

**TRIBAL COUNCIL MEETING MINUTES
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN NATION, MONTANA**

Volume 17 Number 37
Council Chambers, Pablo, MT

Held: March 28, 2017
Approved: April 4, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; Leonard Gray; Patty Stevens; Carole Lankford; Ronald Trahan; and Shelly Fyant.

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:10 a.m. Quorum established.

The meeting was opened with a **prayer** by Joe McDonald.

The **Tribal Council Meeting Minutes** for March 21, 2017 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for March 21, 2017, with corrections. Seconded by Patty Stevens. Carried, 9 for; 1 abstention (Vernon Finley).

The **agenda** was presented for approval. No conflicts of interest were identified. **Carole Lankford** presented a request from Jimmy Malatare and his son for assistance to travel to Phoenix due to a death in the family. Jennifer suggested referring the request to DHRD for travel assistance. **Council** referred the request to DHRD.

MOTION by Anita Matt to approve the agenda, with additions. Seconded by Patty Stevens. Carried, unanimous (10 present).

Charlene Friedlander, Department of Human Resources Development; and **Marla Couture** and **Mark Couture**, Tribal Members; requested that Wayne Couture have a personal home caregiver. Marla requested that her husband, Robert Cowan, provide the service. DHRD is waiting for the nurse to complete the assessment. They requested that the procedure be expedited.

MOTION by Carole Lankford to authorize the hire of Robert Cowan

to be a personal home caregiver for Wayne Couture, and expedite the procedure. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Len TwoTeeth received a call from Barb Caye requesting a personal home caregiver. She wants her son-in-law, Julius Wild Cat, to provide the service.

MOTION by Patty Stevens to authorize the hire of Julius Wild Cat to be Barb Caye's personal home caregiver. Seconded by Anita Matt. Carried, unanimous (10 present).

Dennis Clairmont told the joke of the day.

Joe McDonald, Tribal Member; and **Carolee Wenderoth**, Tribal Lands Department; informed council that in 1959 Joe got a land assignment for an allotment and he built a house there in the 1960s. It is only accessible through the late spring and fall. Joe requested authorization to build another building on the top of the hill that would be accessible year-round. In 1998 it was converted to a homesite lease. Carolee clarified that policy requires lessees to make \$500 improvements to the lease each year, and receipts are supposed to be submitted to the Lands Department. This homesite is not Joe's primary residence. The Lands Department has questions about whether the lot could sustain a second home. The staff is in the process of searching the boundary line, based on concerns brought forward by Joe's neighbors. Carolee suggested that the Lands staff be allowed time to do its due diligence before a decision is made and have the land committee review the request. Joe's document is a mixture of a recreational lot and a homesite lease. **No action taken.** Council referred the request to the Land Committee.

Joe McDonald, Tribal Member; and **Dan Lozar**, Natural Resources Department; discussed Joe's request that there be a left-turn lane turning south at Ft. Connah. There are two events per year there; one in the spring and one in the fall. There was also a wedding there last year. Activities have been increasing there. Joe realizes policy only allows turning lanes at intersections, but Ft. Connah has a potential to hold some good events. Dan commented that tracking the average daily traffic during the peak times of use would determine whether that location meets the threshold to have a turning lane.

MOTION by Carole Lankford to support the request for a southbound left-turn lane at Ft. Connah. Seconded by Troy Felsman. Carried, unanimous (10 present).

Dan Lozar, Natural Resources Department, requested a modification to Contract No. 17-032 with Condon-Johnson & Associates for the Taber Dam project to decrease the not-to-exceed amount by \$174,980.30 due to the final reconciliation change order, which would bring the final contract amount to

\$1,355,707.48.

MOTION by Troy Felsman to approve a modification to Contract No. 17-032 with Condon-Johnson & Associates for the Taber Dam project to decrease the not-to-exceed amount by \$174,980.30 due to the final reconciliation change order, which would bring the final contract amount to \$1,355,707.48. Seconded by Anita Matt. Carried, unanimous (10 present).

***** **Break** *****

Rhonda Swaney, Legal Department, gave an update.

Rhonda Swaney and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Brian Upton**, Legal Department; and **Jami Pluff**, Policy Analyst; were present for discussion.

Council reconvened into **regular session**.

Council **recessed** the regular meeting to attend the annual meeting at Salish Kootenai Housing Authority.

Council **reconvened** into the regular meeting.

Bill Barron, **Gale Decker** and **Dave Stipe**, Lake County Commissioners, met with council to discuss local issues. The growth policy was adopted in 2001. Dave DeGrandpre is rewriting the growth policy. The county will solicit input from the CSKT for part of the document and request comments. Community meetings will be held in Lake County. The commissioners discussed the Finley Point State Park. The Fish, Wildlife & Parks is doing an overhaul of the park in July. The commissioners want to address South Finley Point Road. The road needs major improvements due to the high volume of traffic in the summertime. The improvements will be done from Highway 35 to the north and south point of the junction. \$650,000 is the estimated cost. The State made a commitment to contribute \$150,000 and Lake County will contribute their manpower and equipment towards the project. The project will consist of 4.5 miles of chip sealing or pavement. The Commissioners requested a commitment from the Tribes to make a financial contribution. 234 landowners would be affected by this project. Council pointed out that the tribal staff had requested a copy of the construction plan and/or engineer design plans and the county has not provided it. The commissioners thanked the Tribes for supporting HB 615 relating to property taxes on fee-to-trust properties. It may be time to redraw county lines. Rhonda Swaney discussed the county putting resources towards a road that they have no right-of-way to. Chairman Finley thought it was an odd approach to insult the Tribes and then come here

