

# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

## REGULAR COUNCIL MEETING MINUTES

OCTOBER 09, 1997

TRIBAL BUSINESS COUNCIL  
701-627-4781  
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### 01. Call to Order, Prayer & Roll Call.

The Regular Meeting of October was called to order by Chairman Russell D. Mason, Sr., at 10:35 a.m. in the Tribal Council Chambers. A moment of silent prayer and meditation was held. Members present for roll call were: Chairman Russell D. Mason, Sr., Councilman Thomas Bird Bear, Councilman Mark N. Fox, Councilman Austin Gillette, Councilman Edwin Hall, and Councilman Daylon Spotted Bear. Councilman Tex Hall joined the meeting at 10:41 a.m.

### 02. Approval of Minutes of Previous Meeting. Motion to approve the minutes of September 26, 1997, was made by Thomas Bird Bear and seconded by Mark Fox. 7 in favor. Minutes approved.

03. **Announcements.** AAO Tribal Chairmen's Health Board will be meeting on October 15-16 and all health services have been invited. The United Tribes Board of Directors will be meeting on October 18. A meeting on a FBCC communications systems grant that the college had received, and also a Garrison Diversion Hearing will be held in Washington, DC, on October 27-28, which Chairman Mason plans to attend. Diane J. Avery has been delegated to attend a meeting October 20 at the State Department on the rights of indigenous peoples. A Uniband update was provided by Austin Gillette. There are 31 people presently employed, with some vacancies. Treasurer Fox said he will be attending an Inter-Tribal Monitoring Association Annual Meeting (as a board member) on October 13-16, and will meet with the Office of Trust Funds Management at the same time in Albuquerque. The Regional TERO Conference is scheduled for October 28-30 in Mystic Lake, MN. Councilman Tex Hall invited everyone to a buffalo feed on Saturday in Mandaree. Mandaree Electronics has expanded to 18 employees. Councilman Spotted Bear requested the councilmen to limit their additions to the agenda. Council agreed to limit additions to agenda to 2 items each. JTAC committee members from each community are still needed from some of the councilmen.

### 04. Approval of Agenda. Motion to approve agenda, with changes, was made by Mark Fox and seconded by Thomas Bird Bear. 7 in favor. Carried.

05. **Frederick P. Baker, Director, FBSU, Monthly Update.** Mr. Baker reported on the ongoing activities, budget, and funding of the Indian Health Service clinic. It was noted that IHS pays travel for patients referred out of state, plus travel expenses of one escort. In the future, this will be coordinated with the Tribe.

- 06. Jim Dennis Water Well Drilling.** Mr. Dennis had been approached by Darrell Birdsbill and Todd Hall to drill a well at Pouch Point. The Natural Resources Committee had authorized a depth up to 400 feet. Mr. Dennis did not find water at this level and was assured by Mr. Birdsbill that he would be paid if he drilled further. Water was found at 1400 feet, however, due to improper authorization, he has been unable to get paid for the extra drilling, which amounts to \$12,981. He has received \$6,100.10 to date. Thomas Disselhorst was brought into the meeting to discuss this in a closed session. After discussion, Austin Gillette made a motion to pay Dennis Water Well Drilling a settlement offer of \$8,000. Second by Thomas Bird Bear. Discussion by council that they believed this amount to be more in line with the average rate. It is noted that Mr. Dennis agreed to this officer to settle this account. 7 in favor. Carried.

Meeting recessed at 12:30 p.m. for lunch. Reconvened at 1:40 p.m.

- 07. Directive to Tribal Programs on FY 1998 Budgets.** Motion to allow programs to operate at the same level as FY 1997 until the budgets are reviewed was made by Mark Fox and seconded by Daylon Spotted Bear. 5 in favor, 2 not present during vote. Carried.
- 08. Lake Sakakawea & Associates (Dale Little Soldier, Marshall Goodman and Robert Swenson).** Messrs. Little Soldier, Goodman, and Swenson shared their plan and vision for a tribally-owned gaming facility in the Beaver Creek area. Also present were Michael Laverdure and Fred Assam, who are serving as consultants to Lake Sakakawea & Associates. Chairman Mason noted that R#97-149-DSB passed by the council in June indicated that Mr. Little Soldier would present a final plan and a financing package for approval/disapproval of the council. He requested the group to work with David Brendsel, TAT Financial Advisor. Mr. Little Soldier said they would be ready to meet with the council at the November Regular Meeting.
- 09. Letter of Intent on Fort Clark State Historical Site.** Tillie Walker and Marilyn Hudson discussed the possibility of the Tribe getting involved in the development of this site, which is a part of our ancestral lands. Chairman Mason requested Marilyn and Tillie to send a letter of intent regarding the Tribes' interest in this site to the Governor and the State Historical Society. Resolution on this will be addressed at the November Regular Meeting.
- 10. Tax Department Update.** Tax Director El Marie Conklin provided an update, and recommended utilizing the services of Worthington Tax Group. A straw vote was taken and it was proposed to offer a flat fee of \$28,000, plus \$3,000 for out-of-pocket expenses. Resolution, consultant agreements, etcetera to be drawn up. It was the recommendation of Mark Fox to discuss the proposal with Hobbs Straus and Walker, before finalizing.

11. **Mandaree Electronics.** CEO Clarence O'Berry provided an update on Mandaree Electronics and submitted a status report for the council's perusal. There are presently 11 people employed with the company. The company has had its best year ever in sales, has an expanding work force, and a growing work load. Mr. O'Berry was commended for doing an outstanding job.
12. **FBCB American Indian Science & Engineering Society (AISES) Request for Funding.** Assistance was requested for ten (10) students to attend the National AISES Conference in Houston, TX, November 20-23. After discussion, a motion was made by Austin Gillette to pay for their airline tickets (estimated to be \$4,570). Second by Mark Fox. 6 in favor, Ed Hall not present during vote. Carried.
13. **R#97-230-DSB.** A closed session was held on the Domestic Violence Stop Grant special prosecutor, after which, a motion was made by Mark Fox to approve this resolution that reaffirms that the grant from the State required a committee to make the selection for the special prosecutor, which had been done. Motion was seconded by Tex Hall. Discussion. 5 in favor, 2 opposed. Carried.
14. **R#97-231-DSB. Background Checks in Tribal Court.** Motion to approve resolution was made by Mark Fox and seconded by Daylon Spotted Bear. 5 in favor, 1 opposed, Austin Gillette not present during vote. Carried.
15. **CDBG Shortfalls at Twin Buttes, Mandaree and Four Bears.** Motion for the Tribe to fund the shortfalls of all three CDBG projects was made by Daylon Spotted Bear and seconded by Tex Hall. Discussion was on the shortfall on the expansion of the Twin Buttes Memorial Hall in the amount of \$186,952, and why the cost per square foot was so high. 7 in favor. Carried.
16. **R#97-232-DSB.** Resolution supporting the efforts of the Tetanka Film Company to produce a series on the visit of Prince Maximillian and Karl Bodmer to our ancestral lands in 1832. Motion to approve resolution, if amended to state that the TAT, at present, are not committing anything financially to this venture, was made by Mark Fox and seconded by Tex Hall. 7 in favor. Carried.
17. **R#97-233-DSB.** Amendment to Housing Improvement Program to authorize purchase of factory-built units for Mae Coffey and Agnes Yellow Wolf. Discussion. Motion to approve, Mark Fox; second, Tex Hall. 6 in favor, 1 opposed. Carried.
18. **White Shield Day Care Building.** Mr. Gillette requested a letter to the superintendent be approved by council to transfer BIA House #427 in White Shield to the Tribe to be used as a day care center. Motion to approve, Austin Gillette; second, Tex Hall. 4 in favor, 2 abstained, 1 not present during vote. Carried.

