

**DISCLAIMER:** The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.



**Three Affiliated Tribes  
Tribal Business Council  
Regular Council Meeting  
April 16, 1999**

- 7/3/01 -  
M<sup>c</sup>-A6  
S - my  
D  
V  
5-00-2

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 11:33 a.m. and asked all who are all present to say a silent prayer for all those who are ill and less fortunate.

02. **ROLL CALL:**

Members present: Councilman Fox, Councilman Wells, Councilman Hale, Councilman Bird Bear, Councilman Spotted Bear, Councilman Gillette, Chairman Hall

03. **ANNOUNCEMENTS:**

- A. General Ballard, return of 33,000 acres of land back to tribe.
- B. Mitigation Act.
- C. Advisory Council on Native Preservation with no Indian representation.
- D. USDA Civil Rights
- E. Land and Trust Issues.

04. **APPROVAL OF AGENDA:**

Councilman Fox made a motion for the approval of the agenda with amendments, Seconded by Councilman Wells.

VOTE:           7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
                  Motion Carried

05. **APPROVAL OF MINUTES:**

Tribal Minutes will be deferred to next scheduled Tribal Business Council Meeting.

06. **HOBBS, STRAUS, DEAN, WALKER, LLP, CONTRACT RENEWAL:**

Councilman Fox made a motion to accept the contract renewal for Hobbs, Straus, Dean, Walker, LLP for the period of three years from April 1, 1999 thru March 31, 2001 at a rate of \$ 170.00 per hour. Seconded by Councilman Wells

VOTE:           7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
                  Motion Carried

**Three Affiliated Tribes  
Tribal Business Council  
Regular Council Meeting  
April 16, 1999  
Page 2.**

07. **DANIEL H. ISRAEL, P.C. CONTRACT APPROVAL:**

Councilman Gillette made a motion to approve the Daniel H. Israel, P.C. contract, to work on the bridge package and land transfer contingent upon securing litigation through the Bureau of Indian Affairs. Seconded By Councilman Hale

Discussion: The contract needs a new resolution, a resolution will be drawn up by TAT Legal department.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

08. **MARTINA MCKINNEY, NATIONAL FLOOD INSURANCE POLICY:**

Councilman Gillette made a motion to approve the Res. # 99-42-DSB for the participation in the National Flood Insurance Act of 1968. Seconded by Councilman Wells.

Discussion: Councilman Gillette stated that the action does not affect individual members participating in federal programs.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

09. **PERSONNEL ISSUES, APPOINTMENT OF EMERGENCY MANAGEMENT DIRECTOR, CLOSED:**

10. **ENVIRONMENTAL/JIM HECKMAN, WIND GENERATOR PROPOSAL:**

Councilman Gillette made a motion to approve Res. # 99-44-DSB, which authorizes the Environmental Division to pursue a DOE grant for wind generation through a cooperative effort of the Energy and Environmental Research Center, University of North Dakota; EAPC Architects Engineers of Grand Forks and the Three Affiliated Tribes. The maximum amount of the grant will be \$ 250,000 for a three-year period. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion Carried

11. **FORT BERTHOLD UTILITIES AERATOR REQUEST:**

Councilman Hale made a motion to approve the request for the purchase of a aerator for Four Bears Lagoon in the amount of \$ 14,980, one half of the amount would be paid by Four Bears Casino. Seconded by Councilman Bird Bear

Discussion: Chairman Hall stated to make sure that a stipulation is included in the purchase agreement for the proper working order of the equipment that will be purchased. A resolution will be drawn up by TAT Legal Department.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

12. **FORT BERTHOLD UTILITIES SEPTIC TANK REQUEST:**

Councilman Bird Bear made a motion to authorize TAT Utilities to purchase a Septic Truck with a pump in the amount of \$ 16,500. Seconded by Councilman Wells.

Discussion: Fort Berthold Utilities serves the Communities of Mandaree, Twin Buttes, White Shield, New Town, Four Bears. A resolution will be drawn up on the Septic tank request.

VOTE: 6 Ayes, 0 Nays, 1 Abstentions, 0 Not Voting  
Motion Carried

13. **FBCC TRIBAL PUBLIC LIBRARY FUNDS APPLICATION:**

Councilman Fox made a motion to authorize Fort Berthold Community College to submit applications for Grants for Native American Library Services under the Institute of Museums and Library Services for Fiscal Year 1999. Seconded by Councilman Bird Bear.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried.

14. **ELMER FOUR DANCE-COPFAST, PERSONNEL POLICIES & PROCEDURES:**

Councilman Fox made a motion to direct Elmer Four Dance and Tex Hall to work with Tribal Legal Department on developing a draft for a resolution to adopt 40 IM for the CopsFast Program. Seconded by Councilman Wells.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting  
Motion Carried

15. **NORTH SEGMENT, SCOTT EAGLE, HUD ICDBG ALLOCATION REQUEST:**

Councilman Bird Bear made a motion to approve Res. 99-46-DSB where Tribal Business Council authorizes a 100% set aside of FY99 HUD ICDBG allocation for North Segment Community needs. Total would be \$ 800,000 and \$ 640,000 from HUD and a match from the Three Affiliated Tribes in the amount of \$ 160,000. Seconded by Councilman Gillette

Discussion: Deadline for the ICDBG Grant is May 10, 1999. The existing North Segment building is being looked at for a possible storage place and the building itself is classified as being inadequate for further renovation projects according to inspections by HUD.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting

16. **NORTH SEGMENT ICDBG RESOLUTION:**

Councilman Bird Bear made a to motion to request that the Tribal Business Council contribute a land site of 4 lots at \$ 8,000 per lot = \$ 37,000, Tribal Business Council commits local matching funds from Economic Recovery Funds. Seconded by Councilman Hale.

VOTE: 2 Ayes, 3 Nays, 2 Abstentions, 0 Not Voting  
Motion Fails

**Three Affiliated Tribes  
Tribal Business Council  
Regular Council Meeting  
April 16, 1999  
Page 5.**

**17. NORTH SEGMENT ICDBG RESOLUTION:**

Councilman Bird Bear made a motion to approve the resolution for \$ 800,000 plus \$ 2,000,000 that the Tribal Business Council committed last year in Economic Recovery Funds. Seconded by Councilman Gillette

Discussion: Councilman Bird Bear stated that the request needs to be taken back to the a community meeting regarding the issue of using JTAC funds.

**Motion withdrawn:** Councilman Gillette withdrew his second.

**18. NORTH SEGMENT COMMUNITY BUILDING, DRY STORAGE FACILITY:**

Councilman Bird Bear made a motion to convert the North Segment Community Building into a dry storage facility with minimal capital investment, a plan of operation is to be implemented by the Comprehensive Management Department for FY 2000. Seconded by Councilman Hale

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

**19. 477 AND TAT SOCIAL SERVICES, PROPOSED JOINT RESOLUTION:**

Councilman Fox made a motion to approve a joint venture resolution between 477 Program and Tribal Social Services that provides General assistance to single members of the Tribe who are furthering their education or training activities. Seconded by Councilman Wells.

**Motion withdrawn:** Councilman Wells withdrew his motion and the resolution was deferred until the administrators are present at the next Council meeting to provide more information on the issue.

**20. NATIONAL INDIAN GAMING ASSOCIATION, ALTERNATE DELEGATE:**

Councilman Fox made a motion to amend the Res.99-48-DSB, and to include Marcus Wells, Jr. as a alternate delegate into the National Indian Gaming Association. The current resolution needs to be amended and a replacement for former Councilman Ed Hall who previously served as alternate. Seconded by Councilman Hale.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not Voting, Motion Carried.

Three Affiliated Tribes  
Tribal Business Council  
Regular Council Meeting  
April 16, 1999  
Page 6.

21. **SCOTT WILSON, FOUR BEARS CASINO, MICRO-SYSTEM, RES. #99-49-DSB:**  
Councilman Fox made a motion to approve a Resolution to purchase a Micro Computer System for daily operations within the Casino for a lease agreement of 36 months for a total cost in the amount of \$ 172,000. Seconded by Councilman Bird Bear.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion Carried

22. **FORT BERTHOLD EXTENSION SERVICE REQUEST:**  
Councilman Gillette made a motion to approve a resolution in the amount of \$ 15,000 for two Secretarial positions at the Fort Berthold Extension Service, and will match the difference up to \$ 28,000. Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion Carried.

