

COUNCIL VOTES AGAINST CITIZENS' REQUEST TO RE-OPEN WATER POLICY

STORY & PHOTO BY
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Lake Mary Reserve,
as of the end of February

On February 3, the **Flagstaff City Council** voted not to reopen or further discuss its water policy, formerly titled *Principles of Sound Water Management*, which was adopted less than a year ago, last April. The refusal raises questions about consistency in revisiting newly adopted policies and highlights "irrational" fears among some council members in having important conversations about water.

On January 6, Flagstaff citizen **Rudy Preston** formerly submitted a **Citizen Petition** urging City Council to place on a future agenda a discussion to re-open the city's water policy. "I don't feel like it really got to the heart of a lot of the issues," Mr. Preston told Council. "You gave away your right ... to have any say in any huge water contracts to out-of-city developers. I feel this a very dangerous thing to do, and proved immediately correct," said Mr. Preston referring to the way in which the newly adopted water policy allowed **Utilities Director Brad Hill** to amend and administratively renew the **Arizona Snowbowl's** reclaimed wastewater contract with the city for 20 years without City Council discussion or public input.

Procedurally, a citizen can submit a petition to City Council to request an issue be discussed, or if a discussion should be pursued. If at least three Council members agree that the petition raises some important points suitable for the Council to discuss, it will be placed on a future agenda within 30 days. Such was the case with Mr. Preston's petition, which was supported by Vice Mayor **Celia Barotz**, and council members **Coral Evans & Eva Putzova**.

While it takes three council members to get the issue on a future agenda, it takes at least four members to vote on any action. During the City Council meeting on February 3, Item 15A, "Consideration to re-open discussion on the *Principles of Sound Water Management*," was the product of Mr. Preston's petition. The council's task that day was to vote over whether or not a discussion over the City's water policy should be pursued.

During the public comment period of the discussion, eleven Flagstaff citizens and one person representing the organization, **Friends of Flagstaff's Future**, spoke up about their concerns about how the City manages its water resources, and raised many questions for City Staff to consider. An additional twelve citizens submitted written comments. Citizens expressed concerns regarding the sale of water outside the City, the length of contracts, the process by which large water contracts are approved, the rate structure, and several water related issues they felt were emblematic of a lack of transparency and accountability. In addition, questions were also raised about the current water policy, much of which revolved around vague language.

Vice Mayor Barotz, and council members Evans & Putzova found merit in much of the public's concern, and asked a series of questions as well. [See these specific questions at the end of this article]. This led to a motion made by Ms. Putzova and seconded by Ms. Barotz to postpone to a future date the discussion of the water policy until after staff has answered the questions posed. The motion was voted down with **Mayor Jerry Nabours**, and council members **Scott Overton, Karla Brewster, & Jeff Oravits** voting no.

Mr. Nabours made a second motion that no specific direction should be given to staff other than to answer the questions posed by council members. The motion was seconded by Mr. Overton and favored by a 4-3 majority, with Vice Mayor Barotz and council members Evans, and Putzova voting no. Therefore, a serious discussion about the City's water policy was rejected. Ms. Barotz said the council's decision was shortsighted. Neither council members Oravits, Brewster, nor Overton responded to requests for comment, as of deadline.

"I voted against the Mayor's motion because I believe that as leaders of a geographically isolated community in the Southwest that relies exclusively on groundwater and surface water, the Flagstaff City Council should recognize the responsible thing to do is to not be afraid to ask questions about the water policy we adopted in April 2014," said Ms. Barotz.

During the public comment period, many citizens cited the recent study featured in local and national media news outlets about the scientifically-informed prediction of "mega-droughts," which will reportedly become widespread and frequent in our area in the decades to come. Councilmember Evans noted the severe water shortage neighboring Williams is currently facing just 32 miles west of Flagstaff. "Since water is rapidly becoming a critical issue," said Ms. Barotz, "the public deserves answers in a city council meeting, which could then set the stage

for an educated conversation about whether the policy, as written, is clear and whether certain policies should be revisited."

When Mr. Nabours was pressed to answer why he made the motion, he said there is "no intention to preclude the public," he said. "When there is a specific proposed action, for example a proposed change to a specific section, then it can work its way on to the agenda and will be considered ... just to say we want to revisit the water policy is too vague for me," he said, adding, "keep in mind, we had numerous public meetings before we adopted the water policy."

