

MINUTES
GOSHEN CITY COUNCIL
June 09, 2020 at 6:30pm
124 Church Street
Goshen City Hall and Zoom

Call to Order: Mayor Max Poye called the meeting to order at 6:33pm.

Roll Call and Declaration of Quorum: Birch Wright, John Vaillancourt, Bill Hewat, Angie Driver, Colton Martin, and Paula Anderson were present and a quorum was declared. Lora Nanak the Office Manager, Josh Bailey the City Attorney, Bernadette Boyle the Planning Commission Liaison, Jeff Hawkins from NWA Regional Planning, and Linda Moore the Recorder/Treasurer were also in attendance.

Approval of Agenda: Mayor Poye made additions to the agenda: under *Reports "H"* Parks and Recreation Report was added, under *City Business "G"* FOIA Request and Tolling Agreement was added. We also have a Resolution regarding splitting funds with the County, this item was added under the Elkins Court Update. Bill Hewat suggested adding Parks and Recreation Report to all future meetings. Birch Wright made a motion to accept the amended agenda, 2nd by John Vaillancourt. All voted in favor and the motion carried.

Approval of Minutes: John Vaillancourt made a motion to approve the May 12, 2020 Minutes as written, 2nd by Bill Hewat. All voted in favor and the motion carried.

Reports for 2020:

Police Department Reports: A summary of the Police Department reports are in Council's packets. Birch Wright asked about the reason for the drop in the number of citations; Chief Ball stated that the police department has been on a lock down for a couple of months due to Covid-19 but that we should start seeing an increase in citations now.

Street Report: Mayor Poye has talked to Mike Bowen about going full-time with the city; he would be on-call 24 hours a day. Mayor Poye or Lora Nanak will look into how much it will cost to move him from part-time to full-time. John Vaillancourt asked that this item be put on next months agenda once the information regarding pay has been gathered.

Goshen Volunteer Fire Department report: Reports are in Council's packets.

Planning Commission Report: Bernadette Boyle presented. Reports are in Council's packets.

Building Official's Report: JD DeMotte reported. Reports are in Council's packets.

Financial Report: Reports are in Council's packets. Lora Nanak reported that as of May 31st the checking balance is \$685,648.51 and the Street fund is \$106,528.37. Sales tax increased up to \$13,000.00 so there has been no decrease in that at all. In May we received our property tax and it was \$65,000.00.

Lora Nanak saved over 2 hours of time using the new accounting software.

Lora Nanak also reported that there was a check received (a copy of check and deposit slip are in Council's packets) for a survey that was written on May 21st but it did not get in the May deposits; it was deposited on June 8th so it will show on the June deposits.

Depository Board Meeting: Linda Moore reported. Reports are in Council's Packets. Five CDs expired at Bank of OZK. Twelve different banks were contact to gather the best interest rates on CDs, Money Market, checking and savings. Bank of OZK had the best interest rate on CDs at 1.4% for 11 months so the Depository Board opted to

keep the CD's with Bank of OZK for another 11 months.

Mayor Poye and Lora Nanak had some questions regarding the information on the signature updates and one of the documents was missed in the signage but all is rectified at this time.

Parks and Recreation Commission Report: Ken Smith, Chairman and Chuck Jacobus reported: City Council approved a request for proposals (RFP) and that proposal has been posted in the news paper and on the website.

On May 14th the Parks Commission members and the Mayor met with the State Park Grant Commission and the Regional Development Council at the Community Center. The State Park Grant Commission said the site was a little small for the proposed infrastructure.

The location of the sewer lines were located under the area proposed for park development so everything has been put on hold for now until the park project can be relocated or scaled down.

Mayor Poye thought it would be best to wait until we have the appropriate land for the desired equipment. Bill Hewat agreed that it would be best to hold off on the grant at this time.

John Vaillancourt suggested moving forward until we reach the deadline for the grant and if we don't have an appropriate piece of land, then we wait.

Angie Driver agreed it would be best to wait for the ideal piece of land.

Ken Smith thanked Chuck Jacobus for all of his work on the grant proposal and he thanked the Arbor Board for all their hard work at the Community Building.

No vote was needed.

The RFP Resolution requires land owners to get an appraisal - there is a concern that the cost of an appraisal could drive some land owners away; it was suggested that the land being proposed could be looked at and if it looks good, we could request an appraisal at that time.

City Business

Elkins Court Update

a. Meeting with Elkins Mayor: Mayor Poye met with the Mayor of Elkins and the Treasurer of Elkins. The cost to run the court was discussed. Elkins in losing money on their court costs; last year the costs were about \$100,000.00. There are three main entities using the court: Goshen, Elkins and the County and the cost should be split between the three entities. Attorney Bailey and the Elkins city attorney are going to get together to work out an agreement.

b. Resolution: The Interlocal agreement with Elkins has a provision to create an Interlocal Board. Mayor Poye would like to propose a resolution to appoint an Alderman to serve on the Interlocal Board. Mayor Poye asked Birch Wright to fill the spot of Alderman on the Board, council agreed, as did Birch Wright. Attorney Baily will get the resolution ready for next month, the Council can do a voice resolution tonight. John Vaillancourt made a motion to appoint Birch Wright to the Interlocal Board, 2nd by Bill Hewat. Birch Wright recused himself, all other Aldermen voted in favor and the motion carried.

City Hall Remodel: Mayor Poye would like to get bids on security doors and windows for the City Hall building and the Police Department, including the doors to the bay. Chief Ball gave his approval to upgrading the doors to the bay, the door in the lobby, the front exterior doors, and the windows. Mayor Poye suggested getting bids; council approved.

Update on City Bridges: Mayor Poye informed the Council that a big tree hit one of the beams under the Paul Prey Bridge and bent it. Bill Hewat was called and he contacted Dennis Kelly who came down the next day and was able to pull the beam back under the slab.

The new bridge on Paul Prey is about ready for blacktop.

Drawings for Spring Park have been done and it is ready to go to the engineer, hopefully by next month we will have a better idea on pricing for the frame work.

Chat Building: Mike Bowen received some estimates for constructing a chat building, the estimates were all over \$20,000.00. The Council members and the Mayor discussed getting the chat building done now or waiting on this project. Paula Anderson suggested getting bids on it now - this is an item that should be addressed because it deals with the safety of our citizens. Bill Hewat said it is over engineered and we can get it done cheaper, he suggested staying away from concrete. John Vaillancourt suggested using stackable blocks. Mayor Poye will look at Bill Hewat's hay barn, he also thought we should get a design done and possibly have something ready in the next month or two so we can put it out for bids.

Cleaning Service: Lora Nanak reported. Information is in Council's packets. Three quotes were gathered for cleaning services and the best candidate was Shannon Ball, the wife of the Chief of Police. Attorney Bailey paraphrased what the state statute says regarding an employee of the city; employees of the city are not allowed to benefit from contracts with the city unless there is an ordinance that addresses contracts with city employees who have a direct or indirect conflict of interest. Attorney Bailey said there is not an emergency clause in this ordinance so it would be 30 days before it becomes effective. Birch Wright made a motion to read in title only, 2nd by Bill Hewat. All voted in favor and the motion passed. Ordinance 184; an Ordinance establishing procedures whereby employees of the City may be permitted to conduct business with the City and prescribing the extent of this authority. Birch Wright made a motion to adopt ordinance 184, 2nd by Bill Hewat. Roll call vote was taken: Paula Anderson, Bill Hewat, Colton Martin, John Vaillancourt, Angie Driver, and Birch Wright. All voted in favor; in 30 days this will go into effect.

Review and discussion of Noise Ordinance 51: Chief Ball received a noise complaint from a citizen at 4:00pm in the afternoon. The way our ordinance is currently written it is left to interpretation what constitutes a complaint. We need an ordinance that is more defined with time and decibel descriptions. Attorney Bailey will look into what other cities are doing and write something up for the Aldermen to review prior to the next Council meeting.

FOIA Request: Attorney Bailey explained that John Everett is an attorney representing the former Recorder/Treasurer, Sharon Baggett. The city received a 13-page FOIA request yesterday, Attorney Everett has agreed to give the city more time to collect the requested information due to the volume of the request and our lack of staff at this time. Lora Nanak pointed out an exception in the FOIA handbook where the FOIA request has to be sufficiently specific to enable the custodian to locate the records with reasonable effort. Attorney Bailey stated that if a record is found to not be sufficiently specific then he will address that item with Attorney Everett.

Mayor Poye asked where the requested FOIA items should be sent and Attorney Bailey said to send them to the Office Manager, Lora Nanak.

Tolling Item: Attorney Bailey presented and discussed the option of filing a Tolling Agreement. A Tolling Agreement pauses the statute of limitations, it's not an admission of liability it just gives us a little more time. Attorney Everett has threatened litigation against the city and it would likely include claims against the council members, individually, based on possible statements that were made about Sharon Baggett and her lack of performance and official responsibilities - this would be a slander claim. Discussion among the Council members and Attorney Bailey took place. Council was advised not to talk about the merits of this case outside of the meeting.

Reports/Comments by Mayor, Aldermen, City Attorney or Recorder/Treasurer: Birch Wright stated that, as a citizen of Goshen, this lawsuit is a sad state of affairs; John Vaillancourt agreed. Bill Hewat wanted to salute our police force for protecting our citizens. Mayor Poye said that Jeff Hawkins and Attorney Bailey have been reviewing the Subdivision Ordinances. Loren

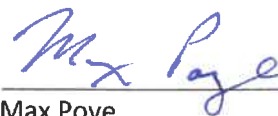
Shackelford and Mayor Poye have gone through the Task Force recommendations along with what Attorney Bailey and Jeff Hawkins have come up with and are trying to reconcile everything into a final form. Mayor Poye thanked all the office staff for the extra work they are putting in during this time.

Public Input: none given

Adjournment: John Vaillancourt made a motion to adjourn the meeting, 2nd by Bill Hewat. All voted in favor and the meeting adjourned at 8:45pm



Linda Moore
Recorder/Treasurer



Max Poye
Mayor