

**TOWN OF FAYAL**  
**4375 SHADY LANE, EVELETH, MN 55734**

*Judy M. Sersha, Clerk/Treasurer*

*Steven J. Kniefel, Chairman*

*Supervisors: Tony Tamaro, James Pernu, Lee Branville, Mike Erjavec*

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**REGULAR MEETING OF THE FAYAL TOWN BOARD**

**OCTOBER 20, 2009**

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

Audience members in attendance were George Sedgeman, Steve Shykes, Jim Johnson, Lorraine Klobuchar and three E-G High School students.

***Motion to approve the minutes of the October 6, 2009 Regular Meeting, made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.***

**SCHEDULED GUESTS**

None.

**REPORTS**

**Clerk/Treasurer's Report-** September 2009 bank accounts have all been reconciled and ending balances are as follows:

Miners Bank-	\$71,578.72
Assessment Savings-	\$336,406.87
Mt. Iron Checking-	\$752,925.64

For the month of October 2009 there have been revenues of \$18,617.14 and expenditures of \$106,144.90. Tentative cash balances are:

Miners Bank-	\$90,195.86
Mt. Iron Checking-	\$645,102.13

The portable generator is being advertized on the posting boards. Sealed bids will be accepted until 7 pm on November 3, 2009 and be opened at the Regular Meeting.

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

***Motion to bring forward the September 2009 Police Report made by Supervisor Branville, support from Supervisor Tamaro.*** Supervisor Branville states that he would like to discuss with the Chief his statement concerning a supervisor interfering with his investigation. Branville states that is not the case. Chief Thompson also stated his concern on taking partial payments on fines and states that he does not have the authority to do so. Clerk Sersha stated that past practice has been any type of a payment plan must be authorized by the board, and this being an ordinance, the ordinance may have to be amended. This particular case, the person has made two payments so far, one for \$10 and another for \$5.

Chairman Kniefel agreed, past practice has been to extend residents a promissary note on larger amounts, such as for water and sewer access fees, on a case by case basis. Kniefel stated the small amount owed the township (\$115.00) for a dog impound fee should be collected in full and felt extending credit for this was ridiculous, but the board does have that discretion. Supervisor Erjavec questioned if the township has paid the impound fees to the Humane Society? Clerk Sersha stated they have been paid by the town, and the impound fee is a way for the township to be reimbursed. Discussion.

**Motion to allow for payment of \$25.00 per month until paid in full, just for this individual case, made by Supervisor Pernu, support from Supervisor Erjavec.**

**The first motion regarding acceptance of the Police Report was not carried. Chairman Kniefel first asked for the vote on that motion. Motion carried unanimously.**

**Chairman Kniefel then asked for a vote on the motion allowing for payments of \$25.00 per month for the dog impound fee on the second motion. Pernu, Erjavec, Tamaro and Branville voted yes. Kniefel voted no. Motion carried.**

**Motion to accept the September 2009 Road & Bridge Report made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.**

**Motion to accept the September 14, 2009 PUC Regular Meeting minutes made by Supervisor Erjavec, support from Chairman Kniefel.** Supervisor Erjavec noted the PUC has moved to make a change with the variances- they would only be given one time for the secondary structure, no more on and off. The PUC is also requesting forgiveness of the FWC loan to the general fund. Referred to New Business. **Motion carried unanimously.**

### **CORRESPONDENCE**

AFSCME- Memorandum of Understanding for employee medical insurance effective November 1, 2009 to December 31, 2012. Referred to New Business.

Chairman Kniefel- Copy of letter sent to Lorraine Klobuchar and Ron Beldo regarding the use of platted town road right-of-way. Placed on file.

SEH- A copy of Eric Hendrickson's Daily Project Reports for the Golf Course Road Rehabilitation project. Placed on file.

SLC Land Dept- State tax forfeit land located in Fayal at the NW1/4 of the NW1/4, S. 28, Twp. 57, R 17 is being proposed for sale. We may acquire this land for public purpose by completing the enclosed form within 30 days. Placed on file.

League of MN Cities- Town Insurance policy. Placed on file.

Humane Society- Contract for services.

MAT- Notice of Cancellation for E & O, Bond and Work Comp insurance, as requested by the township. Also refund of premiums. Placed on file.

SEH- Pay Request #1 final for Golf Course Road project. Referred to Old Business.

### **OLD BUSINESS**

#### **Supervisor Erjavec-**

**Gilbert WWTP Improvement Project/funding-** We have not received a full accounting of the funds paid to Gilbert by Fayal for sewer plant improvements. It appears some of the funds were used for projects do not benefit Fayal. Mr. Mackley told Clerk Sersha we can consult with their auditor for exact figures.

**IRR Grant Project-** Discussion on obtaining an extension on the grant. Chairman Kniefel reported there is a preliminary wetland hearing on the proposed plat on Horseshoe Lake. Supervisor Erjavec reported he spoke with Mike Wiskow, and their sewage plant can handle 80,000 extra gallons per day. If Fayal is interested in pursuing sewage treatment in Eveleth, we must make a formal request for costs. An engineering study would also have to be done to see if it makes sense to pump to Eveleth.

#### **Supervisor Branville-**

**Fire Hall Sites-** Nothing at this time.

**Snowmobile Trail-** Supervisor Branville reported on the trail plans that would run from Hwy. 53 into Fayal, bypassing St. Mary's Lake. The necessary permits have been obtained, but work will not be completed this year. The existing bike trail will have to be used this year. Discussion on township participation on this project. Supervisor Branville stated that mining effects funds can be used. A preliminary trail agreement between the Trailhawks Snowmobile Club and Fayal Township was forwarded to Chairman Kniefel.

**Supervisor Pernu-**

**Bike Trail-** Supervisor Pernu questioned if the bike trail was going to be upgraded? Chairman Kniefel stated there is a holdup in obtaining the wetlands permits. The federal money is slated for distribution in 2010, so the project will go forward then.

**Yardwaste-** The yardwaste site is open Noon to 5 PM on the following dates for this year: October 23,24,25,30,31 and November 1.

**Fire Alarm-** The new system will be installed on Wednesday of this week.

**Supervisor Tamaro-**

**Cedar Island Drive Sign-** The lighting for the sign was vandalized. A new light was installed, and the next day it was vandalized again. Tamaro states we are not going to fix it again as the cost to repair/replace was about \$450.

**Golf Course Road Project-** The project went well and turned out very nice. The mailbox post that was damaged was replaced.

***Motion to authorize payment of Final Pay Estimate #1 in the amount of \$41,487.20 to Mesabi Bituminous, pending receipt by SEH of letter of consent from the security company, IC 134's and lien waivers, made by Supervisor Tamaro, support from Supervisor Branville.*** Jim Johnson stated the one year warranty period will begin as of this date. ***Motion carried unanimously.***

**SEH Credit-** Supervisor Tamaro reported he did not have time to meet with Jim Johnson regarding the \$6,000 credit, but will do that before the next meeting.

**NEW BUSINESS**

Supervisor Erjavec reiterated the PUC's motion to request the town board relieve the water company of their loan. The original loan was for over \$150,000 with the balance currently at about \$75,000. The loan was made for the installation of the connection to Gilbert. Currently, it is only being used as a back up water supply route. Erjavec states he does not feel it is fair for the water customers to be paying for this line since it is not being used. The water company pays \$1,275 per month to the general fund, and Erjavec does not want to have to raise the water rates any further. Discussion.

***Motion to relieve the water company of the loan to the general fund, made by Supervisor Erjavec, support from Supervisor Tamaro.*** Chairman Kniefel stated that general funds were used for this line and it does not benefit the entire township. ***Erjavec, Tamaro, Pernu and Branville voted yes. Kniefel voted no. Motion carried.***

Discussion on making a formal request to Eveleth for sewage treatment costs. Referred to the PUC to make that request.

Chairman Kniefel distributed copies of a revision to Ordinance 93-1. This ordinance created the Fayal Public Utilities Commission. Revisions are to reduce the number of members from seven to five and make the appointments on the first of the year at the Reorganization Meeting of the Town Board.

***Motion to adopt Ordinance Revision #1 to Ordinance 93-1, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.***

***Motion to direct the clerk to publish the revision in the Mesabi Daily News, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.***

AFSCME submitted an updated Memorandum of Understanding regarding employee health insurance, for approval by the town board. The change allows any deductible the employees may incur for November and December 2009 shall be paid by the township.

**Motion to approve the Memorandum of Understanding as presented, made by Chairman Kniefel, support from Supervisor Erjavec. Motion carried unanimously.**

The contract from the Humane Society was tabled until the next meeting for further study.

**CITIZEN CONCERNS AND COMMENTS**

Three E-G High School students were in attendance but had no comment.

Mrs. Lorraine Klobuchar was in attendance. Mrs. Klobuchar stated she is having a problem with her neighbor Ron Beldo putting up stakes and crime scene tape on the platted roadway, affecting access to her property. The area has also been sodded. This has been an ongoing problem with the neighbor putting up and taking down the stakes, after Mrs. Klobuchar has asked him to remove them. Mrs. Klobuchar presented a picture she took of the area and questioned if this was a violation of MN Statute 160.2715. Discussion by the board.

**Motion to file a complaint with Chief Thompson under MN Statute 160.2715 on the above issue, made by Supervisor Tammaro, support from Supervisor Branville. Motion carried unanimously.**

George Sedgeman was in attendance. Mr. Sedgeman questioned if any of the board has had the chance to take a look at the area by the beaver dam on his property. Mr. Sedgeman stated that a new culvert needs to be installed. Members of the Board stated they have not had the opportunity to look at the area. Chairman Kniefel reported that Bob Lloyd of SLC is supposed to come out to the area tomorrow.

Mr. Sedgeman questioned when the water hydrants would be painted? Supervisor Tammaro stated that is a good idea and should be done, maybe next year.

Fire Chief Steve Shykes was in attendance and reported the fire department will be working on their new trailer. Some of the projects planned may exceed \$500, but are in the budget, and the Chief asked if they could proceed? Chairman Kniefel stated the fire department can work with Supervisor Branville on the project.

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

Motion to adjourn by Supervisor Tammaro.

Chairman Kniefel adjourned the Regular Meeting at 8:07 PM.

Respectfully submitted,

Judy M. Sersha  
Clerk of Fayal

**Approved:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Attest:** \_\_\_\_\_