

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 5, 2010, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the regular 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
Steve Horton, City Attorney
Marianne Jiménez, City Clerk
Dan Lueder, General Services General Manager
Mike Casson, Fire Chief
Cameron Atkinson, Firefighter/EMT
Hezekiah Allen, Special Events Recreation Coordinator
Jack Teel, Lifeguard

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Ms. Paula Kelly, a member of the Senior Commission. Mayor Joens presented her with a certificate of appreciation for leading the Pledge of Allegiance.

BRIEF SUMMARY OF CURRENT EVENTS BY MAYOR, CITY COUNCIL AND/OR CITY MANAGER--
THE PUBLIC BODY DOES NOT PROPOSE, DISCUSS, DELIBERATE OR TAKE LEGAL ACTION ON
ANY MATTER BROUGHT UP DURING THIS SUMMARY UNLESS THE SPECIFIC MATTER IS
PROPERLY NOTICED FOR LEGAL ACTION

Mr. Bartosh made the following announcements:

- The weekend saw a very successful Rhythm 'N Ribs event attended by about 3,000 people.
- This was Fire Prevention Week. The Fire Department would conduct some fire prevention events in schools next week.

- The disc golf course was scheduled to open at the end of the month, with the first tournament being held October 29-30.
- The AirFest would be held on October 16.
- That night would be the football game between the Fire Department Hoses & Police Departments Guns. It was a fundraiser in support of Mingus High School.
- The Autumn Festival was scheduled for the night of October 31. Candy would be handed out at City Hall.
- The Walkin' on Main and the city's 50th Anniversary events were scheduled for November 13 in Old Town.
- On November 10 there would be the grand opening and ribbon cutting of the city's Business Assistance Center in the old Planning & Zoning Building. It would also be open during the Walkin' on Main event.

Council Member Pratt made the following announcements:

- He had attended the Rhythm 'N Ribs event and thought it really successful.
- Wednesday's *Journal Extra* contained an article about the Arizona Department of Environmental Quality's (ADEQ) inspection and its satisfaction with the city's efforts to remediate arsenic in its water supply.
- One of Cottonwood's and Old Town's beloved characters, Camille, had cancer. At 5:00 p.m. Thursday night, there would be a benefit at Paul & Jerrys in Jerome.

Council Member Kirby made the following announcements:

- On September 28 he met with Jesse Rodriguez, Director of the Head Start program, who ran him through what could be expected from a federal review being conducted today.
- He would be going tomorrow to the elders issues conference which started today in Flagstaff.

Vice Mayor Pfeifer stated on Thursday she and Council Member Norman would participate with the fourth graders from the Verde Valley schools at their water festival at Dead Horse Ranch State Park.

Mayor Joens stated the City of Cottonwood was donating water bottles for the event, along with funding. She then made the following announcements:

- She attended the Gray Wolf landfill tour on September 24. The visit convinced her the Council had to act in ways that would encourage and educate the community to recycle.
- She attended Verde River Days on September 25.
- On September 27 there was a Stewards of Public Lands meeting. Before that she met with the new Prescott National Forest volunteer coordinator.
- On September 28 she attended the Verde Front recreation strategy meeting to look

at trails and other activities for citizens.

- She and Council Member Smith attended the MATForce meeting and awards breakfast.
- October 2 was the day for Maurice's Fashion Show benefiting the Verde Valley Humane Society's Adopt for Life program.
- That evening she attended an event called BrightHeart to recognize community volunteers.
- Today she attended the Arizona Town Hall luncheon to find out about the last Town Hall meeting concerning jobs.

Mayor Joens asked to switch the following two agenda items and first present a member of the fire department with an award.

PRESENTATION OF THE EMPLOYEE OF THE QUARTER AWARD TO FIREFIGHTER CAMERON ATKINSON

A certificate and a check were presented to Mr. Atkinson in recognition of his being selected as the employee of the quarter.

PRESENTATION OF A CERTIFICATE OF ACCOMPLISHMENT TO AL SLUSSER FOR COMPLETING HIS COAST 2 COAST WALK

Mayor Joens presented Mr. Slusser with a certificate in recognition of completing his Coast 2 Coast walk.

PRESENTATION OF THE EMPLOYEE SAFETY AWARD FOR THE THIRD QUARTER TO HEAD LIFEGUARD JACK TEEL

A certificate and a check were presented to Mr. Teel in recognition of his being selected to receive the quarterly safety award.

CALL TO THE PUBLIC

Mr. Al Gradijan, of Cottonwood, stated two weeks ago the Council discussed annexation of the Quail Canyon subdivision. He believed that growth was the best way to ensure the city's future and for it to provide the services which was its business to provide.

APPROVAL OF MINUTES—REGULAR MEETINGS OF SEPTEMBER 7 & 21, 2010; SPECIAL MEETINGS OF SEPTEMBER 7, 2010 AND SEPTEMBER 14, 2010; AND WORK SESSION OF SEPTEMBER 14, 2010

Council Member Kirby moved for the adoption of all the minutes. Council Member Elinski seconded the motion, which carried unanimously.

OLD BUSINESS—None.

CONSENT AGENDA

SPECIAL EVENT LIQUOR LICENSE APPLICATIONS FROM THE VERDE VALLEY FAIR ASSOCIATION FOR EVENTS SCHEDULED AT THE VERDE VALLEY FAIR GROUNDS ON OCTOBER 15 & 16, AND NOVEMBER 6 & 21, 2010

RATIFICATION OF THE SUBMITTAL OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT APPLICATION (CONTRACT NUMBER 2011-PT-021) TO PROVIDE \$9,600 FOR OVERTIME EXPENSES INCURRED IN SELECTIVE TRAFFIC ENFORCEMENT DETAILS

RATIFICATION OF THE SUBMITTAL OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT APPLICATION (CONTRACT NUMBER 2011-AL-027) TO PROVIDE \$12,000 FOR DUI TASK FORCE PATROLS

RATIFICATION OF THE SUBMITTAL OF A GOVERNOR'S OFFICE OF PUBLIC SAFETY STABILIZATION FUNDING GRANT PROPOSAL, REQUESTING FUNDS IN THE AMOUNT OF \$70,400.00, TO PURCHASE TWO FULLY EQUIPPED PATROL VEHICLES AND AIMS ACCIDENT/CRIME SCENE DIAGRAMMING EQUIPMENT AND SOFTWARE

Mayor Joens asked if anyone on the Council or the public wished to have any item pulled for discussion. There were no requests to do so.

Council Member Norman moved to approve the consent agenda. Council Member Smith seconded the motion, which carried unanimously.

NEW BUSINESS

SECOND RENEWAL OF THE SLUDGE-HAULING CONTRACT WITH D&K FARMING ENTERPRISES WITH A THREE PERCENT (3%) INCREASE IN PRICING

Mr. Lueder stated this was the second and final renewal of the sludge hauling contract. If approved, it would go through June 30, 2011, at which time the contract would go out for bid. D&K took over the contract from the original bidder, Southwest Land, which was allowed by the contract and approved by the Council. D&K did not request a price increase at last year's renewal. A three percent price increase was requested for this renewal. This would increase the price per pull from \$350 to \$360.50 and the tonnage rate from \$20.10 to \$20.70. Staff recommended approval of the renewal of the contract with the increase.

Council Member Smith asked what the approximate cost was.

Mr. Lueder stated the average was about \$80,000 to \$90,000 a year. For reference, the second bid that had been received from Waste Management had been at almost double the cost. Environmentally, this was not being taken to the landfill, but was land applied. Council Member Kirby stated his concern was we were paying them. It looked like the city was providing them with a product and they should be paying us for it.

Mr. Lueder stated in reality it was tough to dispose of. To landfill it with the current carrier would be more than double the cost.

Council Member Smith asked if we saw this going down any at any particular time, or any relief from this.

Mr. Lueder stated he saw no relief from this. The only relief would be if we started doing composting. Should the Villa Montaña plant be built, it was already designed with in-vessel composting. To compost, one needed an outlet for the compost. Otherwise, we would be spending several million dollars of capital expenditures to put the composting in and would end up hauling it to the dump and paying the same prices.

Council Member Elinski moved to renew the sludge hauling contract with D&K Farming Enterprises with the three percent increase requested and authorize the Mayor to sign the new contract on behalf of the Council. Council Member Norman seconded the motion, which carried unanimously.

RESOLUTION NUMBER 2540—DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED “CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE”

Mr. Horton stated the next two items were related to a proposal which attempted to clarify a matter that had been the subject of confusion over the last year or so. There was a state regulation that the Department of Environmental Quality obligated backflow protection prevention. It talked about when backflow prevention would and would not be required. It had an exception, with sub-exceptions in it, for one and two-family residential dwellings. But within that exception was another exception that brought it back under that regulation, under the catch phrase “unless otherwise required”. Under exceptions, there was another provision which talked about municipalities not being restrained, unlike, for example, jumping over to something entirely different, SB-1070, where a federal judge found that that was an area that was occupied by the federal government, so the state could not regulate in that area. This was not that kind of preemption where the state had said government could not regulate in that area. There was the ability for concurrent jurisdiction and the regulation specifically said that.

What ended up happening was a prolonged semantical discussion between some folks and disagreement over what certain sentences did and did not mean. To resolve that and to really get down to the issue and substance rather than formative, what staff was bringing to the Council was a proposed ordinance that would allow the city to regulate in this area as the state authorized it to do, namely to regulate backflow. What staff was doing in the first of two items would be to declare as a public record an ordinance staff drafted that was very similar to those of other jurisdictions.

Council Member Pratt stated he wanted to clarify that item two was simply declaring it a public record, it was not voting for or against it.

Council Member Smith asked how many people this would affect. As of January 10 there were 8,473 residential people on the water system.

Mr. Horton stated the intent was to affect all 9,000 customers of the water system in a positive way by adding protection under the ability to keep drinking water supplies safe. If the question was how many people would it directly affect because they had a backflow device in place, either because they were required to or had them even though they were not required to, that number would be between 500 and 600 that had backflow devices in place.

Council Member Smith stated that left 8,000 that we did not know.

Mr. Lueder stated that was not correct. The numbers, as of this morning, in Cottonwood Ranch we started with 532 backflow devices of which 333 had been determined not to be required, 63 were determined to be required and had committed to testing, 12 still had not complied with that, and 124 were still awaiting inspection. Outside of Cottonwood Ranch there were 113 single family residential units that were required to have a backflow device.

Council Member Smith asked if that took into account Verde Santa Fe.

Mr. Lueder stated, no. In Verde Santa Fe, like Cottonwood Ranch, staff was gathering information from meter readers. The 113 outside Cottonwood Ranch and close to 2,000 other commercial ones were part of information turned over to the city when it bought the water companies. Verde Santa Fe and Cottonwood Ranch were two that were not included. The first step we did was to have meter readers identify if there was a backflow device present. With Verde Santa Fe, when we finished up with Cottonwood Ranch, we were going to do the same process out there.

Council Member Smith asked what the anticipated cost would be to have them inspected and everything else.

Mr. Lueder stated the city did not certify those. Our certified operators were the ones who would go out and meet with the residents and do the inspection. The meter readers, as they were out there reading the meters, were also determining, as they did in Cottonwood Ranch, whether a device was installed or not.

Council Member Smith asked how much it would cost each resident.

Mr. Lueder stated he could say what it would save residents. The 333 residents we determined did not need their backflows tested was an approximate savings of \$16,650 a year, each and every year. If the percentages stayed the same, the total savings in Cottonwood Ranch, the total annual savings to the customers, was going to be about \$21,650. As far as what it cost a particular resident, we could not put a handle on that. If it was not required, it would save them an average of about \$50 a year in certification tests.

Council Member Smith stated looking at the overall picture, 8,700, in Cottonwood Ranch it was running around \$75 - \$100 and there were 532 residents, he guesstimated if you had them all, that was about \$53,000. If you took in the whole water system, that was an incredible amount of money every year.

Mayor Joens stated everybody was not on it and everybody would never be on it.

Council Member Smith asked how we knew.

Mayor Joens stated because we had all those residences that did not need it.

Council Member Kirby asked if they were talking about all the residents of the water company, or only those within the city limits of Cottonwood.

Mr. Horton stated it would apply to all the customers of the water utility because we had expanded jurisdiction over the water utility because we served outside our boundaries.

