

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD AUGUST 25, 2009, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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CALL TO ORDER AND ROLL CALL

Mayor Joens called the special meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor  
Karen Pfeifer, Vice Mayor  
Tim Elinski, Council Member  
Duane Kirby, Council Member  
Linda Norman, Council Member  
Terence Pratt, Council Member  
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Marianne Jiménez, City Clerk
George Gehlert, Community Development Director	Dan Lueder, Utilities Director
Rudy Rodriguez, Finance Director	Tim Costello, City Engineer
Kyla Allen, Executive Assistant to the City Manager	

ITEMS OF BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

RESOLUTION NUMBER 2471—DECLARING THE COUNCIL’S STRONG DESIRE THAT FOREST SERVICE LANDS THE CITY DESIRES TO ANNEX LOCATED NORTH AND ADJACENT TO THE BOUNDARY OF THE CITY OF COTTONWOOD REMAIN FOREST SERVICE LAND AND NOT BE CONSIDERED FOR TRADE BY THE FOREST SERVICE IN THE FUTURE

Mr. Bartosh stated the Council had directed at the last meeting to pursue the annexation of the forest land. There was also direction to staff to prepare a resolution that would clearly state the Council’s intention to keep that area as natural open space and under the control of the Forest Service and not to trade that land.

Council Member Pratt asked if we could demand the land not be traded.

Mayor Joens stated we could make no demands as the land was that of the Forest Service. The resolution really represented the Council’s desire for those lands.

Council Member Smith moved to approve Resolution Number 2471 preserving the area of Forest Service land to be annexed within the City of Cottonwood and preferring it to remain in its natural state and encouraging the Forest Service not to trade these lands. Council

Member Kirby seconded the motion which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2471 in its entirety.

RESOLUTION NUMBER 2471

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THE COUNCIL'S STRONG DESIRE THAT FOREST SERVICE LANDS THE CITY DESIRES TO ANNEX LOCATED NORTH AND ADJACENT TO THE BOUNDARY OF THE CITY OF COTTONWOOD REMAIN FOREST SERVICE LAND AND NOT BE CONSIDERED FOR TRADE BY THE FOREST SERVICE IN THE FUTURE.

WHEREAS, the Cottonwood City Council recognizes the importance of retaining open space land adjacent to and within its incorporated boundaries; and

WHEREAS, the City Council desires to promote the quality of life for the citizens of Cottonwood and adjacent communities by preserving and protecting the natural, open areas of Forest Service lands; and

WHEREAS, the Forest Service lands surrounding the City of Cottonwood and Verde Valley include beautiful vistas and panoramas, native flora and wildlife; and

WHEREAS, the City Council has voted to annex Forest Service land located north of the city limit boundary of the City of Cottonwood; and

WHEREAS, it is the strong desire of the Cottonwood City Council that these Forest Service lands remain in their natural state and not considered for trade by the Forest Service in order to preserve this area for the outdoor recreational enjoyment of the communities of the Verde Valley; and

WHEREAS, the City Council is committed to partnering with the Forest Service to protect this land and its environmental resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THAT:

1. The Forest Service lands located north and adjacent to the boundary of the City of Cottonwood the City desires to annex remain as Forest Service land.
2. These Forest Service lands should not be considered for trade at any time, now or in the future.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 25TH DAY OF AUGUST 2009.

Mayor Joens requested the Resolution be transcribed in its entirety in the minutes.

Mr. Bartosh stated the appropriate Forest Service representatives would receive a copy of this, as would our Congressional Representatives and our state legislators.

Mayor Joens stated the Governor should be included as well as any other governmental agencies and citizen groups that were concerned, which the other Members of the Council concurred with.

RESOLUTION NUMBER 2472--PROVIDING NOTICE OF INTENT TO ADJUST WATER AND WASTEWATER RATES, FEES, AND CHARGES FOR THE CITY OF COTTONWOOD WATER AND WASTEWATER UTILITIES

Mr. Lueder stated the resolution had been revised to include the wastewater rate changes as well as water rate changes. The public hearing schedule would remain unaltered and would take place at the regular Council meeting scheduled for October 6, 2009. Any rate changes approved by the Council would take effect no sooner than November 7th of 2009.

Council Member Smith expressed his concern about the rate increases. There were people that virtually had no money. Other utilities were increasing their rates too and he did not see the need to raise city utility rates now. He asked if the increase would pay for a new wastewater treatment plant.

Mr. Lueder stated the City actively promoted utility rate assistance through Catholic Charities. The Council had already authorized \$10,000 for this year, and there was another \$5,000 available as well. The current rates had not been adjusted since the acquisition of the water companies. The 2004 rate study scheduled substantial rate increases which were not implemented as scheduled in November of 2007. The current increases would fund capital projects but were not necessarily tied to the wastewater plants. Our operational funding, especially on the wastewater side, was no longer supplemented by the one cent sales tax. The proposed rate increases were for one time and one year only.

Council Member Smith stated at the July 14 Council meeting, Vice Mayor Pfeifer had mentioned her surprise that all of a sudden she had found out we were apparently operating in the red. We say we need this for capital improvements. Was that correct, he asked, or because rates had not been raised in eight years.

Mr. Lueder stated it had been too long without an increase. Operational costs were going up and capital improvements needed to be made.

Council Member Smith stated the City had purchased the Spring Creek water plant for \$850,000, then the Foxworth building out of Utility money, and then we say we need a rate

increase. We have already been told that the water usage has been going down. Therefore, he assumed the usage of the sewer was going down. In 2006 we are also told the present wastewater plant was capable of handling Mesquite Hills, which would not be built-out for a long time, and that Coppergate would create no problems for the existing plant.

Mr. Lueder stated the plant that was planned for Riverfront Park was needed more for operational reasons than for added capacity. Now, we were pumping huge amounts of wastewater uphill at an extraordinary cost. At build out, because of the demand on Old Town, a parallel line would be required. This was not a capital expenditure to increase the amount of development we could have but an operational issue that needed resolving. Now 900,000 gallons of sewage a day was pumped through one lift station. The Riverfront plant would take a lot of that load off.

Mayor Joens asked what current wastewater rates were.

Mr. Lueder stated it was \$16.75. Surrounding communities charged more. Clarkdale, whose water rates would be significantly higher than ours even after this increase, also charged \$28 a month for sewer. Verde Santa Fe charged \$40 a month for sewer. Despite savings measures implemented by the Finance and Utilities Departments, costs have risen significantly. Rate increases were a fact of life. It was felt this one was not only fair, but had been postponed as long as it could be before being proposed. Other comparative rates included Lake Havasu City and Bullhead City with minimum fees in the \$80 range. Our rates, especially on the sewer side, were extremely low even with the increase.

Council Member Smith stated he wanted to understand why the increases were needed now.

Mr. Rodriguez stated sometime back, when we started dealing with the one percent (sales tax) before it sunsetted, the Council and administration made a conscience decision that when that expired, Enterprise funds would be operating as Enterprise funds. We would no longer be co-mingling sales tax with the sewer funds. And, the Council may remember, that at one point we had some of that one percent sales tax designated to the sewer and we went back after we did that and we actually took about \$670,000 or \$700,000 dollars on paper away from the sewer in their budget because we came back and realized we wanted to make them self-sufficient and because other areas such as HURF who receives a portion of that sales tax, the library—who also gets some sales tax, and the General fund, also had a lot of other needs. So it was a conscious decision to separate the sales tax for other purposes outside of wastewater. That's one of the reasons that right now we're trying to continue that and keep them self-sufficient and truly be what they were supposed to be as Enterprise Funds.

Council Member Smith stated by taking away the one cent from Utilities, we continued it on anyway with proceeds going to various places. He questioned why it could not be kept on for capital improvement plans.

Mr. Rodriguez stated you have to remember we consciously made the decision to separate our enterprise funds from the rest because we want them to be self-sufficient, unlike every other fund that we have that is not self-sufficient. That was the first thing. The other thing was when had the one cent sales tax, every excess money that we had our voters released that amount for capital projects; not stipulating that they were for sewer projects, but for capital projects. And hence, that money belonged to average capital funds stored aside for other major capital projects. But, the bottom line is, we had looked for these funds to become self-sufficient and now was a good time to start building up for the future while we can.

Council Member Kirby asked why not wait until after the first of the year. Four more months was not going to be consequential. This could be put off until January before going into effect, rather than having it start in November. It was agreed that we needed the money from the rate increase, but he preferred it come after the first of the year.

Mr. Lueder stated it was entirely possible. It was the Council's prerogative to determine if it was going to raise rates and when those new rates would come into effect.

Vice Mayor Pfeifer stated back in 2001, when we raised the rates, it was a substantial raise. She had suggested then that increases be made incrementally every year in small increases, which didn't happen. She would much rather see small increases every year. We were told that the utilities were paying for themselves. Then we had a study which showed that now was the time to raise the rates, if we were going to raise them.

Council Member Pratt stated it would have been more palatable for people to have increases in small doses. There were a couple different fiscal realities. One, it is a tough time because of the recession and some of the other utility rates are going up. However, \$16.75 a month in sewer rates is really good compared to other cities and towns and people forget that. Secondly, if we approve this, all we are doing is approving issuing a notice of intent to raise rates. There would be public input at the meeting on October 6. It was then that the Council could listen to citizens and see what they had to say. If we cannot convince them that we need to do this now, then the Council may decide differently. All that we were deciding tonight was to issue intent and we were seeking public input. We were not approving a rate increase tonight, but just approving a notice of intent to raise rates.

Council Member Smith stated he agreed with Council Member Kirby. We could have the hearings and if the increases were approved, not have them take effect until after the end of the year.

Mayor Joens stated utilities were under appreciated by people. Yet they were essential and it cost money to make sure the services were provided in a way that people did take them for granted. There was a cost for these services. We might not like to pay the rates, but if we were without them, we would pay any price to have them back.

Council Member Pratt agreed and stated these were points to bring up when it was time to

make a decision whether to raise rates or not.

Council Member Smith stated there were so many low income people in this valley for which a \$1.36 rate increase could make a difference in paying for essentials.

Mayor Joens stated we had the responsibility to provide the services.

Mr. Bob Oliphant, of Cottonwood, stated the reason the sewer rate in Cottonwood was so low was because the Council had passed a one cent sales tax to pay for the construction of the sewer plant. The cost was not passed on to the users. Over the next four years \$2,160,000 would come out of the pockets of 4,500 sewer users. Decisions the Council made were not just political but social and community decisions as well. It was not just a matter of comparing Cottonwood with other cities but using the standard the experts say you should use, that is reasonable and fair. Imposing a rate increase of \$2,160,000.00 over the next four years did not meet that test. We had a community of the poor and elderly on fixed incomes, huge numbers of underemployed and were caught still in the worst recession since the depression of the 1930's. This was not the time for any rate increase, especially when you're only 10 percent below in your rate increase what many other communities are charging. The 2000 Census said that the median household income in the City of Cottonwood was \$14,550 dollars less than the national average. The most recent estimates he could find about the median family income of this community were \$12,000, \$252 dollars below the national average. The impact of imposing a \$2,160,000 rate increase, on just the sewer alone, over 4 years was neither just, reasonable, or fair to the working people who were not paid a decent wage in this community, or the people with a fixed income, for the elderly, or for the poor. Ironically, as far as he could determine, looking just at the 4500 people the Council wanted to pay the \$2,600,000 for wastewater, they were going to be paying for a wastewater plant apparently they would never use. A wastewater plant that was unneeded. There was no emergency in Cottonwood to build a wastewater facility. Pump Number 1 had not clogged. It was operating just fine even though you didn't like the fact that you had to pump wastewater up a hill. It seemed to him that what the Council was doing was making a very bad decision at a very bad time for this community. He did not think the Council had looked carefully at what the purpose was as described in the minutes of the July meeting. He did not think it made any sense, paying \$2-\$3 million for the projects that the Council had purchased over the last few months. All the Council was doing was imposing on the citizens of this community and unwarranted \$2,160,000 cost for wastewater and another \$2 million for the treatment plant.

Dr. Bob Richards, of Cottonwood, stated in regard to Councilman Smith's argument about the poor people in the community, one possibility would be to keep the waste rate flat and you raise it on higher users, such as commercial users, instead of raising rates across the board. It will be very difficult selling this issue to the public based on the information that has been provided. People may not see the need for a Riverfront water treatment plant. They may agree that it's okay to pump uphill since the pump's working well. It wasn't at full capacity anyway.

Mayor Joens stated most people on the Council could be counted with those poor people.

Council paychecks did not stretch very far.

Council Member Smith stated what we were talking about now was just a one year increase of \$1.36. We were also talking about continuing coming back year after year. He would much rather just hold off until we saw what the economy was going to be like next year. And he did not want to see a rate increase for at least 6-8 months.

Mr. Lueder stated a copy of the full report would be on file until such time when it was known the notice of intent was moving forward. That copy hadn't been released to the public but the City Clerk had a complete copy of it. He did take exception to the comment that the lift stations were working fine. Last March the Council was informed that we almost lost lift station 4. If we lost Lift station 4 we would have 900,000 gallons a day of raw sewage to haul up to the wastewater plant. He strongly disagreed with the statement that the lift stations were operating just fine.

Council Member Smith asked if there were contingency plans in place if the lift station ever failed.

Mr. Lueder stated there were contingency plans but they had never been put to the test. Trying to haul 900,000 gallons of raw sewage up hill with tanker trucks would be very tough. What we were trying to do was take some of the burden off the lift stations. We've had many, many close calls at the lift stations. In the most recent one, we were down to one pump. While we did have contingency plans of hauling 900,000 gallons a day, that's for a 24 hour flow. Our peak flows are probably more than 2-3 million gallons a day.

Council Member Smith stated it seemed to him it had been working well and there were contingency plans. Other places had not come on line and were not going to come on line for a long time, such as Mesquite Hills and Coppergate. We were told back in 2006 that everything was just fine; it just needed a few tweeks here and there. Granted you were pumping uphill, but that's how the thing was designed. It was a mistake doing that but it had been doing fine.

Mr. Lueder stated Mesquite Hills was gravity flow; a big difference. Mesquite Hills' gravity flow did not put any more strain on the lift stations. The plant was working well and this would be a conversation he'd be happy to have with him to go into great detail without tying the Council up tonight.

Vice Mayor Pfeifer stated she remembered earlier when one of the pump stations, the one over by the ambulance barn, malfunctioned and we actually had sewage running down hill, not up hill. It was a hazardous mess.

Mayor Joens stated we had to raise rates just to pay the fine.

Ms. Jiménez stated, to add to what Vice Mayor Pfeifer said, it was lift station number 2 that went out and they were trying to find enough tankers to keep pumping to keep up with the flow just from that lift station. It wasn't that long ago. If we had one of those pumps go

down it would be a nightmare trying to keep up with the flow.

Council Member Kirby stated we were not having a hearing but just deciding whether we were going to have one or not. At that time we can take into consideration all of these arguments that have been presented tonight by everybody and make a decision. In the meantime, if we didn't move to approve a resolution that gives our notice of intent we can't ever hear from the public.

Council Member Kirby moved to approve Resolution Number 2472, issuing a Notice of Intent to adjust water and sewer rates. The motion was seconded by Council Member Elinski. Mayor Joens conducted a roll call vote as follows:

Mayor Jones – Yes

Council Member Elinski – Yes

Council Member Norman – Yes

Council Member Smith – No

Vice Mayor Pfeifer – Yes

Council Member Kirby – Yes

Council Member Pratt – No

The motion carried.

Mayor Joens requested the City Clerk read Resolution Number 2472 by title only.

#### RESOLUTION NUMBER 2472

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, PROVIDING NOTICE OF INTENT TO ADJUST WATER AND WASTEWATER RATES, FEES, AND CHARGES FOR THE CITY OF COTTONWOOD WATER AND WASTEWATER UTILITY.

#### DISCUSSION, CONSIDERATION AND POSSIBLE LEGAL ACTION REGARDING APPOINTMENT OF A CITY ATTORNEY

Mr. Bartosh stated Mr. Horton had left the firm of Mangum, Walls, Stoops and Warden. While we did have a contract to continue receiving service from that group there was an opportunity here that was thought would be valuable to have the Council take a look at. On the advice of our legal counsel, Mr. Hathaway, it was suggested that if we wanted to continue operating with Mr. Horton, the way to do it would be to appoint him as a full time employee with the City, as City Attorney. The City Council could decide to continue to use Mangum, Wall and be represented primarily by Jeff Dollins and Kelly Peterson, or look at the process of bringing on a full time City Attorney. We did talk about advertising this and putting it out for applications. The Council had the authority to hire directly as it could waive any employee manual policy or make them more stringent. The Municipal Code was silent on any kind of process other than to say that the Council had the authority to appoint a City Attorney. Mr. Horton was in attendance tonight in case the Council wished to ask him questions. It was an opportunity to bring this issue to the Council and get direction.

Vice Mayor Pfeifer asked if there would be the possibility of putting this out to bid with maybe another firm, locally, to do what Mangum, Wall did.

Mr. Bartosh stated what he'd seen of that concept in the past was our job contracting in the Utilities Department which would identify two to four qualified firms, get a good understanding what their expertise was and then farm jobs out to them based on expertise, need, or cost per hour. That would be a good way for the City to look at doing business and certainly that would be a process where we would look for professional services.

Council Member Elinski stated he liked the job order contract concept very much. Even if we did have a City Attorney in house, we were still going to need to go out for additional services. We could address our procurement practices prior to doing that.

Mr. Bartosh stated it would be brought to the Council soon.

Council Member Smith asked if a salary had been negotiated yet.

Mr. Bartosh replied, no, that would occur if you chose to consider Mr. Horton. Then it would become a discussion between the Council and Mr. Horton.

Council Member Smith asked if we'd also have to discuss a legal aide as staff for him.

Mr. Bartosh replied that would be a discussion to be held between Mr. Horton and the Council.

Council Member Kirby stated before we get down to discussing details of an employment contract, we needed to meet in an executive session, so that we could have an open and frank discussion of what we would like from the attorney and what we needed to get done.

Council Member Pratt stated one of our choices would be to offer the position which then opened the door to negotiations. The offer was on the table but subject to the agreement of all of the stipulations. That would be done in executive session and that would be the time to raise all those details.

Council Member Smith stated he thought we should go out and advertise this position and have Mr. Horton apply for it just like he would anything else.

Mayor Joens stated we need consistency and to do what was the best thing for our citizens. She thought about the consistency of someone who had done a good job for us, somebody who'd been with us ten years and knew our business. Mr. Horton was somebody who was very dedicated to the City and had proven it time and again, and he was somebody who was extremely capable in civil law. To have that knowledge available that we did, and have somebody who worked for us now who could just continue working for us, would give us the same kind of excellent service, that was what the citizens of Cottonwood deserved.

Council Member Pratt stated he agreed. We were at the point where you say "if it ain't broke don't fix it." The citizens of Cottonwood would be getting a quality lawyer who had received the highest ranking from his peer review board. He had a track record with us that inspired confidence. Regarding our desire to do the best for the citizens of Cottonwood, we had to consider how much extra a job search would cost the City.

Mayor Joens stated we already had the best.

Council Member Elinski stated he agreed with Mayor Joens. This was really an excellent opportunity. An attorney had to work with the Council. He did not think other applicants would make him feel as comfortable as he did with the service the City had gotten from Mr. Horton. Regarding the job order contract, there was a difference for an attorney hired for legal services in-house, with whom the Council would be working every day. With most job order contracts, there would only be contact occasionally on a case by case basis.

Mr. Bartosh stated offering the position to Mr. Horton had nothing to do with the procurement policy. This was strictly a hiring decision of the City Council.

Vice-Mayor Pfeifer stated the consistency in Council meetings was absent when other attorneys instead of Mr. Horton attended here, even though those other attorneys were from the same firm. They did not have the background or knowledge and did not seem to understand the City as well as Mr. Horton did.

Mayor Joens stated she wished Ms. Jiménez to speak of her experience working with Mr. Horton for the past ten years. Former City Manager Mickelsen had spoken highly of Mr. Horton's work during his time

Ms. Jiménez stated she had worked with the firm Mangum, Wall, Stoops and Warden for many years. Mr. Horton was the attorney that she had worked with for the longest time and she had dealt with attorneys for 22 years. We did hire an in-house city attorney at one time and he did not know municipal law. During that time she had continued to work with Mr. Horton, especially regarding election law, which Mr. Horton is very knowledgeable of. It was very important to have somebody who knew municipal law because if they did not, it could cause problems. She enjoyed working with Mr. Horton and respected his knowledge of municipal law. She could not speak more highly of Mr. Horton's background and experience.

Mayor Joens asked if she (Ms. Jimenez) felt that Mr. Horton had served the citizens of Cottonwood in a very honorable, trustworthy and knowledge capacity.

Marianne Jiménez replied, yes, absolutely.

Mr. Smith stated we did not know who else was out there unless we tried to find out. There might be some city attorney in Phoenix who'd been there for twenty years that suddenly says he'd really like a change of scenery and would be willing to take a lower salary and

everything. We wouldn't know unless we asked.

Council Member Norman stated the ten year's experience that we've had with Mr. Horton was worth so much more. He knew what was going on in this city, and its history, and you could not find that anywhere else.

Council Member Kirby stated Mr. Horton knew what the problems were in Cottonwood and had worked with them for ten years. If we hired somebody who scored the same or higher on some kind of a test that we would give in order to hire someone, how much time was it going to take for that person to get acquainted with what we're doing in Cottonwood and all the different situations are that would require his attention? Mr. Horton already had that knowledge and he knew him to be honest and trustworthy in our relationship with him. Another point was that we were not cancelling our contract with Mangum, Wall, and would continue to use their services as a sub-contractor organization. They would provide our prosecuting attorneys and outside assistance, if needed.

Council Member Pratt stated he understood the inclination to advertise on the outside for jobs. In a sense this was akin to promoting or hiring from within where you have someone valuable who has served you and it was a smart decision to do so.

Vice Mayor Pfeifer stated she had been on the committee that had chosen the last attorney. On paper and in the interview he looked wonderful, but it didn't take long for things to turn the other way because he did not understand our community, he did not understand civil law - municipal law, and it was awful. Based on our experience with Mr. Horton we couldn't go wrong.

Council Member Kirby asked if a City Attorney was hired would he represent Cottonwood exclusively.

Mayor Joens stated that would be something to talk about in the contract as we did with our judge, to ensure that Cottonwood's needs were met first before anybody else's. She asked if there were any public comments.

Mr. Oliphant, of Cottonwood, asked how the Council could explain not advertising the position with a job description and salary level to the lawyers in the City of Cottonwood. Near by were some of the finest municipal lawyers in the State of Arizona who knew Cottonwood and municipal law. He suggested hiring Mr. Horton on a temporary basis and then advertising the position with a salary range and a criterion. If someone was found who exceeded Mr. Horton's qualifications, that person could be hired. That way the Council would not receive complaints from potential applicants who were local.

Council Member Pratt stated the local private attorneys here felt it was better to have someone from out of town representing the City and that they wouldn't necessarily want to do it themselves. They were too much a part of this city. His opinion was it was better to have someone who was familiar with the town but not necessarily an integral part of it.

Mayor Joens stated that was because there would be less chance for conflicts in such a very small community.

Council Member Kirby moved to offer the position of City Attorney to Mr. Steve Horton, based on the mutual acceptance of an employment agreement.

Mayor Joens seconded the motion, which carried unanimously.

Mayor Joens stated the next step would be to list an agenda item for negotiation.

Mr. Horton stated there are some things to share with the Council in the executive session about the legal actions it has taken.

Mayor Joens moved to go into executive session. Council Member Norman seconded the motion which carried unanimously.

Council Member Kirby requested a five minute break.

Vice Mayor Pfeifer moved to reconvene into regular session. Motion was seconded by Council Member Kirby, and carried unanimously.

Vice Mayor Pfeifer then moved that Council Member Linda Norman, herself, Marianne Jiménez, Doug Bartosh, and Steve Horton meet tomorrow to discuss the appointment and contract of the City Attorney. Motion was seconded by Council Member Smith, and carried unanimously.

After calendars were checked, a meeting to discuss the contract was set for Wednesday, August 26 at 9 a.m. at City Hall.

#### ADJOURNMENT

Council Member Kirby moved to adjourn. Motion was seconded by Council Member Smith, and carried unanimously. The special meeting adjourned at 8:10 p.m.

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Diane Joens, Mayor

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Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a special meeting of the City Council of the City of Cottonwood held on August 25, 2009. I further certify that the meeting was duly called, and that a quorum was present.

\_\_\_\_\_  
Marianne Jiménez, City Clerk

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Date