



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.