

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

SEPTEMBER 16, 2008

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: Ralph Johnson, John Babich, and Patrick Ziegler.

SCHEDULED GUESTS

Patrick Ziegler was in attendance concerning the Town of Fayal Animal Control Ordinance 95-3. Mr. Ziegler's dog was recently impounded at the Mesabi Humane Society.

Mr. Ziegler stated that he obtained licenses for his two dogs and paid a \$60.00 reimbursement fee to the township for costs incurred by the town for animal pickup and housing at the Mesabi Humane Society. In addition, the Mesabi Humane Society charged him a \$35 relinquishment fee before they would release the dog. Mr. Ziegler stated that he should not have to pay the \$50 impound fee in addition to what he has already paid because the ordinance does not state there is a reimbursement fee. The ordinance states that for the first offense there is a \$50.00 impound fees but does not address reimbursing the township for costs incurred for housing and pickup of the animal. Mr. Ziegler stated his concern is the ordinance should be changed to reflect that charge so it does not confuse the community.

Chief Harvey Thompson was in attendance for this portion of the meeting. Chief Thompson stated that Mr. Ziegler is correct in that the ordinance does not state the town is to be reimbursed for costs incurred for housing and pickup of an animal by the Mesabi Humane Society. The \$35 relinquishment fee charged by the MHS is not a charge related to the township, but is a fee that they charge separately. The ordinance does state that an impound fee of \$50 will be charged for the first offense, \$75 for the second offense and \$100 for the third offense. In addition, the ordinance allows for citations to be issued for allowing an animal to run at large, no license etc. Chief Thompson stated the Board could offer to refund Mr. Ziegler \$10 of the \$60 Mesabi Humane Society bill he paid to the town, which would then cover the impound fee (\$50) outlined in the ordinance. Chief Thompson stated that he told Mr. Ziegler that if Ziegler paid all the costs incurred for the pickup and housing of the dog, showed proof of rabies vaccination and obtained a Fayal license and paid the impound fee (for a total of \$110, plus license fees), he would forego issuing citations for running at large and no license. Chief Thompson stated that has been his past practice to offer that option to persons as it is in his prosecutorial discretion to do that. Thompson's other option is to issue the citations, which are currently at \$110 for each violation, and ask the Courts for restitution of the Mesabi Humane Society bill, which he stated he will do.

Chairman Kniefel stated that he is reluctant to jump into the middle of a case where the police officer is using his discretion to deal with a violation. Kniefel stated he reviewed the ordinance and it allows for the impounded fees. The township is liable for the charges from the shelter, and at the time the ordinance was drafted the impounded fees were enough to pay for the costs associated with sheltering an animal. If anything is to be changed in the ordinance, it should be the cost of the impounded fees. By doing this, it would still leave to the discretion of the police officer how to handle the individual cases. The Board agreed.

Mr. Ziegler stated that he would pay the impounded fee of \$50, and he has already licensed his two dogs and paid the reimbursement fee, per Chief Thompson's original offer.

Chief Thompson stressed the importance of licensing animals in the township. Upon proof of rabies vaccination and \$5, a numbered license will be provided. If an animal is then found, it can be traced

to the owner by the number on their license. In many cases, the animal can then be returned to the owner without going to the pound.

REPORTS

Clerk/Treasurer's Report- For the period of Sept. 1-16-, 2008 there have been \$56,909.00 in revenues and \$59,093.82 in expenditures. Tentative balances as of this date are as follows:

Miners- \$149,568.28
Assessment Savings- \$267,032.49
Mt. Iron Checking- \$661,231.18

The Fayal Sewer Company had August 2008 revenues of \$25,520.31 and expenditures of \$22,680.56. Cash balance is \$42,032.72 as of August 31, 2008.

The Fayal Water Company had August 2008 revenues of \$5,663.70 and expenditures of \$5,735.96. Cash balance is \$11,916.45 as of August 31, 2008. Total Standby water funds available are \$35,938.08, and Water Access Charges are at \$25,390.54.

