

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

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REGULAR MEETING OF THE FAYAL TOWN BOARD

NOVEMBER 16, 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, Supervisor Tamaro and Clerk Sersha. Audience members in attendance were: Mike Erjavec, Nick Domiano, Scott Smith, David Jones, Jerry LaCoursier, Jerry Ulman and several Boy Scouts and parents.

Motion to approve the minutes of the Regular Meeting of October 19, 2004, made by Supervisor Beldo, support from Supervisor Tamaro. Motion carried unanimously.

Motion to approve the minutes of the Special Meeting of October 26, 2004, which was a closed meeting held for the specific purpose of discussion with Attorney Tim Strom, of litigation initiated by Ryan Turner, District Court Case 69-0C2-04-100879, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

Motion to approve the minutes of the Special Meeting of October 28, 2004, which was held to inspect South Airport Road, due to the receipt of a petition to vacate that road, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

Motion to approve the November 4, 2004 minutes of the Board of Canvass, a meeting held to certify the township election results, made by Supervisor Erjavec, support from Supervisor Pernu. Chairman Kniefel thanked the Clerk and Election Judges for their fine job on election day and the community for the high voter turnout. Kniefel stated it speaks highly of the community to have over a 90 percent voter turnout. Motion carried unanimously.

Motion to approve the minutes of the November 4, 2004 Special Meeting, held to adopt Resolution 2004-07 which sets the date of December 7, 6:00 PM to hold a Public Hearing on the vacation of South Airport Road, made by Supervisor Beldo, support from Supervisor Erjavec. Motion carried unanimously.

SCHEDULED GUESTS

Fayal Firefighter Nick Domiano was in attendance to inform the Board that on several occasions he and other firefighters were verbally harassed by the captain on the Fire Department. Assistant Fire Chief Scott Smith was in attendance and stated a meeting was held with the captain, he was

councilled, made the proper apologies, and a letter was placed in the captain's file. Assistant Chief Smith stated the matter was dealt with properly. Mr. Domiano stated he wanted a copy of the letter that was given to the captain, to be given to the town board members. Chairman Kniefel stated the issue was dealt with according to the township's harassment policy, and he and Supervisor Tamaro were informed of the complaint. The complaint was then dealt with internally in the Fire Department. Discussion.

Motion to bring a copy of the letter forward to the town board for review and filing, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

REPORTS

Clerk/Treasurer's Report- For the period of October 1-31, 2004 there were a total of \$60,434.45 in receipts, expenditures were \$66,689.45. Ending balances are as follows:

American Checking-	\$699,059.55
Special Assessments-	\$428,509.77
Miners Bank-	\$23,655.27

For the period of November 1-16, 2004 there have been \$29,294.90 in receipts, and expenditures were \$25,180.12.

Clerk Sersha requested authorization to attend State Auditor seminar. Referred to New Business.

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

Motion to accept the unapproved minutes of the Joint Rec Regular Meeting of November 10, 2004, made by Supervisor Erjavec, support from Supervisor Beldo. Motion carried unanimously.

Motion to bring into the record the unapproved minutes of the November 9, 2004 Public Utilities Commission Regular Meeting, made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

Motion to approve the October 12, 2004 Public Utilities Commission Regular Meeting minutes made by Supervisor Tamaro, support from Supervisor Beldo. Motion carried unanimously.

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

Motion to accept the October 2004 Police Report submitted by Chief Thompson, made by Chairman Kniefel, support from Supervisor Pernu. Motion carried unanimously.

CORRESPONDENCE

SLC Board of Adjustment- Peter Mascucci variance was approved, with conditions. Referred to

Planning Committee and placed on file.

BC/BS- Group Contract and Health Care Certificate. Placed on file.

SLCATO- Sept. 22 Regular Meeting minutes. MAT Annual Conference will be held Nov. 18, St. Cloud. Placed on file.

Jeanne Aho- Letter stating they had to clean the town hall before they could use it and haul away garbage that was not theirs. Mrs. Aho requests a refund. Referred to New Business.

City of Eveleth- Next ambulance meeting is November 17, 5:00 PM, City Hall. Placed on file.

John Ongaro- Letter requesting legislative ideas to submit to the MN Legislative Session. Placed on file.

Minette Richards- The Nov. 4 Channel 12 meeting was cancelled. The next meeting will be December 2, Board Room, E-G High School. Placed on file.

Rose Hennessy Allen, State Auditors Office- Letter regarding the relief association's bylaws. Currently there is no calculation method provided to determine disability benefit amounts. Recommends bylaws be amended. Referred to Fire Relief Association, placed on file.

