

MINUTES
GOSHEN CITY COUNCIL
June 11, 2019

- 1. CALL TO ORDER:** Cathy Oliver, Mayor, called the regular meeting of the Goshen City Council to order on June 11, 2019 at 6:30 p.m. at Goshen City Hall.
- 2. ROLL CALL AND DECLARATION OF QUORUM:** Paula Anderson, Angie Driver, Bill Hewat, Colton Martin, John Vaillancourt and Birch Wright were present for roll call, and Cathy Oliver declared a quorum. Brian Hogue City Attorney, was also present. Sharon Baggett, Recorder/Treasurer, was absent.
- 3. APPROVAL OF AGENDA:** Cathy Oliver requested that two items be added. She asked that an Ordinance Rezoning of 679 Tuttle Road be added as 5D. Cathy Oliver requested that 5E will include an updated organizational chart, including a new ordinance and job descriptions. And, a third change requested by Cathy Oliver was for Russell Stroud to give the street report under 6c. It was pointed out that the minutes of the special meeting on May 28, 2019 should also be added to approval of minutes. A motion was made by Birch Wright, with a second by Bill Hewat, to approve the amended agenda. All voted in favor; the motion carried.
- 4. APPROVAL OF MINUTES:** It was noted that both sets of minutes had been emailed to Council members prior to the meeting. A motion was made by John Vaillancourt, with a second by Bill Hewat, to approve the minutes of the May 14, 2019 regular meeting. Birch Wright asked about an update on the community building repairs and moisture barrier. Cathy Oliver said this will be addressed under 5C. All voted in favor; the motion carried. John Vaillancourt made a motion, with a second by Bill Hewat, to approve the minutes of the May 28, 2019 special meeting. All voted in favor; the motion carried.
- 5. CITY BUSINESS:**
 - A. ARBOR BOARD/GOSHEN SIGN:** Mary Smith reported on solicited donations, \$2,000 has been raised but \$1,800 is still needed for the new Goshen sign. Information has been and will be sent to all POA's. Bill Hewat asked if sandblasting will be on both sides and the answer is yes and the size of the stone maybe different than the photo provided.
 - B. FOLLOW-UP DISCUSSIONS REGARDING COMMUNITY BUILDING:** Cathy Oliver gave a report, and there was discussion on follow-up regarding the mold issues at the Community Building. Cathy Oliver stated that the AC is now being left on and a dehumidifier has been purchased. Allan Barber has secured the holes and the vents are in place. He is in the process of removing the mulch away from the building and reducing the height of the flower bed. An electrician has been called to get the fans running again. Allan also reported that someone has blown insulation into the crawl space and that needs to be removed. Birch Wright asked if the inside of the building still needs to be wiped down. John Vaillancourt and Cathy Oliver would inquire about types and cost of insulation.
 - C. DISCUSSION ON PURCHASING PROPERTY FOR PARK BEHIND COMMUNITY BUILDING:** Russell Stroud gave a presentation on the possible acquisition of the property. Mary Loftus and David Mashie owners of the 22.4 acres under consideration, were present to listen to options and meet people. There

was considerable discussion, and also, public input was allowed. Council members said that a park that was dog friendly, had tennis courts and baseball fields would offer much more to the citizens than are available in the gated communities. Max Poye asked if someone could start negotiating a price and amount of land for purchase. Paula Anderson said there are many grants available for a city park. Bill Hewat said even a lease option between the city and Mashies could be a possibility. Cathy Oliver appointed a task force made up of Russell Stroud, Max Poye, Carolyn Jordan, Tom Hennelly and Officer Jason Travis along with Mr. and Mrs. David Mashie and Cathy Oliver. The new task force will address the land purchase, negotiating a price per acre and how much land the city is able to purchase after the city figures out exactly what it wants. Russell Stroud was asked to be in charge of the new task force. Public input was asked at this time but no one responded, it was agreed that a task force would be formed to address this further.

D. REQUEST FOR REZONING FROM R-1 RESIDENTIAL TO RR RURAL RESIDENTIAL ON BEHALF OF OWNER, DAVID T. BAILEY TRUST – 679 TUTTLE ROAD: The ordinance was explained and reviewed. A motion as made by Bill Hewat, with a second by Birch Wright, to read the ordinance by title only. A roll call vote was taken; all voted in favor and the motion carried. Brian Hogue read the title of the ordinance. A motion was made by Bill Hewat to suspend the rules and waive the second and third readings. A roll call vote was taken; all voted in favor and the motion carried. The public was allowed to give input. A motion was made by Birch Wright, with a second by Bill Hewat, to adopt the ordinance. Cathy Oliver stated that it was just realized there was not an emergency clause in the ordinance. After some discussion, a motion was made by Birch Wright, with a second by Bill Hewat, to adopt the ordinance without the emergency clause. Carolyn Jordan, a member of the audience asked whether the required contingencies on this property had been brought back before the Planning Commission for approval. Cathy Oliver stated that this rezoning had been voted on and approved at the last Council meeting, and this vote tonight was on the ordinance. She explained that they could have had the ordinance at the last meeting, but they did not. There was public input. Council members debated about whether additional approval by the Planning Commission was required. Brian Hogue explained that the contingencies were for approval of a conditional use permit, and the applicants would still need that approval for their proposed use of the property. A roll call vote was taken; all voted in favor and the motion carried.

E. ORDINANCE FORMALIZING THE ADMINISTRATIVE FRAMEWORK OF THE CITY OF GOSHEN: Cathy Oliver stated that she thought City Hall would run more smoothly if the mayor was over all city employees. She stated that Ordinance 18, passed May 14, 2002, indicated that all employees should be under the mayor. She presented the Council with a revised organizational chart moving all employees under the mayor. Copies of job descriptions for a recorder/treasurer, a recorder, a treasurer, a zoning official and an office manager were also distributed only to be looked at. She stated that she recommended that the Council approve this ordinance but asked the council to discuss this. Brian Hogue said that since Sharon is not here tonight, he had received an email shortly before the meeting from her asking him to voice her concerns that she would have, if sitting here tonight. He stated that he had done some research as requested by the mayor as to what state law says about this issue, and it appeared to him that the statutes did not speak directly on who reports where within a city such as Goshen. He stated that, by default, any office personnel that handles money should report to the Recorder/Treasurer, but that could be changed through an ordinance. He reported that her concerns included, that in her role as treasurer and having to account for monies that come in and go out and being subject to audits, it is important that any personnel handling money would report to her because, at the end of the day, she was ultimately responsible for that function. He stated that she also informed him that State Auditor's Office Best Practices recommended that office personnel who handled money

report directly to the treasurer. He reported that he has not found any law that says that. He further stated that the council could adopt an ordinance stating where employees report and could be a function the Council could oversee. He reported that he had told the mayor before this meeting began that Tontitown in 2013 adopted an organizational chart very similar to the one in packets, but that it had been amended a few times, and more recently had been repealed. Bill Hewat asked, "What does handle money mean." Lora Nanak said she does the deposits and takes the money in from the permits. Birch Wright asked if this was a recorder/treasurer function rather than office manager. Max Poye offered his input. He said he had checked with fellow mayors of Elkins, Tontitown and several places about a year ago and they only payed their recorder/treasurer \$8,000 - \$10,000 per year. Most financials were farmed out to a firm. Max said Goshen is paying a lot of money for recorder/treasurer and he has always agreed all personnel shall be under the mayor. Birch Wright said the mayor shall have the responsibility of the staff and work together with the recorder/treasurer. Russell Stroud stated his concern that the recorder/treasurer has been absent for the last 4 to 5 meetings and who would be presenting the financial reports. Bill Hewat agreed with Birch Wright that any audit would catch any inconsistencies even if the office manager was not under the recorder/treasurer. There was confusion as to why the recorder/treasurer insisted the Office Manager to be under her. There was also public input. It was clarified by Brian Hogue that the mayor, city council, and recorder/treasurer did not answer to each other, but to the citizenry of Goshen. Birch Wright pointed out that Brian Hogue is no longer interim attorney. During public input Max Poye advised when the time comes for a different recorder/treasurer, to farm the duties out and possibly get it done cheaper. Brian Hogue said you can increase the salary during the current term but you cannot decrease it during the current term. Cathy Oliver said at the time of a new election, the recorder/treasurer can be divided into two positions. It was noted that the recorder/treasurer position could be separated, but that could not be done during someone's term. Cathy Oliver mentioned farming out payroll services. Brenda Wentz asked if the recorder/treasurer position was elected and when would the present term be up. Cathy Oliver answered the end of next year. A motion was made by John Vaillancourt to read the ordinance by title only. Birch Wright seconded the motion with Interim (Brian Hogue) title removed. A roll call vote was taken; all voted in favor and the motion carried. Brian Hogue read the title of the ordinance. A motion was made by Birch Wright, with a second by Bill Hewat, to suspend the rules and waive the second and third readings. A roll call vote was taken; all voted in favor and the motion carried. Cathy Oliver then allowed public input, but there was none. A motion was made by Bill Hewat, with a second by Birch Wright, to adopt the ordinance. A roll call vote was taken; all voted in favor and the motion carried. A motion was made by Bill Hewat, with a second by Birch Wright, to enact the emergency clause. A roll call vote was taken; all voted in favor and the motion carried.

6. REPORTS FOR MAY, 2019:

A. FINANCIAL REPORTS: Due to the absence of Sharon Baggett, Lora Nanak gave the financial report. She stated that she had been asked read the correct April balances into the record. She stated that the balances in the general fund were \$535,670.75 at the end of April and \$593,808.38 at the end of May. She reported balances in the street fund as \$100,767.87 at the end of April and \$118,479.64 at the end of May. She also explained figures on the budget spreadsheet. Birch Wright thanked Lora for this report even though it's not her job. There was discussion regarding whether Lora Nanak was working overtime, and it was explained that the approved budget was for 40 hours per week, which was over the 30 hours she was scheduled to work. Max Poye and Carolyn Jordan both commented on the amount of overtime Lora had been working and wanted to make sure she was being properly compensated since her vehicle is seen late at night and on weekends. Even council members have been getting phone calls

about how much she has been working. Council members have asked that Lora please put in for overtime. Cathy Oliver stated that this would be addressed. discussed more later.

B. POLICE DEPARTMENT REPORT: A written report was presented, and Mike Ball summarized the report. The new police car will hopefully be arriving in the next 3-4 weeks. There was also discussion regarding the Crisis Stabilization Unit.

C. STREET REPORT: Russell Stroud gave the street report, including information he had obtained regarding chip and seal. He stated that he had received estimates for resurfacing some of the streets. He recommended that bids be solicited for Ledford Road and Misty Valley Lane. He also recommended that improvements be made to Watson Circle, which he estimated at \$7,000 to \$8,000. It was agreed that bids be solicited for these three streets. When asked about bridge work, Cathy Oliver stated that she had received Statements of Qualifications from two engineering firms and needed to get one more, but said the roads were more pressing at the present time. Birch Wright stated the council did not ask for any repair work for the Paul Prey Bridge. Mike Bowen has a spreadsheet listing roads and when they are mowed, if anyone is interested.

D. REPORT FROM GOSHEN VOLUNTEER FIRE DEPARTMENT: A written report was presented and approved.

E. PLANNING COMMISSION REPORT: Cathy Oliver stated that there was nothing to report; therefore, no written report was presented.

F. BUILDING OFFICIAL'S WRITTEN REPORT: The building official's report was presented, and J. D. DeMotte summarized the report and answered a question about the septic system at The Knolls.


7. EXECUTIVE SESSION: Cathy Oliver stated that next we, before, but was interrupted by Angie Driver, who asked Cathy Oliver if the Council could do their executive session to discuss a personnel matter. John Vaillancourt seconded. Cathy Oliver agreed and stated that the Council would come back for reports and comments if that was agreeable. All voted in favor and the motion carried. The Council went into executive session at 8:20 p.m. The meeting reconvened at 8:56 p.m. Bill Hewat requested City Attorney, Brian Hogue to research methods whereby the Council could request that the recorder/treasurer have set office hours and to accomplish her specific tasks and not pass those off to the office manager. John Vaillancourt wants to make sure recorder/treasurer is doing her task and not pushing it off on Lora. Angie Driver stated as a matter of record, as a council member and tax payer it is inappropriate to pay someone for a job they are not doing. Lora is doing far too much of the recorder/treasurer's work. We need a clear definition of everybody's role and everybody needs to do their role. Brian Hogue will check into this and report back at the next council meeting. Birch Wright asked if there was any administrative recourse as a council for an elected position. You should not be able to be absent for 5 or 6 meetings, it is not acceptable. You are elected to do that job and someone else should not have to your job in addition to their job. John Vaillancourt said that she is collecting her salary but not doing anything. Birch Wright asked that these comments be reflected in the minutes. There were comments by Council members regarding the performance of Sharon Baggett in fulfilling her duties as recorder/treasurer and what recourse the city should and could take against her. Brian Hogue stated that he would research this and report back at the next meeting.

8. REPORTS/COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY OR RECORDER/TREASURER:
There were no additional comments.

9. PUBLIC INPUT: There was public input. Dana Quinn asked if the street light have been fixed and concerns about the community building parking lot and handicap parking spots. Carolyn Jordan asked again about impact fees. Bernadette Boyle asked if the dividing line on Tuttle Road could be repainted.

10. ADJOURNMENT: There being no further business, a motion was made by Birch Wright and seconded by Bill Hewat to adjourn the meeting. All voted in favor and the meeting adjourned at 9:07 p.m.

Sharon Baggett
Recorder / Treasurer


Cathy Oliver
Mayor