



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

April 29, 2024 - 6:30 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=hX2DT4AuTt0>

The Carthage City Council met in a special 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 Captain Chad Dininger 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 was present. City Attorney Nate Dally was absent.

The following Department Heads were present: Police Captain Chad Dininger, Fire Chief Ryan Huntley, and City Clerk Miranda Deal.

Ms. Heckmaster made a motion, seconded by Mr. Snow, to amend the minutes of the April 23, 2024 Council Meeting, at the 1:01:22 when Ms. Heckmaster made a motion to have a joint meeting between CW&EP and Council, she said she want to talk about “where we have been, what do we want to change, and how to move forward together” instead of it saying “where they have been, what do they want to change”. Motion carried.

Ms. Cossey made a motion, seconded by Mr. Snow, to amend the minutes to state Acting City Administrator where it was referenced that the proposed council bills would be sent to the City Clerk, Mayor and City Administrator. She would also like Mr. Snow’s examples of council bills included when addressing Ms. Leece, that the Mayor had proposed in the past to the council. Motion carried.

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

Before old business, Mayor Rife explained why there was an absence of council bills on the agenda. The City Attorney is required to draft all council bills and when he received the requests and sample council bills, he was in city court all day. He responded early Friday morning and gave a thorough explanation about his issues with the council bills. These changes were not made before the deadline on Friday, so they were not included on the agenda. The 24 hour notice period for agendas is exclusive of weekends, so when a request on Sunday evening was made to add items to the agenda, this could not be accommodated. Any amendment to the agenda at that point needed to meet the criteria of an emergency or relate directly to topics that arise during the meeting itself.

Under Old business, C.B. 24-23 -- An 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 a second time.

Mr. Edge mentioned that he is all for the scooters, but that there has been a change since the last meeting. The local partner that is in charge of charging the scooters and picking them up has changed. Ms. Almandinger was not present to explain the changes. Ms. Schramm and Ms. Leece also voiced their support for the scooters. Mr. Edge said he would like to know the new arrangements prior to voting on the council bill.

Mr. Edge made a motion, seconded by Mr. Snow to table until the May 14 Council Meeting when the change in third party vendor could be explained. Motion carried with a vote of 7 yeas, 1 nay, and 1 abstain. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, Schramm. Nays: Taylor. Abstain: Leece

Discuss special counsel options for City Attorney Assistance. Ms. Heckmaster stated that she had been conducting research on municipal law options for both short term and long term options. Ms. Heckmaster made a motion to have the Mayor Pro Tem Alan Snow, Tiffany Cossey, and Derek Peterson, conduct interviews on those firms and bring recommendations back to the council.

Mayor Rife stated that he is supposed to appoint the hiring committee for the City Attorney. Ms. Cossey stated that for the City Attorney position, the Mayor is correct on the hiring committee, but this isn't for that position. This is for the assistant to the City Attorney that was agreed upon. Mayor Rife stated the City Attorney has resigned and that if he has resigned, there is no purpose for an assistant and if there is, there needs to be a job description developed and a new position created. There were discussions on what the procedure is for hiring an assistant, whether it is an employee or an of counsel position. If the person is to be a contract employee, there needs to be a council bill for the contract. Mr. Snow stated that the purpose of Ms. Heckmaster's motion is to interview those interested and put forth a contract with the person chosen. There were further discussions on the urgency of the matter and getting someone in to be the City Attorney.

Ms. Cossey made a motion, seconded by Mr. Snow to combine this item with the first item under new business because she believed the two issues ran together, before any other motions are made. Motion carried.

Under new business, discuss hiring another City Attorney or hiring a law firm for counsel. Ms. Cossey stated that she wasn't sure if a full-time City Attorney was needed. She would like the council to explore the option of hiring an independent third-party law firm. She didn't see anything in the charter that required a City Attorney on staff, just ordinances, which those can be changed should the council decide to not have a full-time attorney. Mr. Snow gave a rundown of the history of the City Attorney position and it becoming a full-time position versus a part-time position. Ms. Cossey asked about what is being advertised for the pay for the City Attorney position. She thinks it needs to be advertised for full-time with increase in pay or for 30 hours a week with the current pay. Mr. Dagnan stated that the range of pay for that position was posted. There were further discussions on the City Attorney position and what the hour requirements would be and the pay, as well as, what the advertisement is asking for.

*Mr. Dagnan stated that an independent municipal law firm could not be hired without an RFP per the purchasing policy.

Ms. Cossey made a motion, seconded by Mr. Peterson, to put out an RFP to advertise for independent municipal law firms. Motion carried.

There were discussions on having a potential special meeting just for choosing a law firm if there were multiple applicants to accelerate the process of getting someone hired.

Mr. Snow made a motion to amend the agenda to include all the items that were voted and passed at the previous meeting.

Mayor Rife stated that there were still other items on the agenda. Mr. Snow said the item on the agenda was not one of the items that was voted on at the previous meeting.

Ms. Deal stated that the next item on the agenda was emailed to her requesting to be added prior to the 24 hours. Ms. Cossey stated that she had talked with Mr. Snow about cosponsoring putting that item on the agenda. The training was put on by Lauber Law Firm and the council was no longer using the Lauber Law Firm. This was put on the agenda to discuss if the council still wanted to fund that training or find alternate options.

The motion Mr. Snow made was discussed.

Mr. Snow's motion was seconded by Ms. Cossey, to amend the agenda to include all the items that were voted and passed at the previous meeting.

Mr. Snow read section 610.020 from the State statutes stating that it only requires a tentative agenda be posted and that amendments or adjustments can be made in less than 24 hours.

Ms. Leece asked what was trying to be done. Mayor Rife explained that there were several items put forth that Mr. Dally reviewed and the revisions he suggested were not made to the items so the items were not put on the agenda. Ms. Cossey stated that the City Attorney does not have the authority to prevent items from being put on the agenda, he only has a procedural role and his role is to make sure that they are in the proper format. Ms. Leece said that Mr. Dally did not refuse to put them on the agenda, he refused to sign off on them because he did not feel they were legal. Ms. Leece said that the chair, who is the Mayor, has the right to determine what goes on the agenda, as well as, the time that people are allowed to speak including the public and the members of the body. Ms. Cossey stated that the time limit for council members was not in an ordinance anywhere, she also said that it wasn't the Mayor who refused to forward this, it was Mr. Dally. He is not an elected official, he does not have the ability to say what goes on the agenda and what doesn't. She claims it did not go to the Chair. Mayor Rife stated that it did go to him, Mr. Dally is required to write and co-write any council bill or resolution. He did not approve them or write them, he offered suggestions that would make them usable and those suggestions were not taken. The Mayor decided that they would not be on the agenda since the attorney suggestions were not taken. Mr. Snow stated that the council does have a veto override ability of the Mayor so they can overrule any decision the Mayor makes.

Mr. Snow made a motion, seconded by Ms. Leece, to adjourn the special council meeting. ~~Motion carried and meeting adjourned at 7:41 pm.~~ *Meeting was not adjourned properly and meeting was left open. *motion to amend at the May 14, 2024 meeting.