

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

PHONE (218)744-2878

FAX (218) 744-5986

REGULAR MEETING OF THE FAYAL TOWN BOARD

JULY 6, 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 and Clerk Sersha. Supervisor Tamaro was absent.

Motion to approve the minutes of the Regular Meeting of June 15, 2004, made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

REPORTS

Clerk/Treasurer's Report- For the month of June 2004, there were \$53,070.53 in receipts, expenditures were \$51,264.84. Ending balances as of June 30, 2004 are as follows:

American Bank Checking-	\$489,960.94
American Bank Special Assessments-	471,294.56
Miners Bank Checking-	\$128,056.17

Clerk Sersha informed the Board of several items:

Clerk Sersha received a telephone call from Sharon Rossi of Eveleth. Mrs. Rossi and her husband were walking on the bike trail recently and were nearly hit by a 4-wheeler. Mrs. Rossi stated they walk the trail almost everyday and there is so much 4-wheeler traffic on the trail it is very dangerous. Mrs. Rossi suggested Fayal put an ad in the paper reminding people that it is unlawful for motorized vehicles to be on the bike trail, and also suggested that Fayal and Eveleth get together to police the area. Much discussion on the current ordinance, the need to update it, and the problems of 4-wheelers in the township.

Motion to publish an ad in the Mesabi Daily News, Eveleth Scene and Gilbert Herald informing the public that it is unlawful to operate motorized vehicles on the bike trail, made by Supervisor Erjavec, support from Supervisor Pernu. Supervisor Erjavec also suggested the ad be placed in the township newsletter. Motion carried unanimously.

A request was received to perform community service for the township. Sersha spoke with the probation officer, and Verkovich has work for this person to do. Referred to New Business..

Ed Vest has requested that his sewer access charge be placed on a promissory note for up to twenty years. Referred to New Business.

The Special sewer assessment placed on the Ron Cerar property was not placed on the correct parcel. We need to take the special assessment off 340-0010-01910 and put it onto 340-0010-00560, PP 393. CVT 340-0010-01910 was sold and a sewer access charge was collected. We also may have to rebate him the 2004 special assessment for the first half, he paid to the county and also to the title company. Mr. Cerar was told we would have to wait and see what the county pays us on that parcel before a rebate could be given. Referred to New Business.

Clerk Sersha stated she spoke with Becky Sabie of the PFA last week. The deadline for reimbursement is Sept. 17. We may ask for an extension, but it is unknown if we would receive an extension because the PFA is short on money to fund other projects. We may lose the money unless it is requested. Clerk Sersha also requested authorization to pay the PFA loans as soon as the bill arrives, as this saves us interest. Referred to New Business.

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

Supervisor Beldo. Motion carried unanimously.

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

Motion to accept the Planning Committee meeting of May 25, 2004, made by Supervisor Erjavec, support from Supervisor Beldo. Motion carried unanimously.

CORRESPONDENCE

Chairman Kniefel- Copy of letter sent to E-V Airport Commission advising them that their letter is not sufficient to initiate the vacation procedure of South Airport Drive and that a petition of not less than eight voters of the town who own real estate, or occupy real estate under the homestead preemption laws or under contract with the state, within three miles of the road need to petition the vacation with the clerk. Placed on file.

SLC Land Dept- Classification and listing for sale of lands that forfeited to the state on November 21, 2003. We may acquire the parcels or we may disagree with the classification/reclassification within 60 days. Placed on file.

MN DNR- Signed lease 144-012-0159 for the dry hydrant. Placed on file.

SLC- Hazard Mitigation Meeting Four will be held Wednesday, June 30, SLC Emergency Operations Center, 5735 Old Miller Trunk Hwy, Duluth, 9:30- Noon. Placed on file.

SLC Auditor- Federal Payment in lieu of Taxes Application Form. Placed on file.

MAT- Minutes of the Legislative and Research Committee meetings held June 7-8, 2004. Placed on file.

SLCATO- Regular Meeting minutes of May 26. Next meeting is Sept 22, Cotton Community Center. Placed on file.

MAT- Summer Shortcourse will be July 29, Sawmill Inn, Grand Rapids. Placed on file.

SLC Sheriff Volunteer Rescue Squad- Request for donation. Referred to New Business.

Dept. Of Employee Relations- Info on new reporting schedules, reports, software upgrade and training seminars. Placed on file.

Bureau of Mediation Services- The matter of AFSCME, Council 64 and Fayal Township will mediated on Tuesday, July 20, 9:30 a.m., Fayal Town Hall. Supervisors Beldo and Erjavec to attend.

OLD BUSINESS

Supervisor Beldo-

Township Website- Discussion on the quote received from the company that created the SLC website. Sersha to call and clarify several points. Issue tabled for now.

