



**CITY COUNCIL MEETING  
OF THE CITY OF CEDAR HILLS  
Tuesday, February 19, 2019 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, February 19, 2019, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**COUNCIL MEETING**

1. Call to Order Pledge led by C. Miller and Invocation given by C. Andersen
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

CONSENT AGENDA (Consent items are only those which require no further discussion or are routine in nature. All items on the Consent Agenda are adopted by a single motion)

4. Minutes from the January 8, 2019 and the January 22, 2019 Work Session & City Council Meeting
5. Appointment of Kelly Smith to the Family Festival Citizens Advisory Committee

**CITY REPORTS AND BUSINESS**

6. City Manager
7. Mayor and Council

**SCHEDULED ITEMS & PUBLIC HEARINGS**

8. Review Action an Ordinance Raising the Minimum Legal Sales Age of Tobacco Products to Twenty-One (21)
9. Review/Action on Amendments to the Cedar Canyon Subdivision Agreement

**ADJOURNMENT**

10. Adjourn

Posted this 15th day of February, 2019

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Chandler Goodwin, City Manager
<b>DATE:</b>	2-19-2019

## City Council Agenda Item

<b>SUBJECT:</b>	Review Action on Ordinance Adopting Title 4-3 Prohibiting the Sale or Distribution of Any Tobacco Product to a Person Under the Age of 21
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, City Manager

**BACKGROUND AND FINDINGS:**

As discussed in the February 5, 2019 City Council meeting, the City of Cedar Hills has been approached by a group called Tobacco 21. This group advocates for municipalities to raise the legal age to purchase tobacco products in their jurisdiction to 21. Utah state law allows for municipalities to raise the legal age to purchase tobacco to 21. Lehi became the first City to adopt this type of measure, when they approved their ordinance on Feb 12. There is a bill under consideration this legislative session that would make the age change to 21 required throughout Utah. The ordinance as it is written is intended to prohibit the sale of tobacco products (including vape products) to individuals under 21. This does not prohibit an individual from purchasing and sharing these products with persons of a legal age. The code was based on what Lehi adopted, with some changes based on recommendations from the American Heart Association. This code is in response to the rising trend among youth of consuming tobacco products through vaping devices. Additionally, according to the American Heart Association, studies have shown that by raising the legal age to purchase tobacco many individuals never start smoking that otherwise would have. The proposed code allows for Utah County Health Department to conduct compliance checks, at least 2 per year, and possibly more should the need arise. A significant change from the code adopted by Lehi, the proposed Cedar Hills code requires retailers to post signage at the point of sale indicating the age increase. One item that the City Council will have to determine is an effective date that give retailers time to come into compliance by posting signs and training employees.

**PREVIOUS LEGISLATIVE ACTION:**

None

**FISCAL IMPACT:**

None

**SUPPORTING DOCUMENTS:**

Proposed ordinance amending Cedar Hills City Code Title 4

**RECOMMENDATION:**

Review the proposed ordinance, make any changes necessary for adoption

**MOTION:**

To adopt/not adopt Ordinance No. \_\_\_\_\_, adopting Title 4, Chapter 3 to the Cedar Hills City Code, prohibiting the sale of tobacco products to persons under the age of 21, subject to the following changes and conditions {LIST ANY NECESSARY CHANGES AND CONDITIONS}.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING TITLE 4 CHAPTER 3 OF THE CEDAR HILLS CITY CODE PROHIBITING THE SALE OR DISTRIBUTION OR ANY TOBACCO PRODUCT TO A PERSON UNDER THE AGE OF 21**

WHEREAS, the Cedar Hills City Council makes the following findings of fact:

- a. Cedar Hills recognizes that the use of tobacco products has devastating health and economic consequences.
- b. Tobacco use is the foremost preventable cause of premature death in America. It causes half a million deaths annually and has been responsible for over 20 million premature deaths in the U.S. over the past 50 years since the first Surgeon General's report on smoking in 1964.
- c. This leads to more than \$283 billion in health care and lost worker productivity costs each year.
- d. Cedar Hills further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users.
- e. As estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change.
- f. Tobacco industry documents show that those who start smoking by the age of 18 are almost twice as likely to become lifetime smokers as those who start after they turn 21.
- g. Electronic smoking device use among minors has recently tripled.
- h. In 2015, the Institute of Medicine concluded that raising the minimum legal sales age for tobacco products nationwide will reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence.
- i. The Institute of Medicine also predicts that raising the minimum legal sales age for tobacco products nationwide to 21 would results in 223,000 fewer premature deaths, 50,000 fewer death from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019, and would likely reduce preterm birth, low birth weight, and sudden infant death syndrome.

