City of Carthage, Missouri

CITY COUNCIL

September 24, 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=Fx89Phj82fk

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, Derek Peterson, Lori Leece, Terri Heckmaster, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Council Member Dustin Edge was absent. 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 suggested the following changes to the minutes of the September 10, 2024 Council Meeting: In the public comments, there are parts where Jason Martin is referred to as Jason, she would like that changed to Jason Martin so it looks more professional, also, during remarks from council members, where it says “with an employee” referring to where Ms. Cossey asked about contracts. She was just asking a general question, not specifically about one employee. Ms. Schramm made a motion, seconded by Mr. Snow, to accept the changes as presented. Motion carried with 7 yeas and 1 nay. Ayes: Peterson, Leece, Heckmaster, Snow, Barlow, Cossey, and Schramm. Nay: Taylor.

Ms. Schramm made a motion, seconded by Ms. Cossey, to amend the minutes of September 10, 2024 to include all of the following changes: Bill Putnam’s comments during citizens participation. The change is as follows: Bill Putnam, 624 Belle Air, addressed that the complaint that was filed with the State Auditor last fall largely involved operational concerns and following code and charter in the hiring of the city administrator and the mayor’s responsibility to uphold the law. Charter section 4.12 which states, “The mayor should be active and vigilant in enforcing all laws and ordinances for the government of the city.” He quoted from the report from the Auditor that, “our investigation noted potential instances of noncompliance with the city charter and city code and opportunities for improvement transparency in the city hiring and salary decisions. - We would encourage city officials to ensure they follow city charters, city code and all applicable rules and regulations for personnel matters.” Mr. Putnam continues to say, there was no suggestion for any red flags against CWEP, stated by the mayor in his recent statement. Mr. Putnam noted there was an item on the agenda of unauthorized expenses and noted the documents he had in that regard. He read from the documents that Mr. Dally wrote to the Attorney General regarding employment contracts. Mr. Dally wrote in the first response that the employment letters written by Mayor Rife to Mr. Dagnan, Mr. Dally states, “These agreements traditionally are not ratified by the city council until departure and should not be considered contracts. Our past city administrator situation exemplifies this process. His agreement effective upon council approval after his resignation included a severance package that was subsequently ratified by the council. The second letter was a letter from Rife to Dagnan that he could only be fired for cause for a 10-year period and would receive three months of severance pay. Dally stated that the City Administrator could be let go for any reason and is only entitled to two weeks’ pay.” “The provision go against our city code and therefore would require council approval for the mayor to execute a contract. Mr. Putnam discussed severance letter to Mr. Dagnan paying $81K stating “It was pursuant to city code and your employment contract.” This letter had not been approved by the council. Mr. Putnam asked for Mayor Rife to resign because he had “failed the city.” He urged council members to file legal action to recover this inappropriately spent money. ~~the unauthorized expenses and Mr. Dagnan’s contract payout. He referenced statements from Mr. Dally saying that it was not a contract, and addressed Mayor Rife’s final letter to Mr. Dagnan that stated “per his contract”. He also referred to the City Code that states Mr. Dagnan should have only been paid 2 weeks severance.~~

She also stated that under department head reports when Ms. Almandinger gave her report, the minutes state the dog park is near completion and the dog park was never mentioned and the chamber golf tournament was also never mentioned, so she would like those items removed.

The last change Ms. Schramm would like to make is after Mayor Rife announced that a vote had been taken in closed session, the results would be released within 72 hours, and that there would be no Fire Chief appointment that evening, she asked for it to be included in the minutes that after the announcement, Bill Scheerer then made a public threat against the council “you are all going to go, you wait and see” he then followed up with a personal threat against Ms. Schramm saying “Schramm you’re next”

There was then discussion between Ms. Cox and Attorney Gold on whether or not that should be included in the minutes since that was not part of the council meeting, it was just a comment from the gallery. Items not a part of the council meeting are typically not included in the council minutes, there are public comments put in the minutes during the public comment period, but Ms. Schramm thinks this is important to include Mr. Scheerer’s comments outside of the public comment period since it was a threat against the council. Attorney Gold agreed that if it was not a part of the procedural aspect of the meeting, it wouldn’t be relevant to the minutes. Ms. Cossey then asked if there was any prohibition that says they can’t put in that comment in the minutes, typically it is not included, but since it is being requested to be added. Attorney Gold said that he isn’t aware of any prohibition, but if there are other comments made that someone over hears from a whisper, where do you draw the line. He went on to say that a proper protocol of any organization would be to include in the minutes what is said during the proper procedural part of the meeting. Ms. Cossey believes that this was a significant event and that it is fair for the council to ask for something significant like a threat against them to be added to the minutes. Attorney Gold said they have the right to vote and make the decision to add it.