Mediation session- Jim Jarvinen will be the mediator to mediate between the union and Fayal representatives, scheduled on July 20, 8:30 AM. Beldo notes that he and Supervisor Erjavec had no input on the selection of the mediator.

Masters' Easement- Steve Verkovich met with the Masters' and came to an agreement with what we need for an easement in exchange for the two accesses to his property. Mr. Masters surveyor is providing the legal description. The township will be picking up the legal and recording fees.

North Airport Road- Supervisor Beldo reports he received a response from MAT attorney John Dooley. Dooley is advising it is a "hands off" situation for the township, as it sits without proper easement. Beldo states there is not a lot we can do right now, unless the situation were to change with easements.

Excavation Ordinance Violations- Steve Verkovich has forwarded four possible ordinance violations to Chief Thompson for him to resolve.

Mary Maki Request- Mrs. Maki's request to allow her to blacktop a portion of township road in front of her house will not be allowed since the township does not allow private owners to blacktop town roads.

OLD BUSINESS (Beldo, Continued)

Cedar Island Lane/Court- Steve Verkovich spoke with the Novak's; the surveyor has not completed the survey work yet.

Supervisor Erjavec-

Planning Commission- A group consisting of Al Jurenic, Jack Lalli, Ryan Turner, Supervisor Erjavec and Eveleth Rec Commission member Barb Coz and Mike Wiskow, took a walking tour of the bike trail and front of Veteran's Park to discuss what should be done with the area.

Complex Grounds- Supervisor Erjavec met with Mike Wiskow and Roger Nelson of the DNR to get an appraisal of the value of trees to be taken down along the bike trail and complex grounds. The DNR charges 13% of the proceeds, but will waive the fee for government entities. Eveleth has trees on parcels of property they want to remove also. Separate agreements & appraisals will be drawn up for each entity by the DNR. Proceeds from the sale of the trees will go to the individual entity.

No Overnight Parking Signs- Steve Verkovich has ordered two signs, which should be here in about a week.

Town Complex Insurance- Supervisor Erjavec and Clerk Sersha met with Jim Podpeskar of Country Insurance to assess the town's general liability insurance policy. Coverage was increased for the town hall complex to \$460,000, the storage building to \$75,000 and coverage was extended to the rink. Deductible was set at \$1,000. The auto fleet all had differing deductibles and that has now been set at \$500 for all vehicles. Supervisor Pernu will videotape the town hall complex and out buildings for insurance purposes.

Supervisor Pernu-

Garage Floor Drain- The project has been completed, except for a portion of grating which needs to be ordered. The contractor did a good job, the bill has not been received yet.

Chairman Kniefel-

Mandatory Sewer Connections- The deadline for connection is July 31. Those not connected will be issued a tab charge and it will be handled through the court system.

RLK Litigation- There are many outstanding RLK invoices. The remaining funds in the PFA must be requested by September 17 or we will lose the money, if not granted an extension by the PFA. The PFA is in need of the funds for other projects, and may not grant an extension.

Motion to authorize the clerk and chair to submit a claim to the PFA for reimbursement of outstanding RLK bills, made by Chairman Kniefel, support from Supervisor Erjavec. Motion carried unanimously.

Clerk Sersha stated the sewer loan payment is due in August, and she expects the bill to arrive very soon. Sersha requested authorization to pay the loan payments as soon as they are received, to save on interest.

Motion to authorize the payment of the PFA loans when the bill arrives to save on the interest, made by Chairman Kniefel, support from Supervisor Beldo. Motion carried unanimously.

Supervisor Beldo reported he contacted Rob Eggy regarding the request for a residential roadway on Golf Course Road. Mr. Eggy has informed that it can be posted from the first driveway past the golf course, to the last driveway. Beldo to update the resolution and present it to the board.

NEW BUSINESS

Supervisor Beldo stated that the board was provided with a copy of the police contract at the last closed meeting. Beldo reports he received a response from the union and the contract has been accepted by the police officer, with one language change regarding health and welfare portion of the contract, that pertains to full-time and not part-time. A copy of the change was distributed to the

Board. Supervisor Beldo stated the change in language does not apply at this time, but felt it was best to keep it in line with the other contracts. Supervisor Beldo states we can tentatively approve the contract.

NEW BUSINESS (Continued)

Motion to approve the contract as negotiated, in regard to the Essential Bargaining Unit, made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

Supervisor Erjavec reported she was called at 5:30 this afternoon by the alarm company. The town garage was full of smoke and the fire department was called. The smoke was coming from the fire department from something they were doing and there was no fire. Discussion on safety training on the fire alarms.

