

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

Volume 19 Number 22  
Council Chambers, Pablo, MT

Held: January 3, 2019  
Approved: January 8, 2019

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

**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 9:13 a.m. Quorum established. **Dennis Clairmont** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for December 18, 2018 were presented for approval. **Anita Matt** asked if the meeting with Forestry has been scheduled yet. **Chairman Trahan** announced that the meeting is set for January 16, 2019, at 9:00 a.m., in the tribal council chambers.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for December 18, 2018, with corrections. Seconded by Charmel Gillin. Carried, unanimous (9 present).

The **Tribal Council Meeting Minutes** for December 20, 2018 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for December 20, 2018, with corrections. Seconded by Charmel Gillin. Carried, 8 for; 1 abstention (Fred Matt).

The **agenda** was presented for approval. No conflicts of interest were identified. Changes were made to the agenda.

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

**Carolee Wenderoth**, Tribal Lands Department, presented a request from Johna Morrison for a business lease to operate a food or service establishment on Tribal Tract T1914-B in Polson. Options presented were: (1) a 15-year lease at a rental rate of \$11,229.51 with an annual CPI adjustment, and provide the required insurance and bond; (2) deny the request; and (3) hold further discussion. The land committee recommended approving a 15-year lease at a rental rate of \$11,229.51, with an annual CPI adjustment; and required insurance and bond.

**MOTION** by Myrna DuMontier to accept the business lease request from Johna Morrison to operate a food or service establishment on Tribal Tract T1914-B in Polson for a 15-year lease term at a rental rate of \$11,229.51, with an annual CPI adjustment; and provide the required insurance and bond. Seconded by Leonard Gray. Carried, unanimous (9 present).

**Carolee Wenderoth**, Tribal Lands Department, presented a request from Tony Undum for a one-year revocable permit to operate the racetrack. Options presented were: (1) approve a one-year revocable permit, so long as all permitting requirements are met; a one-time \$10,000 payment due at the time of permit signature, provide required insurance and bond; (2) deny request; and (3) hold further discussion.

**MOTION** by Anita Matt to approve option one for a one-year revocable permit for Tony Undum to operate the racetrack, so long as all permitting requirements are met; a one-time \$10,000 payment due at the time of permit signature, and provide required insurance and bond. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

**Carolee Wenderoth**, Tribal Lands Department, discussed a request from the Boys and Girls Club to use AmeriCorps workers this summer. They would work with the Tribal Lands Department and the Boys and Girls Club. They do carry liability and workers comp coverage. Lands only has the application and does not know what the formal side looks like. **Leonard Gray** would like the liability questions answered prior to taking action. Carolee will follow up and report back to council this afternoon.

**MOTION** by Shelly Fyant to approve submitting the AmeriCorps application to have them work part-time with the Tribal Lands Department and Boys and Girls Club, pending the liability questions being answered. Seconded by Anita Matt. Carried, unanimous (9 present).

**Dennis Clairmont** joined the meeting.

**Miranda Burland**, Tribal Education Department, presented the 2017-2018 Higher Education Scholarship Report. **Charmel Gillin** asked how the government shutdown would affect the students if the funding is stopped. The

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BIA Compact budget funds this program. Miranda advised that if the funding is stopped it might jeopardize some of the students' ability to continue their education. **Shelly Fyant** suggested that Miranda provide that information to Ryan Rusche since he is developing the impact statements. **Julie Cajune**, Tribal Education Department, informed council that she met with Ruth Swaney and was told that the money has already been received for this fund. 288 students applied for higher education funding last year and 189 were funded. **Shelly Fyant** wants Education to track the students and see where they get a job after they graduate from college. 282 students applied for funding this year. \$297,486 was awarded for 150 students at 42 different schools for the Fall term. An estimated 66 students will graduate this year (4 certificates, 39 Associate's Degrees, 17 Bachelor's Degrees, and 6 Master's Degrees). **Council** wants the tribal departments to follow up on succession needs, and Chairman Trahan will follow up with Clayton Matt to see that this gets done. Miranda informed council that Rich Janssen, Natural Resources Department, does this on a regular basis and has been very good to work with. Rich also works closely with Salish Kootenai College and tracks students nearing graduation. **Shelly Fyant** wanted to know how much money has been generated from the license plates. **Miranda Burland** will provide a copy of that report to council. The Education Department offers a \$1,000 license plate scholarship.

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

**Paula Webster** and **Willie Keenan**, Natural Resources Department, requested approval of the 2018 updated Tribal Water Quality Standards (triennial review) and submission to the Environmental Protection Agency for review and approval under the Clean Water Act. The EPA rules and Tribal standards require a periodic review no less than every three years. A public comment period took place and written comments were received. There was a public comment hearing held in Pablo on August 15. A submission package will be submitted to the EPA and they have up to 90 days to approve or disapprove them. **Council** questioned the ammonia limits. **Willie Keenan** responded that there was a presentation done on the Ronan wastewater treatment center and there are two or three exceeding the ammonia limits. **Evan Smith**, Natural Resources Department, is waiting for EPA to pass these new standards. That language will be used to get Ronan on a variance plan. Council action will be required to put Ronan on this plan. There has been a decline in mussels.

