

**REGULAR MEETING OF THE TOWN OF PLEVNA—Monday, January 13, 2020, 7 p.m.**  
**Town Office**

Mayor Benner called the meeting to order at 7:00 p.m.

Councilmen present were Jordan Hoffman, Alba Higgins, Kyle Vennes, and Gary Thielen.

Also present: Corrine Sander, Wastewater Operator      Krista Nemitz, Clerk/Treasurer  
Mark Thielen, Container Site Operator      Rick Schell, Water Operator  
Rich Menger, Fallon County Enviro Health

Members of the public present: Shawn Sander, Lois Geving

The minutes were approved for the December 9, 2019, regular meeting and the November 6, 2019, special meeting.

**Public Comment:**

- Lois Geving would like to know what the new garbage rate will be. Mayor Benner replied that a final vote on the new rates would be done tonight. The per month rate will be \$20. Lois would like to know if residents can opt out of having garbage service. Mayor Benner stated that would not be an option. The new rates will be posted at the Town's three designated places and will go into effect January 25<sup>th</sup>.

**Correspondence:**

- **Wastewater Operator Job Description:** The Town Clerk sent a letter to the Wastewater Operator requesting her to sign the approved job description for her position. Mayor Benner asked the Wastewater Operator if she signed her job description. The Operator replied, "No, I did not sign it. There are parts in the description that make it very substandard and repetitive." Mayor Benner asked, "Do you think you should have then cooperated with writing it?" The Wastewater Operator replied, "I was never offered that opportunity." Mayor Benner stated that Julie Straub contacted the Wastewater Operator in regards to having her input on the job description. The Wastewater Operator replied, "I guess I don't remember that." Mayor Benner stated that the job description was written with the help of Pete Boettcher from DEQ. The Wastewater Operator would be willing to meet with Julie now. Mayor Benner replied that the job description has already been approved and is in effect. The Wastewater Operator replied, "When Julie talked to me initially, she said that I could offer input. I wrote up my own job description in collaboration with Pete." Mayor Benner replied that the job description that was approved by the Councilmen is what we will be using.
- **DEQ Wastewater Lagoon System Operations:** DEQ sent a letter clarifying their findings after a complaint was made to them in regards to the operations at the Plevna Lagoon System. The issues described in the complaint included the inability to conduct operations as required due to lack of access, and whether "Cell #3" is state water which impacts the ability to conduct a draw down on the lagoons. The letter is on file at the Town Office. The letter states that the Town will need to obtain a permit before a draw



down can be done. Mayor Benner asked the Wastewater Operator what she has found out about the permit, how to apply for it, and what it costs. The Wastewater Operator had no reply in regards to the permitting process. Mayor Benner stated that it would be the Wastewater Operators job to fill out the necessary paperwork for obtaining a permit and from what he understands it will take a while to get one. Rich Menger stated that a permit should be applied for well in advance.

- **MDU:** MDU sent a letter stating all yard lights will be upgraded to LED. The Town Clerk will inquire with MDU as to which yard lights the letter is referring to.

### Old Business:

**Plevna Lagoon System** – Rich Menger submitted a grant on behalf of the Town for \$15,000 total. \$10,000 of the grant award would be for a Preliminary Engineering Report and \$5,000 would go towards acquiring an Operations and Maintenance Plan. There would also be allowance towards replacing some rusted plumbing pipes. Once the O&M has been completed and the Preliminary Engineering Report has been done, Rich would like to assist the Town with applying for additional funds for upgrading the lagoon system. He feels the time has come to make improvements with the Plevna Lagoon System. Rich expects we will hear back about the grant money sometime in June 2020.

Rich left the meeting at 7:29 p.m.

**Lagoon Pump** – Mayor Benner gathered some information on purchasing a 4” pump for the lagoon. He estimates it will cost around \$1,500.

**Wastewater Treatment Facility Operator Log Sheet** – The Town Clerk and Pete Boettcher, DEQ, reformatted the Operator Log Sheet to suite the needs of the Plevna Treatment System. The changes were also reviewed with Julie in Human Resources to be sure all areas of the newly implemented job description were covered. The log sheet will be filled in once a month. Mayor Benner asked the Wastewater Operator if she thought the log sheet looked good. There was no initial response from the Wastewater Operator. The Council agreed that the log looked to be sufficient, minor changes can be made to the sampling area as needed. The Wastewater Operator will be responsible for completing and submitting the log monthly at the Town Council Meetings. The Operator then stated that there is no way for her to measure the depth of the lagoon cells or to exercise the control valve. Mayor Benner replied that she can make a comment on the log as to why the valve cannot be exercised. Once the ice has melted a staff gauge will be installed. Councilman Higgins suggests that a remark be made as to how you are measuring to maintain consistency and stated the importance of completing the log sheet.

