

**MINUTES OF THE  
MIDWAY CITY COUNCIL  
(Regular Meeting)**

**Tuesday, 15 October 2019, 6:00 p.m.  
Midway Community Center, City Council Chambers  
160 West Main Street, Midway, Utah**

**Note:** Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

**1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 6:00 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Bob Probst, Council Member  
JC Simonsen, Council Member  
Ken Van Wagoner, Council Member

**Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Brad Wilson, Recorder/Financial Officer

**Note:** A copy of the meeting roll is contained in the supplemental file.

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. She gave the prayer and/or inspirational message.

**2. Consent Calendar**

- a. Agenda for the 15 October 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 October 2019 City Council Regular Meeting
- d. Minutes of the 1 October 2019 City Council Closed Meeting

**Note:** Copies of items 2a, 2b and 2c are contained in the supplemental file.

Wes Johnson asked that the following bills be added to the warrants list:

- Precision Concrete for \$350.
- Heber Valley Landscaping for \$2,700.

**Motion:** Council Member Van Wagoner moved to approve the consent calendar with the two additional warrants.

**Second:** Council Member Probst seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

### 3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public for items not on the agenda.

#### High Valley Arts / Arts Center

Sue Waldrip, chair of the High Valley Arts Foundation, and other members of the Foundation gave a presentation on the organization including its benefits to the community and upcoming performances. Ms. Waldrip presented a petition with 697 signatures supporting a permanent home for the Foundation. She asked the City to support such an arts center.

Inez Wilde supported the Foundation but asked that the arts center not be at the base of Memorial Hill. She said that Memorial Hill was a special place.

No further comments were offered.

### 4. Department Reports

#### Cemetery / Trees / Roads / Bathroom

Council Member Probst reported that additional trees had been ordered for the Cemetery. He indicated that the roads had been expanded and rebuilt. He added that the bathroom was being refurbished.

#### Snowplowing / Salt

Council Member Van Wagoner reported that equipment was being prepared to plow snow. He indicated that salt had been brought in.

### Sprinkler Systems / Winterized

Council Member Van Wagoner reported that the City's sprinkler systems were being winterized.

### Dog Park

Council Member Van Wagoner reported that the Public Works Department was working on the City's dog park.

### Vehicles / Two-Way Radios

Council Member Van Wagoner recommended that two-way radios be installed in the City's vehicles.

### Midway Irrigation Company / Meeting

Council Member Van Wagoner indicated that the Council would meet with the Midway Irrigation Company to review contracts and coordinate.

### River Road / Burgi Lane / Chip Seal

Council Member Simonsen reported that River Road and Burgi Lane had been chip sealed. The roads would be striped that Thursday.

### Trails and Parks Committee

Council Member Simonsen reported on the Midway City Trails and Parks Advisory Committee. He indicated that the Committee had completed a trails survey.

### Dog Park Subcommittee

Council Member Simonsen reported on the Midway City Dog Park Subcommittee.

### HVTED / Ryan Starks

Council Member Orme reported that Ryan Starks was leaving Heber Valley Tourism and Economic Development (HVTED).

- 5. Rocky Mountain Power / Conditional Use Permit for Transmission Line** (City Planner – Approximately 60 minutes) – Discuss a conditional use permit for Rocky Mountain Power to improve a transmission line along 970 South, Stringtown Road and Wards Lane. **Public Hearing**

Mayor Johnson made the following comments:

- The list of residents notified of the public hearing was incomplete. The hearing would be held that night with the residents being re-noticed and another hearing held the following month.
- Letters had been submitted just before the meeting from a law firm and Heather Whitney. The Council did not have time to review them.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Proposed conditional use permit
- Municipal Code
- Transmission lines in Midway
- Transmission poles in Midway
- Route for the rebuilt line
- Three options plus an alternative
- Types of poles
- Submitted documents
- Section of the Municipal Code regarding transmission lines
- Route
- Pole height
- Types of Poles
- Burying transmission lines
- Special assessment options
- Bond options
- Transition poles
- Number of poles
- Easement cost
- Existing conditions vs proposed conditions
- Span lengths
- Pole finishes
- Possible findings

Mr. Henke also made the following comments:

- The planning commission recommended the higher poles with the longer spans.
- There could be guy lines on wood but not steel poles.
- Heber City and Wasatch County already approved the transmission line with taller poles, longer spans and self-weathering metal poles.
- Did not have any proposed conditions.
- The section of the line, going from Wards Lane to the Midway City Cemetery, was in Wasatch County.

**Note:** A copy of Mr. Henke's presentation is contained in the supplemental file.

Harold Wilson, Heber Light & Power Company (HL&P), made the following comments:

- The proposed improvement of the transmission line was a necessity.
- The project was being driven by load growth, capacity needs and reliability needs.
- Electrical infrastructure had to be built for peak demand.
- HL&P had partnered with Rocky Mountain Power (RMP) to improve the line.
- The project had been reviewed by HL&P's facility review committee and approved by its board.
- An independent firm did the feasibility study for burying the line.
- New lines had to be brought up to current standards.

Harold Wilson reviewed the project and construction timelines.

Benjamin Clegg, RMP, made the following comments:

- Improving the line was a necessity for RMP.
- HL&P connected to generation assets, that it owned throughout the Intermountain West, using RMP lines.
- The Judge line could not be used because it was a different voltage and longer route.
- Preferred to site its facilities with those of HL&P.
- The recent Midway ordinance, regarding transmission lines, had been adopted after RMP's initial proposal.
- Mitigation efforts had been included in the application.
- Items in the County approval could not be changed.
- There would be some impact by the vaults needed for an underground transmission line.
- The amount of land needed for the right-of-way was so small that the cost per acre would not make a significant difference.
- RMP had responded to the requirements of the City's code.
- Midway residents had been noticed of the original county proposal.
- RMP had all the federal and state approvals needed for the line.

Mr. Clegg also reviewed the following items:

- Underground cost study
- Underground transmission cost
- Vegetation management
- RMP's tree voucher program
- Utah Code regarding conditional uses

Travis Jones, RMP, made the following comments:

- RMP would work with individual property owners regarding landscaping under the transmission line.
- Wanted to avoid conflict.
- Property owners could plant compatible landscaping under the line.

### **Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Clark Bruderer, Cascades at Soldier Hollow HOA President

Mr. Bruderer made the following comments:

- Everyone in his subdivision wanted the transmission line buried or rerouted because of the visual impact.
- Moved to Midway because of its beauty.
- Metal corner poles would be ugly.
- The property owners in the area of the line should not be the only ones to pay the cost of burying it.
- Burying it would benefit everyone.
- Why was everyone in a hurry to approve the permit?
- The current electrical capacity would not be exceeded until 2025. There was enough time to bond to bury the line.

Mr. Bruderer also showed a photograph of him next to a metal transmission line pole.

Bengt Jonsson, VOLT

Bengt Jonsson made the following comments:

- Represented VOLT.
- The line was not a technical issue but a value issue.
- Was not disputing the need but was emphasizing what the residents wanted.
- Disputed the financial findings regarding the line.
- The new line would constitute a taking.
- RMP was not using the real cost for the easements.
- The City Council should give the residents time to deal with the easement costs before the line was constructed.
- The real cost of the easements would help offset the cost of burying the line.
- Wanted time for the residents' voices to be heard.

Natalie Streeter

Ms. Streeter made the following comments:

- Was speaking as an individual and not as a member of the Midway City Planning Commission.
- As a member of the Planning Commission she voted against recommending the line.
- More information was needed to make an informed decision.
- The Municipal Code required an alternative route study. That still needed to be submitted.
- No one knew the cost of another route.

Hollie Kent

Ms. Kent made the following comments:

- No one had been notified of upgrading the line before the recent transmission line ordinance was adopted.
- The proposal was a significant change to those near the line.
- When did residents have their say?
- How much would be made off the line?
- The applicants would save time and money by burying the line.
- A lot of questions had been asked but not answered.

#### Mary Brown

Ms. Brown made the following comments:

- The City should take time when considering the request.
- Many of the residents' concerns were overlooked by the Planning Commission.
- Citizens of Midway who did not live near the line would help pay for it to be buried.
- An overhead line would devalue properties and diminish the beauty of the area.
- Concrete numbers were needed to make a decision.

#### Amanda Peterson

Ms. Peterson made the following comments:

- Was a real estate agent.
- The new line would diminish property values.
- The line should be buried.
- Was willing to chair a group to raise the balance to bury it.

#### Lori Stone

Ms. Stone made the following comments:

- 100-year-old willows would be removed for the line.
- Trees would have to be removed.
- Some properties had already lost some of their value because of the proposal.
- The proposal was not "Midway".
- Citizens not RMP and HL&P should decide.
- Would have to move if the line was overhead.
- Would not let her children be that close to the line.
- The proposal would be a taking.
- The approval process should be slowed down.
- Were the applicants rushing because their agreement expired that December?

#### Jenny Tuite

Ms. Tuite made the following comments:

- Did not live near the line.
- Was also a real estate agent.
- Had clients along the route of the line that were waiting to see what was decided.
- Could not find any easements for the existing line.
- The value for the easements was a lot higher than indicated by RMP.
- Who gave HL&P the authority to invite RMP to participate in the line?
- Midway was a resort community.
- Wanted clean air.

Mayor Johnson indicated that a previous HL&P board invited RMP to facilitate a second connection to the power grid, rebuild the line and do so as cheaply as possible.

### Beth Lawrence

Ms. Lawrence made the following comments:

- The proposal was a mega corporation vs a little guy.
- It would be a blight on Midway.
- The City needed to stand up for the little guy and get the information needed.
- The line should be buried. 99.9% of the residents would be willing to pay the cost.

### Kevin Payne

Mr. Payne made the following comments:

- Was speaking as an individual and not as a member of the Planning Commission.
- Spoke to a designer for RMP who indicated that Park City did not want a 138 kv line so HL&P was stuck with it.
- The new line was more important to Park City than it was to Midway.
- HL&P was too eager to stick with its deal with RMP.
- Park City should have participated because it had more money.
- There should have been one approval process instead of separate ones for the County, Heber City and Midway.
- It was important to gather all information for the conditional use permit (CUP).
- The information from the applicants had gotten better over time.
- The information needed to be detailed and accurate.
- Studies should be prepared by third parties rather than the applicants.
- The width of the prescriptive easements for the line had been increased by the applicants from 20 feet to 55 feet. Suspected this was to bring down the cost for easements.
- Residents would donate the easements for the line to be buried.
- Midway should not have any poles of the scale being proposed.
- The issue was too important to have a deadline to curtail the process.
- The applicants should cooperate to give time to bury the line.



Adam Long, HL&P Attorney

Mr. Long explained that the agreement between HL&P and RMP was effective until the project was completed. If all permits had not been received, then the executives of both parties would meet in good faith to extend the agreement.

Benjamin Clegg, RMP

Mr. Clegg, RMP, made the following comments:

- Did not know where the easement width numbers came from.
- Standards had changed over time.
- Prescriptive easements changed to meet the new standards.
- The CUP process did not address changing standards and width increases.

Sharon Kenney

Ms. Kenney made the following comments:

- Midway was pastoral and peaceful.
- Did not want to go back to Los Angeles.
- An area of Los Angeles had high cancer rates because of crisscrossing powerlines.

Andrew Nygren

Mr. Nygren made the following comments:

- Previously lived next to high voltage lines which he could hear and would make hair stand up.
- Cochlear ear implants were affected by the lines.
- Moved to Midway to get away from the lines.

Holly Bodily

Ms. Bodily made the following comments:

- The transmission line benefited the surrounding communities.
- Had the City considered asking Park City to help pay to bury the line?
- Would electrical rates be increased for all uses to pay the cost?
- There were other sources of electricity that could offset the need for the line.

Travis Jones

Mr. Jones indicated that burying the line did not lessen the health impacts. He suggested that the line be buried or rerouted.

Mayor Johnson made the following comments:

- Spoke with the Park City Mayor but did not ask if Park City would help pay to bury the line.
- It was not unusual for transmission lines to be in an area not served by the lines.
- The proposal would add a second access to the power grid.
- HL&P received power from all over the intermountain west.
- State law indicated that the applicants did not have to bury the transmission line.
- The HL&P Board voted against raising rates to bury the line.