**MOTION** by Charmel Gillin to approve by resolution the 2018 updated Tribal Water Quality Standards (triennial review) and submission to the Environmental Protection Agency for review and approval under the Clean Water Act. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-068**

**RESOLUTION REQUESTING APPROVAL OF UPDATED CONFEDERATED SALISH AND KOOTENAI TRIBES WATER QUALITY STANDARDS FOR THE FLATHEAD INDIAN RESERVATION, MONTANA, AND SUBMITTAL TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR REVIEW AND APPROVAL UNDER THE CLEAN WATER ACT (CWA)**

**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, The Tribal Council of the Confederated Salish and Kootenai Tribes considers the waters of the Flathead Indian Reservation to be among its most valuable resources; and

**WHEREAS**, The Council has taken affirmative action to protect the quality of the waters on the Flathead Reservation by adoption of the Shoreline Protection Ordinance (64-A (Revised)), the Aquatic Lands Conservation Ordinance (87-A), the Water Quality Management Ordinance (89-B), by EPA TAS designation to the Tribes under 303 (c) for Water Quality Standards; by EPA TAS designation to the Tribes for Section 319 nonpoint source program, and by conducting studies of Reservation water resources; and

**WHEREAS**, The Tribes have committed and continue to commit considerable financial and human resources to prevent or reduce the pollution of Reservation waters and maintain or improve the quality of the same to provide for healthy populations of fish and other aquatic life, wildlife, and for recreation; and It is policy that resolutions be prepared prior to their presentation before the Tribal Council; and

**WHEREAS**, 1987 Amendments to the Federal Water Pollution Control Act (33 U.S.C. sec. 1251, et. Seq.) provide for Indian Tribes to be treated as states with respect to administration of certain sections of the Act; and

**WHEREAS**, The Tribes have had the WQS under the CWA and have been implementing these standards since that date; and **NOW, THEREFORE**,

**BE IT RESOLVED**, The Environmental Protection Agency be requested to approve these updated Water Quality Standards for the Flathead Indian Reservation.

**Katie Miller**, Salish Kootenai Housing Authority, requested approval of a resolution for the Indian Community Development Block Grant application to include Citizen Participation.

**MOTION** by Charmel Gillin to approve the resolution submission of the fiscal year 2018 Indian Community Development Block Grant application to

include Citizen Participation. Seconded by Myrna DuMontier. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-069**

**RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2018 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes have designated the Salish and Kootenai Housing Authority as its Tribally-Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish and Kootenai Tribes and its members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

**WHEREAS**, the Confederated Salish and Kootenai Tribes desire to have an application for a fiscal year 2018 Indian Community Development Block Grant prepared and submitted on behalf of the Tribes in support of housing rehabilitation and homeownership assistance activities; and

**WHEREAS**, the views and comments from the entire tribal community about using ICDBG funds for housing rehabilitation and homeownership assistance were gathered and considered prior to the submission of the application;

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes an Indian Community Development Block Grant application for fiscal year 2018; and

**BE IT FURTHER RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to administer and manage said Indian Community Development Block Grant for fiscal year 2018; and

**BE IT FINALLY RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that all requirements for Citizen Participation have been met according to 24 CFR, part 1003.604, for both projects.

**Janet Camel**, Economic Development Office; and **Steve Clairmont**, S&K Business Services; presented the EDA Grant Annual Report for the time period of January 1, 2018 through December 31, 2018 and requested approval to submit the report to the Economic Development Administration.

**MOTION** by Leonard Gray to approve the EDA Grant Annual Report to the Economic Development Administration for the period of January 1, 2018 through December 31, 2018. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Daniel Decker** and **Rhonda Swaney**, Legal Department, gave an update on the highway negotiations for the Ronan Urban project and language to be contained in the right of way agreement. MDT was not willing to accept the language about a court of competent jurisdiction and Montana state law as the law to be followed. Charmel suggested having arbitration if MDT is not in favor of a court of competent jurisdiction. **Council** directed Legal to set up a conference call or in-person meeting with Mr. Tooley.

**John Harrison** and **Rhonda Swaney**, Legal Department, informed council that Judge Linch will be retiring. There is a merit selection panel that gets appointed to determine the replacement, and John was selected to serve on that panel.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to authorize the Legal Department to negotiate a contract with Jerrod Cobell and bring back the results. Seconded by Anita Matt. Carried, unanimous (10 present).

**Council** authorized Legal to negotiate a contract with Thomas Meyers and bring back the results.

**Charmel Gillin** asked council to consider scheduling a tribal council retreat.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Carole Lankford** left the meeting for the remainder of the day.

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**Council** met in **executive session** to conduct interviews for the Internal Auditor vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to accept the results of the ballot for the selection of the Internal Auditor position, pending the background check and the government shutdown. Seconded by Charmel Gillin. Carried, unanimous (9 present).

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

**Carolee Wenderoth**, Tribal Lands Department, followed up on a question from this morning about the request by the Boys and Girls Club. Carolee reached out to some individuals and got an answer to general liability worker compensation and how that ties to using our equipment. Rick and Vern were confident that should they use our equipment the insurance would cover any claim, but we could not allow use of our GSA vehicles. They do have their own transportation and basic tools. If it came down to where we could not come up with a good game plan we would work directly with AmeriCorps on what the obligations would be. If we do not come up with an agreement the Boys and Girls Club would pull their application. Since there were no other concerns brought forward by council, Carolee will complete the application.

**Len TwoTeeth** asked about a subdivision plan in Big Arm and requested that an update be provided at next Monday's chairman's meeting. **Carolee Wenderoth** wanted the Legal Department to provide the update because they have been working on it.

**Vern Clairmont** and **Rick Eneas**, Financial Management, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**Charmel Gillin** asked the council to consider holding a tribal council retreat on Friday, February 1, 2019. Council set the retreat to begin at 9:00 a.m. Council asked that Jennifer Trahan reserve a meeting room at the Kwataqnuq Resort.

**MOTION** by Charmel Gillin to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (9 present).

Council **adjourned** at 4:02 p.m., and is scheduled to meet again on Friday, January 4, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary