

MINUTES
Goshen City Council
September 13 2022 at 6:30PM
Goshen Community Building, 244 Clark Street

Call to Order: Paula Anderson called the meeting to order at 6:30PM.

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

Approval of Agenda: The agenda was reviewed. Colton Martin motioned to move 6A "Driveway Variance Request" before Reports for August. Motion seconded by Jamie Van Becelaere. The motion carried.

Approval of Minutes: Birch Wright requested to amend Street Report paragraph three, changing "Gatlin stated, at this moment, he does" to "Gatlin stated, at this moment, he does not". A motion was made to approve the August 9, 2022 minutes with the change by John Vaillancourt and seconded by Birch Wright. The motion carried.

City Business

A. Driveway Variance Request: Darin Riggins presented. The request is for a cul-de-sac lot, there is 70' across and the fire hydrant and water meter shut off are almost dead-center, making it impossible to get the 20' needed. Riggins stated there are other lots that are coming likely coming up, too. Birch Wright clarified this request is for one lot. Riggins confirmed.

City Attorney Hogue asked for the variance motion approval to have clarity. Jamie Van Becelaere asked if they could meet the variance requirements. Riggins stated yes. Wright made a motion to approve the variance request with the understanding as presented it met all conditions for the variance. Bill Hewat seconded the motion. Jamie Van Becelaere abstained. The motion carried.

Reports for August:

A. Police Department Report: Report is in Council's packet. Chief Travis presented. Travis asked if the Council liked the new format for the reports. Birch Wright and Jamie Van Becelaere stated yes.

Travis reported striping on the cars is now available, and the Chief is asking for approval. Birch Wright asked if the officers liked it, and the Chief said yes.

Bill Hewat stated that the Police Department should determine how the vehicles are presented. John Vaillancourt disagreed. Hewat stated Goshen is not a speed trap. A review of the warnings versus tickets indicates this.

Travis stated that this will make it harder for criminals to see them. The cost is less than \$1,000.00 per vehicle.

Vaillancourt stated if the cars are striped the way there are, they might as well not put anything on it, and save \$1,000.00 per vehicle. Travis stated by state law, the cars have to be striped.

Wright stated if that is what the officers want, he agrees with Hewat.

Lane Evans started on August 28th. He is in his third week. He is learning still, and is doing well. Nathan Snipes starts on Oct. 1, 2022. Both new hires will go to Academy in January.

Jamie Van Becelaere asked how long the Academy was – Travis replied three months is the length.

John Vaillancourt asked about untrained officers – is there a cost to the city for training? Travis stated, no, the only cost to the city is the pay of the officers while they are there. The Academy does not cost the city.

Vaillancourt asked how long must the officers stay with the city? One year, stated Travis. Leaving before one year, the department they go to must reimburse the city for certain costs, by state law.

The new cars are in, and upfits are going slowly, Travis reports.

- B. **Street Report:** Report is in Council's packet. David Gatlin is out, Lora Nanak reported on his behalf. Nanak reported that only one bid will be received on the road work.

Bill Hewat asked what happens if the city only gets one bid? Nanak stated she believes the city will be ok, as long as she can show due diligence.

- 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 August 31, 2022, the General Fund was \$1,238,691.82. The Street Fund was \$347,493.88; the ARPA Stimulus Fund was \$164,423.07; the Act 988 Police Account was \$15,381.88. The Arkansas Fun Park Grant is \$75,009.35.

Nanak reminded the Council the General Fund balance reflects the second stimulus payment of \$201,067.84. The amount from the second stimulus payment will be moved to the ARPA account in September.

Nanak is hoping to have first draft of budgets at next council meeting. Council members should advise Nanak if they have anything to be considered.

- E. **Depository Board Report:** Recorder Treasurer Michael Thompson reported the Depository Board met per the Council's request and reviewed interest rates.

A seven-month CD rate was available from Signature Bank at 1.75% APY. The Depository Board decided to move half of the Encore Money Market balance to the new CD. A seven-month CD at Signature Bank was opened with a balance of approximately \$120,017.00.

