

**MINUTES OF THE CENTRAL WASATCH COMMISSION MILLCREEK CANYON COMMITTEE MEETING HELD MONDAY, DECEMBER 21, 2020, AT 1:00 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY THE GOVERNOR’S EXECUTIVE ORDER DATED MARCH 18, 2020.**

**Present:**

**Committee Members:** Chair Ed Marshall, Del Draper, John Knoblock, Paul Diegel, Tom Diegel

**Government Representatives:** Helen Peters (Salt Lake County), Sergeant Ed Twohill (Unified Police Department), Rita Lund (Millcreek City)

**Public:** Hilary Jacobs, Polly Hart, Kathleen Bratcher

**Staff:** CWC Deputy Director Blake Perez, CWC Communications Director Lindsey Nielsen, Office Administrator Kaye Mickelson

Chair Ed Marshall called the meeting to order at approximately 1:02 p.m.

**1. Review and Approval of the Minutes from the November 23, 2020 Meeting.**

The minutes were reviewed and amended.

**MOTION:** Paul Diegel moved to approve the minutes of November 23, 2020, as amended. The motion passed with the unanimous consent of the Committee.

**2. Discussion of Feedback Received from USFS, SLCO, and MSD Regarding Suggestions Made in this Committee’s Letter to them Dated November 3, 2020**

Chair Marshall reported that Sergeant Ed Twohill from the Unified Police Department (“UPD”) was present at the Millcreek Canyon Committee Meeting. He suggested that the discussion begin with Sections 2 and 3 of the Committee letter related to user conflict and increased public safety. The sections related to the area above the winter gate when it is closed, which saw snow in winter and little or no snow in fall and spring. Chair Marshall noted that Sergeant Twohill replied to Tom Diegel on November 1, 2020, about what the UPD does in Millcreek Canyon. He read the following paragraph to the Millcreek Canyon Committee:

- It is a mix of parking enforcement/education, traffic accidents, directions, search and rescue issues, dog/leash enforcement, education as well as bikes, vehicle burglaries, medical calls, suicidal persons, handling civil issues at the picnic sites, road rage, alcohol, fishing and hunting calls, clearing and putting out fires at picnic sites, and locking gates.

At the previous Millcreek Canyon Committee Meeting, Government Representatives Beckee Hotze, Wayne Johnson, and Leon Berrett unanimously agreed that the road above the winter gate when it is closed becomes a trail. However, Ms. Hotze stated that the U.S. Forest Service cannot enforce the dog or cycling rules because they are either County ordinances or State laws. The Forest Service looked to UPD for enforcement. Ms. Hotze reported that the Forest Service increased UPD funding by \$10,000. Chair Marshall noted that the email from Sergeant Twohill indicated that the \$10,000 was used from late May to late September. As a result, there would be none left for the winter months. At the previous meeting, Ms. Hotze stated that the Forest Service makes suggestions to the UPD but does not provide direction on how to use the money.

Chair Marshall proposed the following questions to Sergeant Twohill:

- How does this relate to enforcing the rules and educating people who are above the winter gate when it is closed?
- Does UPD plan to have a presence in that area?
- Will snowmobiles be used in the winter? Will bicycles and electric bicycles be used in the spring and fall?

Sergeant Twohill clarified that the Forest Service had not increased UPD funding by \$10,000. Normally there is a Forest Service contract and UPD is given \$10,000 from the Forest Service and \$10,000 from the investigation piece, for a total of \$20,000. The contract specifies that the UPD can use the money to patrol Forest Service lands and focus on enforcement. Sergeant Twohill reported that the bulk of the money was put into Millcreek Canyon. He added that electric bicycles were obtained through a grant and not through Forest Service funds.

The Forest Service contract was discussed. Sergeant Twohill noted that the contract was recently expanded but it normally specifies that the UPD could use the Forest Service funds through the end of September. It would start up again at the beginning of the summer. Sergeant Twohill reported that due to the Neffs Canyons fire, the Forest Service widened the period of time when the funds can be used. Sergeant Twohill informed the Committee that the UPD patrols the area above the winter gate when it is closed. Normally, UPD vehicles can be used in that area but officers have access to snowmobiles if necessary.

Chair Marshall referenced a comment made by Ms. Hotze about a graffiti group in the Cottonwood Canyons. They had an electric bicycle for patrol. Sergeant Twohill was not aware of the graffiti group specifically. He reported that the UPD obtained the electric bicycles to help with graffiti enforcement and to be more proactive on the trails. Officers were able to cover more ground on the electric bicycles than by walking. Sergeant Twohill informed the Committee that the UPD has two electric bicycles and they must be deployed in pairs for safety reasons.

Chair Marshall wondered whether there would be additional patrolling above the winter gate if funding from the Forest Service was increased. Sergeant Twohill confirmed this but noted that the Forest Service funds of \$20,000 had remained the same for a number of years.

Sergeant Twohill was asked to share his perspective on the bicycle speeds above the winter gate. He stated that once the road was closed and became a trail, it was no longer a roadway. As a result, it became difficult to enforce speed infractions. He noted that if there was a crash and it could be proven that someone was reckless or had increased the risk of serious bodily injury or death, there could be a charge for reckless endangerment. Sergeant Twohill added that it would be beneficial to look at proposing specific ordinances related to speed on the trails in Millcreek Canyon. John Knoblock commented that the Millcreek Canyon Committee was not proposing new laws or ordinances. The focus was on enforcement and education related to the existing ordinances.

There had been an increase in recreation use across the board since the COVID-19 pandemic began. Sergeant Twohill reported that visitation was up approximately 50% in all of the canyons. New users may not be aware of all the rules. Chair Marshall wondered whether UPD officers had received complaints from pedestrians or dog walkers about being startled by bicyclists that were going too fast. Sergeant Twohill commented that there had been complaints but not often. He shared information about the types of calls received above the winter gate. From December 15, 2015, to December 15, 2020, there had been a total of 42 UPD written reports related to issues such as:

- Road rage;
- Burglaries;
- Search and rescue/ambulance calls;
- Civil issues, which could include user group conflicts; and
- Traffic offenses.

Sergeant Twohill reported that there had only been two accidents above the winter gate. He believed the actual numbers may be higher but noted that communication issues, such as poor cell phone service, may reduce the number of reports made. He said that the UPD has no codes for bicycle accidents not involving vehicles. Serious bike crashes are probably reported as medical emergencies, and bike/pedestrian crashes are probably reported as civil issues. Chair Marshall asked Sergeant Twohill to send the information to the Millcreek Canyon Committee.

There was discussion regarding potential users and public safety issues. Sergeant Twohill believed there were several potential user conflicts. He also felt it would be beneficial to lower the speed limit above the winter gate due to the narrow roads. Del Draper asked about communication issues. Sergeant Twohill explained that older UPD vehicles would start to lose service at the winter gate. Some of the newer vehicles with the antenna on the roof would lose service just after Elbow Fork. UPD handhelds do not have the power to reach above the winter gate. However, officers also carried secondary VHF radios. Sergeant Twohill added that a few years ago, the Forest Service placed a repeater at the top of Millcreek, called the Millcreek Forest Service Channel. It was used by Forest Service workers and the UPD also had access to the channel.

Chair Marshall believed that some of the communication issues may be solved with new technology in the next year. He reported that SpaceX launched 960 satellites with the goal to create a communication system for underserved countries and difficult places to reach. The system

was now operational and being tested in Canada and northern portions of the United States. Chair Marshall believed it would be available in the area within about one year.

Paul Diegel asked if it would be feasible for the UPD to patrol in the snow. Sergeant Twohill reported that officers could patrol above the winter gate. If there was difficult weather, UPD officers would be in vehicles. Tom Diegel noted that on even days, there were often people violating the dog leash rules. He wondered if it would be possible to send officers to patrol the area on foot or skis. Sergeant Twohill reported that the patrol would need to be done in a vehicle or snowmobile. However, snowmobiles needed to be used in pairs, which could be difficult from a staffing perspective.

The Millcreek Canyon Committee discussed officers ticketing dog owners. Some Committee Members had seen officers ticketing while some did not. It was noted that the Committee Members had not seen anyone from the Forest Service ticketing bicyclists. Chair Marshall pointed out that one of the goals of the letter was to achieve equal enforcement. After listening to Sergeant Twohill, it seemed that short of recklessness or a crash, there was little the UPD could do as it related to bicycle enforcement. On the other hand, it was much easier to enforce County ordinances as they relate to leashed dogs. Sergeant Twohill confirmed this. He noted that UPD does not have a preemptive tool to enforce bicycle speeds above the winter gate.

Chair Marshall noted that Kathleen Bratcher was at Porter Fork recently and had seen a lot of skiers with off-leash dogs. He noted that there are often mixed user groups. This complicates the issue as it was not as simple as pedestrians and dog walkers versus bicyclists and skiers. Chair Marshall asked Sergeant Twohill whether Porter Fork is patrolled during the winter months. Sergeant Twohill noted that the area is not patrolled as frequently. There was discussion regarding whether Porter Fork is considered a road or a trail. It was noted that there is a speed limit posted and a sign that prohibits off-leash dogs. Mr. Paul Diegel commented that there had been an issue the previous year with a cabin owner. The Forest Service said it was considered a ski trail and once it was snow-covered, wheeled vehicles were not allowed up Porter Fork Road.

The Committee suggested dividing the road above the winter gate when it is closed. They believed this would be more effective for all user groups. The suggestion was seven feet for downhill cyclists and skiers and the remaining 15 feet for pedestrians and dog walkers. Ms. Hotze was interested in the proposal. However, the government representatives at the previous Millcreek Canyon Committee Meeting had not been supportive of there being signs in the middle of the trail. Chair Marshall asked Sergeant Twohill for his opinion on dividing the road effectively.

Sergeant Twohill commented that skiers may require additional space to slow down. He felt that trying to split the road would be difficult and suggested that odd days allow dogs and even days allow bicycles. Paul Diegel didn't believe that skiers would need additional space to slow down on Millcreek Road. Chair Marshall noted that the Millcreek Canyon Committee wanted to avoid the suggestion made by Sergeant Twohill. None of the user groups wanted the canyon to be closed to them on alternating days. The division of the road had been suggested to allow access but make it safer for all involved.

Chair Marshall believed that the user groups in the canyon were split 90/10 in favor of pedestrians. Ms. Hotze thought it was more of a 50/50 split. Chair Marshall wondered what Sergeant Twohill had seen based on his experience in the canyons. Sergeant Twohill commented that splitting the road unevenly may lead to pushback. Chair Marshall asked how to effectively divide the road. Sergeant Twohill noted that it would be easier to divide the road 50/50 and stated that signs could be placed in the center of the road as soon as the road closes. Snow would then bury the base of the sign and keep it stable.

Paul Diegel commented that signs in the center of the road could cause issues for grooming equipment. Mr. Knoblock noted that Ms. Hotze had been concerned about signs in the center of the road because a skier or cyclist could hit them. He suggested signs on the side of the road or at the gate that read: Pedestrians keep to the uphill lane. Downhill cyclists and skiers keep to the downhill lane. Sergeant Twohill commented that the media was an effective way to educate and communicate various policies in the canyon. He suggested placing signs near picnic areas.

Chair Marshall reported that there would be two seasonal Forest Protection Officers during the winter months. Ms. Hotze hoped to have them during the summer months as well. However, the Forest Protection Officers wouldn't have enforcement authority. Chair Marshall asked Sergeant Twohill how they would interact with the UPD in terms of enforcement. He reported that the Forest Protection Officers would call UPD when there was an issue, and they would serve as complainants and witnesses who would see the case to the end.

Situation 1 from the letter was discussed, which related to Millcreek Road when the winter gate was open. Chair Marshall noted that Sergeant Twohill had stated that Millcreek Canyon itself was not overly dangerous based on the number of accidents. However, the dangers included:

- Bumpy road;
- Sharp curves;
- Limited shoulders, especially above the winter gate.

Speed limits were discussed. Chair Marshall wondered whether Sergeant Twohill believed it would be beneficial to reduce the speed limits to 25 miles per hour above the winter gate and 15 miles per hour at the top. Sergeant Twohill felt that 20 miles per hour above the winter gate would be a reasonable speed due to the narrow road and various user groups.

Chair Marshall noted that another suggestion related to the new shoulder that had been created from the toll booth up to the top of the Boy Scout gates. It was suggested that pedestrians use the uphill shoulder. Sergeant Twohill believed it made sense for uphill pedestrians. He noted that he would support this idea but that runners would likely want to see the cars coming towards them to ensure they weren't hit from behind. Runner groups may have safety concerns related to the suggestion. Mr. Knoblock commented that in Big Cottonwood Canyon, there was a much wider shoulder on the uphill lane than the downhill lane. Pedestrians naturally gravitated toward the wide lane.

The suggestion related to a crosswalk above the Millcreek Inn was discussed. Chair Marshall noted that the County Engineer was hesitant to install a crosswalk because it may provide a false sense of security to people crossing the road. Sergeant Twohill was in favor of a crosswalk. He noted that there could be a warning sign for cars that would allow them to slow down beforehand. Chair Marshall noted that there likely wouldn't be enough funding for a HAWK beacon (high-intensity activated crosswalk beacon) without Federal Lands Access Program ("FLAP") grant funds.

Several Committee Members believed it would be difficult for a bicycle to go faster than 30 miles per hour in Millcreek Canyon. However, Chair Marshall noted that he had been passed by bicycles in certain areas. He wondered whether Sergeant Twohill had heard of bicycles going faster than 30 miles per hour. Sergeant Twohill commented that it was rare but he had heard of the occasional bicycle hitting 40 miles per hour coming downhill.

Chair Marshall asked for clarification on the budget. He believed that money from the Millcreek Canyon toll booth should be spent in Millcreek Canyon. Sergeant Twohill agreed. He reported that the bulk of the \$20,000 from the U.S. Forest Service was put into Millcreek Canyon. Approximately \$2,000 of the \$20,000 had gone toward staffing in other canyons. Sergeant Twohill read from the Forest Service contract, which read:

- Time schedules will be flexible;
- Ample time will be spent in each area to make residents and visitors know that law enforcement officers are there; and
- Emphasis shall be placed on regular patrols in developed camp and picnic grounds in Big Cottonwood Canyon, Little Cottonwood Canyon, and Millcreek Canyon. This includes other high-use dispersed recreation areas such as Lambs Canyon, Neffs Canyon, Ferguson Canyon, Forest Service trailheads, and parking areas.

UPD schedules were discussed. Sergeant Twohill explained that the schedule for Friday was typically 4:00 p.m. to 11:00 p.m. Saturday and Sunday were from 12:00 p.m. to 4:00 p.m. and 4:00 p.m. to 11:00 p.m. Holiday schedules were 12:00 p.m. to 11:00 p.m. Chair Marshall wondered whether those scheduled times referred to an officer being in Millcreek Canyon. Sergeant Twohill confirmed this. He noted that officers often worked alone but when bicycles or snowmobiles were used, officers needed to be in pairs due to the increased risk of injury. He pointed out that the Forest Service computes hourly costs at higher rates than the UPD, and therefore, every \$20,000 from the Forest Service provides 333 hours of UPD service.

Sergeant Twohill believed the Millcreek Canyon Committee was heading in the right direction. He suggested that the Committee may want to focus on ordinances that are related to bicycles. Chair Marshall wondered if the UPD would be able to enforce an ordinance that related to bicycle speeds above the winter gate when it is closed. Sergeant Twohill commented that there may be ways to measure bicycle speed. However, he noted that communication would be the key component. There was discussion regarding enforcement and education. Sergeant Twohill commented that the UPD can educate but not enforce. UPD met with various bicycle groups in the past to focus on increased education.

Chair Marshall thanked Sergeant Twohill for his participation in the Millcreek Canyon Committee Meeting. He felt the discussion had been informative, and Sergeant Twohill left the meeting at this point. Chair Marshall opened up the discussion to Committee Members. Polly Hart did not feel that a lot of new information had been shared. Mr. Knoblock noted that Sergeant Twohill had agreed that the road above the winter gate when it is closed was treated as a trail. Sergeant Twohill also shared his belief that it would be difficult to divide the road unevenly.

Tom Diegel noted that laws and education were the two main factors to consider. He commented that putting effort into trying to enforce existing laws or create new laws may not be the most effective strategy. However, there could be value in a broader outreach program. He stated that Millcreek Canyon was becoming more crowded. It was important to focus on outreach and education to benefit all user groups. Paul Diegel believed that many of the Committee goals could be achieved by establishing norms and communicating them.

Hilary Jacobs noted that there were many mixed user groups in Millcreek Canyon. Discussions could not necessarily be separated into specific categories (dog walkers, pedestrians, bicyclists, or skiers) and the Committee may need to consider mixed user groups. For example, skiers with a dog off-leash or bicyclists with a dog off-leash. Mr. Knoblock commented that an article could be written for Cycling Utah magazine about bicycling in Millcreek Canyon. Tom Diegel commented that he would be happy to write it.

The issue of sign uniformity was discussed. At the previous Millcreek Canyon Committee Meeting, Ms. Hotze mentioned the importance of having uniformity with informational signs. However, it was noted that certain signs need to be specific to the needs of Millcreek Canyon. Paul Diegel agreed and reported that he had been asked to participate in the sign standards group. He believed that general guidelines were beneficial but there couldn't be one basic template.

Chair Marshall pointed out that the issues above the winter gate when it is closed were not necessarily related to public safety. According to Sergeant Twohill, there had not been any reported accidents between user groups. The main issues were related to user experience. Mr. Draper was surprised by the small number of written reports for the area above the winter gate when it is closed. He noted that the lack of cell phone coverage may have something to do with the low numbers. Mr. Draper believed that the priority moving forward should be to set behavioral norms and focus on education.

For the next Millcreek Canyon Committee Meeting, Chair Marshall asked the Committee Members to think about how they would like to move forward. He believed that a lot had been learned from the government officials during the last two meetings. It was time to determine next steps.

### **3. Updates from Committee Members and Others Who Have New Information.**

Mr. Knoblock thanked Helen Peters for her work on the Rattlesnake Gulch Trail project. \$40,000 from the Transportation Choice Fund was approved by the County Council. There was also \$30,000 from a grant and an additional \$8,000 for a total of \$78,000. However, \$5,000 had been

spent on the design. \$73,000 was available and the lowest bid was \$83,000. Mr. Knoblock hoped that a lower bid or additional funding would come in.

Rita Lund shared updates related to the funds from Millcreek City for the toll booth. Possible funding sources were being explored. Ms. Lund reported that a meeting was scheduled with Mayor Jeff Silvestrini. She noted that the fee station sits on private land, which could become an issue in the future. A survey would need to be done to determine who owns the land. Mr. Knoblock wondered what portion is a County road and what portion will come from County funding. Ms. Lund reported that when the City was incorporated, all of the roads were inherited. Although the road was a County road, it is now considered a City road up to a point located a little above the fee station. Mr. Knoblock wondered who the point person was on the Neffs Canyon trailhead. He wanted to address the gate issue. Ms. Lund commented that she could address any questions.

Mr. Draper reported that he had read about a planned roundabout at Upland Drive and Virginia Way that would address traffic congestion and improve safety. He had spoken to Mayor Silvestrini about the project. Mr. Draper informed him that the frontage road appeared to be a good place to put in parking for a future shuttle site. Mr. Draper and Mayor Silvestrini had also discussed a long-term plan to have Camp Tracy provide some sort of conservation easement to protect the land. Mayor Silvestrini was in support of that. Ms. Lund was able to answer questions related to the Upland Drive and Virginia Way work. She noted that the aim was to design the road to better accommodate traffic from Skyline High School.

#### **4. Update on CWC Alternatives for a Mountain Transportation System.**

CWC Deputy Director, Blake Perez updated the Committee on the Central Wasatch Commission (“CWC”) and the Mountain Transportation System (“MTS”). He reported that there had been a virtual CWC Board Retreat to discuss next steps. The CWC Board decided to spend the first quarter of 2021 looking closely at each of the modes and alternatives included in the Utah Department of Transportation (“UDOT”) Little Cottonwood Canyon Environmental Impact Study (“EIS”). They would also utilize an evaluation matrix that outlined the objectives and attributes of the MTS.

Chair Marshall asked how the timing of the UDOT Little Cottonwood Canyon EIS fit in with the MTS alternatives. Mr. Perez reported that a UDOT Draft EIS was scheduled to be released mid-year in 2021 and a Record of Decision was scheduled to be released at the end of 2021. After the Draft EIS was released, there would be a 45-day comment period. Mr. Perez noted that the UDOT Little Cottonwood Canyon EIS was one piece of the puzzle for the MTS. The CWC Board would continue to conduct research and engage with UDOT for further information. Mr. Knoblock believed that a CWC review of the UDOT Little Cottonwood Canyon EIS would be beneficial as it would provide thoughtful feedback for UDOT to consider as they moved forward.

#### **5. Other Business Relating Directly to Millcreek Canyon.**

Chair Marshall reported that his one-year term as Chair of the Millcreek Canyon Committee will expire in January 2021. He felt it was important for the Committee to have different leadership on a rotating basis. Chair Marshall recommended that Paul Diegel take over the position. It was



noted that Paul Diegel has a fair approach when in terms of Committee discussions. Paul Diegel was willing to take on the Chair position with an election to take place at the next meeting.

There was discussion about whether a Vice-Chair was necessary for the Committee. Chair Marshall and Paul Diegel believed it was not needed. However, if staff determined that a Vice-Chair was necessary, there would be an election for that position as well. Chair Marshall would handle the next meeting and if elected, Paul Diegel would take over at the February 2021 Millcreek Canyon Committee Meeting. The term would continue through January 2022.

The Committee Members discussed possible ways to educate and inform Millcreek Canyon users to improve the overall experience in the canyon. Tom Diegel commented that he could write a blog post for the Wasatch Backcountry Alliance members. It could summarize some of the items discussed during the meeting. Another blog post could be written in the spring to specifically address bicycling in the canyon. Ms. Lund reported that the Millcreek City newsletter might be a good place to focus on education as well.

## **6. Adjournment.**

**MOTION:** Tom Diegel moved to adjourn. John Knoblock seconded the motion. The motion passed with the unanimous consent of the Committee.

The Millcreek Canyon Committee Meeting adjourned at 3:00 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Millcreek Canyon Committee Meeting held Monday, December 21, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: \_\_\_\_\_