MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, December 17, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order — Mayor LeVault called the meeting to order at 7:08 p.m.

2. Roll Call — Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Interim Chief of Police Dennis Young, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, Deputy Town Clerk Diane Cordova

3. Pledge of Allegiance and Invocation — Pledge led by Councilmember Chittenden. Invocation offered by Police Chaplain/Pastor Charles Ring.

4. Communications:

A. Communications from Council

Mayor LeVault

- Attended an El Mirage sponsored public forum in Sun City at the Mountain View Recreation Center regarding Luke Air Force. Support the F-35 by registering on their website www.lukeforward.com

Councilmember Johnson

- Received a call from one of our residents in the Spanish Garden Apartments regarding issues with another resident. I called Town Manager Robinson, and through actions of Chief Young and Officer Dean there was a quick response. We would not get this kind of personalized service from the Sherriff's Department. I am proud of our Police Department. I commend Chief Young and Officer Dean.

Councilmember MacKay

- Thanks to Diane Cordova for the wonderful Holiday Event. It was very well attended.
- In the Village Reporter, excellent photo spread of the happenings in Youngtown.

Councilmember Mello

- Children were having fun.

Councilmember Chittenden

- Diane Cordova did an excellent job organizing the Holiday Event. I appreciate Vice Mayor Duran for helping with the coffee.
- VOYT Business Group is planning an Expo in February 2010

Councilmember Oglesby

- Thank the Police Department for their response to a fire in the alley.
- Dan Marjanek, June Miller and I were interviewed about doing a video about the alley paving project. It will be posted on the county's website www.maricopa.gov/aark

Vice Mayor Duran

- Appreciate the Police Department. Last week my wife called about 2:00 a.m., the response time was quick.

B. Communications from Staff

Town Manager Robinson

- VOYT Business Expo mentioned in the Village Reporter regarding hazardous materials, they will not be collecting hazardous materials.
- Council has the November 2009 Financial Report. Total less revenue from last year is a 25.8% difference
- New town website by the developer CivicPlus. Anticipate new website will be up and running by March 1, 2010.
- Winter Holiday Event was a success. Weather was perfect. Thanks to Mrs. Hoffman and her husband for building the fireplace. Great to see our employees from Public Works with Santa hats stirring hot chocolate.
- Success story with one of our residents from our ESL (English as a second Language). She obtained a TPT (transaction privilege tax) license and baked the cookies.

Public Works Manager Hannah

- The 2011 Community Development Block Grant Application was received Friday, December 17, 2009 by Dan Marjanek. We have requested $500,000 for the Fire Flow Project. We will be doing a presentation in February 2010 and then a decision by CDAC (Community Development Advisory Committee) will follow a month later.

Deputy Town Clerk Cordova

- Thank you Council, staff and the YES Committee (Youngtown Event Specialists) for their support at the Winter Holiday Event.

5. Consent

A. Approval of Minutes: Minutes of Regular Meeting and Special Meeting, December 3, 2009
Motion to approve Consent Minutes – Councilmember Chittenden
Second – Vice Mayor Duran
Motion passed unanimously on a voice vote.

6. Business

A. Public Hearing, Discussion and/or Action Re: Planning & Zoning Case # 09-02 Approval of Ordinance 09-08 Amending the Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.04 General Provision, Administration and Enforcement, by amending Section 17.04.030 Definitions, by adding definitions for "Animal Shelter", Boarding Kennels", and "Doggie Daycare", Chapter 17.36 C-1 Commercial District by amending Section 17.36.020 Use Regulations to add Animal Shelters, Boarding Kennels, and Doggie Daycares as permissible uses; adding new Section 17.36.120 Animal Shelters, Boarding Kennels and Doggie Daycare Regulations to set forth regulations concerning such uses (ROBINSON/SWANN).

Town Attorney Swann

- A rescue group named 4 Paws has been in operation for quite a few years. The Town has always considered it as office use. It came to the Town's attention that 4 Paws has been boarding animals. The present town ordinance does not allow for the boarding of animals overnight in Commercial Districts. 4 Paws boarding of animals has always been in Peoria.
- Staff decided that it would be a good idea to allow Animal Shelters, Boarding Kennels and Doggie Daycares in Youngtown.
- Ordinance would require a Doggie Daycare to be enclosed. No indoor/outdoor use. Animal Shelters and Boarding Kennels would be allowed to have outdoor exercise areas a minimum of 150 feet away from residential and applies only to Animal Shelters and Boarding Kennels.
- This ordinance does not cover dog parks.
- It has completed the Citizen Review and the Public Hearing process. Zoning Officer recommendation was to approve ordinance with modifications.

Mayor LeVault

- Is 4 Paws planning on staying here in Youngtown and/or are they expanding?

Mark Hugh, Attorney for 4 Paws and Sun City Animal Rescue

- An issue came about of how we operate. We worked with the Town's Attorney and the Town Clerk. We are 100% in favor of what the Town was drafted.

Pat Sherman, President of 4 Paws.

- 4 Paws is looking for a home. We want to stay in Youngtown. We are expanding and moving yet into another area.
- We do the monthly spray and neuter clinic.

Councilmember Chittenden

- 4 Paws has helped me in the past and 4 Paws brings people into Youngtown.

Councilmember Mello

- Need information about 4 Paws to be in the Town's Village Reporter.

Motive to Approve Ordinance 09-08 Amending the Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.04 General Provision, Administration and Enforcement, by amending Section 17.04.030 Definitions, by adding definitions for "Animal Shelter", Boarding Kennels", and "Doggie Daycare", Chapter 17.36 C-1 Commercial District by amending Section 17.36.020 Use Regulations to add Animal Shelters, Boarding Kennels, and Doggie Daycares as permissible uses; adding new Section 17.36.120 Animal Shelters, Boarding Kennels and Doggie Daycare Regulations to set forth regulations concerning such uses - Councilmember Johnson
Second - Councilmember Mello
Motion passed unanimously on a roll call vote.

B. **Presentation and Discussion on Property Taxes by Maricopa County Assessor Keith Russell and Lesley Kratz, Executive Senior Advisor, Maricopa County Assessor's Office.**

Keith Russell

- In Arizona we have two assessed values. One is the reflection of market conditions called full cash value, also known as a secondary. The other is the limited also known as a primary, a statutory formula that causes it to change. The limited primary is always below cash value or the market value and it can never exceed it. It cannot change quickly because of a statutory formula. It increases by either 10% of where it was last year or by 25% of the difference between the current year's secondary value and previous year's primary value, whichever one is greater.
- All property owners will receive in February a notice of value which delineates the assessed value for that particular property and it will report both assessments. The property owner has 60 days in which they may appeal through an Administrative Process. If the property owner does not file an appeal, the owner may file a petition with tax court at any time after the notice of valuation but not later than December 15.
- The Assessor's job is not to decide how much one pays in taxes. The Assessor's job is to determine your pro-rata share of whatever obligation the taxing jurisdiction decides to collect. To understand, envision a small taxing jurisdiction of 10 homes. Each home is assessed at $100,000; therefore the total assessed value in that taxing jurisdiction is one million dollars. $100,000 over one million is 10%. Everyone owes 10% of the obligation towards the budget, bonds, and overrides. If the assessed values go down 25%, everyone is assessed at $75,000 and the total is $750,000 but everyone still owes 10%. Individual taxing jurisdictions decide how much to collect, however there are restrictions.
- The LPV (limited primary value) is the one used for the budgets for county, cities, community colleges and school districts. This is the statutory formula that does not change. Once the base amount is set, increases are limited to 2% plus new construction. We take last year's maximum amount and it's a maximum that was allowed last year that you start with not necessarily what you took, so if you decided to take less than what you are allowed, we still use the maximum amount plus 2% and add new construction. Anything below the maximum that is not utilized, we are able to bank. If you take only a 1% increase for 5 years, at the end of those 5 years, you've banked 1% a year, however a couple of years ago, the Legislature came in and swept everything that was in that bank. It's not a guaranteed long-term bank. The Legislature writes the statute that governs tax property.
- Prop 101 passed by public vote in 2005-2006. People were concerned that jurisdictions were banking 20 – 30%. The jurisdictions came in and increased the tax bill by 20% in one year. The Legislature placed this measure on a ballot and the people said we do not want the jurisdictions to come and increase one big amount at one time.
- Take the base amount the jurisdiction allows and calculate it through the years at the maximum, so if it's 2% of the maximum that you could of taken last year not what you did take, so if you only took 1% on top of what you took last year we calculate it based on 2%, we know what the maximum amount is and we will tell you what is the maximum rate you can levy.
- All property in Arizona pays property taxes. The question is where does that money go? Commercial property, vacant land and single homes, residential homes, none of those pay a property tax that goes to Youngtown, but all of those pay a tax to Maricopa County. The reason is that the citizens of Youngtown have never voted on having a primary property tax.

Mayor LeVault

- Whether or not a primary property tax is implemented in Youngtown is not what this council can decide on. It is beyond our scope of authority. We can, however, get it placed on a ballot for May, 2010. We are here to give all the information we can give and let the people decide.
- In Youngtown we have no primary property tax. We finance our town government by state revenue sharing, vehicle license taxes, rental income and other sources of revenue. We are at the mercy of the State Legislature.
- I attended WESTMARC's Legislature round table. The revenue figures rolling in now have turned us back to 2004 revenue collections. The State Legislature continues to try to sweep funds from local municipal governments. There will be a 24% reduction in our urban revenue sharing funds.
- Youngtown's budget has been reduced each year in the last three years. There is great support for our Police Department. Our Police Department takes about one third of our budget.

Councilmember Johnson

- How would the language on the ballot read?
- In our strategic planning meeting our main concern is the Police Department. The time is critical. We need to place it on the ballot for May 2010.

