

ATTACHMENT 11

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November 19, 2019

Corbin B. Gordon
City Attorney
Midway City
345 West 600 South, Suite 108
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Re: Pending CUP Application for Overhead Transmission Lines

Dear Corbin:

You were kind enough to respond very quickly to my last letter, and I feel I need to bring other issues to your attention in advance of the meeting tonight.

We understand that during this last summer you provided counsel to members of the Midway Planning Commission suggesting that there could be serious personal repercussions and repercussions to the Midway City if the Planning Commission and City Council did not fall in line and approve what Rocky Mountain Power ("RMP") has proposed, the overhead transmission line with gigantic towers. We understand also that in connection with this process, you instructed Planning Commission members to sign non-disclosure agreements. We are also informed that you instructed Planning Commissioners not to ask certain questions during public meetings regarding alternative transmission routes and costs. There is also a suggestion that you or others informed Planning Commission members that they may be held personally liable if RMP's Conditional Use Permit ("CUP") Application were not recommended to the City Council for approval. Finally, we understand that the City Council may be under the impression this evening that failure to approve the CUP with overhead transmission lines tonight, rather than giving the strong potential for burying the lines an opportunity to play out, will subject the City to some sort of fine or penalty. On behalf of our client, VOLT, which as you know is constituted of many taxpayers in the City of Midway, can you confirm or deny any of this? In particular as to the last point, we request that you provide us with the contractual or statutory basis for any specter of fines or penalties if the City does not approve the CUP, this evening, as RMP wants it.

I believe our prior correspondence and substantial factual and other material provided to you and Midway show that RMP's application is not complete, nor does it satisfy requirements

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under Section 16.13.46(C)(2). At this time RMP has not provided, and the City Council has not considered valid cost estimates for overhead and unground transmission line construction. RMP has not provided information regarding property value impacts to surrounding properties. Further, information provided by VOLT and included in the record demonstrates that property values will be significantly and negatively impacted by RMP's overhead transmission line.

In light of all of this, please be advised that any action by the City Council to approve RMP's CUP Application this evening will not be in conformance of Midway City Code 16.126.12. If you can get answers to my questions before the vote this evening, even better. My colleague Liz Brereton will be in attendance at the meeting this evening, and any light you can shed on these issues with her will also be appreciated.

Sincerely yours,

Snell & Wilmer



Mark O. Morris

MOM:mkm