

AMENDED MINUTES
Goshen City Council
August 9, 2022 at 6:30PM
Goshen Community Building, 244 Clark Street

Call to Order: Mayor Max Poye called the meeting to order at 6:30PM.

Roll Call: Colton Martin, John Vaillancourt, Jamie Van Becelaere and Birch Wright were present. Paula Anderson and Bill Hewat were absent. Mayor Max Poye and City Attorney Brian Hogue were present.

Approval of Agenda: The agenda was reviewed. Motion to accept agenda by Birch Wright, second by Jamie Van Becelaere. The motion carried.

Approval of Minutes:

A motion was made to approve the July 12, 2022 minutes by John Vaillancourt and seconded by Colton Martin. The motion carried.

Reports for July:

- A. Police Department Report:** Report is in Council's packet. Chief Travis presented. An offer will be made tomorrow to a new officer. The ACT 988 fund monies have been accruing since 2007. They accrue about \$75.00 per month.
- B. Street Report:** Report is in Council's packet. David Gatlin presented. Response time for fallen tree on Fire Tower Road was 10 minutes.

Mayor Poye complimented Gatlin on the status of the shop; it looks better than it has in the past. Poye also stated that they are working on bids for the roads in need of repair.

Birch Wright asked Gatlin if he needed anything for his role. Gatlin stated, at this moment, he does not. He is trying to still learn the role and what he needs.

- C. Building Official's Report:** Report is in Council's packet. JD DeMotte presented.
- D. Financial Report:** Report is in Council's packet. Lora Nanak presented. As of July 29, 2022, the General Fund was \$1,204,390.69, which includes the second stimulus disbursement of \$201,607.00, as it has not been moved to the ARPA account yet. This skews the budget numbers for revenue – it's actually at 63%. The Street Fund was \$332,264.06; the ARPA Stimulus Fund (before the second stimulus deposit goes in) was \$164,385.91; the Act 988 Police Account was \$16,352.91. The Arkansas Fun Park Grant is \$75,005.96.

Nanak reminded the City Council it is time for budgets. Through September, if there are specific things that need to be included, the Council should email Nanak. The first draft of budgets should be out in October, final budget in December.

John Vaillancourt stated that CD rates are going up, and the city should look in to it. Lora Nanak stated she had spoken to Michael Thompson, and he will get a meeting of the Depository Board scheduled.

Deborah McDonald asked how the stimulus money is being used?

Mayor Poye recapped the AED purchases, air purification systems and premium pay for the city employees. What about the Fire Department, McDonald asked?

No more than normal, Mayor Poye said. The city donates money normally to the Fire Department annually.

- E. **Parks and Rec. Report:** Report is in Council's packet. Ken Smith presented. Mayor Poye stated gravel has been put in to support the port-a-potty.

Mayor Poye thanked everyone who has worked on the projects.

Birch Wright asked about the parking area in Mill Branch Park washing out. Smith stated he thinks that a lot of rain in a short time will impact the area.

Mayor Poye stated there are plans for park access area that could help the situation with flooding.

Wright asked about park hours exceptions, what would those be? Mayor Poye stated star-gazing, other similar ideas would likely be the type of exceptions. Wright asked if City Council should review recommendations for a set schedule, or a formal form to be reviewed by the City Council, to avoid it being only at the discretion of the Mayor of the city?

Mayor Poye stated the requests for exceptions could go to the Council for approval. Wright suggested it could be an email, and Jamie Van Becelaere agreed. Poye proposed that the park schedule could be suggested tonight and modified as time goes on.

A citizen asked about gates, and if the park will be locked down. Mayor Poye stated yes, but they aren't locked yet, and discussed options for gates at the park.

Smith stated he had observed a vehicle with a trailer once coming during the evening, but was not able to confirm what the outcome of that traffic was – it may have been someone dumping brush.

John Vaillancourt stated vehicles would be kept out, but not pedestrians.

Fara Ferguson stated she had 20 bales of hay stolen from her barn, and a game camera stolen. She had a fence cut and had her horses get loose. What is the security plan for the park? The walking trail is 20 feet from her land.

Mayor Poye recommended everyone should be vigilant; calling the police when something is observed.

Ferguson asked about the city putting in cameras, and Mayor Poye stated that is part of the plan being discussed.

Smith shared a statement of liability would be needed at the park, to hold the city harmless if someone is injured. City Attorney Hogue said he did not see a need to post a statement at the park.

