

## **Logan County Commissioners Work Session**

**October 18, 2022**

Present: Byron Pelton, Jane Bauder, Joe McBride, Alan Samber, Ashley Smith, Kristan Lange, Debbie Unrein, Faith Blankenship, Dennis Vierow, Chris Kloberdanz, Ken Caudle, Ken Meis, Chance Wright, Tom Keil, Matt Pollart, Brandon Mason, Carson Guenzi, Danielle Haas, Jerry Caseboldt, Kelly Blecha, Kathi Anderson, Jeff Rice and Jennifer Crow.

Chairman Pelton called the meeting to order at 9:03 a.m.

**APPROVAL OF MINUTES FROM PREVIOUS SESSION** – Commissioner Bauder moved to approve the minutes of September 20, 2022. Commissioner McBride seconded and the motion carried 3-0.

**REVISIONS TO WORK SESSION AGENDA** – Commissioner McBride added a Wakefield and Associates Ambulance Collections Account.

**REVIEW BUSINESS MEETING AGENDA** – Commissioner McBride added Adoption Day and Domestic Violence Awareness Month Proclamations to the end of the agenda.

**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 October 18, 2022. The Board approved all bills as presented. The Board also approved the Department of Human Services payroll for the period September 24, 2022, through October 7, 2022.

**REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS** – Kristan Lange met with the Board to review the Logan County schedule of bills dated October 18, 2022. The Board approved all bills as presented.

**REVIEW BUSINESS MEETING AGENDA** – The Board reviewed the Business meeting agenda for October 18, 2022.

**SONJA HUTCHINSON** was scheduled to come before the Board to make a statement but was not present.

**KENNY ALDERSON 21<sup>ST</sup> CENTURY EQUIPMENT WATER TRUCK** – Kenny Alderson was scheduled to meet with the Board but was not present.

**MEMORIAL SIGN REGULATIONS** – The Board reviewed the resolution Alan Samber has drafted concerning the adoption of memorial sign regulations for county roads. The regulations require application to the Road and Bridge Department from the immediate family members of the fatality. Written consent of the landowner is also required. The regulations do not apply to existing signs. The regulations follow state statutes, although the county can deviate from them if the county desires to do so. The Board would like to allow a typical “In Memory Of” sign on a standard road signpost that would be similar to a county road sign. The current paragraph #3 reads that the sign “must not exceed three feet in height above ground, two feet in width and six inches in thickness....” Alan will rewrite paragraph #3 to reflect that change.

Chris Kloberdanz met with the Board and questioned members whether they would not approve addition of paragraphs in the regulation he recommended concerning conflicts between the family members of the deceased person and the person who drove the vehicle in the accident. The Board declined to add any other language other than what was in the resolution that Alan Samber had drafted.

The meeting recessed at 9:25 a.m. and reconvened at 9:49 a.m.

**EXHIBIT CENTER EXPANSION PUBLIC MEETING** – Ken Caudle of Cairn Design presented the proposed design of the Exhibit Center expansion, for structural, civil, mechanical electrical and plumbing.

Mr. Caudle discussed the design and features of the building. The building is designed to hold 600-800 people. The HVAC unit will be moved outside will be a large enough unit to be able to heat and cool the building more efficiently. It will also bring more outside air in when needed. There are CO2 sensors in the unit to sense when there is a larger crowd of people in the building.

The demo on the existing building is minor. The door between the arena and the addition will be left and covered with a barn type door. The existing restrooms will be demoed, the kitchen counters and equipment will be removed and replaced with a larger kitchen.

Per code, 1,200 people can fit in the room standing. Being one big open area, they assume that people can stand in the room as for a concert. Adding tables and chairs as needed for a wedding reception, reduces that down to 600-800 people. All exits must be sized by maximum occupancy which is based on square footage.

The exterior wrap-around porch will be an “add alternate”. It will be priced out separately and designed so that it can be added later if not done at the same time as construction. The entry will be done with stone piers with rough-hewn 6 x 6 posts and timber frame. There will be two covered entries within the base bid. Both entry doors will be the same size. The entry from the arena will be large enough to drive vehicles through for trade shows, etc. The door covering the arena door will be rather large and will hang from a rail. It will be made from lighter materials but will not be hard to move. The roll up door on the arena side will still be used and be able to be locked and another lock will be added to the barn door.

