

TOWN OF FAYAL
4375 SHADY LANE, EVELETH, MN 55734

Judy M. Sersha, Clerk/Treasurer

Steven J. Kniefel, Chairman

Supervisors: Tony Tamaro, James Pernu, Ron Beldo, Kathryn Erjavec

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REGULAR MEETING OF THE FAYAL TOWN BOARD

MAY 4, 2004

The Regular Meeting of the Fayal Board of Supervisors was called to order at 7:00 PM by Chairman Kniefel. Present were: Chairman Kniefel, Supervisor Beldo, Supervisor Erjavec, Supervisor Pernu, Supervisor Tamaro and Clerk Sersha.

Audience members in attendance included: Jerry Ulman, Mary Maki, Ryan Turner, Dave Zelinski, Angela Sersha, Dale Dickson and Bob Mavec.

Motion to approve the minutes of the April 20, 2004 Regular Meeting made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

Motion to approve the minutes of the April 26 Special Meeting, held exclusively to hear a grievance filed by two members of the AFSCME bargaining unit, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

Clerk/Treasurer's Report- For the period of April 1 -30, 2004 receipts were \$ 37,802.73 and there were \$84,886.10 in expenditures. Ending balance at American Bank Checking was \$644,006.96 and the ending balance at American Bank Assessment Account was \$469,723.21. No statement was available at this date for Miners Bank.

Regarding a recent letter to the editor written by Supervisor Beldo, Clerk Sersha stated she had several questions she would like answered. Sersha questioned the statement made by Beldo concerning "expenditures going unchecked" and "that all too often this is the way business in Fayal Township is conducted". Sersha states all expenditures go to the town board for approval, and all expenditures are audited on an annual basis by two CPA's. Sersha stated she is not aware of any unchecked expenditures, but if Beldo knows of any, she would like to be informed of them. Supervisor Beldo answered that the wastewater operator exceeds his 32 hour work week on a regular basis and if there is a week with a paid holiday, he works an extra day, making it a 40 hour work week.

Supervisor Tamaro stated all of those expenditures go before the board, and that Beldo is contradicting himself because he votes on all the expenditures. Supervisor Beldo states that there has still been

Motion to approve the Clerk/Treasurer's report made by Supervisor Beldo, support from

Supervisor Erjavec. Motion carried unanimously.

Motion to accept the April 2004 Road & Bridge Report made by Supervisor Beldo, support from Chairman Kniefel. Motion carried unanimously.

Motion to accept the April 14, 2004 Fire Department Regular Meeting made by Chairman Kniefel, support from Supervisor Tammaro. Motion carried unanimously.

Motion to accept the April 2004 Police Report made by Chairman Kniefel, support from Supervisor Tammaro. Motion carried unanimously.

Motion to accept the April 27, 2004 EFG Cable TV Regular Meeting minutes made by Supervisor Erjavec, support from Supervisor Tammaro. Motion carried unanimously.

CORRESPONDENCE

EFGSD Joint Rec Board- Notice that meetings are held the second Wednesday of the month at 6:00 pm.

SLC Conciliation Court- The Ryan Turner matter has been removed from Conciliation court to district court. Referred to insurance company.

Gary Kuyava, SLC Ag Inspector- Info about noxious weeds and where they have been spotted.

SLC Planning, CDBG- The Joint Cooperation Agreement between cities, towns and the county to gain access to CDBG funding is up for renewal. The agreement will be automatically extended for three years, and we need to do nothing.

Chairman Kniefel- Disposition of grievance.

Dept. Of Employee Relations- Fayal is now in compliance with the Local Government Pay Equity Act.

OLD BUSINESS

Supervisor Beldo-

1. Attended the St. Louis County Township Association meeting and also the Urban Town Shortcourse.
2. North Airport Road- Beldo requests from Mike Erjavec any information he may have on the road. Beldo also requests that the info be forwarded to Scott Neff for recommendations by him on how to proceed with the road.
3. South Airport Road- Deep ruts have been made on the road by the contractors when they logged the area. Beldo questions if we should put Class 5 on the road. Kniefel states the contractors that damaged the road should be contacted and held accountable.
4. Kaleva Island- Beldo questions if the sewer is going to be dug up in that area and if there will be any digging in the road. Dale Dickson reports that any repairs in that area will not affect the road.

Supervisor Erjavec-

1. Attended the League of MN Cities training course in Chisholm.
2. Planning Committee- Jack Lalli, Ryan Turner and Supervisor Erjavec met with Jim Plummer of St. Louis County Planning to discuss what the county is going to do concerning mitigation points for variances in the township. A letter will be sent to Scott Smith asking for a copy of the mitigation points when it is decided. Erjavec reports that over the counter permits have been given out again without contacting Fayal. The county staff will be reminded to contact us first before giving out those types of permits.
3. Town Complex Grounds- Ryan Turner, Al Jurenic and Supervisors Erjavec and Pernu walked the property and compiled a list of problem areas. Chairman Kniefel added that he is pleased with the efforts and is supportive of creating a long range plan for complex site and grounds and additional storage space for equipment and vehicles.

Supervisor Pernu-

1. Door Jamb- The work on the door will start soon.
2. Town Hall Exterior- Bill Maki will be submitting a color plan for the front of the building. Maki has suggested using vinyl on the exterior.
3. Town Entrance Signs- Since the estimate to have the signs refurbished was in excess of \$3,000, Supervisor Pernu questions if Al could refurbish the signs on Fayal time? Chairman Kniefel states that Al last refurbished the signs about 10 years ago and did a good job. Consensus of the Board is Al can work on the signs this winter if he has the time. Discussion on moving the sign that is currently on the corner of Shady Lane and Ely Lake Drive. The sign could be moved to the corner of Ely Lake Drive and Miller Trunk for better visibility of where the hall is located.

Supervisor Tamaro-

1. Mandatory Sewer Connections- About 30 letters were sent out by Scott Neff informing those persons that have not yet connected that they need to connect, or they must submit an application for exemption or extension. Those applications will be reviewed by the PUC, and if action is needed, will be referred to the town board.

Chairman Kniefel-

1. Cedar Island Court- Kniefel questions if there has been any word on the survey in that area. Beldo states he has heard nothing.
2. E-V Airport- Kniefel reports he read in the recent Airport Commission meeting minutes that Fayal has not appointed anyone to sit on the Airport Zoning Commission. Kniefel states he contacted the airport's attorney, Mark Weir, and informed him that in fact Fayal has appointed members to that commission. Mr. Weir will report this to the Airport Commission at their next meeting.

NEW BUSINESS

Supervisor Beldo informs the Board that a new sander is needed for the #3 truck. Two prices were received, one for \$1,725 and a stainless steel sander, which also has a shouldering attachment, for \$2,225. The R & B employees recommend the stainless sander because it will last longer and has a shouldering attachment. The other does not. The shoulders on Scout Camp need to be completed this summer.

Motion to purchase the stainless steel sander in the amount of \$2,225.00, made by Supervisor Beldo, support from Supervisor Tamarro. Motion carried unanimously.

Supervisor Pernu will be checking on the air conditioner to see if it was damaged by the ice that fell on it this winter. Some type of cover will have to be installed.

Regarding the shouldering that needs to be done on Scout Camp, Supervisor Tamarro questioned if Supervisor Beldo had gotten prices from contractors to do the shouldering, instead of having the R & B crew do it all summer? Supervisor Beldo answered that it had been discussed, but hinges on the amount of work you need done. Chairman Kniefel added that it would also save on the town's Class 5 reserve. Supervisor Beldo agreed to contact a contractor for a quote.

Supervisor Tamarro reported on a meeting he attended with Ryan Turner, Chairman Kniefel and Clerk Sersha regarding Mr. Turner's pending litigation on his sewer connection. The case was first heard in conciliation court but has now been removed to district court. Sewer has been stubbed into his house, but Mr. Turner claims he cannot connect unless he re-routes all of his plumbing and installs a lift pump. Turner is claiming damage from oversights by the engineer. Mr. Turner has requested that his monthly sewer service charge be allowed to accrue, without being certified to his property taxes, until such time a decision has been made in district court. Mr. Turner has also requested that his claim be piggybacked onto the township's claim against RLK. For that request, Tamarro reports that Turner was advised to discuss the matter with his attorney, and his attorney can contact our attorney. Supervisor Tamarro stated that the matter is now before the board for discussion and decision.