**Commercial Garbage Rate Tiers** – The Council discussed each rate tier and which commercial accounts would fall within each rate. It was determined that each of the churches would be considered a Tier 1 Rate. A listing of Commercial Rate Users is on file with the Town Clerk.

**New Business:**

- **Resolution #166** – A motion was made by Councilman Hoffman, seconded by Councilman Vennes to approve Resolution #166, a resolution of the Town of Plevna, Montana, to adopt an increase in the rates for users of the Municipal Water, Wastewater, and Garbage Systems.  
Aye: 4      Nay:0      Absent: 0      Abstain: 0      Carried: 4:0
- **Resolution #167** – A motion was made by Councilman Vennes, seconded by Councilman Higgins to approve Resolution #167, a resolution adopting the 2019 Fallon County, City of Baker and Town of Plevna Subdivision Regulations to reflect the changes made during the 2019 Legislative Session modifying the evasion criteria standards from “Rebuttable Presumptions” to “Review Criteria”.  
Aye: 4      Nay:0      Absent: 0      Abstain: 0      Carried: 4:0
- Cliff Tudor reported to the Mayor, prior to the meeting, that the pump at the Old Pool Site will need some maintenance. He believes the piping may be split and thinks it should be pulled and replaced. Mayor Benner will check around to get a quote for pulling the pump. Cliff estimates it is pumping 90 gallons per minute.
- Several companies have inquired with the town to see if we would like our water tank cleaned. Rick will look into it and coordinate with Baker to see when their divers come to clean.

**Department Reports:**

- **Water Operator** – Rick is still working on tank repairs. A tour of the water building was scheduled for the Councilmen.
- **Container Site Operator** — The most recent G&G invoice was incorrect again. The Town Clerk will follow up with them. Baker Metal ended up putting lids on both of the Town’s open containers.
- **Wastewater Operator** — Nothing to report.

**Personnel:**

Mayor Benner asked the Wastewater Operator, Corrine Sander, if she would like to proceed with a closed meeting while talking about matters of personnel. Corrine waived her right to a closed meeting.

Mayor Benner issued a verbal reminder to the Wastewater Operator for not following through with getting the lagoon mowing done by the previous deadline. A new deadline was given for the 31<sup>st</sup> of January, 2020. The Wastewater Operator gave no reply.

The following are questions asked of the Wastewater Operator and responses:



- Councilman Higgins began by asking Corrine, “What are you wanting to accomplish over all this stuff that has started over the lagoon? To help benefit the Town, or what? I just really want to know where this is all going.”

Corrine replied, “I don’t understand the question.”

Councilman Higgins, “We are fighting over who is in charge and DEQ is getting called. How are your actions benefiting the Town? What is your goal?”

Corrine responded that the process from this point on is to wait and see what the permit from DEQ says.

Councilman Higgins, “I understand the dumping permit. We are bringing in all these other entities into the Town business. We send you to school to be the trained operator, you work for the Town. Apparently, we are not doing something up to your standards, so what is your goal?”

Shawn Sander interjected with, “First of all, the man sitting right there at the end of the table (pointing to Mayor Benner), discharged water into the third cell and hired a contractor to do it. Is he authorized to do that?”

Councilman Higgins, “According to the newest letter from DEQ, probably not. But Corrine has previously discharged without a permit as well. It’s the same thing, different people. I understand that there is something going on between you guys there, but the rest of the town...”

Shawn Sander interjected with, “Let’s get something clear right now, that man, Willie Benner, has a problem with the Sanders...Furthermore, he wants to micromanage and control things. That’s the way he operates this right here. He doesn’t have a DEQ license and neither do any of you sitting at the table. How many times have you guys made decisions without even asking her (Corrine)?”

Councilman Thielen responded, “How many times has Corrine gone behind the Council’s back when we have told her no to something?”

Councilman Higgins, “I just want to know what we are all trying to get done here?”

Corrine, “If you go all the way back to 2017, when Pete did the inspection, he told me he wanted me to do a draw down into the third cell.”

