



MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CONRAD, COUNTY OF PONDERA, STATE OF MONTANA
HELD AT CONRAD CITY HALL ON December 05, 2023

The City Council of the City of Conrad, County of Pondera, State of Montana, met in regular session at the Conrad City Hall on December 05, 2023, at 6:00 p.m.

Present: Interim Mayor Nathan Hunsucker, Alderman David Cates, Alderman Amber Schoenrock, Alderman Scott Mycke, Library Director Tiffany Christenson; Finance Officer Joani Mink, Public Works Director Dave Zimbelman, Chief of Police Ernie Padilla, City Attorney Daniel Jones, and City Engineer Brad Koon.

Absent: 0

Guests present: 17

Teleconference Guests: McKenzie with the IO, Carolyn Donath, Attorney Jeff Hindoiien

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

Read & Approve Minutes:

Read and approve the Special Meeting Minutes of November 17, 2023, and the Regular Meeting Minutes of November 21, 2023.

- Motion by Alderman Schoenrock, second by Alderman Cates to approve the Special Meeting Minutes of November 17, 2023, and the Regular Meeting Minutes of November 21, 2023.
 - Motion Carried Unanimously.

Action on Claims

Claims #27661-#27694 (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.

Correspondence: MT League of Cities and Towns

Interim Mayor Hunsucker discussed a letter from the Montana League of Cities and Towns and said it was to inform the City of Conrad that they are discontinuing their accounting and financial services until the dispute with the City of Conrad and Jamie Miller is resolved.

Public Comment (no action taken):

Mr. McLain spoke first, and he asked Council about the water share transfer. He specifically asked if the Council members were sure if it was right to give away those shares since down the road, the City of Conrad would never get them back. He further stated that Conrad has a lot of land and room for improvement, and the town might need additional water down the road. Mayor Hunsucker agreed and thanked him for his comments.

Carolyn Donath spoke up next. She asked Council how the current Agenda could list so many requests for expenditures when Council doesn't know where they stand on finances. She further stated that the budget hasn't been balanced for two years, auditors quit, and she asked how the City of Conrad Council members could go on a spending spree when they don't know how much money is available? Interim Mayor Hunsucker thanked Carolyn Donath, and he told her that these were things that needed to be discussed more frequently at City meetings. Ms. Donath also said she had heard rumors of hidden money, and she was disappointed that the City of Conrad didn't have qualified financial employees or accountants working on balancing the city budget. Mr. Coombs spoke next, and he asked how, when two positions in the city weren't filled, the Council could consider raising wages. He also said it looked like more things in the city needed to get done that weren't getting worked on. Mr. Coombs also asked why financial information wasn't on the previous agenda. Mr. Coombs stated that the city should disclose more up



to date financial information in the future and said that more information should be disclosed to the citizens along with public comment. Public works department employee, Keith Thaut, spoke up and said the wages the city is offering for new employees aren't competitive enough with other job openings. Mr. Thaut also responded to Mr. Coombs's comments and said there are a lot of projects that get done on the water and sewer side that nobody sees. Public Works Director Dave Zimbelman informed the public that the wages his department receives aren't comparable to other City Work Department employees around the state. He also added that his department employees have special licenses for water treatment and testing that a lot of public work employees don't have. Maria Cates spoke up for the Council, and she told the public that the Council members work very hard for the city of Conrad. She said they put in a lot of hours, have a high amount of integrity, and she is very proud of them. Carolyn Donath spoke up again, and she said Council members may work hard but asked who is figuring out the budget. The Interim Mayor told her it was part of the process figuring it out. She also said the secrecy needs to stop. Alderman Cates told her all the meetings for the budget were done in open meetings, and that she was welcome to attend budget meetings in the future. She then asked to see a video from an executive session, but she was informed that was not available to the public at this time.

