

## **Logan County Commissioners Work Session**

**March 21, 2023**

Present: Jerry Sonnenberg, Joe McBride, Mike Brownell, Alan Samber, Ashley Smith, Debbie Unrein, Marilee Johnson, Kristan Lange, Rob Quint, Matt Pollart, Tom Westfall, Brandon Mason, Carson Guenzi, Debbie Klindt, Dave Lieber, Tammy Kelley, Ardis K. Wagner, Sharon R. Atkins, Tom Kiel, Trae Miller, 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 March 7, 2023. Commissioner McBride seconded, and the motion carried 3-0.

**REVISIONS TO WORK SESSION AGENDA** – None.

**REVIEW AND APPROVE HUMAN SERVICES SCHEDULE OF BILLS** – Ashley Smith met with the Board to review Logan County Department of Human Services schedule of bills dated March 21, 2023. The Board approved all bills as presented. The Board also approved the Human Services payroll for the period February 25, 2023, through March 10, 2023, via E-sign.

**REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS** – Kristan Lange met with the Board to review the Logan County schedule of bills dated March 21, 2023. The Board approved all bills as presented.

**REVIEW BUSINESS MEETING AGENDA** –

**LOGAN COUNTY WATER CONSERVANCY DISTRICT** – Matt Pollart, General Manager of the Logan County Water Conservancy District presented a recommendation regarding the funds that are going to be transferred to the county upon the dissolution of the Logan County Water Conservancy District. In order to put that into context, Mr. Pollart wanted to review a presentation that he gave to the Board of County Commissioners last fall for the benefit of Commissioner Sonnenberg and Commissioner Brownell. Mr. Pollart introduced the board members attending with him today: Board President, Brandon Mason; Vice-President; Carson Guenzi and Secretary-Treasurer, Tom Westfall.

Mr. Pollart noted that the LCWCD's plan was approved by the Courts the first week of February 2023.

The following is an excerpt from the March 20, 2022, meeting which describes the LCWD Official Plan Presentation:

The LCWCD was formed in response to a 1997 flood event that caused approximately \$20 million in damages specifically in Atwood and Sterling. It affected 1,400 residences and 200 businesses and inundated approximately 14,000 acres of agricultural land. The watershed for the Pawnee Creek encompasses approximately 733 sq. miles. About 80% of the drainage basin is in Weld County. The 733 sq. miles of drainage ends up less than a mile wide between Sterling and Atwood as it enters the Platte River.

The event in 1997 was in a relatively small part of the watershed. There was a rain that was between 4” and 16” in that part of the basin. The LCWCD was formed by petition to the District Court under Colorado Revised Statute 37-1-101 in 2002. This statute is not required to go before a vote of the people it was passed by a declaration of the judge. The only other district of this type was created in 1922 in response to a disastrous flood in 1921 which killed between 500 and 5,000 people. The exact number of people is not known because many of them were immigrants, and this was before good records were being kept. The Pueblo flood caused \$20 million dollars’ worth of damages in 1921.

In 2010-2011 LCWCD hired W. W. Wheeler and Associates, Inc. as the District’s Engineers. Wheeler developed the 2011 Pawnee Creek Flood Control Project – phase I scoping report. The report identified alternatives for flood mitigation, identified and solicited input from key stakeholders and identified the project constraints and decision criteria.

The alternatives for mitigating Pawnee Creek flooding that were studied in the 2011 report were: 1. Channel improvements on Pawnee Creek. 2. A system of flood control reservoirs (a total of five reservoirs) up higher in the Pawnee Watershed. 3. A single flood control reservoir at Pawnee Pass. 4. The fourth option was status quo - take no action.

The conclusion was that the single flood control reservoir at Pawnee pass would be more effective at reducing flood flows. It had a more favorable benefit-to-cost ratio and resulted in less landowner and county road impacts. The study was not fully able to accurately model the Pawnee Creek channel improvement project due to lack of topographic information.

Between 2009 and 2016 LCWCD Board purchased four properties that had potential for flood mitigation structures. They were being offered by willing sellers. The LCWCD Board felt that it was better to purchase the land when it was being offered for sale rather than condemning the land at a later time.

In 2016, the LCWCD commissioned the 2016 Pawnee Creek Flood Alternatives Report. FEMA flew the whole South Platte River corridor using high resolution LIDAR data. They gave very precise, accurate elevations, and could now actually model the levees and compare that to the earlier study. It included a wide enough swath to include the Pawnee Creek channels. The LIDAR data allowed for accurate modeling to develop Pawnee Creek channel improvement alternatives for mitigating Pawnee Creek floods and compared the new studies for the channel improvements report to the 2011 dam and system of dams projects for mitigating Pawnee Creek floods.

