



MARCH 2006

COMMUNIQUÉ

The Newsletter of Northstar Chapter 20 of
the International Right of Way Association (IRWA)

2006

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President's Message

By: Lisa Beckman, SR/WA

Plan on attending our next membership meeting Wednesday, March 15th, Spring will have sprung by the time we meet again and the golf course at Midland Hills Country Club will be very tempting. Our guest speaker is Don Thiesen and he will be providing us with background information regarding the Washington County ATV Ordinance.

As mentioned in the January Communiqué, it is important for us to get the 'younger' generation involved in our profession. There are many basic courses on our education calendar this spring, which will present a great learning opportunity. You can find a detailed calendar within this newsletter.

The Installation Banquet was a great success. We had awesome attendance (maybe because lunch was free?); I hope that the attendance continues. The membership meetings are a great networking tool for all professionals whether you are in government, utility or private environments. However, you will have to pay the \$15 for the excellent lunch and if you bring a guest, you will also have to pay for them.

There may be as many as eight Chapter 20 members in attendance at the Region 3 Spring Forum which is being held in Omaha on April 20 & 21, 2006. The event is being hosted by Platte River Chapter 78; they are also holding IRWA Course-302/Team Building on the 20th. If you would like to attend please let one of the board members know and we can get you the information.

We will be heading to St. Cloud for our May meeting. Mark your calendar for a very interesting presentation to be held on May 17th. Mr. Igor Lenzner of Rinke Noonan Law Firm in St. Cloud will share his knowledge and experience on The Downtown Impact Mitigation ("DIM") program which was established to mitigate the impact of the Stearns County/Sauk Rapids Regional Bridge on downtown Sauk Rapids.

March Membership Meeting

Date: Wednesday, March 15, 2006

Time: 10:00 am - Board of Directors Meeting
Noon - Member Luncheon

Location: Midland Hills Country Club
2001 Fulham Street
Roseville, MN 55113

Cost: \$15.00

Speaker: Don Theisen, PE

Topic: Washington County ATV Ordinance



Mr. Don Theisen, PE

We would like to welcome Mr. Don Theisen, PE as our guest speaker. Mr. Theisen has been a county engineer since 1987, serving Chisago, Dakota, and now Washington County. He is currently Vice President of the Minnesota County Engineers Association and very active in legislation matters. So far this year, Mr. Theisen has already testified before two House Committees on proposed Eminent Domain law changes.

For reservations, please call Marvin DeJear at 651-480-3902 by Friday, March 10th 2006.

Chapter 20 Advertising

If anyone is interested in advertising in our Chapter Communiqué or Chapter Directory please contact the following people:

Chapter 20 Directory:	Mark Hudson, Membership Chair 218-625-3862
Chapter 20 Communiqué:	Debbie Tyler, Newsletter Editor 763-323-2619

We offer space for $\frac{1}{4}$ page ads in our Communiqué at \$25 per year (six issues) and space for $\frac{1}{2}$ page ads in the directory at \$50 per year.

Are More Robust Easement Payments Looming on the Horizon?

By: Gary Ostrom, SR/WA

This question is being debated by a Working Group on Landowner Compensation, a subgroup of the **Legislative Electric Energy Task Force (LEETF)**, (www.commissions.leg.state.mn.us/leetc/leetc.htm) which was created by the Minnesota Legislature in 1994 to study future electric energy sources and costs and to make legislative recommendations.

This "working group" is comprised of landowners (mainly farmers), farm agencies such as the Minnesota Farmers Union, and representatives from various interested groups and agencies including Wind on the Wires, Minnesota Chamber of Commerce, appraisers, utility representatives and other such parties. The charge of this group is to submit a report to the Legislature concerning landowner compensation for transmission line easements.

As expected, there is no consensus as to what constitutes fair and equitable compensation for granting a transmission line easement on agricultural land. Farmers and farm groups are suggesting that easement payments be made annually and be based on a percentage (15% has been discussed) of the assessed land value. And, as land values rise, the annual payments would rise proportionally. Other such payment formulas have been discussed, but the aforementioned seems to be the method preferred by the rural landowners and farm groups.

Some other concerns that have not been addressed are:

- The annual payments would create land speculation on the routes of transmission lines.
- An expected change in land use because of the payments, i.e., land could change from agricultural use to some other use of increased value.
- Would the 15% apply equally to a small 69kV line and to larger 500kV lines?
- Does the 15% take into account where a project would cross a property?
- It would be necessary to annually update landowner lists along thousands of miles of transmission line and send out 1099 tax forms; this alone would have very high costs.
- County tax assessors would have to update their files annually as well, and value the land differently because of the "investment value."

The Transmission Utility representatives on the "working group" have suggested that a high percentage of easements are acquired by direct negotiations, and the existing method of landowner compensation, including compensation provided for under the State Eminent Domain law, is soundly based and has worked well. Changing the existing method of compensation to reflect annual payments is not only very costly to the electric consuming public, but cumbersome and costly to administer. In short, the Electric Utilities contend that the existing method of landowner compensation is fair and equitable and does not need fixing.

Additionally, there is an unresolved issue as to whether the "new" payment formula should apply to rural/agricultural land only or to easement compensation for all lands including industrial and commercial property.

A warning to others! Although the "working group" is focusing on the Electric Utility industry, any mandated changes in easement compensation could, and likely would, transcend to other acquiring agencies/companies.

As it presently stands, the final "working group" report has not been finalized. But rest assured, there are those, and not just landowners, who reason that compensation for granting easements is inadequate and should be changed.

More News on Eminent Domain

From: The Greenville (S.C.) News

North Carolina-based bank BB&T Corp. made a smart move when it announced that it would no longer finance commercial developments built on land acquired from private citizens through the power of eminent domain.

The decision is in response to a misguided ruling last June in which the U.S. Supreme Court said cities can acquire homes through eminent domain to make way for private developments. Typically, eminent domain is used to obtain property for developments that are useful to the general public.

The bank made its decision because of its large number of consumer and small-business clients and potential clients who object to the Supreme Court's ruling.

John Allison, BB&T's chairman and chief executive officer, said in a statement that taking private land for commercial purposes is "just plain wrong."

He's absolutely right. And although such deals amount to a very small portion of business for the bank, it's an important symbolic stand in support of property rights. The more individuals and businesses who show objection to this ruling, the easier it will be to establish more appropriate standards for eminent domain.

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Membership Report

By: Mark Hudson

I am pleased to report that we are continuing to receive new members for me to process. As with many aspects of my life, I am struggling to keep up with this task and I have a backlog of membership certificates that I have not presented. I had them with me at the January meeting but with the full schedule of that day, I did not have the opportunity to present any of them. I hope to be able to present some of them at the March membership meeting and introduce new members who are able to attend. The following members were approved and were listed in the January Newsletter.

Dennis P. Christensen with Meridan Land Services LLC

Penny Rolf with Yaggy Colby Associates

Gene Hoffman with Yaggy Colby Associates

Kathy Blomquist with XCEL ENERGY

Bruce Ansell with MN DOT in Duluth

Diane Kaufman with MN DOT in Duluth

The following people have been approved since the January newsletter. Please join in welcoming these most recent members along with those listed above.

John W. Muehlhausen with Merjent Inc. in Minneapolis

Alana L. Edwards with Northern Natural Gas Company in Bloomington

Rosanne M. Jones with the City of Minneapolis Dept. of CPED

Paul J. Smith with Paul Smith and Associates in Prior Lake

Denita F. Wesley with the Dakota County Transportation Dept.

For those new to Chapter 20 please try to attend one of our lunch meetings and meet some of our members. It is a great opportunity to meet people engaged in many aspects of the right of way profession.

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Matthew S. Storm, SR/WA

Principal

Acquisition Manager




Membership Survey

I am still taking membership surveys and will compile the results for the March meeting. If you would like to send ideas and comments please contact me and I will send out the survey form via email. The survey is looking for feedback from the membership on course offerings, lunch meeting suggestions, and gives a chance for comments to your Board of Directors. The survey takes only a few minutes to fill out. To date, I have received about 30 responses.

Membership Directory

The 2006 Chapter 20 Membership Directory will be coming out soon. We would like to be as accurate as possible with the information contained. Please contact me should you have a change of information (address, email address, phone # etc.) that you want me to check. You can also check and update your information on the IRWA website yourself.

If you have any questions, please contact me at 218-625-3862 or by email at HUDSONM@CO.ST-LOUIS.MN.US




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**REGION 3
SPRING FORUM
April 20 & 21, 2006**

Hosted by Platte River Chapter 78

Accommodations

Hilton Omaha
1001 Cass Street
Omaha, NE 68102
(402) 998-3400

The block of rooms that were set aside for the Spring Forum at the Hilton Omaha are all booked! If you have not made reservations, please contact the Hilton Gardens Downtown Omaha:

Hilton Gardens Downtown Omaha
1005 Dodge Street
Omaha, NE 68102
(402)341-4400 or 1-800-STAY-HGI
\$159.00/per night plus tax

Course 212: Creatively Solving Problems in Groups

Instructor: Dr. Mazie Leftwich
Thursday, April 20, 2006
8:00 a.m. to 5:00 p.m.
Qwest Center Omaha
455 North 10th Street, Room 207
Omaha, NE 68102
C212 April 20, 2006, Omaha

Register Online Now!!! www.irwaonline.org/education

IRWA 200 Courses are required for those of you working toward your SR/WA designation.

Thursday Night Social and Auction

Thursday, April 20, 2006
6:00 p.m. – 8:00 +/- p.m.
Hilton Omaha
1001 Cass Street
Omaha, NE 68102

BID ON A VACATION RETREAT. A week's stay at a vacation retreat in Minnesota will be auctioned from March 8-17th on the Region 3 website. Check it out! www.irwaregion3.org

WANTED: Items for the auction to be held during the Thursday night social event. Proceeds will be donated to Nancy's IEC campaign fund. Bring plenty of cash for bidding!

Spring Forum Meeting

Friday, April 21, 2006
8:30 a.m. – 4:30 p.m.
Hilton Omaha
1001 Cass Street
Omaha, NE 68102

2006 Education Calendar

DATE	COURSE TITLE	NO. DAYS	LOCATION
April 5-6 2006	Course 400: Principles of Real Estate Appraisal Coordinator: Pam Johnson 763-249-6722 TENTATIVE	2 Days	SRF Mpls, MN
April 27-28 2006	Course 502: Business Relocation Coordinator: Kaye Anderson 612-673-5051	2 Days	City of Mpls
July 2006	Course 200: Principles of Real Estate Negotiation Coordinator: Penny Rolf at 651-681-9040	2 Days	Yaggy Colby Mendota Hts
October 2006	Mn/DOT Right of Way Professionals Conference	3 Days	?
October 2006	Course 602: Project Development & the Engineering Process Coordinator: Lois Wells at 651-480-3908	2 Days	?
Nov 8-9 2006	Course 801: Land Titles Coordinator: Jamie McIntyre at 6763-277-6254	2 Days	Ulteig Eng Mpls
January 2007	Course 100: Principles of Land Acquisition	4 Days	?

IRWA CANCELLATION POLICY ON CLASSES:

Written notification of cancellation must be received by the class coordinator 15 days prior to start of class. A 75% refund will be made if written notification is received less than 15 days prior to start of class. No refund will be made after the start of class.

ATTENTION COURSE ATTENDEES:

Please contact the Course Coordinator prior to attending a course for information on Real Estate, Appraisal or Legal continuing education credits. PLEASE, DO NOT assume that all classes offer continuing education credits.



Course 902 - Property Descriptions

Hosted by Great River Energy on February 27th. The class, instructed by Craig Poorker, had a great turnout. Special thanks to Mike Kelly, Course Coordinator.

Attend IRWA's 52nd Annual International Education Conference June 18-21, in Denver, Colorado



It just got more affordable:

- It **starts on Sunday** and ends on Wednesday
- This means a **reduction in travel-related expenses** — without a reduction of quality educational sessions
- This also means **one less day away from the office**

For all the details, Just go to www.irwaonline.org and visit our [Annual Conference Page](#), where you can find all the forms and links to programs, packages and companion tours.

NORTH STAR CHAPTER 20

Int'l Right of Way Association

March Membership Meeting

Wednesday, March 15th 2006

Location: Midland Hills Country Club
2001 Fulham Street
Roseville, MN 55113

10:00 am Board of Directors Meeting
(All members are welcome.)

Noon Membership Luncheon

Call Marvin DeJear at 651-480-3902
NO LATER THAN Friday, March 10, 2006
to make reservations for the luncheon.

Upcoming Dates to Remember

March 15 th	March Membership Meeting @ Midland Hills CC
April 20-21 st	Region 3 - 2006 Spring Forum Omaha, NE
May 17 th	May Membership Meeting St. Cloud, MN
June 18-21 st	IRWA 52 nd Annual International Education Conference Denver, CO



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