



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

May 20, 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=9yrNb9UIXFo>

The Carthage City Council met in a special session on the above date in Council Chambers at 6:30 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, and Jana Schramm. 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 Paul Martin, Counsel for the City Council for impeachment proceedings.

Pursuant to the terms of the charter, the council shall cause the objections of the Mayor to be entered into the journal and proceed at it's convenience to consider the question pending which shall be in the form "shall substitute resolution 2042 pass? The objection thereto notwithstanding" The Mayor stated his objections to the resolution are as follows:

a) I do not believe that the efforts of some members of the Council to remove Mr. Dagnan as City Administrator and me as the Mayor of Carthage, duly elected by the citizens, are in the best interests of the City or its citizens.

b) I believe that the efforts of some members of the Council to remove me from the Office of Mayor of Carthage Missouri are an attempt to retaliate against me, the City and its staff for upholding the interests of the Public against a small group of citizens motivated by more personal interests.

c) I do not believe Substitute Resolution 2042 is in the best interests of the citizens of Carthage, Missouri. I do not believe the expenditure of scarce public resources on political drama at the request of a few councilmembers with, at best, questionable motives, is wise. I strongly recommend that the Council consider the financial implications to the City of the actions they are taking. I will not approve any such expenditures until such time as I am convinced that they are in the best interests of and promote the general welfare of the Citizens of Carthage, Missouri whom it is my honor to represent.

Mayor Rife asked Mr. Snow to take over since the question at hand is about him and his office.

The resolution being reconsidered was read aloud by City Clerk Miranda Deal.

Reconsideration of Substitute Resolution 2042 – A Resolution concerning the removal of Dan Rife from the office of Mayor of the City of Carthage.

Ms. Cossey called a point of order to challenge Mayor Rife's veto of Resolution 2042 and asked for Paul Martin to explain.

Mr. Martin claims that the veto violates law and parliamentary procedure. He stated that section 105.452 of the Revised Statutes of Missouri declares that no elected official of any political subdivision shall favorably act on any matter that is so specifically designed as to provide a special monetary benefit to such official. The statute goes on to define special monetary benefit as a benefit that is unique to the office holder, and the Mayor acknowledged, this is his office, and the salary that comes with it is unique to this office. Further in the statute it states that such officials must recuse themselves from acting. He went to a different part of the statute that states no such official shall act in any capacity in which he is lawfully empowered to act by reason of any receipt of anything of actual pecuniary value made or received in relationship to the performance of an official act. By vetoing the resolution to establish impeachment procedures and to remove Mr. Rife from the office of Mayor, that means he would lose the emoluments of that office, including the salary, so he has definitely acted to preserve his own pecuniary benefit. He also brought to the Council's attention to the charter under section 4.1, which says the Mayor has the right to vote in a tie of the council, but it goes on to say that the Mayor "shall have no such power to vote in cases in which he is an interested party". He also read section 2-521 from the City Code, that section states that "the public judges its government by the way the members of its city council, mayor and its appointed officials conduct themselves in the post to which they are elected. The public has a right to expect that each such officer's conduct will tend to preserve public confidence in and respect for the government of the City of Carthage. To obtain these goals, it is important that they mayor, each member of the city council and the appointed officials of the City of Carthage will uniformly: (1) Treat all citizens with courtesy, impartiality, fairness and equality under the law; and (2) Avoid both actual and potential conflict between their private self-interest and the public interest." Mr. Martin stated the common item between these two laws is that if you have a personal interest in public matter, you are supposed to refrain from it and that is specifically included in 105.452.

Mr. Martin explained the purpose of a point of order. A point of order is a motion by a member of the body to challenge what they contend to be an error made by a presiding officer. Last Friday, the mayor correctly stepped down as the chair. Once he made himself unavailable to act on the resolution, he has effectively let go of his mayoral authority and the person who takes over, the president pro tem. As a parliamentary manner, the only person who could have vetoed the resolution was the president pro tem. He stated that he believes that the council more than justified in raising the point of order on whether or not the mayor's veto is valid or void. If it is valid, they would need to do the override vote, if it is void, the resolution would stand.

Mr. Taylor asked about the conflicts of interest within the impeachment reasons and certain council members. Mr. Martin stated the resolution is to get the process started.

Mr. Martin brought up a hearing date, he suggested scheduling the hearing to begin on June 5. He also brought up lawsuits getting filed in these circumstances. He mentioned that if the mayor decided to file a lawsuit to challenge the rejection of his veto, if that is what the council

does, it would lead to delay. He suggested passing the same impeachment authorization in the form of an ordinance at another meeting, if the resolution gets tied up in court, they could still proceed with the hearing on June 5.

Mr. Snow stated that based on the recommendation of Mr. Martin, he rules the veto invalid and resolution 2042 stands as adopted.

Ms. Leece asked about the Engelmeyer contract being separated from the resolution. Ms. Cossey stated that it was written into the resolution so it was adopted with the resolution.

Ms. Leece also asked about former council members and the older charges prior to the new council taking over. Ms. Cossey spoke on the charges, which were primarily put together by her recollection and the recent items have all been available by video. Ms. Leece asked if the impeachment was a way to take back the votes that current serving members made in the past. She also asked about the "and" clause and hiring MML lawyers to determine the ruling. Ms. Cossey believes that had been tabled and in her opinion she doesn't believe that is necessary to proceed. Mr. Snow explained that the resolution that was just passed will establish a hearing date and the charges will be discussed during the hearing and explained the hearing process. Ms. Leece asked Mr. Martin if he had watched any of the videos or talked to past council members, and he stated he had not watched the videos and he wasn't sure who he has talked to.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to set the hearing date for June 5.

There was discussion on the availability of council members for this date and a time that would work for all, Ms. Leece stated that she has an all day meeting that day from 8-4. There were also questions of Mr. Martin on how long this type of proceeding takes. Sometimes a few hours other times it is a few days.

Ms. Cossey made a motion to start the hearing at 8 am on June 5.

There was discussion on the timing and 8 am does not work for everyone after it had been stated that Ms. Leece was not available until after 4 that day.

Ms. Schramm made a motion to call the question, Ms. Cossey seconded. Motion carried with a vote of 6 yeas and 3 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Cossey, Schramm. Nays: Taylor, Leece, Barlow

Mr. Barlow asked what was voted on, and Mr. Snow stated that the vote was to call the question and discussion ends and they get back to the motion of June 5 for the hearing date.

The motion on the floor to have the hearing for June 5 carried with a vote of 5 yeas and 4 nays. Ayes: Peterson, Heckmaster, Snow, Cossey, and Schramm. Nays: Taylor, Leece, Edge, Barlow

Ms. Cossey made a motion, seconded by Ms. Schramm, to set the starting time of the hearing for June 5 at 8 am. Motion failed with a vote of 4 yeas, 4 nays, and 1 abstain. Ayes: Peterson, Heckmaster, Cossey, Schramm. Nays: Taylor, Leece, Edge, Snow. Abstain: Barlow

Ms. Cossey made a motion, seconded by Mr. Peterson, to open discussion to determine a good time to start.

Ms. Leece stated 4 pm, Ms. Schramm asked Mr. Martin if it is possible to conclude the hearing in the same evening, he said it is possible but it may be a late night.

Mr. Taylor made a motion, seconded by Mr. Barlow to begin the hearing at 4 pm on June 5. Motion carried unanimously.

Mr. Peterson made a motion, seconded by Ms. Leece, to adjourn the special council meeting. Motion carried and meeting adjourned at 7:02 pm.