

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

Volume 19 Number 53  
Council Chambers, Pablo, MT

Held: May 7, 2019  
Approved: May 14, 2019

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

**MEMBERS ABSENT:** Carole Lankford (Travel Status).

**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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for April 30, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for April 30, 2019, with corrections. Seconded by Charmel Gillin. Carried, 7 for; 2 abstentions (Ron Trahan and Fred Matt).

The **agenda** was presented for approval.

**MOTION** by Dennis Clairmont to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (9 present).

**Patrick Yawakie** sent a link with a video. At the American Indian Higher Education Consortium (AIHEC), they entered a film competition where the Tribal Governance & Administration class put together a video to highlight the program. He added it to this presentation to show council it was a grassroots effort and no funding was involved; it was on their own motivation and efforts to put that video together. Pat is advocating for a master's degree program at SKC for Tribal Governance & Administration Class. He is the first person to graduate in this program and it is his duty to advocate for a master's degree program. He is putting together a strategic plan and is conducting surveys to determine if there is a need for this program. Pat will be meeting with the Salish Kootenai

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College Board of Directors to present his advocacy efforts and strategic plan. Pat will meet with Education. **Council** appreciates his efforts. It was the **consensus** of council to approve a letter of support for the advocacy efforts to offer a master's degree program in Tribal Governance & Administration Class.

**Tom McDonald**, Natural Resources Department, requested approval of a no-cost lease with Town Pump to have an aquatic invasive species inspection station in Plains. The inspection station will begin operating on May 11, 2019. **Len TwoTeeth** discussed the need to have a boat check station in Columbia Falls. He wants to discuss this at the Governor's Summit. It was the **consensus** of council to support the lease for the inspection site in Plains.

**Caryn Kallay** requested to meet with council in **executive session** to discuss a personal matter. **Melanie Piedalue**, Personnel Department, was present for discussion.

Council reconvened into **regular session**.

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

**Tony Incashola, Jr.** and **Joe Vanderburg**, Tribal Forestry, requested acceptance of the high bid from 3 Mor Enterprises for the Camas WUI Logging Unit Timber Sale. All sales require a bond payment. This was an Indian preference sale.

**MOTION** by Leonard Gray to accept the high bid from 3 Mor Enterprises for the Camas WUI Logging Unit Timber Sale. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

**Tony Incashola, Jr.**, Tribal Forestry; **Ron Swaney** and **Chris McCrea**, Division of Fire; requested approval to hire 5 nonmembers on two-year contracts for the Mission Valley Type 2 Initial Attack Crew. The vacancies were advertised twice. The only tribal member applicants did not show up for the interviews. **Len TwoTeeth** requested that departments be required to meet with council in the chairman's meeting prior to requesting the hire of nontribal members. **Chairman Trahan** directed that departments be required to present these types of requests at the chairman's meeting in advance. **Shelly Fyant** asked if there was any follow-up with the tribal member applicants; she has been told in the past that some people did not receive a letter from the Personnel Department. **Melanie Piedalue**, Personnel Department, informed council that applicants are sent letters a week in advance, and they get that excuse a lot as a reason for failing to show up for an interview.

**MOTION** by Shelly Fyant to approve the hire of Kyle Blackman on a two-year contract to fill the Squad Boss position. Seconded by Dennis

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Clairmont. Carried, 7 for; 1 opposed (Myrna DuMontier); 1 abstention (Len TwoTeeth).

**MOTION** by Dennis Clairmont to approve the hire of Michael Umphrey on a two-year contract to fill the Squad Boss position. Seconded by Shelly Fyant. Carried, 7 for; 1 opposed (Myrna DuMontier); 1 abstention (Len TwoTeeth).

**MOTION** by Anita Matt to approve the hire of Jeffrey St. Goddard on a two-year contract to fill the Senior Firefighter position. Seconded by Dennis Clairmont. Carried, 6 for; 1 opposed (Myrna DuMontier); 2 abstentions (Len TwoTeeth and Charmel Gillin).

**MOTION** by Shelly Fyant to approve the hire of Caleb Dotson on a two-year contract to fill the Senior Firefighter position. Seconded by Charmel Gillin. Carried, 7 for; 1 opposed (Myrna DuMontier); 1 abstention (Len TwoTeeth).