Councilman Higgins replied, “You came back and showed us the maps and we said, there is no third cell! There has never been a third cell. You kept insisting there was a third cell and we kept telling you there is no third cell.”
- Mayor Benner asked Corrine, “Why was there raw sewage dumped in the third cell before Pete got here? How did that get in there before he even got here? Rich Menger has the pictures, I have them, you must have them. They were taken when Pete got here to do his inspection and there was raw sewage already in there.”

Corrine stated that she has no pictures from 2017. “I acted on what I was told to do at that time.”
- Mayor Benner stated that DEQ enforcement sent the letter rebutting everything that Pete had previously told Corrine. This needs straightened out. If the DEQ fines us, Plevna will be done. We do not have the money.
- Shawn Sander, referring to a draw down, stated, “You did what you had no authorization to do.”

Mayor Benner, “I talked with DEQ and Mr. Menger about that and they did not have a problem with what we did. We dumped grey water off the top.”



Shawn Sander interjected, "Then why do you have a problem with what she did in 2017?"

Mayor Benner responded, "Corrine dumped sewage and we only pumped top water. It will be sampled from now on."

Councilman Higgins, "We will not be dumping without a permit, period." All Councilmen agreed.

- Moving on, Councilman Hoffman asked, "Where you contacted by Julie Straub in regards to the job description?"

Corrine stated that she was contacted one time.

Councilman Hoffman asked, "Did Julie ask you to come be apart of putting together the job description?"

Corrine replied, "She did not ask me to come have a sit down with her."

Shawn Sander would like to discuss "the letter in Corrine's file". Councilman Hoffman responded that he is referring to the recent job description.

Corrine said she sent an email to Julie stating that she will not sign the job description because it forces an unsafe work practice.

Councilman Thielen would like to know what unsafe work practice she is talking about.

Corrine replied, "Every time the Operator visits the system, they are to measure the levels of the lagoon." She interprets this to mean, every time she is to measure the levels, she would have to go out onto the ice and chop it out to measure with a staff gauge.

Councilman Higgins stated there is no staff gauge currently in place. Once installed, a staff gauge would be poking through the ice. This topic was discussed earlier in the meeting with the resolution of making notes of how the measuring is being completed.

- Shawn Sander questioned the Council if they have really read the job description.
- Gary Thielen responded, "Wasn't the description written up with the help of Pete?"
- Corrine asked the Council, "In regards to the mowing, what device do you think is going to do the job?" She stated that she has put in calls to Baker and Miles City about rental equipment.

Shawn Sander interjected, "I have a question for the Mayor, do you think that it is safe right now, with your verbal warning, to get those weeds down?"

Mayor Benner responded, "Yes, it is not snowed in. Pete discussed this with you almost four years ago. You started the mowing and you should finish the job."

Shawn Sander replied, "You are not DEQ. You sit up there like you are DEQ."

- Councilman Thielen talking to Corrine asked, "Are you DEQ or are you working for the Town of Plevna?"

Shawn Sander responded, "She has to answer to DEQ."

Councilman Thielen asked, "Do you work for DEQ though?"

Shawn Sander responded, "Yes, she does also work for DEQ."

Councilman Thielen asked, "Who administrates her duties?"

Corrine responded, "The DEQ inspector."

Councilman Thielen asked, "So the Council can't give you instruction? If we ask you to finish the mowing you aren't going to do it until DEQ tells you to?"

No response from Corrine.

Councilman Vennes stated, "We are your employer, if you get hurt then we are in trouble, the clerk signs your checks, DEQ does not pay your bills."

Corrine responded, "All of my task items are on the DEQ reports."



