

REGULAR MEETING OF THE TOWN OF PLEVNA – Monday, August 14, 2017, 7:00 p.m.

Town of Plevna Office

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

Councilmen present were Gary Thielen, T.C. Shelhamer, Alba Higgins and Shawn Sander.

Also present was Corrine Sanders, wastewater operator; Mark Thielen, container site operator; Rick Schell, water operator; Forrest Sanderson, contract Planner for the Town of Plevna; Mary Grube, Assistant to the Fallon County Planner and Marge Griebel, member of the Zoning Commission.

Members of the public present: Cliff Tudor

The minutes of the July 10, 2017 meeting were read and approved.

Public comment – none

Correspondence

- Building permit for Jerrid Geving to hook into water and sewer and place a 1997 16x80 Bonnavilla mobile home on the lot to the north of Fuzz's house.
- Email from Greg Steckler with Stahly stating the contractor hired by Kinkaid will replace the asphalt along the Hwy 12 frontage the week of August 21st and Kinkaid will give Greg their schedule of other warranty work by August 16th.

Town of Plevna Zoning Process – questions and answers – none

New Business

Public Hearing – Ordinance #54 Town of Plevna Zoning

- At this time the Public Hearing on Zoning Ordinance #54 was opened. Forrest Sanderson gave a history and timeline of the process. He went over the three proposed zones; Agricultural, Commercial and Residential and then went over the Staff Report and through the 12 Point Lowe Test. Discussion was held by the Council and questions were answered by Forrest. **After discussion and clarification by Forrest to the Council a motion was made by TC, seconded by Alba to adopt Zoning Commission Recommendation ZC-17-01 as finding of fact.**

Aye: TC, Alba, Shawn, Gary Abstain: None Carried: 4-0

Nay: None Absent: None

A second motion was made by Alba, seconded by TC to approve the Town of Plevna Zoning Regulations and Official Zoning Map via Ordinance #54 on First Reading.

Aye: TC, Alba, Shawn, Gary Abstain: None Carried: 4-0

Nay: None Absent: None

The public hearing portion of the meeting was closed at 7:35 p.m.

Resolution of Intent to adopt the 2017 Fallon County Growth Policy Update

- The Planning Board has completed the updates to the Fallon County Growth Policy. The town will need to pass a resolution of intent to adopt in order to open a 30-day public comment period and to establish a date for a public hearing. **A motion was made by Gary, seconded by Shawn to approve resolution No. 155, A resolution of intent by the Plevna Town County to adopt the 2017 Fallon county Growth Policy Update.**

Aye: TC, Alba, Shawn, Gary

Abstain: None

Carried: 4-0

Nay: None

Absent: None

A notice of the 30 day public comment period and notice of the public hearing date will be published in the Fallon County Times on August 24th and 31st. The Public Hearing is set for October 10, 2017 at 7:00 p.m. in the Town of Plevna office.

Appoint Town of Plevna Planning Board Member

- Penny Benner is willing to continue to serve as the Town of Plevna representative on the Fallon County Planning Board. **A motion was made by Gary, seconded by T.C. to recommend to the Fallon County Commissioners that Penny Benner continue as the Town of Plevna representative on the Fallon County Planning Board.**

Aye: TC, Alba, Shawn, Gary

Abstain: None

Carried: 4-0

Nay: None

Absent: None

Personnel

- At this time the personnel discussion was undertaken regarding a letter ~~sent~~^{delivered} to Corrine Sanders, Wastewater operator referencing the dumping of wastewater into "cell 3". Mayor Benner asked Corrine Sanders, Wastewater operator for the Town of Plevna, if she would like the session to be closed. Corrine indicated she did not want a closed session.

Mayor Benner again directed Ms. Sanders that the Wastewater system is to be run as a two cell system until such time the DEQ sends a signed document stating otherwise. No wastewater is to be discharged into "cell 3" unless in the case of emergency. Mayor Benner again explained "cell 3" was originally constructed to collect storm water from the Town. The pipe that had been used for this purpose was removed when the current dump site was constructed to prevent possible contamination to Sandstone Creek. "cell 3" is not engineered or clay lined as is the case with Cells 1 and 2.

Ms. Sanders replied to Mayor Benner with a series of questions.

- 1) Does Mayor Benner trust the DEQ Inspector's evaluation?

Mayor Benner replied the inspector should know what he is coming to inspect, at this time he is only going off what he is told and prior inspections.

At this time Forrest left the meeting (7:56 p.m.)

- 2) Ms Sanders stated when the DEQ inspector was on site he indicated better evaporation could be achieved with more surface area. Corrine stated the draw down was done in late May, after the inspection.

Mayor Benner pointed out water can be seen in "cell 3" on the pictures the inspector had taken and included in his report. Indicating a draw down had been done previous to the day the inspector was on site.

- 3) Ms Sanders referenced the portion of the letter directing her to "cease and desist in any further actions of releasing existing waste water from existing lagoon cells into Cell #3 or any unauthorized areas", indicating she was confused by the reference to unauthorized areas. She asked Mayor Benner if he assumed she was allowing people to dump raw sewage. Mayor Benner responded he had not assumed but asked if this was the case. Ms. Sanders indicated it was not.
- 4) Ms Sanders referenced the portion of the letter stating "I, and the Council, have grave concerns regarding your actions". Mayor Benner stated there have been numerous meetings over the previous years when it was stated "cell 3" is not to be used for discharge as it was not engineered or clay lined.

At this time Ms Sanders stated cell 3 is needed to get rid of water from cells 1 & 2, Ms Sanders feels the Town meetings are a hostile environment and read the following statement: "For quite some time you have offered me, in this setting, a harassing/hostile work/meeting environment. As the certified Waste Water Operator for this town – this negative atmosphere has caused me undue stress. I am not responsible for the actions of former operators nor am I interested in their methods. Rather, I am interest in my methods and my methods are proven out by normal/good inspection reports from DEQ."

Because the letter states that Ms Sanders cannot initiate a draw down she would like commitment from the Council to manage the system in the event one is needed.

Mayor Benner assured Ms Sanders she would have the appropriate assistance if needed but again stated the Town of Plevna operates a two cell system and a permit would be needed in the event of a discharge. There is a pipe going from cell 2 to "cell 3" which was installed in the case of an emergency.

Mayor Benner also stated that only a licensed operator should be operating any valves or any other part of the system.

At this time Cliff Tudor with CT Excavation entered the discussion as to the origin of the pipe linking cell 2 and "cell 3". Cliff stated when he installed the pipe he understood it to be used for high water situations only, a flood situation, to maintain the integrity of the dike, not as an operational part of the system.

It was again stated by Mayor Benner that until the DEQ can send written authorization permitting the Town to use "cell 3" as an operational cell, no wastewater is to be discharged into "cell 3". *"No wastewater is to be dumped into Cell 3 as long as I am Mayor without a permit From DEQ."*

Department Reports

- Container site operator – nothing to report
- Sewer operator – nothing to report
- Water operator – Rick and Cliff Tudor will be working together to attempt to isolate the leak in the town water system. They will be sectioning off the town and turning off the water values. When a date is set for the project to take place the clerk and council will be notified and notices will be sent to residents of the Town.

Willie noted the hydrant on the far west side of town needs to be painted yellow due to lower water pressure.

Rick would like to order a spare chemical pump for the water system.

A motion was made by Shawn, seconded by Gary to approve this purchase, all in favor, motion carried.

At this time Cliff Tudor, Mary Grube and Marge Griebel left the meeting. (8:40 p.m.)

Council/Mayor Comments

Willie would like to pursue setting the railroad well up as a secondary source of water for the Town. He asked Rick to take a sample to send to Energy Lab. The well will need to be chlorinated. The possibility of an overhead system to sell bulk water was also discussed.

During the street project Alba Higgins put in numerous hours cutting trees and preparing streets ditches. A motion was made by Gary, seconded by Shawn to compensate Alba for his time. All in favor, motion carried.

It was noted that any work done by anyone that disturbs the surface of the streets will require replacement with asphalt.

There are piles of gravel, dirty chips and junk from Main street at the dump that were collected during the chip and seal project.

Cliff Tudor will raise the manhole covers where necessary.

Approve Claims

A motion was made by T.C., seconded by Gary to approve the July claims as presented in the amount of \$43,335.95, all in favor, motion carried.

July claims (\$43,335.95)

EFT	MDU	\$1,122.82	1981	Coral Creek Landfill	\$ 498.75
1982	Country Media	\$ 246.88	1983	D & J Insurance	\$4,955.00
1984	Energy Lab, Inc	\$ 20.00	1985	Farmers Union Oil Co.	\$ 26.98
1986	G & G Garbage	\$ 965.00	1987	Hawkins Inc.	\$ 572.70
1988	J & B Automotive	\$ 32.50	1989	Lisa Passmore	\$ 200.00
1990	Midrivers	\$ 99.18	1991	MTLCT	\$ 165.00
1992	Rural Water Systems	\$ 150.00	1993	Petty cash	\$ 61.50

1994	Prince Inc	\$28,784.64	1995	Rick Schell	\$ 35.00
1996	Wyrick Construction	\$ 5,400.00			

Having no further business Mayor Benner adjourned the meeting at 8:55 p.m.




Town Clerk, Jodi Miller


Mayor, William E. Benner