

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

LUC Commission Members Absent: John Butler (excused).

Council Liaison Present: Rob Molloy and Steve Olson.

City Staff Members Present: Alan Krcmarik, Bill Crowell, Brian Gandy, Cree Goodwin, Derek Turner, Jim Lees, Joe Bernosky, John Beckstrom, John Faulkner, Frank Lindauer, Kim O'Field, Michelle Erickson, Larry Howard, Lynn Valdez, Nathan Alburn, Roger Berg, Ryan Van Pelt, Steve Adams, William Ullom, and Yarani Vazquez.

Guest Attendance: George Latour, J Brunell.

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

Item 2.1: Approval of Minutes – Gary Hausman

This item requested a motion to approve the minutes of the November 18, 2020 meeting.

Recommendation: Adopt A Motion to Approve of the Loveland Utilities Commission Meeting Minutes From November 18, 2020.

Motion: Dan Herlihey made the motion.

Second: Gene Packer seconded the motion. The minutes were approved unanimously with a **7-0 vote**.

Bill Szmyd did not vote on this item as he was not yet a Commissioner during November 2020.

Item 2.2: Introduction to New Commissioner, Bill Szmyd – Gary Hausman

The Loveland Utilities Commission (LUC) Chair, Gary Hausman; City Council Liaison, Steve Olson; and the Director, Joe Bernosky, interviewed a candidate that applied to serve on the LUC. The candidate, Bill Szmyd was interviewed on November 23, 2020 via Zoom meetings. Bill graduated from Poudre High School and moved to Loveland in 1988. Bill served as a Mechanical Engineer in the High Tech Industry for over 40 years. He retired from Sysco Systems in 1998 where he served in a Director's role. For more information, view the agenda packet item 2.2.

Recommendation: Information Only. No Action Required.

CITIZENS REPORT

None.

INFORMATIONAL ITEMS

An Introduction took place to introduce the new Water Resources Manager that will be replacing Larry Howard. His name is Todd Hanlin.

Item 4.1: Financial Report Update – Jim Lees

This item summarized the monthly and year-to date financials for November 2020.

Recommendation: Information Only. No Action Required.

CONSENT AGENDA

Item 5.1: Contract Award to Colorado Boring for 2021 Indefinite Delivery Boring Projects – William Ullom

The purpose of this item is to award a one-year contract to Jacobs Investments LLC dba Colorado Boring for 2021 Indefinite Delivery Boring Projects. The City may request to renew this contract for up to four (4) additional one-year periods using the Denver consumer price index for possible unit price adjustments each year.

Recommendation: Adopt A Motion Recommending That The LUC Award 2021 Indefinite Delivery Boring Projects Contract To Jacobs Investments LLC dba Colorado Boring In An Amount Not To Exceed \$900,000.00 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: Packer seconded the motion. The motion was approved with a **7-0 Vote**.

Bill Szmyd abstained.

Item 5.2: Contract Award to GE Construction, Inc. for 2021 Indefinite Delivery Substructure Projects – William Ullom

The purpose of this item is toward a one-year contract to GE Construction, Inc. for 2021 Indefinite Delivery Substructure Projects. The City may request to renew this contract for up to four (4) additional one-year periods using the Denver consumer price index for possible unit price adjustments each year.

Recommendation: Adopt A Motion Recommending That The LUC Award 2021 Indefinite Delivery Substructure Projects Contract To GE Construction, Inc. In An Amount Not To Exceed \$1,500,000.00 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: Packer seconded the motion. The motion was approved with a **7-0 Vote**.

Bill Szmyd abstained.

REGULAR AGENDA

Item 6.1: LUC Resolution Recognizing the Market Value of One Unit of Colorado-Big Thompson Project Water – Nathan Alburn

This item presents an updated evaluation of the City of Loveland's (City's) Cash in Lieu (CIL) price charged to satisfy water rights required for development, based on data on the market price of one Colorado-Big Thompson Project (C-BT) unit.

Recommendation: Adopt a Motion Recommending That LUC Approve Resolution R-01-2020U recognizing the City's Current C-BT Market Value at \$59,609/unit.

Motion: Herlihey made the motion.

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

Item 6.2: Water Reclamation Facility (WRF) South Entry Gate Improvements (Change Order to Garney Construction) – Brian Gandy

The purpose of this item is to award a construction contract to the lowest qualified bidder for the Water Reclamation Facility (WRF) Administration Building Remodel (Project No. W2005G).