City of Conrad Department Reports:

Conrad Public Library: Library Director, Tiffany Christenson provided the following statistics for the library: 1,344 visits, 2,272 items circulated, 23 programs held, 385 program attendees, 222 computer users, and 24,094 separate Wi-Fi sessions. The Library Director also reported that her team has been working very well and efficiently, and with some schedule adjustments student/class visits to the library will increase after the new year. Director Christenson also reported that the library participated in the trunk or treat and hosted a Middle School Murder Mystery Party with 31 participants. She also reported that the Democracy Project teen group has been meeting regularly and will select a final project idea by December. As part of their utilization of Humanity Montana speakers, they were lucky to have Courtney Cowgill give a presentation entitled "Newstrition: Building a Balanced Media Diet" on Monday. Her team is also working with MSU Extension on creating a Pondera County Seed Library. The Director said the front library doors are ready to be installed by Shelby Glass, and it should only take one day to complete. Director Christenson reported that Nelson Architects are finishing the final PAR, and her department will begin grant applications. Lastly, the Library Director said the library is hosting the annual Christmas Stroll Recital Friday, December 8th at 5:00 PM.

Conrad Public Works: Public Works Director, Dave Zimbelman provided the following in his report: works employees are sweeping streets, cleaning parks and removing leaves, they put up the Christmas tree and lights for the library, are replacing a hydrant and valve before it gets too cold, grading alleys, washing and maintaining all equipment, working with the City engineer on upcoming projects and NCMRWA numbers, replacing old street signs, assisting Sullivan Construction on a water tap east of town on the Brady line, attending splash park meetings to discuss the final design and getting ready to put it out to bid, and slowly pumping hydrants and greasing them. The Director also presented Harvest States/Cenex with a Certificate thanking them for their generous fertilizer donations.

City of Conrad Department Reports: City of Conrad Chief of Police, Ernie Padilla reported the following: 178 calls for service, routine security checks, 1 arrest, 4 alarms, 5 assaults/harassment/threats, 3 Burglary/Thefts, 0 Court Orders, 1 Criminal Mischief/Trespass/Vandalism, 6 Domestic incidents, 2 child abuse, 10 medical emergencies, 3 noise complaints, 1 suicide/mental health calls, 8 suspicious activity/vehicles, 1 missing persons, 10 citizen assists, 1 civil standbys, 4 vehicle lockouts, 1 VIN inspection, 8 welfare checks, 0 utility complaints, 2 juvenile complaints, 1 privacy & communications, 3 traffic accidents, 7 traffic complaints, and 53 traffic initiated. The Chief also reported on assisting other agencies 1 sheriff's office, 1 ambulance, 1 fire department, 1 child protective services, and he reported on animal control calls in which there were 14 dogs and 2 cats. Lastly, the Chief of police submitted a quote for a bid to move the CPD data wires and network equipment to a new room. The estimate was \$3,054.96 on a bid dated 1/7/23.



Conrad Finance Officer: Finance Officer, Joani Mink noted before reading her report that there is a distinction between knowing where the city is financially and not being balanced. She said that there wasn't any hidden money, that all statements received are fully transparent, and that the budget not being balanced is because data wasn't entered or incorrectly entered in the accounting software. The finance officer also gave the following information for the month of November: revenue and assets: \$382,097.27 in main account, \$5,248,218.10 in STIP (\$21,313.86 Interest earned in Nov), \$2,060,016.12 in Raymond James, \$513.15 in Wells Fargo, 3x\$100,000.00 in CD's Independence Bank, \$68,000.00 CD Independence Bank In house, 3x200,000.00 CDs in Stockman Bank, 2x\$100,000.00 Cd's in 1st Liberty Credit Union. Interest from investments deposited into main account for the month of November: \$8,372.21. The total received for State of Montana DOT: \$13,210.82, Total cash received for water/sewer, licenses, permits, AR, and UB was \$172,829.78 and total income from credit cards was \$5,056.50, The total liabilities for the month of November were as follows: Claims totaled \$70,041.25, Payroll total \$111,399.03, and ACH and service charge fees totaled: \$77.45.

