



**MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ**  
THURSDAY, December 20, 2012, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 7:00 p.m.

Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jack Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Susan MacKay and Judy Johnson.  
Staff present: Town Manager Lloyce Robinson, Town Attorney Kelly Schwab, Judge Lex E. Anderson, Economic Development Manager Gayle Cooper, Grant Writer Paula Moloff, Public Safety Manager Mike Kessler, Library Manager Heidi Speed, Public Works Manager/Building Official Jim Fox, Court Administrator Virginia Bermudez, Town Clerk/Treasurer Diane Cordova.

Pledge of Allegiance and Invocation: Councilmember Gustafson led the Pledge of Allegiance and Vice Mayor Duran offered the Invocation.

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

Councilmember Chittenden

- I want to acknowledge and thank everyone involved on the wonderful Holiday Event. Though the snow arrived late, there were no rushing for the hot cocoa and cookies; the weather was nice. Merry Christmas to everyone!

B. Communications from Staff: Town Manager's Report, Fire Department Report and Maricopa County Sheriff's Office (MCSO) Police Report.

Town Manager Robinson (report attached)

- I would like to introduce our Grant Writer Paula Moloff. She is retired from the City of Glendale and will be working on a part time basis.
- A Transit Improvement Workshop has been scheduled in Youngtown, January 29, 2013 at 7:00 p.m.
- Staff will be presenting a re-development re-zoning area along 111<sup>th</sup> Avenue south of Grand Avenue traveling south to Nevada Avenue. This area is zoned commercial.
- Our Finance Officer Jackie Hoffman has submitted her formal notice, after 12 years of service; she will be retiring February 15, 2013.
- The Town Car, "Silver Bullet" is being painted. We have taken it to a Youngtown business, Koppy's Paint & Body Shop.
- Town staff will be meeting with CDAC's (Community Development Advisory Committee) staff in January regarding developing a "Commerce Park" along Olive Avenue.
- The Fountain's Retirement Center is currently being sold, the business portion and the property. Staff has met with the proposed buyer.

Economic Development Manager Cooper

- An update on the website upgrade; we are half way there; our projected deadline to go live April 2013. All departments have been very cooperative in the process.

Public Safety Manager Kessler (report attached)

- Code Enforcement courtesy notices issued 148 notices; 102 came into voluntary compliance and 46 notices are pending with one (1) criminal citation issued.

Public Works Manager/Building Official Fox

- The Fire Flow project has been completed. I am finishing up paperwork for payment, making sure that the as-build plans are completed and all waivers are submitted.
- The Aurora Village Senior Housing Development has begun; I've completed over 100 inspections. The sewer line is now connected.
- The Hartono property 111<sup>th</sup> Avenue and Alabama, parking lot has been resurfaced. The building itself has had some structural improvements.
- There are two storage pods in the parking lot; they are to store all the library books and shelving during its remodeling.

**Library Manager Speed**

- The Library will be utilizing Norman's Moving Company, local Youngtown business, to move all the library equipment into the storage pods. The flooring, a wood looking vinyl, will be installed January 2, 2013. The construction and painting will be completed by Albrecht & Sons.
- The library is participating in a big read, the theme is "The Grapes of Wrath" and also in a Chipotle Reading contest; available for all ages.

**Court Administrator Bermudez**

- The court is busy, we had a 5 ½ hour trial session today, good to say they were not Youngtown residents.

**Town Clerk Cordova**

- Mayor and Council, 2012 Financial Disclosure Forms were placed in your mailboxes. The forms will need to be notarized and are due January 31, 2013.

**Sun City Fire Department Chief Haner (report attached)**

- Total incident responses for the month of November 2012 came in at 86 calls. Preventive inspection came in at 34 with 45 violations.

**Maricopa County Sheriff's Office (MCSO), Sergeant Burner (report attached)**

- MCSO responded to calls for assistance or observed a total of 359 situations requiring intervention. Out of these situations, 133 were deputy-initiated and 225 were citizen requests for service. It is good to report that Youngtown had only one violent crime. We had 15 theft crimes to report. Most of these theft crimes are being committed by family members. An example that happens quite often, a family member will endorse another family member check. Other theft crimes are crimes of opportunity in which residents place themselves at risk by leaving garage doors open and not locking their vehicles. I have a practice where I will leave my business card letting them know that if I were a thief I would have taken their property due to leaving car open and/or garage door open. The narcotic crimes come from traffic stops. We are seeing curfew violations going down, due to stiff enforcement.

