

MINUTES
Goshen City Council
July 11, 2023 at 6:30PM
Goshen Community Building, 244 Clark Street

Mayor Stroud: Stated we have 12 minutes left before the Council Meeting and would like to use that time for public comment. John Vaillancourt if someone is going to speak, they come to the podium and be recognized. Debra MacDonald: The people of Goshen want things different; they want to be heard. We want what we want in this community and at this time we want a resignation from John Vaillancourt, Paula Anderson. If for no other reason malfeasance, you have done best to get him out of office. We need a whole new council period. If you can get along with the mayor, we will get people in here who will. Brenda Wenz: I'm not going to suggest anyone resign. Sometimes our council isn't responsive and not just this council, I've been coming to meetings for 20 years. I'm going to suggest you council members get in touch with your wards. Dana Quinn: I'm in Ward 3, I'm just want to follow up with what Brenda said, council needs to be aware of the citizens want. You need to work with the mayor. It's been evident from the beginning you are not. Council members are not supposed to discuss anything outside the meeting amongst themselves. Bernadette Boyle: ward 3 Tuttle Rd 25 yr. resident of Goshen, I have my driver's license if you'd like it. I'd like to follow up on what Dana said, Brian, we pay you big bucks, is there a penalty if this council is talking outside the meetings? Brian: It would be criminal violation, if there were to be open meetings. Bernadette: What evidence do you need for that? Brian: I don't do criminal law. The prosecutor would be the one to determine that. My understanding is any 2 council members if there discussing anything outside of a meeting that has been noticed and its regarding city business, that they could act on, would be a violation. Paula: Just for a point of clarification you mean, it was my previously understanding you could speak to 1 council member, but once your go past more than 1 that's not ok. Brian: It's any 2. Birch: That was contrary to what was said before. Debra MacDonald: This business of the council trying to slip someone into a vacant seat, how many here would like to vote?

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

Roll Call: Paula Anderson, John Vaillancourt, Birch Wright, Shawn Mayfield, Colton Martin was present. City Attorney Brian Hogue and Mayor Russell Stroud were present.

Approval of Agenda: The agenda was reviewed; Mayor Stroud made a motion to remove A. under Old City Business. Under New City Business remove A. and shift everything else done. John Vaillancourt made a motion to accept agenda with changes. Seconded by Birch Wright. All in favor. Yay (5) Opposed (0). The motion carried.

Approval of Minutes: Approval of the minutes for June 13, 2023. Paula: under Old Business under A. should be Multiple bids, C. error missing we do not have Commercial permits. New City Business A. Awarded Chuck not rewarded. D. Change to may request recording. Motion made by John Vaillancourt to approve the minutes with corrections made by Paula. Seconded by Paula Anderson. All in favor yay (5). Opposed (0). The motion carried.

Reports for June 2023:

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

- B. Street Report:** Report is in Council's packet. Mayor Stroud presented. Birch Wright asked what's going on across from Anderson' on the corner? Mayor: John Coger pulled a demolition permit, there gone that's all I know.
- C. Report from Goshen Fire District:** Report is in Council's packet.
- D. Planning Commission:** Mayor Stroud presented. Planning Commission fees collected were 2, Ball Road and East Bowen \$400 bringing a total for 2023 to \$1800.00.
- E. Building Inspection Report:** Report is in Council's packet. J.D. DeMotte presented. Dan Padula regarding residential fencing around pools. Is there a state law that requires fencing around pools? J.D.: Yes, its in the international code, North, South, East & West. There is no ordinance but its in our zoning that a fence is required, which follows the international code. Birch: We need to have Brian look at this. We need to have some local ordinance or otherwise that clearly states what we must do. Brian will follow up.
- F. Financial Report:** Report is in Council's packet. KaSeana Williams presented. As of June 30, 2023, the General Fund was \$1,146,586.25. The Street Fund was \$423,962.63. The Act 988 Police Account was \$3,308.88. The CDs are \$251,018.18.
- G. Park and Recreation Report:** Report is in the Council's packet. Ken Smith.
- H. Arbor Board Report:** Report is in Council's packet. Mary Smith reported.

Old City Business:

- B. Ordinance Adopting the Personnel Handbook:** Mayor Stroud presented Alderman Mayfield had a change from last month. Change was made. Paula made a motion to read in tile only suspend the rules waive the 2nd and 3rd readings. Seconded by Birch Wright.

Roll Call Vote

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

Brian read, "An ordinance to adopt the Personal Handbook".

Paula Anderson motioned to approve the ordinance. Seconded by John Vaillancourt.

Bernadette Boyle: This is the first time we've had an Employee Handbook.

Roll Call Vote

Birch Wright Yes

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

Birch Wright motioned to adopt the emergency clause. John Vaillancourt seconded.

Roll Call Vote

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

C. "2023" Budget Amendment Review: Mayor Stroud presented.

Budget was discussed at length.

Birch Wright motioned to accept the revised 2023 Budget. Seconded by John Vaillancourt.

All in favor. Yay (5). Opposed (0). The motion carried.

D. Resolution Adopting the Revised 2023 Budget:

Motion to approve by Birch Wright to read in title only. Seconded by John Vaillancourt. All in favor. Yay. Opposed (0). The motion carried.

Brian read, "Resolution adopting revised 2023 Budget".

Motion to adopt the Resolution by Birch Wright. Seconded by John Vaillancourt. All in favor. Yay. (5). Opposed (0). The motion carried.

E. Crafton-Tull Parks Contract: John Vaillancourt

A few things that came about over the last couple of weeks and I believe that spoke with Crafton-Tull told them to stop working on the north entrance. Mayor: So, I had a discussion with Crafton and Tell because I pulled the contract to look to see what our contract with them States and under Exhibit A2 for the scope of basic services. The description of the project was for the design and construction plans for pedestrian and emergency vehicle access from the existing gravel parking lot near City Highway 45 to the East End of the existing chicken house foundation and adjacent gate approximately 1600 feet in length with one box culvert crossing in two pipe culverts. And that was appropriated and there's a fee schedule on here. As far as what we could spend for that? Think this resolution for this contract was approved as a signed and dated. John: Is that the revised that you've got there? Mayor: This is only when we have on file and this was from 3/16/22. John: There's another one that we approved and you signed, which was an amendment to that. Mayor: Do you have a copy of that? I don't have a copy of that. Birch: I recall that, I don't have a copy. John: A couple of months ago. It was one that you signed, which was an addendum to that. Mayor: Yes, I think you're referring to the state highway contract over the entrance off Hwy. 45 was in the number. It's a different contract. It was amendment to the state highway contract coming off Hwy. 45 with the new entrance. John: This is the one that Max signed. Mayor: That's correct. That's the only one we have for you know Creek as far as the

scope for the design work of that project. The other one I think you're referring to is that the Crafton-Tull is also working on an entrance off Hwy. 45 for an improved access to the park. Ken: And environmental review, which is components of the amendment. John: You instructed them to stop working. Mayor: No, I instructed them, we did not have an amendment at this time for them to do an alternative pathway, as this contract states. This contract is for a Path that they were supposed to do design work for. It did not allow for any change in that design work until it comes before the council for approval. And so that's where I said I think we need to revisit this for this to come back to the council if we're going to change the scope of what this is going to be you know consisting of and I based that on looking at our total spent for what the design work was and what the what the work was being done for Crafton-Tull. Ken: Stated, yes, we do need a contract amendment, but the problem for the Parks Commission was the door was basically shut completely by us with Crafton-Tull. I told Crafton-Tull I don't want to put anyone in a bad spot with the Parks Commission or anyone else. So, we will proceed with what we have and that's where we find ourselves today. The Parks Commission was in discussion with Crafton-Tull to explore the leeway with them. It stopped us, and consequently put us behind. Contract was \$31,500.00. We have spent \$23,000.00 leaving a balance of \$8,500.00. Birch: So, point of clarification we have a fixed firm priced contract, is that correct? Mayor: We do. Birch: What we have paid to date has not met that fixed firm price? Is that correct? Mayor: that is correct. Birch: Fixed firm but not met that upper level of that contract. Birch: I believe what Ken is saying that the discussions, they were having with the engineering firm they were getting to a point, where they would bring it back to council. Mayor: The contract specially spells out the design. John: But they were having discussion to see if there was some room in there to come to an agreement and then we could make an amendment to the contract. Mayor: As the person who must sign off on any money being spent, wait a minute this is something different in the contract. This needs to come back to the council for an amendment before we spend money for sperate project. Jamie: Did you not approach the Parks Commission first? Things should go thru the Parks Commission first and the Council. Max: So, they couldn't get a cost estimate because you told Crafton-Tull its not in the purview. Birch: So, I would submit Mayor, you had a firm fixed price, I understand you thought the design work already met that piece of the contract, there's still dollars remaining within design fees or without design fees, I would submit that should have come back to council before work was stopped. We have a signed fixed firm contract; we have an ordinance/resolution that was passed for this work, without halting work without anyone knowing. Mayor: This was not what was in the resolution. Mike Nimmo: If he went outside the contract, you'd all be jumping his ... for that. Citizen there trying to A to B. Mayor: We can easily amend this contract if that's what you want to do. Shawn: Just in summary at next months meeting we will anticipate a new plan? Ken: There will not be a new plan, unless were able to move forward tonight with excising budget that Crafton-Tull has or to have an amendment to the contract would be before you at the next meeting. To cover ourselves down the road. Adam: We need a new contract with Crafton-Tull. Brian: So, Luke has indicated that he will do some of work with there not being amendment to the contract. Mayor: If you all want to ok that I'm fine with that. John Vaillancourt made a motion to approve spending up to our limit that's already in the existing contract for additional design elements that's in the actual agreement. Seconded by Birch wright. All in favor yay (5). Opposed (0). The motion carried.

F. Highway 45/Goshen Tuttle/Crafton-Tull: Mayor Stroud presented:

Andersons flooded and part of the concern was, is it was going to continue to flood. We've identified that the culvert was plugged up, from upstream. We've remedied that. We're still going to need some more work done on that next year. So, we finally have two bids back, Diamond C and Curtis Construction. Diamond C is

\$38,900 and Curtis Construction is \$35,500. John Vaillancourt made a motion to accept the bid from Curtis Construction bid of \$35,500. Seconded by Birch Wright. All in favor Yay (5) Opposed (0). The motion carried.

New City Business

B. Resolution Appointing New Council Member: John Vaillancourt:

Mayor: I want to speak to this briefly. So, we had not accepted the resignation of Jamie Van Becelaere until tonight. There have been multiple people in our community that have expressed interest in this open seat. It was posted and made public, because we had not accepted her resignation. On the 29th I called for a special meeting, Shawn Mayfield, John Vaillancourt and Colton Martin, said no, I just want to make this clear to the public, this is why it was not been posted, even though she did resign via e-mail I think on the 25th or the 26th. John: So, you received e-mail of intent on the 29th that someone was interested in the position? Mayor: I've received several e-mails of interest. John: So, it was public knowledge? Mayor: I don't know how public it was, I never made it public, I didn't put it on the website or post it anywhere. After more discussion, Birch: My opinion we should post it come back next month, the public can say if they intend to run for the position, they can come up tell us why they want the position, if the council so chooses to appoint, we can appoint, if not we can do an election. John: I will table the resolution and table it to the next meeting. Shawn: I believe for public comment though as far as people that have come forward at least to date who are interested in the position. Cathy Oliver is one who is interested.

C. POA Regulations and City Code Compliance Process: Birch Wright presented. So, we've have had lots of construction in Waterford and we have an architectural committee reports up to the POA board for approval of any said architecture. Once that occurs, my understands that it comes to the City Hall for their approval as well. So once construction starts, J.D. goes out, this is the plans, HOA says It's approved. What recourse do we have after that as a city? It's what they build is not in compliance with what was submitted. Mayor: I can also answer it if what they build is not what they had on their design plans, then J.D. can go back out and say this is not what you submitted and it doesn't meet the specifications that we approved and you must modify it or tear. And then our zoning official, which would be Alicia, would be able to send them a notice of zoning violation and then she would say you have until this date to comply or you start getting fined. J.D. they won't get a certificate of occupancy if it's a structure until it's complete. I'm not the zoning official, I'm not the coding enforcer. All I do for the City of Goshen is review the residential house plans and expect during construction. Birch: I understand and thank you doing it, you do a great job. So that's my concern, it doesn't feel like the city has much authority to stop something if we find out it has not been done correctly. Mayor: No, we can if you have a concern citizen that says we don't feel like this is being done according to what the design was, you can notify us and we can send our zoning official out to see, she can take J.D. with her and see if this is done according to design that was submitted to City Hall. If there not we can issue a stop order. Our zoning official can do these stop orders and can give notice to someone who's in violation of an ordinance and that way they know they're in violation. Some people may not even know there in violation of the ordinance. And so that's where we felt like it was necessary for someone to be able to say this isn't done right and you need to get in compliance with what the ordinance is. Birch: So, regardless of what the POA approves, the ordinance would trump that? Mayor: We go by ordinance. Brian: We, do not care what the POA does Birch: Want to make sure that was clear. So, if you so if it's brought forward that there's concern and is not meet what was signed off as a submitted plans then you would go out. Notice to our zoning official, J.D. would go out her. If the POA approves the plans then a permit will issue with the proper paper work.

D. Resolution Pay Increase Recorder/Treasurer: Paula Anderson

Whenever we establish the pay for the Reporter treasurer, we did state as the City Council that we would come back and reassess that. She has stated as Recorder Treasurer that she's spending about spending about approximately 45 hours give or take a month doing the job. With that number of hours that she's working that her current salary is a low hourly rate. So, I would just propose that we see that increase and if it you know is increased to the \$12,000 a year, \$1000 a month. \$22.22, I think it was per hour. Of course, we know that Marjorie worked more hours than that, some months, and less hours than that other month, mostly more. I think yes ma'am, she's, you know, not counting whenever she's counting that 45 hour. I also believe that she was not including her time, like when she runs to the bank, right, and does bank information and runs to the City Hall and signs checks and all of that. So that was just my proposal. Recommendation is to get Recorder/Treasurers salaries from surrounding. Item tabled.

E. Certificate of Deposit Discussion: Paula Anderson presented:

This is just looking at the amount of money that we have in the general fund. We could be earning a better interest rate on that money in the General fund. The money in the General fund currently earns half a percent and we can get CD's right now that are 5.2% interest rate. So, I would just suggest that we move some out of the general fund and put in CDs for the next year. I would say \$200,000. or \$300,000 would be what I can feel comfortable putting in. Birch: Understanding that we can access if needed? Yes. Paula Anderson motion to move \$300,000 from the general fund into 2 \$150,000 CDs. Seconded by Birch Wright. All in favor Yay (5). Opposed (0) The motion carried.

F. Resolution Appointing a Third Bank Account Signatory: Mayor Stroud presented.

Motion to read in title only by Birch Wright. Seconded by Paula Anderson. All in favor of read in tile only Yay (5). Opposed (0). The motion carried.

Brian read: "Resolution Authorizing a Third Disbursing Officer to Sign Checks"

Motion to approve by Birch Wright. Seconded by John Vaillancourt. All in favor Yay. Opposed (0). The motion Carried.

G. Resolution Accepting Preferred Office Technologies I.T. Proposal (Redefined): KaSeana Williams.

This same contract that you all approved in the las meeting, I just add the \$8,270.00 for the outright Purchase price. Everything that was approved last month is the same. Motion by Birch Wright to read in tile only. Seconded by John Vaillancourt. All in favor Yay (5) Opposed (0).

Brian read: "Resolution Accepting Proposal of Preferred Office Technologies for I.T. Services to Be Provided To City of Goshen"

Motion to approve by Birch Wright. Seconded by John Vaillancourt. All in favor Yay (5) Opposed (0) The motion carried.

H. Resolution Allowing EHC to Utilize the Community Building: Mayor Stroud presented.

We just need a resolution for the EHC to continue using the Community Building.

Birch Wright motioned to read in title only. Seconded by John Vaillancourt. All in favor Yay. (5). Opposed (0). The motion carried.

Brian read: "Resolution Approving Extension Homemakers Club Use of Community Building"

Moton to approve by Birch Wright. Seconded by John Vaillancourt. All in favor Yay (5). Opposed (0) The motion carried.

I. Ordinance Redefining Payroll Period: KaSeana Williams presented.

Right now, are payroll is Tuesday through Monday. We think it make more sense to be Sunday through Saturday. Paula Anderson made a motion to read in title only, to suspend the rules and waive 2nd & 3rd readings. Seconded by John Vaillancourt.

Roll Call Vote

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Colton Martin Yes

Brian read “An Ordinance Defining Work Weeks for Employees of the city of Goshen, Arkansas”

Motion by Paula Anderson to approve the ordinance. Seconded by John Vaillancourt.

Roll Call Vote

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Colton Martin Yes

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

Roll Call Vote

Birch Wright Yes
John Vaillancourt Yes
Paula Anderson No
Shawn Mayfield yes
Colton Martin Yes
The motion carried.

- J. Discussion of Community Volunteer Outreach Program: Lacie Lawson presented. I've been getting with the Parks Commission as well as Mary. We sat down had a meeting about different people who we thought would be able to volunteer. We have gotten a list together. Now, I'm waiting on different projects to come through, the only projects that have really come through to City Hall for volunteer work, I've reached out to Elkins district court and the Washington County Detainees, to get community service out here involved and you can some of the detainees in here to pick trash. If anybody can think of any volunteer projects that would be great. Please reach out to me so that I can start working with those volunteers that we've got listed to get those projects moving. We have the volunteers; we need the projects.
- K. **Working City Council:** Mayor Stroud presented. So, prior to this council, I remember my neighbor Mr. Samuels, who used to do all the street maintenance and that was his role on the council, Paula you probably remember it's what I call a working council. So, what I'm asking is for you to get involved, working in your area of expertise. So, we may have more outreach with the citizens. Birch: I think it's a good idea.

Public Input: Cheryl Nimmo, I just wanted to say that to your last comment about the working council. It would be nice for us to be able to have our council member reach out, reach out to the citizen when we find out what we want. So that whenever you do come to these committee meetings, we have that you have an idea of your constituents are wanting.

Citizen: Well, I just wanted to honor somebody here I've known him since the early 80s and he knows more about this town than anybody around here, this is Mr. Dallas Hale. He's been here longer than anybody. Mr. Hale: I appreciate that it's really makes me humble. I've spoken with my Councilmen, He checked with the mayor, came back, and said it's going to be done.

Cathy Oliver: I'm not going read my e-mail because I just would like for everybody to go forward and be kind. Support Russell. He's doing a great job. Thank you, Russell thank you council. Bernadette: When the name's come forward for this position. If you can, please look at the replacing it with a woman. or outside the box. Let's go some diversity.

Fara Ferguson: Ferguson, Private Citizen. I would like to request formal resignation of Paula Anderson to go along with the formal resignation of Jamie Van Becelaere. In response to violation of Act 93 of the 1967 Ordinance, otherwise known as the Freedom of Information Act. In the abuse of elected power, in the discussions of how to force the resignation of Mayor Stroud on January 4th, 2023, on an audio recording taken by Lora Nanak, of a private meeting between 2 council members and the City Administrator. Thank you. I agree. Mike Nimmo: Did this occur? Bernadette Boyle: Is there an audio? Can we hear it? Paula Anderson: I haven't heard it so I don't know. Mayor Stroud: There is an audio and if you would like I can play it, who recorded it? Lora Nanak, I recorded it on her recording device that we found in the computer at City Hall. Jamie: He's, walked right into it, he's standing in quick sand and he's not trying to get out. Lora: I think he's trying to get out now. He's trying to damage control for you all. Paula: I don't care what's done is done. If there's any way for us to get him out, I'm ready to take that step. Jamie: I am too, and that's what I was going to say can I be blunt? (The rest of the recording is hard to hear, citizens asking questions and Mayor comments while be played). Anyone can put in a FOIA request for the recording.) Mayor: So, there is a lot more recording than this. I have turned all this evidence to the Prosecuting Attorney's office, as well as other recordings where John Vaillancourt is present in the recordings. So, I'm going to leave it up to the prosecuting attorney as to what action needs to be taken. John Vaillancourt told me last month. There was nothing personal. I think this has been very personal from the beginning. Debi McDonald: So how did we get their resignations? Mayor: It will be up to the prosecutor. Unless they choose to resign. Mike Nimmo: I don't know if it's appropriate or not. But I'd like to address the City Council directly and ask what it is, it's was stated on the recording that he's already done so much damage. Please tell the public what it is that he has done that has been so detrimental to this city, just be clear. Jamie: He walked in and fired the entire City Hall staff, which is his right? That he would be new administrations, fire staff all the time. It's within his right. (At this point there is a lot of talking back and forth and arguing, it hard to hear who is saying what). Birch: This was John's resolution that he wanted to bring forward. So, I'll yield to John. I would like to go ahead with what you want to resolve my opinion as we should post it and come back next month. The public can say if they intend to run for the position, anyone who intends to run, come up and say why they want the position and if the Council so chooses to appoint, we can vote to appoint, we choose not to appoint and it can go to an election, that's my recommendation. John: I will table the resolution over to the next meeting. Shawn Mayfield: I believe, for public comment, though, as far as people that have come forward, at least to date, who are interested in the position. John: Anybody can send in a resume, Shawn: understand, I'd like the people to come forward thus far. Cathy Oliver: I'm one of those putting my name in the hat.

Adjournment

Shawn Mayfield made a motion to adjourn at 9:18 PM. Seconded by Birch Wright. All in favor Yay (5) The motion carried. Meeting adjourned at 9:18 PM.



Marjorie Vaillancourt
Recorder/Treasurer

Russell stroud
Mayor