#### Darrin Wilcox

Mr. Wilcox made the following comments:

- Lived under the north transmission line.
- The science regarding health impacts depended upon who paid for the research.
- A lot of people were affected by electromagnetic fields.
- Most above ground transmission lines had a constant buzz that could be heard which was noise pollution.

#### Linda Bruderer

Ms. Bruderer made the following comments:

- Residents needed to be educated on the issue because most did not know about it.
- A letter with a picture of the proposed line should be sent to residents.

#### Heather Whitney

Ms. Whitney made the following comments:

- Was speaking as a citizen and not a member of the Planning Commission.
- Owned property at 250 West and 970 South.
- The proposal was not a historic use.
- RMP's infrastructure was being added to the line.
- Could not tell the difference between transmission and distribution on the current line.
- HL&P was handing over its easement to RMP. This would cause the residents to lose control of the line.
- The resort nature of Midway and the resort tax would be negatively impacted by the proposal.
- Could the Judge line be upgraded instead?
- The proposed poles would be significantly larger and carry more power.

#### Karen Perkins

Ms. Perkins made the following comments:

- Moved from the east coast to Midway because of the esthetics.
- Did not like the power poles on Hwy 40 and near the library in Heber City.
- The proposal did not support Midway's vision statement especially for family, health, safety and esthetics.

Council Member Drury noted that the City only had control over one mile of the transmission line. He noted that the portions before and after that mile would be above ground.

#### Jeff Whiting

Mr. Whiting made the following comments:

- Was a political science major at BYU.
- His father was a politician.
- The best decisions came from the community.

#### Hollie Kent

Ms. Kent made the following comments:

- The areas of the line in Midway could be controlled.
- An above ground line would include large poles.

#### Kevin Payne

Mr. Payne made the following comments:

- The proposal would affect Midway for decades.
- It should not be put in a box with the sections in the County.
- Where there was a will there was a way.

#### Steve Eddington

Mr. Eddington made the following comments:

- Lived down the street from the substation.
- Wanted more information on the effect of the proposal on the substation.
- The proposal and changes to the substation would affect visitors to the City's cemetery.
- Was concerned about the health effects.

Mayor Johnson indicated that a faux stone wall would be build around the substation. She added that the substation would be expanded which was approved by the HL&P Board.

#### Casey Poppinga

Mr. Poppinga asked if above ground or burying were the only options. Mayor Johnson

responded that as a member of the HL&P Board she voted for a different route but was out voted. She added that the agreement between HL&P and RMP would have to be renegotiated for a different route.

Mayor Johnson closed the hearing when no further public comment was offered.

The Council, staff and meeting attendees discussed the following items:

- A photo simulation of the metal poles should be presented.
- The best color for a pole depended upon the context.
- It was more expensive to contain the voltage on an underground line.
- The soil had to be sampled before the size of the metal poles could be determined. That would not be done until the route had been finalized.

Council Member Van Wagoner made the following comments:

- Remembered when the current transmission line was built.
- Lines needed to be upgraded because of growth.
- A wildfire in 1991 cut power to Midway.
- He lost \$6,000 worth of meat at his business because of the power outage.
- Understood the need for a second point of access to the grid.
- Would like to see the 500 South transmission line buried because it crossed his farm.
- Midway City had a limited budget.
- There were residents who were on a fixed income and too proud to ask for help.
- Every option should be considered but the entire community should be kept in mind.

Council Member Van Wagoner noted that he did not run for reelection. He had been involved in politics since he was 21 years old. He said that it was a thankless job but hope for the best for the community.

**6. Homestead Resort / Local Consent for Alcoholic Beverages** (City Planning – Approximately 15 minutes) – Discuss and possibly grant local consent for the purchase, sale and consumption of alcoholic beverages at the Homestead Resort located at 700 North Homestead Drive. **Public Hearing**

Michael Henke made the following comments:

- The Resort had longstanding approvals for liquor licenses.
- The new owners needed approval for those licenses before they could go to the Utah State Division of Alcoholic Beverage Control.
- The scope of the licenses would not change.
- Any expansion of the scope would need the Council's approval.

