

City of Carthage, Missouri

CITY COUNCIL

April 9, 2024 - 6:30 PM
CW&EP Community Room

MINUTES

The Carthage City Council met in regular session on the above date in the CW&EP Community Room at 06:30 PM with Mayor Dan Rife presiding. Fire Chief Ryan Huntley gave the invocation. Police Chief Bill Hawkins led the flag salute.

The following Council Members answered roll call: Chris Taylor, Robin Blair, Terri Heckmaster, Jeff Hole, Alan Snow, Mark Elliff, and Tiffany Cossey. Council Members Brandi Ensor, Trudy Blankenship, and David Armstrong were absent. City Administrator Greg Dagnan and City Attorney Nate Dally were also present.

The following Department Heads were present: Police Chief Bill Hawkins, Fire Chief Ryan Huntley, Parks & Recreation Director Abi Almandinger, Assistant City Administrator Traci Cox, and City Clerk Miranda Deal.

Mr. Elliff made a motion, seconded by Mr. Snow, to approve the minutes of the March 26, 2024, Council Meeting and Closed Session meeting.

Ms. Heckmaster made a motion, seconded by Ms. Blair, to amend the minutes to read that the claims were motioned to be approved by Ms. Blair and seconded by Mr. Snow. Motion carried.

Mr. Elliff made a motion, seconded by Mr. Snow to approve the minutes as amended. Motion carried.

Mayor Rife presented a Proclamation for Earth Day and Arbor Day.

During Citizen's Participation, Jana Schramm, Ward 5 Council Member elect, spoke to Mr. Dagnan about the KOAM news interview that he did where he talked about the terms of his employment.

Regina Wells who lives on Maple Street, spoke to the Council about the lack of storm sirens in the past storm. She stated that she has one near her house and it never went off even though there was a National Weather Service alert and wind speeds high enough for sirens to be activated. She wants to make sure the City does their part in severe storms to get the residents notified.

Ronnie Wells who lives on Maple Street, who was a former council member, spoke to the current council and the new council members who would be sworn in later. He stated that the new council members need to represent their ward, the residents of the ward, and the citizens of Carthage. He expects to see dedication from the new council members and see them represent everybody in the City.

Mr. Snow reported that the Budget Ways and Means Committee is between meetings with the next meeting scheduled for May 13. The April meeting was cancelled, but there is still work being done on the budget.

Ms. Blair reported that the Committee on Insurance, Audit and Claims met on this day and approved the claims. Ms. Cox and Mr. Dagnan reported on insurance and the recent storm. The City's insurance broker MPR has been very good to work with and they sent an adjuster the day after the storm. The City had damage to the pro shop, golf course bathroom, recycling center, street department shop and lots of trees. The insurance rates will most likely go up 30-35% next year to reflect an accurate value of City buildings. That will impact the budget by about \$60,000.00. Ms. Cox also requested a Council Bill to come to the committee to allow for upgrades to the current software Incode which will cost about \$11,000 which will come out of next year's budget. There is a waiting period so Ms. Cox would like to get started on the process now. The next meeting will be April 23.

Mr. Elliff reported that the Public Safety Committee is between meetings with the next meeting scheduled for April 15.

Ms. Heckmaster reported the Public Services Committee is between meetings with the next meeting scheduled for April 16.

Ms. Blair reported that the Public Works Committee reported that the Public Works meeting for April 2 was cancelled. The next meeting is scheduled for May 7.

Mayor Rife presented plaques to outgoing council members who were present: Robin Blair, Jeff Hole, and Mark Elliff. He also asked for a motion to accept David Armstrong's resignation.

Mr. Snow made a motion, seconded by Mr. Elliff to approve the resignation of David Armstrong from Ward 2. Motion carried.

He also thanked the departments for their quick response and clean up after the recent storms.

During Remarks from Council Members, all council members thanked all City departments for their efforts after the recent storms. Mr. Hole thanked everyone for the opportunity to serve. Mr. Snow thanked Eddie Schrader for helping clean up fallen trees with his equipment and getting streets cleared. He thanked the outgoing council members for their service, he regrets Mr. Armstrong's resignation, but appreciated him and his opinions even if they didn't always agree. He thanked Ms. Blair for her calm, collected thoughts, and the common sense that she spoke. He thanked Mr. Hole for stepping up and serving. He thanked Mr. Elliff and wished him well in retirement. Ms. Cossey thanked outgoing council members for their service.

Fire Chief Ryan Huntley addressed Regina's concerns from Citizen's Participation. He took full responsibility for the lack of storm sirens. He did not want to make excuses, but he stated that the storm crept up very quickly. He mentioned that they are doing things differently so that won't happen again.

