City of Carthage, Missouri

CITY COUNCIL

September 10, 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=C_zqezkEMYI

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,~~ Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Council Member Terri Heckmaster 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 made a motion, seconded by Mr. Snow, to approve the minutes of the August 27, 2024 Council Meeting with the following additions:

On page 5, in the paragraph where Mr. Snow asked the Mayor to rescind the bill, she would like a few things added. In the middle of the paragraph there is a sentence that ends with the words "in an audit" at this point, she asked to add "when asked what the red flags were Mayor Rife said "I don't know what those red flags are, they didn't discuss the flags"". Also add that "The Mayor said that the red flags were from the Attorney General's office, he also said he did not speak to anyone at the Attorney General's office but he received the information from former City Attorney Nate Dally" also to add that "Mr. Dally was not present to support the claims and there are no written documents from him or the Attorney General's office per the Mayor" near the end of the paragraph where Ms. Cossey expressed her concerns over a multi year audit to also include that "Ms. Cossey asked Ms. Cox how much the prior forensic audit had cost and she stated it was about $40,000 so based on that estimate, Ms. Cossey estimated that it would be approximately $160,000 for that audit to be conducted."

Motion to approve the minutes with the additions carried by a vote of 7 yeas and 1 nay. Ayes: Peterson, Leece, Edge, Snow, Barlow, Cossey, and Schramm. Nays: Taylor.

During Presentations, David Gaines spoke to the council about a housing feasibility study that will be done on Carthage at the request of Mr. Meredith with the CEDC. There will be a survey going out soon to ask residents and employers about housing in the community. The survey will not have identifiable information on it.

During Citizen's Participation, Josh Roberts, fire department employe, read a letter that represented a majority of the fire department. The letter was about some questions that were brought up after the last letter they released relating to the fire chief hiring. The letter expressed the support of the majority of the Fire Department for the hiring of Jason Martin as Fire Chief.

Steve Goodman 624 E Centennial, spoke on Jason Martin's position at the Fire Department and how he wants Jason there as Chief if he ever had an emergency.

John Cooper, 311 E Highland, spoke on the Fire Chief appointment and how the majority of the department wants Jason to be chief and that there has to be trust from the chief with the guys, and from the guys with the chief. He has been the deputy chief for a few years and he knows the job, he has been doing the job since Chief Huntley left, and the hiring committee unanimously voted to hire him. He also stated that he believes that most of the City wants him as the Fire Chief.

Carol Cooper, 311 E Highland, spoke on the Fire Chief appointment as well and said that she was their when John hired Jason Martin. Jason Martin respects the former Fire Chiefs, Chief Huntley saw something in him and that is why he chose him to be his deputy. She also spoke on what the City needs in a chief from asking the firefighter wives.

Joel Terry, 2219 Alison, thanked Jason Martin for handling cars that were parked illegally and said that it was handled well. He also said Carthage was figuratively on fire and spoke on the Mayors press release about the CWEP audit and the red flags. He asked if the Mayor had addressed any of it with the CWEP board.

Bill Putnam, 624 Belle Air, addressed ~~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.~~ 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. *amended at 9-24-24 Council meeting to add all of Mr. Putnam’s comments.

Anthony Leece, 230 N Maple, stated that the City needs Jason Martin as a Fire Chief because he is honest and transparent.

Mr. Snow reported that the Budget Ways and Means Committee met on September 9 and discussed a budget adjustment for the golf course to purchase grass seed to reduce winterkill. This appears in Resolution 2053. The committee heard that sales tax was up, use tax was down, and the marijuana tax is slightly up from months before. They also reviewed the list of cities to compare salaries to for the salary study, they removed a few and added a few. There were 3 new positions that were added that will also be reviewed. The next meeting is 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. They heard the salary study information that Mr. Snow had just spoken about. They also approved the employee health fair testing prices. Ms. Cossey made a motion, seconded by Ms. Schramm, to approve $135 per employee for blood testing at the health fair. Motion carried. The next meeting is scheduled for September 24 at 5:30 pm.

Mr. Snow reported that the Public Safety Committee is between meeting with the next meeting is scheduled for September 16 at 5:30 pm.

Mr. Edge reported the Public Services Committee is between meetings and their next meeting has been scheduled for September 19 at 5 pm.

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 Mr. Barlow for the McCune Brooks Hospital Trust, and the Public Library. Mr. Peterson also announced the next Kellogg Lake meeting.

Mayor Rife reported that he attended the recent McCune Brooks Hospital Trust meeting.

During Remarks from Council Members, Ms. Leece expressed her appreciation for the no fine rule the library had over the summer and also encouraged people to adopt from the humane society. Ms. Cossey also encouraged anyone looking for a pet to adopt from the humane society. She also asked Attorney Gold if he could explain what the requirements would be for the City to have a contract ~~with an employee~~. Attorney Gold stated that a contract would have to be approved by council in order for it be a valid contract with the City.

Deputy Fire Chief Jason Martin thanked everyone for their support and all of the kind words that have been said on his behalf.

Parks and Recreation Director Abi Almandinger reported that Central and Municipal Park restrooms should be open by the end of the month ~~and the dog park is near completion~~. She also reported that the last food truck Friday event of the year would be September 13~~, and the Chamber golf tournament is also the same day~~.

Interim City Administrator Traci Cox thanked Mr. Gaines for his presentation on the housing study and that she checked with Travis at Public Works and in the last few weeks he has issued 6 new construction permits for homes. She also thanked Morgan at the Fire Department for all of her work on the Missouri disaster assistance grant that was applied for to try and get some reimbursement money from tornado damage. She has recently learned that the City will be receiving around $88,000.00 in reimbursements. She wished Jen Kirby the best in her new job, stating that she will be missed. The McGrath salary study update is currently underway and is scheduled to be completed by the end of the calendar year. Friday is a busy day with Food Truck Friday, Jen's last day, and the Chamber golf tournament.

The Committee on Claims filed a report in the amount of $1,007,640.70 against the following funds: General Revenue $399,980.67, Public Health $560.00, Lodging $1,903.54, Public Safety $308.95, Parks/Stormwater $60,195.03, Golf $1,594.45, Capital Improvements $16,277.37, Myers Park $4,479.75, Use Tax $37,926.25, Public Facilities $12,801.35, Library $25,000.00, and Payroll $446,613.34. Ms. Cossey made a motion, seconded by Mr. Taylor, to accept the report and allow the claims. Motion carried.

Under Old 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 second reading followed by a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Edge, Snow, Barlow, Cossey and Schramm. The Council Bill was approved and numbered Ordinance 24-47.

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 second reading followed by a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Edge, Snow, Barlow, Cossey and Schramm. The Council Bill was approved and numbered Ordinance 24-48.

Ms. Cox stated that the amount for the repairs in C.B. 24-45 will be reimbursed by the insurance company.

Under New Business, discussion of unauthorized payments. Ms. Cossey stated that this is covered in the new articles of impeachment, but she would like to have a closed session for litigation at the next meeting. Ms. Cossey made a motion, seconded by Mr. Snow, to add to the next council agenda a closed session for possible litigation. Motion carried with a vote of 5 yeas, 2 nays, and 1 abstain. Ayes: Peterson, Snow, Barlow, Cossey, and Schramm. Nays: Taylor, Leece. Abstain: Edge.

Consider and discuss adoption of revised articles of impeachment. Ms. Schramm asked Mayor Rife to step down and let Mr. Snow take over since the articles involve him. Mayor Rife said that in the agreement, he agreed to not stop anything the council tried to pass. Mayor Rife let Mr. Snow take over for this item.

Ms. Cossey made a motion, seconded by Ms. Schramm, to adopt the amended articles of impeachment.

Mr. Edge expressed that he would like to see a way for the council and Mayor to move forward without having to go through the impeachment process. Ms. Cossey stated that the discussion is not about that, and Mr. Edge expressed that it was just his opinion. Ms. Leece had questions on what the purpose of adding more items was for and if the vote was to say if Mayor Rife did do those things or not. It was explained to her that this vote is just to add the item to the hearing and the council will hear both sides and then decide after if Mayor acted wrongly or not. The evidence for or against the item would be what happens at the impeachment hearing.

The vote to adopt the revised articles passed by a vote of 6 yeas and 2 nays. Ayes: Peterson, Edge, Snow, Barlow, Cossey and Schramm. Nays: Taylor, Leece.

Ms. Schramm 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 7 yeas and 1 nays. Ayes: Derek Peterson, Lori Leece, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Nays: Chris Taylor. Motion carried at 7:35 p.m.

There was a short recess before the closed session started. Council went into closed session at 7:42 p.m.

CLOSED SESSION

Mr. Snow made a motion, seconded by Mr. Barlow, to return to the regular session of the Council Meeting at 8:07 p.m. followed by a roll call vote of 8 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried.

Mayor Rife stated that there was a vote taken on the Fire Chief appointment in closed session and that vote would be released within 72 hours. He also stated that there would be no appointment this evening.

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” *amended to add at the 9-24-24 council meeting.

Mr. Snow made a motion, seconded by Ms. Leece, to adopt Resolution 2053 – A Resolution authorizing a supplemental budget adjustment to the Golf Fund for Fiscal Year 2024-2025 for a line item adjustment of $20,000 to the Maintenance line item for the purchase of bluegrass seed to be used on the fairways to help reduce winterkill.

Mr. Edge made a motion, seconded by Ms. Leece to amend the resolution to include the extra utility costs for the electricity to run the well pump due to the extra watering that will need to take place with the grass seed, the extra cost would be $5,500.00. Motion carried unanimously.

Resolution 2053 as amended -- A Resolution authorizing a supplemental budget adjustment to the Golf Fund for Fiscal Year 2024-2025 for a line item adjustment of $20,000 to the Maintenance line item for the purchase of bluegrass seed to be used on the fairways to help reduce winterkill and for $5,500 to the utilities line item due to the extra utility expense for the well pump. Resolution 2053 as amended was adopted after a roll call vote of 8 yeas and 0 nays. Ayes: Taylor, Peterson, Leece, Edge, Snow, Barlow, Cossey and Schramm.

During closing comments, Mr. Snow wished the Carthage Tigers good luck in their fall sports. Ms. Schramm stated that she was looking forward to attending the MML conference next week.

Mr. Peterson made a motion, seconded by Ms. Leece, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 8:19 p.m.

CLOSED SESSION
MINUTES OF THE MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
September 10, 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.

Ms. Schramm made a motion, seconded by Ms. Cosssey, 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 7 yeas and 1 nay. Ayes: Derek Peterson, Lori Leece, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Nays: Chris Taylor. Motion carried at 7:35 p.m.

There was a short recess before the closed session started. Council went into closed session at 7:42 p.m.

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

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

Mr. Snow made a motion, seconded by Chris Taylor, to appoint Jason Martin as Fire Chief. Motion failed with a vote of 4 yeas, 1 nay, and 3 abstaining. Ayes: Chris Taylor, Lori Leece, Dustin Edge, and Alan Snow. Nays: Derek Peterson. Abstains: Tom Barlow, Tiffany Cossey, and Jana Schramm.

Attorney Gold explained that Carthage's Charter Section 4.11 requires that an appointment of an officer of the city requires an approval of a majority of the members elected to the City Council. The elected number is 10 therefore requiring 6 affirmative votes.

The council discussed what the next steps would be for the Fire Chief position. The Mayor will decide on how he would like to proceed and let the council know at a later time.

Mr. Snow made a motion, seconded by Mr. Barlow, to return to the regular session of the Council Meeting at 8:07 p.m. followed by a roll call vote of 8 yeas and no nays. Ayes: Chris Taylor, Derek Peterson, Lori Leece, Dustin Edge, Alan Snow, Tom Barlow, Tiffany Cossey, and Jana Schramm. Motion carried.

Respectfully submitted,

Miranda Deal
City Clerk