

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

JUNE 15, 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.

Motion to approve the minutes of the June 1, 2004 Regular Meeting made by Supervisor Tamaro, support from Supervisor Beldo. Supervisor Erjavec abstained, due to her absence from the meeting. Motion carried unanimously.

SCHEDULED GUESTS

Joe MacGaver and an associate of Ayres Engineering were in attendance. Mr. MacGaver gave a presentation on a study he was asked to do by PUC Chair Pete Bertucci, on the installation of stabilization ponds for sewage treatment in the township, as an alternative of sending the effluent to Gilbert. The project would not be feasible due to the cost, the limited area the ponds could handle, and the permitting process. The Board thanked Mr. MacGaver and his associate for their presentation. Supervisor Tamaro stated he appreciated their work, and stated we may have future projects that will require an engineering firm, and they would be given consideration.

Travis Shaw was in attendance to request a road vacation for a piece of property that is located on West Court Street. The property is a 30 foot wide platted road that has not been fully developed, and separates Lots 14 and 15, owned by Mr. Shaw. Mr. Shaw distributed a map of the area showing the portion of the road that is blacktopped and being used as a road, and the remainder, which is the portion he would like vacated, that is now sodded and used as part of his yard. The platted road goes to the lake. Mr. Shaw states he has contacted a surveyor to obtain a proper legal description of where the road lies.

Supervisor Erjavec stated she drove down and looked at the area in question. The neighboring parcel has no driveway, and is using the township road for parking. Chairman Kniefel stated that maybe the neighbors would like to enter into this at this time also, so they can obtain the land in front of their property too.

Chairman Kniefel states the road has been dedicated by plat for public use. The Board cannot convey property, but can vacate interest in the road. Kniefel recommended that Mr. Shaw take the matter to district court, the court will then decide if the property will be granted, and where the property lines will be drawn. Since this is a platted road to the lake, The DNR will also be asked to comment. Chairman Kniefel stated that at this time there really is nothing the board can do without a proper petition, and a public hearing would also have to be held. Kniefel advised Mr. Shaw to look at MN Statute 164.07. The Board gave no objection to the vacation of the road at this time.

John Masters was in attendance to request an easement on Scout Camp Road so he can make two accesses to his property. Mr. Master's property is divided by a river and he needs two accesses. Scout Camp Lane is also on his property, and the township has no easement, but has easement by prescription because it has been maintained. The road is not on the section line and lies entirely on Mr. Masters property. Mr. Masters will give easement for Scout Camp Lane, but would like an easement from the township so he can access his property from Scout Camp Road. The matter was referred to Supervisor Beldo and the Road Department for further study and recommendation.

REPORTS

Clerk/Treasurer's Report- Miners Bank- May 1-31, 2004 Beginning balance was \$53,431.96, total receipts were \$ 32,574.95, leaving an ending balance of \$85,913.91. American Bank Checking- June 1-15, 2004- Beginning balance was \$523,586.86, receipts were \$ 11,084.86, and expenditures to

date are \$31,148.96, leaving a tentative balance of \$503,522.76.

Motion to approve the Clerk/Treasurer's Report made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

Motion to accept the May 11, 2004 Public Utilities Commission Regular Meeting minutes made by Supervisor Tamaro, support from Supervisor Erjavec. Supervisor Erjavec stated the minutes show she was in attendance at that meeting, and she was not. Supervisor Erjavec disagreed with a quote in the minutes made attributable to her, that she states she did not make. **Motion carried unanimously.**

Motion to accept the June 8, 2004 Public Utilities Commission Regular Meeting minutes made by Supervisor Tamaro, support from Chairman Kniefel. Motion carried unanimously.

Motion to accept The Firefighter Relief Association minutes of May 18, 2004, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

CORRESPONDENCE

Paul Cerkenik- Copy of letter sent to Mark Weir regarding The Airport Planning & Zoning Commission appointees from Fayal and the suggestion by The Airport Commission to gate South Airport Road. Cerkenik advises the airport they must pursue vacation of the road and cannot gate the road. Place on file.

Cloquet Forestry Center- Wastewater solutions workshop will be held on June 22, 2004, 8:30 AM to 12:30 PM. Referred to PUC.

Country Insurance- 2004-2005 policy. Supervisor Erjavec to review.

E-V Airport Commission- An Airport Zoning meeting will be held Monday, June 14, 6:00 PM in the E-V airport authority room. Referred to New Business.

Chairman Kniefel- Copy of letter to Walt Hautala telling him Fayal has no plan for changes at this time regarding the level of police protection. Placed on file.

Long Lake Community Newsletter. Placed on file.

SLC Planning, Community Development- Request for information for the SLC Consolidated Plan. Referred to Chairman Kniefel.

City of Eveleth, Ray Eck, Clerk- Invitation to a meeting to discuss ambulance service to be held Wednesday, June 23, 5:00 pm, Eveleth City Council chambers. Community leaders and EMS reps are invited. Referred to New Business.

Walker Giroux & Hahne- They will require conversion of our 2003 financial records to an Excel file. Placed on file.

OLD BUSINESS

Supervisor Beldo-

Cedar Island Court/Lane- Nothing at this time

Employee Safety Meeting- Annual fire extinguisher training was held.

N. Airport Road- No word yet from John Dooley or Kent Sulem. Will contact again.

Excavation- Supervisor Beldo questions if an excavation permit was given out for Dale Dickson on Pine Drive. Clerk Sersha states no permit was given, but that she understood work was done by USA, which has a bond on file for excavations in the township. Sersha states even though a bond is on file, they still must come in to let us know which area they are working in so it can be inspected. Supervisor Beldo states he will consult with the Road Foreman to determine if there was an excavation and if unsuitable soils were deposited in the road right-of-way.

OLD BUSINESS (Continued)

Supervisor Erjavec-

Planning Committee- New officers were elected, with Ryan Turner appointed as Chair, John Damberg as Vice-Chair and the Secretary position to be rotated. Funding and the park entrance were discussed.

EFG Joint Cable TV- No quorum was present at the last meeting. Gilbert has still not appointed anyone to the commission, nor have they approved the budget, or excess budget. Eveleth has approved both, and paid their share. Fayal will pay once the other two entities have approved the budgets.

Bike Trail- Erjavec states work may be done on the portion of trail lying next to Miller Trunk past the park, to Cedar Island Drive this year. The area is a hazard and the trail is always covered with gravel and rock.

Supervisor Pernu-

Town Complex Front- No quotes have yet been received. Supervisor Erjavec reports that Ryan Turner has offered to do a drawing.

Playground Equipment- The equipment will be removed soon, with the slide going first.

Ballfield- The grass has been cut.

Supervisor Tamaro-

Lift Station fence- Tamaro states a fence is needed around Lift Station P2, near the ballfield, so it is not damaged by 4-wheelers. We have chain link fence in storage, so that will be used. Discussion concerning placing fence where there is now a cable between two posts, also to discourage 4-wheelers.

Mandatory Sewer Connections- All have been dealt with, except for two, which we have not heard from.

Motion to turn the list over to Scott Neff, made by Supervisor Tamaro, support from Chairman Kniefel. Motion carried unanimously.

Motion to send registered letters to the two property owners that have not responded, notifying them again that they have until July 31, 2004 to connect, made by Supervisor Tamaro, support from Chairman Kniefel. Motion carried unanimously.

RLK Litigation- Tamaro reports that last week when Gilbert was doing a water line connection, the as-builts provided for our sewer project were incorrect, and location of the line was very difficult. As for the litigation, George Barbados will be reviewing the report submitted by the RLK engineer. Chairman Kniefel reports he spoke with Scott Neff, and it is not feasible for Ryan Turner to join in our lawsuit.

Hydrant repair- The tops of two hydrants need repair. Tamaro questions if one of the Road employees can take care of it because Dale is busy with other things. Supervisor Beldo states that Al can fix the hydrants. An old hydrant was found in the junk pile, and Dale has requested to have it for a yard ornament. The Board agreed.

Chairman Kniefel-

Kniefel attended the P & Z meeting at the airport on Monday, but there was no quorum. Only Kniefel and Eveleth representative Jim Pollack were in attendance. Rob Raplinger of Virginia and Kathryn Erjavec of Fayal were not in attendance. The plan is to hold regular planing and zoning meetings prior to the Airport Commission meetings on the second Monday of the month at 6:00 PM. The Airport's attorney, Mark Weir is working on the new zoning ordinance.

Chairman Kniefel asked if the Firefighter Relief Association By-laws are available for signature. Supervisor Tamaro states he will have them signed by the proper individuals.

NEW BUSINESS

Supervisor Erjavec requested a report showing the expenditures made by the PUC for costs associated with the negotiation of the water and sewer agreements. Clerk Sersha will provide the report.

Supervisor Pernu reports the work on the garage drain has started, and should be complete by the end of the week. The cement will then be poured so it can set for a weekend.

Supervisor Tamaro distributed a draft resolution to increase the water rates for the Board to study.

Motion to adopt Resolution 2004-05 to Establish Water Service Fees in accordance with the Town of Fayal Water Ordinance #97-3, to be effective July 1, 2004, made by Supervisor Tamaro, support from Chairman Kniefel. Short discussion on whether a \$2 increase is enough. Clerk Sersha states she has had many meetings with Kelly Campbell and they both feel the increase should be kept as low as possible. If this increase does not make up the shortfall, the rates will again have to be adjusted in the future. The notices will go out with the July bills, but the actual increase will not take place until August. ***Motion carried unanimously.***

Chairman Kniefel read a mutual aid agreement for fire protection with the City of Biwabik.

Motion to adopt the Mutual Aid Agreement for fire protection with the City of Biwabik, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Short discussion on the letter received from Eveleth regarding ambulance service. All supervisors would like to attend this meeting, so it will be posted. The meeting will be held June 23, 5:00 PM, Eveleth Council Chambers. Discussion on appointees.

Motion to appoint Steve Kniefel and Tony Tamaro to represent Fayal Township at the ambulance meeting, and to post that all Fayal board members may be in attendance at the meeting, made by Supervisor Beldo, support from Chairman Kniefel. Motion carried unanimously.

Chairman Kniefel informed the Board that MN DNR Lease #144-012-0159 for the dry hydrant on Pleasant Lake needs to be renewed.

Motion to renew the lease with the MN DNR and pay the requisite \$250.00, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Chairman Kniefel reports he has received requests to place park benches along the bike trail.

Motion to purchase a minimum of three park benches, not to exceed \$800.00, from the mining effects money, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Motion to have the recreation representative coordinate, with Mike Wiskow, the type and placement of said benches, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Clerk Sersha distributed a quote received from Northern Visual Services for a web page for Fayal. The initial set up cost would be \$1,800 and recurring annual charges would be \$110.00 for web hosting and \$13.75 for annual domain and hosting service management fee. They will also train staff on how to maintain the site. Discussion on cost to go with the St. Louis County Township Association site.

Motion to table, and get comparison costs for a website through SLCATO, made by Supervisor Beldo, support from Chairman Kniefel. Motion carried unanimously.

Discussion on deducting the membership fee for the Fire Relief Association from their annual reimbursement checks. Tabled for further info.

Discussion on request from Robert Thomas of the E-V Airport Commission to vacate South Airport Road. It is questionable whether or not the letter is a proper petition.

NEW BUSINESS (Continued)

Motion to refer the request back to the Airport Commission to make sure the statutory requirements are followed to vacate that road, made by Supervisor Beldo, support from Chairman Kniefel. Motion carried unanimously.

CITIZEN CONCERNS AND COMMENTS

Mike Erjavec was in attendance and voiced his concern with vehicles parking on the corner across from the Shortstop. Mr. Erjavec stated that sometimes the vehicles are parked so close to the corner, you can't see around the corner, and it is a hazard. Mr. Erjavec asked if signs could be placed stating there is no overnight parking? Short discussion by the Board, there is no ordinance to stop people from parking there, and a violation would be unenforceable. Supervisor Erjavec suggests we put up a sign anyway, and it may act as a deterrent.

Motion to place "No overnight parking" signs at the corner across from the Shortstop, made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

Mr. Erjavec informed the Board he will not be starting his basement this year on his land on North Airport Road because he cannot get back there. Mr. Erjavec states he has a loss of value on his property because the road is not passable. Mr. Erjavec gave several examples of the loss of value on his property, due to the road.

Mary Maki was in attendance and stated she would like to blacktop her driveway and the township road in front of her house because of the dust problem. Referred to Supervisor Beldo.

Mrs. Maki questioned if the Fire Department did controlled burns. Chairman Kniefel stated they did, and referred Mrs. Maki to call Steve Shykes or Scott Smith.

Motion to pay the bills made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

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

Regular Meeting closed to the public at 9:22 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.)

Regular Meeting re-opened at 9:38 PM.

Motion to adjourn made by Supervisor Tamaro.

Regular Meeting adjourned at 9:38 PM.

Respectfully submitted,

***Judy M. Sersha
Clerk of Fayal***

Approved: _____
Chair

Attest: _____
Clerk