



**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CONRAD, COUNTY OF PONDERA, STATE OF MONTANA
HELD AT CONRAD CITY HALL ON JANUARY 16, 2024**

The City Council of the City of Conrad, County of Pondera, State of Montana, met in regular session at the Conrad City Hall on January 16, 2024, at 6:05 p.m.

Present: Mayor Jamie Miller, Alderman Nathan Hunsucker, Alderman David Cates, Alderman Scott Mycke, Alderman Amber Schoenrock, Finance Officer Joani Mink, and City Attorney Daniel Jones

Absent:

Guests:

Teleconference Guests: McKenzie with the IO, Attorney Jeff Hindoien, Mark Daniels, and other Anonymous guests

The Meeting was called to order by Mayor Miller at 6:05 p.m.

Read & Approve Minutes:

Read and approve the Meeting Minutes of January 2, 2024.

- Motion by Alderman Schoenrock, second by Alderman Hunsucker to approve the Regular City Council Meeting Minutes of January 2, 2024.
 - Motion Carried Unanimously.

Discussion/Action on Claims:

Claims #27753- 27792, #27777 and #27767 (refer to the claims register/claims approval list):

- Motion by Alderman Cates, second by Alderman Schoenrock to approve the claims, as presented.
 - Motion Carried Unanimously.

Action on Water Contracts: None

Mayoral Address/Update: See Mayor Miller's written statement attached.

Alderman Cates stated he had a question for the Mayor. He stated the reason we had a meeting, was because we couldn't come to agreement on how to handle this particular situation with over time. Mayor Miler disagreed with the legal opinions and so the other alternative was to bring in a separate investigator that was unbiased. Mayor Miller picked that person and at that meeting Alderman Cates specifically asked, "will you stand by what this investigation comes out as". Mayor Miller stated "yes"; Fast forward to reading of the investigation and Mayor Miller openly said "she didn't even have to look at the investigation as she knew what it would say." That tells him, Alderman Cates, that Mayor Miller did something wrong and that she knew it. Mayor



Miller kept saying she has the right to refuse the investigation. Alderman Cates asked what is Mayor Miller's word worth? Alderman Cates told Mayor Miller that he supported her and encouraged her to run.

This is a slap in the face, when you said "I will agree with something and then when it comes out not going your way you don't agree. Mayor Miller stated, "she stands by what she said and that it was her right to not agree with that opinion." Alderman Cates stated she waived her right to that when she agreed to take the results of that opinion. Mayor Miller disagreed with the mischaracterization. Alderman Cates asked why we, the Council, should believe her ever again? Mayor Miller asked if that first meeting was to work thru the differences of the FLSA or was it because a grievance was filed. Alderman Cates stated it was because a grievance was filed, and Mayor Miller was not able to resolve it internally. That's why Council had to bring in an investigator. Mayor Miller asks, "who had advised us that it couldn't be resolved internally because his, Mr. Padilla's overtime had been back paid and if that was the issue."

Alderman Cates stated there were issues brought out in the report that merely threatening someone with their POST and inquiring about it that is a very dangerous message or scary message to an officer that is POST certified. Mayor Miller stated she never asked Mr. Padilla about his POST and only posed the question because she was asking for documentation purposes. Mayor Miller had a discussion with Attorney Jones and she was waiting for his response. She had just asked a question and had no intent to report to POST. She heeded Attorney Jones advice as soon as she got his verbal answer. Mayor Miller stated It was a record management question.

Carolyn Donath stated that Mr. Padilla never accepted the letter either and Alderman Cates argued with him about taking responsibility. Alderman Cates stated there was responsibility on both sides and that he had not made up his decision when the Council first went into the meeting. Carolyn Donath stated Mayor Miller knew there was hours of conversation that Attorney Jones was having with the investigator before she called the Mayor. Alderman Cates informed her that was what an investigator does. Alderman Hunsucker stated that there is a process that they go thru to make sure the investigator doesn't know any of the parties or anything like that. Attorney Jones helped with that as he, Hunsucker, didn't feel he was qualified enough to do that job. Mayor Miller clarified that within the first 5 minutes of her interview that an opinion was already made.

Patty Hutton asked if Attorney Jones was the City Attorney and if he was shouldn't the Mayor ask him questions about reporting something to POST or is she, Mayor Miller, not to ask him questions? Or is he only the City Attorney for Mr. Padilla?

Mr. Coombs stated that we, the Council, talk about trust when the Council violated two laws openly that the Court decided. We, the Council, all sit here to this moment and MUMS the word. But the Council is asking the Mayor to step down or do what the Council wants when the Council is the one who violated the laws and are never going to admit it because the Council is digging their heels in. So, if the Council wants to talk trust start there. The Court ruled the Council was in the wrong and we all know it.



Mayor Miller asked if there were any more questions that Alderman Cates had. Alderman Cates stated he found it curious that everyone that had an issue here wanted all the stuff laid out in public. The purpose of the second meeting was to do that. But Mayor Miller had it stopped. But then when Mr. Paddila waives his rights and it was all out there, everyone is jumping all over him for doing it. What are we, the Council, supposed to do?

Alderman Hunsucker stated he felt the first hour of meeting was productive and we worked towards things. He stated he was not exempt from wrongdoing. He is man enough to admit it, but he made his decisions on the information he had and here he sits.

Mr. Hadcock stated if he was a city employee, he would get his own attorney and wouldn't use the City's Attorney. Alderman Hunsucker stated that there is a policy on how a grievance is handled. Since it's never happened before, there was no policy on what to do when a department head has a problem with the Mayor. MMIA was called and informed them of the issue at hand and got their suggestions. The Council followed those steps.

Someone asked if the Council had plans to fire Jamie again, what's going to happen if Mayor Miller stays? How will the Council and Mayor all unite. Alderman Hunsucker stated there is no plan for that and he felt the Council and Mayor worked thru a lot tonight. Mayor Miller agreed.

Patti Hutton wanted to hear from ALL Council members besides Alderman Hunsucker if they are willing to work with the Mayor or if they will still dig in their heels. She asked Alderman Schoenrock and she stated "I don't have to give an answer if I don't want to and I'm not going to because I haven't made up my mind and needs time. She stated she wasn't going to answer Patti's question. Someone asked about her post on Facebook and not having an issue with putting it there. Alderman Schoenrock informed them that what she posted she stands by. Pattie asked why they shouldn't kick Alderman Schoenrock out because she did the same thing as Mayor Miller and the Council kicked her out. Alderman Schoenrock stated to go ahead and try.

Public Comment (no action taken): Agenda Items and/or Not on Agenda Items

Mr. Coombs asked about BSV. Triple Net lease v Property Manager. He said the meetings should be held in public and that the Council isn't doing it the right way.

Mr. Burdett talked about his time serving as a police officer. He said if there was a comp or overtime issue it was discussed with the mayor who signed off on it.

Kirsten Miller spoke for the community. She said she sees a division. One that she knows can be solved. You need to consider opportunities to move forward. I hope you find it within yourselves to fix this division and stop stirring over this.

Maria Cates asked if during this meeting that people could just comment and not have to comment on everything. Another citizen commented that public meetings are about comments. Otherwise go into an executive session. Mrs. Burns spoke up as a voter for Jamie Miller and said this never should have happened. Another citizen said that when you sign up for a job you know your duties.



You should know what position you put yourself into. A citizen asked what the solutions are to be able to work together as a community. There are issues in this city that must be resolved. Mrs. Coombs said we don't have to like each other, but it doesn't mean we can't work together and get things done. Maria Cates asked that people are stopped when personal attacks are made. If we want mended fences, then this needs to be resolved. Carry Dotie spoke up and said she has worked with non-profit board of directors for close to 40 years. I think the elephant in the room here that is a

concern to everyone in the community is that as a result of this is an untenable situation here with a City Council that is at odds. The Mayor has filed a lawsuit and we have a Police Chief that is resigning, a City Attorney that is resigning, and the fallout from this is a huge concern for the city. She said she is concerned for the community. She asked Mayor Miller why she was staying. Mayor Miller said she wanted to stay in her position to help the city. She asked if Mayor Miller would drop her lawsuit for the better of the city. Mayor Miller said she would go on the advice of her attorney.

