

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

DECEMBER 1, 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: Jerry Ulman, SEH Engineer Jim Johnson, DeLyle Pankratz, Carl Burt and two members of the TrailHawks Snowmobile Club.

Motion to approve the minutes of the November 17, 2009 Regular Meeting made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.

REPORTS

Clerk/Treasurer's Report- Bank statements for November 2009 have not yet been received so this report is tentative. Revenues for the month were \$31,166.52 and expenditures were \$160,410.76, and a transfer of \$172,000.00 was made from Miners to Mt. Iron Checking. The second half apportionment from St. Louis County was received today, total amount is \$330,557.08. Tentative balances are:

Miners Bank-	\$33,415.77
Assessment Savings-	\$342,565.54
Mt. Iron Checking-	\$639,372.42

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

Motion to accept the November 2009 Police Report, made by Supervisor Branville, support from Supervisor Pernu. Motion carried unanimously.

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

Motion to accept the November 24, 2009 Planning Committee Regular Meeting minutes, made by Chairman Kniefel, support from Supervisor Erjavec. Supervisor Branville stated there would be much discussion on the minutes from him later in the meeting. Motion carried unanimously.

CORRESPONDENCE

SLC Sheriff- Information regarding future radio communications systems. Placed on file.

MN Dept. Of Health- Analysis conducted on water samples collected from our public drinking water supply. Placed on file.

SLC Planning- Facts, Findings & Conclusion on variance request from Roger Rigstad, 7450 Differding Lane. Variance approved, with conditions. Placed on file.

CARE Commission- Request for donation for All Night Post-Grad Party. Referred to New Business.

SLCATO- Regular meeting minutes of Oct. 28, 2009. Next meeting is Dec. 2, 7 PM, Cotton, speaker- Jim Foldesi. Following meeting is Jan. 27, 7 PM, Cotton, speaker SLC Planning Dave Yapel. Placed on file.

OLD BUSINESS

Supervisor Erjavec-

Sewer Rates- Eveleth has assigned Councillors Hoag & Kallevig to come up with a rate for wastewater treatment.

Supervisor Branville-

Fire Hall Sites- Nothing at this time.

Snowmobile Trail- Branville states that access from Hwy. 53 to the Fayal bike trail has been discussed for years and the citizens have been in favor of it. The trail would address the safety issues of keeping snowmobiles off of the road with cars, and not having to cross St. Mary's Lake. Branville states the trail will be good for the township and will bring in potential customers for a local business. Supervisor Branville reported that Commissioner Nelson is willing to have St. Louis County take care of the entire crossing, including culverts and permits on 132, with no township contribution. The TrailHawks are asking for a \$2,000 township contribution to clear the land from the Shutte easement to Hwy. 132.

Supervisor Branville addressed the Planning Committee's actions regarding concerns that were outlined in the minutes of their November 24, 2009 Regular Meeting. Branville stated the Planning Committee reviewed the TrailHawks/Fayal agreement per advice from the town chair, and stated he would liked to have attended the meeting if he knew the committee was going to be discussing the issue, and that it was a one-sided meeting. Supervisor Branville disputed all of the actions taken by the committee at their meeting, those being: 1) recommend that Supervisor Branville recuse himself from discussion and voting because of direct conflict of interest. Supervisor Branville stated he has no conflict of interest because he is not a member of the TrailHawks Snowmobile Club. 2) The Town Board should reject the proposal from the TrailHawks because of lack of need, safety concerns regarding the crossing on 132, and the spur route being very close to residential properties. Supervisor Branville stated he got permission from Bob Manzoline to use the Mesabi Trail for snowmobiles and that people like snowmobiles to use the trail and pack it down so it can be used for walking in the wintertime. As for the safety aspect, Branville stated he met with two St. Louis County employees that said there must be at least 400 feet of clear view on either side of the crossing. The crossing was inspected by the SLC employees and there is plenty of room on both sides. The trail is also a better alternative instead of having to cross the lake when the ice may be thin or slushy. Snowmobiles using the road are mixing with traffic, and that is unsafe.