Assistant City Administrator Traci Cox reported that sales tax numbers were down 3.9% from the same month last year. Year to date totals for the sales tax are at \$2,556,000. The use tax is \$386,500 above the projected budget amount. The marijuana tax was down again and came in at \$7,400. She thanked the outgoing council members and looks forward to working with the new members.

City Administrator Greg Dagnan gave a speech on his employment and his commitment to the City of Carthage and that the new council members support some employees but not others. He also referenced his offer letter that he had mentioned in a recent interview. He spoke on his hiring and performance, the CWEP issues, ethics laws, and the procedure that is to be followed when getting rid of an officer of the City.

The Committee on Claims filed a report in the amount of \$2,614,039.94 against the following funds: General Revenue \$110,644.76, Public Health \$364.14, Lodging \$1,704.05, Public Safety \$999.56, Parks/Stormwater \$54,291.28, Fire Protection \$14,039.09, Golf \$13,682.80, Capital Improvements \$6,535.50, Parks and Recreation \$68.37, Myers Park \$4,703.00, Use Tax \$42,773.10, Public Facilities \$901.00, Public Library \$25,000.00, Payroll \$338,333.29, and Carthage Water & Electric \$2,000,000.00. Ms. Blair made a motion, seconded by Mr. Taylor, to accept the report and allow the claims. Motion carried.

Under Old Business, C.B. 24-21 -- An Ordinance to amend Chapter 2, Article III, Officers and Employees by adding Division 10 -- Assistant City Administrator, in the City of Carthage, Missouri was placed on second reading followed by a roll call vote of 7 yeas and 0 nays. Ayes: Chris Taylor, Robin Blair, Terri Heckmaster, Jeff Hole, Alan Snow, Mark Elliff, and Tiffany Cossey. The Council Bill was approved and numbered Ordinance 24-23.

C.B. 24-22 -- An Ordinance authorizing the City of Carthage, Missouri to enter into an amended and restated unit power purchase agreement with Missouri Joint Municipal Electric Utility Commission D/B/A Missouri Electric Commission was placed on second reading followed by a roll call vote of 7 yeas and 0 nays. Ayes: Chris Taylor, Robin Blair, Terri Heckmaster, Jeff Hole, Alan Snow, Mark Elliff, and Tiffany Cossey. The Council Bill was approved and numbered Ordinance 24-24.

Mr. Elliff made a motion, seconded by Mr. Snow, to approve the results of the April 2, 2024 election results as follows:

Ward 1:	Brandi Ensor – 63 votes
	Derek Peterson – 71 votes
Ward 2:	Loretta (Lori) Leece – 41 votes
Ward 3:	Dustin Edge – 155 votes
	Mike Daugherty – 23 votes
	Robin Blair – 105 votes
Ward 4:	Tom Barlow – 470 votes
Ward 5:	Mark Elliff – 115 votes
	Jana Hunter Schramm -- 212 votes

Motion carried unanimously.

Before the old council was adjourned, Mayor Rife asked if any outgoing council members had any closing comments.

Mr. Elliff stated that all city department are the best and that it was an honor to serve with all of them. He is disheartened by those who are being singled out because of the decisions that have been made in the last year. He thanked Greg for unifying departments within the City of Carthage.

Ms. Blair stated that it was a pleasure to serve with all council members. She is grateful for everyone willing to serve the city. She also roots for the new council members success. She also left the council with a few quotes about decision making. She stated that she stood by the decisions she made regarding her campaigning techniques. The City is made up of many hard working individuals who have made a positive impact on the City, but have considered leaving due to the situations over the last year. She encourages the new council to not lose site of those employees and risk losing their future contributions. She also welcomed Mr. Edge to the ward 3 position.

Mr. Elliff made a motion, seconded by Mr. Snow, to adjourn the Old Council. Motion carried and meeting adjourned at 7:14 p.m.

There was a short recess.

Mayor Rife called the meeting to order at 7:30.

City Clerk Miranda Deal administered the Oath of Office to Council Members Derek Peterson, Lori Leece, Dustin Edge, Tom Barlow, and Jana Hunter Schramm.

The following Council Members answered roll call: Derek Peterson, Chris Taylor, Lori Leece, Dustin Edge, Terri Heckmaster, Tom Barlow, Alan Snow, Jana Schramm, and Tiffany Cossey.

Mr. Snow made a motion, seconded by Ms. Heckmaster, to approve the Mayor's Committee Appointments. Motion carried

Ms. Cossey made a motion, seconded by Ms. Heckmaster to nominate Alan Snow as Mayor Pro Tem. Motion carried

Mr. Snow made a motion, seconded by Mr. Taylor, to approve Resolution 2038 -- A Resolution of the Council of the City of Carthage, Missouri expressing support of the City's application for funds through MoDOT's Transportation Alternatives Program (TAP) and authorizing the submission of an application relating to the proposed Carthage Sidewalk Improvements Project, Fairview (Route E)/River/George Phelps Blvd, also known as Phase 8, in the City of Carthage, Missouri. Resolution 2038 was adopted after a show of hands vote of 9 yeas and 0 nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm.

During closing comments, Mr. Peterson thanked ward 1 for voting for him and his wife for supporting him. Mr. Peterson made a motion, that during closing comments, allowing council members to speak as long as they want and make as many motions as they would like. Mayor Rife stated that this would need to be a motion to amend the agenda. Mr. Peterson made a motion, seconded by Ms. Cossey to amend the agenda to include that during the closing comments period council members would be able to speak as long as they wish and make as many motions and they wish. Motion carried. Ms. Leece stated that she is upset that the community is divided and stated she will always do her best to do the right thing for this community. She was taught to listen to everybody and listen to everything to make decisions based on what is right and not how she feels. She hopes that everyone will work together and do what is right for the community. Mr. Edge thanked the citizens of ward 3 and also thanked all the departments for their storm clean up. Ms. Heckmaster welcomed the new members and looks forward to progress and unity for the community. Mr. Barlow thanked the citizens of ward 4 and stated that he is humbled and honored.

Mr. Snow made a motion, seconded by Ms. Heckmaster, to amend the agenda to add a closed session according to section 610.021 (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Motion carried at 7:36 pm by a show of hands vote of 7 yeas and 2 nays. Ayes: Peterson, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor and Leece. The council went to the CW&EP board room for the session.

The council returned at 7:46 pm. The council was not able to have a closed session due to less than 24 hours notice and the agenda did not state a reason for a closed session.

Mr. Snow made a motion to terminate Mr. Dagnan immediately and have him turn over City property and have Ms. Cox serve as interim City Administrator until a new one could be hired.

Mayor Rife stated that it was an inappropriate motion and would not be forwarded.

There were many discussions regarding the legality of the motion that was made and the proper ways to terminate Mr. Dagnan. It then led to the discussion of impeachment of the Mayor.

Mr. Dally stated that there would need to be a resolution for articles of impeachment against the Mayor.

Ms. Cossey made a motion, seconded by Mr. Snow, to have a special council meeting on Thursday April 11 at 6:30, to consider the removal of the City Administrator and to consider articles of impeachment against the Mayor. Motion carried by a show of hands vote of 7 yeas and 2 nays. Ayes: Peterson, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor and Leece.

Ms. Leece asked for cause for firing of Mr. Dagnan and impeachment of the Mayor. She wants to have proof of what has been done for this action. Mr. Snow stated that his purpose for making the motion was that he believes the city has lost trust in City Hall and can only move forward without Mr. Dagnan.

Closing Comments continued, Ms. Schramm thanked the citizens for voting her into office. Ms. Schramm made a motion, seconded by Ms. Cossey, to prohibit City employees from speaking to the media about city related issues without the approval of the city council members majority or the majority of their special committees. This would exclude their right to speak to the press about concerns or complaints about their terms and conditions of employment which is covered in the national labor relations board.

Mayor Rife ruled it an inappropriate motion and said it requires a council bill or resolution.

Ms. Cossey made a motion, seconded by Ms. Schramm, to add the prohibition of speaking to the media to the agenda for the special meeting. Motion carried with 8 yeas and 1 nay. Ayes: Peterson, Leece, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor.

Ms. Cossey discussed the code and charter sections that discuss firing of the City Administrator. Ms. Cossey made a motion, seconded by Ms. Schramm, to suspend Mr. Dagnan immediately until such time as the council can meet to make the formal decision and

give the proper notice. That means he is not allowed to enter his office at City Hall or perform any job duties.

Mr. Dally read from the code that the Mayor is the only one who can suspend Mr. Dagnan. Ms. Cossey stated that this would have to wait until the special meeting for this to be addressed.

Ms. Cossey made a motion, seconded by Ms. Schramm, for the council to take a vote declaring no confidence in the leadership or judgement of Mayor Dan Rife. Motion carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor and Leece.

Ms. Cossey made a motion, seconded by Ms. Schramm, to add to the special council meeting agenda for April 11, a closed session to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as allowed under RSMO 610.021 (3). Motion carried by a vote of 8 yeas and 1 nay. Ayes: Peterson, Leece, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor.

Ms. Cossey made a motion, seconded by Ms. Schramm, for the Mayor to release the forensic audit related to the investigation of missing funds or property from the golf course. To more specifically identify the document, this is the forensic audit which has a release date of November 2023. The full audit document must be supplied to all council members by Thursday, April 11, at 5 PM. This will be labeled as "confidential," until such time as the city council may deem it to be public record.

Mr. Dally stated that the City does not have that authority since it is in the Attorney General's hands now. He stated that it is either an investigative record and it is closed, or it is an opinion of record of a third party consultant. Ms. Cossey stated that it was no longer secret and it is in the hands of the person who is being accused. She encouraged whoever has a copy of it, please forward it to the council.

Ms. Cossey made a motion, seconded by Ms. Schramm, that the Chief of Police and all investigating officers of the incident in which Carthage Citizen Mark Peterson was accused of leaving the scene of an accident shall appear before the council to answer questions and review all evidence in a closed session on April 11, 2024.

Mayor Rife deemed that an inappropriate motion and that it was an ongoing investigation. Ms. Cossey mentioned that Mark Peterson still had not been able to get a copy of that police report, Mr. Dally said that he would have to go through the proper channels of discovery to get the report. Ms. Cossey asked that if Mr. Peterson did have that report, if he could forward it to the council as well.

Ms. Cossey made a motion, seconded by Ms. Schramm, to have the Police Chief bring with him on April 11, a list of all persons who have been arrested within the last five years for leaving the scene of an accident during which no personal injury occurred. This list must include a notation of all persons included on the list who were first notified of such incident by arrest and a notation of which of those persons arrested already had outstanding warrants. This section of the meeting will be closed in compliance with RSMO 610.021 (14) where the council will discuss records which are protected from disclosure by law. Motion carried by a vote of 7 yeas, 1 nay, and 1 abstain. Ayes: Peterson Leece, Edge, Heckmaster, Barlow, Snow,

Schramm, and Cossey. Nays: Taylor. Abstain: Peterson. **minutes amended at 4/17/24 meeting to replace Peterson with Leece.

Ms. Cossey made a motion, seconded by Ms. Schramm, that the city council revoke approval to use the Lauber Law Firm as special counsel for general municipal matters. Permission was originally granted by council vote on August 22, 2023. The City Clerk shall notify the law firm of this council vote by email no later than 12:00 PM, April 10, 2024. The Assistant City Administrator shall further notify the Lauber Law Firm of such decision by any other means, if additional means are required by the contract with the firm. Motion carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor and Leece.

Ms. Leece asked why this motion was being made, Ms. Cossey stated that she has been unhappy with the service we have received from them and she believes that administration has just called them whenever they feel like it without getting permission from council.

Ms. Cossey made a motion, seconded by Ms. Schramm, that neither the mayor nor any city employee may contact any outside law firm regarding city business unless such specific purpose has been approved by a majority vote of the city council on this date or any date hereafter. This restriction shall remain in place until lifted by majority vote of the city council. Exempted from this restriction shall be contact pertaining to such matters which are already ongoing and which do not pertain to former or current personnel or city council members. Motion carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor and Leece.

Ms. Cossey made a motion, seconded by Ms. Schramm, to require that the city attorney be required to keep a detailed time log of all hours worked and what issues were worked on. Such log, unredacted, may be accessed by any city council member upon request. Versions may be made available to the public which are redacted to exclude information legally permitted by the Sunshine law to be redacted. Motion carried by a vote of 8 yeas and 1 nay. Ayes: Peterson, Leece, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey. Nays: Taylor.

Ms. Cossey made a motion, seconded by Ms. Schramm, that the city clerk will provide to the city council and for the public city record the minutes of any meeting during which the city council officially approved that the city attorney would be allowed to work only 30 hours per week in exchange for the full salary listed under "city attorney" in the current salary study. Such documentation shall be presented no later than 12 PM on Friday, April 12. Motion carried by a vote of 9 yeas and 0 nays. Ayes: Peterson, Taylor, Leece, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey.

Ms. Cossey made a motion, seconded by Ms. Schramm, that the Assistant City Administrator will provide to the city council and for the public city record the percentage of cost of living increases awarded to city employees from the date of the approval to the salary study. Minutes of meeting shall also be produced showing the approval of such amounts. This shall be provided no later than 12 PM on Friday, April 12. Motion carried by a vote of 9 yeas and 0 nays. Ayes: Peterson, Taylor, Leece, Edge, Heckmaster, Barlow, Snow, Schramm, and Cossey.

Ms. Cossey made a motion, seconded by Mr. Snow, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 8:11 p.m.

