



MINUTES OF WORK SESSION OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, February 19, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:12 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Lucille Rethford, Margaret Chittenden, Dorena Mello, and Susan MacKay. Council absent: Councilmember Shirley Oglesby
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Chief of Police Kimberly Johnson, Public Works Manager Mark Hannah, Town Marshall Dan Connelly, and Town Clerk Letty Goldberg.
3. Business
 - A. Discussion Re: Agua Fria Master Watercourse and Channelization Presentation by Friends of the West Valley Recreation Corridor/Norris Nordvold, Executive Director.
Norris Nordvold
 - The West Valley Recreation Corridor was a dream of West Valley developer, John F. Long. Mr. Long wanted the West Valley to have a recreational comparable to the Indian Bend Wash greenbelt in Scottsdale.
 - I was hired as Executive Director seven months ago and given the task of working with property owners, businesses and cities and Towns that border the Agua Fria and New Rivers that are included in the watercourse area. There are five miles on both sides of the River. This is a growth area with residents excited by recreation opportunities. Development up and down the river needs to be out of the flood plain. Throughout the corridor there would be 42 miles available for non-motorized recreation.
 - I am here to ask the Youngtown Council to adopt the Agua Fria Master Watercourse and Channelization Management Plan.

John Hathaway, Maricopa County Flood Control District

 - Channelization of the Agua Fria River is needed to plan for the future. The 2001 plan did not include channelization. In 2005 two plans were adopted, one with channelization and one without. The river averages 300 feet in width; the channel would be 1200 feet. There would be two terraces. The lower terrace would be 500 feet above the channel and could handle 10 year level flood while the upper terrace would be another 500 feet tier and could handle 100 year floods. There would then be a 100 foot buffer above the maximum flood elevation. Development would be above that level.

Mayor LeVault

 - Youngtown is concerned about sand and gravel operations in the river bed. There have been disagreements with the mining group, Salt River Materials Group has an operation adjacent to the Agua Fria River subdivision.

Councilmember Chittenden

 - Last Spring I walked the New River and viewed a presentation by Friends of the River.

Mr. Hathaway

 - That was a Walk the Vision event at Friendship Park. This year's Walk was at Rio Vista Park in Peoria that demonstrates how a park can be developed after channelization. You could have a marathon on the river and not have to close any streets to vehicle traffic.

Roger Baele, Maricopa County Flood Control District

 - It requires land planning and the creation of Special Taxing Districts to fund the development of parks and recreation areas. Mining is outside most jurisdictions. There are zoning and land use issues.

Mayor LeVault

 - Are mining companies signing on?

Mr. Baele

- Mining companies are interested in developing uses outside the floodplain. Looking for development opportunities that would increase in value.
- Special districts would speed the process along. Would establish when and how and set priorities for sections.
- Rusty Bowers with the Mining Association reported that Salt River Materials Group has signed on as a supporter of the Agua Fria River Channelization plan. Mr. Bowers is trying to get 50% sign on from the sand and gravel operations on the river.

Mayor LeVault

- I'll do what ever I can. The Northwest Valley needs this to happen for owners and residents along the river.

Grant Anderson, WILLDAN, Town Engineer

- Riverbed ownership is a mix of county island, tribal ownership, Bureau of Land Management, State of Arizona. Should be looking at mining within a plan for the future. We will be reporting to Council on "What it means to Youngtown".

Councilmember Retheford

- We were part of an intense study in 2001. Terrace was on the west side – El Mirage side.
- Room for a park and a trail head on the Youngtown side of the river.

Mr. Anderson

- New plans have been worked from the earlier plans; implementation plans; other opportunities for Youngtown.

Vice Mayor Duran

- This is an awesome opportunity for us and the whole community.

Mayor LeVault

- Agua Fria Ranch Homeowners Association is on board with this project.
- Let's place this on the regular agenda for March 5.

B. Discussion Re: Proposed Park Ordinance and Rules for consistent procedures for usage of all Town Parks and appropriate Park Fees for specified activities to cover services provided (HANNAH).

Public Works Manager Hannah

- Currently there is a refundable fee in effect for Greer Park reservations for the Ramada. If the part is left clean and in order the reservation fee is refunded.
- Proposal includes refundable and nonrefundable fees for residents and non residents.
- I have discussed with Volunteer Coordinator Diane Cordova about the possibility of recruiting volunteer park rangers who would be able to open and close restrooms and turn on lights when needed.

Councilmember MacKay

- How would you determine residency?

Councilmember Chittenden

- How did you establish fees? \$110.00 for a park reservation seems high.

Mr. Hannah

- Fees were based on costs and include weekend overtime for an employee to open and close restrooms, turn electricity and lights on and off. The rate was discounted for residents and includes a nonrefundable fee for those items and a refundable fee if the park is left clean and good order.

Town Clerk Goldberg

- Currently we only take reservations for the Ramada at Greer Park. Under this proposal reservations would be taken for picnic areas at any of our Town parks. They are presently on a first come, first served basis. Residents would still be able to use any of our parks, but someone with a specific reservation for a date and time at that park would be guaranteed the use of that facility because of their reservation.

Councilmember Retheford

- I can see having a permit for reserving a park. We have wear and tear and overhead, including Police Department services. I don't see anything wrong with this – lights, restrooms, water are ongoing costs. We should review it every year and set fees on a resolution basis.

Councilmember Chittenden

- What about insurance?

Mr. Hannah

- There is a program called TULIP which offers a policy for tenant users. The permittee would go on line, answer some questions/criteria, pay a fee and print out a certificate of insurance and a copy of the policy for the Town and for themselves. Estimated cost would be \$55 to \$355 depending on size of group and activities.

Mayor LeVault

- Isn't there a general waiver for park usage?

Town Attorney Swann

- Recreational statutes waive liability for recreational activities including park usage. Someone might challenge the ordinance and I would have a hard time defending it.

Mayor LeVault

- This topic should be returned to Council at a Work Session on April 16.

C. Discussion Re: Non-Compliant Commercial Parking Lots and Optional Actions for Council Consideration (ROBINSON/CONNELLY).

Town Marshal Dan Connelly

- For the past 13 years the Town has received a number of complaints from residents and nonresidents regarding the parking areas for this shopping center owned by R. L. Chapman Properties.
- What authority does the Town have to compel the owner to do something about the streets and parking areas?
- Need to correct the address in Town records. Maricopa County Assessor's Office shows the legal address to be 11125 West Alabama not 12012 North 111th Avenue, Youngtown.

Ron Chapman, property owner

- Accompanying me this evening is Ken Ryan, the property manager, and my attorney, Frank Ross.

Councilmember Rethford

- There are potholes in the parking lot. Do we sue? We want to avoid anyone getting hurt. It's time to fix this situation. We've been patient all these years.

Councilmember Mello

- Have we looked at Arizona Department of Environmental Quality? Is this contributing to our PM-10 issue.

Marshal Connelly

- ADEQ was unable to schedule a site visit before this meeting. Mr. Chapman was to clean out the drywells by the Youngtown Apartments as part of the effort to abate the flooding that occurs in the alley behind the apartments. Runoff from the shopping center parking lots contributes to the flooding.

Mayor LeVault

- Run-off flooding should be greatly improved with the changes to the alley that are currently being made.

Councilmember Chittenden

- Mr. Chapman, does the Post Office own the building it occupies, or is that your building? Also is Compass Bank part of your property?

Mr. Chapman

- I've done quite a bit to the center already. I've owned the property about nine years, not 13 or 25 years. Wondering why I bought it. Shopping center needed A/Cs, roofs and lighting. We have put new black top in front of Ace Hardware and down to the Post Office.
- We had been setting aside money for the parking lot. Then the Town did an audit which took the money I had set aside for the parking lot. Youngtown is nice but rents are low. It costs me as much as WESTCOR to do a parking lot. We currently have money escrowed for repairing the parking lot.

Mayor LeVault

- There are places where the parking lot is down to dirt. We are in a dust control attainment area. Cost of paving is down because of the drop in oil prices. Concerned about respiratory problems in the young and the old. The Town is absolutely committed to paving for dust control.
- We can't build a Town being a mecca for low rents. Need to work to improve properties over time to attract tenants who value being here. It is in the best interest of our residents.

Councilmember Mello

- Parking lot needs to be ADA compliant. ADA took effect and was supposed to have a 10 year phase. It is now almost 20 years.

Ken Ryan

- When Mr. Chapman first called me about managing the property, I turned him down. The property had a 60+% vacancy rate. Maintenance had been deferred. It needed roofs first, A/Cs second and then parking lots. It was an underperforming property with costs you can't see.
- We've been saving. We want to move forward and do the right thing. Asphalt can not be put down when it is too hot or too cold. We hope to do the parking lot before summer. We have several bids to negotiate down.

Town Manager Robinson

- MRM construction is in Town now doing an alley paving project. You might call them for an estimate while they already have paving equipment here.

Mayor LeVault

- Mr. Chapman, our intent is not to lean on you. We want compliance. We ask that you stay in touch with Town Manager Robinson on the status of this project.

Councilmember Mello

- We should re-visit this in June.

Councilmember Chittenden

- A resident called me to say they were impressed with how the contractor is getting the alley paving done.

Judy Johnson, resident

- I want Mr. Chapman to know that when I was using a walker I had problems in the shopping center parking lot. I didn't fall but a friend of mine fell.

Mayor LeVault

- Town Manager Robinson, please keep Council informed of the time line for this project.

4. Public Comments

Regular Council Meeting: Thursday, February 19, 2009 immediately following Work Session.

Adjournment.

Motion to adjourn – Councilmember Rethford

Second – Vice Mayor Duran

Meeting adjourned at 8:06 p.m.

/s/ Michael LeVault

Michael LeVault, Mayor

Attest:

/s/ Letty Goldberg

Letty Goldberg, Town Clerk

Minutes approved at the March 5, 2009 Regular Meeting.