

**AMENDED MINUTES**  
**Goshen City Council**  
**March 8, 2022 at 6:30PM**  
**Goshen Community Building, 244 Clark Street, or by Zoom**

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

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

**Approval of Agenda:** The agenda was reviewed. Item 5A and 5B will be swapped on the agenda. Motion to approve the agenda as corrected was given by John Vaillancourt, second by Jamie Van Becelaere. The motion carried.

**Approval of Minutes:** Page 4, Paragraph 3, reads "The second parcel he would sell for \$35,000.00 per acre, for a rough total of \$350,000.00 per acre." The last two words, "per acre", is a typo and should be struck from this sentence. On Page 5, Paragraph 2, Mayor Poye states "Park Street" should be "Clark Street".

A motion was made to approve the February 8, 2022 minutes as corrected by John Vaillancourt, second by Jamie Van Becelaere. The motion carried.

**New Business, Part 1 of 2**

- A. **Rezoning Request, Barrows-Thompson LLC, Bowen Blvd, adjacent to Fast Trax, R1 to B2, Parcel #770-17514-003:** Phil Thompson spoke, as a member of Barrows-Thompson LLC. The request is to rezone parcel to B2. City Attorney Hogue states part of the area is already B2. John Vaillancourt asked which portion was zoned B2. A map of the parcel was reviewed and the Council discussed. A motion was made by Paula Anderson to approve the rezoning of the tract to all be B2 Commercial. The motion was seconded by Colton Martin. The motion carried.
- B. **Request for Conditional Use Permit, Mini Storage Units, 180 Church St.:** Dr. Brian Buell presented. Buell shared statements from seventeen neighbors that they were in favor of the proposal.

Mayor Poye and City Attorney Hogue recapped the history of this request from Buell.

Jaime Van Becelaere stated that one resident stated to her that they agreed to it because 'no one was listening to them, so they threw in the towel'. Buell stated he had not received that feedback. Paula Anderson stated they are not here tonight. Van Becelaere stated this person had come before and didn't feel heard.

Merilee Booker asked what the planned hours of operation for the units will be, and what are the lighting plans? She has concerns about a 24-hour business in the middle of Goshen. Buell stated the lighting was brought up at the beginning, and is the lighting the city approves. Mayor Poye recapped the lighting ordinance in Goshen. Buell said the units will not be 24 hours a day. Access will be regulated by the entry codes given to customers. Booker asked what the hours for lighting in Goshen are currently. Mayor Poye reviewed the lighting requirements, which can be found on the website.

Ken Smith spoke regarding the lighting ordinance and the focus on dark-sky lighting.

John Vaillancourt spoke, referencing his comments from the last meeting. Goshen needs more business to grow, but growth doesn't come from storage units. Storage units do not bring income to Goshen, nor tax revenue. Vaillancourt believes this is a Catch-22. The approval of this usage for storage units would mean that other properties could also place storage units in this area. The presenter from Bates Associates in the most recent Planning Commission meeting shared they were also planning on building storage units. Downtown Goshen could have two storage unit facilities, when the ordinance states there will be no storage units in the city of Goshen.

City Attorney Hogue spoke on the ordinance in relation to storage units and conditional use. There is an ordinance that allows for storage units on a conditional use basis. Vaillancourt stated he understood that. Hogue cautioned the Council to not take into consideration other parties proposed uses.

Mayor Poye stated that income will be generated. Buell stated the retail units will bring in income, and people in town will spend money. Vaillancourt stated there is no sales tax on storage units' rental fees, unless a vehicle is stored. Buell reminded the Council there will be seven retail shops generating income.

Albert Skiles spoke. He was on the task force that wrote the commercial standards. Skiles stated Buell has made a good case for the storage units where it is. This is the best you can do for a development that isn't generally considered appropriate for the middle of town. Skiles states that if you allow this, you must pay attention to what is coming next. Conditional use is just like a variance. The next person is going to come down here and say they want 15 acres of mini-storage. If it is approved, he recommends several conditions or qualifications for approval are required. There is a reason that cities don't put mini-storage units in the town.

