

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, Lee Branville

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REGULAR MEETING OF THE FAYAL TOWN BOARD

NOVEMBER 14, 2006

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 Branville, Supervisor Pernu, Supervisor Tamaro and Clerk Sersha.

Audience members in attendance were: Steve Shykes, Gerry Ulman, Scott Seeley, Scott Smith, Mike Erjavec and an E-G High School student.

Motion to approve the minutes of the October 17, 2006 Regular Meeting, made by Supervisor Tamaro, support from Supervisor Branville. Motion carried unanimously.

SCHEDULED GUESTS

Scott Seeley of the Naterra Land Company was in attendance to inform the Board on a proposed subdivision plat on East Shores of Pleasant Lake, and distributed copies of the proposed plat and covenants. The plat would consist of three waterfront lots ranging in size from 8+ acres to 13+ acres and two back lots of 19.3 acres each. Mr. Seeley informed the Board that soil borings have been completed and individual sewer treatment reports have been completed for each site. The sites have good soils and have been authorized for on-site systems by Rich Hyrkus of SLC. Mr. Seeley went over the deed covenants with the Board. Covenants on the lots are numerous and consist of restrictions such as future subdivision, parking and garaging vehicles etc., animals and pets, minimum home size, type, color etc., The lots will be accessed off of either Pleasant Lane or county road 536, Scout Camp Road. Platted road easement is being reserved on the north line of Lots 1 & 2 for Pleasant Lane, and no request has been made to pave or improve the road. A twenty foot wide platted road easement is also being reserved along the west line of Lot 1 which is contiguous to a 33" wide platted road in Erickson's Beach.

Chairman Kniefel questioned when the lots would be on the market, and why the lots are so large? Mr. Seeley stated the market dictates that a large lot sells better and allows for more privacy. The lots should be ready for sale by March or April 2007. Prices for the lots have not yet been determined.

Discussion on the deed covenants and restrictions. Chairman Kniefel stated that it is not the responsibility of the township or the county to enforce violations of restrictive covenants once the lots are all sold. Civil legal action between the property owners would be the only solution. Mr. Seeley stated he understood that, and that in his 17 years of experience, he knows of only one instance where there was a violation and it was taken care of between the property owners.

As for road maintenance, Chairman Kniefel informed Mr. Seeley that at this time the platted road in the Erickson's Beach plat is not publically maintained, and there are no plans to do so at this time.

Supervisor Beldo questioned if the duplex type home would be allowed. Mr. Seeley answered that single family homes only will be allowed, and no twin homes or condominium-type development is allowed.

Chairman Kniefel asked the Board if there were any objections or concerns regarding the development. Some members of the Board felt the deed covenants were too restrictive, but had no objections to them. Chairman Kniefel stated the Fayal Planning Commission has reviewed the plat and has no objection and he will forward to Mark Johnson of SLC Planning, that the Board or Planning Commission has no objections to the plat.

Rod Louma was in attendance regarding his sewer. Supervisor Tamaro reported that Mr. Louma had attended the PUC meeting and requested to be reimbursed for 120 feet of pipe and \$100 for the crushing of his old septic tank. The PUC voted to deny this request. A settlement and release agreement for the installation of an on-site septic on the Louma property was approved in principal, with the only change being the effective date of completion.

Motion to deny the request of Rodney Louma for reimbursement of 120 feet of sewer pipe and \$100 for the crushing of his old septic tank, made by Supervisor Tamaro, support from Chairman Kniefel.

Discussion on cost of installing a new septic. Motion carried unanimously.

Motion to authorize the proper signatures on the Settlement and Release Agreement, subject to the Louma's accepting and signing the agreement, made by Supervisor Tamaro, support from Chairman Kniefel. The Agreement will reflect a correction to the date and will allow for the completion of the work indicated in the agreement to be performed within 8 months of the date of signature. Chairman Kniefel stated the agreement was drafted by Scott Neff, and the Louma's attorney has also reviewed the document. ***Motion carried unanimously.***

Discussion by the board on how to proceed with obtaining costs. Chairman Kniefel states that since the project is expected to exceed \$10,000, two quotes must be obtained for design and build. If the project is not completed soon, Fayal will have to keep the system operational throughout the winter.

REPORTS

Clerk/Treasurer's Report- For the period of October 1-31, 2006 there were \$79,935.53 in revenues and \$93,722.46 in expenditures. Ending balances are as follows:

Mt. Iron Checking-	\$414,340.06
Miners Bank-	\$164,734.32
Assessment Savings-	\$275,190.02

For the month of November to date, there have been \$9,035.26 in revenues and \$18,953.36 in expenditures.

On November 7, 2006, polls at the town hall opened at 7:00 AM, closing at 8:00 PM. There were 1,484 persons registered to vote. There were 134 new registrations and the total number of persons voting were 1,173. The new ballot counter machine worked smoothly, although the City of Gilbert had problems with their new machine. Clerk Gary Mackley came to Fayal to borrow our machine after the polls closed, so Gilbert could finish their vote tally. The machine was returned to us the next morning. All of the election judges did a great job, and should be commended for their service to the town's voters.

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

Motion to accept the October 2006 Police Report made by Supervisor Branville, support from Supervisor Tamaro. Motion carried unanimously.

Motion to accept the October and November 2006 Fire Department Regular Meeting minutes, made by Supervisor Branville, support from Supervisor Pernu. Motion carried unanimously.

Motion to accept the October 10, 2006 PUC Variance meeting minutes made by Supervisor Tamaro, support from Chairman Kniefel. Motion carried unanimously.

Motion to accept the October 10, 2006 PUC Regular Meeting minutes, made by Supervisor Tamaro, support from Chairman Kniefel. Motion carried unanimously.

Motion to accept the October 2006 Road & Bridge Report made by Supervisor Beldo, support from Supervisor Pernu. Motion carried unanimously.

Motion to accept the October 26, 2006 EFGSD Regular Meeting minutes, made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.

Motion to accept the August 22, 2006 and October 24, 2006 Planning Committee Regular Meeting minutes made by Chairman Kniefel, support from Supervisor Branville. Motion carried unanimously.

CORRESPONDENCE

Scott Neff- Settlement and Release agreement for the Rodney Louma property for the sewer system. Placed on file.

SLC Planning- Board of Adjustment Findings of Fact, Conclusion and Decision on the Frank Kvaternik variance request. Request was denied without prejudice, Applicant may work with Fayal Planning Committee to come back with a different proposal. Placed on file.

Patricia Anderson, State Auditor- Copy of Other Post-employment Benefit Liability of Local Governments in Minnesota report. Placed on file.

SLCATO- Regular Meeting minutes of September 27, 2006. Next meeting is December 6, Cotton Community Center, 7 PM. Placed on file.

Scott Neff- Letter concerning the proposed license for the Eveleth Fee Office. Referred to Old Business.

Chairman Kniefel- Copy of letter to Dan England of the Eveleth Fee Office regarding easement over their lands. Referred to Old Business.

SLC Planning- Preliminary Plat application for East Shores of Pleasant Lake. Placed on file.

Steve Giorgi, AFSCME- Letter stating the union is not in agreement with the change proposed in the medical premium proposed by the Board. The union is willing to examine plan options to reduce costs. A meeting has been scheduled November 27, 3:30 PM, Fayal Town Hall, with employees and Supervisors Branville and Kniefel to discuss. Placed on file.

SLC Auditor- Proclamation issued by the SLC Board on behalf of all election workers in St. Louis County stating that November 5-11, 2006 is "National Election Worker Appreciation Week". Placed on file.

CARE Commission- Request for donation for Post Grad party. Referred to New Business.

AEOA-Request for donation. Referred to New Business.

Naterra Land Company- Covenants and plat map of East Shores of Pleasant Lake preliminary plat. Placed on file.

OLD BUSINESS

Supervisor Beldo-

Road Overlays- Steve Verkovich has spoken with county personnel regarding the mat quality of the roads that were done this past fall. The surface should seal up and work itself out. As for the proposed road exchanges, Verkovich does not feel it is beneficial to the township, but maybe a maintenance agreement could be worked out that would benefit both the county and township.

Chairman Kniefel stated the problem with a maintenance agreement is that the county has an ice-free policy for black top roads, which means they apply salt and plow until the pavement is black and dry, and the township does not do that.

Supervisor Branville-

ATV Ordinance- Still working on it.

Supervisor Pernu-

Area across from Shortstop- Tailings were hauled in the area to firm it up and for access by the phone company. Next spring more landscaping will take place.

Brush Pile- We have had no response from the BioMass or Birchum Logging people. The best solution is to have the pile burned by the fire department. Chief Shykes will be contacted.

Supervisor Tamaro-

Gilbert Rate- Nothing at this time.

Election- Supervisor Tamaro commended the election judges and extended his gratitude on a job well done, especially head election judges Roberta Zattoni and Linda Brown. Tamaro reported there is a an area near the front entry that needs repair. Referred to Supervisor Pernu.

Chairman Kniefel-

Sewer Easement- Kniefel spoke with Dan England of the Eveleth Fee Office regarding an easement. Mr. England stated that in order to get permanent easement, eleven signatures will be needed from fee owners at a cost of about \$1,000 per signature. The only other choice is condemnation, which is very expensive. Mr. England has agreed the to lower the liability insurance to \$1 million in the license agreement and wait for John Jamnick to provide a certified survey of the area.

NEW BUSINESS

Motion to canvass the election results and certify them to be correct made by Chairman Kniefel, support from Supervisor Tamaro. Kniefel, Tamaro and Beldo voted yes. Supervisors Branville and Pernu abstained. Motion carried unanimously.

Motion to donate \$100.00 to the CARE Commission for the post-grad party, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

The request for donation from the AEOA was placed on file.

CITIZEN CONCERNS AND COMMENTS

Steve Shykes, Gerry Ulman, Scott Smith and Joe Stewart were in attendance but had no comment.

Mike Erjavec asked the board for clarification on obtaining a quote for the Louma sewer.

Motion to pay the bills made by Supervisor Tamaro, support from Supervisor Branville. Supervisor Branville reminded everyone that when making purchases for the township, to shop around for the best price. Motion carried unanimously.

Chairman Kniefel stated that at this time, the board would be going into closed session to discuss union contract negotiations.

Motion to close the meeting to the public to discuss contract strategy, made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.

Regular Meeting closed at 8:10 PM, and reopened at 8:25 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.)

Short discussion on the December meeting schedule.

Motion to adjourn made by Supervisor Tamaro, support from Supervisor Branville. Motion carried unanimously.

Regular Meeting adjourned at 8:27 PM.

Approved: _____
Chair

Respectfully submitted,

Attest: _____
Clerk

Judy M. Sersha
Clerk of Fayal

