

**PROCEEDINGS OF THE SPECIAL MEETING OF THE
DOUGLAS COUNTY BOARD OF SUPERVISORS
Wednesday, February 2, 2005, 6:00 p.m., Board Room, Second Floor, Government Center
1316 North 14th Street, Superior, Wisconsin**

Meeting called to order by Chairman Douglas Finn.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan T. Sandvick. There were 26 present, 1 absent. Absent and excused was Bill Eckman. Youth representative present was Kimber Johnson.

CLAIMS AGAINST THE COUNTY

Notice of Claim for Specific Relief from Jamy R. Johansen, Attorney, on behalf of Duluth Ready Mix, Inc., for payment of \$25,426.72 relating to materials and services for improvement of race track at Head of the Lakes Fairgrounds. Board members had received letter from Corporation Counsel Felker explaining his recommendation to settle the claim, based on conversations with Attorney Johansen. Motion by Allen, second C. Johnson, to approve payment of the claim in the amount of \$20,500.00. Brief discussion on recovery of these dollars if and when feasible, based on results of on-going investigation. Roll call vote taken and passed with 26 Yes, 0 No, 1 Absent. Absent was Eckman.

Chair Finn announced that Finance Director Doucette has indicated there is potential to save about \$380,000 on bond issues over the next 15 years by refinancing some bond issues. A special County Board meeting would be needed to approve any refinancing. Motion by Egan, second Martin, to suspend the rules to consider authorization of a special County Board meeting. Motion carried. Motion by Egan, second Quam, to authorize the County Board Chair to call a special meeting if necessary. Motion carried.

PUBLIC INPUT

Chair Finn reviewed protocol for tonight's meeting, and asked that everyone treat each other with respect and dignity, and refrain from personal attacks. Coin toss has been done, and ATC/utilities will be first to make their presentation. SOUL, Inc. will follow. It was noted that within the timeframe allotted, Douglas County residents who signed-up to speak, will be given priority. If time permits and County Board members agree, non-residents of Douglas County, who signed-up to speak, may be given the floor. He reminded everyone that this is a business meeting, and the procedural rules will be followed to the best of his ability.

Mark Williamson, Vice President of Major Projects for ATC, addressed the Board, and briefly summarized the project's history and current status. He thanked the Board for their time in consideration of the project's need to cross Douglas County owned land, and asked for their support. Tom Ferguson, Vice President for power delivery and transmission for MP&L, summarized his division's work on projects such as A-W power line. Roger Engle, President, SWL&P, explained

how this line will benefit SWL&P customers, as it will enhance service reliability. Engle emphasized there are no projected rate hikes for SWL&P customers from this line, and added that northern Wisconsin needs this transmission line for reliability. Engle encouraged support for discussions with ATC. Gus Dahlberg, President, Dahlberg Light and Power, shared his experiences with the local industry, and submitted a letter he wrote to the County Board urging them to vote to discuss the options with ATC.

Tom Kreager (Marathon County, WI), made the presentation on behalf of the SOUL organization. He introduced the panel representing SOUL: Linda Ceylor (Price County, WI) Carl Sjodin (St. Louis County, MN), Roger Steffen (Rusk County, WI), Rick Davey (Douglas County). Kreager asserted that this issue is really about moral courage, because the data does not support the need for this power line. The SOUL presentation reviewed the history of Arrowhead to Weston power line's planning, referring to a project in Manitoba, and asserting that the line's planning began as bulk power transmission line. Legal opinions were submitted on eminent domain regarding county-owned land, and SOUL's contention is that ATC cannot condemn county property or build the line on existing Douglas County easements. In conclusion, Kreager urged the County Board to vote yes to resolution #11-05, and oppose the line and any discussions with ATC.

The following individuals, all Douglas County residents, spoke in opposition to the power line, and urged the County Board members to support Resolution #11-05: Al Cambronne, Jean Hedren, John Kurki, Cathy Swanson, Mary Ann Laajala, Renee Lorence, Mora McCusker, Roger Wilson, Doug Olson, David Thomas, Rick Davey, Steve Trainor, Mary Lou Bergman, Beth Aker, Lorna Wilson, Barry Hanson, Patricia Jo Davey, Lucy Linsmeyer, Virginia Walker, Teresa Elmore, Cheryl Gordon, Bernard Bergman, Martye Allen, Barb Landis, Kathleen Gates, Trudy Fredericks, Bruce Meyers.

The following individuals, all Douglas County residents, spoke in support of authorizing discussions with ATC, and urged the County Board members to support Resolution #12-05: Patricia Anderson, Kevin Norbie, David Minor, Scott Kimmes, Chris Litchke, James Dahlberg, Pattie Soliday, Janet Dalbec, Steve Hanson, Mike Wester, Robert Anderson, Tim Fitzgerald, Raymond Nettleton, Mark Nelson, Chuck Pleski, David Olson, John Reuille.

Meeting recessed at 8:30 p.m. for break. Meeting reconvened at 8:50 p.m.

RESOLUTIONS

**RESOLUTION #11-05
RESOLUTION BY THE ARROWHEAD TO WESTON
POWER LINE COMMITTEE**

Subject: Arrowhead to Weston Power Line Opposed

WHEREAS, the proposed Arrowhead to Weston Transmission Project crosses a substantial portion of Douglas County on its 210 mile route (25% of route in Douglas County), and

WHEREAS, the proposed route of approximately 55 miles in Douglas County is estimated to be 1/3 public and 2/3 private land, and

WHEREAS, Douglas County is concerned with the environmental destruction, quality of life degradation, property devaluation, public health and safety concerns, lost development potential, and future implications of corridor sharing involved with this project, and

WHEREAS, new easements would have to be granted on both new and existing right-of-ways for this project, and

WHEREAS, American Transmission Company, Minnesota Power, Wisconsin Public Service Commission, or any other utility do not have the right to condemn or build on Douglas County property without consent of Douglas County.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors opposes the Arrowhead to Weston transmission project and does not grant permission to use Douglas County land for this project.

BE IT FURTHER RESOLVED that upon passage, copies of this resolution be sent to Governor Doyle, Wisconsin Public Service Commission, State Senator Robert Jauch, State Representative Frank Boyle, and the involved utilities.

Dated this 2nd day of February, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Allen, second Glenn, to adopt. Conley asked if SOUL had attorney present to address eminent domain in relation to county-owned land. Lloyd Winton, attorney from Hayward, explained

Roll Call		
District Number	Yes	No
1. Finn		X
2. Browne	X	
3. O'Brien, John		X
4. Glenn	X	
5. Baker	X	
6. Eckman		
7. Livingston	X	
8. Martin		X
9. Prettie	X	
10. Robinson		X
11. Conley	X	
12. Jaques	X	
13. Quam		X
14. O'Brien, James	X	
15. McKenzie	X	
16. Shepard	X	
17. Egan		X
18. Allen	X	
19. Ryan		X
20. Hendrickson	X	
21. Johnson, Kay		X
22. Thompson		X
23.		
24. Liebaert	X	
25. Budnick		X
26. Johnson, Carol	X	
27. Stewart		X
28. Jensen	X	
Roll: Ayes <u> 15 </u> Noes <u> 11 </u> Absent <u> 1 </u> Eckman Abstain <u> 0 </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
Revised 01-25-05		

Roll Call		
District Number	Yes	No
1. Finn		X
2. Browne	X	
3. O'Brien, John		X
4. Glenn	X	
5. Baker	X	
6. Eckman		
7. Livingston	X	
8. Martin		X
9. Prettie	X	
10. Robinson		X
11. Conley	X	
12. Jaques	X	
13. Quam		X
14. O'Brien, James	X	
15. McKenzie	X	
16. Shepard	X	
17. Egan		X
18. Allen	X	
19. Ryan		X
20. Hendrickson	X	
21. Johnson, Kay		X
22. Thompson		X
23.		
24. Liebaert	X	
25. Budnick		X
26. Johnson, Carol	X	
27. Stewart		X
28. Jensen	X	
Roll: Ayes <u> 15 </u> Noes <u> 11 </u> Absent <u> 1 </u> Eckman Abstain <u> 0 </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
Revised 01-25-05		

that under eminent domain, utilities do not have the right to take or condemn public lands, nor even have the right to bring the county to court to try to do so. Ryan asked if SOUL could identify who told landowners on the power line route, that their properties would be devalued, and no direct response was provided. Prettie stated her continuing concerns with health issues and power line locations, as well as the proven corrosion to pipelines resulting from power line co-location. Thompson asked Williamson to address the road issue. Williamson responded that ATC has a legal obligation to repair or replace roads that are damaged. Asked how much in ATC's budget is designated for highway/road repair, Williamson explained that tens of millions of dollars are rolled into the overall right-of-way budget, and there was no specific amount allocated for highway/road repairs. Asked if the existing easements can be utilized for the higher voltage lines, Williamson responded that it depends on when the easements were granted and the easement language, since the legislation changed in the early 1970's. Discussion followed on how many miles ATC needs in Wisconsin to complete the power line. Asked if ATC has acquired any private land in Wisconsin through eminent domain, Williamson responded not yet, as the PSC handles this, but believed one is scheduled in early March. Regarding the concern of parts of the power line co-located near pipelines, Williamson explained the addition of cathodic protection. Koszarek added that he has spoken with Enbridge about this problem, and Enbridge has indicated they look at it as a cost of doing business, and do not see it as a major problem. Several questions arose on the lawsuits being won in Minnesota over stray voltage, etc. Williamson summarized what he knew about the Minnesota lawsuits, adding that he knows of nothing in Wisconsin like this. Regarding any rate increase to Douglas County, Williamson stated there is unequivocally no rate hike to Douglas County. The condemnations in Minnesota were discussed, and it was noted that MP&L is listed as the condemner. When asked what ATC's bottom line is in regard to Douglas County, Williamson stated he is prepared to begin his offering price when someone is authorized to sit down with him and negotiate the terms. C. Johnson asked Williamson, if in the event that she voted yes to Resolution #11-05, would it stop the power line in Douglas County, and his answer was no, because the line is ordered by the PSC. Williamson explained that if Douglas County votes no to the line, there will be a re-route on more private property, and ensuing lawsuits in regard to trespass and eminent domain. Budnick shared responses to questions he asked of the U.S. Dept. of Energy relative to the congested transmission lines in the country, and the enhanced reliability of transmission capacity in region where it is needed. The rates for the line are federally regulated specific to a certain segment of customers. Questioned as to whether

Roll Call		
District Number	Yes	No
1. Finn		X
2. Browne	X	
3. O'Brien, John		X
4. Glenn	X	
5. Baker	X	
6. Eckman		
7. Livingston	X	
8. Martin		X
9. Prettie	X	
10. Robinson		X
11. Conley	X	
12. Jaques	X	
13. Quam		X
14. O'Brien, James	X	
15. McKenzie	X	
16. Shepard	X	
17. Egan		X
18. Allen	X	
19. Ryan		X
20. Hendrickson	X	
21. Johnson, Kay		X
22. Thompson		X
23.		
24. Liebaert	X	
25. Budnick		X
26. Johnson, Carol	X	
27. Stewart		X
28. Jensen	X	
Roll: Ayes <u> 15 </u> Noes <u> 11 </u> Absent <u> 1 </u> Eckman Abstain <u> 0 </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
Revised 01-25-05		

he has talked with the Forestry Department about impact of this line on county lands, Koszarek responded he has had discussions with the Forestry Director, but not about the impact of the line. He added his belief that overall, the Forestry Department employees mostly oppose the line. Liebaert, Forest, Parks and Recreation Committee Chair, stated there are issues to consider if the county has to remove land from forest crop land.

SOUL representatives responded to County Board members questions relative to Minnesota experiences with the A-W power line project. Midway Township property owners summarized the court orders, hearings, and condemnation process initiated by MP&L. Roger Steffen (Hawkins, WI) addressed health issues, and stated that studies in the State of Washington have found there is a significant increase in childhood leukemia in areas where these high voltage lines are located. On the subject of road repairs, Linda Ceylor (SOUL) refuted Williamson's statement from earlier in the questioning, that the statute dictates the easement must include the road repair. She contended that is inaccurate, and that the statute has to do with right-of-way maintenance and repair. It was emphasized by SOUL that the PSC order for this line does not state that it has to be built.

County Board members debated the issues surrounding the A-W power line, each emphasizing their respective support for either Resolution #11-05 opposing the line, or Resolution #12-05 to begin discussions with ATC. After extensive questioning, discussion and debate, there was a call for the question. Roll call vote was taken on the resolution and passed with 15 Yes, 11 No, 1 Absent. Voting no were Finn, John O'Brien, Martin, Robinson, Quam, Egan, Ryan, K. Johnson, Thompson, Budnick, Stewart. Absent was Eckman.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23.		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other <input checked="" type="checkbox"/> Tabled		
Revised 01-25-05		

**RESOLUTION #12-05
RESOLUTION BY THE ARROWHEAD TO WESTON
POWER LINE COMMITTEE**

Subject: Arrowhead to Weston Power Line Discussion with
American Transmission Company Authorized

WHEREAS, the Arrowhead to Weston power line has been in the discussion and planning stages for over five years, and

WHEREAS, the Douglas County Board of Supervisors took action opposing the power line in 1999 due to concerns which include, but are not limited to, health and safety issues, property values, private land versus public land routes, necessity for the transmission line when compared to other options, such as expansion of existing power plants, and harm to the aesthetics of Douglas County's natural landscape, and

WHEREAS, the Douglas County Board still has many of the same concerns today as it did in 1999, and

WHEREAS, other counties have negotiated or have agreed to have discussions with American Transmission Company, and

WHEREAS, more questions have been raised as to why Douglas County is unwilling to discuss the various possible other options.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Arrowhead to Weston Power Line Committee and authorizes said committee to discuss the various issues of concern with representatives of the Arrowhead to Weston power line project, specifically American Transmission Company, including, but not limited to, payment to Douglas County, impacts on property owners, and environmental issues.

BE IT FURTHER RESOLVED that if any final agreement is presented to the Douglas County Board of Supervisors, American Transmission Company must first provide documentation of all necessary approvals and permits for the power line, and must convince the Board that eminent domain of private land exists with American Transmission Company.

Dated this 2nd day of February, 2005.
(Committee Action: Unanimous)

ACTION: Motion by Liebaert, second Conley, to table the resolution.
Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23.		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> _____ Lost _____ Refer _____ Amend _____ Other _____		
Revised 01-25-05		

**RESOLUTION #13-05
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE**

Subject: New York Building Purchase Agreement Approved

WHEREAS, Douglas County has advertised for sale the following parcel on July 26, August 2, and August 9, 2004:

Commercial/historic redevelopment building located at 1402-1412 Tower Avenue, and legally described as: Lots 27, 28, 29, 30, 31, and 32, Block 142, West Superior, 4th Division, in the City of Superior, and

WHEREAS, Metro Plains submitted a proposal in accordance with the requirements of the Request for Proposals, and

WHEREAS, in accordance with Section 75.69, Wisconsin Statutes, Metro Plains submitted the highest bid, as follows:

\$40,000.00 Intended use: Redevelopment of building, with commercial and housing space, and

WHEREAS, the Land and Development Committee met on September 7, 2004, reviewed the recommendation of the advisory group formed to review proposals, accepted the bid from Metro Plains, and authorized county officials to negotiate terms of the sale.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Land and Development Committee and approves the purchase agreement and sale of the New York Building, as set forth in Exhibit A-2-05.

BE IT FURTHER RESOLVED that the County Clerk be, and she hereby is authorized to execute a deed of transfer to the above named property, in accordance with the terms of the agreement.

Dated this 2nd day of February, 2005.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by Hendrickson, second Egan, to adopt. Motion carried.

ADJOURNMENT: Motion by Glenn, second Shepard, to adjourn. Motion carried. Meeting adjourned at 10:50 p.m. Next regularly scheduled meeting - Thursday, March 17, 2005.

Submitted by,

Susan T. Sandvick
Douglas County Clerk