23. **FORT BERTHOLD EXTENSION OFFICE, COMMODITY COOK BOOK:**  
Councilman Fox made a motion to approve a resolution assisting the Fort Berthold Extension Office in the amount of \$ 2,500 for the purchasing of one thousand Commodity Cook Books. Seconded by Councilman Hale

Discussion: Councilman Fox will assist in drafting a resolution for the Cook Book.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting.  
Motion Carried.

24. **FORT BERTHOLD UTILITIES , GMC VAC TRUCK, RES. # 99-50-DSB:**  
Councilman Wells made a motion to approve Res. # 99-50-DSB for the purchase of a 1984 GMC Vac Truck with a 2400 gallon tank with funds to be drawn from the General fund of the Tribe, in the amount of \$ 16,500. Seconded by Councilman Hale.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting.  
Motion Carried.

25. **FORT BERTHOLD UTILITIES, POND DOCTOR UNIT, RES. #99-51-DSB:**  
Councilman Wells made a motion to approve Res. # 99-51-DSB, which authorizes Fort Berthold Utilities Commission to purchase a Pond Doctor circulation unit from Ponds RXUS of Bismarck, N.D., for a purchase price of \$ 14,900 to be drawn from the General funds of the Tribe. Seconded by Councilman Hale.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting.  
Motion Carried

26. **DELVIN FOOTE, BUSINESS PROPOSAL:**  
Councilman Fox made a motion to approve Res. 99-52-DSB which provides a \$ 7,000 match in equity to support Mr. Foote and his business development proposal. Mr. Foote shall be reasonably required to provide his business services and equipment for the benefit of youth groups and rodeo related activities on the Reservation. Seconded by Councilman Wells.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting  
Motion Carried

27. **EDWARD HALL, AMENDING ROADS CONTRACT, RES.# 99-53-DSB:**  
Councilman Gillette made a motion to approve Res. 99-53-DSB, which requests the Bureau of Indian Affairs to enter into negotiations with the Tribes to amend P.L. 93-638 Contract # CTA04T30164 to include all functions of the BIA road program authorized under TEA 21. The Council desires to fill the position of Tribal Highway Engineer and staff positions with the Highway Department with funding authorized by the Transportation Equity Act for the 21<sup>st</sup> Century. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

28. **FORT BERTHOLD ENTERPRISE COALITION CHARTER/TED DANKS:**  
Councilman Wells made a motion to approve Res. #99-54-DSB, which recognizes the Fort Berthold Enterprise Coalition non-profit charter for business development and technical assistance. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion Carried



29. **BILL WELL'S CONSTRUCTION/BUSINESS PROPOSAL:**

Councilman Fox made a motion to direct Dennis Huber with a letter to assist Mr. Well's in developing a equity package so Mr. Wells can secure a 90% guarantee loan. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

30. **LESTER CROWSHEART, CH TRUCKING:**

Councilman Hale made a motion to direct Dennis Huber with a letter to assist Mr. Crows Heart and his Company for developing a equity package so Mr. Crows Heart can secure a guaranteed loan. Seconded by Councilman Fox.

Discussion: Mr. Crows Heart stated that his company, CH Trucking, has went from two drivers to seven drivers. Mr. Crows Heart stated that he has enough equity necessary to the float the loan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried.

31. **ALLEN STONE MEDICAL GRANT:**

Councilman Spotted Bear made a motion to approve a medical grant request for the Allen Stone family in the amount of \$ 1,100. The request is to help defray expenses for the Stone family. Mr. Stone is a terminally ill patient. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

32. **MARIE ENNY FINANCIAL REQUEST:**

Councilman Gillette made a motion to commit to pledge the 50% match in equity for the 90% guarantee loan for Marie Enny and direct the Tribal Legal department to write a letter in support contacting the current lender, and stating that it is the Tribes intention to support Marie Enny. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion Carried

33. **KEVIN FINLEY, BEARSTAIL MEMORIAL BASKETBALL TOURNEY:**  
Councilman made a motion to contribute \$ 1,100 to Kevin Finley/Bearstail family to help defray expenses for the Bearstail Memorial Basketball Tourney. Seconded by Councilman Bird Bear.

Discussion: A resolution will need to be drawn up by West Segment Staff.

VOTE: 6 Ayes, 1 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

34. **MANDAREE SCHOOL, CLOSE UP PROGRAM REQUEST:**  
Councilman Gillette made a motion to approve Res. # 99-55-DSB, a financial request in the amount of \$ 1,256 for Mandaree High School Close-up Program students to travel to Washington, D.C. Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

35. **BUDDINE STEWART, FINANCIAL REQUEST:**  
Councilman Wells made a motion to approve a financial request for Buddine Stewart, regarding an outstanding bill with Good Samaritan Nursing Home in the amount of \$ 1,147.  
Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried.

36. **WILBUR HUNTS ALONG, FINANCIAL REQUEST:**  
Councilman Bird Bear made a motion to request Tribal Legal Department to work with McKenzie County Bank to restructure Wilbur Hunts Along loan. The request will be bought back to Tribal Business Council on April 30, 1999. Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting

37. **EDWIN GRADY FINANCIAL REQUEST:**

Councilman Bird Bear made a motion to prioritize Mr. Grady on HIP list to receive a Mobile Home from FEMA. Seconded by Councilman Wells

**Motion Amended.** Councilman Bird Bear stated that the prioritization of the Mobile Home to Mr. Grady will be counted toward the Four Bears Community.

**VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion Carried

38. **RED VISION SEEKERS OF F.B.C.C., CALEB BIRD BEAR #99-56-DSB:**

Councilman Fox made a motion to approve Res. # 99-56-DSB, a matching grant in the amount of \$ 1,395 for the Red Vision Seekers a Native American Club of Fort Berthold Community College for their upcoming activities. Seconded by Councilman Gillette.

**VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

39. **FY 99 BUDGET RESOLUTION, #99-57-DSB:**

Councilman Fox made a motion to approve Res. # 99-57-DSB, which is the Three Affiliated Tribes, Tribal Operating Budge/General Fund Budget and Revenues for Fiscal year 1999 in the Amount of \$ 7,271,542-Revenue and \$ 7,270,280-Expenditures. Seconded by Councilman Hale.

Discussion: Councilman Fox stated that adjustments need to be included in the motion to make necessary changes to the Tribal Operating Budget.

**VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

40. **ADD ON TO AGENDA, VANCE GILLETTE:**

Councilman Bird Bear made a motion to add Vance Gillette to agenda regarding settlement. Seconded by Councilman Hale.

**VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion Carried

42. **VANCE GILLETTE, CLOSED SESSION: SETTLEMENT AGREEMENT:**

43. **TOM FREDERICKS, CONSULTANT FEES:**

Councilman Bird Bear made a motion to authorize a payment from the General Fund of 1/3 of the fees included in four monthly invoices totaling \$ 29,251.17 and expenses totaling \$ 12,037.87 for a grand total of \$ 41,289.04. Seconded by Councilman Hale

Discussion: Councilman Gillette stated a previous agreement was 1/3 of the fee with no expenses.

VOTE: 3 Ayes, 3 Nays, 1 Abstentions, 0 Not Voting  
Motion dies.

44. **HOBBS, STRAUS, DEAN & WALKER, LLP, RES. # 99-58-DSB:**

Councilman Fox made a motion to approve Res. # 99-58-DSB, a Attorney Services Contract between the Three Affiliated Tribes and Hobbs, Straus, Dean & Walker, LLP, subject to the approval of the Secretary of the Interior of his authorized representative pursuant to 25 U.S.C. Section 476 as delegated by 10 BIAM 3.1. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
Motion Carried

**Three Affiliated Tribes  
Tribal Business Council  
Regular Council Meeting  
April 16, 1999  
Page 12.**

45. **ADJOURNMENT:**

Councilman Wells made a motion to adjourn the meeting at 12:20 a.m. Seconded by Councilman Fox.

VOTE:        7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting  
                 Motion Carried

Meeting adjourned at 12:20 a.m.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1999  
Transcribed this \_\_\_\_\_ day of \_\_\_\_\_, 1999

\_\_\_\_\_  
Daylon Spotted Bear, Executive Secretary  
Tribal Business Council, Three Affiliated Tribes

**ATTEST:**

\_\_\_\_\_  
Tex. G. Hall, Chairman, Tribal Business Council