Mayor Poye stated that approving one conditional use does not mean you are obligated to approve another one. Poye believes that you will not be able to see them, if you drive up the street. Buell concurred.

Merilee Booker spoke. Booker referenced Farmington and Prairie Grove, and the storage units in their cities, and many areas with storage units that she feels do not have the charm of Goshen.

Buell stated Booker has not been to all the meetings, as he explained that this development will not be visible or ugly. Booker asserted she's been at three of the four meetings. She stated seeing it from the front or the side, it is still a storage unit in the middle of Goshen.

Jamie Van Becelaere felt Booker said that perfectly.

Mayor Poye offered that from conversations he has held, there is a desire from citizens to have a place to store their things.

Paula Anderson stated that the vast majority of the people adjacent to the property do not see this an issue. She believes it is a benefit to the people of Goshen. Anderson has driven past the property. She believes the retail space will be beneficial and will generate tax dollars for Goshen. People moving into these units will utilize businesses in town. This is a benefit to Goshen. If they don't promote businesses, the Council is counteracting what they are promoting.

Paula Anderson made a motion to approve the conditional use permit, because it is screened and not much of the unit will be seen, and the retail space up front will be highly used and a useful tax base for the city.

Colton Martin spoke that he wasn't originally in favor of this, because he didn't want it in his backyard. He shared Buell went above and beyond and talked to each neighbor. He drove by and it is screened. It looks better when you drive by, versus what you see on a map. Colton Martin seconded the motion.

Mayor Poye commented that the property is zoned commercial. There are a lot of things that could go on that property that would be higher impact to the neighborhood. Buell shared that a hotel was an example.

Jamie Van Becelaere asked about the conditions that can be placed on the approval. Mayor Poye stated some of that has been done as current standards apply. Van Becelaere asked how to do this, and Anderson commented this was already in the ordinances. Mayor Poye asked what else Van Becelaere would like to have as a condition.

Anderson pointed out this site is conditional use for this particular site. This doesn't mean other sites are obligated to get approved for conditional use.

Buell reviewed the proposed images of the property with Van Becelaere.

Ken Smith asked about drainage for the property, and making sure measures are taken to protect the area. Buell stated there will be a retaining pond.

Mayor Poye asked for public input.

Josh Tritt stated that he is for the motion. People who live west of Goshen need a reason to come into town. This would draw people into town and use local businesses. Everyone around it is in favor of it.

A roll call vote was held. Paula Anderson and Colton Martin voted yes. Jamie Van Becelaere and John Vaillancourt voted no.

A discussion was held regarding the need for four Council members. Mayor Poye voted in favor.

City Attorney Hogue stated the Council could move on, while he researched the requirements for the number of Council members needed to approve the request for the permit.

#### Reports for February

- A. **Police Department Report:** Chief Travis presented. Report is in Council's packet. Chief Travis reports that the Durangos ordered will not be produced. Travis provided three quotes for the vehicles the Department is looking at now. Travis recommends the Dodge pickups.

Mayor Poye asked if the price of the Dodge trucks is \$46,545.00. Travis confirmed that amount and that the other officers prefer this truck.

Paula Anderson stated that Ford had issues due to exhaust fumes getting in the cab of the vehicle.

John Vaillancourt made a motion to approve the change from the Durango to the Dodge Ram trucks in "Quote 1". Paula Anderson seconded the motion. The motion carried.

Paula Anderson made a motion to amend the budget to allow for the additional cost of changing to the Ram truck purchase instead. John Vaillancourt seconded.

Mayor Poye asked for public input. None was given. The motion carried.

Chief Travis referred to the budget regarding officer pay and the fifth officer position. An uncertified officer would be paid \$37,500.00 and a certified officer would be paid \$39,375.00. When the budget was completed, this certified officer position was only slated to be \$37,500.00 and was not caught during the budget review. If a certified officer is hired, Travis is asking if the budget can be adjusted to \$39,375.00 for that position.

John Vaillancourt motioned to hire a full-time certified full-time officer at \$39,375.00.

Jamie Van Becelaere seconded the motion. The motion carried.

Vaillancourt asked Chief Travis about the minimum wage rate increase for police officers. Chief Travis has not received more information on this. Travis stated that there were different numbers quoted for city and county officers. Travis stated the hiring process is going well. Two certified officers are in the process.

- B. **Street Report:** Mike Bowen presented. Report is in Council's packet.
- C. **Building Official's Report:** JD Demotte presented. Report is in the Council's packet.
- D. **Financial Report:** Lora Nanak reported; financial reports are in Council's packet. As of February 28, 2022, the General Fund was \$1,067,186.17. The Street Fund was \$244,114.95. The Stimulus ARPA account was \$201,289.70. The police 988 account was \$16,156.16.

A sales tax comparison report was included. Sales tax collected was over \$40,000.00. This is two months back; the reported number is from January. This will be on the back of the CD report each month.

- E. **Stimulus Report:** Lora Nanak stated this was postponed until the next meeting.
- F. **Parks & Rec. Report:** Ken Smith presented. Report is in Council's packet. Four engineering firms responded to the RFQ. Smith stated all four firms were qualified, and two of the firms were selected, following Procurement Law for the state. A qualifications team was selected to evaluate the responses. The members of the team are: Mayor Max Poye, Mike Bowen, members of the Park and Rec. Commission.

All four firms had relevant experience. One selection was the John Beneke and Carol Jones firm to develop the Fun Park project. The other project was master planning at Mill Branch, John Beneke and Carol Jones had the best qualifications for this project. John Beneke was recognized in the meeting. Crafton Tull was also considered to be the engineering firm to improve access into Mill Branch Park.

Smith reports the parking area is complete near Hwy 45.

Mayor Poye shared he went to Little Rock on March 4, to collect the "big check" for the Parks and Rec. Committee. The check was for \$75,000.00 that will help cover the cost of the Fun Park.

Smith reviewed the DOT notification that the grant application window is open. The window for responding is short. This will be discussed under new business.

- G. **Arbor Board Report:** Mary Smith presented. Report is in the Council's packet. Mary Smith stated Arbor Day is on April 2, and trees will be given away.
- H. **Goshen Volunteer Fire Department:** No presentation. Report is in Council's packet.
- I. **Planning Commission:** Lora Nanak presented. Report is in the Council's packet.
- J. **Annexation Report:** Colton Martin reported. Report is in the Council's packet. A visual of the proposed area was reviewed. Mike Bowen stated the paved roads need improvement, and can be repaired. The bridges are in good shape. Martin stated 1.9 miles of dirt road are recommended to be excluded.

Josh Tritt asked what the purpose of the annexation was. Tritt asked about the estimates for the tax revenue or costs to repair the roads. Martin does not have estimates on tax revenues or costs of road repair, but would increase the size of the city by about 29%. John Vaillancourt stated this was to identify areas, as the first step. Martin shared that these areas have been in the planning area for some time.

Paula Anderson stated that she knows of one individual that has shown any interest in being annexed into Goshen. She doesn't know if the people living there know they will be annexed any time soon. Mayor Poye asked if anyone has talked to the residents in these areas. Poye reviewed what he recalled regarding annexation requirements and regulations.

Vaillancourt asked Martin how many homes are in this area. This not currently known. Martin stated they were asked for a recommendation, and this is it. Mayor Poye asked for feedback on how to proceed. Vaillancourt and Martin stated they do want Goshen to grow.

City Attorney Hogue will research the next steps for the Council.

Martin thanked Chief Travis, Mike Bowen, Lavon Ogden, Liz Mashie for working on this.

#### Old Business

- A. **Update on Last Line Designation (Zip Code Change):** Linda Moore spoke on the update regarding the Zip Code change. The city has four different Zip Codes. Moore states that the Supervisor has passed this on to Operations. It is an Operations issue and is a big deal because machinery must be changed. The Supervisor is going to respond to Moore once more information is available. Jamie Van Becelaere asked on a timeframe for response. Moore stated that is not yet defined.

Mary Smith shared that Goshen does not have many rural routes. She stated routes would have to be moved.

- B. **Purchase of land by Community Building:** Mayor Poye recapped the history of the purchase interest of the Mashie land. Mashie has offered to adjust the lines on the parcels as needed, since Goshen only wants five acres. Frontage on both parcels for sale would be on Fire Tower.

Anderson asked if the cost of \$30,000.00 per acre would still apply. David Mashie stated it would be more than five acres, it would be closer to six acres. Mayor Poye recapped it would extend the back line of the

two acres already owned. It would square off the existing two-acre property. Mashie stated that the road frontage would be \$35,000.00 an acre.

Each parcel is about 4.9 acres, Mashie states. John Vaillancourt states this is about \$175,000. Anderson stated five acres would be \$175,000.00, six acres with more frontage would be \$210,000.00; 10 acres, where five acres are each \$30,000.00 and the other five acres are each \$35,000.00, would be \$325,000.00; six acres at \$35,000.00 each would be \$210,000.00; five acres adjacent as drawn, at \$30,000.00 would be \$150,000.00.

Mashie asked what the Council may do with the property. A new City Hall has been discussed and a new area for police operations.

Anderson states this would be a capital expenditure. There is \$374,000.00 in CDs, and \$1.1 million in the General Fund.

Vaillancourt asked if any conversations have been held about financing agreements on this land. David Mashie said he needed to think about that, as it doesn't fit his plans. He felt reducing the land size and the amount of money spent may help. The Mayor remarked the question is do they want to split the parcel or the entire amount of land.

Jamie Van Becelaere asked how much land is owned now. Ken Smith advised it is almost three acres.

Vaillancourt believes Goshen should buy five acres. Anderson stated she believes the city should get at least five acres; the question is does Goshen buy more than that? The Council has been talking about this for months now and hasn't heard any Goshen citizens ask about it.

Michael Thompson asked about a business case for these decisions. Anderson stated these discussions have existed for some time. City Council members in the past were concerned about funding. Anderson feels the funding exists currently to make this purchase. The Public Fund money is \$200,000.00, the City could use \$100,000.00 or \$50,000.00 of that money to fund the purchase. There is also \$1.1 million in the General Fund for the remaining balance. There is also hope for grant monies that may come in the future.

Linda Moore stated there are also CDs that expire May 7, 2022 in the amount of \$250,000.00.

Mashie brought up the idea of selling municipal bonds.

Mayor Poye feels strongly that the Council needs to buy some of these lands.

Colton Martin shared he is for it. His concern is having enough money to cover costs of the park over the next four years.

Public input was solicited. A citizen in the room stated that cash in the bank worth less and less every day.

Mashie would like time to do a 1031 exchange.

Jamie Van Becelaere made a motion to proceed toward the purchase of the two parcels of land. One is approximately five acres at \$30,000.00 per acre; one being approximately five acres at \$35,000 per acre.

The Mayor is authorized to enter into a contract when the Mashies are ready. John Vaillancourt seconded the motion. The motion carried.

City Attorney Hogue responded to a question by Colton Martin regarding the Conditional Use Permit request of Dr. Buell. Hogue stated there were three affirmative votes for the action. Typically, for the Council to pass an ordinance or resolution, it takes four affirmative votes, regardless of how many Council members are present. In the zoning regulations, is not entirely clear. It allows for the Planning Commission to pass and make a recommendation for approval based on the majority in attendance at the meeting. It does not say the same for the City Council. Hogue states sitting here right now, he does not know what the answer is. It is not clear how zoning regulations are drafted on this issue.

Dr. Buell stated he's been coming here over a year, and there has never been a full Council here. How can this be changed, if it's not a majority vote?

Hogue stated that no one can force City Council members to attend. The requirements are only for a quorum. To pass any law by the Council requires four affirmative votes, and it's not entirely clear how the zoning regulations are drafted on this issue. Hogue will confirm before he advises the city on the issue. Hogue stated that to answer Dr. Buell's question about what to do about other Council members, there isn't anything the Mayor or Council can do – that is why we have elections.

Dr. Buell stated the reason he tabled it in December was because there were only four Council members.

Matt Buell asked if the attendance of Council members the last four years is public information.

Paula Anderson stated that Dr. Buell's attendance as a Councilman is also a matter of public record.

Matt Buell stated a fair shake is expected of all publicly elected officials.

Dr. Buell asked about a timeline for an answer. City Attorney Hogue replied he will have an answer this week and will reach out to him.

#### **New Business, Part 2 of 2**

- A. A RESOLUTION AUTHORIZING AN AGREEMENT TO BE EXECUTED WITH JOHN BENEKE, LANDSCAPE ARCHITECT TO PROVIDE SERVICES FOR THE PREPARATION OF A PARK MASTER PLAN FOR MILL BRANCH PARK:** Ken Smith reviewed the resolution.

John Beneke and Carol Jones, based on the master plan, will assist the city with applying for the state outdoor grant program. This amount is \$500,000.00 grant program, of which the city would match that, so there would be up to \$250,000.00, perhaps, toward park development.

The addition of Carol Jones to the Beneke team is good – Jones is a well-known engineer. The City of Greenland was able to do a restoration project on a 50-acre park, and is a good precedent for Goshen.

The master plan will be built on the Beaver Watershed Alliance management plan. Total fees for John and Carol Jones' services will be \$17,683.00 at a rate of \$85 per hour. The City of Goshen will withhold 20% of that, and will receive a monthly payment request. John and Carol will submit a monthly payment request for the city to process. John and Carol have also provided a schedule of work, and will provide a preliminary draft over the next few months and meet with city leaders. The anticipated date for a finished master plan for Mill Branch is August 2022.

Paula Anderson stated that she knows Carol Jones. John Beneke stated he worked with Jones in the past. Mary Smith stated she was a former park planner in Fayetteville.

Anderson motioned to read the resolution in title only, John Vaillancourt seconded the motion. The motion passed.

City Attorney Hogue read "A RESOLUTION AUTHORIZING AN AGREEMENT TO BE EXECUTED WITH JOHN BENEKE, LANDSCAPE ARCHITECT TO PROVIDE SERVICES FOR THE PREPARATION OF A PARK MASTER PLAN FOR MILL BRANCH PARK".

Mayor Poye asked for public input. None was given.

Colton Martin motioned to adopt the resolution; Paula Anderson seconded. The motion carried.

- B. A RESOLUTION AUTHORIZING AN AGREEMENT TO BE EXECUTED WITH JOHN BENEKE, LANDSCAPE ARCHITECT TO PROVIDE SERVICES FOR THE DESIGN, CONSTRUCTION AND ADMINISTRATION OF A FUN PARK PROJECT NEAR THE CITY'S COMMUNITY BUILDING:** Ken Smith reviewed the resolution. This park will include a play gym and will be an asset for the Farmer's Market. Mayor Poye described the potential location of the play area, and considerations for placement.

Beneke spoke and discussed his experience about facilities and the right-of-way. Chief Travis recommended a fence around the facility for child safety. Beneke stated fences end up being a hazard because kids climb them. Chief Travis stated it only takes a second for a kid to go into the street.

Anderson recommended the city look at speed humps to slow people down next to this play area.

Beneke states that supply chain issues will ultimately drive the final installation.

Smith reports the design, construction and all the fees are all within the \$75,000.00 grant. John's and Carol's services, as part of this grant, would cost \$7,912.00 or about 12% of the total project.

Reimbursement to John and Carol will occur monthly. The amount of 20% of total fees will be withheld until completion of all plans and construction details. John and Carol will help with soliciting bidder and overseeing that process.

Paula Anderson motioned to read the resolution in title only. John Vaillancourt seconded the motion. The motion carried.

City Attorney Hogue read "A RESOLUTION AUTHORIZING AN AGREEMENT TO BE EXECUTED WITH JOHN BENEKE, LANDSCAPE ARCHITECT TO PROVIDE SERVICES FOR THE DESIGN, CONSTRUCTION AND ADMINISTRATION OF A FUN PARK PROJECT NEAR THE CITY'S COMMUNITY BUILDING".

Mayor Poye asked for public input. None was given.

Anderson made a motion to approve the resolution. Jamie Van Becelaere seconded. The motion carried.

- C. A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF GOSHEN, ARKANSAS TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS:** Ken Smith reviewed the resolution.

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



City Attorney Hogue read "A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF GOSHEN, ARKANSAS TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS".

Mayor Poye asked for public input. None was given.

John Vaillancourt made a motion to adopt the resolution. Jamie Van Becelaere seconded the motion. The motion carried.

**D. A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF GOSHEN, ARKANSAS TO UTILIZE FEDERAL-AID RECREATION TRAILS PROGRAM FUNDS:** Ken Smith reviewed the resolution.

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

City Attorney Hogue read "A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF GOSHEN, ARKANSAS TO UTILIZE FEDERAL-AID RECREATION TRAILS PROGRAM FUNDS".

Mayor Poye asked for public input. None was given.

John Vaillancourt made a motion to adopt the resolution. Jamie Van Becelaere seconded. The motion was carried.

Ken Smith expressed his gratitude for the hard work of Chuck Jacobus.

Ken Smith discussed the Crafton Tull proposal with the Council, received today. The proposal is for improving access to Mill Branch Park using the DOT 80/20 grant. The DOT is responsible for 80% and the city is responsible for 20%. A professional must be on at the start of these programs.

Crafton Tull is proposing a road and bridge crossing into Mill Branch Park; they will do hydraulic services and engineering. The project is to provide an access road into the park that will withstand normal and extreme weather. The road will also be multi-purpose, and include an ADA pathway into the park, and parking. The road will provide emergency service and maintenance access.

Chuck Jacobus said permission has been received on the road for handicap access. The total contract for professional services is \$44,000.00. That represents 10% of the projected costs for the project. The payments would be on a monthly basis, with several design stages. Crafton Tull will manage vendors.

Jacobus stated a high-resolution survey will be conducted and give 30-60-90-100% of design. They will give 30% of design at this cost. Also, services provided will be hydrology, put in the grant and monitor all the activities, and do the inspections the DOT requires.

No resolution is in the packet for this. Jacobus says it's important to get to this quickly, as waiting until the next meeting would only allow 60 days.

City Attorney Hogue states the best approach may be a special meeting to discuss and review.

Colton Martin would like Lora Nanak's input on the money aspect. Will the City have enough money for this at the end of four years?

Paula Anderson said Goshen did a lot of purchasing last year, and the city only used up \$28,000.00 of capital funds, outside of the budget.

Martin asked about the \$44,000 and confirmed that this is only 10% of the total cost of \$440,000.00. Smith confirmed it is a reimbursement program. Jacobus stated this is a three-year program, also. There are three years to come up with the remainder of the money.

Lora Nanak stated she will put numbers together for the Council.

Mayor Poye asked if Tuesday, March 15 at 6:30pm is good for everyone, and the Council agreed.

Ken Smith brought up the TIPS program, which allows expedited bidding for cities. A cooperative purchasing program, vendors provide costs to a committee to be certified as vendors. This program speeds up the process.

John Beneke spoke about the TIPS program, and his experience with it.

**Reports / Comments by Mayor, Aldermen, City**

Paula Anderson stated for the record that Dr. Buell served on the City Council, and found it offensive that he criticized current members when he missed time himself.

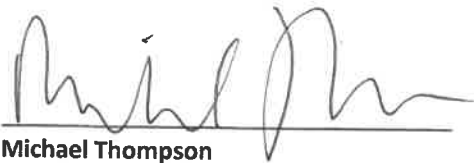
**Public Input**

Matt Buell stated his father was at City Council meetings. He stated this Council has failed to produce a full Council every month, except for one month. Buell states he doesn't have time to keep coming back and spending money.

Anderson stated being offended about other Council members' attendance, when you were not in high attendance yourself is unjust. Buell said he was looking forward to researching the attendance of the Council.

**Adjournment**

Colton Martin made a motion to adjourn. The motion was seconded by Jamie Van Becelaere. The motion carried and the meeting adjourned at 9:07PM.



**Michael Thompson**  
Recorder/Treasurer



**Max Poye**  
Mayor