

**CITY COUNCIL MEETING**  
Tuesday, February 19, 2019 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jenney Rees, Mayor, Presiding  
Councilmembers: Denise Andersen, Ben Bailey, Ben Ellsworth, Mike Geddes,  
Brian Miller  
Chandler Goodwin, City Manager  
Charl Louw, Finance Director  
Joel Wright, City Attorney  
Colleen Mulvey, City Recorder  
Others: Lt. Gregg Ludlow, Marc Watterson

1. Call to Order

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by Mayor Rees. The Pledge of Allegiance was led by Boy Scout Joseph Wilding, and the invocation was given by C. Andersen.

2. Approval of Meeting's Agenda

**MOTION: C. Geddes—To approve the agenda.** Seconded by C. Ellsworth.

Yes	-	C. Andersen	
		C. Bailey	
		C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments. Comments are limited to three minutes per person with a total of 30 minutes for this item.

There were no public comments.

**CONSENT AGENDA**

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

**MOTION: C. Ellsworth—To approve the consent agenda.** Seconded by C. Andersen.

Yes	-	C. Andersen	
		C. Bailey	
		C. Ellsworth	

C. Geddes  
C. Miller      Motion passes.

## **CITY REPORTS AND BUSINESS**

### 6. City Manager

Mr. Goodwin reported that there was an open hearing concerning the East/West Corridor at the Fox Hollow Golf Course on February 21<sup>st</sup>. He also reported that the City would hold the annual emergency expo on March 18<sup>th</sup>.

### 7. Mayor and Council

C. Andersen reported that she met with Central Utah 911. They discussed the budget and their high fund balance. It was suggested they disburse the funds to the cities. She also provided documentation of all the 9-1-1 calls.

Mayor Rees reported they were watching the legislative session concerning affordable housing. They were continuing to reach out to the community to find solutions to the affordable housing in Cedar Hills. She reported that there was another bill concerning pressurized irrigation metering that could potentially provide more grant money. She reported she met with the Forest Service concerning potential flooding.

### 8. Review/Action on an Ordinance Raising the Minimum Legal Sales Age of Tobacco Products to Twenty-One (21)

Mr. Goodwin explained he was approached by a group named Tobacco 21. They encouraged the City to adopt an ordinance that would prohibit the sale of tobacco products to anyone under 21. He explained they were using Lehi's code to draft an ordinance for Cedar Hills. The ordinance outlined the concerns with underage tobacco use. It also outlined their goal to raise the age to purchase tobacco. He noted they were only regulating the point of sale.

Mr. Goodwin stated there was concern about the definition of distribution to protect anyone over 18 using tobacco. He further explained the minor changes to the proposed ordinance language. Mr. Goodwin explained the City would not enforce these regulations because they contracted with American Fork Police. The enforcement would be done by the Health Department. He suggested they change the language to clarify who was in charge of enforcement.

C. Geddes clarified what the penalty would be for violations. He noted it was a class A Misdemeanor which included up to a \$25,000 fine. C. Geddes noted it was their goal to reduce the tobacco use in the City.

Marc Watterson with the American Heart Association thanked the Council for considering the new ordinance. He said it was their goal to reduce the youth consumption of tobacco products.

He shared some statistics on youth tobacco use throughout the Country. C. Ellsworth thanked him for reaching out to the City.

Brooke Carlye said she was in support of the ordinance. She shared some statistics on the dangers of tobacco use. DeAnn Ketterring with the Utah PTA said she was also in support of the ordinance. She noted tobacco use decreased when the age was increased.

Gary Harding with the Huntsman Cancer Research explained tobacco was a leading cause of cancer. He noted it was completely avoidable and this ordinance would be beneficial to the community.

Joel Wright stated that a raise in tax on tobacco had little to do with the reduction of tobacco use. He asked what data they had to support the effectiveness of the age restriction. Ms. Carlye responded that it was well-documented that smoking rates declined in areas where the tobacco tax was increased. She noted this only lasted for a period after the taxes were imposed. She said more needed to be done to limit tobacco use.

Mayor Rees thanked everyone who brought this to the City's attention. She was recently made aware of the statistics regarding tobacco use and the rise in electronic cigarettes.

C. Miller stated they could be a leader in Utah to demonstrate the importance of this regulation. He noted it was in the community's interest to protect the youth. He explained tobacco use was the leading cause of preventable death in Utah.

Mayor Rees said it was important to prevent the State from taking authority away from the City. This was another reason to support this ordinance.

C. Andersen and C. Geddes thanked everyone for their work on this item. They said they were in support of the ordinance.

Mr. Goodwin said he wanted to discuss the effective date. Mayor Rees suggested they give the retailers 60 days. C. Miller agreed that 60 to 90 days was appropriate. C. Ellsworth suggested they include signage corresponding with the new ordinance. Mr. Goodwin said they could also have some sort of grace period to be fair to the retailers.

**MOTION: C. Ellsworth–To approve Ordinance No. 02-19-2019A, an ordinance 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 changes discussed, and to take effect in 60 days.**

Seconded by C. Geddes. Vote taken by roll call.

Yes - C. Andersen  
C. Bailey  
C. Ellsworth  
C. Geddes  
C. Miller

Motion passes.

9. Review/Action on Amendments to the Cedar Canyon Subdivision Agreement

Mr. Goodwin explained that Cedar Hills Farmland LLC was working on purchasing the Cedar Canyon Subdivision. He said there were two changes to the agreement, an upgrade of the perimeter fence from vinyl to concrete type fencing, and to allow for closed fencing in the backyards of the homes within the development.

Cameron Scott with David Weekly Homes thanked the Council for their work on this agreement. He said they were excited to build homes within Cedar Hills. Mayor Rees said they were also looking forward to have them build in the City.

C. Geddes asked how long they projected their build-out would take. Mr. Scott responded that they anticipated 18 to 21 months.

**MOTION: C. Andersen–To approve Resolution No. 02-19-2019A, amending the Settlement Development Agreement for the Cedar Canyon Subdivision, subject to the changes to the fencing that were discussed.** Seconded by C. Geddes. Vote taken by roll call.

Yes - C. Andersen  
C. Bailey  
C. Ellsworth  
C. Geddes  
C. Miller

Motion passes.

ADJOURNMENT

This meeting was adjourned at 7:38 p.m. on a motion by C. Ellsworth, seconded by C. Bailey, and unanimously approved.

Approved by Council:  
April 16, 2019

/s/ Colleen A. Mulvey, MMC  
City Recorder