

**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*

*PHONE (218)744-2878*

*FAX (218) 744-5986*

**REGULAR MEETING OF THE FAYAL TOWN BOARD**

**JULY 21, 2009**

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 Erjavec, Supervisor Branville, Supervisor Pernu, Supervisor Tamaro and Clerk Sersha.

Audience members in attendance were SEH Engineer Jim Johnson and Steve Shykes.

***Motion to approve the minutes of the July 7, 2009 Regular Meeting made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.***

**REPORTS**

**Clerk/Treasurer's Report**- For the period of July 1-21, 2009 there have been expenditures of \$59,868.77 and revenues of \$451,979.73 which includes the first half of the SLC apportionment. All departments have been funded at fifty percent of their levy. Tentatively, balances are as follows:

Miners Bank-           \$81,222.05  
Assessment Savings-   \$610,041.42  
Mt. Iron Checking-   \$744,876.27

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

***Motion to accept the June 10, 2009 Fayal Fire Department Regular Business Meeting minutes, made by Supervisor Branville, support from Supervisor Tamaro. Motion carried unanimously.***

***Motion to accept the July 19, 2009 EFG Joint Cable TV agenda and information, made by Supervisor Tamaro, support from Supervisor Branville. Supervisor Tamaro stated he would like to discuss this issue in Old Business. Motion carried unanimously.***

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

**CORRESPONDENCE**

State Demographic Center- April 1, 2008 population estimate is 1,768 and household estimate is 764. Placed on file.

Country Insurance- General liability policy renewal rate is projected to be \$13,873.20. Placed on file.

MPCA- A petroleum storage tank release has occurred at 3672 Miller Trunk Hwy., former FAST site, now owned by YMCA. Letter is a copy sent to Mr. Richard Shaefbauer informing him that he is responsible for the cleanup and that he must provide MPCA with bids from at least two consultants and let them know who will complete the work. Response must be made by Mr. Shaefbauer within 30 days tot he MPCA. Placed on file.

MN Revenue- In order to balance the state budget, Gov. Tim Pawlenty has unallotted portions of state aids and credits payable in 2009 to counties, cities and towns. For Fayal Township the certified payment was to have been \$48,779.94, the unallotted amount is \$8,890.00, the net payment is \$39,889.94. The unallotment of aids and credits payable in 2010 is planned for January 2010 and has not yet been executed. The proposed unallotment amounts are posted on their website. Placed on file.

SLC Planning- Findings of fact, conclusions and decision on Steve & Sue Grillo variance. Variance approved with staff recommendations. Placed on file.

EFG Joint Cable Commission- Notice of special meeting, Thurs., July 23, 4:00 pm, E-G Sr. High Conference Room. Placed on file.

League of MN Cities- Training Video Catalog. Placed on file.

## **OLD BUSINESS**

### **Supervisor Erjavec-**

**Water Ordinance 97-3 Amendment-** Supervisor Erjavec states that at that last meeting the entire Amendment 1 to the ordinance was deleted, and this is in error. Amendment No. 2 was submitted for the Board's review.

***Motion to adopt Amendment No. 2 to the Town of Fayal Water Ordinance 97-3, made by Supervisor Erjavec, support from Supervisor Tamaro. Motion carried unanimously.***

***Motion to direct the clerk to publish the ordinance change according to law, made by Chairman Kniefel, support from Supervisor Branville. Motion carried unanimously.***

**O'Laughlin Square Project Final Pay Estimate-** Final Pay Estimate #3, in the amount of \$9,237.56, was received from Engineer Jim Johnson. This amount is the retainage, plus \$120 extra for Class 5.

