

MINUTES
Goshen City Council
September 10, 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, Shawn Mayfield, Max Poye, John Vaillancourt were present. Birch Wright and Colton Martin were absent. City Attorney and Recorder/Treasurer Marjorie Vaillancourt were present.

Approval of Agenda: Mayor, moved Item E. Parks Master Plan from New Business to Item A. Under Old Business. Move everything else down. Move Item D. Arbor Board Address up to Item C. under New Business. Under Reports add H. Events. Paula Anderson motioned to approve the agenda with adjustments. Seconded by John Vaillancourt. All in favor? Yay (4). Opposed? (0). The motioned carried.

Public Input: Ken Smith: Mayor, members of the Council, opening agenda tonight is a topic under new business, Ordinance 127, and Ordinance 157 review. Ordinance 157 review has to do with the Landscape Ordinance that was approved by the City Council in October 2018, and the ordinance pertained to commercial development, the proper landscaping for new commercial development in the City of Goshen. The ordinance also applied to designated or dedicated open space within new subdivisions, so old subdivisions like Waterford or Grandfathered in. The ordinance required several tenants here, requiring native plant species, trees, shrubs, vines, wildflowers, as well as size of vegetation appropriate, screening, mulching, several things. The ordinance was a compilation of best practices from throughout communities in Northwest Arkansas, and then reviewed by several landscape architects. I had a responsibility for working on it under former Mayor Max Poye, and Tom Henley, and Liz Mashie, Albert Skiles, and Darren Riggins, and Lorel Hoffman were also members of this special task force that were looking at several ordinances. Following a recent Parks and Recreation Commission meeting, there was a discussion whether certain species should be planted within park boundaries, and I had heard about that, and in follow-up, I sent an email that I copied the mayor and former Max Poye, as well as arbor board members and Parks and Recreation Commission members, that said that Ordinance 157 would be a good guideline. It applies to commercial subdivisions or commercial developments and subdivisions, but it's a good guideline for what we should do on our public lands. So let me get to the bottom line here, is that we really don't have anything comparable for city-owned lands, park lands, or even around here, although the Arbor Board has followed the guidelines. You look at all the plants that they've planted over the years here, they're all native to Northwest Arkansas. And so, I would like for you to think about, at some point, developing a resolution or an ordinance, and I would recommend probably under the Arbor Board, that would address the planning of what plants are appropriate for here, based that we live in Northwest Arkansas, and that that fall under the Arbor Board. So, those are my comments. I didn't know if I have a chance later to speak or not, but I wanted to go ahead and get this out.

Approval of Minutes: August 13, 2024 minutes. John Vaillancourt motioned to approve August minutes with edit. Seconded by Paula Anderson. All in favor? Yay (4). Opposed? (0). The motion carried.

Approval of Financial Report: Mayor Stroud presented. Balances as August 31, 2024 are General Fund \$711,460.62. Street Fund \$222,132.26. 988 Act \$3,211.92. Certificates of Deposit \$1,024,952.66. Paula Anderson motioned to approve the financial report for August 2024. Seconded by John Vaillancourt. All in favor? Yay (4). Opposed? (0) The motion carried.

Reports for August 2024:

- A. Police Department Report:** Report is in Council's packet. Mayor Stroud presented.
- 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:** Mayor presented. Fees collected Scott Bradshaw; Lot line adjustment \$200.00. Totaling \$200.00 for the month of August, with a total of \$2,600.00 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. 2025 State Outdoor grant has been sent in, that was for the ADA parking, the pavilion, and Bathroom Project. I haven't heard about all of that yet. The Urban Forestry grant, which was all submitted. We used the local DesignScapes to do that with native plants. They donated those plants, which was nice of them. Mike's been doing a lot with removing, disc golf course, because it was, we overran with vegetation. We're hoping to get a better plan to get better maintenance on that in the future. We don't have exactly where that's going to go yet. It will be decided on, obviously talked about. But as of right now, it's been removed. We've been working on a master plan, and we'll bring that to the City Council for approval soon. Any questions? Max: The master plan, is this incorporating what we've been using? Yes, just updating the new things that have been acquired in the park. If we get grants, what we are going to do with those in the future, all that must be updated as far as where we come and where we are now. Chuck: You asked what number we were on, and we're on 4.2, is the latest one.
- G. Arbor Board Report:** Mary Smith presented. Report is in Council's packet.
- H. Events:** Linda Moore presented. I wanted to let everybody know that the back-to-school event on August 17th that the city hosted, and the citizens of Goshen were so generous with school supplies went off well. We were able to give school supplies to about 15 children. We didn't have the turnout that we thought, so we had a lot of leftover pulled pork and beef, which we were able to seal and freeze, and we can use that for our Christmas party coming up. The leftover school supplies went to the food bank that is across the street from City Hall. And I got a report from Felicia, and she said that it went over very well with the parents that came to receive food, and she wanted to personally send a thank you out to the citizens of Goshen for generously giving for that event. I also just wanted to see if the activities committee, we're now meeting regularly, the group of us, and anybody else who wants to help with that is welcome to help. We wanted to see if we could get an official name, since we're planning about four to six events a year, if we could call ourselves the Goshen Activities Committee, if that would be okay with the council, so that when we do announcements or invite people to help us, we have a name for our group, and we're hosting meetings probably every other month with that.