Council members Overton and Brewster similarly stated there were numerous meetings in which the water policy was discussed, and added the water policy itself was adopted less than a year ago. Mr. Overton said the water policy was "based on sound reason and logic by the council," he said. "I'm comfortable leaving the policy as is." Ms. Brewster similarly stated that the current water policy "has been vetted, and barely in place a year," she said. "We've had ten meetings on this ... let's give it a chance to work before we start taking it apart."

Ms. Evans quickly challenged the consistency of the council's treatment of some discussion over others, and cited lengthy and expensive adoption of the City's zoning code. When the zoning code was adopted, there were "480 different meetings with different stakeholders about the concept of zoning in the city. We had 10 meetings regarding water," she said. "The conversations we had about water were here, and meetings we had about the zoning code were all over the city."

Ms. Barotz agreed that the irony was unbelievable. Indeed, looking back, the Zoning Code — a set of laws that determine the process by which development can and can not take place within the city — was adopted prior to Mr. Nabours becoming mayor, and was the product of over \$800,000 in consulting fees, and several years of meetings both at City Hall and several locations within the city.

However, the first meeting after Mr. Nabours was sworn in, he sought to revisit the zoning code — specifically to make zoning easier for developers in regards to upfront costs. Like the water policy, the zoning code had been in place less than a year.

"We hadn't even had one rezoning case come through to even test the process we had established in the new zoning code," said Ms. Barotz after the meeting. Ms. Evans noted that "within the first twelve months of approving the zoning code, we reviewed and changed it twice ... and within the next 6 months, we're going to review that document and change it again," she said, then added, "for us to say it's been in place just a year and we should just let it play out, maybe we should have done that with the land development code that cost us a lot more money to produce."

Ms. Evans later said, "The *Principles of Sound Water Management* document was not provided an outside consultant nor given the same monetary resources as was the Zoning Code. This was definitely an 'in house' document," she said. "At the time that this document was approved by Council, it was clear this document was a 'good first step' in ensuring our City has water for future generations," she said. "Clearly a 'good first step' implies there will be more steps that follow."

Ms. Putzova pointed out every single citizen who came to speak that evening or wrote in were in favor of revisiting the water policy. Representing Friends of Flagstaff's Future, **Moran Henn** later said, "When 100% of public comments are in support of a request and when three members of council bring up very important questions, Council should allow this issue to go on a future agenda. Or at least they should give us the courtesy of letting staff provide answers at a public Council meeting. But they didn't even support that. It's interesting they were willing to look at other policies like the zoning code, and the sign code, but not willing to look at the water policy, which begs the question, what are they so afraid of?"

The political presence of The Arizona Snowbowl weighed heavily on the council chambers during this meeting. The ski resort was mentioned many times throughout public comments. Looking at Mr. Nabours campaign finance reports, he did receive financial contributions from both Snowbowl majority owner **Eric Borowsky** and Snowbowl General Manager **J.R. Murray**. And during public comments, one citizen brought to everyone's attention a large Arizona Snowbowl logo on Mr. Hill's work notebook — the sole city staff member given permission un-

Miss Ida said nothing, but her eyes flicked back and forth, as she watched the window.

After a particularly frustrating day of silence, Mary decided she wouldn't wait anymore. Every Thursday, Dot spent a night away from the mansion visiting relatives. It was the only time Mary was left completely in charge.

"Miss Ida, you need to go to bed early tonight. You need your rest," she said pulling the elderly woman out of her chair. "It's not time," Miss Ida protested. "Jack hasn't said goodnight yet."

"He can say goodnight upstairs. You're going to bed," Mary insisted.

Unable to resist the much younger woman, Miss Ida did as she was told. Once her patient was securely in bed, Mary raced upstairs to her own room. She hurriedly changed into dark clothing then made her way to the kitchen. She found a workable flashlight in one of the drawers. Next, she took a shovel from the shed. Complete with all the tools she needed, Mary headed to the ground in view of the parlor window.

The garden was as forlorn as the mansion. The untended rows were choked with thistles and weeds. An overgrown rose arbor split the half acre in two. On the far side was a stone mausoleum; the Montgomery family crypt.

"Jack's resting place," Miss Ida had informed her once.

Mary scanned the unruly patch with her flashlight. She walked in a zigzag manner to avoid the multiple holes already dug.

"Where do I start?" She waved her flashlight over the ground. When she did, a bit of yellow caught her eye. Mary bent down and picked up a small coin. She brushed the dirt off and gasped. It was a one-dollar gold piece minted in 1851.

"What do you know?" The coin was just like the others she stole from her last patient, Mr. Moore.

He hid gold coins in his garden, too.

"Stupid old man," she scoffed. Like Miss Ida, he made the mistake of telling Mary about the treasure he had buried in his garden. From then on, she made a point of wheeling him outside every day to "weed" his flowerbeds for him. It wasn't long before she found the small metal box full of old coins. Mr. Moore had been furious. He threatened to call the police.

She smiled at the memory. It was so easy putting him out of his misery. An overdose of insulin is rarely detected in an autopsy.

"This will make a fine addition to my collection," she slipped the coin into her pocket.

The night wore on. Mary's search took her through the garden right up to the old mausoleum. When she paused to consider her next move, she noticed a light had been turned on in the house. It shown through Miss Ida's parlor window.

"She's back in that chair." Mary charged towards the house.

The parlor doors were shut when she arrived. Mary shoved them open.

"Miss Ida, didn't I tell you..."

The room was empty. The lamp next to Miss Ida's chair however was lit.

Mary walked to the grand staircase and listened. The house was silent.

"I must have left the light on." It was the only plausible explanation. Mary returned to the parlor. She was about to turn the light off when an unusual noise distracted her. It was the sound of distant gunfire. Her eyes were drawn to the parlor window. She froze.

"It can't be. It's impossible."

The window was alive.

People were running past. Some carrying their possessions, others small children. Men on horseback with sabers drawn shouted orders. A bright flickering light shown behind the old mausoleum.

"Fire." Mary felt her legs weaken. She fell back into Miss Ida's chair. She watched the scene unfolding in the stained glass window too terrified to move.

"I must be losing my mind." She felt the room closing in.

Then she saw her — a lone woman dressed in a long black gown running against the mayhem. She was carrying a cloth bundle in her arms.

Mary sat up in the chair. "Great Grandmother Elizabeth."

She watched Elizabeth run through the garden to the left side of the mausoleum. She stopped and turned to face the Montgomery crypt. Her silhouette against the light of the fire allowed Mary to see her movement. Elizabeth reached into her pocket and pulled something out.

"She has a key." Greed overcame Mary's fear.

Then Elizabeth's arm extended towards the mausoleum. A large door swung open. Elizabeth disappeared inside the

crypt. It was several moments before she emerged. She no longer carried the bundle. She walked to the corner of the old stone building and knelt down.

"She's burying the key." Mary knew where to find the missing treasure.

She bolted from the chair. After grabbing the shovel she left in the garden, she raced to the spot where Elizabeth had knelt down. Each shovel full of dirt was inspected before she dug another one. The hole grew wider.

"Come on. I know you're here." Mary pleaded. Then her wish came true. A small cloth bundle appeared.

"All right." Mary quickly unwrapped it. "Now we're talking."

She held in her hand a large brass key. Thrilled with her find, she proceeded to the mausoleum door. The key fit perfectly and turned quite easily, much to her surprise. The door however, was extremely heavy. At first, Mary wasn't sure if she could move it at all but thoughts of the treasure hidden within gave her the strength she needed. She pulled it open just enough to squeeze through. Five stone sarcophagus and two small ones were clustered together inside the dank room. Mary shown her light on the carved names of the deceased.

"Hello, Mr. Jack," she said when she recognized his.

"Now if I was Elizabeth, where would I put the jewels?" Mary's flashlight illuminated the smallest sarcophagus.

"Bingo," she announced with glee.

Soon the long lost treasure was in her hands. Diamond necklaces, a ruby brooch, an emerald bracelet and more gold coins than she could count. Mary could hardly contain herself. A quick glance at her watch however, shocked her. Dot would be home soon. If she hurried, she could collect all her belongings and be gone before that happened.

Mary tied the fortune back up into the cloth. When she got to the metal door, she tried to walk through holding the bundle up against her chest. There wasn't enough room. Undaunted, she shoved the bundle through the opening, and placed it on the ground outside. Then she tried squeezing through the opening again.

Door must have moved, she thought. She stepped back, put both hands on the door and pushed. Instead of moving away from her, she felt the door move towards her.

"Who's out there?" she screamed.

Frantically, she pushed back but the door kept closing.

"Stop, I'm in here." She pounded on the door.

"So am I!" a man's voice declared from the depths of the crypt.

Mary whirled around allowing the door to slam shut. The sound of a turning key finished its journey.

Several days later, the town's sheriff called on Miss Ida Mae Montgomery.

"So let me make sure I have all the information down right," the sheriff nodded towards Miss Dot. "Mary Thompson was hired as a nurse for Miss Ida Mae?"

"Yes, Sir," Dot concurred.

"You didn't know Miss Thompson was the same nurse the police were looking for in connection with the death of John Moore, Miss Ida's brother?"

"That's right," Dot said.

"You went upstairs and found her room empty?"

"Yes, Sir," she nodded.

"She just left? Didn't tell you why she was leaving? Until you checked her room, you didn't even know she was gone. Is that right?"

"Oh no," Miss Ida Mae interrupted. "Jack told me she was gone. He said she was never coming back. He even gave me a lovely bouquet of roses and Great Grandmother Elizabeth's brooch." She gently touched the petals on the flowers in her lap.

The sheriff looked at Dot with the most bemused expression. "Jack Montgomery? Didn't he die several years ago?"

Dot laughed. "You will have to forgive Miss Ida Mae, Sheriff. She has the worst case of dementia."

Then she leaned forward and whispered, "Wait until she tells you what she sees in the parlor window." ❧

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der the newly adopted water policy to administratively renew Snowbowl's reclaimed wastewater contract for the next 20 years.

Ms. Brewster was visibly frustrated by citizen concerns over water, stopping mid-sentence to say, "I think this whole push toward redoing this is due to Snowbowl, and you can't convince me otherwise," she said. Vice Mayor Barotz and councilmember Evans reject this argument though.

"I believe this perspective demonstrates a real lack of leadership and vision," said Ms. Barotz. "I question whether this majority is really saying it believes the City Council shouldn't talk about reclaimed water contracts for as long as the City sells reclaimed water to Snowbowl," she said. "Twenty years is a long time to refuse to talk about reclaimed water contracts."

Ms. Evans was also quick to point out that, though Snowbowl might have been the "catalyst" for conversations about water, "Right now the contract that Snowbowl has in place, so anything we're talking about now ... truly does not affect what we're doing with Snowbowl. It affects what we're going to do in the future with our water supplies."

So said Ms. Barotz, "The fact that four members of the council seem afraid to talk about issues that are critical to the survival of this community because they think we're going to do something we don't even have the legal authority to do, is very disturbing," she said. "It's really unfair to suggest if you want to talk about reclaimed water in Flagstaff, looking ahead, that suddenly you're against Snowbowl," she said.

Mr. Preston, the Flagstaff citizen who originally petitioned the city to have this conversation, believes it will continue. "Despite the fact that the majority of the council did not want the answers to the questions they asked to be heard in a public meeting, the questions I wanted most will get answers," he said. "And then we will be back to hit them with their own documented proof. I feel like the petition was a success," he said.

City Staff has between 8-12 weeks to provide their answers to the questions posed by council members Barotz, Evans, and Putzova. The answers will be posted on the City's website. Ms. Barotz also said she plans to hold a public meeting where she will explain the City's responses. Below are some of the more salient questions currently under consideration.

What is the difference between an amended contract and a new contract? When changes are made to an old contract, at which point does it actually become a new contract?

What is the legal difference between a request for a connection and a reclaimed water agreement?

What provisions of the City Code and the water policy govern and/or relate to who makes the decisions about in-City and out-of-City reclaimed water contracts?

There are two categories of in-city reclaimed water contracts: a. projects that will require a rezoning as part of the land planning process; and b. those that have the required zoning. Can the public provide comment on water resource allocations during the rezoning process? If so, at what point is that comment welcome? When a project has the required zoning and doesn't require the Council approve a rezoning, does the public have an opportunity to comment on a proposed reclaimed water contract when the staff reviews the plans and issues the building permit?

Define what "the City" means in the three documents. (For example, does it mean the City Council or the City staff or both? Does it mean the City Council only or City staff only?)

Can we ensure the governing documents are all consistent with one another and there are no internal conflicts? ❧

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