

**MEETING OF THE RUSK COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 18, 2018  
7:00 P.M.**

Meeting called to order by Chair Willingham at 7:00 p.m.

Roll Call. Present – 16. Excused – 3. Present: DuSell, Biller, Rath sack, Hauser, Vacho, Stout, Tatur, Lief fring, McBain, Pedersen, Schneider, Gierke, Schmitt, Hanson, Hraban, Willingham. Corporation Counsel, Rich Summerfield. Excused: Fisher, Mai, Brown.

Introduction and brief biography of Kerry Read by Chair Willingham.

Willingham asked board to keep Kathy Mai, Joyce Tatur, and the family of Jayme Closs in their thoughts. David Willingham of Island Lake Church of Christ led board in “Joy to the World” in place of invocation.

Pledge of Allegiance led by Kerry Read.

**APPROVAL OF MINUTES**

Motion by Hraban, second by Gierke to approve minutes from October 19, 2018 & November 13, 2018. Motion carried.

**PUBLIC COMMENT**

Mark Borkhart spoke in regards to oil pipelines and asked board to pass the resolution on the agenda tonight in support of property owners rights.

Lorene Reisner spoke in regards to being a landowner in Rusk County and the experience with damages caused to their property by Enbridge.

Jule Reisner spoke on behalf of a friend who faces the possibility of losing his home and asked for the board to support the landowners of Rusk County.

Sister Cecilia Fandel resides in District 19 and is asking the community to be vigilant and proactive against private companies taking land from property owners and asks the board to support stopping for profit companies from taking land.

Joe Baye would like to voice his support of the bridge resolution and also speak out against eminent domain for private gain, damages and issues with Enbridge and spoke on the importance of the resolution on tonight’s agenda.

Keith Merkel – Spoke regarding the easements with companies and the property owners paying full taxes on the property but no use of that once it is host to the pipeline.

Jim Kurc spoke regarding the leakage of tar sands oil into the rivers in Wisconsin and the damage that is possible.

**RUSK COUNTY HIGHWAY DEPARTMENT 2018 ANNUAL REPORT**

Scott Emch, Highway Commissioner, provided hard copy of report and presented the information included regarding the 2018 Annual Report.

**RESOLUTION # 18-35 2019 COUNTY FOREST VARIABLE ACREAGE SHARE PAYMENTS**

WHEREAS, Counties having lands entered as “County Forest Lands” under the provisions of a. 28.11 (4) (b) of the WISCONSIN STATUTES, annually receive from the state as a non-interest bearing loan, the amount of preservation and maintenance of such lands; and

WHEREAS, said loan monies are repaid through a 20% Severance tax on timber sales revenue coming from County Forest Lands unless a higher rate is mutually agreed to by the County and Department; and

WHEREAS, the provisions of Section 28.11 (8) (b) 1. enacted in 1979 make it possible for the County at its option to receive instead of the payment based on 10 cents per acre, a payment more closely related to meeting the needs identified in its County Forest 15 Year Plan on the basis of \$.50 cents per acre.

NOW, THEREFORE, BE IT RESOLVED, that we the Rusk County Board of Supervisors in consideration of meeting the needs identified in our County Forest 15 Year Plan hereby request the Department of Natural Resources to provide the 2019 payment to the County under s.s. 28.11 (8) (b) 1. on the basis of \$.50 cents for each acre of our County Forest Lands, and

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to file this request with the Department of Natural Resources prior to December 31 preceding the year in which said payment is being requested to be made.

Submitted by Rusk County Forestry Committee. S/Schneider, Lief fring, DuSell, Rath sack, Biller.

Motion by Biller, second by Hraban to adopt resolution. Jeremy Koslowski, Forestry Administrator, gave an explanation of application allowed by statute. Motion carried. Resolution adopted by aye vote.

**RESOLUTION # 18-36 EMINENT DOMAIN FOR PRIVATE GAIN FOR OIL PIPELINES**

WHEREAS, the 5th amendment of the United States Bill of Rights and the Wisconsin Constitution both specify that "The property of no person shall be taken for public use without just compensation."

WHEREAS, taking private land against a landowner's will is a power of the state that should be used only rarely and exercised with solemn deliberation.

WHEREAS, when the state grants the power of land takings by eminent domain to a business entity the power granted removes free market forces such that, unlike other transactions between two parties, the landowner is placed in a disadvantaged position, precluding a fair and balanced transaction.

WHEREAS, when the land taking is for an easement, the threat of eminent domain diminishes not only the landowner’s negotiating power for a fair land price, but also diminishes the power to negotiate important easement terms such as the duration of the easement, annual payments for use of the land, whether the easement can be transferred to another business or sovereign entity, plans for pipeline abandonment, responsibilities for negligence and liability, as well as many other easement terms.

WHEREAS, studies have shown: 1) the threat of eminent domain reduces property values and the tax base, an effect known as "condemnation blight"; 2) for long-term economic growth it is crucial for landowners to trust that their property rights are secure; and 3) government land takings for private development rarely result in a net economic gain. (Reference: Somin, I. 2015. The Grasping Hand, Kelo v. City of New London & the Limits Of Eminent Domain. The University of Chicago Press, Chicago. 356 pp.)

WHEREAS, a for-profit company intended for the benefit of its investors does not meet the US and Wisconsin constitutional standard of land takings only for public use.

WHEREAS, the rights of a landowner to own and control his or her property are the foundation of American democracy and individual liberty.

WHEREAS, other states have taken action to protect citizens’ property rights and prohibit the abuse of eminent domain powers by for-profit oil pipeline companies. State actions include: 1) South Carolina's governor in June 2016 signed a three-year moratorium on the use of eminent domain by oil pipeline companies; 2) Georgia in 2017 passed a bill providing additional safeguards to landowners dealing with for-profit pipeline companies; 3) North Carolina has proposed a state constitutional amendment limiting the use of eminent domain to only land takings that meet the criterion of public use such as roads; 4) Nebraska, Iowa, and Illinois are considering bills to limit the abuses of eminent domain by oil pipeline companies.

WHEREAS, all authority to grant eminent domain power to oil pipeline companies resides solely at the state level, namely the Wisconsin Public Service Commission. Unlike natural gas pipelines, no federal government agencies have authority over land takings by oil pipeline companies. Therefore the state legislature possesses the sole power and authority to revise state statutes to limit the abuses of eminent domain and restore property rights to Wisconsin citizens.

WHEREAS, residents in Rusk County are threatened with the potential of having their land forcibly taken for a oil pipeline, for private financial gain with little or no public benefit.

NOW, THEREFORE THE Rusk COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to express their desire to the Wisconsin State Legislature and Governor to reform eminent domain laws to protect the property rights of Wisconsin citizens and prohibit the state from granting the power of eminent domain to for-profit oil pipeline companies.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Scott Walker, all Rusk County's State Senators and Assembly Representatives, to the Public Service Commissioners, and to the Wisconsin Counties Association.

Submitted by Rusk County Zoning/Land Info Committee. S/Schmitt, Schneider, Vacho, McBain.

Motion by Gierke, second by Rathack to adopt resolution. Pedersen called for roll call vote. Roll call: Voting yes-16. Voting no-0. Voting yes: Stout, Tatur, Lieffring, McBain, Pedersen, Schneider, Gierke, Schmitt, Hanson, Hraban, DuSell, Biller, Rathack, Hauser, Vacho, Willingham. Resolution adopted by roll call vote.

**RESOLUTION #18-37 ATVS/UTVS – USH 8 BRIDGE CROSSING OVER THE FLAMBEAU RIVER IN THE CITY OF LADYSMITH**

WHEREAS, Wis. Stat. s. 23.33 allows all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) to be operated on state highways in certain instances.; and

WHEREAS, Wis. Stat. s. 23.33 (4) (d) 3.b and 11(am)3, allows ATVs and UTVs to operate on the roadway or shoulder of a state highway to cross a bridge 1,000 feet or less in length if a town, village or city AND a county BOTH enact an ordinance to authorize the operation of ATVs on a state highway bridge that is not an interstate highway, is 1,000 feet or less in length, and is located within the territorial boundaries of the town, village or city and county.; and

WHEREAS, when a request for ATVs and UTVs to cross a state highway bridge meets Wis. Stat. s. 23.33 (4) (d) 3.b and 11(am)3 the request will not be subject to WisDOT approval.; and

WHEREAS, under the law, ATVs and UTVs must exit the highway as quickly and safely as practicable after crossing the bridge. WisDOT defines this as the first available road on either side of the bridge that is not a dead end, or an ATV trail on WisDOT right-of-way that is established after crossing the bridge, in which ATVs and UTVs may operate.; and

WHEREAS, ATV and UTV route signs are required on state highways in order for ATVs to legally operate on them. A traffic signing permit is also required from WisDOT. County Highway Departments will install the signs following the Wisconsin manual of Uniform Traffic Control Devices (WMUTCD).; and

WHEREAS, there has been a request by the City of Ladysmith to allow ATV/UTV crossing over the USH 8 Bridge over the Flambeau River in the City of Ladysmith (Brooklyn Bridge); and

WHEREAS, If authorized, the City of Ladysmith has designated the route as follows: East 3rd Street from River Avenue to Worden Avenue which includes crossing the USH 8 Bridge over the Flambeau River.

NOW, THEREFORE, BE IT RESOLVED, That the Rusk County Board of Supervisors does hereby ordain as follows: To amend Section 46-37(a) of the Rusk County Code regarding All-Terrain Vehicles Routes to allow ATVs/UTVs to cross the USH 8 Bridge over the Flambeau River in the City of Ladysmith.

NOW THEREFORE BE IT FURTHER RESOLVED, that Rusk County Ordinance 46-37(a) amendment, a copy of which is attached hereto and made a part of, is adopted.

Submitted by Highway Committee. S/

Motion by Hraban, second by Stout to adopt resolution. Richard Summerfield, Corporation Counsel, explained resolution. Motion carried. Resolution adopted by aye vote.

**DISCUSSION AND POSSIBLE MOTION**

Forestry 2019 Work Plan: Motion by Schneider, second by Biller to approve work plan. Koslowski gave explanation and breakdown of forestland acreage and the programs/projects within the Forestry Department. Work plan approved by aye vote.

**ANNOUNCEMENTS**

Schneider announced Emergency Services needs to set a meeting date.

Kitzie Nelson, Finance Director, passed on invitation from Sheriff Jeff Wallace to the January 7<sup>th</sup> plaque presentation that had to be rescheduled from tonight.

Nelson also announced that the 2019 timesheets will be available in the Clerk's office and asked that all December timesheets be turned in by the first week of January for payroll purposes.

**ADJOURNMENT**

Motion by Stout, second by Lieffring to adjourn. Meeting adjourned at 8:37 p.m.

Next meeting: January 22, 2019 at 7:00 p.m.

Loren Beebe, Rusk County Clerk  
Danielle Zimmer, Chief Deputy Clerk