Recommendation: Adopt A Motion To Award The Construction Contract For The Water Reclamation Facility Administration Building Remodel To Taylor Kohrs In The Amount Not To Exceed Of \$807,340.00 And Authorize The City Manager To Execute The Contract On Behalf Of The City.

Motion: Herlihey made the motion.

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

COMMISSION/COUNCIL REPORTS

Item 7.1: Commission/Council Reports

Bill Szmyd: None.

Dan Herlihey: Herlihey mentioned a citizen that came to City Council to express concern with fluoridation. He wanted to know the schedule of that, and Bernosky addressed that in his Director's Report. Herlihey also asked what level of testing is being done for the covid virus in the wastewater. Bernosky addressed that in his Director's Report.

Don Cook: Cook appreciated the Public Power Appreciation video.

Gary Hausman: None.

Gene Packer: None.

John Butler: Absent.

Randy Williams: None.

Richard Rhoads: None.

Stephanie Fancher-English: Fancher-English requested information about the Windy Gap Issue. Bernosky address that in his Director's Report.

Council Report: Councilor Steve Olson discussed the approval by City Council for the monitoring of the Big Thompson River. This item was approved on December 15, 2020 by City Council. Three Council meetings were spent on the vaping issue. There was a difference of opinions, and additional meetings with businesses and citizens will take place. This item will go to City Council on February 16, 2021. **Olson** also said that City Council is working on the 2021 budget. **Olson** said that most citizens do not agree with the recommendation to increase sales tax. He explained that some dramatic cuts will need to take place within the City. Water and Power is fairly safe from this, the general fund will take the biggest cuts. Furthermore, **Olson** said that Covid has really shut down a lot businesses. City Council will address what the City can do to help our businesses get through this. **Olson's** big push was for the City and the County to become advocates to the Governor. His focus is to get these businesses open. He is pushing hard for them to petition the governor to let us monitor Larimer County. At the last City Council meeting, City Council directed staff to bring recommendations. In addition City Council earmarked \$750K to be allocated to businesses. The Economic Development Department will review the applicants and qualify businesses for money to be allocated to help save them. The amount of money is not fixed, but will be determined by how many businesses submit applications. **Olson** asked that everyone please continue to support our restaurants.

Councilor Rob Molloy added that City Council has been working past midnight to get some of these items approved and caught up. **Molloy** said the vaping issue did include a lot of comment, and they are working hard to get through these items. City Council will also hold Special Meeting on the January 22, 2021 to get through more items. He said that a lot of City Council meetings have turned from Study Sessions to Special Meetings.

DIRECTOR'S REPORT

Item 8.1: Director's Report – Joe **Bernosky** provided an update on the Water Reclamation Facility gate. The contract was approved by LUC, but as it went through the City's routing process, they felt that staff has misinterpreted the policy, and the contract did not go through. The contract will now go through the bidding process, and it will come back to the LUC in the future. **Bernosky** discussed **Attachment A**, responses to the criticisms concerning the 2020 Integrated Resource Plan, and he also provided an update regarding Platte River Power Authority.

Bernosky would also like to inform the Commission that staff will provide a Utility Application Services Presentation in January 2021.

Registration is now open for the 2021 Colorado Water Congress (CWC) Virtual, Annual Convention. The format will be over two days running from 8:00 a.m. to about 2:00 p.m. The Convention dates will be Tuesday, February 9th and Friday, February 12th. The Water Congress Board has set a priority to ensure the event is affordable for all members and is encouraging as much participation as possible. The standard rate will be \$175, and the City will pay for LUC members to attend. The structure for the program is now posted on the website. They are finalizing program topics and expect to have a more detailed outline posted early next week. Those wishing to attend should contact Lynn Valdez for registration.

Bernosky said that direction is coming from City Council regarding the topic of fluoride in the water. This topic will come to the LUC meeting in March 2021.

Bernosky also said that covid sampling in wastewater is in progress, and Water and Power is not sure what the data will be used for at this time. Information will be communicated to the LUC as testing progresses.

Bernosky gave good news on the Windy Gap item saying that the District Court did reject the plaintiffs claim for the lawsuit on the Windy Gap Firing Project. We hope they don't appeal, but it is very hard to say what the outcome will be.

ADJOURN: The meeting was adjourned at 5:24 p.m. The next LUC Meeting will be January 13, 2021 at 4:00 p.m.

Respectfully submitted,

Lynn Valdez

Recording Secretary

Loveland Utilities Commission /s/ Gary Hausman, LUC Chairman