

Hillman Township residents, confused, frustrated over town road issue, treatment of Crisman family

BY KIRSTEN FAURIE
EDITOR@MORAMINN.COM

It started with a simple request for maintenance.

Andrew and Renee Crisman, residents of Hillman Township and parents of three, school-aged girls asked the town board to plow their road. Hornet Street is a half-mile, dead-end road which is regularly plowed for the first quarter mile. The Crismans live at the end and hoped the town would plow the remaining quarter to reach their driveway.

Now four years later, after petitions, lawsuits and thousands of dollars in expenses, the Crismans not only haven't had their road plowed, but the town board says the road to their property no longer exists.

Last week, approximately two dozen Hillman residents crowded into the town hall demanding to know: How did we get here?

HOW DID WE GET HERE?

For a long time, a property at the end of the street was owned by a religious organization and did not pay property taxes. Locals also say that at some point the landowners ran a gate across the road, blocking access.

During that time, the township only performed road maintenance (graveling, plowing, ditch work, etc.) for the first 1/4 mile of the road — essentially up to the first driveway.

In September 2013, the Crismans purchased the property at 2959 Hornet Street — the last driveway of the street.

The property included a cabin, which they moved into as their permanent residence in 2017. Later, they built a larger house on the property.

Today, they operate a solar energy business and raise cattle. Their three daughters take the school bus to attend at Mora Elementary.

Once they moved in, they began using Hornet Street daily to access the property; after the first snowfall of 2017 they called the township and were informed the township would not plow all the way to their property.

The Crismans said that at the suggestion of the town board, they decided to create a petition. In March of 2017, during the annual township meeting, the Crismans submitted a petition to the town board to have the last 1/4 mile of the road maintained.

After discussing the costs to repairing the road and maintaining it in the long term, the township voted against the Crisman's petition

and it was denied.

The town board claimed the road had not been maintained for over 25 years and cited what is being referred to as the "25-year law."

A Minnesota Statute states (Section 365.10, Subd. 11):

Abandoned town roads. *The electors may let the town board, by resolution, determine whether to open or maintain town roads or town cartways under the jurisdiction of the town board upon which no maintenance or construction has been conducted for 25 years or more ...*

Citing this law, the town board told the Crismans they would not maintain the road unless township residents voted to do so.

100 LOADS OF GRAVEL

After the annual meeting, the Crismans spoke to board member Elaine Pierson who suggested if the Crismans improved the last 1/4 mile of street, thus reducing the cost to the township, perhaps the township might maintain the street in the future.

So, the Crismans started saving their money. In 2019, they paid to gravel and grade the last 1/4 mile of the street and construct a bus turnaround at their driveway.

Andy and Renee said they hired a contractor who laid fabric and hauled approximately 100 loads of gravel to add to the existing road.

That fall, their neighbor and former member of the town board, Daniel Schmol, dug a post into the ground within the street right-of-way, with a sign reading "private property." The Crismans said it created an obstruction to the road and was a safety hazard.

The event prompted the Crismans to have their lawyer write a cease-and-desist letter to Schmol, insisting that he remove the post. The post was later removed.

Then, Hillman Township designated Hornet Street as a minimum maintenance road and posted signs reading "Township road ends here." This was the first the Crismans heard of the designation and felt it was in retaliation to their efforts to compel the township to maintain the road.

Three times when the Crismans did their own plowing of the road to their driveway, someone called the Sheriff's Office who told them they could not plow a public road.

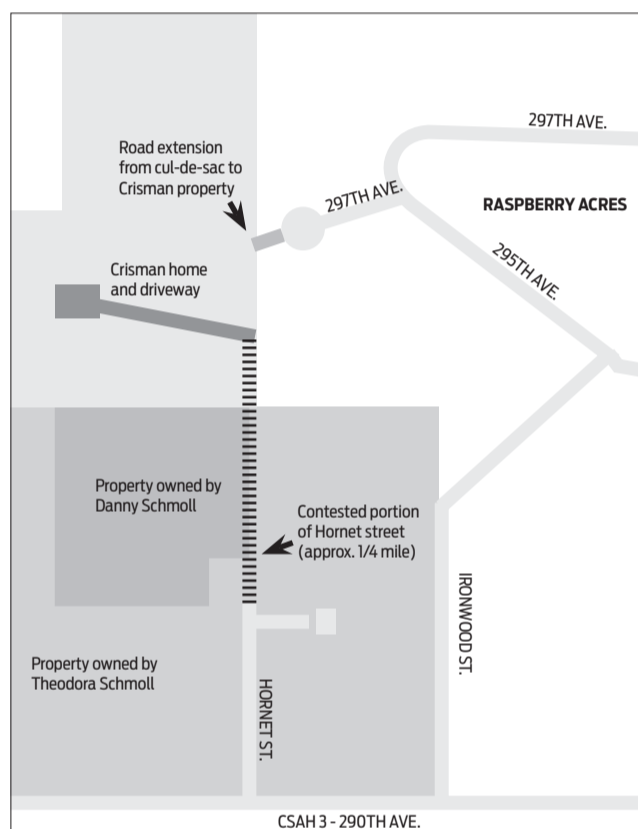
THE LAWSUIT

This is when the Crismans took legal action. In January 2020 the Crismans filed a lawsuit



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Hillman Town Board Supervisor Elaine Pierson (left), seated next to Board Chair Ryan Martens (right) on Oct. 19.



against Hillman Township, with the hopes the judge would make declarations regarding Hornet Street's length and status as a road, as well as declare the township has an obligation to maintain the road.

In June, the judge ruled in favor of the township.

The judge concluded the township did not have the authority to spend township funds on the maintenance of the northern 1/4 mile of Hornet Street without the approval of electors.

AN EXPENSIVE ALTERNATIVE

The town's next regular meeting following the judgment was June 15.

When the town board met, they took action to provide the Crisman family with another way to access their property.

To the east of the Crisman property is a neighborhood called Raspberry Acres. (See map above).

The township already had a right-of-way touching the Crisman property along 297th Ave. The street ended in a cul-de-sac.

low, swampy areas.

The Crismans were particularly not keen on building a new driveway since they already have one, that in their view, connects to a perfectly usable street: Hornet Street.

TOWNSHIP ABANDONS RIGHT-OF-WAY

The 2020 lawsuit did something else unexpected. Research and testimony of the last time maintenance was performed, showed maintenance may not have been done for over 40 years, although this has been contested by the Crismans.

At this point, another Minnesota Statute comes into play (Section 541.023) - referred to as the "40-year law."

The township has been advised the law means that if no maintenance was done on the road for 40 years or more, then the right-of-way is forfeited back to the property owners—the Schmolles.

The Crisman said they disagree how the 40-year rule is being applied in this case.

Regardless, the town board drafted and on Aug. 17 approved a resolution declaring the township's right-of-way interest in the northern half of the road is void — thus abandoning the Street.

BOUND BY THE LAW

On Oct. 19, approximately two dozen Hillman residents crowded into the town hall. Some questioned if the board could not have found other solutions.

Board Supervisor Elaine Pierson defended the board's actions claiming it has done its best to follow the law.

"I want to help you. I really do, but how do I break the law?" she said.

PUBLIC REACTION

Attention around the issue spiked following an article that appeared in the Star Tribune. The article quoted unfriendly words by neighbors toward the Crismans. Some residents said they were embarrassed by this representation of the township.

Multiple residents publicly apologized directly to the Crismans for how they had been treated in a community they love.

Dr. Ryan Kroschel said, "I am so sorry for how you have been treated. The behavior of this board does not speak for the people here ... We need more families like yours. We need young, professional, taxpaying, loving families like you ... You are welcome here, you are loved. You are the cornerstone of our communities."

Chair Martens asked to resign after criminal sexual assault charge

BY KIRSTEN FAURIE
EDITOR@MORAMINN.COM

Three residents — including Town Clerk Karen Felger — approached the Hillman Town Board on Oct. 19 requesting the resignation of Board Chair Ryan Martens.

Martens, age 38, was charged on Aug. 24 with one felony count of third-degree criminal sexual conduct, while having a current or recent position of authority over the victim.

On Aug. 27, Martens submitted his resignation from the Mora Airport Board, however, he has given no indication he intends to resign from the Hillman town board.

All three residents who requested his resignation said they didn't assume Martens' guilt or innocence, but felt it was appropriate for him to step down until the case was resolved.

"I know that criminal charges do not always mean guilt; but I also feel the resolution of these charges need to occur to reinstate public trust," she said.

ABOUT THE CHARGES

According to the criminal complaint filed by the Kanabec County Attorney's Office, Martens allegedly engaged in repeated incidents of sexual penetration of a female victim who was at least 16 years old but under age 18.

The incidents first came to the attention of the Sheriff's Office after Martens talked about his sexual relations with the victim to a person who was a mandated reporter. A mandated reporter is a person who is legally required to report any suspected abuse. The mandated reporter informed the Sheriff's Office.

According to the complaint, the victim was well-known to Martens; Martens spent a lot of time with the victim and allegedly did things like buy her jewelry (including a ring) and installed a tracking app on her phone that enabled him to track her location.

The victim told investigators she felt like she had been brainwashed, and that Martens talked about marrying her.

The incidents occurred throughout 2020; Martens was charged on Aug. 24, 2021. The maximum sentence if convicted is a \$30,000 fine and/or 15 years in prison.

Martens has not yet entered a plea in the case; an omnibus hearing is scheduled for Nov. 30.