The conclusion of that report was that the Pawnee Pass dam was still the most favorable project. It had the most favorable capital construction costs, it had the most adequate benefit-to-cost ratio relative to the other projects. It had a flexible reservoir site for future expansion if a partner was to actually store water in it and not just used for flood control. It also has the potential to reduce the flood insurance policies for Logan County residents as a result of flooding downstream of the Pawnee Creek basin. It also had the ability to mitigate flooding on Highway 6 and the Union Pacific Railroad for a flood on Pawnee Creek.

After that, the Pawnee Pass dam was the top project of both studies, it was still a hefty price tag at \$117 million. The project has to be approved by the courts. Public input was sought to get

more ideas for projects that were more feasible to construct. There was a project consideration form developed and distributed to the public and various entities and an open house was held in March 2019. Out of that came 27 project ideas from different organizations and county residents. The engineer developed a conceptual level design of 17 projects that were developed, and the board then established an evaluation criteria to rank those projects. Of the seventeen projects, there were ten that didn't meet the needs of the District. LCWCD established evaluation criteria to rank projects using a weighted decision matrix to include effectiveness at preventing flooding to properties; effectiveness at preventing flooding to major transportation corridors; effectiveness at preventing impacts to critical facilities; effectiveness at removing property from the FEMA regulated floodplain; and future maintenance. Another evaluation criteria used was, did the project have multiple-benefits, or recreational benefits? Did it have private land impacts for project implementation? What was the cost of the project per benefited property?

Each one of the seventeen projects was ranked using the evaluation criteria. The Board compared the evaluation criteria to one another and ranked which of the criteria was most important. The most important ones were ranked higher and scored higher, for example the effectiveness of preventing flooding to properties was number one ranked. Using a weighted decision matrix, each project was evaluated for how well it specifically met each one of the nine criteria and then a score was developed.

Earlier this year, the 2022 Project Evaluation Report was published, evaluating each of those 17 projects. Of the top five projects, the number one project was the Pawnee Pass Dam Project which was now closer to \$120 million. The Pawnee Creek Certified Levees project came in second and cost is close to a quarter a million dollars. A weather and flow monitoring project is the one project that could be paid for with funds that the district currently holds. This project proposes weather and flow monitoring stations along the Pawnee Creek in Logan County for early warning and detection. Cost is quite reasonable at \$438,000. A project submitted by the City of Sterling for improving the routing of the Pawnee Creek flood flows was \$50,000,000.

Because the project that kept coming to the top of the list was the Pawnee Pass Dam, the Board commissioned a financial analysis for the Pawnee Pass Dam construction. Statute prescribes how you would pay for the project. A tax is levied on the people who benefit from the project. It is actually a tiered tax; the highest tier of the tax is those most benefitting from the project. The financial evaluation showed that the tax could be as much as \$1,200 per \$100,000 of value. In simple terms, a \$300,000 house in Sterling, would tax people \$3,600 a year for 14 years. Obviously, the other taxing tiers would pay less, but this would be a tax burden that many people could not possibly afford. If this was done, and the person could not pay the taxes, a lien would be placed on the property.

The Board also took other factors into consideration. There has been no history of loss of human life in the flooding of the Pawnee Creek. As many as 45 properties would be subject to condemnation to build the dam. These properties would become tax exempt, further reducing Logan County tax revenue.

The LCWCD Official Plan official statement says: "In consideration of the District's findings from the "Project Evaluation Report and the financial evaluation performed, the District's Board of Directors decided to limit the Official Plan to the weather and flow monitoring stations in

Logan County. This project is the highest-ranking project that can be funded entirely by the District.”

The objective is to continuously monitor weather and flow in several drainages in Logan County to provide advance warning to Logan County Emergency Management and downstream communities regarding potential flood or weather conditions that may lead to flooding.

The objective is to continuously monitor weather and flow and several drainage issues and Logan County provide advanced warning to Logan County Emergency Management downstream.

Mr. Pollart presented a map of the system that is designed and is out for bid right now. There are eight locations primarily on the Pawnee Creek starting at the county line at the bridge on Highway 14.

There are eight locations, but seven spots actually transmitted to the base station. It will transmit the information to a base station location that is designated by Logan County Emergency Manager, Jerry Casebolt. The system will notify designated personnel when the rates or flow levels exceed a designated threshold. The website that will be created to go with the system will allow the data to be viewed in real time and can be a public-facing website if that is chosen. Any station can be called up while it is operating to show any of the sites, and it will tell you the flow. Certain ones will tell you the temperature, rainfall, and wind speed. The eight sites can be easily adapted to add on as many sites as needed.

Some of the devices will hang from a bridge and look down to the water. All of these would be built in the County Road right of way. The contractor will be in to get county permits for those sites.

