



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, June 19, 2014, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

1. **Call to Order:** Mayor LeVault at 7:02 p.m.
2. **Roll Call:** Councilmembers present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, June Miller, Shirley Gustafson, Judy Johnson and Dorena Mello
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Consultant Pat Walker, Economic Development Manager Gayle Cooper, Community Development Coordinator Gregory Arrington, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker, Library Manager Heidi Speed and Town Clerk Diane Cordova
3. **Pledge of Allegiance and Invocation:** Councilmember Johnson led the Pledge of Allegiance and Vice Mayor Duran offered the Invocation.
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.

A. Communications from Council:

Mayor LeVault

- Luke Air Force Base will change command, Brig. Gen. Michael D. Rothstein will be relinquishing his command. He has been selected for an assignment commanding U.S and NATO troops in Afghanistan.

Councilmember Chittenden

- To the Public Works Department, the streets look nice with the slurry seal.
- There will not be a Dog Park meeting in the month of July nor in the month of August. The next Dog Park meeting is scheduled for September 6, 2014.

Councilmember Gustafson

- Yes, the streets do look great!

Councilmember Johnson

- There were two great articles in the Sun City Independent; the launching of "Community4Good" and the Farmers Market.

B. Communications from Staff:

Town Manager Blackman

- I will be conducting interviews for a Finance Manager.
- We have been working on the completion of the General Plan and the Budget Fiscal Year 2014-15.

Public Safety Manager Kessler

- Code Enforcement currently has 91 open complaints; 50 of them have come into compliance and we are working the remaining 41.
- We received a lien payment in the amount of \$584.00. I want to thank all those involved, Town Manager Blackman, Town Attorneys, Lupe Romero- Code Enforcement and Town Clerk Cordova.
- The probationers will be out this Sunday. They will be cleaning up around Agua Fria Ranch Uribe Park.
- We have a new employee to Code - Justin Millard has been hired and has started his training.

Public Works Manager Mosbrucker

- The street slurry project is almost completed; we have two more days, Friday and Monday. The street slurry project will start up again on July 1 at the Agua Fria Ranch subdivision.

Economic Development Manager Cooper

- My office is now complete – thank you Marty and crew – feel free to visit.
- The Mayor and I are meeting the first week of July with a potential developer for the Commerce Park, just a preliminary meeting.
- Jubilee Plaza is about fully leased.
- The Tequila Willy's building will be coming down.

Library Manager Speed

- This week we had two events for the children; Tuesday, the Junk Lady and today, Thursday, we had silk screening and t-shirt painting.
- Tomorrow, Friday, the Book Club will be meeting at 10:00 a.m.

- We will have a Chef visit at 11:30 a.m. presenting, "From Garden to Table."
- Story Time is every Tuesday in the months of June and July with Kiwanis members reading to the children.
- In July, the Library will have creative writing workshops.
- I want to thank Mike Kessler, Public Safety Manager for obtaining fines payment from delinquent accounts.

5. Citizens Comments/Apearances from the floor:

Resident Timothy Ayres

- I would like to commend the Citizens' Academy. It was very interesting, ran very smooth, and I saw all the hard work that was put into it. I would like, however, to make a suggestion; because this is an election year, it would have been good to have included the election process information. Also, add to the Citizens' Academy that it is required that participants attend more than one council meeting.

6. Consent Agenda:

- Approval of Minutes: Regular Meeting Minutes of May 27, 2014 and Regular Meeting Minutes of June 5, 2014.
- Consideration and Action Re: Approval of a renewal contract for Municipal Judge Services with Lex Anderson.
- Consideration and Action Re: Approval of the renewal of an Intergovernmental Agreement Public Partnership with Sun City Fire District (SCFD) for Building Inspection, Plan Review and Building Official Services.
Motion made by Councilmember Miller to pass items on the consent agenda with changes as noted to the June 5, 2014 minutes.
Second – Councilmember Gustafson
Motion passed unanimously on a voice vote.

7. Business

A. Discussion and/or Action Re: Sun City Fire District (SCFD) Report.

Fire Marshal Jim Fox

- It was a bad month for fires, there were 3 in the month of May; one was on May 3, 2014 at 12087 112th Avenue, illegal burning in the backyard reported by a neighbor. Engine 132 responded from 99th and Peoria Avenue. The second was on May 23, 2014 on 113th Avenue, report of flames coming from above the wall. Response time was 2 minutes and 44 seconds. Found to be 1/16 of an acre from a tree down into the river bottom; no investigation. The third fire was on May 27, 2014 on 11110 W. Nevada, a vehicle on fire; response time was 3:22. Engine 133 arrived to find that it had been extinguished with a green line, which mean a water hose; found to be smoldering from wiring from within the vehicle.
- There were 82 rescue & EMS incidents; 1 hazardous condition; 6 service calls; 4 good intent calls and 8 false alarm calls for total incidents of 104 to report. One of the false alarms was from a Youngtown building. The trouble signal in the alarm panel failed which set up the alarm. I've spoken with Public Works Manager Marty Mosbrucker and we are getting that alarm up to par.
- On the prevention side there were 21 total inspections to report with 16 re-inspections.
- SCFD is seeing many, re-retired volunteers retiring. We are in need of volunteers.
- The demo date for the Tequila Willys building will begin on Sunday, July 6 with fencing around the entire property. On July 7, we will begin the demolition and the asbestos will be removed first. The demolition should take about 2 to 3 days. The entire foundation will be removed.
- There was been a question about the usage of the current sign post on the property. An assessment needs to be completed; the sign is in very bad shape, it is very rusty. The cost might be more that what it is worth.

B. Maricopa County Sheriff's Office (MCSO) Report

Captain VanAusdal

- On Sunday, there will be 7 new deputies coming from District 3 to patrol Youngtown streets.
- There will be two more MCSO Citizens' Academies scheduled for this fall.
- There were 5 aggregate assaults reported in May 2014, an increase in which we do not like to see. Last month there was 1 reported. Good news is there were no sexual assaults to report. There also was an increase in property theft, 7 reported; last month there were 5.

Mayor LeVault

- Do you have any information regarding the illegal immigrant children?

Captain VanAusdai

- This situation does not affect us; it primarily affects the Cities of Phoenix and Tucson. There has been no communication given to us.

Councilmember Johnson

- Do you see an increase in crime reports when school is out for the summer?

Captain VanAusda

- We do have incorrigible youth, however few reports have been taken, I will have to look into that.

C. Discussion and/or Action Re: Approval of Intergovernmental Agreement (IGA) with the City of Buckeye for the fabrication of traffic and regulatory signs.

Public Works Manager Mosbrucker

- We are seeking approval of an IGA with the City of Buckeye for the fabrication of traffic and regulatory signs. This agreement shall be effective upon approval and execution by both the Buckeye City Council and Youngtown Town Council. This agreement shall remain in effect until June 30, 2019 unless terminated by either party for any reason upon a 30 days' written notice prior to the actual date of termination. Buckeye shall furnish all labor and materials to fabricate traffic and other regulatory signs in accordance with the Manual of Uniform Traffic Control Devices for the Town of Youngtown.

Councilmember Miller

- Are there any plans for larger street signs?

Councilmember Gustafson

- How about the signs on the east side of Alabama and Youngtown Avenue, can they be made larger?

Public Works Manager Mosbrucker

- The sign are regulatory signs in accordance with the Manual of Uniform Traffic Control.

Mayor LeVault

- The east side of Alabama and Youngtown Avenue is County jurisdiction.

Councilmember Mello

- I would like to sit down and review the cost for these signs.

Motion made by Councilmember Johnson to approve Intergovernmental Agreement (IGA) with the City of Buckeye for the fabrication of traffic and regulatory signs.

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

D. Approval of Resolution 14-17 amending the Policy and Administrative Guidelines Manual for the Town of Youngtown adopting Personnel Rules Changes regarding At-Will Employment, Political Activities, and Meal Breaks.

At-Will Employment

Town Attorney Stuhan

- The *At-Will Employment* under the revised personnel rules, the Town's current regular status employees will retain their due process rights as outlined in the personnel rules. New employees, however, will be hired on an *at-will* basis. At-will employment allows the Town to terminate employment with cause or without cause, and with or without notice, at any time, at the option of either the Town or the employee (but not for an unlawful reason such as discrimination). The employee retains protected rights under federal and state law (e.g., ADA, FMLA, Title VII of the Civil Rights Act, etc.) Management may discipline or terminate employees without the added cost of lengthy appeal proceedings. We are seeing that other municipalities are changing to *at-will employment*.

Mayor LeVault

- Other Cities and Town have begun the process as well. This is done pretty much in the private sector. The cost is a consideration factor. This is an attempt to make the process less cumbersome. Officially it takes six weeks to hire and six months to fire. This will only apply to new hires.

Councilmember Mello

- We are a right to work state.

Councilmember Johnson

- New employees will sign off that they are being hired as at-will employees?

Town Attorney Stuhan

- Yes, there is an acknowledgment of this in the Policy Handbook that is provided when hired. It is also stated on their offer letter.

Meal Breaks as it relates to Employee Compensation

Town Manager Blackman

- The current policy does not clearly define compensation for meal breaks and circumstances that may exist that make an uninterrupted meal break impractical. Policy will now address parameters for compensation and required that prior permission must be received from the Department Head or the Town Manager, for an employee to work through their meal break.

Political Activity

Town Attorney Stuhan

- The purpose is to update the personnel rules were to clearly define the roles of Town staff with regards to political activity as it relates to elections and other political activities within the Town of Youngtown. This change is important to provide guidance to staff as well as examine some of the differences in the treatment of Youngtown candidate elections, non-candidate elections and petitions. These amendments also update the personnel rules to address changes in state election laws.

Councilmember Gustafson

- What about placing a sign or bumper sticker on your vehicle?

Town Attorney Stuhan

- Supporting an initiative and placing that on your personal vehicle is not a violation. It's when one uses their personal vehicle while on duty that can influence an election that is when it is a violation.

Councilmember Johnson

- What about a contracted worker?

Town Attorney Stuhan

- A contracted individual is not bound to personnel rules.

Motion made by Councilmember Chittenden to approve Resolution 14-17 amending the Policy and Administrative Guidelines Manual for the Town of Youngtown adopting Personnel Rules Changes regarding *At-Will Employment, Political Activities, and Meal Breaks.*

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

E. Approval of Resolution 14-14 adopting General Plan 2025

Economic Development Manager Cooper

- Staff is recommending the approval of Resolution 14-14 for the formal adoption of the Youngtown General Plan 2025 in compliance with Arizona Revised Statute and that it be submitted to the voters for ratification at the regular town election to be held on November 7, 2014.

Councilmember Miller

- On page 36-37 Planning Issues: Why does it say, "need to accommodate older drivers?"
- How about golf carts, making them unallowable, that should be written.

Economic Development Cooper

- This is coming from Maricopa Association of Governments (MAG) Corridor Optimization, Access Management and System Study (COMPASS).
- On page 38, Policy 1.4.2: addresses the increase of size and letter height of new and replacement roadway signs. We as a community did not make this decision, other than through MAG; it gives consideration to older individuals.

Mayor LeVault

- Councilmember Miller, you just asked about having larger street signs. The General Plan has no specific requirements. A General Plan gives latitude for change and amendments as people thinking changes throughout the years. We are adopting a set of guidelines placing in our vision and mission statement.
- There is legislation that addresses golf carts at the state level.

Town Attorney Stuhan

- Items such as golf carts do not need to be addressed in a General Plan.
- A General Plan can be amended in the future.

Councilmember Chittenden

- How will the General Plan be communicated to our residents?

Economic Development Cooper

- Our General Plan has been on our Town website.

Town Attorney Stuhan

- Because the General Plan will be on the ballot for the General Election scheduled on November 4, 2014, a publicity pamphlet will be mailed out before then. There are legal requirements to be met.

Motion made by Councilmember Johnson to approve Resolution 14-14 adopting General Plan 2025

Second – Councilmember Miller

Motion passed unanimously on a voice vote

F. Approval of Resolution 14-16, adopting Final Budget for Town Government for FY 2014- 2015 in the amount of 5,527,531.00

Town Manager Blackman

- The total budget for 2014-15 will be \$5,527,531 which is a 12.66% increase from the prior fiscal year 2013-2014 budget of \$4,906,165. The increase is primarily a result of appropriating for three new funds in the Town; Library Improvement, Impact Fees and Agua Fria Ranch Fees. Other increases would be the result of benefit increases with retirement, insurance and the addition of 1 position in the Finance Department as well as some one-time equipment or improvement expenditures.
- The Auditor General Forms have been published two consecutive weeks in the Daily News-Sun newspaper and posted on the Town's Website as required by state law.
- I would like to go over some of the major highlights of the budget. The good news for the Town is that we are starting to see some improvements in our local sales tax collections and state shared revenues of sales tax and income tax. Not the type of things we saw in 2005, 2006 and 2007, but "slight" glimmers of recovery. For example, the Town's local sales tax collections for this FY14 are estimated to end up at approximately \$1.3 million. The FY14 budget was \$950,000 so in order to budget what we estimate to collect in FY15 we are appropriating \$1.3million even though we anticipate continuing to see improved sales tax collections. The Town's state shared income taxes are increasing by about 8.5% over FY14 budget, and state sales taxes are increasing by about 4.5% over the FY14 budget.

- The major items contained in this year budget are as follows:

- Addition of Finance Position
- Compensation study
- Contingency reserve of 7%
- Improvements and equipment at Town Hall
- Economic Development- Signage, Engineering Plan for the Commerce Park

In addition, these are the items I will be discussing with Council to resolve within the next 12 months.

- Proactively work with Council and staff on maintaining financial stability in the Town
- Development of written accounting procedures and internal controls.
- Indirect cost allocation study is needed to determine "true" indirect costs for funds supported by General Fund.
- Develop template for quarterly financial reporting to Council so they can see the financial status of the Town and have the opportunity to adjust accordingly
- Develop financial policies for the Town such as future contingency reserve requirements, operating, and reporting and debt policies to bring to Council.
- Increased participation of staff in budget development.

In conclusion, I would like to take this opportunity to thank the Mayor and Town Council for their guidance and support throughout the development of this proposed budget. With the Town's guidance, and Town's staff's collaborative effort, we were able to bring forward a balanced budget for fiscal year 2014-15. I would also like to thank all of the Town employees for the tremendous job they do every day in delivering services to the citizens of Youngtown. I would like to now turn it over to Pat Walker to discuss the details of the proposed FY15 Budget.

Consultant Pat Walker

- The Fiscal Year 2015 Local Sales Taxes total projection is \$1.35 million. The major revenue categories: retail, construction, utilities, rental and services. The three major State Shared Revenues are: auto lieu tax \$218K; State Sales Tax \$556K and State Income Tax \$745K.
- I have completed a 5 year fund analysis. The decision made this year will affect the following years to come. Future year revenues were forecasted at a 1% to 2% increase per year, expenditures were forecast at a 2% increase per year. The FY15 Fund Balance carry forward increased to cover a compensation study. \$40K has been allocated to cover up to a 3% salary increase and benefits. This spreadsheet shows

the amount of the total general fund, fund balance after each FY budget and assuming contingency is spent and also assuming the contingency reserve is not spent.

- We've separated the Highway User Revenue Fund (HURF) out of the budget. HURF revenues are collected for a specific purpose and are restricted in their use. FY13 shows an \$11,836 deficit to HURF. The spread sheet shows a 5 year analysis if the contingency reserve is spent and not spent.

Mayor LeVault

- The Hurf deficit could have been when the state was sweeping (taking back) funds.

Consultant Pat Walker

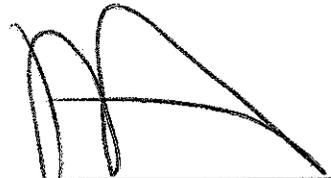
- There are also miscellaneous grants \$923K; CDBG, MAG/CMAQ and MAG/TIP

Motion for a roll call vote made by Mayor LeVault to approve Resolution 14-16, adopting Final Budget for Town Government for FY 2014- 2015 in the amount of \$5,527,531.00

Motion passed unanimously on a voice vote of 7-0 in favor of adopting Final Budget for FY 2014-15

Adjournment

Motion to adjourn: Councilmember Mello
Second – Vice Mayor Duran
Meeting Adjourned 8:25 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approved at June 26, 2014 regular meeting.