Could we also have permission to contact the Recorder/Treasurer to mail out brochures and events the mass e-mail list? Mayor: If it's a city-sponsored event, which if we're sponsoring something, then we can. We use PR budget funds to put on these events. And then the last two events that we have planned for 2024, we were talking about doing a chili cook-off in October. And we were going to see if some of the council members wanted to be judges for that. And it would be a good opportunity for citizens to meet some of their council members if you wanted to be judges for the chili cook-off. Then The Christmas Tree Lighting in December.

Old City Business:

- A. **Parks Master Plan Policy:** Brian Hogue presented. I have prepared an ordinance that sets out a process for adopting the master plan for the city. We've not done that to date, had an official process or procedure in place to do that, and so this sets out a process for adopting the master plan. Once we've adopted one initially, then it's a process for making amendments to that. Amendments can be recommended by you all, and when needed, they go back to the Parks and Recreation Commission for a hearing to be held, and then make recommendations to the council for you all to vote on the amendments, or the Parks and Recreation Commission could, on its own, propose certain revisions that they could present to you all. But in any event, any amendments would have to be approved by the council by resolution, and so that's what this ordinance does. And I think that's what Max had kind of inquired about last month to address that concern. Paula: I didn't see a copy of it. Shawn: I didn't read it. I didn't see it. Max: I just read that briefly a while ago. We were after a process to make the master plan, forward point, whatever it is now, a way that we would know that was the official master plan that had been approved by the council and had any amendments to it. And as far as I can tell, that covered it. Mayor: So, Chuck, you were going to speak to this a little bit? Chuck: Well, I just wanted to say that I made up a revisions sheet that I passed on to the city that you may want to incorporate into the master plan so that you know that the revision, each revision and what occurred in that revision so that you'll have a history of all the revisions. Paula: I guess my question with this is that, this says that basically it's set in paper, and Black and White, that if we pass this at the next meeting, that the Parks Commission is going to have to have that plan developed, ready to go, set, and then we're adopting that at our next meeting. So that seems quick. Are we really going to be able to have that as the plan? Chuck: Well, I don't think it could occur that quickly. Right. What we talked about in the last parks meeting was it would hand out the draft, and everybody would get a copy and make their comments, and then we'd get a committee together to see which ones we're going to accept, and then, of course, you must apply it to the plan. And if you don't know, it's got a lot of pictures in it, and integrating new comments into a plan takes a little bit of time. So, I'm thinking it's going to take two months. Paula: So, I guess, we just need to table this for now to give them time to get that plan completely up to date, ready to go. Max: Well, there is a Master Plan, the one we've been using going by. Chuck: Yes, and it's been turned in for all the grants. Mayor: It's not up to date. It has been used. There's a lot of things that have happened since that draft. That's what Chuck's been working to try to make sure that it gets updated, and then it gets out to the parks commissioners that they can have input and move forward with presenting to the council. Max: So, if we took this proposed ordinance that we have here tonight and added some wording about revising it and let the Parks and Recreation Commission and the Abor Board review it. Brian: We can do the first reading tonight. We can bring it back for a second reading

next month, adding the revision part to it. Max Poye: Motioned to read in title only. Seconded by John Vaillancourt.

Roll Call Vote Yay

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes

Roll Call Vote Nay

Absent

Birch Wright
Colton Martin

Hogue read: "AN ORDINANCE ESTABLISHING THE PROCESS FOR ADOPTING THE MASTER PLAN FOR PARKS IN THE CITY OF GOSHEN AND AMENDING SAID MASTER PLAN."

John Vaillancourt motioned to approve the first reading. Seconded by Max Poye.

Roll Call Vote Yay

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes

Roll Call Vote Nay

Absent

Birch Wright
Colton Martin
The motion carried.

- B. Renovation Update:** Mayor Stroud presented. All the renovations on this side of the building are finished. The only other renovation left is the handicap entrance at the front. The awning has been done at city hall.
- C. Grant Update:** Mayor Stroud presented. We have submitted seven grants so far this year for over \$1.5 million worth of funding. We just submitted today the electric vehicle charging station grant for the Department of Transportation, and that was an \$840,000 grant. We have a 20% match, but we have businesses in the area that are willing to pitch in to cover some of that portion if they want to buy the proceeds of any revenue that's generated from the charging. That got submitted today.
- D. Preferred Last Line:** Lacie Lawson presented. Scott Liebert is with Congressman Womack's office. He sent me an email. You have it in your packet. He's been actively engaging with the USPS, and we should be really, close to getting our preferred last line. After I received this email, I reached out to Kyle and asked him, so we've been notified that our post office is too small to match the two or three routes that we might need to cover Goshen, not only what we have, but also the possible annexation area. So, USPS, Kyle, let me know that USPS comes in and will do, an audit of the building and that they, every so many years, do additions or relocations of the post offices based on what the post office can offer. So, the city really won't be out anything. USPS has the funding for all of that.
- E. Annexation Meetings:** Mayor Stroud presented. We sent out an annexation initiative postcard to the people in the annexation area. I was quite floored at that first meeting. I was not

prepared. So, a lot of people, they don't see the need to be annexed, and they don't want to be annexed because their taxes do go up. I can understand that. We fielded those questions, and I think there's a lot of mixed emotions about whether someone would want to be annexed and what's the benefit that Goshen is going to bring to their area. We have talking points of what we're going to talk about, why we felt like it was important, and what things we think we can bring to their area and how we can benefit them.

- F. **Highway 45 Speed Limit: Mayor Stroud presented.** Speed limit sign have been installed; city speed is now 35.
- G. **Highway 45 Goshen/Tuttle Contract: Brian Hogue presented.** No update to give other than I sent notice to Curtis that we're not paying. And I honestly don't know that we'll get any response on the amount of money that would be an issue. I don't know that they would pursue it. But if they do, as I talked about at the last meeting, inevitably we would end up with a lawsuit. At that point, we would drag in a Crafton Tull. And we know where, based on our meeting last month, where we're pointing the fingers. If I get any hear from anybody, I'll certainly let you all know.
- H. **Private Subdivision Street: Police Presence/Patrol/Ticketing: Mayor Stroud presented.** Jason did follow up and Brian followed up. Brian: With the judge. Judge Stevenson called me not long after our last meeting and wanted to know, and she's the judge in Elkins that hears our cases that the prosecutor's from Goshen. She wanted to know what the issue was, wanted me to describe the scenario, which I went through with her. Long story short, the way she left it was, you know, if a POA asked the city to control and enforce city ordinances in their subdivision or state code, that she would certainly take those cases. However, she qualified that saying, on its face, it seems like it's valid and enforceable. But if a defense lawyer had some argument with her otherwise, she's certainly open to the idea that it might not be enforceable. So, I didn't get a 100% answer either way from her, which I'm not surprised. And so, you know, if we wanted to do something, Jason and I talked about this, and I think what makes the most sense would be an ordinance that you all passed that is general in nature, basically saying if a subdivision approaches the city as a whole, as a body, and asks for the services to be provided to be patrolled in their subdivision, then you all could approve that on a case-by-case scenario by way of resolution at that point. But we have an ordinance that would authorize that process. Again, I have no idea if it's enforceable. Obviously, I don't prosecute these cases out here. I have not yet talked to Charles Duell, who prosecutes our cases, to see what he thinks. I know I think the chief or maybe Dan had talked to the prosecutor, and he indicated he sees no problem with it. So that's really what I know so far. If this is something that you all wanted to do, that's the guidance I was given. Council wants the POA's in the subdivision to vote on whether they want the police presents.

New City Business:

- A. **Amending Ordinance 167-Update Firm: Brian Hogue presented.** Ordinance 167, which is updating Brian's contract since it used to be Hogue Law Firm. What this does is it takes out any mention of Hogue Law Firm, and it just references any attorneys associated with any firm that

I'm a member of. Paula Anderson motioned to read in title only. And suspend the rules.
Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes

Absent

Birch Wright
Colton Martin

Hogue read: "AN ORDINANCE AMENDING ORDINANCE 167, WHICH WAS AN ORDINANCE APPOINTING BRIAN C. HOGUE TO FILL THE OFFICE OF CITY ATTORNEY IN THE CITY OF GOSHEN. Paula Anderson motioned to approve the ordinance. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes

Absent

Birch Wright
Colton Martin

Max Poye motioned to adopt. Seconded by John Vaillancourt.

Roll Call Vote Yay

Roll Call Vote Nay

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Max Poye Yes

Absent

Birch Wright
Colton Martin

The motion carried.

- B. Ordinance 52 Discussion:** Lacie Lawson presented. Ordinance 52 is about unsanitary properties, something that we've been trying to clean up in Goshen. This ordinance, as it states, does not specifically address yard waste and refuse. As far as how tall you guys want the yard to be, if there's tree limbs in the yard, those. So based on the words used in the context of the ordinance. So, I'm curious as to what you guys want. What is the intention of the ordinance, and can it be amended to be more specific, including lawn height regulations, downed tree limbs, and yard refuse as far? And then also, what steps need to be taken as far as community involvement? Do we need to let the city know? Do we need to do community outreach, these, to let people know what's going on? Mayor: So, we get, complaints at City Hall of the yards that are problematic. And then I feel bad because then we must try to address those. But there's not a lot of guidance on us to say, how specific do we want to be? And at what point do we trigger the thing that violates your notice? And I think that that's what Lacie's

looking for. Because her and I have had this talk, and it's hard for me to say, yeah, that one looks bad. This one looks bad, but not as bad. Or when is it the right time to notice someone? Max: I'll just say that I do have a problem with over-regulation. And if that's private property, then I'm sorry if it detracts from the value of the neighbor's home. But unless it's got open septic, obviously unsanitary, unhealthy. But the aesthetics of a yard, even if it looks bad, I just have a personal problem with the city saying, you've got to do something about that. That's your yard, I understand. Mayor: I'm going to push back a little bit, because you get yards that are overgrown, and you've got a field in there, and you've got mice, rats, and snakes. That's a health concern. If it's close neighbors, now, I mean, granted, if you've got five acres, and you're not keeping most of it mowed, well, OK. But if you're in a neighborhood where you've got neighbors that are close to you, such as the neighborhood here on Jay, Fire Tower, Kyle Circle, it can be problematic. And unhealthy for the neighbors that have rats and snakes. Lacie: More specifically, Ordinance 52 talks about abandoned vehicles, vehicles that don't work. It doesn't necessarily talk about the mattress that you've got on the side of your house that's gotten sprays popping out of it that nobody is taking with them, which I've seen. So again, what's refuse? What's trash? And to what extent? Max: You just can't define everything. You just can't do it. Mary's Art might be my trash, or vice versa. You can't make a list of things. These are unsightly. These are not. You just can't do that. John: Lacie, what we need to do is to let us go over this, read it, make some notes on it, etc., and come back to the next meeting. Lacie: Email me if you have things, I can get a feel for what we need to bring to the next meeting.


- C. **Arbor Board Address:** Mary Smith presented. Address is in the Council's packet.
- D. **Ordinance 127 and 157 Review:** Mayor Stroud presented. Ordinance 127, we really need to clarify, A, how many members are part of our board. Do we want it to be five members, seven members, three members? It says three or more, at least three. And they should have terms. I don't know who's on what term on the arbor board for how many years they're supposed to be serving because I don't have a list of who's been on the arbor board for how long and when they meet. So, we, I mean, I've talked to Betty today, and I said, this needs to be something that we really look at the ordinance, create something that we can bring back to council that is clear, and we have dedicated times for arbor board meetings. And arbor board makes those decisions together. And then those decisions that are made as a group at arbor board, they get presented to the city after those things have been voted on and discussed by the entire board of whatever that body looks like. Three members, five members, seven members, whatever that is. Mayor and Betty Nichols will go over Ordinance 127 to clarify members.

Ordinance 157, as Ken says, is a good Ordinance we'll bring that ordinance back to the Council at the next meeting. It's a good template for us to look at for native trees, native species, for us to get started with the city. Any other discussion? Max: Yeah, I'm not sure that we shouldn't, if this is the best way to do it, shouldn't amend Ordinance 157 to specifically include city-owned property. Mayor: That needs to be brought to the Arbor Board, and we need to discuss that. John: It needs to. We expect the public to do residential, commercial, and the city must be the leader. Max: Yes, you can't tell people to do one thing and then the city do something else.

Public Input: Paula: we have our CDs that will mature on the 4th of October. I just wanted to make sure that there was no concern among any council members to go ahead and renew those. And then the other question is, we've had the restoration payment from Royal for the damage that's been sitting out there with the \$2,000 that we're supposed to be receiving. We agreed that once we bought the

property, then we would be able to utilize that fund for the parks. So, we are planning to use that. It's shown as—you know, there's a blank spot there. It is. And we've held that there because we wanted to wait until after the property was purchased.

Adjournment: Shawn Mayfield motioned to adjourn at 9:04. Seconded by John Vaillancourt. Adjourned at 9:04pm.


Marjorie Vaillancourt
Recorder/Treasurer

Russell Stroud
Mayor