The roof plan ties into the existing building, and will have a single slope. The gutters, and downspouts are fairly large. They are still sizing the dry wells, so there might end up being three dry wells due to the volume of water that will come off of the roof. On the exterior, the building is 21 feet at the high end and 12 feet 8 inches at the lower end.

Mr. Caudle discussed the engineering of the building, from the reinforced steel, the footers, the tie beam connection for the large footer for the main structure of the building that is a concrete grade beam that is a mechanical fastener that ties in to all of the rebar of the footer that pulls all of that together. All the end columns and all the foundations do not have that tie beam. Color of the beams was discussed. Chance Wright suggested gray iron beams with white insulation that would not show the dust as bad.

There will be a gas water heater for the restrooms and standard urinals for the restrooms. They

did find out that they can't do flush valves unless a new water service is brought into the building. They can't get enough flow for the number of toilets specified, so the toilets will be the tank type toilets. There will be a new water heater with a recert pump on the hot water side.

Commissioner Pelton invited members of the public to come up to the table to review the blueprints and give comments or suggestions. Mr. Caudle gave a general overview of the project to the members of the public present and went through the project drawings with them.

The building will have a small P.A. system with Bluetooth. Mr. Caudle showed the members the outside elevations of the building and discussed that the porch may be added at a later date. Ken Meis asked if there were electrical outlets on the outside. There are a couple of outlets outside. The fair has some "Turtles" and there are other locations where there is power, such as at the Bingo pavilion. Floor mounted outlets have not been discussed but could be added to the drawings as there may be a need for them. Mr. Caudle will add this to the drawings.

Handicapped accessibility will be from the existing ramp and sidewalk.

Kathi Anderson asked Mr. Caudle when he thought the project could start.

Commissioner Bauder stated that there was a condition put on the gift of the money that the county must spend the money by July 1, 2023. The county could purchase the building with the gift funds by July 1, only if there is enough money. The amount of the gift is \$500,000. The county has agreed to budget \$500,000 for the project. If the project cost comes in at \$2 million, it is very possible that funding for the project will be \$1 million short.

The grant writer has written 6-8 applications with only one application being a maybe, all the rest have been "no". If the county can get the design, which the county is paying for, then when the grants start focusing on these types of community centers again, then the project could proceed. She is doing her best to raise more money, but unless the county will "open their wallet" the project cannot proceed.

Mr. Caudle said from a design standpoint, the building, the mechanical, architectural, plumbing, electrical, sitework everything will be done by the middle to the end of next month. Then at that point it will be ready for permits and bidding. Mr. Caudle said that the last building he did that was similar to this one, was a little bit larger than this one, but not air conditioned and just had minimal heat, just enough to keep the pipes from freezing, was about \$1.6 million.

Fund raisers such as a big calcutta could raise as much as \$500,000; or the commissioners could sponsor a Gala. Ken Meis said this was done at NJC when the Exhibit Center was built.

Chairman Pelton thanked the members of the public for attending.

Commissioner Bauder mentioned to Ken Caudle that the awning didn't go all the way to the building as it was supposed to.

**DISTRICT ATTORNEY FAML I OPT OUT DRAFT RESOLUTION** – Alan Samber presented a draft resolution that all counties in the 13<sup>th</sup> Judicial District will have to adopt to allow the District Attorney's Office to opt out of FAML I. The joint resolution will need to be

sent to administrators in all counties in the 13<sup>th</sup> Judicial District and adopted by those counties. All counties need to agree on the language of the resolution before any county adopts the resolution. Jennifer will send the resolution out with an email stating that all counties need to agree on the form and language of the agreement before any county adopts the resolution.

## **LOGAN COUNTY WATER CONSERVANCY DISTRICT OFFICIAL PLAN**

**PRESENTATION** – Matt Pollart, General Manager of Logan County Water Conservancy District (LCWCD) along with Brandon Mason, Board President, Carson Guenzi, Board Vice-President and District Engineer Danielle Haas met with the Board and gave a presentation on the District’s official plan.

