

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION STAKEHOLDERS COUNCIL**
2 **MEETING HELD WEDNESDAY, MARCH 20, 2019 AT 4:00 P.M., PROMISE ROOM, 3330**
3 **SOUTH 1300 EAST, MILLCREEK, UT 84106**
4

5 **Present:** Greg Summerhays-Chair, Kelly Bricker, Julia Geisler, Kirk Nichols, Brian
6 Hutchinson, Will McCarvill, Matt Kirkegaard, Barbara Cameron, Jan Striefel,
7 Carl Fisher, Ed Marshall, Steve Issowits, Mike Maughan, Megan Nelson,
8 Serena Anderson, Troy Morgan, Dan Knopp, Carolyn Wawra, Nathan
9 Rafferty, Del Draper, John Knoblock, Randy Doyle, Michael Braun, Tom
10 Diegel, Annalee Munsey, Stetson West, Bill Malone, Dave Fields, Don
11 Despain, Kurt Hegmann, Michael Marker, Executive Director Ralph Becker,
12 Deputy Director Jesse Dean, Communications Director Lindsey Nielsen, CWC
13 Attorney Shane Topham
14

15 **Excused:** Michael Braun, Pat Shea, Wayne Crawford, Sarah Bennett, Stetson West
16

17 **A. OPENING**
18

- 19 **i. Greg Summerhays will Conduct the Meeting as Chair of the Stakeholders**
20 **Council.**
21

22 Central Wasatch Commission Stakeholders Council Chair Greg Summerhays called the meeting to
23 order at 4:02 p.m.
24

- 25 **ii. The Stakeholders Council will Consider Approving the Meeting Minutes of**
26 **Wednesday, February 20, 2019.**
27

28 **MOTION:** Megan Nelson moved to approve the minutes of Wednesday, February 20, 2019. Barbara
29 Cameron seconded the motion. The motion passed with the unanimous consent of the council.
30

31 **B. DISCUSSION AND ACTION REGARDING UPDATED RULES OF PROCEDURE,**
32 **CONFLICTS OF INTEREST**
33

- 34 **i. CWC Counsel Shane Topham will Review Updated Rules of Procedure for the**
35 **Stakeholders Council.**
36

37 Stakeholders Council Attorney Shane Topham responded to a question raised at the last meeting
38 concerning protection from liability for those serving on the Council. He explained that the CWC is
39 actively seeking insurance coverage but referred to the Governmental Immunity Act of Utah and the
40 Immunity for Persons Performing Voluntary Services Act, which appears to be on point with what is
41 taking place on the Council. It specifies that a person performing services on a voluntary basis
42 without compensation under the general supervision of or on behalf of any public entity is immune
43 from liability with respect to any decisions or actions, other than in connection with the operation of
44 a motor vehicle, taken during the course of those services unless it is established that those decisions
45 are grossly negligent, not in good faith, or made maliciously.
46

47 Mr. Topham reported that since the last meeting, the Rules of Procedure for the Council was revised.
48 He noted that the Officers and Employees Ethics Act arguably is not applicable to the Council because

1 the definition of a Public Officer in the Act refers to an elected or appointed officer of a political
2 subdivision of the State who occupies a policy-making position. He noted that the CWC Board has
3 determined that there should be broad representation on the Stakeholders Council despite the fact that
4 all members have an interest in the CWC work.

5
6 Examples of conflicts of interest set out in the rules were identified. One involves a member receiving
7 payment for helping a private person or business in a transaction with the CWC. Those types of
8 situations should be disclosed in advance. Another example involved a member of the Council being
9 involved in private business subject to regulation by the CWC. Such a relationship should be
10 disclosed. He suggested that non-profit organizations be included as well. Mr. Topham explained
11 that the disclosure form was simplified. Compliance issues were discussed.

12
13 Ed Marshall referenced Section 6, which requires public office holders to file disclosure forms for
14 every “transaction” with State agencies. Such agencies could include any subdivision of the State;
15 however, “transaction” is not defined, which could be problematic. He next addressed the definition
16 of “officers” in Section 3 and stated that it implies a position of power or authority that the Council
17 members do not have. Mr. Topham stated that arguably the Council members hold a policy-making
18 post.

19
20 Executive Director Ralph Becker commented that when the Commission was considering forming
21 the Stakeholders Council, they decided to always err on the side of disclosure. It was noted that the
22 only documents that will be presented to the Board are those that are approved by the majority. As it
23 reads, the majority can reject submitted a minority report to the Board. Mr. Topham explained that
24 compliance with the Act is only for the purposes of the internal rules of the CWC. Specifics of the
25 Rules of Procedure document were discussed.

26
27 **MOTION:** Carl Fisher moved to adopt the Rules of Procedure, as written. Dave Fields seconded
28 the motion. The motion passed with 18 votes in favor.

29
30 **ii. Action by Stakeholders Council to Formally Adopt the Rules of Procedure and**
31 **Conflict of Interest, Subject to Ratification by the CWC Board.**

32
33 **MOTION:** Carl Fisher moved to adopt the Disclosure Statement, as written.

34
35 Ed Marshall moved to amend the motion to revise the Disclosure Statement to reflect Mr. Topham’s
36 earlier discussion regarding those who disagree with the affirmative statement in the Disclosure
37 Statement concerning applicability of the Act, and whether they can use a substitute disclosure form
38 which contains the same disclosure information.

39
40 Serena Anderson asked if a new form would need to be submitted if the situation changes.
41 Mr. Topham responded that what is suggested is an annual disclosure be completed. Disclosures
42 should be made known if there are changes.

43
44 Carl Fisher accepted the amendment to the motion. Kurt Hegmann seconded the amended motion.
45 The motion passed with the unanimous consent of the Council.

1 **C. DISCUSSION REGARDING STAKEHOLDERS COUNCIL TERMS**

2
3 **i. Greg Summerhays will Lead a Discussion Regarding Stakeholder Council**
4 **Appointments for Two-Year Terms and Four-Year Terms.**
5

6 Chair Summerhays reported the need for Council member terms to be staggered. It was proposed
7 that terms be randomization so that some members have two-year terms and others have four-year
8 terms. Those serving two-year terms can extend to four years, if desired. Mr. Topham explained that
9 staggering terms is required by the CWC Interlocal Agreement.

10
11 **D. STAFF MONTHLY REPORT AND DISCUSSION**

12
13 **i. CWC Executive Director Ralph Becker will Provide an Overview of CWC**
14 **Activities in February and March.**
15

16 Mr. Becker reported on noteworthy events that had occurred over the past month. Staff had been
17 active in transportation matters and on April 9 will be holding a public meeting to kick off the Revised
18 Little Cottonwood Canyon EIS and the Cottonwood Canyon Transportation Action Plan (“CCTAP”).
19 Work on the federal legislation was ongoing. The intent of the Federal Legislation was to prepare a
20 second draft of a revised bill based on the actions of the Commission with an explanation of the bill.
21 Changes were to be made within the next month. At the May Commission meeting, there will be a
22 public comment period as well as a hearing on the Federal Legislation.
23

24 It was reported that the Legislature convened with a number of bills affecting the CWC. One involved
25 a resolution supporting the work of the Commission. It passed in the Senate but failed the final
26 evening of the session in the House on a very close vote. Other legislation was discussed including
27 HB 78, which was sponsored by Representative Albrecht.
28

29 Staff was continuing to work on the development of the Environmental Dashboard. In order to move
30 forward, it needs to go outbid again in order to engage consultants. The hope was that it would be
31 completed by the end of the year.
32

33 **E. STAKEHOLDERS COUNCIL SUBCOMMITTEES, TASK FORCES**

34
35 **i. Chair Greg Summerhays and Vice-Chair Kelly Bricker will Lead a Discussion**
36 **on the Formation of Working Groups Around Other Key Focus Areas in the**
37 **Central Wasatch.**
38

39 Chair Summerhays proposed the formation of sub-committees to help expedite the work.
40 Recommendations from the sub-committees could be presented to the Council for further discussion.
41 Once the sub-committees are identified, assignments will be given.
42

43 Ed Marshall commented on recent devastating fires and asked what would be the fire priority issue
44 to address fire prevention. He noted that a great deal of money is spent fighting fires but very little
45 is devoted to preventing forest fires. He felt it was incumbent upon the Council to make fire
46 prevention a high priority for the sub-committee. Mr. Marshall commented that the CWC Board
47 includes local government leaders who have lobbying and funding resources. Most of the land in the

1 area is controlled by the Forest Service who does not and will not receive funding unless they are
2 pressured. A grassroots movement will be needed to have an impact.

3
4 Carl Fisher commented that wildfires actually benefit wildlife habitat. He was not sure that the goal
5 should be prevention and instead suggested the focus be on ensuring a healthy landscape. Ed Marshall
6 commented that people do not want to hike, bike, or walk in an area that has been destroyed by fire.
7 Fire management was determined to be a topic to be explored.

8
9 Barbara Cameron asked about restrooms along the trail. Kurt Nichols stated that the various
10 components can be grouped together under recreational ecology in an effort to capture areas where
11 humans are having an impact on the environment.

12
13 John Knoblock considered trailheads and trail systems to be distinctly different. Serena Anderson
14 stressed the importance of environmental education. Carolyn Wawra agreed and suggested
15 information be provided describing how to use the canyons correctly. Annalee Munsey mentioned
16 the importance of water quality and the watershed.

17
18 Mr. Becker stated that as they work through the transportation issues, there may be subgroups within
19 transportation. Mr. Dean brought up the issue of bus service and how the CWC can help augment
20 bus service in the short term. Serena Anderson suggested jurisdictional issues be considered with
21 respect to planning and to not duplicate their efforts.

22
23 Brian Hutchinson commented that it may be helpful to utilize the expertise of scientists.

24
25 Jan Striefel questioned how the sub-committees will be interfaced within the EIS process. Mr. Dean
26 explained that there will be a sub-committee for each specific item. All of the work they do as a body
27 will involve the public comment process. He stated that the Stakeholders Council could choose to
28 take comment regarding the Little Cottonwood EIS and submit it to the sub-committee for discussion.

29
30 Carl Fisher suggested that bike lanes and roadside parking be addressed.

31
32 John Knoblock recalled a few years earlier that there was a process that generated reports for four
33 different groups. They focused on such issues as the environment, recreation, and transportation.
34 Before they form sub-groups, he suggested they ask those present to revisit the work done previously
35 since some issues may be relevant. Ways to best address the issues were discussed.

36
37 A question was raised about the legal status of the Mountain Accord. Mr. Topham explained that the
38 only court ruling in the case was that the Mountain Accord would be subject to the Open and Public
39 Meetings Act. There was never a finding by the court that the Open and Public Meetings Act had
40 been violated and ultimately the case was settled. Michael Marker was concerned that the process
41 created products that perhaps would not be in the best interest of the Council to utilize going forward.
42 Mr. Topham explained that the Interlocal Agreement created the CWC with one of the principal goals
43 being to advance the results of the Mountain Accord document.

44
45 Mr. Becker described the mandate for the CWC. It was suggested that the list of problems be
46 prioritized in order to address the top 10 and implement solutions. It was suggested that there be
47 coordination among the sub-committees. Kelly Bricker identified four major areas with climate being
48 an underlying factor throughout.

1
2 Will McCarvill commented that the issues they are facing will exist forever and include population
3 increases, climate changes, visitor use, and recreation changes. He considered the Council to be a
4 place where smaller sub-committees will be key. He suggested they explore solutions outside of the
5 Wasatch. Jan Striefel suggested that the sub-committees also respond to transportation, recreation,
6 water, and trailhead issues.

7
8 In the interim, staff was directed to come back with a more structured plan. Ed Marshall suggested
9 that the Council members make staff and the Chair aware of what sub-committees they are interested
10 in serving on.