- j. A growing number of communities, including the states of California, Hawaii and Oregon, have enacted laws that raise the minimum legal smoking age (“MLSA”) to 21 to further restrict access to tobacco.
- k. Three-quarters of adults favor raising the MLSA for tobacco products to 21, including seven in ten smokers.
- l. The financial impact of raising the MLSA to 21 on retailers is likely to be minimal, decreasing tobacco sales by only 2%.
- m. Raising the MLSA to purchase tobacco products is consistent with raising the legal drinking age to 21, which led to reduced alcohol use and dependence among youth, and contributed to the decline in alcohol-related traffic crashes.
- n. The City’s purpose in raising the MLSA to 21 is to reduce tobacco use by keeping tobacco products out of the hands of those under the age of 21.

WHEREAS, on February 19, 2019, the Municipal Council held a duly-noticed public meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) Chapter 4-3-2 of the Cedar Hills code should be adopted; and (ii) such action further the health, safety and welfare of the citizens of Cedar Hills.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Cedar Hills, Utah as follows:

## **SECTION I**

### **PROHIBITION ON THE SALE OR DISTRIBUTION OF ANY TOBACCO PRODUCT TO A PERSON UNDER THE AGE OF 21**

#### **SECTION:**

- 4-3- 1: Purpose
- 4-3- 2: Definitions
- 4-3- 3: Minimum Legal Sales Age for Tobacco Products
- 4-3- 4: Age Verification
- 4-3- 5: Enforcement
- 4-3- 6: Signage
- 4-3- 7: Penalties
- 4-3- 8: Exceptions and Defenses

**4-3-1: Purpose:** The purpose of this chapter is to reduce tobacco initiation, particularly among adolescents 15-17, improve health across the lifespan, and decrease smoking prevalence by keeping tobacco products out of the hands of those under the age of 21.

**4-3-2: Definitions:**

As used in this chapter:

**“Distribute”** or **“Distribution”** means to furnish, give, provide, or to attempt to do so, whether gratuitously or for any type of compensation.

**“Distributor”** means a tobacco retailer who sales a tobacco product.

**“Electronic smoking device”** means any device that can be used to deliver aerosolized or vaporized nicotine or other substance and which simulates smoking through its use or through inhalation of the device to the person, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

**“Person”** means any natural person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation, or any officer, agent, employee, factor, or any other personal representative thereof, in any capacity.

**“Recipient”** means any person who obtains or attempts to obtain a tobacco product.

**“Tobacco product”** means:

- a. A cigar, cigarette, or electronic cigarette as those terms are defined in Section 76-10-101 of Utah State Code Annotated.
- b. A tobacco product as that term is defined in Section 59-14-102 of Utah State Code, including:
  - i. Chewing tobacco; or
  - ii. Any substitute for a tobacco product, including flavoring or additives to tobacco; or
- c. Tobacco paraphernalia as that term is defined in Section 76-10-104.1 of Utah State Code.

**“Tobacco Retailer”** means a person that is required to obtain a tax commission license.

**4-3-3: Minimum Legal Sales Age for Tobacco Products:** The sale or distribution of any tobacco product to a person under the age of 21 is prohibited.

**4-3-4: Age Verification:** Before distributing any tobacco product, the distributor shall verify that the recipient is at least 21 years of age. Each distributor shall examine the recipient’s government issued photographic identification. A distributor is not required to verify the age of a person over the age of 30, but that a recipient appeared to be 30 years of age or older shall not constitute a defense to a violation of this section.

**4-3-5: Enforcement:** The Utah County Health Department or any authorized designee and law enforcement official may conduct random, unannounced inspections at locations where tobacco products are distributed to test and ensure compliance with this ordinance. The compliance checks can be done two times a year, unless there is reasonable suspicion that the retailer is selling tobacco to minors.

**4-3-6: Signage:** A tobacco retailer shall display a printed warning sign within six (6) feet of each register and any other location where sales occur, in a manner conspicuous to both employees and customers, and where the sign(s) are unobstructed in their entirety. The sign(s) shall have a minimum height of fourteen (14) inches and width of eleven (11) inches; each letter shall be at least one-half (1/2) inch high; and the text shall be capitalized in its entirety. The sign(s) shall include the following statement: “CEDAR HILLS CITY PROHIBITS THE SALE OR DISTRIBUTION OF ANY TOBACCO PRODUCT TO A PERSON UNDER THE AGE OF 21.”

**4-3-7: Penalties:** Violations of this chapter may be subject to both criminal prosecution and civil penalties.

A. The person who sold the product may be cited by law enforcement as follows:

1. First Offense – Class C Misdemeanor
2. Second Offense – Class B Misdemeanor
3. Third Offense – Class A Misdemeanor
4. Subsequent Offenses – Class A Misdemeanor

B. A civil penalty may be imposed by the local health department against the owner of the store as follows:

1. First Violation – \$500
2. Second Violation (within 12 months) – \$750
3. Third Violation (within 24 months of two or more previous violations) – \$1,000 or a tobacco permit suspension for up to 30 consecutive calendar days
4. Fourth Violation (within 24 months of three previous violations) – tobacco permit may be revoked

C. The department or a local health department may:

1. Revoke a tobacco permit if a fourth violation occurs within two years of three previous violations;
2. In addition to a monetary penalty imposed under Subsection (B), suspend the tobacco permit if the violation is due to a sale of tobacco products to a person under 19 years of age; and
3. If applicable, recommend to a municipality or county that a retail tobacco specialty business license issued under Section 10-8-41.6 be suspended or revoked.

**4-3-8: Exception and Defenses:**

- A. The penalties in this ordinance do not apply to a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of Lehi City or the Utah County Health Department staff for training, education, research, or enforcement purposes.
- B. Nothing in this ordinance prohibits an underage person from handling tobacco products in the course of lawful employment.
- C. It shall be an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law

**SECTION II**  
**CONFLICTING ORDINANCES AND ADOPTION**

1. **CONFLICTING PROVISIONS**

All other ordinances that are in conflict herewith are hereby repealed.

2. **PROVISIONS SEVERABLE**

This ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

3. **EFFECTIVE DATE**

This ordinance shall take effect \_\_\_\_\_ days after signing and publication as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS,  
UTAH, THIS 19TH DAY OF FEBRUARY, 2019.

\_\_\_\_\_  
Jenney Rees, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Chandler Goodwin, City Manager
<b>DATE:</b>	2-19-2019

## City Council Agenda Item

<b>SUBJECT:</b>	Review Action on Resolution and Amendments to the Cedar Canyon Subdivision Settlement/Development Agreements and Design Guidelines
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, City Manager
<b>BACKGROUND AND FINDINGS:</b>	
<p>The Cedar Canyon subdivision was approved based on a Settlement Agreement and a Development Agreement; additionally, a Design Guideline was adopted by the City Council to establish standards for the development. Cedar Hills Farmland LLC is party to those agreements and wishes to assign their rights and obligations outlined in the agreements to a third party developer, David Weekly Homes LLC., while still retaining ownership of the commercial parcel. In order to make this change legal per the Development Agreement the City Council must take a legislative action as the Settlement Agreement only allows for portions to be assigned by the City Manager. There are two requested changes to the Design Guidelines. The first is the change of the perimeter fence from vinyl to concrete type fencing; and the second change is to allow for closed fencing in the backyards of the homes within the development.</p>	
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
Settlement Agreement and Development Agreements were approved in 6/19/2018 and 7/17/2018	
<b>FISCAL IMPACT:</b>	
None	
<b>SUPPORTING DOCUMENTS:</b>	
Final Cedar Canyon Plat, Settlement Agreement, Development Agreement, List of Proposed Changes To Agreements, Proposed Resolution	
<b>RECOMMENDATION:</b>	
Review the proposed changes and adopt the Resolution	
<b>MOTION:</b>	
To adopt/not adopt Resolution No. _____, amending the Settlement and Development Agreements for Cedar Canyon Subdivision, subject to the following changes and conditions: {LIST ANY CHANGES OR CONDITIONS}.	

