



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

THURSDAY, SEPTEMBER 20, 2012, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:36 p.m.
2. Roll Call: Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Susan MacKay, and Judy Johnson.  
Staff present: Town Manager Lloyce Robinson, Town Attorney Kelly Schwab, Finance Officer Jackie Hoffman, Public Safety Manager Mike Kessler, Public Works Manager Jim Fox, Programs Projects Grants Manager Mark Hannah, Library Manager Heidi Speed, Town Clerk/Treasurer Diane Cordova.
3. Business
  - A. Discussion Re: Water Fowl Population at Maricopa Lake Park.  
Town Manager Robinson
    - The residents of Youngtown have a concern with the feeding and the population of waterfowl at Maricopa Lake. Two residents have provided informational materials for Council. There is also information from Rod Lucas, Region VI Supervisor, Arizona Game & Fish Department. Present tonight from Arizona Game & Fish are; Pat Crouch, Darrin Julian and Mike Rabe. They're here to answer any questions from Council. What I hope to resolve concerning the waterfowl issue; do we have a problem with waterfowl, and if we do, how should it be resolved? What would the residents like to see happen as a resolution to the issue? There are many individuals/families that come from other areas of Youngtown and other communities to enjoy Maricopa Lake. If an ordinance is established not to feed waterfowl, my concern is that Maricopa County Sheriff Office (MCSO) will issue citations and not warnings. This could create a possible outcry from residents who do enjoy the waterfowl. We need a solution that's gratifying to all residents. The Town's budget does not have money placed aside for lake management costs. We do have a five (5) year plan for Maricopa Lake; to drain lake for repairs and to redirect drainage from the roadway flowing into the Lake. My recommendation is to allow for a notice to be given in the Village Reporter, giving others an opportunity to understand residents' concerns and to be given an opportunity to express their concerns, if any. I did receive an email from a resident that could not attend tonight's council meeting expressing her favor of the waterfowl.
  - Mayor LeVault
    - This is how government should work; if citizens have a concern, they should bring it to the Councils attention.
    - For the record, I would like to read the email letter that Town Manager Robinson received. This email letter is from a resident that lives on the North side of Maricopa Lake. She states, "I regret that I am not available to attend the work session regarding the concerns a couple of residents have regarding the waterfowl. I find the waterfowl to be an asset to our community. Their presence brings many residents and families to our park. I live by the pond so I have witnessed many people fishing, walking, using the playground and taking pictures of the ducks. I spoke to one family who makes Maricopa Lake a weekly destination to feed the ducks. I find our pond to be diverse with large and small fish, turtles and the occasional crane. I would say that I disagree with the implication that the ducks and geese are somehow sullyng the pond for these reasons. It is my fervent hope that the town keep the waterfowl., Very Sincerely, Susan Hout."
  - Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- My observation is a general assessment of Maricopa Lake. It's a beautiful urban lake, well maintained. The water quality is decent. There are domesticated ducks living there. There are seasonal migratory hybrid ducks, if they choose to stay will become domesticated. I did not see any unhealthy ducks nor an overpopulation of ducks. The overpopulation of ducks can be a perception issue. I spoke with homeowners and their concerns are that in Spring and Summer seasons the ducks are crossing the street into their yards and porches.

Mayor LeVault

- Mr. Crouch, from your biological standpoint, there is no problem with the duck population nor with the water in the Lake?

Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- From a biological standpoint, if there was a problem the water would be contaminated. Domesticated ducks are not a biological issue.

Mayor LeVault

- At what point does it become an issue? Are we discussing the multiplication of ducks, the number of duck eggs being laid, and/or the feeding of the ducks?

Councilmember Chittenden

- Last year about this time, I had ducks wander up to my yard and I live three blocks away.

Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- Maricopa Lake is well maintained; shrubs and plants are well trimmed. Ducks are looking for a quality place to nest. They look for a bushy shady hidden area to nest. They don't find a place around the Lake so they move into the neighboring yards with more undergrowth and shrubbery.

Councilmember MacKay

- Are residents concerned about the ducks multiplying at Maricopa Lake?

Jim Trolen, Resident

- There are many complicated issues here. One family will feed ducks while another family will chase them out with a broom. Many years ago, the Town would control the duck population. An organization would come in and give the ducks sleeping pills, place a net over them and take them away. How many ducks does the Council think are out there, 20, 30? Residents say 50, peeps out to about 80 ducks? Council, how many ducks do we need to have in order to take care of the issues? The ducks already know that at 8:00 a.m. – 9:00 a.m. they will be fed.

Betty Trolen, Resident

- I have provided to Council information on why ducks should not be fed. What I would like to add is that 30 ducks lay one (1) pound of duck poop, which is 30 lbs. per day, 210 lbs. per week and 900 lbs. per month.
- Youngtown use to have a yearly program that would thin out the number of ducks.

Bob Ferrara, Resident

- My house faces Maricopa Lake. I enjoy the view as I look out my front window. I see lots of families and children enjoying the Lake and the playground. What I have seen lately is an increase of people feeding the ducks. This is bad for the ducks and for the water. I've taken casual pictures to show individuals doing this. I had assumed that people knew that feeding ducks is harmful. The way I see it, more people, more feeding of ducks. I would like to see signs that state, "Do not feed the Wildlife." Perhaps a Town Ordinance to give out citation for those that don't obey and continue to feed the wildlife. If a citation is too harsh, what about a warning, a grace period and then a fine?

Vice Mayor Duran

- Mr. Ferrara, did you take pictures to show how wrong it is to feed ducks or to show that you are in favor of feeding ducks?

Bob Ferrara, Resident

- I took pictures to show evidence of people feeding ducks, except for the Town employee picture, I took that intentionally.
- I am neither a duck lover nor a duck hater. I do like the geese. Where are the duck lovers tonight? Were they invited to attend the meeting?
- If we don't pass an ordinance, what about signs to educate people about the harm of feeding ducks? My question to Council is, "do you think we should be feeding the

ducks?" Next Spring the population will increase due to reproduction. How many years do we allow reproduction to take place? Management of this issue can't be because of lack of money.

Vice Mayor Duran

- I agree with signs giving out warnings to people that continue to feed ducks. I am not in tune with the nuisance and the out of control pigeons at Maricopa Lake.

Councilmember Mello

- My question is to Public Works Manager, Jim Fox. How many signs do you think will be needed to post around Maricopa Lake? I can donate signs to educate about the harm of feeding ducks.

Public Works Manager, Fox

- I would say 10-12 signs around the lake.
- I know that in the past there were duck feeders placed at Maricopa Lake, however due to vandalism they were not replaced.

Councilmember Johnson

- The Lake has been here for a long time, along with the ducks. These ducks are domesticated ducks, not wild ducks. I agree in controlling the population of these ducks. A sign might help. I don't agree that Maricopa County Sheriff Office (MCSO) should be giving out duck citations. I would rather have them looking out for crime.

Gus Gustafson, Resident

- There is no problem with the Lake, it is well maintained. It is the people that don't have an understanding. What we should do is (1) Educate people on proper feeding of ducks. It would be a shame if people couldn't enjoy this with their grandchildren, sharing stories of Youngtown. (2) We can't enforce an ordinance if we don't have one; no restrictions, no violation being committed. If we are going to have an ordinance we need to do it quickly. To take this further, take a nice picture with a nice letter to residents, no condemnation, educating them on the harm of feeding ducks and if they would please stop feeding them. Letting them know that if they don't stop, then the Town will have to enforce an ordinance, but enact an ordinance with teeth. Saying something about a fine, a flat rate, explaining progressive steps the Town will take to even letting them know that there will be jail time. Signs saying that fines are not negotiable. Then the habitants will go back as Mother Nature intended eating bugs from the earth.

June Miller, Resident

- I once held the position as Park Commissioner for the Town of Youngtown. I called the Arizona Department of Game and Fish and they gave me a name of a company that would come out the removed the domesticated ducks. There used to be signs that stated, "Do not feed." This did not do any good. Signs will not help. We even had a Park Ranger watching and this did not work either. We even met with other towns that were having similar problems. Nothing was accomplished.
- I can remember two swans that lived on the Lake. One swallowed a lead sinker and died. The other was given to Sun City. We have to control the population. There is a law against destroying their eggs. We do need to find some way of taking care of this problem. Is the Town willing to spend some money to take care of this problem?

Councilmember Chittenden

- Where were the ducks relocated?

June Miller, Resident

- Ducks were taken to Lake Pleasant and some were sent to Yuma. Some ducks were used as food for other animals. Ducks were not injured while being relocated.

Mike Fehlig, Resident

- Is feeding bread to the ducks bad? Yes it is. This has been an ongoing problem for 15 years or more. Mr. Jim Trolen has brought this issue to many other Town Councils. If the Town treasury needs money, why don't we sell ducks; even yet sell the poop? If we are going to spend millions on the Lake, why not sprinkle something in the water that will keep the ducks away. Why don't we hire four individuals to issue fines; \$100 for children; \$200 for adults; along with a six month incarceration? I know that many people enjoy the Lake. Signs might help to explain and to educate the public, but without an ordinance MCSO can't issue tickets. If citations are issued, after the third one, what should they do,

jail time? The ducks are roaming for a habitation to lay their eggs. We do need to do something to bring down the population every six months.

Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- Let me clarify that only domestic animals can be removed. We do not have jurisdiction over this issue to remove these domestic ducks. What I can do is give you names of private companies, Wildlife Service is one, Wet Feed Rescue is another; these private companies will come out with sleeping potions and nets and remove the domesticated ducks.
- Taking wildlife eggs is illegal; the handling of domesticated duck eggs is not.

Councilmember Mello

- What about oiling of eggs?

Mike Rabe, Arizona Game & Fish Department, Migratory Division

- It is illegal to oil eggs without a permit. Oiling eggs stops eggs from hatching, which will control the population. Plastic eggs can also be placed in the nest.

Mayor LeVault

- We will have to pay for a private company like Wildlife Services to come out and remove some of the ducks.

June Miller, Resident

- If we were to count the wildlife, you would have to add double to that number because the other halves of the ducks are living around resident's houses.

Betty Trolen, Resident

- If and when a private company is called and comes out to remove ducks, can't they just remove the females and/or the males to keep them from reproducing? Is there a better time for the removal of the wildlife?

Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- It certainly is not during the Fall season. It is better after migration, right about summer time. The Mallards fly in and out of season. They build their nest and then move on. Many times Mallards make their nests in backyards where there is a swimming pool and hide behind swimming pool equipment. It is illegal to destroy their nests. They are a protected species. A federal permit is needed to remove their eggs.

Jim Fox, Public Works Manager

- We have made a concerted effort to clean up the Town's parks. What if we cut back on trimming the shrubs? Would this help keep the ducks from traveling to residents homes?

Pat Crouch, Arizona Game & Fish Department, Region VI Field Supervisor

- No, that would only supply additional place for nesting.

Mayor LeVault

- Let's see if we can summarize this. We like the waterfowl, but there needs to be population control. There is a problem with the feeding and the waste product that is being produced. If I may suggest, let's get a group of residents to sit with staff to discuss a concise plan before an ordinance is put in place. Proper posting of signs with legal text might have to go up in the meantime, until the beginning of next summer, where then we can call someone to remove and thin out the present duck population.

Councilmember Mello

- I would like to see research on the cost of relocating the duck population for budget purposes. I am not for an ordinance. I would only like to see educational signs.

Mayor LeVault

- No adoption of an ordinance. Let's bring this back to Council.

Councilmember Chittenden

- I agree, we need to educate the public. We can place something in the Village Reporter.

Town Manager Robinson

- I would like for others that do not live around the Lake to have an opportunity to attend a meeting regarding this issue.

Mayor LeVault

- The deadline for the Village Reporter is September 24, 2012. There is no need for a public hearing, let's just bring it back to a regular Council meeting, schedule for November 1, 2012.

**Councilmember MacKay**

- I was well educated this evening on the harm of feeding bread to ducks.

- B. An Ordinance 12-09 of the Common Council of the Town of Youngtown, Arizona, amending the Code of Youngtown, Title 8 Health and Safety, by repealing Chapter 8.12 Litter in its entirety and amending Chapter 8.32 Nuisances, by amending Sections 8.32.020 Definition 8.32.030 Owner, Occupant or Person in control to maintain premises 8.32.060 Abatement in lieu of or in addition to civil or criminal complaint, 8.32.100 Abatement Procedures, all relating to the procedures used by the town to abate litter and other nuisances; providing for repeal of conflicting ordinances ; providing for severability; and providing for penalties.**

**Public Safety Manager Kessler,**

- Our ordinance currently only charges 5% charge on an abatement. In the last abatement, clean up, the charge was \$500 and 5% of that charge was only \$25.00. That is all the Town is able to collect for the cost of cleaning up a property. This ordinance amendment adds an additional surcharge of \$150.00 or 5% whichever is greater to be added to the final cost assessed in an abatement process.

**Mayor LeVault**

- You mean that is all that was collected in the cleanup efforts that were completed by the Town? We need to write an ordinance for the amount equal to the criminal violation along with incarceration and/or probation until restitution has been completed.

**Councilmember Johnson**

- You mean the Town never got back their money for the clean ups around Town that Patrick King did? What about the Home Owners Association in Agua Fria Ranch?

**Town Attorney, Schwab**

- The challenge is the collection.
- The Agua Fria Ranch Home Owners Association is a separate entity.

**Councilmember Chittenden**

- Doesn't this fall under the Property Maintenance Code?

**Town Manager, Robinson**

- The issues are with the vacant homes which are bank owned. A lien is placed on the owner, but once property is foreclosed and sold the lien is rolled off and money is not collect on the lien.

**Town Attorney, Schwab**

- Liens placed on homeowners from a bank standpoint are not first priority. There is no guarantee of collection on a lien. The economic downturn has caused this problem to be an issue with many other cities and towns.

**Mayor LeVault**

- This ordinance states a cost of the abatement plus additional fees or property. What about condemning the property?

**Town Attorney, Schwab**

- Condemnation laws are strict in Arizona.

**Councilmember Gustafson**

- There is a house on the corner of 111<sup>th</sup> Drive and Florida Avenue which is bank owned and the Town has cleaned this property twice.

**Mark Hannah, Programs, Projects, Grants Manager**

- When I was the Code Enforcement Official we filed liens on properties and we recovered 100%. The administrative costs were limited at the time back then.

**Mayor LeVault**

- Shouldn't this ordinance have an emergency clause?

**Town Attorney, Schwab**

- We will look into it.

4. Public Comments

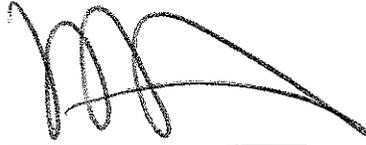
None

Adjournment.

Motion to adjourn – Councilmember Mello

Second – Councilmember Mackay

Meeting adjourned at 8:15 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approved at October 4, 2012 regular meeting