Attorney Swann

- Official Title PRIMARY PROPERTY TAX. The question is, shall the Town of Youngtown be authorized to raise an amount not to exceed (we don't know that amount) by primary (ad valorem) property taxes to be used to support the operations of the Town's Police Department as the Town deems necessary?
- The "as deems necessary" language is giving the discretion to the Town to use the funds. Neither the U.S. Constitution nor Arizona Statutes grant the power to a municipality to designate the use of a primary property tax.

Councilmember Chittenden

- "As deems necessary", are we talking about changes later as deems necessary? How do we decide the rate?
- I would like to direct staff to compare our Police Department and Maricopa County Sheriff's Office (MCSO) contract costs.
- I appreciate the business owners and residents for attending tonight.

Councilmember Mello

- "As deems necessary" specifically for the Police Department. What if another Council comes in and sweeps that money?
- We need business owners to help educate the public, our residents, about what this property tax means.

Town Manager Robinson

- I have those figures now. I will get them to Council.
- November 21, 2009 Council's Strategic Planning meeting brought awareness of the next five years. The Council is adamant and made it clear to me tokeep the Police Department and the focus is on public safety. The Police Department is our largest department.
- We need a mechanism to pay for the operation of our Police Department. The funds have to go into the general fund as far as the revenue side.

C. Discussion and Possible Direction to Staff Re: Placement on the Ballot for Election on May 18, 2010, the Question of Whether to Approve an Initial Primary Property Tax. (ROBINSON/SWANN).

Town Manager Robinson

- Council has given direction to staff that they want the Police Department. If primary property tax does not pass, the Police Department is not going away.
- Need local control over our revenue. Retail tax is local control. In two budget years, we are now absorbing the urban revenue sharing which is down 38%. The Legislature is looking at the HURF money, LTAF(lottery money), Vehicle License Tax receipts which they can sweep. This is revenue that we cannot control. Our Town needs local control.
- In three years time we have balanced our town budget. We are now at a breaking point and have to make up the lost revenue stream. We do not know what the legislature is going to do.
- Discussion at the Council's Strategic Planning meeting was about looking at a primary property tax. Talking with Executive Director of Arizona League of Cities & Towns, he stated that this is a wise move because we then can control taxes locally.
- Every idea, every project, every improvement comes with a price tag. Need to operate the Town with a seamless service. Some of the examples of seamless service that we have done is outsourcing mowing and janitorial service.
- Next year Town will take a 24.6% hit on Urban Revenue Sharing - that's $200,000. To our Police Department it means no new police vehicles next year. What do we do? Turn off street lights? Shut down our library? Eliminate three to four employees?
- Department heads have done five year planning. What are the improvements needed? Five year total amount is $4,561,000.00, or about $1 million a year for police vehicles, computers, office printers, copiers, police gun replacement every 10 years, and we are in the tenth year. Police vests have a 5-year life span at a cost of $600.00 each. We have a good Police Department and in order to continue we need to provide these resources.
- In forecasting, personnel services were calculated to increase an average of 6% a year, that's an additional $600,000. plus the 1 million a year.

Town Attorney Swann

- Council is not taking any action of this agenda item. Council needs to give direction to staff to bring a Resolution to Council for January 7, 2010.

Mayor LeVault

- Town Manager Lloyce Robinson is to visit with each Councilmember regarding bringing back a Resolution.
- I direct staff for a written memo to council regarding the cost of keeping our police department versus costs of a police services contract with the Maricopa County Sheriff's Office.

7. Call for Executive Session

None needed.

8. Citizens Comments/Appearances from the floor:

Tom McCormick, Business Owner of General Exterminating

- I had an opportunity to attend the Town Council's Strategic Planning meeting on November 21, 2009.
- I am part of a business organization called VOYT – Voice of Youngtown. I am a business owner not a resident, I do not have a vote, however I support this property tax.
- Having our own Police Department is a pretty good thing. Police officers are always around my business and are welcome there. To keep our Police Department and keep things running safely is a small price to pay. If I want a decent Police Department and a decent place to live, I need to pay for it. Everyone needs to pay.

Kathryn French, Resident and President of Agua Fria Ranch Homeowners Association.

- I compliment the Town Council and Staff, Town Manager Lloyce Robinson for the many cuts and reorganization of the Town's budget. I see that we have been taking care of our Town, public safety, and taking care of Town infrastructure. We have not been spending foolishly; however, we need a reserve. I am not pleased with our State Legislature.

Lora Rice, Owner of Koppy's Body Shop

- As a business owner I pay property taxes. Why is it that Youngtown has never received their portion? If this property tax is not passed by the residents, is there a way that Youngtown would get a portion of the property taxes from businesses?
- Support the Police Department and would not like to see this department leave and have the Maricopa County Sheriff's Office come in.

Larry Ornelis, Owner of National Glass & Mirror and Sun City Sun Control

- Time for residents to support the businesses with the property tax.

Betty Alton, Manager of Youngtown Apartments

- Reporting once again about a neighbor that lives in the backyard. A fire broke out and Sun City Fire responded. There has been no follow up; nothing has been taken care of. This is a serious matter to us at the Youngtown Apartments.

Announcement of next Work Session and Regular Meeting: Thursday, January 7, 2010 at 7:00 p.m.

Adjournment.

Motion to Adjourn – Vice Mayor Duran
Second – Councilmember Oglesby
Meeting adjourned at 9:10 p.m.

Michael LeVault, Mayor

Attest:

Diane Cordova, Deputy Town Clerk

Minutes approved at the January 7, 2010 Regular Meeting.

ORDINANCE NO. 09-08

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 17 ZONING, CHAPTER 17.04 GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT BY AMENDING SECTION 17.04.030 DEFINITIONS BY ADDING DEFINITIONS FOR "ANIMAL SHELTER," "BOARDING KENNEL," AND "DOGGIE DAYCARE", CHAPTER 17.36 C-1 COMMERCIAL DISTRICT BY AMENDING SECTION 17.36.020 USE REGULATIONS TO ADD ANIMAL SHELTERS, BOARDING KENNELS AND DOGGIE DAYCARES AS PERMISSIBLE USES; ADDING NEW SECTION 17.36.120 ANIMAL SHELTER, BOARDING KENNELS AND DOGGIE DAYCARE REGULATIONS TO SET FORTH REGULATIONS CONCERNING SUCH USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

BE IT ORDAINED by the Mayor and Town Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Youngtown Municipal Code, Title 17 Zoning is hereby amended by amending Chapter 17.04 General Provisions, Administration and Enforcement, Section 17.04.030 Definitions to add definitions of "Animal Shelter," "Boarding Kennel," and "Doggie Daycare" to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

17.04.030 Definitions

For the purpose of this title, certain terms and words are defined in this section. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular and the word "shall" is mandatory and not directory.

* * *

"ANIMAL SHELTER" MEANS A FACILITY THAT HOUSES HOMELESS, LOST OR ABANDONED CATS AND/OR DOGS THAT ARE KEPT AT THE FACILITY UNTIL THEY ARE EITHER RECLAIMED BY AN OWNER, ADOPTED TO A

NEW OWNER OR PLACED WITH A FOSTER HOME OR ANOTHER ORGANIZATION.

* * *

"BOARDING KENNEL" MEANS A FACILITY OTHER THAN AN ANIMAL SHELTER, DOGGIE DAYCARE, RETAIL SALE OF PET SUPPLIES AND GROOMING OF DOGS, OR VETERINARY OFFICE WHERE MORE THAN TWO DOGS THAT DO NOT LEGALLY BELONG TO THE OPERATOR ARE KEPT OR BOARDED OVERNIGHT. BOARDING KENNEL SHALL NOT INCLUDE A BREEDING KENNEL WHERE DOGS NOT LEGALLY BELONGING TO THE OPERATOR ARE KEPT FOR BREEDING PURPOSES.

* * *

"DOGGIE DAYCARE" MEANS A FACILITY WHERE MORE THAN TWO DOGS AND/OR CATS ARE KEPT OR BOARDED BUT NO DOGS AND/OR CATS OTHER THAN UP TO TWO DOGS AND/OR CATS THAT ARE OWNED BY AND LICENSED TO AN OPERATOR OF THE FACILITY ARE KEPT OR BOARDED BETWEEN THE HOURS OF 8:00 P.M. AND 6:00 A.M. ALL ACTIVITIES SHALL BE CONTAINED IN AN ENCLOSED FACILITY.

* * *

The Youngtown Municipal Code, Title 17 Zoning Chapter 17.36 C-1 Commercial District, is hereby amended by amending Section 17.36.020 Use Regulations and by adding new Section 17.36.120 Animal Shelter, Boarding Kennels and Doggie Daycare Regulations to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

17.36.020 USE REGULATIONS.

A building or premises in a C-1 commercial district shall be used only for the following purposes:

1. ANIMAL SHELTER, SUBJECT TO THE REQUIREMENTS OF SECTION 17.36.120 OF THIS TITLE;

~~1~~ 2. Antique store;

~~2~~ 3. Apartment houses which do not exceed two stories nor more than twenty-four (24) feet or two stories in height, unless located within the

Youngtown redevelopment district, identified in Resolution 00-09. In such a case, the maximum height shall be forty-eight (48) feet or four stories;

4 ~~3~~. Art shop;

5 ~~4~~. Automobile dealerships;

6 ~~5~~. Automobile rental businesses;

7 ~~6~~. Bakery goods store; provided, that all goods baked on the premises are sold at retail over the counter only;

8 ~~7~~. Bank;

9 ~~8~~. Barber shop, beauty parlor, chiropody or similar personal service shop;

10 ~~9~~. Bicycle sales and repair;

11. BOARDING KENNEL, SUBJECT TO THE REQUIREMENTS OF SECTION 17.36.120 OF THIS TITLE;

~~10~~ 12. Book, stationery or gift store;

13 ~~11~~. Building contractor;

14 ~~12~~. Camera shop;

15 ~~13~~. Candy store or fountain, provided there is no manufacturing of candy on the premises;

16 ~~14~~. Cigar store;

17 ~~15~~. Clothes cleaning or pressing establishment; provided, that the cleaning fluid used shall be in Class 4 of the standard of the National Board of Fire Underwriters for Dry Cleaning plants, as recommended by the National Fire Protection Association in bulletin of NBFU No. 32 dated June 2, 1961;

18 ~~16~~. Clothing, new and dry goods store;

19 ~~17~~. Delicatessen store, all food prepared on premises shall be sold at retail over the counter only. There shall be no slaughtering of animals or poultry on the premises;

20. DOGGIE DAYCARE, SUBJECT TO THE REQUIREMENTS OF SECTION 17.36.120 OF THIS TITLE;

21 ~~18~~. Dress or millinery shop, custom;

22 ~~19~~. Drug store;

23 ~~20~~. Electric carts, sale and repair;

24 ~~21~~. Electrical contractor;

25 ~~22~~. Florist;

26 ~~23~~. Furniture and house furnishing store, provided that no manufacturing or remodeling of furniture is allowed on the premises;

27 ~~24~~. Golf cart sale and repair;

28 ~~25~~. Grocery store and meat market, provided there is no slaughtering of animals or poultry on the premises;

29 ~~26~~. Hardware store;

30 ~~27~~. Home refrigeration, heating, sale and repair;

31 ~~28~~. Household appliance store, sales and/or repair;

32 ~~29~~. Ice cream store, provided there is no manufacturing of ice cream on the premises;

33 ~~30~~. Jewelry store;

34 ~~31~~. Laundry agency, laundry or laundromat;
35 ~~32~~. Leather and leather goods shop;
36 ~~33~~. Liquor sales for off-site consumption;
37 ~~34~~. Locksmith shop;
38 ~~35~~. Medical clinic;
39 ~~36~~. Musical instrument and sheet music shop;
40 ~~37~~. Notion and five-and-ten store;
41 ~~38~~. Office;
42 ~~39~~. Optical goods store and repair;
43 ~~40~~. Paint and wall paper store;
44 ~~41~~. Parking lot;
45 ~~42~~. Photographer's or artist's studio;
46 ~~43~~. Plumbing shop;
47 ~~44~~. Printing shop;
48 ~~45~~. Professional services;
49 ~~46~~. Radio and television store and repair;
50 ~~47~~. Refuse service office;
51 ~~48~~. Restaurant or cafe, including drive-in car service;
52 ~~49~~. Retail sales and serving of spirituous liquors for consumption on the premises in connection with an established restaurant, which may contain a cocktail lounge, but whose principal business is serving food, and which shall have a capacity of not less than fifty (50) persons, exclusive of any cocktail lounge or bar. Drive-in car services are permitted;
53 ~~50~~. Retail sale of pet supplies and grooming of dogs; provided, that no animals shall be boarded on the premises overnight;
54 ~~51~~. Security guard and patrol service;
55 ~~52~~. Service station, including incidental auto repairing, provided that all repair work is conducted wholly within a completely enclosed building and does not occupy more than forty (40) percent of the floor space;
56 ~~53~~. Shoe repair shop;
57 ~~54~~. Store or shop for conduct of retail business;
58 ~~55~~. Private and semi-public swimming pool; provided, that such pool shall be located not closer than seven feet to any property line, shall not occupy any front yard and is screened from adjacent properties by a solid wall or fence. The fence and gate shall be constructed and maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply. Such protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person;
59 ~~56~~. Tailor, custom;
60 ~~57~~. Tanning salons;
61 ~~58~~. Taxi, chauffeur limousine and similar transportation services for individuals;
62 ~~59~~. Thrift stores;
63 ~~60~~. Trade schools;

64 ~~61~~. Theater, but not including drive-in theater;

65 ~~62~~. Veterinary office for the treatment of animals; provided, that no animal larger than a household pet may be kept on the premises overnight;

66 ~~63~~. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title.

* * *

Alphabetize to conform.

17.36.120 ANIMAL SHELTER, BOARDING KENNELS AND DOGGIE DAYCARE REGULATIONS

A. NO PERSON SHALL OWN OR OPERATE AN ANIMAL SHELTER, BOARDING KENNEL OR DOGGIE DAYCARE WITHOUT HAVING MADE APPLICATION AND HAVING RECEIVED THE APPROPRIATE LICENSE PURSUANT TO CHAPTER 5 OF THIS CODE. THE APPLICATION SHALL INCLUDE THE SUBMITTAL OF A SITE PLAN AND FLOOR PLAN FOR THE FACILITY.

B. EVERY ENTITY OR PERSON WHO OWNS OR OPERATES AN ANIMAL SHELTER, BOARDING KENNEL OR DOGGIE DAYCARE SHALL ENSURE THAT ALL ANIMALS HOUSED AT THE FACILITY HAVE ALL CURRENT LICENSES AND VACCINATIONS REQUIRED BY STATE OR LOCAL LAWS.

C. EVERY ENTITY OR PERSON WHO OWNS OR OPERATES AN ANIMAL SHELTER, BOARDING KENNEL OR DOGGIE DAYCARE SHALL:

(1) MAINTAIN THE FACILITY IN A CLEAN AND SANITARY CONDITION;

(2) ENSURE ALL FOOD AND WATER BOWLS IN USE SHALL BE NON-SPILL, MADE OF STAINLESS STEEL AND BE CLEANED AND DISINFECTED EACH DAY;

(3) ENSURE THE FACILITY AND ASSOCIATED SURROUNDING AREAS ARE ADEQUATELY VENTILATED AND IN CLEAN CONDITION

FREE FROM VERMIN AND OFFENSIVE ODORS;

(4) ENSURE AN EXERCISE AREA SHALL BE PROVIDED SO AS TO ENABLE EACH ANIMAL TO EXERCISE FREELY AND EASILY FOR AT LEAST SIX HOURS PER DAY SO AS TO MAINTAIN PHYSICAL HEALTH AND WELL BEING AND

(5) ENSURE THE EXCRETA, DEAD ANIMALS AND OTHER WASTE RESULTING FROM THE KEEPING OF ANY ANIMALS SHALL BE REMOVED FROM THE PREMISES AS NECESSARY AND IN ACCORDANCE WITH ANY APPLICABLE STATE OR LOCAL LAWS AND IN A MANNER THAT AVOIDS ANY OFFENSIVE ODORS FROM EMANATING TO SURROUNDING PROPERTIES.

D. EVERY ENTITY OR PERSON WHO OPERATES AN ANIMAL SHELTER OR BOARDING KENNEL SHALL ENSURE ANY OUTDOOR CAGE OR PEN USED FOR HOUSING, HOLDING OR EXERCISING ANIMALS IS CONSTRUCTED AND MAINTAINED SO THAT EACH ANIMAL MAY EXTEND ITS LEGS TO ITS FULL EXTENT, STAND, SIT, TURN AROUND AND LIE DOWN IN A FULLY EXTENDED POSITION, SO THAT THERE IS ADEQUATE SHADE TO PROTECT THE ANIMALS FROM DIRECT SUN, AND SO THAT ANY ANIMAL CANNOT READILY ESCAPE FROM THE CAGE OR PEN; AND ANY OUTDOOR EXERCISE AREA MUST BE A MINIMUM OF 150 FEET FROM ANY RESIDENTIAL ZONING DISTRICT.

E. EVERY ENTITY OR PERSON WHO OPERATES AN ANIMAL SHELTER OR BOARDING KENNEL SHALL ENSURE THAT THERE IS SUFFICIENT STAFF PRESENT TO CARE FOR THE ANIMALS HOUSED AT THE FACILITY, EXCEPT THAT NO PERSON MUST BE PRESENT BETWEEN THE HOURS OF 9:00 P.M. TO 6:00 A.M.

F. EVERY ENTITY OR PERSON WHO OPERATES A DOGGIE DAYCARE SHALL ENSURE THAT AT LEAST ONE STAFF PERSON IS PRESENT AT ALL TIMES THE BUSINESS IS OPEN FOR BUSINESS. NO ANIMALS MAY BE BOARDED OR KEPT AT A DOGGIE DAYCARE BETWEEN THE HOURS OF 8:00 P.M. AND 6:00 A.M.

G. ANY PERSON OPERATING A BOARDING KENNEL OR DOGGIE DAYCARE SHALL KEEP RECORDS FOR EACH INCOMING AND OUTGOING ANIMAL INCLUDING THE FOLLOWING INFORMATION:

(1) NAME AND ADDRESS OF THE OWNER OF ALL ANIMALS CARED FOR OR KEPT AT THE FACILITY;

(2) DATES OF ARRIVALS TO AND DEPARTURES FROM THE FACILITY OF EACH INDIVIDUAL ANIMAL; AND

(3) RECORDS EVIDENCING THAT EACH ANIMAL CARED FOR OR KEPT AT THE FACILITY HAS ALL LICENSES AND VACCINATIONS REQUIRED BY STATE OR LOCAL LAWS.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars ($2,500) or by imprisonment for a period not to exceed six

(6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 17th day of December, 2009, by the following vote:

AYES: 7

NAYES: 0 ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 17th day of December, 2009.

Michael LeVault, Mayor

ATTEST:

Diane Cordova, Deputy Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
Town Attorneys

I, DIANE CORDOVA, DEPUTY TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 09-08 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 17TH DAY OF DECEMBER, 2009, WAS POSTED IN THREE PLACES ON THE 18TH DAY OF DECEMBER, 2009.

Diane Cordova, Deputy Town Clerk

PRIMARY PROPERTY TAX

INFORMATION

December 17, 2009

YOUNGTOWN
PRIMARY PROPERTY TAX YIELDS
2010

Primary Net Assessed Valuation		34,848,380.00
per $100		Yield
0.1000		34,848.00
0.2000		69,697.00
0.3000		104,545.00
0.4000		139,394.00
0.5000		174,242.00
0.6000		209,090.00
0.7000		243,939.00
0.8000		278,787.00
0.9000		313,636.00
1.0000		348,484.00
1.2500		435,602.00
1.5000		522,726.00
1.7500		609,847.00
2.0000		696,968.00
2.2500		784,089.00
2.3000		801,513.00
2.3500		818,937.00
2.4000		836,362.00
2.4500		853,786.00
2.5000		871,210.00
2.7500		958,331.00
3.0000		1,045,452.00

Revised December 16, 2009

12/16/2009

Tax Levy w/2% Annual Increase

Revised December 16, 2009

	.50/100	1.00/100	1.50/00
Year 1	174,242	348,484	522726
	3,485	6,970	10,455
Year 2	177,727	355,454	533,181
	3,555	7,109	10,664
Year 3	181,281	362,563	543,844
	3,626	7,251	10,877
Year 4	184,907	369,814	554,721
	3,698	7,396	11,094
Year 5	188,605	377,210	565,815

12/16/2009

Youngtown
Primary Property Tax
2009-2010 Estimates

.50 per $100 assessed valuation = $210,587	
RESIDENTIAL	
11647 W. Cinnabar	82.51
11574 W. Brown	87.35
11639 W. Oglesby	97.60
11208 W. Florida	40.70
11412 W. Kansas	63.85
11470 W. Illinois	36.75
11133 W. Jersey	51.96
11124 W. Nebraska	48.85
11406 W. Montana	36.00
COMMERCIAL	
12040 N. 111th Avenue	368.74
11212 W. Michigan Avenue	46.15
11212 W. Michigan Avenue	281.57
11309 NW Grand Avenue	1587.34
11604 Olive Avenue	1635.50
11132 W. California Avenue	45.26
11116 W. California Avenue	480.79
11124 W. California Avenue	44.85

To calculate the tax amount from your Tax Bill from the County Treasurer, take the Assessed Value Amount under Primary (Limited) Assessed Values and divide that number by 100 and multiply it by the currency amount to equal the tax yield from your property.

Example:
$16,501÷100 = 165.01 X .50 = $82.51

12/3/2009

Sample City Tax Levy
Quik Trip Stores
Comparisons
in West Valley Cities

City	Location	Rate/100	2009 Muni Tax
Peoria	8877 W. Thunderbird Road	0.1900	492.34
	9020 N. 91st Avenue	0.1900	807.28
Surprise	11420 W. Bell Road	0.5661	2,224.64
Glendale	5082 W. Grand Avenue	0.2252	820.52
Goodyear	550 N. Dysart Road	0.6320	1,547.21
Tolleson	297 N. 99th Avenue	0.9822	4,688.72
Phoenix	9910 W. Camelback Road	0.7664	3,132.06
Youngtown	11309 NW Grand Avenue	0.5000	1,587.34
	11604 W. Olive Avenue	0.5000	1,635.50

12/17/2009

No Property Tax or Contract w/Sheriff's Office

City/Town	Primary Property Tax	Police Services	Population	Sq. Miles
Carefree	No	Contract Sheriff's Office	3,684	8.50
Cave Creek	No	Contract Sheriff's Office	4,766	31.00
Fountain Hills	No	Contract Sheriff's Office	24,492	20.32
Gila Bend	Yes	Contract Sheriff's Office	1,980	21.00
Guadalupe	No	Contract Sheriff's Office	5,555	0.667
Litchfield Park	No	Contract Sheriff's Office	4,528	4.00
Paradise Valley	No	Police Department	13,863	16.00
Queen Creek	Yes	Contract Sheriff's Office	16,414	26.00
Youngtown	No	Police Department	6,163	1.12

12/17/2009

INPUT FROM ASSESSOR'S OFFICE

Primary value * assessment ratio = Assessed value
Assessed value /100 * tax rate = tax dollars

Here are the assessment ratios:

Residential = 10%
Commercial = 22% (decreasing 1% each year until it reaches 20%)
Vacant = 16%

The state aid credit is for school districts only. They have a different calculation for primary property tax based on legislation. What happens is if the school cannot fund their budget based on the legislative calculation, then the state will assist and make a payment. From what I know, cities and towns do not qualify for this credit only schools.

A few other items I thought about after our conversation. If the town does receive voter approval for a primary tax, there are limits imposed on the amount the primary taxes can increase each year. Basically, the primary tax levy can only increase 2% per year plus any new construction. So to put this in simple terms, let's say for the first year of collecting primary tax you use the following:

NAV = 42,000,000
Tax Rate = 10.5
Levy = 4,000,000

Then for the following year, you can increase your levy amount by 2% by statute no matter what happens to the NAV so that would mean the following:

NAV = 46,200,000
Tax Rate = 8.83
Levy = 4,080,000

SAMPLE QUESTIONS

What is the difference between a primary and a secondary property tax?

How much can the property tax be increased each year?

Can the property tax be decreased?

What is the Property Tax Cap?

How will the proposed annexation into the Peoria Unified School District affect residents north of Peoria Avenue (minus 11 parcels in Dysart School District)?

Is there a different assessment rate between residential rental and owner occupied?

YOUNGTOWN

Incident Response Summary

October 2009

Incident Type		Count
3 Rescue & Emergency Medical Service Incident		
3210	EMS - Cardiac	6
3212	EMS - Seizure	1
3213	EMS - Respiratory	5
3214	EMS - GI: Abdominal	2
3215	EMS - ALOC	8
3216	EMS - Diabetic	4
3217	EMS - Fall Injury	15
3218	EMS - Other Traumatic Injury	2
3219	EMS - Other Medical Problem	16
321A	EMS - Burn Injury	1
321C	EMS - Code	2
321D	EMS - Drug Overdose	4
321E	EMS - Assault	2
321P	EMS - Psychiatric	1
323	Motor vehicle/pedestrian accident (MV Ped)	1
		70
4 Hazardous Condition (No Fire)		
412	Gas leak (natural gas or LPG)	1
		1
5 Service Call		
500	Service Call, other	4
510	Person in distress, Other	1
511	Lock-out	1
541	Animal problem	1
551	Assist police or other governmental agency	1
554	Assist invalid	9
		17
6 Good Intent Call		
600	Good intent call, Other	3
611	Dispatched & cancelled en route	1
		4
7 False Alarm & False Call		
730	System malfunction, Other	1
745	Alarm system activation, no fire - unintentional	1
		2

Total Incidents This Month: **94**

Total Incidents This Year: **322**

Prevention Inspection Summary

October, 2009

Property Use		Number of Initial and Re-Inspections Initial	Reinspects	Total
Assembly				
134	Funeral parlor	1	0	1
140	Clubs, Other	0	1	1
151	Library	0	1	1
161	Restaurant or cafeteria	1	0	1
		2	**2**	**4**
Health Care, Detention, & Correction				
311	24-hour care Nursing homes, 4 or more	0	1	1
342	Doctor, dentist or oral surgeon office	1	0	1
		1	**1**	**2**
Residential				
439	Boarding/rooming house, residential hotels	0	1	1
449	Hotel/motel, commercial	2	0	2
		2	**1**	**3**
Mercantile & Business				
500	Mercantile, business, Other	3	0	3
519R	Restaurant	2	0	2
557	Personal service, including barber &	2	1	3
569	Professional supplies, services	1	0	1
579	Motor vehicle or boat sales, services,	2	1	3
580	General retail, Other	11	2	13
599	Business office	12	2	14
		33	**6**	**39**
Storage				
891	Warehouse	0	1	1
		0	**1**	**1**
Total Inspections	**49**	**38**	**11**	**49**

Prevention Violation Summary

October, 2009

Violation Code	Number of Initial & Re-Inspected Violations
5.8 IEC - GFCI Protected Outlet	2

Total Violations: 2

YOUNGTOWN

Incident Response Summary

November 2009

Incident Type		Count
3 Rescue & Emergency Medical Service Incident		
3210	EMS - Cardiac	7
3213	EMS - Respiratory	1
3214	EMS - GI: Abdominal	1
3215	EMS - ALOC	2
3216	EMS - Diabetic	3
3217	EMS - Fall Injury	16
3219	EMS - Other Medical Problem	15
321C	EMS - Code	1
321P	EMS - Psychiatric	2
		48
5 Service Call		
500	Service Call, other	5
551	Assist police or other governmental agency	1
554	Assist invalid	3
		9
6 Good Intent Call		
600	Good intent call, Other	2
611	Dispatched & cancelled en route	2
		4
7 False Alarm & False Call		
700	False alarm or false call, Other	6
730	System malfunction, Other	1
		7

Total Incidents This Month: 68

Total Incidents This Year: 322

Prevention Inspection Summary

November, 2009

Property Use		Number of Initial and Re-Inspections Initial	Reinspects	Total
Assembly				
140	Clubs, Other	0	2	2
		0	**2**	**2**
Health Care, Detention, & Correction				
342	Doctor, dentist or oral surgeon office	2	0	2
		2	**0**	**2**
Residential				
439	Boarding/rooming house, residential hotels	1	0	1
		1	**0**	**1**
Mercantile & Business				
500	Mercantile, business, Other	2	0	2
519R	Restaurant	1	0	1
557	Personal service, including barber &	3	0	3
569	Professional supplies, services	1	0	1
579	Motor vehicle or boat sales, services,	3	1	4
580	General retail, Other	8	0	8
599	Business office	7	0	7
		25	**1**	**26**
Total Inspections	**31**	**28**	**3**	**31**

Prevention Violation Summary

November, 2009

Violation Code		Number of Initial & Re-Inspected Violations
16.2	906.2 Portable Ext - Serviced	2
5.8	IEC - GFCI Protected Outlet	4
6.2	10006.3 Exits - Emergency lights	2
9.5	703.1 Separations - Fire doors	2

Total Violations: 10