Chairman Kniefel states that Mr. Turner signed the sewer agreement and got his 100 feet of pipe, and he does not agree that his monthly charge should be waived. Kniefel states there may be some discretion as to how aggressive the town is in collecting the monthly charge until the matter is settled. Kniefel states the charge could be allowed to accrue without being placed on his property taxes, but would still be subject to a late fee. Supervisor Erjavec questioned if the court could rule that Turner is not liable for the monthly charge? Tamarro states that could happen. Kniefel states his concern of selective enforcement of our ordinance and if any leeway is given, it must be backed up with reasons as to why, such as this is only being done pending the outcome of litigation. Beldo states he is in favor of working with Turner. Discussion.

Chairman Kniefel made a motion that we continue to bill Mr. Turner for his monthly sewer service charge, with accrued interest, but defer any collection attempts, including placing the charges on the assessment role, until the litigation is complete. Supervisor Tamarro supported. Motion carried unanimously.

Supervisor Tammaro states we will have to wait to hear from our attorney if Turner's claim can be included with our claim against RLK, since Turner believes he was damaged, as was the township. Chairman Kniefel reminded the Board of the Local Board of Equalization meeting to be held May 6, 1-3 PM, Fayal Town Hall.

Clerk Sersha reports she was contacted by a representative from the Iron Trail Visitors and Convention Bureau regarding our collection of lodging tax within the township. They have requested we give the tax to them, and offered to make a presentation to the Board. Chairman Kniefel states we originally passed the ordinance to collect the tax, with the understanding the joint powers agreement between the entities would be updated, forwarded to us for signature and this was never done. As for a presentation from the Bureau, the Board was not interested.

Clerk Sersha informs the Board she contacted the county auditor regarding the certification of sewer assessment on CVT 340-0023-00210. The assessment will be placed on the property in 2004, payable 2005. To clarify, this assessment will run from 2005 through 2025.

CITIZEN CONCERNS AND COMMENTS

Mike Erjavec commented that if he had been able to attend the last Public Utilities meeting, he would have voted for the monthly sewer increase of \$2..

Mary Maki was in attendance and reported that when she sent in her voter registration card, she was sent a new form by the county auditor. Clerk Sersha stated the forms changed as of January 1, and the new forms are available in the clerk's office if anyone needs one.

Jerry Ulman, Ryan Turner, Angela Sersha and Dale Dickson were in attendance but had no comment.

Bob Mavec questioned if, when a sewer pump wars out, if it is fixed in-house or if it sent out for repairs? Mavec commented that he is sure there are people in the township that could make the repairs. Supervisor Tammaro stated that last year we had five pumps maintained, two pumps have burned out. The work was done by a contractor from Superior who came and pulled the pump, brought it to his business, repaired it and re-installed it within a couple of days. Mr. Mavec questioned if this was going to be put out on bids? Supervisor Tammaro answered we have gotten prices from different contractors and most charge an hourly rate. Supervisor Beldo stated all contractors must be properly licensed and insured. Dale Dickson requested that if Mr. Mavec knows of anyone in the area that is qualified to let him know.

Dave Zelinski was in attendance and questioned who was on the list of non-compliance for connection to the sewer. Chairman Kniefel stated he does not have a list , has not seen the list and does not want to—that job is being taken care of by Dale, Diane and Judy.

Motion to pay the bills made by Supervisor Tammaro, support from Supervisor Erjavec. Motion carried unanimously.

Motion to close the meeting to discuss union labor negotiations, made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

Meeting closed at 8:33 PM and there was a five minute break. The closed meeting resumed at 8:38 PM.

(Clerk's Note: Per MN Statute 13D.03, Subd. 2 (a) & (b) the closed portion of the meeting was tape recorded. The tape will be preserved for two years after the contract is signed and will be made available to the public after all labor contracts are signed by the board.)

The meeting was reopened at 9:55 PM.

Motion to adjourn made by Supervisor Tammaro, support from Supervisor Beldo. Motion carried unanimously.

Respectfully submitted,

Judy M. Sersha
Clerk of Fayal

Approved: _____
Chair

Attest: _____
Clerk