- F. **Arbor Board Report:** Report is in Council's packet. Mary Smith shared the new sign for the park. The audience applauded.

Smith met with a group named "Trail Life", who want to adopt and do some work in the park.

- G. **Goshen Volunteer Fire Department:** No one presented. The report is in the Council's packet. Jamie Van Becelaere asked the Stimulus Committee to think about giving the Fire Department some stimulus money.

John Vaillancourt stated the dues were raised to account for this. There are 500-600 houses that are paying up to \$300.00-\$350.00 each now, up from \$65.00.

Mayor Poye stated the Stimulus Committee can address this, if desired. He stated he worked within the Fire Department and supports them 100%. Poye suggests the Stimulus Committee talk about it.

Van Becelaere stated she asked the Stimulus Committee to consider it. Things are so expensive now, and they are all volunteers.

Birch Wright stated the recent increase did not require a vote of the Council. It is a volunteer fire department and they did us a service by letting us know.

- H. **Planning Commission:** Not discussed.
- I. **Annexation Report:** There will not be one this month or next month, per Colton Martin.
- J. **Stimulus Report:** Not discussed.

City Business

- A. **Goshen United Methodist Church LED sign:** Matt Meyers presented. A visual of the proposed sign was shared with the Council.

Mayor Poye reminded everyone that there is an ordinance against this type of sign, currently. The question is what it would take to allow a variance.

City Attorney Hogue said there is no variance; the ordinance on the books would need to be amended.

Vaillancourt discussed differences between this sign and the Dollar General sign vs. Phillips 66. The difference is internal lit vs. LED. The church has prepared some information addressing the ordinance and the section (156 Section 8).

Wright asked for a summary from Meyer.

Meyer stated the intent is to maintain the small-town look. The sign is costly, and has lots of capabilities. It has lots of options, but the church would not use all of the options, and has over 100 settings for lumens. He doesn't believe they will come close to the requirements, and would meet all the criteria from the city. All data is stored in the cloud, and could be changed quickly. This is a sign for the community. The ask is for the city to work with them to come up with an acceptable measure for sign lighting. This is an LED sign, not a back-lit sign. The sign will be about \$25,000.00 and would require about \$5,000.00 of capital improvements. This would be a double-sided sign that would sit perpendicular to the road – the old wooden sign would go away. The church is trying to find a happy medium and be a good partner. They would meet the ordinances as required, for all details.

Mayor Poye stated a work session or group could be formed to discuss, if it's the Council's pleasure.

Vaillancourt stated the background of the sign would be subdued, and messages may not change, and may have a time restraint (e.g. shuts off at midnight).

Tom Chappell asked if it is ground level? Vaillancourt stated the maximum height from the ground is six feet.

Meyers stated this mainly comes down to lumen levels and verbiage pertaining to electronic signs. He acknowledged the precedent this could set for signs in the area.

Mayor Poye asked for public comment.

Albert Skiles spoke. He was on the task force that wrote the sign ordinance. He begs to differ and wants to caution the Council on this. If the City doesn't want to end up like Alpena or Branson, you may open the floodgates; this can be hard to stop. Skiles discussed several types of signs and the point is that if you let electronic signs happen, period, you open it up for others. This is allowed for gas stations and schools, but this sign will be a distraction— it is right at an intersection – and someone coming over the hill will focus on that. This will encourage others to come in and request signs, with communications that can't be controlled. There will be no end to flashing/moving signs – it is a black hole. A lot of time was spent on the ordinance, considering how to move forward as a community, and the sign ordinance is paramount to the current feel of the community, and letting it go would be a big mistake.

Birch Wright thinks it is admirable for the church to offer to do this, and understands Skiles' comments. He asked if an ordinance be written with such restriction on the lumens or backlighting to be acceptable?

Meyers passed out the specs/capabilities on the sign to the Council, and referenced the fines the city can impose on the church if they are out of compliance, per ordinance. Meyers wants to work with the city to move the technology forward in the ordinance, and make responsible decisions on the signage. The church would work with the city to outline the acceptable conditions/settings for sign usage.

Vaillancourt shared they must have something that is not flashing, not blinking, and the lumens need to be where they need to be during the day and night.

Mayor Poye asked if the advantage of having a sign is the ability to put in a message, and the disadvantage is it moving?

Albert Skiles stated the features are not important. The issue is that other people would then be able to come in and request their own signs. Wright asked again if there is a way to write this into the ordinance?

Albert Skiles stated he didn't know how you could do this. This is communication that you can't control.

Lisa Skiles spoke. She is the Co-Chair of the Planning Commission and Dark Sky is one of her topics. She stated she follows stories with municipalities having issues LED lighting due to the blue color temperatures, and difficulties with dark sky. The blue light draws your eye, is a distraction, and municipalities have street lighting issues, where they are trying to tone that down to a yellow-color temperature, to avoid impact on circadian rhythms and unhealthy, unattractive light.

Colton Martin asked if this could be referred to the Planning Commission? Wright stated that a smaller group might be beneficial to discuss.

Meyers stated the sign company can bring the sign out in the back of a truck to demonstrate it. He wants to dumb it down with a black background. It can scroll, it can be stationary, it can fade in and out, so there isn't flashing or sharp transition.

Vaillancourt stated there would be no changing of the message, so it doesn't have to flash in and out.

Meyers recommended to have an example sign set up to be observed in the evening. Vaillancourt agreed it would save back-and-forth, and allow for learning from the sign vendor.

Mayor Poye stated the sign can do a lot; Albert Skiles' point was if you allow it, the next guy may not be as amendable to regulating it.

Tom Chappell spoke. Signs express the personality of the church, business and the town. Where does Goshen want to go? What type of signage do you want for the city – the first sign is the toughest one.

Albert Skiles stated it has been written in for external illumination to keep the village-style feel. This would invite everyone else to demand one.

Vaillancourt stated these are questions they have as well. The regulations will dictate what it is permitted to do, such as flash, it will be static.

Skiles stated if there are scrolling letters, it is not static. Vaillancourt stated there will be no scrolling letters.

Wright asked if is there enough interest for a small group to review this?

Vaillancourt reiterated the need to have the sign be set up for demonstration purposes, and to educate the group.

Meyers asked if bringing the sign is a worthwhile use of time? Vaillancourt stated it was worthwhile.

Mayor Poye stated he wasn't sure about the demo. He asked what about the sign is important to the church?

Meyers stated they are trying to reach out to the community. Changing the sign is not as easy now – they want to be able to change it.

A citizen asked about how often they will change it? Every five minutes or once a day?

Meyers stated it has multiple message capability. Guidelines for use will be set by the Council, Meyers remarked and stated they have a contributor who has pledged money for the sign.

John Irwin asked if the food pantry or VBS are advertised now?

Yes, they are, the Meyers stated.

If you have a message system that is already in the ordinance, why do you need an electronic sign, Irwin asked?

Meyers stated it needs to be rebuilt, and the money was pledged, and the congregation wanted to pursue it.

Tom Chappell confirmed there is an ease to change message with the new sign, because it could be done remotely.

Fara Ferguson stated the limitation now is manually changing the sign, and they are limited with space.

Mayor Poye said there are valid opinions on both sides.

A member of the public asked about next steps. Vaillancourt stated to talk to the sign vendor to see if they will come out and do a demonstration.

Mayor Poye suggested providing the number of the sign provider to Lora Nanak for City Council members to pursue, if interested.

Wright asked if it is reasonable to ask the Council if they want to look at it. Wright stated he would look at it, and Vaillancourt said he would too.

Jamie Van Becelaere is not interested in looking at it, for the reasons Albert Skiles stated. Martin stated he agreed with Van Becelaere. Mayor Poye stated he is in favor of the Dark Sky Ordinance. There are two Council members not present, and the Council's interest was two in favor, and three not in favor of reviewing.

Ms. McDonald stated she isn't sure Goshen knows what direction they are going in. This sign would help build the congregation for the church. It would bring in revenue for the city, via gas, and purchases. Give it a thought.

Meyers asked if this is tabled?

Mayor Poye recommended to give it some time, there is no harm in bringing it back up.

Wright stated this is where it stands as of now. Two Council members aren't here, and after January the make-up of the Council may change.

Mayor Poye recommended providing the contact information of the sign provider to Nanak, for those Council members interested in finding out more, on their own.

Van Becelaere asked how you can prevent one sign from becoming more signs? Mayor Poye stated he doesn't think you can.

Meyer restated that complying with the regulations is to purpose and desire of the church.

Tom Chappell remarked that the city may need to hire a sign inspector.

- B. Central EMS Funding:** Mayor Poye presented. He attended a meeting on August 3rd, and EMS is worried about making payroll. Poye recapped the financial hardships of EMS due to patients not going to the hospital.

