

Commission Members Present via Zoom: Dan Herlihey, Don Cook, Gary Hausman (Chair), Gene Packer, John Butler, Randy Williams, Richard Rhoads, and Stephanie Fancher-English.

Commission Members Absent: None.

Council Liaison Present via Zoom: Steve Olsen.

City Staff Members Present: Bill Crowell, Christine Schraeder, Derek Turner, Jim Lees, Joe Bernosky, John Beckstrom, Kim O'Field, Larry Howard, Lynn Valdez, Michelle Erickson, Nathan Alburn, Roger Berg, Ryan Van Pelt, and Yarani Vazquez.

Guest Attendance: Dan Ormesher, Gail Bernhardt, Jeff B, and Leslie Moening.

CALL TO ORDER: Gary Hausman called the meeting to order at 4:01 PM.

APPROVAL OF MINUTES: Hausman asked for a motion to approve the minutes of the July 15, 2020 meeting.

Motion: Dan Herlihey made the motion.

Second: Richard Rhoads seconded the motion. The minutes were approved unanimously with a **6-0 vote**, *Gene Packer and Stephanie Fancher-English were not yet at the meeting.*

CITIZENS REPORT

None.

INFORMATIONAL ITEMS

Item 4.1: Financial Report Update – Jim Lees

This item summarizes the monthly and year-to date financials for July 2020.

Recommendation: Information item only. No action required.

REGULAR AGENDA

Item 5.1: Windy Gap Firing Project Allotment Contract – Larry Howard

The City of Loveland is an original participant in the existing Windy Gap Project, dating back to the 1960s. Loveland owns 1/12 of the water developed by the project, representing 4,000 acre feet of yield for the City. These water rights are junior in priority and do not reliably yield raw water without storage. The Windy Gap Firing Project plans construction of storage at the Chimney Hollow site just west of Carter Lake to provide that storage. An Allotment Contract describes the City's rights and responsibilities before and after completion of construction, and commencement of project operations.

Recommendation: Adopt a motion recommending that the City of Loveland, by and through its Water Utility Enterprise, execute the Windy Gap Firing Project Allotment Contract with the Windy Gap Enterprise Project of the Municipal Subdistrict, Northern Colorado Water Conservancy District for construction and use of 10,000 acre-feet of raw water storage in Chimney Hollow Reservoir in substantially the form presented.

Motion: Herlihey made the motion.

Second: Randy Williams seconded the motion. The motion was approved unanimously with an **8-0 Vote**.

Item 5.2: Proposed Amendments to Title 19, Section 19.04.020 - Water Rights Required For Development – Nathan Alburn

The Water Division Staff have received several requests to review and consider changing the time of dedication of raw water requirements for residential development described in the City's current Municipal Code. The current Code requires that the residential water rights requirements be satisfied prior to the approval of the final plat. The proposed change would give applicants three different options for the timing of this water rights payment: 1) Prior to the approval of the final plat, 2) In phases of multiple lots within a development as designated in a development agreement, 3) Prior to the issuance of the building permit. Staff recommends amending the Municipal Code to allow these new options.

Recommendation: Adopt A Motion Recommending That City Council Approve The Proposed Revisions To Section 19.04.020 of The Loveland Municipal Code as Described in the Attached Redline.

Motion: Herlihey made the motion.

Second: Don Cook seconded the motion. The motion was approved unanimously with an **8-0 Vote**.

Item 5.3: Idylwilde Phase 3 Channel work and Parking Lot – Christine Schraeder

As we all know, the flood of 2013 destroyed our Idylwilde Hydro Facility, and I have been moving through the process of surrendering our license to FERC (Federal Energy Regulatory Commission). Phase 3 of this rather large endeavor involves restoring a portion of the channel that the Forest Service has determined was damaged by the many decades that the river was dammed for the purpose of creating a reservoir for our hydro plant. It also involves the restoration of the parking lot that was used at the dam site for recreational and service purposes.

Recommendation: Adopt A Motion Recommending That LUC Award The Contract For Construction Of Phase 3 Idylwilde To L4 Environmental In An Amount Not To Exceed \$878,665.75 And Authorize The City Manager To Execute The Contract On Behalf Of The City, Following Consultation With The City Attorney, And To Modify The Contract In Form Or Substance As Deemed Necessary To Protect The Interests Of The City.

Motion: Herlihey made the motion.

Second: John Butler seconded the motion. The motion was approved unanimously with an **8-0 Vote**.

STAFF REPORTS**Item 6.1: Loveland's Acquisition of 413 acre-feet of Additional Storage in Chimney Hollow Reservoir Project – Ryan Van Pelt**

City's Acquisition of an additional 413 acre-feet of storage in the Chimney Hollow Reservoir Project (a.k.a., Windy Gap FIRMING Project), which will bring the City's total participation in the project from 9,587 AF to 10,000 AF.

Recommendation: Staff item only. No action required.

COMMISSION/COUNCIL REPORTS**Item 8.1: Commission/Council Reports**

Dan Herlihey: None.

Don Cook: None.

Gary Hausman: None.

Gene Packer: Packer questioned if there was an update regarding water quality related to the fire going on in the canyon. Bernosky said that this may true, and he will have more information in the future regarding impacts.

John Butler: Questioned regarding if there was an additional member to join the LUC.

Randy Williams: None.

Richard Rhoads: None.

Stephanie Fancher-English: None.

Council Report: Councilor Olsen discussed several items that were at recent City Council meetings. An Ordinance amending Section 13.08.130 of the Loveland Municipal Code to prohibiting discharges of hazardous substances into the sanitary sewer system was passed. An Ordinance amending various Sections of Chapter 13.10 of the Loveland Municipal Code concerning the Wastewater Pretreatment Program was passed. An Ordinance amending Section 19.06.065 of the Loveland Municipal Code to allow the installation of irrigation booster pumps if approved by the direction of the Water and Power Department was passed.

DIRECTOR'S REPORT

Item 9.1: Director's Report – Joe Bernosky gave an update regarding COVID-19 issues and the Department. Bernosky also provided an update on the CIS Database project. Examples will be provided soon. Bernosky said to plan to view the Raw Water Master Plan at the October LUC Meeting.

Bernosky said that the Colorado Water Congress will be holding a virtual 2020 Summer Conference this year beginning August 25, 2020 and will continue for four weeks. Conference sessions will be held on Tuesdays and Thursdays starting at noon with the workshop sessions also being held on Tuesdays and Thursdays starting at 3 pm. Both conference and workshop sessions will run approximately 60-75 minutes. The conference agenda and registration details are located at their website along the following path: <https://www.cowatercongress.org/summer-conference.html>. Please e-mail Lynn Valdez as soon as possible if you would like to attend.

Upon request, an update on Pulse was provided by Bernosky who said that Pulse is going surprisingly well. Pulse did exceed 100 subscribers last week, which is a great start. The numbers continue to increase. There have been a few hiccups during construction.

ADJOURN: The meeting was adjourned at 5:39 PM. The next LUC Meeting will be September 16, 2020 at 4:00 pm.

Respectfully submitted,
Lynn Valdez
Recording Secretary
Loveland Utilities Commission /s/ Gary Hausman, LUC Chairman