Three Certificates of Deposit reached their maturity on September 7, 200, those being Standby Water- \$30,267.17, Water Depreciation #2- \$5,872.36 and Sewer Depreciation #3.

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

Motion to approve the August 12, 2008 Public Utilities Commission Regular meeting minutes, made by Supervisor Branville, support from Supervisor Tammaro. Motion carried unanimously.

Motion to accept the August 2008 Road & Bridge Report made by Supervisor Tammaro, support from Supervisor Pernu. Motion carried unanimously.

Motion to accept the September 10, 2008 EFGSD Joint Rec minutes made by Supervisor Tammaro, support from Supervisor Pernu. Supervisor Tammaro stated he must research the terms of the Fayal reps and when they are due. Motion carried unanimously.

CORRESPONDENCE

MN Power- Notice of Public Hearings in MN Power's Rate Case. Hearing will be held Tuesday, September 30, 2008, 2:00 PM & 7:00 PM, Range Recreation & Civic Center. Placed on file.

MAT- District 10 meeting will be Wednesday, Oct. 8, Greenwood Town Hall or Thursday, Oct. 9, Carlton Highway Dept. Bldg. Both meetings will be held at 7 PM. Placed on file.

Scott Neff- Draft Solicitors Ordinance. Referred to Old Business.

OLD BUSINESS

Supervisor Erjavec-

Pleasant Lake Hydrant Lease- The lease has expired, no word from the fire department yet.

Supervisor Branville-

Qwest DSL- Supervisor Branville spoke with a Qwest representative from Duluth and if there is to be an expansion of DSL in the Long Lake and Pleasant Lake areas, a petition with at least 100 signatures from each area needs to be submitted. Persons from both areas are needed to collect the signatures. Once submitted, this would be a 2009 project.

Supervisor Pernu-

Buildings & Grounds- The rink and playground lights were fixed by Lanyk Electric, but the wires inside of the poles are deteriorating and need replacement. The coil for the air exchanger has been installed but there is one termination left to wire.

Supervisors Pernu and Tammaro met with the Planning Committee regarding their plans for the corner across from the Shortstop. Their plan is being taken into consideration. Discussion on a Fayal sign on Miller Trunk Road indicating the location of the town hall etc. The Planning Committee would also like to update their by-laws to allow for a 5-person committee instead of a 7-person committee, due to lack of volunteers.

Supervisor Pernu also reported he spoke with Mike Wiskow of Eveleth concerning the hill area by the Vet's Park, and the grass cutting in that area. Mr. Wiskow has indicated he is more than willing to work with us on the area. The planter on the corner of Shady Lane and Ely Lake Drive is also having an electrical outlet installed. There has been a request to run a small waterline to the planter as well for watering purposes.

Supervisor Tammaro-

Generator Project- The generator has been installed, with only the gas connection needing to be made.

Town Complex Plan- Three options for expansion were received today from Architectural Resources. A meeting will be held with employees and Katie Hildebrand of AR to review the plans.

Pine Drive Culvert- No agreement received from SLC yet.

Chairman Kniefel-

Water/Wastewater Project- The award of a contract was tabled at the last meeting, due to the required easements not being secured. One of the easements needed to go forward with the sewer expansion project to the Jankila property has been tentatively acquired, under conditions outlined by the owner. Chairman Kniefel reported to the board that the property owners for this particular easement want more than the appraised value for the needed easement. The property in question is about 6/100 of an acre and Kniefel, acting as the town's agent, appraised the land at \$300-\$600. The property owners were offered \$600 but felt that was not satisfactory, due to damages they incurred during the 1999 sewer project. The property owners are asking for \$1,225.00. Chairman Kniefel stated our options are to not settle and condemn the property by eminent domain, or pay what the property owners are asking even though it is more than twice of actual land value. Kniefel stated he will not participate in the decision making process on this issue because it would be a conflict for him to do so, and he forwarded the decision to the rest of the board.

Supervisor Tammaro stated that we need to make the project go smoothly, and the cost of condemning the property would be higher than if we paid the property owner's asking price. Discussion.

Motion to accept the \$1,250.00 proposal to obtain the easement and move forward with the project, made by Supervisor Tammaro, support from Supervisor Erjavec. Tammaro, Erjavec, Branville and Pernu voted yes. Kniefel abstained. Motion carried.

Chairman Kniefel read aloud Resolution 2008-07.

Motion to approve Resolution 2008-07 Accepting Bid on Water and Wastewater Line Improvements, made by Chairman Kniefel, support from Supervisor Tammaro. Motion carried unanimously.

Motion to table consideration of the draft Solicitor's Ordinance for further review, made by Chairman Kniefel, support from Supervisor Tammaro. Motion carried unanimously.

Supervisor Tammaro-

Park Blvd. W. Overlay Project- The project has been completed, as well as the shouldering by the R & B Dept.

NEW BUSINESS

Supervisor Branville reported Jan Messich has indicated she would like to volunteer as a Fayal Representative on the EFG Joint Cable TV Commission.

Motion to appoint Jan Messich to the EFG Joint Cable TV Commission as a representative for Fayal, made by Supervisor Branville, support from Supervisor Pernu. Motion carried unanimously.

Motion to enter into an agreement with Diamond Mowers for the purchase of a roadside mower for \$42,914.00, with the purchase to be paid from the Capital Equipment account, made by Supervisor Tamaro. Supervisor Pernu supported the motion, for discussion. Supervisor Tamaro stated that with this mower all the roadsides could be widened and there would be no need to hire someone to do brushing etc. along the bike trail. Chairman Kniefel stated that the machines are high maintenance, and could be rented or leased. Discussion on those options. Consensus of the board is there is greater flexibility in using the mower if owned rather than leased or rented.
Motion carried unanimously.

Chairman Kniefel presented and read aloud Amendment 2 to the Sewer Service Charge System Ordinance 98-2.

Motion to adopt Amendment 2 to the Sewer Service Charge System Ordinance 98-2, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Motion to direct the clerk to publish changes to Ordinance 98-2 in the towns's official newspaper, made by Chairman Kniefel, support from Supervisor Tamaro. Motion carried unanimously.

Motion to hire RCB Collections, with the logistics to be worked out by the PUC, made by Supervisor Branville, support from Supervisor Pernu. Motion carried unanimously.

Chairman Kniefel read aloud a letter he wrote to SLC Public Works Director Marcus Hall. The county is planning to reclaim and overlay the county's portion of Scout Camp Road. The letter requests the county include that part of the township road 6705 beginning at the intersection with County Road 536 running westerly to county bridge 815 to the point where the township resurfacing project began several years ago. The letter also asks the county to forward any agreement documents necessary to Chairman Kniefel.

Discussion on three Certificates of Deposit from Mt. Iron Bank that have matured as of September 7, 2008. The certificates will be cashed and deposited into the Mt. Iron checking at this time.

Chairman Kniefel reported he has had a request to re-open and improve a town road that is currently platted but not maintained. The location is between the plats of Rearrangement of First Addition to Ely Lake Gardens and Rearrangement of St. Mary's. Kniefel read aloud Resolution 2008-08.

Motion to adopt Resolution 2008-08 Ordering Preparation of Report on Improvement, made by Chairman Kniefel, support from Supervisor Branville. Supervisor Tamaro stated we should be forward this request to the R & B Department for their recommendation instead of hiring SEH. Supervisor Erjavec questioned if any of the lots in that area have no access? Chairman Kniefel answered the lots all have access to a town road. Supervisor Branville stated maybe the lots in that area would be more saleable if the road was maintained. **Kniefel, Branville, and Pernu voted yes. Tamaro and Erjavec voted no. Motion carried.**

CITIZEN CONCERNS AND COMMENTS

Ralph Johnson was in attendance to forward some information regarding having a representative from Fayal sit on the E-V Airport Commission. John Babich was also in attendance and concurred with Mr. Johnson.

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

Motion to adjourn by Supervisor Tamaro.

Chairman Kniefel adjourned the Regular Meeting at 8:52 PM.

Respectfully submitted,

Judy M. Sersha
Clerk of Fayal

Approved: _____
Chair

Date: _____

Attest: _____
Clerk