**MOTION** by Leonard Gray to approve the hire of Craig Reece, Jr. on a two-year contract to fill the Senior Firefighter position. Seconded by Dennis Clairmont. Carried, 7 for; 1 opposed (Myrna DuMontier); 1 abstention (Len TwoTeeth).

*Myrna DuMontier, for the record, "I am opposing because I believe these slots belong to tribal members. I would agree to one year, but a two-year contract takes away from a tribal member."*

**Tony Incashola, Jr.** and **Steve McDonald**, Tribal Forestry, presented a request from the Rocky Mountain Research Station for a permit to collect data on about 107 plots they have located on the reservation. They will sample ten plots on the reservation. Last year, Steve provided council copies of the data. It shows trends and growth in western Montana and is available online. Forestry does not allow them access to restricted areas.

**MOTION** by Dennis Clairmont to grant the Rocky Mountain Research Station a permit to collect data on plots they have on the reservation. Seconded by Leonard Gray. Carried, unanimous (9 present).

**Fred Matt** asked about the Inter-Tribal Timber Council. **Tony Incashola, Jr.** said they would be requesting a contribution for the scholarship auction.

**Carolee Wenderoth** and **Tara Irvine**, Tribal Lands Department, presented a request from Tammy Fragua for a six-month revocable permit to operate Hawaiian Shaved Ice and Concession Stand on Tract T4514. The Land Committee recommended approval of a six-month revocable permit, so long as

all permitting requirements are met, including a \$150 per month rental rate, and required insurance.

**MOTION** by Dennis Clairmont to grant Tammy Fragua a six-month revocable permit to operate Hawaiian Shaved Ice and Concession Stand on Tract T4514, so long as all permitting requirements are met, including a \$150 per month rental rate, and required insurance. Seconded by Leonard Gray. Carried, 8 for; 1 abstention (Charmel Gillin).

**Carolee Wenderoth** and **Tara Irvine**, Tribal Lands Department, presented a request for a revocable permit from Rich Janssen to place a 4x8 portable sign at the Marvin Camel site for the summer months for autism awareness. The Lands Department recommended approving it for six months, charge no rent, and approve a waiver of the insurance requirement, since it is a nonprofit organization doing awareness.

**MOTION** by Anita Matt to grant Rich Janssen a revocable permit for six months, waiving insurance requirement, and no rental payment. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Leon Weider to reassign Lease 4028 to Kent and Ross Fullerton for the remainder of this year, due to the irrigation costs. This lease will be on the spring bid. Any O&M costs not paid will need to be paid by the Lands Department. **Anita Matt** would like to know this prior so Indian producers will have an opportunity to take over the lease. Mark said Leon reached out to other Indian producers and they did not want to pay that high of an irrigation cost for one year, so they showed disinterest. Carolee informed council that on May 29 there is a producers meeting on how we can be creative to help eliminate higher irrigation costs.

**MOTION** by Anita Matt to approve the reassignment of lease 4028 for the remainder of the year. Seconded by Shelly Fyant. Carried, 7 for; 2 abstentions (Myrna DuMontier and Charmel Gillin).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Shaunda Albert to relinquish Lease 4805 back to the Tribes, due to personal reasons. The Land committee recommended approval of the request. This lease will be advertised on the fall bid. Lands will be responsible to pay the O&M charges on this lease.

**MOTION** by Len TwoTeeth to approve the request from Shaunda Albert to relinquish Lease 4805 back to the Tribes. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, requested approval for the USDA Animal and Plant Health Inspection Service to do grasshopper surveys for 2019.

**MOTION** by Anita Matt to approve the USDA Animal and Plant Health Inspection Service to do grasshopper surveys for 2019. Seconded by Leonard Gray. Carried, unanimous (9 present).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Jerry Johnson to lease a five-acre parcel of tribal land located by Foot Hills and St. Mary's Creek Road. This land was purchased a few years back, and the Tribal Lands Department fenced it out. The area was not grazed last year, and the neighbors are worried about fire danger. Lands recommended grazing the area. It would be at a rental rate of \$50 per acre, weed spraying, and fencing out the drain field area.

**MOTION** by Anita Matt to go with the Land Committee recommendation and lease the property to Jerry Johnson for a five-year period at the negotiated rate and with a recommendation of him doing the fencing and weed spraying. Seconded by Fred Matt. Carried, unanimous (9 present).

**Carolee Wenderoth**, Tribal Lands Department, discussed the former Humphrey Law Office building in Polson. It is not well constructed and it poses a liability. The Lands Department had to pay \$12,300 to repair the broken water line, and the contractor said the remaining line would eventually break. It costs between \$700 and \$1,000 a month for the power bill in the winter months. The Lands Department has had no success leasing it out. Safeway allows the fence to be in trespass. There is no access from Highway 93 south. The Lands Department recommended demolishing the building. The building is located on a 0.90-acre lot and the property usage could be determined at a later date. The structure is not stable enough to be moved and it would not pass a commercial inspection.

**MOTION** by Fred Matt to demolish the former Humphrey Law Office building. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, discussed the increased O&M charges for the producers. Lands has received requests for 16 lessees to relinquish their lease or reassign their lease due to the costs. Lands has \$80,000 + on O&M charges and if the parcels are not leased out then the Lands Department will need to pay that cost. There is a policy in the bidding process that requires bidders to bid at 90% of the rental. The policy has been waived on a case-by-case basis. In order to offset O&M costs, it was recommended that the 90% rule be waived. It is more important to lease them for a lesser value than to not have them leased at all, because Lands has to pay those O&M costs if they are not leased. Lands wants tribal member producers

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that are burdened by the O&M bill to be able to visit with the Tribal Lands staff to negotiate a reduced rental rate. This is part of the effort to reduce hardships for the producers. **Rhonda Swaney**, Legal Department, would like Lands to follow up with Legal because the right of way issue is a concern and Legal has worked on this as part of the water compact. **Council** went with option 3: hold further discussion. **Chairman Trahan** told Lands to get on the agenda for the chairman's meeting.

**Carolee Wenderoth**, Tribal Lands Department, presented a request not to renew a rental agreement for Greg Kenmille, and that he have thirty days to vacate at the end of his lease that expires at the end of May.

**MOTION** by Charmel Gillin to conform with Lands recommendation and issue an extended thirty days for vacating the premises. Seconded by Shelly Fyant. Carried, 8 for; 1 opposed (Len TwoTeeth).

**Carolee Wenderoth**, Tribal Lands Department, requested approval for Betty Weaselhead to be given 90 days to be vacated.

**MOTION** by Shelly Fyant to direct Lands to allow Betty Weaselhead to stay 90 days in the emergency housing unit. Seconded by Myrna DuMontier. Carried, 8 for; 1 opposed (Len TwoTeeth).

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

**Ann Miller**, Tribal Defenders Office, requested approval of a revised organizational chart. The changes were discussed at the chairman's meeting.

**MOTION** by Shelly Fyant to approve the revised organizational chart for the Tribal Defenders Office, as discussed in the chairman's meeting. Seconded by Myrna DuMontier. Carried, unanimous (8 present - Fred Matt out of the room).

**John Carter**, Legal Department; and **Renee Joachim**, Personnel Department; discussed Ordinance 69-C. John sent out a survey to department heads asking for input on problems they have experienced with the ordinance. He will return to council later to discuss recommendations. **Shelly Fyant** has received concerns from staff members who are not managers. She suggested broadening the survey. Shelly receives comments on the grievance policy and bullying issues. John will replicate the survey and send it to the council members. **Rhonda Swaney** advised that council actions are exempt from the TAPO ordinance. It was the **consensus** of council to send the survey to all tribal employees.

**Rhonda Swaney** and **Jordon Thompson**, Legal Department, provided a legislative update. We testified on 60 bills this session. Jordan will send the final report to council.

**Rhonda Swaney** and **Christina Courville**, Legal Department, followed up on the possibility of putting up a gate on a town site in Big Arm to deter the contractor from furthering development of a road. A quiet title and restraining order will be pursued in district court.