The two locations transmitting from Spring Creek and Pawnee Creek are about a quarter-mile apart and the transmitter would be in between them. The next one is one everyone is familiar with, the bridge at Highway 14, which was taken out in the 1997 event. This is County Road 25 on Pawnee Creek. This is where Sand Creek crosses at County Road 33 just above Pioneer Park a couple of miles. This is directly below North Sterling reservoir. This has historically flooded Sterling especially out at Pioneer Park. Location of another station will be just below the reservoir at North Sterling at County Road 33. It is for catastrophic release to give early warning if the dam fails. Two stations were added at Coyote Creek locations (County Road 63 and 91) where there has been historic road flooding south of Fleming.

Upon completion of the plan, the Board of Directors anticipates dissolving the District pursuant to state statutes. The dissolution will include the transfer of the weather and flow monitoring system to Logan County. All real property owned by the district will be sold at public auction, by Reck Agri Sales, then these properties will be returned to the tax rolls. The district will transfer all the funds to Logan County.

The auction is expected to bring \$3,000,000 - \$4,000,000 in cash. The value of the flood monitoring system is approximately \$400,000 and approximately \$600,000 in engineering data will be given to the county.

Mr. Pollart presented a summary that outlines the recommendation of the LCWCD. The district will transfer funds to the county upon the dissolution of the Logan County Water Conservancy District. The district requests that the county set aside \$400,000 of those funds to cover ten years of system maintenance on the flood monitor and weather system that the district is transferring. The estimate for maintenance on the system is approximately \$350,000 for ten years. The district padded the amount to allow for inflation to \$400,000. The district also respectfully recommends that Logan County set aside at least \$1.5 million for flood mitigation, matching grants, etc. The next recommendation is that Logan County returns the balance to be used as a tax relief in subsequent years to Logan County taxpayers.

The building of the dam structure was discussed. The district has no water rights and could build and fill up the dam, but could not hold the water in the dam. It would have to start releasing water within 72 hours because they don't have the water rights to hold it. If they pursued the structure with some partners it could have worked but that idea never got any traction.

The properties will sell the last week of April. Their request for proposal for contractors concludes at the end of March, so they will select a contractor in early April. Estimates are that construction could take six months. The transfer of funds could take place as early as September, but definitely by the end of the year.

The meeting recessed at 9:30 a.m. and reconvened at 10:00 a.m.

**TRANSYSTEMS** – Dennis Holcomb of Transystems met with the Board. Transystems hauls sugar beets. This is their slow season right now. He offered the company's services to haul gravel for the county to help out during the summer. They have drivers, trucks and trailers available to help in whatever situation is needed because of the snowfall this year.

Mr. Holcomb also explained that his company trains CDL drivers. Last year they started out with 15 in a class with ten finishing the class. Those people worked for him last season. They asked them to commit to work for them for six months and all costs of the training are paid for. He suggested some type of partnership where he trains the drivers during beet season and then the drivers work for the county after beet season or possibly share employees. There is a shortage of truckdrivers nationwide. Commissioner Sonnenberg liked the concept of a public-private partnership, and stated that he would like to have a conversation with Jeff (Reeves) about it. It would allow road grader operators to not have to substitute on a truck, because the department is short on truck drivers. Commissioner Sonnenberg offered to set up a meeting between Mr. Holcomb and Jeff Reeves.

**COMMISSIONER PROCEEDINGS** – Commissioner McBride moved to approve the Commissioner Proceedings for February 2023. Commissioner Brownell seconded and the motion carried.

**FEEDING FERAL CATS AT FAIRGROUNDS** – Commissioner Brownell reported that he and Rick Cullip had met with two ladies at the Fairgrounds last Friday who have been feeding feral cats there. There have been some issues with trash from the plastic or paper feeding dishes and cats spraying in the shelter where the cats are being fed. Rick is objecting to her feeding the cats in the shelter as the cats have been spraying in the shelter. People wait for the golf carts in the shelter during the fair. The ladies have agreed to feed the cats down by the north gate. They

estimate that there are ten cats being fed daily. Rick said the cats occasionally get locked in the buildings. There is someone around Merino or Willard that would like 20-30 cats for their feed business if they could be trapped and relocated. The ladies have been involved with the spay/neuter program in Sterling and are looking for a sponsor for that project. Commissioner Brownell told her he did not feel the county could sponsor the project but he would bring it up with the City of Sterling.

**EXTENSION AGRONOMY POSITION** – Commissioner Brownell mentioned that he had a citizen come and visit with him about replacing the agronomy position with the Extension Office here. We were sharing one with Morgan County that is no longer there. The Board discussed other Extension matters. Commissioner Sonnenberg offered to follow up with Dr. Frank next month.

There being no further business to come before the Board, the meeting adjourned at 11:00 a.m.