Mr. Lueder stated there were roughly 8,000-8,500 residential, but only under specific circumstances were they required. These were ones with a potential for cross-connection. The big one that affected Cottonwood Ranch was almost every resident there had a fertilizer injector. Fertilizer injectors were automatic through both the state and the Environmental Protection Agency (EPA). There were specific instances and when there were questions, as there were on drip irrigation, the Arizona Department of Environmental Quality (ADEQ) and the United States Environmental Protection Agency (USEPA) deferred to the Cross-Connection Control Manual, Version IX, which was the bible for the city and regulators of cross-connection control. The whole purpose of cross-connection control was to identify a specific substance that could harm the water system if there was an instance of backflow. There was no one book that covered every single thing out there. We deferred to our inspector with ADEQ who determined that drip irrigation systems were not required to be regulated. One of the other things in R.18.4215 was that a water system may make it be more restrictive. In Mesquite Hills the developer mistakenly thought every residence would have to have one. We looked at what they were putting in there; no fertilizer injectors and no lawn irrigation, nothing that created a hazard, so they would not be putting them in there. When we looked at a subdivision, we identified if there was going to be a hazard there, or if meter readers saw pop-up lawn sprinklers that did not have one it was reported to his office which double-checked and sent them a notice. There was a system of checks-and-balances out there.

Council Member Smith stated Cottonwood Ranch had been there for 11 years. He asked if there was ever any incidence of cross-contamination from any of the residents there.

Mr. Lueder stated not to his knowledge.

Council Member Smith stated we were coming out here with a regulation that nobody could say was ever necessary. The City of Gilbert had no regulations on residential property and no incidence of cross-contamination. He referred to Regulation R18-4-215C. We were

talking here about putting a cost on the citizens. The odds of cross-contamination were slim to none.

Mayor Joens stated the City of Cottonwood did not require these devices be put in. Cottonwood Water Works required it. We were trying to deal with that requirement the best way we knew how. The people we hired were licensed and were making this recommendation.

Mr. Lueder referred Council Member Smith to Section R18-E2-D4 which was an identified cross-connection control.

Mr. Horton stated there were quite a few communities with such ordinances.

Council Member Smith stated they did not require an annual inspection.

Mr. Lueder stated he disagreed vehemently. If somebody had a backflow device in place that was required by the statute, it must be tested. We had so far allowed 81 percent of the people inspected in Cottonwood Ranch to discontinue having to have it tested saying there was no longer a threat. We were working toward the same end. If there were chemical injections or lawn irrigation, those were the two things. We were doing everything we could to take that annual cost away.

Council Member Smith stated he saw a huge amount of money going out of here for something he did not believe should be done.

Council Member Kirby stated just because we had never had a cross-contamination, it did not mean there would not be one. He would rather err on the side of caution. It would not be a serious problem to allow the rules and regulations to prevail.

Council Member Elinski stated he agreed. It was forward thinking on our part. If cross-contamination had not happened yet, science proved it could happen. We had identified some ways it could happen. It was wise we protect the citizens' water supply. It was a shame we had to spell this out so clearly in our own ordinance. There had been a lot of mis-information going around and that was what we were battling.

Vice Mayor Pfeifer asked if there were less than 1,000 backflow devices.

Mr. Lueder stated less than 500.

Vice Mayor Pfeifer asked why 500 should, in case there was cross-contamination, contaminate 8,000. The preventative end of this was much more important than a handful of people contaminating our system if there was a possible cross-flow. You had less than 500 opposed to 8,000 or more. Do the math.

Mr. Lueder stated there was already a state statute that said if you had a chemical injector

on your system you must have backflow protection. It was actually in the ordinance that a water provider may provide a more stringent protection plan, but not less than the state statute. Even if this was not passed, staff, who were civilly and criminally liable to both ADEQ and the USEPA would fall back on the state statute. He had spoken with the head of the water quality division of ADEQ who said, unequivocally, injectors were automatic. This was a clarification of Title 18 which molded it more towards what the City of Cottonwood wanted.

Mr. Bartosh stated what staff was trying to do here was save people money by making sure they were not putting in backflow devices they did not need. By statute, if they had a backflow device they had to get it tested annually, which was another cost. Certainly there was some type of a blanket policy Cottonwood Water Works had that required all new developments to get these backflow devices. Not everybody needed one. Where we could eliminate that for our citizens, it would save them a lot of money. Yet it would still protect our water system because we would require backflow devices where there was that potential for cross-contamination.

Council Member Smith asked why the state would put that in there about “shall not apply to a single-family residence used solely for residential purposes”.

Mr. Horton stated it said it continued “unless a cross connection problem was specifically identified or as otherwise required by inspection”. There were exceptions and exceptions to the exceptions. In an attempt to bring some clarity to it because the regulation was very clear in application as you surveyed the entire population and communities of the state, not just Gilbert or one other, other communities had taken the step that was before this Council now.

Council Member Smith stated his objection was not only that change in regulations to make inspections yearly, it was the amount of money it would cost people to do this.

Mayor Joens stated this was a repeat of what he had already said.

Council Member Elinski stated we were going to approve the resolution. This was the first reading. Council Member Smith could do his homework and come back more prepared and we could go through the public hearing. We were talking in circles.

Council Member Pratt stated he agreed the Council’s initial task here was just to approve this as a public record. It did not make it legal or make it an ordinance. Then we would have the first reading and we could have further discussion. We were just spinning wheels now.

Dr. Bob Richards, of Cottonwood, read a list of potential sources of cross-contamination from backflow prevention information he had received from Prescott. He disagreed with Council Member Elinski. There had been no information. There had been no slide presentation. He would like to see a slide presentation as to what it actually meant. In Pine

Shadows there were devices there. He asked, if you had a device on, why did it have to be removed. He asked, could you not say you had a backflow device so you were protecting the water system but did not have to have it inspected every year. He did not quite understand the whole thing. Mr. Elinski did bring up a good point about a public hearing and he hoped there would be a public hearing on this issue. He was concerned about the utility department having sole discretion to make decisions determining whether there was pollution or not. He asked if there were any criteria to measure when there was contamination going on. There was no information that Mr. Lueder presented about the effect of swimming pools. He stated he did not know how you would prevent it in your water softener. It would seem everybody that had a water softener needed to have a backflow device. He was confused.

Mr. Bob Oliphant, of Cottonwood Ranch, Cottonwood, stated this was a difficult issue, both legally and practically. Forward looking would have been to have left all the backflow devices on the drip irrigation systems in Cottonwood Ranch on. The issue in Cottonwood Ranch involved fertilizer injectors. The city went ahead and said pull out the fertilizer injector and the backflow device. His neighbor had removed his injector and backflow device in a fairly simple process. What, as a practical matter had now been created, and the possibilities were remote, his neighbor now had a direct line without any protection running from his drip flow underground pipe into the potable water supply on Main Street. Once you took the backflow device off that thing you did not have that protection. If you really were forward thinking and talked to a scientist or environmental people who worked with this, they would say put a backflow device on everything because we just did not know. He asked why the city was abrogating various provisions of the International Building Code it had recently adopted.

Mayor Joens stated this was simply a resolution declaring as a public record a certain document entitled "City of Cottonwood Backflow Protection and Prevention Code".

Council Member Pratt moved to approve Resolution Number 2540 declaring as a public record that certain document entitled "City of Cottonwood Backflow Protection and Prevention Code". Council Member Elinski seconded the motion which carried, with a dissenting vote by Council Member Smith.

Mayor Joens asked the City Clerk to read Resolution Number 2540 by title only.

RESOLUTION NUMBER 2540

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE" TO BE A PUBLIC RECORD.

ORDINANCE NUMBER 567—AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, BACKFLOW PROTECTION AND PREVENTION CODE, TO TITLE 13, PUBLIC

SERVICE

Mayor Joens stated this went along with the resolution. She asked if there were any questions or comments from the Council or public and there were none. She asked the City Clerk to read the first reading of Ordinance Number 567.

ORDINANCE NUMBER 567

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, *BACKFLOW PROTECTION AND PREVENTION CODE*, TO TITLE 13.

DIRECTION/AUTHORIZATION TO SOLICIT PROPOSALS FROM QUALIFIED ATTORNEYS OR LAW FIRMS TO PROVIDE MUNICIPAL COURT AND CODE ENFORCEMENT SERVICES

Mr. Horton stated last March the city contracted with Mr. Robert Gaffney to do the city's prosecution work as an interim cost cutting measure. It had always been on the Council's docket and mind to go out and solicit bids for the position. Mr. Gaffney had done a terrific job and saved the city in the neighborhood of \$40,000-\$50,000 to provide an equality of service from what we had been getting. That had worked out well, but what had leapfrogged this project to the top of the pile was that Mr. Gaffney had notified him he was moving out of state and as of November 1 the city would need a new prosecutor. This was an opportunity to implement the Council's direction of last spring to solicit competitive proposals to have a city prosecutor. The contract arrangement had worked out very well. He recommended expanding the scope of the prosecutor's duty a little bit to provide code enforcement. The city recently reappointed its Administrative Hearing Officer and he believed there would be more pro-active code enforcement duties. He would like to see the prosecutor enact what was very much a related service and to provide some legal advice to the police department. With all that, we would be looking at a contract that, judging from the time on Mr. Gaffney's invoices, was 100-120 hours a month

He proposed a mechanism for getting this solicitation out on the street and have proposals come back for review and to negotiate with the top ranking candidate. This might require a special meeting at the end of October given all the different tasks that had to be done. He had done some more thinking about the weighting of the points. He proposed the formation of a committee consisting of the City Clerk, himself, the Chief of Police, a Council Member, and the Human Resources director to review applications based on a split-out points system to which he proposed a slight modification. He would like to weight direct experience in criminal law a little heavier because he thought that was what we were primarily looking for. It was not the only important thing especially because cost was a consideration. The overriding consideration was quality of service and fair administration of justice for citizens that came before the court. Quality was important.

Council Member Pratt stated he thought this was put together very well and benefited the city. Obviously, we would need a prosecutor. He liked the make-up of the committee and he

liked the extra weighting since he thought it had been a little low for specific experience in criminal law. All the weightings were great and he thought it a great proposal. It was fair and allowed anybody to apply and did not favor anybody and allowed local people to apply if they would like.

Council Member Smith asked if attorneys in the city would be notified and if we were specifically going to try to get one of those.

Mr. Horton stated he had received several letters over the last six months from interested attorneys to whom we would specifically provide a copy of the Request for Proposal (RFP). We would publically post it and advertise it. He would like to get in touch with somebody who had the distribution list for the Yavapai County Bar and get that in. Certainly people who had expressed any interest would be notified. This was the part of the process where it was publicly posted and we were not expressing a preference for anybody, but just letting as many people know and casting as wide a net as we could.

Council Member Smith stated what was the big for him, was to try if we could, to get somebody local rather than having somebody who was not local.

Mr. Horton proposed a slight reconfiguration of the points system. It would actually be 50 formula based points instead of 40 and 50 subjective points, if you will, instead of 60. General legal qualifications (any experience in law) would get 2 points per year up to a maximum of 10 points. Specific experience in criminal law would get 8 points per year up to a maximum of 40. The way to get the other 10 points out of the other three categories was by dropping Section 3, Office Support, and then the ability to provide that legal advice to the police department and the willingness to do code enforcement we would take from 20 to 30. The Council would have to identify one of its own to serve on this committee.

Council Member Pratt moved to authorize and direct staff to issue a Request for Proposal for misdemeanor prosecution and related services, and to review those proposals and negotiate an appropriate agreement for professional services for Council consideration as set forth in this memorandum or as otherwise modified.

Mr. Horton stated while he (Council Member Pratt) had been away from the dais a modification had been made. That could be part of his motion. We had doubled up the number of points to award.

Council Member Pratt amended his motion by accepting the modifications to the scoring matrix. Mayor Joens seconded the motion, which carried unanimously. The Council consensus was to appoint Council Member Pratt as the Council representative for the committee.

CLAIMS & ADJUSTMENTS

Mayor Joens stated she did not receive a Claims and Adjustments with her packet, and the

other members of the Council also indicated they had not received a copy of the Claims. Mayor Jones stated they could table this until the next meeting.

Mr. Bartosh stated he did not think they had to postpone considering the Claims and volunteered to read the list of Claims and Adjustments, which the Council agreed to.

Council Member Elinski moved to pay the Claims. Council Member Kirby seconded the motion, which carried unanimously.

ADJOURNMENT

Council Member Kirby moved to adjourn. Council Member Elinski seconded the motion, which carried unanimously. The regular meeting adjourned at 7:41 p.m.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of Cottonwood held on October 5, 2010. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date