**MOTION** by Fred Matt to put up the gate in Big Arm. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

**Rhonda Swaney** and **Christina Courville**, Legal Department, informed council that Christina has accepted a job with S&K Technologies and wants to begin her new job the first part of June. Christina's contract requires a ninety-day notice, and she requested a waiver of that term.

**MOTION** by Fred Matt to allow her to step away from her contract to accept another position. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

**Rhonda Swaney** and **Brian Upton**, Legal Department, informed council of the ATNI screening that will be the week after next. **Len TwoTeeth** can do the opening remarks. Brian reminded council of the DC screening on May 22 and encouraged council to go.

**Rhonda Swaney** and **Dan Decker**, Legal Department, heard from the Denver Regional Office, who was here a couple years ago to discuss offering VA loans to tribal members on trust lands. Mr. Haynes is offering to come back here on June 5, at 10:00 a.m., for a presentation. An announcement will be published to invite the membership to the meeting.

**Rhonda Swaney**, Legal Department, informed council that she would be in Washington, DC the week of May 20. Rhonda and Ryan will be working on the water compact.

**Council** and **Legal Staff** commended Christina Courville for the great work she has done for the Tribes, and wished her well in her new position.

**Dennis Clairmont** informed council of a letter regarding Council Grove.

**Charmel Gillin** commented that we talked yesterday about there being a tribal consultation meeting scheduled for May 22, the same day legal is asking us to travel to DC. It is not on our calendar but it is happening. Yesterday she thought we were going to address that. **Chairman Trahan** will discuss it this afternoon.

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

**Len TwoTeeth** left the meeting for the remainder of the day.

**Charmel Gillin** left the meeting for the remainder of the day.

**Chairman Trahan** reminded council of the Kootenai Elders meeting tomorrow.

**Carolyn O'Hall**, Superintendent of Schools; **Karen Vergeront** and **Dakota Peterson**, Dayton School Teachers; and **Dayton School Students**; met with council. The Dayton School has 71 students and 2.8% are Native American. There are 6 teachers, 1 principal, 1 nurse/paraprofessional; 1 special education/paraprofessional; and 1 part-time secretary. A modular was brought in to be used as a classroom. 20% of the staff members are Native American; 70% are Caucasian; and 1 is Hispanic. There were two teacher openings this year and 1 Native American was hired. The school operates four days a week, from 7:10 a.m. to 4:10 p.m. There is an afterschool program from 3:00 p.m. - 4:00 p.m. They will be advertising for additional afterschool members. The school applied for funding through the 21<sup>st</sup> Century Grant to continue the afterschool program. Attendance rates for all students at Dayton is 93%. Carolyn reviewed the testing statistics. CRT Science – fourth graders only are test and there were no Native American fourth graders. Smarter Balance Science: students in grades 3-6 are tested. The Native American students were 50% proficient as compared to all students across Montana. Smarter Balance Math: Native American students were 50% proficient; all students in Montana were at 41%; and all students at Dayton were 41% proficient. Smarter Balance ELA (Reading): Native American students were 50% proficient; all students across Montana were 50%; and all students at Dayton were 47%. Measure of Academic Progress (MAP) testing is done three times per year. The school has 7 microwaves for meals. A hot lunch program is not offered due to the lack of kitchen/lunch space and funding to offer meals. Students have to bring a lunch. On Mondays, the volunteers bring lunch at a cost of \$1.00. They continue to explore possibilities for a hot lunch program. The Kindergarten class performed a preview of their spring program performance of “The Little Red Hen” that they will be performing at the Glacier Camp on Thursday evening. The students gave the council members a gift they made. The upper grades take a fieldtrip to Wild Horse Island and learn about the cultural connections to the land.

**Myrna DuMontier** left the meeting for the remainder of the day.

**Chairman Trahan** wants to get the KHJCC committee established at next Monday's chairman's meeting. The Tribal Leaders Summit issues need to be identified.



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**Dennis Clairmont** requested a head count on who is attending the event at Council Grove.

**MOTION** by Fred Matt to adjourn the meeting.

Council **adjourned** at 2:05 p.m., and is scheduled to meet again on Thursday, May 9, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary