

City of Carthage, Missouri

CITY COUNCIL

April 23, 2024 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

The Carthage City Council met in regular session on the above date in Council Chambers at 06:30 PM with Mayor Dan Rife presiding. Deputy Fire Chief Jason Martin gave the invocation. Police Chief Bill Hawkins led the flag salute.

The following Council Members answered roll call: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, Jana Schramm. City Administrator Greg Dagnan and City Attorney Nate Dally were also present.

The following Department Heads were present: Police Chief Bill Hawkins, Deputy Fire Chief Jason Martin, Parks & Recreation Director Abi Almandinger, and City Clerk Miranda Deal.

Mr. Snow made a motion, seconded by Ms. Heckmaster to approve the minutes of the April 17, 2024, Special Council Meeting. Motion carried unanimously.

During Citizen's Participation, Dianne Hays and Nancy Corley spoke on behalf of the Humane Society to ask the Council to consider giving the shelter more money next budget year. They are operating in a deficit and most of the dogs come from the City of Carthage. They fear that if they do not get more funding or figure out another solution, the shelter will not be open much longer.

Kathleen Mccaffery, spoke on being new to the town and how she fell in love with it when she visited. She would like the City to work through the issues and get the conflicts resolved so that way people will want to visit and stay here.

Tammy Hull, spoke on the poison white hemlock again and said that she has yet to see anything be done since the last time she spoke.

Karen Trotter, 815 Euclid, spoke on the combined years of service of the council and city staff. She also suggested some reasons as to why they are trying to impeach the Mayor. She also voiced her thoughts on what would happen if the Mayor did get impeached and Alan Snow became Mayor Pro Tem, and what would happen if he were to win the county commissioners seat later this year. She believes the council would vote for the next longest serving council member, which would be Tiffany Cossey, to serve as Mayor Pro Tem. She also mentioned that things are being cut from the budget, but yet we will be hiring multiple law firms for the impeachment and the removal of Mr. Dagnan.

Ron Wells, 2026 Maple St, previously welcomed the new council members at the April 9 meeting and had served 3 terms on the council. He told them that they need to remember who they are responsible for representing. They were elected to represent the people in their wards and then the citizens of Carthage. He encouraged citizens to reach out to their council members.

Bill Putnam, 624 Belle Air, stated he was speaking as a private citizen rather than someone affiliated with Carthage Citizens United. He touched on the parts from the auditor letter that Mr. Dally did not mention regarding Mr. Dagnan's hiring and salary. He also stated that he is not in favor of a petition for an audit due to the time it would take and the costs. He believes that the council can remove Mr. Dagnan without the Mayor's approval.

Mayor Rife made a statement before moving on. He stated that he and the council were all elected to serve the people and that the majority of the people he has spoken to in the last few weeks are not in favor of spending more money for unnecessary legal opinions and an unwarranted impeachment. He wants to move on and work together and the new council needs to learn what is required of a council and start doing things for the city instead of doing things for their own personal agendas.

Mr. Snow reported that the Budget Ways and Means Committee met in a special meeting this evening at 6. The one item on the agenda was a budget adjustment for the fees for the Paul Martin law firm which appears in resolution 2040. He also reported that he met with departments and administration yesterday and mainly went through the capital budgets, there will probably need to be additional cuts due to the lack of money for all the requests. The next meeting is scheduled for May 13.

Ms. Cossey reported that the Committee on Insurance, Audit and Claims met on this day and approved most of the claims. There was a miscellaneous engineering bill for \$4,317.50, that needs additional clarification to know what the fees were for. She also reported that the code of ethics policy change needs more time to be discussed as a committee. She also reported that the media policy is still being worked on between Ms. Cox and Ms. Schramm. These two items were tabled until the next meeting. The next meeting is scheduled for May 14.

Ms. Heckmaster reported that the Public Safety Committee met on April 15. The committee heard from Chelsea Cholley about the Little League kick off. They would like to open the season with fireworks during the opening ceremony during the national anthem. Ms. Heckmaster made a motion, seconded by Mr. Snow, to allow non-commercial fireworks to be deployed at 5:30 pm and at the discretion of the Fire Chief during the period of April 29 to May 3, weather will determine the date. Motion carried. They also reviewed a donation of SCBA bottle to the fire department. They have been tested and can be put into use, this appears as Resolution 2039. The next meeting is May 20.

Mr. Edge reported the Public Services Committee met on April 16. They heard from Jason Clark with Schreiber Foods about their Schreiber park day. Mr. Edge made a motion, seconded by Mr. Taylor, to allow the use of Central Park on June 1 from 3 pm-10 pm. Motion carried. They discussed the Sudstock event put on by the Alliance of Southwest Missouri. Mr. Edge made a motion, seconded by Mr. Snow to allow the use of Municipal Park on August 24 from 9 am until 3 pm. Motion carried. The committee heard from Debbie Hurst about the Great American Days event that is scheduled for May 14. Mr. Edge made a motion, seconded by Mr. Taylor, to allow the use of Central Park for Great American Days on May 14 from 7:45 until 2 pm. Motion carried. The YMCA spoke with the committee about a color fun run they would like to have at Kellogg Lake to benefit Feeding America. Mr. Edge made a motion, seconded by Ms. Cossey to allow the use of Kellogg Lake Park on November 9 from 7 am until 12 pm. Motion carried. The YMCA summer swim team would like to have food trucks serve as the concessions in Municipal Park during their summer swim meet event on June 15-16. Mr. Edge made a motion, seconded by Ms. Cossey to allow the use of licensed food trucks in Municipal Park on June 15-16 from 7 am until 4 pm. Motion carried. The committee also discussed the

LIME scooter contract that is in Council Bill 24-23. They discussed an MOU for an easement at 130 E 4th Street. They discussed changes to the tree board ordinance to allow members to reside outside the city limits due to having trouble finding board members. That ordinance change was tabled until the next meeting. They also heard that the trees and limbs from the parks have been getting cleaned up and the wood from that will be available for people to pick up for free at the parks office. There will be an announcement once the wood is ready to be picked up. They also heard that the golf revenues are also up. The next meeting is scheduled for May 21.

Mr. Taylor reported that the Public Works Committee is between meetings with the next meeting scheduled for May 7.

Special Committee and Board Liaison reports were given by Mr. Edge for the Police and Fire Pension.

Mayor Rife reported on the department budget meetings.

During Remarks from Council Members, Mr. Peterson gave the statistics for the citizens who have contacted him since the last council meeting. Between those in his ward, other wards, or outside the city he had 32 contact him who were in favor of what the council is doing and 10 not in favor. Ms. Leece thanked everyone for their comments and said that everyone who has reached out to her whether they are for or against what the council is doing, has been kind to her and encouraged her to keep asking questions. Ms. Heckmaster asked if a training session had been scheduled for the new council members and Mr. Dagnan said he would be reaching out soon to get something scheduled. She also brought up comments that were made by an employee at the last meeting and said that last year the CWEP employees were feeling the same way. She wants us to move forward and she commended Ms. Leece for wanting to learn more. Ms. Heckmaster also said she would like to have a meeting with CWEP and the council. Ms. Heckmaster made a motion, seconded by Ms. Cossey to hold a joint CWEP board and council session within the next three weeks to discuss where ~~they have been, what do they want to change, and how to move forward together,~~ **where we've been, what do we want to do differently, and how do we move forward as a cohesive team.** Motion carried. Mr. Edge stated that several people had also reached out to him since the last meeting. He stated that he had 40 in support and 12 not in support of the council actions. Mr. Snow asked the Mayor his plan on how to heal the divide. Mayor Rife stated that everyone just needs to do learn their jobs and do their jobs and get back to doing what is best for the City. Mr. Barlow gave his numbers of citizens that contacted him. He said he had 47 with 31 in support, 15 not in support and 1 neutral.

Ms. Cossey asked where in the code it mentions that council members have only 2 minutes to speak. Mr. Dally stated he would have to look and find it. Ms. Cossey made a motion, seconded by Ms. Schramm to remove the 2 minute time limit for council members for tonight's meeting. Motion carried. She asked about a budget amendment for when the council voted to hire Lauber Municipal back in August. She stated that there was not a budget amendment done at that time for those fees even though they were required to do it this time with the Paul Martin fees. Ms. Cossey made motion, seconded by Ms. Schramm to have a special council meeting on Monday April 29 at 6:30 at the CWEP Community Room for the council bills that will be listed in motions following this motion, and that the council bills be presented without going through committees due to the urgency. In the same motion, for each item requiring a council bill, a council bill will be created and information will be provided to the City Clerk no later than 12 pm on Thursday April 25 to be forwarded onto the Mayor, City Attorney and City

Administrator **Acting City Administrator**. Ms. Cossey stated that she will have the council bills and resolutions pre-written so Mr. Dally will only have to review the language. Motion carried. Ms. Cossey made a motion, seconded by Ms. Schramm, to have one of the items that is discussed at the special meeting to be amending the language of ordinance 2-121 suspension and removal of officers. Ms. Leece asked if this is how the council is going to operate going forward is changing things we don't like that the previous councils did. Ms. Cossey stated the ordinances are living documents, the charter can't be changed without a vote of the people, and ordinances can be changed by council. **Mr. Snow addressed Ms. Leece about the ordinances that are brought before the council, he referenced a proposed ordinance change from the Mayor last summer that would have limited the number of people that could attend, as well as the amount of time people could give public comments. There was also a council bill brought before the council to censure Ms. Cossey by the Mayor.** Mr. Snow stated that changes should be proposed by the council and not the Mayor. Motion carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, Schramm. Nays: Taylor and Leece.

Ms. Cossey made a motion, seconded by Ms. Schramm, to also have an item on the agenda for amending the language of ordinance 2-160 Resignation or Discharge. Motion carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, Schramm. Nays: Taylor and Leece.

Ms. Cossey made a motion, seconded by Ms. Schramm, that at the special meeting on April 29, the city council meet to discuss amending the whistleblower policy in the personnel policy manual to expand protections to employees who wish to report issues against top levels of our administration. Motion carried unanimously.

Ms. Cossey made a motion, seconded by Ms. Schramm, that at the special meeting on April 29, the city council meet to discuss whether they want to hire another city attorney or hire a law firm instead to be their counsel. Motion carried by a vote of 9 yeas. Ayes: Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

Ms. Cossey made a motion, seconded by Ms. Schramm, to allow items to be added to the agenda for Monday within 24 hours if supported by 2 other council members and to be added sooner rather than later if possible. Motion carried by a vote of 8 yeas and 1 nay. Ayes: Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor

Ms. Cossey discussed an issue that was brought up to a majority of the council members the night before that seriously affects the city. Because it deals with personnel, Ms. Cossey made a motion, seconded by Ms. Schramm, to have an emergency closed session during tonight's meeting according to RSMo. 610.021 (3) to address the issue that was brought up to multiple council members the night before. The minutes shall state the reason for the lack of notice since it was not posted 24 hours in advance. Motion carried.

Ms. Cossey also addressed some comments that were made about the impeachment of the Mayor and who would take over if Mr. Snow were to win the commissioners seat. She said it is not always the longest serving council member who is elected Mayor Pro Tem, last year, Mr. Elliff who only had one year on the council, was elected as Mayor Pro Tem. She also told the audience that she did not have aspirations to be Mayor and does not have time to be Mayor.

Ms. Schramm thanked everyone again for voting her in and she said she will do what the majority wants her to do.

City Attorney Nate Dally stated that he would get a few legal updates out to the council before his last day in office. He will also have to update the new law firm or attorney that is hired to replace him. He read a personal statement about his time serving the City of Carthage, how he got to be City Attorney, why he wanted the job, and why he is ultimately leaving. He also gave statements about the department heads he had the pleasure of working with.

Police Chief Bill Hawkins thanked Mr. Dally for his time serving the City of Carthage. He also thanked Mr. Collier for his time serving on the Police and Fire Pension Committee.

Deputy Chief Jason Martin also thanked Darren Collier for his service to the Police and Fire pension. He also thanked the high school for the donation of the SCBA bottles.

Parks and Recreation Director Abi Almandinger thanked Mr. Dally for the kind words. She also stated that it has been a pleasure to be in her role for the last year and a half and she looks forward to promoting the parks and continuing the growth.

City Administrator Greg Dagnan commended the department heads for presenting their budgets the day before and starting the process of making cuts on their own before the budgets go to the budget committee. He also brought up the Humane Society and that he is planning a meeting with the police department to try and figure out if there is something they can do differently to help. He also said he would miss working with Mr. Dally daily. He addressed the council and their attempts to fire him and how it has been done illegally and how they now want to change the rules they didn't follow in the first place.

The Committee on Claims filed a report in the amount of \$2,728,370.75 against the following funds: General Revenue \$70,760.27, Public Health \$163,837.32, Public Safety \$3,754.25, Parks/Stormwater \$22,157.87, Fire Protection \$30,653.38, Golf \$12,797.49, Capital Improvements \$6,460.00, Myers Park \$8,777.00, Use Tax \$3,616.64, Public Facilities \$4,451.19, Payroll \$401,105.34, and Carthage Water & Electric \$2,000,000.00. Ms. Cossey made a motion, seconded by Ms. Heckmaster, to accept the report and allow the claims. Motion carried.

Mayor Rife called for a short recess prior to the old business.

Under Old Business, discuss law firm options for opinion on City Administrator removal. Ms. Cossey made a motion, seconded by Mr. Snow to table this discussion until the next regular council meeting on May 14. Motion carried.

The reason for being tabled was that there were still a few council members working on getting a list of attorneys to suggest.

Discuss special counsel options for City Attorney assistance. Ms. Cossey made a motion, seconded by Mr. Snow, to table this until the next regular council meeting on May 14. More time is needed to gather potential law firms for suggestions.

Ms. Cossey made a motion, seconded by Ms. Heckmaster to amend her motion to table until the special meeting on Monday April 29, due to Mr. Dally's last day being May 10.

The now amended motion to table until the special meeting on Monday April 29 carried unanimously.

Under New business, C.B. 24-23 -- An Emergency Ordinance authorizing the Mayor to enter into a Contract with Neutron Holdings, INC. d/b/a/ LIME, a Delaware Corporation, for scooter rental in the City of Carthage, Missouri was read for the first time.

Mr. Snow asked why this was presented as an emergency council bill. Ms. Almandinger explained that this has gotten to the City Council late due to some other deliberations on the third party who is responsible for the charging and pick up of the scooters. Having this council bill go through the two readings as normal would not get scooters here until June 1.

Ms. Schramm made a motion, seconded by Mr. Snow to move the second reading of this Council Bill to the special meeting on Monday April 29. Motion carried.

C.B. 24-24 -- An Emergency Ordinance authorizing the Mayor to enter into a contract with Paul Martin of Paul Martin Law of St. Louis Missouri in the amount of \$250.00 per hour to handle impeachment of the Mayor of the City of Carthage, in the City of Carthage, Missouri.

Ms. Leece asked about the extra expenses that may be incurred since the contract that was sent was for \$250 per hour plus additional expenses. She wanted to know what additional expenses may be incurred and if we knew what those rates would be. Ms. Cossey stated it would probably be mileage and the travel time and over night stays if needed. She believes that most of the services could be done over a distance using technology.

Mr. Snow made a motion, seconded by Ms. Schramm, to forward Council Bill 24-24 to second reading. Motion carried with a vote of 8 yeas and 1 nays. Ayes: Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor

C.B. 24-24 -- An Emergency Ordinance authorizing the Mayor to enter into a contract with Paul Martin of Paul Martin Law of St. Louis Missouri in the amount of \$250.00 per hour to handle impeachment of the Mayor of the City of Carthage, in the City of Carthage, Missouri was read for a second time followed by a roll call vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor and Leece. The Council Bill was approved and numbered Ordinance 24-25.

The Mayor's Board Liaison appointments were not approved due to lack of motion and second for approval.

