

Commission Members Present: Bill Smyzd, Clinton O'Neill, Dan Herlihey (Vice Chair), Don Cook, Gary Hausman (Chair), Gene Packer, John Butler, Matt Elkins, Randy Williams, and Richard Rhoads.

LUC Commission Members Absent: N/A

Council Liaison Present: Councilor Steve Olson

City Staff Members Present:

Bill Crowell, Brian Gandy, Derek Turner, Frank Lindauer, John Beckstrom, Kevin Gertig (Director), Laurie Cecere, Lynn Valdez, Melanie Reeves, Michelle Erickson (zoom), Nathan Alburn (zoom), Roger Berg, Ryan Van Pelt (zoom), Tanner Randall, Yarani Vazquez.

Guest Attendance: Doug Luithly (Citizen).

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

Item 2.1: Adoption of Minutes – Gary Hausman

This item requested a motion to approve the minutes of the October 21, 2021 meeting.

Recommendation: Adopt A Motion to Approve of the Loveland Utilities Commission Meeting Minutes from October 21, 2021.

Motion: Dan Herlihey made the motion.

Second: John Butler seconded the motion. The minutes were **approved** unanimously with a **9-0** vote.

CITIZENS REPORT

Doug Luithly (Citizen) had issues with Colorado Boring Co. hitting his irrigation system. It was repaired, but it took almost 1 year to complete the work. He wanted to express his concern that we are looking to continue their contract. Water and Power Director, **Kevin Gertig**, thanked **Luithly** for his attendance and will look into the matter.

INFORMATIONAL ITEMS

Item 4.1: Electric Legislative Update – Laurie Cecere

This item and Attachment A are intended to give a brief update on electric-related legislation at both the state and federal level. Loveland Water and Power works closely with Platte River Power Authority (PRPA) and its sister cities but relies primarily on the Colorado Association of Municipal Utilities (CAMU) for information on electric-related legislation.

Recommendation: Information Only. No Action Required.

Item 4.2: Financial Report Update – Jim Lees

This item summarizes the preliminary monthly and year-to-date financials for October 2021.

Recommendation: Information Only. No Action Required.

Item 4.3: Water Supply Update – Ryan Van Pelt

This item provides the raw water supply update.

Recommendation: Information Only. No Action Required.

Item 4.4: Water Law and Legislative Update – Derek Turner

This item provides a brief update on:

- (1) Water-related legislation introduced or under discussion by the Colorado General Assembly during the legislative season;
- (2) Water court developments or items of interest in District 4 of Water Division 1 (The Big Thompson and Little Thompson River basins);
- (3) Colorado or Loveland-related water news.

This format and item is new to the LUC packet in November 2021.

Recommendation: Information Only. No Action Required.

CONSENT AGENDA**Item 5.1: Contract Renewal Award to GE Construction, Inc. for 2022 Indefinite Delivery Substructure Projects – Frank Lindauer**

The purpose of this item is to award a one-year contract to GE Construction, Inc. for 2022 Indefinite Delivery Substructure Projects. The City may request to renew this contract for up to three (3) 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 2022 Indefinite Delivery Substructure Projects Contract Renewal to GE Construction, Inc. in an Amount Not to Exceed \$1,000,000.00 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: Dan Herlihey made the motion.

Second: John Butler seconded the motion. The motion was **approved** unanimously with a **9-0 vote**.

Item 5.2: Contract Renewal Award to Colorado Boring for 2022 Indefinite Delivery Boring Projects – Frank Lindauer

The purpose of this item is to award a one-year contract renewal to Jacobs Investments LLC dba Colorado Boring for 2022 Indefinite Delivery Boring Projects. The City may request to renew this contract for up to three (3) 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 2022 Indefinite Delivery Boring Projects Contract to Jacobs Investments LLC dba Colorado Boring in an Amount not to Exceed \$750,000.00 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: Dan Herlihey made the motion.

Second: John Butler seconded the motion. The motion was **approved** unanimously with a **9-0 vote**.

Item 5.3: Bus Barn and Taft Lift Station Improvements Contract Award to Hensel Phelps Construction Co. – Brian Gandy

The purpose of this item is to award a construction contract to the lowest responsible bidder for the construction of the Bus Barn and Taft Lift Station Improvements project (Project No. W2004G).

Recommendation: Adopt a Motion to Award the Contract for the Bus Barn and Taft Lift Station Improvements to Hensel Phelps in an Amount not to Exceed **\$1,492,000** and Authorize the City Manager to Execute the Contract on Behalf of the City.

Motion: Dan Herlihey made the motion.

Second: John Butler seconded the motion. The motion was **approved** unanimously with a **9-0 vote**.

REGULAR AGENDA**Item 6.1: 2021 Power Supplemental Budget Appropriation for the Power Utility – Jim Lees**

The purpose of this item is to ask the Loveland Utilities Commission to adopt a motion recommending that City Council approve the proposed supplemental budget appropriation to the 2021 budget for the Power Utility.

Recommendation: Adopt a Motion Recommending that City Council Approve the Proposed Supplemental Budget Appropriation to the 2021 Budget for the Power Utility.

Motion: Bill Smyzd made the motion.

Second: Dan Herlihey seconded the motion. The motion was **approved** unanimously with a **9-0 vote**.

COMMISSION REPORTS**Item 7.1: Commission/Council Reports**

Bill Smyzd posed a question to the Commission: Who has driven on 57th street between Taft and Wilson? There is approximately one half mile in either direction of grass along this street that will need to be watered between the street and sidewalk. **Smyzd** questioned whether it is appropriate for grass to be at the new subdivision, as we fear drought conditions in coming years. **Smyzd** wondered if the Commission should approach the Planning Commission regarding this landscape, as we fear drought conditions in coming years.

Councilor Steve Olson agreed that it is a code issue to address. **Olson** would like to see more xeriscape. **Olson** suggested a letter to Development Services, as they are the group who ultimately sets the code.

Recommendation: Smyzd made a motion that the LUC send a recommendation letter to Loveland City Council to change or modify the use code to reduce or eliminate the grass strip between the street and the sidewalk.

Second: Matt Elkins seconded the motion. **Randy Williams** commented that he would like to see the suggested language at the next meeting before we send it to Council because it is a little outside the Utility Commission scope.

Recommendation: Randy Williams made a motion to table this recommendation until the next meeting.

Second: Dan Herlihey seconded the motion to table the issue until the next meeting. The motion was **approved** unanimously with a **9-0 vote**.

Clinton O'Neill: None.

Dan Herlihey: None.

Don Cook: None.

Gary Hausman hopes that **Councilor Steve Olson** applies to be our Council liaison again. **Hausman** has appreciated **Olson's** time with this Commission.

Gene Packer stated that Platte River Power Authority (PRPA) serves Estes Park, and that the recent fire may have been electrically caused. He requested an update regarding the fire at the next meeting.

John Butler: None.

Matt Elkins: None.

Randy Williams: None.

Richard Rhoads: None.

COUNCIL REPORT

Councilor Steve Olson updated the Commission on the City election results and the swearing in of two new Councilors. The Ward 4 Council race is still undecided with a one-vote margin. A sample recount of the ballots will determine the winner of that race. Pat McFall, in Ward 1, replaced Rob Molloy. Dana Foley is Ward 2. Steve Olson was re-elected to Ward 3. The Council had one order of business on November 9th to select the Mayor Pro Tem. There was some controversy as to whether or not Don Overcash should be re-elected, but he was ultimately chosen and continues to be the Mayor Pro Tem.

DIRECTOR'S REPORT

Item 8.1: Director's Report – Kevin Gertig

Kevin Gertig, Director of Water and Power, provided information regarding term expiration dates for current Commissioners.

ADJOURN: The meeting was adjourned at 4:38 p.m. The next LUC Meeting will be December 15, 2021 at 4:00 p.m.

Respectfully submitted,
Melanie Reeves
Recording Secretary
Loveland Utilities Commission /s/ Gary Hausman, Chair

