

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, JANUARY 6, 2026, AT 4:00 PM IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Present: Mayor Gay Lynn Bennion, Council Member Matt Holton, Council Member Ellen Birrell, Council Member Suzanne Hyland, Council Member Shawn Newell

Staff Present: City Manager, Jared Gerber; City Attorney, Shane Topham; Finance Director, Scott Jorges; Police Chief, Robby Russo; Records, Culture, and Human Resources Director, Barbara Higgins; City Recorder, Tiffany Janzen; Community and Economic Development Director, Jim Spung; IT Manager, Matt Ervin; Public Works Director and City Engineer, Matt Shipp; Assistant City Engineer, Ben Nelsen; Unified Fire Authority, Riley Pilgrim

1.0 WELCOME – Mayor Gay Lynn Bennion.

Mayor Gay Lynn Bennion called the City Council Work Session to order at 4:00 PM.

2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Gay Lynn Bennion.

Mayor Bennion reviewed the Meeting Agenda and stated that the Pledge of Allegiance would be led by City Attorney, Shane Topham, followed by the Citizen Comment Period. State Senator Kathleen Riebe would then present a Legislative Citation honoring Stan Rosenzweig. Item 5 was the Public Works Department Quarterly Report.

There were 10 legislative action items. Item 6.1 was consideration of Ordinance 458 Adopting an Annual Meeting Schedule for 2026. Item 6.2 was Consideration of Ordinance 459 Imposing a Telecommunications Tax.

Item 6.3 was Consideration of Ordinance 460 Granting a Telecommunications Franchise. Public Works Director, Matt Shipp reported that the franchise agreement would allow Allwest Fiber to install cable in City rights-of-way. The company intends to begin work in the northwest corner of Cottonwood Heights and complete the project within two years.

In response to a question raised by Council Member Birrell, Mr. Topham confirmed that the City is required to allow utilities to use public rights-of-way. All public utility franchises must use the same standard ordinance to ensure that they are treated equally. The ordinance had been approved for five or six other public utility franchises and had worked well. Council Member Birrell stated that a number of her constituents have complained about damage to their landscaping and the lack of advance notice. In each case, it was difficult to determine which company was performing the work. Mr. Topham clarified that the ordinance does not allow the provider to enter private property.

Public Works Director, Matt Shipp, stated that the City’s permitting and notification requirements had been updated based on issues with previous work. When Allwest Fiber pulls the permits, Staff

will meet with them to discuss those requirements. Council Member Newell stated that there had been great improvements in the process. When he received complaints about previous installations, he visited those residents' properties and personally called the company to discuss the issue. They want to do the right thing, but sometimes their subcontractors do not follow policy. He believes that the City's efforts in communicating its requirements have helped lessen issues with notification and property restoration.

Council Member Newell asked about Allwest Fiber's plans regarding the outlying areas of the City. Brand Gonzales of Allwest Fiber stated that some areas will be more challenging. The project will be phased, and each phase will include an engineering assessment to determine if all homes can be accessed. Some properties may not be able to have access due to issues like terrain. Installation is both aerial and underground. Underground cables are installed through boring, not micro-trenching, and aerial cables allow them to reach more consumers. In response to a follow-up question, Mr. Gonzales stated that Allwest Fiber was not considering a wireless option. Reliability is still an issue with mesh networks, and deployment can be very invasive. He does not believe wireless will ever fully replace physical lines, but it does provide an alternative for hard-to-reach customers.

Mayor Bennion remarked that some residents have installed elaborate landscaping in the right-of-way with rocks and drip irrigation and asked how that would affect the work. Mr. Gonzales stated that their process involves digging a small pit and then boring under the landscaping. Restoration of the pit area is typically done the same day. Irrigation lines are sometimes damaged, but those are repaired. Neighborhood walkthroughs are conducted before and after installation.

Adam Wolk of Allwest Fiber addressed Council Member Birrell's concerns. They are a Utah-based company, and they want to take care of the community. Mr. Gonzales added that information is key. They want residents to know that Allwest is in Cottonwood Heights, and they will provide clear contact information to discuss any issues. Mr. Shipp added that as part of the permitting process, work locations and dates are posted on the City website. The company is also required to notify residents with door hangers and request the owner's permission for private property access. Mr. Shipp spoke with the other company that is working in the City, and they indicated that Allwest Fiber will be a great addition to Cottonwood Heights.

Item 6.4 was consideration of Ordinance 461 Amending the Cottonwood Heights Code Regarding Bonding of Officers. Mr. Topham reported that House Bill 64 enacted in the last legislative session, changed a longtime requirement for certain municipal officers to be covered by fidelity bonds. They now must instead be covered by a crime insurance policy provided by the City. The purpose of the ordinance was to amend City Code to reflect that change and set a coverage amount of at least \$2 million. The City Treasurer has an additional bonding requirement set by the State Treasurer.

Item 6.5 was consideration of Resolution 2026-01 Ratifying the Election of a Mayor Pro Tempore.

Item 6.6 was consideration of Resolution 2026-02 Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project. City Manager, Jared Gerber, reported that the resolution would continue the agreement allowing the Cottonwood Heights Arts Council to wrap utility boxes in the City. Specific locations and art had not yet been determined, but the agreement was necessary to move forward.

Item 6.7 was consideration of Resolution 2026-03 Amending a Development Agreement for Canyon Cove Subdivision. Mr. Gerber stated that the resolution would add the amended Landscape Plan to the Development Agreement. Five additional trees were added, and others relocated to provide additional shade. Minor changes can be made at the administrative level, but Staff believed that the number of changes warranted an amendment. Council Member Hyland stated that the final plan was not included in the Meeting Packet. There had been three Landscaping Plans for the development, including one that was recorded in 2024. Mr. Gerber stated that the 2024 plan included the relocation of two trees and a path. Significant additional changes had been made. The final plan was emailed to the City Council during the meeting.

Council Member Hyland stated that she walked through the subdivision with Council Member Birrell and Mayor Bennion. Some approved items had not been installed, including benches and a handrail to the pavilion. Additionally, a cutout in the asphalt had not been repaired, and the pavilion floods. Council Member Birrell stated that Architectural Review Commission Chair Scott Peters was present at the walkthrough and confirmed that three trees were planted in a continuous line that should have been staggered. Council Member Hyland remarked that Ivory Homes needs to be held accountable for those items before the warranty expires.

Mr. Shipp clarified that the warranty had not started because the City had not accepted the park. All items that had been mentioned were on the punch list, as well as a number of additional items. Council Member Birrell asked if the punch list could be made available to the City Council and citizens. Mr. Gerber reported that the punch list is an internal administrative tool. Council Member Birrell stated that if it is not a confidential document, it should be made available.

The final Landscape Plan, dated September 25, 2025, was displayed. Council Member Hyland indicated that the plan differed from the three that had been provided to her. Mr. Gerber reported that the current plan was created after discussion with the City Council in Fall 2025 and a subsequent onsite meeting with Ivory Homes. Council Member Hyland stated that two trees were missing from the plan. Mr. Gerber indicated that the trees had already been relocated. The different plan iterations were discussed. Mr. Gerber reported that the current plan would add five additional trees and relocate several large shade trees to provide shade to the benches.

Council Member Holton stated that there is a disconnect between what the Council and public are hearing which needs to be addressed. Mr. Gerber stated that the original complaint he heard was regarding a Staff decision on two trees and a path, but the Development Agreement includes a clause allowing minor changes to be made administratively. That decision was made in 2024 when the plan was recorded. Landscaping had been ordered according to that plan, but the City asked that they make additional changes. Mr. Gerber spoke with each Council Member individually at that time, and the developer then planted to the September 25 plan in good faith.

Council Member Hyland asked if a Budget Amendment would be required for the City to install the two additional trees. Mr. Gerber stated that there is a one-year warranty period after the City takes possession of the park, and no work can be performed in that time. After the warranty period is over, changes and upgrades can be made at any time.

In response to a question raised by Council Member Holton, Mr. Gerber stated that three large shade trees were moved to provide more shade over the benches. A new tree was placed beside a dying tree near the pavilion. A few more trees were also added to the north end of the park.

Council Member Hyland stated that Ivory Homes claimed that the damage to the pavilion columns was preexisting. However, the 2023 agreement requires that they provide evidence of existing conditions. Mr. Gerber stated that they provided photographs and an inspection report prior to construction, but not prior to scoping. Those photographs confirm the pavilion damage, and there was no evidence that it occurred during scoping. Council Member Birrell stated that the damage is to the cement column bases. She inspected the site during construction, and the damage appeared to be fresh and caused by the construction equipment. Mr. Gerber stated that the pavilion needs approximately \$15,000 to \$20,000 in work, and the concrete repair would be a minor additional cost.

Council Member Hyland stated that if the resolution was approved, the City Council would be telling residents that the two additional trees would not be planted until a later date. Mr. Shipp suggested asking Ivory Homes to install the trees now at the City's expense. The cost for the trees, installation, and potential irrigation changes would be approximately \$2,000 or more. In response to a question from Mayor Bennion, Mr. Shipp stated that the cost would be higher if installation is delayed. Mr. Gerber stated that the City had already agreed to pay for five trees. Mr. Shipp indicated that the location of the two additional trees would have to be added to the Landscape Plan prior to approval. Mr. Gerber remarked that the current plan was the result of many discussions with Ivory Homes and the City had pushed hard for those changes. Council Member Hyland stated that she would be comfortable moving forward with the commitment that two additional trees will be installed after the warranty expires. Council Member Holton was also in favor of moving forward with Mr. Gerber and Mr. Shipp's commitment to determining the best way to install the two trees. Mr. Shipp will work with Mr. Peters to determine the type of trees and location.

Item 6.8 was consideration of Resolution 2026-04 Approving an Interlocal Agreement with Sandy City for a Joint Crosswalk Study. Assistant City Engineer, Ben Nelsen, reported that the Crosswalk Safety Study would be for Creek Road from 3500 East to Union Park Avenue. Both cities receive frequent complaints about the safety of the nine existing crosswalks and requests for additional crosswalks. The agreement will allow Sandy to execute the study with Cottonwood Heights as a participant. They will study the safety of the existing crosswalks, as well as potential additional crosswalks.

Council Member Hyland stated that she also receives frequent comments about one near her home. She likes that the citizen committee will be split between residents of Cottonwood Heights and Sandy. In response to her question, Mr. Nelsen stated that some existing crosswalks could potentially be recommended for removal or relocation. Mr. Shipp added that the existing crosswalks do not have ramps, and many of them were painted by church groups. Those would be removed or upgraded.

Council Member Birrell remarked that residents had gathered petitions regarding the unsafe conditions on Creek Road, specifically at the top of Pepper Hill and the intersection with Danish Road, and she wanted to ensure that the citizen petitions would be taken into consideration for the study. With one exception, all pedestrians who had been struck or killed in the last six years were in

crosswalks. She was not in favor of the crosswalk study as the proposal did not specify that the Safe System approach or the Comprehensive Safety Action Plan (“CSAP”) would be utilized.

Mr. Shipp clarified that Sandy was involved in the Wasatch Front CSAP and it would be the basis for the study. The Statement of Qualifications (“SOQ”) includes those principles. Petitions and requests will be considered as part of the process, but the best locations and types of crosswalks will be determined based on hard data. Once the study is completed, both City Councils can decide how to move forward. The resolution was for the study only.

Council Member Hyland stated that there will be a citizen committee comprised equally of residents of Cottonwood Heights and Sandy. Mr. Nelsen clarified that the committee will include staff members. Mr. Shipp added that the committee’s sole purpose is to select the consultant, but the City has the ability to invite citizens to serve on it. Once the study is drafted, it can be presented to various subcommittees for discussion. Council Member Birrell recommended either Zach Geiger or Brad Buswell from the Active Transportation Subcommittee.

Council Member Birrell stated that the Safe System approach is focused on slowing vehicles down before danger areas, and that should be foundational. If vehicles are not slowed down prior to reaching crosswalks, the crosswalks should not be installed.

In response to a question raised by Council Member Hyland, Mr. Shipp stated that the total cost was not yet known but would likely be between \$15,000 and \$20,000. However, the funds are available. Council Member Hyland was hesitant to spend that amount on Creek Road when the Council had been discussing a citywide plan. Council Member Birrell noted that the study would be more specific than a CSAP. Mayor Bennion added that the Creek Road study would be conducted with Sandy.

In response to a question from Mayor Bennion, it was clarified that Mr. Geiger and Mr. Buswell are citizen volunteers on the Parks, Trails, and Open Space (“PTOS”) Committee’s Active Transportation Subcommittee. Mr. Shipp stated that he would prefer they participate in review of the study, not the selection of the consultant. Council Member Birrell disagreed. Council Member Holton stated that the PTOS Committee should be involved and engaged in the process.

Mr. Shipp reported that the final consulting agreement would be brought before the City Council in February.

Item 6.9 was consideration of Resolution 2026-05 Approving an Interlocal Agreement with Salt Lake County for Aerial Imagery. Mr. Gerber reported that the imaging contract renewal would cost \$1,200. Community and Economic Development Director, Jim Spung stated that the contract is biannual. The City is in the process of upgrading its servers. Once that project is complete, Cottonwood Heights will have the option of purchasing its own imagery in the future.

Item 6.10 was consideration of Resolution 2026-06 Approving an Appointment to the Arts Council. Mr. Gerber stated that Lucas Manning from District 1 was interviewed for the position. He has been involved in the arts as a professional dance teacher and theater director. Staff recommended the appointment.

Council Member Hyland referred to Item 6.1 and noted that in 2025, the City Council decided not to meet on Election Day. Council Member Holton stated that it is odd to meet on Election Day. Council Member Newell remarked that not having a meeting in 2025 worked out well. Mr. Geber indicated that the motion could be amended to remove that date.

The final Agenda Item was the Consent Calendar.

3.0 REPORTS

3.1 Utah Open Lands Transit to Trails Program – Josh Stasinos.

Utah Open Lands Executive Director, Wendy Fisher, introduced herself and Community Engagement Director, Josh Stasinos. Utah Open Lands is a nonprofit 501(c)(3) land trust. Their mission is to preserve land for recreational and open space values. They work with farmers and ranchers on wildlife habitats and maintain various properties with conservation easements. Bonanza Flat is one such property.

In 2017, 1,341 acres of land were slated for development. Utah Open Lands, in association with Park City, ran a \$13 million campaign to purchase the land. Various communities provided funding, including Salt Lake County. Park City residents then approved a \$25 million bond to acquire Bonanza Flat. Utah Open Lands believes that Bonanza Flat helps alleviate pressure on Big and Little Cottonwood Canyons. It has 1,500 protected acres and has several trails, including the Bloods Lake and Bonanza Loop Trails.

Bonanza Flat is a popular hiking and biking destination with limited parking. A video from 2019 was displayed showing many cars parked on the sides of the road and pedestrians walking in the road, which was a safety issue. By 2025, parking enforcement efforts had successfully resolved the problem. A transit line from Park City was also added. The Transit to Trails program started with a small concierge program and had since blossomed into a full transit program.

Cell phone data indicates that a high percentage of visitors are from the Salt Lake Valley, as well as out of state. In response to a question raised by Council Member Birrell, it was clarified that the data was specific to the Bloods Lake and Bonanza Flat Trailheads. Mr. Stasinos reported that Park City was the first city to be awarded Gold Class Destination status by the International Mountain Biking Association.

Ms. Fisher stated that they were now looking at solutions for visitors from the Wasatch Front. The purple transit line is a free service from Park City that runs every 15 minutes in peak season. Park City residents can receive free parking passes for the paid parking areas at the trailheads. However, the transit line is so convenient that they are not utilizing the free parking.

Council Member Birrell asked if the visitors from other states had lodging in Park City. Ms. Fisher stated that statistics show that the average visitor only stays for a total of 30 minutes, especially during the Fall leaf season. They typically do not stay in Park City.

Utah Open Lands proposed a free, reservation-based shuttle service that would run every weekend between July 4 through September 30 each year and depart from Cottonwood Heights. There would be two vans with bike capacity. Dogs would not be allowed.

The total program cost is approximately \$75,000, and Utah Open Lands will contribute up to 50%. The shuttle company will also be contributing. They previously received \$10,000 for the program from the Central Wasatch Commission (“CWC”) and may be able to secure additional funds, but the Commission wanted to see other cities participating first. Their request was that the City Council consider allowing shuttles to depart from Cottonwood Heights, as well as a contribution of \$10,000. They would be also be making the request of Sandy, Salt Lake County, Brighton. Millcreek had declined participation. Utah Open Lands believes that the additional line will alleviate traffic issues and provide an opportunity for residents to access Bonanza Flat without having to pay for parking. It will also reduce carbon emissions and decrease traffic through Big Cottonwood Canyon.

Council Member Birrell stated that the large parking lot at 6200 South in Holladay is empty outside of ski season. Additional parking has no value to Cottonwood Heights. The City Council does not want more parking lots, and she does not believe it wants more cars driving through the City. Mr. Stasinos stated that they would speak with the City of Holladay, and they could also consider any other location that the Council felt was advantageous for Cottonwood Heights.

In response to a question raised by Mayor Bennion, Mr. Stasinos stated that there would two shuttles at one-and-a-half hour intervals between 8:00 a.m. and 3:00 p.m. The pilot program would run on Saturdays and Sundays, and they would reevaluate the schedule at the end of the first season. Ms. Fisher stated that they chose Cottonwood Heights because it is a central location, but they were open to consideration other locations. They hope to begin the program this year.

Mayor Bennion stated that she asked Finance Director, Scott Jurges, how the contribution would affect the City’s very tight budget. Mr. Jurges stated that it a Budget Adjustment would be required, and it would add to the downward trajectory of the General Fund balance. Council Member Hyland stated that a contribution of \$10,000 should support business activity, and locating it on the edge of the City may not accomplish that goal. She needed more time to consider the proposal. Mr. Gerber stated that the City had an agreement for public parking stalls in the garage at Canyon Centre. This option was discussed. Council Member Holton stated that local residents would be more likely to just go home, but tourists may potentially visit Canyon Centre restaurants.

In response to a question from Council Member Birrell, Ms. Fisher stated that their ask was based on who would benefit from the service, and they understood that the Council needed time to consider the matter. She asked that they clarify whether the City would support the service at some level, and if not, what would be required to obtain that support.

Mayor Bennion stated that she likes the idea of the service. She has visited Bloods Lake, and she was pleased to see that the parking situation had improved. However, it is a tough budget year.

Council Member Hyland was grateful that Utah Open Lands is in discussions with the CWC as she is frustrated at their lack of focus on transportation to the canyons. The City needs a return on its investment in the CWC.

Council Member Holton stated that there is a reason the canyons are not part of the City. In his opinion, the county government is the appropriate entity to pay for the service. It would add a burden to the police department and impact the City in various ways. They needed to consider what the appropriate level of funding is and who should fund it.

Council Member Newell agreed with Council Member Holton. It is great to see that people are utilizing the trails, but the City Council is responsible for looking after Cottonwood Heights residents. He asked for specific information on how many City residents visit the area. He also agreed with Council Member Hyland that anything the City contributes to needs to stimulate its economy while not being disruptive to residents. He likes the idea of utilizing the 200 unused parking spaces at the mouth of the canyon, but they need to find the right funding resource and location.

Council Member Birrell stated that she is in favor of anything that reduces private vehicles on roadways.

In response to a question raised by Ms. Fisher, Council Member Newell stated that the City Council needs to have a more in-depth discussion about the matter prior to accepting or rejecting the proposal. Council Member Holton stated that non-profit organizations often make requests that the City is not in a position to fulfill. It can be difficult to fund some organizations and not others, and he did not know if the City was in a position to participate in this program. Mayor Bennion stated that a smaller contribution may be possible if other entities can contribute more. Ms. Fisher thanked the Council for the clarification.

4.0 STAFF REPORTS

4.1 Big Cottonwood Canyon EA Response Letter Discussion - City Manager, Jared Gerber.

Mayor Bennion appreciated the citizen input that had been received on this topic. She had made some minor changes to Mr. Gerber's draft letter, but she wanted to keep its tone and stressed that the City appreciates the effort of the Utah Department of Transportation ("UDOT"). More bullet points were added to emphasize areas of importance such as flow-through arterials and delaying tolling until adequate bus service is available.

Council Member Birrell stated that she had contributed to the effort over the last five days. Mr. Gerber set a great tone, and Mayor Bennion continued it with her changes. She feels very good about the language in the letter. As the District 4 representative, she believes there should be more emphasis on the issue with Fort Union Boulevard and other City roadways being intractable during peak hours. However, she believes the letter will be readable and hearable by UDOT.

Council Member Hyland questioned the term "additional riders" in the Conclusion (first paragraph, second sentence), which reads, "Tolling, enhanced bus service, and bus priority infrastructure must function as an integrated system, implemented together in both Big and Little Cottonwood Canyons, and only when transit capacity is sufficient to service additional riders." Mayor Bennion stated that the sentence is meant to convey the City's position on tolling but agreed that the wording could be

clarified. Council Member Hyland appreciated that the Council’s feedback was taken into consideration for the final draft.

The Council discussed whether each Council member should sign the letter in addition to the Mayor. It was noted that historically such letters come from the Mayor, and the letter indicates that it is being sent on behalf of the Mayor and City Council. The final letter will be sent to both UDOT and the United States Forest Service.

4.2 Telecom Tax Discussion – City Manager, Jared Gerber.

Mr. Jurges reviewed information regarding the Telecom Franchise Tax. He explained that Franchise taxes must be imposed at the beginning of a quarter, so the earliest the tax could be implemented would be July 1, 2026. Cottonwood Heights is the only city in Salt Lake County that does not charge a Telecom Franchise Tax, and Mr. Jurges estimates that it would generate approximately \$150,000 per year in additional revenue. A tax of up to 3.5% is allowed, and most cities charge the maximum.

Council Member Newell stated that the City budget is not in a good place, and it is the Council’s responsibility to ensure that the budget is solvent. Their decisions will impact the community for many years, just like the City is in its current position due to decisions that were made many years ago. His focus is on making the right decisions now and setting the precedent of being conscious and strategic about the fiscal changes the Council enacts. Sometimes their decisions are not popular or easy. He would do everything it takes to ensure that his personal budget considers both his present circumstances and his children’s future, and as government officials the City Council is charged with doing the same for the residents of Cottonwood Heights. The Telecom Franchise Tax would make a small positive impact on the City budget with an equally small (approximately \$8 per year) impact on residents. Mayor Bennion agreed.

Council Member Holton remarked that taxes would be a big topic for the year. His philosophy is that the government is a function of the people, and the Council needs to ensure that they are working for them rather than just asking for more. The Telecom Franchise Tax was part of a broader discussion on revenue streams. He is not in favor of fees because he does not believe they are transparent. He remembers having to decide if could afford to have Netflix in a given month, and he tends to side with those who are similarly struggling. It may be a small fee, but residents do not have a choice in paying it. He believes that the City also needs to feel pain.

Council Member Holton stated that Cottonwood Heights is in a unique position because it is more expensive to live in than surrounding cities. In his calculations, a resident with a home value of \$631,000 pays \$750.91 in City taxes, including debt service but excluding the Town Center bond. Mr. Jurges clarified that in 2025, the average home in Cottonwood Heights was valued at \$819,000 and paid \$585 in base City tax and an additional \$94.19 on the general obligation bond, for a total of \$679.19. Council Member Holton stated that he included the Recreation Center in his calculation. He understands that it is a different entity, but the tax is only collected within City boundaries. A resident of Holladay with the same home value would only pay \$463, Sandy \$374, and Draper \$322. He understands that Draper and Sandy have higher sales tax revenue. However, Cottonwood Heights residents pay almost triple in comparison to those cities. He was not in favor of adding an additional tax without also reducing expenses, even if doing so would affect the level of service.

Council Member Newell remarked that the community has shared burdens and responsibilities, and the City is transparent and clearly communicates with its residents. He empathizes with people who are having a hard time, but the reality of the City’s service levels must also be considered. The budget is very slim, and they need to find ways to improve both cost savings and meet the responsibility of being able to provide necessary services to the community.

Council Member Holton stated that the City is in an unfortunate position because it is the last line of defense, which puts it at a disadvantage. People are experiencing inflation at the grocery store, health costs are increasing, and many people are on fixed incomes. Council Member Newell agreed that it puts the City in a hard place, but it will be in a harder place if the City Council does not react.

Council Member Hyland stated that sales tax responds to inflation, but Cottonwood Heights is a bedroom community with limited commercial development. She challenged Council Member Holton to live on his 2018 income. Since 2018, cumulative inflation is 29%, and costs have risen significantly due to the inflationary pressures of the past few years. That requires an adjustment. She agreed with Council Member Newell that the budget must be made whole. The City was previously the beneficiary of American Rescue Plan Act (“ARPA”) funds, but they are no longer available, and the Council must determine how to continue to provide City services. There is a benefit to paying taxes. People often want Cadillac services at Chevrolet prices.

Council Member Holton indicated that residents need to be engaged. It is impossible to never raise taxes, but the question is how they are raised and who bears the burden. He believes residents need to say what they want to happen in the City.

Council Member Newell stated that he does not want Cottonwood Heights to experience what happened to other municipalities a few years previously when residents were hit with 110% tax increases.

Mayor Bennion agreed with Council Member Newell and noted that the City is eating into its reserves to the point where it will no longer be able to apply for grants because it will not have matching funds. She believes it is imperative to have these discussions. Everyone else in the County pays a Telecom Franchise Tax, so in a way it is unfair for Cottonwood Heights to not take advantage of it. The City Council travel budget was recently increased, and they may be able to reduce that amount. She is happy to consider areas where cuts can be made. However, City Staff has been very limited over the past several years, and the City needs to invest in very important areas like computer security and other things that are overdue and cannot continue to be delayed.

4.3 FlashVote Survey Discussion – City Manager, Jared Gerber.

Mr. Gerber stated that the second Flash Vote survey had been delayed but should go out this month. He asked if the Council had any additional changes.

Council Member Hyland recommended that Mr. Gerber ask FlashVote if the responses for Questions 3 and 4 should be ranked, for example, if respondents should rank their top three priorities. Council Member Holton stated that residents need to better understand what a potential tax increase would

look like. Council Member Hyland clarified that there are no questions on the survey about a tax increase. The survey asks if residents know how much of their property taxes go to the City and where they would spend \$100. This will be the second of six surveys, and all six must be completed by August.

Mayor Bennion stated that it is important to engage residents in the process and ensure they are aware of the decisions the Council is making, and inviting them to participate through the survey questions is a great way to do so. Mr. Gerber indicated that a survey with specific questions could be conducted during the budget process. Council Member Newell recommended conducting that survey after the Budget Retreat. Council Member Holton agreed.

Council Member Hyland stated that a short-term rental survey is still a priority.

4.4 Legislative Priorities Discussion – City Manager, Jared Gerber.

Mayor Bennion reported that the City Council and Staff would meet with State legislators the following Friday to speak about the City’s priorities. Lobbyists Brian Allen and Greg Curtis will be in attendance to share information on the bills they are tracking, and she will ask Mr. Allen to send an email outlining those bills prior to the meeting. In her previous position, she met with other cities in December of each year, and she found the meetings to be very informative. Mayor Bennion is concerned about a potential bill that would limit cities’ ability to raise property taxes. Wasatch Boulevard, ski season congestion, the gondola, and other concerns should also be reiterated at the meeting.

Council Member Hyland stated that Cottonwood Heights bears a huge burden for state tourism that is not adequately acknowledged. She would also like to mention the difficulties resulting from the changes made to annexation. Mr. Shipp remarked that the City had been through three annexations, and each required a different process and subprocesses. Different levels of government also interpreted those subprocesses differently. Clarified, streamlined processes for annexation, taxation, etc. would be helpful.

Mayor Bennion stated that Mr. Allen provides a great service to the City. He has decades of experience with the legislature and works very closely with legislators. She is grateful for his service and is looking forward to getting to know Mr. Curtis.

Mr. Gerber stated that he met with Mr. Allen, and most of the bills he will be speaking about have been discussed by the Council. There are bills related to land use, short-term rentals, accessory dwelling units, and taxes. He will ask Mr. Curtis to send an email regarding funding information.

Police Chief, Robby Russo, expressed concern about litigation regarding contract prosecutors who are not employed by the City. Some attorneys are suing because they do not have the authority to prosecute criminal traffic cases. Mr. Gerber reported that Holladay’s prosecutor is retiring and the firm will no longer represent cities, so they are moving prosecution in-house. That will raise the City’s costs.

Mr. Topham stated that Cottonwood Heights faced a lawsuit a few years ago where the plaintiff claimed that cities cannot use contract prosecutors. Counties are allowed to contract with prosecutors, but cities are not mentioned in that statute. He will forward a proposed amendment to correct this issue.

Mr. Spung stated that land use is always a big topic at the legislature. Last year, there were hundreds of proposed bills on land use alone. He understands the intent of the legislation, but how laws are written matters and it is important that cities retain the ability to craft language specific to their community. Hot topics are allowing apartments on commercially zoned land, apartments by right, allowing commercial buildings to be converted to apartments, accessory dwelling units (“ADU”), parking mandates, and minimum lot sizes for starter homes. There is talk about housing affordability and attainability, but what is missing from that conversation is an inventory of what cities already have. The current push is to build new starter homes, but resources could often be better used to retain existing housing stock that is already at or below the target price point. Council Member Birrell thanked Mr. Spung for bringing the issue up as she shares his concerns.

Mr. Spung believes there is room in the City to achieve its affordability goals but is nervous about the possibility of the State removing lot size restrictions, for example, because that would change the area’s character. It is important to be strategic and calculated in how the goals are achieved, and that is best accomplished at the local level. He understands that legislation is often driven by communities that refuse to act, but that unfairly impact other communities.

Council Member Newell appreciated that Mr. Spung is considering the City’s current inventory. A reality in Cottonwood Heights is that land is very expensive, which is different from communities that have blank slates to work with. Even small, moderate-sized homes in the City are unaffordable for many people. Legislators need to emphasize that differentiation.

Mayor Bennion expressed gratitude that Cottonwood Heights is part of the Utah League of Cities and Towns as they do an excellent job of advocating for cities at the State level. Local control is best. She recently met with a resident of Holladay whose company builds flex-ADU homes, which are pre-built with an ADU. Their lowest-cost home is \$550,000, but that is a two-family home. They are affordable, and they are built to ensure that both families are comfortable. He would love to build a development in the City, and the community needs to be open to allowing that type of development on smaller lots to ensure affordability. It is important to attract as many families and people of all ages and incomes as possible.

4.5 Distribution and Collection of Mayor Pro Tempore Ballots – City Recorder, Tiffany Janzen.

Mayor Bennion stated that she was fortunate to work with everyone on the City Council. Council Member Newell did an excellent job of serving as Mayor Pro Tempore, but it was important to share the responsibility. Council Member Birrell was prepared and would like to serve. Council Member Hyland appreciated rotating the responsibility.

The vote was conducted via secret ballot. City Recorder, Tiffany Janzen, tabulated the votes. Council Member Hyland was elected to serve as Mayor Pro Tempore.

5.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.

- 5.1 Saturday, February 7 from 10:00 AM to 12:00 PM – Lunar New Year Celebration at City Hall.
- 5.2 Friday, February 20 from 6:00 PM to 8:00 PM – Cozy Paint Night at City Hall. (Cost is \$20 per person, limited space is available).
- 5.3 Thursday, March 19 from 7:00 PM to 8:30 PM – The Jazz Ambassadors of the US Army Field Band at Butler Middle School. (Tickets required, free event).

6.0 POSSIBLE CLOSED MEETING TO DISCUSS LITIGATION, PURCHASE OR LEASE OF REAL PROPERTY, THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, OR ANY OTHER PERMITTED PURPOSE FOR CLOSED MEETINGS UNDER UTAH CODE ANN. 52-4-205 OR OTHER APPLICABLE LAW.

There was no Closed Meeting.

7.0 ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Holton moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:17 PM.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JANUARY 6, 2026, AT 7:00 PM IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Present: Mayor Gay Lynn Bennion, Council Member Matt Holton, Council Member Ellen Birrell, Council Member Suzanne Hyland, Council Member Shawn Newell

Staff Present: City Manager, Jared Gerber; City Attorney, Shane Topham; Finance Director, Scott Jorges; Police Chief, Robby Russo; Records, Culture, and Human Resources Director, Barbara Higgins; City Recorder, Tiffany Janzen; Community and Economic Development Director, Jim Spung; IT Manager, Matt Ervin; Public Works Director and City Engineer, Matt Shipp; Unified Fire Authority, Riley Pilgrim

1.0 WELCOME

Mayor Gay Lynn Bennion called the City Council Business Meeting to order at 7:00 PM.

2.0 PLEDGE OF ALLEGIANCE

City Attorney, Shane Topham, led the Pledge of Allegiance.

3.0 CITIZEN COMMENTS

Mayor Bennion opened the Citizen Comment period.

Maggie Mills provided updates on upcoming Whitmore Library activities. There are two new monthly programs for school-aged children: Lego Club on January 7 at 4:00 p.m. and Steam Club on Wednesday January 21 at 4:00 p.m. Family Preschool Storytime is held every Monday, Tuesday, and Thursday at 10:15 a.m. The Babcock Performing Readers will present *Twelve Angry Men* on Thursday, January 15 at 7:00 p.m. The Nonfiction Book Club will meet on January 21 at 7:00 p.m. to discuss *How to be Perfect* by Michael Schur. The activity calendar is available on the Salt Lake County Public Library website and in the Between the Canyons newsletter.

Eric Kraan stated that the City Council needs to be conscious of the promise made by the previous Council. When the general obligation bond passed, citizens were promised that the City would not need to increase taxes for the next five years. There is a lack of appetite for tax increases in the area. Salt Lake County is facing a referendum, and he does not want that to happen in Cottonwood Heights. He also expressed concern about light pollution. Some public lighting negatively impacts private properties, including his home, and light pollution can interfere with hormone production and increase cancer risks. The issue could be addressed by adding shades to the light poles. He also stated that property owners are blocking access to the trails behind the Church of Jesus Christ of Latter-day Saints on Top of the World Drive, and those trails have been in the community since World War II and are public rights-of-way. House Bill 290, which went into effect in May 2025, made obstructing

bicycle lanes illegal. Earlier that day, he counted five illegally parked cars between his home and the post office. He did not believe there had been an effort to educate the public or enforce the new law.

Randy Long stated that he is an avid hiker and camper. All the City’s trailheads need to be preserved. The Deaf Smith Canyon and Ferguson Trails can be improved, and Bonneville Shoreline Trail needs to be completed.

There were no further comments. The Citizen Comment period was closed.

4.0 RECOGNITION

4.1 State Citation Legislative Certificate for Stan Rosenzweig – Senator Kathleen Riebe.

Utah State Senator Kathleen Riebe read the State Citation Legislative Certificate for Cottonwood Heights citizen Stan Rosenzweig, who passed away in 2025. The certificate was presented to his widow Ronna. Mrs. Rosenzweig remarked that Stan would have been very honored with the recognition. He always said that he made two great decisions in his life: the first was marrying her, and the second was living in Cottonwood Heights.

Mayor Bennion was personally impacted by Mr. Rosenzweig. He showed her how to be a better state legislator. He invited her and Senator Riebe to tour The Family Support Center so they could better understand its impact. Thousands of people’s lives are better because of Stan Rosenzweig.

Council Member Holton shared a favorite memory of Mr. Rosenzweig. When he ran for office, he passed out cookies. Mr. Rosenzweig mailed the wrapper back to him filled with candy.

5.0 REPORTS

5.1 Public Works Quarterly Report – Public Works Director, Matt Shipp.

Mr. Shipp presented the Quarterly Report on recently completed, current, and pending Public Works projects.

- The second annual Holiday Drive was very successful. Over 500 pairs of socks, hats, and gloves were donated to The Road Home. Staff had a lot of fun with the event, and they intend to continue to hold it annually.
- Snowfall was lower than normally, with only two inches so far this year.
- A total of 11 dog waste stations had been installed in City parks, as well as 14 “Dog on Leash” signs.
- Over 4,000 lane miles of road were swept in 2025, resulting in collection and disposal of over 375 tons of debris.

- Approximately 1,800 storm drain grates and 100 storm drain inlets were cleaned out.
- Approximately 350 tons of asphalt was used to fill potholes.
- Milling and overlay projects:
 - In partnership with the Metropolitan Water District of Salt Lake and Sandy, approximately 150,000 square feet of overlay was applied to Fort Union Boulevard between Wasatch Boulevard and Griffiths Place. When the project is completed, the overlay will extend to Nutree Drive. Mr. Shipp will be presenting a proposal to extend the work to 3000 East at a future City Council meeting.
 - Approximately 63,000 square feet on 1700 East between Fort Union Boulevard and 7200 South.
 - Approximately 240,000 square feet on Union Park Avenue between Creek Road and Interstate 215. In response to a question raised by Council Member Hyland, Mr. Shipp reported that he was still working with Midvale on the Cost-Sharing Agreement for the shared medians. Mr. Gerber indicated that existing CDRA funding was used for the asphalt and median beautification.
- A failing 42-inch corrugated metal storm drainpipe was replaced with a 48-inch reinforced concrete pipe on King's Hill Drive.
- Sidewalk and frontage improvements were completed on Creek Road at 7425 South and 2175 East. Council Member Hyland stated that she had received many compliments from residents. Sandy completed the other side of the road, so it is now much safer for pedestrians to walk to the school or church. Council Member Holton stated that he had also received compliments on the project.
- Approximately 200 potential sidewalk trip hazards were identified and the affected concrete replaced in the area bounded by 2300 East, Fort Union Boulevard, Hollow Mill Drive, and 6710 South. Approximately 400 trip hazards were corrected in 2025. In response to a question raised by Council Member Holton, Mr. Shipp stated that full squares of concrete are replaced, and trip hazards are addressed quickly. The proposed 2026 repair budget will be discussed at the Budget Retreat.
- Curb, gutter, and asphalt replacement was completed in the area bounded by Steffensen Drive, Carole Drive, Dell Road, and Pamela Drive, as well as parts of Cardiff Drive. Storm drain improvements in the area included five new sump pumps and upgraded waterways.
- Projects in the design stage:
 - Staker Way drainage
 - Highland Drive mill and overlay

Mr. Shipp reported that design was required for this project because all sidewalk ramps must be upgraded to meet Americans with Disabilities Act (“ADA”) requirements, and the waterways must be upgraded to meet current City standards.

- Cardiff area rebuild
 - Highland Drive and Fort Union Boulevard intersection improvements
This project will add a third northbound lane and potential median on Highland Drive. In response to a question from Council Member Holton, Mr. Shipp stated that adding a third lane or median will not impact the mill and overlay project. That project needs to begin as soon as possible due to the deteriorating conditions on Highland Drive.
 - Highland Trail Phase 3
- Storm Drain Master Plan
Staff was in the process of reviewing the final draft prior to presentation to the City Council.
 - Outside projects
 - Cottonwood Connection: work has shifted to the south side of the City. Danish Road will be closed for most of the winter.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 458 Adopting an Annual Meeting Schedule for 2026. (This Ordinance will Adopt a Schedule for Regular Meetings of the City’s City Council, Planning Commission and other public bodies for calendar year 2026, as required by Utah Code Ann. 52-4-202).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Hyland moved to APPROVE Ordinance 458 – Adopting an Annual Meeting Schedule for 2026, as amended to remove November 3, 2026, from the City Council meeting schedule. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.2 Consideration of Ordinance 459 Imposing a Telecommunications Tax. (This Ordinance will impose a 3.5% Municipal Telecommunications License Tax on a Telecommunications Provider’s gross receipts from Telecommunications Services that are attributed to the City of Cottonwood Heights as provided in the Municipal Telecommunications License Tax Act, UTAH CODE ANN. 10-1-401 et seq., and Enact New Chapter 3.12 of the City’s Code of Ordinances concerning such License Tax).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Birell moved to APPROVE Ordinance 459 Imposing a Telecommunications Tax. The motion was seconded by Council Member Newell. Vote on Motion:

Council Member Holton-No; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed 4-to-1.

6.3 Consideration of Ordinance 460 Granting a Telecommunications Franchise. (This Ordinance will Grant a Non-Exclusive Franchise Allowing All West/Utah, Inc. d/b/a All West Fiber to Install and Operate a Fiber-Optic Cable Telecommunications System in the City's Public Right-of-Way).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Newell moved to APPROVE Ordinance 460 Granting a Telecommunications Franchise. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.4 Consideration of Ordinance 461 Amending the Cottonwood Heights Code Regarding Bonding of Officers. (This Ordinance will Amend Section 2.10.050 of the City's Code of Ordinances to change the Fidelity Bonding Requirement for certain City Officers as formerly specified in State Law to instead require Crime Insurance Coverage as provided in H.B. 64 enacted by the Utah Legislature in its 2025 General Session).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Hyland moved to APPROVE Ordinance 461 Amending the Cottonwood Heights Code Regarding Bonding of Officers. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.5 Consideration of Resolution 2026-01 Ratifying the Election of a Mayor Pro Tempore. (Section 2.30.040 of the City's Code of Ordinances provides that the Council at its first Regular Meeting in January of even-numbered years shall by Secret Ballot Elect a Mayor Pro Tempore to perform certain limited functions of the Mayor during times when the Mayor is unable or unwilling to act. This Resolution will Ratify such Election of a Mayor Pro Tempore for January 2026 until a Successor is elected, likely in January 2028).

Mayor Bennion reported that the above item was discussed during the Work Session. The City Council chose Council Member Hyland to serve as Mayor Pro Tempore.

MOTION: Council Member Holton moved to APPROVE Resolution 2026-01 Ratifying the Election of a Mayor Pro Tempore. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.6 Consideration of Resolution 2026-02 Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project. (By this Resolution, the Council will Approve the City's Entry into an Agreement whereunder Rocky Mountain Power will Authorize the City to Continue Implementation of a Community Art Pilot Program allowing local artists to decorate certain of RMP's pad-mounted electric transmission and distribution equipment in the City's public places).

Mayor Bennion reported that the above item was discussed during the Work Session.

Council Member Newell remarked that the Cottonwood Heights Arts Council project includes the works of phenomenal artists. The wraps have a minimum three-year guarantee, so they will look good for several years. Council Member Hyland agreed that the project is a great part of the City.

MOTION: Council Member Newell moved to APPROVE Resolution 2026-02 Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.7 Consideration of Resolution 2026-03 Amending a Development Agreement for Canyon Cove Subdivision. (This Resolution will Approve an Amendment to the Development Agreement for the Cottonwood Canyon Cove Subdivision that was Approved under Resolution 2023-24. The purpose of the Amendment is to Modify the Exhibit D "Final Park Plan").

Mayor Bennion reported that the above item was discussed during the Work Session. She appreciated the citizen involvement on the item.

MOTION: Council Member Birrell moved to APPROVE Resolution 2026-03 Amending a Development Agreement for Canyon Cove Subdivision. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.8 Consideration of Resolution 2026-04 Approving an Interlocal Agreement with Sandy City for a Joint Crosswalk Study. (This Resolution will Approve the City's Entry into an Interlocal Agreement with Sandy City concerning a Joint Crosswalk Study on Creek Road between Union Park Avenue and 3500 East).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Hyland moved to APPROVE Resolution 2026-04 Approving an Interlocal Agreement with Sandy City for a Joint Crosswalk Study. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-

Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.9 Consideration of Resolution 2026-05 Approving an Interlocal Agreement with Salt Lake County for Aerial Imagery. (By this Resolution, the Council will Approve the City's Entry into an Interlocal Cooperation Agreement whereunder Salt Lake County will provide Certain Aerial Imagery for use by various City Departments).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Birrell moved to APPROVE Resolution 2026-05 Approving an Interlocal Agreement with Salt Lake County for Aerial Imagery. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

6.10 Consideration of Resolution 2026-06 Approving an Appointment to the Arts Council. (This Resolution will Approve and Ratify the Manager's Appointment of Lucas Manning to the City's Arts Council).

Mayor Bennion reported that the above item was discussed during the Work Session.

MOTION: Council Member Newell moved to APPROVE Resolution 2026-06 Approving an Appointment to the Arts Council. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Newell-Yes; Council Member Birrell-Yes; Mayor Bennion-Yes. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes for the City Council Work Session and Business Meetings of December 16, 2025.

MOTION: Council Member Hyland moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN

MOTION: Council Member Holton moved to ADJOURN. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

The City Council Business Meeting adjourned at 7:49 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and City Council Business Meetings held on Tuesday, January 6, 2026.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____