



**MINUTES OF THE REGULAR MEETING
COMMON COUNCIL OF YOUNGTOWN, AZ
12030 N. CLUBHOUSE SQUARE, TOWN HALL CONFERENCE ROOM
THURSDAY, AUGUST 16, 2018 – 5:30 P.M.**

1. **Call to Order:** Mayor LeVault called the meeting to order at 5:30 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Charles Vickers, Council Members Margaret Chittenden, Susan Hout, June Miller, Jack Duran and Judy Johnson.

Mayor LeVault noted that a quorum is established for transacting business.

Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Town Clerk Mary Reynolds, Chief Financial Officer Jernon Kelly, Community Development Manager Gregory Arrington, Community Development Coordinator Nicole Smart, Library Manager Heidi Speed and Public Works Manager Marty Mosbrucker.

3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Johnson, and the Invocation was given by Councilmember Duran.

4. **Communication**

- A. **Communications from Council**

Mayor LeVault met with the Girl and Boy Scouts yesterday to participate in a discussion on local government. This same group is in attendance for this evening's meeting and they were welcomed by the Mayor and Council.

Councilmember Chittenden thanked Public Works Director Mosbrucker for his article in the Youngtown Village Report.

Councilmember Miller reminded the public that there is an election coming and they all need to get out and vote.

Vice Mayor Vickers asked if the Scouts in attendance were the same Scouts that were at the Community Garden previously, and if so has anyone grown something at home from the seeds they were introduced to. The adult leader of the group, Rustelle, replied that they tried but they are still a work in progress.

Mayor LeVault attended a dinner meeting to discuss the process called the West Valley Coalition. This would be an attempt for the districts to come closer together with the legislators in the West Valley to have a larger impact on the outcomes and processes that are happening at the higher levels of government. It was a worthwhile meeting and will prove to be beneficial to the communities of the West Valley.

B. Communications from Staff

Town Manager Blackman reviewed the Staff Report and highlighted some of the key items, which included the planning of the G.A.I.N. event, meeting with landowners in the river bottom related to the regional park planning, and the clean-up that has been happening due to the monsoons. Additionally, Community Development Coordinator Smart has been visiting businesses to make contacts and educate them on the programs the Town has available.

Town Clerk Reynolds reviewed the newly launched Town website and the Early Voting that will be taking place in the Town Clubhouse Kitchen area beginning on August 22, 2018 and ending on August 24, 2018.

Library Manager Heidi Speed updated the community on the missing dog that was reported last week has been found.

5. Response to Call to the Community

No response to Call to the Community.

6. Citizens Comments/Appearances from the Floor

No comments from the floor.

7. Consent

A. Approval of Minutes

- i. Regular Meeting minutes of August 2, 2018

Motion to approve the consent agenda as presented – Councilmember Chittenden.

Second – Councilmember Duran.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

8. Business:

A. Presentation Re: Update from the Sun City Home Owners' Association on the EPCOR consolidation

Greg Eisert updated the Council on the EPCOR waste water consolidation case which is in the appellate phase. A decision is expected at the end of August. If the case is favored to the customers, it is very likely the Commission will appeal the decision, which brings the need for Mr. Eisert to update the Council this evening. The request from SCHOA is to have each stakeholder contribute \$15,000, as a pledge, if an appeal is filed.

Mr. Eisert explained that there is also a water consolidation case pending and there are 15 districts that are opposed to the plan. The hearings were completed a few weeks ago and the briefs are due at the end of the month. A decision is not expected until late November.

Lastly, the issues with APS are at the pre-hearing phase and it is suspected that a rehearing will be scheduled.

Vice Mayor Vickers explained that EPCOR is trying to consolidate all users bills to compensate for infrastructure needs from development in other areas, such as Anthem and Verrado. This is with the waste water and if this is approved then there will inevitably be an increase in the water as well. Mr. Eisert added that this would be a real subsidy, and if your bill was \$25.00 with the consolidation the bill would be \$40.00 with the \$15.00 difference going to the other communities.

Councilmember Miller thanked Mr. Eisert for the battle they have been fighting and encouraged him to continue. Councilmember Miller commented that if there is an increase in the water bills it will affect the elder population.

Karen Haney Duncan, Greer Avenue, addressed the Council and stated that this Town is not a rich community and they cannot afford the increase to pay for other communities that have luxuries. An increase in the rates would be devastating.

Councilmember Chittenden commented that when there was a water rate increase in the 1980's the Town lost a lot of businesses.

B. Discussion and/or Action Re: EPCOR consolidation litigation

Mayor LeVault explained that the Town is being asked to contribute \$15,000 to the efforts only if an appeal is filed, should the cause prevail in the appellate case.

Motion to direct the Town Manager to commit \$15,000.00 to the Sun City Home Owners' Association for the purpose of funding costs associated with the possible need to file an appeal in the EPCOR waste water consolidation case – Councilmember Miller.

Second – Vice Mayor Vickers.

Motion passed on a roll call vote with all Councilmember in attendance voting in favor.

C. Presentation, Discussion and/or Action Re: Approval of an agreement for services with Kimley-Horn related to the design of sidewalk improvements

Community Development Manager Gregory Arrington reviewed the bidding and negotiation process with Kimley-Horn.

Community Development Manager Arrington explained that Youngtown has received a grant in the amount of \$500,000.00 from the Community Development Block Grants (CDBG) Program. The first phase of the sidewalk improvement program consists of creating the construction documents that shall meet Maricopa Association of Governments and ADA Design Guidelines. With the approval of this agreement the Town will receive professional services that will follow the requirements of the CDBG Program. Additionally, the Town will be requesting an extension of this project until October, 2019 on the recommendation of CDBG.

Mayor LeVault asked when the construction will begin. Community Development Manager Arrington explained that a request for proposals will need to go out for the construction phase and that will be done after the sidewalk design is complete.

Mayor LeVault asked if there is a way to consolidate the process. Attorney Stuhan replied that there is not because this is a federal grant process.

Councilmember Miller commented that there is a bid and construction phase in November and asked if that is accurate, and once construction starts, is there an estimate of when there will be sidewalks. Community Development Manager Arrington replied that November is accurate, and he cannot give a time estimate with the history of the bidding process.

Mayor LeVault asked if there is any risk of losing the funding. Town Manager Blackman explained that the Town has been very forthcoming with information and communicating with CDBG and they are very supportive, and the funds will not be compromised.

Vice Mayor Vickers asked if the extensions of our projects will inhibit the availability of funding to the Town moving forward. Community Development Manager Arrington explained that this concern was expressed at the last meeting with them and they have encouraged the Town to continue to apply for funds, and even to apply for funds for the proposed regional park. Town Manager Blackman added that CDAC is working toward not having projects left unfinished and the Town will be applying for the other half of the project with that in mind.

Motion to approve an agreement for services with Kimley-Horn related to the design of sidewalk improvements as presented – Vice Mayor Vickers.

Second – Councilmember Miller.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

D. Presentation and/or Discussion Re: Sun City Fire and Medical District (SCFD) Report, which may include discussion of inspections, fire prevention, staffing levels, response times, community needs, and ambulance services

Mayor LeVault thanked Fire Marshal Fox for the “Youngtown, Arizona” in lights on the new Station 133. Fire Marshal Fox commented that this was done as a surprise for the Town and he was happy to do it.

Fire Marshal Jim Fox reviewed the June and July statistics with the Council. An update on the construction of Station 133 was given. The official move in date for the station is September 10, 2018.

Councilmember Chittenden commended the Department on the response and efforts with the Southwest Key circumstance. Fire Marshal Fox explained that when a call like this comes in, there is a large response to evacuate the premises but when everyone arrived the evacuation was complete. Everything worked very well.

Councilmember Miller asked how many yards of concrete were used. Fire Marshal Fox replied that 600 yards was used just in the apparatus aprons. There is a lot of concrete being used.

Councilmember Chittenden asked if the alley by Jack in the Box was widened because it looks bigger. Fire Marshal Fox explained that it has been paved and that is why it looks larger.

Councilmember Chittenden asked if Station 133 will be on the building in other places. Fire Marshal Fox explained that a curbed monument sign will be placed that has information on it. This will be backlit similar to the building and the information will be easily viewed.

Councilmember Duran commented that this is a great addition to Town.

Tim Ayres asked if the exterior of the building colors are complete. Fire Marshal Fox replied that it is complete. Mr. Ayres asked if the parking place that is curbed in is for the public. Fire Marshal Fox replied that these are handicap accessible spots and has signage that they are for Fire Department business only to deter use by other businesses.

Councilmember Miller asked when the open-house will be. Fire Marshal Fox explained that it will be during Fire Prevention Week in October but the specific date has not been determined.

E. Presentation and/or Discussion Re: Maricopa County Sheriff's Office (MCSO) Report, which may include discussion of crime statistics, prevention, staffing levels, community needs, and response times

Captain Paul Chagolla reviewed the June and July statistics with the Council and presented the updated reporting format that is being implemented beginning with the July reports. Captain Chagolla explained that the reports will be rolling and only display the activities that have occurred in the community. This will be a more accurate reporting because it is per incident and not based on the number of deputies that will be reporting to a scene. The list that was previously distributed will continue to be used as well to ensure that information the Council would like to receive is being given.

Councilmember Miller and Chittenden commented that the newer reports are easier to read and appreciated.

Councilmember Johnson asked what the consequence is for driving on a suspended license. Captain Chagolla explained that it is a criminal and arrestable offense. There was a brief discussion on individuals driving with no license.

Captain Chagolla briefed the Council on the award of all-terrain vehicles to District 3 which will be used for the primary purpose of patrolling the river bottom.

Captain Chagolla commented that there have been media stories regarding Southwest Key in the Phoenix area. The stories have centered around abuse concerns and MCSO has received a public records request for information which was reviewed. At the end of the review process it was discovered that there were no abuse crimes to be reported and the documentation was very clearly documented; many crimes were reported but many of them occurred outside of the boundaries of the State of Arizona, and in some cases outside of the United States. Mayor LeVault added that the Governor has instructed a department of the State to conduct inspections of all Southwest Key facilities. Captain Chagolla advised that the deputies have been instructed to continue to document accurately and thoroughly on all cases.

Mayor LeVault explained the process the Town took before granting the Special Use Permit for the Southwest Key facility, as well as the nature of the residents at the facility. To the Town's knowledge, there have been no issues and the campus is self-contained.

Councilmember Miller commented that she has never seen anyone at the facility and it is very quiet. Mayor LeVault added that the Town is in the facility several times a year for various reasons, and they have done a great job of rehabilitating an old building in Town.

F. Presentation and/or Discussion Re: July Financial Reports

Chief Financial Officer Kelly reviewed the July Financial Reports.

G. Presentation and/or Action Re: Approval of the Town's Stormwater Enforcement Response Plan (ERP)

Public Works Manager Mosbrucker reviewed the Stormwater Enforcement Response Plan (ERP) pursuant to 40 C.F.R. Section 403.8(f)(5), Youngtown's Town Code of Ordinances, Title 15, and the Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges for Small MS4s, Permit No. AZG2016-002 (Permit). The ERP describes how Youngtown will investigate and respond to instances of noncompliance with its stormwater program, the federal and state stormwater rules and regulations, Youngtown's Town Code of Ordinances, and the Permit. The ERP will accomplish the following:

- Give the Town the right to inspect.
- Give the stormwater violator the opportunity to correct.
- Give the Town authority to issue a Notice of Violation.
- Give the Town authority to recommend either civil or criminal penalties.
- Give the violator the right to appeal.
- Give the violator the right to be heard.

Councilmember Miller requested clarification on the fines. Attorney Stuhan explained that the ERP gives direction to staff regarding the process that needs to happen. The fines associated would vary depending on the level of offense.

Mayor LeVault asked if draining of a pool into a storm drain is a violation and it was determined that if the pool water was chlorinated it would be. Additional instance of discharging into the stormwater system could be leaving a vehicle on the street leaking fluids, or having a car wash. However, washing a single car is not a violation.

Motion to approve the Stormwater Enforcement Response Plan pursuant to 40 C.F.R. Section 403.8(f)(5), Youngtown's Town Code of Ordinances, Title 15, and the Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges for Small MS4s, Permit No. AZG2016-002, as presented – Councilmember Chittenden.

Second – Councilmember Duran.

Motion passed unanimously with a voice vote with all Councilmembers in attendance voting.

H. Discussion and/or Action Re: Approval of Ordinance 18-10 amending Title 15, Buildings and Construction, Chapter 15.15 Stormwater Pollution Prevention related to the Town's Stormwater regulations

Attorney Stuhan explained that with the adoption of the ERP, the Town is now compelled to update the Code to reflect these changes. With the adoption of Ordinance 18-10, Title 15,

Buildings and Construction Chapter 15.15 Stormwater Pollution Prevention, will be amended and updated. This ordinance will give the Town the tools they need to enforce the ERP. There was brief discussion regarding the escalating of an offense to a State or Federal level.

Vice Mayor Vickers asked if this was a new section of Code and it was determined that the ERP is new but the Code has referenced the item but is being updated.

Motion to approve Ordinance 18-10 amending Title 15, Buildings and Construction, Chapter 15.15 Stormwater Pollution Prevention related to the Town's Stormwater regulations – Councilmember Miller.

Second – Councilmember Hout.

Motion passed unanimously with a voice vote with all Councilmembers in attendance voting.

- I. **Presentation, Discussion and/or Action Re:** Ordinance 18-11 amending Title 5, Business Licenses and Regulations, to remove the late fee, adjust the renewal for all business licensing to be January of each year, amend/add license types, and complete grammatical and/or reference corrections

Town Clerk Reynolds explained that It has been a goal of the Town to transition from staggered, monthly billing of our business licenses to annual billing. When reviewing Title 5, we found other minor changes that would be beneficial as well. Additionally, it is being proposed to remove the \$25.00 late fee that is now imposed if a license has not been renewed after 30 days of expiration.

Town Clerk Reynolds reviewed the following changes proposed:

- Removal of the term “Store front” and replacing it with “Commercial Business” (§5.04.010). The term store front is specific in nature and we wanted to make sure the business owners were not misled in thinking they are not required to obtain a business license because they are not a “store”.
- Addition of the terms “Property Management Company” and “Rental Agent” (§5.04.010). Neither terms were present in our Code. We have been making significant efforts to identify rental properties in Town and having a license term to identify these locations will be helpful.
- Change to the due date of all business licenses to January 1st beginning on January 1, 2019 (§5.04.020). This change would make all licenses valid for one calendar year and they would all expire on December 31st each year (§5.04.060).
- Name change requirements defined (§5.04.020). Previously a name change was handled in the same manner as a new business license. It has been determined that this is not necessary and a form has been created to identify this change.
- Grammatical changes (§5.04.030) – changed the word “nonrenew” to “nonrenewal”.
- Added requirement to have all licensing from the State of Arizona or Maricopa County Authority for a business license (§5.04.040). This would give the Town the ability to revoke a business license if the business does not have the appropriate licensing or certification within the timeframe allocated by the issuing authority.
- Prorations of fees to adjust to annual billing (§5.04.080, D – F). In order to bill accurately for the change in billing cycle, we will need to prorate the charges for those that have paid an annual fee to cover the portion of the billing period not covered. For example, if a business license is due in July, they have paid until July, 2019. The fee will be divided by 12 (number of months in a year) to determine a monthly amount and they will only be billed for the months remaining in 2019, in this case five (5) months (August through December). This will also allow

for billing of up to 15 months. If a business comes in for a license after September 30, they will be billed for the remainder of the year and the following year.

- Removal of late fees (\$5,040.090). The \$25.00 late fee has been charged when a license has lapsed for 31 days. This has proven to be a time-consuming process and with little impact. Over the last year less than \$1,000 has been collected in late fees and in many cases the correspondence sent to collect the fees has not assisted in collection. The process for late renewals will change to sending a Notice of Pending Closure after 30 days of nonrenewal and automatic closure at the 60-day mark.

Motion to approve Ordinance 18-11 amending Title 5, Business Licenses and Regulations, to remove the late fee, adjust the renewal for all business licensing to be January of each year, amend/add license types, and complete grammatical and/or reference corrections – Councilmember Duran.

Second – Councilmember Miller.

Motion passed unanimously with a voice vote with all Councilmembers in attendance voting.

9. Call to Executive Session:

No call to Executive Session.

10. Future Agenda & Meetings

A. There were no future agenda items brought forward.

B. The next Regular Meeting will be on September 6, 2018 at 5:30 p.m.

Motion to Adjourn - Councilmember Duran

Seconded – Councilmember Miller

Meeting Adjourned 7:38 p.m.

A handwritten signature in blue ink, appearing to read "Michael LeVault", written over a horizontal line.

Michael LeVault, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Mary Reynolds", written over a horizontal line.

Mary Reynolds, Town Clerk

Minutes approved at the September 6, 2018 regular meeting.