

City of Carthage, Missouri

CITY COUNCIL

August 27, 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=VQSpRxUvqu8>

The Carthage City Council met in regular session on the above date in Council Chambers at 06:30 PM with Mayor Dan Rife presiding. Fire Marshall Eli Maples gave the invocation. Police Chief Bill Hawkins led the flag salute.

The following Council Members answered roll call: Chris Taylor, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Council Member Derek Peterson did not join the meeting until 8:21 pm. Interim City Administrator Traci Cox and City Attorney Jon Gold were also present.

The following Department Heads were present: Police Chief Bill Hawkins, Deputy Fire Chief Jason Martin, Parks & Recreation Director Abi Almandinger, IT Administrator Michael Keith, and City Clerk Miranda Deal.

Ms. Cossey made a motion, seconded by Mr. Snow to approve the minutes of the August 13, 2024 Council Meeting with the following amendment. In The fourth paragraph down addressing the changes to the meeting before that about the person who identified himself as merchant of hate. Ms. Cossey would like the minutes to still have merchant of hate because that is how he identified himself and also have his real name and address if we have it. Motion carried with the amendments.

During Citizen's Participation, Regina Wells 2026 S Maple, thanked Ms. Heckmaster, Ms. Schramm, Ms. Cossey, and Mr. Taylor for helping find ways to take care of the speeding on her street. She also thanked Chief Hawkins for his help as well. She thanked Mr. Taylor for his work with the fire department on the storm siren issue in her neighborhood. With Mr. Taylor and the help of the safety committee, the dangerous tree has been removed. She also thanked Mr. Carney and Wyatt Hettinger with public works for talking to the owner about the tree, he was cooperative and even paid for the removal. She thanked all involved for their help and thanked the citizens for showing their concerns. She also asked questions on the proposed trash rates, it was determined at the last meeting that there was a typo between the family and senior rates. She also asked about property tax increases and a cap on them for senior citizens and what process she may need to go through for that. Ms. Cox told her that there is no top, but that rates were not going up this year, she told Mrs. Wells to call her to discuss increases on senior citizens, Ms. Cossey mentioned a state law that may be the localities decision on the senior rate cap.

John Cooper 311 E Highland, is a former employee of the fire department who was there for over 40 years spoke on the hiring of a fire chief. He says that the employees need to trust the

chief and the chief has to trust the employees and he was part of the hiring of some of the employees including Jason Martin. Everyone makes mistakes, and they regret them later, but it is too late to take back. He believes that the right person for the fire chief position is Jason Martin. He was an employee when the charter was done, and the City Administrator only had the power that the Mayor gave him. He stated he knows what it takes to be a fire chief and Jason Martin has what it takes. He ended with a saying from the book of James: be quick to listen, slow to speak, and slower to anger because that does not speak well to God. He asked the council to take that into consideration before making a decision.

Misty White, 1647 S Garrison, addressed the letter written by Mark Peterson, she doesn't think it is right for us to discriminate against anyone based on their political beliefs. Whatever side of the fence your on doesn't matter, what matters is your ability to do the job. The support of the fire station for Jason Martin and the fact that he is the interim fire chief proves that he has the ability to do the job.

Patt Goff, 1163 Grand Ave, he encouraged an open discussion of Council Bill 24-46 that is on the agenda. He attempted to make his comments available to the council members, but some of them didn't go through. He had a few questions, including why is another audit necessary? Are there issues that have been addressed to the CW&EP Board? It bothers him that we might be headed back down the road that started in the spring of 2023, another effort to discredit CW&EP, efforts to impugn the board and employees. Is it a priority for use of City funds for this audit? Some are concerned about the amount of legal fees that are necessary to get us through some of these problems. Using city funds to do an additional audit of CW&EP and duplicating work for the CPA firm that does the annual audit is problematic. As a past board member, he recalls the board routinely reviewing all of the financials at the meetings. He would like the council to pause and think and ask the questions he did. He also asked if this action would help heal the city or drive the wedge deeper.

Bill Lasley, Business one block west of the square. He was present to discuss the 2 hour parking enforcement on and around the square. He states that people park in front of his office all day and there is a fire hydrant there they block as well. He claims he calls the police department and nothing is ever done. He wants the issue to be addressed because it is hurting business on and around the square. He asked for the 2 hour parking ordinance to be enforced.

Mr. Snow reported that the Budget Ways and Means Committee is between meetings with the next meeting scheduled for September 9 at 5:30.

Ms. Cossey reported that the Committee on Insurance, Audit and Claims met on this day and approved the claims. The Committee also reviewed two ordinances changes that are in Council Bill 24-47 and 24-48. She had asked them to be an emergency and the Mayor had removed the emergency language. Ms. Cossey made a motion, seconded by Ms. Heckmaster, to suspend the rules and move both council bills to second reading when those council bills were read. Motion carried with a vote of 6 yeas and 2 nays. Ayes: Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor and Leece. It was said after the vote, it only needed a majority of council members to advance. Motion carried. The next meeting is scheduled for September 10 at 5:30.

Ms. Heckmaster reported that the Public Safety Committee met on August 19. Jeanette Nye was present to ask for barricades and a soft street closure for the Maple Leaf 5K event. She also asked for officers present at the street crossings. Ms. Heckmaster made a motion, seconded by Mr. Snow, to approve of the barricades and soft street closure from George E

Phelps at S Grand Ave to S Fulton Street, officers at crossings and limiting access from Airport Drive to Clinton Street on October 18 from 5:30-7:30 pm. Motion carried. Jude Champagne was present to discuss Rallye in the Park on September 15. They requested road closures and parking for the car show. Ms. Heckmaster made a motion, seconded by Mr. Snow, to approve the closures of S Main between Chestnut Ave and 9th St, and 9th St between Main and Lyon St and in the event of rain, close Chestnut between Main St and Lyon Street between 12-3, and to allow cars to back into parking spaces along Chestnut. Motion carried. The committee also heard from Regina Wells on the speeding on the 2000 block of South Maple, the police department is going to do a traffic study at the intersection of Elk and Maple, and then at Elk and Main as well and report back to the committee next month. Julie Reams was present to ask about road closures for the Maple Leaf Parade. The closures are the same as in years past with an exception of the northwest corner being closed longer for set up and take down of the stage. Ms. Heckmaster made a motion, seconded by Mr. Snow, to approve of the closures as in years past, the closure and vacating of the square on October 14 from 5-8 pm for the touch a truck event, the closure of the corner of 3rd and Main on October 18 from 8 am until 10 am Sunday morning. Motion carried. They also heard from Julie about security officers for events with alcohol. Ms. Heckmaster made a motion, seconded by Mr. Snow to have the Carthage Police Department provide security for the beer gardens at Oktober fest on October 12 and the Concerts on the Square October 18-19. Motion carried. Ms. Reams also asked for vendors to be allowed to sell under the Chamber of Commerce City business license and to place signage on City owned property and utility poles. Ms. Heckmaster made a motion, seconded by Mr. Snow to allow vendors to sell under the Chamber's license and to place signage on City property. Motion carried. The committee reviewed cleaning bids for the Police Department. Ms. Heckmaster made a motion, seconded by Mr. Snow to approve the bid of \$1,600 per month from Michelle Naaykens. Motion carried. She also reported that the committee heard a police department employee had resigned, and thanked the fire department for their quick response at a food truck Friday emergency. The next meeting is scheduled for September 16 at 5:30.

Mr. Edge reported the Public Services Committee met on August 20. They heard from the Department of Conservation regarding a grant opportunity for the Ash trees within the City parks, more information will be coming in the future. They heard from Julie Reams about the requests for the use of the parks for the Maple Leaf Festival, there are no changes from previous years. Mr. Edge made a motion, seconded by Ms. Heckmaster to approve the use of the Parks for the Maple Leaf Festival. Motion carried. Community Foundation of the Ozarks has given a grant to the Joplin Trails Coalition for the resurfacing of the trail and parking lot improvements at the start of the Ruby Jack trail. The parking lot is owned by the City so the coalition has requested permission from the City to proceed with accepting the grant. Mr. Edge made a motion, seconded by Ms. Leece, to approve the participation in the grant for the Ruby Jack repairs. Motion carried. The committee also discussed bids for the Parks building repair, that appears in Council Bill 24-45. The committee approved applying for a year round liquor license for tournaments and special events only. They approved a contract for porta potties that appears in Council Bill 24-44. They also approved the purchase of blue grass seed for the golf course, this will have to go to budget committee first for an adjustment before it comes to council. The next meeting date will be determined later, there will not be a quorum on September 17.

Mr. Taylor reported that the Public Works Committee is between meetings with the next meeting scheduled for September 3 at 5:30.

Special Committee and Board Liaison reports were given by Ms. Heckmaster for Planning, Zoning, and Historic Preservation, Mr. Edge for Vision Carthage, Ms. Leece for Carthage Water and Electric Board, and Mr. Snow asked the Mayor about the City Administrator Hiring Committee.

Mayor Rife reported he attended the recent CEDC meeting.

During Remarks from Council Members, Ms. Leece said she heard there were a lot of people who went to Sudstock and she thanked everyone that was involved. She also thanked the Street department, Josiah Bayless, and CW&EP for taking care of a recent situation with a citizen. Ms. Heckmaster was pleased with the Sudstock event, she reminded everyone of the Cruisin Main event that is scheduled for Friday August 30. Mr. Snow asked the Mayor what the purpose of Council Bill 24-46 was and asked if he had talked to the CWEP staff if there were issues that he was aware of. He brought up the issues from the past year and that it has caused a divide in the City. He asked the Mayor to rescind this council bill because he believes there is a personal vendetta and asked for the Mayor's resignation. Ms. Cossey agreed with what Mr. Snow had said.

Police Chief Bill Hawkins reported that the traffic study is going well on South Maple and he should have good information to present at the next public safety meeting. He also addressed the parking issues that Mr. Lasley brought up. He said if there is any issue, to just give him a call and he will personally take care of it.

Deputy Fire Chief Jason Martin reported that this Labor Day weekend the Fire department will be doing their boot walk at Walmart to raise money for muscular dystrophy. He also addressed Mr. Lasley's comments about people parking in front of a fire hydrant and said that if that happens again, to call the fire department and he will go take care of it. He also thanked everyone that helped put on Sudstock, he thanked the mechanics from the street department for their work on a ladder truck that saved thousands of dollars.

Parks and Recreation Director Abi Almandinger reported that Griggs Park playground is underway and that the dog park is near completion.

Interim City Administrator Traci Cox reported that she is working with insurance to settle the first severe weather claim from this year. She has sent the salary study information to McGrath so they can get started on the salary updates. The County Collector's office had their annual tax sale in Council Chambers on Monday morning, they reported that it went well. She also thanked everyone for their work on getting the tree at the corner of Maple and Fairview taken care of, the speed issue on Maple, and the Sudstock event.

The Committee on Claims filed a report in the amount of \$846,270.48 against the following funds: General Revenue \$202,751.51, Public Health \$173,535.72, Lodging \$51.78, Parks/Stormwater \$4,588.00, Golf \$32,907.31, Capital Improvements \$22,798.36, Myers Park \$6,355.00, Use Tax \$126,442.07, Public Facilities \$18,700.52, Library \$20,000.00, and Payroll \$238,140.21. Ms. Cossey made a motion, seconded by Mr. Taylor, to accept the report and allow the claims. Motion carried.

A public hearing was held on which the citizens could be heard on the property tax rates proposed to be set by the City of Carthage for 2024. No citizens participated.

Under Old Business, C.B. 24-42 -- An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage and Allied Services, LLC., D/B/A Republic Services of Galena of 1715 East Front Street, Galena, KS 66739, for collection, removal and disposal of residential and commercial solid waste commencing October 1, 2024, and terminating September 30, 2029 was placed on second reading followed by a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. The Council Bill was approved and numbered Ordinance 24-43.

C.B. 24-43 -- An Ordinance levying general taxes upon real property located within the City of Carthage, Jasper County, Missouri for the year 2024, for General Revenue purposes and other purposes, and fixing the rates thereof was placed on second reading followed by a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Leece, Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. The Council Bill was approved and numbered Ordinance 24-44

Under New Business, C.B. 24-44 – An Ordinance authorizing the Mayor to enter into a partnership agreement with Contractors Portables to supply portable restrooms and handwashing units for various park locations and special events in the City of Carthage, Missouri was placed on first reading with no action taken.

C.B. 24-45 -- An Ordinance authorizing the Mayor to enter into a contract with Midland Enterprises for repairs to the Parks and Recreation building in Municipal Park in the amount of \$56,779.00, in the City of Carthage, Missouri was placed on first reading with no action taken.

C.B. 24-46 -- An Ordinance authorizing the identification and hiring of a certified accounting firm to conduct a comprehensive audit of the finances of Carthage Water and Electric Plant was placed on first reading.

Mr. Snow asked the Mayor again to rescind the bill, Mr. Snow isn't aware of any issues and if there are issues, the Mayor could ask the CWEP staff about it. This council bill casts a shadow of doubt and mistrust and the wedge that divides the City will just go deeper. The Mayor responded and said that when the State responded to some complaints, they referenced some red flags that would be investigated in an audit. When Mayor Rife was asked what the red flags were, he stated that "I don't know what those red flags are, they didn't discuss the flags". The Mayor said that the red flags were from the Attorney General's office and that he did not speak to anyone at the Attorney general's office but he received the information from former City Attorney Nate Dally. Mr. Dally was not present to support the claims and there is no written documentation from him or the Attorney General's office according to the Mayor. He said that it is the councils responsibility to look into these issues since CWEP is a municipally funded. Ms. Leece asked what the difference between this type of audit and the annual audit is, Ms. Cox stated that the annual audit is looking at financial reports and the State audit looks at every detail. Ms. Cossey asked if there was written documentation talking about the red flags and the audit and the Mayor said it was over the phone to previous City Attorney Nate Dally. Ms. Cossey voiced her concerns over a lengthy multi year expensive audit. She asked Ms. Cox how much the last forensic audit cost the City and she stated around \$40,000, so Ms. Cossey estimates that this audit would cost approximately \$160,000. Ms. Cossey made a motion, seconded by Mr. Snow to strike the bill. Motion carried by a vote of 6 yeas 1 nay and 1 abstain. Ayes: Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor. Abstain: Leece.

** amended at the 9-10-24 council meeting.

Ms. Leece said she would like more details on the audit and Ms. Cossey said that she believes that the Mayor has a personal vendetta and if there was something in writing from the State, the bill could come back in the future.

C.B 24-47 -- An Ordinance to amend section 2-121 of Chapter 2, Article III, Division 2 of the Code of the City of Carthage, Missouri was placed on first reading.

Ms. Leece addressed a few concerns about the changes. She mentioned that the word "willful" was removed and she thinks that is important because we are all human and make mistakes. She is in agreement with things being reported by whomever and brought for charges, but she is not in favor of the council being the judge and jury in this, Attorney Gold told her prior to the meeting that there would be a committee. Mr. Edge asked Ms. Cossey to review the changes like she did in the committee meeting, she does not have a big objection to adding the word willful back into it. The big changes were that the Mayor with majority of the council may suspend and officer, it is no longer just the Mayor. Also, under the charges any violation of state or federal law was added. Ms. Leece asked for clarification on who an officer is. Ms. Cossey said it includes city council persons, the Mayor, department heads, City Administrator, Assistant City Administrator, City Clerk, City Attorney, and Ms. Cox said that the CW&EP Board is also included.

Ms. Leece made a motion, seconded by Ms. Schramm, to add "willful" violation back into 2-121 subsection a and b. Motion carried by a vote of 7 yeas and 1 nay. Ayes: Leece, Heckmaster, Edge, Snow, Barlow, Cossey and Schramm. Nays: Taylor

C.B. 24-47 as amended - An Ordinance to amend section 2-121 of Chapter 2, Article III, Division 2 of the Code of the City of Carthage, Missouri was read followed by a roll call vote of 6 yeas and 2 nays. Ayes: Heckmaster, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor, Leece. The Council Bill was approved and number Ordinance 24-45.

C.B. 24-48 -- An Ordinance to amend section 2-122 of Chapter 2, Article III, Division 2 of the Code of the City of Carthage, Missouri was placed on first reading.

C.B. 24-48 -- An Ordinance to amend section 2-122 of Chapter 2, Article III, Division 2 of the Code of the City of Carthage, Missouri was placed on second reading.

Ms. Leece asked if council bills were supposed to have the old and the new language on them for the public to see the changes that are being made. Ms. Cox said it is not a requirement to show the marked up changes. Ms. Leece brought up a change of the notice that is given, the word written was taken out, she thinks it being a written notice is important. She also said that the last sentence of subsection a, it should be the council and Mayor should adopt a set of rules of procedures, it could be added that unless it is the Mayor being accused. She also brought up impending on the powers of the legislative and executive branches of the charter. Attorney Gold said the current section 2-122, if the charges were made by the Mayor, it would take the majority of the council. If the charges were made by a council member, it would take 2/3 of the council to suspend. In the current ordinance, there is inconsistent language between the sections. Section c says that if a majority of all elected to council find the accused guilty, the next sentence says the majority of council members. One means a majority of 10 and the other is a majority of those present. The changes of this section were more clearly defined. Attorney Gold also addressed where she referred to the written notice being removed, he states in section a it says that the council shall cause to be served upon the accused a written notice of the time and place where the charges will be heard. She also asked about when a

third party would be appointed to investigate. Attorney Gold said that it would be a hearing that is held in front of council with evidence that can be presented by the City Attorney to support the charges, the accused have the right to have their own counsel to defend. Ms. Leece also asked for clarification on the timeline of how a hearing happens. Attorney Gold clarified that once written notice was served, the council has to give at least 5 days before the hearing. Ms. Cox asked if the ordinance pertained to the city council and the Mayor. She said the way it is written in the code, the officers are department heads, city attorney, city judge, and staff, it doesn't. It doesn't pertain to council members and the Mayor. Attorney Gold said that the council would have to define what an officer is because the code doesn't clearly define that in the current ordinance. Ms. Cox said that state statutes outline how council members and the mayor are to be removed, if officers does include council members and the Mayor, we have to make sure the ordinance doesn't go against state statutes. Ms. Leece also agreed with that and would like to make sure it doesn't go against any other state regulations, she would like to check in on that before moving forward.

Ms. Leece made a motion, seconded by Mr. Taylor, to table this council bill until September 24 to give time to look into state law and other regulations to make sure this is compliant, and to bring back a redlined version of this ordinance change. Motion carried by a vote of 7 yeas and 1 abstain. Ayes: Taylor, Leece, Heckmaster, Edge, Snow, Barlow, Cossey. Abstain: Schramm.

There were no closing comments.

Mr. Taylor made a motion, seconded by Ms. Cossey, to close the meeting according to section 610.021 (3), the agenda includes the possibility of a vote to close part of the meeting to discuss hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded followed by a roll call vote of 8 yeas and no nays. Ayes: Chris Taylor, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried at 8:03 p.m.

There was a short recess before the closed session started. Council went into closed session at 8:14 p.m.

CLOSED SESSION

Mr. Taylor made a motion, seconded by Ms. Heckmaster, to return to the regular session of the Council Meeting at 10:08 p.m. followed by a roll call vote of 9 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried.

Mr. Snow made a motion, seconded by Ms. Heckmaster, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 10:12 p.m.

**CLOSED SESSION
MINUTES OF THE MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
August 27, 2024**

The Carthage City Council met in closed session on the above date in City Hall Council Chambers at 6:30 p.m. with Mayor Dan Rife presiding.

Mr. Taylor made a motion, seconded by Ms. Cossey, to close the meeting according to section 610.021 (3), the agenda includes the possibility of a vote to close part of the meeting to discuss hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded followed by a roll call vote of 8 yeas and no nays. Ayes: Chris Taylor, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried at 8:03 p.m.

There was a short recess before the closed session started. Council went into closed session at 8:14 p.m.

The following Council Members answered roll call Chris Taylor, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm.

City Attorney Jon Gold and City Clerk Miranda Deal were also present.

There were discussions on allowing others into the closed session to present some information relating to the hiring of a fire chief.

Council Member Derek Peterson joined the meeting at 8:21 pm.

The first individual wishing to speak on the hiring of a fire chief did not attend the meeting.

Mr. Taylor made a motion, seconded by Ms. Leece, to allow Brett Henson, an employee of the fire department, into the closed session. Motion carried by a roll call vote of 9 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm.

Mr. Henson joined the closed session at 8:50 pm.

He discussed a previous fire incident.

Mr. Henson left the closed session at 9:06 pm.

Mr. Taylor made a motion, seconded by Mr. Barlow to allow Jason Martin, current Deputy Fire Chief into the closed session. Motion carried by a roll call vote of 9 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm.

Mr. Martin joined the closed session at 9:23 pm.

Mr. Martin responded to questions asked by the Council.

Mr. Martin left the closed session at 9:49 pm.

The Council agreed to have another closed session at the next meeting to further discuss and consider the Mayor's recommendation for appointment of Fire Chief.

Mr. Taylor made a motion, seconded by Ms. Heckmaster, to return to the regular session of the Council Meeting at 10:08 p.m. followed by a roll call vote of 9 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Terri Heckmaster, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried.

Respectfully submitted,

Miranda Deal
City Clerk

