



**MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ**  
THURSDAY, March 21, 2013, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 7:03 p.m.

Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jack Duran, Councilmembers Margaret Chittenden, Dorena Mello and Susan MacKay. Absent Councilmembers: Shirley Gustafson and Judy Johnson.  
Staff present: Acting Town Manager Diane Cordova, Town Attorney Kelly Schwab, Economic Development Manager Gayle Cooper, Public Safety Manager Mike Kessler, Library Manager Heidi Speed, Public Works Manager Marty Mosbrucker, Deputy Town Clerk Stacy Anderson.

Pledge of Allegiance and Invocation: Councilmember MacKay led the Pledge of Allegiance and Vice Mayor Duran offered the Invocation.

Communications: Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.

**A. Communications from Council**

**Mayor LeVault**

- I have the privilege tomorrow morning to take a trip to Nogales and then down to Mexico with the Maricopa Association of Governments (MAG) to meet with a delegation of business and community leaders to discuss ways to improve the trade between the U.S. and Mexico.
- AARP Chapter 1 will be holding a Shred-a-Thon on Saturday, April 6<sup>th</sup> from 8 am to noon here at the Town Hall Complex parking lot. They are asking for a \$1.00 donation for each bag or business size box. All shredding is done on site by Shred-It.

**Councilmember Chittenden**

- The Dog Park Committee is getting estimates for the fence. The next meeting will be on April 13<sup>th</sup> at 10:00 am at the Methodist Church.
- I had the honor of representing Youngtown at the CDAC meeting for Councilmember Mello. They are trying to change their focus and help out with outlying areas such as Wittman. Youngtown did not receive funding this year because of last year Fire Flow Project.

**B. Communications from Staff: Acting Town Manager's Report, Fire Department Report.**

**Acting Town Manager Cordova**

- Lloyce is doing great; I have daily communication with her via iPhone.

**Public Works Manager Marty Mosbrucker**

- It was very interesting to witness the Duck 2013 round up this morning. It was very easy to catch the ducks once they had ingested the feed with a sleeping agent.
- I will discuss the parks restrooms lock up procedures later in the meeting.

**Public Safety Manager Kessler**

- We are waging the "War on Weeds". We had 18 probationers clean 5 residential homes.

**Library Manager Speed**

- I attended a meeting with Maricopa County Libraries and affiliate libraries. They want to revise the current IGA regarding the Reciprocal Borrowing Program. They are talking about basing it on the Materials Assistance Program (MAP).
- The Summer Reading Program will begin this May. There are 61 libraries participating this year.
- The Library hosted a children's author last Saturday. We had 14 patrons visit. The author showed a slide show and brought books on animals and critters of the Sonoran Desert.
- The Summer Concert Performers have been booked for June and July.

**Sun City Fire District (report attached)**

**Fire Marshal Jim Fox**

- SCFD responded to a total of 97 incidents; 1 fire, 77 rescues & EMS, 2 hazardous condition (no fire), 11 service calls, 5 good intent calls and 1 false alarm & false call. They also performed a total of 53 inspections; 5 assembly inspections with 1 of those inspections a re-inspection, 5 Health Care, Detention & Correction, 1 residential, 41 mercantile & business and 2 storage.

- SCFD is doing all the inspection for Aurora Village and the construction is progressing along.

Mayor LeVault

- Could SCFD please provide the prior year's month so that there would be a side by side comparison? I've also asked MCSO to provide the same.

Fire Marshall Jim Fox

- Yes, we can provide that for council.

5. Consent Agenda:

A. Consideration and Action on Meeting Minutes: Regular Meeting Minutes of March 7, 2013

Motion to approve Consent Agenda – Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed on a voice vote

6. Business

A. Presentation Re: The Leona Group, LLC and Discover U – A Montessori Approach to Learning, a new school locating to 13226 N. 113<sup>th</sup> Avenue.

Acting Town Manager Cordova

- The Discover U School will be located at the former New Joy Charter School location. The Town has not had an educational partnership since their departure.
- I would like to introduce Lisa Nahrgang, Discover U's principal. Mrs. Nahrgang will give the Council a brief presentation to highlight the school (presentation attached).

Lisa Nahrgang

- I would like to introduce our staff from the Leona Group who will be working closely with the opening and operation of the school; Marcus Englund – VP Leona Group, Mary Berg – Leona Group, Nancy Englund – Office Manager Discover U, Sabrina North – Discover U Children's House Teacher and Jose Pombo – ELA Architects and Office JEL Team.
- The school will open its doors to children in August of this year. We will stagger the grades, adding a grade each year until 2019-20 where we will offer ages 3 to grade 6 with a capacity of 340 students.
- Discover U will provide low cost Pre-K Montessori education and tuition free education for elementary grades for the surrounding communities.

Mayor LeVault

- Since you do not do testing, how will you measure progress?

Sabrina North

- We observe the child's interests and record all progress. We typically find that 3 – 6 year olds who learn in the Montessori Method are more advanced in learning than most traditional first graders.

Jose Pombo

- We have worked very hard to provide students with additional instructional space within the classroom since most instruction is based as a society based instruction.
- We have developed outdoor spaces with green spaces.
- The staff here at Youngtown has been very cooperative. Thank you to Diane Cordova, Stacy Anderson, Cecilia Casillas, Gregory Arrington and former Building Inspector, Jim Fox.

Councilmember Chittenden

- How many students do you think you will have this fall?

Lisa Nahrgang

- We are hoping to have full classrooms. We plan on having 24 students per classroom. By the 2019-20 school year we plan to have 340 students attending Discover U here in Youngtown.

Councilmember Chittenden

- Will the classrooms be taught bilingually?

Lisa Nahrgang

- Language is not a barrier with the Montessori learning. Everything is hands on and the children seem to respond quickly and pick up English easily. I have heard that some classrooms are speaking Mandarin, Spanish as well as English.

Councilmember MacKay

- How much time will 3 – 6 year olds be in the classroom?

Lisa Nahrgang

- The children will attend school from 8 am to 3 pm and even eating in the classroom family style.

Sabrina North

- The children will set their own placemats, plates, utensils and cups on the table prior to eating. When the meal is over they will wash their dishes before returning to learning.

Lisa Nahrgang

- Please go to our website at [www.discoverulearning.com](http://www.discoverulearning.com) and spread the word.
- Come in and visit us. The first day of school is August 6<sup>th</sup>.

- B. Discussion and/or Action Re: Public Partnership with Sun City Fire District (SCFD) for Building Inspection, Plan Review and Building Official Services conducted through an Intergovernmental Agreement (IGA) through the SCFD Fire Marshal position.

Acting Town Manager Cordova

- Staff was directed at the March 7<sup>th</sup> Council Workshop Session to bring back an IGA with SCFD for Building Inspection, Plan Review and Building Official Services.

Fire Chief Haner

- Thank you to the Mayor and Council for seeing this vision. Also, thank you to Diane Cordova for being patient during this process.

Motion to approve the IGA with SCFD for Building Inspection, Plan Review and Building Official Services - Councilmember Mello

Second - Vice Mayor Duran

Motion passed on a voice vote

- C. Discussion and/or Action Re: Approval of Memorandum of Understanding (MOU) between Arizona Public Service (APS) and the Town of Youngtown respecting the use of the El Sol property, parcel 142-907 and authorizing the Town Manager, or designees, to work in conjunction with APS to complete all terms therein.

Economic Development Manager Cooper

- Youngtown is in need of economic development and must pursue all possibilities to procure employment within its boundaries to create employment centers.
- As a land-locked community, Youngtown has very limited opportunities for the creation of employment centers. This long-awaited MOU removes restrictions on this valuable land at the intersection of Olive and 114<sup>th</sup> Avenues, and allows the Town freedom to explore the viability of a Commerce Park there.
- The Town has been working towards this agreement for several years.
- I would like to introduce the representative from APS; Jeanne Blackman, Judy Hayward and Dennis Palmaroy.

Mayor LeVault

- Thank you to APS for your expertise and vision.

Councilmember Chittenden

- Can this MOU be retracted and changed by another Council?

Town Attorney Schwab

- Yes, it can be repealed just like any other kind of legislation. APS also has the right to terminate the MOU based on if the Town doesn't use the property as prescribed. Either party must give notice prior to termination.
- The Town is assuming a liability to improve the property and must adhere to all restrictions and requirements, such as environmental restrictions.

Mayor LeVault

- This MOU gives us the ability to cap it with a road or parking lot to give access to Peoria Avenue.

Economic Development Manager Cooper

- This would give us the capability to have a "Grand Entrance" and accessibility.

Town Attorney Schwab

- This would also give us the opportunity for a parking lot.

Mayor LeVault

- This opens up the door for the possibility of a pretty significant opportunity for economic development.
- I commend the APS staff for being the shining example for all other utility companies.

Councilmember Mello

- I appreciate the APS effort in this endeavor.

Economic Development Manager Cooper

- This is an exciting venture that will bring retail and jobs to the Town.

Motion to approve the MOU with APS respecting the use of El Sol property - Councilmember MacKay

Second - Councilmember Mello

Motion passed on a voice vote

- D. Discussion and/or Action Re: Planning & Zoning Case #13-01 Approval of Ordinance 13-01 Amending the Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.04 General Provisions, Administration and Enforcement by Amending Section 17.04.030 Definitions to add the Definition of Children's Residential Care Facility; Amending Section 17.36.020 Use Regulations and adding New Section 17.36.130 Children's Residential Care Facility Regulations related to the operations and regulation of a Children's Residential Care Facility in a C-1 Commercial District and requiring a Special Use Permit; and Amending Chapter 17.56 Special Uses and Temporary Buildings by Amending Section 17.56.010 Special Uses Enumerated to Add Children's Residential Care Facility to the list of enumerated special uses; providing for repeal of conflicting ordinances; providing for severability; providing for penalties; and declaring an emergency.

Acting Town Manager Cordova

- This would amend the Code of Youngtown Title 17 to allow a Children's Residential Care Facility.
- This amended Ordinance would broaden the uses in a C-1 zone.
- Cornerstone purchased the property where the Fountains Retirement Center was located on 113<sup>th</sup> Avenue.
- Letters were mailed to businesses and residences within the 100 foot radius of the facility.
- There was a Citizens Review Meeting and Planning & Zoning Hearing where there was no opposition or no one in attendance for either meeting.

Mayor LeVault

- My understanding is that this would be a closed campus. They would install additional fencing without it looking like an institution.

Town Attorney Schwab

- Just as a reminder to the Council that we are only amending the Code.

Acting Town Manager Cordova

- There is a meeting next week on the fencing and facade of the building.

Mayor LeVault

- With our inability to adopt this by declaring an emergency prevent this project from moving forward? Can we adjourn and get another Councilmember on the phone?

Town Attorney Schwab

- You could do that and the Councilmember joining us telephonically will be noted as arriving late.

Councilmember Mello

- I was not aware of a Children's Residential Care Facility moving in that property.
- This seems to be moving rather quickly.

Councilmember Chittenden

- I didn't realize that the P&Z Hearing was on the Fountains property.

Mayor LeVault

- The Special Use Permit Hearing is scheduled for next week. This is just a housekeeping procedure to lay the foundation to allow an applicant to apply for a Special Use Permit.

Councilmember MacKay

- What is a Children's Residential Care Facility? Will this allow troubled children to reside there?

Mayor LeVault

- There were many issues that surrounded the closing of the Fountains. I got the Town involved by alerting State and County organizations to come in and look out for the relocation of the residents. The facility and the care of the residents had deteriorated over the last few months.
- We have to remember that this is a new facility and will be a closed campus. No resident will be allowed off the grounds like the Fountains residents were. They will construct a block wall and a higher chain link fence.

Acting Town Manager Cordova

- The residents will be children of immigrants and will be held 45 – 60 days while ICE locates relatives. They will be fed, clothed and schooled while there.

Town Attorney Schwab

- With amending the Code this can allow foster children and/or mentally ill children. The amended Ordinance provides the avenue for a Children's Residential Care Facility.

Mayor LeVault

- Could we postpone this until next week just before the hearing?

Town Attorney Schwab

- You could hold a Special Council Meeting prior to the P&Z Hearing.

Councilmember Mello

- If we did that they could say that we unfairly turned them down.

Town Attorney Schwab

- Even with the passing of the Ordinance, Council will have the opportunity to make a case against the Special Use Permit and deny it.
- You could pass the Ordinance by a simple majority if the declaring an emergency portion was removed.

Councilmember Mello

- I think that there may be residents that will question this. I am not prepared to pass this as an emergency.

Mayor LeVault

- If we voted on the Ordinance without the emergency clause it would not require a two-third's vote.

Councilmember Mello

- I'm okay with that.

Motion to amend Town Code Title 17 as written excluding declaring an emergency - Councilmember Mello

Second – Vice Mayor Duran

Motion passed 3-1-1 (abstention) on a roll call vote

Vice Mayor Duran – Yes

Councilmember MacKay – No

Councilmember Mello – Yes

Councilmember Chittenden – Abstain

Mayor LeVault – Yes

E. Discussion and/or Action Re: Report on Park Restrooms Opening.

Public Works Manager Mosbrucker

- Public Safety Manager Mike Kessler spoke with MCSO Deputies and they have agreed to lock up the bathrooms anytime between 7:30 pm – 9:00 pm depending on their availability.

Councilmember Mello

- This is certainly much better than 3 pm.

Councilmember Chittenden

- I drove by the park at 10:45 pm the other night and the bathrooms were still open.

Mayor LeVault

- Has MCSO confirmed that they will lock up?
- Have we looked into the minor vandalisms? Maybe we could install a security camera to record future activity.

Public Works Manager Mosbrucker

- I am looking into that alternative. This is also a deterrent factor by using cameras.

Councilmember Mello

- We should apply for a grant.

Mayor LeVault

- We could ask one of the Indian Communities to fund the cost of the security cameras.

7. Call for Executive Session

None

8. Citizens Comments/Apearances from the floor:

Cheryl Bucholz who resides at 12019 N. 112<sup>th</sup> Drive

- Last year I was able to have a dumpster in the alley for yard debris. The weeds this year are taking over my yard and Code Enforcement Officer Garnica told me that I could not have a dumpster in the alley for an extended amount of time in order for me to remove my yard debris. I don't understand why I can't have this as an exception. I am old and it takes me days to do the work.

Mayor LeVault

- This is not an agenda item and we cannot discuss this. Open Meeting Laws prevent us from discussing non agenda items.

Councilmember Mello

- In the Town Hall meeting that Mayor LeVault has you can bring up items like this.

Councilmember Chittenden

- Compass Bible Church may have youth that can assist you.

Public Safety Manager Kessler

- I can look into having probationers help out.

Mayor LeVault

- I see that George has left. He wanted to request that the basketball court lights be left on until 11:00 p.m.

Public Works Manager Mosbrucker

- We cannot leave the lights on that late because curfew is at 10:00 p.m.

Councilmember Mello

- The parks close at 10:00 pm because of curfew and respect to residents in the area of the parks.

Mayor LeVault

- I guess this is a no wiggle room answer.

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.
- B. Announcement of next Regular Meeting: Thursday, April 4, 2013 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello

Second – Vice Mayor Duran

Meeting Adjourned at 8:34 p.m.



Michael LeVault, Mayor

Attest:

\_\_\_\_\_  
Stacy Anderson, Deputy Town Clerk

Minutes approved at April 18, 2013 regular meeting.