



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, November 20, 2014, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

1. **Call to Order:** Mayor LeVault at 7:00 p.m.
2. **Roll Call:** Councilmembers present: Mayor Michael LeVault, Councilmembers Margaret Chittenden, Dorena Mello, June Miller and Judy Johnson. Absent Vice Mayor Jacob Duran, Councilmember Shirley Gustafson.
Staff present: Town Manager Jeanne Blackman, Town Attorneys' Kelly Schwab and Trish Stuhan, Financial Consultant Pat Walker, Economic Development Manager Gayle Cooper, Community Development Coordinator Gregory Arrington, Public Safety Manager Mike Kessler, Library Manager Heidi Speed and Town Clerk Diane Cordova.
3. **Pledge of Allegiance and Invocation:** Councilmember Chittenden led the Pledge of Allegiance and Councilmember Mello offered the Invocation.
4. **Communications:**
Mayor LeVault
 - For consideration of time, I am suspending the communications portion of the agenda.**Town Manager Blackman**
 - We do have one important announcement; Town Clerk Diane Cordova has received her Municipal Clerk Certification.
5. **Citizens Comments/Apearances from the floor:**
Mary Simpson resident of Youngtown
 - I am here to report graffiti on our walls and that the alley on 111th Drive is disgusting. It is worse now than a week ago; there are branches from neighbors on our alley. Two years ago my husband and I cleaned up the alley. We are willing to volunteer if that is what is needed.
Betty Trolen resident of Youngtown
 - Maricopa Lake is looking good; it's the reason we purchased our home here in Youngtown. The lake is a main attraction. It should be kept on a routine maintenance plan with the water routinely tested. We did see on November 7, 2014 a boat out on the lake checking the aerator. I guess the valve was buried in the landscape? Are there any blueprints?
Bob Ferrara resident of Youngtown
 - My comments are about signage, the one way sign at Maricopa Lake. There used to be two signs at the end of 114th avenue signifying a wrong way. One sign fell off and has never been replaced. Who is responsible for replacement of these signs? Arizona Department of Transportation (ADOT) or is it the County's? I've counted two drivers driving the wrong way this week.
 - Maricopa Lake was the reason I purchased my home as well. There was an article in the Sun City Independent about Viewpoint Lake in Sun City in which Mr. Swanson of Swanson Solutions gave solutions to water treatment and maintenance. Perhaps we hire him or someone from the Department of Water Resources.
Mayor LeVault
 - Town Manager Blackman, would you meet with Public Works Manager Mosbrucker regarding the one-way signage and report back to Bob Ferrara and also have a written procedure on lake maintenance.
6. **Business**
 - A. **Approval of Minutes: Work Session and Regular Council Meeting Minutes of October 2, 2014 and Work Session Meeting Minutes of November 6, 2014 and Regular Meeting Minutes of September 18, 2014.**

Motion to approve the regular meeting minutes of September 18, 2014 – Councilmember Chittenden
Second – Councilmember Johnson
Motion passed unanimously on a voice call.
 - B. **Sun City Fire District (SCFD) Report**
SCFD Administrative Assistant Mary Dickenson
 - For the month of October, 2014 there was 1 fire call, 54 rescue calls & 54 EMS incidents; 1 hazardous condition; 6 service calls; 5 good intent calls and 4 false alarm calls for a total of 71 incidents. On the fire prevention inspection side

there were 2 assembly inspections; 22 mercantile & business inspections; 1 storage inspection and 1 special inspection for a total of 26 inspections. Out of the 26 inspections, 17 were re-inspections and 10 total violations were found.

- The fire called in was an electrical fire located on Tennessee Avenue, the Mountain View Apartment complex.

Councilmember Johnson

- What about the fire in Agua Fria Ranch?

SCFD Administrative Assistant Mary Dickenson

- That took place in November, a palm tree fire and will be on the November monthly report.

