

**CITY COUNCIL MEETING MINUTES OF THE
CITY OF CEDAR HILLS
Tuesday, October 1, 2024 – 6:00 p.m.
Community Recreation Center
10640 North Clubhouse Drive, Cedar Hills, Utah**

Present: Mayor Denise Andersen, Presiding
Council Member Laura Ellison
Council Member Mike Geddes
Council Member Bob Morgan
Council Member Kelly Smith

Absent/Excused: Council Member Erika Price

Staff: Chandler Goodwin, City Manager
Greg Gordon, Recreation Director
Charl Louw, Finance Director
Kevin Anderson, Public Works Director
Hyrum Bosserman, City Attorney
Colleen Mulvey, City Recorder
Lieutenant Kevin Doyle

CITY COUNCIL MEETING

1. Call to Order, Pledge, and Invocation.

The City Council Meeting of the City of Cedar Hills, having been properly noticed, was called to order at 6:03 p.m. by Mayor Andersen.

The Pledge of Allegiance was led by Council Member Ellison.

The Invocation was offered by Mayor Andersen.

2. Approval of Meeting Agenda.

MOTION: Council Member Smith moved to APPROVE the Meeting Agenda. Council Member Ellison seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Absent, Council Member Smith-Yes. The motion passed unanimously.

3. Public Comment.

There were no public comments. The public comment period was closed.

CITY REPORTS AND BUSINESS

4. Mayor and Council, City Manager, and Staff.

City Manager, Chandler Goodwin reported that ballots will soon be distributed for the general election. A postcard with an overview of Proposition #11 the intent to create the new school district, as well as a voter information pamphlet with arguments both for and against it, will be distributed to all voters.

Council Member Morgan reported that he and Mayor Andersen met with the Mountainland Association of Governments (“MAG”) Roadshow. They spoke about Meals on Wheels and other services they provide for seniors. Council Member Morgan’s father-in-law is 95 years old, and they bring him four meals each week. It is an amazing organization, and he is glad to be part of it.

Council Member Ellison reported that the Youth City Council is planning a different teen Halloween activity this year. It will be a casual hangout on October 24, 2024, and a high-school band will perform. She inquired about the possibility of using the amphitheater for the event.

Mayor Andersen agreed with Council Member Morgan about the MAG Roadshow and noted that the Metropolitan Planning Organization is different from other organizations in the state and the nation. They cover a lot of things that other planning organizations do not do, like their heat and weatherization programs and Meals on Wheels.

Mayor Andersen stated that there are multiple ways for people to educate themselves about the Alpine School District split, including cottage meetings and open houses.

Utah County was recently named the first One Kind Act a Day County in the United States. You can join at bekind.org and receive a daily kindness prompt. It is a privately funded organization that is trying to spread kindness throughout the world. At a future City Council Meeting they will discuss the possibility of Cedar Hills joining the campaign.

Council Member Smith reported that there will be several meetings on the Alpine School District Split, as well as a radio show, a Chamber-sponsored debate, and an event by the PTA. Information about the events will be posted on social media. She would also be attending a meeting with the High School Entrepreneurs on September 18, 2024.

Recreation Director, Greg Gordon reported that the golf tournaments are wrapping up. They will start first-come, first-served tee times at the end of October. The Gruesome Foursome tournament will be held on October 25, 2024, at a cost of \$300 per foursome. The Events Department is preparing for the holiday season. Flag football and soccer just ended, and Junior Jazz and Ski Club opened that day. This year, there will be both four-week and three-week Ski Club programs. The four-week program is almost full.

Public Works Director, Kevin Anderson reported that the wellhouse pump arrived and will be installed on October 14, 2024. Pump testing will begin on October 28, 2024. Customers on Cedar

Hills Drive are now connected to the new water line. He indicated that the City may receive complaints about the water appearing white or having an odd odor, but that is normal, and the water is safe to drink. It will take some time for air to clear out of the line. He encouraged all Council Members to download the new water app. Postcards will be sent to customers within the next week and a half, and a PowerPoint will be available with step-by-step instructions. There were 11 water leaks since August 1, 2024. The leaks are now repaired, and he is obtaining bids to pave the roads that were damaged during the repairs.

Finance Director, Charl Louw reported that the plans for the Community Center addition are 90% complete and should be finalized by the end of October. Uplighting has been installed at Heritage Park. They submitted the Budget document the previous week and were working on the audit.

SCHEDULED ITEMS AND PUBLIC HEARINGS

5. Public Hearing on Amendments City Code Title 10-5-17 Related to Clear View of Intersecting Streets.

Mr. Goodwin stated that the above item was scheduled for review by the Planning Commission the previous week. It is a straightforward Code amendment to allow the City Engineer and City Planner to make recommendations to the City Council regarding altering requirements for atypical intersections. The Planning Commission expressed some concerns about the amendment, and the item was tabled until its next meeting.

Mayor Andersen opened the public hearing. There were no comments. The public hearing was closed.

6. Review/Action on a Resolution Approving an Interlocal Agreement between Utah County, Cedar Hills City, Alpine City, American Fork City, Draper City, Highland City, and Lehi City for Administration of the Process Related to Proposition #11, Creation of a New School District.

Mr. Goodwin stated this Interlocal Agreement stipulates that the County will administer the election and mail the ballots. The agreement establishes the responsibilities of each party and specifics that Cedar Hills will incur a total cost of \$1,416.48. The City will work with the County to print the Voter Information Pamphlet with arguments for and against Proposition #11, the school district split, as well as rebuttals to each position, which will then be sent to each mailing address in Cedar Hills.

Mr. Goodwin noted that some minor, non-substantive changes were made to the document that were not reflected in the draft presented to the Council. City Attorney, Hyrum Bosserman indicated that the changes are technical edits that do not materially change the agreement.

MOTION: Council Member Ellison moved to APPROVE Resolution No. 10-01-2024A, Approving the proposed Interlocal Agreement with Utah County for the coordination of the process related to Proposition #11, Creation of a New School District, subject to minor, non-substantive changes and minor alterations in the exhibits. Council Member Smith seconded

the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Absent, Council Member Smith-Yes. The motion passed unanimously.

7. Review/Action on the Lease Agreement with Hokulia Shaved Ice, Made in Kona, LLC.

Mr. Goodwin stated that the City has worked with Hokulia Shaved Ice for four years at the Harvey Park concession stand. They pay monthly rent between April and September each year. The reception to having Hokulia in the park has been very positive; residents like having this amenity, and it has drawn people to the park. However, there have been issues related to the product, including spoons and bowls being left around the park, as well as shaved ice spills attracting hornets and bees. The City has worked with the company owner, Clint Severson, to address these issues, but the problems have continued. If Hokulia remains in the park, the City must accept the associated problems.

Hokulia's other locations have tables with umbrellas around the shack in a small, easy-to-manage area. Due to the size of the park, the impact is spread beyond the business' boundaries. There are spills all over the park. Staff has tried cleaning the area, including power washing once or twice each week, but they cannot properly maintain it without added costs to the City. Mr. Severson has informed his employees of their responsibility to clean up spills, and LDS service missionaries have also helped. However, if Hokulia continues in the park, the City will need to accept the associated problems because City Staff cannot monitor it every day. If the City does not want the problems, they should not renew the lease.

Mr. Severson thanked the City Council for the opportunity to speak with them and for their service to the community. He appreciates the opportunity to be part of the park and understands that it is a privilege and with it comes the responsibility to tend to the park. He believes Hokulia provides a valuable service. While their product does create messes at times, Hokulia also serves as the lost and found for the park. They also take feedback from patrons about other areas of the park and act as an information center. They help with community events and provide security by having eyes on the park. They also provide job opportunities for youth in the community.

Mr. Severson stated that the park is a large part of Hokulia's revenue and the closure because of the vandalism this year was challenging for them. He indicated that his family needs the park more than the City needs Hokulia. He then provided possible solutions to the issue. He stated that he often does not hear about problems until they are out of control, and he requested notice and an opportunity to correct issues as they arise as it is difficult for a business owner to make course corrections without that information. He also requested feedback after issues were addressed but had not received a response.

Mr. Severson reported that he began imposing nightly checks at the park at the end of the season. They make rounds to ensure that spoons, cups, and other trash are not left in the park. He suggested closing at 9:30 p.m. to provide an extra 30 minutes to address that issue. They currently close at 10:00 p.m. in the summer and keeping teenage employees until 10:30 or 10:45 at night can cause problems with their parents. He also requested additional trashcans and a liquid disposal can. He

stated that often large parties fill the trashcans, but Hokulia is blamed for the excess garbage. He appreciated lids being placed on some of the trashcans as it helps mitigate the bee problem. He stated that spills on the ground do not attract bees but pools and puddles in the trash cans do and asked that lids be placed on all the cans. He also requested that additional spigots be added to the park. They have buckets of water outside their other locations so people can clean messes as they make them and requested that they be allowed to do so at the park as well.

Council Member Ellison asked if Hokulia has a set schedule for employees to check the area. Mr. Severson stated that they have opening, midday, and closing procedures, as well as a task management app. He stated that it is an inherent problem with the employee base of teenagers. It is often their first job and sometimes they do not know how to clean properly.

Council Member Smith liked the idea of having eyes on the park, and residents love having snow cones there. She does not like the mess but believes they can find a solution together. She likes the idea of closing at 9:30 p.m. and agreed that Hokulia cannot be blamed for overflowing trash cans. She did not like the idea of providing refunds on park reservations because they cannot control if another family makes a mess 30 minutes before a reservation. If someone rents the park they do so with the understanding that they are renting an open, outdoor space, and the only guarantee is that it is reserved for them during that time. She suggested that they determine a specific area that Hokulia is responsible for, find a way to better communicate issues as they arise, and reduce the notice period to less than 90 days.

Mr. Severson reported that he visits the park twice each week and can text his staff there at any time if he is notified of issues. He requested both notice and a cure period to resolve problems. Mayor Andersen stated that the cure period is ASAP because Hokulia has employees onsite. Mr. Severson stated that when Mr. Goodwin notified him of an issue, he went to the site immediately and made sure that the trash was picked up and the area cleaned, but he cannot fix a problem of which he was not aware. Mayor Andersen stated that there should be a “leave no trace” mentality. Each night, it should be cleaned and ready for the start of the next day. That is her expectation. If Hokulia closes at 9:30 p.m., they need to take 30 minutes to clean the tables, spills, and trash.

Mr. Goodwin reported that he sent an email to Mr. Severson in late June or early July that may have been lost. He did not receive a response. After things came to a head the weekend of July 4, he sent an email notifying Mr. Severson of the 90-day intent to terminate and stated that the matter would be discussed at the October City Council Meeting. There is always room for better communication, both from Staff to Hokulia and Hokulia to Staff. He liked some of the ideas Mr. Severson proposed. He believes nightly checks are important and will give Hokulia staff ample time to address issues in the park. Additional trash cans can be placed in the park, but there is an associated cost. Mr. Louw stated that there are currently 35 trash cans in the park.

Mr. Goodwin indicated that, if they wish to renew, the Council should consider the terms of the contract. Two terms that need to be addressed are the term of notice and each party’s responsibilities. The actual responsibilities of both the City and Hokulia need to be clearly defined. The agreement needs to give greater emphasis to Hokulia’s responsibility for cleanliness in the

park, which includes some responsibility on Hokulia's part to maintain some trashcans. If there are more eyes on the trashcans, they may not need more of them.

Council Member Geddes stated that he lives close to the park and goes there every day, and it looks better than it did previously. He stated that a lot of the trash is not produced by Hokulia's patrons. He also asked if a power washer is onsite. Mr. Goodwin stated that one is not kept onsite. They could purchase one, but the issue would be the spigots. Mr. Severson previously asked him about the possibility of adding spigots next to the pavilions, but that would not be feasible because it would involve cutting into the concrete. He believes the question is how much money the City is willing to expend to keep Hokulia in the park because the associated costs could easily equal Hokulia's annual rent. He does not believe the City can make capital improvements and stated that the contract makes sense. If the Council wants to keep the contract, other solutions must be proposed.

In response to Council Member Smith's comment regarding pavilion rentals, Mr. Goodwin stated that it was his decision to offer refunds. When someone reserves a public park, there is a certain level of expectation. There will be some grime on the tables and other issues. The day he visited the park, it was especially dirty, beyond what he would expect to see at a public park, which is why he issued the refund. He believes they need to create a system where Hokulia employees and City Staff manage it, but it must be done in a way that does not place a financial burden on the City.

Public Works Director, Kevin Anderson stated that sugar breaks down concrete. There are eight or nine trashcans in the vicinity of the splash pad that ideally need to be emptied multiple times each day. Either City employees must be paid overtime to empty them or Hokulia employees need to be responsible for that task. He does not believe Hokulia should be responsible for emptying every garbage can in the park, but they should be responsible for the cans in the vicinity of the splash pad. When Hokulia employees empty the cans they often throw the bags over the fence next to the dumpster and not in the dumpster and Waste Management will not empty the dumpster if there are loose bags around it. All the garbage cans around the splash pad now have tops with swinging lids, which helped the issue. They also purchased lemon oil and cinnamon oil to deter the bees. He believes that if the City renews the lease, either Hokulia's rent needs to be adjusted to cover the cost of additional Parks Department employees or another resolution must be found. He stated that there are spigots by the ball courts, and every drinking fountain has one. There are multiple places to hook up to water. The City has two power washers, but a residential power washer could be purchased and stored at the park for use by City employees.

Mr. Goodwin stated that the City Council has two options to terminate the contract with Hokulia or table the decision and work out acceptable terms.

Council Member Morgan stated that they would have the same issue if another business opened in the concession shack, but he was hesitant to spend City money to clean up the messes its customers make. That should be the tenant's responsibility. He does not believe the City should spend money on trashcans or spigots. He thinks Hokulia is a good partner, but it needs to better train and monitor its teenage employees.

Mr. Goodwin stated the issue is not just general cleanup, the contract needs to clearly define cleaning terms directly associated with Hokulia's product. Mr. Severson stated that many of the problems can be remedied at little to no cost. If they need to be responsible for emptying some trashcans, he requested that the City provide a rolling trashcan. Mr. Anderson stated that one is already available in the storage area at the park and Hokulia staff are welcome to use it.

Council Member Ellison explained that the communication gaps need to be closed and wording needs to be added to the contract to better clarify Hokulia's responsibilities. It is important that Hokulia properly train its employees. She suggested that Mr. Severson or an older employee or assistant manager visit the location more frequently. Mr. Severson stated that they could come up with solutions.

MOTION: Council Member Geddes moved to TABLE Review/Action on the Lease Agreement with Hokulia Shaved Ice, Made in Kona, LLC until a more specific, itemized agreement with a shorter notice period is drafted. Council Member Smith seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Absent, Council Member Smith-Yes. The motion passed unanimously.

Mayor Andersen expressed her understanding that Hokulia is Mr. Severson's livelihood and that it provides a service to the community. She stressed the importance of it being a beneficial service to the City and indicated that she believes it can be once they better define the terms of the agreement.

ADJOURNMENT

8. Adjourn.

MOTION: Council Member Geddes moved to ADJOURN the City Council Meeting. Council Member Smith seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Absent, Council Member Smith-Yes. The motion passed unanimously.

The City Council Meeting adjourned at 7:16 p.m.

Approved by Council:
October 15, 2024

/s/ Colleen A. Mulvey, MMC, UCC
City Recorder