Commissioner Pelton noted that he and Mr. Pollart and County Attorney Alan Samber and the LCWCD attorney had met to discuss the preliminary plan. Mr. Pollart noted that Tom Westfall, the Board’s Secretary and the Board’s Attorney Levi Williamson were unable to attend today.

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 – in a relatively small part of the watershed, there was a rain that was between 4” and 16” in that part of the basin. It created an incredible amount of water that came down. 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 project report. The report identified alternatives for flood mitigation, identified and solicited input from 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. 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 at that time than to take a chance and have to condemn the land at a later date.

In 2016, the LCWCD commissioned the 2016 Pawnee Creek Flood Alternatives Report. Daniel Hass noted that a public meeting was held after the 2013 flood. FEMA flew the whole South Platte River corridor using high resolution LIDAR data. 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. In order to approve a project, it has to be approved by the court. Public input was sought in order 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.

Twenty-seven project ideas were suggested, seventeen were developed into conceptual designs and costs were determined. 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. Also used as evaluation criteria, did the project have multiple-benefits, or recreational benefits, did it have private land impacts for project implementation and 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, Danielle and her team presented the 2022 Project Evaluation Report, evaluating each of those 17 projects that came out of that report. Of the top five projects, the number one project was the Pawnee Pass Dam Project at \$118,000,000. The Pawnee Creek Certified Levees project came in second at \$183,000,000.

The one project that could be paid for with funds that the District currently holds was a project

proposing weather and flow monitoring stations along the Pawnee Creek in Logan County for early warning and detection. The last project was submitted by the City of Sterling for improving the routing of Pawnee Creek flood flows was \$50,749,000.

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. The cost of the project was projected to be \$117,892,000 in 2021. This does not take into account today's inflation costs of approximately 10-20%. Bond Assessment Information was researched and a three-tiered bond assessment structure was applied similar to the Pueblo Conservancy District's bond structure. Loan terms and interest rates were studied. The highest tier properties - about 3,000-5,000 properties in Logan County would pay the most tax to build the project. This would amount to approximately \$1,200 per \$100,000 of appraised value. For example a \$300,000 home in Sterling would pay a tax bill of \$3,600 a year for 30-40 years. Obviously, the other 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.

As Pawnee Creek enters the county, the first station will give about 20 hours' notice for Sterling. Further down the creek, the bridge at Highway 14, Pawnee Pass, this station will give about 13 hours' notice. The next station at County Road 25 will provide at least six hours' notice. A station will be located at Sand Creek at County Road 33. 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. It would give four to six hours early warning to the town of Sterling. At the request of the Emergency Manager, two stations were added at Coyote Creek locations (County Road 63 and 91) where there has been historic road flooding south of Fleming. The station at County Road 91 will help the Phillips County Road Department be prepared for flooding events as it is within a mile of the Logan County/Phillips County line. The weather stations will measure water level, rainfall, and weather conditions. CDOT and Colorado Water have similar systems at Balzac and Messex.

The stations will transmit information to a base station in a location designated by the Logan County Emergency Manager. The system will notify or send alerts to designated personnel

when rainfall rates or flow levels exceed designated thresholds. A website can be created to view the data in real time. It can be a public-facing website if Logan County chooses. Larimer County and Weld County both have such websites.

The websites show data for rainfall, water level, water flow, weather, wind. All the sites in Larimer County are shown. Additionally, the monitoring stations are made to add on to. All sites would be in county road right of ways or state highway right of ways. The LCWCD has already been working with the state highway department.

A radar device looks down at the water level and sends that information in to the courthouse. Another type of device is a pressure transducer and measures the flow and sends over radio waves.

Upon completion of the plan, the Board of Directors anticipates dissolving the District pursuant to C.R.S. 37-3.5-101. The dissolution would include transfer of weather and flow monitoring system to Logan County, sale of all real property owned by the District at public auction, then these properties will be returned to the tax rolls. The District would then transfer all District funds to Logan County. The current estimate of District assets is \$3.5 million - \$4 million. The Board of Directors would request that the county set aside \$346,700 of funds to cover 10 years of weather monitoring system maintenance.

