

Commission Members Present: Bill Szmyd, Dan Herlihey (Chair), Don Cook (Vice Chair), Gary Hausman, Gene Packer, John Butler, Randy Lee Williams, Richard Bilancia, Christopher Say

LUC Commission Members Absent: Matt Elkins

Council Liaison Present: Steve Olson

Council Liaison Absent: Jon Mallo

City Staff Members Present: Adam Bromley, Brian Waldes, Chad Birgenheier, Derek Turner, Jim Lees, Kevin Gertig, Lindsay Van Wyk, Melanie Reeves, Robert Freeman, Ryan Van Pelt, Todd Hanlin, Tracey Hewson

Guest Attendance: David Mills III, Roger Weidelman, Jocelyn Rowley

CALL TO ORDER: Dan Herlihey called meeting to order at 3:00 PM.

ADOPTION OF MINUTES

Item 2.1: Adoption of Minutes – Dan Herlihey

This item requested a motion to approve the minutes of the August 23, 2023 meeting.

Recommendation: Adopt A Motion to Approve of the Loveland Utilities Commission Meeting Minutes from August 23, 2023.

Motion: Gary Hausman made the motion.

Second: Don Cook seconded the motion. The minutes were **approved** unanimously with a 7-0 vote. *Bill Szmyd abstained from this vote as he was not present at the August 23rd meeting.*

CITIZENS REPORT

Item 3.1 Citizens Report

Mr. David Mills wanted to discuss residential solar rates and electric vehicles and he had 3 concerns:

1. He would like the city to review their fixed fee penalty for residential solar customers;
2. He would like to propose a financial incentive for residential solar systems that use batteries to store electricity for later usage;
3. He would like the City to consider a financial incentive for Electric Vehicle (EV) owners.

INFORMATIONAL ITEMS

Item 4.1: Water and Law Legislative Update – Derek Turner

This item provides a brief update on water-related legislation introduced or under discussion by the Colorado General Assembly during the legislative season, water court developments or items of interest in District 4 of Water Division 1 (The Big Thompson and Little Thompson River basins), and Colorado or Loveland-related water news.

Recommendation: Information Item Only. No Action Required.

Item 4.2: Financial Report Update – Jim Lees

This item summarizes the preliminary monthly and year-to-date financials for August 2023.

Recommendation: Information Item Only. No Action Required.

REGULAR AGENDA**Item 5.1: Line of Credit to the Downtown Development Authority – Brian Waldes**

The resolution being proposed to City Council requests approval of an intergovernmental agreement between the City and the Loveland Downtown Development Authority (the “DDA”) relating to the use of \$1 million dollars in proceeds of the City’s interfund loan from the Power utility reserve account for financing DDA projects and programs.

Recommendation:

Adopt a Motion Recommending that the City Council Approve the Intergovernmental Agreement Between the City and the Loveland Downtown Development Authority for a Line Of Credit of \$1 Million Dollars.

Motion: Don Cook made the motion.

Second: Gary Hausman seconded the motion. The motion was **approved** unanimously with an **8-0** vote.

Item 5.2: 2024 Water and Power Utility Rates, Charges and Fees – Jim Lees

The purpose of this item is to ask the Loveland Utilities Commission (LUC) to adopt a motion recommending that City Council approve the proposed changes to the Water and Power Utility Rates, Charges and Fees for 2024.

Recommendation: Adopt a Motion Recommending that City Council Approve the Proposed Changes in the Water and Power Utility Rates, Charges and Fees for 2024.

Motion: Don Cook made the motion.

Second: Bill Szmyd seconded the motion. The motion was **approved** with an **8-0** vote.

Item 5.3: Additions to Title 13 – Utilities of Municipal Code – Jim Lees

Title 13 of Municipal Code outlines many of the rates, charges, and fees of the utilities. Most of this section of code has not been modified since the 1980s and 1990s. City Council approves the schedule of rates, charges and fees at least annually through a resolution on two readings. This item proposes to revise a section of Municipal Code and add a new one, within Title 13, to clarify that the City Council’s schedule of rates, charges, and fees will include policies and procedures of the utility, and to specify that if there are any inconsistencies between any rate, charge or fee or between any policy, procedure or regulation, that the most recently adopted one shall control.

Recommendation: Adopt a Motion Recommending that the City Council Approve an Ordinance Revising Section 13.02.110 and Adding a New Section 13.02.140 of the Loveland Municipal Code, as Proposed by Staff.

Motion: Don Cook made the motion.

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

Item 5.4: Additions to Title 13 – Water Vulnerability Task Force – Final Conclusions and Recommendations – Derek Turner and Todd Hanlin

The Water Vulnerabilities Task Force, a public body comprised of three LUC members and a City Council member, recently received a public presentation from staff on the conclusions of Task Force investigations. Staff will summarize the presentation to inform the LUC of the Task Force's final conclusions and recommendations.

The LUC received abbreviated versions of all presentations received by the task force. In concluding the work of the Task Force, City staff and the task force recommended that the LUC review the conclusions and recommendations of the task force and then issue a resolution summarizing such conclusions and recommendations.

Recommendation: Adopt Resolution No. 2-2023U of the Loveland Utilities Commission Summarizing the Conclusions and Recommendations of the 2023 City of Loveland Water Vulnerability Task Force.

Motion: Don Cook made the motion.

Second: Gary Hausman seconded the motion. The motion was **approved** with an **8-0 vote**.

COMMISSION & COUNCIL REPORTS

Item 7.1: Commission Reports

Dan Herlihey: Dan Herlihey shared that he was able to participate on a survey crew that helped support the Chimney Hollow project around 40 years ago. Attending the Chimney Hollow tour last week was a full-circle moment for him.

Gene Packer: Gene Packer expressed his appreciation in participating on the LUC.

Bill Szmyd: Bill Szmyd requested further information regarding what we could do to mitigate the concerns regarding PFAS.

Don Cook: Don Cook appreciated the Chimney Hollow tour.

Gary Hausman: Gary Hausman expressed his concerns with the homeless situation in the downtown area.

John Butler: John Butler appreciated the Chimney Hollow Tour.

Matt Elkins: N/A.

Randy Williams: Randy Williams requested that we revisit the Cash-in-Lieu formula and the rationale behind it.

Richard Bilancia: Richard Bilancia also appreciated the Chimney Hollow Tour and learned a lot.

Christopher Say: Christopher thanked Director, Kevin Gertig for the presentation on wastewater master planning. He also thanked Melanie Reeves for arranging the tour to Chimney Hollow. Christopher expressed concerns regarding conflicting information from previous presentations from Northern Water and PRPA regarding climate change. Director Kevin Gertig responded to Christopher and committed to additional educational presentations from PRPA.

Council reports

Steve Olson: Councilor Olson expressed frustration with some of the citizens and groups that have been participating in council meetings. LFRA has requested a small sales tax increase. Olson briefly explained how the decrease in general funds due to the food tax could be assessed to various departments (if passed). Olson briefly touched on the homelessness situation in Loveland and future possible plans for the homeless population and the City's role in their support.

Jon Mallo: N/A.

DIRECTOR'S REPORT

Item 7.1: Director's Report – Kevin Gertig

1. Water Project Updates for August – see **Attachment A**.
2. Monthly Water Meter Sets (Growth Report for 2023) and Monthly Electric Meter Sets (Growth Report for 2023) – see **Attachment B**.
3. Thank you to everyone who participated in our Chimney Hollow Overlook tour last week! If you were unable to join us and want to visit Chimney Hollow on a different date, please [visit their website](#) and **sign up to receive notifications**. **Due to high demand, individuals are limited to one tour per season (April-October)**.
4. We received a letter to the Loveland Utility Commission regarding Fluoride in our drinking water supply – see **Attachment C**.
5. Per the Boards and Commissions handbook (**Attachment D**), work plans for the upcoming calendar year should be completed by Wednesday, November 1, 2023. Please see our 2023 work plan as **Attachment E**. Melanie will be asking for volunteers to attend a work session to give input to the work plan for 2024. If you are interested, please let her know. We will review a draft work plan for Commission approval at the October LUC meeting.

ADJOURN: The meeting was adjourned at 5:50 p.m.

Respectfully submitted,
Melanie Reeves
Recording Secretary
Loveland Utilities Commission /s/ Dan Herlihey, Chair