C. Discussion Re: Maricopa County Sheriff's Office (MCSO) Report.

Captain VanAusdal

- For the month of October, 2014 there was a total of 381 incidents; 285 calls were for services and 96 were on view incidents. There will be an article in the Village Report regarding the top 10 types of incidents.

D. Discussion and/or Action Re: Approval to accept the Town Audit for Fiscal Year 2013-2014 completed by CliftonLarsonAllen LLP, Town Auditor.

Town Manager Blackman

- We are asking Council to accept the Town's Financial Audit for Fiscal Year 2013-2014 which was completed by Clifton Larson Allen, Town Auditors. Here with us tonight is Dennis Maschke to give a brief overview and to answer any questions Council may have.

Dennis Maschke, Clifton Larson Allen Auditor

- I am here to answer any question regarding the Financial Statements for FY 2014. We completed our audit in less time than previous years due to less testing, it was a single audit. There were some modifications there were recommended last year and have been applied in this audit which helped complete the audit efficiently. A keynote, an adjustment to the prior year balance was made due to the ongoing ADOT project. This is not usual to do. The monitoring of grants and reimbursements was not completed in a timely manner.

Mayor LeVault

- The ADOT project he is referring to is the Peoria Re-Alignment Project.

Motion to approve the Town Audit for Fiscal Year 2013-2014 completed by CliftonLarsonAllen LLP, Town Auditor –

Councilmember Miller

Second – Councilmember Mello

Motion passed unanimously on a voice call.

E. Approval of Resolution 14-19 Canvassing and Adopting the results of November 4, 2014 General Election.

Town Clerk Cordova

- Staff is asking Council to approve Resolution 14-19 the Canvass of Vote from the November 4, 2014 General Election for the ratification of the 2025 General Plan. All the procedural steps for the adoption of the General Plan have been executed. The total cost for the General Election was \$4,325.

Motion to approve Resolution 14-19 Canvassing and Adopting the results of November 4, 2014 General Election. –

Councilmember Mello

Second – Councilmember Johnson

Motion passed unanimously on a voice call.

F. Presentation and Discussion Re: Creation of a Community Garden to be located at 10617 N. 114th Drive.

Community Development Coordinator Arrington

- The benefits of community gardening are not just limited to growing and eating your own produce. Many other factors come into play, such as enhanced social interaction, improved quality of life, neighborhood beautification, lower family food budgets, conservation, better eating habits and crime reduction. Some history, this lot was the former Public Works Yard. On July 21, 2011, September 15, 2011 and October 6, 2011 Council took staff input, gave direction and approved rezoning a residential parcel, #142-67-056, 10616 N. 114th Drive, to Open Space to accommodate this specific use. On January 5, 2012 Council approved Ord. 12-02 rezoning parcel as Open Space for use of the Town Community Garden. On January 17, 2013 Resolution 13-02 approved for the authorization of submitting a CDBG Grant application. Funding aspect did not move forward to gain a grant. Staff believes the creation of a Community Garden is a viable option for community development. The proposed development fits within the redevelopment master plan currently being created. It is believed by staff that a CDBG grant can be approved to fund this project. Deadline to submit application is tentatively scheduled for January, 2015.

- Some things to consider; what type of community garden? A shared garden, an allotment garden, a garden with both. A stakeholder and/or an adhoc committee will be needed for citizen input; operation and maintenance will need to be factored in as well. Will the garden be organic? What structures will need to be built for sitting areas, lockable shed for storing tools, seed, etc. How about training for plant propagation, making compost, pest management? How will we fund the garden? Apply for grants? Will there be membership fees? How will we fund ongoing costs of water, operation and maintenance?

Councilmember Johnson

- The community garden has been a three year project for me and my husband. We would love to be part of it, along with volunteers. The City of El Mirage has a wonderful community garden as well as Benevilla.
- I'm not sure if Benevilla gets grants and pays for water?

Councilmember Mello

- If we decide to rent out garden boxes we will not be able to obtain grant money. CDAC funds will not be approved. Staff cannot be utilized to process administrative tasks with renting out garden boxes. The community garden cannot be Town/staff driven, it will not succeed. It will be a constant uphill battle getting committed individuals.
- A community garden does have a way of crossing boundaries bringing seniors and young children together. It brings unity. I witnessed a senior and a gang member come together on common ground. We will need committed residents for this community garden to succeed. The City of Buckeye had a great start and it now appears that they are struggling.
- Benevilla probably does fundraisers and has sponsorships. I just know that renting out garden boxes takes funding away from the equation. We cannot place the rental and O&M on staff. This project must truly be a community ownership take over.

Mayor Levault

- It must be a community garden without the renting of garden boxes and be treated as a park in order to receive funding?

Councilmember Mello

- That is correct, no maintenance programs. The funding would be startup seed money.

Town Manager Blackman

- We are reaching out to El Mirage, Buckeye, and Benevilla, to talk about best practices. As far as sustainability, how long can we continue to go back for funding? Grant opportunities are a challenge. Many times these types of projects are funded by corporations. Maybe we need to identify key stakeholders/partners - Discover U the Montessori School, an expert master gardener and bring back for discussion.

Mayor LeVault

- Perhaps we can get the Life Stream Management involved.

Councilmember Miller

- A community garden would bridge the gap with Agua Fria Ranch residents and with the residents living in the older areas of Youngtown.

Community Development Coordinator Arrington

- We may be able to solicit support from our colleges like Arizona State University (ASU).

Councilmember Mello

- I know about landowners who retain non-profit organizations to come in and clean up property and in turn, the landowner pays for the water. The once crime infested blighted property becomes a benefit to the community, showing a decrease in crime.

Mayor LeVault

- We need to do a site assessment and further research.

Councilmember Miller

- People can work freely when staff and Council are not involved.

Councilmember Chittenden

- A neighbor joined the Surprise Benevilla community garden. We need to get some information on how the fee for water is assessed and how is it paid.

Councilmember Mello

- Charging a participation fee can pay for the water.

Councilmember Miller

- The community garden was brought to Council several years ago. Councilmember Mello we cannot let it go to the way side.

Councilmember Johnson

- At the Surprise benevilla community garden, there is a waiting list to rent out a garden box.

Councilmember Mello

- Question is who is going to monitor and collect the money?

Councilmember Johnson

- Benevilla has a system that is working.

Mayor LeVault

- Let's bring back to council on the first meeting in December for further discussion.

- G. Discussion Re: Amending of Town Code Title 17 Zoning, Chapter 17.40 C-2 Commercial District, by amending Section 17.40.020 Use regulations; and amending Chapter 17.56 Special Uses and Temporary Buildings, by amending Section 17.56.010 Special Uses Enumerated, related to adopting special use permit requirements for stand-alone smoking lounges, tattoo and/or body piercing establishments, massage establishments and sexually oriented businesses.

Community Development Coordinator Arrington

- Staff was directed to review the current hours of operation for non-traditional businesses. Town Attorneys have drafted an ordinance that would require a non-traditional business to be subject to a special use permit and location requirements. The applicant would be required to go through a planning and zoning hearing process, along with public hearings, and then come before Council for approval. This would allow staff and council to review the type of business, location of business, and business hours of operation. This is a staff initiated requirement, in which the Town would waive the fee for the process.

Councilmember Mello

- If the applicant was not approved, the fee would then be reimbursed?

Mayor LeVault

- This discussion is a spin off from the medical marijuana meetings.
- The intent is to have another level of approval for the non-traditional businesses coming to do business in Town.

Councilmember Mello

- This will allow our community to have a voice.

Town Attorney Schwab

- You can place regulations to address the considerations of residents; examining the location and what impact it might have to the surrounding areas.

Councilmember Miller

- What is a sexual orientated business?

Town Attorney Schwab

- A sexual orientated business is a business that sells sex movies, books, and magazines. They are allowed and you cannot restrict them from zoning. These types of businesses are protected by the 1st Amendment.

Councilmember Johnson

- Our commercial districts are so close to residents.