The Board discussed that the LCWCD tax was not voted on by the public and was tied to the land. If it was raised by mill levy it would need to be returned to those property owners.

The Board agreed that the weather stations were a good idea.

Commissioner McBride noted that he had deputies stationed at various locations in the county along the creek at the time of the 1997 flood as there were no other early warning methods available.

Commissioner Bauder asked if a portion of the funds could be set aside used for victims of future flooding events. There is a possibility that the county could be out of the FEMA flood insurance program sometime in the future.

The timeline for dissolution of the LCWCD Board begins this week. Notice must be published in the local newspaper three times beginning this week. A formal hearing will be held on November 29<sup>th</sup> and adoption will take place. Upon adoption, it will go before the court. The court will have to approve the plan. The court will be aware of the dissolution because it is in the plan. Upon the court's approval, the District will go through the process of listing the properties for sale and building the weather and flow monitoring system. It could be a year or more before the process is completed.

Commissioner McBride suggested that the LCWCD Board make recommendations as to what to do with the excess funds at the time of the return of the funds. It is possible that when the funds are returned to the county, there will be an entirely new Board of Commissioners and the LCWCD will need to make another presentation before the Commissioners.

Board member Brandon Mason noted that the District was formed in the wrong way to go about

building the dam. Because people are already paying the levy and landowners in that area would have to pay the tax for the dam as well. Also, inflation of the cost of the dam project at \$117,000,000 is an old number. To build it now with inflation would be much higher.

The Pawnee Creek flood events could be every 30-35 years.

Mr. Pollart distributed a fact sheet put together by the District. Approximately \$4.3 million in taxes was collected by the LCWCD District. Right now, what the District has in the bank, plus the value of the property is approximately \$3-\$4 million. The District hopes to return almost as much as it collected and fund the monitoring stations.

**BUILDING PERFORMANCE BENCHMARKING COMPLIANCE NOTICE –**

Commissioner Pelton noted that Chance Wright is already aware of this notice for the Justice Center and has already taken care of it and filled out the paperwork. This was a Colorado bill for energy code standards. Any building over 50,000 square feet or larger needs to meet compliance standards.

**LOGAN COUNTY TREASURER’S DEEDS** - Patty Bartlett left the Treasurer’s Deed applications in Byron’s mailbox. The Board agreed that they would not sign the requests for the deeds as they would have to pay lot rent for the junk trailers.

**LOGAN COUNTY AMBULANCE COLLECTION ASSIGNMENTS** - Commissioner McBride moved to approve assignment of a Logan County Ambulance debt collections account to Wakefield and Associates, the account number ending in 3001 and allow the Chairman to sign. Commissioner Bauder seconded, and the motion carried 3-0.

**JOINT RESOLUTION OF COUNTIES IN 13<sup>TH</sup> JUDICIAL DISTRICT FOR DA FAMILI OPT OUT** – Alan Samber drafted a resolution for the Board to consider. The resolution needs to be sent out to the other six counties in the 13<sup>th</sup> District for them to look at. All of the counties will need to be contacted. All counties need to agree on the language of the resolution before any county adopts it. Jennifer will email it to all the counties.

**GARY DESOTO BUILDING** – Alan Samber noted that the Hard Core Vanners group using the fairgrounds next July was requesting use of the Gary DeSoto building in addition to the buildings on the fairgrounds. The Gary DeSoto Board of Directors has denied the request. The alternative would be the kitchen facilities in the Exhibit Center.

The Board will extend an invitation to the DeSoto Board of Directors to discuss the contract and ask them why they would not let the Vanners use the building. The county has not been funding repairs for the building due to the DeSoto Board’s management of the county building. The Emergency Manager asked permission for the building to be a storm shelter and was denied. Alan Samber stated that the DeSoto Agreement should be void because it is illegal. The Board would like to discuss abolishing the agreement. Jennifer will work on setting up a meeting between the Commissioners and the DeSoto Board.

There being no further business to come before the Board, the meeting adjourned at 12:04 p.m.