

TOWN OF FAYAL
4375 SHADY LANE, EVELETH, MN 55734

Heidi M. Coldagelli, Clerk/Treasurer

Anthony Tammaro, Chairman

Supervisors: Lee Branville, Mark Chad, Richard Sather, Patrick Ziegler

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ROAD VACATION HEARING FAYAL TOWN BOARD

NOVEMBER 19, 2019

The Road Vacation Hearing of the Fayal Town Board of Supervisors was called to order at 6:00 PM by Chairman Tammaro. Present were: Chairman Tammaro, Supervisor Branville, Supervisor Chad, Supervisor Sather, Supervisor Ziegler and Clerk/Treasurer Coldagelli. Chairman Tammaro began with the Pledge of Allegiance.

A sign in sheet with the audience members in attendance is attached to these minutes.

PRESENTATION OF AFFIDAVITS OF PERSONAL SERVICE AND POSTING BY PETITIONER- Keith and Tammy Bechtold brought forward the affidavits from all the interested parties that were delivered. They were unable to reach a resident that lived in Minneapolis and three others were attempted numerous times with no response. One was delivered by the Sheriff's office and another by registered mail.

EXAMINATION OF THE ROAD/PRESENTATION OF THE FINDINGS- Chairman Tammaro brought forward that this road vacation was presented to Fayal Township's attorney and his recommendation was that Fayal has a conflict of interest as the other interested party in this road vacation. Chairman Tammaro added that the Supervisors can still vote on this, but our attorney recommended that we do not. The recommendation is taken under advisement.

INTERESTED PARTIES FEEDBACK- Mr. Bechtold expressed his displeasure in the work that he put in and the inability to proceed. Mr. Bechtold's also stated that sixteen people that he spoke with agreed with his opinion. Chairman Tammaro made Mr. Bechtold aware that Ron Hall was operating within his legal right to utilize the paper road. Chairman Tammaro also made the Board aware that they did look at other options for the road access in an attempt to appease both parties. That is still a possible option for the future in the event that the property is not vacated. Mr. Bechtold informed the Board that he does plan to take the road vacation to district court in the spring.

Mr. Hall stated that the road should not be vacated. Per the plat, the road was originally dedicated for public use and for the future the road should remain for public use. Mr. Bechtold added that many roads in that plat have been vacated.

Blake Beliaj questioned why the dirt road that is 25 feet away is not being used. Chairman Tammaro informed Mr. Beliaj that the road is on Township property, but that road was being looked at between the two parties as an alternate option. The Road & Bridge Department currently uses a portion of that road as a turnaround. There was also discussion regarding the safety of that dirt road and improvements that needed to be made.

Mr. Bechtold questioned why he needed to move his trailers from the platted road but Mr. Hall did not have to remove the dirt piles. The issue is a civil matter and that directive came from the police department. Mr. Hall responded that the Fayal Town Board directed him not to move it. Supervisor Ziegler clarified that the Board had directed him not to spread the dirt. Mr. Hall stated he could get a skid steer in there to level off the piles. Mr. Bechtold would prefer he not move them.

DISCUSSION AND BOARD DECISION- Chairman Tammaro questioned the other Supervisors if they wanted to take action today or did they want to have time to make a decision? Supervisor Branville supported the recommendation by Fayal's attorney and for the residents to take it to district court. Chairman Tammaro added that if the road were vacated, the attorney had stated Fayal could potentially be liable for damages. There is also the opportunity to look at the use of the other road and Mr. Hall would like to have that legally drafted and reviewed by an attorney if that occurs.

Motion to deny the road vacation based upon the attorney's recommendation and allow the residents to take it to district court since Fayal is an interested party, made by Supervisor Branville, support from Chairman Tammaro. Roger Kaspari questioned what happens when a road is vacated? One half of the property would go to the property owners on the west side and the other half would go to the owners on the east side. The Board had Mr. Kaspari and Mr. Beliaj approach the Board table to gain an understanding

where the road is located and the potential alternate access. Supervisor Ziegler wanted to reiterate that the denial was due to conflict of interest. **Motion carried unanimously.**

Motion to adjourn the road vacation hearing, made by Supervisor Ziegler, support from Supervisor Sather. Motion carried unanimously.

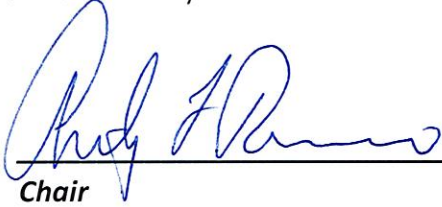
Chairman Tamaro adjourned the Road Vacation Hearing at 6:20 PM.

Respectfully submitted,



Heidi M. Coldagelli
Clerk/Treasurer Town of Fayal

Approved:


Chair

Date:

12-3-19

Attest:


Clerk

Road Vacation Hearing Sign-In

11/19/19

| <u>Name</u> | <u>Address</u> |
|---------------------------|---------------------|
| Blake Roberts | 4511 Park Dr. |
| Jammy Bechtold | 7564 W. Park Blvd. |
| Scott Bechtold | 7564 W. Park Blvd |
| Kenald Z. Hall | 4534 Park Dr. |
| MARY HALL | 4534 PARK DR. |
| Janette Godec | 110 N Van Buren, Ee |
| Roger Kaspari | 907 clay court |
| Jesse Linde | EPD |