Town Attorney Stuhan

- There are separation requirements in the town code; separations from school, daycares, and these types of businesses have a very limited area to establish themselves here in Youngtown. The amended ordinance would subject a non-traditional business to fill out a special application which would require a process of a public zoning hearing and public hearing meetings.

Town Attorney Schwab

- The sexual orientated businesses that sell sexual products are protected by the constitution.
- Massage establishments are lawful. The massage establishments in Youngtown have a state license to operate and also a business license from the town.
- Houses of prostitution are illegal.

Community Development Coordinator

- In Prescott Valley there were several lawsuits due to the municipality closing down an establishment. The business won and was allowed to operate. It goes back to their constitutional rights.

Mayor LeVault

- Let start the process on amending the code. We will have to conduct the public hearings first before we can approve the ordinance.

Citizen Comment/Appearances from the floor:

Kathryn French, resident Agua Fria Ranch

- Establishments that sell X-rated videos are also conducting sexual activity. These types of establishments will not stop by and pay a visit to our Community Development Coordinator. If these types of establishments are allowed, Council will have to do policing to get rid of lots of riff raff. Council, do what is reasonable, thoughtful and protect us. Stand up to the attorney's and take actions outside the law. Stand up for us. You all have a tough position and I so appreciate all that you do.

Councilmember Chittenden

- We've had two massage parlors closed down because of citizen's involvement.

Mayor LeVault called a recess at 8:14 p.m.

Council meeting resumed at 8:23 p.m. with Vice Mayor Duran and Councilmember Gustafson joining the meeting telephonically.

H. Discussion and/or Action Re: Amending of Town Code Title 8 Health and Safety Chapter 8.08 Refuse Collection and Disposal relating to mandatory solid waste collection services for residential properties and exemptions.

Community Development Coordinator Arrington

- Staff is recommending approval of Ordinance 14-12 adding a new Section 8.08.110 SOLID WASTE COLLECTION SERVICES REQUIRED; EXEMPTIONS; relating to mandatory solid waste collection services for residential properties and exemptions. With an estimated forty percent of our citizenry in non-compliance at the present time, staff is recommending an additional forty-five day moratorium on actual enforcement. This period would be used to relay to the community the importance of the amendment, prepare informational material, coordinate with Parks and Son and conduct a Public Hearing to ensure the citizens understanding of the Town's position moving forward.

Mayor LeVault

- How multiple family unit apartments/duplex with roll does off fit into this ordinance?

Community Development Coordinator Arrington

- This ordinance relates to commercial and residential. Ordinance will take effect after 30 days from approval from Council. Staff will take an additional 45 days to educate the public, possibility of holding a public hearing. We are taking a stand from a health safety point of view. We are having abnormal trash out on the street curbs. Code Enforcement cannot site as per how the code is presently written.

Councilmember Chittenden

- How involved will Parks & Sons be?

Community Development Coordinator Arrington

- They will be a key stakeholder.

Councilmember Mello

- Will this solve the alley problem?

Councilmember Miller

- Who should we communicate to regarding neighbors trash in the alley? I call Town Manager Blackman.

Community development Coordinator Arrington

- You may also call code enforcement.

Mayor LeVault

- Youngtown is unique in many ways. We don't have a town owned utility – we sold our water company. Most municipalities include a trash fee in their water bill. Youngtown presently has 40 % non-compliance. Who knows where they will dump their trash next. This is a health safety issue. Adopting the ordinance requiring subscribing to a trash service is needed.

Councilmember Gustafson

- I think this is a good idea.

Vice Mayor Duran

- I think it a good idea as well.

Councilmember Mello

- What will be the process if a resident takes their refuse to the dump on their own?

Community Development Coordinator Arrington

- They would need to obtain a written exemption from the Town Manager.

Town Attorney Stuhan

- The authorized provider will be Parks & Sons. Applying for an exemption is not grounds to allow a resident to take care of their own refuse. The written exemption is for a vacant home. Once a home is occupied, trash service will be required.

Citizen Comment/Appearances from the floor:

Kathryn French, resident Agua Fria Ranch and President of Agua Fria Homeowners Association (HOA)

- We at AFR are having a number of issues with refuse. Many of the homes in AFR are rental homes. The HOA is looking at what we can do to solve this problem. We will need Parks & Sons to be part of the educational process. I hope we adopt this; we can then tag team for compliance. If this is required by other municipalities, the Town of Youngtown should have it as well.

Town Attorney Stuhan

- Approval of this ordinance would now give code enforcement the means for citing homeowners.

Vice Mayor Duran

- We can set a fine for violation.

Town Attorney Stuhan

- If approved, the ordinance will be effective after 30 days. Staff is asking for an additional 45 days to educate and notify residents of the refuse service requirement. Code enforcement will then proceed with the normal process for citing violations.

Town Attorney Schwab

- The fine can be up to \$2,500 per offense which will be based upon the judge's discretion.

Community Development Coordinator Arrington

- We can notify EPCOR Water that when a resident signs up for water services, they can then inform them that they would need a refuse service collector through another company.

Motion to approve Amending of Town Code Title 8 Health and Safety Chapter 8.08 Refuse Collection and Disposal relating to mandatory solid waste collection services for residential properties and exemptions. – Councilmember Miller

Second – Councilmember Mello

Motion passed unanimously on a roll call 7 - 0

I. Discussion and/or Action Re: Salary increase for Councilmembers.

Councilmember Chittenden

- Councilmember Johnson and I asked to bring this agenda item to council. The Town Councilmembers serve the community with their utmost expertise and individual contributions to be the bridge between local government and the community. We all choose to be involved in our local events, activities and serve on a variety of committees. Councilmember Miller was part of the Citizen's Academy; Councilmember Mello and I have served on the CDAC committee; the Mayor is now the Chair of MAG; I've taken on the establishment of a Dog Park and continue with Dog Park committee meetings. Vice Mayor Duran is very influential in the community. Youngtown is now well known and respected. This Council for the last six years has worked hard to come together; we had new infrastructure completed, the fire flow; we balanced the budget, we have reserved a rainy day fund.
- The last increase in salary for council was in 2008 which then went into effect in 2009. There was a salary comparison worksheet given to us and only five of these cities relate to us.
- I know that Vice Mayor Duran, Councilmember Mello and Councilmember Gustafson will not be included in the salary increase until their term is up, which is in two years.
- I am asking this Council for the approval of salary increase for present councilmembers.

Mayor LeVault

- How much of a salary increase are you requesting?

Councilmember Chittenden

- We are asking \$200 per councilmember.

Councilmember Johnson

- Over the years, this council has had many hard decisions to make; closing of our police department; dealing with the mining issue. We dealt with and completed fire flow infrastructure. We all do many things; Councilmember Mello is co-chair of CDAC; Councilmember Chittenden is also involved in CDAC. She is also part of the Surprise Chamber. I am involved in the Art's Commission. I'm active in reporting street light outages. We are involved with residents and with our H.O.A's. We are all very active in committee's and events in our community. This Council spends a lot of personal time being involved. We are all a very close community. People know where Youngtown is located now. Youngtown is highly respected.

Councilmember Miller

- I am not speaking against the salary increase, however this is a 40% increase and I believe it should be a 40% increase across the board from their present salary; if we are voting for a salary increase, let's give a fair one.

Councilmember Mello

- I cannot request an increase due to not being re-elected; the next elected councilmember would receive the increase. The last increase was given to the Mayor and Vice Mayor. How will residents view this? Just Because we are re-elected, doesn't mean we give ourselves a raise. This is an issue for me.

Town Attorney

- The increase would come into effect in January for new councilmembers coming in.

Mayor LeVault

- I am not asking for an increase. I would appreciate it if I would be left out.
- You have to understand the mindset of people in the state of Arizona; on the ballot was a salary increase for our State Legislature and it was defeated by 60% of voters.

Councilmember Miller

- We should have had a work session on this agenda item for greater discussion.
- I just don't think it is fair to give the Mayor and the Vice Mayor a \$200 increase. It should be the fair 40% to each councilmember.

Councilmember Chittenden

- I requested a work session; however I was approached to have it on the regular agenda. I am asking for \$200 across the board for each councilmember. In 2016, those who rerun and/or get elected would receive the increased salary.
- I am not serving for the salary; I'm here to serve the community. Asking for an increase is an incentive to get qualified people just like employees' salaries, obtaining qualified individuals on staff.

Councilmember Johnson

- The Mayor suggested the same across the board.

Mayor LeVault

- I'm satisfied to stay where I'm at.

Councilmember Mello

- We cannot compare ourselves with other councils and with the Mayor. No question about my admiration toward Mayor LeVault and all he does. Tolleson has a property tax; we cannot begin to compare ourselves to them. Wickenburg is also a high paying council.
- My issue is the way it is being presented, right after an election. The perception will be, we are in now, lets give ourselves a raise. This feels bad, it has a bad taste.

Vice Mayor Duran

- I appreciate the Mayor's humility, but he should get paid more. We as a Town Council get pay because we serve. The salary increase does not affect me; in fact three of us will not receive an increase. The President, nor Congress will ask for an increase on our behalf, so if we don't, who will? We as a Council are doing a good job. It has nothing to do with before or after an election. I know not everyone will agree.

Councilmember Gustafson

- This Council works hard. We have brought our town back from a financial hardship. I believe we all deserve a raise, \$ 200 for everyone. I of course will not get one until my term in 2016 and I'm not sure if I will rerun. I'm okay with the \$200 across the board.

Citizen Comment/Apearances from the floor:

Tim Ayers, resident

- This is a touchy subject. This is not a Monday through Friday job; it's a seven day a week job. From my personal experience, Council is always out in the Town. They receive calls at any time of the day. If they don't have the answer, they will find it and get back with you. Council does a good job. It's a good idea for a raise.

Kathryn French, resident and Agua Fria Ranch HOA President

- The increase that council is requesting doesn't even bring them to a living wage. Arizona gets what they deserve because we don't pay them enough. In a small town like ours we do more as a community than others; others have staff. This council is not asking for a ton of money. If you don't do it yourselves, who will? The increase doesn't even come close to the private sector. You all have a heart for what you do. You serve our country. You all are available at all times. I support the small amount for all you do.

Councilmember Chittenden

- When I was first elected in 2005, I didn't know it was a paid position; that was not my concern. As a resident I decided to get involved. I did not come into this for the money.

Councilmember Miller

- I understand Councilmember Mello's statement about looking bad. Either way the increase will not go into effect until January, 2015.
- Are we voting on \$200 across the board or 40% increase for each councilmember?

Motion to approve a salary increase for councilmembers at 40% for each councilmember – Councilmember Miller

Second – There was no second motion made.

Motion not carried forward.

Motion to approve a salary increase of \$200 for each councilmember – Councilmember Johnson

Second – Councilmember Chittenden

Motion passed by a vote call – 5 Yes – 1 No – 1 Abstained.

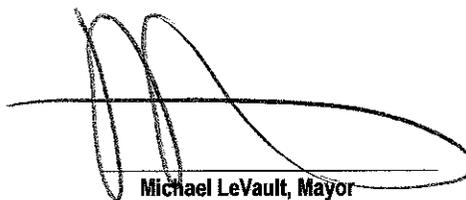
Councilmember Johnson	Yes	Councilmember Chittenden	Yes	Mayor LeVault – Abstained
Councilmember Miller	Yes	Councilmember Mello	No	
Vice Mayor Duran	Yes	Councilmember Gustafson	Yes	

8. Call for Executive Session
None

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.

Motion to adjourn: Councilmember Mello
Second – Councilmember Johnson
Meeting Adjourned 9:25 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approved at December 18th, 2014 regular meeting.