

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 22 October 2019, 9:30 a.m.
Midway City Office Building, Upstairs Conference Room
75 North 100 West, 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, 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

Mayor Johnson called the meeting to order at 9:32 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
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

Members Excused:

Jeff Drury, Council Member

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

- 2. Conditional Use Permit for Transmission Line / Public Involvement** (Mayor Johnson) – Discuss a conditional use permit for Rocky Mountain Power, to improve a transmission line along 970 South, Stringtown Road and Wards Lane, and how to inform and receive input from the public regarding various options for the line.

Mayor Johnson asked for each council member's concerns regarding the proposed transmission line.

Council Member Simonsen made the following comments:

- Wanted to minimize the impact of the line on residents along the route and throughout the City.
- The City should find out what residents wanted through a survey.

- The City should research guy lines and other options because of the size of the poles.
- Was also concerned about the aesthetics and health impacts.
- The health impacts decreased with distance from the lines.
- The proposal was a significant change and not just an upgrade.
- Why could the Council not take more time to decide?
- The Municipal Code did not prevent the City from considering other options.
- The public needed to be involved in the decision.

Council Member Orme made the following comments:

- The line would devalue the effected real estate.
- A poor job had been done educating the public. Suggested mailing to all residents a postcard showing a large metal pole for shock value.
- Was also concerned about the health impacts.
- Was concerned about the sections of the line approved outside of the City.
- Fundraising the money to bury the lines was an option.
- Rocky Mountain Power (RMP) should be pushed for more time.
- The City could not deny the conditional use permit (CUP).
- \$6 million was a more realistic cost to bury the line.
- There was not time to bond for the money to bury the line.

Council Member Probst made the following comments:

- Wondered if the line was for the benefit of Midway or someone else.
- Was another route an option?
- It should be buried but residents would struggle to pay the cost.
- It should be buried from the city limits to the substation.

Council Member Van Wagoner made the following comments:

- Looked at different poles in Utah and Nevada.
- There were corner poles in Mesquite that were not much larger than the existing poles for the transmission line.
- Some wooden poles would be worse than steel poles.
- The higher poles were less intrusive.
- Was concerned about the cost of burying the line.
- The cost would be in addition to tax increases for open space and new schools.
- The increases might be too much for some people.
- Why was the proposed route chosen?
- Was not opposed to burying the line if the money was available.

Wes Johnson made the following comments:

- Understood the growing demand for power and the needs of RMP.
- Why was the Judge line not being considered as a second point of interconnect?
- End poles should be away from Hwy 113.

Michael Henke made the following comments:

- A CUP had parameters set by the Utah State Code.
- Some things could not be considered when deciding a CUP.
- The number of metal poles would be reduced if the number of turns in the line were reduced.
- The Municipal Code stated that historical routes were preferred but not required for transmission lines.
- Changing the route could require approval from Wasatch County.

Mayor Johnson made the following comments:

- Heber Light & Power Company (HL&P) was owned by the local governments.
- Its board was comprised of representatives from these governments. Decisions were approved by a majority of the Board.
- The 970 South transmission line needed to be replaced.
- RMP needed a second point of interconnect.
- A previous HL&P Board wanted the most cost-effective way to replace the line. They were not fully aware of the impact.
- HL&P and RMP entered into an agreement to share the cost of replacing the line.
- RMP would have built a transmission line through the area. Most likely in an area where one did not already exist.
- The agreement prevented competing lines.
- The new transmission line along Hwy 40 got people's attention. The new line on 970 South would not look the same.
- Midway residents needed to be educated so that they would make the best decision.
- Was the devaluing of property a reasonable impact of the line?
- HL&P might pay the cost to bury the line with the City paying it back over time.
- Did not want RMP to condemn property for a transmission line.
- The State's property rights ombudsman indicated that property owners could negotiate with the power companies if they thought they were not getting fair market value for the required easements.
- Did the City want to use any of its funds?
- RMP would not pay to bury the line and would keep costs as low as possible.
- The City could allow the line to be above ground and then, when it had more time to acquire the money, pay to have it buried. The cost would be higher because the power companies would not contribute what would have been spent for an above ground line.
- Toured the Lower Valley project which included 2.2 miles of buried transmission line. The cost was \$8.8 million with the land donated and \$2 million contributed by FEMA.
- It made sense to bury the line to the substation. However, the substation would have to be rebuilt to accommodate an underground line.
- Dip poles would be needed at the beginning and end of the buried line.
- Moving the end poles away from Hwy 113 would require a change in the CUP issued by the County.
- Additional easements would be needed to bury the line.
- Combining the transmission lines on 500 South and 970 South would eliminate redundancy.

- Wasatch County would work with the City on the route of the line and location of the poles.
- There would be a cost to create photo simulations of the metal poles.
- HL&P used 40% to 60% renewable energy.
- All infrastructure had to be built for peak usage.
- It was irresponsible to delay needed infrastructure.
- If a significant majority of survey respondents wanted to bury the line, then the City could consider creative financing option.

Corbin Gordon made the following comments:

- Needed to discuss the CUP and what could and could not be considered.
- The City was bound by the process established by the State Code.
- A CUP was a quasi-judicial process and the Council could only consider the information before it.
- Evidence was needed for any claims.
- A CUP was a permitted use that could include reasonable conditions to mitigate impacts.
- The CUP only applied to the portion of the line within Midway.
- The Municipal Code encouraged using historical routes.
- The upgraded line would follow the route of the existing line.
- The Council could mitigate size, color, height, etc.
- RMP could immediately take the issue to a state infrastructure committee.
- The City would have to assume that the committee would not be on its side.
- The Council could ask for guywires.
- There was nothing in the record that indicated the transmission line would affect residents' health.
- An alternative route study was no longer appropriate. That request should have been made at the beginning of the process.
- There were three options for the line being above ground.
- The City had to pay the difference, between an above ground and underground line, 30 days prior to the commencement of the project.
- There were timeline problems that needed to be understood.
- Burying the line could be funded with a special assessment, general obligation bond and private donations.
- Special assessments were unpopular because they incumbered a title. A low percentage of landowners could also block the assessment. It took seven to eight months to implement.
- The line would be built from both ends at the same time.
- The companies wanted it completed by the end of 2020.
- It would cost them more to do Midway's section last.
- The companies needed a guarantee that the City would pay the difference if the line was buried.
- The City had 60 days to approve the CUP.
- RMP would require that the City also pay any costs due to a delay.
- The Council could require the line be buried or that it be above ground with steel poles or wood poles with guy lines.
- There was nothing on the record that showed the line would hurt tourism.
- The need for the line was determined by RMP and could not be considered by the Council.

- The Judge line could not be considered in the decision.
- Would put a memo on the City's website explaining the issue.
- Straightening the route of the line was not a good option.
- Council members could participate in fundraising but could not let it affect their vote.
- The Council could not base its decision on the possibility of fundraising.

The Council agreed that a town hall meeting was needed as quickly as possible to inform residents about the issue.

Jason Norlan, HL&P, made the following comments:

- Was confident in the cost estimate to bury the line. It was prepared by an engineering firm that recently designed buried lines in other communities.
- The buried distribution lines would be in the public utility easement.
- Dip poles were significant and might need to be on the west side of Hwy 113 if the line was buried.
- The 500 South line required larger poles because it was not straight.
- Each conductor needed a guywire.
- Guywires increased the impact of a line.
- A dual circuit required dual poles in certain locations.
- HL&P was mitigating the impact of the line by burying the distribution and communication lines at a cost of \$2.2 million.
- The poles on north Hwy 40 were designed for transmission, distribution and communication lines.
- When he started in the business a typical service was 150 to 200 amps. Some services were now 1,200 amps.

Linda Bruderer indicated that transmission lines damaged cochlear implants. Mayor Johnson responded that no evidence regarding cochlear implants or negative health effects of transmission lines had been submitted to the City.

Ms. Bruderer wanted to put up signs and help notify residents of the issue.

Darrin Wilcox made the following comments:

- The only option was to do the right thing.
- The line would be there long into the future.
- Where there was a will there was a way.
- The Council's decision would set precedence.
- The issue should have been raised several years prior.

Richard Finlayson thought that RMP would resist giving more time to raise money. He indicated that the City needed to know how much time it had.

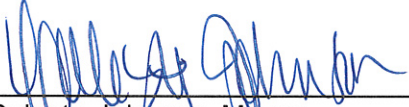
Mayor Johnson indicated that town hall meetings would be held, a professional survey done, and cards sent out to residents.

Brad Wilson explained the process to hire a pollster.

3. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Orme seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:58 a.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder