

MINUTES
Goshen City Council
August 13, 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, Shawn Mayfield, Max Poye, John Vaillancourt, Birch Wright were present. City Attorney and Recorder/Treasurer Marjorie Vaillancourt were present.

Approval of Agenda: Birch Wright motion to approve agenda with addition of Master Plan discussion added to Parks Report requested by Max Poye. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.

Public Input: None offered.

Approval of Minutes: July 9, 2024 minutes. Birch Wright motioned to approve July minutes as written. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0). The motion carried.

Approval of Financial Report: Mayor Stroud presented. Balances as July 30, 2024 are General Fund \$701,054.99. Street Fund \$209,970.64. 988 Act \$3,311.26. Certificates of Deposit \$1,024,952.66 Awarded today Hud Account \$638,207.72. Paula Anderson motioned to approve the financial report for July 2024. Seconded by Birch Wright. All in favor? Yay (6). Opposed? (0) The motion carried.

Reports for July 2024:

- A. Police Department Report:** Report is in Council's packet. Chief Travis: To let the council know, for transparency purposes, we did have an accident in the parking lot with two police units, so we did have to file insurance claims on those. They're in the process of getting them fixed. Birch: No one was hurt? Chief: No one was hurt.
- 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. Birch: Chief, if you don't know, just tell me. There's a pretty good fire, think on Dead Horse. Does that mutual aid, do you all get help with that as well? It's dispatched automatically. Technically, we don't. Okay. It's the County unit. There have been cases where we've run it out.
- D. Planning Commission:** Mayor presented. Fees collected Anna McGraw, Minor Subdivision \$200.00. Totaling \$200.00 for the month of July, with a total of \$2,400.00 for the year.
- E. Building Inspection Report:** J.D. DeMotte presented. Report is in Council's packet.
- F. Parks and Recreation Report:** Danielle Edwards presented. We've been going over the 2025 Outdoor Grant, part of that is doing community outreaches. We were at the Farmer's Market on 7/18 where we had a booth set up. Beside the fire and police department, we were just trying to get the word out about our survey that we needed to turn in for that. Also just

answering any questions that the public had about the park's futures or what they wanted to see in the future. On 8/9, which was last Friday, Abby and Russell went out to the Goshen Senior Center to do another community outreach for the parks. And tomorrow, I will be meeting with the EHC so that we'll get all that information for the community outreach that part checked off for the outdoor grant, which will be turned in at the end of the month. The HUD funding, what has been received. As far as the survey goes, we did get 131 responses. I thought that was a good turnout. And that was getting the information out there. 76% of people lived in Goshen. The other was outside in the planning area where people that came into our city used the parks. As far as we are looking at new members, we're excited to have Linda Moore, hopefully, join us. And then Chuck Jacobus has been helping us with the outdoor grant. And he has agreed to hopefully help us out and be on the board until the end of the year. Caleb has other plans with work, and he's too busy to help us out. Max Poye: I want to talk about a procedure document for amending the Master Plan. I'd like a procedure that it goes through the Park Commission, Arbor Board and City Council. After lengthy discussion Danielle will put it on the August Parks Agenda for discussion.

- G. Arbor Board Report:** Mary Smith presented. The Arbor Board has been working all summer long to water all this stuff, and thanks to Mike Nimmo, Cheryl and Betty, and others, we cleaned down all this around the community building, and Russell has proposed that we add a chocolate rock up to the building to help prevent the incursion of termites and things like that, and we will do that. And the idea of putting even a fence here to keep stuff from falling back over that way and causing so much debris in the rock.

Old City Business:

- A. Annexation Report:** Mayor Stroud presented. We've sent out a mailer to all the people in the annexation area. We've had multiple calls from people, some not so happy, some happy that we are considering annexation. I did meet with the owners of Sassafras Winery as well as Gina Swanson, Jerry Jackson, and KaSeana. We all met with them and talked about annexation, what that would mean for business, what that would mean as far as taxes. And we're trying to get that message out. We will have a meeting here on the 22nd of August at 5.30 p.m. to 7.30 p.m. for anybody in the annexation area. And that was in the mailer as well as our city website. People would come and ask questions and talk about the annexation and benefits to them, things that they may not know. And I will say that even some of the people that have really, like, had stern comments about not wanting the annex after I've responded to some of their questions, they came back with emails saying, I didn't think about that. That might be a good thing for us to think about.
- B. Resolution Accepting Tomlinson Asphalt Contract-MBP Entrance:** Mayor Stroud presented. John Vaillancourt motioned to read in title only. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.

Hogue read: "RESOLUTION AUTHORIZING MAYOR TO CONTRACT WITH TOMLINSON ASPHALT CO. INC."

Paula Anderson motioned to adopt resolution. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.

C. **Amending Ordinance 163 Fireworks:** Mayor Stroud presented. Paula Anderson motioned to read in title only. Suspend the rules & waive the 2nd & 3rd readings. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson
Shawn Mayfield Yes
Max Poye Yes
Colton Martin Yes
The motion carried.

Hogue read: "AN AMENDING ORDINANCENO. 163 WHICH WAS AN ORDINANCE AMENDING 97 AND 74 REGULATING FIREWORKS."

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

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson
Shawn Mayfield Yes
Max Poye Yes
Colton Martin Yes
The motion carried.

D. **Amending Ordinance 216-Parks Commission:** Mayor Stroud presented. Paula Anderson motioned to reading title only. Suspend the rules & waive the 2nd & 3rd readings. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes
Colton Martin Yes
The motion carried.

Hogue read: "AN ORDINANCE AMENDING ORDINANCE NO. 216 WHICH WAS AN ORDINANCE AMENDING ORDINANCE 175 REGARDING THE PARKS AND RECREATION COMMISSION."

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

Roll Call Vote Yay

Roll Call Vote Nay

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Colton Martin Yes
The motion carried.

Paula Anderson motion to adopt the Emergency Clause. Seconded by John Vaillancourt.

Roll Call Vote Yay

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes
Colton Martin Yes
The motion carried.

Roll Call Vote Nay

- E. Resolution Appointing Danielle Edwards as Parks Chairperson:** Mayor Stroud presented. Paula Anderson motioned to read in title only. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.
Hogue read: "A RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF DANIELLE EDWARDS TO SERVE AS CHAIRMAN OF THE PARKS AND RECREATION COMMISSION."
Paula Anderson motioned to adopt. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.
- F. Resolution Appointing Linda Moore to Parks Commission:** Mayor Stroud presented. Colton Martin motioned to read in title only. Seconded by Paula Anderson. All in favor? Yay (6). Opposed? (0). The motion carried.
Hogue read: "A RESOLUTION APPOINTING LINDA MOORE TO THE PARKS AND RECREATION COMMISSION OF THE CITY OF GOSHEN, ARKANSAS."
Colton Martin motioned to adopt. Seconded by Shawn Mayfield. All in favor? Yay (6). Opposed? (0). The motion carried.

New City Business:

- A. Resolution Appointing Chuck Jacobus to Parks Commission:** Mayor Stroud presented. Paula Anderson motioned to read in title only. Seconded by Colton Martin. All in favor? Yay (6). Opposed? (0). The motion carried.
Hogue read: "A RESOLUTION APPOINTING CHARLES JACOBUS TO THE PARKS AND RECREATION COMMISSION OF THE CITY OF GOSHEN, ARKANSAS."
Paula Anderson motioned to adopt. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0). The motion carried.
- B. Resolution Authorizing Forestry Grant Application:** Mayor Stroud presented. Brian said we don't need a resolution. Brian: No, but you all need to vote on this because if the grant is approved, it will require the city to spend money. And so, the grant application itself, it doesn't need it. But I wanted you all to address it and approve it before we ask for money. Mayor: It's a grant that is for \$10,000, but it's a \$10,000 match, portion for the city. And this would be for doing that entrance on the south side, getting screening that we're providing to the property owners with vegetation, planting trees, planting shrubbery. I think it will help us because we're going to get the grant. If we get the grant, it still helps us. Birch: And if we get the grant, is that \$10,000 budgeted? Mayor: It's going to be budgeted. Colton Martin motioned to approve. Seconded by Paula Anderson. All in favor? Yay (6). Opposed? (0). The motion carried.
- C. Highway 45/Goshen Tuttle Contract Discussion:** Mayor Stroud presented. Crafton and Tull were doing the engineering on this project at the corner Scott's, and the city had already

approved that we would take care of that project and have that fixed because of the flooding that occurred when that massive water came down and flooded Scott's. We ended up signing into contract in February for that project to go under construction, with Crafton to pursue that construction. And so, in the process, they ran into several things that they didn't anticipate, like fiber-optic lines, they have a main water line underneath where they're putting the box culvert. The contract was two culverts, we realized that the other one did not need to be replaced, but we knew that this other one was going to take more resources than they initially had planned. And so, there was a mismatch of communication between Crafton Tull and Curtis Construction. So, Curtis Construction proceeded with the project. We never got a change authorization or a notice saying it was going to go over budget, and we got a bill that was \$11,000 more than what was budgeted. So, they went over by \$11,000 because of the changes that occurred. We never got any notification from either the oversight or the engineering company or the contractor. So, at this point, Curtis, we paid them what the contract stated, but at this point, we still owe them \$11,000 for the project, for the work that they did. Birch: Do we owe Curtis, or we owe Crafton & Tull? Mayor: We owe Curtis. Shawn: What the total amount was. Mayor: It was \$35,550, but the contract went over by \$11,000. Birch: So, if we hire Crafton & Tull to administer the contract, why are they not responsible? Brian: Arguably, they probably are. I agree with your mindset there. The mayor and I sat down with Luke from Crafton & Tull, and three guys from Curtis came up from Russellville to meet with us about this, and I had just learned what the mayor had to do for this overage a week prior, and we scrambled to get a meeting set with him. And the issue, the glaring issue is, is that there was never any change orders requested or approved. The communication, as I understand it, the mayor had with Luke with some assurances given that we weren't going to be over budget. And then there was some lack of communication there, and then the mayor had to go directly to Curtis to try and get some of the project, or the final parts of the project finished. The issue is the overage, and it never once came to the city until the final invoice came in after the project was completed. And I agree that you pay somebody to manage and oversee it, and that's part of it. John: It's their responsibility. Mayor: We are paying Crafton & Tull. It's in their contract that we're paying them to oversee that project. Brian: I kind of, obviously this is when we were waiting to sit down and talk to you all, I kind of hoped or maybe anticipated that there would have been some suggestion from Crafton & Tull to participate or try and figure out a way to make it right for the city, and that was never brought up, nor did I force the issue, because that's not me. I mean, that's for you all to determine how you want to handle it. John: I think in good faith, they should have stepped forward and said, hey, we'll pay 50% of the overage. Brian: From everything that we can tell, the expense is legitimate. I mean, the materials were used. The labor hours were used. It's more just a surprise. John: So, are you saying that Curtis never put in a change with Crafton & Tull? Brian: That's correct. So, obviously, Crafton & Tull never came to us. Well, then I think they bear the responsibility. Mayor: But we were all told that the amount would not go over budget because the 2nd culvert wasn't installed. Birch: Sound to me like it's an issue between Curtis and Crafton & Tull. John: Me too. Birch: There's no responsibility to the city. Mayor: Both companies dropped the ball and should have communicated with me and the city about the overage. Birch motioned that counsel sends a letter to both parties, saying we've had for filled our contractual obligation. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0). The motion carried.

- D. Unified Trash Service Survey Review/Discussion:** Mayor Stroud presented. Tabled at this time to acquire more information.

E. Private Subdivision Street: Police Presence/Patrol/Ticketing: Mayor Stroud presented. Just some background as to partly why this is coming about, there's been some concerns in the non-gated residential communities about private streets. They have posted speed signs. People are driving, you know, 40, 50 miles an hour down a private road. It's a private road, but why are we not ticketing them? So, we have discussed this at the Municipal League with Caleb Alexander, and with Attorney Brian, and I've discussed this in the past. And so, in the past, a lot of what we were talking more about was that for them, the gated communities, because they're gated, they're not going to get in trouble on the private streets. But Brian looked into some of this. I talked to Caleb as well about it. And the thought is that a city ordinance violation could be written if those POAs wanted our officers to be able to patrol in those neighborhoods. So, it wouldn't be a moving citation like you normally see with a, you know, you violated this speed, and it applies to this state law. It would be an ordinance violation. They'd still be fined. They'd still have to pay a ticket, but it wouldn't go on their driving record or their insurance.

John: But the bottom line of the whole thing is that it's on the shoulders of the POA, of that un-gated community, to vote with the homeowners and get an approval there before anything can be done. Nothing can be done until that happens.

Shawn: However, is that a majority?

Birch: It's up to your bylaws.

Shawn: Is that what you're being told?

Brian: I mean, well, every POA bylaws would be different. But it's whatever that is. And this is somewhat arbitrary. As far as the POA coming to us, the issue is these are private roads, they're not the city's public roads. We can't establish a speed limit on a private road.

Shawn: And that's the second point I was going to go to is if we consider that, right, which I'm not there. The speed limit would also need to be approved.

Brian: It would be established by the POA. Make sure that we're all consistent.

John: We don't have a say in the fight until the POA of that community votes and writes it into their by-laws or whatever they do before they come to the city to have the city even think about going there.

Shawn: I think what the community is asking of us is if they do that, how would we then accept that? I know from the neighborhood that I live in. That is a major consideration for them.

Mayor: I feel very strongly that if we're approving subdivisions and we're building streets that are designed and engineered to the city standards and that subdivision is open, it means there's no gate on it, and they want to turn it over to the city and incorporate those streets. I think we should.

Dan Padula: Bottom line it's up to the POA's. Leave the city out of it. The only realistic solution is to leave it up to the private POAs. It's totally independent. It's not going to be a citywide thing.

F. Election Commission Report: Mayor Stroud presented. I was misinformed or unaware that if you are currently in office and you don't file your paperwork and no one runs against you, you remain in office.

John: That's correct.

Mayor: So, Birch didn't file his paperwork, but nobody ran against him, so he's still in office and he continues. Shawn filed his paperwork because I told him he needed to. No one ran against him, he automatically won. We will have a new recorded treasurer as of January, and that will be Gina Swanson. And we'll have a new councilman, Curtis Vaughan. The way I understood it from the election commission, they will not show up on the ballot because they're unopposed.

Public Input: Mayor: I will just say the update, the building renovations, they finally bought the sheet metal they had to send it out to have it fabricated. So, they just started putting it on today. And they should have it done by the end of the week. And then the entire thing will be finished out there. The only other thing that's going to be done to the community building before the end of the year, a handicap ramp will be installed in the front of the building to bring that up to where it's level with the entryway. And the handicap ramp will go down the side so that wheelchairs can access the front of the

building. That's the last piece of construction that's scheduled for this year. And a replacement of that window that was ordered and didn't come in. And they called, and they finally did. So that will get replaced.

Adjournment: John Vaillancourt motioned to adjourn at 8:31 pm. Seconded by Colton Martin. The meeting adjourned at 8:31 pm.


Marjorie Vaillancourt
Recorder/Treasurer

Russell Stroud
Mayor