Correspondence: Blue Sky Villa Response Letter

Patti Hutton asked about the intent of the city regarding BSV. She asked about the rents being raised. Mayor Miller told her the city has no control over the rents while Horizon runs BSV. March first is the deadline. Patti Hutton asked if we know how much revenue they make. She then asked about the repairs. She asked if the same repairs are done every year. The Mayor said she did note that the lease allows the surplus funds to be used for capital improvements. Patti Hutton said if they can't find someone to make repairs, maybe the city should find someone else. Mayor Miller said the BSV meetings will be posted.

Discussion/Action: Appointment of Interim Chief of Police with Request Additional Monthly Compensation:

- Motion by Alderman Schoenrock, second by Alderman Mycke to approve the appointment of Sargent Cory Smith as the Interim Chief of Police and additional monthly stipend of \$500 and keeping current wage at \$26.78 effective January 2024.
 - Motion Carried Unanimously.

Discussion: Agenda Items Request from City Attorney and Council:

- No action taken

Discussion/Action: Interim City Attorney Plan with Creation of Ad hoc Committee:

Mayor Miller said she recommends that the Council and her work together of these issues. Alderman Hunsucker asked what that committee would look like. Mayor Miller said it would be her, a council member, and someone from the public. Mayor Miller stated this is an opportunity to work together. Alderman Mycke said there was a conflict with her picking an attorney when she is in a lawsuit against the city. Alderman Cates stated City Attorney Danial Jones has to stay until his replacement has been put in place per the contract. Mayor Miller has a different opinion. The City Attorney said that was not stated in the Contract, but it was case law. Miller also said they, Attorney Jones and her, could not work together. Miller said this was a question for MMIA.



- Motion by Alderman Hunsucker, seconded by Alderman Cates to table.
 - Motion Carried Unanimously

Discussion/Action: Creation of Ad hoc Finance Committee:

Mayor Miller said this is her request to create a committee based off the previous agenda for special meeting. Alderman Hunsucker stated it was a good idea but just doesn't know what the process is. Appoint people now to get ball rolling or what? Attorney Jones said yes or has requested to be on committee to.

- Motion by Alderman Hunsucker to approve Mayor Miller, Alderman Hunsucker, Alderman Mycke, Alderman Cates, and Agnus Fowler (with her acceptance) or Jay Coombs (if she doesn't accept) to sit on the committee, Second from Alderman Mycke
 - Motion Carried Unanimously.

Discussion/Action: Creation of Ad hoc IT Needs Committee

Mayor Miller said she would like policy and procedures put into place for this. Alderman Mycke asked if this was part of a huge thing or part of one thing.

- Motion by Alderman Hunsucker to appoint Mayor Miller, Alderman Hunsucker, Sargent Smith, and Jaylen Coombs to sit on committee. Seconded by Alderman Cates.
 - Motion Carried Unanimously.

Executive Session: Litigation Strategy on Miller vs. City of Conrad

- Motion by Alderman Hunsucker, second by Alderman Schoenrock to close Regular meeting.
 - Motion Carried Unanimously.
- Motion by Alderman Hunsucker, second by Alderman Schoenrock to reopen Regular meeting.
 - Motion Carried Unanimously.

Discussion/Action: Daniel Jones Representing City of Conrad on Writ of Prohibition Lawsuit

- Motion by Alderman Hunsucker to approve City Attorney Daniel Jones to represent City of Conrad on Writ of Prohibition Lawsuit. Second by Alderman Schoenrock
 - Motion Carried Unanimously.

Other Business:

Receipt of Notification of City Attorney Resignation, Chief of Police Resignation
Board and Committees
Chief of Police job description
MT AG Lot Purchase
Civic Plus
MT League Contract
Zoom or Teams for future Telecom.
BSV Committee Update



Form of Government Ballot for ten years
Numbering on Resolutions
Resolution for Minutes
HB 355 Public Hearing

Motion by Alderman Hunsucker, second by Alderman Cates to close Regular Meeting and return to Special meeting.

- o Motion Carried Unanimously.

A handwritten signature in blue ink that reads "Nathan Hunsucker".

Interim Mayor, Nathan Hunsucker

Attest: Kimberly A. Cooney
Billing Clerk

