

Logan County Commissioners Work Session
April 2, 2024

Present: Mike Brownell, Joe McBride, Jerry Sonnenberg, Alan Samber, Kristan Lange, Josh Klein, Rob Quint, Wayne Howard, Harriet and Lu Fehringer, Neil Murrin, Jeff Reeves, Rick Cullip, Sara Waite, and Jennifer Crow.

Chairman Brownell called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES FROM PREVIOUS SESSION – Commissioner McBride moved to approve the minutes of March 26, 2024 as corrected. Commissioner Sonnenberg seconded, and the motion carried, 3-0.

REVISIONS TO WORK SESSION AGENDA – Commissioner Sonnenberg added discussion the of hemp bale cleanup and debris from the hemp bales when the attorney arrives.

REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS – The Board met with Kristan Lange to review the Logan County schedule of bills dated April 2, 2024. All bills were approved as presented.

REVIEW OF BUSINESS MEETING AGENDA – Chairman Brownell, with the permission of the Board would like to move up Mr. Murrin on the Business Meeting Agenda for the renaming of the Courthouse Annex under New Business. The Board agreed to move the item up in the meeting.

HEMP BALE CLEANUP – Commissioner Sonnenberg asked if there was a County requirement for the hemp bales to be cleaned up by December 31, 2023 or what is the status of that agreement. Commissioner Sonnenberg received a complaint that the wrap that is around the hemp bales is deteriorating and is now ending up in the North Sterling Irrigation Ditch. County Attorney Alan Samber stated that former Solid Waste Supervisor Matt Chrisp was working with the landowner to cleanup some things that they were dumping in a field just north of the old landfill site, but he wasn't aware of any agreement regarding the hemp bales.

Several years ago, the landowners were given a time frame to remove the plastic that they were dumping in a field along the intake ditch to the reservoir. It was plastic material, and they were partially burying it.

From a zoning perspective, if it is a zoning violation, what will the county need to do with this? Commissioner McBride remembers discussion on the aspergillus mold that grows on every farm. That was one reason that the county did not do anything about it. The reason that Matt Chrisp was involved with it was that they were burying the plastic. At the time, it didn't seem like the landowners cared whether they cleaned it up or not.

Commissioner McBride disclosed that he had personal dealings with the youngest son Brad and is still waiting to collect on that. Apparently, the family is “restoking” something and trying to cover

some old debts.” They might be ready to deal with that. The other issue was hemp is an agricultural product and making a farmer do anything and getting too deeply involved in that was tough.

Alan Samber stated from Highway 14 it doesn’t look like there is anything coming apart or blowing in the wind, it all looks neatly wrapped and stable. Commissioner Sonnenberg will follow up with the person who reported it to him and will see what is specifically blowing in the North Sterling Inlet or the North Sterling Irrigation Ditch.

The stuff that they were storing near the intake canal north of there, was potentially violating the solid waste disposal act by creating a dump site that’s not permitted by the county or state. There was an agreement and they were going to be on a timeline to get that removed and properly disposed of.

Rick Cullip added information about a tree row along County Road 33 just north of the old dump road. On the back side of the tree row, there is a plateau and then the North Sterling Irrigation Ditch. You can see where they’ve been taking debris up on that plateau and dumping it off the edge and filling in that runoff where it was washing out to the east side of that. They were filling that in with all of those ag bags and debris and then they were pushing dirt on top of that. That was in 2020. Rick thought that they were given until December of 2021 to get it cleaned up.

Commissioner McBride located the Commissioners Work Session minutes from February 15, 2022, where Commissioner Pelton got a call about the cleanup. Commissioner McBride read the minutes: Commissioner Pelton asked Matt Chrisp, Landfill Supervisor to get in contact with the Lebsocks. Byron forwarded an email to both Commissioners. To summarize the email, Dave Lebsock felt if the county can bury tires, he did not understand why he could not bury plastic. Matt Chrisp felt Mr. Lebsock is not going to comply with the County’s deadline of January 2023. Commissioner Pelton then asked Alan Samber if there was anything the County could do. Alan said it is an illegal dump site but is premature to start filing any kind of enforcement until the deadline has come and passed.” and that’s when Commissioner Bauder brought up the mold. But that didn’t really work. If he didn’t comply now, then I guess now we need to start looking at the illegal dump site stuff. But Lebsock’s main argument was the tires. I don’t even know what tires he was talking about that we were burying.

Rick Cullip stated that at the old dump site the county was permitted to section out tires and bury the sections by CDPHE.

Jerry will follow up with the citizen who reported the problem to him. Alan Samber stated he had seen some photographs that were taken from County Road 33. Jim Yahn should be able to give permission for the Board to be up on the plateau and check out the situation and see if the debris is getting into the North Sterling Inlet or North Sterling Irrigation Ditch. This discussion will be added to the work session agenda again next week.

EMERGENCY MANAGER REQUEST – Commissioner McBride reported that Jerry Casebolt had met with him concerning an Emergency Manager assistance request. When a big incident happens, the assistance of other emergency managers is requested. It’s all paid for federally. A request did come in for emergency management. The last request did come in, for Hawaii. Commissioner McBride stated that they don’t always get selected to go, but he authorized him for the two-week deployment. Commissioners Sonnenberg and Brownell commented that Jerry had followed up with an email to each of them.

The meeting recessed at 9:19 a.m. and reconvened at 9:21 a.m.

SEH BRIDGE 243 CONTRACT AMENDMENT - Wayne Howard of SEH met with the Board to discuss the proposed Bridge 243 contract amendment. Commissioner Sonnenberg had several questions on the contract amendment. Mr. Howard explained that the project was started in 2019. With the design process going through five years’ worth of changes, COVID being one of the bigger ones, three rounds of grant applications, that finally secured the funding for the project.

We finally got to advertise the project, which was the second type of advertisement. The latest one is the one we based our contract on which was scheduled back in 2023. We anticipated when we signed our contract for the construction inspection services, that the project would start in August and would carry through to the end of 2023. It actually started in October when the contractor was issued the notice to proceed, which then set our timeframe, because our timeframe is based around the contractor. Once the contractor finally set that date, our contract was going to carry into 2024, our hourly rates are going to go up by percent per year for employees. Part of that change order was that 5%, we still think we have probably, most of April to close out the project with CDOT through the paperwork process.

The contractor probably still has several days of work left for cleanup yet. We met with him on site last week, and looked at some of the items that we will need to address. We anticipate a standard way of constructing a project. Each contractor is going to do things differently. The uniqueness of this project was its remote location, being so far from resources, including geotechnical resources. Part of the last contract amendment was that the Geotechs are subject to how the contractors build things. For example, if the contractor pours concrete, CDOT requires a certain number of tests per the first trucks that come out. If they stagger everything, they must come out more often than normal, because of the contractor’s way of constructing the project. A lot of that was variable, we couldn't anticipate that when we put our first contract together and scoped it. Those things just develop throughout the process. At the end, we could see sort of where things were going to play out. That's why our contract expired in February. We needed to at least extend the contract term.

Commissioner Sonnenberg questioned why the original contract term was five months then was extended to six months and now is being extended to April 2024, which is seven months.

Mr. Howard answered, even though the contract time stops, the paperwork to comply with CDOT’s closeout process is what our staff is working on now. Collecting the documents that the

contractor didn't supply, going through the geotechnical results to get all the information so that CDOT will finally close out the project and then the county can get its final grant money from them. They require this in order to comply with the contract that you signed with them. That's all variable if the contractor drags their feet, which Lovato has been actually very great to work with. If we can close out sooner, then we will. Right now, we're just relying on them furnishing us enough information to close it out.

Commissioner Sonnenberg continued with several more questions. The lodging is included at \$3,138.20 per month. Mr. Howard explained that when the project was scoped in January of 2023, they did not think that it was going to be that difficult to find lodging in Sterling. They took an average daily rate of what a motel rate would cost. When they got to the actual time to find the lodging, it was very difficult to find something that would meet their original budget and would accommodate what they needed to find for the duration of the project. They ended up looking at an ARBO home, it was actually cheaper than a hotel room. The costs that we ended up with were higher as a result when the project took longer than the lease on the home.

Commissioner Sonnenberg asked about the additional mileage. Mr. Howard explained that when the project was scoped, the SEH team assumed that it was close to Sterling. It turned out that the jobsite is 35 miles one way. The staff did not include mileage from Sterling to the jobsite. That starts to add up over the four- or five-months duration of going to the site.

Commissioner Sonnenberg commented that he struggles with this a little bit. He understands some of the need for a portion of this that couldn't have been planned for. But they were relying on a contractor that was delayed. There are some changes that should have been anticipated that weren't changed by the delay.

He felt that the SEH team should have been able to figure out that that the bridge was 35 miles from Sterling, and that lodging at the hotel although there's cheaper lodging that you could lodge for weeks at a time as well, in nice places. In the grand scheme of things, Commissioner Sonnenberg believes the \$29,000 they're asking for is a rounding error for the entire project. He thanked Mr. Howard for coming and having the conversation with the Board. Commissioner Sonnenberg had to leave for a funeral but told Commissioner McBride and Commissioner Brownell if they wanted to move forward and approve the amendment at the business meeting, he was fine with that. Commissioner Sonnenberg still has issues with the amendment. If the Board wants to table the amendment and discuss it at the next Work Session, that was OK with him as well. There was no decision made at the Work Session.

There being no further business, the meeting was adjourned at 9:34 a.m.