***Motion to authorize payment of Pay Estimate #3 to Jola & Sopp in the amount of \$9,237.56, made by Supervisor Branville, support from Supervisor Pernu. SEH Engineer Jim Johnson stated that payment can be made to Jola & Sopp once the following are received by him: A letter of consent from their security company, State Tax Form IC-134, Lien waivers from Jola & Sopp and any suppliers and/or subcontractors on the project. Acceptance of the project also commences the one year warranty period. Next July, Mr. Johnson will meet with Dale Dickson to review the project before the warranty period expires. Also, a letter was sent to Eric Jankila regarding his restoration concerns, and he was given an opportunity to state whether or not his concerns have been satisfied. Mr. Jankila brought forth no further concerns at this time. Motion carried unanimously.***

### **Supervisor Branville-**

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

### **Supervisor Pernu-**

**Buildings & Grounds-** The pavers have been installed in the front of the town hall. We have not heard back from the fire alarm company regarding a review of what is needed for the building. Also, a complaint was received concerning an improperly installed mailbox on Ely Lake Drive. The mailbox was in a 55 gallon drum. The complaint was forwarded to St. Louis County and the resident has 60 days to comply with state statute.

### **Supervisor Tamaro-**

**Joint Cable TV-** Gilbert is planning to unilaterally withdraw from the agreement, and discussion on that topic will take place at the special meeting on Thursday. Tamaro states we may have a decision to make regarding the joint commission also. Branville states that the commission has done everything they said they were going to do and is in the process of hiring a station director.

**Road Improvement Report-** A construction estimate in the amount of \$47,740 was submitted by Foreman Steve Verkovich. The platted road is located between the plats of Rearrangement of Lots 12-15 and Part of 8 First Addition to Ely Lake Gardens and Rearrangement of St. Mary's and is currently and non-maintained. Discussion.

***Motion to send a letter to the resident requesting the improvement informing them of the cost and ask them if they would be willing to be assessed for the improvement, made by Supervisor Erjavec, support from Supervisor Tamaro. Motion carried unanimously.***

Chairman Kniefel will draft the letter.

**Golf Course Road Improvement**- SEH Engineer Jim Johnson submitted three options for improvements on the road. Mr. Johnson explained all three options. Options B & C were favored, and there was discussion on timing the project so the reclaim could be done in conjunction with another community to keep costs down. Supervisor Tammaro stated he would like to table the matter until he speaks with Steve Verkovich.

**Chairman Kniefel-**

**Resolution 2009-08 to Establish Rates and Fees for Non Resident Water Patrons**- Chairman Kniefel read the resolution aloud. Discussion. Using the phrase non-resident could also apply to persons living within Fayal Township. The resolution is meant for water users who are located outside the township's boundaries, but obtain their water from Fayal Township's distribution lines. The rate was approved by motion at the last meeting, but is now being done as a formal resolution. Discussion and agreement on re-phrasing.

***Motion to adopt Resolution 2009-08 to Establish Rates and Fees for Extraterritorial Water Patrons, made by Chairman Kniefel, support from Supervisor Erjavec. Motion carried unanimously.***

**Township Insurance Review**- Quote should be received prior to the August 4 meeting.

**Township Sign/Landscaping Project**- Supervisors Pernu and Kniefel met with Dawn Cole of the Planning Committee and Grusendorf Nursery on the corner across from the Shortstop. The planning committee has developed a plan to install a sign and landscaping for the corner and plantings for the existing planter as a beautification project. A new electronic sign for announcements would also be installed instead of the existing portable sign. Discussion. Costs are unknown at this time.

**NEW BUSINESS**

Supervisor Erjavec informed the Board of a variance request received by the PUC. The PUC did not have a quorum at their last meeting, so no decision was made.

***Motion to accept the resignation of Shane Bilyeu of the Fayal Fire Department, made by Supervisor Branville, support from Supervisor Tammaro. Motion carried unanimously.***

***Motion to authorize the purchase of six Motorola Minitor V pagers for the fire department at a total cost of \$2,310.00, made by Supervisor Branville, support from Supervisor Pernu. Motion carried unanimously.***

Chairman Kniefel reported on a meeting he attended with Supervisor Erjavec, Mike Larson and Jim Johnson of SEH regarding IRB grant projects.

**CITIZEN CONCERNS AND COMMENTS**

Steve Shykes and Jim Johnson were in attendance but had no comment.

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

Motion to adjourn by Supervisor Tammaro.

Chairman Kniefel adjourned the Regular Meeting at 8:10 PM.

Respectfully submitted,

Judy M. Sersha  
Clerk of Fayal

**Approved:** \_\_\_\_\_ **Chair**     **Date:** \_\_\_\_\_

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