# CEAR CANYON PLAT

LOCATED IN THE NORTH-HILLS QUARTER OF SECTION 18,  
TOWNSHIP 150TH RANGE 124TH T150R124W  
COUNTY OF CEDAR HILLS, IOWA

**LEGEND**

- RECORDATION
- EXISTING ALLEYS
- PROPOSED STREET WIDENING
- REVISIONS
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE

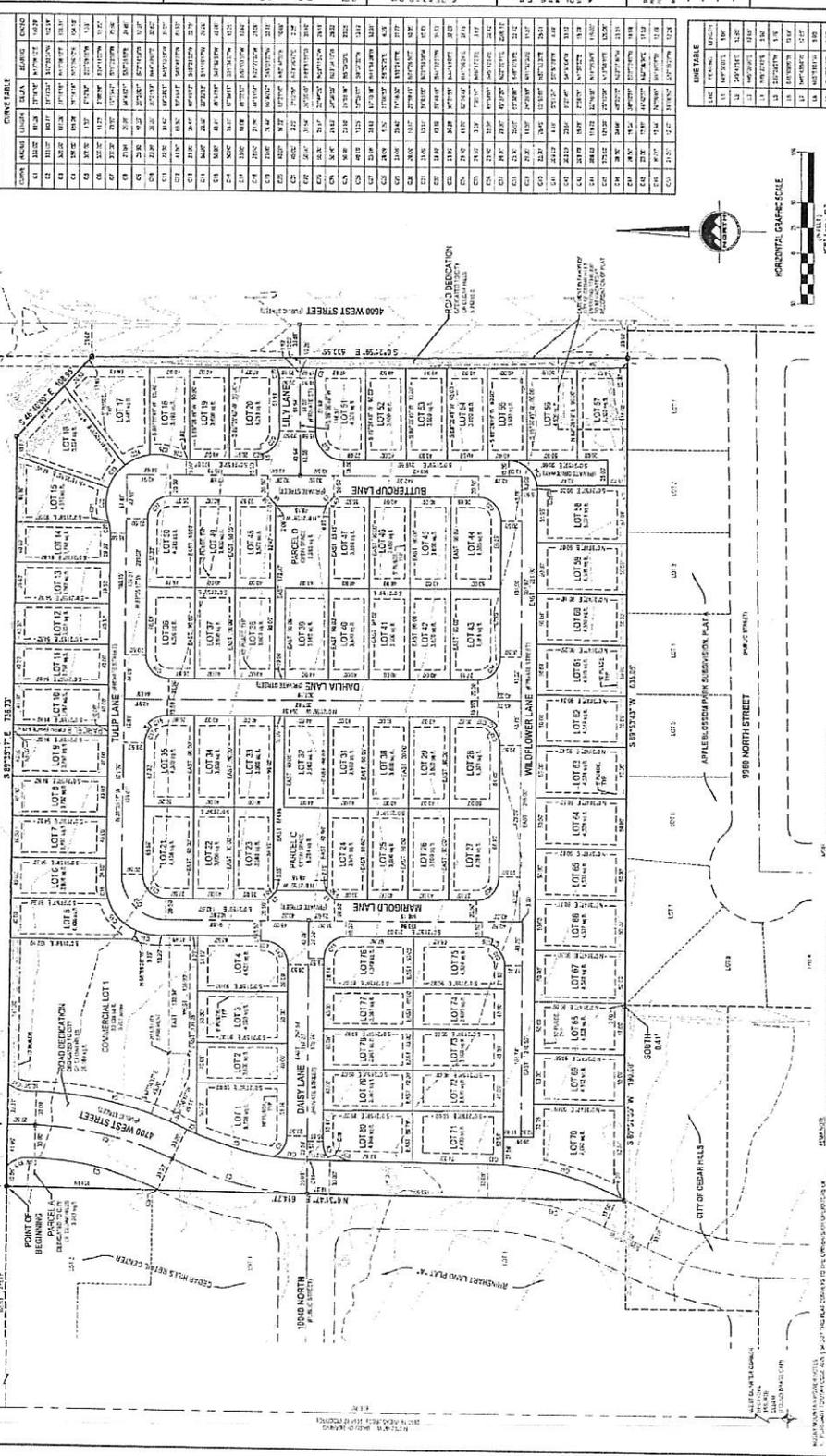


**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a duly licensed and sworn Surveyor of the State of Iowa, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner thereof, and that the same has been duly recorded in the public records of the County of Cedar Hills, Iowa, in Book \_\_\_\_\_, Page \_\_\_\_\_.