Motion to grant \$2,000 for trail expenses, made by Supervisor Branville. Supervisor Tamaro supported, for discussion purposes. Chairman Kniefel asked for clarification of the motion—is the intent of this motion to approve the proposed TrailHawks/Fayal agreement? Supervisor Branville stated it is not, the trail has not been built yet, the motion is to contribute \$2,000 from the township to the TrailHawks to clear the land. Supervisor Pernu questioned if this was for grooming the trail. Supervisor Branville stated grooming is separate issue, included in the agreement, and this motion is just for trail construction. Supervisor Erjavec questioned if there is another property owner involved in the trail besides Shutte? DeLyle Pankratz stated that Benchmark has done the survey and it is all Shutte property up to Hwy. 132, regardless of what it looks like on the plat map. Supervisor Pernu stated his main concern is the hockey rink and the safety of the kids, and he does not want a snowmobile trail coming to the town complex. Much more discussion. Clerk Sersha questioned if the donation was to be made from Mining Effects funds? ***Supervisor Branville stated he wanted the money to come from Mining Effects and for that to be included in the motion. Supervisor Tamaro supported. Motion carried unanimously.***

Supervisor Tamaro stated that a warning light or some type of sign should be placed at the end of Hwy. 37. There have been many incidents of people driving through the intersection and into the woods. Supervisor Branville stated he will contact Dick Lund.

Supervisor Pernu-

Tennis Court Crack Seal- We have not received the estimate yet, it is now too late in the season to have the work done.

Air Testing- Still waiting.

Chairman Kniefel-

November 17, 2009 Closed Meeting- An employee performance issue was discussed during the last regular meeting, in a closed session. Chairman Kniefel stated the Board determined that it was appropriate to issue a general re-instruction to all employees of the town regarding appropriate vehicle use and appropriate cell phone use. This was based on a verbal reprimand that was given last January. Chairman Kniefel stated he did that today, and copies of the re-instruction were provided to the board members at tonight's meeting. A change in policy from the town foreman regarding the reprimand was attached to the copies provided to the board. Chairman Kniefel stated the policy change is discussion for another day and that was the action that was taken, and that was the followup.

NEW BUSINESS

Supervisor Branville noted the TrailHawks are in attendance and stated they are having some funding difficulties on the Hwy 53 side of the trail and they are looking for donations on that aspect of the trail. Supervisor Branville stated he is not ready to bring forth any certain dollar amount, but asked that Carl Burt, president of the TrailHawks Snowmobile Club be allowed to explain the project.

Mr. Burt stated the club has been working on the trail for 18-19 years from Melrude to Eveleth, with the last 4.5 miles since February of this year. Mr. Burt distributed estimated construction costs to the board for the Hwy. 53 underpass. Mr. Burt explained the progress of the trail during this past summer. The club is looking for donations to fund this project since they only have about half of the funds for completion. Mr. Burt will be asking all the surrounding communities for a donation. Discussion. Mr. Burt informed the Board the club is waiting for another bid. Chairman Kniefel questioned if there are any types of matching funds available? Mr. Burt stated there are not. The Board took no action at this time. Mr. Burt stated he will come back after he receives the final bid.

Chairman Kniefel noted the bill for the Pine Drive culvert work done by St. Louis County is in tonight's bills, and commented that it was a reasonable cost.

Clerk Sersha explained to the Board the employees met with officials from the American Bank and have all set up HSA accounts. Clerk Sersha questioned if the board intended to fully fund the accounts on January 1? Cost would be \$22,500 total for all employees.

Motion to fully fund the HSA accounts on the first business day in January 2010, as laid out by the clerk, made by Chairman Kniefel, support from Supervisor Branville. Motion carried unanimously.

Motion to donate the same amount as last year to the CARE Commission for the post-grad party, made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.

(Clerk's Note- The Town of Fayal donated \$100.00 to the CARE Commission for the post-grad party.)

CITIZEN CONCERNS AND COMMENTS

Jerry Ulman and Jim Johnson had no comment.

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

Motion to adjourn by Supervisor Tamaro.

Chairman Kniefel adjourned the Regular Meeting at 7:55 PM

Respectfully submitted,

Judy M. Sersha
Clerk of Fayal

Approved: _____
Chair

Date: _____

Attest: _____
Clerk