

**WATAB TOWNSHIP PUBLIC HEARING**  
**Tuesday, December 14, 2021 – 7:00 pm**  
**PETITION TO VACATE 5<sup>TH</sup> AVENUE NW**

The Public Hearing addressing the petition to vacate 5<sup>th</sup> Avenue NW submitted to the Board of Supervisors by Todd Waytashek was called to order by Supervisor Johnson at 7:00 pm in the Watab Township Hall. Those present offered allegiance to the flag of the United States of America.

**ROLL CALL**

Board supervisors present: Julie Johnson, Steve Wollak, and Bill Little. Others present in the Town Hall included, Treasurer, Deborah O’Keefe, Clerk, Kathy Sauer, Mike Couri (Township Attorney), Kevin Kruger (Township Engineer), Todd and Vicki Waytashek and son, Jerry Kostreba, Ray Thompson, Jeff Wollak, Robin Wollak, Jeff and Julie Fandal, Jack and Renee Polcher, Lloyd Erdmann, Sandy Saldana, Paul Wippler, Brad McIntosh, Pat Schreder, Mark Helgeson, Fred Segler, Jim Hovda, Kenneth and Maureen Graber, Chuck Anderson, David Van Deusel

Attending via Zoom: Carol Eisenreich

Mike Couri presented information regarding the petition submitted by Todd Waytashek. Statute 160.09 states that a Township cannot landlock a road leading to property greater than 5 acres to which there is no other access if the property owner is not in favor. There is one property owner in this circumstance. If the road is vacated by the Township, the statute requires damages to landowners regarding property devaluation. Mr. Couri’s recommendation is not to vacate the road unless signed damage waivers are received from each landowner whose property abuts the road.

**Petitioner Comments:**

Todd Waytashek, petitioner. Helgeson owns 40 acres to the south my property. Other landowners are Theisen and Eisenreich. Originally, in 1967, 5<sup>th</sup> Ave NW was a county road. The road has completely overgrown since 2004 and is passable by 4-wheelers only. There is no developable land south of driveway. Township had agreement to overlay in 2006 but stopped short of driveway. MLD Enterprises gets landlocked by road vacation. I told neighbors I would pay for easements for them to access their land.

Mike Couri noted that these easements can be arranged before road vacation. Waytashek claims that he has solely maintained the road since 2000 and has been continually attacked. He stated he will maintain the road in the future which will save the Township money.

**Concerns from the Public were Presented Regarding:**

Road Maintenance. Waytashek’s son stated that their family has maintained 5<sup>th</sup> Avenue NW exclusively since 2000. Burski Excavating sent an affidavit to the Township declaring that they had contracted with the Township to plow 5<sup>th</sup> Avenue NW along with all other Township roads for the period from 2020-2012. Waytashek stated that he was deployed during that time.

Township Compensation. Brad McIntosh asked whether Waytashek was compensated for plowing the road during his tenure on the Township Board. Waytashek stated he was not compensated. While Waytashek had been paid to plow the Town Hall parking lot, Treasurer O’Keefe stated that she did not find entries on his timesheets for specifically plowing 5<sup>th</sup> Avenue NW.

Long-Range Plans. Brad McIntosh asked if there are any plans to create a frontage road? “Not at this time.”

Benefits of Abandonment. Sandy Saldana questioned the benefits of vacating the road. The Township has always paid to plow this road as part of negotiated contracts for all Township roads, including 5<sup>th</sup> Avenue NW. Mike Couri added that should future landowners want the Township to re-establish road

ownership and maintain the road, the Township is under no obligation to do so. Mike Couri added that vacating the road could affect land values.

Access. Julie Fandal questioned where landowners would access their property and whether Benton County would allow additional points of access. Waytashek stated there is a large swamp to the east; nothing south of his driveway is developable or buildable.

Ownership. Jeff Wollak stated that it is very important that easements be well-documented and asked if Waytashek is buying the land. Mike Couri said that, currently, Waytashek owns through the road with underlying property rights. If the road is vacated, he will own the land and can use for any purpose he wishes.

Future Petitions. Julie Fandal asked what vacating this road opens up to the Township in regard to future vacation petitions. Julie Johnson stated she has heard rumblings of landowners who would like to file similar petitions. Pat Schreder asked about costs to the Township to process such petitions. Clerk Sauer stated that, to date, the Township has incurred in excess of \$3,000 in costs associated with the Waytashek petition. Julie Johnson stated that although we have asked the petitioner, Todd Waytashek, to reimburse the Township for its expenses, he has refused. Therefore, the Township is pursuing an ordinance to require escrows prior to agreeing to hear such petitions so that taxpayers will not have to pay these costs in the future.

Need for the Road. Fred Segler and Maureen Graber expressed opinions that there is no need for the Township to keep the road.

Easements. Mark Helgeson (MLD Enterprises) stated that he has been asking for easement language for quite some time, but has not seen anything to date; therefore, he has not signed the petition agreeing to the road vacation. If, and when an easement agreement is in place, he would consider signing the petition.

Steve Wollak added that there have been many complaints about the eyesore that the piles of logs creates along Highway 10. If the road is vacated, will the problem become worse?

Bill Little said that many Township residents have told him they are not in favor of vacating the road.

Julie Johnson stated that we will continue to process this petition in a legal manner; we will do it right or we won't do it at all.

**ADJOURNMENT**

Supervisor Wollak made a motion to adjourn; Supervisor Little seconded; motion carried. Meeting adjourned at 8:02 pm.

Respectfully submitted,

Kathy Sauer  
Township Clerk

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Julie Johnson, Board Chairperson

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Date

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Kathy Sauer, Clerk

\_\_\_\_\_  
Date