



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

May 17, 2024 – 4:00 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=SKSRUuABZ1Y>

The Carthage City Council met in a special session on the above date in Council Chambers at 4:00 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, 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, Deputy Fire Chief Jason Martin, Parks and Recreation Director Abi Almandinger, and City Clerk Miranda Deal.

Also present was Chris Thornton, Counsel for the Mayor, and Paul Martin, Counsel for the City Council for impeachment proceedings.

Prior to new business, Mayor Rife asked Mayor Pro Tem Alan Snow to take over since the business on the agenda involves him.

Under New Business, Ms. Cossey made a motion, seconded by Ms. Heckmaster to consider the hiring of a hearing officer with the resolution. Motion carried.

Resolution 2042 was read and Ms. Cossey asked for Paul Martin to come up and explain the resolution and what it is about.

Paul Martin came up and gave some background information about himself and stated that the resolution gets the impeachment process started. He stated that had sent out a new resolution and bill of impeachment to make a few changes after speaking with an attorney from Lauber that had contacted him regarding the impeachment. The new substitute resolution removes the second section four that was listed that spoke on suspending the Mayor, it also adds a tenth charge on the bill of impeachment for entering into a contract without council approval.

Ms. Cossey made a motion, seconded by Mr. Peterson, to replace 2042 with the substitute resolution 2042. Motion carried with 7 yeas and 1 nay. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nay: Taylor

Mr. Taylor asked questions about the conflicts of interest with certain charges listed and a few council members and also asked about the 24 hour notice for changing the resolution.

Paul Martin explained the process of the impeachment and all that would happen after the resolution is passed. The hearing would be like a trial, he would be there to prosecute and the Mayor's attorney, Chris Thornton, would be defending. He was unsure on how long the hearing would take, hopefully it can be done in a few hours, otherwise, it could be continued to the next day or another date set by the council. There will be a court recorder to get everything on the record in case the Mayor goes to appeal the decision of the council at the end of the hearing. He also explained that the council would have to decide the next steps after the hearing, whether it is removal, discipline, or nothing at all. He asked that charges not be discussed at today's meeting, that will be done at the hearing.

Ms. Cossey made a motion, seconded by Mr. Peterson, to adopt Substitute Resolution 2042 and the substitute bill of impeachment, the resolution also includes hiring Timothy Engelmeyer to be the Hearing Officer for the hearing. Substitute Resolution 2042 – A Resolution concerning the removal of Dan Rife from the office of Mayor of the City of Carthage was adopted by a roll call vote of 7 yeas and 1 nay. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nay: Taylor

Chris Thornton, Mayor Rife's attorney, raised a point of order and stated that Mayor Rife is invoking his right to veto this resolution under section 4.7 of the City Charter. That veto is binding until overridden by the council.

Paul Martin read section 4.7 from the City Charter. Section 4.7 – Mayor may veto expenditure resolutions and orders was read as follows: The Mayor shall also have the power to veto any resolution or order of the Council which calls for or contemplates the expenditure of the revenues of the City. Such vetoes shall be noted on the journal of the Council, and shall be effective and binding unless the council, at a subsequent session thereof, general or special, shall pass said resolution or order by a vote of three-fourths of all the members elected to the Council.

Ms. Cossey stated that she believes that the Mayor can't rule on something in which he has a personal interest.

Mr. Thornton stated that the Charter says what it says and it's applicable as it's applicable as the case may be, he said if they would like to go to a court and challenge that, they can. Ms. Cossey stated she just wanted time to check the ordinances to see what is in there, Mr. Thornton stated the ordinances don't matter, this was a charter matter. She claims that if it is further developed in the ordinances and the ordinances don't conflict with the charter, she believes that the Mayor does not have a right to veto. Mr. Martin stated that the inclusion of the Engelmeyer contract contemplates the expenditure of City funds, charter section 4.7 does apply. Mr. Thornton stated that the whole resolution contemplates the expenditures of city funds and as it stands, the resolution has been vetoed.

Mr. Martin asked council on behalf of the Mayor if they wanted to take action on something that the Mayor has a personal interest in since according to section 105 of the state statutes, it would be a crime to do so. He recommended that the council motion and vote to exclude the Engelmeyer contract. Ms. Cossey made a motion to exclude the hiring of Mr. Engelmeyer as the hearing officer. Mr. Edge brought up that the veto wasn't just for that part of the resolution, Mr. Thornton said the entire resolution has been vetoed by the Mayor.

Mr. Martin said the only other option is to have another meeting to vote to overrule the Mayor's veto. Ms. Cossey asked questions on the next steps regarding overruling the veto and scheduling the hearing in accordance with the sunshine law.

Mr. Thornton asked Mr. Martin if he was acting as the city's municipal attorney or if he was special prosecutor. Mr. Martin stated that he was the City's lawyer for this process and the special prosecutor. Mr. Thornton asked if he was acting on behalf of the city as a general attorney, Mr. Martin stated that he does not know where the line begins and ends. Ms. Cossey states that he was hired as special general counsel, Mr. Thornton stated that is not what was on the ordinance that he read.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to have a special council meeting to consider overriding the Mayor's veto. During discussion, dates and times were discussed. Ms. Cossey proposed to have the meeting on Monday evening at 6:30.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to have a special council meeting on Monday May 20 at 6:30. Motion carried.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to adjourn the special council meeting. Motion carried and meeting adjourned at 4:40 pm.