Discussion: Triple Tree Engineering Project Update

Brad Koon, City Engineer with Triple Tree Engineering gave an updated report consisting of the following: survey for stormwater and lift stations was completed, proposing 65% design to city in February, addressed state revolving fund comments, need resolution from City, bidding proposed for April 24', construction hopefully in summer of 24' and 25'. Mr. Koon reported that the project bid for the 2nd street lift station was awarded to Capcon, LLC. He also reported that the submittal by the pump supplier did not meet DEQ requirements regarding the suction head, but the supplier certified that the pump would operate properly. He submitted the deviation to DEQ and said they will likely approve it. The City Engineer also told the Council that upon approval the pumps can be ordered, and construction can begin the Spring 24'. The City Engineer also gave an updated report on the splash park project. He reported that the design is 90% complete, there is a meeting scheduled on December 14, 2023, to discuss layout, and the bidding schedules for the project will begin January 11, 2024. Mr. Koon said he had obtained names of contactors familiar with splash park related construction work. Mr. Koon reported on the wastewater PER with the following information: Conrad received an RRGL planning grant for a wastewater PER. He said the grant only covered part of the costs; so, the City Engineer applied for an MCEP grant to pay the balance. Lastly, Mr. Koon reported on the NCMRWA/Power/Teton water share request. His report was based on the research Triple Tree Engineering conducted on water availability and water usage in the Conrad area. It was reported that the total anticipated water demand in 2043 would be 472,096 gpd. This was based on the following: Conrad has 1955 shares or 651.6 acre-feet/212,325,000.00 gallons per year or 581,712 gallons per day. The average amount of water pumped out of Lake Francis for Conrad and Brady supplies in 22' was 462,496 gpd. Mr. Koon said with the addition of the new splash pad using approximately 9,600 gpd and a decrease in the Conrad city population the total water at 648,661 gpd and the estimated usage 20 years down the road leaves a possible excess of 133,149 gpd. The City Engineer said that these were estimates and don't reflect unforeseeable crisis that could lead to a lack of water. Karla Breeding asked if the canal company had made the city give up their shares, because they didn't want their water going outside their service area. Public Works Director said that the PCC didn't want their water going outside the service area, but a court reversed that because it is the city of Conrad that is pumping the water out. Alderman Schoenrock asked how much money Shelby charges Cut Bank for water. That amount wasn't known at this time. The City Engineer told Council they have 3 options as follows: sell shares, don't sell shares but sell water even though there could be a liability risk if water can't be provided, or do nothing.

Discussion/Action: Resolution to approve the 2022 preliminary engineering report for stormwater improvements and accept the preliminary engineering report recommendations.



- Motion by Alderman David Cates, seconded by Alderman Amber Schoenrock, to approve the Resolution of the City Council of the City of Conrad, Montana to approve the 2022 Preliminary Engineering Report for Stormwater Improvements and Accept the Preliminary Engineering Report Recommendations.
 - Motion Carries Unanimously

Discussion: Mayor's Position

Trey Kinamon submitted a letter of interest for filling the Interim Mayor vacancy seat. His letter and resume' were impressive, but Council could not consider him for the role of Mayor for the following reasons: 1. Must be 21 years of age or older, 2. Must live in the Conrad City limits for two years. Mr. Kinamon did not meet either of these qualifications. Interim Mayor Hunsucker suggested staying in the role as Interim Mayor until after the lawsuit. He also said he had talked to the Clerk & Recorder/Elections Administrator, Kodi Farkell, about a special election. He said it would be a 4-month process and would include a ballot. Karla Breeding asked about the primary election, but there were no answers concerning election questions at this time. Alderman Schoenrock requested that Council wait until January until discussion/action on the Mayor's seat takes place.

Discussion: House Bill 355

Discussion took place regarding ideas for Conrad City Infrastructure Improvements that could cost the city about \$55,000 but will be matched by Montana State's general fund surplus if approved. The HB355 project lists need to be submitted by December 31, 2023. The Director of the Library said it can be multiple projects. The Finance officer thought the Bill read with an emphasis on water improvements. The Library Director said the bill promoted library infrastructure improvements, as well. Works Director Zimbelman said he'd like new playground equipment. The Finance Officer reminded those present that the city would still have to spend a lot of money on whatever they choose and suggested they only select projects that are essential or necessary. Brad Koon said the grant does not cover pre-existing projects and suggested using applying for these funds with projects that are more difficult to fund.

Discussion/Action: Acting Mayor Nathan Hunsucker getting paid mayor wages effective December 1, 2023.

Alderman Schoenrock spoke up with a request that Interim Mayor Hunsucker receive Mayor wages. Alderman Schoenrock said she felt Mayor Hunsucker was entitled to the wage change due to the additional work, stress, and time that being Mayor has placed on him. She also told Council that Mr. Hunsucker did not ask for or want the wage increase, but that she felt he deserved it.

- Motion by Alderman Amber Schoenrock, seconded by Alderman Scott Mycke to change Interim Mayor Hunsucker's wages to Mayor wages effective December 1, 2023.
 - Motion Carried Unanimously

Discussion/Action: Hiring a Water/Wastewater Operator

City Water Works Director, Dave Zimbelman referred to Council a potential new employee, Boyd Matheson, for the Water/Wastewater Operator at \$22/hour. The Director said he thought he was very dedicated and was willing to take the water certification test. It was brought up that the new employee is a brother-in-law to City Public Works employee and building inspector, Keith Thaut. The Public Works Director told Council that he had been transparent about this, but that Mr. Matheson was the only applicant. The Director and Alderman Schoenrock discussed this matter, but both agreed that Mr. Matheson will be a good fit for the city and a good employee.

- Motion by Alderman Amber Schoenrock, seconded by Alderman David Cates to employ Boyd Matheson as a new Water/Wastewater Operator at the starting wage of \$22/hour effective December 20, 2023.
 - Motion Carried Unanimously

Discussion/Action: Hiring a 6th police officer.

Interim Mayor Hunsucker spoke next about hiring a sixth Conrad Police Officer and said that this had been planned for in the budget process. Mayor Hunsucker also said he had looked at previous police employee hours and said there wasn't a large amount of overtime. He said the problem was if a police officer has to take time off or is injured,



it puts a lot of strain on the remaining officers' schedules. Mayor Hunsucker said the officers don't regularly take time off, and they don't get to spend nearly enough time with their families. Chief Padilla told Council that his officers are very dedicated, and that they spend a lot of time training to meet the requirements that are placed on them. Chief Padilla said his officers spend a lot of time on the job in addition to working on their credentials. He said they never complain, even though five officers are providing 24-hour coverage. Alderman Cates supported this decision by saying that it had been budgeted for, it was planned, it was needed, and that it was important to support the Conrad Police Department. There were questions about reserve programs and part time positions. Chief Padilla and Mayor Hunsucker told those present that this was a full-time position. Chief Padilla also stated that his department spends a lot of time investigating cases that they didn't have the resources to deal with in the past. He said it takes a lot of manpower carrying their current case load, helping other police departments, and investigating cases.

- Motion By Alderman Schoenrock, seconded by Alderman Cates to approve Chief Padilla hiring a 6th police officer.
 - Motion Carried Unanimously

Discussion/Action: Wage Increase for all Departments.

Public Works Director, Dave Zimbelman, made a request in writing to Council for a comparable wage increase for his department. He spoke to the Council during the meeting and told them he wouldn't be able to get quality applicants unless the City of Conrad could provide higher wages. Public Works Director, Zimbelman also said that the operators in his department have many responsibilities, and they must maintain three of the highest water and wastewater licenses in the state. Interim Mayor Hunsucker addressed the issue of wage increases by asking Council and the public what they could they do to keep employees. He also said this was a multi-faceted issue with the labor union, job vacancy competition, and keeping the city employees from leaving. Carolyn Donath asked if the City of Conrad has a policy about employee evaluations. Alderman Hunsucker told her the city does, and those evaluations had recently been done. Alderman Cates said that they had recently approved of a COLA increase at 5%, but it didn't help much with inflation at 8%. The Public Works director spoke next and said that he had worked with Agnes Fowler on the water/sewer budget, and he thought there were enough funds available to justify a wage increase in his department. He also said that water rates hadn't been raised in the past 12 years. The Works Director said that there had only been 4 COLA increases, and that his department employees are the most underpaid in the tri-city area. Director Zimbelman also told Council that he felt bad for the long-time working employees in his department when he has to offer more per hour to a new employee just so he can fill the vacant position. Chief Padilla spoke up in support of the wage increase, and he said he remembered when working for the government was a good thing. Carolyn Donath said that the Works Department wages should be compared with national wages not local. Carolyn Donath also said that the wage increase should be above the national level. The Works Director said he just wanted the employees to receive average wages, and that the prevailing wage is \$26.00/hour. Another Conrad Citizen said that local wages shouldn't be comparable to national wages, but that they should be comparable to the area. Chief Padilla said his officers were not receiving the national average. He then stated that to keep officers he had to provide competitive wages. Director Zimbelman told Council that he had a lot of love for this town, dedication to maintaining the city through his department, and that the Public Works Department was not holding the city hostage. City Works Employee, Keith Thaut said he didn't think it was fair that a new employee, who is less qualified, is going to get paid more per hour than the guys who had been there for 20 plus years. He also mentioned that he has three licenses, and a new employee might have one. He also said it was causing employees to work elsewhere. Mr. Coombs said he understood the need for a wage increase, but he also stated that the need for wage increases up to now has been due to government, covid, union, and job competition. Another Public Works employee, John Calahan, said that there were jobs opening with higher pay at the County and State level. Long time Works Department employee, Dru Gunderson said the starting wages at the county and state don't reflect the years that him and his fellow long-term employees have put into retirement and other benefits.



- Motion by Alderman Schoenrock, seconded by Alderman Mycke to table said wage increase for all departments until next meeting.
 - Motion Carried Unanimously

Discussion/Action: Resolution No 22-1276 Resolution to approve Independence Bank Credit Cards and Credit Limit Resolution

Interim Mayor Hunsucker read the Independence Bank Resolution and said that it was to approve the authorization of Interim Mayor Hunsucker, Billing Clerk Kim Cooney, Finance Officer Joani Mink, Public Works Director Dave Zimbelman, and Conrad Chief of Police Ernie Padilla to use and sign for department credit cards with a combined total credit limit of \$25,000.00.

- Motion by Alderman Schoenrock, seconded by Alderman Cates, to approve Resolution No 22-1276 Resolution to approve Independence Bank Credit Cards and Credit Limit Resolution for Interim Mayor Hunsucker, Billing Clerk Kim Cooney, Finance Officer Joani Mink, Public Works Director Dave Zimbelman, and Conrad Chief of Police Ernie Padilla
 - Motion Carried Unanimously.

Discussion/Action: Resolution of Authority for 1st Liberty Credit Federal Credit Union to approve Interim Mayor Hunsucker, Billing Clerk Kim Cooney, and Finance Officer Joani Mink as authorized signers on City of Conrad accounts with 1st Liberty Federal Credit Union.

- Motion by Alderman Amber Schoenrock, seconded by Alderman Scott Mycke to accept the Resolution of Authority with 1st Liberty Credit Federal Credit Union to approve Interim Mayor Hunsucker, Billing Clerk Kim Cooney, and Finance Officer Joani Mink as authorized signers on City of Conrad accounts with 1st Liberty Federal Credit Union.
 - Motion Carried Unanimously.

Discussion/Action: Approving the purchase of Black Mountain Software Daily Timecards

Finance Officer, Joani Mink told Council that she had attended a Black Mountain Software zoom meeting that explained how BMS timecards were used, the advantages and disadvantages of the timecard system, and how it would make the payroll process more efficient. She currently said the old sheets that are handwritten take many hours to add and put into the system. There were questions about how difficult it would be for the Public Works Department to enter their time when they work in such a mobile environment. The Finance Officer explained that the workers could enter their work data from any computer, at any time, with their own passwords and web ID's. Director Zimbelman thought it would benefit his department by saving time and giving the employees the ability to look at their own schedules and be able to print out their own paystubs. Finance Officer Mink also provided the Council with a BMS quote for \$1,356.00 for the total cost of installation and use of the timecards for one year. Alderman Schoenrock said she thought the purchase would benefit the Payroll Clerk and Department Heads and would be a more efficient way of doing payroll.

- Motion by Alderman Schoenrock, Seconded by Alderman Cates to approve the purchase of the Black Mountain Software daily timecards.
 - Motion Carried Unanimously.

Discussion: Conrad Area Chamber of Commerce Christmas Stroll "Wonderland".

Alderman Schoenrock explained a letter the City of Conrad received from the Chamber of Commerce concerning the addition of "Wonderland" to the Conrad Christmas Stroll. She told Council that the letter addressed safety concerns for kids and families attending the stroll. Alderman Schoenrock said that concerns arose by witnesses to careless and fast drivers around the area of 22 4th Ave SE, and as an extra safety measure the Chamber is asking that the City of Conrad grant street closure on Front Street starting at 4th Ave to the alley by the "Wonderland" area or



where Chief Padilla sees fit. Chief Padilla said it would be in the best interest of the City of Conrad to shut the street 5pm – 8pm, and the Council agreed that would be the safest thing for families and kids. Director Zimbelman was going to discuss roll outs with Chamber members.

Items to Appear on the Next/Future Agenda:

- Wage increase
- Water share request

Other Businesses:

Alderman Schoenrock gave Council an update on Blue Sky Villa. She told Council that the City of Conrad Blue Sky Villa Committee are planning on interviewing a potential BSV lessee after the holidays. Interim Mayor Hunsucker explained to those present at the meeting that a Company had made a lease offer like the current lease with BSV. He also said that Council would be willing to look at any lease proposals of a similar nature. Alderman Cates and Alderman Schoenrock both said they wanted to investigate other offers as backups in case the negotiations failed with Blue Sky Villa. Alderman Schoenrock said that City Attorney Jones and Blue-Sky Villa/ Horizon Lodge Attorney Gary Djelland have looked at potential offers between both parties, but nothing has been decided thus far. Mr. Coombs suggested that offers of interest in leasing Blue Sky Villa be put on the next Agenda.

Regular Meeting Closed, Executive Session Opened

Interim Mayor Nathan Hunsucker told the Council that they needed to close the Regular Meeting and move into an Executive Session for the Jamie Miller v. City of Conrad litigation.

- Motion by Alderman Schoenrock, seconded by Alderman Cates to close the Regular meeting.
 - Motion Carried Unanimously.

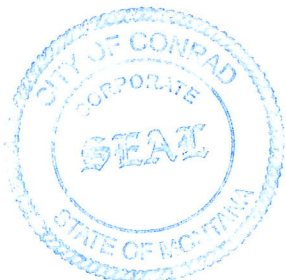
Executive Session: Jamie Miller v. City of Conrad Litigation Strategy

- Motion by Alderman Schoenrock, seconded by Alderman Cates to open the Executive Session.
 - Motion Carried Unanimously
- Motion by Alderman Schoenrock, seconded by Alderman Cates to close the Executive Session and open the Regular meeting.
 - Motion carried unanimously.

Meeting Adjourned

There being no further business to come before the Council, motion by Alderman Schoenrock, seconded by Alderman Cates, to adjourn the meeting at 8:30pm.

- Motion Carried Unanimously.



Interim Mayor Nathan Hunsucker

Attest:

Finance Officer, Joani Mink