open space, beginning in the City Center.

Councilmember Cieslak expressed appreciation for Mr. Ochsenhirt's efforts in going through the campaign process for last November's election. He asked how Mr. Ochsenhirt planned to fit Council obligations into his schedule. Mr. Ochsenhirt responded that, while his life was already very busy, there is always time for activities that are very important. His family comes first and might occasionally require him to be absent from Council activities.

Councilmember Ireland asked about Mr. Ochsenhirt's availability to represent the City at events other than City Council meetings. Mr. Ochsenhirt responded that being part-owner of a company creates a great deal of responsibility but also allows more flexibility than is available to many people.

Councilmember Ireland asked how Mr. Ochsenhirt would work together with other Council members at times when they had strongly-held differences of opinion. Mr. Ochsenhirt responded that during the campaign he committed to fight for issues he and the public strongly supported, keeping in mind that his decisions must be made in the interest of the community. He would clearly explain his position to Council members with whom he disagreed. The Council consists of five members so that issues can be thoroughly discussed and differing viewpoints considered.

Councilmember Ireland asked if he would be able to work with Council members after they and he had strongly disagreed. Mr. Ochsenhirt said recent problems with entrenched personal positions on the Council have damaged the public perception of the Council. Functionality depends on being able to disagree and still work together. Councilmember Ireland mentioned that all the votes taken in the last two Council meetings have been unanimous. Mr. Ochsenhirt said that can often be good, but sometimes battles are necessary.

Councilmember Lifferth mentioned that Mr. Ochsenhirt received 1,055 votes in the last election. He asked what commitments he made to his supporters. Mr. Ochsenhirt responded that financial campaign support was a sensitive subject for him because he spent more on his campaign than anyone except Mayor Jackson. He has received negative comments because much of that support came from developers. He said the support came from those in his own industry whose language he could speak and they knew he would expect them to follow City policies and regulations. He appreciated everyone who supported him with time, money or effort. Mr. Ochsenhirt stated that he supports development in the city, but would not sacrifice infrastructure for excessive development. His only special interest is Eagle Mountain City.

Councilmember Lifferth asked what Mr. Ochsenhirt would do or present differently than he had during the election. Mr. Ochsenhirt said the public supported him in the election to the point that he was very nearly elected. He came in fourth for Council seats and there is now a fourth seat available, so this is a logical extension of the public's vote. Therefore, he saw no need to change what he had said during the campaign.

Councilmember Lifferth said the election had been for a four-year term, while the appointment is for two years. He asked if Mr. Ochsenhirt planned to run again in two years. Mr. Ochsenhirt said that at this point he planned to run again.

Mayor Jackson called Mr. Knight to the microphone. He expressed appreciation for Mr. Ochsenhirt. He stated he had not applied out of any negative idea of Mr. Ochsenhirt, but out of a desire to offer his services to the city. He recently moved to City Center from the Ranches with his wife and four-year-old son. He served on the Willow Springs Homeowners' Association Board for two years, requiring him to

make tough decisions. In his employment as an unemployment adjudicator for the State, he makes difficult, informed decisions every day; he has to be firm but fair in applying policy. He was previously a child abuse investigator in Florida and volunteered on the Tampa City Civil Service Board. Mr. Knight's State job involves a flexible schedule, telecommuting from home. He does some work as an actor and runs a home-based talent agency with his wife. He hopes to bring movie production to Eagle Mountain.

Councilmember Cieslak stated that Mr. Knight had answered his question on availability, but he wanted to follow up by asking how he would balance work, the talent agency and the City Council. Mr. Knight said his supervisor is very flexible and has allowed him to go to auditions with only a few hours' notice. The talent agency work is also flexible. He previously found time to volunteer with the Homeowners' Association and the Civil Service Board.

Councilmember Ireland asked why Mr. Knight had not run for election rather than waiting for this appointment. Mr. Knight responded that he had to petition the State Human Resources Office to see if serving on the City Council would create a conflict of interest. He did not receive an answer until after the filing deadline.

Councilmember Ireland asked about Mr. Knight's educational background. Mr. Knight responded that he had a bachelor's degree in International Relations. After volunteering in Congressman Deutch's office, he became interested in city & county administration and earned a master's degree in public administration. He said he has a curious, investigative personality, likes to tackle issues by getting as much information as possible, then stands behind his decisions.

Mr. Knight mentioned that he is half Cuban, which would help him to represent the growing diversity in Eagle Mountain's population.

Councilmember Lifferth pointed out that Mr. Knight is disadvantaged by not being well known. He asked what Mr. Knight's platform would have been in the election. Mr. Knight responded that it would have been a return to normalcy. Politics in Eagle Mountain has resembled a soap opera recently. He would like to support stability and accountability. He would also like to concentrate on controlled commercial development and listening to the interests of the residents.

Councilmember Lifferth noted that the Congressman Mr. Knight volunteered for was a Democrat, while Mr. Knight is registered as a Republican. He asked Mr. Knight's political position. Mr. Knight replied that he is a fiscal conservative and a social moderate. There was no Republican Congressman who needed an aide at the time he was interested in volunteering. The work he did for the Congressman fit his core values.

Councilmember Lifferth asked what challenges Mr. Knight had faced while serving on the Board of the Willow Springs Homeowners' Association and how that impacted his philosophy of how the city and the Homeowners' Association should operate. Mr. Knight responded that he had to bear the brunt of unpopular decisions. As an example, Willow Springs needed professional management, which the Board put in place, but which was unpopular. He made decisions by asking people what they wanted and voting in their interests, not on his own agenda. For instance, he fought for postponement of the recreation center, which was wanted, but in his opinion had not been adequately researched.

On the issue of diversity, Mayor Jackson asked Councilmember Burnham if her father was Puerto Rican. Councilmember Burnham said he was and that she was born in Puerto Rico.

Councilmember Burnham stated she was impressed with Mr. Knight's education and work experience. She asked if he had attended City Council meetings. He responded that he had not, as he has been conducting the business of the talent agency at night. Councilmember Burnham also asked what his goals for economic development are. Mr. Knight said he would like to make the city more livable so the residents will not need to travel to American Fork for transactions. He felt the role of the Economic Development Board is to indicate a path, which the Mayor and Council would refine. He would like to see Eagle Mountain become less of a bedroom community and more of a city.

Mayor Jackson asked the candidates to be involved with the city whether they win or not. She noted that Councilmember Burnham set a precedent by attending virtually all City Council meetings after losing in the previous election.

Councilmember Ireland asked the candidates if they would be willing to serve on a Board if not appointed and on which they would be interested in serving.

Mr. Ochsenhirt said he would like to serve on the Economic Development Board. Mr. Knight said he would like to serve on the Economic Development Board, particularly to encourage film production in the city, but he would be honored to serve in any capacity. Councilmember Lifferth reminded the Council that Mr. Free was also willing to serve. Mayor Jackson stated that he has been considered for the Planning Commission.

Councilmember Ireland expressed appreciation to Mr. Knight, who was in a challenging position because the Mayor and Council became acquainted with Mr. Ochsenhirt during the campaign.

Mayor Jackson noted that it is important to know and get along with other members of the Council. They may disagree, even vehemently, but they need to be able to work together.

SCHEDULED ITEMS

MOTION – Consideration and appointment of a candidate to fill the City Council vacancy created by the election of Mayor Heather Jackson

The election of Mayor Heather Jackson created a vacancy on the City Council which was effective January 7, 2008, at noon. A notice of vacancy published in the *Daily Herald* set a deadline for submitting statements of interest, as well as a meeting date and time to fill the vacancy. The deadline for submission of statements of interest was January 28, 2008, at 5:00 p.m. The person appointed to the City Council will serve until January 4, 2010, at noon.

Councilmember Lifferth **moved** to appoint Mr. Nathan Ochsenhirt to the City Council to fill the seat vacated by the election of Mayor Heather Jackson. Councilmember Burnham **seconded** the motion.

Councilmember Cieslak expressed appreciation for both candidates' willingness to serve the city.

Councilmember Burnham expressed appreciation for both candidates. She stated that when she talked to residents about Mr. Ochsenhirt during the election, they repeatedly said how honestly he did construction work for them.

Councilmember Lifferth said there needs to be a way to provide an opportunity for Mr. Free to serve the city. He also said that Mr. Knight would do a great job on the Council, but it would be wrong to go against the voters' support of Mr. Ochsenhirt in the election.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

The oath of office was administered to Mr. Ochsenhirt by City Recorder Fionnuala Kofoed. After receiving the oath of office, Mr. Ochsenhirt took his seat on the Council.