**5. Consent Agenda:**

**A. Consideration and Action on Meeting Minutes: Work Session and Regular Meeting Minutes of November 15, 2012 and Special Meeting November 26, 2012.**

**Motion to approve Consent Agenda - Councilmember Chittenden**

**Second - Vice Mayor Duran**

**Motion passed on a voice vote**

**6. Business**

**A. Presentation: Recognition of Youngtown resident June Miller, as 2011 Person of the Year.**

**Mayor LeVault**

- Mrs. June Miller has been an ardent supporter of the Town of Youngtown and a very active elected official and volunteer. Her passionate commitment to the community is reflected in her active dedication to Youngtown's volunteer and non-profit organizations serving on Boards and Commissions and committees. June has never backed away from a challenge, tough decision or unpopular opinion, but sticks to her personal compass of doing the very best for her community and enjoys the interaction along the way. I, Michael LeVault, Mayor of the Town of Youngtown, Arizona, do hereby call upon all residents of the Town of Youngtown to recognize and applaud June Miller for her leadership, tenacity, direction and dedication to our community.

**June Miller**

- Thank you Council for this presentation. I want to thank my husband for not complaining throughout the years as I served. It's been a pleasure and sometimes a pain working with the Town. It appears that every time I open my mouth I am appointed to a committee and or a board. I am pleased with the progress I have been seeing in the Town these last few years, Youngtown is a nice place to live.

**B. Discussion and/or Action Re: Approval Resolution 12-24 Designation of Public Safety Manager, Mike Kessler as the National Incident Management System (NIMS) authorized agent for all incident management in the Town of Youngtown. Public Safety Manager, Kessler**

- Due to former employee Mark Hannah's retirement, it is now necessary to designate new personnel to be the official agent.

**Motion to approval Resolution 12-24 designation of Public Safety Manger, Mike Kessler as the National Incident Management System (NIMS) authorized agent for all incident management in the Town of Youngtown. –**

**Councilmember Johnson**

**Second – Councilmember Mello**

**Motion passed on a voice vote**

C. Discussion and/or Action Re: Participation in the Special Census Program in the Years between Decennial Censuses starting January 2013 Through December 2017.

Town Clerk Cordova

- The U.S. Census Bureau is conducting a special census program which will consist of conducting a census between decennial censuses – which is in between every ten years. There is a \$200 fee to submit an application to request an estimated cost to conduct a special census. It will be our responsibility to recruit individuals / promote / assume responsibility for any additional costs. I spoke with Scott Wilken – Regional Planner of POPTAC – Population Technical Advisory Committee for MAG – Maricopa County Association of Government. He stated that there have been no regional talks in regards to participating in this special census program. He stated that it would only benefit states/regions that are seeing a significant change – growth in population and/or have annexation growth. Because Youngtown has not had a growth in population since the development of Agua Fria Ranch Subdivision when Youngtown doubled in population. It is staff's recommendation not to participate in a special census.

Councilmember Chittenden

- Aurora Village that is being built will house new residents.

Town Clerk Cordova

- Yes that is correct, Aurora Village will be building a senior development that will consist of 65 units housing two individuals which will add an increased population count of 130. The development is yet to be completed and filled. The following year 2014 would be a better time to revisit and discuss participating in a special census once Aurora Village has been completed.

Councilmember Mello

- We can revisit this next year.

I move not to take any action at this time – Mayor LeVault

D. Discussion and/or Action Re: Approval of Resolution 12-25 amending Resolution 09-15 court fee schedule.

Court Administrator Bermudez

- The Court is asking Council to adopt *Exhibit A* court fees which have been reduced to zero. The fees on the current fee schedule are duplicate fees. Defendants are referred to Western Judicial Services who monitor all listed services except payment plans and jail. The Town does not get charged for this. Payment plans are already charged \$20.00 per statute. Jail fees are already charged to defendants per fee schedule. When a defendant fails to appear or pay fines a \$35.00 default fee is already added to their case.

Judge Lex Anderson

- This is merely an administrative housekeeping correction. Youngtown Court is charging more than other courts. We were tacking on additional fees, duplicated fees, which are already being collected by Western Judicial Services.

Councilmember Mello

- Defendants were incurring fees causing them to go into the negative.

Judge Lex Anderson

- Yes, we are encouraging defendants to comply. Charging a one-time reinstatement fee and placed on a payment plan.

Councilmember Johnson

- Our court will then see more compliance, see defendants pay, which means less warrants and jail time, which decreases the Town's costs.

Motion to approve Resolution 12-25 amending Resolution 09-15 court fee schedule. – Vice Mayor Duran

Second – Councilmember Gustafson

Motion passed on a voice vote

E. Discussion and/or Action Re: Ratification of Change Order 4 and 5, for B&F Contractors relating to the Fire Flow Project Phases 2,3,and 4 for additional items for unforeseen changes required to be made in the amount of \$22,174.00 Public Safety Manager/Building Official, Fox

- Change Order 4 in the amount of \$18,566 is to cover pavement replacement on alleyways. Change order 5 in the amount of \$3,608 is for the installation of valve boxes around the Motel 6 loop roadway.

Motion to ratify Change Order 4 and 5, for B&F Contractors relating to the Fire Flow Project Phases 2, 3, and 4 for additional items for unforeseen changes required to be made in the amount of \$22,174.00 – Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed on a voice vote

F. Discussion and/or Action Re: Approval of Resolution 12-26 repealing Resolution 12-06 and adopting a fee schedule and use requirements for reserving the use of town park facilities by the general public; providing for repeal of conflicting resolutions; and providing for severability.

Mayor LeVault

- The current ordinance does not give the Public Works Manager any room for discretion. It currently does not allow profit organizations not to pay fees or non-profit organization to come in and help without paying fees. I know that a deposit of \$200.00 is required for reserving a park which includes giving out a bathroom key. Deposit is returned once bathroom and park are inspected and no damages have been reported. I am by no means suggesting that bathrooms be left open due to individuals not paying for the deposit.

Town Manager Robinson

- I have a concern having one employee carrying the burden on this. It is ashamed that bathrooms cannot be left open due to past issues of vandalism.

Public Works Manager Fox

- I have some reservation about this issue. Last Spring Council went through great lengths on this same very concern. Council and staff resolved that everyone would be required to pay a deposit which is refundable. Approving this resolution sets us back. We will be going backwards. Are we to hand out keys to the restrooms and hope that they don't get destroyed and if there is damage, who pays? Keys can be duplicated without us knowing; one key opens all restroom doors. How does someone police this? If we take away the \$200 deposit, do we take it away for some and not for others? There has not been a time yet when a deposit was not refunded.

Councilmember Chittenden

- The bathrooms were built by CDBG – Community Development Block Grant funds. The restrooms are for the public.

Mayor LeVault

- Children in this town use the park facilities quite a bit. We can't take away their privilege.

Town Attorney Schwab

- If you decide to waive fees, it needs to be done for everyone. You cannot pick and choose between profit and non-profit organizations. What will benefit the community is what needs to be decided upon.

Councilmember Johnson

- What about getting porta-johns?

Councilmember Chittenden

- What time are the restrooms open? Maybe we can get a resident, Patrick King, to lock them up.

Public Works Manager, Fox

- The restrooms are open from the time our public works employee that oversees parks comes in to the time before he goes home: 6:30 a.m. to 2:30 p.m.

Councilmember Mello

- It appears that the deposit is working. The issue we need to resolve is how late can we keep the restrooms open? We need to find a solution.

Mayor LeVault

- Council directs staff to report back a resolution on February 7, 2013 regular council meeting.

I move not to take any action at this time – Mayor LeVault

7. Call for Executive Session

None

8. Citizens Comments/Appearances from the floor:

Kathryn French, Resident of Agua Fria Ranch

- Does Compass Bible Church, Pastor Joe have a key for the "Red Zone" afterschool program at Uribe Park. Was the deposit fee of \$200 waived?

9. Future Agenda & Meetings:

- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of next Regular Meeting: Thursday, January 3, 2013 at 7:00 p.m.

**Adjournment**

Motion to adjourn – Councilmember Mello  
Second – Vice Mayor Duran  
Meeting Adjourned at 8:34 p.m.



Michael LeVault, Mayor

**Attest:**



Diane Cordova, Town Clerk/Treasurer

Minutes approved at January 3, 2013 regular meeting.