

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

Volume 20 Number 23  
Council Chambers, Pablo, MT

Held: December 24, 2019  
Approved: January 7, 2020

**MEMBERS PRESENT:** Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Charmel Gillin; Fred Matt; Carole Lankford; Myrna DuMontier; Leonard TwoTeeth; and Dennis Clairmont.

**MEMBERS ABSENT:** Anita Matt, Treasurer (Personal Time Off).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Myrna DuMontier.

The **Tribal Council Meeting Minutes** for December 17, 2019 were presented for approval.

**MOTION** by Carole Lankford to approve the Tribal Council Meeting Minutes for December 17, 2019, with corrections. Seconded by Charmel Gillin. Carried, 8 for; 1 abstention (Len TwoTeeth).

The **agenda** was presented for approval.

**MOTION** by Charmel Gillin to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (9 present).

**Charmel Gillin** requested consideration for deferring the noncompliance action in place for Jami Lozeau's homesite lease. It would be helpful for Lands and the lessee to provide more time for the lessee to move the equipment. There was a ten-day time frame and there are six days left, which puts the family in a bind to accomplish that. This lease was brought up in council last January and it was discussed having Lands work with the Lozeaus to expand their homesite lease. The request is relevant to the rewrites of the Tribal Lands Ordinance 45-B on whether lessees can do any income-generating activities on homesites. **Mark Couture**, Tribal Lands Department, clarified that the letter that was sent was a ten-day violation notice to give the homesite lessee ten days to come to the

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Lands Department to work out a plan. Rick Lozeau had thought it was a ten-day total and walked out of the office before Mark could explain that to him. **Charmel Gillin** wants to acknowledge some of the equipment is income-producing equipment and she wants to allow Rick to utilize it or get him additional space. She does not want to remove the income from the family.

**MOTION** by Charmel Gillin to delay the noncompliance that is in order until the Tribal Services Director and Lands Department can review that and allow the Lozeaus to submit a request to expand their homesite lease. Seconded by Shelly Fyant. **MOTION AND SECOND WITHDRAWN**. Mark Couture was directed to meet with Mr. Lozeau to develop a plan and present back for council consideration.

**Leonard Gray** commented that a similar situation occurred a year ago and asked if there was a plan to resolve it. **Mark Couture** explained that Mr. Lozeau came in a year ago, but no plan was ever put in place and there is nothing in the file. The process had begun, but it was stalled because Mr. Lozeau came to council.

**Dan Lozar**, Natural Resources Department, requested council consensus to support the proposed stream mitigation measures in the Post Creek and Ashley Creek area due to impacts stemming from the Highway 93 reconstruction project.

**MOTION** by Carole to approve the letter to the Montana Department of Transportation. Seconded by Charmel Gillin. Carried, unanimous (9 present).

**Dan Lozar**, Natural Resources Department, requested approval of a noncompetitive negotiation with HDR Engineering of Missoula to complete the electrical safety upgrades to the Flathead Pumping Plant.

**MOTION** by Dennis Clairmont to approve a noncompetitive contract with HDR Engineering of Missoula to complete the electrical safety upgrades to the Flathead Pumping Plant. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

**Clayton Matt**, Tribal Services/Tribal Health Department; and **Rhonda Hendren** and **Clarice Cooper Sandau**, Tribal Health Department; discussed a personnel matter. A staff member is moving into a different position at a lower classification level. The employee has worked for Tribal Health for 24 years and is requesting to retain her current rate of pay, which exceeds the benchmarked rate of pay in accordance with the position description. The request was discussed in depth at yesterday's chairman's meeting. **Shelly Fyant** requested a report on the pilot project. This pilot project originally began when Kevin Howlett was the Tribal Health Director, and at one time there were only 8 people referred to the pilot program. The report shows that Clarice has identified over 100 people for the

pilot program. Clarice explained that the last department head was supposed to contract with Payne West, but that did not occur. There was a conference call with them after she compiled the list, and nothing has happened with it since then. **Charmel Gillin** was concerned about increasing the benchmarked rate of pay for positions and we need to utilize those tools that are in place. She questioned if the reassignment was mandatory or optional. **Clarice Cooper Sandau** commented that it was not mandatory, but there was not another option. The position was not advertised.

**MOTION** by Fred Matt to approve the request to remain at the current rate of pay. Seconded by Leonard Gray. Carried, 6 for; 3 opposed (Shelly Fyant, Charmel Gillin and Myrna DuMontier).

\*\*\*\*\* **Break** \*\*\*\*\*

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from S&K Gaming for a modification to the Gray Wolf Peak business lease to adjust the rental amount to fair market value. The Land Committee recommended approval of the modification.

**MOTION** by Shelly Fyant to approve a modification to the Gray Wolf Peak business lease to adjust the rental amount to fair market value. Seconded by Fred Matt. Carried, unanimous (8 present – Dennis Clairmont out of the room).

