



City of Carthage, Missouri **SPECIAL CITY COUNCIL**

May 10, 2024 – 2:00 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

To hear the full comments and discussions, please refer to the recorded Youtube video of this meeting.

<https://www.youtube.com/watch?v=oLdoeu11d-E>

The Carthage City Council met in a special session on the above date in Council Chambers at 2:00 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, Derek Peterson, Terri Heckmaster, Alan Snow, Tom Barlow, Tiffany Cossey, Jana Schramm. Council Member Lori Leece was absent. City Administrator Greg Dagnan was present.

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

During reports of Council Members, Mr. Taylor gave the definition of the word “and”. Mr. Peterson said he had the opportunity to attend his first Kellogg Lake Board meeting and he looks forward to working with them and reminded everyone of Kid’s Fishing Day on June 8. Mayor Rife mentioned that he is welcome to attend those meetings, but there are officially no board liaisons since there was no motion or vote to approve them. Ms. Heckmaster thanked everyone who had been working during unbelievable circumstances. Ms. Cossey echoed what Ms. Heckmaster had said about all the work being done after the storm. She also asked her fellow council members not to leave motions out on the table after the last meeting that ended up being a circus. She stated the Mayor banged the gavel to adjourn prior to a vote being taken. She wants to make sure that motions are closed and that a vote is taken prior to adjournment and not assume that everyone will adjourn just because it is called for.

Ms. Cossey made a motion, seconded by Ms. Schramm, that Mr. Dagnan be removed from the City Administrator seat and moved to the gallery with the public since he is no longer a city employee. Mayor Rife stated that no motions may be made during the report time and only motions that are on the agenda are open for discussion during the meeting.

Ms. Cossey made a motion to amend the agenda to include all of the originally requested items for this meeting.

She stated that the City Attorney unlawfully refused to forward these items to be placed on the agenda. The sunshine law in section 610.020 (2) of the Missouri State Statutes, states there are 24 hours notice required for agenda items unless good cause can be shown as to why things were impossible or impracticable, then as much notice as possible is required. She

states these items were impossible because the City Attorney unlawfully withheld these items from being forwarded, the clerk was asked to put it on the agenda and did not.

Mayor Rife stated that they were not put on the agenda because the items were not legally vetted and approved by the attorney which is required by the charter and the ordinances. Ms. Cossey still argued that the City Attorney had no right to refuse to approve those items. Mayor Rife stated the City Attorney has to approve anything that comes before the Council. She asked for proof within the code of where it says that. Mayor Rife looked up section 2-144 (c) under general duties of City Attorney which states "The city attorney shall draft all ordinance and contracts and all legal forms and give legal advice to the council and other officers of the city." Ms. Cossey stated that he still does not have the right to prevent things from being put on the agenda and that is what she asked the Mayor to provide from the code. Mayor Rife stated that the City Attorney would only draft what was legal, she stated that the Council is still waiting for him to draft other items that were requested weeks ago, the motions were legal, the City Attorney just didn't do his job. She repeatedly asked where it states that the attorney has the ability to refuse items being put onto the agenda. She assumed the Mayor's ruling would be that he would not take a vote and she made a motion to appeal the ruling and vote to place the items on the agenda. Mr. Snow seconded this motion. Ms. Cossey called for a vote, the vote result was 6 yays and 1 nay with Mr. Taylor casting the nay vote. Mayor Rife stated that Ms. Cossey does not have the authority to chair the meeting, she states that the person who made the appeal has the ability to take the vote and the Mayor does not have the ability to prevent it. Ms. Cossey stated that since the vote was passed to consider the items, she had printed them off for the council and had some for the public.

Mr. Taylor stated that everything that she is doing is illegal and everything that happens after this point is illegal and they will be subject to the consequences. Mr. Snow added that these ordinances were given to Mr. Dally weeks ago and requested to be on a regular and special council agenda and have not been put on any of the agendas. Mayor Rife stated that it was because they went against the charter and against the ordinances.

Mr. Taylor excused himself because he did not want to be party to anything illegal and apologized to the Mayor for his leaving. Ms. Cossey stated that she had consulted their outside attorney, Paul Martin, and did get advice that this was appropriate. Mr. Dagnan mentioned that consulting him for that is outside the scope of his contract since he was only hired for the impeachment, Ms. Cossey answered back and stated that if he wasn't charging for the advice then it doesn't really matter. Mr. Dagnan reminded everyone that they are about to violate the sunshine law, Ms. Cossey renewed her motion on removing Mr. Dagnan and placing him in the gallery. Mayor Rife stated he is still a city employee, Ms. Cossey stated that since the Mayor didn't entertain her renewed motion, she would like to appeal that and take a vote to have Mr. Dagnan removed to the gallery, she asked for a vote with Ms. Schramm seconding the motion earlier. The vote was 3 yeas, 1 nay being Mr. Barlow, 2 abstaining being Ms. Heckmaster and Mr. Snow.

Ms. Cossey made another motion, seconded by Mr. Peterson, to ask the Police Chief to escort Mr. Dagnan to the gallery since he refused to move. Ms. Cossey asked for the vote and apologized to the Mayor for not giving him a chance to reject the vote first. Mayor Rife stated he was not going to call for the vote. Ms. Cossey asked for a vote to appeal seconded by Mr. Peterson. The votes for the appeal were 3 yays, 1 nay being Barlow, and 2 abstains being Ms. Heckmaster and Mr. Snow.

She then asked for a vote for Chief Hawkins to remove Mr. Dagnan and escort him to the gallery. Mr. Peterson seconded the motion. The vote to have Chief Hawkins remove Mr. Dagnan failed with a vote of 3 yeas, 1 nay being Barlow, and 2 abstains being Ms. Heckmaster and Mr. Snow. Ms. Cossey debated on the results of the vote being passed or failed. Mayor Rife again reminded everyone that all of these motions were against the sunshine law since none of them were on the agenda, and that everything after would also be in violation.

Ms. Cossey then motioned to have the items that were just passed out, be placed on the agenda for Tuesday night's regularly scheduled council meeting. This was seconded by Mr. Snow. She stated that this would keep the city from violating the sunshine law and asked for a commitment from city hall to not impede the process and that part of her motion, the city clerk be required to be post these onto the agenda and that no ridiculousness holding up from the Mayor. Mayor Rife stated that we would do everything within the law. She stated that the motion was to have the items placed on the agenda. She made sure that the clerk noted that she be required to place the items on the agenda and that if they are not posted and that if they were not posted, the Mayor knows that he was in violation of a council vote.

During the last councilmember remark, Ms. Schramm thanked everyone for their cleanup and then asked about a post that was made on social media about the special meeting. She stated that Ms. Cossey sent the email to the clerk at 7:27 am requesting the meeting, there was a Facebook post made by someone who is not a city employee or a council member that had the contents of that email to the clerk at 9:20 am, and the rest of the council wasn't notified about the meeting by the clerk until 11:13 am. She stated that is a drastic misstep in protocol to send this email to anyone else before the council has seen it. She asked Ms. Cossey who she sent the email to and it was stated that only Mr. Snow and Ms. Heckmaster were on the email since they cosponsored the meeting. Ms. Schramm then asked Mr. Snow and Ms. Heckmaster if they sent the email to anyone, they did not. She then asked the clerk, the clerk stated she sent it to Ms. Cox, Mr. Dagnan, Mr. Dally and Mayor Rife. She then asked if the Mayor sent it out in which he responded that he did not. She said that someone sent this email to someone outside of the city and that it was a lack of protocol and lack of respect.

Under New Business, the discussion of outside special general legal counsel. Mayor Rife stated that this was premature since the RFP's weren't due until 5 pm that afternoon. Ms. Cossey stated that the topic was very broad and went on about the purchasing policy procedures for legal counsel. She claims Mr. Dagnan flagrantly lied to the city council and stated that the purchasing policy applied to legal counsel and it does not. The policy states that the city council may hire special services without going through the purchasing policy and legal services are included within that. Services over \$1,000 require contracts and approval from city council but did not require going through the procedures that Mr. Dagnan stated. Ms. Cossey stated there were multiple items to be discussed under this topic. Ms. Cossey made a motion, seconded by Mr. Peterson, to revoke and replace Ordinance 24-25 to change the language to what she had provided in the packet handed out instead of what Mr. Dally had.

Mayor Rife stated that it was completely illegal, there was no legitimate bill number on it, it had not been vetted or written by the city attorney and that it was not a legal item to be voted on. Cossey claims that the attorney writing and approving a council bill is a procedural ordinance and that the council can violate those. She made a motion, seconded by Mr. Peterson, to suspend the rules that says the city attorney has to vet all the ordinances and consider the language as written. Mayor Rife stated you can't suspend rules on policy and ordinances. You can suspend rules on meeting procedures, not ordinances and charter items. Motion carried.

Mr. Dagnan stated that to repeal an ordinance they would need a council bill, Mayor Rife stated that discussion does not include voting on an ordinance that was not on the agenda, it

only includes discussion. Motions and votes can only be made on what is on the agenda. Mr. Dagnan stated that if an emergency meeting is called that the only thing that can be discussed is what is on the agenda and there are no council bills on the agenda. Mr. Snow stated it was a special meeting and not an emergency. Ms. Cossey believed that they were well within their rights to discuss and vote on. Ms. Cossey made a motion, seconded by Mr. Peterson, to revoke resolution 1835 for council bill procedures. Mr. Dagnan stated that Resolution 1835 was just a summary of what was in the charter and ordinances.

Ms. Cossey stated that the ordinance on the table directly relates to the discussion of special general legal counsel. The vote for revoking ordinance 24-25 and replacing it with the presented language. Mayor Rife stated that legislation cannot be passed without having the previous and current version. Ms. Cossey made a motion, seconded by Mr. Snow to forward this to Tuesday night's meeting and that she would provide the city clerk with what is needed. She also made a motion, seconded by Mr. Peterson, to have a separate contract with Paul Martin for special general matters outside the impeachment on Tuesday's agenda. Mr. Dagnan stated that the Mayor is the one who has the power to appoint general counsel and it is ratified by the council. This motion carried.

Ms. Heckmaster had done some research for legal counsel. One possibility was Donald Brown or Dakota Paris with Douglas, Haun & Heidemann. Other options included Jon Gold with Reynolds and Gold, and Karl Blanchard with Millington and Glass. Blanchard was only interested in serving in a short term capacity. City Court options included Nathaniel Gourley from Copeland and Brown, and also Todd Hawkins. These two were only interested in representing the city court. Ms. Cossey asked what Ms. Heckmaster's opinion was on hiring counsel. She recommended hiring Mr. Blanchard for the short term, and then one of the other two firms be hired for full time. She believes that the city court options need to be explored further. Ms. Cossey made a motion, seconded by Mr. Peterson to hire Mr. Blanchard as special general counsel. Mayor Rife stated that there have not been any interviews or background checks that are needed to hire someone. He stated that he was able to hire the Lauber law firm because the Mayor has powers that the council does not. Motion carried with a vote of 5 yays and 1 abstain being Mr. Barlow. Ms. Cossey made a motion, seconded by Mr. Snow, to present a contract and council bill for Tuesday's meeting and require the clerk to put this item on the agenda, she would provide the council bill and contract. Motion carried.

Ms. Heckmaster made a motion, seconded by Mr. Snow, to adjourn the special council meeting. Motion carried and meeting adjourned at 2:57 pm.