



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

THURSDAY, November 5, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Vice Mayor Jacob Duran called the meeting to order at 7:07 p.m.
2. Roll Call

Council present: Vice Mayor Jacob Duran, Councilmembers Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson. Council excused absent: Mayor Michael LeVault and Councilmember Margaret Chittenden.

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, and Town Clerk Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember Mello. Invocation offered by Pastor Charles Ring.
4. Communications:
 - A. Communications from Council

Vice Mayor Duran

 - Mayor LeVault is attending WESTMARC's "Best of the West" banquet this evening.
 - Please include Mike Fehlig in your prayers. He is having surgery tomorrow. Also Kathryn French and Pat Druehl, who have not been well.
 - I attended the Sun City Fire Department Academy graduation.
 - I'd like to introduce my wife, Carol Duran, who is here this evening

Councilmember Mello

 - Thanks to the Police Department, the Neighborhood block parties were great. Did an awesome job. This was an incredible, positive beginning to reach the community.
 - November is the best issue of the Village Reporter. Got it right this time.
 - B. Communications from Staff

Town Manager Robinson

 - Both the GAIN event and the Community P.R.I.D.E. neighborhood parties went well. Good to see Sgt. Hunter on his bike for the Police Bike Patrol.
 - Code Enforcement report is coming to you. Lora Isaacs provided lists of code violations – 3 pages of closed cases and 6 pages of active violations. Copies will be in your boxes. EBB (End Backyard Blight) continues as an active program.
 - December 12 from 5 to 7 p.m. will be our annual Winter Holiday event. Diane Cordova assures us there will be plenty of snow.
 - Saturday, November 21, from 8 a.m. to 4 p.m. the Council will be meeting for strategic planning. Lance Decker will be the facilitator while Council works on 5-year goal setting. David Moss, Executive Director of the Surprise Regional Chamber of Commerce and VOYT representatives will join Council for lunch to discuss economic development. Residents are welcome to observe the process.

Town Clerk Letty Goldberg

 - Sun City Fire Department would like to place new smokefire alarms in Youngtown residences for families and older residents. For installation of a free smokefire alarms residents should call the Sun City Fire Administrative Office at 623/974-2321 to schedule an appointment. They will also replace batteries in smoke alarms on request.

Chief Young

 - Two new patrol cars arrived this week and should be in service next week. Working to secure a AAA Drivers Safety program in Youngtown.

Public Works Manager Hannah

 - Report from the County Health Department on the H1N1 vaccine is that arrival of supplies makes it difficult to plan distribution. At this time priorities are pregnant women and caregivers of infants younger than six months, children 6 months to 6 years, children 6 to 18 years with other health issues, 19 to 24 years, and 25 to 64 years. Half of the hospitalizations have been children.

Mrs. June Miller, resident

- My doctor says I need to have the H1N1 vaccine, but he hasn't received any supplies. Where do we get the vaccine?

Mr. Hannah

- We will contact you when information is available.

5. Consent

A. **Approval of Minutes:** Minutes of Regular Meeting, October 15, 2009.

Motion to approve Consent Agenda – Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

6. Business

A. **Discussion and/or Action Re: Adoption of Ordinance 09-10 amending Town Code Title 12 Streets, Sidewalks and Public Places, Chapter 12.04 Street Excavation Permits, Section 12.04.040 Permit Fee Schedule, by incorporating updates to the Maricopa Association of Governments (MAG) *Uniform Standard Specifications and Details for Public Works Construction* as they are adopted, modified or amended (HANNAH).**

Public Works Manager Hannah

- We are still using MAG codes from 1998 although standards have been updated several times since then. This ordinance would allow us to adopt MAG standards 45 days after approved by MAG. This would allow staff time to review the changes and Council to adopt amendments if necessary. Most of the specifications are for road construction. This ordinance will be in place for the bidding of alley paving. Another section of this ordinance will codify fees for rights-of-way construction. Previously fees were set by resolution. The fee schedule is that which is now in effect. No changes are proposed.