MOTION – Consideration and adoption of Resolution R-01-2008 adopting and approving the 2008 Policies and Procedures Manual

Human Resources Coordinator DeAnna Whitney presented the proposed Policies and Procedures Manual. It has been updated to include new Federal regulations and State statutes. Updates also include an option for employees to decline medical insurance provided by the City. Employees who choose to decline medical insurance must prove that they have insurance through a spouse or are otherwise insured. A dollar amount equal to the medical coverage of a single employee would be placed in a 401K or 457 retirement plan.

Councilmember Ireland stated that many people have put a great deal of work into the manual. He asked if those who prepared the revision of the manual were happy with the results. Ms. Whitney stated that they were happy with the results. The thing to remember was that the manual is always a work in progress and can be amended.

City Attorney Jerry Kinghorn said that he felt the same way. The topics in the manual were reviewed repeatedly and the manual was revised as late as last week. He said Ms. Whitney and Mr. Brems, an attorney in his office who reviewed the manual, have a lot of experience in the personnel area.

Mr. Hendrickson said that he was pleased that the manual was reduced from a very long document to one that was more concise. He was also happy that the manual had received a thorough legal review.

Councilmember Cieslak **moved** to adopt the 2008 Personnel Policies and Procedures Manual. Councilmember Lifferth **seconded** the motion.

Mayor Jackson asked Councilmember Ochsenhirt if he was comfortable voting on the manual. He said that he had reviewed it during the revision process and was comfortable voting on it.

Councilmember Ireland asked if it was permissible to act on the Policies and Procedures Manual, since the meeting had been announced as only covering the mayoral vacancy. Mayor Jackson responded that she had called each Council member to let them know that the agenda would be expanded. Mr. Kinghorn stated that an amended agenda had been posted including the additional items.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

At Mr. Kinghorn's request, Councilmember Cieslak moved to **amend** his motion so as to approve Resolution R-01-2008 adopting the 2008 Personnel Policies and Procedures Manual. Councilmember

Lifferth **accepted** the amendment. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

MOTION – Consideration and adoption of Ordinance No. O-02-2008 amending the Employee Appeals Board

Ordinance No. O-02-2008, replacing previous multi-party appeal boards, is provided for in the 2008 Personnel Policies and Procedures Manual. The purpose of the Employee Appeals Board is to satisfy the requirements of Utah Code Ann. §§ 10-3-1105 and 1106. The Board will hear employee grievances through an arbitration process. The Board will conduct a hearing using a neutral arbitrator, investigate and render a written decision to the employee.

Mr. Kinghorn explained that the previous process, involving a Board composed of employees, was unworkable. It damaged morale because employees with a grievance had to continue to work with the employees who served on the Board. Under the new ordinance, the arbitrator would be selected from a list of qualified individuals with membership in the Utah State Bar. The arbitrator would be selected by the Mayor and ratified by the Council. Appeals would be made to the Court of Appeals.

Councilmember Lifferth asked if the new process would expose the City more legal liability than the previous process. Mr. Kinghorn stated it would create less liability because an employee-staffed Board could be affected by employee bias.

Councilmember Ireland asked what the financial impact would be to the City. Mr. Kinghorn responded that it would be less expensive than the previous process. For example, the most recent case required three sessions, requiring a court reporter and employee time for each meeting.

Councilmember Lifferth asked if a budget amendment should be approved for this process. Mr. Hendrickson responded that it would only be required if a appeal case occurred.

Councilmember Cieslak **moved** to adopt Ordinance No. O-02-2008 amending the Employee Appeals Board. Councilmember Ireland **seconded** the motion.

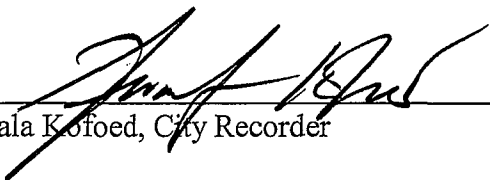
Councilmember Burnham called the question.

Mayor Jackson called for a vote on the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 7:35 p.m.

APPROVED BY CITY COUNCIL FEBRUARY 19, 2008



Fionnuala Kofoed, City Recorder

