



Council of the Cherokee Nation

Meeting Minutes Resource Committee

Monday, August 11, 2008

4:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Snell called the meeting to order at 4:13 p.m.

INVOCATION

Councilor Crittenden gave the invocation.

ROLL CALL

Present 14 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

Late Arrival 3 - Tina Glory Jordan; Jodie Fishinghawk and Janelle Fullbright

APPROVAL OF MINUTES

Councilor Anglen made a motion to approve the minutes of the July 14, 2008 regular session. Councilor Thornton seconded the motion. Motion carried.

REPORTS:

1. Natural Resources - Angela Drewes

Laura Adair reported in the absence of Angela Drewes. Ms. Adair offered to answer questions pertaining to the written report provided. She provided a one page status update in regard to the Saline Courthouse as requested last month by Councilor Cowan Watts. Councilor Cowan Watts gave appreciation for the status update but inquired as to a completion timeline. Ms. Adair stated she would speak to Ms. Drewes and provide an answer. Ms. Adair announced a meeting has not yet been scheduled in regard to the air strip in Adair County. They are in the process of reviewing an comprehensive plan that will both the air strip, the industrial park and several other areas in the Cherry Tree area. She announced notification would be given when the meeting is scheduled.

2. Construction/Facilities Report - Angela Drewes

Ms. Adair announced they are trying to complete the Markoma gym flooring in time for the 3 on 3 basketball tournament during the holidays. Councilor Anglen inquired about the status of the pow wow grounds. The pow wow ground renovations were to be complete last week. They are waiting to install a mag meter on the sewer system.

3. Real Estate Services - Linda Donelson

Ms. Linda Donelson reported a correction in her written report. The 25 foot easement they assisted the Housing Authority with is for 50 years instead of 25 years. She announced they did get the lease for restricted land in Ramona to the BIA this week. The Park Hill 45 acres by the Heritage Center has been placed in trust. Councilor Buzzard inquired about the status of the property at the junction. Ms. Donelson announced the Muskogee office has sent recommendation to the Central office it should be placed in trust. She stated the Central office in Washington DC has the environmental information in review at this time.

4. Roads & Transportation - Michael Lynn

Michael Lynn gave an update on the IRR projects as follows:

Cedar Crest Road and Bridge - Waiting to hear from the Asst. District Attorney in Mayes County on how to proceed on the most recent offer from a landowner. The two projects can not be separated due to this one landowner having property at the bridge area as well as along the road.

Daytown Drycreek - The project is well under way. They have experience problems with the asphalt not meeting test standards resulting in a change in asphalt plants.

Twin Oaks / Bull Hollow - The final set of plans are out for review at this time. The right of way acquisition will begin once the review is complete.

The Red Barn Road - is progressing slowly. The current contract expires this month and they have received a request for extension. The request was for an additional 20 days with a contract increase has been denied.

Rice Woodard Road - They have begun moving some utilities.

Cookson Road - This 8.5 mile overlay project is underway.

Barber Road - Have received soil reports back and the final design will be completed shortly.

NE Ft. Gibson - A public meeting will be held tomorrow night at 6:30 at Norwood Public Schools to introduce a preliminary project design to the public. The design is not yet final.

Honey Hill - Has been broken down into 2 phases. They are in the process of working with the utility companies to begin the relocation process.

Mr. Lynn stated there are not any tribally funded projects moving forward to Executive and Finance Committee this month. He stated he received a request from an Adair County Commissioner this week to cut the original scope of the Stark Hill Holler project from 3.5 miles down to 1.5 miles due to an oil price increase. He stated projects getting cut short is happening everywhere as a sign of the times.

He stated a Cherokee County Road request was added during Executive and Finance Committee last month for the Cherokee County Fairgrounds and requested a road improvement request be submitted for the project.

Mr. Lynn presented maps to the Council members of their Districts showing the

different roads. He announced their GIS system is up and running at this time.

Councilor Fullbright inquired if they had received paperwork from Commissioner Huff pertaining to McKenzie Waters Road. Mr. Lynn stated he is unfamiliar with the request but would check into it. Councilor Cobb inquired about the status of Owasso 145th. Mr. Lynn stated there had been a request for postponement and he would check on the current status. Councilor Cobb inquired about the bridge request West of Ramona. Mr. Lynn stated he would also check on the status of this project as well.

Mr. Lynn gave an explanation of the maps and stated it doesn't include incomplete projects. The roads listed on the maps are completed roads since the inception of the program.

5. Public Comments: Road Issues - Michael Lynn

6. Environmental Programs - Tom Elkins

Mr. Tom Elkins reported a special EPC meeting was held this month in regard to the Landfill just to cover the request of variance on the 120 day compliance issue. He stated 150 extra days was granted. He reported community people were in attendance during the meeting and commented they would rather give extra time and have it done correctly.

Councilor Thornton inquired if water was still being tested on the Illinois River. Mr. Elkins responded they do continue to test the water at different points along the river. Councilor Thornton requested a read out of the tests below the Tenkiller Dam of the Illinois River.

OLD BUSINESS

1. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY OVER, ACROSS, IN AND UPON USA IN TRUST LAND FOR THE CHEROKEE NATION LOCATED IN DELAWARE COUNTY, OKLAHOMA, BEING PART OF KENWOOD TRIBAL UNIT 24

Sponsors: Councilor Snell

Ms. Linda Donelson stated this is a resolution for right of way easement at Kenwood Tribal Unit 24. She stated this easement request is for a non tribal member who is trying to sell land that is land locked behind Kenwood Tribal Unit 24. Councilor Cowan Watts inquired if there is other access to the property. Ms. Donelson stated that is the way it appears. Councilor Buzzard stated he visited the property and has discovered the other access to the property would have to open up a county line. He stated he has requested the Cherokee Nation inquire about purchasing the property. He stated the Cherokee Nation already owns property on three different sides at this time. He stated if the Nation doesn't have a use for the property then he would not object to giving the easement to the property although he would not make the recommendation to do so. Councilor Cowan Watts requested input from the Chair since the easement request is in his district. Chair Snell agreed with Councilor Buzzard and stated the county could open up an easement just as easy as the Nation can. Councilor Cobb inquired if there is a home on the property. Councilor Buzzard stated there is not a home on the property it is all vacant land. Councilor Cobb inquired if you can terminate an easement once it is granted. Ms. Donelson replied an easement can be requested to be revoked under certain criteria. She stated it would need to be stated in the grant of easement the requirements that would cause it to revert back to the Cherokee Nation. Councilor Cobb announced he would

require additional information before he could be in support of the easement.

Councilor Bill John Baker made a motion to table permanently. Councilor Frailey seconded the motion. Motion carried with Councilor Soap opposed.

NEW BUSINESS

1. A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - THREE RIVERS HEALTH CENTER, MUSKOGEE
Sponsors: Councilor Garvin
Ms. Donelson stated this is a request to move forward with the trust acquisition on the Three Rivers Health Center in Muskogee.
Councilor Bill John Baker made a motion for approval. Councilor Anglen seconded the motion. Motion carried.
2. A RESOLUTION AUTHORIZING THE LEASING OF MINERALS AT CHILOCCO, KAY COUNTY, OKLAHOMA
Sponsors: Councilor Anglen
Ms. Donelson stated this is a request to lease the minerals at Chilocco in Kay County. She stated the Nation owns 100% of the fee owned minerals and 50% of the trust minerals of all of tracts including the tracts of five other tribes. They are working with the five other tribes to lease to this company.
Councilor Garvin made a motion for approval. Councilor Anglen seconded the motion. Motion carried.
3. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY OVER, ACROSS, IN AND UPON USA IN TRUST LAND FOR THE CHEROKEE NATION LOCATED IN ADAIR COUNTY OKLAHOMA BEING PART OF CMS TRIBAL UNIT 18B
Sponsors: Councilor Crittenden
Ms. Donelson stated this is a resolution requesting a right of way easement over trust land at CMS Tribal Unit 18B. She stated the request is by a non tribal member with another way onto the property. Councilor Crittenden stated there isn't a home on the property but there is a possibility that they may build some day. Ms. Donelson stated the property is used for hunting at this time. The other means of access is across family property.
Councilor Bill John Baker made a motion to table permanently. Councilor Garvin seconded the motion. Motion carried with Councilor Soap opposed.
4. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY OVER, ACROSS, IN AND UPON USA IN TRUST LAND FOR THE CHEROKEE NATION LOCATED IN ADAIR COUNTY OKLAHOMA BEING PART OF CMS TRIBAL UNIT 69
Sponsors: Councilor Crittenden
Ms. Donelson stated this is a request for easement for right of way at CMS Unit 69. She stated this easement would not interfere with the use of the property. She recommended the approval of this request for a lifetime easement or 15 years for this non tribal member.
Councilor Bill John Baker made a motion for approval. Councilor Crittenden seconded the motion. Motion carried.

5. A LEGISLATIVE ACT RELATED TO CHEROKEE NATION SUSTAINABLE ENERGY AND RESOURCES - For Discussion Only

Sponsors: Councilor Cowan Watts

Councilor Cowan Watts suggested this legislation be for discussion only, she requested amendments to be made and offered the opportunity for input from other Councilors to provide a more complete piece of legislation for consideration at the meeting next month. She announced some of her requests as a decrease in CO2 omissions by a certain year, the use of gray water, require minimum EPA ratings on fleet vehicles, and documentation for future assistance.

Councilor Cowan Watts moved to table to the next Resource meeting. Councilor Garvin seconded the motion. Motion carried.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Jack Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 5:08 p.m.

STAFF PRESENT:

*Laura Adair David Southerland Tom Elkins
Linda Donelson Michael Lynn*

VISITORS PRESENT:

Shirley Crowder Jim Ketcher

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: *Bradley Cobbs*

Minutes attested and concurred by: *Quintis D. Shell*

Date: *9-15-08*