Mr. Snow made a motion, seconded by Ms. Cossey, to approve Resolution 2039 -- A Resolution providing for the formal acceptance of a donation to the City of Carthage's Fire Department by the City Council of the City of Carthage, Missouri pursuant to City Policy. Resolution 2039 was adopted after a roll call vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

Mr. Snow made a motion, seconded by Ms. Cossey, to approve Resolution 2040 -- A Resolution authorizing a supplemental budget adjustment to the General Revenue Fund for fiscal year 2023-2024. Resolution 2039 was adopted after a show of hands vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

During closing comments, Mr. Snow wished Mr. Dally good luck. Ms. Schramm stated that she heard the employees that spoke last week and she felt their pain and shared a story about her

families experience with job insecurity. Mr. Peterson said he looks forward to serving as the liaison to the Kellogg Lake Board.

Mr. Peterson made a motion, seconded by Mr. Edge, to go into closed session according to section 610.021(3), the agenda includes the possibility of a vote to close part of the meeting to discuss 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 9:00 pm by a roll call vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

CLOSED SESSION

Ms. Cossey made a motion, seconded by Mr. Peterson, to return to open session at 9:22 pm. Motion carried with a show of hands vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

Due to the admission from Mr. Dally in regards to what he did. Ms. Cossey made a motion to terminate Mr. Dally. Mr. Dally stated that there has to be a statement of charges filed and 5 days for a hearing.

Ms. Cossey made a motion, seconded by Ms. Schramm, that given the legal liability that has been done, she requests that the Mayor immediately suspend Mr. Dally and he not be given access to anything with responsibility to the City.

Mr. Barlow voiced his concern on what would happen if Mr. Dally were to be terminated, as he is also involved with the municipal court. Mr. Dally stated that there are two more court days before May 10 and one of them is this Thursday.

Ms. Cossey claims that Mr. Dally targeted a specific individual for a specific reason due to him sharing information with others in regards to a warrant a citizen had which is public record and can be found on casenet. It was later shared in open session that the citizen was Heather Orscheln and Ms. Cossey and Ms. Schramm claimed that Mr. Dally targeted her due to her speaking out at the last meeting. Mr. Dally said he shared the warrant information so the deputy that knew her could let her know she had an outstanding warrant. He didn't send them to her business to have her arrested and if that is what happened, it wasn't because he told them to go out there.

The motion of asking the Mayor to suspend Mr. Dally passed by a vote of 6 yeas and 3 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Cossey, and Schramm. Nays: Taylor, Leece, Barlow.

Mayor Rife did not suspend Mr. Dally.

Ms. Cossey made motion, seconded by Ms. Schramm that as a city council, they write a letter to the Missouri Bar and send the screenshot of the warrant Mr. Dally sent out, expressing their concern over the issue. Because it was about a citizen, she feels that it was inappropriate and unethical.

Mr. Barlow voiced his concern about this being a very quick motion and it is very serious and needs some more investigation. The Motion failed by a vote of 3 yeas, 5 nays, and 1 abstain.

Yeas: Cossey, Schramm, Peterson. Nays: Taylor, Leece, Edge, Snow, Barlow. Abstain: Heckmaster

Mr. Snow made a motion, seconded by Mr. Taylor, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 9:44 p.m.

CLOSED SESSION
MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
April 23, 2024

This closed session was posted less than 24 hours in advance due to information being brought up to a majority of the council members the night before the scheduled meeting that seriously affects the city. Because it deals with personnel and to address the issue that was brought up to multiple council members the night before, a motion was made to have a closed session according to RSMo 610.021 (3).

The Carthage City Council met in regular session on the above date in City Hall Council Chambers at 6:30 p.m. with Mayor Dan Rife presiding.

Mr. Peterson made a motion, seconded by Mr. Edge, to go into closed session according to section 610.021(3), the agenda includes the possibility of a vote to close part of the meeting to discuss 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 9:00 pm by a roll call vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

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

City Attorney Nate Dally and City Clerk Miranda Deal were also present.

There was a short recess before the closed session started. Council went into closed session at 9:07 pm.

Ms. Cossey brought up a message that was sent to a majority of the council the night before that was about a citizen who had a warrant. Mr. Dally was asked questions about the incident since the image of the warrant appeared to have come from him. They claim he targeted this individual because they spoke out at the last council meeting.

Ms. Cossey made a motion, seconded by Mr. Peterson, to return to open session at 9:22 pm. Motion carried with a show of hands vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm.

Respectfully submitted,

Miranda Deal
City Clerk