

Logan County Commissioners Work Session
July 23, 2024

Present: Mike Brownell, Joe McBride, Jerry Sonnenberg, Alan Samber, Kristan Lange, Debbie Unrein, Marilee Johnson, Angela Shuff, and Jennifer Crow.

Chairman Brownell called the meeting to order at 9:02 a.m.

APPROVAL OF MINUTES FROM PREVIOUS SESSION – Commissioner Sonnenberg moved to approve the minutes of July 16, 2024 as written. Commissioner McBride seconded, and the motion carried, 3-0.

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

REVISIONS TO THE WORK SESSION AGENDA - Commissioner Sonnenberg added discussion of the BNSF railroad crossing contract under unfinished business.

ADVOCATES FOR RECOVERY COLORADO - Angela Shuff, Northeast Regional Manager of Advocates for Recovery Colorado met with the Board. The group has been approved to use the Courthouse lawn and Gazebo on September 28, 2024. They are requesting that fees be waived as they are a non-profit organization. This will be the third annual Rally for Recovery.

They have new groups starting up, one is doing potluck and games on the second Friday of every month. On the fourth Friday, they are going to do recovery and storytelling and learn how to speak more appropriately to different audiences about recovery in a positive way. They are also starting a morning meeting since there is not currently a morning meeting in the community.

Commissioner Sonnenberg asked how the collaborative is working. Ms. Shuff said it is working well. They do not have the Porch Light Health Front Range Clinic in-house. They've been dealing with some contractual issues before moving into the building. Having North Colorado Health Alliance in the building has been huge. They've been able to get people into treatment much faster than they were ever able to because they are already established in other communities and have footholds in some treatment centers. They've also been able to provide transportation to a lot of community members going to doctor's appointments, therapy visits, etc. Commissioner McBride asked if they were working with New Vision in Fort Morgan. Ms. Shuff said that they have worked with Sarah with New Vision and have taken quite a few people to detox there. She has talked to them about coming to the rally and having a booth there.

Commissioner Sonnenberg moved to waive the fees for Advocates for Recovery Colorado for the event on September 28, 2024. Commissioner McBride seconded and the motion carried 3-0.

ROAD AND BRIDGE FULL-TIME WELDER POSITION – The Road and Bridge Department recently had their part-time welder retire. Jeff Reeves would like to hire a full-time welder instead of a part-time welder. They have budgeted for a part-time welder. The welder would usually help the mechanics if there was no welding for him. The full-time welder salary is \$43,000 per year, which is \$20,000 over budget. There is plenty of room in the budget because of the other employee positions' turnover.

UNFINISHED BUSINESS: BNSF RAILROAD CROSSING – Commissioner Sonnenberg made a presentation Friday and was amazed at the urban counties that want to be a part of this and want to support legislation so that we don't have to do this because of their mass transit and their public transportation issues that

they're going to try to make those counties pay for as well. He does not know what that legislation is going to look like. He is struggling because they're basing it on the PUC rule "J" where it says the total costs to maintain an existing crossing surface.

He is not sure if you can consider what they're doing on CR 32.2 maintaining, if they are replacing the track, that's not maintaining. Alan Samber distributed copies of research that he has done on the matter, "Rule J" was highlighted. Commissioner Sonnenberg has been copying the Board and Alan on emails with Pam (Fischhaber) of the PUC. He worked with Pam a number of years ago when he was in the Senate.

Commissioner Sonnenberg went out this morning to take pictures. Two tracks have concrete and look like they've been redone. The two tracks on the east still have wood railroad ties. The County could do some work paving between the tracks and fix potholes. Commissioner Sonnenberg wants to push back on this and not pay it. He has talked to Jeff Reeves about it several times this morning. Commissioner McBride commented that the PUC representative said that the railroad should have met with the County beforehand and there should have been an agreement before anything gets done. He does not think that there have been any meetings unless they have been with Road and Bridge personnel. Commissioner Sonnenberg said that Jeff Reeves did meet with BNSF in 2023. Reeves told them that he did not have money in his 2023 budget to do the project. BNSF agreed to wait until 2024. Reeves budgeted for the project in the 2024 budget.

Alan has a copy of the PUC order approving the changes to the rules, including the addition of Subsection J in 2017. CDOT was the entity that agreed to share equally. BNSF opposed the rule that they would have to pay for half of the maintenance crossing. Commissioner Sonnenberg said in theory, the county could have billed BNSF for half of the gravel that the county hauled in because you couldn't get over the tracks.

