

## **Logan County Commissioners Work Session**

**August 1, 2023**

Present: Jerry Sonnenberg, Joe McBride, Mike Brownell, Alan Samber, Ashley Smith, Kristan Lange, Debbie Unrein, Pam Bacon, Tom Kiel, Matt Chrisp, Josh Klein, Glenn Marciniak, Curtis Swanson, Rob Quint, Travis Amendt, Jeff Rice, and Jennifer Crow.

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

**APPROVAL OF MINUTES FROM PREVIOUS SESSION** – Commissioner Brownell moved to approve the minutes of July 18, 2023 as written. Commissioner McBride seconded, and the motion carried, 3-0.

**REVISIONS TO WORK SESSION AGENDA** – Review and approve schedule of Human Services Department Bills.

**REVIEW AND APPROVE SCHEDULE OF HUMAN SERVICES BILLS** – Ashley Smith met with the Board to review the Logan County Human Services schedule of bills dated August 1, 2023. The Board approved all bills as presented.

**REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS** – Kristan Lange met with the Board to review the Logan County schedule of bills dated August 1, 2023. The Board approved all bills as presented.

**REVIEW BUSINESS MEETING AGENDA** – Jennifer notified the Board that the Planning and Zoning Department had advertised that the Board would hold a public hearing on amending Wind Regulations and Solar Regulations were also to be available for a public hearing today, but it was not brought to her attention to add to the agenda. The Board will announce in today's meeting that both items will be tabled and heard at the next meeting on August 15<sup>th</sup>.

**LANDFILL FEE STRUCTURE** – Matt Chrisp met with the Board to discuss the landfill fee structure. Chrisp has shared with the Board fees for surrounding counties. Commissioner Sonnenberg noted that this Board has adopted the philosophy that it does not want to charge more than what it costs the county to provide the service. He asked Matt to help justify why we need to raise the fees.

Matt Chrisp stated that the landfill is not making operating costs. He has to keep building up funds for the closure fund and the new cell development fund. He has tried to save money throughout a five-year period for new equipment and has had to spend some of those funds for equipment maintenance. This year, he spent his entire equipment repair maintenance line on one repair because of inflation.

Fees per ton at the landfill should be \$29-\$30 to get equipment fixed and replaced and get trash handled. This is a close estimate before inflation. Out of state and out of county waste coming into the landfill at the rate that it is coming in is becoming a big problem. Last week Chrisp counted four compactor trucks that came in from Weld County to dump waste here at the landfill.

Logan County Landfill charges double for out of county waste. They pass two landfills on the way here. Commissioner Brownell noted that part of the cell they are working on will need to be lined. Chrisp agreed they will keep working on that project to keep costs down.

Commissioner Brownell stated that counties and states need to take care of their own waste. Chrisp asked if an increase of \$3 per ton over a period of two years worked or is it too aggressive.

Commissioner McBride feels that the current prices are pretty low and reasonable. The arguments for raising the fees are compelling. It is not that much of a bump in the fees. Matt Chrisp suggested that we could raise the out of county category as well, all by itself. Some of the local haulers are going up into Nebraska and into surrounding counties and they come back here because it is home base. Holyoke and Sedgwick County people come here because Phillips County is more expensive. Most of the landfills up there charge more than double what Logan County Landfill charges.

Commissioner Sonnenberg suggested leaving Logan County user rates the same, because they still pay property tax and license their vehicles here, and triple the out of county rate waste rate to discourage the haulers from bringing waste to Logan County. Chrisp said it could be an option if all of the companies and drivers were honest. They know the drivers and some of the trucks, but it changes. But they don't know which truck runs which route each day.

Commissioner Sonnenberg noted he is OK if Waste Management or Merricks goes out of county, they still pay property taxes, they still license their vehicles here, but they bring out of county waste as part of their routes. But if it is a truck from an out of state or out of county facility, those are the ones he would want to triple. Wolf Waste out of Washington County comes out once in a great while.

Commissioner McBride asked if it would have an impact on the landfill budget to lose the revenue from out of county waste.

Chrisp noted that they also have contractors, roofers, etc. bringing in debris from jobs from outside of Logan County. There has been a lot of hail damage in the area, from Holyoke or Fort Morgan, because we're less expensive. But if we're too high they will start lying to us.

The Board discussed the new compactor next year will cost in the neighborhood of \$850,000. Chrisp has set aside \$500,000 in the reserve budget. Inflation and the costs of fuel, equipment and repairs, closure costs and new linings must all be taken into consideration.

The fee increase is approximately a 15% increase overall. Then \$3 per ton will be added in two years. The Logan County Landfill will still be less expensive than surrounding area landfills but will get the revenue more where it needs to be.

Commissioner Brownell moved to approve Matt Chrisp's recommendation on rates and adding a 2.25 multiplier on out of county and out of state waste. Commissioner McBride seconded the motion. Commissioner Sonnenberg opened up the topic for public discussion. Alan Samber noted that the Board will need to authorize the fee increase by resolution at the next business meeting. Commissioner Brownell amended the motion to include preparation of a resolution for the next meeting, Commissioner McBride seconded the amendment. The amendment and the

motion carried unanimously. Matt Chrisp will provide a copy of the proposed fee increase to Alan Samber.

**FEMA** – Commissioner Sonnenberg said it appears that FEMA is playing games again. Their letter was very specific. It said, “the only way they didn’t get those emergency services is if they had an opportunity to buy insurance and the insurance would have paid, and none of the insurance would have paid on either yet because it wouldn’t have moved the requirements. If they need to do something with Jerry, they will, but they will leave FEMA on the back burner as well. Commissioner McBride noted that Travis Amendt will be meeting with the Board later to explain the challenges that he has faced trying to put up a building in a floodplain.

The meeting recessed at 9:27 a.m. and reconvened at 10:10 a.m.

**BEVERLY GENTZ** – Jamie and Beverly Gentz discussed their property in Padroni. They had a fire last summer on the old school property next door. One of the buildings next to their property burned down. She brought pictures to show the Board. The property has been abandoned for a long time, about six or seven years. As far as they know, the owner of the property is Lisa Young. Freddie Gentz, Jamie’s dad, sold the property to Brad Armstrong. Lisa was Brad’s girlfriend at the time, and she wanted to live out there, so he let her move into the property. Brad and Lisa ended up breaking up. It was costing him a lot of money because that is still three-phase (electric) out there. He told her he wasn’t going to pay her electric bill anymore. She needed to move out and he offered her some money and she didn’t accept it and said no, unless he offered her a million dollars, she wasn’t moving. Then Brad Armstrong and Lisa Young got into a court battle over the property.

Taxes have been paid on the property. Jamie Gentz’ well is on property. The Gentz’ insurance paid for damages to their property from the fire, but their insurance has gone up \$1,000 for the next year. Judge Singer has ordered Lisa Young to keep up maintenance and insurance on property and the taxes. It would remain in Brad’s name until he died and then it would turn over to her. She has not kept up with maintenance or insurance. Mr. Gentz stated the only reason their property was saved from the fire is because he mowed and maintained the easement to get to the wellhouse. Young has threatened them and has tried to extort money from them for electricity. Mr. Gentz’ well is on the property with a water line coming to his house because at the time the well was put in, his father still owned the school property.

The address of the property is 20940 McKinley Street in Padroni. The Gentz’ would like the building to be torn down. There are a number of wild animals living in the building.

Commissioner Sonnenberg explained that the Gentz’ have a potential of civil action where they can sue the owner and try to force them to clean the property up or the much longer option is the county can write a letter to Ms. Young asking her to get the property cleaned up. There is no guarantee that the county can get something done in the near term. The county will start with a letter outlining safety concerns to put the owner on notice.

**GLENN MARCINIAK OF THE COLORADO DIVISION OF VETERANS’ AFFAIRS** – Glenn Marciniak, Northeast Regional Veteran’s Service Officer introduced himself. He supervises fifteen different counties. Curtis Swanson just completed his first month as Logan County Veteran’s Service Officer.

A new policies and procedures manual came out yesterday from the Colorado Division of Veterans Affairs. The Board should be receiving that shortly. The Board should have received a letter from Dave Callahan about a week or ten days ago preparing them for what is coming. The state is changing the way it compensates counties. It used to be set as a flat part-time, full-time rate. They are going to add all the hours of all VSOs together, regardless of whether it is part-time, full-time, whatever the hours are, and divide it into a pool of money that is issued from the state, which is \$1.3 million right now and that is what is going to be dispersed. There will be a deficit. They will not know until the end of the year when everyone's hours are turned in statewide. Right now, the average is about \$8-\$12 per hour based on historical data for each of the county VSOs. They figure it's going to be roughly \$10 an hour. There's going to be a significant push to give accreditation to every county VSO and make them full-time because of what the state is asking them to do in terms of taking care of veterans in the county. The more hours, the better, basically, not just from a financial compensation standpoint, but more importantly, to take care of the veterans.

Currently, Logan County has 1,289 veterans receiving compensation and pension. That does not take into account the number of veterans in Logan County who are not on the radar, that are not getting a monthly check of any kind. That number could be substantially more. More than likely, it is just retirees on disability. Right now, there is \$9.87 million coming in annually through the federal government to veterans into this county.

Commissioner Sonnenberg asked if there was a model run a year ago what the financial structure would like with numbers from one year ago. Marciniak stated that Dave Callahan has done this. A random model based on all information available which was only if the VSO was part-time or full-time. Commissioner Sonnenberg asked how that number would change for Logan County. The Logan County budget anticipated \$28,500. Marciniak stated that it would definitely be a deficit below that. On the new plan, about 90 percent of counties will be a deficit. If you have VSOs that are putting in 40, 50 or 60 hours and more, you can see where that number is going to grow. It could surpass that, but it is highly unlikely.

Commissioner Sonnenberg noted that \$1,003,000 is in the pool and that is divided by the number of hours and if Logan County's budget goes down from \$28,500 to \$25,000, someone else is getting that \$3,500. If 90% of counties' budgets are going down, there's 10% of counties that are picking up that \$3,500. Marciniak said that's because of other counties such as Denver, El Paso and other large counties who not only have one VSO, but they have seven or eight VSOs because of the workload. In the past, counties had to absorb 100% of the compensation and said that it is not fair. It is estimated that the deficit will be about 25% to 30% across the board. So instead of \$28,500 Logan County might be looking at \$19,000.

Marciniak noted that the CDVA is a totally separate set of funding as opposed to what is being utilized for CVSOs. That number is set up by the Congressional Budget Committee at the state level, and that gets looked at every single year. The current number is \$1.3 million this year. If you look at the veteran population, almost all counties throughout Colorado numbers decreased. That number is decreasing because of WWII veterans passing and overall, the veteran population is decreasing. The expenditure side of what is being pumped into Logan County is going up due to the cost of living, more disability, and things of that nature.

This goes into effect July 1st and the budget will have to be altered for the last six months of 2023. Logan County had \$28,500 built in the budget for 2023. If we get half of that for the first six months and see a 25% decrease for the next six months, the expenditures may not change, the revenue from the state for the next six months will decrease and we will have to figure out how to deal with it.

Marciniak noted that the PATH Act has about doubled the VSOs' workload. Last year there were 1.5 million veteran's claims filed across the United States. As of last August, it was forecast for an additional 1.4 million claims. The question is, how can we take care of our veterans when you only have part-time people filing the claims? It was never designed for the state to fully fund the VSOs for each county. That's not the way it was set up.

Curtis needs to increase his hours for training. Curtis will need to work at least 20 hours per week or more to get certified. Obviously, the state is incentivizing counties to push VSOs to full time, because the more hours generated, the more percentage we get back from the pool. We are not going to leave any veterans behind.

**TRAVIS AMENDT RE FEMA** – Travis Amendt and Rob Quint met with the Board. Amendt explained that he purchased about 60 acres near Coy Marick's. The property is an "undetermined area" near the South Platte River.

He would like to put up a 60 x 100 steel building for storage for his construction company. It is just an Ag building for storage with a concrete floor. He has talked to the Army Corps of Engineers, who passed him to FEMA. He does not mind getting up close to the railroad tracks because it sounded like that's the location in the undetermined areas they use as a base point. It is confusing what to use for the undetermined area. He has reached out to a surveyor, but then he's looking at a \$5,000 bill.

He knows where he wants to be comfortably but does not know how to deal with FEMA. The problem is the undetermined area. There is no elevation. Eight to nine years ago, there was a 100-year flood and he has a good idea where that water was during that high water season and the high water season this year. He has been building the pad up with over 50 truckloads of fill dirt - to probably seven feet when it is done, up to the height of the railroad tracks.

Rob Quint noted that Amendt is trying to build his building the right way, he is trying to get the correct elevation to build on. The problem is it's an undetermined area. There are a lot of areas along the river that there is not a determined elevation. FEMA has not shot elevations. When that happens, it's the property owners' responsibility to do the whole flood study. They have to foot the whole bill for determining what that elevation is, on top of all the other requirements.

Amendt has owned the property for four years. He purchased the property with cash, there is no lender involved and no requirement for flood insurance. He knows that there is the potential for flooding on the property. Commissioner Sonnenberg stated from his perspective, he can put up the building on his property. Right now, the county is out of FEMA anyway. It is a non-inhabitable structure that will be used for storage.

Commissioner McBride suggested a simple form for the property owner's signature that says he recognizes the property is in the floodplain and recognizes the risks of building a structure in the

floodplain, etc. The form will be kept with the building permit. Alan Samber will work on a form.

There being no further business, the meeting was adjourned at 10:47 a.m.