

MINUTES
Goshen City Council
April 9, 2024 at 6:30PM
Goshen Community Building, 244 Clark Street

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

Roll Call: Paula Anderson, Colton Martin, Max Poye, John Vaillancourt, Birch Wright, and Shawn Mayfield were present. Attorney Brian Hogue and Recorder/Treasurer Marjorie Vaillancourt were present.

Approval of Agenda: Mayor requested to add under Old City Business C. ARDOT update. D. Job Position. E. Update on City Work. Birch Wright motioned to approve with additions. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0). The motion carried.

Public Input: Debi McDonald stated NWA BMX, is a bicycle racing group, that wants to come to Goshen and build a track for the kids to race on. I did my usual speak-my-mind on social media, and I did get a reply from someone who wants to remain anonymous. "The reason BMX is looking for a place for a track is because they failed to fulfill their obligations with the city of Lowell. They didn't pay the rider fees they were due to pay and didn't keep the area up to park standards. I believe in BMX and community support, of a great family sport. But I don't believe in the way things Northwest Arkansas BMX does things. If you do share this information, please keep me anonymous, as I have received attacks from this group in the past. And this is active in Oklahoma, Arkansas, and Missouri with BMX." It would be great for the kids to have a place to race their bicycles, but y'all need to do your due diligence when they confront you with it so we're not left holding the bag and we don't have somebody else's mess to clean up. Mayor: When you say BMX, is it dirt bikes? John: Yes. Mayor: Is there a proposed site that they want to have this? Debi: Yes, that five acres up there by me. It was on Facebook, over the big park. Mayor: Oh, they're wanting to use city park property to do it? Debi: Anywhere that somebody will give them five acres. Max: I saw part of the post, and it sounded like they were putting out feelers for somebody, like you said, that was willing to let them. Birch: So, Debi, one quick question. And I appreciate the anonymity that you asked for whoever told you this. Is that facts, or that's just what someone put on Facebook? Debi: That is facts. Birch: About them not paying and not keeping it up? Debi: Yes. John: Is this BMX for bicycles, or is it for motor? Debi: Bicycles. Mayor: I guess we will have it on our radar if it comes up.

Approval of Minutes: March 12, 2024 minutes. Birch Wright, asked Chief Tavis if could do a comparison report from years past. John Vaillancourt motion to approve the minutes with edit. Seconded by Max Poye. All in favor? Yay (6), Opposed? (0) The motion carried.

Approval of Financial Report: Mayor Stroud presented. Balances as March 29, 2024 are General Fund \$684,563.63. Street Fund \$274,916.18. 988 Act \$3,315.08. Certificates of Deposit \$998,988.40. Paula Anderson motioned to approve the financial report for March 2024. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0) The motion carried.

Reports for March 2024:

A. Police Department Report: Report is in Council's packet. Chief Travis reported.

Mayor, displayed the graph comparison chart of service calls between the years that Birch Wright requested. Birch thanked Chief Travis. Asked to see accumulative totals. Chief Travis: The 2 new units that we have, the 2 trucks, are governed at 108 miles per hour. I'm asking for is you guys let us void the warranty on those, so that we can put new PCMs on them, so that we can get those speeds adjusted. Raul got into a pursuit, Springdale lost a guy, he picked him up, they got all the way to the interstate, and at the interstate the guy just walked off. Luckily for us, Fayetteville had 1 unit they don't pursue, but they kind of tailed the guy until Springdale could catch up. They were at speeds over 124 miles an hour. The cost to do BCMs? \$600 a unit. Max Poye motioned to approve removing the governors, voiding the warranty, and adding the BCM's to the vehicles. Seconded by Colton Martin. All in favor? Yay (6) Opposed? (0). The motion carried.

- B. Street Report:** Report is in Council's packet. Mayor Stroud presented.
- C. Goshen Fire District:** Report is in Council's packet. Mayor Stroud presented.
- D. Planning Commission:** Lacie presented. We two minor subdivision applications at \$200 each, for the month of March. Lacie: The Board of Zoning Adjustment met last week for two driveway variances in Asher Ranch. Based on Ordinance 151, driveway setbacks are at 20 feet. However, based on Ordinance 190 that adopted the subdivision regulations, the driveway setbacks are at 10 feet. So those two variances that went before the Board of Zoning Adjustment from AM Custom Homes were dismissed based on the most recent regulations having been adopted. The planning commission overheard and discussed my recommendations to repeal a portion of the subdivision regulations because Charles Browning subdivided into parcels of five acres or more and didn't turn in any infrastructure or utility plans for the city to review. The situation was discussed at the at the Planning Meeting. And then there was a discussion about an injunction. Brian: Charles Browning has some property somewhere between Anderson's and the Knolls. And that was divided under our subdivision regulations that allows a division of land without any requirements to adhere to anything in our subdivision regulations if the lots are five acres or larger, which these all are. The only exception to that is any roads must meet the fire code requirements that are put in there. And the captain from the fire department has looked at it, is that who? Yeah, Brad Vanderburg went out and inspected it. And he said at least the width of the road is too narrow, and there's a cul-de-sac that is also too small. We don't know about the base of the road or how that is, and there needs to be an engineer, I think, to inspect that. But just a surface level, the road does not meet those requirements. So, the question from the planning commission was, what do we do? Their concern is that these lots are now being marketed for sale. If a buyer comes and buys that and then wants to build a home, they will not be able to do that based on our ordinances unless that road meets those requirements. And so, the planning commission asked me what would be done to prevent that from happening. And the only thing that I think the city can do right now would be to file something with the circuit board seeking an injunction to prevent any sales of those lots until the road meets those requirements. Otherwise, we're going to have disgruntled buyers who are going to come in here thinking they're going to build a house and they're going to run into an expensive problem. But the issue at hand for you all is to determine what, if anything, you want to do. I'm not going to go file a lawsuit unless the council advises me to do so. But if we don't do that, I don't think there's anything the city can do right now to prevent these lots from being sold, to prevent some new homeowner or landowner coming in wanting to pull a permit. And then we're going to be dealing with that problem. Birch: So, was the gentleman that did this at the meeting? Lacie: No. Birch: Does he know it's an issue? Brian: I don't know if he does or he doesn't, but he should know that when he got this approved, that the road was going to be part of

our subdivision regulations. Lacie: So, Chuck Browning in 2022 came before the planning commission and knew that he wanted to create a subdivision and had to jump through all the hoops to get this preliminary plot approved. Then when he found out that all the acres, if they were five acres or more, were exempt, he was like, oh, well, there's my loophole. So yes, he absolutely knows what the subdivision regulations are, I believe, 100%. Birch: Well, I don't think it's a choice. Birch: motioned to send Mr. Browning a letter with a five (5) days response. Then will file an injunction if there is no response. Seconded by Max Poye. All in favor? Yay (6). Opposed (0). The motion carried.

E. Building Inspection Report: J.D. DeMotte presented. Report is in Council's packet.

F. Parks and Recreation Report: Mayor Stroud presented. Report is in Council's packet.

G. Arbor Board Report: Betty Nichols presented. Report is in Council's packet.

Old City Business:

A. Adoption of ICC Code: Brian Hogue presented. Brian: The ordinance that we prepared adopts three different volumes of the Fire Code. Max: This one does not meet Appendix D, Brian: Correct. So again, on that note, Appendix D is referenced a few different times throughout our subcommittee regulations. One pertaining to the five-acre exemption we were talking about, but we have not adopted it in its entirety by an ordinance. Max: And that's not mutually exclusive to each other. In other words, if we don't adopt it, it doesn't void it in our subdivision regulations. Birch: So, this excludes the concerns Max brought up last month about the streets, Fire Code. Mayor: I think, after the working session, we need to, define private drive, shared access roads, driveways, private access roads, collector roads, arterial roads. And the definitions and what we expect as far as turnarounds, all that stuff. Lacie: I'm asking for clarification, because Appendix D is only adopted in our subdivision regulations for major subdivisions. This isn't for tandem lots or any minor subdivisions. So, subdivisions are at 26 feet, which is listed in Appendix D. Any other private access roads are 20 feet. Collector roads, also 20 feet. Arterial roads, the only arterial road that we really have going through Goshen is Highway 45, so that's highway, like ARDOT regulated. Are we all on the same page? Making sure that I'm going to enforce what I need to. Birch: Yes.

Paula Anderson motioned to suspend the rules, waive 2nd and 3rd readings, read in title only. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes

None

John Vaillancourt Yes

Paula Anderson Yes

Shawn Mayfield Yes

Max Poye

Colton Martin Yes

The motion carried.

Hogue read: "AN ORDINANCE TO ADOPT VARIOUS STANDARD CODES RELATING TO INSPECTION ACTIVITIES OF THE CITY OF GOSHEN, WASHINGTON COUNTY, ARKANSAS AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES; TO CREATE A FINE OR PENALTY RELATED THERETO; AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES."

Paula Anderson motion to adopt the Ordinance. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes

None

John Vaillancourt Yes

Paula Anderson Yes

Shawn Mayfield Yes

Max Poye

Colton Martin Yes

The motion carried.

Paula Anderson motioned to adopt the emergency clause. Seconded by John Vaillancourt

Roll Call Vote Yay

Roll call Vote Nay

Birch Wright Yes

None

John Vaillancourt Yes

Shawn Mayfield Yes

Max Poye Yes

Colton Martin Yes

The motion carried.

- B. Amendment of Ordinance 181:** Brian Hogue presented. You all read this for a first reading back in November, it hasn't come back up for a second or third reading. we need to move forward if you all want to do make the changes on this. This is where we were making some changes to the public comment time, adding public comment, and limiting it to two minutes. John Vaillancourt motioned to suspend the rules, waive the 2nd and 3rd reading and to read in title only. Seconded by Birch Wright.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes

None

John Vaillancourt Yes

Paula Anderson Yes

Shawn Mayfield Yes

Max Poye Yes

Colton Martin Yes

Hogue read: "AN ORDINANCE AMENEDING ORDINANCE NO. 181."

Paula Anderson motioned to adopt Ordinance No. 181. Seconded by Colton Martin.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes

None

John Vaillancourt Yes

Paula Anderson Yes

Shawn Mayfield Yes

Max Poye Yes

Colton Martin Yes

The motion carried.

John Vaillancourt motioned to adopt the emergency clause. Seconded by Shawn Mayfield.

Roll Call Vote Yay

John Vaillancourt Yes

Shawn Mayfield Yes

Roll Call Vote Nay

Birch Wright No

Paula Anderson No

Max Poye No

Colton Martin No

Motion did not pass.

- C. **ARDOT Update:** Mayor Stroud presented. We do not meet the need for a stoplight at the intersection of Hwy 45 & Tuttle currently. We would need a 150 more vehicles an hour or more to warrant us having a stoplight. Request were made for the mayor to check on reducing the speed limits. Also reduce the passing zones.
- D. **Job Position:** Mayor Stroud presented. City Hall Position Administrative Associate. Part time position at \$18.00 per hour/non benefited.
- E. **City Work Update:** Mayor Stroud presented. Mayor: We still have awnings that are coming. We still have some exterior doors that are going to be getting painted and some glass doors to go over those to protect the steel so they're not exposed to the weather. There's a city signage that's not up yet We're waiting on a bid back for the police sign. Other things that are coming is the asphalt repair. We've gotten a couple bids, on asphalt just for resurfacing all around City Hall. As far as the community building, it's getting painted right now. So, it's the same color as City Hall, black trim as well. They'll redo the pavilion and they'll paint this accessory building out here. Birch: Who's been doing the painting work? Mayor: James and Darlene, but I forget the name of the painting company, there a husband-and-wife couple. We do have a window that's getting replaced here that's broken. The windows at City Hall are being replaced as well.

New City Business:

- A. **Animal Control Ordinance:** Mayor Stroud presented. Brian, suggested the Council read it on separate meetings. Move to read it for the first reading tonight. Then we can discuss and make changes. Brian recommended someone make a motion to read this in title only, and then open it up for discussion. Max stated the public needs to read it. Lacie stated she can put it on the website under City News. John Vaillancourt motioned to read the 1st reading in title only. Seconded by Birch Wright.

Roll Call Vote Yay

Birch Wright Yes

John Vaillancourt Yes

Paula Anderson Yes

Shawn Mayfield Yes

Max Poye Yes

Colton Martin Yes

Roll Call Vote Nay

None

Hogue read: "AN ORDINANCE ADOPTING AN ANIMAL CONTROL ORDINANCE BY REFERENCE FOR THE CITY OF GOSHEN, ARKANSAS."

Colton Martin asked to present a different Ordinance on Vicious Dogs for next months agenda to pass by emergency clause. Colton Martin motioned to have City Employees to attend training for Animal Control. Seconded by Paula Anderson. All in favor? Yay (6). Opposed? (0). The motion carried.

- B. Ordinance Establishing Business Licenses:** Lacie Lawson presented. This is just kind of a registration announcement that we are going to be requiring licenses. It gives all businesses in Goshen until the end of the year to get registered. There will be no fees collected for any of that until 2025, and business licenses will be due by January 31st of 2025. Business license fees are going to be \$50. We'll have a grace period that lasts until the end of March. And then after March, we will start incurring a \$25 a month fee. Max: Say that again. Lacie: It's initially a \$50 fee. It's technically due by the end of January 1st. There is a grace period. So, they'll have until the end of March to turn this in with no late fees assessed. But then starting as of April 1st, they'll accrue a \$25 per month late fee. New businesses that register in the middle of the year, they'll be prorated. Paula: I guess my concern with this is for all the farms that are around here that are LLCs. Their businesses, they're going to be included? Lacie: They're not exempt. Paula: And then if that's the case, you know, you think about your average farmer, farm, etc., and their place of business. I'm not sure how that fits into the business requirements list. Mayor: I think if you're doing a business as a farmer and you have an LLC, I would say that \$50 is not a lot. Paula: No, that's not what I'm talking about. I'm talking about meeting all the business requirements list that is on the certificate. I can see all those items that are there. Lacie: So, if you look at the business license application, that's considered a home-based business. And those people must come into City Hall because there are exceptions. So, there's a certificate of occupancy, things like that. You're going to look at that for more of your commercial-based businesses. So, there's going to be a little bit of leniency with those home-based businesses. John: So, is this going to be in the growth area as well as the city limits? Lacie: We can only enforce this in city limits. Birch: So, if I'm a farmer with an LLC, I'm not going to have an occupancy listed. Lacie: It's like if you're at home and you have an eBay business, you're not necessarily going to have a fire extinguisher and things like that. I think that, like I said, there are going to be exceptions. A lot of the business requirements that are listed here are per fire code. So those are your restaurants, your gas stations, things like that. Birch: So, I guess my question is, is there a different list for the farmer-selling vegetables out of his truck? Lacie: When I spoke with the fire chief, this is kind of what his recommendation was. Birch: My example, no, they're not going to do that. So, if that's a requirement for you to get a business permit, they're not going to get a business permit. John: Why don't you just have a list for establishments that have a business location, like an Anderson's or whatever, down here., and then for a home-based business, have a different application. Have a different business requirement. Lacie: I think that that's probably the end goal. This is something that we're still kind of, new with. I'm going off recommendations. Brian: You'll need to table this. More work needs to go into it and bring it back. Max Poye motioned to table Business Licenses. Seconded by Paula Anderson. All those in favor? Yay (6) Opposed (0). The motion carried.
- C. Resolution Farmers Market: Mayor Stroud presented.** This was brought up and discussed, Liz presented a proposal for a resolution, and it was requested so that they could finalize some sort of formal agreement between the city and the Farmers Market. Brian and I talked earlier. Brian: The Constitution says that

you all cannot donate or give funds to a private organization. Also, to a charitable nonprofit. The question is, allowing use of this, does it fit within that, and therefore are we prohibited from doing that? I know you talked to Caleb at Municipal League. There's not a black and white answer, but I think the safe answer is to err on the side caution of not allowing that, and in doing that, then it would be you all deciding what groups would be allowed to use it under what scenarios. An annual fee. Kashana suggested that idea, which I think makes sense for Farmers Market and any other nonprofit groups that are using it would also need to have a fee schedule set for their use so that we're in compliance across the board. Council decided that \$1.00 fee for public groups, \$50.00 fee for nonprofits and \$100.00 for LLC, Corporations and Partnerships, etc. annually.

D. City Council and Planning Commission Follow Up:

That City Council Planning Commission follow-up, is there anything about the meeting that you want to discuss? John: Well, we've already talked about some of it. I think most of it was in fact the Planning Commission. And Brian, you and Mayor and Lacie talked about some of this, and you want to do some homework. Brian: The Planning Commission is going to have a public hearing at next month's meeting to address some changes to the subdivision regulations. Shawn: And one key takeaway that I remember specifically is around the tenant lot split. And how many are allowed before that roadway must be improved. And to me, it's after the initial split. Because you think about it, if you're a two-acre minimum, your road frontage at that point by the time that second one gets split, and they've got to improve that, it's going to be a pretty significant amount of expense to get it up to code at least at that point. And we're not talking about asphalt, right? We're talking about a roadbed. And with that roadbed, do we have to have compaction tests? Well, that's all part of the conversation. But to support the weight of the vehicle, that house, are you going to really do that unless you have something of that nature? Right now, it's not listed in our zoning regulations. But to me, that was a main takeaway. Because if you don't do that, you wind up in your single-lane situation. And now the person at the end of that quarter-mile road. Mayor: And I would say the other takeaway was the exception that we have of five acres being that limit of, well, if you're over five acres, well, then you're good. You can do whatever you want. All these rules don't apply to you now. So that, I think, is another thing. Birch: What about the gates? Paula: The gates, they're basically kind of looking at doing variances, possibly. Really, it seems like what was concluded from the gates was that unless you buy into a subdivision, as a person buying into a subdivision without a gate, it seems like one good point that was made was that it really should be everybody that's a resident, 100% of the residents should be in favor of having a gate. They were like, in the future also, if we do allow future subdivisions, potentially, to have gates, that that needs to be a variance, potentially, also. So, again, just looking at that we do want to have the connectivity, and connectivity between future potential additional subdivisions, one after another after another. And we need to preserve that, and preserve that potential. John: So, with that, the Planning Commission is going to come together in their meeting, because you can't do anything, voting and whatnot, in a working session. Mayor: We've agreed that Lacie is going to work with Northwest Arkansas Regional Planning. We're going to come up with a proposed new zoning, some of the new zoning regulations, and then bring those back to Planning Commission. Planning Commission would therefore look at those, review those, change those. We would make those adjustments, and then bring it to Council. And then Council would have input before anything was decided, and then that would be changed at that time.

- E. Destruction of Affidavit:** Mayor Stroud presented. Birch: National Archives, there's retention policy, and this is black and white. Mayor: This follows all of that. And the only thing that... We are required to come to the Council to request approval to destroy documents. So, specifically, I think it's the accounting records. Birch: So, the retention time frames here come from the governing body. Mayor: Yes. Colton would like to kept all the audio recording. Brian: you can set you own policy on that. Written minutes are kept forever. Brian: The reason you want to maintain the minutes is because that's what verifies that our laws were passed. That's it. Lacie: Technically, you only must keep the recordings for one year. Birch: The FOIA three-year requirement, I thought was short. Is that... If it's by the book, that's fine. Lacie: FOIA for three years. Birch: I thought it was longer. Birch I'll make a motion to approve the development and record destruction, keep audio recordings. Seconded by Max Poye. All in favor? Yay (6). Opposed? (0). The motion carried. Brian: we'll make the change to this and bring it back to be adopted.
- F. Annexation Next Steps:** Mayor Stroud presented. We have all the addresses within the annexation area. We'll take that list to Northwest Arkansas Regional Planning Commission to get like the legal description of that and then that goes to the election boards that the election board can create like an area. That area is like its own little precinct. Mayor: The original planning to come up with the actual legal description of where we're annexing. So that's the next steps. Well, so we're having a meeting Friday we take it to Northeast regional planning. Lacie: That ordinance needs to like be created like ASAP. Brian is the one that will come up with that after the legal description is created. And then once Northwest Arkansas planning finishes. Then we'll go into the ordinance. And then we must, we'll either must waive the 2nd and 3rd readings or it'll have to be read three times. Mayor: And one of the reasons why we must talk about it that this meeting is that we must talk about this at least three meetings before we bring this into the ordinance.
- G. Addition of Certificate Pay:** Mayor Stroud presented. Mayor would like to implement a pay for City Employees who do training courses and earn certificates. He will look at the budget and come up with some numbers.
- H. Street Fund Capital Purchase:** Mayor Stroud presented. We were looking at our street fund and looking at how much we spent in tree trimming last year and how much we have in the budget this year for tree trimming. We'd like to look at purchasing a bucket ruck at around \$35,000 to \$40,000. We have budgeted is \$45,000 in the street fund this year. I'd like to request up to 40,000 of that to purchase the bucket truck. I would ultimately like to spend closer to \$25,000. Birch Wright motioned approve up to \$40,000 from the street funding capital to procure a bucket truck. Seconded by Colton Martin. All those in favor? Yay (6). Opposed? (0). The motion carried.

Public Input: Birch: I heard from several constituents' discussion of limiting fireworks this year? Lacie: I hadn't heard anything. Birch: High 45, the updates and other working towards Madison County. Mayor: They finished and now they're working their way back, so as they get back to Goshen, at Andersons, they will work at night only. We're going to send a letter to Dollar General about the fence. That has been done. Paula: At the last meeting there was some discussion abouts Salisbury Rd. that goes onto the Hunt property and yeah. And there was concern because the, you know, the access potentially to the cemetery was cut off. I just wanted to point

out that the cemetery is way, way, way back there on the back of the Hunt property and the Access Rd. that we city abandoned or part of the road that the city of abandoned was a very, very short segment and that access could be cut off to Cemetery the Hunts at any point in time. I just wanted to clarify that what the city had deeded over to the Hunts was again just a short segment of what is long road that goes back there that. Colton: I've talked to Ozarks Electric about the lights out here and they said they'd be able to fix them. So, we'll see. I needed to get the poll numbers and account numbers and we're going to come out and fix them.

Adjournment:

Motion to adjourn by Birch Wright at 9:45 PM. Seconded by John Vaillancourt. Adjourned at 9:45 PM.


Marjorie Vaillancourt
Recorder/Treasurer

Russell Stroud
Mayor