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from S&K Gaming for a modification to the Sunny Shores business lease to adjust the rental amount to fair market value. The Land Committee recommended approval of the modification. Len TwoTeeth commented that SKG is still struggling with the Big Arm business and he thinks \$50,000 rental payment would impact the business. Len recommended waiving that annual lease payments until gaming is approved in that business. SKG has spent a lot of money putting improvements on that rental property. Shelly Fyant commented that we do not know what their operational expenses are and maybe this rental increase will motivate them to cut expenses. **Carole Lankford** agreed with Len's comments. The business will improve once they are allowed to install gaming machines at that location. She does not want to hurt the business's bottom line. Lands Department met with the CEO and Rick Eneas but did not meet with board of directors. **Chairman Trahan** suggested they meet with the board of directors. **Charmel Gillin** requested that the tribal council ex officio board members provide reports to the tribal council. We need to follow fair market value for rental properties.

**MOTION** by Shelly Fyant to approve a modification to the Sunny Shores business lease to adjust the rental amount to the lowest fair market

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value. Seconded by Charmel Gillin. Carried, 5 for; 4 opposed (Carole Lankford, Dennis Clairmont, Fred Matt, and Len TwoTeeth).

**Mark Couture**, Tribal Lands Department, presented an offer from Charles Sanders to sell a portion of Allotment 1528, containing 200 acres; a portion of Allotment 2376-A, containing 80 acres; and a portion of Allotment 2376-B, containing 80 acres. If the Tribes show disinterest, then Mr. Sanders wants a letter of disinterest. This offer was presented in the past, but the asking price was above appraised value. The Lands Department was directed to order a new appraisal, and that has been received and reviewed by the Lands staff. Tribal Lands does not have sufficient funding in the land acquisition budget due to a different land purchase exhausting the budget, so if the Tribes take action to purchase this property then a different source of funding will need to be identified. **Dennis Clairmont** suggested asking Rick Eneas to find the money. **Carole Lankford** does not want to use money from the reserve account to make this purchase and she would like a report from Mr. Eneas. **Fred Matt** recommended researching funding sources through Lynn Ducharme's program. **Len TwoTeeth** thinks we need to find the money; these are vital tracts in the Valley Creek area and need them to remain in trust status. **No action taken.** The request was tabled until next Monday to allow time for Rick Eneas to research options.

**Mark Couture**, Tribal Lands Department, presented a request from Charles L. Dixon, Melinda M. Dixon, Christine Dixon, and Rebecca G. Lewis for a letter of disinterest in their individual undivided interest in Flathead Tract 4794, containing 4.97 acres. **No action taken.** Further information requested.

**Len TwoTeeth** brought up the action council took on the Sunny Shores property. The Big Arm Resort is what little economic development Len has going on up north that creates jobs in that area. When we increase rental rates like this, S&K Gaming is not obligated to manage that property if they choose not to. If they choose not to, then the Tribes will be in a bind on how we will manage the cabins. He is concerned that this action could have a vital impact on the Big Arm and Elmo communities and the job opportunities. Len wants the tribal council to have a meeting with the S&K Gaming Board of Directors. If SKG cannot afford to pay that increased rental rate, then Chairman Trahan wants to know why. **Shelly Fyant** commented that it is S&K Gaming's job to book sales at that property.

**Rhonda Swaney**, Legal Department, provided a report on the staff presentation on the water rights compact that took place yesterday from 1:00 p.m. to 4:00 p.m. Some of the people are expressing anger because they feel taken advantage of, we did not make a good deal, and they want to vote on a referendum if a water compact is approved. Legal will provide another update at the quarterly council meeting and at tribal council district meetings. Lake County is distributing

inaccurate information and Legal staff recommended that the tribal council meet with the Lake County Commissioners to present the facts. **Leonard Gray** commended the legal staff for their presentation yesterday. **Shelly Fyant** asked if Rob McDonald confirmed the meeting date with the Lake County Commissioners to discuss the facts of the water compact. The water compact is a huge issue and it is part of the tribal council's responsibility to educate other entities. **Chairman Trahan** has not received confirmation yet. **Charmel Gillin** requested that Jennifer Trahan put all the district meeting dates on the council calendar. **Len TwoTeeth** commented that the Lake County Commissioners have an anti-compact sentiment so he is not interested in wasting our time to meet with them since they will not change their mentality. We need to focus our attention on educating our tribal membership; they are the ones that need an understanding of the compact. **Myrna DuMontier** believes that our silence gives our enemies the power to define us, so we need to speak out more and say what our truth is. Rhonda told council that a detailed letter was sent to the counties in response to the arguments that were being made. A copy of the letter will be sent to tribal council.

**Myrna DuMontier** and **Chairman Trahan** expressed their appreciation to the Tribal Legal Department for all their hard work on behalf of the Tribes.

**Council** met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 10:55 a.m., and is scheduled to meet again on Tuesday, December 31, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary