



City of Carthage, Missouri

CITY COUNCIL

June 3, 2024 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance to Flag**
4. **Calling of the Roll**
5. **Reading and Consideration of Minutes of Previous Meeting**
 1. Amendment of the May 21, 2024 Minutes
 2. Approval of May 28, 2024 Minutes
6. **New Business**
 1. Discussion of the appointment of an interim city administrator and a vote for such
 2. Discussion of Ordinance 24-27, a point of order, and a possible vote to override this attempted veto, considering the question, "shall the bill pass objections of the Mayor thereto notwithstanding?"
 3. Discussion and possible vote to reschedule or indefinitely delay the impeachment hearing of June 5
 4. Discussion of hiring an independent law firm to act as interim legal counsel for the city
7. **Executive Session**
 1. **CLOSED SESSION:** ACCORDING TO SECTION 610.021 (1), THE AGENDA INCLUDES THE POSSIBILITY OF A VOTE TO CLOSE PART OF THE MEETING TO DISCUSS LEGAL ACTIONS, CAUSES OF ACTION OR LITIGATION INVOLVING A PUBLIC GOVERNMENTAL BODY OR ITS REPRESENTATIVES AND ITS ATTORNEYS.
8. **Adjournment**

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING



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

May 21, 2024 – 7:00 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=Dm7SsSZXJbs>

The Carthage City Council met in a special session on the above date in Council Chambers at 7:00 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, 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.

The first item under new business was discussed at the May 20, 2024 meeting and a hearing date of June 5 at 4 pm was set.

C.B. 24-27 – Ordinance concerning the removal of Dan Rife from the office of Mayor of the City of Carthage was read for a first time.

Ms. Cossey asked if Mayor Rife would allow Mr. Snow to take over since the Council Bill involves him. Mayor Rife returned to the audience.

During discussion of the council bill, Ms. Cossey stated that the date and time in the council bill needed to be changed to what was voted on the previous night. Ms. Cossey made a motion, seconded by Ms. Schramm, to change the date in the council bill for the hearing to begin June 5 at 4 pm and to open discussion for a continuation date and time. Motion carried with 8 yeas and 1 nay. Ayes: Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nay: Taylor

Discussion was opened to discuss continuing the hearing to June 6 and determining a time.

Ms. Leece made a motion to table the June 5 hearing date until training and an attorney is in place. Mr. Taylor seconded the motion.

Ms. Cossey argued that they have tried getting general counsel but it was blocked by the mayor. There is a committee to start interviewing candidates later this week for the city attorney position. Ms. Leece feels like things are being rushed and there is no city attorney for the council members to talk to about the impeachment proceedings. Ms. Cossey stated that

Mr. Dagnan lied about needing RFP's for general counsel, and counsel is not required to have an RFP according to the purchasing policy. There were discussions on the process of getting a city attorney. Mr. Edge stated that he agrees with Ms. Leece in the fact that having legal representation would be beneficial.

Back to the motion made by Ms. Leece, motion failed by a vote of 3 yeas and 6 nays. Ayes: Taylor, Leece, and Edge. Nays: Peterson, Heckmaster, Snow, Barlow, Cossey, Schramm

Back to the discussion of a continuation date, Ms. Schramm made a motion, seconded by Ms. Cossey to amend section 4 of the ordinance and continue to June 6 at 4 pm. 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 made a motion, seconded by Ms. Schramm, to forward Council Bill 24-27 to second reading due to having the emergency language stated in the council bill.

Ms. Leece asked what constitutes an emergency ordinance. Ms. Cossey stated that a council can request that something be considered as an emergency and go to second reading the same night it is presented. There is no language that determines what is an emergency, it is up to the council to decide if it is an emergency. Mr. Snow brought up the LIME scooter ordinance that was presented as an emergency due to time constraints, Ms. Leece doesn't understand what the rush is on this council bill. Mr. Snow stated that the hearing is June 5 so this would be a time constraint.

The vote to forward to second reading passed by a vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor and Leece.

Mr. Taylor mentioned that an attorney he spoke with stated that to forward the council bill as an emergency ordinance it needs a unanimous vote. Ms. Cossey asked where in the ordinances it says that. Mr. Taylor stated that he spoke with Nathan Nickolaus and if they wanted to call him and talk to him about it they could.

The charter was consulted and Ms. Cossey read section 3.9 (e) was read "An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds of the members of the Council". Mr. Snow also reviewed that section and stated that the only thing that could not be passed as an emergency was an ordinance granting, reviewing, or extending a franchise. ***Minutes amended at May 28, 2024 meeting to add this section.

C.B. 24-47 -- Ordinance concerning the removal of Dan Rife from the office of Mayor of the City of Carthage 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 24-27.

Under Resolutions, the Amendment to the bill of impeachment set out in substituted Resolution 2042 to add a new paragraph, to state, "On May 17, 2024, at a special council meeting to consider Resolution Number 2042 concerning his impeachment, Mayor Rife vacated the chair because of his conflict of interest on the question. After the resolution was amended and adopted by the Carthage City Council, Mayor Rife acted to veto the resolution, despite his conflict of interest, and so violated Subsections 1 and 4 of Section 105.452.1 of the

Revised Statutes of Missouri and Section 4.1 of the Carthage City Charter and Section 2-521(2) of the General Ordinances of the City of Carthage."

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to adopt the amendment to Resolution 2042.

Ms. Leece asked what the conflict of interest was, she remembered the lawyer saying financial gain, but she didn't believe that the salary was part of it. Ms. Cossey stated that there was a definite violation of section 2-521 (2) of the code. Ms. Leece stated that she does not want to vote to change something on an item she doesn't believe in anyways.

Mr. Edge stated that on the statute item, he is not convinced that that is actually the case and since it is lumped in there, he does not want to vote for it. He is concerned on the statute part.

Mr. Edge made a motion, seconded by Ms. Cossey to remove subsections 1 & 4 of 105.452.1 of the revised statutes of Missouri from the amendment to the resolution. Motion carried with a vote of 8 yeas and 1 nay. Ayes: Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey and Schramm. Nay: Taylor.

Back to the motion of adopting the amendment of Resolution 2042. Motion to adopt the amended amendment to Resolution 2042 carried by a vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor and Leece.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to adjourn the special council meeting. Motion carried and meeting adjourned at 7:35 pm.

The highlighted section "24-47" was found after minutes were approved at May 28 meeting. This will need to be amended at the next council meeting. The council bill was in fact number 24-27, as it shows in the minutes prior to the second reading.

City of Carthage, Missouri

CITY COUNCIL

May 28, 2024 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

THESE MINUTES ARE ONLY A DRAFT AND HAVE NOT BEEN APPROVED BY CITY COUNCIL. THEY ARE SUBJECT TO REVISION.

MINUTES

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

<https://www.youtube.com/watch?v=fzxTMFFhm3M>

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, and Jana Schramm. City Administrator Greg Dagnan was 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. Cossey, to approve the minutes of the May 14, May 17, May 20, and May 21 council meetings.

Ms. Cossey made a motion, seconded by Mr. Snow, to amend the minutes of May 21 to include the reading of charter section 3.9 (e) after Mr. Taylor debated what the vote needed to be to forward the emergency ordinance to second reading, and also include Mr. Snow reviewing that charter section. Motion carried.

Ms. Cossey made a motion, seconded by Ms. Heckmaster, to amend the minutes of the May 14 meeting to include further details from Julie Minor, who spoke during citizens participation, about the hit and run accident that involved Mark Peterson. Ms. Cossey wants the minutes to state that Julie Minor was told by the police that they could not pursue the issue unless a complaint was filed, so she filed a complaint, she was also told that the accident happened on a private lot and it was later found out that it was a City owned lot. She had also been told that council members had been making negative comments about her on social media, but after researching it, she found it to be untrue. Motion carried.

Motion to approve the amended minutes of May 14, minutes of May 17, minutes of May 20, and amended minutes of May 21, 2024 carried unanimously.

During Citizen's Participation, Robin Blair spoke on behalf of the Humane Society and read a story about one of the animals the shelter took in and also talked about the additional funds

that are being requested by the Humane Society to help keep the shelter up and running since most of the animals come from the City of Carthage.

Bill Scheerer, 422 E 13th, talked about the letter from the Attorney General's office that said the council violated the sunshine law at the May 10 special council meeting by discussing and voting on items not on the agenda. He also talked about Mr. Dagnan becoming the Assistant City Administrator and then the City Administrator and his involvement in starting investigations into the CVB and golf course funds. He thanked Mr. Taylor and Ms. Leece for being leaders and not followers.

Keith Hurlbut, 1227 S Maple St, talked about growing up in Carthage and formerly serving on City Council. He mentioned that he was like a lot of people last year when the issue with CW&EP came up and he was upset about it. He voted for Ms. Schramm in the election, and after what has happened since then, he regrets his vote. He had emailed Ms. Schramm and Ms. Cossey and voiced his disappointment with them. He then read an email that was between Ms. Schramm and Ms. Cossey that talked about his anger and that it is coming from something tragic that happened to him a few years ago. He wants the council to stop the nonsense and the impeachment, get the training that they are required to do now and comeback and get back to doing what is best for the city.

Mr. Snow reported that the Budget Ways and Means Committee met on May 22. The committee heard the CW&EP budget and rate increase proposal which will be forwarded to council at a later date. They also voted to forward the Chamber, Vision Carthage, and Humane Society contracts as passed last year. Revisions to those contracts will come later. There will be a special meeting on June 3 at 5:30 to hear the final budget.

Ms. Cossey reported that the Committee on Insurance, Audit and Claims met on this day and approved the claims. There was one item pending until some further information was received. The next meeting is schedule for May 28 at 5:30.

Ms. Heckmaster reported that the Public Safety Committee met on May 20. The committee discussed a block party requested by Jessica Duncan. Ms. Heckmaster made a motion, seconded by Mr. Snow, to close Wendy Lane between Buena Vista and Laura Street on June 1 from 5-8 pm for 2nd annual neighborhood block party. Motion carried. They also discussed the Red, White and Boom July 4th event hosted by the Chamber of Commerce, the committee tabled this until the next meeting. The shop with a deputy fundraiser was also tabled until the next meeting. Nancy Corley with the Humane Society talked to the committee about increasing the spay and neuter and kennel fees. This was discussed at a previous meeting and then tabled. This will also be brought back to the next meeting. The next meeting is scheduled for June 17 at 5:30.

Mr. Edge reported the Public Services Committee met on May 21. The committee heard from the Jasper County Youth Fair, which will be held July 6-14. They are wanting to have food trucks in the park from July 8-13 for longer than the 30 minutes currently allowed, they also want to allow campers in the park after 10 pm to care for the livestock. Mr. Edge made a motion, seconded by Ms. Cossey, to allow food trucks from July 8-13 for longer than 30 minutes and to allow campers in the park during the event. Motion carried. They also heard from Brady Beckham about Concerts in the Park. Mr. Edge made a motion, seconded by Mr. Taylor to allow the use of Central Park for concerts in the park from 4 pm until 11 pm, June 15, July 20, and August 17. Motion carried. They heard from Brian Crigger about the annual July

4th 5K Boom Run, that will be in Municipal Park. Mr. Edge made a motion, seconded by Ms. Cossey, to allow the use of Municipal Park for the July 4th 5K Boom Run from 5:30 am until 9 am. Motion carried. Julie Reams asked for the use of Municipal Park for the Red, White and Boom July 4th event. Mr. Edge made a motion, seconded by Mr. Peterson to allow the use of Municipal Park for the Red, White and Boom event July 3 and July 4. Motion carried. The committee also heard the new prices for the Memorial Hall rentals, the new pricing will go into effect on July 1 for new rentals. The next meeting is scheduled for June 18 at 5:30.

Mr. Taylor reported that the Public Works Committee is between meetings with the next meeting scheduled for June 4.

Special Committee and Board Liaison reports were given by Mr. Edge for Vision Carthage.

Mayor Rife reported that he would be vetoing Council Bill 24-27 that was passed at the May 21 council meeting. Mayor Rife stated the following:

"Pursuant to the city charter, I return council bill 24-47 to the council with the following objections: I believe that the efforts to remove me from office as Mayor of the City of Carthage are directly related to my efforts to enforce the law and hold members of our community accountable for their actions while in positions of public trust. I believe the charges are entirely politically motivated and will not seize my efforts to protect the public I serve and provide transparency. I will not sign this bill."

The council can proceed at their convenience to consider the question pending "shall the bill pass objections of the Mayor thereto notwithstanding"

There was discussion on where this item was listed at on the agenda. The Mayor had a typo on his council bill number. He is vetoing council bill 24-27 that was passed at the last council meeting on May 21, 2024. It will be added to the agenda for the next council meeting.

He also spoke on emergency purchases that have been made recently for storm siren repairs and the short term hiring of Lauber Law Firm. Ms. Schramm and Ms. Cossey both spoke out about the Mayor's ability to contract with Lauber without council approval.

Mayor Rife also reported on the hiring committee meeting. There was a firm chosen, but there needs to be more details discussed with them before announcing the name or bringing it to council.

During Remarks from Council Members, Mr. Peterson reminded everyone that Kids Fishing Day is on June 8. Ms. Leece and Ms. Heckmaster thanked everyone for their work in getting the city cleaned up after recent storms. Mr. Snow mentioned that during the budget meeting, they heard from Lockton who is doing the CW&EP salary study. They are in the process of slotting all the employees to the correct spots and they are budgeting for an 11% increase in salaries based on preliminary numbers from the study.

Ms. Cossey made a motion, seconded by Mr. Peterson, to have a special meeting for a vote to override the Mayor's veto of Council Bill 24-27 for May 29 at 8 pm. Motion failed with a vote of 4 yeas and 5 nays. Ayes: Peterson, Heckmaster, Cossey, and Schramm Nays: Taylor, Leece, Edge, Snow, Barlow.

Ms. Cossey made a motion, seconded by Ms. Schramm, to open discussion for dates and times to hold a special meeting. Mr. Snow mentioned that he would like to get a legal opinion to see if they mayor can veto the council bill, since Mr. Martin stated at the Mayor did not have the authority to veto the resolution from a previous meeting. Ms. Cossey brought up the conflict of interest the Mayor has since the council bill relates to him. Ms. Cossey rescinded her motion to have a meeting. Ms. Cossey made a motion to not acknowledge the veto because it is not in effect since he was not chairing the meeting and because he has self interest.

Ms. Cossey wants to get the opinion of Mr. Martin, Ms. Leece wants someone else's opinion since Mr. Martin has a stake in the impeachment case. Mr. Snow brought up that the Mayor could file a complaint with the court to see how a judge would rule on the legal opinion. There was other discussion regarding legal opinions and whether or not to seek another one.

Mr. Snow made a motion, seconded by Ms. Schramm to call for the end of discussion since this was not on the agenda. Motion carried

Still during reports of council members, Ms. Schramm let everyone know that limbs could be taken to the recycling center for free until May 31.

Parks and Recreation Director Abi Almandinger reported that all the parks and golf course have been opened. The municipal park pool has opened and they are working on getting the parks building and the dog park back up and running.

City Administrator Greg Dagnan reported that department heads are working on their budget summaries to hopefully have a full budget book before their June 3 meeting. He also commended all city workers on getting the town cleaned up, other than a few private homes and the parks building, the clean up took 21 days and the golf course was open after 17 days.

The Committee on Claims filed a report in the amount of \$3,982,359.54 against the following funds: General Revenue \$425,574.14, Public Health \$166,228.23, Lodging \$740.00, Parks/Stormwater \$113,800.65, Fire Protection, 3,828.44, Golf \$10,522.86, Capital Improvements \$160,249.74, Parks and Recreation \$79.40, Myers Park \$9,173.00, Use Tax \$32,259.31, Public Facilities \$7,638.74, Payroll \$252,265.03, and Carthage Water & Electric \$2,800,000.00. Ms. Cossey made a motion, seconded by Mr. Peterson, to accept the report and allow the claims. Motion carried.

Under Old Business, C.B. 24-25 -- An Ordinance authorizing the Mayor to enter into a contract with Tyler Technologies, Inc., to provide an annual subscription for financial software for the City of Carthage, Missouri was placed on second reading followed by a roll call vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey and Schramm. The Council Bill was approved and numbered Ordinance 24-28.

C.B. 24-26 -- An Ordinance authorizing the Mayor to enter into a contract with Kevin Harrison d/b/a Kevin Harrison Masonry for signage in the Parks in the amount up to \$11,915.21 per sign for a total of 7 signs, in the City of Carthage, Missouri was placed on second reading followed by a roll call vote of 9 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, Snow, Barlow, Cossey and Schramm. The Council Bill was approved and numbered Ordinance 24-29.

Under new business, discuss pursuing special general counsel or hiring a city attorney with a possible vote on such matters. Mayor Rife reported again that the hiring committee met that afternoon. They want a firm as soon as possible, the firm the committee chose needs to be talked with first before releasing their information. It would only be a temporary appointment for this time until further decisions could be made. Ms. Cossey made a motion, seconded by Ms. Schramm to have on the next council agenda, to discuss hiring Paul Martin as special general counsel. Motion carried with a vote of 7 yeas and 2 nays. Ayes: Peterson, Heckmaster, Edge, Snow, Barlow, Cossey and Schramm. Nays: Taylor and Leece.

Ms. Leece made a motion, seconded by Mr. Taylor, to approve the Mayor's Board Liaison appointments. Motion carried with a vote of 6 yeas and 3 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Edge, and Barlow. Nays: Snow, Cossey and Schramm.

Mr. Taylor made a motion, seconded by Ms. Leece, to approve the temporary appointment of Lauber Municipal Law Firm. Motion failed with a vote of 3 yeas, 5 nays, and 1 abstain. Ayes: Taylor, Leece, Edge. Nays: Peterson, Heckmaster, Snow, Cossey and Schramm. Abstain: Barlow

There were no closing comments.

Ms. Heckmaster made a motion, seconded by Mr. Taylor, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:40 p.m.