Ms. Leece asked to table the changes because there were too many changes for her to review and she does not want to vote on something that she cannot verify. Ms. Schramm and Ms. Cossey said she can always adjust them later and amend minutes retroactively.

Back to the motion to approve Ms. Schramm's changes, the vote carried with a vote of 5 yeas and 3 nays. Ayes: Peterson, Heckmaster, Snow, Cossey, and Schramm. Nays: Taylor, Leece, Barlow

Ms. Heckmaster made a motion, seconded by Mr. Snow, to remove her name from the council members who answered roll call. She was stated as answering and then as being absent, she was absent from the September 10 meeting. Motion carried unanimously.

Mayor Rife then read the resignation letter from Dustin Edge.

Mr. Snow called a point of order, the amendments to the minutes were voted on, but the acceptance of the amended minutes as a whole was not voted on. Mr. Snow made a motion, seconded by Mr. Peterson, to accept the minutes of September 6 and 10 as amended. Motion carried with a vote of 6 yeas and 2 nays. Ayes: Peterson, Heckmaster, Snow, Barlow, Cossey, Schramm. Nays: Taylor, Leece.

Back to the resignation letter, Ms. Leece made a motion, seconded by Mr. Taylor, to accept the resignation letter. Motion carried.

During Citizen's Participation, Bill Scheerer 422 E 13th Street, addressed the council and explained his former comments that he had made at the last meeting that relate to the hiring of a Fire Chief. He also spoke on the recall petition for Ms. Cossey.

Amy Grimes, 729 Highland, spoke to the council on a number of things including the impeachment, the Mayors comments about CWEP, threats to council members, overpayment to a former employee. She asked the Mayor to get control and to have the impeachment hearing to prove he is innocent of the charges listed.

Ron Wells, 2026 S Maple, thanked Mr. Carney and all of the other individuals involved in getting the dangerous tree removed. He also brought up the traffic study that was done at Maple and Elk. He stated there were two papers, one with 0 mph tolerance and one with 10 mph tolerance and it had the total number of enforceable speeds. He is concerned about the speed in residential areas if there is a 10 mph tolerance on top of the posted speed limit and said maybe the speed limits need to be reconsidered in residential areas. He also brought up the recall and comments that have been made by ward 5 residents about how some felt intimidated to sign the recall petition.

Debbie Smallwood, 805 S Country Club Road, she is concerned about things that happened at a previous council meeting and asked if the Mayor could clear things up. She asked how he could allow a citizen to point and threaten a council member, a public display like that should not be tolerated or allowed. She also brought up when the Mayor promised to not interfere with the impeachment and yet the impeachment hearing has been pushed back again.

Mayor Rife stated that he is not slowing down the process, and that he is requiring the process to be completed correctly.

Barb Scheerer, 422 E 13st Street, she brought up the last meeting when the so called threat was made from her husband. She said her husband pointed to Ms. Schramm and said you're next and everyone knew what it meant, it meant for the recall. A council member has to be in office 6 months before they can be recalled. She also said it was unprofessional when Ms. Schramm yelled “Bye Bill” after his comment.

Darren Collier, 528 E Centennial, CW&EP Board Member, he read the press release that CW&EP released in response to Mayor Rife’s comments about red flags from the State Auditors office.

Ron Ross, 11411 Goldenrod Road, Current President of The CW&EP Board, he reviewed the timeline of events from the past year and a half relating to the City and CW&EP issue, he also addressed some of the statements made by Mayor Rife in his press release. He asked for the attacks on CW&EP to be stopped.

Mr. Snow reported that the Budget Ways and Means Committee is between meetings with the next meeting scheduled for October 14 at 5:30 pm.

Ms. Cossey reported that the Committee on Insurance, Audit and Claims met on this day and approved the claims. She reported that the annual audit is underway and that health insurance negotiations will be happening soon. The next meeting is scheduled for October 8 at 5:30 pm.

Mr. Heckmaster reported that the Public Safety Committee met on September 16. The committee heard from Michael Hendrix with Cruisin Main about their final event on October 11. They previously had an event in August and the only changes they are requesting for the last event is to allow vendor booth stalls to be set up along the perimeters of the square. Ms. Heckmaster made a motion, seconded by Mr. Taylor to allow vendor stalls to be set up for the Cruisin Main event October 11. Motion carried. They also heard from Ms. Almandinger about a new Veterans Day parade that will take place on November 9 at 2 pm and end around 2:30 depending on the number of participants. The route will start at Main Street, going north around the Square and ending on Grant Street by the 6th Grade Center. Ms. Heckmaster made a motion, seconded by Mr. Taylor, to close Main and Grant from Chestnut to 3rd street, and 4th, 5th, and 6th, streets be closed between Grant and Main from 1:30 pm until the end of the parade. Motion carried. The next meeting is scheduled for October 21 at 5:30.

Ms. Cossey reported the Public Services Committee met on September 19. The committee tabled the golf cart bids, they approved the resort liquor license, Ms. Almandinger was asked to clarify what the license would be for. She told the council that this would cover the golf course for the various types of alcohol that are brought in for different tournaments, drinks would not be sold outside of tournaments. They approved a food truck to be set up at the saddle club for longer than the allotted time during the rodeo event, They also approved the surplus of a building at the saddle club, it appears in Resolution 2055, and approved a new sign for Memorial Hall, that appears in C.B. 24-50. The next meeting is scheduled for October 22 at 5:30.

Mr. Taylor reported that the Public Works Committee is between meetings with the next meeting scheduled for October 1 at 5:30.

Special Committee and Board Liaison reports were given by Ms. Heckmaster for Planning, Zoning and Historic Preservation, Mr. Peterson for the Kellogg Lake Board, and Ms. Leece for the CWEP Board.

Mayor Rife reported that he attended the recent CEDC meeting.

During Remarks from Council Members, Ms. Schramm gave an update on the many meetings she has attended recently. She stated that she met with Chuck to get a review of the CW&EP meeting, and encouraged the public to attend their board meetings on the third Thursday's of the month. She also met with Jeff Meredith to discuss the housing feasibility study, she encouraged everyone to help with the study and participate in the survey when it is released. She also talked with him about the downtown sidewalk grant he has recently submitted, this will be for the sidewalks outside of the immediate square. She met with Julie Reams with the Chamber and she said the golf tournament went well and the Chamber received new signage recently. Ms. Schramm asked if there was anything the Council could do to help her and Ms. Reams just asked for them to attend Maple Leaf events if they were able to. The Maple Leaf Grand Marshal was announced and it is Cheryle Finley, touch a truck will be a bigger event, and there are many other events happening to celebrate Maple Leaf. She also stated that she had met with Jason Martin earlier in the day and they discussed how to look forward and they both just want what is best for the City.

Ms. Cossey said that she is concerned about the recent events and statements that have been made by the Mayor regarding the CWEP issue. She brought up that there was a threatened lawsuit that arose last year with the CWEP board and that they had reached out to an attorney, but the city and the board had come to an agreement and put the lawsuit on hold. She is concerned that the lawsuit could come back. Last year there was a commitment from both sides to have a joint meeting to discuss everything and how to move forward and that meeting never happened. She would like to see that happen soon, Ms. Cox offered to coordinate with the CWEP Board to get some dates and times they are available.

Ms. Leece discussed another item that came from the CWEP Board meeting. She also addressed some comments that were made about her being fed information and she stated that she looks into issues on her own and does her own digging so she has the most information to go off of and make the best informed decisions. She encouraged everyone to attend the CWEP Board meetings. She also agreed with what Ms. Schramm said on everyone wanting what is best for the City. Everyone needs to respect each other even if there are disagreements.

Mr. Taylor stated that he is sad to see Mr. Edge leave.

Parks and Recreation Director Abi Almandinger cleared some things up that have been on social media. The money being used for parks improvements is from the Use Tax. The parks department receives 40% of that tax for 3 years, so that is the money being used for various projects. It is her job to bring recommendations to the committee who then decides if it should move forward to council, she does not make any unilateral decisions. The Memorial Hall sign has not worked in 9 months, the parts that were purchased to attempt to repair the sign are no longer being made. She also brought up the golf cart bids, she was alerted that the warranty with their golf carts is up so that prompted them to look into getting new carts. The golf numbers that are on social media are incorrect and the golf course made a profit for the first time in 2023 and they continue to make a profit. The funds for the new golf carts would come from the golf course revenue which can not be used for anything outside of the golf course. It is her obligation to make improvements in the parks system for the community to enjoy.

Deputy Fire Chief Jason Martin updated the council on the new fire engine. It has been received and it is currently getting outfitted and graphics put on, it will be ready in time for the touch a truck event and Maple Leaf. He did state that it is a different color than the others, this one had black on the top, rather than the white. He also reported that the fire department would be doing their annual pancake feed on Maple Leaf morning, they have adjusted the time to be from 5:30 am – 9 am. He also reported that Engine 621 which needed emergency repairs has been towed to the repair shop He also appreciated the opportunity to meet with Ms. Schramm.

Interim City Administrator Traci Cox stated that the employees of the city and CWEP work well together despite the division in the City, the company that the fire department is getting their truck repaired at came as a recommendation from CWEP. For the golf course funds that Ms. Almandinger was addressing, there were some discrepancies that were discovered. She explained that the golf course fund is an enterprise fund, it is not part of general revenue. However, up until 2022, there was a transfer from the general fund to the golf course fund to help subsidize, if you took the transfer out, the golf course would have been at a loss. In 2023, and 2024, even without a transfer from general revenue to the golf course fund, the golf course has been profitable. There have been some issues with the new software and the information that Ms. Cossey had, came from the software so to her, it was accurate. Maple Leaf is a big challenge for Ms. Reams and the Chamber and there are never enough volunteers to help out. Last year, the trash pick up was one of the biggest problems and the parks department ended up coming to the rescue to help out. This year, the parks department is going to be working with the Chamber to help collect trash the day of the parade. There are other areas in which she could use the help.

The Committee on Claims filed a report in the amount of $3,563,682.84 against the following funds: General Revenue $212,804.55, Public Health $163,943.90, Lodging $487.84, Parks/Stormwater $11,502.50, Fire Protection $1,100.18, Golf $14,693.11, Capital Improvements $11,649.43, Parks and Recreation $57.01, Myers Park $7,077.00, Use Tax $37,116.55, Public Facilities $363,279.86, Payroll $239,970.91, and Carthage Water and Electric $2,500,000.00. Ms. Cossey made a motion, seconded by Mr. Peterson, to accept the report and allow the claims. Motion carried.

Under Old Business, C.B. 24-48 – 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 followed by a roll call vote of 6 yeas and 2 nays. Ayes: Peterson, Heckmaster, Snow, Barlow, Cossey, and Schramm. Nays: Taylor, Leece. The Council Bill was approved and numbered Ordinance 24-49.

Under New Business, C.B. 24-50 – An Ordinance authorizing the Mayor to enter into a contract with DPI Printing & Signs for the installation of a new electronic messaging board at Memorial Hall in the amount of $32,256.00, in the City of Carthage Missouri was placed on first reading with no action taken.

Mr. Snow made a motion, seconded by Ms. Leece, to approve the Mayors Reappointment of Julie Tilley and Morgan Housh to the Care Leave Committee until December 2025, and Bill Smith, Chad Dininger, and Tyler Markham to the Care Leave Committee until August 2026. Motion carried.

Ms. Leece made a motion, seconded by Mr. Peterson, to approve the Mayors Reappointment of Gary Keene to the Civil War Museum Board until December 2026. Motion carried.

Mr. Taylor made a motion, seconded by Mr. Snow, to approve the Mayors Reappointment of H.J. Johnson to the Zoning Board of Adjustments until December 2028. Motion carried.

Ms. Leece made a motion, seconded by Mr. Snow, to approve the Mayors Reappointment of Bryan Stringer to the Carthage Tree Board until June 2027. Motion carried.

Mr. Snow made a motion, seconded by Mr. Barlow, to approve Resolution 2054 -- A Resolution approving the recommendation of the McCune Brooks Regional Hospital Trust for the distribution of funds from the restricted trust fund to the Jasper County Youth Fair. Resolution 2054 as amended was adopted after a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Snow, Barlow, Cossey and Schramm.

Resolution 2055 -- A Resolution approving the declaration as surplus to the City's needs and authorizing the disposition of a storage shed building at the Saddle Club Arena located in Municipal Park. Resolution 2055 was adopted after a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Heckmaster, Snow, Barlow, Cossey and Schramm.

During closing comments, Mr. Snow commented on Ms. Leece's earlier comments in that they are all there to do what is best for the city. He said to vote based on what is best for your city or the department it relates to and also take you own interests into account as well. Ms. Cossey said she got her numbers from the books that were printed earlier in the fiscal year and looks forward to reviewing the correct budget numbers. Ms. Schramm stated that she recently attended the MML conference and said the sessions were great. She attended the Marketing Your Communities and a Planning and Zoning session. She hopes to attend future conferences. Ms. Leece stated that she also enjoyed attending MML.

Ms. Cossey made a motion, seconded by Ms. Schramm to remove the closed session from the agenda. Motion carried unanimously.

Ms. Leece made a motion, seconded by Mr. Snow, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 8 p.m.