19. **R#97-234-DSB.** Resolution to approve contract with Western Area Power Association to reserve allocation of power to the Three Affiliated Tribes. Motion to approve made by Austin Gillette; second for discussion by Tex Hall. Discussion. Mr. Gillette requested Paul Danks to do a write-up on this for the paper. 6 in favor, Mark Fox not present during vote. Carried.
20. **R#97-235-DSB.** FBHA Appointment. Motion by Daylon Spotted Bear to appoint Janet Gunderson to Fort Berthold Housing Authority Board of Directors. Second by Edwin Hall. 6 in favor, Mr. Fox not present during vote. Carried.
21. **R#97-236-DSB.** Resolution authorizes the donation of one (1) full-grown buffalo to be donated to each segment in 1998, "to be drawn from buffalo culled from the Tribes' buffalo herd, to be ready for slaughter at the time of donation, to be determined between each segment's community organization and the manager of the Tribes' buffalo herd." Motion to approve made by Edwin Hall, seconded by Austin Gillette. Discussion. 7 in favor. Carried.
22. **R#97-237-DSB.** Resolution to establish a revolving fund of \$125,000 for hay purchases; and to authorize an additional \$25,000 to the Small Loan Program Fund. Natural Resources Committee to administer the hay program. Monies to be provided from the economic development portion of 350-G. Motion to approve, Edwin Hall; second, Thomas Bird Bear. Discussion that this program will not go into effect until the Natural Resources Committee has worked out all of the details. 7 in favor. Carried.
23. **Kidney Dialysis Unit (KDU) Update (April-June/July-September Report).** Kami Fredericks, Acting Dialysis Administrator, reported on the current staffing and operations of the unit. Request was made for renewal of seven consultants to the end of September 1998 (3 RNs, 1 LPN, 1 nurses aide, 1 back-up RN, 1 social worker). Motion to approve, Austin Gillette; second, Edwin Hall. Discussion. 6 in favor, 1 abstained. Carried.
  - a. Evadne Gillette, MSW, Consultant. Mrs. Gillette, MSW, stated she has been at the KDU for two years and is requesting an increase in salary. (An MSW is needed by the KDU for state certification. She works approximately 40 hours a month.) Motion for a raise of \$10.00 per hour was made by Edwin Hall and seconded by Mark Fox. 6 in favor, 1 abstained. Carried.
  - b. KDU Action Plan and Operation. Motion to hire Kami Fredericks as Administrator of the KDU, Lynn Thorson as Supervisory Clinical Nurse, and Marilyn Yellow Bird Baker as Registered Nurse, was made by Edwin Hall and seconded by Mark Fox. 7 in favor. Carried.
24. **Discussion on Whether to Address Resolution on Issuance of Industrial Development Bonds for Twin Buttes Manufacturing Company.** Thomas

Disselhorst, Staff Attorney, brought in a draft resolution regarding this item. After discussion, and a straw vote, it was decided to defer this to the next meeting.

25. **Extension of Circle of Life Consultant Agreements.** Motion to approve extension of Linda Gillette, Bruce Gillette, and Ron Stanley consultant agreements with Circle of Life Program was made by Austin Gillette and seconded by Daylon Spotted Bear. 7 in favor. Carried.
26. **R#97-238-DSB.** DUS Code amendment to read "The court may impose a maximum sentence of six (6) months in jail or a fine of five hundred dollars (\$500.00) or both, but the court must impose a minimum sentence of four (4) days in jail or a fine of fifty dollars (\$50.00). Forty-eight (48) hours of said jail term must be served consecutively." Motion to approve, Austin Gillette; second, Edwin Hall. 7 in favor. Carried.
27. **Tribal Business Licenses.**
  - a. Butch Bell, Bell Woodworking/Jewelry. Motion to approve, Austin Gillette; second, Thomas Bird Bear. 7 in favor. Carried.
  - b. Rod Berger, B&B Sanitation. Motion to approve, Thomas Bird Bear; second, Tex Hall. 7 in favor. Carried.
  - c. Gregg and Pete Glueckert, City Laundry & Dry Cleaners, Inc. Motion to approve, Austin Gillette; second, Thomas Bird Bear. 7 in favor. Carried.
  - d. Lois Hauge, Mary Kay. Motion to approve, Austin Gillette; second, Thomas Bird Bear. 7 in favor. Carried.
28. **Administrative Staff.** Motion by Austin Gillette, second by Mark Fox, to approve Jackie Jackson and Eunice Lone Bear in front office. 7 in favor. Carried.
29. **Personnel.**
  - a. Commodity Clerk. Motion by Mark Fox, second by Thomas Bird Bear, to approve hire of Elise Packineau. 7 in favor. Carried.
  - b. 477 Clerk. Motion by Mark Fox, second by Daylon Spotted Bear, to approve hire of Valerie Gillette. 4 in favor, 3 opposed. Carried.
  - c. Truck Driver, Solid Waste. Motion by Tex Hall, second by Daylon Spotted Bear, to approve hire of George Fast Dog. 4 in favor, 2 abstained, 1 not present during vote. Carried.
  - d. Finance Clerk. Motion to hire Stacey Driver made by Mark Fox; second, Edwin Hall. 6 in favor, 1 not present during vote. Carried.

