



**REGULAR MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF CONRAD, COUNTY OF PONDERA, STATE OF MONTANA**  
**HELD AT CONRAD CITY HALL ON MARCH 5, 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 March 5, 2024, at 6:00 p.m.

Present: Interim Mayor Nathan Hunsucker, Alderman David Cates, Alderman Amber Schoenrock, Billing Clerk Kim Cooney

Absent: None

Guests: Tobias Schwartz, Maria Cates, Mr. Coombs Coombs, Jack Hadcock, Don McClain, Jerry Riewer, Dave and Diane Bohac, Karla Breeding, Darryl Burditt, Danielle Coombs, Chris Zerbst, Cole Waldusky, Cynthia Ries, Jamie Hutton, Sharon Mellott, Debbie Kersten

Teleconference Guests: McKenzie Gray (IO), Carolyn Donath, Patti Hutton, Wendy Judisch

The Meeting was called to order by Interim Mayor Hunsucker at 6:00 p.m.

Action: Read and Approve Minutes of the February 20, 2024 Regular Meeting

- Motion by Alderman Schoenrock, Second by Alderman Cates to approve the Minutes of February 20, 2024 Regular Council Meeting with one revision (correction: Fund Drive)
  - Motion Carried Unanimously

Action on Claims:

Claims #s 27849, 27859, 27866-27902, 27904 (refer to the claims register/claims approval list):

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

Action on Water Contracts: None

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

Mrs. Breeding read her Letter of Interest for the Ward 1 Alderman vacancy. (See letter attached)

Ms. Gray commented on her recent interactions with Alderman Cates and Schoenrock related to freedom of the press.

Mr. Hadcock handed pocket-size copies of the U.S. Constitution to Council and the Billing Clerk. He commented on the timing of Alderman Mycke's resignation and discussed the upcoming elections.

Discussion on the duty of Council and the Mayor to adhere to the Constitution and City Charter, and to represent their constituents.

Mrs. Coombs mentioned H.S. street parking that was brought up at the last meeting. Discussion ensued.



Alderman Cates responded that Council is trying to work within the existing framework when they are made aware of a problem. He invited anyone to come to City Hall to discuss the issues and potential solutions.

Mr. Waldusky stated that Council exists to serve the entire City, not just a few. He called for cordial communication to ensure a smooth process.

Mrs. Kersten asked for an update on the lawsuit that Ernie Padilla has against the City. This has been turned over to MMIA (City insurance) and Attorney Jones is waiting for a reply.

Discussion on the City rule requiring the Chief of Police to live in town. The current policy requires that the Chief live within 5 miles of town for response time.

Correspondence:

- a. Email from Fence Line Designs re: website - Interim Mayor Hunsucker read the email from Lacey Vermulum.
- b. Interim Mayor Hunsucker provided an update from MMIA regarding an 8-10% increase to City employee health insurance.

Discussion/Action: Resignation of Scott Mycke from Ward 1  
Interim Mayor Hunsucker read Scott's resignation letter.

- Motion by Alderman Schoenrock, Second by Alderman Cates to accept the resignation of Scott Mycke from Ward 1 and declare that seat open
  - Motion Carried Unanimously

Discussion/Action: Ward 1 Council member appointment  
Interim Mayor Hunsucker invited Letters of Interest for the Ward 1 Alderman.

- Motion by Alderman Schoenrock, Second by Alderman Cates to accept Letters of Interest for the Ward 1 Council Member position to be due until March 15<sup>th</sup>, 2024 with a hopeful appointment at the March 19<sup>th</sup>, 2024 meeting
  - Motion Carried Unanimously

Discussion/Action: Update signature authorization for the Stockman Bank City Fines & Bonds account  
Discussion on waiting until other people are in place. Currently, the other authorized signatures on the account are Cody Shaw and Leanne Kellogg.

- Motion by Alderman Schoenrock, Second by Alderman Cates to table removal of Jamie Miller from signature authorization on the Stockman Bank City Fines & Bonds account
  - Motion Carried Unanimously

Discussion/Action: Appoint Council Member to Planning Board  
Discussion on the requirement by the Growth Policy to name a City of Conrad Alderman to the Growth Policy Planning Board.



- Motion by Alderman Cates, Second by Interim Mayor Hunsucker, to appoint Alderman Schoenrock to the Growth Policy Planning Board
  - 1 abstained – Alderman Schoenrock
  - 2 in favor – Alderman Cates, Interim Mayor Hunsucker
  - Motion Carried

Discussion/Action: Pondera County 4-H Street Dance request

Mr. Waldusky, representing the Pondera County 4-H Ambassadors, asked for approval to block 6<sup>th</sup> Avenue for the annual street dance during Whoop Up.

Discussion on the different street closure requirements for Ed’s Tavern and 4-H for street dances. The general consensus was that additional State approval is required for an existing business, while only City approval is required for a non-profit organization. Alderman Schoenrock will look into it further.

- Motion by Alderman Schoenrock, Second by Alderman Cates to approve the Pondera County 4-H request to block access to the City Pool block of 6<sup>th</sup> Avenue June 8<sup>th</sup> from 6 -11:30 p.m., and to use power off the City Pool building and power pole for a street dance during Whoop Up
  - Motion Carried Unanimously

Discussion/Action: Use of Norley Hall by Conrad Chamber for Annual Banquet

Interim Mayor Hunsucker read the letter of request from Barbi Killion, Conrad Chamber of Commerce.

- Motion by Alderman Cates, Second by Alderman Schoenrock to set those dates aside for use of Norley Hall by Conrad Chamber for Commerce for the Annual Banquet April 11-14, 2024
  - Motion Carried Unanimously

Discussion/Action: Council Member request to be absent

Alderman Schoenrock stated she’ll be gone more than 10 days, missing both meetings in May.

Interim Mayor Hunsucker clarified that Aldermen must be approved by Council for absences more than 10 consecutive days.

- Motion by Alderman Cates, Second by Interim Mayor Hunsucker to approve Amber Schoenrock’s absence for more than 10 days
  - 1 abstain – Alderman Schoenrock
  - 2 in favor – Alderman Cates, Mayor Hunsucker
  - Motion Carried

Discussion/Action: Appointment of Mayor

Interim Mayor Hunsucker received two letters of interest: James (Jay) Coombs dated 2/20/24, and Alderman Cates dated 2/21/24 (see attached).

Interim Mayor Hunsucker said that he thought Alderman Cates would do a good job. He has the time, the interest and the temperament.

Discussion on the process for determining the Mayor and advertisement of vacancies.



Mrs. Breeding said the Charter stipulates that the Council can appoint the Mayor.

Interim Mayor Hunsucker read and summarized an email from Attorney Jones, with whom he had spoken extensively on the subject.

*The entire council is all council members who have not vacated their respective position. (MCA 74-4112).*

*The MCA goes onto explain the situation where there are no council members remaining. The subsection also accounts for the situation where there are three, two or one council members remaining, and the number of remaining council members that constitutes a seated council. With Alderman Mycke on the Council, a 2/3 vote would be needed to have the majority of the entire council. The trickier issue is what constitutes the entire Council if Council members abstain from voting after Alderman Mycke's position is vacated. Conrad City Charter provides a different voting scheme for removal of Council members. To remove a fellow Council member, three Council members must vote to remove. This is instructive because it shows that the intent of the majority vote of the entire Council provision could not have meant that a specific number of votes was required. Rather, it simply requires the correct ratio of yays versus nays. If the abstention is considered a nay, and the other two vote in favor, the City Council will have the entire Council present, and will have met the affirmative vote of the majority condition. Montana has taken the position that Council members who are present but refuse to vote should not be permitted to impede the progress of legislation by refusing to vote when the roll is called. No Montana court has overturned the position that an abstention is actually and affirmative vote. Therefore, now that Alderman Mycke has resigned and vacated one Council member's position, two votes with one abstaining would be sufficient to validly appoint the Mayor, regardless of whether an abstention is considered a yay or a nay.*

Mr. Coombs asked Interim Mayor Hunsucker if he was denying his application for personal reasons, based on his temperament and knowledge. Interim Mayor Hunsucker responded the he didn't think Mr. Coombs would be a good fit for Mayor based on how he's acted in Council meetings.

Mr. Coombs asked why Alderman Cates had once been removed as Alderman.

Mrs. Breeding explained that he was temporarily removed from Council because the Charter then read that an Alderman had to be voted in unanimously by Council and she'd voted for the other candidate. The Charter was revised and Alderman Cates was voted back in as Alderman.

Discussion on the District Court Ruling and Summary Judgement, and the importance of interest, knowledge, and temperament in a mayor.

Mr. Waldusky said that, at the end of the day, it's the Council's decision.

Discussion on the need for new people on the Council to restore community trust and move forward.

- Motion by Interim Mayor Hunsucker, Second by Alderman Schoenrock to appoint David Cates Mayor, effective immediately
  - 1 abstained - Alderman Cates



- 2 in favor – Alderman Schoenrock, Interim Mayor Hunsucker
- Motion Carried

Alderman Cates was immediately sworn in as Mayor by Alderman Schoenrock.

Mayor Cates took over the meeting. He noted that with his appointment as Mayor, there is now a vacancy for Alderman in Ward 2. He explained the boundaries for Wards 1 and 2.

Executive Session: None

Other Business: None

Items to Appear on Next/Future Agenda:

- a. Road Closure near Ed's Tavern for Street Dance during Whoop Up
- b. Growth Policy
- c. Ward 1 Council member appointment

Mr. McClain asked about the Police Chief and Finance Officer/Clerk position. Mayor Cates said there have been no applications for the Clerk, and one application for the Chief which Council is moving ahead with in the vetting process.

Mayor Cates added that he hopes people will be more interested in working for the City with the stability of having a new mayor.

Discussion about background check requirements for the Chief of Police and Finance Officer.

Alderman Schoenrock suggested a Discussion/Action into Fence Line Design. She said they had been in discussions with Fence Line before and it got weigh laid.


Mrs. Breeding asked if anyone had access to the two websites (City of Conrad, Facebook) to post the Alderman vacancies in Wards 1 and 2. No one has had access. Alderman Schoenrock offered to put it on Facebook herself.


Meeting Adjourned

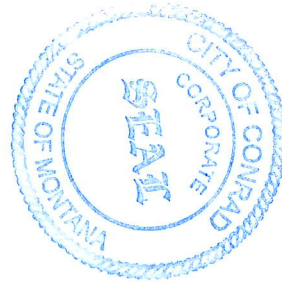
There being no further business to come before the Council, Motion by Alderman Schoenrock, Second by Alderman Hunsucker, to adjourn the meeting at 7:34 p.m.

- Motion Carried Unanimously



  
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Mayor, David Cates

Attest:   
Billing Clerk, Kim Cooney



Acting Mayor Hunsucker, Councilman Cates and Councilwoman Schoenrock,

As you know, last August I resigned from my council position in Ward 1, with the only reason being that I wanted to begin collecting retirement with Montana Public Employee Retirement System. PERS required that I resign from any eligible PERS employer – which the City of Conrad is. They require a 90 day lapse from retirement date to being employed by a PERS employer again.

I see that the Ward 1 position that I resigned from is now open again. Please consider this a request to submit my name to be considered as a candidate for that position.

I would bring to the council my 14 years of experience of having been on the council serving the citizens of the City of Conrad. I care deeply about my community and would like the chance to serve in this position again. As stated above I would not have resigned if the timing of my ability to collect retirement from my previous employments had not come up. I have regularly attended council meetings in person or by phone since I resigned in August. I would like to be able to step back into the position that I was originally elected for.

Thank you for considering me for this position.

Sincerely,

A handwritten signature in blue ink that reads "Karla Breeding". The signature is written in a cursive style with a large initial "K".

Karla Breeding

2/21/24

Dear Council,

For the past 4 years I have served as an Alderman in the 2<sup>nd</sup>. Ward. As one of the two most senior members of the council I feel that I am well qualified to serve as Mayor of Conrad. We are in situation if we were to bring in someone from outside of the council we would be putting ourselves into the same position with a novice mayor trying to make sense of the job. We as council members are all abundantly aware of the challenges ahead. A lot of bridges have been burned in the past two years I will work diligently to rebuild those bridges, open lines of communication and rebuild trust. Having worked under two different mayors I believe I have a good understanding of what works and what doesn't work. I have the time and temperament to get it done. It is my hope, by working together we can get through tough situation and move the City of Conrad forward.

Thank You for your consideration,



David Cates

Alderman 2<sup>nd</sup>. Ward



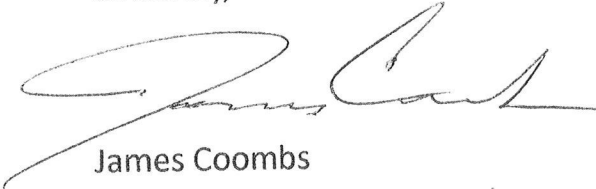
February 20, 2024

City of Conrad  
413 South Main Street  
Conrad, MT 59425

Dear City Council,

I am writing with interest in the opening of Mayor at the City of Conrad. I am a military veteran, business owner, property owner in the City of Conrad. I have a strong interest in government proceedings and have participated often in City Council meetings. I have an awareness of ordinances, the City Charter, and State of Montana Code Annotated. I will adhere to the Montana Constitution if appointed. My background and strong knowledge of business management provides me the experience I believe is necessary to run the City of Conrad. As a father and husband, I desire to help the town strengthen the community atmosphere and help the town thrive again.

Sincerely,



James Coombs