**RECORDATION DESCRIPTION**

THIS PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT. THE PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT. THE PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT.



**CONVERTIBLE**

CONV. AREA	CONV. AREA	CONV. AREA	CONV. AREA
01	02	03	04
05	06	07	08
09	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

**LINE TABLE**

LINE	BEARING	DISTANCE
1	N 00° 00' 00" E	100.00
2	S 00° 00' 00" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" E	100.00
5	N 00° 00' 00" E	100.00
6	S 00° 00' 00" E	100.00
7	N 00° 00' 00" E	100.00
8	S 00° 00' 00" E	100.00
9	N 00° 00' 00" E	100.00
10	S 00° 00' 00" E	100.00
11	N 00° 00' 00" E	100.00
12	S 00° 00' 00" E	100.00
13	N 00° 00' 00" E	100.00
14	S 00° 00' 00" E	100.00
15	N 00° 00' 00" E	100.00
16	S 00° 00' 00" E	100.00
17	N 00° 00' 00" E	100.00
18	S 00° 00' 00" E	100.00
19	N 00° 00' 00" E	100.00
20	S 00° 00' 00" E	100.00

**CEAR CANYON PLAT**

LOCATED IN THE NORTH-HILLS QUARTER OF SECTION 18,  
TOWNSHIP 150TH RANGE 124TH T150R124W  
COUNTY OF CEDAR HILLS, IOWA

**PLANNING COMMISSION APPROVAL**

APPROVED BY THE PLANNING COMMISSION OF CEDAR HILLS, IOWA, ON \_\_\_\_\_, 20\_\_\_\_.

**CEAR HILLS ENGINEERS & ARCHITECTS**

1515 CEDAR HILLS AVENUE  
CEDAR HILLS, IOWA 52601  
PHONE: 319.251.1234  
FAX: 319.251.1235  
WWW.CEDARHILLSENGINEERS.COM

**ENGIN**

1515 CEDAR HILLS AVENUE  
CEDAR HILLS, IOWA 52601  
PHONE: 319.251.1234  
FAX: 319.251.1235  
WWW.CEDARHILLSENGINEERS.COM

**OWNER**

CEAR HILLS LAND LDC  
1515 CEDAR HILLS AVENUE  
CEDAR HILLS, IOWA 52601  
PHONE: 319.251.1234  
FAX: 319.251.1235  
WWW.CEDARHILLSENGINEERS.COM

**REVISIONS**

NO. 1: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 2: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 3: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 4: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 5: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 6: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 7: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 8: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 9: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

NO. 10: CORRECTED THE PLAT TO SHOW THE CORRECTED PLAT.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO THE SETTLEMENT AGREEMENT AND DEVELOPMENT AGREEMENT WITH CEDAR HILLS FARMLAND LLC. RELATED TO THE DEVELOPMENT OF THE CEDAR CANYON SUBDIVISION.**

**WHEREAS**, The City of Cedar Hills desires to amend the Settlement Agreement and Development Agreement between the City of Cedar Hills and Cedar Hills Farmland LLC., to allow for consignment of the agreement with all rights and obligations being transferred to a third party, David Weekly Homes, LLC.

**NOW THEREFORE**, The City Council of Cedar Hills resolves to approve the consignment of the Settlement Agreement and Development Agreement to David Weekly Homes LLC., with the understanding that David Weekly Homes LLC. assumes all duties, rights and obligations expressed therein.

**PASSED AND ORDERED RECORDED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 19 DAY OF FEBRUARY, 2019**

APPROVED:

\_\_\_\_\_  
Jenney Rees, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder