

Logan County Commissioners Work Session

January 23, 2024

Present: Mike Brownell, Joe McBride, Jerry Sonnenberg, Alan Samber, Debbie Unrein, Marilee Johnson, Rick Cullip, Danny Guterrez-Dutton, Rob Quint, and Jennifer Crow.

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

APPROVAL OF MINUTES FROM PREVIOUS SESSION – Commissioner Sonnenberg moved to approve the minutes of January 16, 2024 as written. Commissioner McBride seconded, and the motion carried, 2-0.

REVISIONS TO WORK SESSION AGENDA – Commissioner Sonnenberg added the Millig billing. Commissioner Sonnenberg also added discussion of a letter concerning proxy for the annual stockholders meeting for the Sterling Irrigation Company in which the county owns shares. Commissioner McBride added Rob Quint for discussion on some Planning and Zoning issues.

REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS – The Board met with Debbie Unrein to review the Logan County schedule of bills dated January 23, 2024. All bills were approved as presented.

MILLIG BILLING – Alan Samber distributed a form for the Commissioners signature that confirms that it designed the phase one system that entitles it to certain tax incentives. The substantial completion for Phase One is of concern to Alan because it had the date of final completion listed as October 5 and there is still ongoing work taking place. But when he looks at it more closely, it looks like it applies to Phase One. Phase Two is what is being finished up now.

Phase One that has substantial completion date for the Justice Center of May 16. Substantial Completion date for the Heritage Center of August 7 and Substantial Completion date on the lighting project of September 1. They say the date of final completion is October 5, 2023.

Commissioner Sonnenberg moved to approve Section 179D Tax Deduction Form for Millig Design Build and authorize the Chair to sign subject to confirmation that the costs are verified. Commissioner McBride seconded and the motion carried, 3-0.

LOWER SOUTH PLATTE ANNUAL STOCKHOLDERS MEETING PROXY –

Commissioner Sonnenberg discussed that he had received a form in the mail for proxy for the annual stockholder's meeting for the Sterling Irrigation Company. The County owns several shares in the ditch company. Gene Manuello is the president of the company. Commissioner McBride did not remember doing anything with the proxy last year. The Board discussed if the number of shares was enough to matter in the voting and what the issues might be. None of the Board members knew what those issues might be or how many shares might be a large number of shares. Commissioner Sonnenberg mentioned that each ditch company is different. Shares can be much smaller, shares can be much smaller, or you can own one share and have enough water for the entire year. The Board agreed to let the proxy go and let the ditch company matters go to those who are involved in the day-to-day operation of the ditch company.

ROB QUINT RE ZONING ISSUES – Rob Quint reported that Tom Keil had approached him concerning the Logan County industrial park near the Logan County Landfill. Both he and Trae Miller (of Logan County Economic Development Corporation) feel because it is zoned agricultural, when a business with a project is interested, it hinders the project. They feel the property should be re-zoned Industrial. Alan Samber thought the property had been re-zoned Industrial as part of the Star Clean Oil project that never came to fruition. Rob will check into the zoning. He is not sure it was ever finished. Economic Development feels it would be best suited if it were zoned Industrial in the Ag Zone. The last Board also made some changes allowing some industrial use in the ag zone as long as they were permitted. Alan Samber believes it would have been done when Jim Neblett was Planning and Zoning director.

Commissioner Brownell and Trae Miller toured the industrial park a few weeks ago. Trae mentioned to him that people might feel more inclined to bring their projects if they knew they didn't have to go through the zoning change to do it. Miller felt that a project would come up and then be scared away because of the zoning. People would feel more inclined to develop their projects if they did not have to go through the zoning changes. The State Land Board owns several large tracts of land nearby which is zoned agricultural for grazing. Commissioner Sonnenberg noted that the County has ultimate authority on land use decisions to be able to zone it however they want. The State can come in and make their arguments on why that's a mistake. He likes the idea where we leave it as Ag with the option of industrial use with a permit either special use or conditional use permit.

Alan Samber is fairly sure that the industrial park is zoned for industrial use. Rob Quint thinks now maybe his question is about the land south of the Industrial Park is zoned Ag. Trae would be helpful here explaining the background. Commissioner Sonnenberg will bring this up at the next Economic Development meeting.

Rob Quint brought up another issue. In the 1970s when the zoning maps came out, Highland Park Subdivision and Country Club Hills were included as commercial centers and that has never been changed. The zoning should be residential. This is another area that needs to be cleaned up. Alan Samber noted that the Zoning Resolution made industrial use a matter of right and they require a permit. Commissioner Sonnenberg noted that Rob Quint should take this matter to the Planning Commission to address it.

PADRONI SCHOOL ZONING ISSUE – Rob Quint discussed the Padroni School issue that Jamie Gentz had discussed with the Commissioners last year. Rob stated that he did go out and walk the Padroni School property with Jamie Gentz. He has an easement through the property. From the road you can't get close enough to take pictures. From Mr. Gentz' easement you can see that there is a mess out there. He did get pictures from the easement. The mess is more of a nuisance mess and Gentz of course would like the whole mess cleaned up. Rob said that he is not sure that it is possible. Mr. Gentz would like the school removed but it does not appear that will be possible. The structure of the school appears to be in great shape, it does not appear to be in danger of collapsing.

Rob asked what steps the Board would like to take. Alan Samber noted that by statute the Planning and Zoning Department must first send a letter giving them a certain amount of time to get it into compliance. If they don't get it into compliance to the county's satisfaction, then we

can discuss whether to file a complaint in district court to get a court order requiring them to clean it up.

Commissioner McBride suggested treating it like the property on Highway 6 in Atwood where the guy was butchering animals. He ended up cleaning it up and complying. It was very simple, and the county didn't have to start any action.

Rob will draft a letter and send it to Alan to review. It looks like an outdoor storage of junk case to Alan. If the property is not classified as agricultural land by the assessor, then it's not exempt from the zoning requirement that you can store outdoor junk even if it's in the Ag zone. The letter will need to ask for their compliance with cleaning the property up and give them a reasonable deadline that considers potential snowfall and weather conditions. It's got to be at least 30 days by statute.

It was a safety hazard, on the other side of Jamie Gentz' fence there used to be a garage that you could drive down to. That all burned and fell into the driving area. There is potential risk there. The whole building probably has potential risk.

Commissioner Sonnenberg asked what the consequences are if they cannot afford to clean up the property. Commissioner McBride said that the Board historically has elected to just keep applying pressure to clean up the properties that have had complaints turned in on them. The Larry Price property for instance, they have kept pressure on him to clean up. It has been working well. He is trying to utilize the junk as a business. Commissioner Sonnenberg agreed, it is hard to tell people how to manage their business, if it is a safety hazard or a fire hazard, obviously it burned once, then it makes sense to push pretty hard. If you tell them to clean up the property and give them a deadline, they may not have the money to clean it up. The property was owned by Brad Armstrong initially and then he had a girlfriend and she moved into the property and stayed there. It has bounced back and forth between the two of them. Brad could possibly have the resources to clean it up, but it is not known if it is in his name currently or the girlfriend's name.

The other problem is if the county goes in and cleans up a property and puts a lien on the property and the lien is never paid, the county ends up owning the property. The property may have more cleanup to it than junk, possibly contaminated soil, etc., which is a massive burden and that is part of the reason why the county does not want to go in and clean up properties.

Alan Samber noted that there was a court order on the Price property to get it cleaned up, however the court basically said that they did not think Price had the ability to get it cleaned up in a lifetime. So, if the county wanted it cleaned up, they could go in and clean it up and document the costs and put the lien on the property. The cost of that cleanup would have exceeded the value of the property. That is why the county has been working with Price to get some cleanup done.

COMMISSIONERS PROCEEDINGS DECEMBER, 2023 – Commissioner McBride moved to approve the Commissioners Proceedings for December, 2023. Commissioner Sonnenberg seconded, and the motion carried, 3-0.

LEASE OF SIX SHARES OF SPRINGDALE DITCH – Commissioner McBride moved to advertise the lease of six shares of the Springdale Ditch company for the 2024 growing season. Commissioner Sonnenberg seconded, and the motion carried, 3-0.

Discussion followed that the lease could be emailed to the list of shareholders of the ditch company, or the county could send it to the ditch company and ask them to include it on their agenda for their next meeting. It could also be shared on the county’s social media page. It would save money by not advertising it in the newspaper.

It was advertised in the newspaper last year, but no bids were received. Questions arose exactly which ditch the shares were for. The county has leased shares of the Sterling Irrigation Company for many years. (The work session agenda inadvertently noted that the shares were for the Springdale Ditch Company.)

Commissioner Brownell noted that the Springdale Ditch Company already had their annual meeting. He had been contacted by someone that reported that the topic of their annual meeting was that they are wanting to have the bridge structure on the road to Vansway Acres improved in the near future.

Commissioner McBride noted that two shares of Sterling Irrigation Company were received with the acquisition of Sunset Memorial Gardens Cemetery. There are four shares at the Logan County Fairgrounds. More research will be done, and the matter will be discussed at the next work session.

NEIL MURRIN CONVERSATION - Commissioner Sonnenberg mentioned he was visited by Neil Murrin, whose father was Robert Murrin, who was an architect in the 1960s that did a lot of the architectural work here in Sterling in the 1960s. Robert Murrin did the architectural work on the annex and several different buildings here. Neil has moved back to Sterling after 50 years. His father’s office was above the Ben Franklin store. When the store burned, the family moved away. He has been back for three years and is doing some historical work.

LANDFILL CONSULTANT - Commissioner Brownell reported that he and Josh Klein met with the landfill consultant last Thursday. The firm can do some elevations based on the daily waste intake and give estimates on how long the current cell will last. The estimated cost will be around \$1,200-\$1,500. Last summer Matt Chrisp had told him at that time, that they were estimating that there were about 26 years left in the cell. Matt didn’t think that there was that much time left. A new official estimate is a good idea. Rick Cullip also noted that there was a flyover done in 2021, so the landfill should have that data to compare to the new year’s data.

One thing that Matt had talked about, that was written in the last inspection, it was not a violation but a suggestion, but putting a transducer down the pipe to measure the pressure of the water that’s flowing through into the section of the landfill that we’re working on now. We’re pumping that out once a week and applying that to the landfill on the section we’re working on.

Rick Cullip noted that once or twice a week they would pump that water out and spray the water on the landfill. Based on the number of gallons, they were never exceeding 50-60% of head pressure for that sump pump.

Commissioner Brownell stated that according to the consultant, we need to measure and keep track of the gallons. This was a recommendation from an inspector from CDPHE. This gentleman has retired and there will be a new inspector coming out. The consultant said until they make you do it, he said he wouldn't do it, because it will be expensive. Don't spend money on the system until the state makes you do it. They will continue pumping the water and spraying it on the landfill until the state tells them to do something else.

The consultant also discussed the closure of the first cell. Mark McMullen is the soil engineer. He will be determining if we have the correct soil onsite to cap cell number one.

Rick Cullip inserted that the soil out at the landfill cannot be used because it is all sandy soil. The soil will need to be trucked in. The Closure/Post-closure Fund is designed to help offset the cost of trucking the soil in to close the cell. They have to cap it with so many inches of a clay-type base soil and so many inches of a topsoil and then the native soil. That will create a non-permeable surface on top because that original cell is unlined. The way it was designed was for Phase two, to tie into Phase One and then for the whole thing to be finished and capped. That's been the premise all this time.

Commissioner Brownell said that the consultant seemed to think that further east there may be some soil that may be suitable to cap cell one.

There being no further business, the meeting was adjourned at 9:49 a.m.