Motion to adopt Ordinance 09-10 amending Town Code Title 12 Streets, Sidewalks and Public Places, Chapter 12.04 Street Excavation Permits, Section 12.04.040 Permit Fee Schedule, by incorporating updates to the Maricopa Association of Governments (MAG) *Uniform Standard Specifications and Details for Public Works Construction* as they are adopted, modified or amended – Councilmember Mello

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

B. **Discussion and/or Action Re: Approval of Resolution 09-18 adopting Section 504 Grievance Procedures of the *Rehabilitation Act of 1973*, as amended (GOLDBERG).**

Town Clerk Goldberg

- As a recipient of Community Development Block Grant (CDBG) funds we are monitored annually by Maricopa County Community Development to see that we are in compliance with requirements of the Federal Housing and Urban Development (HUD) Department. It was noted that we have a policy of non-discrimination toward persons with disabilities but did not have a procedure by which an individual could file a grievance.
- Adopting Resolution 09-18 will give the Town a formal grievance procedure based on Section 504 Grievance Procedures of the Rehabilitation Act of 1973, as amended. This is the same procedure used by Maricopa County Community Development.

Motion to approve Resolution 09-18 adopting Section 504 Grievance Procedures of the *Rehabilitation Act of 1973*, as amended – Councilmember Oglesby

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

C. **Discussion and/or Action Re: Approval of an Intergovernmental Agreement (IGA) between the Arizona Department of Transportation (ADOT) and the Town of Youngtown for the engineering, environmental clearances, construction, construction management and other services necessary for completion of the Peoria Avenue repaving project (Project Number ARRA-YTN-0(200)A), using funds from the ARRA/Recovery Act in the amount not to exceed \$645,926 (HANNAH).**

Public Works Manager Hannah

- We are getting closer to paving Peoria Avenue. Because of tight deadlines for ARRA/Recovery Act funded projects, earlier this year Governor Brewer decided that the Arizona Department of Transportation (ADOT) should do the engineering and project management on behalf of Arizona communities to get the road construction projects completed. ADOT has received the engineering and environmental clearances and with approval of the Intergovernmental Agreement will be able to put the project out to bid.

Motion to approve an Intergovernmental Agreement (IGA) between the Arizona Department of Transportation (ADOT) and the Town of Youngtown for the engineering, environmental clearances, construction, construction management and other services necessary for completion of the Peoria Avenue repaving project (Project Number ARRA-YTN-0(200)A), using funds from the ARRA/Recovery Act in the amount not to exceed \$645,926 – Councilmember Oglesby Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- D. Discussion and/or Action: Approval to accept Amendment #2 to the Maricopa County Sheriff's Office Police Dispatch and other public safety communications services agreement, for one additional mobile radio and increase in monthly dispatch service, effective December 1, 2009. (ROBINSON).

Town Manager Robinson

- We have received the second amendment to this agreement, effective December 1, 2009. It calls for the addition of one new radio and a change in fees to cover the costs of that radio. Otherwise, it is the continuation of an existing contract.

Motion to accept Amendment #2 to the Maricopa County Sheriff's Office police dispatch and other public safety communications services agreement, for one additional mobile radio and increase in monthly dispatch service, effective December 1, 2009 – Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- E. Discussion and/or Action: Approve Youngtown Historical Committee recommendation of future use/main vision of the Log Cabin, inclusive of current and future contents. (MACKAY/ROBINSON).

Councilmember MacKay

- The Youngtown Historical Society dissolved earlier this year. The Society owned the contents of the log building while the Town owns the building. The Historic Preservation Committee was charged by Council with making recommendations for use of the building and preservation of any remaining artifacts of the Town's history. Following transfer of the Society's materials to the Arizona State Library and Archives, a survey was made of the building's contents.
- Committee Recommendations: 1) The Log Cabin be named the Youngtown Historical Museum; 2) the purpose of the Museum is to be a visual display of history of the Town; 3) Museum will be under the Library Manager who will be responsible for tours, answering questions, and donation acceptance; and 4) purchases and financial decision regarding the Museum to be handled by Councilmember Susan MacKay and Town Manager.
- Museum is an effort to preserve the Town's history through displays, not stored in boxes. Building is not to be used for overflow storage.

Motion to approve Youngtown Historical Committee recommendation of future use/main vision of the Log Cabin, inclusive of current and future contents – Councilmember Mello

Second – Councilmember Johnson

Motion passed unanimously on a roll call vote.

7. Call for Executive Session

None needed.

8. Citizens Comments/Appearances from the floor:

No comments.

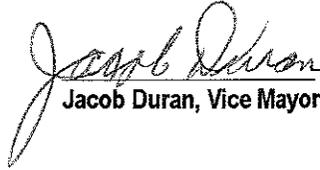
Announcement of next Work Session and Regular Meeting: Thursday, November 19, 2009 at 7:00 p.m.

Adjournment.

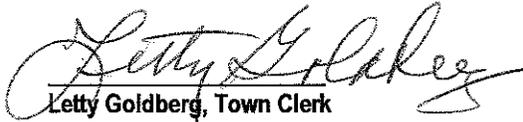
Motion to adjourn – Councilmember Mello

Second – Councilmember Oglesby

Meeting adjourned at 7:50 p.m.


Jacob Duran, Vice Mayor

Attest:


Letty Goldberg, Town Clerk

Minutes approved at the December 3, 2009 Regular Meeting.

ORDINANCE NO. 09-10

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.04 CONSTRUCTION WITHIN PUBLIC RIGHTS-OF-WAY: LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY BY AMENDING SECTION 12.04.010 PERMITS REQUIRED; CONTENTS OF APPLICATION; FEES BY REPEALING PARAGRAPH C FEES AND RELETTERING PARAGRAPH D AS PARAGRAPH C; BY ADDING NEW SECTION 12.04.050 PERMIT FEE SCHEDULE RELATED TO PERMIT FEES; RENUMBERING SECTION 12.04.050 RESIDENTIAL ROLL-CURB FILL TO CONFORM; AND BY ADDING NEW SECTION 12.04.070 MARICOPA ASSOCIATION OF GOVERNMENTS UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION, TO REQUIRE COMPLIANCE WITH THE MARICOPA ASSOCIATION OF GOVERNMENT STANDARDS FOR CIVIL CONSTRUCTION PROJECTS; 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 12 Streets, Sidewalks and Public Places is hereby amended by amending Chapter 12.04 Construction Within Public Rights-Of-Way: Location and Relocation of Facilities in Public Rights-Of-Way, by amending Section 12.04.010 Permits Required; Contents of Application; Fees by repealing Paragraph C Fees to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

12.04.010 Permits Required; Contents of Application; Fees

A. It is unlawful for any person to construct, reconstruct, repair, alter, or grade within the public rights-of-way without obtaining a permit from the public works department as provided in this chapter prior to commencing work and complying with the zoning and subdivision codes of the town.

B. An applicant for a permit shall file an application with the town showing:

1. Name, address and license number of the party doing the work.
2. Location of the work area.
3. Plans attached to the application showing details of the proposed construction. Such plans shall be prepared and sealed by an engineer registered and licensed in the state, unless the permittee demonstrates to the satisfaction of the town that the work does not warrant imposing this requirement.
4. A traffic control plan in accordance with section 12.04.020
5. Estimated cost of alteration.
6. Such other information as the town finds reasonably necessary to determine compliance with town codes.

~~e. Fees. Permit fees, plan checking fees and inspection fees as established by the council by resolution shall be paid prior to issuance of a permit.~~

~~DC. Repairs; emergency repairs. A permit shall be obtained from the public works department prior to a person removing, relocating, or reconstructing, if necessary, any portion of a person's facilities within public rights-of-way. Notwithstanding the foregoing, the town understands and acknowledges there may be instances when a person is required to make repairs, in compliance with federal or state laws, that are of an emergency nature. The permittee shall notify the town prior to such repairs, if practicable, and shall obtain the necessary permits within a reasonable time after notification.~~

The Youngtown Municipal Code, Title 12 Streets, Sidewalks and Public Places is hereby amended by amending Chapter 12.04 Construction Within Public Rights-Of-Way; Location and Relocation of Facilities in Public Rights-Of-Way, by adding new Section 12.04.050 Permit Fee Schedule, renumbering Section 12.04.050 Residential Roll-curb fill to conform, to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

12.04.050 PERMIT FEE SCHEDULE.

- A. ALL RIGHT-OF-WAY CONSTRUCTION PERMIT FEES SHALL BE BASED ON TWO PERCENT OF THE ENGINEER'S ESTIMATED COST OF THE JOB. NO PERMIT FEE SHALL BE LESS THAN FIFTEEN DOLLARS (\$15.00).
- B. THE PLAN REVIEW FEE SHALL BE SIXTY-FIVE (65) PERCENT OF THE RIGHT-OF-WAY CONSTRUCTION PERMIT FEE AS SET FORTH IN SUBSECTION A OF THIS SECTION.

Reletter Section 12.04.050 and Section 12.04.050 to conform.

The Youngtown Municipal Code, Title 12 Streets, Sidewalks and Public Places is hereby amended by amending Chapter 12.04 Construction Within Public Rights-Of-Way, Location and Relocation of Facilities in Public Rights-Of-Way, by adding new Section 12.04.070 Maricopa Association of Government Uniform Standard Specifications and Details for Public Works Construction to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

12.04.070 MARICOPA ASSOCIATION OF GOVERNMENTS UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION.

- A. ALL CIVIL CONSTRUCTION PROJECTS SHALL BE CONSTRUCTED IN CONFORMITY WITH THE CURRENT MARICOPA ASSOCIATIONS OF GOVERNMENTS ("MAG") UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION.
- B. THE MAG UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION COPIES SHALL BE AVAILABLE AT THE OFFICES OF THE BUILDING INSPECTOR AND THE PUBLIC WORKS MANAGER.

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.

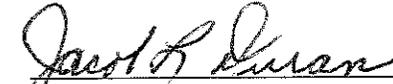
Section IV. Providing for Penalties.

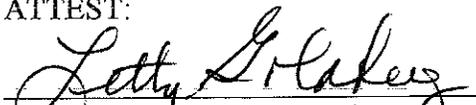
Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and 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 5th day of November, 2009, by the following vote:

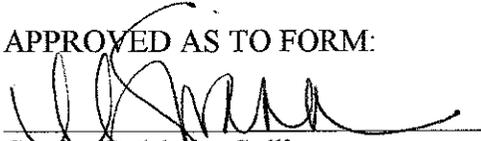
AYES:	<u>5</u>	
NAYES:	<u>0</u>	ABSENT: <u>—</u>
EXCUSED:	<u>2</u>	ABSTAINED: <u>—</u>

APPROVED this 5th day of November, 2009.


 Michael LeVault, Mayor
 JACOB R. DURAN, VICE MAYOR

ATTEST:

 Letty Goldberg, Town Clerk

APPROVED AS TO FORM:

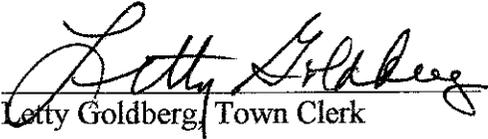


Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.

Town Attorneys

MICHELLE SWANN

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 09-10 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 5TH DAY OF NOVEMBER, 2009, WAS POSTED IN THREE PLACES ON THE 6TH DAY OF NOVEMBER, 2009.



Letty Goldberg, Town Clerk

RESOLUTION NO.09-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, ADOPTING SECTION 504 GRIEVANCE PROCEDURES OF THE *REHABILITATION ACT OF 1973*, AS AMENDED.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA:

SECTION 504 GRIEVANCE PROCEDURES

INTRODUCTION

The purpose of these procedures is to settle any and all grievances which may be raised by disabled applicants for assistance. These procedures are designed to meet the requirements for grievance procedures as set forth in the *Rehabilitation Act of 1973*, as amended.

INFORMAL SETTLEMENT OF GRIEVANCE

It is the goal of the Town of Youngtown to settle any an all grievance matters with disabled applicants for assistance in an informal way. Upon receipt of a written grievance by any disabled applicant for assistance involving a disability issue, the grievance will be submitted for review to the appropriate project manager. This person will then meet with the person complaining (hereinafter "grievant") at a time, date and place convenient to both parties. The person hearing the grievance must always be someone other than the person who took the action resulting in the grievance. At the informal review, both parties shall present any and all evidence and statements pertaining to the current grievance. All statements and evidence shall be held in strictest confidence by both parties. After the meeting for informal review, the project manager will issue a decision within 10 working days in writing. Within the written decision, the grievant will also be advised that he/she may request a commencement of a formal administrative hearing upon request.

PROCEDURES TO COMMENCE A FORMAL ADMINISTRATIVE HEARING

If the informal review procedures fail to satisfy the dispute, the formal administrative hearing process becomes available to all disabled applicants for assistance who have a grievance concerning a disability issue that may also be the subject of a complaint under Section 504 of the *Rehabilitation Act of 1973*, as amended. The following are the steps to be followed under the formal administrative hearing:

1. REQUEST FOR A HEARING: Within thirty (30) days of receipt of the results of the informal review, the person or persons seeking relief from the Town of Youngtown may file a written grievance. The letter should state the nature of the grievance and the action or relief sought and must include all of the evidence presented at the informal review.
2. SELECTION OF A HEARING OFFICER: The Town Manager shall appoint a hearing officer to hear this dispute. Qualifications for being an Officer are as follows:

- No person who supervises the project manager or the person who took the action that resulted in the grievance is eligible.
 - It is preferred that any person or persons selected should have a background in administrative hearings.
 - Anyone selected may not have any prior knowledge of the particular grievance, except that the hearing officer shall have the right to review the evidence and record of the informal review prior to the hearing.
3. FAILURE TO REQUEST A HEARING: Anyone who is covered under this policy waives his or her right to a hearing if he/she has not requested a hearing within the noted time frames in #1. Other rights to file a complaint under the relief granted by the terms of the 1988 Amendments of Fair Housing Act or Section 504 of the *Rehabilitation Action of 1973*, as amended, are not waived.
 4. HEARING PREREQUISITE: In order to qualify for a formal 504 Grievance Hearing, the grievant must have participated in the informal settlement procedure outlined above. If the grievant can show just cause why he/she did not participate or request informal settlement under the provisions above, then the Hearing Officer at his or her sole discretion may waive this requirement.
 5. LOCATION AND TIME OF HEARING: The location and time of the hearing shall be set by the Hearing Officer within twenty-eight (28) days of the request. Every effort shall be made to locate the hearing in a fully accessible location. If the grievant seeking relief under this policy needs signers or special accommodations other than personal or legal representation, such services will be provided free of charge by the Town of Youngtown upon ten (10) days prior notice.
 6. PROCEDURES GOVERNING THE GRIEVANCE HEARING: All hearing procedures will be held before the Hearing Officer. The grievant or his/her representative shall have the opportunity to examine before the start of proceedings all relevant materials. The grievant shall have the right to secure aid in representation at his/her own cost, whether of a professional nature or otherwise. This would include, but not be limited to, attorneys, health professionals, or any other person beneficial to the presentation of the case. These hearings shall be held in private unless the grievant requests a public hearing. The grievant has the right to present any and all pertinent evidence and cross-examine any and all witnesses. In general, evidence is informal and the normal rules of evidence do not apply, except that any written or printed evidence to be presented by either party must have been made available to the other party and the hearing officer at least 24 hours prior to the time of the hearing. The decision of any and all hearings shall only be based on facts presented at the time of the grievance hearing.
 7. FAILURE TO SHOW UP FOR THE HEARING: In the event that the Town of Youngtown or its representative fail to show or if the grievant does not show, the Hearing Officer may postpone the hearing for up to five (5) days or find against the party who failed to show. This determination does not affect the rights to pursue any other legal rights available to the grievant.
 8. RECORDS OF PROCEDURES OR TRANSCRIPTS: The Town of Youngtown or its

grievant may arrange for a transcript of the hearing in advance at the expense of the party requesting the transcript.

9. DECISION OF THE HEARING OFFICER: The hearing officer must issue a written decision within ten (10) working days and furnish a copy to all parties. A copy must be kept on file with the Town of Youngtown. The decision of the hearing officer is final and not subject to further administrative appeal. The written decision of the hearing officer is a matter of public record.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of Youngtown, Arizona, this 5th day of November, 2009.



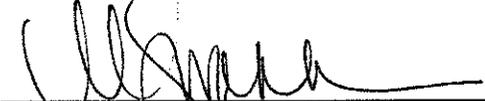
~~Michael LeVault, Mayor~~
JACOB R. DURAN, VICE MAYOR

ATTEST:



Letty Goldberg, Town Clerk/Treasurer

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall, Schwab, P.L.C.
Town Attorneys
By: Michelle Swann