

Minutes  
Utility Committee Meeting  
August 23, 1989

Present: Mantlo, McCurry, Achen, Trainor, Wilson, Cheney

Agenda: Keith Clark ( Not able to attend)  
Horizon Townhomes: Report on meeting with Ute. Report on Meeting with Homebuilders

1. Horizon Townhomes: This situation was reviewed for the committee. Horizon Townhomes is within the City limits but also within the Ute Water Conservancy District. The existing City ordinance requires the developer to connect to the City system if practicable. options were reviewed for the committee to either 1. Connect the development to the Lake Side City system or 2. Purchase the Ute system up 12th street and connect them from that location. In both cases Ute has indicated that we are in violation of our contract with them because the Horizon Townhomes area is part of the Ute system and the City has no right to go in there and connect these people. Ute recognizes that if the City historically used to serve water to an area then the City, under the contract, can come in and serve. The "Mesa View I" is an example of this "rule". In the case of the City purchasing part of the Ute system up 12th Street Ute objects on the grounds that this is part of their overall looped system and can not be purchased by the City. Our legal Counsel pointed out that in one case we are calling upon the contract to purchase Ute's line up 12th while at the same time ignoring provisions of the contract which may prohibit the City from serving the townhomes area.

The committee, after discussion, determined that they would recommend to the balance of council that they would recommend that the City backoff of the Horizon Townhomes issues and pursue the "Mesa View III" issues with regards to water. One of the reasons is that the Horizon Townhomes developer needs an answer immediately in order to proceed with his development. The Mesa View situation is one where the City has its own lines in the area and the legal issues are a little more clearcut.

Mayor Mantlo asked that Council be called into session to discuss where the City ought to be going with regards to its water system. There are policy issues as well as budget issues. A meeting was set up with the Ute District board for Thursday evening in order to determine from them what their perceptions are of unification, the City ordinance, and cooperation/litigation might be.

Further discussion took place concerning the strategies to be undertaken. If unification is the goal, then our positions

and steps might be different than if the goal is not unification but protection and expansion of the City system.

Options could be:

status quo

Unification

Phase-in: Negotiated expansion of the City

Direct battle/litigation: Forced expansion

Buy out of the Ute system