The new owners confirmed that the scope would not change, and any modifications would come back to the Council for approval.

**Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

**Motion:** Council Member Orme moved to grant local consent for the Homestead Group.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**7. Midway Wrangler Subdivision / Preliminary Approval** (Berg Engineering – Approximately 30 minutes) – Discuss and possibly grant preliminary approval for the Midway Wrangler Subdivision located at 180 East Michie Lane (Zoning is R-1-15). Recommended for approval with conditions by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Land use summary
- Location of the proposed subdivision
- Traffic questions from a previous meeting
- Connection to the Studdert property
- Proposed plat map
- Concept plan
- Discussion items
- Transportation plan
- Water Board recommendation
- Possible findings
- Proposed condition for turnaround

Mr. Henke also made the following comments:

- If the bond for new schools did not pass then the parcel, proposed for the elementary school, could be used for anything allowed in the R-1-15 zone. The subdivision could also be vacated or amended.
- The proposed school still needed a conditional use permit.

**Note:** A copy of Mr. Henke’s presentation is contained in the supplemental file.

Paul Berg, Berg Engineering Resource Group and representing the applicant, reviewed the

anticipated development schedule and made the following comments:

- The Wasatch County School District had reached an agreement with Studdert for a full width road with sidewalks.
- 400 South, through the Studdert property, fulfilled the requirement for a second access.
- The District would allow the “U” shaped driveway at the school to be used for a turnaround.
- There was not room for a traditional turnaround.
- Would increase the width of the driveway/turnaround to 30 feet so vehicles could pass a parked bus.
- The applicant would discontinue the approval process if the bond did not pass.
- The traffic study would be the guide for road improvements.

The Council, staff and meeting attendees discussed the following items:

- The landowners to the South needed to annex.
- Michie Lane would have to change significantly because of the school.
- The current school had a lot of children and cars in the area during pick-up and drop-off times.
- Hwy 113/Center Street would need a turn lane. It might need traffic signals.
- Could the School District pay for the associated road improvements?
- The traffic procedures for Daniel Canyon Elementary, which was the same design as the proposed school, worked well.
- Vehicle counts and volume should be part of the traffic survey.
- The crossing guard at 100 South and Center Street would be moved to Michie Lane and Center Street.

**Motion:** Council Member Orme moved to grant preliminary approval for the Midway Wrangler Subdivision located at 180 East Michie Lane for two lots with the following conditions:

- A traffic study be submitted and approved by the City before final approval.
- The “U” shaped entry to the school be 30 feet wide and be a public turnaround.
- The sidewalk on the Studdert property would be six instead of five feet.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**8. CDRA Meeting** – A meeting of the Community Development and Renewal Agency of Midway City (Please see separate agenda).

**Motion:** Council Member Van Wagoner moved to convene as the governing board of the Community Development and Renewal Agency of Midway City.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**Note:** Minutes of the Agency are maintained separately.

**Motion:** Board Member Drury moved to adjourn the board meeting of the Community Development and Renewal Agency and to continue the City council meeting.

**Second:** Board Member Probst seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Board voting as follows:

Board Member Drury	Aye
Board Member Orme	Aye
Board Member Probst	Aye
Board Member Simonsen	Aye
Board Member Van Wagoner	Aye

**9. Parking / Main Street** (Mayor Johnson – Approximately 15 minutes) – Discuss parking along Midway Main Street.

The item was not discussed in open meeting.

**10. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property and Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Van Wagoner moved to go into a closed meeting.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**Note:** Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

**Motion:** Council Member Drury moved to go out of the closed meeting.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None


**Vote:** The motion was approved with the Council voting as follows:

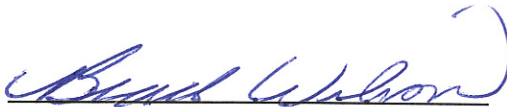
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

## 11. Adjournment

**Motion:** Council Member Van Wagoner moved to adjourn the meeting. Council Member Drury seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:11 p.m.

  
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Celeste Johnson, Mayor

  
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Brad Wilson, Recorder