- In regards to the lagoon mowing, Councilman Vennes asked, “Shouldn’t you have started at the edge of the cells and worked your way out towards the fence?”  
Corrine replied that the type of mower her and Shawn had access to was a pull behind and could only reach so far.  
Councilman Thielen would have liked Corrine to ask the Council about renting a mower and starting on the mowing.  
Corrine replied that would be fine. She will pull out the inspection report and make a task list of what needs to be done.  
Councilman Vennes stated that if the Council was aware that the mowing was going to be started some of them may have been able to go help.  
Corrine then asked, “Does anyone in the room have a bat-wing mower that can be used to finish the mowing project?”  
Councilman Higgins will see if he can round something up to use.
- Councilman Vennes feels the Council has no idea what goes on at the lagoon due in part to there being no monthly report. Council Vennes asked Corrine, “What would make things better for you and meet the needs of Town?”  
Corrine replied, “On this letter they talk about measuring the sludge, so that is the very first thing that would need to be done.”  
Shawn Sander added that he thinks the Mayor shut down the sludge measuring the last time, saying it was too much of a liability.  
Councilman Thielen stated that the Council said it would be too much of a liability for the Town to supply a boat, not to do the measurement. If DEQ is willing to supply the boat and measure the sludge there is no liability issue.  
Corrine anticipates that sludge removal would be a very spendy process. DEQ was scheduled to come measure the sludge last fall and was not able to make it.
- Councilman Thielen asked, “So what are we trying to accomplish here besides arguing?”  
Corrine responded that at this time we follow the process that is on the DEQ sheet.  
Councilman Vennes asked again, “As your employer, what would make things better for you and meet the needs of this town? Nothing related to DEQ, what would make things better for you so that we don’t have to have a conversation like this again?”  
No response from Corrine.  
Shawn Sander responded that they do not understand the question.  
Councilman Vennes expressed that the lack of communication is tremendous.  
Corrine, “Speaking frankly, the Council meeting setting is hostile, sometimes.” She sometimes feels like she is criticized. She is willing to fill out the monthly report and bring it to the meetings. She feels the Council meetings are not open minded and it is not easy to communicate. She sometimes feels targeted, for instance the mowing. She does not think that the mowing should have been suggested and thinks it would be unsafe for her to try finishing it at this time. She would now like to sit down with Julie and all the Councilmen to go over the job description line by line.  
Mayor Benner would like to know why Corrine hadn’t brought these points up at the public meeting months ago. Corrine stated that she feels there have been several versions of the job description. Mayor Benner responded that there were minimal changes made to the job description over the months it was being put together. There was an error in saving the final document on the Town’s computer; the Clerk will make sure to get the correct version saved. Corrine would also like the Council to go over the job description with her

line by line to explain everything. The Council would like to Julie Straub to be present for this type of discussion.

- There was a discrepancy with the permitting process; Councilman Thielen suggested that Corrine contact Rich Menger.

**Clerk Report:** AFR was completed and submitted on time. Municipal Institute for the Clerk training is coming up in May 2020 but rooms will need to be reserved now as they are filling up quickly. The Clerk will make the reservations. The CDBG Planning Grant should be in the final steps and reimbursement will be coming soon. The Clerk will inquire with Mary Grube to see if Fallon County needs to be reimbursed for anything related to the zoning project. MidRivers will be settling up with the Town sometime within the next month from the damage that was caused due to a bore through of the Town's sewer main.

**Financial Report — December 2019:**

- The December financial report was reviewed and accepted by the council.

**Mayor/Council Comments**

- No further comments.

**Approve Claims:**


**A motion was made by Councilman Thielen, seconded by Councilman Vennes to approve the December claims in the amount of \$2,770.**

**Aye: 4      Nay:0      Absent: 0      Abstain: 0      Carried: 4:0**

**December Claims (\$2,770) see attached document**

Having no further business, Mayor Benner adjourned the meeting at 9:15 p.m. The next meeting of the Plevna Town Council will be Monday, February 10, 2020, at the Town Office.

  
Town Clerk, Krista Nemitz

  
Mayor, William E. Benner



02/05/20  
09:07:49

TOWN OF FLEVINA  
Check Register  
For the Accounting Period: 12/19

Page: 1 of 2  
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
-99844	E	18 Montana Dakota Utilities	970.20	01/13/20	12/19	CL 1121	970.20
-99843	E	19 Mid Rivers Communication	86.62	01/13/20	12/19	CL 1122	86.62
2599 *	S	75 BNSF RAILWAY COMPANY	89.56	01/13/20		CL 1123	89.56
2600	S	S Coral Creek Landfill	182.75	01/13/20		CL 1128	182.75
2601	S	9 Energy Laboratories, Inc.	20.00	01/13/20		CL 1125	20.00
2602	S	12 Farmers Union Oil Co.	39.82	01/13/20		CL 1129	39.82
2603	S	14 G&G Garbage	185.00	01/13/20		CL 1130	185.00
2604	S	17 Hawkins Inc.	398.15	01/13/20		CL 1126	398.15
2605	S	123 Rachel's Accounting	500.00	01/13/20		CL 1124	500.00
2606	S	999999 RICK SCHELL	287.90	01/13/20		CL 1127	287.90

Total for Claim Checks  
Count for Claim Checks

2770.00  
10

Total: 2770.00

# of Checks: 10

\* denotes missing check number(s)