



MINUTES OF SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ  
THURSDAY, September 10, 2009. TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 7:02 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Judy Johnson, Susan MacKay, Dorena Mello, Shirley Oglesby and Margaret Chittenden.  
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Chief of Police Kimberly Johnson, Finance Officer Jackie Hoffman, Public Works Manager Mark Hannah, Town Marshal Dan Connelly, Code Compliance Officer Lora Isaacs, and Deputy Town Clerk Diane Cordova.
3. Pledge of Allegiance and Invocation Pledge led by Vice Mayor Duran. Invocation was offered by Pastor Charles Ring.
4. Communications:
  - A. Communications from Council

Mayor LeVault

    - Item E is removed from agenda. [Approval of Contract Addendum for Professional Services (Exhibit C) with Willdan Engineering, Inc. for the preliminary engineering and design of the Peoria Avenue construction project in the amount of \$65,365 through June 30, 2010]
    - Attended the League of Arizona Cities and Towns in Oro Valley. League Resolution committee legislation to allow municipality to go and fill the void when an HOA becomes insolvent.
    - The State budget passed and signed by governor.
      - City of Surprise discovered about a \$4.5 million error in their budget. Youngtown's Luke AFB update - there is a split in the Northwest Valley. I'm standing in support of Luke.
      - Mayor's Town Hall Meeting Monday, October 26, 2009 6:00 pm - 8:00 pm.
      - Mr. Kelly Reynolds is here as an informational resource for the 2009 International Property Maintenance Code.

Councilmember Mello

    - Councilmember Judy Johnson and I attended the meeting on the League Conference's Youth Council session.

Councilmember Chittenden

    - I've attended the League of Arizona Cities and Towns four times. Work session was great.
    - Next League of Arizona Cities and Towns will be in Glendale Renaissance Hotel.

Councilmember Johnson

    - I appreciated attending the League of Arizona Cities and Towns.
    - Have a burden for our youth here in Youngtown.

Councilmember Oglesby

    - CDAC (Community Development Advisory Committee) meeting went well. Stimulus monies have come in for the West Valley.

wants insolvent.

budget is balanced. Valley. I'm standing in support of Luke.

Maintenance Code.

Council session.

monies have

**B. Communication from Staff  
Town Manager Robinson**

- Survey results on Community P.R.I.D.E. Three completed survey on website and hard copies available.

- Scheduling Community PRIDE neighborhood parties. GAIN Event October 10, 2009;

Fest October 31, 2009. Holiday Event December 12, 2009.

- Police Department review and recommendation is scheduled for September 29, 2009 -

Chief Johnson

- We can track percentages, do charts and diagrams with P.R.I.D.E. survey results.

Deputy Town Clerk Cordova

- ESL (English as a second language) is in its sixth week.

- Census 2010 scheduled for April 2010.

Public Works Manager Hannah

- CDBG (Community Development Block Grant) consolidated plan questionnaire is still

available.

Finance Officer Hoffman

- Fiscal year audit for 2008-2009 scheduled for first week of October 2009.

**5. Consent**

**A. Approval of Minutes:** Special Meeting June 25, 2009 Work Session and Regular Meeting July 16, 2009. Special Meeting August 27, 2009

Motion to approve Regular Meeting Minutes July 16, 2009 and Special Meeting Minutes

Councilmember Mello

Second - Vice Mayor Duran

Motion passed unanimously on a voice vote.

[Minutes of June 25, 2009 Special Meeting and July 16, 2009 Work Session not approved.]

**6. Business**

**A. Motion to approve Resolution 09-16 Declaring as a public record that certain document entitled 2009 International Property Maintenance Code**

Motion Councilmember Chittenden

Second - Councilmember Mello

Motion passed unanimously on a voice vote.

**B. Discussion and/or Action Re: Approval of Ordinance 09-05 Adoption of 2009 International Property Maintenance Code**

Code Compliance Officer Issacs

- Propose adoption of the 2009 International Property Maintenance Code (IPMC).

- Developed to govern the maintenance of existing buildings and housing.

- IPMC also addresses interior and exterior structure requirements and exterior property areas- extermination, infestation, light and ventilation.

- Administrative chapter gives scope and limitation in written language for notice and orders on dealing unsafe structures.

Mayor LeVault

Library Harvest

October 2, 2009

2009. Special

August 27, 2009

- IPMC is designed to interface with the other 2006 International Codes already adopted. Adoption of the 2009 IPMC requires Council to appoint a Board of Appeals. Board shall consist of a minimum of three (3) members that are residents and not employees nor councilmembers. Lora Issacs would be a non-voting ex-officio member.
- Code Compliance Department will assume the additional responsibilities.

#### Public Comments

Jim Trolen

- Section 103 describes a department of property maintenance. Will the council create a new department?
- Chapter 3; what priorities will code enforcement personnel have in issuing warnings and citations?  
Specifically how will complaints from citizens be processed?
- Chapter 5 is specific about installation and maintenance. How will this code be applied? Are homeowners subject to inspections?
- Section 110 describes demolition. What and who will decide this process? The old area of town is full of old dilapidated structures. What structures (like sheds) will be targeted?
- Section 111 describes a board of appeals. Will the Town have this board?
- Section 105 describes how the code enforcer can grant modifications and allow alternative materials.  
Will the building inspector be involved in this matter?
- Rodent harborage is specific. I have stacked firewood. Will this be in violation? What about storage of construction materials?
- How will we know, will the Town produce a policy as a guideline on how to maintain our yard?
- How about the electrical service, how will this fit with our existing code?
- What is the interaction with International Property Maintenance Code and the Green Ordinance Code.

How do these two work together? There are sections in the green code book that parallel. What takes precedence and how will that work?

- A challenge to council, with the IPMC book, the same company puts out sections, if we are going on with this why not do it all? We have bad codes.

Mayor LeVault

- No retroactive on permits and inspections.
- An example photo in Youngtown Village Reporter of a backyard with unlicensed vehicle and washing machine along with construction material and junk are clearly a violation.
- List of violations from Code Compliance, repeatedly, no violation found complaint driven investigations that Code Officer found no violation. Intent is not to get in to everyone's life. Struggling as a Town to not lose control.
- Unique situation here in Youngtown -houses close to one another and many are fire hazard because of storage and we have no water in which to fight fires. There is insufficient fireflow.
- IPMC are universal codes. Put together by a commission of experts, adopted by over 5000 communities
- Personnel Code went from 19 pages to 200 pages and Police Department Manual Policy rewritten.

Compliance Officer Issacs

- Handle situation same way we handle the nuisance violations.

Inspector has proper allowable alternative materials.

- I'm a Certified Code Enforcement Officer and Certified Zone Inspector. Building certification for building deficiencies, building modification and

Mr. Kelly Reynolds

- Enforcement of IPMC is complaint driven .
- Intent of the Code calls for the minimum standard for public health safety and welfare.
- Most restrictive Code applies.

Pat Dru ehl

- Use to do this job (Youngtown Code Compliance).
- Lived here for 23 years and codes are outdated.
- People who violate the codes do nothing to upgrade their property . Many are renters and have no jobs. It's a tough situation.

Betty Alton, Youngtown Apartment s Manager

- 3 calls to Police and Crime Stop to report a very big hazard. No one responded or answered calls.
- Person has constructed a shed; has fires at night and extension cords with lights. Gentleman builds cars at night and has old mattresses in the back yard and on the roof of the shed.
- Noticed a neighbor was given a citation, yet someone across the street did not.
- Want things to be fair.

Marshal Connelly

- Not aware of the violation that Ms. Alton has described. Inspection will be done tomorrow morning.
- Many are cited if they do not cooperate.
  - Many properties are rentals, difficulty finding owners .
- Citation moving in court are citation issued in June and July. Majority of people
- Process in place where violators cannot be dismissed until a Certificate of Compliance is issued.

Mayor LeVault

fixtures and

those

am  
Town in a difficult

comply

- Homes in Agua Fria being stripped, everything from carpets, cabinets, plumbing, light even a garage door.
- No one is getting a pass, we will enforce Code. No favoritism will be shown.
- There are people who take pleasure in exhorting power over others. I'm not one of those people. I'm a care taker in this office. I don't own this Town, it belongs to the people. I am here, to do the best job I can for my community. We are maintaining our economic climate.
- Complaint to Council is lack of adequate strong code enforcement. Asking people to comply is a manner of public safety.

Vice Mayor Duran

- Dry stumps in yards don't bother me. Some residents consider it landscape.

Councilmember Mello

- There is no favoritism . My son parked on the gravel and he got a ticket.

Kathryn French resident and Agua Fria Ranch HOA President

issue people

- Code is an important issue. A survey was completed by the FACE Committee and the most want handle d is Code.

and sanitation

- We have those who are unemployed and do not take care of their yards.
- Pleased to adopt this Code. It's compliant driven. I t's critical if it becomes a health issue.

you mean

people can dress up their yard

- Things that need to be taken care of are abandon ed vehicles and grass in the yard.
- Mayor, can you express what you mean when you say you're not a yard Nazi? Do people can allow their yard to look like anything or do you mean

number of persons

- attractively meeting Code.
- Chapter 4:404.5 Overcrowding. The concerns that I have here is that it states, "The

Official, endanger

elements within

- occupying a dwelling unit shall not create conditions that, in the opinion of the Code the life, health, safety or welfare of the occupants ". Are these then guided by other these Codes?

Councilmember Johnson

- I'm concern ed for those who are ill and those who cannot afford and are disable d.
- Thanks to Lora Issacs for bring ing in community service workers.
- There are a few things that are not applicable, like basement s.
- This is a very good program and a really good Code. I recommend adopting IPMC .

Compliance Officer Issacs

over the past year

- Mark Hannah is who started the community service program . We've increased and clean twice a month -two sections of alleys and five houses.
- We are looking at vacant homes.

Kelly Reynolds

in Article

- The Code Official would go to the Building Official. The Building Code has a table 10 based on h ow many square feet per person for residential occupancy.

Councilmember Chittenden

pride.

- Appreciate the list of Code Violations for the month of August
- Agree with the demographic changes.
- Ideas of keeping a home is not the same for everyone. Not everyone has the same
- Many moving in that don 't understand nor care.
- Board of Appeals, when and where would they meet?

Mr. Reynolds

serve staggered

three years. They meet once a made bas is.

- The Council would be the appointing authority to appoint three citizens. They will terms: One serves one year, one serves two years and one serves year to establish rules and then on a complaint

Motion Vice Mayor Duran

Second Councilmember Johnson

Motion passed 7 - 0

C. Discussion and/or Action Re: Approval of Resolution 09-15 adopting new Court Administrative fees (Mendez)

Court Administrator Mendez

- Court Administrative fees were developed to generate revenue and to pay for services the court provides such as; monitoring probation, monitor jail, defensive driving, community service etc.

Motion Councilmember Mello  
Second - Councilmember Oglesby  
Motion passed unanimously on a voice vote.

D. Discussion and/or Action Re: Approval of amendment to Intergovernmental Agreement with Superior Court of Maricopa County for Court Security for services rendered from July 1, 2009 through June 30, 2010, at a cost of \$5,863.56 (Mendez)

Court Administrator Mendez

- This is a matter of formality, it 's an on going IGA for the fiscal year needing Council approval.

Motion Councilmember Johnson  
Second - Councilmember MacKay  
Motion passed unanimously on a voice vote.

7. Call for Executive Session  
None needed

8. Citizens Comments/Appearance from the Floor:

Vice Mayor Duran

- Tomorrow morning at 8:30 am at Youngtown Charter School on 113<sup>th</sup> Ave. and Michigan, we are having a program on 9/11. All are invited; the Mayor will be speaking as well as others. The Fire Department as well as the Police Department will be attending. I 'm very proud of our school. The State gave us an A+ outstanding for our school and I am so happy. We have about 168 students. Come see about the school you have in Youngtown.

Adjournment

Motion to adjourn - Councilmember Mello  
Second - Vice Mayor Duran  
Meeting adjourned at 8:50 pm

/s/ Michael LeVault \_\_\_\_\_  
Michael LeVault, Mayor

Attest:

/s/ Diane Cordova \_\_\_\_\_  
Diane Cordova, Deputy Town Clerk

Minutes approved at October 1, 2009 Regular Meeting.