



**PUBLIC NOTICE
REGULAR MEETING FOR THE COMMON COUNCIL OF
YOUNGTOWN, ARIZONA
May 2, 2024, AT 5:30 p.m.**

The Town of Youngtown provides notice that it will conduct its Town Council meeting on **May 2, 2024 at 5:30 p.m.** through *in-person and technological* means. **Doors open at 5:15 p.m.** for public seating. The public may be asked to temporarily relocate if an executive session occurs. The public will be invited back when the Council returns from executive session. Council members may attend the Council meeting in-person or via video/telephone conference, as authorized by A.R.S. Section 38-431(4).

The in-person meeting will occur at **12033 N. Clubhouse Square, Youngtown AZ 85363**, in the Town Council Chambers. The public may also listen to the Town Council meeting by calling in telephonically using the conference call and meeting identification number provided below. **Please state your name when you call in, then mute your telephone for the remainder of the call to ensure the Town Council can conduct its meeting without interference.**

If appearing remotely, you may provide comments by muting and unmuting your phone when recognized by the Mayor during public comment portions of the agenda. Chat is not available. You may also submit a public comment form to Town Clerk Nicole Smart, nsmart@youngtownaz.org, at least one hour before the meeting to submit a written comment. All comments must be submitted in writing before the meeting or verbally made during the meeting by either coming up to the podium to speak or unmuting your phone when recognized.

DATE: May 2, 2024
TIME: 5:30 p.m.
PLACE: Join the Regular Meeting by phone: 1-346-248-7799
Meeting ID: 848 8267 6550
Password: 373708
Link to the zoom meeting:
<https://us02web.zoom.us/j/84882676550?pwd=MG03aIIYNVdoSFJQd0c0SURIYzU3UT09>

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance and Invocation**
4. **Summary of Current Events:** Brief Summary of Current Events pursuant to ARS § 38-431.02(K). Council may not propose, discuss, or take legal action on the current event updates.
 - A. Summary of Current Events from Mayor and Council.
 - B. Summary of Current Events from Town Manager.
5. **Staff Reports:** Staff may provide reports to Council on the following subjects which may include discussion with Council. Council will not take legal action.
 - A. **Library:** The Library Manager may report to Council on library operations, monthly activities, book club events, and upcoming author visits.
 - B. **Public Works:** The Public Works Manager may report to Council regarding maintenance of Town facilities, recreational facilities, streets, parks, and schedules for work in the Town.

- C. Community Development:** The Community Development Manager and/or Community Development Coordinator may report to Council regarding business outreach, economic development projects, and code enforcement operations and activity reports.
- D. Finance:** The Finance Manager may report to Council regarding the Town's budget and monthly expenditures.
- E. Town Clerk:** The Town Clerk may report to Council regarding Town events, activities, meetings, and promotion of the Town on its website and social media sites.
- F. Municipal Court:** The Court Administrator may report to Council regarding activities of the Municipal Court, citations, hearings, and schedules.

6. Response to Call to the Community

- 7. Citizens Comments/Appearances from the Floor:** Please complete a speaker request form for the Town Clerk, listing the subject you would like to discuss. Each speaker is limited to five (5) minutes. Before you begin to speak, identify yourself clearly by stating for the record your name and address. Non-Agenda items: This is the time for citizens who would like to address the Town Council on any non-agenda item. The Council will listen to comments, and may take one of the following: 1) Respond to criticism; 2) Request that staff investigate and report on the matter; or 3) Request that the matter be scheduled on a future agenda.

8. Consent

- A. Approval of the Regular Council Meeting minutes of April 18, 2024.**

9. Business

- A. Presentation, Discussion, and/or Action Re:** Presentation of the Revenue projections for Fiscal Year 2024-2025 and Financial Status (Malia)
- B. Presentation, Discussion and/or Action Re:** Approval of Ordinance 2024-03 Amending Title 17 Zoning, Chapter 17.40 C-2 Commercial District, Section 17.40.110 Medical marijuana cultivation, infusion or manufacturing facility regulations and medical marijuana dispensary regulations. The applicant requests a revision to Section N, regarding business hours. The Town Code currently allows medical marijuana dispensaries to be open for business between the hours of 8:00 a.m. and 8:00 p.m. on Sundays. The effect of this amendment would allow medical marijuana dispensaries to operate until 10:00 p.m. on Sundays (Arrington)
 - 1. **Staff Report including review of Planning and Zoning Hearing Officer**
 - 2. **Recommendation. Open Public Hearing** and take testimony from the public related to Ordinance 2024-03.
 - 3. **Close Public Hearing.**
 - 4. **Consideration and Action** to approve, deny, or approve with modifications Ordinance 2024-03.
- C. Presentation, Discussion and/or Action Re:** Approval of Retention of Town Prosecutor Michelle Stinson from Pierce Coleman, PLLC (Stuhan)
- D. Presentation, Discussion and/or Action Re:** Approval of Resolution 2024-02 to designate the Town Manager as the CFO (Blackman)
- E. Presentation, Discussion and/or Action Re:** Approval of Amendment #3 of the renewal Agreement for Services between the Town of Youngtown and Apostolic Faith Center, for on-call services for residential yard work assistance, nuisance abatement, and other cleanup activities sponsored by Youngtown's Public Works and Code Enforcement departments to assist with community efforts to remove weeds, trash, and debris from public property for the term beginning May 13, 2024 until May 13, 2025 in the amount of \$2,000 a month (Blackman)

F. Presentation, Discussion and / or Action Re: Ongoing efforts to address criminal activity, nuisances, and homelessness in the Town (Mayor)

10. Call to Executive Session: Convene Executive Session pursuant to ARS § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding any above agenda items, as needed.

11. 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 the next Council Meeting, which will be **Thursday, May 16, 2024 at 5:30 p.m.**

Adjournment

*NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Clerk's office at (623) 933-8286 or TDD (623) 974-3665 no later than 24 hours in advance of regular scheduled meeting times. Citizens may appear before the Council to present their views on any subject concerning Town Government. The Council, however, may not discuss, consider or decide items NOT on the Agenda (ARS § 38-431.02 (H)) The Council will, if necessary, follow up at a later date. Due to limitation of time, citizens' comments are requested not to exceed five (5) minutes.

POSTING CERTIFICATION OF THIS NOTICE

The undersigned hereby certified that a copy of the attached notice and agenda were duly posted by 5:00 p.m. on **April 29, 2024** in the Town's designated posting locations pursuant to Resolution No. 06-04 and on the Town's website.



Nicole Smart, Town Clerk

AGENDA DATE: May 2, 2024

STAFF REPORT TO COUNCIL

DEPARTMENT: *General Government*

**DEPARTMENT REPORT SUBMITTED BY:
*Town Manager, Jeanne Blackman***

REPORT:

- Attended the Maricopa Association of Governments monthly management meeting.
- Met with Mayor LeVault, Community Development Manager Gregory Arrington, Town Engineer Grant Anderson and Town Attorney Trish Stuhan to discuss next steps regarding the Ulysses project.
- Continue working on finalizing budget documentation for presentation to Council.
- The library held a very successful story time at the Community Garden. Special thanks to Vice Mayor Chuck Vickers, Mercy Vickers, Kathryn French, Mike Francis and our Public Works team for getting the garden going and “growing” again and to Library Manager Mary Vass for all of her hard work in coordinating this initiative.
- Greer Park trees: West Coast Arborists (WVA) – a company that has been in business for 52 years, reviewed the status of the declining Ash trees in Greer Park. WVA recommended removal due to the trees declining and dying state. The three trees were removed and replaced with arborist recommended Elm trees.
- Flashing light is being installed at the stop sign on Hackbarth to call attention to the required stop.



STAFF REPORT TO COUNCIL

<p>DEPARTMENT: LIBRARY</p>	<p>DEPARTMENT REPORT SUBMITTED BY: MARY VASS</p>
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The MAX library sharing program is off to a great start. After 18 months of planning, library computer system upgrades, links added to the online library catalog, and procedures written and implemented, we began full operation of the program on April 1. In that time, we have sent and received numerous books with other library systems in Maricopa County. With this free service, our patrons’ access to materials has expanded from Youngtown Public Library’s 7000+ item collection to over 200,000 items available from our neighboring library systems. This is a true game changer for our community.

Storytime at the Community Garden was held on Wednesday, April 24th. Miss Mary read garden books, and the children created flowers with coffee filters and pipe cleaners. Everyone enjoyed snacks as well in the garden.

The In ‘N Out Burger Cover-to-Cover Spring Reading Program ended on April 13th. We had 23 children participate and 8 children finish the program earning a total of 23 hamburger coupons!

The Cards, Games, & More @ the Library program was held on April 23rd. Games offered were Yahtzee, Skipbo, and Uno. Word puzzles, coloring books and sticker by number books were also available.

Storytime with Miss Mary meets each Wednesday morning with books, songs, and fun.

Upcoming events:

- 5/3 – LSTA Grant award recipients are announced
- 5/7 – Rather Be Reading Book Club at 10:00 a.m.
- 5/8 – Mother’s Day Storytime with Miss Mary at 10:30 a.m.
- 5/9 – Friends of the Youngtown Public Library meeting at 9:00 a.m.
- 5/13 – Bilingual Storytime with Miss Mary at Luke AFB
- 5/13 – Cards, Games, & More @ the Library at Luke AFB
- 5/14 – Storytime with Miss Mary at the Peoria Family Resource Center
- 5/15 – MCSO Storytime with Miss Mary at 10:30 a.m.

Services we offer:

- FREE Wi-Fi: Mon-Thur from 10:00 a.m. – 4:00 p.m.
- FREE Public Access Computers
- FREE Fax Service (10-page limit)
- FREE Tax Forms
- Copies/Printing \$.15 a page



STAFF REPORT TO COUNCIL

DEPARTMENT: Public Works	DEPARTMENT REPORT SUBMITTED BY: Marty Mosbrucker, Public Works Manager
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REPORT:

- MCSO project remodel update: tentative completion in the month of May.
- Lake fountain: the north end Lake fountain experienced a part failure: Repaired.
- Installation of Town Hall cabinets in progress.
- Conducted Public Works Tech performance evals.
- Installing metal plants in the Town digital board planter boxes



STAFF REPORT TO COUNCIL

DEPARTMENT: Town Clerk/Community
Development Coordinator

DEPARTMENT REPORT SUBMITTED BY:
Nicole Smart

REPORT:

- Attended the Planning & Zoning Hearing
- E-Fax has been set up.
- Working with Town Manager Blackman to complete the Town Hall kitchen and storage renovation.
- Working with Town Manager Blackman to complete the Cactus Garde and Digital Signage beautification.
- Working with Town Manager Blackman to renovate the Kitchen/Clubhouse.
- Working on updating contracts that are due for renewal for this fiscal year.
- Booking appointments for Passport transactions. As of today we processed 96
- Working on the Town's new Website with Revize.
- Working on future Town events.
- Updating Standard Operating Procedures manual for Town Hall.
- Reviewing the Policy and Administration Guidelines Manual.
- Reviewing the Youngtown General Plan 2025 for updates, and will bring the draft forward to Council for approval.
- Working with the Town Manager on the Home Rule Expenditure Limitation.
- Working on retention files and destruction of retention files for January 2024.
- Working on obtaining all of the No Trespassing forms from the commercial businesses.
- Working on obtaining all of the contact information for the churches in Town.
- I would encourage all staff and Council to "like" the Town's page and submit pictures and stories. www.facebook.com/townofyoungtownaz, and "Twitter"



STAFF REPORT TO COUNCIL

DEPARTMENT: Youngtown Municipal Court	DEPARTMENT REPORT SUBMITTED BY: <i>Court Admin – Patricia Catolico</i>
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REPORT:

No formal presentation will be given on the following items:

Citation Activity for March 27, 2024 – April 24, 2024:

Citations filed by MCSO: 49

Citations Filed by Code: 0

Long Forms Filed by Prosecutor: 0
(IPMC's for Code Enforcement)

Court Activity for March 27, 2024 – April 24th, 2024:

7 walk-ins and arraignments
7 In-Custodies
1 Telephonic Hearing
8 Orders to Show Cause Hearings Set
14 warrants issued for criminal failure to pay/failure to appear
2 plea agreements entered
4 guilty/responsible pleas to the court
0 diversion/deferred prosecutions entered
3 defensive driving school diversions
1 continuance(s) filed
0 dismissed case(s)
8 Pending Tax Intercepts Processed
4 Tax Intercept Payments Received

The Youngtown Municipal Court daily operations include:

Handling general inquires, payments in person and by phone, collection contact for past due cases, processing tax intercepts, sentencing of cases and processing warrants for failure to appear/non-compliance on classes, jail or probation. Assisting citizens to refer to correct court for handling cases, providing contact information for law enforcement, animal control, directions to other Town services and local businesses.



**MINUTES OF THE REGULAR MEETING
COMMON COUNCIL OF YOUNGTOWN, AZ
12033 N. CLUBHOUSE SQUARE, TOWN COUNCIL CHAMBERS
THURSDAY, APRIL 18, 2024**

1. **Call to Order:** Mayor LeVault called the meeting to order at 5:31 p.m.
2. **Roll Call: Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Chuck Vickers, Councilmembers Mike Francis, Karen Haney Duncan, and Jim Starke. Councilmember Hout and Councilmember Chittenden called in telephonically.

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

Staff present: Town Manager Jeanne Blackman, Town Clerk Nicole Smart, and Town Attorney Trish Stuhan

3. **Pledge of Allegiance and Invocation:** Councilmember Francis led the Pledge and Town Manager Blackman gave the Invocation.

4. **Summary of Current Events:**

Mayor LeVault mentioned we are the fastest growing county in the country, and they are projecting another one and a half million people just in the West Valley in the next 15 to 20 years. So, a big part of that kind of growth is ongoing improvements in the transportation network, which includes the freeways, surface streets, mass transit, and light rail buses, which will need to be upgraded as we continue this explosive growth.

Mayor LeVault mentioned the State budget this year will have a deficit of approximately \$1.7 billion dollars, and this is due to revenues not performing as expected. One thing that is being proposed by the state is to begin to claw back commitments to improving the transportation system that they made in the past in order to backfill that \$1.7 billion deficit. If anyone thinks that we can grow another million and a half people without making the right kind of improvements to our transportation system, they are sadly mistaken; this place will quickly become a much less desirable place to live.

Councilmember Chittenden mentioned there will be a Dog Park meeting this Saturday, and all are welcome.

Summary of Current Events from Town Manager

Town Manager Blackman met with Penny Malia, Youngtown Finance and Holli Mercurio, from the Risk Pool to review documentation for our renewal for our liability insurance.

Town Manager Blackman virtually attended the MAG (Maricopa Association of Governments) monthly meeting.

Town Manager Blackman is working on budget documents for presentation to Council.

Town Manager Blackman is reviewing the policies and procedures manual with staff for cleanup and to bring any suggested changes to Council for consideration in the future.

5. **Staff Reports:** Staff may provide reports to Council on the following subjects which may include discussion with Council. Council will not take legal action.
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 - B. **Public Works:** The Public Works Manager may report to Council regarding maintenance of Town facilities, recreational facilities, streets, parks, and schedules for work in the Town.
 - C. **Community Development:** The Community Development Manager and/or Community Development Coordinator may report to Council regarding business outreach, economic development projects, and code enforcement operations and activity reports.
 - D. **Finance:** The Finance Manager may report to Council regarding the Town's budget and monthly expenditures.
 - E. **Town Clerk:** The Town Clerk may report to Council regarding Town events, activities, meetings, and promotion of the Town on its website and social media sites.
 - F. **Municipal Court:** The Court Administrator may report to Council regarding activities of the Municipal Court, citations, hearings, and schedules.
6. **Response to Call to the Community:** No response from the Community.
7. **Citizens Comments/Appearances from the Floor:**

Youngtown Citizen Kathryn French and President of the Agua Fria Ranch Homeowners Association asked if the library can extend their hours on Thursdays like in the previous years. The residents from the Agua Fria Ranch would have more opportunity to go to the library as many of them work.

Also, Kathryn French asked if there is a stop sign at the corner of Hackbarth. A lot of people have told her that because of the arrow that goes along to show that there is a turn there and they do not pay attention or notice the stop sign. Even our Code Enforcement Officer has turned without stopping there.

Kathryn French was upset that the trees between the Library and Council Chambers have been taken out, and inquired if we are replacing the trees. She stated she already heard from people and they are disappointed the trees have been cut down. There are people that sit there with their animals in the shade, which now will not exist.

Town Manager Blackman stated this is not on the agenda. However, we do have a plan place. Town Manager Blackman will bring everyone up to date on this item at the next Council meeting.

Mayor LeVault mentioned to Town Manager Blackman to look into the stop sign.

Councilmember Haney Duncan asked Kathryn French if the trees in the median in the Agua Fria Ranch between the two lanes will be trimmed?

Kathryn French, President of the Agua Fria Ranch Homeowners Association, stated the trees are all being trimmed down to a visibility requirement.

Former Youngtown resident Jacque Dunshie mentioned we should maintain the mature trees rather than removing them. They give much needed shade, good for the wildlife and prevent heat exposure.

8. Consent

A. **Approval of the Regular Council Meeting minutes of April 4, 2024.**

Councilmember Haney Duncan

Second Councilmember Haney Duncan

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Councilmember Hout and Councilmember Chittenden's telephonic voice vote were noted as a yes.

9. Business

A. **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**

Fire Chief Rob Schmitz presented the Sun City Fire and Medical District monthly report. Discussion followed including inspections, fire prevention, response times, purchasing and cost of the new ambulance, burning trash, and no burn days.

Fire Chief Schmitz thanked everyone for coming to Frappuccino with a Firefighter at Starbucks the other day. It was a great turnout!

Fire Chief Schmitz mentioned the following report for March 2024:

- Incident Type – Fire 1, Rescue & EMS Incidents 146, Hazardous Conditions (No Fire) 1, Service Call 1, Good Intent Call 3, and False Alarm & False Calls 4.
- Prevention Inspection Summary – Mercantile & Business 18, and Special Properties & Other 2.

Fire Chief Schmitz stated they are working on their budget at the moment. They did see a net assessment value increase of 6.7%. They've seen some added revenue coming from state legislation as they've lowered the commercial property tax rates and they've allowed us to raise the tax rate cap from \$350 to \$375. The fortunate part of the fire district is it covers Youngtown and we don't have a large number of businesses here. So, we actually see a net positive when we raise the tax cap versus what we are losing in commercial, so we do see a little added revenue in that as well.

Mr. LeVault mentioned to Chief Schmitz to stay safe out there and thank you for what you do, and tell your staff to keep up the good work.

B. **Presentation and/or Discussion Re: Maricopa County Sheriff's Office (MCSO) Report, which may include discussion of crime statistics, specific crimes including traffic violations, thefts, violent crimes, trespass and issues with homelessness, crime prevention, MCSO staffing levels, community needs, and response times.**

Captain Stutsman presented the Maricopa County Sheriff's Office (MCSO) Report, which may include discussion of crime statistics, specific crimes including traffic violations, thefts, violent crimes, trespass and issues with homelessness, crime prevention, MCSO staffing levels, community needs, and response times.

Captain Stutsman mentioned the following for March 2024:

- Calls for Service for March 318.
- Calls with Assisting Deputy for March 146.
- Calls resulting in arrest for March 9.
- Supplemental reports for March 9.
- For 911 Calls for March, Priority 1 calls 2, Priority 2 calls 66, and priority 3 calls 250.
- Flock Camera/Raven incidents for March none.
- Arrests for March, In Custody Arrests 4, DUI Arrests none, Warrants Cleared 1, Youngtown Warrants Cleared none.

Discussion followed, including flock cameras and stolen vehicles.

Mr. LeVault mentioned to Captain Stutsman to stay safe out there and thank you what you do, and tell your staff to stay safe.

C. Presentation, Discussion and / or Action Re: Approval of the Maricopa County Flood Control Capital Project Letter of Intent.

Town Engineer Anderson mentioned we have an opportunity to apply to the Maricopa County Flood Control District on one of their small flooding project grants. And we are looking at applying for monies to help the Town with the commercial area flooding and we need authorization from the Council for Town Manager Blackman to sign the document, which would obligate us right now. We have a maximum of about \$125,000, that might have to go up some, and the County will fund potentially up to 75% of the project.

Town Engineer Anderson stated we should have a number for the Town Manager prior to the date the budget is adopted, if we get this applied for within the next two to three weeks.

Mayor LeVault mentioned this money will be used for the flood mitigation project by the post office and shopping centers.

Councilmember Chittenden asked if this will help the homes that are behind the alley?

Town Engineer Anderson stated this will help the homes that are behind the alley. We will be putting in a couple more catch basins to prevent the water from going across the apartment complex. The basin is on the north side near the break between the two buildings in the commercial center.

Councilmember Hout asked is there a pipe that goes back to the lake from the basin?

Town Engineer Anderson stated the water will be directed to the river and not directly to the lake because that would cause some problems with the lake. The street water has oils and other things in it that would not be conducive for the lake, and we do not want to ruin the lake.

Town Attorney Stuhan stated this is a simple motion to approve the submission of the letter of intent. Town Manager Blackman will sign off on it, and submit it to Maricopa County.

Approval of the submission to Maricopa County Flood Control Capital Project Letter of Intent
Councilmember Starke

Second Councilmember Francis

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Councilmember Hout and Councilmember Chittenden's telephonic voice vote were noted as a yes.

D. Presentation, Discussion and / or Action Re: Approval and award of the landscape maintenance services contract to Landcare Unlimited, LLC., in the amount of \$2,985 per month for the weekly maintenance of the Town's parks.

Town Manager Blackman was in attendance to present the Landcare Unlimited, LLC., in the amount of \$2,985 per month for the weekly maintenance of the Town's parks.

Council approval of a contract with Landcare Unlimited, LLC., for landscape maintenance services for the public parks of the Town of Youngtown, in the amount of \$2,985 per month (\$35,820 annually) to begin on July 1, 2024 and end on June 30, 2025.

The Town landscape maintenance services have been outsourced since April, 2008. The current landscape contract will expire June 30, 2024. Subsequently, a notice and request for bids (RFB) was advertised with a bid opening date of April 10, 2024, with an effective date for services to begin July 1, 2024.

The Town advertised for landscape maintenance services pursuant to an RFB with a due date of April 10, 2024 at 10:00 a.m. local time. Immediately after the due date/time, the bids were opened and the results were as follows:

- Landcare Unlimited, LLC. – Litchfield Park, AZ., \$2,985/mo. (\$35,820/yr.)
- Outdoor Systems Management, LLC. - Scottsdale, AZ, \$16,700/mo. (\$200,400/yr.)

Town Staff has reviewed the bids and believe it would be of great benefit to the Town to proceed with a contract with Landcare Unlimited, LLC. The fiscal impact is \$35,820 for fiscal year 2024/2025.

Councilmember Hout stated we have used this company for a long time. She is sorry to hear that we only had two bids. She does think we can do better, we have given them a lot of opportunities in regards to the parks, holes, and sprinklers, and we need to work a little harder.

Councilmember Chittenden mentioned the ground was terrible last summer, however it was terrible everywhere, and they are doing the best they can.

Town Manager Blackman mentioned we have reached out to both of the companies that represent the Agua Fria Ranch Homeowners Association, and they did not submit any bids. Landcare Unlimited has been in business for 18 years, and they have been taking care of the Town's seven parks. Whenever there has been an issue, we had them address those. Town Manager Blackman stated Landcare installed the pavers at the dog park. Also, the owner President Tim Blake, is a former council member and served on committee for many years.

Both Marty and Town Managers knows that Tim is not making any money off of this agreement, and he has not increased his fees at all.

Mayor LeVault stated that we outsource quite a bit of work, especially when we are a small community. It pays to outsource as if we do this in house, we are talking about additional personnel and costs associated with that.

Approval and award of the landscape maintenance services contract to Landcare Unlimited, LLC., in the amount of \$2,985 per month for the weekly maintenance of the Town's parks.

Councilmember Francis

Second Councilmember Starke

Motion passed 6-1 on a roll call vote of six (6) ayes, (0) abstained (1) nays. (Yay, Councilmembers Francis, Hayne Duncan, Starke, Vice Mayor Vickers, and Mayor LeVault. Councilmember Chittenden's telephonic voice vote was noted as yes.

Councilmember Hout's telephonic voice vote was noted as a no.

- E. Presentation, Discussion and / or Action Re:** Approval of Ordinance 2024-02 to close town alleys during a specified time, as well as the ongoing efforts to engage with the community and local businesses regarding the proposed ordinance.

Town Manager Blackman mentioned at the last meeting the mayor talked about being able to mitigate some of the issues that we have with drugs and other activities and to close the alleys in the commercial areas from 10:00 p.m. to 7:00 a.m. In the discussion with the Mayor, the Town Manager inquired as to why don't we do this in the residential areas as well, as we do get calls regarding nefarious activity? This is not to impede on the commercial businesses or the residents.

We did mail out the letters to commercial businesses and to residents as well. We have had just one person that we are aware of who just wanted a phone call back for further clarification. But the rest of the responses have been from the commercial and the residential side, and the calls have been overwhelmingly supportive of what we are doing here. We are trying to make it as simple as possible for the residents and the businesses by providing another tool to be able to combat that type of transient traffic and drug traffic we have in the alleyways.

Mayor LeVault stated this is to target the pedestrian traffic.

Councilmember Hout mentioned she is surprised because she has a number of comments on the negative side that she referred to the Town Manager, and she is surprise they have not called her. Councilmember Hout asked if the signs will reflect that this is close to pedestrian or not.

Town Manager Blackman stated she did not receive any calls, and if Councilmember Hout could encourage residents to call her, she would be happy to speak with them. The signs do not specifically mention pedestrians.

Youngtown Citizen Mark Brown is asking why close the alleyways as he hasn't seen any issues where he lives, and are there any statistics on alley issues?

Vice Mayor Vickers stated there may be no issues in his areas, however, there are issues in other areas and it is mostly foot traffic.

Youngtown Citizen Dawn Henderson asked if there will be a number of decals that they can have, as there are three people living at her house.

Town Manager Blackman stated there will be no issues with the number of decals being issued.

Discussion followed, including stopping people on bicycles, and people doing drugs in the alleys.

Approval of Ordinance 2024-02 to close town alleys during specified time, as well as the ongoing efforts to engage with the community and local businesses regarding the proposed ordinance to be passed on an emergency basis.

Councilmember Starke

Second Councilmember Francis

Motion passed 6-1 on a roll call vote of six (6) ayes, (1) abstained (0) nays. (Yay, Councilmembers Francis, Hayne Duncan, Starke, Vice Mayor Vickers, and Mayor LeVault. Councilmember Chittenden's telephonic voice vote was noted as yes. Councilmember Hout's telephonic voice vote was noted as abstained until she sees more data on this matter.

- F. Presentation, Discussion and / or Action Re:** Ongoing efforts to address criminal activity, nuisances, and homelessness in the Town

Mayor LeVault mentioned the Town will continue doing what we are doing in regards to keeping the town safe.

10. Call to Executive Session: No Call to Executive Session.

11. Future Agenda & Meetings

- A.** Future Agenda Items – none

Adjournment

Motion to Adjourn

Councilmember Francis

Second – Councilmember Starke

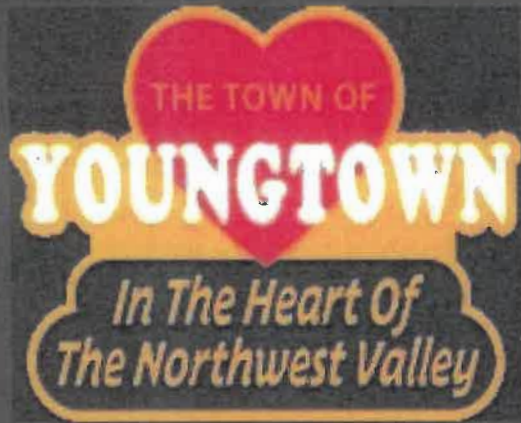
Meeting Adjourned 6:44 p.m.

Michael LeVault, Mayor

Attest:

Nicole Smart, Town Clerk

Minutes approved at the May 2, 2024 Council meeting.



2023-24 & 2024-25 Revenue Budget

May 2, 2024

Jeanne Blackman, Town Manager

Penny Malia

Pat Walker Consulting LLC

Agenda

- Objective of Presentation
- FY2023-24 Projected Results and Proposed Budgets for FY2024-25
- Questions
- Next Steps

General Fund

General Fund

- Revenues to be used for any municipal purpose
- Contains most departments in the Town



Local Sales Taxes

- Major Revenue Categories:
 - Retail
 - Construction
 - Utilities
 - Restaurant & Bar
 - Hotel/Motel



Local Sales Tax FY23-25

- FY23 Budget \$ 2,007,121
- FY23 Actuals \$2,818,750
- FY24 Budget \$2,562,436
- FY24 Estimate \$3,139,937
- FY25 Proposed \$3,171,336

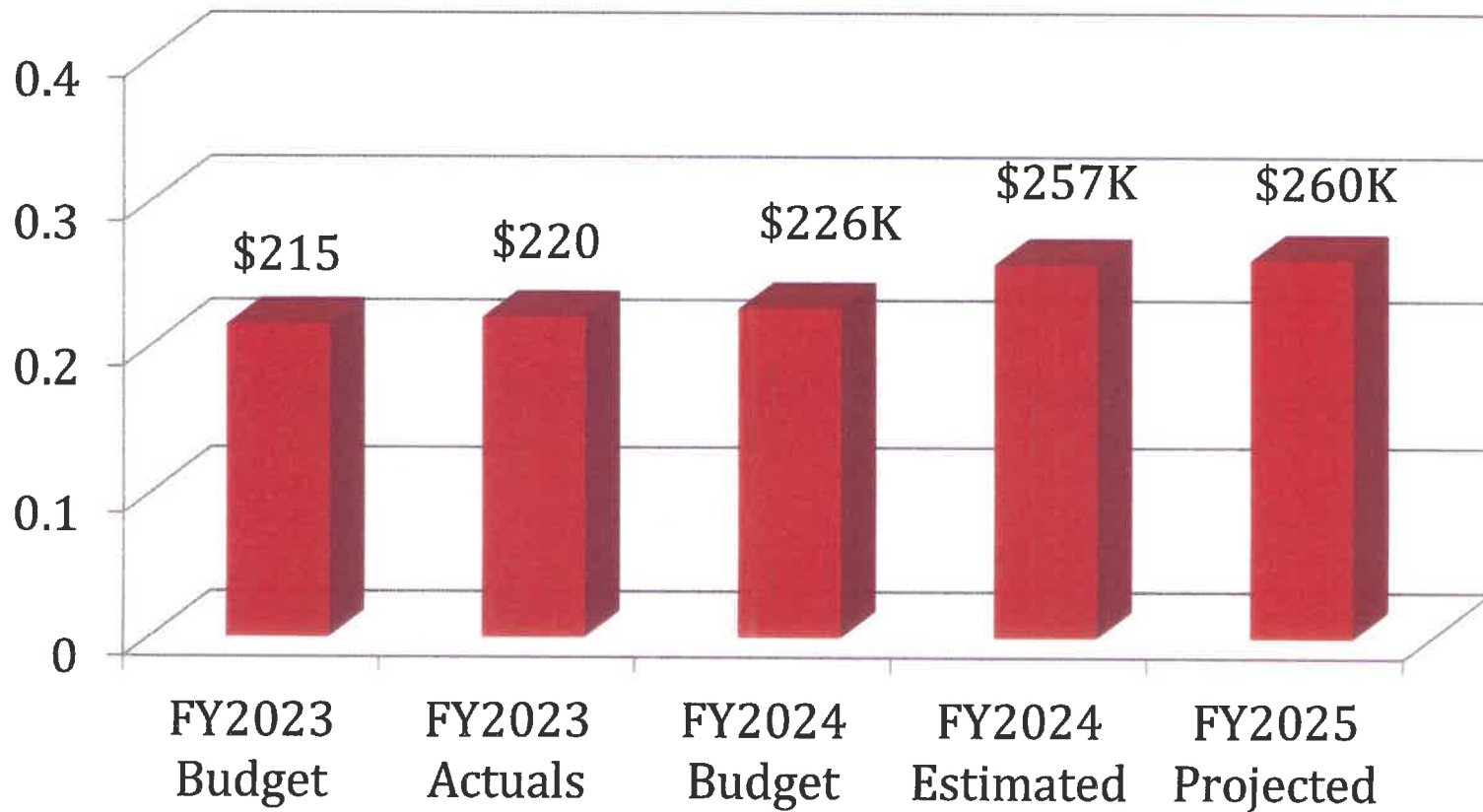
Franchise Taxes

- APS & Southwest Gas, Cox
- Based on 2% of gross revenues



FY 23-25 Franchise Taxes

Thousands



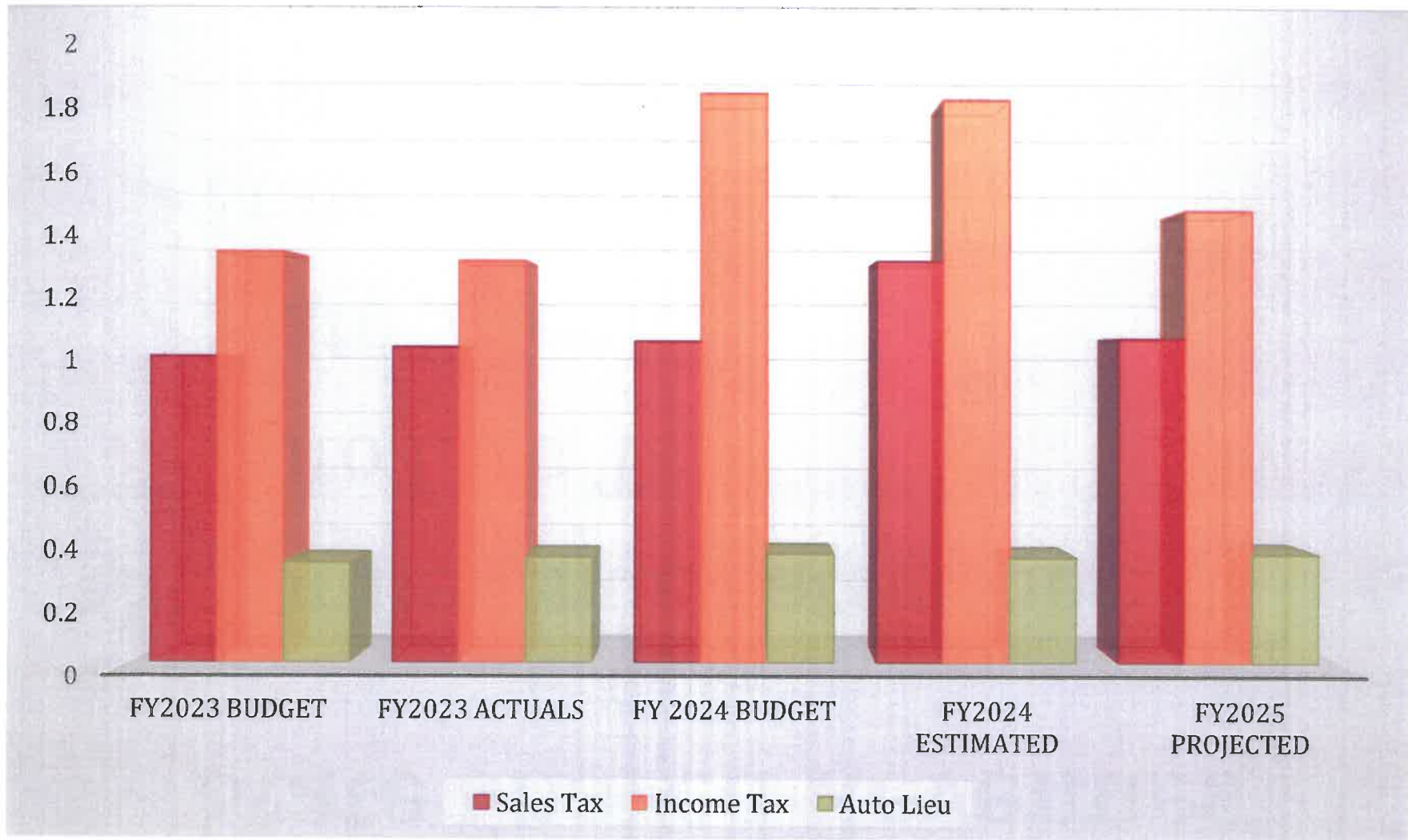
State Shared Revenues

- Major Revenue Categories:
 - Auto Lieu Tax
 - State Sales Tax
 - State Income Tax



FY 23-25 State Shared Revenues

Thousands



State Shared Revenues

State Sales Tax

FY23-25

- FY23 Budget \$ 1,009,960
- FY23 Actual \$1,036,520
- FY24 Budget \$ 1,055,580
- FY24 Estimated \$1,330,470
- FY25 Proposed \$1,069,094

State Shared Revenues

State Income Tax

FY23-25

- FY23 Budget \$ 1,361,869
- FY23 Actuals \$1,330,187
- FY24 Budget \$ 1,880,381
- FY24 Estimated \$1,856,796
- FY25 Proposed \$1,504,830

State Shared Revenues

Auto Lieu Tax

FY23-25

- FY23 Budget \$ 334,089
- FY23 Actuals \$347,838
- FY24 Budget \$359,226
- FY24 Estimated \$346,012
- FY25 Proposed \$358,205

Licenses & Permits

FY23-25

- Business Licenses:
 - FY23 Budget \$37,875
 - FY23 Actual \$42,772
 - FY24 Budget \$40,000
 - FY24 Estimate \$40,000
 - FY25 Proposed \$40,000

Licenses & Permits

FY22-24

- Building Permits:
 - FY22 Budget \$75,000
 - FY22 Actual \$273,858
 - FY23 Budget \$677,000
 - FY23 Estimate \$229,200
 - FY24 Proposed Budget \$225,000

Charges for Services FY23-25

- Library Revenues
 - FY23 Budget - \$404
 - FY23 Actual- \$400
 - FY24 Budget - \$354
 - FY24 Estimate -\$601
 - FY25 Proposed - \$607

Interest Income

FY23-25

- FY23 Budget - \$2,235
- FY23 Actual- \$131,928
- FY24 Budget - \$113,039
- FY24 Estimate - \$191,293
- FY25 Proposed - \$193,206

Bottom Line GF

- FY24 Budgeted Revenues \$6,597,745
- FY24 Estimated Revenues \$7,660,645
- Over realized revenues by \$1,602,900
 - Primarily result of Town Sales Tax, Building Permits, State Sales Tax and LGIP Interest.

Bottom Line GF

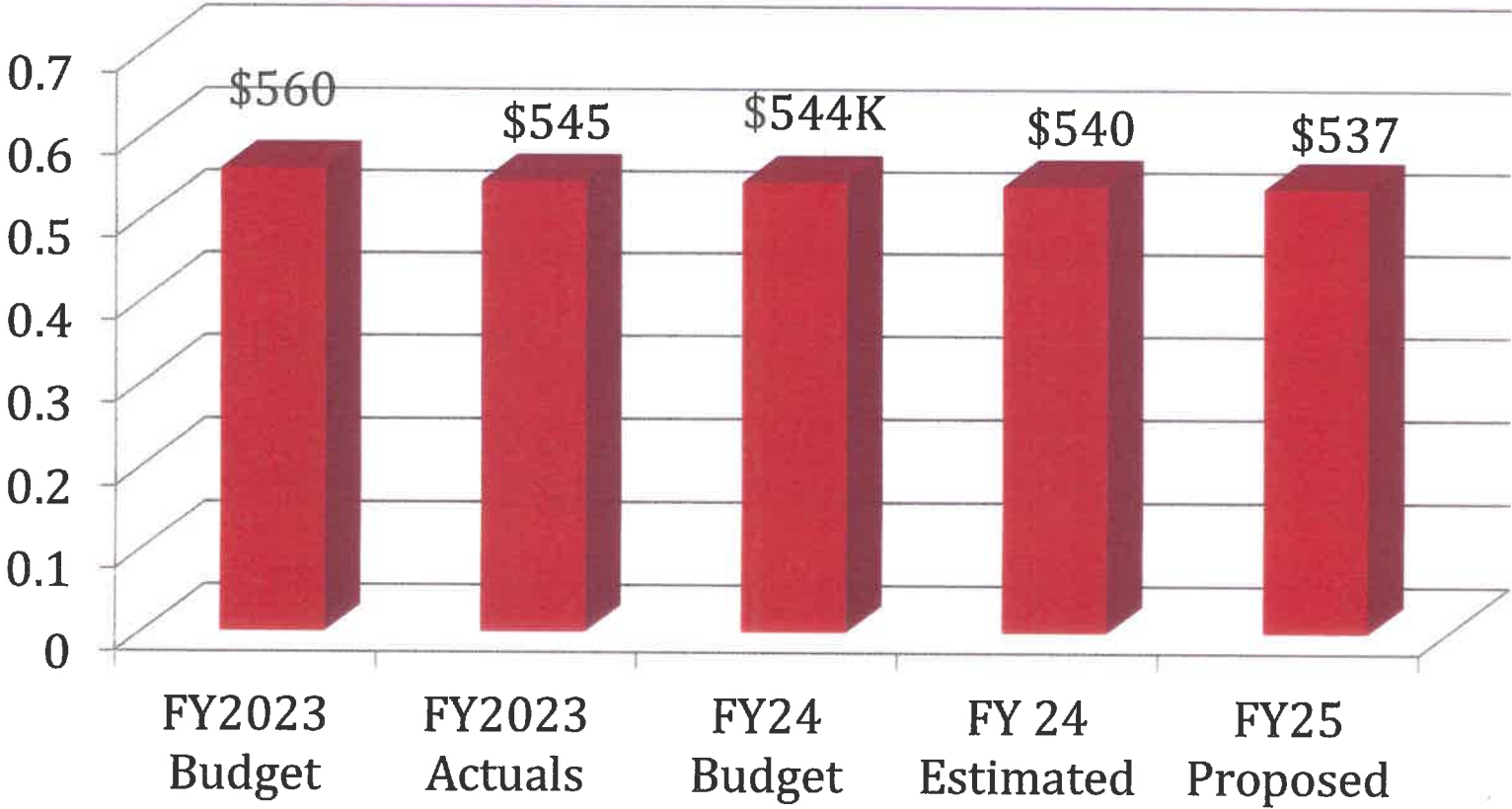
- FY22 GF Audited General Fund Balance is \$8,090,892
- \$3,000,000 Reserve policy which leaves fund balance at \$5,090,892
- Contingency reserve is at \$2,506,794 in FY23 leaving \$2,584,098
- Need to see where FY23 ends up after estimated expenditures by departments

Special Revenue Funds

Special Revenue Funds

- Revenues collected for specific purpose and are restricted in their use
- Highway User Revenue Fund (HURF)

Highway User Revenue FY23-25



HURF Revenues

- FY23 Budget - \$559,717
- FY23 Actuals - \$545,296
- FY24 Budget - \$544,440
- FY24 Estimate - \$539,720
- FY25 Proposed - \$537,074

Next Steps

- May 16, 2024 Expenditure Projections
- June 6, 2024 Tentative Budget Adoption
- June 20, 2024 Final Budget Adoption

Questions



Town of Youngtown



PLANNING & ZONING HEARING STAFF REPORT

RE: Z2024-01 PUBLIC HEARING ON A ZONING TEXT AMENDMENT

PROPERTY OWNER: CURALEAF YOUNGTOWN, LLC

PARCEL NUMBER: 200-85-239
11200 W. MICHIGAN AVE.

FROM: GREGORY ARRINGTON
COMMUNITY DEVELOPMENT MANAGER

DATE: MAY 2, 2024

SUMMARY: A Text Amendment is being requested by Andrew Holstein, applicant for Curaleaf Youngtown, LLC. This application involves a request for a text amendment to the Youngtown Code Title 17 Zoning, Chapter 17.40 C-2 Commercial District, Section 17.40.110 related to increasing the hours of operation for medical marijuana dispensaries.

PROJECT DESCRIPTION

The applicant is requesting a Text Amendment from the Town of Youngtown Municipal Code Section 17.40.110 Medical Marijuana Cultivation, Infusion or Manufacturing Facility Regulations and Medical Marijuana Dispensary Regulations, Section N allowing medical marijuana dispensaries to operate until 10:00 p.m. on Sunday for business.

Surrounding Uses

Surrounding Land	Existing Use of Land	Town Zoning Designation
North	Commercial District	C-2
South	Commercial District	C-2
East	Commercial District	C-2
West	Commercial District	C-2

HISTORY

July 17, 2014, it was brought to the attention of staff that Swell Farmacy (Curaleaf Youngtown, LLC), had obtained from the State of Arizona a “Retail Sales License” causing a conflict with the Town Code.

A “Special Use Application” was submitted to the Town. The applicant is requesting a Zoning Code text amendment for retail sales of devices, equipment, product, and material. The application was approved but restricted Sunday Hours of operation per the Town’s Ordinance.

March 16, 2017, approval to amend the Youngtown Municipal Code to allow the medical marijuana dispensary to operate on Sundays from noon to 8:00 p.m.

December 5, 2019, approval to amend the Youngtown Municipal Code to allow the medical marijuana dispensaries to operate until 10:00 p.m. Monday through Saturday for business.

April 9, 2024 the Citizens’ Review Hearing was held.

April 16, 2024 the Planning and Zoning Hearing was held.

NEIGHBORHOOD IMPACT/INTERFACE

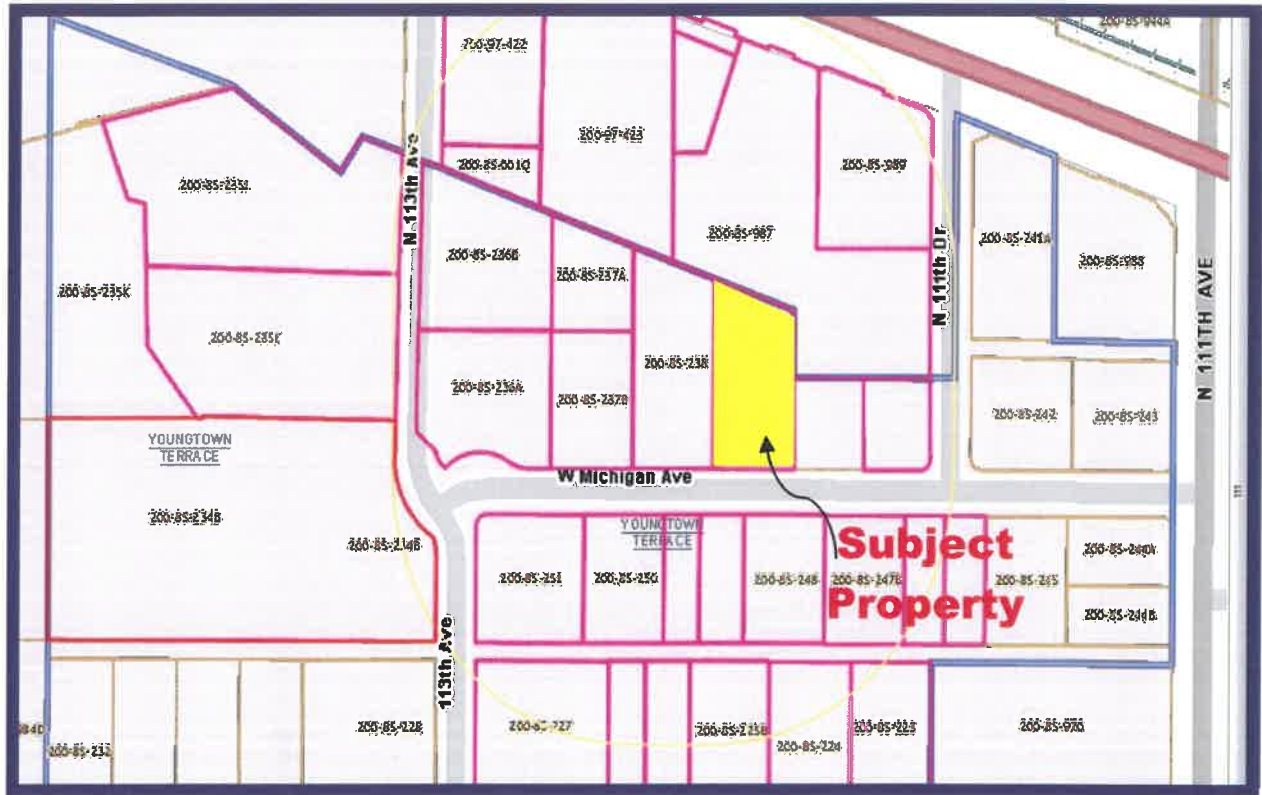
As of the writing of this staff report, no comments raising issues with the text amendment have been received.

RECOMMENDATION

The Planning & Zoning Hearing Commissioner Ray Jacobs recommends approval of the extended hours on Sundays until ten (10) p.m.

EXHIBITS

- A. Site Plan
- B. Aerial Map
- C. Comparison Chart



SITE PLAN





AERIAL MAP

**Subject
Property**



COMPARISON CHART

City/County	Monday to Saturday Hours	Sunday Hours
Apache Junction	9:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.
Avondale	9:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.
Chandler	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
El Mirage	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
Gilbert	8:00 a.m. to 8:00 p.m.	8:00 a.m. to 10:00 p.m.
Glendale	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
Goodyear	9:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.
Mesa	9:00 a.m. to 9:00 p.m.	9:00 a.m. to 9:00 p.m.
Peoria	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
Phoenix	9:00 a.m. to 8:00 p.m.	8:00 a.m. to 10:00 p.m.
Queen Creek	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.
Scottsdale	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
Sun City	7:00 a.m. to 10:00 p.m.	8:00 a.m. to 10:00 p.m.
Tempe	9:00 a.m. to 8:00 p.m.	8:00 a.m. to 10:00 p.m.
Tolleson	9:00 a.m. to 10:00 p.m.	7:00 a.m. to 10:00 p.m.
Youngtown	8:00 a.m. to 10:00 p.m.	8:00 a.m. to 8:00 p.m.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 17 ZONING, CHAPTER 17.40 C-2 COMMERCIAL DISTRICT, SECTION 17.40.110 MEDICAL MARIJUANA CULTIVATION, INFUSION, OR MANUFACTURING FACILITY REGULATIONS AND MEDICAL MARIJUANA DISPENSARY REGULATIONS, SUBSECTON N A MEDICAL MARIJUANA DISPENSARY MAY ONLY BE OPEN FOR BUSINESS BETWEEN THE HOURS OF EIGHT A.M. AND TEN P.M., FROM MONDAY THROUGH SATURDAY RELATED TO EXTENDING THE HOURS OF OPERATION ON SUNDAYS TO TEN P.M.; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

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

Section I. In General.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.40 C-2 Commercial District, is hereby amended by amending Section 17.40.110 Medical Marijuana Cultivation, Infusion, or Manufacturing Facility Regulations and Medical Marijuana Dispensary Regulations, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section 17.40.110 Medical marijuana cultivation, infusion, or manufacturing facility regulations and medical marijuana dispensary regulations

* * *

N. A medical marijuana dispensary may only be open for business between the hours of eight a.m. and ten p.m., Monday through Saturday and ~~eight a.m. to eight p.m. on Sunday~~ AND EIGHT A.M. TO TEN P.M. ON SUNDAY.

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, firm, company or corporation, whether as principal, owner, agent, tenant, employee or otherwise, violating, disobeying, omitting, neglecting or refusing to comply with any provision of this title, or violating or failing to comply with any order or regulation made hereunder, is guilty of a misdemeanor, punishable upon conviction by a fine of not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment in the jail designated by the town, for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm, company or corporation shall be deemed guilty of a separate offense for each day during which any such violation or failure to comply with this title is committed, continued or permitted.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this ____ day of _____, _____, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this _____ day of _____, _____.

ATTEST:

Michael LeVault, Mayor

Nicole Smart, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Trish Stuhan, Pierce Coleman, PLLC

I, NICOLE SMART, DEPUTY TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2024-03 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE ____ DAY OF _____, _____, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, _____.

Nicole Smart, Town Clerk



PIERCE | COLEMAN

Justin S. Pierce
Stephen B. Coleman
Aaron D. Amson
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Joseph D. Estes

7730 E. Greenway Road, Suite 105
Scottsdale, Arizona 85260

2812 N. Norwalk, Suite 107
Mesa, Arizona 85215

Dominic L. Verstegen
Allen H. Quist
Jenny J. Winkler
Justin B. Petersen
Michelle N. Stinson
Alexandra N. Cayton
Matthew W. Schiumo

April 26, 2024

By Electronic Mail

Jeanne Blackman, Town Manager
Town of Youngtown
12030 N. Clubhouse Square
Youngtown, Arizona 85363

Re: Town Prosecutor Services

Dear Ms. Blackman:

We are pleased that the Town of Youngtown (the “Town”) is interested in retaining Pierce Coleman PLLC (the “Firm”) for services relating to the Town’s prosecution work. Our office has an existing Contract for Legal Services with the Town dated June 9, 2022, for Town Attorney Services (the “Agreement”). The Agreement allows the Firm to accept additional Special Counsel assignments with approval from the Town. It is our understanding that the Town would like to retain the Firm in accordance with this Agreement to serve as Town Prosecutor, handling the Town’s misdemeanor prosecution work. This letter will set forth the terms of this additional representation and amend the Agreement to establish rates for these services.

Scope of Services

We understand the scope of our engagement shall be to serve as Town Prosecutor, handling misdemeanor prosecution matters. The Firm will perform all necessary legal services of the Town Prosecutor’s Office within the laws of the State of Arizona and the Rules of Professional Conduct including, but not limited to, the following:

- Prepare and appear for arraignments, pre-trial conferences, and try jury and non-jury trials.
- Review the file on each case including police reports, previous convictions, and motions from defense attorneys.
- Prepare any necessary correspondence related to each case, including notice to victim(s), as required by law.

- Appear in the Youngtown Magistrate Court to prosecute those who have violated state law or Town ordinances; make recommendations for conditions of release and sentencing.
- Advise the Town's law enforcement provider on gathering and presentation of evidence, filing of charges and other legal matters related to criminal cases; interview police officers, inspectors and others presenting evidence for the Town.
- Perform legal research to support the Town's position(s) in hearings and trials as well as in response to defense motions.

Staffing

Michelle Stinson will be the primary attorney handling Town Prosecutor services with Trish Stuhan serving as her backup and covering hearings in her absence. The Firm may also utilize other prosecutors and legal assistants in the best exercise of their professional judgment.

Fees

As we have discussed, the nature of prosecution work can vary, with some months having few defendants on a calendar and other months requiring extensive time to handle numerous charges and/or take cases to a trial where a plea agreement, diversion, deferral, or other resolution cannot be reasonably attained. With the potential for fluctuating levels of work, we believe this matter is best charged on a monthly flat fee rate rather than the hourly rates for Town Attorney services. The Firm will accordingly open a new billing matter for Town Prosecutor Services and will bill the Town **\$3,000.00 a month** for these services. We can re-evaluate this monthly fee based on hours worked at six months, one-year, or other desired intervals, once we have a better understanding of the volume of services needed to address the Town's needs. If you ever have any questions or concerns about fees at any time, please feel free to contact me.

Disbursements

We bill disbursements back to you on a dollar-for-dollar basis. We request reimbursement for travel-related expenses, including lodging, air travel, cab fares, and parking fees. We do not request reimbursement for meals. We also request reimbursement for photocopying costs per page, postage, messenger service, and delivery charges where material must be sent via certified, registered, or express mail or package carrier. *See* Section 4 of the Agreement for further information about reimbursable expenses.

Billing

We send invoices to our clients monthly via e-mail. The billing will contain a brief summary of the nature of the work, the fees, and the costs advanced. For timeliness sake, we will do our best to send invoices for services rendered and expenses incurred on your behalf no later than two or three weeks after the completion of the month in which the work is performed.

A licable Law

This retention shall be interpreted according to the laws of the State of Arizona and the Agreement (as amended by this additional scope of services).

We appreciate the opportunity to serve the Town and hope you will be pleased with the quality and efficiency of our work. We welcome your questions about this letter, our policies, our bills, and our work, so please call me directly if you ever have any questions.

Please let me know if you require any further information.

Very truly yours,

Trish Stuhan
Michelle Stinson
For the Firm

TS:MS

AGREED:

TOWN OF YOUNGTOWN

TOWN OF YOUNGTOWN

By: _____
Mayor LeVault

Pierce Coleman, PLLC

By: _____
Trish Stuhan

ATTEST:

By: _____
Nicole Smart, Town Clerk

CONTRACT FOR LEGAL SERVICES

AGREEMENT dated this 9th day of June 2022, between the TOWN OF YOUNGTOWN, a municipal corporation of the State of Arizona, acting by and through its duly authorized officers, hereinafter called the "Town," and PIERCE COLEMAN PLLC, hereinafter called the "Firm."

RECITALS:

1. The Town currently uses Firm for its Town Attorney services and desires to continue such representation under the terms and conditions of this Agreement.
2. The Firm is willing to continue to serve as Town Attorney under the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is agreed as follows:

TERMS:

1. Appointment of Town Attorney: Town appoints and retains Firm as its Town Attorney. As Town Attorney, Firm shall act as general counsel for the Town through its offices and staff, including, but not limited to: preparation of ordinances and resolutions; advice on real estate; contract review and procurement; advice on election matters; preparation of legal opinions; advice on land use and zoning matters; attendance at meetings of the Town Council as desired by the Town; and such other legal services as the Town may require or request through its Town Council or Town Manager or as provided by Town Code for the Town Attorney. The Firm may also act as special counsel to the Town, upon request of Town, in those areas of the law beyond the scope of general Town Attorney services, including but not limited to civil litigation matters.

2. Term: Termination: The term of this Agreement shall begin upon approval of this Agreement and shall be automatically renewed for successive one-year terms unless sooner terminated by the parties. Either party may terminate this Agreement upon thirty (30) days written notice to the other party.

3. Compensation: Town shall pay Firm for services rendered under this Agreement as follows:

- | | | |
|----|-------------------------------------|---------------------------------|
| a. | General Counsel Services: | \$245.00 per hour for attorneys |
| b. | Special Counsel (civil litigation): | \$295.00 per hour for attorneys |

Paralegals and law clerks shall be billed at \$200.00 per hour for both general counsel and civil litigation matters.

4. Reimbursable Expenses: The Town monthly shall reimburse Firm for out-of-pocket expenses incurred by it in the performance of Firm's duties under the provisions of this Agreement at cost, or otherwise agreed by the Parties. Reimbursable expenses include, but are not limited to, postage, delivery charges, and litigation related expenses (e.g., investigative reports, expert witness

fees, deposition fees, transcript costs, brief costs, court filing fees, process service fees, recording fees, title report costs, photocopy costs, and faxes).

5. Payment: All compensation and reimbursable expenses shall be paid by the Town within fifteen (15) days of statements or billings being provided unless the parties agree otherwise. Town agrees to acceptance of invoices by electronic mail. Unpaid invoices after thirty (30) days shall bear interest at one and one-half percent (1½%) per month.

6. Standard of Performance: Firm agrees to faithfully represent the interests of the Town as its general counsel and special counsel and to provide, furnish, and pay for all of Firm's non-reimbursable overhead expenses, and to make available personnel and equipment, necessary to accomplish those ends. Services shall be performed in accordance with all standard canons and practices approved by the Arizona Supreme Court and the State Bar of Arizona. Firm employees shall be available at all reasonable times to render the services required hereunder.

7. Working Facilities: Firm shall furnish assistance to the Town from the Firm's office, other attorneys' offices and such other facilities and services normally suitable and adequate for the performance of the duties as set forth in this Agreement.

8. Independent Contractor: In performing the services herein specified, Firm is acting as independent contractor.

9. Extent of Services: Firm shall devote the necessary time and attention to its obligations as specified in this Agreement. However, the Town recognizes that the Firm shall also be allowed to engage in the private practice of law which includes representation of clients other than the Town. The parties acknowledge that there will be situations where Town may contract with other persons to provide specialized legal services beyond the scope of the Firm's obligations under this Agreement. These situations may include but not be limited to (a) an insurance company's obligation to defend the Town pursuant to the terms of an insurance contract; and (b) the Town directly contracting with one or more attorneys for handling of specialized matters such as bonding and tax issues. The Firm shall not be required to handle or assist in the handling of such matters unless the Town Manager specifically requests otherwise, and the Firm agrees.

10. Cooperation by Town: Recognizing that the Firm cannot effectively represent the Town without cooperation and assistance, the Town agrees to cooperate fully with the Firm and promptly provide information known or available to attorneys for the Town's representation. This include providing full and truthful information and documents requested in a timely fashion.

11. Benefit: This Agreement shall inure to the benefit of and be binding upon Pierce Coleman PLLC and its successors and assigns. In the event any employee of Firm should withdraw from the Firm or be unable to act during the term hereof, the remaining member or members of the Firm shall perform services required hereunder and, at Firm's option, additional qualified personnel may at any time be added to the Firm to perform said services. Notwithstanding the above, the Firm reserves the right terminate this Agreement pursuant to Paragraph 2.

12. Notices: Any notice required or permitted to be given under this Agreement shall be sufficient if in writing and if sent by certified or registered mail to the other party at the respective offices listed below:

Trish Stuhan, Esq.
Pierce Coleman PLLC
7730 East Greenway Road, Suite 105
Scottsdale, Arizona 85260

Town Manager
Town of Youngtown
12030 North Clubhouse Square
Youngtown, Arizona 85363

13. Cancellation: This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

14. Compliance with Immigration Laws: Firm warrants to Town compliance with Federal Immigration laws and regulations that relate to its employees and E-Verify. The immigration law warranty set forth in A.R.S. § 41-4401 is incorporated herein by reference in full.


15. Fee Disputes: If a dispute arises between the Town and the Firm regarding fees, the parties agree to resolve that dispute through the State Bar's Fee Arbitration Program. Either party may initiate fee arbitration by contacting the State Bar's Fee Arbitration Coordinator at 602.340.7379.

16. Entire Agreement: This instrument contains the entire Agreement of the parties. This Agreement may be changed only by a written agreement signed by both parties.

NOTICE: THE FIRM IS NOT ACTING AS THE TOWN'S COUNSEL WITH RESPECT TO THIS AGREEMENT. IF THE TOWN WISHES TO BE ADVISED ON WHETHER IT SHOULD ENTER INTO THIS AGREEMENT, THE FIRM RECOMMENDS THE TOWN CONSULT WITH INDEPENDENT COUNSEL OF THE TOWN'S CHOICE.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at the Town of Youngtown, Arizona, the day and year first above written.

PIERCE COLEMAN PLLC

By: 
Trish Stuhan

Digitally signed by: Trish Stuhan
DN: CN = Trish Stuhan email =
trish@piercecoleman.com C = AD O =
Pierce Coleman PLLC OU = Attorney
Date: 2022.06.10 12:51:17 -0700

TOWN OF YOUNGTOWN

By: 
Michael LeVault, Mayor

ATTEST:


Nicole Smart, Town Clerk

RESOLUTION NO. 2024-02

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, DESIGNATING JEANNE BLACKMAN, TOWN MANAGER AS THE CHIEF FISCAL OFFICER FOR OFFICIALLY SUBMITTING THE FISCAL YEAR 2024-2025 EXPENDITURE LIMITATION REPORT TO THE ARIZONA AUDITOR GENERAL.

WHEREAS, A.R.S. § 41-1279.07(E) requires each county, city, town, and community college district ("Entities") to annually provide to the Auditor General by July 31 the name of the Chief Fiscal Officer of the governing body designated to officially submit the current year's annual expenditure limitation report (AELR) on the governing body's behalf; and

WHEREAS, the Arizona Auditor General requires Entities to submit an updated form and documentation for any changes in the individual designated to file the AELR; and

WHEREAS, the Mayor and Common Council desires to designate Jeanne Blackman the Town's Chief Fiscal Officer for Fiscal Year 2024-2025.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Jeanne Blackman is hereby designated as the Town's Chief Fiscal Officer for purposes of officially submitting the fiscal year 2024-2025 AELR to the Arizona Auditor General's Office on the Town of Youngtown's behalf.

SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Youngtown, Arizona this 2nd day of May, 2024.

Michael LeVault, Mayor

ATTEST:

Nicole Smart, Town Clerk

APPROVED AS TO FORM:

Trish Stuhan, Town Attorney
Pierce Coleman, PLLC

I hereby certify the above foregoing Resolution No. 2024-02 was duly passed by the Council of the Town of Youngtown, Arizona, at a meeting held on May 2, 2024, and that a quorum was present thereat and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ___ Council members were absent or excused.

Nicole Smart, Town Clerk

**AMENDMENT NO. 3 TO THE
TOWN OF YOUNGTOWN SERVICES CONTRACT:
On-Call Services for Community Cleanup Activities**

THIS AMENDMENT NO. 3 TO THE SERVICES CONTRACT (this “Third Amendment”) is entered into between the Town of Youngtown, an Arizona municipal corporation (the “Town”) and Apostolic Faith Center, Inc., an Arizona nonprofit corporation, (the “Contractor”), (collectively, “the parties”). This Third Amendment shall be effective on the last signature date set forth below.

RECITALS

A. The Town and the Contractor entered into a Services Contract dated May 12, 2022 (the “Agreement”) for on-call services for yard work assistance, nuisance abatement, and other cleanup activities sponsored by Youngtown’s Public Works and Code Enforcement departments to assist with community efforts to remove weeds, trash, and debris from public property. (“Services”). The terms of the Agreement are incorporated herein by reference.

B. The Town contracted for additional services on November 17, 2022 through Amendment Number 1 to the Services Contract (the “First Amendment”) and on April 12, 2023, the Town entered into Amendment Number 2 to the Services Contract (the Second Amendment) to set a rate of \$2,000 a month for such Services. Collectively, the Agreement, First Amendment, and Second Amendment are referred to herein as the “Agreement.”

C. The Town and Contractor desire to amend the Agreement to renew the Agreement for an additional one-year term under the terms of this Second Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Contractor hereby agree as follows:

1. Term. This Agreement shall commence on May 13, 2024 and terminate on May 13, 2025, unless sooner terminated by the Parties pursuant to this Agreement.
2. Compensation. The price for all Services during the Term of this Agreement shall not exceed **\$24,000.00** (with an estimated amount of **\$2,000.00** a month due to Contractor for Services rendered).
3. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

4. Non-Default. By executing this Amendment, the Contractor affirmatively asserts that (i) the Town is not currently in default, nor has it been in default at any time prior to this Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this Amendment are forever waived.

5. Conflict of Interest. This Amendment and the Agreement may be cancelled by the Town pursuant to Ariz. Rev. Stat. § 38-511.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year set forth below.

“Town”

TOWN OF YOUNGTOWN,
an Arizona municipal corporation

Michael LeVault, Mayor

DATE

ATTEST:

Nicole Smart, Town Clerk

APPROVED AS TO FORM:

Trish Stuhan, Town Attorney

[ADDITIONAL SIGNATURES ON NEXT PAGE.]

“Contractor”

APOSTOLIC FAITH CENTER, INC.,
an Arizona nonprofit corporation

By: _____
Name: _____
Its: _____

DATE _____

NO DOCUMENTS