



**City of Farmington**  
325 Oak Street, Farmington, MN 55024  
(651) 463-7111 Fax (651) 463-2591  
[www.ci.farmington.mn.us](http://www.ci.farmington.mn.us)

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November 1, 2004

The Honorable Allan W. Klein  
Administrative Law Judge  
Office of Administrative Hearings  
100 Washington Ave. So., Suite 1700  
Minneapolis MN 55401-2138

**RE: Farmington/Empire Township Transmission Line & Substation**  
**EQB Docket No. 04-81-TR-Air Lake-Empire**  
**OAH Docket No. 6-2901-16161-2**

Dear Judge Klein:

City Administrator David Urbia and I attended the October 11<sup>th</sup> public hearing that you conducted in Farmington regarding the matter referred to above. I offered testimony at that time regarding the City of Farmington's position on (a) the route that Great River Energy, Dakota Electric Association and Xcel Energy had initially proposed and (b) various alternative routes that were later proposed by a number of parties. This letter, which reiterates my earlier verbal comments, was reviewed and approved by the Farmington City Council at its meeting on November 1, 2004.

The following summary addresses three distinct geographic segments of the route in question: the portion east of State Trunk Highway 3 [hereinafter "Highway 3"], the portion along Highway 3, and the portion west of Highway 3. Great River Energy, Dakota Electric Association and Xcel Energy will be hereinafter collectively referred to as "the utility companies."

**1. Portion of transmission line east of Highway 3.** The route permit application that was submitted by the utility companies proposed a transmission line route that included a segment from the Highway 3 (on the west) to the intersection of Cambodia Avenue and 210<sup>th</sup> Street (on the east). This segment does not follow any existing, planned or anticipated roadway alignment(s). The proposed route cuts through two adjacent parcels (owned by Mr. Neil Perkins) that are currently being used for commercial purposes and that have significant redevelopment potential. The proposed route also passes between two other commercial properties (the American Legion property and the Marschall Bus Line property) in a location where the distance between the transmission line and the buildings appears to be less than the width of the easement that is typically desired by the utility companies. Finally, the proposed route runs along the southern boundary of two parcels (located directly east of the American Legion building) that are currently being considered for residential development. The presence of a transmission line (and its related easement) in that vicinity would reduce the developable area and potentially complicate efforts to design roadway connections.

The City of Farmington therefore proposed to the EQB that the segment of the proposed route between Highway 3 and Cambodia Avenue be re-oriented to generally follow the former railroad right-of-way along the southern boundary of the Marschall Bus Line property. [This is the "City of Farmington Alternative" that appears in Sections 4.1.3 and 7.1.3 of the EQB's *Environmental Assessment* dated

September 27, 2004; see also Figure 7.] This route would be along or within the right-of-way of a potential future roadway connection between Cambodia Avenue and the intersection of Highway 3 and Willow Street (which currently terminates on the west side of Highway 3). As this roadway proceeded northeast from that intersection, it would (at a point roughly halfway between Highway 3 and Cambodia Avenue) have to move out of the former railroad right-of-way and turn straight east in order to intersect with the corner of Cambodia Avenue and 210<sup>th</sup> Street.

The City of Farmington believes that this alternate route would provide easier access to the line for repair and maintenance, minimize impacts on existing businesses and structures, and reduce potentially negative effects upon future development and/or redevelopment projects in the vicinity. Mr. Patrick Regan, representing Marschall Bus Lines, also testified at the public hearing on October 11<sup>th</sup> that the alternative proposed by the City was more acceptable to his company than the route that had been initially proposed by the utility companies.

The City has taken no formal position with regard to the various alternative routes that have been proposed for the portion of the transmission line that will be constructed east of the area referred to above (that is, the portion lying within Empire Township between Cambodia Avenue on the west and the existing Empire Substation on the east).

**2. Portion of transmission line along Highway 3.** The City of Farmington has no objection to the portion of the transmission line that the utility companies have proposed to place along the east side of Highway 3 between the Willow Street/Highway 3 intersection (where the routing alternative discussed above meets Highway 3 on the east side of the road) and County Road 62. However, if it is within your discretion to do so, the City requests that you direct the EQB to require the utility companies to:

- a. Minimize impacts on existing trees to the greatest extent possible. There are a significant number of tall trees along this portion of the route that provide shade for the homes and businesses on the east side, and that beautify the Highway 3 corridor.
- b. Initiate contact with the owners of the other utilities (telephone, cable, etc.) that currently maintain poles and lines along the east side of Highway 3, in order to co-locate all such utilities on a single set of poles along the east side of the road, thereby reducing visual clutter and improving the appearance of the Highway 3 corridor.

**3. Portion of transmission line west of Highway 3.** This portion of the transmission line has generated a number of alternatives that would significantly affect the City of Farmington. Before addressing those alternatives, it should be noted that the City has not, to date, expressed any objection(s) to the portion of the transmission line that the utility companies proposed to construct between Highway 3 (on the east) and Akin Road (on the west). This portion of the route, which is depicted in Figure 2 of the EQB's *Environmental Assessment*, primarily affects two parcels of private property. One such parcel, which is adjacent to Highway 3, is owned by Jerry Rother, Larry Rother and Kay Cahill [hereinafter "the Rother property"]. The other parcel, which is owned by Molly Murphy and/or Giles Development Corporation, Inc. [hereinafter "the Giles property"], is adjacent to Akin Road.