The remaining Money Market balance at Encore Bank was also discussed with Encore. The bank agreed to raise the Money Market interest rate from 0.70% to 0.99% APY.

Wright asked why not all funds from Encore were moved to Signature Bank. Thompson replied the Depository Board agreed to keep some funds available to the city for upcoming needs, such as upcoming road work, etc.

Paula Anderson stated in a few months, interest rates may be even better, so seven months was a good position for the city to be able to reinvest funds at an even higher rate.

- F. Parks and Rec. Report:** Report is in Council's packet. Ken Smith presented. The Fun Park will have a pre-construction meeting at the Community Building tomorrow at 1:30PM, to walk out the proposed path of the new sidewalk to connect the Community Building to the new play gym. A date for the play gym construction has not been established – the hope is to have that information tomorrow.

The Walk-Bike plan has been approved and Adam Walker is working with Elizabeth Bowen from the NWA Regional Planning Commission to incorporate it into the Walk-Bike Plan. Only some photos remain to be included.

The Grand Opening of Mill Branch Park was a success. Seventy-seven signed in, but it is believed that over 100 were here. John Vaillancourt stated he counted 116 people in the picture of the opening ceremony.

Smith displayed and discussed a visual of the Mill Branch Park kiosk map.

Smith relayed Congressman Womack reported the appropriation for Mill Branch Park may be pushed beyond October 1, 2022, probably Christmastime. Smith shared other highlights of the park opening.

Visitation at the park has been great. Many cars have been seen in the lot. Positive feedback has been plentiful.

Vaillancourt asked about a comment regarding a gate being closed. Smith stated there is only one gate open to the park; the hours are sunrise to sunset. The gate to the chicken pad will remain shut at this time. Vaillancourt asked who opens and closes the park? Smith stated the Police Department is responsible for opening and closing.

Bill Hewat asked a question about hours and the park – how is star-gazing included? People could be confused by the hours and star-gazing. Smith stated that is a work in progress. Hewat suggested that one night a week could be established for star-gazing.

The grant application for 19.3 acres in Mill Branch Park was submitted in time (Aug. 26), and work was done by John Beneke to complete this 100-page application. Decisions/qualifications updates for ARDOT will be in November, and state parks grants in September/October.

- G. Arbor Board Report:** Report is in Council's packet. Mary Smith stated she has run into a few people that were at the park and headed to eat at Pancho's. Smith reported Lane from the Beaver Watershed District was at the opening. Beaver Watershed wants to pay for some of the education stations at the park.
- H. Goshen Volunteer Fire Department:** No one presented, no report.
- I. Planning Commission:** Lora Nanak reports two property line adjustments and a minor subdivision request were approved. Nanak has received an application for conditional use approval for mini-storages at the next Planning Commission meeting.

Birch Wright asked about the last time Dr. Buell submitted. Did it make it out of Planning Commission to City Council? Nanak confirmed, and it was presented to City Council.

Paula Anderson asked if the request went to the county for appeal? City Attorney Hogue stated it did not. Hogue shared it was voted down at the City Council meeting. Nanak stated that there was a six-month waiting period.

- J. **Annexation Report:** This was removed from the agenda during the meeting.
- K. **Stimulus Report:** Lora Nanak reported. \$201,067.84 was received. This amount will be moved to the Stimulus Fund in September. In the May 10, 2022 Council meeting, an agreement was reached to move the balance of \$164,423.07 to the General Fund to pay police salaries, until that amount is exhausted. Nanak asked City Attorney Hogue if a resolution was required. Hogue confirmed and will prepare a resolution. A resolution is required.

Hogue discussed Central EMS funding. A resolution was approved last month to use ARPA funds for this funding. It has come to light that most of the cities in the area are doing this. The grant attorney at the Municipal League states other cities are doing it differently. ARPA funds have restrictions on a "sub-award". Greenland has used their ARPA funds to go to a sewer project, so they are amending their budget and using excess funds to pay this amount. Bella Vista is doing something similar, with their ARPA funds, paying police salaries and other expenses, freeing up money that was originally budgeted. Hogue thinks this is the best approach for the city. Hogue suggests an ordinance with an emergency clause authorizing the Council to amend the budget and free up money to pay this requested amount to EMS. Any shortfalls could then be paid from ARPA funds.

If the Council agrees, a vote to expunge the resolution from last month would be held, and Hogue would bring back an ordinance for the Council to consider in next month's meeting.

Paula Anderson asked if it was a little over \$6,000.00? Hogue recalled that it was around that amount. Anderson stated she had no issue with paying this out of the General Fund. Birch Wright agreed.

Nanak stated it was around \$14,000.00. The \$6,000.00 amount was the per capita amount, which has already been paid. It is \$14,000.00 additional.

Anderson stated the city could absorb \$14,000.00 from the General Fund. Bill Hewat agreed.

Anderson asked Nanak how to do this with the budget. Nanak stated an agreement to move the money out of the ARPA fund to cover police salaries and whatever is so much easier.

Jamie Van Becelaere motioned to expunge the vote on the resolution, "RESOLUTION APPROVING PAYMENT OF FUNDS TO CENTRAL EMS". John Vaillancourt, second. Wright abstained. Motion carried.

Motion to spend \$14,741.00 from the General Fund for the EMS service was made by Bill Hewat, and seconded by Jamie Van Becelaere. Wright supports, but abstained. The motion carried.

City Business (con't)

- B. **Resolution for Drainage for Engineering Services:** City Attorney Brian Hogue presented the resolution.

John Vaillancourt motioned to read the resolution in title only. Motion seconded by Jamie Van Becelaere. The motion carried.

City Attorney Hogue read, "RESOLUTION AUTHORIZING MAYOR TO CONTRACT WITH CRAFTON-TULL AND ASSOCIATES INC."

Bill Hewat motioned to adopt the resolution. John Vaillancourt seconded the motion. The motion carried.

- C. Amended Minutes:** John Vaillancourt presented. When minutes are asked to be amended, the amendment is made, then approved. However, when minutes are revised, as they recently were, and the revision is not correct, Vaillancourt offered a solution. Vaillancourt recommended that more complex revisions to minutes (not simple revisions), should be sent back to be corrected and revisions should be reviewed at the next meeting.

Jamie Van Becelaere agrees. Paula Anderson stated the approval can be tabled until the next meeting.

Bill Hewat asked if there is a precedent for this?

City Attorney Hogue asked how the City Council wants to handle this – some cities have more general minutes; some cities have more detailed minutes. No precedent exists. Hogue stated what Anderson suggested makes the most sense. Vaillancourt agrees, if it is more complex, the Council should be able to request review.

Anderson stated the minutes need to be clarified, the appropriate action is to table the approval of the minutes until the next meeting.

Birch Wright and Hogue stated the current Council minutes are very detailed. Wright continued, stating if there is a disagreement in the minutes, having a conversation to clarify statements should occur. If resolution can't occur, bring it back to the Council, and table the approval of the minutes until then.

Hogue stated that the City Council gets to choose what the minutes say, at the end of the day.

Vaillancourt responded he listened to the recording and stated he had not seen what was written, and he did not feel that statement represented what was said.

Michael Thompson stated the goal is to make the minutes as accurate as possible. He requested the process for complex revisions includes a verbatim transcript of what occurred, which can be shared in the next council meeting. The City Council can then determine what should be included in the minutes.

Vaillancourt it should fall back to what that person said, and listen to the tape, and that makes it very clear.

Wright stated the transcription doesn't lie. If there is a disagreement, it will be transcribed and it can be read, and adjusted accordingly.

- D. Identification of Delivery Vehicles:** Colton Martin presented. Martin shared a picture of a non-standard delivery vehicle in his driveway. He is asking if there is a way to require a "delivery sign" or something similar on their vehicle.

Birch Wright asked how the city would legislate that? If you pass the city line, you must have a sign?

City Attorney Hogue stated Amazon would likely file a lawsuit that this is a violation of interstate commerce.

Chief Travis stated that Amazon does not require any identification for vehicles. It would be helpful to identify delivery vehicles. Paula Anderson stated this would be problematic for Door-Dash drivers, etc.

Martin doesn't like the idea of getting use to suspicious vehicles. Travis recommended citizens call the Police Department.

E. Resolution for Park Rules: City Attorney Brian Hogue presented. An ordinance needs to be on the books for park rules and violation of the rules. The City Council needs to discuss and Hogue will prepare accordingly.

Ken Smith spoke. He is in agreement with Hogue. The kiosk has general guidelines at this time. Hogue stated the draft from last month may be a good starting point.

Jamie Van Becelaere asked if animal waste is supposed to be removed. Yes, Smith replied.

Chief Travis mentioned hunting around the park. There are a lot of people who hunt the land around the park. What happens when a deer runs into the park, or when people hunt around the park?

Anderson recommends to defer to Game and Fish.

Smith asked if a revised draft could be provided to the City Council.

Birch Wright asked if a call would be placed based on dog manure? Hogue stated you want the rule on the books, at a minimum.

Bill Hewat asked about alcohol – is that ok or not? Travis stated that state law prohibits 'drinking in public', unless there is something in place by City Council.

Liz Mashie stated it's about the waste, and cleaning up. Bags could be provided to clean up after the dogs.

Wright stated we should not over-legislate the park. If people misbehave, the police can handle it.

Anderson read the draft of the proposed rules:

- Hours of Use: Sunrise to sunset, subject to special approval from the Mayor
- Motorized vehicles prohibited, except for maintenance and safety
- Trails are open to walking and bicycle riding
- No dumping of trash, yard waste or construction debris; waste packed out by user
- No hunting or firearm use is allowed
- Fishing is allowed; ponds are catch-and-release

- Pet use: Dogs must accompany owner and be kept under control
- Trees and native vegetation are to be left unharmed

Wright recommended the “Special Use” request comes before the City Council. Anderson agrees.

Vaillancourt stated he would add on waste cleanup by the owner.

A question was asked about motorized wheelchairs – how does that apply to the ‘motorized vehicles’ rule? Ken Smith stated that ADA pathways are planned and the city would want to encourage that. Van Becelaere asked about motorized wheelchairs – what is Ken Smith’s opinion? Smith stated the Transportation Alternatives program will help the city develop an ADA pathway for use. This would take motorized wheelchairs directly into the park springhouse.

Chuck Jacobus stated a sign has to be placed for the path.

Vaillancourt stated he doesn’t believe a motorized wheelchair or scooter will go very far, under the current conditions.

Electric bicycle usage may need to be considered inside the park.

Mary Smith stated drunkenness or obnoxious behavior would require a call to the Police Department.

Linda Moore asked if a trash can could be placed at the park. Smith stated that trash containers invite trash; Anderson stated wild animals drag trash around, too.

Wright stated perhaps a specific pet waste container, as other parks have, could be helpful.

Mary Smith stated that if the park had water available, the Beaver Watershed group would put a water bottle filling station in the park.

Hogue stated a penalty section needs to be included in the park rules. Wright suggested the police department have input.

Hogue suggests that the draft rules are brought back to the Council and read at three different meetings.

Colton Martin asked about exceptions to Special Usage approval by the Mayor. Wright stated it should come to the Council for approval via email. It shouldn’t only be at the Mayor’s approval.

Ken Smith stated the issue is how the request gets to the Council for approval. Wright suggests an email with a 24-hour turnaround. Hogue stated that decision has to be at a public meeting.

Bill Hewat stated he has no desire to approve or decline any events at the park.

Michael Thompson suggested the appointment of a committee to approve or decline requests.

Liz Mashie would prefer an application process, where some requests could be administratively approved.

Wright stated that perhaps brevity is the best answer - just leave it with the Mayor.

- F. **Cutting Hay on City Property:** Ken Smith shared his discussion with the Mayor. Emily Jost and her family have been working with the Parks Commission on mowing the park, and were recognized.

Smith shared his thoughts on mowing at the park: What was done for the Grand Opening; Trails for the park; Tree sign side paths, Springhouse path, and the old chicken pad area

Recognition to Chuck Jacobus, Steve Snider and Tom Chappell by Ken Smith for mowing.

Another consideration is mowing of the hayfields. Up to 30 acres of the 104 acres are suitable for mowing and baling. There have been two mowings so far – one in early June (3-4 bales 4x5 round bales per acre). In September, Jared Gullien was approached about baling but declined. Emily Jost and her family helped with the September cut of about 2-3 4x5 round bales per acre.

The third area is overall maintenance and appearance of the park. chicken house, springhouse and ravines are all complicated areas for mowing.

Volunteers are handling all the maintenance now and for the year. Next year's support is being considered.

Mowing is important to control Johnson grass and invasive species. Not mowing was considered as well. An RFP for mowing services was also considered for next year.

Anderson shared it's being considered to ask people to bid to take the hay away for profit. Are people interested in buying it, probably not, there isn't much hay here. Hewat stated there is value in hay. Wright stated Waterford is getting \$8/bale for hay now. No other parties asked were interested doing it.

Anderson asked if there are entities at U of A that would want to study the land? Smith stated that a 10–15-acre field could be identified as prairie restoration or habitat preservation, and could be useful for various entities.

Emily Jost spoke regarding haying. It's important to think about the farmer and what they are willing to do. Jost likes the idea of a multi-year RFP. Thistle was very invasive this spring, and if a farmer has an interest in the land for a couple of years, it would be in their interests to spray.

Smith stated there are many invasives in the park, and only spraying will address this. This is an issue for the Council to consider. Anderson stated improving the land in exchange for taking the hay off could be a consideration.

Chief Travis stated that Dave Gatlin may be concerned regarding time required to mow the park.

Liz Mashie stated the Council should consider the farmers. Farmers plan on this hay, so honoring agreements is important.

Jamie Van Becelaere asked if someone should be allowed to mow the 10-acre plot?

Colton Martin asked if Jost wants to mow it?

Colton Martin motioned to let Jost mow the 10-acre plot. Birch Wright seconded the motion. The motion carried.

Reports / Comments by Mayor, Aldermen, City Attorney

Bill Hewat shared his appreciation for the people that support us.

Public Input

Liz Mashie spoke regarding the Farmer’s Market. She asked the city to think about winter planning. She is requesting use of the inside of the Community Building for a winter market for two markets, before Thanksgiving and Christmas.

Bill Hewat stated this is a “Community Building”. Paula Anderson stated the fee could be waived if she came before the City Council. Jamie Van Becelaere will pay the fee if it is not waived.

Mashie stated that a Vendor of the Year will be chosen this year, and asked for permission to hang it in the building. Jamie Van Becelaere motioned to allow the Vendor of the Year plaque to be hung in the Community Building. Birch Wright seconded the motion. The motion carried.

Mashie asked for lighting upgrades to the area for the Farmer’s Market, and upgrading the electrical for the building to better attract food vendors.

Wright suggested using ARPA funds for lighting. Chuck Jacobus stated trailhead lighting could be part of next year’s grant.


Anderson stated perhaps Community Center upgrades could be considered in the budget next year.

Jamie Van Becelaere asked about flooring in the Community Center. Lora Nanak stated she received bids for the flooring and bids have expired. She believes \$45,000.00 was budgeted for City Hall and Community Center upgrades, and none has been spent.

Ken Smith asked the Council to consider how images or PowerPoint presentations can be better presented to the Council. John Vaillancourt stated the city has this technology already.

Adjournment

Colton Martin made a motion to adjourn at 8:20 PM. The motion was seconded by John Vaillancourt. The motion carried and the meeting adjourned at 8:20 PM.



Michael Thompson
Recorder/Treasurer



Max Poye
Mayor