Wright stated he is on the board of Central EMS. Expenses are up. EMS is asking each city to front the next two quarters of service, for solvency. EMS will then approach each city about an increase, based on population.

Poye stated that the additional amount Central EMS is asking for \$6,952.00. Jamie Van Becelaere asked if that is a one-time or two-time payment? Poye responded there is an additional subsidy in the EMS budget for 2022; the increase charged by EMS is per-capita based. The city signed an agreement, years ago, for a per-capita price. Fayetteville's additional subsidy is \$357,454.00

Wright stated the bottom line is that if we want ambulance service from this company, this is what we have to pay.

City Attorney Hogue stated there are two agreements to be signed. One is the interlocal agreement for \$6,952.00; the other agreement is a memo of understanding pertaining to using the Rescue Plan money for that payment.

Van Becelaere stated we will all need this service at some point.

Mayor Poye asked for public input.

Chief Travis stated that medical attention is often declined by people at accidents. EMS is well worth the money. This is money well-spent.

Fara Ferguson spoke that EMTs are making \$10-12.00 an hour, and paramedics are \$18.00 per hour.

John Vaillancourt motioned to read in title only the resolution of payment of funds to Central EMS. Second by Jamie Van Becelaere. Wright abstained. Mayor Poye voted yes. The motion carried.

City Attorney Hogue read, "RESOLUTION APPROVING PAYMENT OF FUNDS TO CENTRAL EMS".

Jamie Van Becelaere clarified it is two payments - one payment of \$6,952.00 and another payment of \$14,741.00. City Attorney Hogue confirmed it would be payments totaling over \$20,000.

Vaillancourt motioned to adopt the resolution as read. Jamie Van Becelaere seconded the motion. Mayor Poye voted in favor. Wright abstained. The motion carried.

- C. **Park Opening:** Ken Smith presented. Smith recapped recent discussions and park development, such as signage, trails, sanitation, kiosks, rules, stream crossing. September 1st is the proposed opening day for the park.

The port-a-potty is \$116.00 a month, according to Mayor Poye. Poye asked for the public and Council's opinion on the opening date.

Lisa Skiles stated the sooner, the better. A sign at the Farmer's Market would be a good idea. Elected officials could show up for a photo-op.

Poye asked if Sept 1, 2022 worked for the Council? The Council agreed. Poye reviewed the park rules.

City Attorney Hogue recommended that whatever is decided needs to be in an ordinance, for police enforcement.

Jamie Van Becelaere asked why no leash requirements in the rules? Poye stated that there isn't a leash law in Goshen.

Van Becelaere asked about how to volunteer? Mary Smith stated the Arbor Board helps, and asked how she could notify others? Van Becelaere stated the Facebook Group "Friends of Goshen" and "Goshen This and That" was a good place.

Fara Ferguson asked about horses? Mary Smith stated if there is a proposal Ferguson would like to bring, Ferguson could prepare it, and share it.

- D. **Walk/Bike Plan:** Ken Smith presented. He discussed the 2014 Walk/Bike Plan for NW Arkansas, which needs to be revised. An end-of-August deadline was required to get in the updated plan. There are plans for 30 communities in the book, including Goshen's 2014 plan.

Smith recapped the efforts taken and the feedback collected for Parks and Recreation Commission to meet the requirements for inclusion. The final hurdle is the review and approval of the City Council. The plan would connect Goshen to other Walk/Bike systems in NW Arkansas, and require sidewalks for all new developments. Shared roadways and side paths would also provide connections.

Smith discussed a map visual of the Walk/Bike Plan, highlighting the connections inside the area and how the improvements would benefit pedestrian traffic and cyclists.

The deadline for approval is the end of August, Smith stated.

Ms. McDonald asked if there is an alternative to the Fire Tower entrance? The owner's dogs can be heard all over Goshen.

Smith shared several news articles regarding area city's actions for walk/bike plans.

Birch Wright confirmed this is a "plan". This doesn't require the city to pay for anything? Smith confirmed, this is only a plan. They are looking down the road and how Goshen can be interconnected.

Mary Smith stated that if you are to apply for grants from the Highway Department, you have to be part of the plan.

Colton Martin motioned to approve the updating of the plan. Jamie Van Becelaere seconded the motion. The motion carried. The public applauded.

- E. **Engineering results for drainage on Goshen-Tuttle:** Mayor Poye presented. The purpose of the plan is to keep the intersection from flooding. Engineering firms were contacted, and Crafton-Tull responded with a plan. The engineers came out and evaluated the drainage, and gave a proposal to do a water study of drainage, survey pipes that are in place, design a fix, put the bids in the paper, and find someone to fix it. This would cost \$6,175.00.

Birch Wright asked if Crafton-Tull was the only respondent to the bid. Mayor Poye confirmed they were the only response. Poye continued with a second proposal, which supervises the completion of the work. The cost of that proposal is \$13,425.00.

Mayor Poye recommends the bid with supervision, for \$13,425.00, and explained the status of the drainage as it now exists.

Birch Wright clarified there will be additional construction costs. Poye confirmed.

McDonald asked of the impact of this draining into Mill Creek. Mayor Poye stated no permits are required because the drainage is already there.

City Attorney Hogue recommended a resolution for the work.

Birch Wright motioned for a resolution for \$13,425.00 option. John Vaillancourt seconded the motion. The motion carried.

- F. **Air Conditioning at the Community Building:** Mayor Poye presented. Three places were called. A quote from Bud Anderson was discussed. Poye discussed the findings. The recommendation is \$14,850.00 to solve the problem. The other requested bids did not call back.

City Attorney Hogue agreed this expense is more urgent. He would not advise against proceeding without a resolution. John Vaillancourt motioned to go with the bid received from Bud Anderson. Birch Wright seconded the motion.

Ken Smith asked what the SEER rating was? 14 is the rating; Smith stated that is a pretty low rating. You will get more bang for your buck with a higher SEER rating. Mayor Poye stated fitting the unit in the space was the main concern of the technician.

City Attorney Hogue stated a maximum dollar amount can be approved to be spent, and the type of unit can be determined after the fact.

All in favor. The motion carried.

G. Discussion on Amended Minutes: John Vaillancourt tabled this item.

H. Ordinance Establishing Mileage Rate: City Attorney Hogue presented. An ordinance on mileage has been drafted to state that mileage reimbursement rate would be the current IRS rate.

A motion to suspend the rules and the first and second reading was made by John Vaillancourt, second by Colton Martin.

A roll call vote was held

Colton Martin – YES

John Vaillancourt – YES

Birch Wright – YES

Jamie Van Becelaere – YES

Absent: Paula Anderson, Bill Hewat

Hogue read, "AN ORDINANCE ESTABLISHING MILEAGE REIMBURSEMENT RATE".

Martin motioned to adopt the resolution. Birch Wright seconded the motion. All in favor, the motion carried.

A roll call vote was held

Colton Martin – YES

John Vaillancourt – YES

Birch Wright – YES

Jamie Van Becelaere – YES

Absent: Paula Anderson, Bill Hewat

All in favor, the motion carried.

I. Use of City-owned parcels for grazing/hay: Mayor Poye presented. The city has received inquiries about grazing animals, hay cutting on the park, and baling hay. Poye asked that the Council consider it if the city

wants to do this. This is for another discussion at a later time. Hay cutting at the park helped this year to keep it mowed. Martin is not in favor of grazing.

- J. A RESOLUTION/ORDINANCE AMENDING THE 2022 ADOPTED BUDGET FOR THE PURPOSE OF RECEIVING AND EXPENDING THE \$5,000 STIPEND FOR ELIGIBLE FULL-TIME LAW ENFORCEMENT OFFICERS:** City Attorney Hogue presented. Hogue stated the city is receiving the money from the state, and paying the officers. Hogue confirmed it is up to \$5,000.00 per full-time officer.

Jamie Van Becelaere motioned to read in title only, Colton Martin seconded the motion.

Hogue read, "A RESOLUTION/ORDINANCE AMENDING THE 2022 ADOPTED BUDGET FOR THE PURPOSE OF RECEIVING AND EXPENDING THE \$5,000 STIPEND FOR ELIGIBLE FULL-TIME LAW ENFORCEMENT OFFICERS".

Martin motioned to adopt; Birch Wright seconded the motion.

Mayor Poye asked for public input. None was received.

All in favor, motion carried.

Reports / Comments by Mayor, Aldermen, City Attorney

None.

Public Input

None.

Adjournment

John Vaillancourt made a motion to adjourn at 9:10 PM. The motion was seconded by Birch Wright. The motion carried and the meeting adjourned at 9:10 PM.



Michael Thompson
Recorder/Treasurer



Max Poye
Mayor