

Logan County Commissioners Work Session

August 29, 2023

Present: Jerry Sonnenberg, Joe McBride, Mike Brownell, Alan Samber, Kristan Lange, Debbie Unrein, Tom Kiel, Jerry Casebolt, Jeff Rice, and Jennifer Crow.

Chairman Sonnenberg called the meeting to order at 9:10 a.m.

APPROVAL OF MINUTES FROM PREVIOUS SESSION – Commissioner Brownell moved to approve the minutes of August 15, 2023 as written. Commissioner McBride seconded, and the motion carried, 3-0.

REVISIONS TO WORK SESSION AGENDA – There were no revisions.

REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS – Kristan Lange met with the Board to review the Logan County schedule of bills dated August 29, 2023. The Board approved all bills as presented.

REVIEW BUSINESS MEETING AGENDA – There were no additions or changes.

MOU MAPPING – The Board discussed the MOU on flood mapping. FEMA will do the mapping whether the Board of County Commissioners signs the MOU or does not sign it. Commissioner Sonnenberg is not in favor of signing the MOU. It doesn't give the county any authority; it does not take any authority away. His concern is whether FEMA has the ability to go on private lands. Commissioner Brownell believes they are using LIDAR which is utilizing airplanes flying overhead. He visited with Keith Beck in the Town of Fleming. FEMA had said they were going to add some area to the floodplain. Mr. Beck met with the FEMA person doing the LIDAR after the survey. They admitted if there is foliage in the way, that it interferes with the LIDAR readings. FEMA ended up not adding any more floodplain designation in the Town of Fleming where their new sewer facilities are. Commissioner Brownell did not have a problem with not signing the MOU.

Alan Samber reviewed the MOU. It appears that it is harmless, but the county does not have to sign it. It does not require much from the county. Jerry Casebolt has signed on behalf of the county in the past. Commissioner McBride noted on the back of the MOU is a statement that reads "this does not imply acceptance of future results nor ownership of their development." Basically, it says that we will do the community responsibility part. It says that the county will participate in the meetings. We will participate in the meetings either way to help steer FEMA away from things that we may have better intel on than what their mapping shows.

Commissioner Sonnenberg pointed out that on page 7 under Community Responsibility, it starts out by stating that "communities participating in the National Flood Insurance Program, are typically required to provide updates." Since we're not participating in that program, I don't see that we need to provide an update.

The NFIP uses the maps, but they don't directly communicate. Their study will happen whether the county signs the MOU. Commissioner McBride stated he is neutral on signing the MOU, the study will happen whether the county signs or not. Alan Samber noted that the county should be

able to access the results of their study and the updated mapping even if the MOU is not signed because they are open public records. It will take a full year before the floodplain maps are approved. There is an appeal process if someone's property gets put into the floodplain before the maps become final. That will be part of the public meeting where people can dispute the changes to the mapping that have taken place.

Commissioner Brownell noted that he can understand the reason for not signing it, but also thinks that it probably doesn't hurt anything, and that he would prefer to err on the side of caution and sign it if it would keep the county in good graces on the Flood Insurance Program.

Rob Quint is the Flood Plain Administrator for the County. He explained why FEMA has the county sign the MOU. He has done this many times and has gone to many meetings. They want participation, and, in the end, they want you to do their legwork when they hold their public hearings. They want the county to be responsible for the public hearings. They advertise the public hearing as a Logan County public hearing. This is where he has a problem with this process. Logan County will get the maps because they are public. FEMA will decide what's in or what's out or what they're going to change. Then they hold public hearings. People that get brought into the floodplain, the only way that you're going to be pulled out of the floodplain is if you do a study of your own and dispute their data. Sometimes that happens, most of the time it does not. FEMA wants the county to be the one that holds the meeting and do all the legwork. Then FEMA just waltzes in and gives you what it's going to be and then they say "the county has made this decision". It's not quite what it appears.

Rob Quint said that FEMA will still hold the public hearings even if the county does not sign the MOU. Last time, Rob told FEMA that he was not doing their job and was not holding their hearings. If they want to have them here, he will make sure they have the available space and the county will be here and acknowledged but this is FEMA putting out the study that incorporates people into the floodplain, it isn't Logan County that has authorized this study. We do not have any control one way or the other.

Commissioner Brownell mentioned the gentleman from Proctor that met with the Board recently. There are many areas in the county that FEMA does not have an elevation for and people don't know what the level is that they have to build above. Rob Quint said there are a multitude of areas that they pull into the floodplain with no determined elevation. He still has a problem with that, and he will until the end. It is one thing to give a person an elevation, but to not give any type of elevation whatsoever and say you're in the floodplain is wrong. He will stand by that until the end.

Rob Quint continued, when they get through with their flood study, then they come back and they want Logan County to put on these meetings because we've decided this needs to be changed (meaning Logan County has decided it needs to be changed). Well, we've never once said that we (the county) think we need to pull more people in (to the floodplain).

FEMA has already been in the county conducting research. Commissioner Sonnenberg signed the MOU. After more discussion, Commissioner Brownell said he would be OK if Commissioner Sonnenberg would like to withdraw his signature.

Jerry Casebolt added, Rob Quint forced FEMA to run the meeting last time. They did originally want the county to run the meeting. Rob forced them to be the ones running the meeting and take the public's comments because they're the ones that did the survey, the county didn't do the survey. The county didn't hire them to do the survey, FEMA hired them to do the survey to update the floodplain mapping for some outlying areas. The last time the study was done on the South Platte, they took a bunch of residences out, but they also added a bunch of residences.

The whole west edge of the Town of Iliff was a straight line and it went straight down and around and excluded the entire town. It was weird because that floodplain went clear up almost to the very north edge of town. Then it was just a straight line down and boxed around it. When they did the new mapping, obviously that changed because it brought in the entire Town of Iliff which it ultimately should have. Commissioner Brownell stated that he was looking for a reason for the floodplain being shaped that way. They have a 25' deep drainage ditch west of town that comes around on the north too; he was assuming the ditch was put in for flood mitigation.

Alan Samber asked what the county's involvement in providing the community notice of these meetings. Rob Quint stated that if FEMA had their way, the county would run it all.

Commissioner Sonnenberg noted that if the county signs the MOU this is what the county is agreeing to: Community agrees to lead the following tests, provide any engineering study or data, provide the updates to community leaders and pertinent information to homeowners. Alan stated that to him it's public notice that the meetings that they want. Make sure that the community understands this will result in identified floodplain changes, future phases of the study. By giving FEMA a place to have a meeting and notifying the community that a meeting is going to occur. Does the county publish a notice? Rob Quint stated yes, the county did publish the notice last time. The Board questioned whether FEMA would have to publish their own notice if the county did not publish the notice. Quint believes that FEMA would have to publish the notice.

Commissioner McBride moved to decline to participate in the MOU for the flood study. Commissioner Brownell seconded and the motion carried. Commissioner Sonnenberg will send an email to the FEMA representative that sent the MOU and let them know that the Board has declined to sign it.

There being no further business, the meeting was adjourned at 9:35 a.m.