Tribal Council Meeting Minutes
March 28, 2017

requesting money. Mr. Decker commented that Montana is a property tax state; the county has no revenue stream if they continue to lose money from property going into trust. He believes that getting out of Public Law 280 would be the best system for all of the people, and the county cannot afford to have PL 280. Len TwoTeeth discussed the Big Arm property and the Tribes' attempt to develop it. He questioned the commissioners on why they have chosen to appeal the fee-to-trust application and to use the county's resources to appeal the application. Bill Barren did it to bring attention to the situation Lake County is in. He is trying to do what is in the best interest of the citizens of Lake County. Mr. Decker chose to appeal that property due to the loss in tax revenue. Lake County is required to provide services to that property, such as the county road. Chairman Finley commented that their attitude and actions promote a County vs. Tribe atmosphere. Council did not appreciate Mr. Decker's inflammatory comments in the newspaper. Rhonda clarified to the commissioners that the Tribes are not a grant-driven organization. Mr. Decker advised that the article on gasoline taxes that he wrote was his personal opinion and perspective, it was factual, and he did not intend to offend anyone. Len TwoTeeth suggested that the commissioners meet with the NRD staff about aquatic invasive species. The Commissioners want to provide their input on the regulations since it will have a severe economic impact on Lake County.

***** **Break** *****

Rich Janssen, Tom McDonald, Mike Durglo, Paula Webster, and Georgia Smies, Natural Resources Department; and **Caryn Miske**, Flathead Basin Commission; gave a report on aquatic invasive species. 80 inspections have been conducted so far; 12 were high risk. Boats coming from the southwest are high risk. Council was invited to the public meeting in Polson this evening. They have a draft position description and budget for an AIS Coordinator position. Mike would like to extend the hours of the Pablo check station to add two hours per day. **Jami Pluff**, Policy Analyst, reported that the Columbia Basin only serves Washington Tribes, ATNI does not provide funding, and she is waiting to hear back from First Nations. Jami has the Shakopee application. NRD will continue working on the ordinance. Mike wanted a resolution approved so he can pass it on to other organizations. **Council** directed Jami Pluff to prepare a resolution.

MOTION by Carole Lankford to pursue the AIS Coordinator position. Seconded by Troy Felsman. Carried, unanimous (10 present).

MOTION by Patty Stevens to place the AIS Coordinator position on the organizational chart. Seconded by Anita Matt. Carried, unanimous (10 present).

Tom McDonald, Natural Resources Department; and **John Harrison**, Legal Department; gave an update on bison issues. The Nez Perce Tribe requested that the CSKT participate in a tribal hunt managers meeting next Wednesday. The IBMP meeting is scheduled for next Thursday.

Chairman Finley informed council that he received a letter of resignation from Tari Shaw as a SKHA Board of Commissioners, and a letter of resignation from Beverly Swaney as Associate Judge of the Tribal Court.

Shelly Fyant reported on a complaint she received from Dacia Whitworth regarding her homesite on Pow Wow Road. Dacia does not have access because of a sidewalk. **Mark Couture**, Tribal Lands Department, explained it was an established homesite; when the county roadwork was done it was extended to where the road ends now. The access is through the homesite located to the east of it, so no other access was installed. No curb was installed when the project was completed. Dacia located that homesite herself and requested that homesite. Any improvements done are at the lessee's expense. **Len TwoTeeth** thinks Safety of Dams should be responsible for making an access for Dacia since they designed the project, and he wants the chairman to contact SOD to come up with a solution.

Vern Clairmont, Financial Management, requested approval of amendments to the Budget Ordinance. 4 council members are required to establish a quorum. It has been difficult to establish a quorum for meetings, so it was recommended that any 4 council members can serve on the committee. It was also suggested that it be amended to require 3 members of the budget committee be present to conduct business. The Director of Administrative Services would replace the OAB Director on the committee, since there is no longer an Office of Administration and Budget.

MOTION by Dennis Clairmont to approve the amendments to the budget ordinance. Seconded by Patty Stevens. Carried, unanimous (10 present).

Carole Lankford presented a request from Roberta Steele to have Lamoine Hendrickson do a deep cleaning of the kitchen at the Arlee Center, and have the Maintenance Department pay for it. Vern reported that IDC funding could be used, if Maintenance cannot pay it. It was the **consensus** of council to approve the request.

Winona Tanner, Tribal Court, discussed the resignation of Beverly Swaney as Associate Judge of the Tribal Court. The position is appointed by the tribal council. **Council** directed that the vacancy be advertised.

Tribal Council Meeting Minutes
March 28, 2017

MOTION by Anita Matt to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Council **adjourned** at 4:46 p.m., and is scheduled to meet again on Thursday, March 30, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary