



CITY COUNCIL ACTION FORM

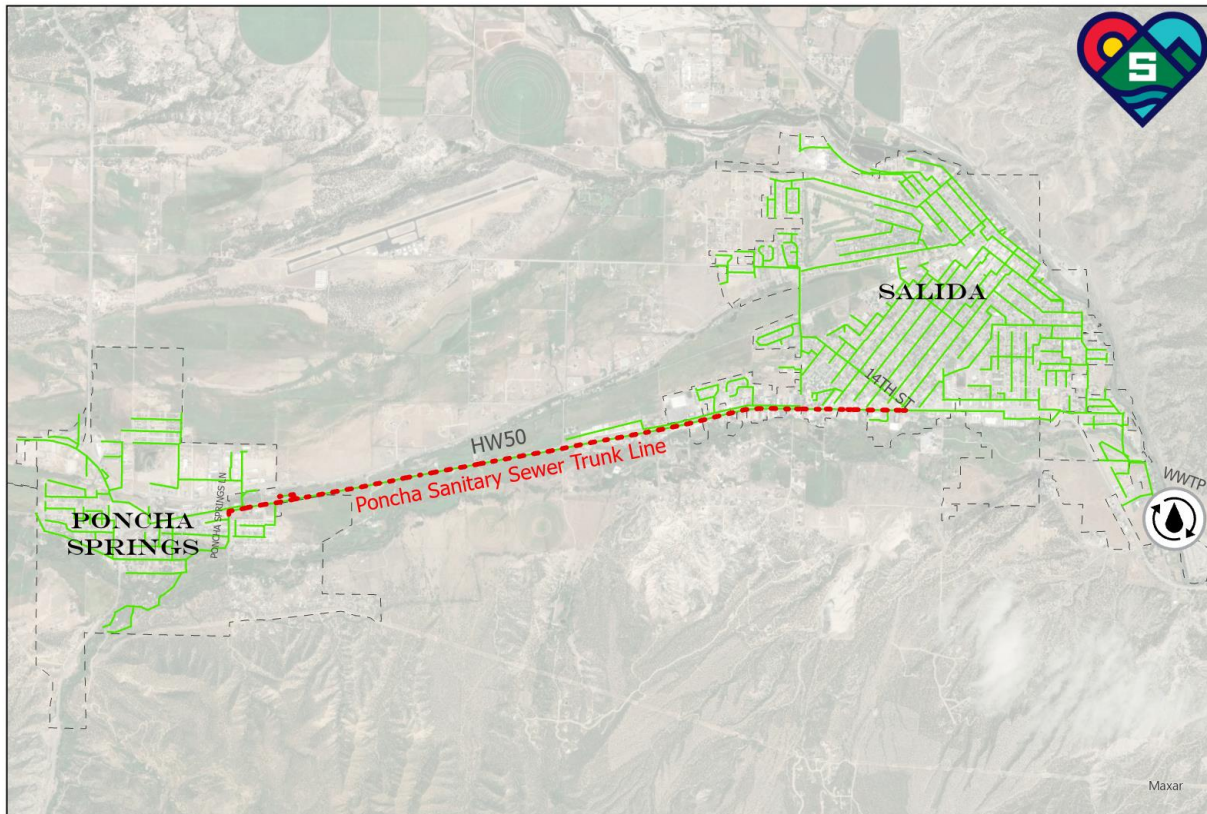
DEPARTMENT City Attorney	PRESENTED BY Nina P. Williams - City Attorney	DATE April 16, 2024
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ITEM

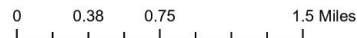
Attorney Report: Public update and summary regarding lawsuit brought by the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC against the City of Salida

UPDATE

The City Attorney will give a verbal update during the Attorney Report portion of the City Council agenda, regarding the lawsuit that the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC brought against the City of Salida, as well as summarizing and clarifying facts and historical perspective surrounding the matter, relating to the Poncha Sanitary Sewer Trunk Line:



*City of Salida, CO
 Poncha to Salida Sewer*





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DEPARTMENT	PRESENTED BY	DATE
City Attorney	Nina P. Williams - City Attorney	April 16, 2024

Section 7 of the IGA between the City of Salida and Town of Poncha Springs for Transfer of Sewer System states: "Poncha Springs' future development shall not be limited by the Sewer System, its construction, operation or maintenance, *provided that the costs of construction and expansion of the Sewer System are not paid for by the existing rate payers* **but that the costs are borne by the future development.**"

ATTACHMENTS

The following attachments are provided in the packet for informational and supplemental purposes:

- 1) March 3, 2020 City Agency Review regarding Tailwinds II annexation application and letter from Mayor PT Wood to Poncha Springs Town Board warning that this property was identified outside the planned municipal service area within the IGA, and that the Poncha Sewer Sanitary Trunk Line would need to be upsized.
 - o Mayor Wood concluded that the "*City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data be collected, analyzed, and discussed... This has far-reaching financial implications for rate payers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.*"
- 2) June 6, 2023 City Council Action Form and supplemental materials justifying Ordinance 2023-08, imposing a temporary moratorium on the acceptance, processing and approval of applications for connection to the wastewater system for those properties benefiting from the Poncha Interceptor and affected by its capacity limitations, and declaring an emergency