

Commission Members Present: Dan Herlihey, Gary Hausman (Chair), Gene Packer, Larry Roos, John Butler, Randy Williams, Sean Cronin, Stephanie Fancher-English

Commission Members Absent: Tom Vail

Council Liaison: Steve Olson

City Staff Members Present: Brieana Reed-Harmel, Christine Schraeder, Courtney Whittet, Derek Turner, Jim Lees, Joe Bernosky, John Beckstrom, Leslie Moening, Larry Howard, Nathan Alburn, Ryan Greene, Ryan Van Pelt, Tanner Randall, Tom Greene, Tracey Hewson

Guest Attendance: Jane Clevenger, Pat O'Brien, Kyle (will not give last name), Kieran Murphy, Pat O'Brien, Dick Mallot, Nancy Garcia, Don Hendrix

CALL TO ORDER: Gary Hausman called the meeting to order at 4:00 pm.

APPROVAL OF MINUTES: Hausman asked for a motion to approve the minutes of the December 19, 2018 meeting.

Motion: Dan Herlihey made the motion to approve the minutes.

Second: John Butler seconded the motion. The minutes were approved unanimously.

CITIZENS REPORT

INFORMATION ITEMS

Item 1: Water Supply Update

Raw water supply update.

Information Item only. No action required.

CONSENT AGENDA

Item 2: Modulating Valve Vault Modifications Construction Contract Award

The purpose of this item is to award a construction contract to the lowest qualified bidder for the Modulated Valve Vault Modifications.

Recommendation: Adopt a motion to award the contract for the Modulated Valve Vault Modifications to RN Civil Construction in an amount not to exceed \$677,400.00, which includes Base Bid + Add Alternates and authorize the City Manager to execute the contract on behalf of the City.

Item 3 Pulled from Consent Agenda by John Butler and moved to Regular Agenda.

Motion: Dan Herlihey made the motion to accept remaining consent agenda items as written.

Second: John Butler seconded the motion.

REGULAR AGENDA

Item 3: Applications for Section 131 Contract(s) for 12 C-BT Units – Ryan Van Pelt

The City acquired 12 units of C-BT last year from a transfer from Sylvan Dale Ranch, LLP. These units are currently under two separate Temporary Use Permits and they should be converted to a Permanent Section 131 Contract(s) at the Northern Colorado Water Conservancy District (Northern Water) Board meeting on March 14, 2019.

Recommendation: Approve a motion recommending that City Council adopt a resolution authorizing the Director of the Department of Water and Power to sign the application for the Section 131 Contract(s) relative to 12 acre ft of C-BT water and execute any documents required to effectuate such contract.

Motion: Dan Herlihey made the motion to approve the item.

Second: John Butler seconded the motion. The item was approved unanimously.

Item 4: Acceptance of three shares of South Side Ditch Company into the Water Bank – Nathan Alburn

The O'Hara Settlement Agreement (Agreement) (discussed during the October 17, 2018 LUC) has been fully executed as of January 4, 2019. Item three within the Agreement indicates that South Side Ditch Company (South Side) will submit an application to LUC to transfer to City's Water Bank three shares:

Two (2) South Side shares associated with South Side Stock Certificate No. 2846;

One (1) South Side share that was previously associated with South Side Stock Certificate No. 2706;

Recommendation:

Adopt a motion recommending that City Council approve the proposed changes to Title 13.04.205 and Title 13.08.101 of the Loveland Municipal Code.

Chairman Gary Hausman is a shareholder in the South Side Ditch Company and recused himself from voting.

Motion: John Butler made the motion to approve the item.

Second: Sean Cronin seconded the motion. The item was approved 7-0 with 1 abstention.

Item 5: Fiber Management Intergovernmental Agreement with Platte River and Acceptance of Transfer of Fiber Assets – Brieana Reed-Harmel

The Platte River Power Authority (Platte River) Board adopted resolutions on September 27, 2018 authorizing the transfer of title to Loveland of the local fiber optic loop constructed in Loveland for the purposes of electric operations. A condition precedent to the transfer of the assets is the execution of an intergovernmental agreement (IGA) between Platte River and the City addressing fiber management. This IGA was presented on January 9, 2019 to the Loveland Communications Advisory Board (LCAB) with a unanimous recommendation and then will be presented to City Council for consideration at the February 19, 2019 meeting.

Recommendation: Adopt a motion recommending that City Council approve a resolution authorizing the City Manager to execute an Intergovernmental Agreement for Fiber Management between Loveland and Platte River Power Authority and approving the City Manager's acceptance of Platte River Power Authority's transfer to the City of Loveland the one hundred and thirty-two strands of excess fiber and associated assets located within the Loveland local fiber optic loop.

Motion: Dan Herlihey made the motion to approve the item.

Second: John Butler seconded the motion. The item was approved unanimously.

Item 6: Proposed Modifications to the Platte River Power Authority (PRPA) Organic Contract and Power Supply Agreement – Joe Bernosky

The Platte River Power Authority (Platte River) Board adopted resolutions on September 27, 2018 authorizing the transfer of title to Loveland of the local fiber optic loop constructed in Loveland for the purposes of electric operations. A condition precedent to the transfer of the assets is the execution of an intergovernmental agreement (IGA) between Platte River and the City addressing fiber management. This IGA was presented on January 9, 2019 to the Loveland Communications Advisory Board (LCAB) with a unanimous recommendation and then will be presented to City Council for consideration at the February 19, 2019 meeting.

No Recommendation at this Time: A discussion to get a sense of the Commission on the proposed changes to the Organic Contract. This item will be presented again for a motion at the February 20, 2019 meeting.

John Butler: Does this put us more in line with the non-caveats in regards to zero carbon? Two of the terms help us move towards Zero Carbon, moving towards the organized market and making solar more attractive

Larry Roos:

Randy Williams: Agreed with John Butler

Sean Cronin: Seems like a good thing, mostly looking to the future and ensuring that we are structurally aligned with the contracts. Maybe not if the PRPA Board or the other communities have concerns or thoughts on the language, have we gotten to this point with compromise or is it generally a consensus?

COMMISSION/COUNCIL REPORTS

Item 7: Commission/Council Reports

Discuss events that the Loveland Utility Commission Board members attended, special topics and any City Council items related to the Water and Power Department from the past month.

Dan Herlihey:

Gene Packer:

Gary Hausman: Regarding the Fort Collins Water Board Work Plan: Would we like to do a plan or do we want to integrate our goals with 2018 goals, the Mayor's proposed goals and/or staff goals.

John Butler: Regarding Goals/Work Plan: What we are talking about is long term guiding principles regarding population and where we need to be.

Larry Roos:

Randy Williams:

Sean Cronin: Regarding Goals/Work Plan: Not necessarily goals, but guidance when we are voting on items of where do we want to go, what is the time horizon

Stephanie Fancher-English: Regarding Goals/Work Plan: The goals could speak to our long-term strategic plan, but the goals seem to be more 1-2 years where a strategic plan is long term. Any strategic plan will need to survive City Council changes.

Tom Vail:

Council Report: Strategic Planning Structure and how the Boards and Commissions will be incorporated will be discussed at the City Council Retreat on Saturday, January 26th at the Rialto, it would be a good meeting for members to attend.

DIRECTOR'S REPORT

Item 8: Director's Report – Joe Bernosky

ADJOURN The meeting was adjourned at 5:51 pm. The next LUC Meeting will be February 20, 2019 at 4:00 pm.

Respectfully submitted,

Courtney Whittet

Recording Secretary

Loveland Utilities Commission

/s/ Gary Hausman, LUC Chairman