Supervisor Pernu reported he contacted R & A Exteriors and Northwoods Construction for quotes on the front of the town hall, and will be meeting with them tomorrow. Pernu questioned if the cover for the air conditioning unit should be included in the quote. The Board agreed it should be. The bushes in the front of the building have also been removed.

Chairman Kniefel reported on the meeting he attended regarding ambulance service from Eveleth. Cost for the service runs about \$250,000 per year. Eveleth has been facing \$50-75,000 shortfalls for the past 6 -8 years. Discussion on regionalizing the service, the need for a joint powers agreement if that does happen, and Eveleth being more aggressive in their bill collections.

Discussion on the request by Ed Vest for a 20 year promissory note for his sewer access charge. Supervisor Erjavec states in the one other instance the board granted a note of this type, it was due to a hardship because the land was inherited. In this case, the land was purchased and Mr. Vest had knowledge of the sewer access charge.

Motion to deny the request of Ed Vest for a promissory note, made by Chairman Kniefel, support from Supervisor Erjavec. Motion carried unanimously.

Motion to approve the provision of a job site for an individual doing community service, made by Chairman Kniefel, support from Supervisor Beldo. Motion carried unanimously.

Motion to remove the special sewer assessment from CVT 340-0010-01910 that was placed in error, and place the assessment instead on CVT 340-0010-00560, made by Chairman Kniefel, support from Supervisor Beldo. Motion carried unanimously.

Motion to donate the equivalent of the donation made last time, to the St. Louis County Rescue Squad, made by Chairman Kniefel, support from Supervisor Beldo. Motion carried unanimously.

(Clerk's Note- Donation to Rescue Squad was \$100.00)

CITIZEN CONCERNS AND COMMENTS

Tom Beste was in attendance and had several comments and questions. Mr. Beste questioned when and if a 125 foot section on East Park Boulevard would be blacktopped. Mr. Beste stated that portion does not get plowed in the winter because it is dirt. Supervisor Beldo stated he would look at the area and discuss with the R & B employees.

Mr. Beste stated he requested last year if the cul-de-sac on the end of East Park Boulevard and Antler Drive could be restored, and questioned what the status of that is now? Supervisor Beldo will check into it.

Mr. Beste stated that people are cutting the corner onto his property on the corner of Park Drive and Park Boulevard. Mr. Beste questioned if he could put up a post on the corner. Supervisor Beldo stated that if the post is on his property, he can do that. The post cannot be in the town right-of-way.

Mr. Beste requested that the cedar seedlings he planted two years ago be replaced by the township. A worker accidentally cut them down while doing roadside mowing. Supervisor Beldo stated he will see to it they are replaced. Mr. Beste stated the trees were two years old and he did not want trees replanted that would die. Mr. Beste stated he wanted good trees, and that he wanted that on the record.

Jerry Ulman and Bob Mavec were in attendance but had no comment.

Mike Erjavec was in attendance and questioned if Supervisor Beldo included a copy of the easement from Judge Harvey from the 1920's for North Airport Road in his email to MAT attorney John Dooley. Supervisor Beldo stated he did not.

CITIZEN CONCERNS (Continued)

Mr. Erjavec requested a copy of the e-mail sent by Supervisor Beldo MAT attorney John Dooley, and Dooley's reply. Supervisor Beldo stated that it would be inappropriate to share his email and make it public.

Mr. Erjavec stated his neighbors who own 360 acres want to put up a gate on the road because the ATV's have chewed up what little there is left of the road. Mr. Erjavec also stated his property is experiencing a 20% loss in value because of the road, because the board has not followed the same rules they set for South Airport Road. Mr. Erjavec again requested a copy of the email, and was refused. Mr. Erjavec stated he has not been provided (by the board) with one shred of legal evidence to back up what is said.

Supervisor Beldo stated the issue has been clarified several times over the years. Beldo stated it is up to the board as to whether they want to spend any money on the road, and if so, it requires a public need to maintain that road. Beldo further stated we do not have dedicated use, no record of adequate easements, and just the fact that it was maintained at some point in time does not obligate the board to continue. Beldo stated that if someone would take the ball, get the proper easements from the property owners along the road and give the township something to work with, maybe some changes could be made, but not without some cooperation. More discussion, no resolution.

More discussion with Mr. Beste concerning the cul-de-sac.

Keith Nelson was in attendance to announce his candidacy for county commissioner this fall. Commissioner Nelson stated it is his tradition to come home to make such an announcement and that he always enjoys a good township meeting. Commissioner Nelson informed the Board and audience on several items, including updates on the Mesabi and ATV trails.

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

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

Regular Meeting adjourned at 9:19 PM.

Respectfully submitted,

Judy M. Sersha
Clerk of Fayal

Approved: _____
Chair

Attest: _____
Clerk