LGA- Letter regarding membership renewals. Referred to New Business.

Mike Wiskow- The aquaduct between St. Mary's and Ely Lakes is open as of Nov 15, 2004. Placed on file.

OLD BUSINESS

Supervisor Beldo-

Cedar Island Court/Lane- The surveyor has been contacted again, and was referred to Steve Verkovich for more maps.

SLCATO Meeting in Cotton- Mayor Herb Bergson of Duluth was the speaker at the meeting and is encouraging the coordination of the township Lobby Days with Duluth Days. Bergson feels the combination of the two would have a bigger impact.

Snow Removal Contingency Plan- Verkovich spoke to Bob Lloyd of St. Louis County Public Works about having the county plow/sand the town's roads in case the employees are unavailable. Mr. Lloyd requested a map of the roads, and after studying the map, tentatively agreed the county would plow the main thoroughfares of the town, but would not plow areas that were tight or where there were turnarounds. A joint powers agreement would have to be adopted. Cost for the county to do the plowing is unknown at this time. Kniefel will meet with Mr. Lloyd further on this issue. Discussion on how to have the rest of the roads plowed/sanded. Suggestions include independent contractor, calling the union hall, and compiling a list of interested persons.

Motion to authorize the Chair to establish a contract with St. Louis County for emergency snow plowing, made by Supervisor Beldo, support from Supervisor Erjavec. More discussion on the rate that the county would charge. Kniefel will discuss this when he meets with the county employees. A final contract will be brought to the board for approval, and costs will be known at that time. Motion carried unanimously.

Supervisor Erjavec-

Employee Safety Meeting- Erjavec attended, along with Beldo. Discussions included OSHA requirements for training of rink attendants and upgrading the copy machine. Beldo and Erjavec will meet with the employees, Steve Giorgi of AFSCME and Mick Giblin of the Greater MN Agency regarding insurance coverage, and possibility of joining NEESCU to reduce cost of BC/BS. Meeting to be held Friday, November 19, 9:30 AM.

Joint Rec- They will address the concerns of training the rink attendants. Erjavec questioned if the hydrant near the skating shack has been fixed. Tammaro states that it has. There is concern about the rink attendants using the high pressure water to flood the rink. Erjavec states there are adult volunteers to flood the rink, or the lead rink attendant. The Rec Directors total salary and benefit increase was 5%. Discussion on directors' duties, and the budget. Tammaro states more and more money is going to the director, leaving less for programs. Erjavec states the coaches have not had raises and it is getting harder to find coaches.

The rink was inspected by Supervisor Erjavec and Al Jurenic. The screws are rusting and should be replaced next year. The work on the gate has helped, but more should be done.

Planning Committee- No quorum at the last meeting, so no movement on the RFP's. No word from the DNR regarding cutting trees.

Airport Planning Commission- They are working on a planning ordinance.

Joint Cable TV- Erjavec states there should be more input on the cable tv channel. It is there for everyone to use.

Supervisor Pernu-

SLC Land Dept. Rec Grant- Pernu and Erjavec will work on the application and get it in by next week.

Portable Satellite- A platform of tailings was put down so when the rink is flooded the toilet will not freeze to the ground. Pernu informs the cost to purchase a toilet is \$1,500, and we are being charged \$4.00 per month for rent, so it is not feasible to purchase. Cost for monthly service is \$68.00, and now with the handicap model cost is \$136.00 per month. Pernu will call for prices with other vendors.

Supervisor Tammaro-

Mandatory Sewer Connections- Sersha reported she spoke with the county attorney. Of the seven violations, two complied before they went to court, three were given fines and no same or similar within 6 months and told to connect within the 6 months, one had not gone to court yet, and an arrest warrant was put out on one.

RLK Litigation- Attorney Neff called last Friday to gather more info for the case.

Chairman Kniefel-

Union Contract- Beldo forwarded two copies of the final contract to Clerk Sersha for signatures by Chair Kniefel and the union reps.

NEW BUSINESS

Supervisor Erjavec states that if we go with NEESCU for our medical benefits it will be easier to budget for medical costs because the cost will be known on the first of each year. Discussion on reserving funds for future employee benefits. Sersha states the payroll program can calculate employee liability for sick leave and vacation. Discussion on funding future employee retirement medical costs.

Supervisor Erjavec states the by-laws of the Planning Commission allow for the appointments to be done on January 1, to coincide with the Reorganization Meeting. Erjavec questions if the other Commissions are going to change to January 1 instead of April 1. Tammaro states he will bring it up with the PUC.

Supervisor Pernu reports a refund was made to Mrs. Aho for rent she paid on the town hall. The hall was not cleaned prior to her renting it, and she had to clean before and after she used it. Discussion on hiring for cleaning the town hall. The Board agreed we should advertise for casual labor for hall cleaning and compile a list of persons to call when needed.

Supervisor Tammaro reported the PUC has recommended a 1 ½% interest fee be charged per month for late sewer payments in addition to the \$3.00 late fee. Tammaro states it is not fair to the people who pay every month and those that are late are not penalized. Discussion.

Motion to impose a 1 ½% interest fee on past due sewer payments on top of the 10% late fee, made by Supervisor Tammaro, support from Supervisor Erjavec. Tammaro will bring forward a the amended sewer charge resolution at the next meeting. Motion carried unanimously.

Chairman Kniefel reported he received a complaint from Terry Soderberg of the St Louis County Solid Waste Department. Mr. Soderberg has informed us that we cannot allow the Boy Scout's Aluminum can recycling bin to be located next to the county's recycling bin. Evidently, the Boy Scouts recycling efforts are taking away too much revenue from the county in proceeds from aluminum sales. Several Boy Scouts and parents were in attendance in the audience. Chairman Kniefel stated the Fayal Fire Department sponsors and supports the Boy Scouts, and the county has

no right to tell Fayal what they can have on their own property. The Board agreed. No action taken on the request from SLC. Kniefel will write a letter to the Solid Waste Department informing them of the Board's consensus.

Information was distributed to the Board on LGA membership renewal. Chairman Kniefel stated the info is in draft form at this time, but we should be receiving the final version soon. Fayal will again be asked to renew our membership in the annexation reform lobbying group. Cost is expected to stay the same, at fifty cents per capita, or about \$960.00 per year. Kniefel recommended the Board look at the update, make a decision at the next meeting, but table the issue at this time.

Chairman Kniefel reports that John Jamnick called him regarding three requests from Gilbert residents to connect to the Fayal sewer line. Kniefel told Jamnick that Fayal has not agreed to connect any Gilbert properties to their line. The Gilbert residents have been told they must get permission from Gilbert first, be responsible for all connections and costs associated with connection, assurances from Gilbert that the monthly sewer charge will be paid and a sewer access charge of \$7,000 per connection.

Chairman Kniefel reminded the Board that 2006 levy discussions will start soon, and of the December 7, 6:00 PM, Public Hearing on the Vacation of South Airport Road.

Clerk Sersha requested authorization to attend a State Auditor Seminar on GASB 45.

Motion to authorize the expenses associated with, and the attendance of the State Auditor GASB 45 seminar by the Clerk, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Discussion on recent advertisement by Northridge Credit Union. They are advertising Certificates of Deposit at 3.75%. Clerk Sersha stated she would like to check into it, and invest funds for employee benefits and water and sewer funds. Sersha will be meeting with Kelly Campbell and Dave Zlimen of the PUC for their input.

Motion to authorize Northridge Credit Union as an official depository, made by Supervisor Tamaro, support from Supervisor Erjavec. Motion carried unanimously.

Motion to authorize the Clerk to invest in Certificates of Deposit for various funds at her discretion, made by Supervisor Tamaro, support from Supervisor Pernu. Motion carried unanimously.

CITIZEN CONCERNS AND COMMENTS

The Boy Scouts thanked the Town Board for allowing them to collect cans at the town hall complex.

Scott Smith stated he felt the Board was misinformed on the fire department incident and that the whole incident should be looked at when the letter is submitted.

Jerry LaCoursier stated that if South Airport Road is closed, it will block access to county land. Kniefel states that is why we are having a public hearing, to take public input.

David Jones stated the Seniors have meetings in the hall twice a month, but always clean up afterward.

Jerry Ulman had no comment.

Mike Erjavec stated he is working on getting his building permit, because the county kicked the permit back, stating he needs a mound septic. Erjavec is trying to get one designed. Erjavec states he will be distributing information regarding roads, from the township attorney to the board at the next meeting.

Motion to pay the bills, with the exception of the A-1 bill until it is clarified, made by Supervisor Tammaro, support from Supervisor Beldo. Motion carried unanimously.

Motion to adjourn by Supervisor Tammaro, support from Supervisor Erjavec.

Regular Meeting adjourned at 8:56 PM.

Respectfully submitted,

Judy M. Sersha
Clerk of Fayal

Approved: _____
Chair

Attest: _____
Clerk