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- e. CHR Clerk. Motion to hire Anita Geggelman, Mark Fox; second, Daylon Spotted Bear. 5 in favor, 1 opposed, 1 not present during vote. Carried.
- f. WIC Clerk. Motion to hire Sheri Howling Wolf, Mark Fox; second, Tex Hall. 6 in favor, 1 not present during vote. Carried.
- g. Heavy Equipment Operator. Motion to hire Ronald White Owl, Austin Gillette; second, Thomas Bird Bear. 5 in favor, 2 abstained. Carried.
- h. Head Start. Motion to hire Armondo Starr as teacher and Joseph Everett as bus driver, Austin Gillette; second, Mark Fox. 7 in favor.
- i. Head Start Administrative Clerk. Motion to hire Yvette Chase at \$10.00 per hour, Edwin Hall; second, Tex Hall. Discussion that salary must come from Head Start funds. 4 in favor, 2 opposed, 1 abstained.
- j. Exceptional Education Technician. Readvertise.
- k. EPA. Motion to hire Heather Husband, Austin Gillette; second, Daylon Spotted Bear. 5 in favor, 2 opposed.
- l. Environmental. Motion to approve James Heckman's request to transfer Burton Bell from Pesticides to Air Monitoring was made by Austin Gillette; second, Thomas Bird Bear. 6 in favor, 1 opposed.
- m. Transfer of Merle Bruce to TAT Mail Room. Motion to approve, Thomas Bird Bear; second, Edwin Hall. 7 in favor.
- n. Tribal Programs Manager Assistant. Motion to hire Jamie Galster in Ed Lone Fight's office was made by Mark Fox and seconded by Tex Hall. 5 in favor, 1 opposed, 1 abstained.

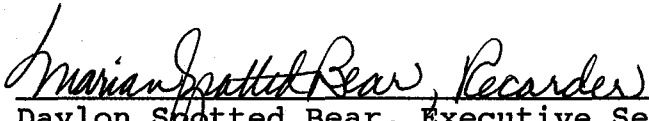
**30. Financial Assistance Requests.**

- a. Tony Foote. Motion was made by Mark Fox to waive full-time student requirement and allow education grant of \$300 for Tony Foote; second, Edwin Hall. 7 in favor.
- b. TAT Head Start Schools. \$500 grant to each Head Start school for miscellaneous expenses for the school year 1997-1998. Discussion. This will be the only grant to the Head Start schools that the council will act on for this school year. Motion, Edwin Hall; second, Mark Fox. 6 in favor, 1 opposed.
- c. Emergency Loans. Motion by Edwin Hall to approve emergency loans for Tom Eagle, Sarah White, and Lisa Redford, based on status sheets and eligibility. Second by Mark Fox. 7 in favor.

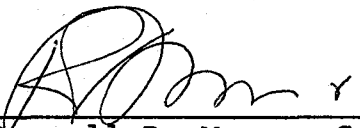
- d. Ann Grinnell. Request by Tex Hall to grant some funds to Ann Grinnell to visit terminal aunt in Green Bay, WI. Discussion that a grant of \$350 had already been given to a member of the family, which was to be used for all family members who wished to go down there. After discussion, a motion was made by Tex Hall and seconded by Thomas Bird Bear to grant Ms. Grinnell \$200. 7 in favor.
  - e. Donita Hale. Request by Tex Hall to assist Ms. Hale with moving her house from Watford City to Mandaree. Discussion on whether assistance from other agencies was available. Councilman Hall said he would check with Housing on this. No action at this time.
- 31. **R#97-239-DSB**. Reimburse \$2,850 for cost of airline tickets to Prince Wilhelm. The Tribal Business Council had previously passed a resolution to pay for the airline tickets of Prince Wilhelm and three others; however, the Prince paid their fare. Motion was made by Tex Hall to reimburse the Prince for the cost of the airline tickets; second, Mark Fox. 6 in favor, 1 opposed.
  - 32. **R#97-240-DSB**. Motion by Mark Fox for Iva Gillies to serve on housing board. Second by Austin Gillette. 7 in favor.
  - 33. **Next Meeting**. Special Meeting, Friday, October 24.
  - 34. **Adjourn**. Motion by Austin Gillette to adjourn meeting. Second by Mark Fox. 7 in favor. Meeting adjourned at 7:30 p.m.

**CERTIFICATION OF MINUTES**

I hereby certify that the Tribal Business Council is composed of seven members, of whom five members constitute a quorum. Seven members were present at a Special Meeting held on the 6th day of November 1997, whereupon the Regular Council Meeting Minutes of 10/24/97 were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 7 members.

  
Daylon Spotted Bear, Executive Secretary  
Three Affiliated Tribes' Tribal Council

**ATTEST:**

  
Russell D. Mason, Sr., Chairman  
Tribal Business Council