11 12 **F. GROUP TRANSPORTATION GOAL SETTING DISCUSSION**

13 14 **i. Presentation and Discussion Led by UDOT Project Manager John Thomas and** 15 **CWC Deputy Director Jesse Dean on Initial Goals, Priorities for Transportation** 16 **in the Central Wasatch.** 17

18 UDOT Project Manager John Thomas introduced HDR Engineer Frank Pisani and stated that they
19 have worked together for the last 12 years. Mr. Pisani is a GIS Specialist and previously developed
20 a process and method that became an internationally recognized GIS software tool. He was engaged
21 to serve on the team. The initial goals were identified and recommendations were made to help carry
22 the goals forward. There will also be public involvement with the goals being broadcast for public
23 comment.

24
25 Mr. Pisani reported that their intent is to present the goals to be put forward at the next Commission
26 meeting. On April 9, there will be a joint GIS and TAP open house at which time their initial goals
27 should be made available. In the meantime, they will review the planning efforts and summarize the
28 projects. Previous studies addressed similar issues and work would continue to carry on those efforts.

29
30 Mr. Dean highlighted past projects and reminded the Council members of the work that has already
31 be done with respect to transportation. Results from the 1989 Wasatch Canyons Master Plan were
32 described, which remain realistic today. He noted that the Mountain Accord contained four primary
33 goals addressing transportation. Mr. Becker noted that during the Mountain Accord, all of the groups
34 came up with their desired future. There was a retreat where one set of goals was proposed that
35 integrated consistent objectives and worked through issues. Although the goals remained the same,
36 the specifics of how they would be carried out were altered as they were meshed with the other
37 interests and expectations of the Mountain Accord. The goals established were translated into
38 strategies that are measured by objectives and deployed through tactics. Specific examples were
39 expounded upon.

40
41 Potential objectives were identified such as identifying a regional transportation system to address
42 canyon issues. In response to a concern raised, Mr. Dean explained that they would not want to be
43 overly broad in terms of overall topics and trying to solve all of the transportation issues between
44 Summit County, Big Cottonwood Canyon, and Little Cottonwood Canyon. Doing so would make it
45 difficult to maintain focus. It was noted that a funding source may soon become available to help
46 with the effort as well.

1 Mr. Thomas commented that they have the ability to collect a significant amount of data on how
2 people travel between Park City and the canyons and Utah County that will impact the canyons. The
3 focus, however, will be how to address the issues in the canyons. Other efforts were described such
4 as conducting a survey of residents along the Wasatch Front. While the study area is defined, data
5 points will be incorporated.

6
7 Mike Maughan reported that in recent days at Alta it was determined that 30% of parking visitors
8 came from the Park City area and 57% from the Salt Lake Valley.

9
10 **ii. Cottonwood Canyons Transportation Action Plan (CCTAP) Process and**
11 **Timeline Overview.**
12

13 The Council was comfortable with the four initial goals being put forward for public comment. They
14 would be reviewed again at the April 17 meeting.

15
16 **G. OPEN DISCUSSION**
17

18 Dan Knopp commented on the importance of fire prevention issues, which have associated
19 environmental and fiscal costs. He stressed the importance of sustainable recreation and noted that
20 skiing is the fourth largest industry in the State and a significant source of tax revenue. Parking issues
21 and possible solutions were addressed. Funding sources were also discussed.

22
23 With regard to transportation, Mike Maughan stated that there have been changes in the ski industry.
24 Guests less frequently stay at resorts and there is a trend toward skiing at a variety of resorts, which
25 increases the use of private vehicles rather than mass transit. Troy Morgan supported making
26 recreating in the canyons affordable and accessible to all.

27
28 **H. ADJOURNMENT**
29

30 The Central Wasatch Commission Stakeholders Council meeting adjourned at approximately
31 6:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Central*
2 *Wasatch Commission Stakeholder Council meeting held Wednesday, March 20, 2019.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____