Although the City of Farmington has not opposed the utility companies' proposed routing of the portion of the transmission line referred to above, the City requests that you direct the EQB (if it is within your discretion to do so) to require the utility companies to consult closely with the City regarding the potential future alignment of the planned extension of 208<sup>th</sup> Street from the vicinity of the Farmington Middle School East to Highway 3 (through the Rother property), and regarding the potential future alignment of any future collector roads that may be planned near or within the proposed transmission line corridor in this vicinity, so that any such transmission lines can be placed (wherever possible) in locations that:

- a. are likely to be within or adjacent to the rights-of-way for future roads;
- b. do not conflict with future roadway alignments or intersections; and
- c. do not render anticipated residential development more complicated, more expensive or less visually attractive.

The Farmington City Council (at its meeting on September 20, 2004) authorized and directed the City Engineer to prepare a Feasibility Report regarding the 208<sup>th</sup> Street extension referred to above. It is anticipated that this Feasibility Report will finalize the future alignment of 208<sup>th</sup> Street and thereby provide the information that the utility companies would need to place the proposed transmission line within or parallel to the right-of-way for 208<sup>th</sup> Street, or in a location that minimizes adverse impact(s) to the residential development that is expected to eventually occur on the Rother and Giles properties. In addition, at its meeting on November 1, 2004 the City approved a Thoroughfare Plan Amendment that identifies (for the first time) the locations of new collector roads that will serve newly-developing properties including (but not limited to) the Rother and Giles parcels. This amended Thoroughfare Plan will also be useful to the utility companies in finalizing a transmission line route that avoids or minimizes conflicts with planned roadways or residential development.

**Rother Bypass #1 and Bypass #2:** These alternatives are described in Sections 4.1.1, 4.1.2, 7.1.1 and 7.1.2 of the EQB's *Environmental Assessment*, and they are depicted in Figures 5 and 6. Modified versions of these alternatives are also depicted on the aerial photos that appear in the *Environmental Assessment* as Figures 14 and 15.

As I indicated at the public hearing on October 11<sup>th</sup>, the City is opposed to these two alternatives. One of the parties who spoke at the public hearing repeatedly referred to them as alternatives that were proposed by the City, which is not the case. Some of the confusion may be attributable to the fact that both of these alternatives essentially start at the place where the "City of Farmington Alternative" [Section 7.1.3 of the *Environmental Assessment*] ends: at the Highway 3/Willow Street intersection. However, the City has never suggested that the transmission line route should proceed west from Highway 3 along Willow Street and/or the nearby railroad right-of-way, for several reasons.

First, it's not completely clear that "the former railroad right-of-way corridor no longer exists," as stated in section 7.1.1 of the *Environmental Assessment*. City staff members believe that the railroad may have retained some type of interest (easement, right-of-way, license, etc.) in the property in question when the underlying land was sold to the adjoining property owners. The owner of the lumberyard, which encompasses at least half of both of the Rother Bypass routes between Highway 3 and downtown Farmington, has talked from time to time about the possibility of re-activating the railroad line to get lumber products to and from his commercial site. This possibility could be adversely affected by the presence of a new transmission line.

Second, both of the Rother Bypass routes would impact commercial and residential properties that were not expected to be affected when the Route Permit process was initiated. As a result, it is not clear what type of notice(s), if any, the property owners in question received from the utility companies and/or the EQB regarding the possibility that their properties could be adversely affected. Rother Bypass #1 and Rother Bypass #2 would each impact the following properties: Dakota County Lumber, Peerless Plastics, Farmington Lanes (bowling alley), Landscape Depot, Marigold Foods, Farmington Auto Sales, Sauber Plumbing, the Farmington Eagles Club, and several homes. Rother Bypass #1 would also impact City Center, Farmington's most recent downtown development, by placing a transmission line next to EconoFoods and directly in front of Pellicci's Ace Hardware. The transmission line would also pass directly in front of a building pad site (to the immediate east of Pellicci's Ace Hardware) that the owner/developer is currently marketing to a number of prospective tenants. In short, both of the Rother

Bypass alternatives would affect far more existing businesses than the route that the utility companies originally proposed (along Highway 3).

Third, and as correctly noted in Section 7.1.1 of the *Environmental Assessment*, "...clearances and underground utility information have not been determined and may affect the constructability of the route."

Fourth, both of the Rother Bypass alternatives would affect City park land and School District property (including buildings and outdoor recreation facilities owned by Independent School District 192). The Highway 3 route originally proposed by the utility companies would not.

Fifth, the City does not believe that the number of crossings of the Vermillion River should be a significant factor in the routing decision. The two Rother Bypass alternatives each require one crossing. Three crossings are required by the route originally suggested by the utility companies. However, one of those three crossings would be very close to Highway 3, and another would be very close to Akin Road, so it's difficult to see how the "river aesthetics" of areas that already have bridges and traffic would be significantly worsened by the presence of a transmission line that will probably have its supporting structures located quite some distance from the river itself.

In summary, the collective opinion of City staff and the City Council is that the actual and potential disadvantages of the two Rother Bypass alternatives outweigh their advantages, and that the preferred route for the portion of the transmission line between Highway 3 and Akin Road is the route originally proposed by the utility companies (see Figure 2 and Section 3.1.3 of the *Environmental Assessment*).

If you have any question, please call me at 651-463-1860. Thank you.

Sincerely,

Kevin Carroll  
Community Development Director

cc: City Administrator David Urbia  
Farmington City Council  
Great River Energy  
Dakota Electric Association  
Xcel Energy  
Minnesota Environmental Quality Board