Alan Samber noted that BNSF has had some difficulty getting counties to sign the agreements. Some counties are saying it's illegal to do this. The PUC has opened this miscellaneous proceeding and is going to involve stakeholders to meet and prepare a template agreement. They want the agreement to be in place starting November 22 of this year. Rulemaking participants raised concerns about significant delays in parties executing the agreements necessary for crossing projects to move forward. The commission found the record reflected a variety of reasons for these delays ranging from comments that railroads use the negotiation process to exact unreasonable concessions. Knowing that road authorities must time new projects forward or risk losing funding. Railroads insist that road authorities enter into agreements that are unlawful under Colorado law.

He comments that road authorities refuse to accept railroad form agreements and insist on good terms. They're going to try to come up with a standardized agreement for the road authorities and the railroads to sign and implement these projects. That doesn't solve our problem, but at least it shows there have been problems with the railroads getting counties to agree with their agreements. Alan was surprised there was no public comment portion of that rulemaking that implemented Subsection J. There was no objection whatsoever.

The Board will need a motion to reconsider placed on the next meeting agenda as it had already approved the BNSF agreement in a previous meeting. Commissioner Sonnenberg will continue to push back BNSF on this.

ROW AGREEMENT DISCUSSION – The Board discussed right of way agreements pertaining to ditch companies. Alan Samber said that it is not unreasonable to require applicants to agree to consult with the ditch companies to determine what if any mitigation could be done to prevent a problem if they bore under the ditch while using the county right of way. Obviously when the ditch is dry, the risk would be less. Chairman Brownell visited with Ken Fritzler, President of Springdale Ditch, who told him that typically they never dry that ditch because they use it for augmentation. Alan Samber suggested a checkbox on the application that the applicant

will agree to consult with any ditch company whose ditches will be crossed regarding mitigation of any potential blowout to the ditch, etc. They can mark the box N/A if not crossing ditch.

Chairman Brownell commented that sometime in the past, a company was boring under North Sterling somewhere between Atwood and Merino, and the ditch blew out and washed out a bunch of stuff. It was an oil or gas pipeline doing the boring. He hasn't talked to Jim Yahn about it, but Fritzler said in certain cases North Sterling has made them pay some money to do that. He did not think that the County would want to get involved in that.

Alan Samber said that telecommunications providers have a statutory right to follow the road right of way. The ditch company is not going to be able to make them pay. Alan offered to write up the suggested inclusion to the permit application and forward it to the Planning and Zoning Office.

COMMISSIONERS PROCEEDINGS FOR JUNE 2024/SALARY PUBLICATION FOR AUGUST 2024 – Commissioner McBride moved to approve the Commissioners Proceedings for June 2024 and the Salary Publication for August 2024. Commissioner Sonnenberg seconded the motion carried 3-0.

PADRONI PROPERTY CLEANUP - Alan Samber reported that the Planning and Zoning Office mailed a certified demand letter to the owners of the Padroni School the same day that the Commissioners talked to him. Apparently, the certified letter was returned. Alan asked Rob what address he used. He will send a letter to that same address and to the address which their property tax notices are sent to, because the taxes are getting paid on that property.

KUES GRAVEL PIT EXTENSION – Alan has not heard back from Jeff whether he has talked to Harold Kues about extending the contract and pricing. Alan will draft the lease and send it to Kues and see if he will sign the lease.

PHILLIPS COUNTY ROAD EXCHANGE – Commissioner Sonnenberg asked if there had been follow-up with Phillips County on exchange for three miles of Road that had been discussed a few weeks ago. No follow-up has been made. He will email Jeff Reeves on that matter.

EXHIBIT CENTER EXPANSION GRAND OPENING - Buildings By Design will be doing the ribbon cutting, Jane and/or Judi will speak, with Commissioner Sonnenberg after that. The Chamber of Commerce found a donor to purchase alcohol for the event and the county will pay for the catering. Chairman Brownell is unable to attend the ribbon cutting due to a prior commitment with a Premier Farm Credit Board meeting. He is hoping to be there by 4 p.m. but they've moved everything back because of a meeting with auditors.

There being no further business to come before the Board, the meeting was adjourned at 9:40 a.m.