

Calumet County Highway Committee Meeting Minutes January 10, 2018

The meeting was called to order by Highway Committee Chair Kenneth Draheim at 8:30 a.m.

Committee Members present: Supervisors Kenneth Draheim, Joseph Mueller, Bob Stanke, Bill Barribeau, and Matthew Budde.

Others Present: Calumet County Corporation Counsel, Kimberly Tenerelli; Highway Commissioner, Brian Glaeser; Highway Road Superintendent, Mike Sabel; Highway Office Manager, Michelle Maas, Calumet County Code Administrator, Brian Giebel; Calumet County Clerk, Beth Hauser; Thomas Schwobe; Judith Schwobe; Jane Woelfel; and Tom Woelfel.

The pledge of allegiance was recited.

Moved by Supervisor Stanke and seconded by Supervisor Barribeau to approve the agenda. Motion carried unanimously.

Moved by Supervisor Mueller and seconded by Supervisor Budde to approve the minutes from the December 13, 2017 Highway Committee Meeting as presented. Motion carried unanimously.

Public Participation:

None

Report of Committee Members:

None

Communications:

Our office received our final GTA amount for 2018. The final amount will be \$967,656.75, which is \$126,216.10 more than the 2017 amount.

Items for Action or Discussion:

A. Review Variance Request for Property Located on CTH E, 1 mile West of Long Road on the South Side.

Testimony taken:

- Tom Schwobe: In 1998, wanted east side access but was refused because of visibility. Now need to use west side access because another driveway was put in within the past 2 years. Tried to get field access changed to residential driveway but was denied.
- Brian Giebel: In 1998, the farmstead was split up and in 1999 a lot was created east of the farmhouse. Not sure what standards were in place during that time or if permits were issued at that time.
- Tom Woelfel: The parcel was surveyed and petitioners have map. The field access was put in prior to two other residences that have access along the road.
- Judy Schwobe: Already had buyer for land, but driveway was denied so lost \$150,000 potential revenue in residential sale for the 20 acres. In 1998 petitioners were told the recommendation was to label the access as "field access" and to change to a driveway once parcel was going to be used for residential purposes.
- Tom Schwobe: If entrance can only be used as field access, sale is limited to neighbor for agricultural purposes.

- Commissioner Glaeser: Can't speak to what happened in 1998; can only look at current ordinance. I must look at current access points and consider safety and traffic flow, plus urban vs. rural settings. I'm concerned about the extra traffic flow; hence the decision to deny the permit. There are currently 7 access points on the road which doesn't include the field access; field access is not considered an access point. Each side of the road is looked at separately as well for access points.

Supervisor Discussion:

- It was noted that there were no value studies done for the value decrease in land.
- It was noted that there was a financing contingency on the Offer to Purchase and there is no indication whether they met that contingency. There is nothing indicated in the Offer to Purchase about driveway access.
- Was a DNR permit applied for stream crossing? Can a driveway be shared with the neighbor?
- A driveway permit is valid for 6 months and the deadline is put on the permit.
- It was noted that no variances have been issued since 2004 for driveways in this area.

Tom Woelfel: There is written documentation for the loss of the sale of residential property from March of 2017. Petitioners tried to sell the property as agricultural in 2016; only 12 to 13 acres is farmland and the rest is natural and not farmable.

The following evidence was provided for the loss of the potential residential sale:

EXHIBIT 1 – Offer to Purchase (Pages 1-3; 5; copy of check #1043 in the amount of \$500 for earnest money) – Petitioners were informed that Page 4 was missing.

EXHIBIT 2 – Termination of Vacant Land Offer to Purchase

EXHIBIT 3 – Copy of County Highway E Access Map

Review of Variance Standards by the Committee:

1. Would a literal enforcement of the ordinance result in “unnecessary hardship”?
2. Is the variance needed so that the “spirit of the ordinance” be observed?
3. Would “substantial justice” be done by granting the variance?
4. Is the variance contrary to the public interest?

The Committee discussed the variance standards and answered as follows:

1. There is no unnecessary hardship. There is value to the property as 13 acres are currently being used for agricultural purposes.
2. The variance is not needed so that the spirit of the ordinance is observed. There are safety concerns with another access point and denying the variance does not cause unreasonable burden to the owners.
3. Substantial justice would not be done by granting the variance as the parcel is currently being used for agricultural and can continued to be used for that purpose.
4. Public interest would not be served if the variance was granted. There are other potential options for the owners: putting in a frontage road; requesting a reduced speed limit on CTH E, etc.

Moved by Supervisor Stanke and seconded by Supervisor Budde to deny the variance based on review of the variance standards. Roll call vote was taken, and all members of the committee voted aye. The variance was denied unanimously.

Supervisor Budde completed the Decision of the Calumet County Highway Committee which included the Findings of Fact and Conclusions of Law. This is marked as **EXHIBIT 4**.

Testimony was recorded, and the recording is made a part of the record.

Report of Highway Department:

A. Highway Commissioners Report:

- Commissioner Glaeser provided to the committee a handout of recent staff activities.

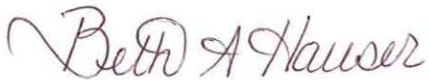
B. Facility Update:

- Commissioner Glaeser gave an update as to the repairs that are being made to the building since the water damage occurred.

Set Next Meeting Date:

The next meeting of the Highway Committee is *tentatively* scheduled for Wednesday, February 14, 2018 at 8:30 a.m. at the Calumet County Highway Dept. at 241 E. Chestnut Street, Chilton WI 53014.

Adjournment: Moved by Supervisor Budde and seconded by Supervisor Barribeau to adjourn the meeting at 9:40 a.m.. Motion carried unanimously.



Beth A. Hauser, Calumet County Clerk
Recording Secretary