

Flathead Reservation Water Management Board Meeting Minutes from March 16, 2022

Kwat'aq'nuk Resort and Casino

49708 US HWY 93 E

Polson, MT 59860

- 2:02 pm -- **Called to Order** by Chairman Matt.
 - **Opening Prayer** given by Board Member (B.M.) Teresa Wall-McDonald.
 - **Safety procedures and Covid-19 protocols** announced by Chairman Matt.
 - **Attendance:**
 1. Board members: Clayton Matt, Teresa Wall-McDonald, Georgia Smies, Roger Noble, Shana Radford. (Regrets: Kenneth Pitt)
 2. Staff: Melissa Schlichting (CSKT, in-person), Robert McDonald (CSKT, virtually), Arne Wick (DNRC, virtually), Joel Harris (DNRC, virtually)
- **Board Business**
 - **Draft agenda adoption:** B.M. Wall-McDonald moved to adopt > B.M. Noble seconded > agenda adopted unanimously.
 - **Approval of meeting minutes** for February 10 & March 03, 2022: Chairman Matt gave the group a minute to look over the provided minutes and B.M. Wall-McDonald asked staff to confirm that the approved minutes would be posted on the website. Melissa Schlichting confirmed. B.M. Noble moved that the 2/10 minutes be approved > seconded by B.M. Wall-McDonald > motion passed unanimously. B.M. Noble then made a separate motion to approve the 3/3/2022 minutes > seconded by B.M. Wall-McDonald > motion passed unanimously.
 - **Announcement of past meeting recording & minutes** posting on DNRC & CSKT websites.
 - Administration Items and Resolutions
 1. **Application for an Employer ID #:** Melissa Schlichting recommended a person (board member) be designated to finish / complete the application and offered to assist. Melissa recommended that it be the Chairman. B.M. Wall-McDonald made a motion to follow this process > seconded by B.M. Smies > passed unanimously. Chairman Matt and Melissa will work together on this.
 2. **Bank account:** Chairman Matt gave the group a minute to read over the provided Resolution re: the opening of a bank account at Glacier Bank. Melissa summarized the document, including safeguarding provisions requiring countersignatures for any checks to be drawn. The resolution also explicitly allows the board to receive checks from themselves for the daily stipend and per diem they will receive for their work. Teresa Wall-McDonald then asked for clarification on the system for numbering/naming resolutions—should it be done by calendar year? Melissa responded that this would be a good way to do it—summarizing that the resolutions would be numbered by year and then suggested we add a dash and then number them in chronological order. This first one would be “2022-01” and subsequent ones would be “2022—02” and “2022-03.” Chairman Matt asked if this resolution is enough for the bank to authorize the opening. Melissa responded that she believes so and that the resolution was developed after speaking to the bank which requested something of the kind which outlines authority rules. B.M. Wall-McDonald made a motion that the resolution be adopted (which would also be formalized with the signatures of each board member on the document) > seconded by B.M. Smies > unanimously adopted. B.M. Noble suggested that he sign his

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copy (complete with penciled in resolution number) and pass it down for other board members to sign. The board members informally assented and the signatures were made. The signed resolution was passed back to Melissa. Chairman Matt requested that a copy be posted on the web. Melissa agreed.

3. **Application for a PO Box:** Melissa recommended that the Chairman go to the post office (with two forms of ID) and fill out the formal request for a PO Box. Chairman Matt asked the group where we want to set this up and stated that the conversation about where the office space for the engineer will be has bearing on this. Melissa recommended that we postpone a decision on this until after the decision on office location is made. The board members informally agreed. B.M. Wall-McDonald wondered whether the board might be able to make both the office location decision and then green light the PO box location today. Chairman Matt recommended that the group see how Rob McDonald's presentation went. The group agreed to postpone the PO Box discussion for now.

○ **Rental of Office Space**

1. **Presentation (Rob McDonald, CSKT):** focused on Polson and Ronan area, attempting to give a simplified cost comparison. The offerings were slim. Looked primarily at lease options, but purchasing definitely expands options (with much greater cost). There are 3 good options (Ingraham Law Office, Masonic Building, Flower Mill building). In Polson, things were more expensive than Ronan (~15/square ft compared to \$12 and below).
 1. 101 Whitewater Pl, Polson – former gymnastics center, needs a lot of shaping inside (open pit in center, for example), not quite “turn-key”
 2. Downtown Polson (Main St) – 1500 square ft, above dentist office, spiral staircase to 2nd floor (ADA issues), owner offered to install a lift if we share the cost.
 3. Some Ronan/Pablo Options: Old Glacier bank building in Pablo, buy only (no lease option), interested buyer ahead of us; there is also 6,000 square feet building place next to dollar store but bare to concrete / needs major construction.
 4. 3 Turn-key options in Ronan:
 1. **Former Ingraham law office:** small space option, outside space being used to flip and sell used cars, ADA accessibility a problem (9-10 brick steps at entrance), owner offered to build ramp at rear entrance, owner wants to maintain access to conference room for car sale discussions;
 2. **Flower Mill building:** 105 Main St – two spaces here: the first faces main st, 1800 square ft, 3 offices, 2 restrooms and the second space is directly behind and broken into smaller offices (formally physical therapy business), 1500 square feet. The whole building is also for sale.
 3. **Old Masonic Building:** space has been renovated with the view of preserving historical character, \$9/square ft, wants long term resident, 2600 square feet, \$1900 / month cost, prime location, brewery in back (unconnected), faces main street, has 2 designated offices, large loft space upstairs which could be good for public meetings? (though ADA issues), the lighting is great upstairs (has been a gallery space in the past). Owner is amenable to adding ramp over large step in front of building to meet ADA standards. At B.M. Noble's request, Mr. McDonald played a video walk-through of the building.
2. Discussion: The group agreed that the old masonic building seemed to be the best option, but that there are follow up questions to look into, namely:

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1. Electrical outlet situation (are there enough for 5+ employees?)
 2. Internet quality and availability
 3. Chairman Matt recommended that a board member or two visit the top two options. B.M.'s Wall-McDonald, Smies, and Noble agreed to coordinate with Rob to take a look at the building, possibly one of the other options as well.
- **Job Description for Water Engineer:** B.M. Noble and Melissa have been working on a draft which was provided to the group. There was discussion surrounding whether or not the current draft (based partly on the Water Rights Bureau Chief description with DNRC) might have too many duties and responsibilities listed, requiring skills and duties in both engineering and administrative duties. Should these be split out a bit more? B.M. Noble explained that he was attempting to mirror how the position is described in the ordinance which is quite broad. After discussion, consensus seemed to settle on letting an organizational structure (or organization chart, currently in development by staff) to inform the split of duties. C.M. Matt recommended coming back to the next meeting with an updated draft that is informed by a draft of the organizational structure and that perhaps splits out duties more so as to prevent burn-out in the Engineer position. It was informally agreed to continue focusing on the job description of the Engineer as a first priority but to revise the draft to possibly split out duties more.
 - **Staff updates:**
 - **DNRC contract with consultant** to assist Board formation organizational needs (Arne Wick, DNRC): Arne summarized the State's reasons for wanting to hire a short-term consultant during the "lift off" phase of the Board and Office of the Water Engineer. The six primary activities anticipated for this individual are:
 1. Development of organizational proposals for board and office of the engineer
 2. Identification of legal support for the board
 3. Development of staffing proposals for board administration, including job descriptions and third party contracting for accounting and benefits administration services
 4. Fiscal Management
 5. Technology procurement and set-up
 6. Working with the state, board members, and the tribes to organize meetings, develop agendas, etc.
 - There was general discussion clarifying exactly who the consultant would be reporting to and working with. Arne clarified that this would be a consultant hired by the state to assist in carrying out its commitments but in the spirit of working in consultation with the tribes and the board. Arne also clarified that given that the Office of the Engineer as an organization will need to be 3rd party and also given the limitation in resources and experience in setting up such an entity on the state side, there seemed to be a need for short term assistance generally in the set-up of these organizational items. There is an interested candidate identified, but the state was not ready to announce since the contract had not yet been finalized.
 - **State-based registration period ends Mar 16, 2022** (Arne Wick, DNRC): Arne pointed out that the 180 period for filing registrations of existing uses (state-based) was ending at EOB today. The Kalispell Regional office, in particular, has been swamped with work related to this.
 - **Practical Options for processing of registrations document in development** (Arne Wick, DNRC): Arne also gave a reminder that this document is in development and will be on a future agenda.
- **Next steps**
 - **Upcoming meetings set:** 3/31/2022 and 4/7/2022 in Polson (starting at 2pm) at the same hotel were targeted as the next two meetings. The State and Tribal can work to notice these dates. One thing to note—Thursdays generally work for B.M. Noble with the exception of the third Thursday of every month.

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- B.M. Wall-McDonald requested that we discuss insurance at future meetings. Melissa pointed out that the board is covered by sovereign immunity in the Ordinance but that it may be prudent to discuss this at future meetings.
- **Public Comment:** a single public commenter chimed in via zoom—Patrick Williams. Is building out on Wild Horse and wanted to ask when he can get a permit before the water table comes up—needs to put a pump out in the lake for fire protection and domestic water. Chairman Matt noted that some of the documents in development by staff and board members (for example, the interim process for the pre-approval of individual and shared domestic allowances) will likely shed light on the answer to this question at the next meeting or two. B.M. Noble also recommended getting going on the shoreline permit. Chairman Matt reiterated that the board will be working with state and tribal technical staff and to stay tuned to the next meeting or two.
- **Meeting Adjourned by Chairman Matt at 3:55 pm.**

To see the full meeting video recording, go to the following url on Youtube: <https://youtu.be/-d8vMnkQxJc>