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**MINUTES OF THE CENTRAL WASATCH COMMISSION STAKEHOLDERS
COUNCIL MILLCREEK CANYON COMMITTEE MEETING HELD MONDAY,
NOVEMBER 15, 2021, AT 1:30 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 Paul Diegel
- Ed Marshall
- Chris Adams (proxy for Tom Diegel)
- Del Draper
- John Knoblock
- Will McCarvill (excused at approximately 2:00 p.m.)
- Brian Hutchinson (arrived at approximately 2:27 p.m.)

Others:

- James Schnaitter
- David Parker
- Polly Hart
- Hilary Jacobs
- Smith Monson
- Jim Byrnes
- Alex Schmidt
- Helen Peters (left meeting at approximately 1:58 p.m.)
- Guy Lynn Benson
- Stephen Lewis
- Mike Mikhalev
- Rita Lund
- Bruce Wollstenhulme

Staff:

- Ralph Becker, CWC Executive Director
- Blake Perez, CWC Deputy Director
- Lindsey Nielsen, CWC Communications Director
- Kaye Mickelson, Office Administrator

1 **Opening**

2
3 **1. Chair Paul Diegel will Open the Public Meeting as Chair of the Millcreek Canyon**
4 **Committee of the Central Wasatch Commission Stakeholders Council and Read the**
5 **Determination of the Chair.**
6

7 Chair Paul Diegel called the meeting to order at 1:30 p.m. The Legislature, pursuant to Section
8 52-4-207(4), required the Committee to make a determination, which was as follows:
9

10 ‘Pursuant to Utah Code Annotated 52-4-207(4), I, as the Chair of the Millcreek Committee
11 of the Stakeholders Council of the Central Wasatch Commission (“CWC”), hereby
12 determine that conducting Committee Meetings at any time during the next 30 days at an
13 anchor location presents a substantial risk to the health and safety of those who may be
14 present at the anchor location. Although the overall incidence of COVID-19 cases has
15 diminished somewhat over the past several months, the pandemic remains and the recent
16 rise of more infectious variants of the virus merits continued vigilance to avoid another
17 surge in cases which could again threaten to overwhelm Utah’s healthcare system.’
18

19 **2. Review and Approval of the Minutes from the October Meeting.**
20

21 Chair Diegel reported that Brian Hutchinson was listed under Others rather than Committee
22 Members in the October 18, 2021, Millcreek Canyon Committee Meeting Minutes. He asked that
23 this be corrected. Ed Marshall reported that the paragraph at the top of Page 5 stated:
24

- 25 • He believed it was a \$12 million bond that was planned for and the surveying work and
26 engineering work had already been done.
27

28 Mr. Marshall asked that the minutes be corrected to state that the surveying work and engineering
29 work had already begun rather than stating they had already been done.
30

31 **MOTION:** Ed Marshall moved to approve the Meeting Minutes from the October 18, 2021,
32 Millcreek Canyon Committee Meeting, as amended. John Knoblock seconded the motion. The
33 motion passed with the unanimous consent of the Committee.
34

35 **FLAP Grant Discussion**
36

37 **1. Discussion with the Committee on Potential Action on the FLAP Grant.**
38

39 CWC Deputy Director, Blake Perez addressed voting by proxy. There had been a request from
40 Tom Diegel to have Chris Adams serve as a proxy vote during the Millcreek Canyon Committee
41 Meeting. Mr. Perez reported that he reviewed the Rules and Procedures and there was no explicit
42 language allowing for a proxy vote. It was suggested that the Millcreek Canyon Committee
43 Meeting Minutes acknowledge that Mr. Adams was present at the meeting to serve as a proxy.
44 There could then be future discussions with the CWC legal team.
45

1 Chair Diegel stated that it would be possible to receive an email vote from Mr. Diegel, if necessary.
2 Mr. Adams explained that he was associated with the same organization as Mr. Diegel. They both
3 represent the Wasatch Backcountry Alliance. CWC Executive Director, Ralph Becker suggested
4 that the Millcreek Canyon Committee proceed as normal. If there were questions about the vote,
5 there could be follow-up discussions as necessary.
6

7 The Draft Comment Letter related to the Federal Lands Access Program (“FLAP”) grant was
8 shared with those present. Chair Diegel explained that the Draft Comment Letter would need to
9 be forwarded to the Stakeholders Council and the CWC Board to obtain approval. He noted that
10 preliminary discussions regarding the contents of the Draft Comment Letter took place via email.
11 There was discussion regarding possible changes.
12

13 Chair Diegel reported that language was added to the Draft Comment Letter to recognize that it
14 may be difficult to achieve a consistent 24-foot roadway. He also changed a reference to a four-
15 foot bicycle and pedestrian lane to a three-foot bicycle and pedestrian lane, as that may be more
16 realistic. John Knoblock pointed out that the County Ordinance for bicycle lanes states that the
17 minimum width is four feet. If the lane was only three feet, it would be considered a shoulder and
18 not a bicycle lane. He felt the Committee should suggest four feet to meet the legal standard.
19 Chair Diegel suggested that the four-foot shoulder language be returned.
20

21 Ed Marshall wondered why the shoulder width was reduced to three feet in the Draft Comment
22 Letter, to begin with. Chair Diegel explained that after speaking to some of the engineers
23 associated with the project, it seemed that a consistent four-foot shoulder was not likely. That
24 width would infringe on the stream path in certain areas and require too much excavation.
25 However, he saw no issue with the four-foot suggestion as an aspirational goal. Mr. Marshall
26 wondered if a one-foot downhill shoulder was being considered by the engineers. Chair Diegel
27 noted that they recognized the legitimacy of a wider shoulder on one side, but he did not know if
28 that translated into a one-foot downhill shoulder as well.
29

30 Mr. Knoblock asked Helen Peters if there was a legal requirement to have a one-foot shoulder or
31 if it was sufficient to have a white line on the edge of the pavement with a gravel shoulder
32 treatment. Ms. Peters noted that she would need to look into that. Chair Diegel reported that in
33 some places, the shoulder has a painted white line that crumbled off into the gravel. There was
34 effectively no painted shoulder in some of areas within Millcreek. If there was some kind of
35 requirement related to the shoulder, there were likely current violations.
36

37 Mr. Marshall believed the Draft Comment Letter should leave in the reference to the four-foot
38 shoulder. Del Draper assumed that wherever the four-foot-width could not be done, the bicycle
39 lane would end. He explained that in Emigration Canyon, there is a four-foot-wide bicycle lane
40 and there were Bike Lane Ends signs in certain areas. When the area was wide enough again, there
41 were Bike Lane Begins signs. As a practical matter, three-foot lanes were better than nothing, but
42 he believed it would be best to reference four-foot lanes in the Draft Comment Letter.
43

44 Chair Diegel read the last sentence included as part of Item 1 on the Draft Comment Letter:
45

- 46 • At a minimum, there should be no lane width increase without a shoulder-width increase.

1
2 Chair Diegel felt that the worst-case scenario would be to widen the traffic lanes and not change
3 the shoulder width. He read some literature and reported that when lane widths were increased,
4 traffic speeds increased. It was clear that when lane widths increase, cyclist mortality also
5 increases. He would rather there be no changes made than for the FLAP grant to create a more
6 dangerous situation for cyclists. That was the reason for the statement in the letter.
7

8 Mr. Marshall reported that Chair Diegel seemed to be at an impasse with the engineers associated
9 with the project. Chair Diegel felt strongly that widening the road would increase speeds and,
10 therefore, reduce cyclist safety unless there was a dedicated bicycle lane. However, the engineers
11 did not agree. They felt that a wider road would be a safer road, even if there was not a designated
12 bicycle lane in place. Mr. Marshall noted that the engineers are Federal representatives, and they
13 were in charge of designing the project. As a result, the burden of proof would be on Chair Diegel.
14 He would need to provide compelling evidence to support his concerns. Mr. Marshall believed
15 the sentence doubled down on the impasse by calling for no lane widening unless there was a
16 shoulder. He did not think this was likely and was concerned that the language would lessen the
17 credibility of the Millcreek Canyon Committee.
18

19 Chair Diegel understood the concerns expressed by Mr. Marshall. He noted that the engineers he
20 had spoken to were not against narrow lanes and a shoulder. They liked the idea of a shoulder.
21 He was not convinced that it was a lost cause. Mr. Marshall stated that based on his conversations
22 with the engineers, he also believed that a shoulder was desired. The Millcreek Canyon Committee
23 was asking for two 10-foot-wide lanes and a four-foot shoulder. What the letter was asking for
24 was fine, but the addition of the last sentence could damage the credibility of the Committee as it
25 was unlikely to happen. The engineers would do what they felt was necessary to widen the road,
26 make it structurally sound, and improve safety.
27

28 Chair Diegel pointed out that there was compelling evidence to support that the fact that wider
29 lanes make conditions more dangerous for cyclists. Mr. Marshall suggested that he put together
30 that information. If he was able to get someone in power to read, support, or present that
31 information, it could impact the decision made by the engineers. Chair Diegel was concerned
32 about a categorical exclusion. If the project was under a categorical exclusion, they would be
33 under no obligation to accept further public comment. This may be the only opportunity for the
34 Millcreek Canyon Committee to express their concerns about the FLAP grant project.
35

36 There was discussion regarding categorical exclusions. Stephen Lewis stated that his experience
37 with categorical exclusions was that they do not need to take comments, but they could take
38 comments if desired. Chair Diegel pointed out that if the intention was to take public comment
39 and to take those public comments seriously, a categorical exclusion would not be considered. The
40 language proposed in the Draft Comment Letter was meant to apply pressure before the engineers
41 were committed to a design. Even a two-foot shoulder would be preferable to nothing at all. To
42 widen the lanes and not add in a shoulder would create dangerous conditions.
43

44 Polly Hart noted that the parking lot at the top of Millcreek Canyon is often full, and visitors end
45 up parking along the road. Even if the road was widened, visitors would still walk up to the
46 trailheads. There would be pedestrians on the road, and it was important to consider safety for all

1 users. Chair Diegel agreed that it was not just about cyclists but all visitors outside of their
2 vehicles. Mr. Draper wanted to leave the proposed sentence in the letter. Mr. Knoblock did not
3 believe that leaving the sentence in would be detrimental to the Millcreek Canyon Committee. It
4 would highlight an issue that the Committee was concerned about.

5
6 Chair Diegel discussed Item 11, which was related to signage. He felt the sign that stated that
7 three feet of clearance was needed was very clear. He had spoken to the engineers about signage
8 in the canyon and they explained that specific signage discussions would take place later on. While
9 he did not have strong feelings about leaving Item 11 in the Draft Comment Letter, he did feel that
10 the three-foot clearance signs were most effective. Mr. Marshall agreed that the signs were the
11 most effective. He had no issue with Item 11A but expressed concerns about Item 11B.
12 Mr. Draper did not know that Item 11 needed to be included in the Draft Comment Letter as
13 signage would be a later discussion. Mr. Knoblock agreed and believed that less was more for the
14 initial comments.

15
16 Chair Diegel suggested that Item 11B be dropped from the Draft Comment Letter. The committee
17 members agreed. Mr. Marshall felt that if Item 11A remained in the letter, it was important to add
18 a recommendation for cyclist signage as well. Downhill cyclists could be problematic, and it
19 would be beneficial to have signs that asked cyclists to obey motoring laws and slow down for
20 sharp curves.

21
22 Chair Diegel wondered if there should be an additional point added to the Draft Comment Letter.
23 It could recommend that signs be added to remind cyclists to ride single file and obey all traffic
24 laws. Mr. Marshall was more concerned with speed limits than traffic laws. He believed that
25 signage should be added to remind cyclists that they were subject to the same speed limits as
26 vehicles and must slow down around sharp downhill curves. Mr. Knoblock suggested that the
27 Committee focus on the road width and bicycle lane. Signage and enforcement could be dealt with
28 at a later date. Chair Diegel was supportive of removing Item 11 from the Draft Comment Letter.

29
30 Chair Diegel reported that he deleted the last sentence in the Draft Comment Letter. There were
31 no objections to that change. He overviewed the proposed changes to the Draft Comment Letter,
32 which included the following:

- 33
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- Mention of a four-foot shoulder or bicycle lane path. At a minimum there should be no
35 lane width increase without some shoulder width increase;
 - Delete Item 11; and
 - Delete the final sentence.
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39 **MOTION:** John Knoblock moved to approve the Draft Comment Letter, as amended. Del Draper
40 seconded the motion. The motion passed with the unanimous consent of the Committee.

41
42 Mr. Draper asked about the proxy vote. He pointed out that the Millcreek Canyon Committee had
43 a quorum. Chair Diegel noted that there were four positive votes and one positive proxy vote.
44

1 Chair Diegel asked what the Committee wanted to achieve in the next year. Mr. Knoblock wanted
2 to see the Committee continue to advocate for their position on the FLAP grant. Chair Diegel felt
3 it was important to monitor the situation and continue to be available as a resource to the
4 Stakeholders Council, CWC Board, and potentially to the City, County, US Forest Service, and
5 Federal Highway Administration (“FHWA”). Mr. Knoblock also felt it was important to work
6 with Bekee Hotze and the Forest Service in order to help them achieve their vision. It was also
7 important to work with Rita Lund in Millcreek on the relocation of the entrance station.
8

9 Mr. Draper stated that it was important for the Millcreek Canyon Committee to continue to work
10 closely with the Forest Service, Millcreek City, and the FHWA. Mr. Marshall referenced a
11 comment made by Chair Diegel at the last Millcreek Canyon Committee Meeting. He stated that
12 the Committee should continue to monitor other Federal, County, and City developments in the
13 canyon. Mr. Marshall believed that was a good objective and made note of the rototilling and
14 roadway resurfacing project. He suggested that the Committee keep an eye on that. Mr. Knoblock
15 mentioned problematic road conditions and suggested that the Committee inform Salt Lake County
16 and the Forest Service about erosion problems on a periodic basis. Chair Diegel noted that there
17 would be some periods where the Committee had nothing to do and other times where the
18 Committee would be very busy. He offered to send a copy of the Draft Comment Letter to Staff.
19

20 Mr. Knoblock shared updates related to trails. He reported that the new Rattlesnake Trail was 99%
21 complete. There was approximately 100 feet left to finish. Chair Diegel wondered if a decision
22 had been made about travel mode and direction restrictions. Mr. Knoblock stated that the Forest
23 Service determined there would be no restrictions. The Forest Service would monitor travel
24 patterns and make management decisions as needed. He also noted that at the mouth of the canyon,
25 at the end of the Pipeline Trail, Millcreek was working with Salt Lake County to purchase the Rain
26 Clouds parcel. The hope was that the Bonneville Shoreline Trail may be able to continue from the
27 end of Pipeline Trail across to Parleys Canyon.
28

29 Chair Diegel reported that he saw a Surveyor with a Federal Government truck surveying for the
30 bridge placement. He believed design work had begun on the bridge. Mr. Knoblock confirmed
31 this and hoped that the bridge would be installed next summer.
32

33 Brian Hutchinson noted that he was not present to vote on the Draft Comment Letter. He was not
34 in support of the document. Additionally, he believed the Committee had a representation problem
35 and felt it was important to represent the entire valley. Mr. Hutchinson stated that he would share
36 follow-up comments via email. Mr. Marshall pointed out that Mr. Hutchinson had a history of not
37 participating in the Millcreek Canyon Committee Meeting discussions and then raised issues at
38 the Stakeholders Council Meetings. That was not fair to the members of the Millcreek Canyon
39 Committee or to members of the Stakeholders Council.
40

41 Chair Diegel felt it was important to honor the feelings and opinions expressed by Mr. Hutchinson.
42 However, he did not believe that the Millcreek Canyon Committee would be disbanded and rebuilt
43 because one member did not feel it represented the public broadly enough. He supported additional
44 viewpoints and explained that he would love to have more people on the Millcreek Canyon
45 Committee representing different interests.
46

1 **Adjourn.**

2

3 1. **Chair Diegel will Close the Public Meeting as Chair of the Millcreek Canyon**
4 **Committee of the Central Wasatch Commission Stakeholders Council.**

5

6 **MOTION:** Ed Marshall moved to adjourn. John Knoblock seconded the motion. The motion
7 passed with the unanimous consent of the Committee.

8

9 The Millcreek Canyon Committee Meeting adjourned at 2:30 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Stakeholders Council Millcreek Canyon Committee Meeting held Monday, November 15, 2021.*

3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____